



BOSNA I HERCEGOVINA
Institucija ombudsmena/ombudsmana
za ljudska prava
Bosne i Hercegovine

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Институција омбудсмена/омбудсмана
за људска права
Босне и Херцеговине

2015 Annual Report on the Results of the Activities of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina

Banja Luka, March 2016



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Contents

I. INTRODUCTION	.7
II. STATISTICS ON THE ACTIVITIES OF THE HUMAN RIGHTS OMBUDSMAN IN 2015	.9
III. CIVIL AND POLITICAL RIGHTS	11
1. ACCESS TO COURT AND EFFICIENT LEGAL REMEDY	11
1.1. Introduction	11
1.2. The Constitutional Court of BiH	14
1.3. Prosecutor's Office	15
1.4. Publicity of court proceedings	16
1.5. The High Judicial and Prosecutorial Council of BiH/Office of the Disciplinary Counsel	17
1.6. Complaints against the work of lawyers/bar associations	19
1.7. Free legal aid.	19
1.8. Domestic violence	20
1.9. Support and legal aid to victims	22
2. FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	23
2.1. Freedom of expression	23
2.2. Media reporting in terms of freedom of expression	27
2.3. Freedom of association and assembly.	28
3. THE RIGHT TO PROPERTY	29
4. ADMINISTRATION	31
5. STATUS ISSUES OF CITIZENS	35
5.1. Introduction	35
5.2. Establishment of a single civil registry in Bosnia and Herzegovina	38
6. POLICE	38
6.1. Introduction	38
6.2. Complaints against police officers	38
6.3. Complaints lodged by police officers	40
IV. ECONOMIC AND SOCIAL RIGHTS	43
1. INTRODUCTION.	43
2. THE RIGHT TO WORK	44
2.1. Severance pay in Republika Srpska and in the Federation of Bosnia and Herzegovina	47
2.2. Management and supervisory boards.	48

3.	THE RIGHT OF WOMEN TO MATERNITY LEAVE COMPENSATION	50
4.	THE RIGHT TO PENSION	51
5.	THE RIGHT TO HEALTH CARE	53
6.	SOCIAL PROTECTION	56
6.1.	One-off allowance	56
6.2.	Social housing	56
6.3.	Access to social protection	58
V.	THE NOTION OF TORTURE AND ESTABLISHMENT OF A NATIONAL PREVENTIVE MECHANISM IN BOSNIA AND HERZEGOVINA	61
1.	INTRODUCTION	61
2.	MONITORING THE RIGHTS OF PRISONERS/DETAINEES.	62
2.1.	Introduction	62
2.2.	Rights of persons deprived of liberty	63
A.	Health care	63
B.	Use of privileges outside of the institutions	63
C.	Conditions of accommodation	64
D.	Work	64
E.	Transfer	65
F.	Safety of persons deprived of liberty	65
G.	Contacts with the outside world	65
3.	SITUATION IN INSTITUTIONS FOR ACCOMMODATION OF MENTALLY DISABLED PERSONS	66
4.	POLICY AND REGULATION OF IMMIGRATION, REFUGEE AND ASYLUM ISSUES	68
4.1.	Asylum Centre	68
4.2.	The Immigration Centre	69
VI.	THE RIGHTS OF THE CHILD	71
1.	INTRODUCTION	71
2.	THE BEST INTEREST OF THE CHILD	72
3.	HEALTH CARE AND EDUCATION OF CHILDREN	74
4.	PARTICIPATION OF CHILDREN	75
5.	PEER VIOLENCE	75
6.	GUARDIANSHIP AND ADOPTION.	76
7.	DAY-CARE CENTRES	77

VII. THE RIGHT TO EDUCATION	79
VIII. PARTICULARLY VULNERABLE CATEGORIES OF CITIZENS	81
1. PERSONS WITH DISABILITIES.	81
1.1. Professional rehabilitation of persons with disabilities	84
2. MINORITY RIGHTS.	85
3. RETURNEES	86
3.1. “Displaced persons within their cities of origin”	87
4. WOMEN’S RIGHTS.	88
IX. EQUALITY AND NON-DISCRIMINATION	91
1. INTRODUCTION.	91
2. ASSESSMENT OF THE SITUATION WITH COMPLAINTS, SPECIAL REPORTS, THE EUROPEAN COURT OF HUMAN RIGHTS.	91
3. OVERVIEW OF THE SITUATION –COMPARISON WITH THE PREVIOUS PERIOD	92
4. PRACTICAL EXAMPLES	93
X. RECOMMENDATIONS OF THE OMBUDSMAN INSTITUTION	97
XI. COOPERATION WITH THE AUTHORITIES AND INSTITUTIONS.	99
1. COOPERATION WITH BODIES AND INSTITUTIONS OF BOSNIA AND HERZEGOVINA	99
2. COOPERATION WITH THE INTERNATIONAL INSTITUTIONS AND ORGANIZATIONS.	100
3. REGIONAL COOPERATION	103
XII. COOPERATION WITH THE MEDIA	105
XIII. COOPERATION WITH NON-GOVERNMENTAL AND CIVIL SECTOR	111
XIV. BUDGET AND FINANCE	115
XV. TABLE OF RECOMMENDATIONS	117
ANNEX I. 2015 BUDGET OVERVIEW	137
ANNEX II. PREVIEW OF OBLIGATIONS UNDER THE FREEDOM OF INFORMATION ACT	139
ANNEX III. TABLE OF STATISTICAL INDICATORS	143

I. INTRODUCTION

For the Human Rights Ombudspersons of Bosnia and Herzegovina, the legal obligation to submit the Annual Report on the Results of the Activities is a challenge, but, above all, it is an opportunity to inform the Presidency of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, the National Assembly of Republika Srpska, the Parliament of the Federation of Bosnia and Herzegovina and general public on their actions made in the course of processing complaints lodged by citizens during the reporting period. These actions are an important indicator for an assessment of human rights situations and for the establishment of measures to be taken in order to improve this situation.

A couple of factors indirectly influenced activities of the Ombudsman in 2015. It was primarily the fact that the mandate of Ombudspersons had expired on 4 December 2014, while they remained in their posts until the appointment of new Ombudspersons on 17 November 2015. This situation limited strategic actions in human rights field to a substantial degree, particularly in the organization of promotional activities, establishment of monthly outreach visits, implementation of training activities etc. Secondly, a procedure of amending the Law on Human Rights Ombudsman of Bosnia and Herzegovina, which was initiated in order to harmonize the Law with Paris Principles pursuant to the recommendations of the Sub-Committee for Accreditation of the International Coordinating Committee, had resulted in preparation of new Law on Human Rights Ombudsman, which, although planned, was not adopted by the end of 2015. Once adopted, this Law should serve as a basis for the Ombudsman to act as a national preventive mechanism in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ombudspersons were not involved in the preparation of the new Law on Human Rights Ombudsman of Bosnia and Herzegovina.

In 2015, Ombudspersons faced many challenges related to the specific economic and political environment characterized by high unemployment rate and low standard of living, ineffective authorities at all levels, increasing rates of systematic violations of human rights and slow and uncertain progress in the EU integration process. For these reasons, an increasing number of citizens in social need turned to the Ombudsman Institution for assistance.

The Annual Report on the Results of the Ombudsman's Activities in 2015 includes statistical indicators on the number and nature of the filed complaints, results of their processing, and recommendations earmarked to redress detected human rights violations, or to prevent their re-occurrence.

As a separate part of the Annual Report, Ombudspersons presented data on occurrences of discrimination, in accordance with provisions of the Law on the Prohibition of Discrimination in Bosnia and Herzegovina, along with information on activities undertaken under the Ombudsman Institution's mandate in the area of freedom of access to information.

With regard to strengthening of the Ombudsman Institution's capacity, there are still some limitations, primarily of financial nature, which significantly makes the work of Ombudspersons, and the whole Institution, more difficult, affecting the scope of the implementation of activities and challenging the principle of independence. This is particularly evident when it comes to fulfilling the obligations under the Law on the Prohibition of Discrimination.

In 2015, permanent business premises were provided for the Seat of the Institution in Banja Luka, and for the Regional Office in Mostar, but unfortunately they do not adequately accommodate the needs of this Institution nor do they facilitate access for persons with disabilities.

Ombudspersons will keep assisting all citizens, guided by the determination to improve their well-being, particularly of vulnerable categories and, pursuant to their mandate, employing their utmost efforts to implement principles of good governance and rule of law. At the beginning of 2016, Ombudspersons will develop strategic internal policies necessary for the Ombudsman Institution's work.

OMBUDSPERSONS OF BOSNIA AND HERZEGOVINA



Mr. sc. Jasminka Džumhur



Nives Jukić



Ljubinka Mitrović, PhD

II. STATISTICS ON THE ACTIVITIES OF THE HUMAN RIGHTS OMBUDSMAN IN 2015

In 2015, the Ombudsman Institution registered 2966 citizens' complaints. Compared to 2014, this is a decrease by 165 complaints. During the reporting period, 12876 citizens contacted the Ombudsman (direct contacts, telephone contacts, electronic mail and written complaints).

Together with cases carried forward from the previous year, 4492 complaints were processed in total. In 2015, 2866 cases were completed. The majority of complaints were related to violations of civil and political rights – 1790. These are followed by complaints related to: violation of economic, social and cultural rights – 698, all forms of discrimination – 159, rights of the child – 148, rights of prisoners and detainees – 108, rights of persons with disabilities – 53, and violation of the rights of religious and other minorities – 10.

Ombudspersons also initiated 30 cases ex officio, based on media reports or upon proposal from NGOs.

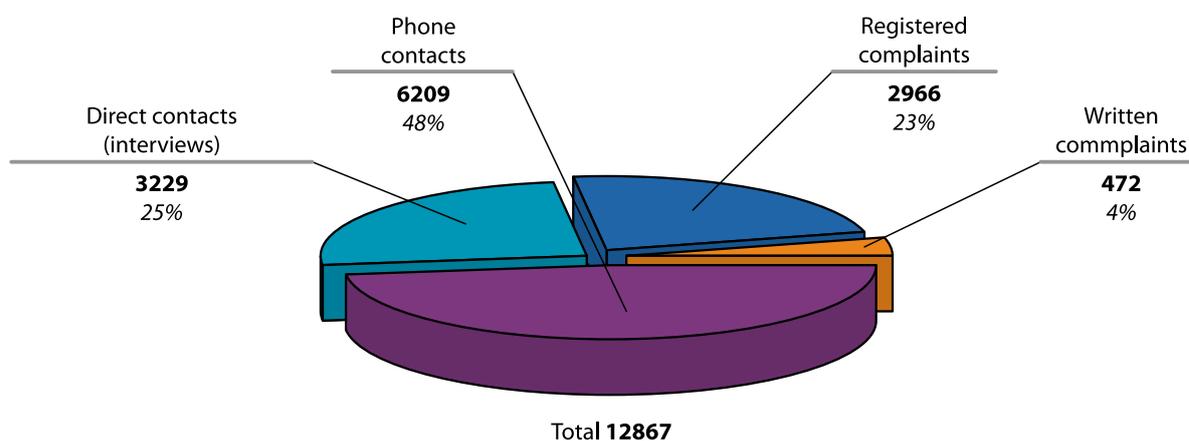


Chart 1

During the reporting period, the Ombudsman Institution issued recommendations in 324 cases. Level of implementation is presented in Table 1.

Method of implementation of issued recommendations	Number of cases with an issued recommendation
Implemented	103
Co-operation established	90
Partially implemented	14
No feedback	48
Not implemented	69
Total number of cases with issued recommendations issued	324

As in previous reporting periods, citizens demonstrate lack of trust in the institutions, and telephone contacts with citizens show that they are frequently unable to identify a body competent to deal with their problems. Although the Ombudsman Institution's mandate does not include legal representation of citizens before administrative or judicial bodies or preparing submissions on their behalf, there was an evident increase of such requests by citizens.

III. CIVIL AND POLITICAL RIGHTS

1. ACCESS TO COURT AND EFFICIENT LEGAL REMEDY

1.1. Introduction

In proceedings for determination of civil rights and obligations or of any criminal charge against any person, the European Convention on Human Rights and Fundamental Freedoms and other international documents for the protection of human rights guarantee the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgments should be pronounced publicly but the media and the public may be excluded from all or a part of the trial in the interests of morals, public order or national security in a democratic society, or where the interests of juveniles or the protection of the private life of the parties so demand, or if the court deems it strictly necessary under special circumstances when publicity would prejudice the interests of justice.

The Ombudsman registered 603 complaints about the work of courts during the reporting period.

Citizens' complaints were related to the excessive length of a court proceeding¹ (193), ineffective enforcement of court decisions² (96), complaints against judges for violation of procedural law provisions (35), violation of the principle of impartiality, failure to issue court decisions in a way and within deadlines as prescribed by the law, or to non-consistency of the case-law.³ According to replies provided by the courts, reasons that led to such complaints are the following: understaffing, lack of professional expertise, substantial backlog from earlier period, and absence of a number of holders of judicial offices from scheduled hearings due to sick leave.

When it comes to second-instance courts, apart from the length of proceedings, another problem is the unwillingness of cantonal courts to decide on merits, endlessly returning cases to the first-instance courts and other authorities: municipal and cantonal administrations for housing and property relations.⁴

Second-instance courts mostly send template generic replies, confirming that they are processing a specific complaint, but they rarely provide information as to when a decision could be expected.⁵

An example of a reply provided by a court: *„As regards the information on when a decision in the above case can be expected, please be informed that we are not able to provide you with such information. This is because the **Tuzla Cantonal Court resolves cases in accordance with the 2015 Case Processing Plan, based on the age of a case i.e. the initial filing dates. The Plan was adopted by the Court on 15 January 2015 in accordance with the instructions of the High Judicial and Prosecutorial Council of BiH. According to this Plan, the Tuzla Cantonal Court is obliged to continuously monitor the implementation of the Plan, timely take required measures aimed at its implementation, and analyze its implementation every three months at the sessions of the Expert Collegium, and to inform competent authorities in this regard.**“*

1 Ž-BR-126/15

2 Ž-BR-05-301/15, Ž-BR-302/15, Ž-BR-74/15, Ž-BL-05-460/15

3 Ž-BR-05-195/14 (P-133/15);, Ž-BL-05-317/15, Ž-SA-05-466/15, Ž-MO-87/15 (P-188/15)

4 Ž-BR-05-77/15, Ž-BR-05-138/15

5 Ž-BR-05-216/15, Ž-BR-05-54/15

The above explanation does not provide any information to the complainant about when a court decision would be made in the specific legal matter, and therefore such a letter does not contribute in the process of exercising the parties' rights.

Courts are not able to observe provisions of procedural laws even in urgent cases, such as labour disputes.

Ombudspersons continuously indicate the need to reconsider the current system of dealing with backlog of cases. Having in mind the registration method, regular influx of cases and their resolution rate, it is justified to raise concern that all the cases will eventually end up as backlog cases, even those of urgent nature. This not only jeopardizes the principle of reasonable time under the European Convention on Human Rights and Fundamental Freedoms, but it also implies denial of all other rights of citizens.⁶

Timely rendered court decisions are a prerequisite for the implementation of disputed rights, but non-enforcement of court decisions and unreasonably long proceedings also constitute violation of the right of parties to a fair trial within a reasonable time and the right of access to court guaranteed by Article 6 of the Convention.

Complaints related to aggravated enforcement of court decisions include the following:

1. Inability to enforce judgments when respondent party is a municipality, canton or entity. Enforcement of court decisions entailing payment of damages or other payments is possible only from budget lines earmarked for such purposes. In a situation of continuous budgetary restrictions, budget allocations for the above purposes are subject to permanent cuts.⁷
2. Complaints of citizens who were awarded pecuniary damages by the court in cases against Republika Srpska and the Federation of BiH where the method of payment is governed by provisions of the Law on Establishment and Mode of Settlement of Internal Obligations of FBiH and the Law on Establishment and Mode of Settlement of Internal Debt of RS.⁸ In their complaints citizens often expressed their dissatisfaction with payments in bonds, deadlines and other circumstances.
3. Complaints specifying that citizens are unable to collect their claims due to insolvency of their former employers.

"Pursuant to the RS the Law on Establishment and Mode of Settlement of Internal Debt ("Official Gazette of Republika Srpska", no. 1/12, 28/13, 59/13 and 44/14), the aforementioned judgment has been categorized as internal debt – war damages. Article 11 of the aforementioned Law provides that, following the verification, obligations in respect of pecuniary and non-pecuniary damages that had arisen in the period of war activities from 20 May 1992 to 19 June 1996 shall be settled in cash and promissory notes.

... According to the Plan on Settlement of Awarded war Damages, the court case of the applicant A.B. would be planned for settlement in cash from Republika Srp-

6 On 7.7.201 Ombudsperson had a meeting with president of the Cantonal Court in Sarajevo Jasmin Jahjaefendić about this topic

7 Ž-LI-05-252/15, Ž-LI-05-253/15, Ž-LI-05-258/15, Ž-LI-05-259/15, Ž-LI-05-260/15, Ž-LI-05-261/15, Ž-LI-05-263/15, Ž-SA-05-523/15

8 Ž-BR-05-292/15

ska's budget in 2035, as it was registered with the Ministry of Finance on 20 February 2015⁹."

Ruling in the case of Đurić and Others v. Bosnia and Herzegovina concerning non-enforcement of final court judgments ordering settlement of awarded pecuniary and non-pecuniary damages that had arisen in the period of war activities from 20 May 1992 to 19 June 1996, the European Court of Human Rights held that "the respondent State is to secure enforcement of the domestic judgments under consideration in the present case within three months of the date on which the judgment becomes final in accordance with Article 44 § 2" of the Convention.¹⁰

Non-enforcement of court decisions, in addition to violation of the right to efficient legal remedy, also constitutes a grave violation of the right to property guaranteed under Protocol 1 to the European Convention.¹¹

Example: The Ombudsman Institution registered a complaint¹² of seven employees of the Ministry of Interior of Canton 10 concerning non-enforcement of final court decisions against the Canton 10 budget due to failure to allocate funds for this purpose. Since no other means of enforcement were suggested in the ruling, the cases to which this complaint relates were archived. The Ombudsman Institution initiated an *ex officio* investigation against the Government of Canton 10 for violation of the right to property. During the Ombudsman's intervention, the judgment was enforced.

Ombudspersons note the presence of contradicting situations before the courts in Bosnia and Herzegovina when it comes to the enforcement of court decisions.

As mentioned above, it is not possible to enforce decisions ordering payment of awarded damages from budgets of the state, entity, cantons or large companies because funds are not available or the applicants cannot obtain numbers of active bank accounts of the respondent parties or names of respective banks. On the other hand, however, courts easily allow enforcement against retired persons in amounts reaching as high as a half of their pension in order to settle their debts, mostly to communal companies or to commercial banks, incurred because they were guarantors for someone else's loan.

The Constitutional Court of BiH, acting upon an appeal against court decisions allowing seizure of a half of the appellant's pension, held that:

"Regular courts failed in the concrete case, pursuant to the aforementioned provisions and their legal powers, to make previous assessment of whether or not the suggested solution can be enforced in a way that the suggested instalment be lower than one half of the appellant's pension and to apply a more balanced approach in the implementation of provisions of Article 138 paragraph 1 of the Enforcement Procedure Law."

The Constitutional Court of BiH holds that such an enforcement poses excessive burden on the appellant, that it constitutes disproportional interfering with the appellant's property, because in the implementation of the Municipal Court Judgment, the appellant must bear an excessive burden which disrupts a fair balance between public and appellant's interests and thus:

9 Document issued by the Ministry of Finance of Republika Srpska, no. 06.08-01729802/13, dated 8.1.2016

10 Đurić and Others v. Bosnia and Herzegovina, case no.: 79867/12, 79873/12, 80027/12, 80182/12, 80203/12 and 115/13, judgment dated 20.1.2015

11 Ž-SA-05-308/15,, Ž-SA-05-928/15

12 Ž-LI-05-359/15

„...In the concrete case, the appellant’s right to property under Article II/3.k) of the Constitution of Bosnia and Herzegovina and Article 1 of Protocol 1 to the Convention was violated.”¹³

“Adding to this the fact that, according to data from Caritas Bishop’s Conference of BiH, which is confirmed by the latest statistical indicators directly affecting the poverty rate (salaries, pensions, prices and unemployment rate), about 18% of the population is living below the critical poverty line, whereas 48% is on the edge of poverty or social exclusion, the Constitutional Court deems necessary that the regular courts, when making decisions in cases such as this, bearing in mind the social picture of population and avoid decisions that would push them even deeper into poverty or even below the critical poverty line, as was done to the appellant in this case, which is, according to the European Court, a particularly awkward situation.”

Examples of extremely fast adjudication by courts were also registered, in violation of the rule on chronological order of case resolution¹⁴, when such cases involved public figures, that is persons exposed in the media.

Apart from ways of ensuring greater efficiency and expedience of judicial institutions, the issue of professional competence of judicial office holders is also important. Every year, Judicial and Prosecutorial Training Centers of the Federation of Bosnia and Herzegovina and Republika Srpska prepare programs of mandatory practical and theoretical training, but the question is whether they are sufficient and adequate.

Recommendations: To the BiH High Judicial and Prosecutorial Council, the BiH Ministry of Justice, the Ministry of Justice of the Federation of BiH, the Ministry of Justice of Republika Srpska, cantonal ministries of justice, Judicial and Prosecutorial Training Centers of the Federation of BiH and Republika Srpska to:

- **revisit staff and technical capacities of the judicial institutions and examine possibilities to support them;**
- **continuously maintain training of judges and administrative staff of courts, particularly focusing on human rights;**
- **establish mechanisms for timely and efficient enforcement of court decisions, in view of judgments of the Constitutional Court of BiH and of the European Court of Human Rights .**

1.2. The Constitutional Court of BiH

The Constitutional Court of BiH is not a part of the regular court system. It was established according to Article IV of the BiH Constitution as an independent guardian of the Constitution of BiH and an institutional guarantor of human rights and fundamental freedoms protection as set out in the Constitution of BiH and in instruments listed in Annex I to the Constitution.

¹³ Decision on merits AP-3381/14 dated 23.1.2015, (“Official Gazette of BiH”, no. 17/15

¹⁴ Ž-BL-05-568/15, Ž-BL-05-666/15

Pursuant to provisions of Article VI 4 of the Constitution of BiH and Rules of the Constitutional Court¹⁵, rulings of the Constitutional Court are final, binding and enforceable, and every physical and legal person is obliged to observe them. In the framework of their respective powers determined in the Constitution of BiH and in legislation, all authorities have an obligation to enforce decisions of the Constitutional Court. Every person having legal interest therein may require execution of the Constitutional Court's decisions. In its ruling, the Constitutional Court can determine a method and deadline for its execution. The authority obliged to enforce the ruling of the Constitutional Court also has an obligation to inform the Court on measures it has taken to effectuate the enforcement, as specified in the ruling. In case of non-enforcement or delayed enforcement or delayed informing of the Court on measures taken, the Constitutional Court renders a decision stating that its ruling has not been implemented, and it may determine an enforcement method. Such a decision is referred to the competent prosecutor or another body competent for enforcement as determined by the Constitutional Court.

The Ombudsman received 17 complaints about non-enforcement of the Constitutional Court's rulings.¹⁶

The European Court of Human Rights holds that non-enforcement of judgments rendered by the Human Rights Chamber and the Human Rights Commission within the Constitutional Court of BiH results in violation of Article 6 of European Convention on Human Rights and Fundamental Freedoms guaranteeing individuals the right to a fair trial. The European Court's judgment reads that this right: *"would be illusory if a Contracting State's domestic legal system allowed a final, binding judicial decision to remain inoperative to the detriment of one party."*¹⁷

1.3. Prosecutor's Office

Article 6 paragraph 1 of European Convention on Human Rights provides that in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 225 of the BiH Criminal Procedure Code and analogous provisions of Criminal Procedure Codes of Republika Srpska, the Federation of BiH and Brčko District of BiH stipulate that a prosecutor shall complete an investigation after s/he concludes that the status is sufficiently clarified to allow issuance of an indictment, and if the investigation has not been completed within six months upon issuance of an investigation order, the Collegium of the Prosecutor's Office shall undertake necessary measures to complete the investigation.

In accordance with case-law of the European Court of Human Rights, the Constitutional Court of BiH took a position that when assessing a reasonable time period in criminal matters, the beginning of such period should be tied to the moment when a person in question becomes aware of the fact that he/she is suspected of a criminal offence, because from that moment on, the person has an interest in obtaining a court decision with regard to such suspicion. A moment when any insecurity regarding the person's legal position ceases to exist shall mark the end of such period. In a criminal proceeding, decision on an indictment or an acquittal or dismissal of charges must be final. The final decision on

15 Rules of the Constitutional Court of BiH ("BiH Official Gazette", no. 22/14, 57/14)

16 Ž-BR-05-117/15

17 European Court of Human Rights, Jeličić v. BiH, §38, (2006)

charges can also involve relinquishing further criminal prosecution (see Wemhoff, paragraph 18). The Constitutional Court emphasizes that a reasonable length of proceedings, and therefore the investigation procedure, must be assessed in light of the circumstances of each case, bearing in mind the criteria established in the case law of the European Court, in particular the complexity of a case, conduct of the parties and of the competent court or other public authorities, and the importance of that particular legal matter for an appellant.

In the reporting period, the Ombudsman Institution received 71 complaints against the work of prosecutor's offices, and issued three recommendations. Of note, in most cases, relevant prosecutor's offices adopted adequate decisions upon the Ombudsman's intervention.

Complaints about the work of the Prosecutor's Office relate to failure to take action upon receiving criminal reports and to the length of prosecutorial decision making procedures.¹⁸

During its investigations based on received complaints about failure of the prosecution to take action upon receiving criminal reports¹⁹, the Ombudsman Institution often receives generic replies such as:

"In respect of your inquiry with this Prosecutor's Office dated 23.1.2015, please be informed that case no. T..... established upon a complaint filed by K.M. on 15.8.2014 is in the complaint stage."²⁰

Recommendation to all the prosecutor's offices in Bosnia and Herzegovina:

- **In each stage of the proceeding, legal measures should be taken in order to ensure timely rendering of prosecutorial decisions.**

1.4. Publicity of court proceedings

The principle of publicity of court proceedings is governed by Article 14 of the International Covenant on Civil and Political Rights and Article 6 paragraph 1 of European Convention on Human Rights and Fundamental Freedoms. Exceptions from this principle are listed in separate legal provisions and depend on specific circumstances related to the participants in a proceeding, circumstances of a criminal offence or character of certain evidence that should be presented during the proceedings in order to establish the decisive facts.

Complaints addressed to the Ombudsman Institution suggest that there are cases in practice when actions of judicial authorities in Bosnia and Herzegovina contradict the aforementioned postulates, along with their inconsistent application, especially in criminal proceedings.

Identifying participants in criminal proceedings during publication of judicial and prosecutorial documents is viewed as an imposed conflict between one's right to privacy and personal data protection on the one hand, and the right to publicity of court proceedings and free access to information on the other.

18 Ž-LI-05-214/15,P-258/15;Ž-BR-05-243/15, P-131/15; Ž-BR-05-182/15; Ž-SA-05-113/15, Ž-SA-04-830/15; Ž-MO-05-154/15

19 Ž-SA-05-43/15

20 Document issued by the Cantonal Prosecutor's Office of Sarajevo Canton Sarajevo no. A-143/15, dated 10.2.2015.

Position of the European Court of Human Rights is that the extent of publicity and availability of a judgment must be assessed in each individual procedure, taking into account the specific characteristics of a particular case and a legitimate interest in restricting the public access.

Example: A complainant²¹, a lawyer practicing in Brčko, as an aggrieved party's proxy requested the Brčko Prosecutor's Office to allow him access and copying of parts of the documentation. The Prosecutor's Office issued a decision accommodating his request and he was granted access to the information, along with an instruction on legal remedy. The attorney received 31 pages with redacted and illegible personal data of the suspect and witnesses, which cannot be used in proceedings for compensation for damages caused by a criminal offence.

The lawyer: „It is not possible to file charges against” an unknown person or a person whose data were redacted “. In civil proceedings, it is not possible to use evidence with obscured personal data, as it is also not possible to hear an unknown and anonymous witness with protected personal data.”

Recognizing the need for unconditional respect of human rights standards, Ombudspersons conclude that it is necessary to ensure the implementation of those standards in an equal manner before all judicial authorities in Bosnia and Herzegovina, which indicates the need for enactment of separate legislation governing this area.²²

Recommendation:

1. To the High Judicial and Prosecutorial Council of BiH:

- **To review the method of regulation and uniform actions of judicial authorities at the territory of BiH, in order to ensure publicity of judicial/prosecutorial proceedings**

2. To courts and prosecutor's offices in Bosnia and Herzegovina:

- **in each specific case, attention should be paid to the establishment of a fair balance between the interests of publicity of court proceedings and the interests of parties or third parties to preserve the confidentiality of such data.**

1.5. The High Judicial and Prosecutorial Council of BiH/Office of the Disciplinary Counsel

The High Judicial and Prosecutorial Council is an independent institution of Bosnia and Herzegovina, established by the Law on the High Judicial and Prosecutorial Council of 1 June 2004 with a mandate to establish and preserve independence, efficiency and accountability of the judicial sector in Bosnia and Herzegovina. The Law established the following powers of the Council: the appointment of judges, prosecutors and expert associates, disciplinary liability, court administration and statistics, budgets of judicial institutions, supervision of trainings, the introduction of ICT, as well as a leading role in the implementation and coordination of reform activities in the justice sector of Bosnia and Herzegovina.

21 Ž-BR-05-181/15

22 Established procedure of the Court of BiH can serve as an example: "Rulebook on access to information controlled by the Court and co-operation of the Court with community", Instruction on method of anonymization of court decisions, audio records of hearings and other informative content, 20. 3. 2012

It is evident that the judicial reform has not yielded the expected results. A large number of pending cases before the judicial authorities, inadequate length of the proceedings, inability of judicial authorities to meet all obligations and ensure efficiency due to understaffing indicate that it is necessary to conduct a comprehensive analysis of the situation in the judiciary of Bosnia and Herzegovina and to take appropriate measures aimed at addressing these issues.

The Office of the Disciplinary Counsel performs prosecutorial duties²³ (Article 64 of the Law on High Judicial and Prosecutorial Council of BiH) in respect of allegations about violation of duties by judges and prosecutors. The Office is responsible for the assessment of legal validity of complaints; it investigates allegations against judges and prosecutors, initiates disciplinary proceedings, and represents cases of disciplinary offences before the disciplinary panels of the Council.

Complaints filed with the Ombudsman Institution, 11 of them relate to failures of the Office to act upon citizens' petitions and failures to provide written replies.²⁴

Example: A complainant²⁵ filed a complaint with the Office of the Disciplinary Counsel against a judge of the Municipal Court in Sarajevo, which was not resolved until the date of addressing the Ombudsman Institution. The Office of the Disciplinary Counsel informed the Ombudsman²⁶ that the complaint had been received in September 2013 and that the Office had initiated an investigation of the allegations contained therein, pursuant to Article 66 paragraph 1 of the Law on High Judicial and Prosecutorial Council. It stated as follows:

„Pursuant to provisions of Article 66 paragraph 1 of the Law on High Judicial and Prosecutorial Council of BiH, the Office of the Disciplinary Counsel initiated an investigation about the allegations from the complaint. We remind you that, according to provisions of Article 72 paragraph 2 of the Law on High Judicial and Prosecutorial Council, the Council has the obligation to process every complaint not later than two years from the date of receipt, putting maximum efforts to process complaints as soon as possible. Of note, the duration of an investigation depends on the nature of allegations, as well as on facts and circumstances to be established in each case.

... In any case, upon the completion of the investigation process, the Council will inform the complainant on its prosecutorial decision, and refer the relevant information to your Institution as well for your information.“

Ombudspersons issued a recommendation to the Office of the Disciplinary Counsel²⁷ recommending it to adopt the relevant decision as soon as possible. The recommendation was fully complied with.

23 Article 64 of the High Judicial and Prosecutorial Council of BiH, ("Official Gazette of BiH", no. 25/14, 93/15 and 15/08

24 Ž-BR-05-285/15

25 Ž-BL-05-754/14

26 Document of the Office of the Disciplinary Counsel no. UDT-12474/13 dated 8. 12. 2014

27 P-65/15 dated 2.3.2015.

Recommendation of the Ombudsman to the High Judicial and Prosecutorial Council of BiH to:

- **review methods of work of the Office of the Disciplinary Counsel with a view of securing its more efficient role in exercising control of a professional discharge of duties of judicial office holders.**

1.6. Complaints against the work of lawyers/bar associations

The Ombudspersons receive complaints of citizens dissatisfied with the work of lawyers because of unsatisfying level of contacts with lawyers, lack of information about the actions taken in their cases and lack of efforts during legal representation before competent authorities.

Citizens expressed dissatisfaction with the work of bar associations in handling the citizens' complaints which is seen as inadequate or purely formal. There were also complaints in which citizens claimed that the bar associations did not carry out disciplinary proceedings following clients' reports.²⁸

Example: Acting upon a complaint related to the length of disciplinary proceedings before the Bar Association of Republika Srpska against lawyers, the Ombudsman Institution issued a recommendation no. P-208/14 recommending the *Bar Association of Republika Srpska to take efficient measures without delay, in order to finish the disciplinary proceeding in question.*²⁹ The implementation of this recommendation was monitored in 2015 and, after repeated interventions; the Executive Board of the Bar Association of Republika Srpska was informed about the failure to take measures with regard to the Ombudsman's recommendation. The Bar Association then sent a letter to the Ombudsman stating that:

"...disciplinary proceedings in case DP-09/2012 against lawyer M.S from town B., resulted in pressing charges by the Disciplinary Prosecutor of the RS Bar Association on 20 October 2015 for a grave disciplinary offence under Article 7 paragraph 1 of the Rulebook on Disciplinary Liability of Lawyers, Expert Associates for Legal Issues and Lawyer Trainees of the RS Bar Association."

1.7. Free legal aid

Article 6 of European Convention on Human Rights guarantees the right to free legal aid in cases when a person charged with a criminal offence needs such aid because of their poor financial situation or when the interests of justice so require. Through the case-law of the European Court of Human Rights, this right is extended to include the obligation of the state to secure provision of legal aid to all the citizens in all criminal, civil and other proceedings.

The legal aid system in Bosnia and Herzegovina is legally and organizationally uncoordinated and cannot accommodate the needs of all persons eligible for free legal aid. There is no law regulating the issue of legal aid at the state level. Draft Law on Free Legal Aid in Bosnia and Herzegovina has been in parliamentary procedure since 2012 and was subject to a few amendments, but it had not been adopted at the time of drafting this report.

²⁸ Ž-SA-04-325/15, Ž-SA-05-1127/15

²⁹ Ž-BR-04-169/12

In the Federation of BiH, free legal aid institutes are established in seven cantons (they do not exist in Canton 10, Central Bosnia Canton and Herzegovina-Neretva Canton). In Republika Srpska, free legal aid is provided by the Free Legal Aid Center with headquarters in Banja Luka, and offices in Doboj, Bijeljina, Trebinje and East Sarajevo. The Office for the Provision of Free Legal Aid is active in Brčko District of BiH.

The centers and institutes provide free legal aid by completing various forms, writing motions and other writs and by providing legal representation before courts. Legal provisions prescribing eligibility criteria for free legal aid are very restrictive and neither provides adequate protection to all citizens under equal conditions, nor the possibility to use the prescribed legal remedies, which is the most frequent reason for filing complaints to the Ombudsman Institution in this field.

NGOs play an important role in providing free legal aid, but their activities are limited by applicable legislation and depend on availability of required donor funding.

Recommendation to BiH Council of Ministers and to the Parliamentary Assembly of BiH:

- **To take measures to adopt legislation on free legal aid at the level of BiH, which would ensure a harmonized and efficient access to free legal aid;**
- **To re-examine conditions for the provision of free legal aid to all vulnerable categories of citizens.**

1.8. Domestic violence

In the Convention on Preventing and Combating Violence against Women and Domestic Violence in the countries of the Council of Europe³⁰, domestic violence is defined as all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

Family laws of the Federation of BiH and Republika Srpska prohibit domestic violence. Criminal legislation of BiH, Republika Srpska, the Federation of BiH and Brčko District of BiH incriminate domestic violence, provide grounds for prosecution of perpetrators and for protection of victims in terms of gender based violence. Provisions of the Law on the Protection from Domestic Violence in the Federation of BiH and the Law on the Protection from Domestic Violence of Republika Srpska provide measures and mechanisms of protection in cases involving domestic violence.

Position of the European Court of Human Rights (ECtHR) is that the states are obliged to ensure efficient access to justice to victims of domestic violence. The Court explained that an “efficient respect of one’s personal or family life obliges the [states] to make this protection instrument available in an efficient manner”.

Following the criminal legislation reform, domestic violence is treated as a separate criminal offence in the entire Bosnia and Herzegovina, but with the adoption of the Law on the Protection from Domestic Violence in Republika Srpska³¹, it became possible for acts of domestic violence to be treated and processed as misdemeanours, pursuant to this Law.

30 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence of 7 April 2011

31 RS Law on the Protection from Domestic Violence (“RS Official Gazette”, no. 102/12, 108/13 and 82/15)

In the case of *Muslija v. Bosnia and Herzegovina*³², the European Court on Human Rights held as follows: “*The applicant was “convicted” in minor-offences proceedings which are to be assimilated to “criminal proceedings” within the autonomous Convention meaning of this term. After this “conviction” became final, he was found guilty of a criminal offence which related to the same conduct as that punished in the minor-offences proceedings and encompassed substantially the same facts. The Constitutional Court failed to apply the principles established in the Zolotukhin case and thus to correct the applicant’s situation. In the light of the foregoing, the Court considers that the proceedings instituted against the applicant under Article 177 § 1 of the 1998 Criminal Code concerned essentially the same offence as that of which he had already been convicted by a final decision under section 3(1)(2) of the Public Order Act 2000. There has therefore been a violation of Article 4 of Protocol No. 7.*”

This means that, applying the principle *ne bis in idem*, that is, not twice in the same matter, in case when misdemeanour liability for domestic violence has been established, no criminal proceedings can be initiated.

Ombudspersons draw attention to the fact that it is necessary to review the existing mechanisms for the protection of victims of domestic violence and the application of safeguard measures. In fact, in a situation involving the provision of safe accommodation for women victims of domestic violence, there is a need for accommodation of minor children as well, but this implies their separation from their previous living environment and educational institutions. It is justified to ensure victim’s safety by displacing the perpetrator while taking appropriate legal measures.

It is particularly important that members of the ministries of interior take appropriate actions in situations where they register disturbed family relationships so that serious consequences are avoided and violence prevented. It is also important that competent prosecutor offices act urgently.³³

Ombudspersons indicate a good example involving the establishment³⁴ of a Public Institution “Family Counselling” of the Sarajevo Canton, which belongs to the network of social protection institutions. Activities of this Institution include the following: provision of psychosocial support, counselling and therapeutic treatment, realization of research and development projects with preventive purposes, providing expertise and professional help and support to institutions and organizations dealing with family. Ombudspersons think that it would be necessary for such counselling to be organized in all cantons or municipalities, as it would be very important in the context of the protection of victims of all forms of violence.

Example: A complainant filed a complaint for failure of the Cantonal Prosecutor’s Office in Tuzla Canton to act upon a filed criminal report involving domestic violence.³⁵ Following the Ombudsman’s intervention, the Institution received a letter from the Cantonal Prosecutor’s Office of Tuzla Canton to inform the Ombudsman that this Office **pressed charges before the Municipal Court in Tuzla against G.M. for criminal offence – domestic violence – under Article 222 paragraph 2 of the Criminal Code of the Federation of BiH.**

32 Case of *Muslija v. Bosnia and Herzegovina*, Application no. 32042/11, judgment of 14 January 2014

33 Ž-BR-261/14,P-45/15,

34 Established following the Decision of the Sarajevo Canton Assembly of 22 March 2001

35 Ž-BR-05-182/15

Recommendation to the Assembly of the Brčko District of BiH Assembly to:

- **Take necessary measures in order to adopt the Law on the Protection from Domestic Violence in Brčko District of BiH.**

1.9 Support and legal aid to victims

Resolution of the United Nations General Assembly no. 60/147 dated 21 March 2006 on Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law established the obligation of the state to provide the following: equal and effective access to justice to all victims, adequate, effective and prompt reparation and access to relevant information concerning violations of their basic rights and reparation mechanisms. The state is obliged to take measures to minimize the inconvenience to victims and their representatives, protect against unlawful interference with their privacy and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims and to provide proper assistance to victims seeking access to justice. In addition to individual access to justice, the state should endeavour to develop procedures to allow groups of victims to present claims for reparation and to receive reparation.

An adequate, effective and prompt remedy for gross violations of international human rights law or serious violations of international humanitarian law should include all available and appropriate international processes in which a person may have legal standing and should be without prejudice to any other domestic remedies.

RECOMMENDATION:

- **It is necessary to secure mechanisms for a consistent implementation of the provisions of international documents in order to protect victims of grave human rights violations, and to ensure every form of legal aid and reparation.**

In the previous period, Ombudspersons received a number of complaints lodged by persons who suffered damages caused by war and war crimes in Bosnia and Herzegovina, primarily former detainees who filed lawsuits against Republika Srpska and the Federation of BiH, claiming non-pecuniary damages. Ombudspersons note that the reason for turning to the Ombudsman Institution lies in the non-harmonized case-law in the Federation of BiH³⁶ and Republika Srpska³⁷, which results in unequal treatment of citizens of Bosnia and Herzegovina and provides grounds for discrimination.

36 Claims are accepted and such practice is primarily based on the opinion of the Supreme Court of the Federation of BiH, which took the stance in 2011 that, given the absence of specific regulations to be used by the entities or the state of Bosnia and Herzegovina to govern the issue of indemnification of citizens who suffered damages in the period of war, irrespective of whether the damaging party was identified, prosecuted or convicted, and given that the damaged party is entitled to compensation of damages arising as a consequence of death, bodily harm or deterioration of health, general rules of tort law contained in the Law on Obligations are to be applied.

37 Claims are rejected, meaning that Article 360 in conjunction with Article 376 of the Law on Obligations is applied which provides for a separate statute of limitation, while Article 377 of the Law on Obligations could be applied only if the petitioner's claim would relate to a direct perpetrator of a criminal offence and if a final and binding court judgment existed, issued by a criminal court or an international court, establishing that a perpetrator had committed any of criminal offences under Articles 142, 150 and 154 of the Criminal Code of SFRY. Also, courts explain that legal limitations in this case are justified for the sake of legal certainty and functioning of the legal system and that the plaintiff lost the right to judicial protection due to their passivity and failure to seek court protection during the legally prescribed time period.

Case-law as a source of law has different roles depending on whether it belongs to the continental or Anglo-Saxon legal system based on precedents, that is, previous court rulings as a primary source of law. In Bosnia and Herzegovina, courts deliberate in accordance with applicable legislation, but Ombudspersons think that it does not diminish the need for case-law harmonization between courts in Bosnia and Herzegovina, particularly having in mind obligations of Bosnia and Herzegovina stemming from its membership with the Council of Europe.

During 2008, the Judicial Documentation Center was opened within the High Judicial and Prosecutorial Council, in order to contribute to case-law harmonization between courts in Bosnia and Herzegovina, but the courts are still insufficiently committed to this purpose.

Recommendation to the High Judicial and Prosecutorial Council of BiH:

- **Case-law should be harmonized at the level of Bosnia and Herzegovina, in order to provide legal certainty to citizens.**

2. FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

2.1. Freedom of expression

Freedom of expression is a basis of a democratic society and a pre-requisite for realization of other human rights. It is enshrined by the European Convention on Human Rights and Fundamental Freedoms³⁸.

This right entails freedom of finding, receiving and imparting information and ideas of all kinds, in oral, written, printed or artistic form, or else, by free will. This right may be subject to certain restrictions, but these can only be as provided by law and are necessary: a) For respect of the rights or dignity of others; b) protection of national security, public order, public health or morals.

Bosnia and Herzegovina, as a signatory and a member-state of the European Convention for the Protection of Human Rights and Fundamental Freedoms must ensure the implementation of Article 10 of the European Convention on Human Rights and Fundamental Freedoms.

In normative terms, Bosnia and Herzegovina made a huge step forward by the adoption of the Law on Freedom of Access to Information, first at the state level (2000), and then at the entity level (2001) and was the first country in the region to adopt such laws. However, despite the fact that legislation is in place, as the Ombudsman indicated in previous reports, as well as individual recommendations issued upon complaints of the citizens, there are standing challenges and flaws identified in the course of the implementation of regulations governing the field of free access to information.

The Ombudsman's mandate, according to applicable legislation in the field of free access to information at all levels,³⁹ in addition to acting upon the filed complaints and investigating the allegation comprised in it, and carrying out the *ex-officio* investigations, also includes preparation and putting at disposal a guide and general recommendations related to the implementation of legislation covering

38 In addition to European Convention on Human Rights, the social value of this right is recognized in other international standards: Article 18 of the Universal Declaration of Human Rights

39 Freedom of Access to Information Act ("Official Gazette of Bosnia and Herzegovina", no. 28/00, 45/06, 102/09, 62/11 and 100/13, Freedom of Access to Information Act ("Official Gazette of FBiH", no. 32/01 and 48/11 and Freedom of Access to Information Act ("Official Gazette of RS", no. 20/01

this area, including a separate chapter in the annual report about the activities within the meaning of this Law and providing suggestions and guidance to the competent ministries of Bosnia and Herzegovina in the implementation of the Law.

In general, complaints relate to two segments: flaws on the part of the institutions and flaws in legislation. Complaints received during 2015 indicate that weaknesses within the institutions are still present and are manifested through various actions of public authorities: denying the access to information, failure to reach a decision on a received request for information or failure to provide reasoning, and failure to provide information on legal remedy available. A possible cause may be the lack of will of the government officials to implement applicable legislation (due to lack of training), which is why it is necessary to re-examine the capacity of civil servants and create programs for their permanent training in cooperation with the civil service agencies.

Since the very adoption of the legislation, certain flaws were manifested. It is necessary to raise the issue of the role of the Administrative Inspectorate of the Ministry of Justice in accordance with the provisions of the Law on Free Access to Information. The Law on Amendments to the Law on Free Access to Information ("Official Gazette of BiH", no. 100/13) granted powers to the Administrative Inspection of the Ministry of Justice to carry out inspection control over the implementation of this Law. These amendments enabled any physical or legal entity to file a request to the Administrative Inspection seeking protection of the right to free access to information when a public body denies them access.

Introduction of this type of protection creates more confusion among the citizens requesting access to information from public authorities. Citizens often address all different institutions while failing to use available legal remedies and therefore miss a deadline for initiation of an administrative dispute, which makes this mechanism inefficient in practice.

Ombudspersons have already indicated the shortcomings of the entity laws pertaining to the absence of penalty provisions. For issues not governed by these laws, the Law on Administrative Procedure of the Federation of BiH or the Law on General Administrative Procedure of Republika Srpska has to be applied⁴⁰. It is not logical that the Law on Freedom of Access to Information of Republika Srpska provides that a party requesting access to information will be informed on a decision regarding their request by a "letter", which is not an administrative document. This legal solution questions one of the basic principles of administrative proceedings, that is, the existence of two instances.

Ombudspersons, acting on complaints, note that some public authorities in Republika Srpska adopt decisions invoking the RS Law on General Administrative Proceedings, which is a positive practice, but it does not diminish the necessity to amend the RS Law on Freedom of Access to Information in order to increase legal certainty and equal rights of all citizens.

Ensuring the principle of two instances also raises the issue of whether the appellate instance should be within the same public body that issued the appealed first-instance decision, or the appellate procedure should be conducted by another body within the public administration system.

40 Article 25 paragraph 1 of the Law on Freedom of Access to Information of the Federation of BiH and Article 25 paragraph 1 of the RS Law on Freedom of Access to Information

Complaints also indicate that there are still some problems in carrying out the public interest test, and information officers, due to insecurity or ignorance often issue decisions without testing the public interest.

Example: A complainant⁴¹ addressed the Ombudsman because the General Services Office of the Federation of BiH denied him access to information involving access to personal files. The request for access to information was denied in order to protect decision-making process within the public body, but the public interest test was not conducted, and the decision did not contain proper reasoning. Ombudspersons recommended this decision to be repelled, which was fully implemented.

Ombudspersons note that there are some public bodies that refuse to accept their obligation to act pursuant to the Law on Freedom of Access to Information, although the Law clearly identifies bodies which are deemed public.

Example: A complainant⁴² turned to the General Administration Department of the Municipality of Stari Grad Sarajevo requesting access to information, which was granted in general. A notification sent to the complainant by the Municipal Public Attorney's Office read that the documents would be delivered to her in person. However, only one document, a letter of the Municipal Public Attorney's Office was furnished to the complainant, and the remaining requested documents were denied. The Ombudsman intervened and received a reply⁴³ from the Municipal Public Attorney's Office, explaining that⁴⁴ they do not consider themselves to be a public body, and therefore the obligation did not apply to them, according to the Law on Freedom of Access to Information. Ombudspersons recommended the Municipal Public Attorney's Office to annul the disputed decision. This recommendation was not complied with.

Ombudspersons express their concerns about the fact that there are still cases of lack of co-operation with the Ombudsman and denial of access to information. In all such cases, the Ombudsman issued appropriate recommendations to the authorities in question, and in case of non-compliance, it informed the higher authority.⁴⁵

In resolving citizens' complaints⁴⁶ related to enjoyment of rights in accordance with the existing free access to information laws, it was noted that citizens frequently asked various questions expecting to get answers, but such questions do not constitute public information within the meaning of the Law on Freedom of Access to Information.

Ombudspersons are unable to establish with certainty whether such requests are submitted because citizens are uninformed or with an intention to abuse the Law on Freedom of Access to Information. In dealing with such cases, the Ombudsmen have taken a clear stance that laws clearly define information within the meaning of that Law. **Access to information within the meaning of applicable laws implies access to complete and existing information, or information that exists in a materialized form and it does not imply a duty of a public authority to answer questions and to interpret regulations.**

41 Ž-SA-05-330/15,P-146/15

42 Ž-SA-05-331/15, P- 197/15

43 Document no. 09-23-2177/15 dated 29.04.2015

44 Document no. U-2/15, dated 21.4.2015

45 Ž-SA-05-840/14, P-1/15

46 Ž-SA-1197/15, Ž-SA-05-1095/15, Ž-SA-05-778/15

Example: The Ombudsman handled a complaint⁴⁷ related to a request for access to information including a copy of a test completed by the complainant during her participation in a public competition for recruitment of civil servants in the Border Police of Bosnia and Herzegovina. The Border Police orally informed the complainant that she can review the documentation, but failed to adopt a written decision. Having seen the documents, the complainant wanted to make a photocopy, but it was refused, also orally. The Border Police then also issued a written decision denying the access to information. Ombudspersons could not find out whether the public interest test was carried out or not, so they issued an appropriate recommendation. Ombudspersons were of the opinion that, according to the principle of transparency, and assuming the respect for personal information, the test papers of candidates participating in public competitions, should be documents of public interest and that their disclosure should be granted. The recommendation has been implemented in full.

The Human Rights Ombudsman as a central institution that monitors the implementation of the laws on freedom of access to information at all levels in Bosnia and Herzegovina aspires to act preventively, or pro-actively rather than reactively, indicating the positive aspect of the fact that some public authorities ask the Ombudsman for an opinion regarding application of the law in certain cases.⁴⁸

It is evident that a large number of citizens continuously lodge complaints to the Ombudsman, alleging that the public authorities in Bosnia and Herzegovina violate their right of access to information. Ombudspersons suggest that all the citizens have the right to access information under the existing legislation, and there is no doubt about it, but the fact that one citizen in the period from 2010 to 2015 lodged as many as 60 complaints related to freedom of access to information point to a possible misuse of the Ombudsman Institution in order to exert pressure on certain public bodies⁴⁹.

Recommendations:

- **In order to ensure more efficient implementation, the National Assembly of Republika Srpska, should consider possibilities for amending the RS Law on Freedom of Access to Information in a part related to notification of requestors about granting or denying them access to information, to define that institutions shall be obliged to issue a decision, instead of sending a notification letter;**

47 Ž-SA-05-689/15, P- 278 /15, Ž-SA-05-51/15, P- 119/15

48 Ž-SA-05-1019/15, the Ministry of Defense of BiH addressed the Ombudsman asking for its opinion about the procedure to be followed with regard to the request received by the Ministry from an NGO whereby they ask to obtain data on civil servants and other staff members employed on a permanent basis (indefinite term contract) since 2012 on. Precisely, they wanted to know names and surnames of the employees, date of concluding the indefinite term work contract, information on whether or not this contract is still valid and a position held by every particular employee or civil servant. Ombudspersons were of the opinion that such type of information does not constitute personal data within the meaning of provisions of the Law on Freedom of Access to Information. Revealing of the requested is in the public interest given the fact that the employees of the Ministry of Defense are funded from the budget. By furnishing the requesting party with requested information, the Ministry will eliminate complaints and ensure a consistent implementation of legal provisions.

49 Ž-SA-05-1182/10, Ž-SA-05-351/11, Ž-SA-05-1330/12, Ž-SA-05-623/13, Ž-SA-05-494/14, Ž-SA-05-1099/15 etc.

- **The Parliamentary Assembly of Bosnia and Herzegovina, the Parliament of the Federation of BiH and the RS National Assembly should consider possibilities for amending the relevant laws on freedom of access to information in a part pertaining to granting of access to information, so that the obligation of institutions includes information on legal remedy;**
- **The Civil Service Agency of the Federation of BiH and the RS Civil Service Agency:**
 1. **Ensure continuous training for information officers, which should include information about their obligations pursuant to the laws on freedom of access to information;**
 2. **Integrate a part dedicated to the implementation of the laws on freedom of access to information in the professional exam for future employees in the administration bodies.**

2.2. Media reporting in terms of freedom of expression

Information presented by the media should be true and objective, respectful of human dignity, reputation, honour and privacy and relevant to the target audience. Media in Bosnia and Herzegovina are facing various challenges. In a transition period, when survival of a media outlet depends on the sold advertising space and when popularity of a media outlet guarantees more advertisements, the media often resort to sensationalism, which in some cases leads to human rights violations.

Example: The Ombudsman received a complaint⁵⁰ of an informal group of citizens related to a TV show entitled *"There is no place like home"* broadcasted on OBN TV, indicating that the concept of this show where socially vulnerable families compete in order to win a house is socially unacceptable and violates human dignity. The complaint reads: ***"It is unacceptable to make a reality show out of human misery and to put people in a position to compete in poverty and to battle over whose despair is deeper, and to seek ways in their public humiliation to present their poverty in a more appealing manner so that viewers can decide who deserves a prefabricated house more."*** The complaint was referred to the BiH Communications Regulatory Agency for further processing.

Example: In 2015, the Ombudsman registered an anonymous complaint⁵¹ related to functioning of a web portal klix.ba. The complainant complained because the web portal removed his user profile, which is why he created a new user profile, but this one was also permanently removed without any notification and explanation. The Ombudsman Institution has already received the information the Communications Regulatory Agency of Bosnia and Herzegovina that it is not competent to regulate content on the Internet, and that in such cases an exclusive competence lies with judicial authorities.

Recommendation:

- **To competent authorities to establish a mechanism to monitor operation of web portals in Bosnia and Herzegovina.**

50 Ž-SA-05-136/15

51 Ž-SA-05-512/15

Sensationalist reporting of cases involving children and vulnerable groups (victims of any form of violence) is absolutely unacceptable. There are examples of unnecessary revealing of family circumstances of a health condition, presenting unprofessional personality and behaviour assessments, or of posing inappropriate, in some cases even political questions to minors.

Ombudspersons noticed negligent and irresponsible attitude of reporters and editors when it comes to the obligation to protect a child's identity. They tend to publish a full name or photograph of a child, that the child's identity is revealed by publishing full names of his/her parents, brothers, sisters and settlements in which they live.

Journalists justify such reporting by the public interest, disregarding the fact that the public's right to information cannot be above the law and necessity to protect the privacy of the child.

Internet has brought new risks and responsibilities in protecting the privacy of children. Internet sites, forums, blogs and other forms of publicly available electronic communications are increasingly appearing as new means of privacy invasion and violation of other rights of children.

Ombudspersons indicate that in media reporting it is necessary to find a balance between one's privacy and the public interest in certain information, especially when it comes to children.

Following actual developments in the society with the aim of protecting children's rights, in 2015 the Ombudsman Institution was included in the public consultation process regarding the amendments to the Code on Audiovisual and Radio Media Services of the Communications Regulatory Agency of Bosnia and Herzegovina, since one of the proposed amendments was related to reality programs and stipulated that: ***"Reality shows and pseudo-reality shows shall only be broadcasted in the period between 12.00 p.m. and 06.00 a.m. This restriction does not apply to content displayed with technical protection or to audiovisual media services provided on demand."***

Ombudspersons furnished the Communications Regulatory Agency with the following opinion⁵²: *"Guided by the principle from Article 17 of the UN Convention on the Rights of the Child, which defines their media rights, in conjunction with Article 3 and 13 of the UN Convention on the Rights of the Child, the Human Rights Ombudspersons consider efforts of the CRA to amend the mentioned Code by including the quoted individual legal norm as absolutely justified and necessary for the physical and mental development of the child ...*

... restrictions imposed on broadcasting of such content would have a positive impact on the wider community in general, because by creating this kind of editorial policy, private electronic media adversely affect users of media services, because they provide media space to persons who are in no way competent to occupy it, in order to maximise their profit."

2.3. Freedom of association and assembly

The Universal Declaration of Human Rights recognizes the right to peaceful assembly,⁵³ which in a democratic society can only be restricted by law in the interest of national security, public order or for the protection of public health or morals or the rights and freedoms of others.

52 Document no. Oi-K-Sa-100/15 dated 11. 11. 2015

53 Article 21 of the Universal declaration of human rights

It also guarantees the right of everyone to freedom of association, including the right to form and join trade unions for the protection of their interests.⁵⁴

Complaints registered by the Ombudsman Institution most often relate to internal problems of citizens' associations and trade unions, resulting from a split between various internal factions.

This is very important if such associations are financed from public funds, or if they have public powers, which is why it is very important that the relevant ministries establish and implement special supervision measures.

Example: A complainant⁵⁵ addressed the Ombudsman because the Independent Trade Union of Primary Schools Education of BiH, Branch of the Elementary School "Hasan Kikić", rejected her membership application. Given that, pursuant to Article 2 of the Law on Human Rights Ombudsman of BiH, the Ombudsman has the authority and jurisdiction to hear cases relating to poor functioning or violations of human rights and freedoms committed by any authority, and the union is not an authority in this respect, a decision was made not to conduct an investigation process.

3. THE RIGHT TO PROPERTY

Any natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions, however, do not 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 penalties⁵⁶.

Complaints about the issues related to property received during the reporting period were generally about the inefficiency of the state mechanisms that are to ensure peaceful enjoyment of these rights, about the administration work, the judiciary, but also about shortcomings in legislation governing the area of property and legal protection.

Example: A complaint⁵⁷ was lodged pertaining to return of nationalized property on the territory of the Prnjavor Municipality. The complainant is a direct heir of real estate ("Slavica" Cinema and the "Pet lampi" Café) that was nationalized in 1960 without any compensation. Amendments to the Law on Real Property Rights adopted in 2011 in Republika Srpska enabled the state to register ownership over the nationalized real property in the land books, including the right to use and sell such property. Based on these provisions, the Municipality of Prnjavor filed a request to the Republic Administration for Geodetic and Property Affairs for transforming the right to use this real property into a property right over the "Slavica" Cinema. As for the HUTP "CER" a.d. Company Prnjavor, it went bankrupt and sold the "Pet lampi" Café to a physical person who was able to transform the former public/state ownership over the café in question into own private property, in accordance with the amended Law of Republika Srpska.

54 Article 22 of the Universal declaration of human rights

55 Ž-SA-04-1060/15

56 European Convention on Human Rights and Fundamental Freedoms, Protocol 1, Article 1

57 Ž-BL-05-834/14

The complainant addressed the Republic Administration for Geodetic and Property Affairs, Regional Unit Prnjavor, requesting the real property return, but the request was denied. **The issue of restitution in Bosnia and Herzegovina has been repeatedly raised over the years. There have been some attempts to regulate this issue by law, but it still remains unresolved, and Bosnia and Herzegovina is the only country in Europe that did nothing so far in this area.**

Instead of adopting relevant legislation first, which would be followed by the privatization process, it was decided that privatization should be implemented first, including the nationalized property, which raises justified concerns that costs of financial restitution could be much higher than those of natural restitution, had it been implemented.

In order to protect the property that could be subject to future restitution, laws on real property rights were adopted in the Federation of BiH and the RS⁵⁸ which prohibited the following: transfer, alienation, swap, encumbrance and the long-term lease of real property which was nationalized without compensation after the World War II.

The Law on Amendments to the Law on Real Property Rights of Republika Srpska,⁵⁹ however, removed these prohibitions, and instead stipulates that the new property rights holder shall become subject to natural or monetary restitution within the restitution process. Article 349a of the amended Law stipulates that "in case that a right holder seized to exist, Republika Srpska shall be liable to natural or financial restitution." Ombudspersons think that this amendment constitutes a poor assessment of future financial interests, because purchase and sale of nationalized real property impose the obligation of financial restitution, which is much more expensive, it includes the payment of interest rates and is to be paid from public budget i.e. with tax-payers' money.

Ombudspersons are concerned about the inability of competent authorities to found adequate solutions, confiscated property is sold and original owners and their heirs are left without any compensation, waiting for adequate legal solutions.

The exercise of the right to property must not depend on good will of relevant institutions because it is an inalienable private right, and its protection constitutes the basic foundation of all modern societies, and a selective implementation of the right to property requires the state to recover damages, which was confirmed by the European Court of Human Rights in Strasbourg in the case of *Grudić v. Serbia*.⁶⁰

Ombudspersons issued a recommendation⁶¹ to the National Assembly of Republika Srpska to take measures falling within its powers to prevent alienation or any other form of legal transaction over the real estate which was nationalized **with no compensation**, either by amending the applicable legislation or by adopting new laws, pursuant to the findings presented in this recommendation. The National Assembly of Republika Srpska, the Speaker's Cabinet replied by a letter⁶² informing the Om-

58 The FBiH Law on Real Property Rights ("Official Gazette of FBiH", no. 66/13, and the RS Law on Real Property Rights ("RS Official Gazette", no. 124/08, 58/09, 95/11 and 60/15

59 The RS Law on Amendments to the Law on Real Property Rights, ("RS Official Gazette", no. 95/11

60 Application no. 31925/08, judgment dated 17 April 2012

61 P-58/15 dated 28 February 2015

62 Document of the National Assembly of Republika Srpska, the Speaker's Cabinet, no. 02/1-021-354/15 of 24 March 2015

budsman that it had urged competent bodies⁶³ and received a reply from the Legislative Committee of the National Assembly saying that it could not issue an opinion since the Political System Committee failed to furnish them with their opinion.

Example: A complaint⁶⁴ related to a problem originating from 2010 and is still pending and is about the interference with the complainant's right to peaceful enjoyment of property, the right to home and healthy environment. Violation of these rights was caused by a noise produced by electric chainsaws belonging to a private entrepreneur.

In their recommendation⁶⁵ to the Hadžići Municipality, Ombudspersons recommended the following: to take necessary measures to redress detrimental consequences of the violation of Article 8 of European Convention on Human Rights caused by granting the approval to the owner of a private craft workshop to practice their business activities, to ensure peaceful enjoyment of the right to property to the complainants, based on principles of human dignity; in order to introduce a noise control system, prior to issuing a work permit, it should strictly respect procedures in the verification or issuance of certificates of compliance of the sources of noise with the prescribed noise emission limit values and ensure that the level of noise does not pose a threat on human health, it should provide peace and conditions for rest and work, obtain an opinion on applied measures for the protection against noise in the process of issuing use permits and operating permits – if necessary, such measures can be of technical nature, involving adequate soundproofing of buildings wherein the noise sources were located, and measures for acoustic protection at potential sources of noise or in noise propagation pathways.

A reply to this recommendation has not been received.

4. ADMINISTRATION

In 2015, the Ombudsman received 403 complaints related to actions of the administrative bodies. Most of the cases registered in 2015 relate to the length of administrative proceedings, silence of administration, inefficiency of inspections and failure of administrative bodies to act within the legal deadlines in deciding upon requests of citizens.

The complaints are about the inappropriate conduct of the administrative staff, inadequate working hours of the administrative bodies, and referring user parties from one body to another, excessive formalism, inefficiencies and general violation of procedural provisions governing the administrative procedure. Citizens are dissatisfied with the fact that administrative proceedings are conducted in violation of the legal provisions,⁶⁶ for instance by failing to issue decisions within the legal deadlines, insisting on submission of a large number of unnecessary documents, violating the principle of providing assistance to a lay client, failing to decide on appeals, with lengthy decision-making procedures in the second instance, multiple return of cases to the first-instance (playing ping-pong with applicants) and wrongful application of the substantive law.⁶⁷

63 Document of the Constitutional Board of the RS no. 02/4-01-9-011-2110-1/15 dated 19 November 2015

64 Ž-SA-05-634/15

65 P-190/15

66 The Law on Administrative Procedure of the Federation of BiH ("Official Gazette of FBiH" no. 2/98 and 48/99, the Law on General Administrative Procedure of the RS ("RS Official Gazette", no. 13/02, 87/07 and 50/10)

67 Ž-BL-05-124/15, Ž-BL-05-488/14, Ž-SA-05-56/15 ...

The administrative authorities evidently reach decisions upon requests of the parties while the Ombudsman's intervention is ongoing and inform the Ombudsman thereof. However, in a significant number of cases, the Ombudsman's intervention is required more than once.

In 2015, the Ombudsman also registered complaints⁶⁸ indicating that citizens are not able to enjoy their rights because certain mechanisms within the administrative bodies are not in place. This is particularly related to the functioning of supervision bodies, which is inspections, entrusted with the task to ensure the respect of law and legality in functioning of public bodies and business companies. It was noted that inspection bodies, acting upon citizens' reports, inform the parties on their inspection visit, but without providing them with an official record of the inspection results.

Example: A complaint⁶⁹ related to the inspection in the area of child and social protection in the Federation of BiH and transfer of federal inspectors for child and social protection from the Federal Administration for Inspection Issues to the Federal Ministry of Labour and Social Policy. The complaint specifies that *Law on Inspections of the Federation of BiH*⁷⁰ entered into force. Article 24 of the Law does not foresee the position of a federal inspector for social and child protection, which in this specific case means that inspection activities in the aforementioned field is no longer covered by the mandate of the Federal Administration for Inspection Issues. In its 132th session, the Government of the Federation of BiH adopted a *Conclusion no. 1619/2014 on transfer of federal inspectors for child and social protection from the Federal Administration for Inspection Issues to the Federal Ministry of Labour and Social Policy*. The adopted Conclusion obligates the Federal Ministry of Labour and Social Policy and the Federal Administration for Inspection Issues to: *implement the Agreement on transfer of two federal inspectors for social and child protection from the Federal Administration to the Federal Ministry; the Federal Ministry should amend the Rulebook on Internal Organization within not more than five days from the adoption of this Conclusion and refer it to the Government of the Federation of BiH for approval. Amendments should be made in order to include the two positions of federal inspectors for child and social protection. This activity has not been carried out.*

In view of the fact that federal inspectors for child and social protection oversee the implementation of many laws⁷¹ the Ombudspersons issued a Recommendation⁷² to the Government of the Federation of BiH, the Federal Ministry of Labour and Social Policy and to the Federal Administration for Inspection Issues to take activities to regulate the employment status of the complainants and the issue of carrying out inspections in the field of child and social protection, and to include them in the relevant legal framework.

The Federal Administration for Inspection Issues⁷³ provided the following answer:

68 Ž-SA-05-180/15

69 on 16 September 2014

70 The Law on Inspections of the Federation of Bosnia and Herzegovina (*Official Gazette of the Federation of Bosnia and Herzegovina*, no. 73/14)

71 *The Law on the Protection from Domestic Violence of FBiH, the FBiH Family Law, The Law on Basics of Social Protection, Protection of Families with Children and Civilian Victims of War of the Federation of BiH, the Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities, the Law on taking over the Rights and Obligations of Founders over the Social Protection Institutions in the Federation of BiH, the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of FBiH, ... and a series of international conventions and treaties dealing with issues of child protection or social protection, as well as protection of vulnerable categories of population*

72 P-154/15 dated 10 July 2015

73 Document of the Federal Administration for Inspection Issues no. 01-34-1-04775/2014 of 7 August 2015

"...We fully agree with your findings and the opinion that performance of inspection work in the area of child and social protection no longer falls within the mandate of the Federal Administration for Inspection Issues, according to the Law on Inspections ... This Administration was not informed and had no control over the transfer of work and of the inspectors and public servants to the Federal Ministry of Labour and Social Policy, the adoption of the Rulebook on Internal Organization or the job systematization in the Ministry. Namely, we do not have any information as to when the Ministry amended their Rulebook on Internal Organization or how the positions of the federal inspectors for child and social protection were integrated in it, why is it that this Rulebook obtained negative opinions, or how they organized performance of these duties..."

The Federal Ministry of Labor and Social Policy⁷⁴ pointed out the following:

"...In this regard, this Ministry sent a letter no.: 02-02/10-20/15 dated 9 December 2015 to the Government of the Federation of BiH for consideration and adoption, and attached a draft Conclusion on return of the federal inspectors for child and social protection from the Federal Ministry of Labour and Social Policy to the Federal Administration for Inspection Issues, along with a draft Decision abolishing the Decision on approval of the Agreement on transfer of civil servants concluded between the Federal Ministry of Labour and Social Policy and the Federal Administration for Inspection Issues, proposing that the federal inspectors be returned to the Federal Administration for Inspection Issues ...

... We would also like to inform you that, in addition to the above mentioned draft Conclusion and draft Decision, this Ministry furnished the Government, with positive opinions regarding this proposal, issued by the Federal Ministry of Finance no.: 06-14-6575/15 dated 20 October 2015, the Federal Ministry of Justice no. 03-49-7347/15 dated 7 December 2015 and the Office for Legislation and Harmonization with the European Union regulations no. 02-02/2-34-947/15 dated 16 October 2015, as well as with Recommendation issued by the Institution of Human Rights Ombudsman of Bosnia and Herzegovina no. P-154/15 dated 10 July 2015, noting that the draft Decision was harmonized with recommendations of the Legislation Office and with the European Union regulations."

The Government of the Federation never replied to this Recommendation.

The Ombudsman Institution registered a significant number of cases related to the inspection control and the implementation of decisions issued by the inspections.

Examples: A complainant⁷⁵ turned to the Ombudspersons complaining about work of inspections in the Teslić Municipality due to non-enforcement of a decision issued by the Inspections Department of the Administrative Service of Teslić Municipality.

The Municipality of Teslić informed⁷⁶ the Ombudspersons about the following: *"Of note, there were repeated attempts to enforce the first-instance decision in this case, and the last attempt took place on 22 June 2015, but construction inspectors and surveyors were prevented from enforcing the decision in the field. The enforcement is not possible without a police intervention; however, the police repeatedly refused requests of the competent Inspection office and of the Municipality Mayor to provide assistance to the acting body and to enable their work on the field."*

74 Document of the Federal Ministry of Labor and Social Policy dated 22 January 2016

75 Ž-BL-05-420/15

76 Document of Teslić Municipality no. 02-014-596/15 dated 6 August 2015

Ombudspersons believe that the police have a legal obligation to provide assistance in the enforcement of an administrative decision upon request of a relevant authority.⁷⁷ Failure of the police to act upon such request cannot be justified by the fact that the subject procedure is conducted outside of the legally provided deadlines.

Therefore, the Mayor of Teslić was given a Recommendation⁷⁸ to review the work of competent inspections related to the administrative procedure conducted before the municipal administrative bodies outside of the legally prescribed deadlines, and a recommendation was issued to the Police Station Teslić to provide assistance upon future requests of competent administrative authorities of Teslić Municipality in the enforcement of administrative decisions, in accordance with the Law on General Administrative Procedure of Republika Srpska.

The Police Station Teslić⁷⁹ informed the Ombudsman as follows:

"... on 26 November 2015 in the period from 9,00 to 11,00 a.m. we provided assistance to employees of the Inspections Department of the Administrative Service of the Municipality of Teslić in the enforcement of their decision..."

Example: A complaint was lodged⁸⁰ due to violation of the right to peaceful enjoyment of property and to protection from excessive noise and dust generated by the Sawmill "Ramfej" d.o.o located in Donje Vukovije, Municipality of Kalesija, which is located nearby the complainant's house. The complainant addressed the Cantonal Inspections Administration of Tuzla Canton several times, requesting an inspection control. The cantonal labour inspector in charge of health and safety protection carried out the control and issued a Decision⁸¹ prohibiting the legal person "Ramfej" d.o.o to use equipment which did not meet the prescribed safety conditions, which was not a solution of the complainant's problems. The Ombudsman Institution holds that an adequate environmental protection is extremely important for human well-being and enjoyment of basic human rights, including the right to life. The state is obligated, through its competent authorities, to protect both values. Ombudspersons have issued a recommendation⁸² to the Cantonal Inspections Administration of Tuzla Canton to continuously monitor the work of the Sawmill „Ramfej“ d.o.o. in Donje Vukovije without prior announcements. The recommendation was not complied with.

The state is also to unconditionally ensure the right to property, which includes its free enjoyment and protection.

Ombudspersons underline that the administrative procedure is a mechanism which enables realization of multiple rights: the right to property, home, public documents, to social and health protection.

Administration bodies are to act strictly in accordance with the law, taking into account the implementation and protection of citizens' rights, and to professionally and efficiently respond to their requests in that regard. The administration bodies are to consistently act upon citizens' requests within

77 Article 261 paragraph 4 of the Law on General Administrative Procedure

78 P-726/15 of 14 December 2015

79 Letter of the Police station Teslić, no. 11-1/01-290.5-1/16 dated 20 January 2016

80 Ž-BR-05-156/15

81 Cantonal inspector for the area of labor protection/health and safety, no. 17/4-IV-34-003225/14 dated 3 April 2014

82 P-263/15 dated 14 December 2015

the scope of their legally defined competencies, while respecting legitimate and reasonable expectations of the citizens. If there are objective and decisive reasons for different treatment, they must be explained.

In the Ombudspersons' opinion, the fact that an administration body does not have sufficient human resources, premises or equipment, must not be an obstacle in the implementation and protection of citizens' rights. The administration body must take appropriate measures and provide resources required for the effective performance of its functions.

Applicable regulations and principles of good administration require institutions to act and promptly take measures within their jurisdiction. The standard of good governance does not allow inaction and passivity, but requires an active, engaged attitude of the authority in respect to performing tasks from its mandate and performance of their duties in accordance with law, in order to achieve the purpose for which the authority was granted public powers.

Ombudspersons conclude that non-performance of duties and activities within the competence of administration bodies results in creation of legal uncertainty, which aggravates the legal position of citizens and leads to violation of their rights.

5. STATUS ISSUES OF CITIZENS

5.1. Introduction

Rights holders are natural and legal persons, who hold certain rights and obligations. Natural persons acquire legal capacity at birth and lose it at the time of death (provided that it can be limited under the conditions and in the manner prescribed by law), while legal entities acquire or lose legal capacity by entry into the court registry or deletion from it.

Activities of the Ombudsman with regard to status issues of citizens are focused on the legality of entry of birth, death, citizenship, conclusion of marriage etc. into the registry books. These were the most frequent subjects of citizens' complaints submitted to the Ombudsman in 2015.

Provisions of the Law on Registry Books⁸³ provide that registry books shall include data on personal status of the citizens, facts related to birth, citizenship, conclusion of marriage and changes to those data as prescribed by the Law. In Bosnia and Herzegovina, a unified structure of the electronic registry book database is kept by the municipal services in charge of maintaining registry books according to the provisions of relevant laws.

Competent bodies in the framework of their legally defined mandate are obliged to keep registry books and to issue public documents (certificates and excerpts) with accurate data that had been entered into these books.

83 Law on Registry Books of the RS, ("RS Official Gazette", no.20/05 and 145/14, the Law on Registry Books of FBiH, "FBiH Official Gazette", no.37/12 and 80/14 and the Law of Registry Books of Brčko District of Bosnia and Herzegovina ("Official Gazette of Brčko District of Bosnia and Herzegovina", no. 58/11

Complaints processed in 2015 indicate that competent bodies often make mistakes and issue documents with erroneous data, and that errors in the registry books or in issued documents mostly relate to citizens' personal data (for example, name, surname, date of birth, unique ID number, gender etc.), which results in issuing documents with incorrect data to citizens that cannot be used in legal transactions.

Ombudspersons note that there is no willingness on the part of the responsible bodies to efficiently and self-initiatively correct mistakes, or to respect legally provided deadlines. Due to these omissions, citizens through no fault of their own suffer consequences of the public bodies' inefficiency and inaccuracy, which negatively impacts the implementation of their rights and interests related to daily use of public documents within the legal system.

"... The party should file a request to this office for correction of data in the citizenship registry book and for correction of the birth date in the birth registry. A decision in this matter will be adopted in summary proceedings.

"Following the data correction in the registry of citizenship based on such decision, the party's surname will be entered as written in the birth registry and as used by the party."⁸⁴

Ombudspersons think that administrative bodies keeping the registry books and issuing the excerpt from it, have the obligation to provide a successful and quality enjoyment of rights and implementation of interests of physical and legal bodies, to redress consequences of possible mistakes in the most efficient manner and to inform citizens of their rights to use appropriate legal remedies and complaints in case of errors made by the public bodies.

Also, competent bodies are obligated to draw citizens' attention to errors and omissions if found in submissions and documents, and to enable their correction as soon as possible.

In cases involving issuance of decisions on citizens' requests for issuing certificates or for correction of errors, the Ombudsman Institution considers it absolutely unacceptable to keep such requests "in a drawer" even after the expiration of the legally prescribed deadline for deciding on such requests, or to reply to them by a letter or a notice only after the Ombudsman's insistence. The fact that civil servants neither bear responsibility nor get sanctioned for their failure to act or make decisions mistakes particularly raises concerns.⁸⁵

Ombudspersons conclude that citizens should not undertake to solve a problem they did not cause. On the contrary, it is the task of administrative services that are to respect the established principles of the administrative procedure and to self-initiatively correct errors in their work or decisions when they observe them, and to efficiently and promptly act upon requests of citizens and not only after the Ombudsman's intervention or upon the Ombudsman's request.⁸⁶

84 Ž-BL-05-428/15, reply of the City of Bihać no. 07/1-13-4859/15 dated 10 August 2015

85 Ž-BL-05-618/14

86 Ž-BL-05-540/15 and Ž-BL-05-428/15 Ž-BI-05-554/15

The question is whether these errors would have been corrected had the citizens not asked for help and had the Ombudsman not intervened. There is also the issue of additional financial costs borne by the citizens in case of issuance of new documents with corrected data, which is why the Ombudsman highlights the need for continuous training of civil servants on principles of administrative proceedings.

A number of complaints of citizens registered by the Ombudsman in 2015 were linked to the acquisition of citizenship. These complaints were primarily related to entry of citizens into citizenship registry books. In these cases, the Ombudsman emphasizes the need for the responsible authorities to keep the process of decision making on requests for citizenship within the legally prescribed deadlines and to apply provisions of the Law on Citizenship.⁸⁷

Example: A complainant⁸⁸ is born in Bihać, and has a registered residence in Bijeljina. During the replacement of the ID card she was informed that it is not possible to check out her personal data in the Registry Office in Bihać because the books were destroyed during the war. The Registry Office in Bihać made a subsequent entry into the Birth Registry, but refused to make the similar entry into the Citizenship Registry, explaining that the citizenship entry should be made at the place of her current residence. The complainant addressed the Citizenship Registry in Bijeljina with a request to have her citizenship registered, but they also refused her request. The complainant claims that it has been more than a year that she is without her personal documents. Ombudspersons issued recommendations to the Ministry of Civil Affairs of Bosnia and Herzegovina – Citizenship and Travel Documents Department, to the Federal Ministry of Interior, and to the Citizenship Registry Office Bihać, to take efficient measures in a coordinated manner without further delay and in accordance with applicable regulations in order to enter the complainant into the Citizenship Registry of Bosnia and Herzegovina. The Ombudsman received a reply of the City of Bihać – the Mayor, General Administration and Economy Department which reads: *“By a Decision no. 07/1-13-3517/15 dated 13 July 2015, a subsequent entry of the citizenship of Bosnia and Herzegovina and of the Federation of Bosnia and Herzegovina into the Birth Registry for G. N. was approved, and the Decision was sent to the requesting party on 15 July 2015.”*

One of the positive examples is an action of the Municipality of Zvornik which, following the Ombudsman’s intervention⁸⁹ made necessary corrections in the Citizenship Registry and furnished the Ombudsman with a copy of the corrected Citizenship Certificate of the complainant.

Recommendation to all registry offices in Bosnia and Herzegovina to:

- **Maintain authenticity and accuracy of data and to employ utmost efforts to facilitate correction of possible mistakes found in registry books and public documents so that citizens do not suffer consequences, in accordance with relevant legislation;**
- **Ensure continuous training of civil servants on administrative procedure principles.**

87 Law on Citizenship of BiH (“Official Gazette of BiH no. 4/97, 13/99, 41/02, 6/03, 14/03, 82/05, 43/09, 76/09 and 87/13, the RS Law on Citizenship (“RS Official Gazette”, no. 35/99, 17/00, 64/05, 58/09 and 18/10 and the Law on Citizenship of FBiH (“Official Gazette of the FBiH”, no. 43/01, 22/09 and 80/11

88 Ž-BR-05-105/15, P- 132/15

89 Ž-BL-05-540/15

5.2. Establishment of a single civil registry in Bosnia and Herzegovina

Owing to the efforts of competent entity ministries, a single civil registry was established, which enables citizens to obtain excerpts from the registry books within an entity irrespective of their current place of residence. Ombudspersons support this activity because the current situation where citizens can obtain necessary excerpts from registry books in the nearest office in their entity of residence is very important and means that they can exercise their status rights much more quickly and more efficiently. This is an important step forward, which largely facilitates obtaining of public documents and at the same time decreases the costs.

According to the Ombudsman Institution's findings, it was planned for the Civil Registry of Republika Srpska to be unified with the Civil Registry of the Federation of Bosnia and Herzegovina. This would enable citizens to obtain necessary public documents on the entire territory of Bosnia and Herzegovina, but it has not been implemented yet.

Recommendation to the Ministry of Civil Affairs of Bosnia and Herzegovina to:

- **Take necessary measures in order to unify electronic systems and databases in the entire territory of Bosnia and Herzegovina.**

6. POLICE

6.1. Introduction

Police should be a guarantor of public safety in Bosnia and Herzegovina.

The role of the police is to maintain public safety and order, to protect fundamental rights and freedoms of citizens, prevent and combat crimes, and to provide assistance to citizens.

In 2015, 135 complaints were received, indicating that police members often go beyond the limits of their legal powers, that the internal control system which is in place often only has a formal role and that there is no efficient mechanism of control over the work of the police bodies.

6.2. Complaints against police officers

Complaints⁹⁰ about the work of the Office for Public Complaints, that is, of the Professional Standards Unit should be particularly emphasized. The Unit formally conducts proceedings upon citizens' complaints, but in most cases they find that the complaints are unfounded or that there is no evidence. Citizens receive a notification about a conducted internal investigation without the possibility to use legal remedies.

Example: A complaint⁹¹ was lodged to the Ombudsman about bodily injuries inflicted by officers of the Ministry of Interior of Tuzla Canton, Police Office of Živinice. Ombudspersons issued a recommendation to the Ministry of Interior of Tuzla Canton and the Police Office of Živinice to ensure that actions of their officers are in accordance with the applicable regulations, guided by the principles of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

90 Ž-SA-05-813/15, Ž-SA-05-796/15, Ž-SA-05-229/15, Ž-SA-05-295/14

91 Ž-BR-05-172/14,P-163/15 dated 31 July 2015

and respecting the rights of all citizens of Tuzla Canton and of the Municipality of Živinice guaranteed by the Constitution of BiH. During the course of the implementation of⁹² this Recommendation, the Ombudsman Institution received the following reply from the responsible body:

"Acting upon your Recommendation no.: P-163/15, we have taken additional measures and actions for the protection of personal safety and property of every citizen within the area of responsibility of the Police Station of Živinice, that is, the Ministry of Interior of Tuzla Canton. The Police Office of TC adopted the Code of Ethics of Police Officers of the Ministry of Interior of Tuzla Canton no.: 08-01-02.2-353/15 dated 17 November 2015, which sets out the standards and rules of behaviour of police officers of the TC Police Office, aiming at the promotion of proper behaviour that is expected from police officers and defining methods for fulfilment of their duties.

Chapter 2 of the aforementioned Code of Ethics entitled "Relationship with citizens and duties of police officers"; sets out precise guidelines for conduct of the police officers toward citizens when performing their duties foreseen by the Law on Police Officers. At staff meetings, police officers were reminded about their obligation to respect the aforementioned Code, to respect human rights and fundamental freedoms guaranteed by the Constitution of BiH, and to respect human dignity in all interactions with citizens, guided by principles enshrined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment."

Ombudspersons will keep following the implementation of the Code of Ethics on the territory of Tuzla Canton, although it raises the issue of the existence of similar mechanisms in other police structures. It is therefore necessary to conduct a comprehensive analysis at all levels of functioning of internal control committees within the police bodies and of the existence of legal documents governing this issue.

At the end of 2015, Ombudspersons had a meeting with the Minister of Interior of Republika Srpska in Banja Luka⁹³ and discussed possibilities for co-operation, and highlighted the need for the Ombudsman Institution to prepare a human rights manual to be used for permanent training of all police structures and to be taught at police academies.

Recommendations to the Ministry of Interior of the Federation of BiH, the RS Ministry of Interior, Police of Brčko District of BiH, ministries of interior of all cantons to:

- **establish and improve the independence of internal control structures within the police**
- **ensure the existence and functionality of two instances in proceedings conducted upon complaints of citizens against actions of police officers**
- **ensure systematic and continuous training of police officers in human rights**

92 The Ministry of Interior of Tuzla Canton, Police Office of Živinice, Police Station of Živinice no: 08-05/6-2-05.3-11146/14 dated 12 December 2015

93 Banja Luka, 16 February 2015

6.3. Complaints lodged by police officers

In the reporting period, Ombudspersons also acted on complaints of police officers pertaining to promotion procedures, status issues, exercising of the right to pension etc.

Example: A complaint⁹⁴ filed by a group of police officers was about the procedure for promotion of police officers from the rank of a “senior police officer” to the rank of an “inspector” in the Ministry of Interior of Sarajevo Canton, after the Commission for Promotions published a list of police officers promoted from a “senior police officer” to an “inspector” based on the Commission’s decision no. 02/PK-1-701-228/15 dated 21 January 2015. Following investigation, the Ombudsman Institution issued a Recommendation⁹⁵ to the Ministry of Interior, recommending them to review the procedure and rules governing promotions of police officers.

The Ministry of Interior of Sarajevo Canton⁹⁶ informed the Ombudspersons that their recommendation was considered, but that they did not establish any facts that would indicate a need for amending the applicable procedures and rules.

Example: Complaints⁹⁷ by a group of police officers of the Border Police of BiH and of the Trade Union of the State Investigation and Protection Agency / SIPA allege that the new Law on Pension and Disability Insurance in Republika Srpska, which entered into force on 01 January 2013, put more than two hundred police officials of Serbian ethnicity, members of SIPA, Border Police of BiH, and the Directorate for Co-ordination of Police Bodies in BiH residing in Republika Srpska, whose contributions are paid to the account of the Pension and Disability Insurance Fund of Republika Srpska in unequal and discriminated position.

The Ombudsman Institution conducted investigation and established that police officials residing in the Federation of BiH, upon termination of employment once they fulfil conditions provided for in Article 119 of the Law on Police Officials of BiH⁹⁸ and in Article 30 of the Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina⁹⁹ in respect of working experience, are entitled to a pension if they meet one of the prescribed conditions (years of service). On the other hand, police officials residing in Republika Srpska, when they complete the required years of service, are not entitled to a pension since the Law on Pension and Disability Insurance of Republika Srpska also stipulates

94 Ž-SA-05-86/15

95 P-129/15 dated 26 May 2015

96 Document of the Ministry of Interior no. 02/PK-34-1-1979/15 dated 2 July 2015

97 Ž-SA-06-1070/14, Ž-SA-06-241/15 P-90/15 dated 26 March 2015

98 The Law on Police Officers of BiH, Article 119 paragraph 1 Item 3 reads as follows: “A police officer shall terminate his/her employment and automatically lose the police officer status in the following cases (3) Reaching the age of sixty five (65) and the legally prescribed number of years of contribution to the pension fund, or forty (40) years of contribution to the pension fund;

99 The Law on Pension and Disability Insurance of the FBiH, Article 30 “An Insured party shall be entitled to old age pension when s/he reaches the age of 65 and completes at least 20 years of pension insurance. The insured party shall be entitled to old age pension when s/he completes 40 years of pension insurance irrespective of the age.”

the age requirement.¹⁰⁰ Ombudspersons recommended the Chairman of the Council of Ministers of Bosnia and Herzegovina, the Ministry of Civil Affairs of BiH, the Prime Minister of Republika Srpska and the director of the Pension and Disability Insurance Fund of Republika Srpska to take measures within the scope of their mandate to harmonize legislation governing termination of employment and the implementation of rights based on pension insurance of police officers.

A reply¹⁰¹ of the Ministry of Civil Affairs of BiH to the Ombudsman Institution reads as follows: *"In accordance with its coordinating role in the area of pension and disability insurance, having in mind the exclusive competence of the entities in this field, the Ministry of Civil Affairs of BiH prepared an official Information to the Council of Ministers of BiH, including the draft conclusions related to the Recommendation of the Human Rights Ombudsman no. P-90/15, dated 26 March 2015 pertaining to the incompatibility of legislation in the area of pension and disability insurance The Council of Ministers considered and adopted this Information on their session of 6 December 2015, and, in accordance with the Ombudsman's Recommendation, called on the competent authorities at all levels to take activities aiming at the implementation of this Recommendation (attached is the Document of the Council of Ministers of BiH no. 05-07-1-2571-8/15, dated 7 October 2015)..."*

The Information on the above conclusion of the Council of Ministers of BiH was forwarded by the Ministry of Civil Affairs of BiH to the Government of Republika Srpska and to the Pension and Disability Insurance Fund for further procedure."

100 **The RS Law on Pension and Disability Insurance** Article 42 paragraph 1.: *"An insured party who has not reached the age of 65 shall be entitled to old age pension when s/he reaches **60 years of age and completes 40 years of pension insurance**", and paragraph 2 reads: "An insured party who has not reached the age of 65 shall be entitled to old age pension when s/he reaches 58 years of age and completes 35 years of insurance". Article 43 paragraph 1 of the Law reads: **"For an insured party who completes the full insurance term with extended duration, the age limit required for realization of the right to pension under Article 41 thereof shall be lowered by the total extension of years of service**, and paragraph (2) reads: *"The extended duration is the difference between the totally established insurance period with extended duration and the effective insurance period for the same time period"*, and **paragraph 3 reads; "Age limit from paragraph 1 of this Article can be lowered down to the age of 55.***

101 Document of the Ministry of Civil Affairs of BiH, no. 07-12-895-3-LIM/15, dated 22 October 2015

IV. ECONOMIC AND SOCIAL RIGHTS

1. INTRODUCTION

The European Social Charter (revised), signed by Bosnia and Herzegovina on 11 May 2004 and ratified on 7 November 2008 protects the following rights: the right to work, the right to fair working conditions, the right to safe and healthy working conditions, the right to a fair remuneration, the right to organize, the right to collective bargaining, the right of children and young persons to protection, the right of employed women to protection, the right to vocational guidance, the right to vocational training, the right to health care, the right to social security, the right to social and medical assistance, the right to use social welfare services, the right of persons with disabilities to independence, social integration and participation in community life, the right of the family to social, legal and economic protection, the right of children and young persons to social, legal and economic protection, the right to engage in gainful occupation in the territory of the other contracting parties, the right of migrant workers and their families to protection and assistance, the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on grounds of sex, the right to information and consultation, the right to participate in determining and improving working conditions and working environment, the right of the elderly to social protection, the right to protection in the event of termination of employment, the right of workers to protection of their claims in the event of insolvency of the employer, the right to dignity at work, the right of workers with family responsibilities to equal opportunities and equal treatment, the right of workers' representatives to protection in undertakings and the right to be afforded appropriate facilities to carry out their functions, the right to information and consultation in procedures of collective dismissal, the right to protection against poverty and social exclusion, the right to housing. It should be noted that the Charter left the option to the signatory states to express reserves, that is, not to ratify some articles. Bosnia and Herzegovina does not consider itself bound by 12 articles¹⁰².

Having in mind the aforementioned rights of the vulnerable categories, Ombudspersons point to the wide area of their activities aimed at the protection of these rights.

During 2015, the Ombudsman Institution registered 698 complaints pertaining to violation of economic, social and cultural rights. Compared to 2014, when it received 682 complaints, it is evident that the number of complaints of citizens has increased, which is not surprising given the poor economic and social conditions in the country.

Ombudspersons indicate that economic and social rights are progressive rights. When fulfilling obligations on this ground, states enjoy a degree of discretion in selecting the means of their fulfilment, depending on the specific political, economic, social and cultural circumstances¹⁰³. Most of the economic, social and cultural rights can be fully implemented only in a gradual manner, which does not change the state's obligation to enable the implementation of these rights¹⁰⁴.

¹⁰² Articles 3, 10, 15, 18, 19, 24, 25, 26, 27, 29 and 31 of the European Social Charter

¹⁰³ Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights and the Maastricht guidelines on the violation of economic, social and cultural rights, which were developed by prominent experts in international law and by the International Commission of Jurists, the Faculty of Law of the University of Limburg (Maastricht, The Netherlands) 1986

¹⁰⁴ OSCE *Traininf Manual "Human Rights for Social Workers in Theory and Practice"*

2. THE RIGHT TO WORK

The right to work is guaranteed by the Universal Declaration of Human Rights¹⁰⁵, the International Covenant on Civil and Political Rights¹⁰⁶ and other documents governing this area, which guarantees everybody the right to work, to free choice of occupation, fair and satisfactory work conditions, to the protection in case of unemployment, and the right to equal pay for equal work.

Work is directly related to human dignity and one's need to participate in social life through work, but it is important to emphasize that the legal formulation of "the right to work" does not imply a guarantee of this right. Unemployment is a phenomenon faced by every country in the world to a greater or lesser extent and it is almost impossible to achieve absolute employment in the territory of a state. **Therefore, the right to work should be viewed in terms of the right to equal access to work**, and that there is an obligation of the states - parties to international instruments to take concrete steps in order to enable achievement of this right.

Last year was marked by the intention to carry out the labor legislation reform. During 2015, new labour laws were adopted in the Federation of BiH and the RS, which was initiated without broad public consultations. Both laws were adopted in urgent procedure, which raised the issue of transparency of the adoption procedure.¹⁰⁷ Ombudspersons are aware of the need to regulate this area in order to meet conditions for the accession to the European Union, but they emphasize that at the same time mechanisms used to supervise and monitor the implementation of reform processes should be strengthened, since there is a serious concern about potential gross violations of human rights.

A comparative analysis of the Labour Law of the Federation of BiH and the RS Labor Law shows that the new laws bring more technical and formal improvements, along with some substantial changes which, on the one hand, provide greater protection to workers, and on the other hand they provide some flexibility to employers in regulation of some employment rights issues. In essence, both laws provide the same solutions. Some of the most important changes introduced by the new Labour Law of the Federation of Bosnia and Herzegovina are: the new Law for the first time addresses the issue of mobbing in FBiH labour legislation, it extends the duration of fixed-term employment contracts from two to three years, reduces the total number of working hours, and prescribes a maximum working week of 48 hours, which is consistent with relevant EU directives and practices from the region, introduces the possibility of engaging board members without entering into employment contracts, and when these persons do conclude an employment contract, they do not enjoy the same level of protection of their rights as the other workers. The new Labour Law of the RS increases the minimum number of days of paid annual leave from 18 to 20 and introduces a maximum of 30 working days of annual leave. Furthermore, the Labour Law of the Federation of Bosnia and Herzegovina defines that the total pay consists of a basic salary, a part of the salary based on performance and a salary increase in accordance with the law, which is a significant change because it introduces performance incentives. Both

105 Article 23 of the Universal Declaration of Human Rights

106 Article 6 of the International Covenant on Civil and Political Rights

107 Decision of the Constitutional Court of the Federation of BiH no. U-29/15 dated 17 February 2016 established that the FBiH Labor Law was adopted in violation of the Rules of Procedure of the House of Peoples of the Parliament of the Federation of BiH and returned it for a renewed procedure.

laws stipulate that, in case of violation of labour rights, a worker must first contact the employer before filing a lawsuit, which should reduce the number of labour disputes before the competent courts; the laws stipulate the duration of collective agreements for a maximum period of three years.

Ombudspersons indicate the need for an improvement of quality and efficiency of the existing institutional mechanisms (inspections) in order to ensure the protection of labour rights and safety at work.

The most common reasons for addressing the Ombudsman in 2015 were: irregularities in recruitment procedures following public vacancy announcements, illegal work/failure to register employees at pension and disability insurance funds, and failure to pay legally prescribed contributions into the pension, disability and health insurance funds, as well as the unemployment insurance, unpaid overtime, inability to settle workers' claims following bankruptcy proceedings, non-enforcement of court judgments in labour disputes (involving payment of arrears, return to work) during a company liquidation.¹⁰⁸

Recommendation to the competent ministries:

- **Together with labour inspections, analyze necessary measures to improve and secure the implementation of the international standards in the protection of workers' rights both in legislation and practice;**
- **Strengthen capacity of the inspections in order to protect labour rights and labour-related rights. Example:**

A complainant¹⁰⁹ turned to the Ombudsman alleging an abuse of provisions of the Labour Law of the Federation of BiH, because he concluded multiple temporary work contracts with the employer which were renewed following a short break, without public vacancy announcements. Ombudspersons issued a recommendation to the Parliament of the Federation of BiH to adopt amendments to the FBiH Labour Law and the FBiH Law on Public Enterprises and suggested amendments to introduce prohibition of any employment in the public sector without prior public vacancy announcements.¹¹⁰ The Ombudsman Institution was then informed that its initiative for amendments to the FBiH Labour Law was taken into consideration. In the meantime, however, a new Labour Law of the Federation of BiH entered into force, which did not include the amendments proposed by the Ombudsman. As for the initiative for amendments to the Law on Public Enterprises of the Federation of Bosnia and Herzegovina¹¹¹ it is still pending and a reply of the competent body is still expected.

Example: A few complaints¹¹² received by the Ombudsman Institution about a the public competition for the position of an expert associate for representation, legal issues and normative activities within the Health Insurance Institute of Zenica – Dobož Canton. The advert for this public competition included general, special and desirable requirements. The complainants claimed that they had fulfilled all the general and special requirements, but their applications were rejected because some of the required documents were missing. Namely, certificates proving that they possess an *expertise and tech-*

108 Ž-SA-05-210/15

109 Ž-SA-05-269/14

110 P-231/14

111 P-256/14

112 Ž-BL-04-797/14, P-75/15 od 28.2.2015., Ž-SA-04-18/15, P-29/15 dated 4 February 2015

nical skills for electronic processing, that is, Case Management System – CMS to manage court cases were missing, although this requirement was listed in the category of “desirable” ones. **Ombudspersons have found that the defined “desirable” requirements can be taken into consideration in selection of candidates who meet the general and special prerequisites, but it cannot be a disqualifying factor. The Ombudsman** recommended that the selection decision be cancelled and that the final appointment should be made exclusively based on merits and quality criteria.

Example: In 2015, the Ombudsman Institution processed a complaint¹¹³ indicating that there was a violation of rights in the process of selection of candidates for teacher positions at the Tuzla University. The complainant was unable to present an official university transcript because documentation had been destroyed during the war. Instead, she presented the notarized statement of the relevant facts, which, pursuant to Article 4 of the Law on Notaries of the Federation of BiH¹¹⁴ has a probative value, but it was not accepted. Without her fault, the complainant was unable to exercise her rights, which put her in unequal position although she met all the requirements. “...*Only a decision by a court with subject-matter and territorial jurisdiction issued in non-contentious proceedings is acceptable as evidence of the fulfilment of requirements and can replace the original document...*”¹¹⁵

Ombudspersons issued a recommendation to the Tuzla University, which was fully complied with: “...*The Dean of the University has distributed recommendations issued by the Human Rights Ombudsman Institution to all the scientific and teaching councils of the faculties/academies as qualified bodies in charge of proposing candidates for scientific and teaching positions following public vacancy announcements for further actions and implementation in the ongoing and future competition procedures. According to the feedback from the Faculty, the Selection Committee of the Faculty of Technology has made necessary steps to enable access to all the candidates under equal conditions in the procedure of establishing a list of qualified candidates.*”¹¹⁶

Example: A complainant¹¹⁷ applied for a position of an expert associate for pre-school and primary school education at the Ministry of Education, Science, Culture and Sports of Tuzla Canton. Following the procedure, the complainant achieved the highest score, but the Minister appointed a candidate with the lowest score. Ombudspersons issued a recommendation¹¹⁸ to the Civil Service Agency of the Federation of BiH to amend Article 3 of the Rulebook on uniform criteria, rules and procedures for selection and appointment of the civil servants in the civil service of FBiH¹¹⁹ and to rephrase it as follows: “Head of the civil service authority, having previously obtained the opinion of the Agency, shall appoint the most successful candidate from the list of successful candidates”. The Civil Service Agency¹²⁰ sent the following letter to the Ombudsman:

113 Ž-BR-04-149/15, P-160/15

114 The Law on Notaries of the Federation of BiH (“FBiH Official Gazette”, no. 45/02

115 Conclusion of the University of Tuzla Senate no.:03-2521-12/15 dated 6 May 2015

116 Document of the Tuzla University no.: 01-7357-1/15 dated 14 December 2015

117 Ž-SA-04-454/15

118 P-138/15 dated 24 August 2015

119 Rulebook on uniform criteria, rules and procedures for selection and appointment of the civil servants in the civil service of FBiH, Article 3 provides the following: “*Head of the civil service authority, having previously obtained the opinion of the Agency, shall appoint a candidate from the list of successful candidates whom s/he believes would be the best in performance of duties for the vacant position, pursuant to the provisions of Article 61 of the Law on Civil Service of the Federation of BiH.*”

120 Document of Civil Service Agency of the Federation of Bosnia and Herzegovina no. 05-10-1-212/15 dated 9 October 2015

... Therefore, in light of the above Instruction and Order, we would like to inform you about the following:

Article 31 paragraph 1 of the Law on Civil Service of the Federation of BiH, "FBiH Official Gazette", no. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 and 04/12" stipulates that "The appointment of a civil servant shall be carried out by the head of the competent civil service authority, upon the prior opinion obtained from the Agency, from the list of successful candidates who have passed the open competition.

.... We think that the amendment of Article 3 of the Rulebook which you proposed is only possible with previous amendment of Article 31 paragraph 1 of the Law on Civil Service of the Federation of BiH."

The Ombudsman Institution then sent an **Initiative**¹²¹ **for amendments to Article 31 paragraph 1 of the Civil Service Law of the Federation of BiH**,¹²² to the Parliament of the Federation of BiH. The Article reads as follows: *"The appointment of a civil servant shall be carried out by the head of the competent civil service authority, upon the prior opinion obtained from the Agency, from the list of successful candidates who have passed the open competition".* No reply was received.

2.1. Severance pay in Republika Srpska and in the Federation of Bosnia and Herzegovina

The Ombudsman Institution still receives complaints from persons¹²³ who meet requirements under Article 143 of the Labour Law of the FBiH and Article 152 of the RS Labour Law, that is Article 182 of consolidated Labour Law of the RS¹²⁴ who were employed on 31 December 1991 and who addressed their former employers within the legally prescribed deadline seeking the establishment of their previous employment status, since they did not conclude a new work contract in the meantime. According to decisions of commissions in charge of the implementation of Article 143 of the Labour Law of the FBiH and Article 152 of the RS Labour Law, that is, Article 182 of consolidated RS Labour Law, they were recognised the status of employees "on a waiting list". However, their former employers never followed the aforementioned decisions. Although their employment has been terminated and they are entitled to severance pay, this right was denied to them and they never received such payments.

Ombudspersons asked the relevant Commission for the Implementation of Article 143 of the Labour Law of the Federation of BiH to provide statistical data on received requests for severance pay and the number of resolved requests. However, no data were furnished.¹²⁵

121 P-288/15 dated 28 December 2015

122 Law on Civil Service of the Federation of BiH, "FBiH Official Gazette", no. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 and 04/12

123 Ž-SA-05-358/15, , Ž-BL-04-753/15

124 Labor Law of Republika Srpska ("RS Official Gazette", no. 55/07

125 In 2012, Ombudspersons recommended the FBiH Ministry of Labour and Social Policy in their Recommendation no. P-05/12 to take activities and measures in order to ensure institutional protection and enjoyment of rights guaranteed under Article 143 of the Labour Law. Ombudspersons have never received any feedback from the competent authorities. In this concrete case, the recommendation was not followed and co-operation was not established with the relevant ministry or the Government of the Federation of BiH.

The Commission for the Implementation of Article 182 of the RS Labour Law provided the Ombudsman with the following information:¹²⁶

“...“

1. *From 16 November 2000 to 16 February 2001, this Ministry registered 58 658 requests for severance pay;*
2. *The aforementioned requests are handled by a Commission appointed by the Minister of Labour, which consists of a chair and four members;*
3. *Since the beginning of its work till 31 December 2015, the Commission resolved as many as 31 499 requests, while 27 159 requests are pending;*
4. *The resolving pace is limited by a large number of complaints received in three months which a commission defined by the Labour Law cannot resolve, although it has defined quotas;*
5. *Case resolution rate is impeded by the fact that a large number of requests do not comprise necessary documentation and the Commission has to take several actions to have the documentation completed, which is time consuming and sometimes takes several months (most of the requesting parties live abroad);*
6. *According to data available to the Ministry, as of 31 December 2015, severance was paid to as many as 7 254 persons, while 10 351 persons still wait to get paid...“*

Recommendation to the Ministry of Labour and Social Policy of FBiH and the Ministry of Labour, War Veterans and Disabled Persons' Protection of Republika Srpska:

- **To take necessary activities and measures to enable enjoyment of the rights arising from Article 143 of the Labour Law of the Federation of BiH and Article 182 of the consolidated Labour Law of Republika Srpska both in the Federation of BiH and in Republika Srpska.**

2.2. Management and supervisory boards

Ombudspersons emphasize the *need to review and establish whether there is proper justification for the existence of management and supervisory bodies in public institutions*. This opinion of the Ombudsman Institution resulted from an widespread practice of neglecting the principle of legality in the process of appointing management bodies in public institutions. Moreover, significant financial resources have to be allocated for funding the work of these bodies. In this regard, the Ombudsman Institution addressed the Parliamentary Assembly of BiH, the FBiH Parliament, the National Assembly of Republika Srpska and the Assembly of Brčko District, asking them to examine if the existence of management and supervisory boards in public institutions is justified.¹²⁷

¹²⁶ Document of the Ministry of Labor, War Veterans and Disabled Persons' Protection no. 16-126-95-3/15/BH dated 18 January 2016

¹²⁷ Under provisions of Article 32 paragraph 4 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina

The Law on Ministerial Appointments, Appointments of the Council of Ministers and Other Appointments in BiH, the FBiH Law on Ministerial, Government and Other Appointments and the RS Law on Ministerial, Government and Other Appointments authorize the Ombudsman Institution to carry out the independent monitoring of the implementation of the rule of law in this area. While processing cases related to government and ministerial appointments, Ombudspersons noted that changes in power structures automatically result in changes in the management structures of regulated bodies. By imposing the laws, the High Representative in Bosnia and Herzegovina wanted to eliminate the practice of appointing persons without proper qualifications, or persons in conflict of interest as members of management and supervisory boards of public enterprises and institutions, as well as government bodies, which creates prerequisites for the development of corruption and leads to numerous public affairs involving the appointment of incompetent people based on political party affiliation. In such atmosphere, the role of management or supervisory boards loses its meaning and one gets the impression that their only job is to hear reports of management bodies.

Recommendation to the legislative authorities at all levels in Bosnia and Herzegovina:

- **To review and analyse whether the existence of management and supervisory boards within the public institutions is justified.**

Example: A complaint¹²⁸ was lodged about the procedure of selection and appointment of Supervisory Board members of the Public Company "Waterworks and sewerage" Ltd. Zenica (JP "Vodovod i kanalizacija" d.o.o. Zenica) upon the *Public announcement of the selection of the Supervisory Board members of the JP "Vodovod i kanalizacija" d.o.o. Zenica* published on 17 December 2014. The complainants claimed that this procedure was not carried out with full observance of principles established in the Law on Ministerial, Government and Other Appointments of the Federation of Bosnia and Herzegovina¹²⁹. Following the conducted investigation, the Ombudsman Institution found that it is unclear: how the Selection Commission established the ranking list of candidates since the candidates had never been scored, based on what criteria was the selection done and how did they determine whether candidates meet the specific requirements specified in the announcement, among other things whether they possess any knowledge in the field of functioning and organization of utility companies.

Ombudspersons issued a Recommendation¹³⁰ to Zenica City Administration to cancel its Decision on Appointment of the Supervisory Board of the JP "Vodovod i kanalizacija" d.o.o. Zenica and to take necessary measures to ensure that the appointment be carried out with full observance of the principles and procedures established in the Law on Ministerial, Government and Other Appointments of the Federation of Bosnia and Herzegovina.

The Mayor of the City of Zenica submitted a reply¹³¹ to the Recommendation of the Ombudsman, which reads as follows:

128 Ž-SA-05-211/15, Ž-SA-05-212/15

129 "Official Gazette of the FBiH", no. 12/03, 34/03 and 65/13

130 P-182/15

131 Document issued by the Mayor of the City of Zenica, no. 02-14-3598/15 dated 16 September 2015

...Establishment of the ranking list of candidates falls within the full discretion of the Commission, but the Mayor can decide otherwise and only in such a situation s/he must provide an explanation. In concreto, the Commission has conducted a transparent procedure and established a shortlist of candidates using its discretionary powers. There were no violations of the rules or the rights of participants in this public procedure. The majority of successful candidates who were not appointed always find a reason to complain...

Therefore, there is no proper justification for cancellation of the Decision on Appointment of Supervisory Board of the JP "Vodovod i kanalizacija" d.o.o. Zenica ..."

3. THE RIGHT OF WOMEN TO MATERNITY LEAVE COMPENSATION

In 2014, upon the initiative of the House of Representatives of the Parliament of the Federation of BiH¹³², the Ombudsman Institution developed a special report on situation regarding the protection of mothers and maternity for purposes of the Government and the Parliament of the Federation of BiH. Once the required materials were collected and analysed, the Special Report was published in October 2015.

The Report presents the situation regarding maternity protection from financial aspect in the Federation of BiH, and provides competent bodies with recommendations on optimal solutions and possible financial solutions for the maternity leave compensation and child allowance.

Analyzing the amounts determined by cantonal regulations, Ombudspersons expressed concern in the Special Report because the cantons in the Federation of Bosnia and Herzegovina applied different approaches in regulating the maternity leave compensation. In this regard, the Ombudsman Institution concluded that, although different solutions are possible in accordance with the Constitution of the Federation of BiH and the constitutions of the cantons because of shared responsibility for determination of different levels of compensations, current solutions do not provide for a consistent application of the principle of equality before the law, especially in cantons that did not provide the minimum standard according to which a maternity benefit should amount to 66% (two-thirds) of the woman's previous income.¹³³

Ombudspersons found that the rights granted by the Labour Law of the Federation of BiH¹³⁴ ensure the implementation of the international human rights standards in the field of maternity and mother protection to a large extent. However, Ombudspersons call on the competent bodies to:

- Harmonize a part of the Labour Law to define maternity leave as an exclusive right of a mother, and parental right should be defined as the right of both parents;
- The Government of the Federation of BiH and cantonal governments should revisit the solution involving payment of maternity leave compensations instead of a salary during the maternity leave from cantonal budgets, since that right arises from labour relations and employment status and should not be linked to the inflow of funds in the budget;

132 Initiative of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina no: 01-02-507/ dated 30 April 2014

133 2000 ILO Maternity Protection Convention no. 183

134 Labour Law of the FBiH, "FBiH Official Gazette", no. 43/99, 32/00 and 29/03

- Cantons that do not provide the minimum standard pertaining to the amount of maternity leave compensation of at least 66% of the earned salary should ensure consistent application of the principle of equality before the law.

4. THE RIGHT TO PENSION

Complaints registered within the Ombudsman in 2015 pertaining to the right to pension, just as in previous years, were about the length of processing pension applications, second-instance proceedings, failure to make decisions on appeals within the prescribed deadlines, and irregularities in calculation of the pension amount.¹³⁵ Ombudspersons state that in most cases they managed to resolve complaints of citizens immediately after the first contact with a competent body.

A long-standing problem is related to slow procedures of granting the right to pension, especially in cases when the complainant completed required years of service in other countries.¹³⁶ More specifically, it is related to the determination of the proportional part of the pension amount payable by different insurance holders, pursuant to social security agreements concluded between Bosnia and Herzegovina and other countries. Although in concrete cases there is an obligation of official cooperation between the funds/institutes for pension and disability insurance, procedures in practice sometimes last longer depending on the complexity of the process of collecting the documents used as the basis to determine the length of service and for payment of contributions. Working on such complaints, the Ombudsman Institution established a very good cooperation with Ombudsman institutions from countries in the region, which resulted in successful completion of cases.

The Ombudsman Institution registered several complaints¹³⁷ related to unequal treatment of spouses and common law spouses with regard to the enjoyment of the right to a survivor's pension pursuant to provisions of the Law on Pension and Disability Insurance of the Federation of BiH.¹³⁸

In accordance with provisions of the Family Law of the Federation of BiH and the Law on Inheritance of the Federation of BiH, spouses and common-law spouses have equal rights, as a result of harmonization of the underlying law with the international standards and with the Law on Gender Equality of the Federation of BiH. Ombudspersons believe that the Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina should follow trends of social development and progress and ensure the right of common-law spouses to exercise the right to a survivor's pension. According to indicators of the Agency for Statistics of BiH¹³⁹ unemployment rate is higher among women than among men, which means that they would more frequently be holders of this right. The existing solution to this issue puts women in a less favourable position and constitutes indirect gender-based discrimination.

Ombudspersons are aware that proving the existence of a common law marriage is complicated and demanding in certain legal situations, but if the parties are able to demonstrate the continuity of their factual, and not merely a formal union, the implementation of the right to survivor's pension should not be questioned at all.

135 Ž-BL-04-579/14, P-66/15, Ž-BL-05-536/15, Ž-BL-04-685/15, Ž-BR-04-76/15

136 Ž-SA-05-609/15, Ž-SA-04-58/14, Ž-BL-05-536/15, Ž-BL-04-685/15, Ž-BR-04-76/15

137 Ž-SA-06-252/15, Ž-SA-04-258/15

138 The Law on Pension and Disability Insurance of the Federation of BiH, "Official Gazette of the Federation of BiH", no. 29/98,49/00, 32/01,29/03,73/05,59/06 and 4/09

139 "Women and men in Bosnia and Herzegovina", Statistics Agency of BiH, Sarajevo 2013., p. 31 and 32

The Ombudsman Institution submitted an initiative to the Parliament of the Federation of BiH, the Ministry of Labour and Social Policy of FBiH, the Federal Institute for Pension and Disability Insurance, proposing¹⁴⁰ amendments to Article 60 of the Law on Pension and Disability Insurance of the Federation of BiH.

The Federal Ministry of Labour and Social Policy¹⁴¹ informed the Ombudsman that it: “... prepared a draft opinion with regard to the aforementioned initiative, and referred it to the Government of the Federation of BiH on 6 October 2015, to be discussed in their 27th session scheduled for 15 October 2015.”

The Federal Institute for Pension and Disability Insurance informed the Ombudsman¹⁴² about the following:

“...We believe that your initiative furnished neither legal facts nor reasons for the proposed amendment to the Law on Pension and Disability Insurance.

The fact that spouses and common law spouse were granted equal property rights does not mean that they should be equal in other areas of law as well.

In the pension and disability insurance system, a common-law partner was never treated as a family member, nor could s/he be entitled to a survivor’s pension.

This was legally justified and it was in accordance with the European Convention on Human Rights.

In your initiative, you repeatedly refer to the Law on the Prohibition of Discrimination and the Law on Gender Equality, but having in mind the issues that you want to amend with this initiative, we believe that the reference to these laws is unnecessary, because this particular case does not qualify as discrimination. It is a legally regulated right to a survivor’s pension to family members, who, provided that they fulfil other legal requirements, can exercise this right.

... We believe that legislation in this field which does not recognize a common-law partner as a family member who could be entitled to a survivor’s pension does not lead to either direct or indirect discrimination on any of the grounds mentioned in your initiative ...”

Recommendation: to the Parliament of the Federation of BiH, the Ministry of Labour and Social Policy of FBiH, the Federal Institute for Pension and Disability Insurance, the National Assembly of Republika Srpska, the RS Ministry of Labour, War Veterans and Disabled Persons’ Protection, the RS Pension and Disability Fund, and the Assembly and the Government of Brčko District of BiH to:

- **Amend applicable legislation to grant common law spouses with equal rights in pension and disability insurance that have been granted to spouses.**

In the reporting period, the Ombudsman Institution registered a complaint¹⁴³ related to the status of 14 holders of the “Golden Police Star” Decoration from Zenica-Doboj and Una-Sana Cantons who are not on the list of war decoration holders of the Federal Ministry of Interior. The complainant

140 P-134/15 dated 29 June 2015

141 Document no. 04-02/01-1662/15 dated 13 October 2015

142 Document no. FZ1-05-7-992/15 dated 20 July 2015

143 Ž-SA-04-62/15

claims that the Cantonal Administrative Service in Sarajevo stopped the payment of his old-age pension recognized based on a temporary decision of the Cantonal Administrative Service in Zenica, following a review conducted by the Federal Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, specifically by the Group in charge of conscription records in Zenica. The payment was stopped because the review team found that the complainant was not a holder of the "Golden Police Star".

Ombudspersons issued a Recommendation¹⁴⁴ to the Federal Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War and the Federal Ministry of Interior to find a solution for 14 holders of the "Golden Police Star" decoration.

The Federal Ministry of Interior¹⁴⁵ pointed out the following: *"... We would like to inform you that if the war decoration holders from the area of Zenica-Doboj and Una-Sana Cantons or their family members or administrative bodies and other bodies dealing with the rights and duties related to the recognition of the war decoration holders, submit a request for issuance of a War Decoration Holders Certificate by the Ministry of Interior as provided for in Article 9 of the Law on Special Entitlements of Decorated War Veterans and Their Family Members ("Official Gazette of the Federation of BiH", nos. 70/05, 61/06 and 9/10), the Federal Ministry of the Interior will solve the respective requirements in a way, under the conditions and applying procedures prescribed by the Ordinance on Conditions, Procedures and Grounds for Issuance of Certificates to the Decorated War Veterans of the Ministry of Interior (Official Gazette of the Federation BiH, No. 80/11) and other relevant regulations governing this matter."*

5. THE RIGHT TO HEALTH CARE

The European Social Charter (Revised) recognizes the right to health care.¹⁴⁶ Health care issue is governed in Bosnia and Herzegovina in a very complicated way, at levels of the Federation of BiH¹⁴⁷, that is, the cantons and Republika Srpska¹⁴⁸ and the Brčko District of BiH¹⁴⁹ which aggravates citizens' enjoyment of rights in the area of health care due to functional and legislative incompatibilities.

During 2015, the Ombudsman Institution registered 34 complaints in the field of health care, which is by 41,38 % less than in 2014.

Received complaints were related to the exercise of the right to health care, copayment, quality of health care and unprofessional behaviour of doctors toward patients.¹⁵⁰

144 P-37/15 of 21 April 2015

145 Document of the Federal Ministry of Interior, no. 01-07-07/1-49-1-360/15 dated 15 June 2015

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

147 Law on Health Care, "FBiH Official Gazette", no. 30/97, 7/02, 70/08 and 48/11

148 Law on Health Care, "RS Official Gazette", no. 106/09, Law on Health Care, "RS Official Gazette", no. 18/99, 70/01, 51/01, 17/08, 1/09, 106/09

149 Law on Health Care, "Official Gazette of Brčko District of BiH", no. 38/11, Law on Health Insurance of Brčko District of BiH, "Official Gazette of Brčko District", no. 1/02, 7/02, 19/07, 2/08, 34/08

150 Ž-SA-04-954/15, Ž-LI-120/15, Ž-BL-04-354/15, Ž-BL02-118/15

Example: Ombudspersons launched an *ex officio* investigation¹⁵¹ based on information on violation of rights of women suffering from cancer in Bosnia and Herzegovina, due to the lack of a cytostatic drug *Femara*, which occurs in the end and at the beginning of each year, forcing patients to buy the medicine in pharmacies at a very high price.

The investigation procedure¹⁵² of the Ombudsman Institution has revealed a number of weaknesses related to the procurement and availability of medicines which are paid from the Solidarity Fund of the Federation of BiH, based on the Decision on the List of Medicines. The Health Insurance and Reinsurance Institute of the Federation of Bosnia and Herzegovina purchases the listed drugs through public procurement procedures. Despite the timely completion of the public procurement procedures and timely conclusion of necessary purchase contracts, problems occur in the delivery stage¹⁵³ which are beyond direct control of the Institute.

Ombudspersons issued the following recommendations to the Health Insurance and RE-Insurance Institute of the Federation of Bosnia and Herzegovina:¹⁵⁴ to ensure the right to cytostatic drugs funded by the Federal Solidarity Fund to persons suffering from breast cancer, to timely plan and conclude supply contracts for cytostatic drugs, in order to prevent their absence from the market in some periods of the year.

Another problem is related to drugs which are neither registered, nor available in BiH, but are approved by the World Health Organization. These mostly include drugs of second, third or fourth generation for treatment of multiple sclerosis and, according to claims of citizens,¹⁵⁵ it is a therapy that would significantly slow down the progress of illness. Annual level of consumption of such medicines is relatively low, which is why suppliers are not interested in procuring them.¹⁵⁶

As mentioned above, during interviews and in written complaints, citizens often complain about the low level of health care services, poor quality thereof and lack of professionalism in treatment of patients by doctors.

151 Ž-MO-04-61/15

152 Document of the Health Insurance and RE-Insurance Institute of the Federation of BiH no.: 01/I-VII-03-3-861-1/15 dated 7 April 2015

153 Termination of the production of a medicine/cytostatic drug took place due to the lack of interest among suppliers and producers in overly small quantities – a small-size market, delays in delivery, difficulties in obtaining necessary import licenses, absence of quality control results for the first and each subsequent batch to be furnished by the producer and contracted supplier, delay in necessary procedures by wholesalers including the provision of samples for quality control etc.

154 P-136/15

155 Ž-BL-02-766/15

156 Legislation governing the trafficking of medicines includes the following laws: Law on Medicines and Medical Devices, "Official Gazette of BiH", no. 58/08, Rules on Pre-Requisites for Import of Drugs without Marketing Authorization "Official Gazette of BiH", no. 23/11 and Rules on Procedure and Methodology of Obtaining the Marketing Authorization, "Official Gazette of BiH", no. 75/11

Example: During a public discussion on the rights of women held in Bosansko Grahovo¹⁵⁷ absence of a gynaecologist in this municipality was mentioned as particularly large problem. Ombudspersons recommended to¹⁵⁸ the Government of Canton 10 to consider taking measures within the scope of their mandate to raise the level of health care in the Municipality of Bosanko Grahovo. No reply was received, and Ombudspersons will keep following the implementation of this recommendation.

Example: A complainant addressed the Ombudsman Institution because of his 11 months long waiting for surgery at the Department of Orthopaedics and Traumatology of the Public Health Institution – the University Clinical Centre Tuzla. Although he was in a very serious condition, surgery was not possible because they lacked appropriate implants. Ombudspersons issued a recommendation to the Ministry of Health of Tuzla Canton and the Health Insurance Institute of Tuzla Canton to take all necessary measures in order to obtain the necessary implants. On 18 November 2015, the complainant informed the Ombudsman Institution that he had undergone the required surgery owing to the activities of the Ombudsman.¹⁵⁹

Ombudspersons underline problems related to health insurance of people who receive pension from Bosnia and Herzegovina and currently live abroad.

Example: A complainant¹⁶⁰ who lived in Banja Luka until 1993 is entitled to a disability pension from the Pension and Disability Insurance Institute of FBiH. She has lived in the Republic of Croatia for 22 years now, and Croatian Health Insurance Institute of the city of Omiš where she lives officially requested the Health Insurance Fund of Republika Srpska in Banja Luka to enable the complainant to enjoy health insurance benefits, but the request was refused. Based on the received replies¹⁶¹ the Ombudspersons concluded that the problem of health insurance of persons who earned their pension in Bosnia and Herzegovina and live abroad is known to the authorities in BiH, and that they have already taken some measures to resolve it. In their recommendation¹⁶² Ombudspersons indicated that complexity of this problem with regard to the powers or refusal of some authorities in Bosnia and Herzegovina to recognize their powers in this matter, must not be to detriment of citizens or lead to denial of their rights, and that the authorities should take necessary activities and measures to resolve this issue to the benefit of the complainant. The Ministry of Civil Affairs of BiH, the FBiH Health Insurance and Re-Insurance Institute, and the Ministry of Health and Social Welfare of Republika Srpska were recommended to take measures within their mandates in order to find appropriate solutions and enable enjoyment of health care benefits to pensioners from the Federation of BiH who resided and worked on the territory of Republika Srpska and then moved to the Republic of Croatia or Serbia. No reply was received regarding this recommendation.

157 Held on 5 February 2015, organized by the "CURE" Foundation, more info available at: www.fondacijacure.org

158 -SA-04-987/14, P-104/15 dated 11 May 2015

159 Ž-BL-04-211/15, P-167/15 dated 17 August 2015

160 Ž-SA-04-728/15, Ž-SA-04-1010/14

161 Documents issued by: the Ministry of Civil Affairs of BiH no.: 07-12-1973-ATO/14 dated 27 November 2014, the RS Health Insurance Fund no.: 05/2/011-80-152/14 dated 6 November 2014, the FBiH Health Insurance and Re-Insurance Institute no.: 01/II-04-4-2763-1/14 dated 5 November 2014, the Ministry of Civil Affairs of BiH no.: 07-12-1911-ATO/15 dated 12 November 2015, the FBiH Health Insurance and Re-Insurance Institute no.: 01/II-04-3-19602/15 dated 12 October 2015, the RS Health Insurance Fund no.: 05/2/011-80-183/15 dated 22 September 2015

162 P-275/15 dated 16 December 2015

6. SOCIAL PROTECTION

The social welfare system in Bosnia and Herzegovina is governed at the entity level¹⁶³ and the level of Brčko District of BiH.¹⁶⁴ Social policy in the Federation of Bosnia and Herzegovina is under the jurisdiction of the Federation and the cantons, while in Republika Srpska municipalities implement social policy and fulfil obligations toward beneficiaries, which significantly affects the exercise of these rights.

Received complaints are related to the right to pension, the right to disability allowance, allowance for other person's care and assistance, and the right to financial assistance.

6.1. One-off allowance

The institution of one-off financial allowance is established to assist individuals or families which are, due to the specific, legally prescribed circumstances, in a difficult financial situation and are not able to overcome it. The allowance is paid from the municipal budget, and at the request of a citizen. Citizens address the Ombudsman Institution complaining about the competent municipal services which do not comply with their requests or their complaints about the amount of the one-off allowance; citizens whose requests were ill-founded also submitted complaints to the Ombudsman Institution.¹⁶⁵

Example: A complainant¹⁶⁶ whose request for one-off financial allowance was refused by the Social Welfare Centre in Glamoč because her husband received disability pension in the amount of BAM 386.00 and regular pension of BAM 300.00 BAM. However, in the period before the pension rights were granted to her husband, she had received the one-off allowance more than once.

6.2. Social housing

Social housing¹⁶⁷ is an institution designed to provide citizens who due to social, economic or other reasons are not able to solve their housing problems with minimum conditions for a decent life, providing them with an acceptable place of residence.

Ombudspersons note the absence of a systematic approach to solving these problems in Bosnia and Herzegovina. Housing policy in the Federation is within the exclusive responsibility of the cantons, and in the Republika Srpska it falls within the competence of the Ministry of Health and Social Welfare, but the process of allocating social housing units is implemented by the local communities (municipalities).

163 Law on Principles of Social Protection, Protection of Civilian Victims of War and Families with Children „the FBiH Official Gazette no. 36/99, 54/04,39/26, 14/09, the Law on Rights of Veterans and their Families „The FBiH Official Gazette no. 33/04 and 56/05, the Law on Social Protection, „the RS Official Gazette“, no. 05/12, the Law on the Rights of Veterans, Disabled Veterans and Families of Killed Soldiers of the Defensive Liberation War, „ the RS Official Gazette“, no. 46/04, 53/04, 20/07 and 59/08), the Law on Protection of Civilian Victims of War „ the RS Official Gazette“, no. 25/93, 32/94, 37/07, 60/07, 24/10

164 Law on Social Protection „ Official Gazette of Brčko District of BiH“, no. 1/03, 4/04, 19/07, 02/08, Law on Protection of Mentally Ill Persons „ Official Gazette of Brčko District of BiH“, no 12/06

165 Ž-BR-04-258/15

166 Ž-LI-04-353/15

167 Article 31 (the Rights to Housing) of the European Social Charter (Revised): „With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: to promote access to housing of an adequate standard; to prevent and reduce homelessness with a view to its gradual elimination; to make the price of housing accessible to those without adequate resources“.

There is a positive example of the approach adopted by Bosansko-podrinjski and Zenica-Doboj Canton which enacted legislation on non-profit social housing¹⁶⁸ thus determining the conditions for a sustainable development of non-profit social housing, the method of provision and utilization of funds for the development of non-profit social housing, and method of allocation and use of housing units, which makes this process more transparent.

Recommendations to the National Assembly and to the Government of Republika Srpska and to the assemblies and governments of cantons and the Government of Brčko District of BiH to:

- **Take activities that will result in the adoption of legislation on non-profit housing.**

Example: A complainant¹⁶⁹ claims that she uses a social housing unit with her family, that she is a mother of a child with special needs, and that her son is on a daily basis harassed by other tenants, also beneficiaries of social housing in the same building, which was why she requested assistance of the Zenica City Administration. She claims that she was given an apartment too small for her family, while tenants who harass her son live alone in the same size apartments.

The Ombudsman Institution received another complaint¹⁷⁰ of a person living in the same housing unit (building) who complains about the way he was treated by the General Administration and Housing Department of the City of Zenica, which adopted a Decision allowing the enforcement no. 03-23-19146/15 dated 24 November 2015, ordering him to move out from the social apartment, and to return it to the City of Zenica, because he did not observe house rules while using the unit.

Ombudspersons were notified¹⁷¹ that all tenants of the building were warned that they have to abide by the house rules.

During 2015, the Ombudsman Institution registered several complaints¹⁷² from the territory of the City of Tuzla, claiming that several residential buildings were damaged by floods in 2014 and that competent authorities did not provide adequate housing and a fair financial compensation for repair of the damaged buildings.

The Ombudsman Institution received a letter from the relevant administrative authority¹⁷³, presenting the following facts:

"Having reviewed the records kept in this Department, it was found that the named person was allocated financial assistance amounting to BAM 6,760.00, in accordance with terms and conditions set out in the Rules on Criteria for the Selection of the Beneficiaries of EU Flood Recovery Program for the City of Tuzla ("Official Gazette of the City of Tuzla", no. 2/14); of this amount, the named person received 80% to his bank account, and the rest will be paid after he presents evidence about spending the disbursed funds.

168 Assembly of Bosansko-podrinjski Canton Goražde at its 25th regular session held on 29 July 2013

169 Ž-SA-05-470/15

170 Ž-SA-05-1121/15

171 Document no. 03-23-16942/15 dated 3 September 2015 and documents no. 03-23-19146/15 dated 14 December 2015

172 Ž-BR-04-247/15, Ž-BR-04-65/15, Ž-BR-04-205/15

173 Document issued by the City of Tuzla no. 10-23-PS-S1/2015 dated 23 September 2015

...Also, a land plot was allocated for building of a house, which will be funded in co-operation between the City of Tuzla and the international organization UNDP. This Project is ongoing.

The above mentioned person also received BAM 1,000 to pay the rent.

The Federal Ministry of Displaced Persons and Refugees ... allocated a donation in construction material..."

These examples prove that the authorities did take necessary measures in accordance with their mandates and possibilities, and that the complainants are unsatisfied with the way of implementation.

6.3. Access to social protection

In 2015, the Ombudsman Institution registered a case which indicates that foreign citizens in Bosnia and Herzegovina do not have access to social welfare, which is in contravention with Article 13 of the European Social Charter (Revised) entitled "The right to social and medical assistance", paragraph 4, which reads as follows: **"to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories...."**

Example: A complainant¹⁷⁴ approached the Ombudsman Institution claiming that he was denied the right to personal disability allowance and an allowance for providing care to another person - his minor child with the established disability degree of 100%¹⁷⁵ pursuant to the Law on Fundamentals of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of Sarajevo Canton.¹⁷⁶ The Cantonal Social Welfare Centre of Sarajevo Canton adopted a Decision refusing the complainant's request due to non-fulfilment of terms and conditions set out in the Law related to the citizenship of Bosnia and Herzegovina.

The Cantonal Social Welfare Centre¹⁷⁷ and the Federal Ministry of Labour and Social Policy¹⁷⁸ informed the Ombudsman Institution that Article 7 of the *Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the BiH Federation*¹⁷⁹ provides that **benefits arising from this Law do not apply to persons who are not citizens of Bosnia and Herzegovina**, which is why the complainant was instructed to file a request for exercising the aforementioned rights under the applicable cantonal law. However, Article 6 of the *Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of Sarajevo Canton* also provides that, in addition to residence, the citizenship of Bosnia and Herzegovina is also required for enjoyment of this right.

Ombudspersons recommended¹⁸⁰ the Government and the Assembly of Sarajevo Canton to review the possibility of amending Article 6 of the *Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of Sarajevo Canton* and establishing require-

174 Ž-SA-02-215/14

175 A minor child assessed as a 100% disabled person based on the Findings and Opinion of the Medical Forensic Institute Sarajevo no: NI-PL-P-SA-7084/13 dated 19 December 2013 and categorized into the Group I

176 "Official Gazette of Sarajevo Canton", no 16/02, 8/03, 2/06, 21/06, 17/10, 26/12, 15/13, 18/14, 25/14

177 Document no. 35/IV-22-533-66/14, dated 6 March 2014

178 Document no.: 06-35/4-1/2014 BB dated 17 March.2014

179 „the FBiH Official Gazette“ no.: 36/99, 54/04, 39/06 and 14/09

180 P-280/15

ments that would enable foreigners with permanent/temporary residence in Bosnia and Herzegovina to enjoy the rights in the area of social welfare; to the Government and Parliament of the Federation of BiH to review the possibility of amending Article 7 of the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the Federation of BiH, with a view of establishing whether and under which circumstances foreigners with permanent/temporary residence in Bosnia and Herzegovina could enjoy the rights in the area of social welfare, protection of civilian victims of war and protection of families with children.

Ombudspersons received a letter claiming the following¹⁸¹: “...We would like to emphasize again that Article 7 paragraph 4 of the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children¹⁸² provides that benefits arising from this Law do not apply to persons who are not citizens of Bosnia and Herzegovina. Article 6 of the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children¹⁸³ also provides that non-citizens of Bosnia and Herzegovina cannot enjoy this right. Since the provision of the Cantonal Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children must be harmonized with provisions of the FBiH law, the amendment to the Cantonal Law, pursuant to your recommendations, can only be considered once the FBiH Law has been adequately amended”.

181 Document of the Ministry of Labor, Social Policy, Displaced Persons and Refugees of Sarajevo Canton no. 13-103308/15 dated 20 January 2016

182 „the FBiH Official Gazette“, no. 36/99, 54/04, 39/06 and 14/09

183 Law on Social Protection, Protection of Civilian Victims of War and Families with Children „the Sarajevo Canton Official Gazette no. 38/14 – consolidated

V. THE NOTION OF TORTURE AND ESTABLISHMENT OF A NATIONAL PREVENTIVE MECHANISM IN BOSNIA AND HERZEGOVINA

1. INTRODUCTION

Torture¹⁸⁴ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

The 2002 Optional Protocol of the UN General Assembly ratified by Bosnia and Herzegovina in October 2008 foresees that all signatories establish national mechanisms for the prevention of torture (hereinafter referred to as: NPM) which will put in place a system of regular visits to institutions where people are deprived of liberty in order to prevent torture and improve their treatment and living conditions.

The task of NPM is to carry out continuous visits to institutions where persons are deprived of liberty, thus acting preventively and deterring all state bodies and officials from engaging in torture and other cruel, inhuman or degrading punishment and procedures. Therefore, the NPM has the obligation to control all the places where persons deprived of liberty are, or might be kept (e.g. prisons, police stations, psychiatric hospitals, psychiatric units in general hospitals, clinical centres, social welfare institutions, asylum centre for foreigners).

Having in mind the importance of the NPM, domestic authorities in Bosnia and Herzegovina employed some efforts, and took measures and activities for the NPM establishment from 2009 to 2013, but despite such efforts, the preventive mechanism has not been established yet. The most recent activities of the competent authorities related to the establishment of this mechanism include development of a new draft Law on the Human Rights Ombudsman by the Council of Ministers with the aim of harmonizing it with Paris Principles and recommendations of the of the United Nations Committee and of the Council of Europe. The new draft Law clearly defines the Human Rights Ombudsman will act as a national preventive mechanism.

The independence of the Ombudsman Institution is also emphasized, and any influence on its work is prohibited, which improves the effectiveness of the protection and promotion of human rights. The Law also promotes active cooperation of the national preventive mechanism with NGOs, international organizations, expert bodies and academic institutions.

Ombudspersons support taking the necessary measures in order to establish a national preventive mechanism, which is important both from the aspect of monitoring rights of persons deprived of liberty and from the aspect of fulfilment of international obligations.

¹⁸⁴ Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

2. MONITORING THE RIGHTS OF PRISONERS/DETAINEES

2.1. Introduction

Legislation of Bosnia and Herzegovina regulating the execution of criminal sanctions is in place at three government levels and falls within the jurisdiction of the Ministry of Justice of BiH, the Federal Ministry of Justice, Ministry of Justice of Republika Srpska and the Judicial Commission of Brčko District of Bosnia and Herzegovina.

In 2015, the Ombudsman received 108 complaints of prisoners. The staff of the Department for the protection of the rights of detainees/prisoners carried out nine visits to correctional institutions throughout Bosnia and Herzegovina. Of this number, six visits were paid to the Zenica Prison, and one visit to each of the correctional institutions in Mostar, Tuzla and Doboj. In accordance with the previously established practice, individual visits of the Ombudsman Institution representatives were performed exclusively upon request of convicts, to examine the merits of their claims. Some of the visits were unannounced for the purpose of an objective consideration of the complaints, access to official records as well as interviews with the prison management and other staff.

As in previous years, complaints were related to dissatisfaction with the quality of health care, use of external benefits, living conditions and treatment, incorrect behaviour of staff or other inmates, and inability to work.

Analysis of the complaints registered in the Department for the protection of the rights of detainees/prisoners shows that, irrespective of the fact that the complaints were registered in this Department, many of them are related to the work of the judiciary and contents of court decisions. Since the complaints are about the merits of court decisions, the Ombudsman is unable to process such complaints due to its mandate as stated in Article 4 paragraph 2 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina¹⁸⁵ which reads: *"An Ombudsman shall not interfere with the adjudicative functions of a court ..."*.

In the framework of specific activities of the Department, representatives of the Ombudsman Institution participated in various meetings with representatives of prison facilities in 2015, where they analyzed the current situation and the degree of implementation of the rights of convicts in the institutions for execution of criminal sanctions.¹⁸⁶

Based on a comparative analysis of the state's obligation to honour provisions of international instruments dealing with the rights of persons deprived of liberty and of the situation arising from complaints lodged in 2015, Ombudspersons will issue recommendations below that should be followed in order to improve the status of such persons. The recommendations apply to the Ministry of Justice of BiH, the Federal Ministry of Justice, the Ministry of Justice of Republika Srpska, the Judicial Commission of Brčko District of BiH and to all the institutions for the execution of criminal sanctions in Bosnia and Herzegovina.

¹⁸⁵ The Law on Human Rights Ombudsman of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", no. 32/00, 19/02, 34/05 and 32/06)

¹⁸⁶ Round Table on "Presentation of the Action Plan in the area of prevention of juvenile criminal activities and application of alternative measures at the level of the City of Mostar", organized by the UNICEF in co-operation with SIDA on 25 March 2015, a Round Table on "Harmonization of misdemeanor and criminal legislation in the Federation of BiH in the context of law", held in Tuzla on 19 June 2015, a Workshop "Health care for persons deprived of liberty in the SE Europe region", Tirana, 29 June 2015, a Round Table on the promotion of the Manual for Training on Additional Skills of Prison Staff, Banja Luka, 19 November 2015

2.2. Rights of persons deprived of liberty

A. Health care

For persons deprived of their liberty, health care is especially important. The European Prison Rules devoted a considerable attention to this issue. Part III. Health care governs the following areas: organization of health care in prison facilities, medical and health care staff, duties of medical practitioners, provision of health care, mental health and other issues.¹⁸⁷

Complaints of convicted persons mostly relate to quality of health care services and to their availability to some extent. Provision of health care services in prison establishments is ensured at the primary health care level, with questionable possibilities for specialist examinations and with insufficient numbers of employed medical staff. In most cases, physicians are not constantly engaged in institutions, but mostly based on service contracts.

The European Prison Rules foresee that there must be at least one qualified general medical practitioner in prison and that his engagement must be determined so as to ensure the immediate availability in cases of emergency. The Rules establish that where prisons do not have a full-time medical practitioner, a part-time medical practitioner shall visit regularly. In addition, every prison shall have personnel suitably trained in health care, and the services of qualified dentists and opticians shall be available to every prisoner.

Ombudspersons find it necessary to consider the possibility of introducing an efficient health care in the criminal sanctions execution system. It would result in a continuous health care provision under equal conditions in all prison establishments on the entire territory of Bosnia and Herzegovina.

Recommendations to the Ministries of Justice of Bosnia and Herzegovina, the Federation of BiH and Republika Srpska:

- **In accordance with the European Prison Rules, establish a health care policy in the institution for the execution of criminal sanctions and provide material and technical pre-requisites for its implementation,**
- **In order to act preventively it is necessary to organize training programs targeting prisoners to familiarize them with risks of diseases and ways of transmission of infectious diseases,**
- **Improve general hygiene of sanitary and other rooms.**

B. Use of privileges outside of the institutions

Use of privileges outside the prison establishment is particularly important for convicted persons since it includes a set of incentives showing confidence in persons serving sentences, which are used to prepare the convicts for an independent life obeying the legal order and societal norms. The possibility to use such privileges depends on the opinion of the competent police office and social welfare authorities.

¹⁸⁷ ³¹ European Prison Rules, Part III Health care

In complaints filed with the Ombudsman Institution, complainants claim that competent police authorities do not make decisions based on the real situation on the ground, but they take prejudiced opinions and adopt negative attitudes *a priori*, or that they act with considerable delays.

Ombudspersons note that it is necessary to examine the margin of discretion of prison managements in deciding on the use of privileges outside of the establishment.

Example: A complainant¹⁸⁸ claims that he was informed by a correctional officer that the Police Station Bihać issued a negative opinion with regard to his use of privileges outside the prison establishment due to opposition of other family members. The complainant claims that such decision is unfounded because the police officers had never asked his family members about it and that his family was not opposed, which was confirmed in a positive opinion of the Social Work Centre. The Police Station Bihać informed the Ombudsman Institution¹⁸⁹ that they had contacted the convict's family members again and based on an interview with them, they changed their opinion about the complainant's use of privileges outside the prison establishment.

C. Conditions of accommodation

Ombudspersons repeatedly emphasize in all annual reports that prisons are overcrowded and that the authorities must find a systematic solution to this issue. The problem cannot be solved only through construction of new prison buildings and extension of the current facilities. It is also necessary to consider possibilities of imposing alternative sanctions, such as: community service, electronic bracelets, and decriminalization of some punishable actions; methods of execution of these measures should also be considered.

D. Work

Life in a confined space, with limited movement and lack of normal business activities of persons serving prison sentences leads to negative consequences in terms of behaviour and psychological and physical condition. Working activity/occupational therapy is required for the implementation of complete treatment programs in the closed-type establishments.

Example: A complainant¹⁹⁰ claimed that he was denied the right to work in his prison. The Prison warden sent the Ombudsman a letter¹⁹¹ claiming the following: *"...Due to our priority tasks to secure physical safety of the inmates, possibilities of their engagement in the occupational therapy are below the level implemented in educational-correctional facilities. Based on the priority list for work engagement in this establishment, the NN started working as a cleaning attendant in the meantime..."*

Recommendation to all the prison facilities in Bosnia and Herzegovina:

- **In accordance with their objective possibilities, to enhance work engagement of persons serving prison sentences.**

188 Ž-SA-07-1093/15

189 Document issued by the Police Station in Bihać no.: 05-04/06-1-8659/15 dated 8 December 2015

190 Ž-SA-07-141/15

191 Document issued by the Zenica Prison Warden, no. 01-12-1648/14 dated 3 March 2015

E. Transfer

Ombudspersons indicate that the authorities have not taken all necessary measures and actions to amend legislation in the field of the enforcement of criminal sanctions, particularly in the part concerning the transfer of convicted persons from an institution in one entity to an institution in the other entity. In accordance with the European Prison Rules, the issue of transfer is particularly important because convicts should be referred to an institution closer to their place of residence/temporary residence, in order to maintain contact with families, which positively affects their social rehabilitation.

Ombudspersons recognized this issue before and mentioned it in their previous annual reports, including the *Special Report on Human rights situation in the institutions for the criminal sanctions execution in Bosnia and Herzegovina*¹⁹² in which they defined precise and clear recommendations to the competent authorities in Bosnia and Herzegovina to amend relevant legislation.

Activities should be taken to eliminate the effects of incompatibility of legislation governing the execution of criminal sanctions at the state and entity levels, in order to protect the rights of prisoners. The Ministry of Justice should assume the role of a coordinator between the entity-level ministries and actively participate in solving this problem.

F. Safety of persons deprived of liberty

Complaints of convicted persons also relate to threats to their safety from other convicts, through blackmail, disregard, psychological pressure, provocation on ethnic grounds etc.. In each case, the Ombudsman Institution requested an adequate response of the management of the institution in order to protect the security of convicts.

Example: A complainant¹⁹³ pointed out that for two months, since another convict was placed in his room, he was exposed to provocations on ethnic grounds. The other convict prohibits him from watching the news and series on a Turkish TV channel, and during his prayers his room-mate deliberately increases to volume of music, curses and does everything to humiliate the complainant's religion, ethnicity and language. The complainant addressed competent persons within the establishment, but did not obtain the expected protection, which is why he believes that there is a gross violation of his rights. Upon the Ombudsman Institution's request, the prison warden submitted a reply stating that he reviewed available documentation and found that multiple complaints had been filed by these two convicts claiming that they cannot remain together in the same room. As soon as it was practicable, the two convicts were separated.

G. Contacts with the outside world

The European Prison Rules¹⁹⁴ provide that national law specifies national and international bodies and officials with whom communication by prisoners is not restricted, which is also provided by the Law on Human Rights Ombudsman¹⁹⁵. Ombudspersons have already referred the appropriate recommendations to the competent bodies to ensure unconditional respect for the above right and legal

192 Special report on human rights situation in the institutions for criminal sanctions execution in BiH, 2012

193 Ž-SA-07-156/15

194 The European Prison Rules, Part II. Contact with the Outside World

195 Article 20 of the Law on Human Rights Ombudsman reads: "Correspondence addressed to an Ombudsperson or to the Institution from places where individuals are held in detention, in imprisonment or in custody may not be the subject of any kind of censorship, nor may such correspondence be opened".

provisions. In its Annual Reports for 2013 and 2014, it was pointed out that written documents of the convicted persons addressing the Ombudsman (from prisons in Republika Srpska) were delivered in open envelopes and this practice was continued in 2015. Ombudspersons once again express their concerns about such practice, which violates the protected rights of prisoners, and is contrary to the Ombudsman's recommendations and reports.

In prison facilities, every prisoner is entitled to choose seven telephone numbers to contact, which may include the telephone number of the Institution of Ombudsman. During 2015, a positive practice was observed in the Doboj Prison, where correctional officers, at request of a convicted person, provide them with a direct telephone contact with the Ombudsman Institution, if they find it necessary. After such telephone interview, the Ombudsman Institution staff develops an official note which serves as the basis for registration of a complaint and for further actions on the complaint without delay.¹⁹⁶

Recommendations to all prison facilities in Bosnia and Herzegovina:

- **In accordance with the European Prison Rules, ensure confidentiality of the written correspondence of persons deprived of liberty toward the Ombudsman Institution**
- **Examine the possibility to apply the good practice implemented in the Doboj Prison.**

3. SITUATION IN INSTITUTIONS FOR ACCOMMODATION OF MENTALLY DISABLED PERSONS¹⁹⁷

Ombudspersons constantly monitor the situation in the institutions for accommodation of mentally disabled persons. For example, in 2008, while analysing the situation with human rights in prisons, Ombudspersons learnt about the problem with accommodation of mentally disabled persons in the specialized institutions, social welfare institutions or social care institutions in the Federation of BiH¹⁹⁸ and in Republika Srpska¹⁹⁹. Having paid visits to these institutions, Ombudspersons made an analysis and prepared a Special Report on the human rights situation in the institutions for accommodation of mentally disabled persons in Bosnia and Herzegovina, which shows that the situation is far from satisfactory with respect to accommodation (over-crowdedness), health care (not resolved in a systematic manner), neglected education, insufficient communication with guardians and relatives, inadequacy of premises for isolation and tying up, lack of professionals specialized in mentally-ill persons care, lack of staff training and development, lack of experts, inadequate co-operation with the other institutions and organizations, as well as non-observance of obligations of the founders in the Federation of BiH.

The Special Report included recommendations to the competent bodies at all the levels in Bosnia and Herzegovina as to how to improve quality of care for beneficiaries of these institutions and to raise awareness of human rights in this area.

¹⁹⁶ Ž-BL-07-736/15, Ž-BL-07-746/15

¹⁹⁷ Hospitals and social institutions

¹⁹⁸ Institute for Mentally Disabled Persons in Fojnica, Institute for Mentally Disabled Persons in Bakovići, Institute for the Protection of children and Youth in Pazarić, Institute for Upbringing the Male Children and Youth in Sarajevo, Institute for Upbringing the Female Children and Youth in Ljubuški

¹⁹⁹ House for Children and Youth with Developmental Disorders Prijedor, Institute for the Protection of Female Children in Višegrad

From the date of preparation of the Special Report on the situation in institutions for mentally disabled persons in BiH, the Ombudsman Institution has not received any information about the implementation of issued recommendations. It is necessary to urgently review the situation in these institutions, and to determine the degree of implementation of the recommendations made in the Special Report.

Work and functioning of these institutions was raised again following decisions of the Constitutional Court of Bosnia and Herzegovina and of the European Court of Human Rights in Strasbourg. The above mentioned activities cannot be carried out with the current capacity of the Ombudsman Institution due to lack of both human and financial resources. Additional financial resources should be provided from the budget of Bosnia and Herzegovina or from strategic partners.

The Constitutional Court of BiH²⁰⁰ has found that ***there is a violation of the right to personal freedoms and security under Article II/3.d) of the Constitution of BiH and Article 5 paragraph 1. E. of European Convention on Human Rights, due to failure to observe substantive procedural rules and regulations as foreseen in the Law on Protection of Persons with Mental Difficulties during the applicant's placement and stay in the Public Social Welfare Institution.***²⁰¹

„...there is a violation of Article 5 paragraph 4 of the European Convention with regard to the appellant's forcible placement, that is, the extension of her placement in the Institute that was not based on a decision of the court or of any other independent body“.

In the case Hadžimejlić and others v. BiH, the European Court of Human Rights²⁰² held that the competent court must examine the need of forcible placement in an institution, and assess whether the established mental difficulties justify the forcible detention, as it held that persons cannot be detained based on an administrative, but solely based on a court decision.

200 AP- 2038/11

201 *"The Constitutional Court has underlined that Article 5 paragraph 4 of European Convention on Human Rights and Fundamental Freedoms provides guaranties access of a sentenced person to court in order to verify lawfulness of the initial deprivation of liberty and of the extension of such detention. The Constitutional Court also underlined in the aforementioned that, in the concrete case, the federal law on basics of the social protection and the cantonal law on social protection based on which the appellant was placed into the Institute do not foresee mandatory supervision over the lawfulness of the deprivation of liberty and forcible placement that should be performed by a court or a body which must be independent from the executive government branch and parties to the proceedings as foreseen by the European Convention. The Constitutional Court holds that provisions of Articles 22 to 42 of the Law on the Protection of Mentally Ill Persons stipulates the existence of a mandatory court decision, which means that nobody but the court can decide on forcible placement of a mentally ill person into an appropriate institution, or on the extension of such placement and on the person's discharge. The Law on the Protection of Mentally Ill Persons determines precisely which court can deliberate on legality of the extension of forcible placement, in what type of proceedings and in which time intervals, defines the available procedural guarantees including decision-making deadlines. As the court has already found that the social welfare service did not act in accordance with the aforementioned provisions of the Law on the Protection of Mentally Ill Persons, but that the appellant's forcible placement was done based on provisions of the Federal Law on Basics of the Social Protection and of the Cantonal Law on Social Welfare which do not foresee a single criterion to be met within the meaning of Article 5 paragraph 4 of the European Convention, the Constitutional Court concluded in Item 50 of the aforementioned Decision that the appellant's rights under Article 5 paragraph 4 of the European Convention were violated."*

202 Hadžimejlić and others v. Bosnia and Herzegovina, Application no.3427/13, 74569/13 and 7157/14; judgment reached on 03 November 2015

Ombudspersons express their concerns about the fact that Bosnia and Herzegovina has not developed a strategy or an action plan aimed at the transformation of social care institutions accommodating persons with mental disorders, nor has it established a mechanism for the implementation of applicable regulations in support of the deinstitutionalization process. It has not established a mechanism which would enable the provision of adequate support to such persons when conditions for their discharge from an institution have been met.

4. POLICY AND REGULATION OF IMMIGRATION, REFUGEE AND ASYLUM ISSUES

Article III. (1) (f) of BiH Constitution stipulates that the policy and the regulation of immigration, refugee and asylum issues is under the jurisdiction of the institutions of Bosnia and Herzegovina. The right to asylum in Bosnia and Herzegovina is guaranteed by: the Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967, which are an integral part of the Constitution, and the Law on Movement and Stay of Aliens and Asylum.²⁰³ In 2015, Ombudspersons visited the Asylum Centre in Delijaši and the Immigration Centre in Lukavica.²⁰⁴

4.1. Asylum Centre

The Asylum Centre in Delijaši was opened in September of 2014 and until the date of the Ombudsman's visit, it had accommodated 55 persons.²⁰⁵ Users stay at the Centre for a short time (15 -30 days on average), and leave it on their own will after obtaining the status of asylum seekers.

The Centre covers about 150 m² and is located in a rather remote area; around 9 km away from the main road and 30 km from the city centre, and the nearest school is about 500 m away. However, the school does not work, because there are no children in the nearby village who would attend it. The school that could be attended by children from the asylum centre is located in the village of Dejčići, 20 km from the asylum centre. The nearest village is about 300 m away, and an infirmary is located within the Centre and is currently being equipped.

16 employees of the Asylum Sector of the Ministry of Security of BiH work at the Asylum Centre. Although the asylum centre is adequately equipped and adapted for the stay of beneficiaries, it occupies a rather large space which is fully operational. However, the fact that all the capacities are not used allows competent institutions to consider the possibility of using the space for other purposes, such as the organization of workshops, seminars and other educational activities.

The Ombudspersons found that the Rulebook on standards of functioning and other issues relevant to the work of the asylum centre²⁰⁶ stipulates that without the approval of the Centre manager, no third parties may enter the premises of the Centre, which is contrary to the provi-

203 The Law on Movement and Stay of Aliens and Asylum, "Official Gazette", no. 29/03, 04/04 and 53/07;;

204 On 10 and 11 November 2015, the Human Rights Ombudsperson Jasminka Džumhur and her associates visited the asylum center located in Delijaši and Immigration Centre in Lukavica. The visit was attended by representatives of the UNHCR in Bosnia and Herzegovina

205 At the time of the ombudsperson's visit to the asylum center, four persons were staying at the centre, two from Serbia, one from Turkey and one from Bangladesh.

206 Rulebook on standards of operation and other issues relevant to the work of asylum center,,," Official Gazette of BiH", no. 86/09

sions of Article 28 of the Law on the Human Rights Ombudsman of Bosnia and Herzegovina, which stipulates that the ombudspersons shall have access to any governmental body, and to all documents, including confidential and secret ones.

Recommendation to the Ministry of Security of BiH to:

- **To amend provisions of the Rulebook on standards of functioning and other issues relevant to the work of asylum centre regulating the process of obtaining approvals from the manager of the Centre allowing the Institution of the Human Rights Ombudsman to enter the Asylum Centre.**

4.2. The Immigration Centre

During a visit to the Immigration Centre, participants visited the premises of the Centre where users were accommodated located and had a conversation with them. On that occasion, it was found that the rooms were properly equipped, that accommodated persons could use a unit consisting of two rooms: a bedroom and a kitchen. There is one toilet and bathroom used by the entire facility and they are at a satisfactory level.

One of the motives for visiting the Asylum and Immigration Centres was a complaint²⁰⁷ received by the Ombudsman Institution about the conduct of the competent authorities in a case of an Armenian family who illegally crossed the border of Bosnia and Herzegovina. The complaint was filed by a non-governmental organization that represented the family that was arrested for illegally crossing the border and placed under surveillance based on a decision of the Services for Foreigners' Affairs. It was pointed out that there was no legal basis for further keeping of minor children in the immigration centre, and the non-governmental organization requested the Service for Foreigners' Affairs to transfer the family from the Immigration Centre to the Asylum Centre, taking into account the best interests of the child. They referred to the provisions of the Law on Movement and Stay of Aliens and Asylum in Bosnia and Herzegovina, according to which the accommodation of minor children in the Immigration Centre was illegal and without any legal ground, given the fact that no decision was issued on their placement to the Immigration Centre, and that there was no decision that would collectively apply to parents and minor children. Upon receipt of the complaint, Ombudspersons sent an act to the Service for Foreigners' Affairs of the Ministry of Security, after which they were informed²⁰⁸ that the Court of BiH, acting on a complaint lodged against the decision of the Ministry of Security and of the Service for Foreigners' Affairs in the process of placing beneficiaries under supervision, issued a judgment accepting the complaint and rendered the contested decision null and void, and the case was remanded to the first instance authority. In a repeated procedure, the Service for Foreigners' Affairs issued a conclusion suspending the supervision process in the Immigration Centre, and the family was transferred to the Asylum Centre.

207 Ž-SA-05-1039/15

208 Document of the Ministry of Security, no. 18.6.1-14.1-7216-23/15 of 17 November 2015

VI. THE RIGHTS OF THE CHILD

1. INTRODUCTION

The Convention on the Rights of the Child²⁰⁹ is the first comprehensive document guaranteeing the rights of the child in all spheres of life. Pursuant to the provisions of the Convention, the child means every human being below the age of 18 years. State parties are obliged to respect and ensure the established rights of every child within their jurisdiction without discrimination on any grounds. The Convention in detail treats the political, civil, economic, social and cultural rights from the perspective of the child, in addition to specific provisions for the protection of children.

In 2015, the Ombudsman Institution received 148 complaints relating to the rights of children, which is an increase by 3.50% compared to the previous year.

The complaints were related to education, health care, maintaining personal contacts with a parent not living with the child, and the right to live free of violence.²¹⁰

The authorities most frequently identified as responsible are social work centres, schools, relevant ministries in the field of social and health care, courts, etc. Family as a basic cell of the society has been largely undermined and weakened, which negatively reflects on the rights of children.

Owing to the longstanding support of its partner Save the Children and the provision of additional financial and human resources, in recent years the Ombudsman Institution was able to implement a number of activities in the community in the form of organized visits to schools and development of a series of special reports,²¹¹ that resulted in issuing of recommendations to the competent authorities. During 2015, in accordance with the objective possibilities, the Ombudsman Institution carried out monitoring of the implementation of these recommendations.

In 2015, as in previous years, the largest number of complaints was related to the violation of children's rights during a high-conflict divorce. These complaints specifically point to certain deficiencies in the work social work centres, bias of the centres and the inability to exempt a centre in a situation when a party seeks it, due to the cantonal and entity division, which is a problem that is additionally complicated when former spouses live in different territorial units. Knowing the importance of the role of social work centres in the protection of children's rights, the ombudspersons indicate the need for the authorities to make further efforts and allocate required funds to improve the scope and quality of services provided by the centres.

209 The Convention on the Rights of the Child was adopted by the UN General Assembly on 20.11.1989

210 Ž-BL-01-339/15, Ž-BL-01- 243/14, Ž-SA-01-439/15, Ž-SA-04-601/15, Ž-MO-05-87/15, Ž-SA-01-648/15

211 Special Report "Children in a high-conflict divorce", Special Report "Health Care of Children in BiH", Special Report, "Children and Leisure", Special Report, "The role of social work centres in the protection of children's rights", Special Report "Youth and children in conflict with the law", "Special report, on the situation with the protection of mother and maternity in FBiH" Special report on the rights of children with special needs/problems in physical and psychical development in BiH" Special report "On participation of children and adults in the interest of the children in schools", "Special report "The problem of child beggars in BiH", Analysis of the situation in children's rights and their implementation in the field of pre-school education, Analysis of compliance of BiH legislation with the Convention on the Rights of the Child, reports available at www.ombudsmen.gov.ba

Recommendations:

- 1. To the Government of the Federation of BiH, the Government of Republika Srpska, the Government of Brčko District of BiH and cantonal governments to:**
 - **make further efforts to strengthen the material and human capacities of social work centres;**
- 2. To the Ministry of Civil Affairs of BiH, together with the Ministry of Health and Social Welfare of Republika Srpska and the Federation Ministry of Labour and Social Policy, to consider the possibility of establishing a mechanism for resolving conflicts of jurisdiction between the social work centres from different entities, as well as between the cantons.**

The Ombudspersons observe that in a number of complaints parents jeopardize the rights of the child, and the authorities do not do much to adequately sanction the behaviour of parents (family law sanctions, criminal, civil and/or misdemeanour sanctions). E.g. in cases of a high-conflict divorce, forcing children to beg²¹², suspected physical violence against children²¹³ which raises the issue of how the irresponsible behaviour of parents affects the life and development of children and what measures are taken by the society to protect them.

Example: Complainant²¹⁴ lodged a complaint against the work of the Municipal Court in Tuzla because the court failed to take procedural steps in a divorce proceeding initiated in 2014 and did not make a decision in a timely manner, although the decision should be urgently adopted with a view of awarding custody to one of the parents and determining visitation rights and contacts with the other parent. The complainant stated that during the court proceeding she was deprived of the right to visit the children. During the investigation process, the Ombudspersons contacted the Social Work Centre in Tuzla and the Municipal Court in Tuzla, after which a decision was taken in this legal matter.

2. THE BEST INTEREST OF THE CHILD

The institution of the best interest of the child is aimed at ensuring a full and effective implementation of the rights recognized in the Convention on the Rights of the Child. Under the Convention, the best interest of the child requires that in all actions concerning children, regardless of whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the interest of the child shall be a primary consideration. The state is obliged to provide such protection and care of the child, which is necessary for his well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for the child and to this end, shall take all appropriate legislative and administrative measures.

The Ombudspersons seek to influence the citizens to, if possible, solve their problems peacefully and avoid court proceedings. This is particularly important in cases concerning violations of the rights of the child, because the key requirement in making decisions regarding the rights of the child is that

212 Ž-BL-01-616/15

213 Ž-BL-01-493/15

214 Ž-BR-01-209/15

decisions of adults are in the best interests of the child. In many cases, amicable and peaceful solution to a problem is in the best interests of the child. Unfortunately, there are evident examples of failed attempts to reach a peaceful solution to a problem, where parents file different claims seeking civil and criminal sanctions for educational, social, health care and other institutions, or for the other parent.²¹⁵

Example: Dealing with the complaint,²¹⁶ and taking into account the best interests of the child and the fact that the child belongs to the category of persons with physical disabilities, the Ombudspersons called on the municipality of Novo Goražde to help solve the housing problem of a vulnerable family, because the mother was in a difficult financial situation and she has two other children. The investigation in this case showed that many “small” municipalities in Bosnia and Herzegovina are in a difficult financial situation and are not able to help the citizens.

“The Municipality of Novo Goražde falls into the category of the so-called extremely underdeveloped municipalities, its bank accounts have been blocked almost on a daily basis by the Tax Administration of Republika Srpska and many other creditors, and as a citizens service centre, it daily faces enormous problems ...

... The municipal administration chronically suffers from a lack of office supplies. Even now, we are forced to expose our reasons briefly, in order to save paper²¹⁷”

The Ombudsman Institution registered a number of cases that are related to the problems in organizing trips, excursions and/or travelling of students/children, such as: the issue of timing of the trip, choosing the destination and tour organizers (agencies), inadequate travel programs, etc.

The Ombudspersons point out that school excursions are a form of outdoor teaching activities, which include several days long travel to visit natural, cultural, historical, sports landmarks, which are organized by the school in order to reach educational objectives, and are paid by parents.

The complaints²¹⁸ show that there were situations where children did not go to excursions because a school management, which has the obligation to organize excursions, was not elected and in place. Also, there are shortcomings in the organization of trips, because there are no proper regulations governing the execution of tours and excursions.²¹⁹

The Ombudspersons note that the authorities at all levels of government are responsible for the implementation of children’s rights and that they can directly or indirectly cause damage if they do not have effective means to carry out their obligations under the Convention. This includes failures to adopt or review laws or by-laws, inadequate enforcement of laws and other regulations, and abuse of children’s rights by ignoring their best interest, opinions and development goals of the child.

Recommendation to the Federation Ministry of Education and to the Government of Brčko District of BiH - the Department of Education, and cantonal ministries of education to:

- **Regulate the issue of excursions in primary and secondary schools in conformity with the principles of the Convention on the Rights of the Child.**

215 Ž-BL-01-672/14

216 Ž-BL-01-93/15

217 The act of Novo Goražde No. 02/1-372-2-1/15 of 27. 7. 2015

218 Ž-BL- 01-339/15

219 Ž-BL-SA-405/15

3. HEALTH CARE AND EDUCATION OF CHILDREN

Ombudspersons have noticed that the place of birth of a child, entity or canton of birth, is of key importance for realization of children's right to health care in Bosnia and Herzegovina.

The issue of health care for children at the level of the entities of the Federation of Bosnia and Herzegovina and Republika Srpska, as well as at the level of the Brčko District of Bosnia and Herzegovina is regulated by the following laws: the law on health care, law on health insurance and law on protection against infectious diseases. The Ombudspersons noticed that there are still many problems in fulfilling the right to health care, which points to discrimination, because the conditions for the exercise of the right to health care are different in some cantons. Also, in Republika Srpska, different treatment in different health care institutions in identical legal situations is evident.

Existing legislation in the field of health care is not in line with the Convention on the Rights of the Child concerning the definition of a child, because there is a constant problem with the definition of a child and with exercising the right to health care for children between 15 and 18 years of age.

Example: the Ombudspersons issued a recommendation²²⁰ to the Government and the Ministry of Health and Social Affairs of the Central Bosnia Canton to take appropriate and effective measures to ensure unconditional and free health care for all children from the territory of the Canton. Also, the Health Insurance Institute of the Central Bosnia Canton was recommended to take required measures so that all children in the Canton should be exempt from direct copayment in the form of an annual premium - stamps. The Ministry of Health and Social Policy²²¹ informed the Ombudspersons that the Cantonal Assembly had adopted the Decision amending the Decision on the premium stamps - the participation of insured persons in health care costs in the area of Central Bosnia Canton,²²² which now stipulates that children under the age of 15 and older minors up to the age of 18 are exempt from participation in health care costs. This decision was to enter into force on 1 January 2016.

Recommendation to legislative and executive bodies of the Entities, cantons and Brčko District of Bosnia and Herzegovina to:

- **harmonize the definition of the child in Bosnia and Herzegovina's legislation with the provisions of the Convention on the Rights of the Child**
- **ensure the unconditional right of the child to free health care.**

The Ombudsperson particularly point to the issue of education of children with special needs and difficulties in psychophysical development.

Example: A child²²³ was not able to regularly attend classes because of a severe and rare disease. The investigation conducted by the Ombudsman Institution revealed that due to financial difficulties the Ministry of Education, Science and Youth of Sarajevo Canton was unable to provide teaching assistants for the child, and, as an alternative solution, they offered the concept of „home schooling“ project. Although the Ombudsman Institution welcomed the activity of competent authorities and

220 P-17/15 of 28. 1. 2015

221 No: 05-37-711/13-8 of 30. 10. 2015

222 No: 01-02-552/15 of 29. 10. 2015

223 Ž-BL-01-360/14, P-173/15

their good intention to help in solving the problem and providing the education for the child, the question was whether this decision is in the best interest of the child. A recommendation was issued to the Assembly and the Government of Sarajevo Canton to consider a possibility for introducing by-laws, which would regulate the issue of education of children with special needs in Sarajevo Canton as soon as possible. At the time of writing the present Report, no reply was received..

4. PARTICIPATION OF CHILDREN

Participation is one of the basic principles of the Convention on the Rights of the Child and it prepares children for a responsible and active attitude in the exercise of children's and then human rights. This right provides the child who is capable of forming their own views the right to freely express opinions on all matters affecting the child with the views of the child given due weight in accordance with the age and maturity of the child.

The Ombudspersons believe that the best way to ensure children's participation is through the network of young advisors composed of children and young people, as it would enable the adults to define more clearly the needs of children and young people, and to ensure that children who are part of such network in their school and place of residence can convey information about children's rights to the others and actively participate in the promotion and protection of their rights.

The problem of lack of the equipped parks and playgrounds, inadequately equipped gyms, as the Ombudsman pointed out in the Special Report from 2013 entitled Children and Leisure, was raised again in 2015. Prompted by an unfortunate incident and the death of a twelve year old boy in the municipality of Novi Grad Sarajevo (when a goal structure fell on him on the playground), the Ombudspersons again appealed on the competent authorities²²⁴, to carry out a detailed review of all sport playgrounds within the scope of their responsibilities and powers, in order to avoid unwanted situations and prevent violations of the rights of the child to leisure, play, recreation, and the right to life, survival and development.

5. PEER VIOLENCE

The Ombudspersons noticed that the problem of bullying is constantly present and on the rise, making it necessary for the society in general to deal with this issue, in order to influence the awareness raising and recognition of violent behaviour in children at an early age. Bosnia and Herzegovina has a legal framework that regulates this area, but the authorities must create institutional conditions for an effective implementation of the adopted legislation.

The question is what to do in the best interest of a child who has demonstrated deviant behaviour. Ombudspersons observed that the focus of the competent authorities is on behaviour of the child, but that they ignore the need for analysis and work with the family of the child.

The issue of bullying, because of its importance, certainly requires a deeper analysis of the legislation in this area, as well as current practice, which is an activity that the Ombudspersons will seek to realize in 2016.

224 Document issued by the Ombudsman Institution, no: Oi-K-BL-2/15 of 15.10.2015

6. GUARDIANSHIP AND ADOPTION

Adoption is a special form of family and legal protection of children without parents or without adequate parental care, used to establish parental or congenial relations.

Although this is a very important institute of family and legal protection, one of the main problems that the Ombudspersons noted is the lack of a database that would show the exact number of children subject to adoption or guardianship, which opens the possibility for manipulation and child trafficking.

Recommendations to the Government of the Federation of BiH, Republika Srpska and the Brčko District Government to:

- **establish a database at the entity level that will contain information about children subject to adoption or guardianship, taking into account the protection of personal data of children by restricting access to the relevant data.**

In Bosnia and Herzegovina, legal provisions in the domestic legislation governing conditions prescribed for the adoption of children, in respect of the age of the child are still not harmonized.

Article 157 of the Family Law of Republika Srpska reads: " Full adoption shall only be allowed of a child under the age of five who has no living parents, or whose parents are unknown, or whose parents abandoned the child, and their whereabouts are unknown for more than one year, or whose parents agreed to the full adoption of their child before the competent guardianship authorities "; while Article 101 of the Family Law of the Federation of Bosnia and Herzegovina and Article 86 of the Family Law of the Brčko District of Bosnia and Herzegovina prescribe: "A child up to 10 years of age may be fully adopted."

Recommendation:

- **harmonize the provisions of the family laws of the Federation of Bosnia and Herzegovina, Brčko District of Bosnia and Herzegovina and Republika Srpska which stipulate the conditions for child adoption.**

Example: Complainant – a grandmother who was appointed as a guardian of her daughter's child by a decision of the Social Work Center Novi Grad states that she is unable to take adequate care of the child due to her harsh economic situation, which will force her to give up the custody. She applied for financial assistance from the Centre, which was not provided until the date of the complaint to the Ombudsman Institution. The Ombudspersons asked the Centre for Social Work Novi Grad to seriously consider the possibility of granting the financial assistance to the complainant. The Centre complied with the Ombudspersons' request²²⁵ and the complainant was provided with a steady monthly income, based on an assessment that it is in the interest of the child to continue living in a familiar environment.²²⁶

225 The act of the Centre for Social Work Novi Grad No. 04/3-541.3-343/13 of 8 October 2015

226 Ž-BL-01-448/15

7. DAY-CARE CENTRES

Day care involves different types of organized daily services and stay of children outside their family through provision of food, care, keeping, health care to the children etc. Day care issues in Bosnia and Herzegovina are regulated by the laws and regulations at the entity level.²²⁷

According to the findings of the Ombudsman Institution, currently there are seven day-care centres for children in Bosnia and Herzegovina, in the following cities: Banja Luka, Bijeljina, Tuzla, Zenica, Sarajevo, Brčko and Mostar. Based on the information provided by the NGO Save the Children, a day-care centre in Bihać is currently in the process of establishment. In the context of the 10th of December, the International Human Rights Day, the Ombudsman Institution visited the Day Care Centre for Children organized within a humanitarian organization "Altruist" in Mostar²²⁸.

The issue of day care for children, as well as the organization, operation and management of these centres require an additional analysis, and Ombudspersons will try to conduct such analysis in 2016, in cooperation with partners.

227 The Law on Social Welfare of Republika Srpska, "RS Official Gazette", number 37/12, the Law on Basic Social Protection of Civilian Victims of War and Families with Children in FBiH, "Official Gazette of BiH", No.36 / 99, 54/04 and 39/06

228 On 10 December 2015, the Human Rights Ombudsperson of Bosnia and Herzegovina Nives Jukić visited a Day care centre for children organized within a humanitarian organization "Altruist" in Mostar. The centre offers a comprehensive response to labor exploitation of children by taking positive steps to ensure the protection and to assist street children and children who are at risk of ending up on the street, in collaboration with the Centre for Social Work and the police. In the Day-care centre for street children, they can voluntarily stay until 4 p.m., and they are provided with access to bathrooms, clean clothes etc. Staffing needs of the Day care center for street children are funded by Save the Children since 2011. At the level of the City of Mostar, a Strategy of the Centre, which would provide an institutional solution for the issue of institutional day care center for street children in Mostar, is currently in preparation.

VII. THE RIGHT TO EDUCATION

The Universal Declaration of Human Rights²²⁹ stipulates that everyone has the right to education. Education should be free, at least in the elementary and fundamental stages. Elementary education should be compulsory. Technical and professional education should be made generally available and higher education should be equally accessible to all on the basis of merit. In addition to the Universal Declaration of Human Rights education is also guaranteed by the International Covenant on Economic, Social and Cultural Rights.²³⁰

Efficient and high quality education system is a pillar of its own kind in a modern democratic society. Decentralization of the education system in Bosnia and Herzegovina at the entity i.e. cantonal levels and the level Brcko District of BiH and the absence of an umbrella institution that would oversee the work in this area create additional obstacles and prevent a quality education system from functioning.

In 2015, the Ombudsman Institution received 33 complaints mainly related to the exercise of the right to work of the institutions and bodies responsible for ensuring a quality functioning of the educational system and to the naming of Bosnian language as a school subject by the educational institutions in Republika Srpska in the school records.

Example: A complaint²³¹ was related to the issuance of certificates of completion of secondary school education, where a “Bosniak language” was written in the language column. The Ministry of Education and Culture of Republika Srpska informed the Ombudspersons²³² that it aims to provide equal education opportunities to all children²³³, but it is the Constitution of Republika Srpska which explicitly determines that: “The official languages of Republika Srpska are: the language of the Serbian people, the language of the Croatian people and the language of the Bosniak people ... According to the word formation rules of the Serbian language, an equivalent derived from “Serbian people” can only be “Serbian language”, an equivalent derived from “Croatian people” is “Croatian language”, and the “Bosniak people” equivalent can only be a “Bosniak language”, and absolutely not “Bosnian”. The “Bosniak language” matches the designation of “Bosniak people”.

229 The Universal Declaration of Human Rights, Article 26.

230 International Covenant on Economic, Social and Cultural Rights, Article 13

231 Z-SA-06-615/15

232 Document of the Ministry of Education and Culture of Republika Srpska, number 4.7/ 052-4709/15 of 07.08.2015

233 “ In support of this we mention the following activities carried out by the ministry: All students of the first and second grade of primary school are provided with free textbooks or textbook sets, thus including the students who study so-called national group of subjects, the cost of transportation is covered for all the students who live more than four kilometers far from the school; the language and culture of national minorities in Republika Srpska is respected and used in the school as far as possible, in accordance with the Framework Convention for the Protection of National Minorities and the Law on Protection of Rights of national minorities („Official Gazette of Republika Srpska”, number 2/05). Language and culture of national minorities are studied in the context of the expanded program as optional classesin basic education to protect religious freedom, tolerance and culture of dialogue. Students attending religious classes according to their religious belief, if it is in accordance with their belief and their parentsAll students in Republika Srpska are included in the system of compulsory primary education, and those who want to continue with their education can freely do it in all secondary schools in Republika Srpska according to the requirements of the competition for enrollment in the first grade of high school; in Republika Srpska in 20 elementary schools implemented is teaching of the so-called national group of subjects under the curriculum of one of the cantons of the Federation of Bosnia and Herzegovina ... “

Example: The Ombudsmen opened an *ex officio*²³⁴ investigation having learned from the media that Bosniak pupils attending the First Primary School in Srebrenica did not receive their report cards at the end of the first semester, because they learned Bosnian language; the report cards were withheld based on an oral directive of the Ministry of Education and Culture of Republika Srpska to the school director. The First Primary School in Srebrenica²³⁵ informed the Ombudspersons about the following:

“... You asked the school to issue an opinion about the not issuance of report cards to the pupils at the end of the first school semester.

Please be informed that the school acted on the basis of an oral order of the Ministry of Education and Culture of Republika Srpska. The Ministry, through a telephone call, ordered the school to withhold the report cards until further notice, and that the pupil’ success in learning and behaviour should be communicated to all pupils at the TPA meeting based on class registers ... “

The Ministry of Education and Culture of Republika Srpska has not provided the Ombudsman Institution with any information.

Given the importance of this issue, the Ombudsman Institution sent a letter to all cantonal ministries of education with the following question: what are the official languages in the Canton and how is the use of languages and scripts, as well as of national subjects for the three constituent peoples ensured. After a detailed analysis of submitted responses, the Ombudsman Institution should start preparing a special report with specific recommendations for the entire territory of Bosnia and Herzegovina, in order to enable all citizens to use their respective languages and scripts under equal conditions.

Meanwhile, the Vice President of the Federation of BiH²³⁶ also asked the Ombudspersons to prepare a report on the use of official languages in Bosnia and Herzegovina, the entities and cantons of the Federation.

Ombudspersons noticed that because of problems encountered in the functioning of the public administration system, or due to arbitrariness in the work of school directors or other school bodies children do not exercise their rights in accordance with relevant legislation. Such problems occur because all the issues are not regulated by relevant laws and by-laws.

Example: The Ombudsman Institution received a complaint²³⁷ lodged by the Council of parents of children attending the Elementary Music School Ilidža, who, for the second school year, were not able to obtain school certificates of attendance and completion of the elementary music school, because the seals were alienated and unavailable to the school administration. The parents repeatedly, unsuccessfully, addressed the Ministry of Education, Science and Youth of Sarajevo Canton. The Ombudspersons received a letter from the Ministry²³⁸ stating that the Federation Ministry of Justice issued a decision approving the development of new seals for the Elementary Music School Ilidža, and that the seals were developed and the children received their certificates.

With regard to the issue of election to the positions in higher education institutions, the Ombudsman Institution concluded that, while respecting the autonomy of these institutions, it is necessary to provide a mechanism of control, in order to establish the rule of law.²³⁹

234 Ž-SA-06-13/16

235 JU First Elementary School Srebrenica, act number 62-01/16 of 20.01.2016

236 Act of Vice President of the Federation of Bosnia and Herzegovina number: 02-10-356-01/15 of 14. 10. 2015.

237 Ž-SA-05-555/15

238 The act of the Ministry of Education, Science and Youth of Sarajevo Canton, no: 11/04-10-23158 / 15 of 14.09.2015.

239 Ž-MO-04-138/14, P-125/15, 25. 5. 2015., Ž-BL-04-399/15

VIII. PARTICULARLY VULNERABLE CATEGORIES OF CITIZENS

1. PERSONS WITH DISABILITIES

The Convention on the Rights of Persons with Disabilities²⁴⁰ guarantees equal treatment and rights that should ensure equal status of persons with disabilities in relation to other citizens and their active involvement in society and community. By ratifying the Convention, Bosnia and Herzegovina has made a commitment to bring its legislation into conformity with the principles of the Convention, and to take measures, which will allow equal treatment and equal status of persons with disabilities. This also means that the state is required to establish one or more independent mechanisms to promote protect and supervise the implementation of the Convention²⁴¹

Analysis of complaints received in 2015 shows that the reasons for addressing the Ombudsman Institution have not changed compared to the previous year, and that the complaints were submitted due to: accessibility issues, delay in payment of disability allowance or compensation and damages adjudicated by a final court decision, length of the proceedings before an appellate authority, the right to social protection, the exercise of rights to health care, the protection of persons with disabilities from all forms of discrimination and exercise of other rights.

The Ombudsmen indicate that there is still a problem with multiplication of violations of the rights of persons with disabilities, which complicates the exercise of their rights, as well as monitoring of the situation in this area. Accordingly, the number of complaints received by the Ombudsman Institution does not reflect the real situation of persons with disabilities, because it happens that their complaints are handled within various departments of the Institution of Ombudsman.²⁴²

One of the main problems of persons with disabilities in Bosnia and Herzegovina is a failure to ensure proper accessibility, which is a prerequisite for their participation in society. Persons with disabilities should have secured access, under equal conditions as others: to their physical environment, transportation, information and communications technologies and systems, other facilities and services.

The Ombudspersons point out that persons with disabilities should be provided with full, effective and active participation in all spheres of the society. **Failure to ensure accessibility constitutes a violation of the constitutional right to equality and non-discrimination of persons with disabilities.**

During 2015, the Ombudspersons examined accessibility of buildings of legislative bodies at all levels of government in Bosnia and Herzegovina to persons with disabilities. One of the reasons for this action was a questionnaire of the Special Rapporteur of the United Nations on the rights of per-

240 In 2010, Bosnia and Herzegovina ratified the Convention on the Rights of Persons with Disabilities, which entered into force in the same year.

241 The Convention on the Protection of Persons with Disabilities, Article 33

242 The Department for Elimination of All Forms of Discrimination, the Department for Monitoring Civil and Political Rights, the Department of Economic and Social and Cultural Rights, Z-SA-02-215/14 (P-280/15), Z-SA-02-818 / 15 (P-201/15)

sons with disabilities received in September 2015 regarding participation of persons with disabilities in decision-making of legislative bodies. These activities resulted in the Special Report²⁴³ "Accessibility of premises of the legislative bodies in Bosnia and Herzegovina to persons with disabilities":

"The legislative authorities in Bosnia and Herzegovina have in mind and fully understand the importance of the removal of architectural barriers, thus enabling the persons with disabilities to exercise the right to equal participation in social life, which is certainly confirmed by timely submitted responses to the inquiry of the Ombudsman Institution. The submitted responses indicate that there is a clearly expressed willingness of legislative bodies that did not remove architectural barriers to allocate funds for this purpose in 2016 and to do it next year (these are: the Assembly of Tuzla Canton, the Assembly of West Herzegovina Canton, the Assembly of Canton 10 and the Assembly of the Herzegovina-Neretva Canton)."

In 2015, the Ombudsman noted a discriminatory practice of the Administration Office in Cazin, which functions within the Legal Affairs Department of the Ministry of Internal Affairs of Una-Sana Canton – the Office posed a requirement on the blind and visually impaired persons to attach a decision on the appointment of a guardian *ad litem* to their applications for issuance/replacement of ID cards and passport.

In this case²⁴⁴ the Ombudspersons determined that it was not clear how the aforementioned provisions were relevant for the process of issuing identity cards/passports to persons enjoying full legal capacity, or how the clerk in charge of replacement of ID cards determined that the complainant, except for being blind, was not capable of taking care of herself and her interests. Regarding the complaint, the Ombudspersons issued a recommendation, which has been fully implemented. The Ombudsman Institution received an act of the Ministry of Internal Affairs of Una-Sana Canton²⁴⁵, which reads:

".. Immediately upon receipt of your recommendations, the head of the department informed officers who work in the department of issuing personal documents (ID cards, passports, driving licenses) and other documents in this Section to stop immediately with the current discriminatory practice of requiring the blind and visually impaired persons to attach a decision on the appointment of a guardian ad litem to represent the blind in proceedings before this authority, issued by a social work centre to the applications for the issuance of identity documents ..."

".. Your Recommendation has been fully implemented, and blind and visually impaired persons are able to apply for the issuance of identity documents without having to fulfil any special conditions, with full protection of their rights and integrity, and providing such persons with all necessary assistance with a view of a more efficient and cost-effective exercising of their rights... "

The Ombudspersons repeatedly pointed out a problem in the functioning of the Institute for Medical Evaluation of Health Status of the Federation of BiH, which evaluates and determines the percentage of disability. In the previous period, the Ombudspersons issued recommendations²⁴⁶ to the

243 The Special Report "Accessibility of premises of the legislative bodies in Bosnia and Herzegovina to persons with disabilities", P-12/16, January 2016.

244 Ž-SA-02-818/15, P-201/15

245 Document of the Ministry of Internal Affairs of Una-Sana Canton number: 05-03/01-08-2-296/2015 of 08/01/2016

246 P-110/15 of 20.5.2015

competent authorities to review the situation in this area and introduce changes that would be in accordance with the best interests of persons with disabilities. The Ombudspersons emphasize that the situation in this area remains unchanged and that the Institute for Medical Evaluation of Health Status of the Federation of Bosnia and Herzegovina operates as an isolated power centre.

In a number of cases, persons whose percentage of disability was established on the basis of findings, evaluation and opinion of the Commission for the Evaluation of Health Status, had their disability percentage subsequently reduced, although their health condition did not change, which would be a valid reason for reducing the disability percentage. The above is a result of changes in legislation, which decreased a disability percentage of people with an established high degree of disability, in order to deny them the right to social welfare benefits.

The Ombudspersons are of the opinion that due to the applicable laws and regulations and the method of organization of the institutions competent to assess the disability degree, people with disabilities are exposed to a special institutional torture and unnecessary costs, which are in most cases borne by themselves, or they are even unable to provide required funds to obtain access to the institutions.

By signing and ratification of international documents on the protection of the rights of persons with disabilities, the state of Bosnia and Herzegovina assumed the obligation to harmonize domestic legislation with those documents. Accordingly, national legislation should be harmonized for the purpose of protecting the rights of disabled persons, and not for the purpose of denying them such rights, especially having in mind the health condition of disabled persons, which makes it obvious, even without being a medical expert, that such denial is not justified and has no reasonable grounds.

The Ombudsman Institution issued a number of recommendations to the Institute for Medical Evaluation of Health Status of the Federation of Bosnia and Herzegovina²⁴⁷. In that regard, the Government of the Federation of Bosnia and Herzegovina submitted an act to the Ombudsman Institution²⁴⁸ which reads that the Government adopted a Conclusion that an urgent action should be taken to adopt a new List of Disabilities, which will be in accordance with the International Classification of Functioning, Disability and Health (ICF). Unfortunately, the Institute did not comment on the Government's Conclusion. However, on the basis of documentation available from another complaint²⁴⁹ regis-

247 Ž-SA-02-837/14 and Ž-SA-02-851/14, In 2014, the Ombudsman Institution opened an *ex officio* case with a view of establishing the facts pointing to the violation of the rights of people suffering from breast cancer; in that regard, they sought an opinion of the FBiH Parliament on the need to harmonize Disability List with the international list of disabilities. Regarding the complaint F-SA-02-851/ 14, the Ombudsman Institution issued a recommendation No. P-154/14, pointing to the elements of discrimination against people (women) suffering from breast cancer, which is multiple because, instead of achieving a simpler and easier implementation of Disability List, the new Guidelines on the Implementation of Disability List completely abolished the percentage of disability. Competent authorities were recommended to stop applying the disputed Guidelines on the implementation of the Disability List as a null and void document, and to apply the List of Disabilities as a legally valid document. The relevant authorities were also urged to promptly undertake measures to supervise the work of the Institute. In their Opinion No. Z-SA-02-837/14 submitted to the Parliament of the Federation of Bosnia and Herzegovina, which included the aforementioned recommendation, Ombudspersons expressed their position with regard to the implementation of the Guidelines for the implementation of the List and the List of Disabilities itself, and stressed that the practice applied by the Institute for Evaluation of Health Status of the Federation of Bosnia and Herzegovina was unacceptable.

248 The act of the Federal Government, no 03-35-1095-1 / 2014 of 08/07/2015

249 Ž-BR-02-67/14

tered in Ombudsman Institution, the Ombudspersons concluded that the Commission of the Institute for Medical Evaluation of Health Status of the Federation of Bosnia and Herzegovina drafted a new List of Disabilities.

“..2. In view of the allegations and facts presented, the Executive Director and the Board of Directors of the Institute for Medical Evaluation of Health Status are instructed to immediately harmonize the Rulebook on the criteria and procedure for medical assessment of health status and to adopt a new List of Disabilities.

3. The new List of Disabilities shall respect the principles of uniform criteria and non-discrimination of persons with disabilities with respect to the cause of disability, contained in the UN Convention on the Rights of Persons with Disabilities, and shall be based on parts of the List of the World Health Organization (ICF), which exclusively treats congenital or acquired disability... “

Recommendation: to the Institute for Medical Evaluation of Health Status of the Federation of BiH to

- **Stop applying the Guidelines on the Implementation of the Disability List as soon as possible, and**
- **Adopt a new List of Disabilities, in accordance with the Conclusion of the Government of the Federation of BiH.**

1.1. Professional rehabilitation of persons with disabilities

Professional rehabilitation, training and employment of people with disabilities are of particular public interest and belong to the field of social protection. The rights of persons with disabilities and their rights related to professional rehabilitation and training for employment purposes are regulated by the Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities.²⁵⁰

Based on this Law, an institution for professional rehabilitation may be established by the Federation of Bosnia and Herzegovina, a Canton, a local self-governance unit, the Federation Employment Service, the Association of Persons with Disabilities, humanitarian organizations, religious communities and other legal and natural persons.

The Fund for Vocational Rehabilitation and Employment of Disabled Persons of the Federation of Bosnia and Herzegovina provides financing and co-financing for business rehabilitation projects carried out exclusively by companies for the employment of persons with disabilities within their own operations, by allocating funds to companies for the employment of persons with disabilities. Such companies are obliged to include a number of persons with disabilities through a program/project of vocational rehabilitation, based on needs.

The Ombudspersons point out that it is not enough to adopt a law and to make decisions based on that law, granting persons with disabilities the right to professional rehabilitation, if institutions responsible for the implementation of necessary activities in that regard have not been established.

²⁵⁰ The Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities, “Official Gazette of FBiH”, No. 09/10

Example: A person with disability²⁵¹ was granted the right to professional rehabilitation by a decision of the Cantonal Employment Office in Livno, based on the aforementioned Law, without specifying which institution should implement the decision. The Institution of the Ombudsman received a Conclusion of the Canton 10 Government of 28 May 2015, stating that the Government was not able to establish the relevant institution due to financial reasons and the complexity of the issue.

Recommendations to the Government of the Federation of BiH:

- **take necessary measures to establish the institutions for professional rehabilitation of persons with disabilities without delay.**

2. MINORITY RIGHTS

There are 17 ethnic minorities in Bosnia and Herzegovina, the Roma minority being the largest and as such it is often marginalized in social, economic and political terms. Certain legislative and institutional improvements were made in the previous period, and the state, the Entities and local authorities intensified their engagement, yet the Roma population keeps suffering in the areas of employment, housing, education, vocational retraining, civil registration and access to health care.

In the reporting period, the Ombudsman Institution received a relatively small number of complaints – only 10, which does not reflect the actual status of the minority population.

Following procedures implemented after receiving complaints, the Ombudspersons issued recommendations to the competent local and municipal authorities to take appropriate measures with a view of providing adequate housing,²⁵² improving hygiene and providing better infrastructure network in a settlement with Roma majority,²⁵³ and finding employment opportunities for members of the Roma minority²⁵⁴ and in all cases the authorities expressed their willingness to implement the recommendations of the Ombudspersons.

We have to emphasize the importance of good cooperation between the Ombudsman Institution with members of Roma associations that can contribute to the implementation of violated rights through concrete actions.

Example: At the end of 2014, the Ombudspersons received a complaint filed by S.S. from Tuzla, stating that the complainant, having no personal documents, addressed the Ministry of Interior of Tuzla Canton, but his right to issuance of such documents was conditioned upon prior deletion of personal data from the official records in Zvornik. The complainant was a member of the Roma minority, uneducated, a family man, without any income. In cooperation with representatives of the Association of Roma "Euro Rom" from Tuzla, the complainant was enabled to travel to Zvornik, he received assistance in the performance of administrative work, and in February 2015, notifications were received from the Ministry of Interior of Republika Srpska, Zvornik Public Security Centre and the Ministry of Interior of Tuzla Canton, the Tuzla Police Office that all the necessary actions were carried out, a *"request for the issuance of an identity card was received and the ID card is **ready for delivery.**"*²⁵⁵

251 Ž-LI-05-46/15, Ž-SA-05-354/14

252 Ž-BR-06-12/15,P-109/15

253 Ž-BR-03-282/14,P-111/15

254 Ž-BR-03-171/14,P-108/15

255 Ž-BR-05-300/14

Recommendations to the authorities at all levels in Bosnia and Herzegovina to:

- **continue implementing the measures established in accordance with the commitments assumed by Bosnia and Herzegovina under the Decade of Roma, and to review these measures with respect to the recent recommendations of the UN reporting bodies in the field of employment, housing, health care, education and civil registration.**

Discrimination against members of minorities is still evident **with regard to candidacy for political appointments**.

Example: Complainant²⁵⁶ states that he was not selected for a position in the company “Transco” even though he was the best candidate in terms of experience and other qualifications, and believes that he was discriminated against because he is a member of the Roma minority. In the process of investigation, the designated public body failed to present any arguments to deny the complainant’s claims, did not present the ranking list or data on employed persons of Roma nationality. The Ombudsman Institution therefore issued a recommendation²⁵⁷ to the Bosnia and Herzegovina Electro-transmission Company (Transco) to take measures to ensure better representation of the Roma minority in the staff structure of Transco. The responsible public authority submitted a statement²⁵⁸ which reads that the company is obliged to apply the provisions of the Law on Labour in the Institutions of BiH, and it requested guidance on how to implement the recommendation of the Ombudsman Institution, and in doing so, to comply with the existing regulations governing the area of employment.

The Ombudspersons²⁵⁹ urged the aforementioned public company to adjust its internal regulations (Rules of Procedure) to the Law on the Prohibition of Discrimination and the Law on Labour in the Institutions of BiH which stipulate that *“the structure of employees with an employer should generally reflect the ethnic structure of the population of Bosnia and Herzegovina according to the most recent census.”*²⁶⁰

3. RETURNEES

Annex VII of the General Framework Agreement for Peace in Bosnia and Herzegovina stipulates that all refugees and displaced persons have the right to freely return to their homes of origin, the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any such property that cannot be restored to them. The provisions of Annex VII are closely related to the issue of the protection of private property in the way as envisaged by the European Convention.

256 Ž-BL-06-70/15

257 P-74/15

258 Act No. 01-5180/ 2015 of 29/04/2015.

259 Urgency of 06/21/2015

260 The recommendation is published on the official website of the Ombudsman Institution; the complainant initiated legal proceedings to protect his rights, using the findings specified in the Ombudsman’s recommendations to support the claim about the violation of his rights.

In 2015, the Ombudspersons dedicated their attention to the issue of the implementation of Annex VII. In order to determine the situation of returnees, they organized visits to the following communities: the municipality of Derventa,²⁶¹ Vlasenica,²⁶² Zvornik,²⁶³ and the City of Prijedor²⁶⁴ with majority returnee population.

In an interview with executive officials, progress was registered in the issues of return falling within responsibility of local-self governance authorities, whereas problems were attributed to actions of higher levels of government regarding security, education, and the allocation of funds for the reconstruction of houses.

The Ombudspersons planned visits to municipalities of Velika Kladuša and Konjic, which were not realized for technical reasons, but it will certainly be done in 2016.

3.1. “Displaced persons within their cities of origin”

The Ombudsmen point to the fact that during 2015 the Institution received complaints²⁶⁵ of displaced persons in Sarajevo Canton. Their housing problem has not been resolved since the end of the war, because their apartment building was razed to the ground, and has not been restored. Even 21 years after the end of the war, these citizens have the status of displaced persons, because a rational renovation/ reconstruction of damaged/destroyed apartment buildings or individual construction are impossible due to technical and financial reasons. Responsible authorities urged complainants to be patient, saying that measures were taken to solve the problem. However, the issue has not been solved to date.²⁶⁶ Ombudspersons note that the complainants are not responsible for the situation, but still have to suffer the consequences. It is hard to believe that in this case the effective exercise of the rights and interests of citizens is ensured and that the authorities have taken measures to efficiently resolve the issue of displaced persons. Ultimately, one can say that the authorities failed to take action within a reasonable time in order to address this problem, thus violating the rights of the displaced persons.

The Ombudsmen remind that the Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina stipulates that the Government of the Federation, the Ministry for Refugees and Displaced Persons of Sarajevo Canton are to adopt annual plans for return of displaced persons, the plan for reconstruction, construction of buildings and settlements to accommodate displaced persons, keeping records of displaced persons etc., and that the competent authorities are obligated to co-operate with the Ministry of Human Rights and Refugees of BiH, in order to find a systemic solution for this issue.

The Ombudspersons issued a recommendation²⁶⁷ to the Federation Parliament to take urgent measures as soon as possible to adopt the Law on Amendments to the Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina;

261 On 14.4.2015

262 On 3.6.2015

263 On 6.10.2015

264 On 12 and 13.10.2015

265 Ž-SA-05-1331/14, Ž-SA-04-1127/14

266 Procedure on complaint no. Ž-SA-05-78/11

267 P-87/15

to the Sarajevo Canton Assembly to take priority measures to ensure quick adoption of the Law on Amendments to the Law on Displaced Persons and Refugees - returnees in Sarajevo Canton; and to the competent authorities to coordinate the activities aimed at solving this problem.

Example: The Ombudsman Institution received a complaint²⁶⁸ about the non-implementation of a decision issued by the Ministry of Labour, Health, Social Welfare and Displaced Persons of Canton 10²⁶⁹ related to allocation of funds from the current transfer *“Expenditures for displaced persons”* for 2014, because the Ministry of Finance has not yet complied with the adopted decision and executed the appropriate payment. In reply, the Ministry of Finance of the Canton 10²⁷⁰ stated:

“.. Please be informed that the Ministry of Labour, Health, Social Welfare and Displaced Persons has taken all measures within our competence and submitted a payment order to the Ministry of Finance, which is awaiting for the available funds in order to execute the payment aiming at the protection of rights acquired by the decision ... “

4. WOMEN’S RIGHTS

As in previous years, the Ombudsman Institution maintains statistics on the structure of complaints by gender of the complainant, bearing in mind its mandate to combat discrimination based on sex, but also the requirements of various bodies and organizations dealing with gender equality. In 2015, men lodged 80, and women filed 60 complaints about discrimination. Stated in percentages, it is 60% against 40% in favour of men. A slight advantage of men when it comes to addressing the Ombudsman Institution is noticeable when compared to women, which means that women are less likely to initiate actions for the protection from discrimination even though they are equally discriminated against, particularly in the form of mobbing and other forms of discrimination at the work place. Five cases of discrimination based on social status were registered, whereas there were 25 such cases in 2014, and they were mainly related to employment and the exercise of labour rights.

When it comes to the total number of cases, not only those involving discrimination, the Ombudspersons were addressed by 976 women and 1.720 men in 2015, and in 270 cases gender was not defined. These figures partly reflect the proportions from 2014, when 1010 complaints were lodged by women, and 1871 by men, while gender was undefined in 250 complaints.

In cases where gender was not defined, the Ombudsman Institution opened the cases *ex officio*, as well as in the cases of anonymous complaints or complaints where the complainant explicitly stated that he/she did not want to reveal their identity.

268 Ž-LI-05-119/15

269 The Ministry of Labor, Health, Social Welfare and Displaced Persons of Canton 10, Decision No. 09-01-14-215/14 of 21.11.2014

270 The Act of the Ministry of Finance of Canton 10, no 09-01-14-215.3/14 of 03.12.2015

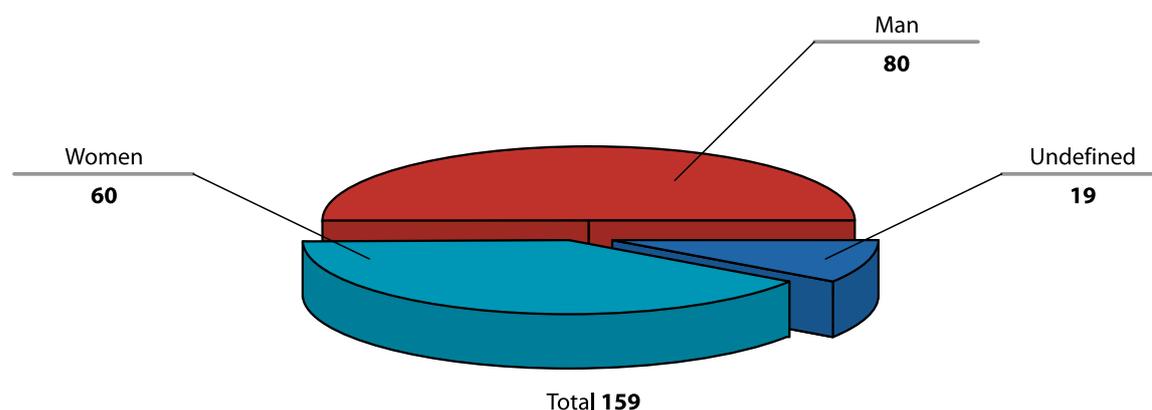


Chart: Gender structure of the complainants in the Department for elimination of all forms of discrimination in 2015

Gender	Received in 2015
Men	80
Women	60
Undefined	19
Total	159

Table: Gender structure of the complainants in the Department for elimination of all forms of discrimination in 2015

With regard to the exercise of civil and political rights of women in Bosnia and Herzegovina, the Ombudspersons paid special attention to the issue of appointment of members of the board of directors and supervisory boards in public institutions and companies, aiming to ensure gender equality in accordance with the Law on Gender Equality in BiH. Investigation results in individual cases show that men were mostly appointed at the aforementioned positions, which raises the issue of potential systemic gender based discrimination in management bodies in the public sphere.

Ombudspersons point out to problem of longer working hours than prescribed in the private sector, particularly in services industries, which mostly affects women, as well as the problem of undefined working hours, which allows employers to exploit workers. Ombudspersons also emphasize that that female workers are sometimes exploited through abuse of the institution of "trial work", unpaid overtime, denial of weekly recess and of other rights guaranteed by labour legislation. Ombudspersons particularly point to the problem of evening work, which results in frequent exposure of female workers to incidents of violence and looting, and they call on competent entity institutions to review the needs for night work in some facilities where the aforementioned risks exist.

As to women's health care, the Ombudspersons note that more attention should be paid to diseases and care of persons who have been diagnosed with breast cancer and to women's reproductive health in general. The complaints filed with the Ombudsman Institution show that the existing health insurance models may put women in an unequal position in relation to their spouse, which is particularly manifested in domestic violence cases. Against this background, the Ombudspersons point out that women are in most cases the beneficiaries of social care centres, and call upon competent authorities to strengthen the capacity of the centres, in order to enable them to respond to the growing challenges in providing minimum living standards to persons who seek their assistance.

Regarding the attitude of the authorities towards women's participation in sports, it is evident that disproportionately more money is allocated for the traditionally male sports such as football, and the same applies to budget allocations for sports associations.

In the reporting period, the Institution of Ombudsman developed a special report on the protection of mothers and motherhood in the Federation of Bosnia and Herzegovina, which is further elaborated in the chapter on Economic, Social and Cultural Rights, and the issue of the protection of women against violence is discussed in the chapter entitled "Domestic Violence".

IX. EQUALITY AND NON-DISCRIMINATION

1. INTRODUCTION

The Law on the Prohibition of Discrimination granted the Ombudsman Institution the status of a “central institution responsible for the protection from discrimination” and to that end it stipulates the establishment and functioning of a special department which would exclusively work on cases of alleged discrimination committed by any natural or legal person in any area of life.²⁷¹

The Law provides for a wide range of competencies of the Ombudsman Institution, from promotional activities, through research in the area of discrimination, to acting upon the complaints of individuals claiming to be victims of discrimination and taking an active role in misdemeanour proceedings for the protection against discrimination, and to a large extent, following the international standards relevant for the work of equality protection bodies.

For an effective fight against discrimination, it is not enough to only adopt legal provisions in line with those standards. The key is to ensure the efficient and proper implementation of the Law on the Prohibition of Discrimination, which is currently evaluated as poor in Bosnia and Herzegovina, especially through strengthening of the institutions that can respond to the new and important anti-discrimination tasks.

2. ASSESSMENT OF THE SITUATION WITH COMPLAINTS, SPECIAL REPORTS, THE EUROPEAN COURT OF HUMAN RIGHTS

The procedure on individual complaints of citizens constitutes the most important aspect of human rights protection. In 2015, the Ombudsman Institution registered a total of 159 cases of discrimination. In addition to complaints from 2015, the Department dealt with 181 cases from 2014, which makes the total of 340 processed cases. In the reporting period, the Department completed 89 cases from 2015 and 122 from 2014. The Ombudspersons emphasise that some cases had been resolved positively even before the issuance of the recommendations, either through mediation, encouraging a friendly settlement or by undertaking mediation between the disputed parties, or in some cases the responsible public body corrected its actions after the first communication from the Ombudsman Institution, which will be illustrated below by concrete examples.

In the reporting period, Ombudspersons issued 49 recommendations, most often in cases of mobbing, discrimination based on affiliation with a national minority, education and sexual orientation grounds.

²⁷¹ The Department for elimination of all forms of discrimination has been established in January 2009 with the main aim to ensure harmonization of approaches in the implementation and protection of the rights of citizens in the entire territory of Bosnia and Herzegovina and to take effective measures to prevent any form of discrimination. In their work on individual complaints or in *ex officio* investigations, the Ombudspersons seek to show the importance of consistent application of the prohibition of discrimination contained in international conventions and national legislation, as well as the importance of harmonization of domestic legislation with the international human rights standards. The recommendations and other decisions issued to responsible institutions and services point to factors that prevent equal legal treatment of all BiH citizens and propose adequate measures for effective legal intervention aimed at protecting the rights of citizens.

Failure to follow the recommendations of Ombudspersons regarding the violation of the prohibition of discrimination results in misdemeanour charges against natural and legal persons, imposition of fines of up to BAM 10,000, security measures involving prohibition of further business activities and other sanctions provided for in Articles 19 and 20 of the aforementioned Law.

Ombudspersons initiate court actions as the last resort, because they expect that the recommendations will eventually be followed, since such solution is in the interest of all parties.

During 2015, the Ombudspersons continued the promotion activities and information campaigns directed toward the relevant institutions and the public. Limited resources and capacities of the Ombudsman Institution have reduced the scope of its promotion activities, and such activities in 2015 and in previous years were mainly implemented in the framework of activities organized by other organizations and institutions. A detailed chronological overview of activities and promotion in the field of discrimination is provided below.

3. OVERVIEW OF THE SITUATION –COMPARISON WITH THE PREVIOUS PERIOD

The largest number of complaints in the reporting period was related to mobbing, as a special form of discrimination at the workplace – 37, followed by complaints about discrimination on the grounds of ethnicity – 13, about discrimination based on national or social background – 8, and about discrimination on grounds of education – 8. According to estimates by the Ombudsman Institution, these data do not realistically illustrate the scope of discrimination, because there are still unreported cases, due to general mistrust and fear of potentially negative consequences for the status of victims.

In this regard, the Ombudsman Institution noticed a constantly high level of complaints about mobbing,²⁷² and a regular submission of complaints about ethnic discrimination,²⁷³ which is on a slight decline, but also an increasing number of cases due to allegations about discrimination based on sexual orientation²⁷⁴ (LGBT population) or cases involving hate speech, although the number of complaints from the last two categories is almost negligible in the overall number of cases in the Institution.

Analyzing the statistics of the Ombudsman Institution about the increasing number of cases of discrimination based on sexual orientation from 2009 to the present day, the Ombudspersons recognize the need for development of a special report with a detailed analysis of the access to rights of LGBT population in Bosnia and Herzegovina.

Ombudspersons are aware that the greatest challenge is the unwillingness of the society to reject stereotypes and prejudices, and to be more tolerant toward phenomena that are contradictory to the views of the majority. After all, that mirrors the level of achieved human rights culture. In the current system of social values in our country, the level of tolerance is such that the attitude toward the different is neutral in the best case, and often violent.

272 Ž-SA-06-315/15 (P-282/15), Ž-BL-06-750/14(P-246/15), Ž-SA-06-1258/14

273 Ž-BR-06-18/14 (P-42/15), Ž-BL-05-83 i 84/15 (P-225/15)

274 Ž-BL-06-676/14 (P-60/15), Ž-BL-06-90/15 (P-227/15), Ž-SA-06-104/15

State authorities responsible for maintaining the order have a primary obligation to respond to these situations, and courts are able to impose more severe penalties for hate crimes. It is important to find and prosecute offenders, in order to prevent future attacks of similar nature, and to send a clear message to the public that violence towards the LGBT community is unacceptable.

Recommendation:

- **Public officials should speak more openly in order to eliminate prejudices and prevent all forms of violence and hate speech with a view of protecting the rights of the LGBT population.**

Ombudsmen want to draw attention to the fact that the European Court of Human Rights in Strasbourg considered a number of cases against Bosnia and Herzegovina involving discrimination.

In the second half of 2014, the European Court of Human Rights imposed a judgment in the case of Zornić vs. Bosnia and Herzegovina. In 2002, the applicant was a candidate of the Social Democratic Party of Bosnia and Herzegovina at the parliamentary elections and declared herself as a citizen of Bosnia and Herzegovina. According to the Constitution of BiH, only members of the constituent peoples (Bosniaks, Serbs and Croats) can run in the elections for executive authorities.

The European Court of Human Rights noted in its judgment that there had been a violation of Article 14 (prohibition of discrimination) in conjunction with Article 3 of Protocol No. 1 (the right to free elections) to the European Convention on Human Rights. The violation is related to the inability of Mrs. Zornić to participate in the elections for the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. The Court concluded that there had been a violation of Article 1 of Protocol No. 12 (general prohibition of discrimination) of the European Convention on Human Rights in relation to the inability of Mrs. Zornić to participate in the elections for the House of Peoples of the Parliamentary Assembly of BiH and the Presidency of BiH.²⁷⁵

According to the BiH Constitution, members of the constituent peoples (Bosniaks, Serbs and Croats) can run in the elections to the bodies of the executive government branch. The Trial Chamber decided in favour of Azra Zornić by six votes to one, adding that all citizens of Bosnia and Herzegovina should be allowed to run for the Presidency and the House of Peoples of the Parliamentary Assembly of BiH, and that the Constitution needs to be changed urgently. It was also determined that the case of Azra Zornić was identical to Sejdić and Finci case, in which members of the Jewish and Roma national minorities sued Bosnia and Herzegovina due to their inability to run for positions in the executive government branch.

4. PRACTICAL EXAMPLES

Although more than six years passed since the adoption of the anti-discrimination law, some provisions of the Law are yet to become part of the case law, particularly the rules on urgent court proceedings for the protection from discrimination.

²⁷⁵ Application No. 3681/06, judgment of 15.07.2014

Example: Ombudspersons have accepted the statements and arguments of the Cantonal Court in Tuzla about the excessive workload of judges, and about case resolution by chronological order, but they nevertheless noted that in a particular case the Court did not respect the provisions of Article 12, paragraph 2, of the Law on the Prohibition of Discrimination in BiH. In fact, according to the Law, any person or a group of persons who believe that they are discriminated against can seek protection of their rights through the existing judicial and administrative proceedings. On 20 January 2014, the complainant addressed the Ombudsman Institution and on 25 February 2014 she filed a lawsuit to the Municipal Court in Tuzla, requesting, among other things, that the court to establish that the respondent /Tuzla Canton/Ministry of Interior of Tuzla Canton/violated her right to equal treatment in the process of work and working conditions. She requested protection from discrimination through the court, and the Ombudsman Institution maintained written correspondence with the complainant and monitored the court proceedings. Given that some claims of the complainant were accepted by the court, the respondent appealed before the competent second-instance court. **As Article 12, paragraph 2, of the Law on the Prohibition of Discrimination stipulates that the Court and other bodies conducting proceedings for the protection against discrimination shall act urgently, ensuring that all claims about discrimination are examined as soon as possible,** the Ombudspersons issued a recommendation to the Cantonal Court in Tuzla to decide on the appeal immediately. The Court informed the Ombudsmen that the case at hand was placed at the 438th position out of 480 cases to be heard, that the chronological order would be followed and that there was no possibility for the case to be heard sooner.²⁷⁶

Recommendation:

- **judicial authorities are recommended to keep in mind the provisions of Article 12, paragraph 2 of the Law on the prohibition of discrimination, which stipulate that the Court and other bodies conducting proceedings for the protection against discrimination should act urgently ensuring that all claims about discrimination are examined as soon as possible**
- **The Ombudspersons recommended harmonization of the provisions on procedural deadlines contained in the anti-discrimination law of Bosnia and Herzegovina with the provisions of other procedural laws, primarily the Civil Procedure Codes of the Federation of Bosnia and Herzegovina and Republika Srpska.**

Example: A lawyer applied to participate in the “First Job” project carried out by the Ministry of Labour, War Veterans and Disabled Persons’ Protection of Republika Srpska and the Employment Agency of Republika Srpska, which was funded from the public/state budget. In his application, the lawyer clearly stated that he wanted to help the vulnerable categories by employing persons with disabilities. In the concrete case, the lawyer did not hire a person with disability even though disability was indisputably established during an interview with the complainant.²⁷⁷

Pursuant to the provisions of the Law on the Prohibition of Discrimination, the Ombudsman Institution concluded that the lawyer discriminated the complainant - a person with disabilities, and that the Government of Republika Srpska, the Ministry of Labour, War Veterans and Disabled Persons’

²⁷⁶ Ž-BL-05-19/14

²⁷⁷ Ž-BL-02-713/14

Protection, and the Employment Agency did nothing to prevent discrimination. Specifying of humane reasons when applying for funds from the public budget and then acting contrary to the submitted application indicates the absence of ethical criteria that a member of the Bar Association must follow, which means that his conduct, if it remains unsanctioned, puts into question the reputation of other members of this profession and of the legal profession in general. For these reasons, the Ombudsman Institution filed a disciplinary report against the attorney to the Bar Association of Republika Srpska.

Taking into account the economic crisis in our country and a high unemployment rate, Ombudspersons expressed their support to the Government of Republika Srpska in their efforts in the implementation of the aforementioned Project of supporting young people, young trainees in gaining the first work experience, i.e. getting their 'first job'. On the other hand, the Ombudsman Institution expressed concern about the lack of control over the use of public funds and concluding of contracts with different employers where the use of budget funds must be closely monitored to be used for specific purposes and about the lack of protection and control mechanisms against the misuse of funds.

The recommendations of the Ombudsman Institution were not complied with, and no effective protection mechanisms (except for court protection) were put in place for cases of potential discrimination or violation of the Law.

“The Ministry of Labour, War Veterans and Disabled Persons’ Protection is unpleasantly surprised and taken aback by the Ombudsman Institution’s Recommendation ... It suggests that the Institution of the Ombudsman withdraws its disputed recommendation. To put it mildly, this Ministry is stunned by the expressed opinion of the Ombudsman Institution...”

The opinion of the Institution that the complainant was discriminated against, and that the authorities did nothing to prevent discrimination is completely unfounded and prejudicial, because competent institutions have taken all the measures within their jurisdiction to seriously investigate and verify the allegations of the complaint. By taking such position, the Ombudsman Institution exceeded the framework of its competencies prescribed by the Law on the Prevention of Discrimination and the Law on Human Rights Ombudsman, which stipulate that the existence of discrimination can be only determined by a court in civil proceedings. The Ministry drew the attention of the Ombudsman Institution and of the complainant to this fact on several occasions.”

Indeed, not knowing the law is harmful because the Law on the Prohibition of Discrimination defines the Ombudsman Institution is a central institution for the protection from discrimination, which is authorised to conduct investigations into the merits of citizens’ complaints to determine whether there was a violation of any of the constitutionally guaranteed rights.

Example: During the last quarter of 2015, the Ombudsman Institution opened an investigation *ex officio* about the information indicating a violation of the rights of workers in the Company “Boksit” ad Milići²⁷⁸ After the all relevant parties submitted their depositions, it was found that the Company implemented practice and activities that may constitute a violation of workers’ rights and that contain elements of non-physical harassment at the workplace, also known as mobbing.

278 Ž-BL-711/15, Ž-BL-06-761/15, Ž-BL-06-800/15 - P-18/16 of 15.1.2016

Ombudspersons use this case to emphasize their opposition to the use of polygraph in the context of resolving employment relations and underline that in this case the authorized bodies were not conducting criminal proceedings or criminal investigation, but the polygraph test was used to discipline the workers, which is contrary to the Labour Law and other general legislation regulating labour relations, which is why forcing the workers to take the polygraph test is perceived as mobbing.

Ombudspersons have also found that a ban on movement of certain individuals was posted on the Company's official website, which applied to 13 people as of 1 October 2015, their names were published, and they were prohibited to enter and stay in the buildings and premises of the Company "Boksit" ad Milići, or to provide services of any kind. The ban includes restaurants, public transportation means (buses), the Bus Station, the Miners House etc., on the grounds that these buildings are a private property, owned by the shareholders of the Company.

Ombudspersons are of the opinion that such conduct is unacceptable, given that it constitutes a limitation of fundamental human rights, as it relates to the public buildings, which, regardless of the ownership structure, by their nature must be available to all citizens, without discrimination. This example illustrates an active role performed by non-state actors whose behaviour leads to the violations of human rights, while state authorities are either unwilling or unable to react.

The Ombudspersons sent a recommendation to the Management Board of the Company to take all necessary measures in order to eliminate all actions that result or may result in the harassment of employees or cause a sense of insecurity and fear from their business practices.

Ombudspersons indicate that companies with such capacity must have a particular degree of responsibility in treating the rights of their employees, as well as other citizens, because it is about the exercise of the important existential rights, where the company management should not use its superior position and authority. Any animosity, hostility or disagreement must be overcome in a professional manner.

X. RECOMMENDATIONS OF THE OMBUDSMAN INSTITUTION

Pursuant to Article 32 of the Law on Human Rights Ombudsman, after reviewing a complaint or a procedure, Ombudspersons can make recommendations to responsible authorities to correct the identified violations of human rights. The authorities who receive such recommendations are obliged to reply in writing and inform the Ombudsman Institution about the effect of the recommendations within the deadline specified by the Ombudspersons.

If the respective authority fails to take measures or fails to inform the Ombudsman Institution about the reasons for their failure to take action, the Ombudspersons will immediately refer the case to a higher-instance authority along with their recommendations. For a successful functioning of the Institution of Ombudsman, it is particularly important to build good relations between the institutions in Bosnia and Herzegovina and the Ombudspersons, which includes the establishment of cooperation with the Ombudsman Institution in the manner prescribed by the Law on Human Rights Ombudsman of BiH and unconditional implementation of its recommendations.

The analysis of issued recommendations and ways of their implementation shows that the responsible authorities either fully comply with a recommendation, or implement it partially, or establish some form of cooperation with the Ombudsman Institution, or fail to comply with the recommendation explicitly stating the reasons for the failure, or they fail to not submit any feedback to the Ombudspersons.

The manner of implementation of recommendations in the cases	Number of cases with issued recommendation
Complied with	103
Cooperation established	90
Partly established	14
No feedback	48
Not complied with	69
The total number of cases with issued recommendation	324

A detailed overview of the recommendations and the manner of their implementation is presented in a separate section of this report.

XI. COOPERATION WITH THE AUTHORITIES AND INSTITUTIONS

1. COOPERATION WITH BODIES AND INSTITUTIONS OF BOSNIA AND HERZEGOVINA

In their work, Ombudspersons of Bosnia and Herzegovina primarily seek to achieve a good and productive cooperation with the authorities and institutions in Bosnia and Herzegovina, either through the communication during the investigation of complaints, or through the exchange of information at special meetings with the purpose of highlighting human rights violations and measures recommended by the Ombudsman Institution in the interest of citizens and their rights. In 2015, the Human Rights Ombudsman has significantly intensified its cooperation with the Human Rights Committee of the Parliamentary Assembly of Bosnia and Herzegovina through a strategic and sectorial approach to human rights and active participation in thematic sessions that result in concrete conclusions aiming at the improvement of human rights.

A two-day conference on “The exercise and protection of human rights and freedoms through the legislative framework, the current situation and plans of the institutions of BiH in the field of human rights”, organized by the Joint Committee on Human Rights, which was held 22 and 23 June in Bijeljina should be particularly mentioned. The purpose of the Conference was to determine the current state of human rights in Bosnia and Herzegovina, to define problems and find solutions for the improvement of human rights, and to provide a forum for exchange of views and experiences in the field of human rights between the representatives of legislative and executive authorities and the independent institutions and agencies.

An important step forward in cooperation with the specialized parliamentary bodies was made through cooperation and organization of a joint thematic session of the Gender Equality Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and the Gender Equality Committee of the House of Representatives of the Parliament of FBiH, where the Human Rights Ombudsman Institution of BiH presented its Special Report on the state of the protection of mothers and motherhood in the Federation of Bosnia and Herzegovina and discussed possible solutions for improving the protection of mothers in Bosnia and Herzegovina.

Through the activities aimed at increasing the presence of the BiH Ombudspersons in local communities, which are supported by the OSCE Mission to Bosnia and Herzegovina, a cooperation was established with the municipalities, followed by a series of meetings with relevant institutions/authorities at this level, in order to obtain information about challenges these institutions face in implementing the Ombudspersons’ recommendations and to inform them in more detail about the measures proposed by the Ombudspersons, which should be taken to redress the human rights violations.

This model of establishing and strengthening the institutional cooperation and greater presence of the Ombudsman Institution in the field and in local communities has proven to be as successful model of prevention and promotion of human rights.

In the future, the Ombudsman Institution intends to pay more attention to the segment of the strengthening the cooperation with the academic community and possibilities for joint activities and actions that such cooperation could yield.

2. COOPERATION WITH THE INTERNATIONAL INSTITUTIONS AND ORGANIZATIONS

The Ombudsman Institution, as a national mechanism for the protection of human rights in Bosnia and Herzegovina, in cooperation with the international institutions and organizations in the country and through cooperation at the international level, seeks to mobilize all significant factors in order to jointly implement activities and impose human rights as a priority in the social context, and as one of the prerequisites for the development of a democratic society. In 2015, the Institution of the Ombudsman paid special attention to the coordination of activities with the international organizations implementing activities in the country and initiated an exchange of information about activities in the field of human rights.

The OSCE Mission to Bosnia and Herzegovina (hereinafter: the OSCE Mission to BiH) also continued supporting the work of the Ombudsman Institution in 2015 in the following segments:

- building and strengthening the capacity of the Institution;
- promotions and activities related to the anti-discrimination law;
- visits and promoting the work of the Ombudsman Institution in local communities;
- international affirmation and visibility of the Institution.

During 2015, the Ombudsman Institution, with the support of the OSCE Mission, maintained its presence in the following communities: Bosansko Grahovo, Drvar, Glamoč, Tomislavgrad, and visited Prijedor, Zvornik, Bihać, Vlasenica and Derventa.

Such presence in the field generated an increased number of complaints received from these regions, but also enabled the Ombudspersons to talk directly to the citizens and the authorities and resolve issues that affect the everyday life and enjoyment of citizens' rights in these communities. A particularly important activity, which is jointly implemented with the OSCE Mission to BiH is the Anti-Discrimination Forum/Forum for Human Rights, a permanent body that has functioned for two years and covers the area of eastern Herzegovina. It primarily examines cases of discrimination and raises awareness of citizens and relevant stakeholders of this issue.

Owing to the support of the OSCE Mission to Bosnia and Herzegovina, the Institution of the Ombudsman participated in the most important international event involving NHRIs- the 28th annual meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), which was held from 11 to 13 March in Geneva. The main topics of this year's ICC meeting were: the role of national mechanisms for the protection of human rights (NHRI) in the implementation of development goals for 2015, the protection of the rights of the elderly, government's attitude toward the independent mechanisms for the protection of human rights, protection of vulnerable groups such as women and children victims of trafficking and domestic violence, migrants and asylum seekers and people with disabilities.

In the segment of international cooperation, the Ombudspersons try to achieve synergy with the international institutions that work abroad and have their offices in Bosnia and Herzegovina, such as the Council of Europe.

In recent years, the Ombudspersons have achieved a good level of cooperation with the European Commission against Racism and Intolerance (ECRI). In 2015, they participated in a seminar in Strasbourg on 28 and 29 May for specialized bodies/ institutions fighting against racism and racial discrimination in the 47 member states of the Council of Europe. The seminar was focusing on the role of the specialized bodies/institutions in increasing the number of reported hate crimes and discrimination, and the objective was to identify a contribution that the specialized bodies/institutions can make in overcoming obstacles in reporting hate crimes and discrimination.

In 2015, the Office of the Council of Europe in Sarajevo focused on the activities and conferences on the following topics: prevention of extremism, learning about religious and non-religious beliefs in schools, jointly building an inclusive society, the role and place of religion in public space, the implementation of the European Charter for Regional or Minority Languages, minority rights in divided societies and the rights of persons with restricted freedom of movement.

When it comes to the co-operation with the UN agencies in Bosnia and Herzegovina, it was somewhat less intense in 2015, mainly focusing on children's rights (UNICEF), women's rights and gender equality (UN WOMEN) and (UNFPA), and the rights of persons with disabilities (UNDESA).

An especially important segment of the Ombudsman Institution's cooperation is the establishment of productive and strategic relations with embassies of countries with diplomatic missions in Bosnia and Herzegovina which define activities aiming at the promotion of human rights as their top priority. In this context, a visit of the special envoy of the State Department for human rights of LGBT people Mr. Randy Berry, a representative of the American Embassy Mr. Bryan Wockley and Mr. Kerry N. Ashforth on behalf of the Bureau of Democracy, Human Rights and Labour should be mentioned. The Ombudspersons discussed with them the modalities of finding a systematic solution for the problem of discrimination against the LGBT community in Bosnia and Herzegovina. During these meetings, it was pointed out that the principle of equal treatment of every person in a society, regardless of their affiliation and orientation, should serve as the basis for actions of all institutions, which is why it is necessary to make further efforts in advancing legislation in Bosnia and Herzegovina with a view of eliminating all forms of discrimination.

In the light of the EU accession process of Bosnia and Herzegovina, the Ombudspersons held a working meeting with the experts of the European Union, Mr. Patrick Cederlöf, Mrs. Frederic Domanin, Mrs Liliana Sorrention and Ms. Catherine Kramesova on the issue of human trafficking in Bosnia and Herzegovina, as a part of an expert mission of the European Commission, which focuses on the "visa dialogue, Block 3". The Ombudspersons also met with e representatives of the Dutch Embassy and discussed with them the issues of the rule of law, public administration reform, and economic and social reforms that are expected from the countries - potential candidates for the EU membership.

The Ombudspersons pay special attention to the activities within the networks in which the Ombudsman Institution enjoys a full membership. Here are some of the most important meetings:

- Annual Conference of the Children’s Rights Ombudspersons’ Network in South and Eastern Europe- CRONSEE: “The Rights of the Child – between the Interests of the Parents and the Obligations of the State”, held in Zagreb on 28 and 29 May 2015. The theme of the conference was the implementation of children’s rights and their best interests when the interests of parents are contrary to the interests of the child and to the obligations of the state to protect the child’s interests. A central issue discussed by all speakers was: what is the meaning of the fundamental principle of the Convention on the Rights of the Child according to which the best interests of the child should be central in all actions or decisions concerning the child in the public and private spheres, and how can it translate into practice.
- The annual meeting of the European Network of Ombudspersons for Children (ENOC), held from 22 to 24 September in Amsterdam, which resulted in a joint statement of the ENOC and the Special Representative of the UN for combating violence against children in the spirit of a global initiative calling on the states to take responsibility in ending violence against children. It was pointed out that Ombudspersons for children’s rights have to seek to:
 - Create an atmosphere and environment in which the rights of the child will be respected;
 - Advocate for changes and legislative reforms;
 - Always take into account the best interests of the child in their actions;
 - Listen to children and strengthen their voice;
 - Continue to promote international standards for the protection and promotion of children’s rights.
- The meeting of the Working Group on the Rights of Persons with Disabilities of the European Network of National Human Rights Institutions (ENHHRI) which was held in Zagreb on 26 and 27 October. Apart from exchange of experiences and good practices among members of the European Network, the purpose of the meeting was to define the priorities of the working groups and to discuss the development of universal indicators for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities and their promotion at the regional and international levels.
- As an observer, The Ombudsman Institution of BiH participated in a thematic meeting of the European Network of Equality Bodies (Equinet) dedicated to the issues of religion and belief in the work of equality bodies, which was held in London on 9 and 10 November 2015 and dealt with the issues and challenges in securing the freedom of belief and combating religious discrimination at European and national levels. A special emphasis was placed on the role of the equality bodies and the challenges they face in dealing with the issues of religion and belief through a discussion on the best practices.
- The annual meeting of the General Assembly of the European Network of National Institutions for the Protection of Human Rights (ENNHRI) held from 30 November to 2 December 2015 in Utrecht, the Netherlands, was entirely devoted to the current refugee crisis in Europe, as well as the issues of migration and asylum, the implementation of economic and social rights, and the role of national institutions for the protection of human rights (NHRI) in (post) conflict situations and in the promotion of sustainable development goals (SDG) adopted in September 2015 at the global level.

Priority activities of the Ombudsman include the required interaction with the system of treaty bodies of the UN and the Office of the High Commissioner for Human Rights of the UN, and cooperation with regional and international human rights mechanisms, especially in light of the re-accreditation of the Institution which has been postponed for 2016.

In parallel to these activities, the Ombudsman Institution was a part of the global initiative and participated in important meetings at the global level. Some of these meetings are:

- The conference “Bosnia and Herzegovina - 20 Years of Peace”, which was held in Stockholm, organized by the Swedish Institute of International Affairs, and the aim was to indicate future challenges and prospects that the Dayton Agreement brings in the light of 20 years of peace in Bosnia and Herzegovina. The conference focused on the following topics: The Dayton Peace Agreement. Success or failure? How to (not) build peace. Lessons learnt? Dealing with the legacy of war. Does time heal? Arts and Culture. Dividing or uniting?
- A seminar entitled “The role of the ombudsman institution in a modern parliamentary democracy: a regional perspective”, held in Brussels, organized by the Pre-Accession Actions Unit of the European Parliament and the Office of the European Ombudsman, which is part of the support programme of the European Parliament to the parliaments of the enlargement countries in 2015. Some of the discussed topics were: responsibility of the EU institutions and the role of the ombudsman, parliamentary control over the application of the law and the Ombudsman’s contribution, improving good governance in the process of reform and the EU accession.
- An international conference dedicated to the role of national human rights institutions (NHRIs) in conflict and post-conflict situations, held in Kiev and organized by the Ukrainian Parliamentary Commissioner for Human Rights. The Conference included presentations of lessons learned with regard to the protection of human rights during the conflict in Bosnia and Herzegovina, and challenges that the Ombudsman of BiH still faces as a consequence of the conflict, such as: the status of civilian victims of war, return, missing persons etc. A Declaration on NHRIs in conflict and post-conflict countries was adopted as a platform for actions of NHRIs.

At the international level, the Institution confirmed its commitment to the establishment of good and operational contacts, coordination and participation in the majority of events of global significance in 2015.

3. REGIONAL COOPERATION

The Ombudspersons pay special importance to the regional cooperation. In 2015, the Ombudsman institutions were at a turning point in most countries in the region, because they have been faced with problems and struggle for financial and other independence on the one hand, and with the prospects offered by regional co-operation on the other.

The Balkans countries were strongly affected by the global immigrant/refugee crisis and related challenges, which calls for the creation of a regional platform for joint decision making and actions of the Ombudsman institutions.

In this context, on 22 November, Ombudspersons of Bosnia and Herzegovina, together with the Ombudsperson of the Republic of Croatia, Ms. Lora Vidović and her staff members, and the Secretary General of the European Network of National Human Rights Institutions, Ms Debbie Kohner visited the

asylum center in Slavonski Brod. This activity was an introduction to an international conference of the Ombudsman/National Human Rights Institutions: "Human Rights Challenges in the Refugee/Migrant Crisis", which was held in Belgrade from 23 to 24 November, focusing on the issues of human rights in the migrant crisis. The refugee crisis has many dimensions - security, economic and human, and many of the people who come to Europe belong to vulnerable groups, particularly women, children and persons with disabilities who need help. The adoption of the Belgrade Declaration, which defines the way in which institutions and societies should treat refugees, is of a special importance.

Topics and activities relevant for the region in 2015 were: children's rights, rights of asylum seekers and refugees, freedom of information and the strengthening of national preventive mechanisms (NPM) established in accordance with the Optional Protocol to the Convention against Torture. The Ombudsman institution has given its contribution and participated in the following conferences focusing on the exchange of regional practices and adoption of a number of conclusions, aimed at improving the protection of rights in these areas:

- A professional event on the topic of: "Health care of persons deprived of their liberty in South East Europe", 29 and 30 June, Tirana, organized by the Ombudsman of Albania.
- A conference: "Sharing experiences in a multidisciplinary team work in the field of the protection of children's rights", held in Priština on 9 and 10 November, organized by "Terre des hommes", "Defence for Children and Child Protection Hub for South East Europe" and the Faculty of Philosophy, University of Priština.
- International Conference: Freedom of Information - regional experiences and international standards, 19-21 November 2015, Podgorica, organized by the Agency for Personal Data Protection and Free Access to Information of Montenegro.
- A two-day international conference, 29 - 30 October, Tirana, on the role of Ombudsman institutions in protecting the rights of applicants for international protection, organized by the Institution of Ombudsman of Albania. The conference focused on many aspects of the international protection, including the right to asylum and subsidiary and temporary protection, the role of the Ombudsman institutions in the control of a qualification procedure place and standards of admission, treatment of vulnerable groups etc.

XII. COOPERATION WITH THE MEDIA

Ombudspersons of BiH actively cooperate with the media, aware of the influence that they undoubtedly have on all social structures and public opinion forming, and of the extent to which they can contribute to the promotion of human rights, disseminating information about their violations and possibilities of protection.

The cooperation between the Ombudsman Institution and the media is carried out with the aim of systematic, continuous, timely and accurate information sharing with the public through printed and electronic media on relevant activities of the Ombudsman Institution.

The Ombudsman institution applies standard procedures in its relations with the media, including information sharing and answering questions about its activities and matters within the competence of the Institution at the request of journalists, presence of the Institution in the media (interviews, statements, appearances in TV and radio shows), organization of press conferences, publishing of press releases, presentation of the Institution's activities through the distribution of promotional materials and participation in promotional campaigns etc.

The constant and systematic monitoring of public opinion, on the basis of the quantity and quality of media space devoted to the work of the Institution, events and issues of importance for the implementation of human rights in Bosnia and Herzegovina, as well as the analysis of data and their use are conducted with the purpose of planning future initiatives in the field of promoting human rights and public relations. At the same time, by providing information through the media, the Ombudsman Institution of Bosnia and Herzegovina gets a timely opportunity to respond to potential violations of the rights of citizens by initiating *ex officio* investigations to establish the accuracy of statements and take actions in accordance with the mandate of the Institution. In this regard, media reporting on life situations of citizens, their needs and interests, is the best way to detect violations of their rights.

On the other hand, the right of citizens to timely and accurate information directly depends on the environment in which journalists work, as they should be provided with adequate working conditions.

The degree of freedom of expression in a society is an indicator of its openness, of the level of democracy and respect for human rights. Therefore, in the public interest, Ombudspersons of BiH call on the authorities to stop the trend of infringing media freedoms in Bosnia and Herzegovina and to enable journalists in BiH to exercise their right to work, in accordance with the existing laws and international standards. Ombudspersons believe that it is necessary to assess the achieved level of media independence, as well as the degree of the violation of media rights and freedom, to find responsible parties in each individual case, and condemn every incident that threatens the security and dignity of journalists and freedom of the media in Bosnia and Herzegovina.

In the reporting year, a slight increase in overall activities involving cooperation between the media and the Ombudsman Institution was recorded compared to the previous year.

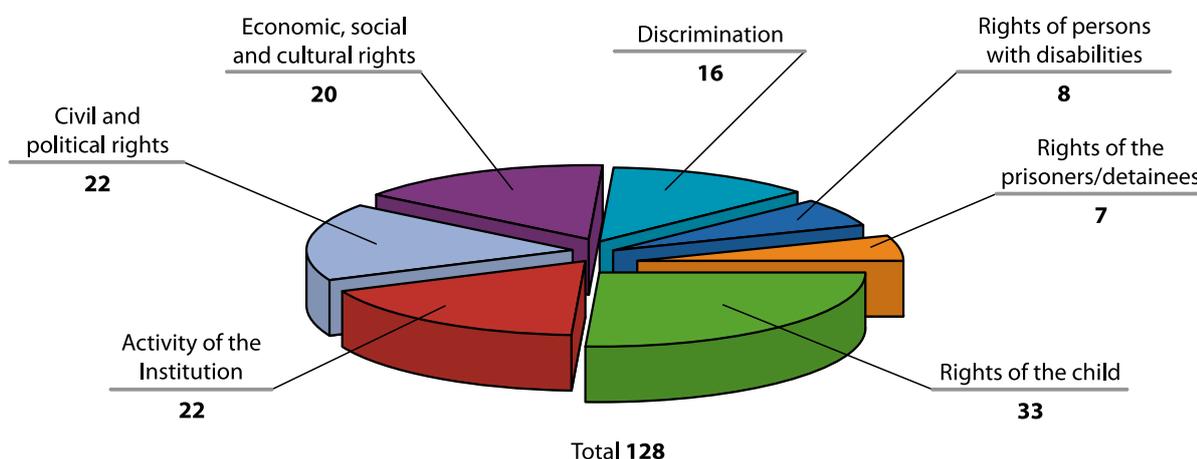
These activities involved the participation of Ombudsmen and their assistants in the media (interviews, statements, appearances in TV and radio programs), as well as the submission of their written answers to the inquiries of the print media.

In 2015, the Ombudsman Institution responded to 128 media requests, which is by 28 more than in 2014.

Statements given by the Ombudspersons and their assistants to the media throughout Bosnia and Herzegovina or abroad and information placed in the form of press releases are not covered by the processed statistical data. Therefore, it should be noted that the local media have shown considerable interest in the work of the Institution, and that the Ombudspersons and their assistants gave a significant number of media statements when participating in international conferences.

Ombudspersons issued press releases regarding discrimination, the rights of children and persons with disabilities, and other topics discussed from the perspective of protecting and promoting human rights in Bosnia and Herzegovina. In the same way, the Ombudsman sought to contribute to the affirmation of rights, especially of vulnerable groups, when marking significant dates in the field of human rights in Bosnia and Herzegovina in 2015.

However, this fact does not diminish the Ombudspersons' obligation to intensify its activities toward the media with a view of bringing other relevant issues in the field of human rights protection to the media focus in the future.



Overview of media requests by areas of human rights

Observed by categories of violations, the analysis shows that the largest number of inquiries received from the media in 2015, as in previous years, was related to the protection of children's rights (33).

To the same extent, the media have shown interest in issues in the field of civil and political rights (22), as well as the general jurisdiction of the Institution (22), while slightly less media inquiries were related to the area of economic and social rights of citizens (20).

Compared to 2014, a smaller number of the total number of complaints fell under the jurisdiction of the Department for elimination of all forms of discrimination (16). Although still insufficient, an increased media interest was recorded in the reporting period, compared to the previous years, in relation to the rights of persons with disabilities (8), while the interest in rights of detainees and prisoners remained at approximately the same level, as the media submitted seven inquiries to the Institution in that regard.

As mentioned above, the media still mostly address the Ombudsman Institution to inquire about issues dealing with children's rights, as a consequence of current developments in the field of education, as well as cases of bullying, exploitation of children and other problems in the implementation of children's rights in Bosnia and Herzegovina.

When it comes to promotion, apart from expressing their opinions on the aforementioned topics, the Ombudspersons devoted special attention to the "Special Report on the state of mothers and motherhood in the Federation of Bosnia and Herzegovina", and to the celebration of Children's Week and the International Children's Day.

The media have clearly shown a considerable amount of interest in the activities of the Institution, and in results of handling the individual citizens' complaints, and the measures taken to eliminate the identified violations of rights. In these statements, the Ombudspersons also addressed the other indicators used to evaluate the general situation of human rights in Bosnia and Herzegovina.

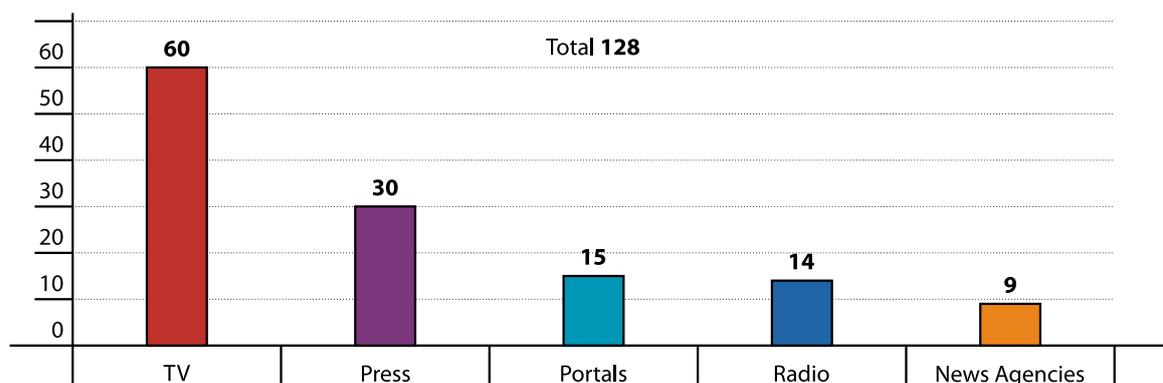
In the area of civil and political rights, there was a significant increase in the number of inquiries relating to free access to information, and the Institution has also responded to the inquiries of journalists about functioning of the judiciary, the administration, and about property relations, governmental and ministerial appointments etc.

To a somewhat lesser extent, media inquiries referred to the economic and social rights of citizens. Within this field, social protection, labour rights and other topics were treated.

In 2015, compared to the previous years, a slightly lower number of inquiries was related to the topics falling within the jurisdiction of the Department for elimination of all forms of discrimination. However, the Ombudsman Institution recognizes the undeniable contribution of the media to informing the public about the existence of the protection against discrimination, and focusing on topics such as bullying, discrimination based on social status and gender, as well as other forms of discrimination. This approach of the media and their coverage of these topics enabled citizens to learn about these issues in the public space of Bosnia and Herzegovina, and encouraged them to report such cases.

The statements made by the Institution regarding the rights of persons with disabilities particularly raised the issue of architectural barriers, employment and other problems whose resolution would lead to the improvement of rights of this population.

When it comes to the rights of prisoners and detainees, conditions correctional institutions in BiH and submitted complaints were discussed, and the Institution was asked about taken measures, whereas a number of media inquiries were received on the occasion of the International Day Against Torture.



Media interest in the work of the Ombudsman Institution by media types

Ombudspersons and their assistants appeared in the electronic media the most during 2015, thus continuing the trend from previous years.

As shown on the diagram, by far the largest share in the total number of media statements given by Ombudspersons and their assistants accounts for television programs (60), while half as much accounts for statements given to the print media (30).

Observed by types of the media that obtained statements from the representatives of the Institution in the reporting year, the above two are followed by portals (15), radio stations (14), and news agencies (9).

Compared to 2014, there was an evident increase in the number of inquiries from the print media and portals, with somewhat less interest from radio stations, while cooperation with news agencies remained at the same level.

When it comes to the media with which the Institution has collaborated during 2015, it is important to note that most of the statements were given to the BHRT, and that RTV FBiH and RTRS covered the Ombudspersons' activities more than in the previous year.

Representatives of the Institution during the 2015 appeared and made statements in programs of N1, TV1, Al Jazeera, Pink BH, as well as for "Nezavisne Novine", "Dnevni Avaz", "Press" and many other media outlets.

RTVZ, RTV Slon, Tuzla, RTVUSK, TV City from Mostar and others made a significant contribution when it comes to informing the public in local communities.

In the reporting year, the media cooperation continued to be focused on the central office of the Institution in Banja Luka and its Sarajevo office, which indicates the need for stronger engagement in the promotion of activities of regional offices of the Institution in Mostar, Livno and Brčko District.

Using the possibilities offered by the Internet as an electronic medium with the largest number of users in the world, and following the trends with regard to functionality and design, the Institution paid special attention to its website (www.ombudsmen.gov.ba), where visitors can obtain information about the Institution's work, about their rights and procedures to be followed in the exercise of rights with the Ombudspersons' assistance, and download a complaint form.

Special reports, analyses and recommendations of the Ombudsman Institution are also posted on the website, along with publications and promotional video materials, which enables visitors to gain a deeper insight into the Institution's activities of relevance for the implementation of their rights.

During 2015, 75 pieces of information were posted on the website, 32,698 hits and 107.654 views of the posted contents were recorded. There were 22,128 different visitors who, on average, stayed two minutes and fifty seconds on the website.

Most visits were from Bosnia and Herzegovina, followed by Serbia and Croatia, and a significant number of visits were recorded from the USA, Germany, UK, the Netherlands, Slovakia, Kenya etc.

As in previous years, co-operation with the media in 2015 was implemented through the participation of the Institution's representatives at conferences devoted to the issues of media freedom, and through regular contacts with the press and with spokespersons from other agencies and institutions.

In the reporting year, the Ombudsman Institution organized a New Year reception for journalists for the first time, in order to highlight the good cooperation with the media and to express gratitude for their professional attitude in reporting on the activities of the Institution. The reception was also an opportunity to summarize the results of 2015 and to talk about ways to improve the future cooperation between the Ombudsman Institution and the media in the promotion and protection of human rights.

XIII. COOPERATION WITH NON-GOVERNMENTAL AND CIVIL SECTOR

In 2015, cooperation with non-governmental organizations and the civil sector was intensified and characterized by a large number of requests of NGOs to the Ombudsman Institution for cooperation and participation in their activities. Bearing in mind regular activities and limited capacity of the Institution, the Ombudspersons were still able to respond to most of these invitations. However, the cooperation on individual and *ad hoc* bases raised the issue of the need to review the Platform on cooperation with NGOs and to organize such cooperation in a more coherent way and on partnership grounds.

In the reporting period, several areas of cooperation with NGOs were particularly represented. They primarily include the protection of marginalized groups, primarily of persons with disabilities, children, and minorities. In order to improve their rights and point to their difficult situation in their struggle for equality and social inclusion in all segments of the society, the Ombudsman Institution continues to work with the following organizations: My Rights, Minority Groups International, Coalition for the Strategy and the Equalization of Opportunities and Rights of Persons with Disabilities of Una-Sana Canton, and Coalition of Marginalized Groups (KOMA).

Some of the defined areas of joint action are:

- Development of a plan for the implementation of the Convention on the Rights of Persons with Disabilities or a plan on harmonization of legislation with the proclaimed principles and obligations defined in the Convention, and harmonization of definitions of disability and persons with disabilities in the legislation,
- Advocacy activities for a program for adequate determination of the need for orthopaedic and other appliances that match the individual needs of people with disabilities, and providing means for a functional public dental care system for children and adults with intellectual disabilities,
- Advocating for the implementation of a quality inclusive education for children and youth with disabilities at all levels of education,
- Promoting the right to equal opportunities and access to public facilities and institutions and to equal participation in traffic,
- Bringing the work of the Ombudsman Institution closer to the people with disabilities, in order to enable them to file a complaint with the Ombudspersons about violations of their rights.
- The participation of disabled persons and disabled persons' organizations in setting priorities and in the implementation of the Ombudsman Strategy for 2016 – 2021 in this field.

Taking into account the increased number of complaints from labour relations and complaints related to mobbing at the workplace and the announced adoption of the new Labour Law, the Ombudsman Institution has made numerous contacts with organizations working on the reduction of exploitation at the workplace and strengthening of the protection of workers' rights in Bosnia and Herzegovina.

In the field of protection of children's rights, the Ombudsman Institution has continued to cooperate with the coalition of the NGO network for the Rights of the Child "Stronger Voice for Children" and Save the Children.

When it comes to the special mandate of the Ombudsman Institution under the Law on the Prohibition of Discrimination in BiH, the cooperation with NGOs included participation in conferences, professional meetings and promotional activities aimed at informing the general public about the mandate and level of implementation of this Law. In 2015, a special emphasis was placed on the rights of LGBT people, and the Institution worked on these issues in cooperation with Sarajevo Open Centre (SOC) and the Civil Society Coalition Combating Discrimination "Equality for all."

With regard to the issues of strengthening and promotion of access to justice and the establishment of an efficient system of free legal aid, the Ombudsman Institution has continued to cooperate with the organization Your Rights and the Foundation for Local Democracy based on a signed agreement designed to establish joint cooperation and coordination between free legal aid providers, in order to provide the citizens of Sarajevo Canton with a more efficient and better-quality protection in the exercise of their rights.

The cooperation with civil society organizations in 2015 was particularly intensified in the areas of transparency, accountability and integrity of public administration, and fight against corruption, but also in the framework of the Open Government Partnership initiative.

The Ombudsman Institution participated in the Open Government Partnership initiative organized by the Transparency International, the CPI Foundation, the Centre for Social Research "Analitika" and the Centre for Investigative Reporting, in cooperation with the Open Society Fund Bosnia and Herzegovina and the regional project "Advocacy for Open Government: the right to know in South East Europe", financed by the European Union.

The Open Government Partnership (OGP) is a global multilateral initiative for transparency and openness of the work of public authorities, and its participants are the states that undertake to implement concrete measures and actions in the areas of transparency, empowerment of citizens' participation in government, the fight against corruption and the introduction of new technologies, in order to increase the efficiency of the public authorities. The Open Government Partnership is an initiative with 65 member states, and Bosnia and Herzegovina joined it in 2014.

In accordance with their capacities and capabilities, the Institution of Ombudsman conducted some educational activities in 2015, trying to open its doors to students and non-governmental organizations interested in functioning of the Institution. In this regard, we would like to mention a visit to the Institution by a group of NGOs gathered around a USAID's programme providing support to marginalized groups.

Important events

At the initiative of the Ombudsman Institution, a joint thematic session of the for Gender Equality Committee of the House of Representatives of PA BiH and Gender Equality Committee of the House of Representatives of the FBiH Parliament was held, focusing on the Special Report on the state of

mothers and motherhood in the Federation of BiH. This way of cooperation with the parliaments in Bosnia and Herzegovina has proven to be extremely effective and it resulted in a broader initiative for addressing the issue of maternity benefits in the Federation.

The Ombudsman Institution marked the International Human Rights Day, 10 December, under the slogan "Our rights. Our Freedoms. Always.", by participating in several joint activities:

- A conference organized by the Gender Centre of the Government of Republika Srpska on "Femicide as a form of gender-based violence" in Banja Luka, in the framework of a global campaign called "16 Days of Activism against Violence Against Women" and a campaign "Life without Violence";
- Presentation at a joint conference organized by the Joint Committee on Human Rights of the Parliamentary Assembly of BiH and the Ministry of Human Rights and Refugees, which was dedicated to raising awareness of human rights and creating a space for dialogue in Bosnia and Herzegovina as a step forward towards a democratic and tolerant BiH society, devoid of discrimination and prejudice;
- A visit to a Day-care centre for children organized within the humanitarian organization "Altruist" in Mostar, in order to draw attention to the problem of child beggars and to the need for finding a systematic solution, and to provide support to day-care centres for children found begging and wandering around and those exposed to other forms of violence or exploitation in Bosnia and Herzegovina, which function owing to the enthusiasm and commitment of a few NGOs;
- Presentation at the conference at the University of Banja Luka: "Bosnia and Herzegovina and Refugees: Then and Now", which included a public debate on the challenges arising from long-term displacement in the Balkans, 20 years after the end of the armed conflict in Bosnia and Herzegovina, as well as new challenges in addressing the current refugee crisis from the perspective of the Universal Declaration of Human Rights.

XIV. BUDGET AND FINANCE

The Ombudsman Institution is entirely financed from the budget of the institutions of Bosnia and Herzegovina²⁷⁹. The table attached to this report shows that the Ombudsman Institution's budget for 2015 amounted to BAM 2,460.000. The total execution of budget expenditures for 2015 amounted to BAM 2,328,369, which accounts for 95% of the total approved budget amount.

The Ombudsman Institution did not express the need and did not request any funds from the current reserves in 2015.

After 2009, the budget funds allocated for the functioning of the Ombudsman Institution were continually decreased, which impacted the plan and work of the Institution and hampered normal functioning in all aspects. Requests for budget funds were not accepted although they were legitimate and justified; for instance, the Law on the Prohibition of Discrimination, special activities in the field of government, ministerial and other appointments, responsibilities in the field of freedom of access to information etc.

The International Coordinating Committee of National Institutions accredited the Ombudsman Institution of Bosnia and Herzegovina granting it the "A" status. One of the basic requirements for the status "A" accreditation is the financial independence of an institution. Ombudspersons believe that this precondition could be seriously compromised if the Ombudsman Institution accepts that its financial operations are additionally audited by the executive authorities, which could eventually lead to losing the "A" status, which is absolutely unacceptable for the Ombudsman Institution.

The audit reports have been positive every year, which indicates a rational and lawful budget execution and spending practices.

279 The Law on Budget of BiH Institutions and International Obligations of Bosnia and Herzegovina for 2015 ("Official Gazette", No. 40/15)

XV. TABLE OF RECOMMENDATIONS

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-1/15	Ž-SA-05-840/14	TRAVNIK MUNICIPALITY, THE MAYOR	03 – ACCESS TO INFORMATION	5.1.2015	NO ANSWER	NO
P-2/15	Ž-MO-05-58/14	CITY OF MOSTAR, THE MAYOR	15 -PROPERTY	12.1.2015	NO ANSWER	NO
P-3/15	Ž-MO-05-77/14	CITY OF MOSTAR, THE MAYOR	15 -PROPERTY	12.1.2015	NO ANSWER	NO
P-4/15	Ž-MO-05-106/14	CITY OF MOSTAR, THE MAYOR	15 -PROPERTY	12.1.2015	NO ANSWER	NO
P-5/15	Ž-MO-04-125/14	THE GOVERNMENT HNK/Ž , PRIME MINISTER OF MOSTAR	10 - WORK RELATIONS	12.1.2015	NO ANSWER	NO
P-6/15	Ž-LI-05-130/13	MUNICIPAL COURT LIVNO	09 - COURTS	21.1.2015	IMPLEMENTED	YES
P-7/15	Ž-BL-05-660/14	POLICE STATION TESLIĆ	05 - POLICE	20.1.2015	IMPLEMENTED	YES
P-8/15	Ž-BL-05-693/14	BASIC COURT IN BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	26.1.2015	IMPLEMENTED	YES
P-9/15	Ž-SA-04-1376/14	D.D. BH TELECOM - TELECOM ENGINEERING SARAJEVO	10 - WORK RELATIONS	22.1.2015	IMPLEMENTED	YES
P-10/15	Ž-SA-05-1081/14	MUNICIPALITY NOVI GRAD SARAJEVO SERVICE FOR ECONOMY, FINANCE AND INSPECTION AFFAIRS, URBAN CONSTRUCTION INSPECTOR	19 - ADMINISTRATION	3.2.2015	NOT IMPLEMENTED	YES
P-11/15	Ž-SA-05-1104/14	CITY OF PRIJEDOR, FINANCE DEPARTMENT	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	3.2.2015	IMPLEMENTED	YES
P-12/15	Ž-BL-05-764/14	CITY OF BANJA LUKA	19 - ADMINISTRATION	29.1.2015	NOT IMPLEMENTED	YES
P-13/15	Ž-BL-02-713/14	EMPLOYMENT SERVICE OF THE REPUBLIC OF SRPSKA MINISTRY OF LABOR AND VETERANS AND DISABLEMENT AFFAIRS	12 - PERSONS WITH DISABILITIES	29.1.2015	COOPERATION ACHIEVED	YES
P-14/15	Ž-BL-05-742/14	TAX ADMINISTRATION OF THE REPUBLIC OF SRPSKA	03 – ACCESS TO INFORMATION -- 03-2 - REFUSAL OF ACCESS TO INFORMATION	29.1.2015	NOT IMPLEMENTED	YES
P-15/15	Ž-BL-05-611/14	MUNICIPALITY NOVI GRAD SARAJEVO	19 - ADMINISTRATION	29.1.2015	NO ANSWER	NO
P-16/15	Ž-BL-05-226/14 Ž-BL-05-234/14	COUNCIL OF MINISTERS OF BIH	22 -- MINISTERIAL AND GOVERNMENT APPOINTMENTS	29.1.2015	NO ANSWER	NO

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDA-TION	REALIZATION	ANSWER RECEIVED
P-17/15	Ž-BL-01-662/13	GOVERNMENT OF CENTRAL BOSNIA CANTON, MINISTRY OF HEALTH AND SOCIAL POLICY OF CANTON, CENTRAL INSTITUTE OF HEALTH INSURANCE SBK NOVI TRAVNIK GENERAL HOSPITAL JAJCE	13 - THE RIGHTS OF THE CHILD	30.1.2015	IMPLEMENTED	YES
P-18/15	Ž-BL-05-359/14	MUNICIPAL COUNCIL BOSANSKA KRUPA PUC "10. JULY" DOO BOSANSKA KRUPA	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	30.1.2015	IMPLEMENTED	YES
P-19/15	Ž-BL-04-668/14	MINISTRY OF CIVIL AFFAIRS COUNCIL OF MINISTERS GOVERNMENT OF THE REPUBLIC OF SRPSKA BANJA LUKA PENSION AND DISABILITY INSURANCE OF THE REPUBLIC OF SRPSKA	25 - PENSIONS	30.1.2015	IMPLEMENTED	YES
P-20/15	Ž-BL-05-6/15	PRIMARY SCHOOL "SVETI SAVA" DOBOJ	09 - COURTS	3.2.2015	NOT IMPLEMENTED	NO
P-21/15	Ž-BL-05-830/14	INDIRECT TAXATION AUTHORITY OF BIH	19 - ADMINISTRATION	4.2.2015	NOT IMPLEMENTED	YES
P-22/15	Ž-BL-05-772/14	CITY OF BANJA LUKA	19 - ADMINISTRATION	4.2.2015	NOT IMPLEMENTED	YES
P-23/15	Ž-BL-05-759/14	PI CENTRE FOR CULTURE AND EDUCATION "ZUHDIJA ŽALIĆ" VELIKA Kladuša	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	4.2.2015	NOT IMPLEMENTED	YES
P-24/15	Ž-BL-05-706/14	PI "INTERNATIONAL AIRPORT TUZLA" D.O.O.	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	4.2.2015	NO ANSWER	NO
P-25/15	Ž-SA-05-1263/14	MUNICIPALITY VITEZ	19 - ADMINISTRATION	4.2.2015	COOPERATION ACHIEVED	YES
P-26/15	Ž-SA-06-1141/14	COUNCIL OF MINISTERS MINISTRY OF CIVIL AFFAIRS SARAJEVO	01 - DISCRIMINATION -- 01-19 - BASED ON SEXUAL ORIENTATION OR EXPRESSION	4.2.2015	NO ANSWER	NO
P-27/15	Ž-SA-02-520/14	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY SARAJEVO	12 - PERSONS WITH DISABILITIES	5.2.2015	NOT IMPLEMENTED	YES
P-28/15	Ž-SA-04-961/14	ZENICA-DOBOJ CANTON MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT ZENICA PI SECONYESRY SCHOOL ZAVIDOVIĆI Attn. DIRECTOR ZAVIDOVIĆI	10 - WORK RELATIONS	6.2.2015	COOPERATION ACHIEVED	YES
P-29/15	Ž-SA-04-18/15	HEALTH INSURANCE INSTITUTE OF ZENICA-DOBOJ CANTON ATTN. DIRECTORS ZENICA	10 - WORK RELATIONS	6.2.2015	NOT IMPLEMENTED	YES
P-30/15	Ž-LI-05-138/14	DRVAR MUNICIPALITY, THE MAYOR MUNICIPAL COUNCIL DRVAR	19 - ADMINISTRATION	9.2.2015	NO ANSWER	NO
P-31/15	Ž-LI-05-249/14	ASSEMBLY OF CANTON 10	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	9.2.2015	IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-32/15	Ž-LI-02-291/14	DRVAR MUNICIPALITY, THE MAYOR, MUNICIPAL COUNCIL DRVAR	02 - MEDIA AND FREEDOM OF INFORMATION	9.2.2015	NO ANSWER	NO
P-33/15	Ž-LI-05-321/14	LIVNO MUNICIPALITY, THE MAYOR	19 - ADMINISTRATION	9.2.2015	IMPLEMENTED	YES
P-34/15	Ž-SA-05-943/14	AGENCY FOR FINANCIAL, IT AND INTERMEDIARY SERVICES DD SARAJEVO acting DIRECTOR	03 - ACCESS TO INFORMATION	9.2.2015	NOT IMPLEMENTED	YES
P-35/15	Ž-SA-04-644/12	FEDERATION MINISTRY OF HEALTH, SARAJEVO	23 - HEALTH CARE	25.2.2015	IMPLEMENTED	YES
P-36/15	Ž-SA-05-1098/11	OLD TOWN MUNICIPALITY URBAN-BUILDING INSPECTOR, THE MAYOR	15 - PROPERTY	23.2.2015	PARTLY IMPLEMENTED	YES
P-37/15	Ž-SA-04-62/15	FEDERATION OFFICE OF PIO/MIO MOSTAR DIRECTOR OF THE FEDERATION OFFICE	25 - PENSIONS	24.2.2015	COOPERATION ACHIEVED	YES
P-38/15	Ž-BR-05-259/13	MUNICIPAL COURT IN ŽIVINICE	09 - COURTS -- 09-3 - EXECUTION OF JUDGMENT	11.3.2015	COOPERATION ACHIEVED	YES
P-39/15	Ž-BR-04-36/14	BRČKO DISTRICT GOVERNMENT DEPARTMENT OF EDUCATION	11 - EDUCATION	11.3.2015	COOPERATION ACHIEVED	YES
P-40/15	Ž-BR-04-5/14	CITY OF TUZLA OFFICE OF COMMUNITY AFFAIRS, CONSTRUCTION AND OPERATIONS OF LOCAL COMMUNITIES COMMISSION FOR TRAFFIC PUC TRAFFIC AND COMMUNICATIONS, TUZLA	21 - COMMUNAL SERVICES	11.3.2015	PARTLY IMPLEMENTED	YES
P-41/15	Ž-BR-05-100/14	MUNICIPAL COURT IN SARAJEVO	09 - COURTS -- 09-3 - EXECUTION OF JUDGMENT	11.3.2015	IMPLEMENTED	YES
P-42/15	Ž-BR-06-18/14	BRČKO DISTRICT GOVERNMENT DEPARTMENT OF EDUCATION	01 - DISCRIMINATION -- 01-13 - BASED ON RELATION WITH NATIONAL MINORITY	11.3.2015	IMPLEMENTED	YES
P-43/15	Ž-BR-05-201/14	PI RADIO TELEVISION TUZLA CANTON	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	11.3.2015	NOT IMPLEMENTED	YES
P-44/15	Ž-BR-05-200/14	PI RADIO TELEVISION OF TUZLA CANTON	03 - ACCESS TO INFORMATION	11.3.2015	NOT IMPLEMENTED	YES
P-45/15	Ž-BR-05-261/14	MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SRPSKA BIJEJINA PUBLIC SECURITY POLICE STATION BIJEJINA	05 - POLICE	11.3.2015	COOPERATION ACHIEVED	YES
P-46/15	Ž-SA-06-105/14	MUNICIPALITY PROZOR-RAMA, THE DEPARTMENT OF PLANNING, PUBLIC UTILITIES, PROPERTY AFFAIRS AND CAYESSTRAL REAL ESTATE, THE MAYOR-PROZOR-RAMA MINISTRY OF AGRICULTURE, FORESTRY AND WATER, HNK MOSTAR	01 - DISCRIMINATION -- 01-11 - BASED ON ETHNICITY	9.3.2015	NOT IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-47/15	Ž-SA-04-900/14	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF SARAJEVO CANTON, SARAJEVO	11 - EDUCATION	9.3.2015	COOPERATION ACHIEVED	YES
P-48/15	Ž-SA-06-1196/14	CANTONAL ADMINISTRATION FOR INSPECTION OF CANTON TUZLA	01 - DISCRIMINATION -- 01-03 - MOBBING	11.3.2015	IMPLEMENTED	YES
P-49/15	Ž-SA-05-1340/14	PRIMARY SCHOOL "5. OCTOBER" SANSKI MOST SCHOOL BOARD, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT OF THE UNASANA CANTON BIHAĆ	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	11.3.2015	NOT IMPLEMENTED	YES
P-50/15	Ž-SA-01-95/15	GOVERNMENT OF BOSNIA-GORAŽDE CANTON ASSEMBLY OF BOSNIA-PODRINJE CANTON	13 - THE RIGHTS OF THE CHILD	13.3.2015	COOPERATION ACHIEVED	YES
P-51/15	Ž-SA-06-1107/14	INSTITUTE FOR OCCUPATIONAL HEALTH SARAJEVO	06 - PUBLIC REVENUE	13.3.2015	IMPLEMENTED	YES
P-52/15	Ž-MO-05-3/15	ISLAMIC COMMUNITY IN BIH - KARAOĐOZ MEDRESA, MOSTAR	03 - ACCESS TO INFORMATION -- 03-3 - RIGHT TO TWO INSTANCES	13.3.2015	IMPLEMENTED	YES
P-53/15	Ž-BL-05-832/14	REPUBLIC ADMINISTRATION FOR GEODETIC AND REAL PROPERTY AFFAIRS BANJA LUKA	19 - ADMINISTRATION	16.3.2015	NO ANSWER	NO
P-54/15	Ž-BL-05-741/14	HEALTH CENTRE BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-2 - REFUSAL OF ACCESS TO INFORMATION	17.3.2015	IMPLEMENTED	YES
P-55/15	Ž-BL-05-749/14	UNIVERSITY HOSPITAL CLINICAL CENTRE BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	17.3.2015	NOT IMPLEMENTED	YES
P-56/15	Ž-BL-05-9/15	REPUBLIC ADMINISTRATION FOR INSPECTION, LABOR INSPECTION AREA, DIVISION TREBINJE - SECTION BILEĆA	15 - PROPERTY	16.3.2015	IMPLEMENTED	YES
P-57/15	Ž-BL-04-684/14	MUNICIPALITY GRADIŠKA	10 - WORK RELATIONS	16.3.2015	NOT IMPLEMENTED	YES
P-58/15	Ž-BL-05-834/14	PEOPLE'S ASSEMBLY OF THE REPUBLIC OF SRPSKA, MUNICIPALITY PRNJAVOR	15 -PROPERTY	16.3.2015	COOPERATION ACHIEVED	YES
P-59/15	Ž-BL-05-815/14	BASIC COURT IN BANJA LUKA	09 - COURTS -- 09-2 - LENGTH OF PROCEEDINGS (ARTICLE 6)	16.3.2015	IMPLEMENTED	YES
P-60/15	Ž-BL-06-676/14	INTERIOR MINISTRY OF THE REPUBLIC OF SRPSKA, POLICE DEPARTMENT FOR EDUCATION	01 - DISCRIMINATION -- 01-19 - BASED ON SEXUAL ORIENTATION OR EXPRESSION	16.3.2015	IMPLEMENTED	YES
P-61/15	Ž-BL-06-504/14	MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT OF RS	01 - DISCRIMINATION -- 01-18 - BASED ON SOCIAL STATUS AND SEX	16.3.2015	IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-62/15	Ž-BL-04-778/14	CITY OF BANJA LUKA DEPARTMENT OF COMMUNAL POLICE	21 - COMMUNAL SERVICES	16.3.2015	IMPLEMENTED	YES
P-63/15	Ž-BL-04-520/14	MUNICIPALITY SRBAC	10 - WORK RELATIONS	16.3.2015	NOT IMPLEMENTED	NO
P-64/15	Ž-BL-02-17/15	MINISTRY OF LABOR, VETERANS AND DISABLEMENT PROTECTION OF RS	12 – PERSONS WITH DISABILITIES	16.3.2015	IMPLEMENTED	YES
P-65/15	Ž-BL-05-754/14	HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BIH, SARAJEVO	09 - COURTS	16.3.2015	IMPLEMENTED	YES
P-66/15	Ž-BL-04-579/14	FOND PIO OF THE REPUBLIC OF SRPSKA	25 - PENSIONS	16.3.2015	COOPERATION ACHIEVED	YES
P-67/15	Ž-BL-04-688/14	SECONYESRY SCHOOL "NIKOLA TESLA" KOTOR- VAROŠ	11 - EDUCATION	16.3.2015	PARTLY IMPLEMENTED	NO
P-68/15	Ž-MO-01-18/15	PRIMARY SCHOOL NOVI TRAVNIK, DIRECTOR, NOVI TRAVNIK	13 - THE RIGHTS OF THE CHILD	30.3.2015	NO ANSWER	NO
P-69/15	Ž-MO-04-172/14	HNK GOVERNMENT, PRIME MINISTER MOSTAR	10 - WORK RELATIONS	30.3.2015	NOT IMPLEMENTED	YES
P-70/15	Ž-MO-04-173/14	HNK GOVERNMENT, PRIME MINISTER MOSTAR	10 - WORK RELATIONS	30.3.2015	NOT IMPLEMENTED	YES
P-71/15	Ž-BL-05-394/14	MINISTRY OF HEALTH AND SOCIAL WELFARE OF THE REPUBLIC OF SRPSKA	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	18.2.2015	IMPLEMENTED	YES
P-72/15	Ž-BL-05-161/15	CITY OF ZENICA, SERVICE OF GENERAL ADMINISTRATION AND HOUSING ISSUES	15 -PROPERTY	31.3.2015	NO ANSWER	NO
P-73/15	Ž-BL-05-103/15	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIC OF SRPSKA MINISTRY OF HEALTH AND SOCIAL WELFARE OF THE REPUBLIC OF SRPSKA	19 - ADMINISTRATION	31.3.2015	IMPLEMENTED	YES
P-74/15	Ž-BL-06-70/15	ELECTRO-TRANSMISSION COMPANY BANJA LUKA	01 - DISCRIMINATION -- 01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	31.3.2015	PARTLY IMPLEMENTED	YES
P-75/15	Ž-BL-04-797/14	HEALTH INSURANCE INSTITUTE OF ZENICA-DOBOJ CANTON ZENICA	10 - WORK RELATIONS	31.3.2015	COOPERATION ACHIEVED	YES
P-76/15	Ž-BR-05-14/15	FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES SARAJEVO	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	1.4.2015	IMPLEMENTED	YES
P-77/15	Ž-SA-04-899/14	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF SARAJEVO CANTON	11 - EDUCATION	28.4.2015	NOT IMPLEMENTED	YES
P-78/15	Ž-BR-04-18/13	BRČKO DISTRICT GOVERNMENT, MAYOR, "KOMUNALNO BRČKO", DIRECTOR	21 - COMMUNAL SERVICES	1.4.2015	PARTLY IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDA-TION	REALIZATION	ANSWER RECEIVED
P-79/15	Ž-BR-05-376/13	MUNICIPALITY GRAČANICA SERVICE FOR COMMERCIAL, LOCAL DEVELOPMENT AND FINANCE, URBAN CONSTRUCTION INSPECTOR	19 - ADMINISTRATION	1.4.2015	NOT IMPLEMENTED	YES
P-80/15	Ž-BR-04-370/13	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY SARAJEVO, INSTITUTE FOR MEDICAL ASSESSMENT OF HEALTH STATUS SARAJEVO, DEPARTMENT OF FIRST INSTANCE PROCEDURE, MEDICAL EXPERTISE TUZLA, CENTRE FOR SOCIAL WORK TUZLA	24 - SOCIAL PROTECTION	1.4.2015	COOPERATION ACHIEVED	YES
P-81/15	Ž-BL-05-415/14	CENTRAL ELECTION COMMISSION ZVORNIK MUNICIPALITY	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	31.3.2015	COOPERATION ACHIEVED	YES
P-82/15	Ž-BL-05-621/14	ASSEMBLY OF CANTON 10 COMMISSION FOR ELECTION AND APPOINTMENT TOMISLAVGRAD	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	31.3.2015	IMPLEMENTED	YES
P-83/15	Ž-BL-01-592/14	GOVERNMENT OF THE RS MINISTRY OF JUSTICE OF THE REPUBLIC OF SRPSKA	13 - THE RIGHTS OF THE CHILD	31.3.2015	NOT IMPLEMENTED	YES
P-84/15	Ž-SA-04-57/15	MINISTRY OF LABOR, VETERANS AND DISABLED PERSONS OF THE REPUBLIC OF SRPSKA, COMMISSION OF ARTICLE 152 OF THE LAW ON THE WORK OF BANJA LUKA	10 - WORK RELATIONS	2.4.2015	NOT IMPLEMENTED	YES
P-85/15	Ž-SA-06-125/15 Ž-SA-06-132/15 Ž-SA-06-145/15	FEDERAL MINISTRY OF EDUCATION AND SCIENCE FEDERAL MINISTRY FOR VETERANS AND DISABLED VETERANS OF WAR, CANTONAL ASSEMBLIES ALL CANTONS IN FBiH	01 - DISCRIMINATION	3.4.2015	COOPERATION ACHIEVED	YES
P-86/15	Ž-SA-05-1300/14	ASSEMBLY OF THE MUNICIPALITY OF EAST NOW SARAJEVO, PRESIDENT	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	3.4.2015	IMPLEMENTED	YES
P-87/15	Ž-SA-04-1127/14 Ž-SA-05-1331/14	PARLIAMENT OF THE FEDERATION BIH HOUSE OF REPRESENTATIVES –HOUSE OF PEOPLES -THE COMMITTEE FOR RETURN OF REFUGEES AND DISPLACED PERSONS SARAJEVO HOUSE OF PEOPLES FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES MINISTER OF SARAJEVO CANTON ASSEMBLY, CHAIRMAN OF SARAJEVO MINISTRY OF LABOR, SOCIAL AFFAIRS, DISPLACED PERSONS AND REFUGEES SARAJEVO CANTON, MINISTER, SARAJEVO MINISTRY FOR HUMAN RIGHTS AND REFUGEES, SARAJEVO	04 - RELIGIOUS FREEDOM / RELIGION 19 - ADMINISTRATION	6.4.2015	NOT IMPLEMENTED	YES
P-88/15	Ž-SA-05-1234/14	KJP "SARAJEVO-FORESTS" LTD, SARAJEVO AUDIT COMMITTEE	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	6.4.2015	COOPERATION ACHIEVED	YES

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P-89/15	Ž-SA-04-134/15	FEDERATION OFFICE OF PIO/ MIO MOSTAR DIRECTOR OF THE INSTITUTE	25 - PENSIONS	6.4.2015	NOT IMPLEMENTED	YES
P-90/15	Ž-SA-06-1070/14 Ž-SA-06-241/15	MINISTRY OF CIVIL AFFAIRS OF BIH, SARAJEVO, COUNCIL OF MINISTERS OF BIH, SARAJEVO, GOVERNMENT OF RS BANJA LUKA, PENSION AND DISABILITY INSURANCE OF RS, BIJELJINA	01 - DISCRIMINATION	28.4.2015	COOPERATION ACHIEVED	YES
P-91/15	Ž-SA-05-954/13	MUNICIPALITY CENTER SARAJEVO, CABINOT OF MUNICIPAL MAYOR, INSPECTION	19 - ADMINISTRATION	28.4.2015	COOPERATION ACHIEVED	YES
P-92/15	Ž-SA-06-131/15	PUBLIC HEALTH INSTITUTION, MEDICAL POST BRATUNAC	01 - DISCRIMINATION	28.4.2015	IMPLEMENTED	YES
P-93/15	Ž-SA-05-10/14	ZENICA-DOBOJ CANTON ASSEMBLY OF ZENICA-DOBOJ CANTON	19 - ADMINISTRATION	28.4.2015	IMPLEMENTED	YES
P-94/15	Ž-SA-04-62/15	FEDERATION MINISTRY FOR VETERANS AND DISABLED VETERANS OF WAR, MINISTER, FEDERATION MINISTRY OF INTERNAL AFFAIRS, MINISTER	25 - PENSIONS	30.4.2015	NOT IMPLEMENTED	YES
P-95/15	Ž-SA-04-64/15	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF SARAJEVO CANTON	10 - WORK RELATIONS	30.4.2015	NO ANSWER	NO
P-96/15	Ž-SA-05-155/15	FEDERATION MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY, SARAJEVO	03 - ACCESS TO INFORMATION	8.5.2015	IMPLEMENTED	YES
P-97/15	Ž-BL-05-240/15	HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BIH BASIC COURT BIJELJINA COUNTY COURT BIJELJINA	09 - COURTS	11.5.2015	IMPLEMENTED	YES
P-98/15	Ž-BL-05-107/15	CITY OF BANJA LUKA INSPECTION DEPARTMENT URBAN-BUILDING INSPECTION	19 - ADMINISTRATION	11.5.2015	NOT IMPLEMENTED	YES
P-99/15	Ž-BL-05-87/15	SANSKI MOST MUNICIPALITY	28 - CORRUPTION	11.5.2015	NOT IMPLEMENTED	NO

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-100/15	Ž-SA-01-1047/14 Ž-SA-06-1009/14 Ž-SA-06-1042/14 Ž-SA-06-1043/14 Ž-SA-06-1044/14 Ž-SA-06-1045/14 Ž-SA-06-1046/14 Ž-SA-06-1073/14 Ž-SA-06-331/14 Ž-SA-06-332/14 Ž-SA-06-346/14 Ž-SA-06-357/14 Ž-SA-06-378/14 Ž-SA-06-386/14 Ž-SA-06-408/14 Ž-SA-06-446/14 Ž-SA-06-944/14	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF TUZLA CANTON TUZLA, TUZLA CANTON ASSEMBLY, TUZLA	01 - DISCRIMINATION	11.5.2015	COOPERATION ACHIEVED	YES
P-101/15	Ž-BL-04-243/15	ELECTRO-TRANSMISSION COMPANY OPERATIONAL AREA BANJA LUKA BANJA LUKA	10 – WORK RELATIONS	12.5.2015	IMPLEMENTED	YES
P-102/15	Ž-BL-06-225/15	CITY ADMINISTRATION OF BANJA LUKA	01 - DISCRIMINATION -- 01-18 - BASED ON SOCIAL STATUS AND SEX	12.5.2015	NOT IMPLEMENTED	YES
P-103/15	Ž-BL-06-97/15	JU GYMNASIUM BANJA LUKA	01 - DISCRIMINATION -- 01-03 - MOBBING	12.5.2015	IMPLEMENTED	YES
P-104/15	Ž-SA-04-987/14	GOVERNMENT OF CANTON 10, LIVNO	23 - HEALTH CARE	19.5.2015	NO ANSWER	NO
P-105/15	Ž-SA-05-1352/14	CITY OF TUZLA, TUZLA	19 - ADMINISTRATION	19.5.2015	NO ANSWER	NO
P-106/15	Ž-MO-05-16/15	GOVERNMENT OF HNK, MOSTAR	05 - POLICE	21.5.2015	COOPERATION ACHIEVED	YES
P-107/15	Ž-BR-05-188/14	MINISTRY OF INTERNAL AFFAIRS OF TUZLA CANTON - POLICE STATION SREBRENİK - POLICE TUZLA - THE PROFESSIONAL STANYESRDS UNIT	05 - POLICE	27.5.2015	NOT IMPLEMENTED	YES
P-108/15	Ž-BR-03-171/14	LUKAVAC, JU EMPLOYMENT SERVICE TUZLA, CANTON TUZLA, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF TUZLA CANTON	18 - MINORITIES	27.5.2015	NOT IMPLEMENTED	YES
P-109/15	Ž-BR-06-2/15	TUZLA CITY COMMISSION FOR THE SELECTION/SELECTION OF ROMA ACTION PROJECT IN THE MUNICIPALITY OF TUZLA, MINISTRY FOR HUMAN RIGHTS AND REFUGEES SARAJEVO	01 - DISCRIMINATION	27.5.2015	COOPERATION ACHIEVED	YES
P-110/15	Ž-BR-02-67/14	FEDERAL MINISTRY OF LABOR AND SOCIAL POLICY SARAJEVO INSTITUTE FOR MEDICAL ASSESSMENT OF HEALTH STATUS SARAJEVO - DEPARTMENT OF FIRST INSTANCE PROCEDURE MEDICAL EXPERTISE TUZLA	12 - PERSONS WITH DISABILITIES	27.5.2015	NOT IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-111/15	Ž-BR-03-282/14	MUNICIPALITY ŽIVINICE, THE MAYOR	18 - MINORITIES	27.5.2015	COOPERATION ACHIEVED	YES
P-112/15	Ž-BR-06-84/13	MUNICIPALITY ORAŠJE, THE MAYOR OF THE MUNICIPALITY ORAŠJE	01 - DISCRIMINATION -- 01-17 - BASED ON EDUCATION	27.5.2015	NOT IMPLEMENTED	YES
P-113/15	Ž-BL-05-68/15	MUNICIPALITY BOSANSKI PETROVAC	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	25.5.2015	IMPLEMENTED	YES
P-114/15	Ž-BL-05-235/15	JZU MEDICAL POST BIJELJINA	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	25.5.2015	NOT IMPLEMENTED	YES
P-115/15	Ž-BL-04-773/14	CITY OF PRIJEDOR	21 - COMMUNAL SERVICES	25.5.2015	IMPLEMENTED	YES
P-116/15	Ž-SA-05-225/15	CITY OF SARAJEVO CITY ADMINISTRATION DEPARTMENT FOR COMMUNITY AFFAIRS CITY MUNICIPAL INSPECTOR MUNICIPALITY CENTRE CABINOT OF THE MAYOR - INSPECTION OF URBAN CONSTRUCTION INSPECTOR	19 - ADMINISTRATION	25.5.2015	PARTLY IMPLEMENTED	YES
P-117/15	Ž-SA-05-176/15	MINISTRY OF JUSTICE AND ADMINISTRATION UNA-SANA CANTON, CANTONAL ADMINISTRATIVE INSPECTOR	19 - ADMINISTRATION	25.5.2015	IMPLEMENTED	YES
P-118/15	Ž-SA-05-1189/14	J.P. "PARKING – SERVICE" ZENICA, ZENICA	03 - ACCESS TO INFORMATION	25.5.2015	NO ANSWER	NO
P-119/15	Ž-SA-05-51/15	UNIVERSITY OF ZENICA, ECONOMY FACULTY Z E N I C A	03 - ACCESS TO INFORMATION	25.5.2015	NOT IMPLEMENTED	NO
P-120/15	Ž-SA-05-1027/14	BH ELECTRIC POWER D.D. - SARAJEVO BRANCH "POWER DISTRIBUTION", ZENICA, ZENICA	03 - ACCESS TO INFORMATION	25.5.2015	IMPLEMENTED	NO
P-121/15	Ž-BL-05-19/14	CANTONAL COURT TUZLA	05 - POLICE	26.5.2015	NOT IMPLEMENTED	NO
P-122/15	Ž-BL-05-105/15	PENSION FOND OF THE REPUBLIC OF SRPSKA	09 - COURTS -- 09-3 - EXECUTION OF JUDGMENT	26.5.2015	IMPLEMENTED	YES
P-123/15	Ž-BL-05-785/13	BASIC COURT GRADIŠKA	09 - COURTS	27.5.2015	IMPLEMENTED	YES
P-124/15	Ž-BL-05-142/15	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIC OF SRPSKA, INSTITUTE FOR ADULT EDUCATION	19 - ADMINISTRATION	26.5.2015	IMPLEMENTED	YES
P-125/15	Ž-MO-04-138/14	UNIVERSITY OF MOSTAR, FACULTY OF MEDICINO MOSTAR	10 - WORK RELATIONS	4.6.2015	NOT IMPLEMENTED	YES
P-126/15	Ž-SA-05-276/15 Ž-SA-05-280/15	MUNICIPALITY HADŽIĆI, THE MAYOR	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	5.6.2015	COOPERATION ACHIEVED	YES
P-127/15	Ž-BL-04-788/14	PENSION FOND OF THE REPUBLIC OF SRPSKA	25 - PENSIONS	8.6.2015	IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDA-TION	REALIZATION	ANSWER RECEIVED
P-128/15	Ž-SA-06-886/14	RTV BiH SARAJEVO	01 - DISCRIMINATION	10.6.2015	IMPLEMENTED	YES
P-129/15	Ž-SA-05-86/15	MINISTRY OF INTERNAL AFFAIRS OF SARAJEVO CANTON, MINISTER PREDRAG KURTEŠ, MINISTRY OF INTERNAL AFFAIRS OF SARAJEVO CANTON POLICE, POLICE COMMISSIONOR VAHID ČOSIĆ, SARAJEVO	05 - POLICE	15.6.2015	COOPERATION ACHIEVED	YES
P-130/15	Ž-SA-04-483/15	PARLIAMENT OF THE FEDERATION OF BIH, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IN SARAJEVO, FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, MINISTER OF SARAJEVO	10 - WORK RELATIONS	25.6.2015	IMPLEMENTED	YES
P-131/15	Ž-BR-05-243/14	BRČKO DISTRICT PROSECUTION OF BOSNIA AND HERZEGOVINA	26 - THE PROSECUTION	8.7.2015	IMPLEMENTED	YES
P-132/15	Ž-BR-05-105/15	MINISTRY OF CIVIL AFFAIRS - DIVISION FOR CITIZENSHIP AND TRAVEL DOCUMENTS SARAJEVO, FEDERATION MINISTRY OF THE INTERIOR SARAJEVO, BIHAĆ, BIHAĆ HOME OFFICE	17 - PUBLIC DOCUMENTS	8.7.2015	IMPLEMENTED	YES
P-133/15	Ž-BR-05-195/14	MUNICIPAL COURT LUKAVAC	09 - COURTS -- 09-2 - LENGTH OF PROCEEDINGS (ARTICLE 6)	8.7.2015	IMPLEMENTED	YES
P-134/15	Ž-SA-04-258/15 Ž-SA-06-252/15	PARLIAMENT OF THE FEDERATION OF BIH HOUSE OF REPRESENTATIVES IN SARAJEVO, FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, MINISTER OF SARAJEVO FEDERATION OFFICE FOR PENSION AND DISABILITY INSURANCE MOSTAR, MOSTAR	01 - DISCRIMINATION I 25 - PENSIONS	9.7.2015	COOPERATION ACHIEVED	YES
P-135/15	Ž-SA-04-326/15	GOVERNMENT OF TUZLA CANTON, TUZLA	10 - WORK RELATIONS	24.6.2015	NO ANSWER	NO
P-136/15	Ž-MO-04-61/15	INSTITUTE OF INSURANCE AND REINSURANCE FBiH – SARAJEVO, DIRECTOR	23 - HEALTH CARE	6.7.2015	PARTLY IMPLEMENTED	YES
P-137/15	Ž-BL-05-426/14	MINISTRY OF FINANCE OF RS, TAX ADMINISTRATION OF RS, BANJA LUKA	19 - ADMINISTRATION	9.7.2015	IMPLEMENTED	YES
P-138/15	Ž-BL-05-498/14	MINISTRY OF FINANCES OF FBiH, SARAJEVO	09 - COURTS	9.7.2015	COOPERATION ACHIEVED	YES
P-139/15	Ž-BL-05-732/14	BASIC COURT GRADIŠKA	09 - COURTS	9.7.2015	IMPLEMENTED	YES
P-140/15	Ž-BL-01-410/14	BASIC COURT GRADIŠKA	13 - THE RIGHTS OF THE CHILD	9.7.2015	COOPERATION ACHIEVED	YES
P-141/15	Ž-BL-02-713/14	GOVERNMENT OF THE REPUBLIC OF SRPSKA, BANJA LUKA	12 - PERSONS WITH DISABILITIES	9.7.2015	NOT IMPLEMENTED	YES
P-142/15	Ž-BL-05-488/14	MUNICIPALITY JAJCE	19 - ADMINISTRATION	9.7.2015	IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-143/15	Ž-BL-05-581/14	MUNICIPAL COURT ORAŠJE	09 - COURTS -- 09-3 - EXECUTION OF JUDGMENT	10.7.2015	IMPLEMENTED	YES
P-144/15	Ž-BL-05-807/14	PROTECTION FUND OF FBiH, SARAJEVO	19 - ADMINISTRATION	10.7.2015	IMPLEMENTED	YES
P-145/15	Ž-BL-05-222/15	SUPREME COURT OF THE REPUBLIC OF SRPSKA, BANJA LUKA	09 - COURTS -- 09-2 - LENGTH OF PROCEEDINGS (ARTICLE 6)	10.7.2015	IMPLEMENTED	YES
P-146/15	Ž-SA-05-330/15	COMMON AFFAIRS SERVICES OF THE INSTITUTIONS OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO, DIRECTOR	03 - ACCESS TO INFORMATION	10.7.2015	IMPLEMENTED	YES
P-147/15	Ž-SA-05-1291/14	MUNICIPALITY ILIDŽA, THE MAYOR	15 - PROPERTY	14.7.2015	NOT IMPLEMENTED	YES
P-148/15	Ž-SA-05-836/14	REPUBLIC DEPARTMENT OF GEODETIC AND PROPERTY AFFAIRS, BANJA LUKA, BANJA LUKA BRANCH	15 - PROPERTY	10.7.2015	NOT IMPLEMENTED	YES
P-149/15	Ž-BL-05-102/15	MUNICIPALITY BOSANSKI PETROVAC	19 - ADMINISTRATION	13.7.2015	NOT IMPLEMENTED	YES
P-150/15	Ž-BL-05-317/15	COUNTY COURT BANJA LUKA	09 - COURTS -- 09-2 - LENGTH OF PROCEEDINGS (ARTICLE 6)	13.7.2015	IMPLEMENTED	YES
P-151/15	Ž-BL-05-151/15	CITY OF DOBOJ	28 - CORRUPTION	13.7.2015	COOPERATION ACHIEVED	YES
P-152/15	Ž-BL-04-180/15	UNIVERSITY OF BANJA LUKA FACULTY OF MEDICINE, DEPARTMENT OF SPECIALIST STUDIES AND CONTINUING MEDICAL EDUCATION	11 - EDUCATION	13.7.2015	IMPLEMENTED	YES
P-153/15	Ž-SA-05-1108/14	PUBLIC PROCUREMENT AGENCY BIH, PETITION OFFICE, SARAJEVO, BIH PARLIAMENTARY ASSEMBLY, CHAIRMAN OF THE HOUSE OF PEOPLES, HOUSE OF REPRESENTATIVES IN SARAJEVO	19 - ADMINISTRATION	13.7.2015	NOT IMPLEMENTED	YES
P-154/15	Ž-SA-05-180/15 Ž-SA-06-1137/14	FEDERATION GOVERNMENT PRIME MINISTER, FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, MINISTER OF FEDERATION ADMINISTRATION FOR INSPECTION, DIRECTOR	01 - DISCRIMINATION -- 01-03 - MOBBING I 26 - THE PROSECUTION	15.7.2015	COOPERATION ACHIEVED	YES
P-155/15	Ž-SA-05-149/15	MINISTRY OF FINANCE OF TUZLA CANTON, TUZLA, THE MINISTER	19 - ADMINISTRATION	15.7.2015	IMPLEMENTED	YES
P-156/15	Ž-BL-05-376/15	MUNICIPAL ASSEMBLY RIBNIK, MINISTRY OF HEALTH AND SOCIAL WELFARE OF RS	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	5.8.2015	PARTLY IMPLEMENTED	YES
P-157/15	Ž-BL-04-86/15	MINISTRY OF LABOR, VETERANS AND DISABLED PROTECTION OF THE REPUBLIC OF SRPSKA EMPLOYMENT SERVICE OF THE REPUBLIC OF SRPSKA PE "INSTITUTE FOR TEXTBOOKS AND TEACHING AIDS"	10 - WORK RELATIONS	5.8.2015	NOT IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMEN-DATION	REALIZATION	ANSWER RECEIVED
P-158/15	Ž-BL-01-129/15	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIC OF SRPSKA	13 - THE RIGHTS OF THE CHILD	5.8.2015	COOPERATION ACHIEVED	YES
P-159/15	Ž-BL-01-243/14	CENTRE FOR SOCIAL WORK KOTOR VAROŠ MINISTRY OF HEALTH AND SOCIAL WELFARE OF RS	13 - THE RIGHTS OF THE CHILD	12.8.2015	COOPERATION ACHIEVED	YES
P-160/15	Ž-BR-04-149/15	UNIVERSITY OF TUZLA - SENATE -RECTOR	11 - EDUCATION	1.9.2015	IMPLEMENTED	YES
P-161/15	Ž-BR-04-168/12	BRČKO DISTRICT GOVERNMENT –DEPARTMENT FOR EDUCATION, OFFICE OF THE MAYOR OF BRČKO DISTRICT BIH –INSPECTORATE FOR EDUCATION	11 - EDUCATION	1.9.2015	IMPLEMENTED	YES
P-162/15	Ž-BR-05-138/15	BRCKO DISTRICT GOVERNMENT – THE MAYOR - APPEAL COMMISSION	19 - ADMINISTRATION	1.9.2015	NOT IMPLEMENTED	YES
P-163/15	Ž-BR-05-172/14	MINISTRY OF INTERIOR TK-A POLICE DEPARTMENT ŽIVINICE POLICE STATION ŽIVINICE	05 - POLICE	1.9.2015	IMPLEMENTED	YES
P-164/15	Ž-BR-05-34/15	BANKING AGENCY OF THE REPUBLIC OF SRPSKA	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	1.9.2015	IMPLEMENTED	YES
P-165/15	Ž-BR-04-187/14	FUND FOR PENSION AND DISABILITY INSURANCE OF THE REPUBLIC OF SRPSKA BRANCH BIJELJINA	25 - PENSIONS	1.9.2015	NOT IMPLEMENTED	YES
P-166/15	Ž-LI-05-131/15	FEDERATION MINISTRY OF AGRICULTURE, WATER AND FORESTRY SARAJEVO	19 - ADMINISTRATION	18.12.2015	NOT IMPLEMENTED	NO
P-167/15	Ž-BL-04-394/15	THE HEALTH INSURANCE OF TUZLA CANTON MINISTRY OF HEALTH OF TUZLA CANTON	23 - HEALTH CARE	27.8.2015	IMPLEMENTED	YES
P-168/15	Ž-BL-04-535/14	JP HEATING D.O.O. ZENICA	10 - WORK RELATIONS	31.8.2015	COOPERATION ACHIEVED	YES
P-169/15	Ž-BL-04-293/15	MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT REPUBLIC HYDRO-METEOROLOGICAL INSTITUTE OF THE REPUBLIC OF SRPSKA, BANJA LUKA	11 - EDUCATION	31.8.2015	IMPLEMENTED	YES
P-170/15	Ž-BL-05-278/15	PUBLIC INSTITUTION CENTER FOR SOCIAL WORK TREBINJE	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	31.8.2015	NO ANSWER	NO
P-171/15	Ž-BL-05-288/14	MINISTRY OF HEALTH AND SOCIAL WELFARE RS	23 - HEALTH CARE	4.9.2015	COOPERATION ACHIEVED	YES
P-172/15	Ž-BL-05-320/15	REPUBLIC ADMINISTRATION FOR GEODESY AND PROPERTY LEGAL RELATIONS OF THE RS REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL RELATIONS RS -REGIONAL UNIT LAKTAŠI	19 - ADMINISTRATION	4.9.2015	COOPERATION ACHIEVED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-173/15	Ž-BL-01-360/14	ASSEMBLY OF SARAJEVO CANTON, SARAJEVO CANTON GOVERNMENT, MINISTRY OF EDUCATION, SCIENCE AND YOUTH, PUBLIC INSTITUTION PRIMARY SCHOOL "KOVAČIĆI" SARAJEVO	13 - THE RIGHTS OF THE CHILD	4.9.2015	NOT IMPLEMENTED	NO
P-174/15	Ž-BL-05-54/15	CIVIL SERVICE AGENCY OF THE FEDERATION OF BIH LEGISLATIVE OFFICE OF THE UNA-SANA CANTON OF THE CIVIL SERVICE, APPEAL OFFICE	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	2.9.2015	IMPLEMENTED	YES
P-175/15	Ž-BL-05-18/15	CITY OF BANJA LUKA	15 - PROPERTY	1.9.2015	NOT IMPLEMENTED	YES
P-176/15	Ž-BL-05-502/14	MINISTRY OF LABOR AND VETERANS AND DISABLED PERSONS PROTECTION OF RS	03 - ACCESS TO INFORMATION -- 03-2 - REFUSAL OF ACCESS TO INFORMATION	2.9.2015	IMPLEMENTED	YES
P-177/15	Ž-BL-04-747/14	MINISTRY OF EDUCATION, CULTURE AND SPORT OF USK, BIHAĆ	10 - WORK RELATIONS	1.9.2015	NO ANSWER	NO
P-178/15	Ž-BL-06-430/15	MINISTRY OF HEALTH AND SOCIAL WELFARE OF RS, BANJA LUKA	01 - DISCRIMINATION -- 01-17 - BASED ON EDUCATION	2.9.2015	IMPLEMENTED	YES
P-179/15	Ž-BL-05-267/15	JU EMPLOYMENT SERVICE OF THE REPUBLIC OF SRPSKA, PALE	19 - ADMINISTRATION	2.9.2015	IMPLEMENTED	YES
P-180/15	Ž-SA-05-417/15	CENTRE FOR SOCIAL WORK GRAYEŠĆAC, BOARD OF DIRECTORS	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	2.9.2015	NOT IMPLEMENTED	YES
P-181/15	Ž-SA-04-622/15	JU FACULTY OF DENTISTRY WITH CLINICS SARAJEVO	10 - WORK RELATIONS	2.9.2015	NO ANSWER	NO
P-182/15	Ž-SA-05-211/15 Ž-SA-05-212/15	CITY OF ZENICA, THE MAYOR	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	2.9.2015	NOT IMPLEMENTED	YES
P-183/15	Ž-SA-04-454/15	CIVIL SERVICE AGENCY OF FBiH, SARAJEVO DIRECTOR	10 - WORK RELATIONS	7.9.2015	COOPERATION ACHIEVED	YES
P-184/15	Ž-SA-05-608/15	FBiH TAX ADMINISTRATION CENTRAL OFFICE IN SARAJEVO SARAJEVO	03 - ACCESS TO INFORMATION	8.9.2015	NOT IMPLEMENTED	YES
P-185/15	Ž-SA-04-731/15	UNIVERSITY OF ZENICA, FACULTY OF MECHANICAL ENGINEERING, THE DEAN	11 - EDUCATION	18.9.2015	COOPERATION ACHIEVED	YES
P-186/15	Ž-SA-04-595/15	BiH MINISTRY OF SECURITY, MINISTER OF SARAJEVO	10 - WORK RELATIONS	18.9.2015	IMPLEMENTED	YES
P-187/15	Ž-SA-06-625/15	BiH MINISTRY OF SECURITY, MINISTER OF SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	18.9.2015	COOPERATION ACHIEVED	YES
P-188/15	Ž-SA-04-894/15	BIH FEDERATION AUTHORITIES	24 - SOCIAL PROTECTION	31.8.2015	COOPERATION ACHIEVED	YES
P-189/15	Ž-BR-05-201/12	MUNICIPAL COURT TUZLA	09 - COURTS -- 09-2 - LENGTH OF PROCEEDINGS (ARTICLE 6)	12.10.2015	IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDA-TION	REALIZATION	ANSWER RECEIVED
P-190/15	Ž-SA-05-1119/13 Ž-SA-05-634/15	MUNICIPAL COURT HADŽIĆI, HADŽIĆI	15 - PROPERTY 19 - ADMINISTRATION	5.10.2015	NO ANSWER	NO
P-191/15	Ž-SA-04-866/15	BIH MINISTRY OF SECURITY, MINISTER OF SARAJEVO	10 - WORK RELATIONS	5.10.2015	NOT IMPLEMENTED	YES
P-192/15	Ž-MO-04-51/15	MINISTRY OF EDUCATION, CULTURE AND SPORT ZDK, THE MINISTER, SIROKI BRIJEG	10 - WORK RELATIONS	5.10.2015	IMPLEMENTED	YES
P-193/15	Ž-MO-01-98/15	SECOND PRIMARY SCHOOL ŠIROKI BRIJEG, DIRECTOR	13 - THE RIGHTS OF THE CHILD	5.10.2015	IMPLEMENTED	YES
P-194/15	Ž-MO-04-8/15	J.P. FREEWAY OF FBIH, D.O.O. MOSTAR	10 - WORK RELATIONS	5.10.2015	PARTLY IMPLEMENTED	YES
P-195/15	Ž-MO-04-116/15	THE MINISTRY OF INTERIOR, HNK, MOSTAR	10 - WORK RELATIONS	5.10.2015	IMPLEMENTED	YES
P-196/15	Ž-SA-05-696/15	PUBLIC UTILITY COMPANY "KOMUNALAC" DOO HADŽIĆI, HADŽIĆI	19 - ADMINISTRATION	5.10.2015	IMPLEMENTED	YES
P-197/15	Ž-SA-05-331/15	MUNICIPALITY STARI GRAD SARAJEVO, MUNICIPAL PUBLIC ATTORNOY'S OFFICE	03 - ACCESS TO INFORMATION	5.10.2015	NOT IMPLEMENTED	YES
P-198/15	Ž-SA-04-358/15	COMMISSION FOR THE APPLICATION OF ARTICLE 152 OF THE LAW ON THE WORK, THE PRESIDENT OF THE COMMISSION	10 - WORK RELATIONS	5.10.2015	IMPLEMENTED	YES
P-199/15	Ž-SA-05-374/15	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIC OF SRPSKA, BANJA LUKA, THE MINISTER	19 - ADMINISTRATION	5.10.2015	IMPLEMENTED	YES
P-200/15	Ž-SA-05-797/14	CITY OF MOSTAR DEPARTMENT OF URBAN PLANNING AND CONSTRUCTION, MOSTAR	19 - ADMINISTRATION	5.10.2015	NOT IMPLEMENTED	NO
P-201/15	Ž-SA-02-818/15	MINISTRY OF INTERIOR UNA-SANA CANTON BIHAĆ	12 – PERSONS WITH DISABILITIES	5.10.2015	COOPERATION ACHIEVED	YES
P-202/15	Ž-SA-06-275/15 Ž-SA-06-406/15	SARAJEVO CANTON MINISTRY OF LABOR, SOCIAL AFFAIRS, DISPLACED PERSONS AND REFUGEES SARAJEVO	01 - DISCRIMINATION	5.10.2015	NO ANSWER	NO
P-203/15	Ž-SA-05-1024/14	CITY OF MOSTAR CITY ADMINISTRATION DEPARTMENT OF URBAN PLANNING AND CONSTRUCTION, DEPARTMENT OF FINANCE AND PROPERTIES, THE MAYOR	19 - ADMINISTRATION	5.10.2015	NO ANSWER	NO
P-204/15	Ž-SA-04-482/15 Ž-SA-04-484/15	HIDROGRADNJA D.D. SARAJEVO BOARD OF DIRECTORS, SARAJEVO	10 - WORK RELATIONS	5.10.2015	COOPERATION ACHIEVED	YES
P-205/15	Ž-MO-05-90/14	MUNICIPALITY JEZERO, THE MAYOR	15 -PROPERTY	12.10.2015	NO ANSWER	NO
P-206/15	Ž-MO-05-138/15	MOSTAR CITY DEPARTMENT OF ECONOMY, UTILITIES AND INSPECTION, INSPECTION DEPARTMENT	15 - PROPERTY	12.10.2015	NO ANSWER	NO

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-207/15	Ž-MO-01-152/15	E DIAKONIEWERK-INCLUSIVE KINDERGARTEN SUNNY BRIDGE – MOSTAR, THE MANAGER	13 - THE RIGHTS OF THE CHILD	12.10.2015	PARTLY IMPLEMENTED	YES
P-208/15	Ž-MO-04-35/15	ELECTRO TRANSMISSION BIH A.D. BANJA LUKA	10 - WORK RELATIONS	12.10.2015	COOPERATION ACHIEVED	YES
P-209/15	Ž-MO-04-42/15	ELECTRO TRANSMISSION BIH A.D. BANJA LUKA	10 - WORK RELATIONS	12.10.2015	COOPERATION ACHIEVED	YES
P-210/15	Ž-BL-05-507/15	MUNICIPAL COUNCIL BUŽIM	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	10.9.2015	COOPERATION ACHIEVED	YES
P-211/15	Ž-BL-05-122/15	FEDERAL ADMINISTRATION FOR GEODETIC AND PROPERTY AFFAIRS SARAJEVO	15 - PROPERTY	29.10.2015	IMPLEMENTED	YES
P-212/15	Ž-BL-05-547/15	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIC OF SRPSKA PRIMARY SCHOOL "NJEGOŠ" BERKOVIĆI	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	12.10.2015	NOT IMPLEMENTED	NO
P-213/15	Ž-BL-05-384/15	COUNTY COMMERCIAL COURT BANJA LUKA	09 - COURTS	12.10.2015	IMPLEMENTED	YES
P-214/15	Ž-BL-05-208/15	MUNICIPALITY ŠAMAC	19 - ADMINISTRATION	13.10.2015	NO ANSWER	NO
P-215/15	Ž-BL-05-60/15	MUNICIPALITY ŠIPOVO	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	13.10.2015	COOPERATION ACHIEVED	YES
P-216/15	Ž-BL-04-579/14	COUNTY COURT BIJE LJINI	25 - PENSIONS	13.10.2015	IMPLEMENTED	YES
P-217/15	Ž-BL-05-246/15	MUNICIPALITY LAKTAŠI, DEPARTMENT OF PHYSICAL PLANNING	19 - ADMINISTRATION	13.10.2015	NOT IMPLEMENTED	YES
P-218/15	Ž-BL-05-359/15	GOVERNMENT OF RS, OFFICE OF THE PRIME MINISTER, BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	13.10.2015	NO ANSWER	NO
P-219/15	Ž-BL-05-838/13	MINISTRY OF REFUGEES AND DISPLACED PERSONS OF RS, SECTION TREBINJE, INTERIOR MINISTRY OF RS, TREBINJE POLICE, TREBINJE	19 - ADMINISTRATION	16.10.2015	COOPERATION ACHIEVED	YES
P-220/15	Ž-BL-05-336/15	PRIMARY SCHOOL "VUK KARADŽIĆ" OMARSKA, PEYESGOGICAL INSTITUTE OF THE REPUBLIC OF SRPSKA, BANJA LUKA	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	16.10.2015	NOT IMPLEMENTED	YES
P-221/15	Ž-BL-04-45/15	CANTONAL INSTITUTE FOR PROVIDING FREE LEGAL AID USC, FEDERATION OFFICE FOR PENSION AND DISABILITY INSURANCE, CANTONAL ADMINISTRATIVE SERVICE MOSTAR, BIH MINISTRY OF DEFENSE	25 - PENSIONS	16.10.2015	COOPERATION ACHIEVED	YES
P-222/15	Ž-BL-05-367/15	ASSEMBLY OF UNA-SANA CANTON MINISTRY OF FINANCE, UNA-SANA CANTON, BIHAĆ	19 - ADMINISTRATION	16.10.2015	COOPERATION ACHIEVED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDA-TION	REALIZATION	ANSWER RECEIVED
P-223/15	Ž-BL-05-535/15	MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SRPSKA, PUBLIC SECURITY CENTER BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-2 - REFUSAL OF ACCESS TO INFORMATION	15.10.2015	IMPLEMENTED	YES
P-224/15	Ž-BL-05-517/15	HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BIH, SARAJEVO	03 - ACCESS TO INFORMATION -- 03-2 - REFUSAL OF ACCESS TO INFORMATION	15.10.2015	NOT IMPLEMENTED	YES
P-225/15	Ž-BL-06-83/15	INTERIOR MINISTRY OF THE REPUBLIC OF SRPSKA, BANJA LUKA	01 - DISCRIMINATION -- 01-11 - BASED ON ETHNICITY	15.10.2015	IMPLEMENTED	YES
P-226/15	Ž-BL-06-282/15	JU CENTER FOR SOCIAL WORK, BANJA LUKA	01 - DISCRIMINATION -- 01-01 - HARASSMENT	15.10.2015	COOPERATION ACHIEVED	YES
P-227/15	Ž-BL-06-90/15	BIH MINISTRY OF SECURITY, BORDER POLICE SARAJEVO	01 - DISCRIMINATION -- 01-19 - BASED ON SEXUAL ORIENTATION OR EXPRESSION	15.10.2015	IMPLEMENTED	YES
P-228/15	Ž-MO-04-151/15	MINISTRY OF EDUCATION, CULTURE AND SPORT OF ZDK, MINISTER, ŠIROKI BRIJEG	10 - WORK RELATIONS	19.10.2015	IMPLEMENTED	YES
P-229/15	Ž-SA-04-762/15	HEALTH INSURANCE INSTITUTE OF ZENICA-DOBOJ CANTON, DIRECTOR, ZENICA	23 - HEALTH CARE	22.10.2015	IMPLEMENTED	YES
P-230/15	Ž-SA-04-1361/14	MUNICIPALITY BUGOJNO, THE MAYOR	10 - WORK RELATIONS	22.10.2015	NO ANSWER	NO
P-231/15	Ž-MO-05-56/15	FEDERATION MINISTRY OF ENORGY, MINING AND INDUSTRY MINISTER	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	23.10.2015	PARTLY IMPLEMENTED	YES
P-232/15	Ž-SA-05-338/15	UNIVERSITY CLINICAL CENTER IN SARAJEVO, SARAJEVO	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	9.7.2015	PARTLY IMPLEMENTED	NO
P-233/15	Ž-SA-05-169/15	BUGOJNO MUNICIPALITY, MUNICIPAL MAYOR, DEPARTMENT OF FINANCE AND INSPECTION	19 - ADMINISTRATION	27.10.2015	COOPERATION ACHIEVED	YES
P-234/15	Ž-SA-05-435/15	MUNICIPALITY OF SREBRENICA, MUNICIPALITY COUNCIL	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	27.10.2015	NO ANSWER	NO
P-235/15	Ž-LI-04-206/15	THE GOVERNING COUNCIL OF KINDERGARTEN "BEE", LIVNO	10 - WORK RELATIONS	23.11.2015	NOT IMPLEMENTED	YES
P-236/15	Ž-BL-05-311/15	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIC OF SRPSKA, MINISTRY OF HEALTH AND SOCIAL WELFARE OF THE REPUBLIC OF SRPSKA, PHARMACEUTICAL CHAMBER OF THE REPUBLIC OF SRPSKA, BANJA LUKA	19 - ADMINISTRATION	4.11.2015	NOT IMPLEMENTED	YES
P-237/15	Ž-SA-05-497/15	MINISTRY OF PHYSICAL PLANNING, CONSTRUCTION AND ENVIRONMENTAL PROTECTION CANTON, SARAJEVO	19 - ADMINISTRATION	3.11.2015	NOT IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-238/15	Ž-SA-05-712/15	CANTONAL PROSECUTION TRAVNIK CENTRAL BOSNIA CANTON TRAVNIK, TRAVNIK	03 - ACCESS TO INFORMATION	3.11.2015	IMPLEMENTED	YES
P-239/15	Ž-BR-05-150/15	UNIVERSITY OF TUZLA, MATHEMATICAL FACULTY, TUZLA	03 - ACCESS TO INFORMATION -- 03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	17.12.2015	IMPLEMENTED	YES
P-240/15	Ž-SA-05-962/15	MUNICIPAL COURT BANOVIĆI, BANOVIĆI	09 - COURTS -- 09-3 - EXECUTION OF JUDGMENT	5.11.2015	IMPLEMENTED	YES
P-241/15	Ž-BL-04-774/14	FUND OF PENSION AND DISABILITY INSURANCE OF THE REPUBLIC OF SRPSKA, OFFICE BANJA LUKA	25 - PENSIONS	6.11.2015	COOPERATION ACHIEVED	YES
P-242/15	Ž-BL-05-373/15	FUND OF PENSION AND DISABILITY INSURANCE OF THE REPUBLIC OF SRPSKA, OFFICE BANJA LUKA	03 - ACCESS TO INFORMATION	6.11.2015	COOPERATION ACHIEVED	YES
P-243/15	Ž-BL-05-554/14	SARAJEVO CANTON, MUNICIPALITY CENTRE	15 - PROPERTY	6.11.2015	NOT IMPLEMENTED	YES
P-244/15	Ž-BL-05-23/15	AGENCY FOR CIVIL SERVICE OF THE REPUBLIC OF SRPSKA, BANJA LUKA	05 - POLICE	6.11.2015	IMPLEMENTED	YES
P-245/15	Ž-BL-06-224/15	MUNICIPALITY PRNJAVOR	01 - DISCRIMINATION -- 01-01 - HARASSMENT	9.11.2015	COOPERATION ACHIEVED	YES
P-246/15	Ž-BL-06-750/14	JP "KOMUNALNO BRČKO" D.O.O. BRČKO	01 - DISCRIMINATION -- 01-03 - MOBBING	9.11.2015	COOPERATION ACHIEVED	YES
P-247/15	Ž-SA-04-777/15	INDIRECT TAXATION ADMINISTRATION OF BIH, CENTRAL ITA OFFICE BANJA LUKA	10 - WORK RELATIONS	16.11.2015	NO ANSWER	NO
P-248/15	Ž-BL-05-442/15	MINISTRY OF HEALTH AND SOCIAL WELFARE OF THE REPUBLIC OF SRPSKA, BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-2 - REFUSAL OF ACCESS TO INFORMATION	18.11.2015	IMPLEMENTED	YES
P-249/15	Ž-BL-05-545/15	SOLIYESRITY FUND FOR RECONSTRUCTION OF THE REPUBLIC OF SRPSKA, BANJA LUKA	15 - PROPERTY	18.11.2015	NO ANSWER	NO
P-250/15	Ž-MO-04-181/15	HNK CANTONAL ASSEMBLY, MOSTAR	06 - PUBLIC REVENUE	18.11.2015	PARTLY IMPLEMENTED	YES
P-251/15	Ž-LI-05-236/15	MUNICIPALITY DRVAR, THE MAYOR	19 - ADMINISTRATION	18.12.2015	IMPLEMENTED	YES
P-252/15	Ž-LI-04-245/15	JP "KOMUNALAC" GLAMOČ	21 - COMMUNAL SERVICES	29.12.2015	NOT IMPLEMENTED	YES
P-253/15	Ž-BL-04-463/15	JP "ELECTRO POWER BIH" D.O.O. SARAJEVO	10 - WORK RELATIONS	30.11.2015	IMPLEMENTED	YES
P-254/15	Ž-MO-05-217/14	MUNICIPALITY ČITLUK, MUNICIPAL COUNCIL SPEAKER	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	30.11.2015	NO ANSWER	NO
P-255/15	Ž-MO-05-85/15	"VODOVOD" MOSTAR COMPANY FOR WATER AND SEWAGE DOO MOSTAR, DIRECTOR	15 - PROPERTY	30.11.2015	IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMEN-DATION	REALIZATION	ANSWER RECEIVED
P-256/15	Ž-BL-05-340/15	INDIRECT TAXATION ADMINISTRATION OF BIH, MINISTRY OF JUSTICE OF BIH, ADMINISTRATIVE INSPECTION	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	30.11.2015	NOT IMPLEMENTED	YES
P-257/15	Ž-BL-04-425/15	MUNICIPALITY VLAZENICA	10 - WORK RELATIONS	30.11.2015	COOPERATION ACHIEVED	YES
P-258/15	Ž-LI-05-214/15	PROSECUTION OF CANTON 10, LIVNO	26 - THE PROSECUTION	22.12.2015	IMPLEMENTED	YES
P-259/15	Ž-BL-06-534/15	MINISTRY OF CIVIL AFFAIRS OF BIH, MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIC OF SRPSKA, FEDERATION MINISTRY OF EDUCATION AND SCIENCE	01 - DISCRIMINATION -- 01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	30.11.2015	COOPERATION ACHIEVED	YES
P-260/15	Ž-SA-01-648/15	MUNICIPALITY NOVI GRAD SARAJEVO, THE MAYOR	05 - POLICE I 13 - THE RIGHTS OF THE CHILD	4.12.2015	NOT IMPLEMENTED	YES
P-261/15	Ž-SA-05-431/15	MUNICIPALITY ODŽAK, MUNICIPAL COUNCIL	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	7.12.2015	COOPERATION ACHIEVED	YES
P-262/15	Ž-BR-01-239/15 Ž-BR-05-238/15	RS INTERIOR MINISTRY'S PUBLIC SECURITY CENTER DOBOJ, POLICE STATION PELAGIĆEVO, -JU CENTRE FOR SOCIAL WORK PELAGIĆEVO	13 - THE RIGHTS OF THE CHILD	17.12.2015	IMPLEMENTED	YES
P-263/15	Ž-BR-05-218/14	CANTONAL INSPECTION OF TUZLA CANTON	19 - ADMINISTRATION	17.12.2015	NOT IMPLEMENTED	YES
P-264/15	Ž-BR-05-156/15	JU CENTRE FOR SOCIAL WORK MODRIČA	19 - ADMINISTRATION	17.12.2015	COOPERATION ACHIEVED	YES
P-265/15	Ž-SA-05-1034/13	GOVERNMENT OF SARAJEVO CANTON SARAJEVO	19 - ADMINISTRATION	14.12.2015	COOPERATION ACHIEVED	YES
P-266/15	Ž-SA-05-39/14	FBIH GOVERNMENT, SARAJEVO	19 - ADMINISTRATION	14.12.2015	NO ANSWER	NO
P-267/15	Ž-BL-05-618/15	MUNICIPALITY SREBRENICA	15 -PROPERTY	24.12.2015	NO ANSWER	NO
P-268/15	Ž-BL-04-638/15 Ž-BL-04-639/15	PRIMARY SCHOOL, SOKOLAC, SOKOLAC, SOKOLAC MUNICIPALITY, DEPARTMENT FOR GENERAL ADMINISTRATION MINISTRY OF EDUCATION AND CULTURE, SRPSKA MINISTRY OF WORK AND VETERANS PROTECTION OF THE REPUBLIC OF SRPSKA, MINISTER	10 - WORK RELATIONS	25.12.2015	IMPLEMENTED	YES
P-269/15	Ž-SA-04-1102/15	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF SARAJEVO CANTON, SARAJEVO, MINISTER	11 - EDUCATION	28.12.2015	NO ANSWER	NO
P-270/15	Ž-SA-01-405/15	JU "FIRST ELEMENTARY SCHOOL " STOLAC, STOLAC, GOVERNMENT OF HERZEGOVINA-NORETVA CANTON, MINISTRY OF EDUCATION, SCIENCE CULTURE AND SPORT MOSTAR	13 - THE RIGHTS OF THE CHILD	28.12.2015	NO ANSWER	NO
P-271/15	Ž-MO-05-167/15	CITY OF MOSTAR, THE MAYOR	19 - ADMINISTRATION	29.12.2015	NO ANSWER	NO
P-272/15	Ž-MO-05-185/15	INTERIOR MINISTRY OF ZHK, THE MINISTER, ŠIROKI BRIJEG	03 - ACCESS TO INFORMATION	29.12.2015	NO ANSWER	NO

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-273/15	Ž-SA-05-242/15	TRAVNIK MUNICIPALITY, MUNICIPAL MAYOR, DEPARTMENT OF URBANISM, CONSTRUCTION, SURVEYING AND PROPERTY AFFAIRS	15 -PROPERTY	30.12.2015	COOPERATION ACHIEVED	YES
P-274/15	Ž-SA-05-924/15	MUNICIPALITY EAST NOW SARAJEVO, MAYOR OF THE MUNICIPALITY, ASSEMBLY OF THE MUNICIPALITY	19 - ADMINISTRATION	30.12.2015	NO ANSWER	NO
P-275/15	Ž-SA-04-1010/14 Ž-SA-04-728/15	MINISTRY OF CIVIL AFFAIRS SARAJEVO, INSTITUTE OF HEALTH INSURANCE AND REINSURANCE FBiH, SARAJEVO, FUND FOR HEALTH INSURANCE OF THE REPUBLIC OF SRPSKA, BANJA LUKA, FEDERATION MINISTRY OF HEALTH, SARAJEVO, MINISTRY OF HEALTH AND SOCIAL WELFARE OF THE REPUBLIC OF SRPSKA, BANJA LUKA	23 - HEALTH CARE	30.12.2015	COOPERATION ACHIEVED	YES
P-276/15	Ž-BL-05-420/15	MUNICIPALITY TESLIĆ, POLICE STATION TESLIĆ	19 - ADMINISTRATION	30.12.2015	IMPLEMENTED	YES
P-277/15	Ž-SA-05-347/15	CLINICAL CENTER OF UNIVERSITY OF SARAJEVO, DEPARTMENT OF PUBLIC RELATIONS	03 - ACCESS TO INFORMATION	30.12.2015	NO ANSWER	NO
P-278/15	Ž-SA-05-689/15	BORDER POLICE OF BIH, DIRECTOR	03 - ACCESS TO INFORMATION	30.12.2015	IMPLEMENTED	YES
P-279/15	Ž-SA-05-824/15	REPUBLIC OF SRPSKA, PRIMARY SCHOOL "SOKOLAC"	03 - ACCESS TO INFORMATION	30.12.2015	COOPERATION ACHIEVED	YES
P-280/15	Ž-SA-02-215/14	GOVERNMENT OF SARAJEVO CANTON, ASSEMBLY OF SARAJEVO CANTON GOVERNMENT OF THE FBiH, FBiH, PARLIAMENT	12 - PERSONS WITH DISABILITIES	30.12.2015	NOT IMPLEMENTED	YES
P-281/15	Ž-SA-05-1349/14	MUNICIPALITY VELIKA KLADUŠA, THE MAYOR	03 - ACCESS TO INFORMATION	30.12.2015	IMPLEMENTED	YES
P-282/15	Ž-SA-06-315/15	FACULTY OF HEALTH STUDIES SARAJEVO, MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	30.12.2015	PARTLY IMPLEMENTED	YES
P-283/15	Ž-BL-05-555/15	INVESTMENT-DEVELOPMENT BANK AD BANJA LUKA	15 -PROPERTY	30.12.2015	COOPERATION ACHIEVED	YES
P-284/15	Ž-BL-05-290/15	MUNICIPALITY VELIKA KLADUŠA	15 -PROPERTY	31.12.2015	NO ANSWER	NO
P-285/15	Ž-SA-01-1032/15	MUNICIPALITY OF VITEZ CENTER FOR SOCIAL WORK VITEZ	13 - THE RIGHTS OF THE CHILD	30.12.2015	IMPLEMENTED	YES
P-286/15	Ž-BL-04-279/15	CITY OF PRIJEDOR	24 - SOCIAL PROTECTION	31.12.2015	COOPERATION ACHIEVED	YES
P-287/15	Ž-SA-04-1135/15	SARAJEVO CANTON MINISTRY OF LABOR, SOCIAL AFFAIRS, DISPLACED PERSONS AND REFUGEES, MINISTER, SARAJEVO	10 - WORK RELATIONS	31.12.2015	IMPLEMENTED	YES

RECOM-MENDATION NUMBER	COMPLAINT NUMBER	ISSUED TO THE AUTHORITY	VIOLATION OF THE RIGHT	DATE OF RECOMMENDA-TION	REALIZATION	ANSWER RECEIVED
P-288/15	Ž-SA-04-454/15	PARLIAMENT OF THE FEDERATION OF BIH SPEAKER OF THE HOUSE OF REPRESENTATIVES IN SARAJEVO	10 - WORK RELATIONS	31.12.2015	NO ANSWER	NO
P-289/15	Ž-SA-05-391/15	BiH PROSECUTION, SARAJEVO	09 - COURTS -- 09-2 - LENGTH OF PROCEEDINGS (ARTICLE 6)	31.12.2015	IMPLEMENTED	YES
P-290/15	Ž-SA-05-767/15	MINISTRY OF URBAN PLANNING, CONSTRUCTION AND ENVIRONMENTAL PROTECTION, SARAJEVO, MINISTER	19 - ADMINISTRATION	31.12.2015	COOPERATION ACHIEVED	YES
P-291/15	Ž-SA-04-49/14	MAYOR OF NOVO SARAJEVO MUNICIPAL COUNCIL NOVO SARAJEVO	15 -PROPERTY	31.12.2015	COOPERATION ACHIEVED	YES
P-292/15	Ž-SA-02-1240/12	CHAIRMAN OF THE COUNCIL FOR TRAFFIC SAFETY, SARAJEVO, MINISTRY OF COMMUNICATIONS AND TRANSPORT, MINISTER, MOSTAR, FBIH MINISTRY OF TRANSPORTATION OF CANTON SARAJEVO MINISTER, SARAJEVO	12 - PERSONS WITH DISABILITIES	31.12.2015	NOT IMPLEMENTED	YES
P-293/15	Ž-MO-06-142/15	MUNICIPALITY ČITLUK, MUNICIPAL COUNCIL, PRESIDENT	01 - DISCRIMINATION	31.12.2015	NO ANSWER	NO

ANNEX I.

2015 BUDGET OVERVIEW

0304 Institution of Human Rights Ombudsmen of Bosnia and Herzegovina

Overview of expenditures and expenses by economic category, reporting period: from 1.1.2015 to 31.12.2015 Form 2.

No.	Description	Econ. Cod	Budget	Amendments (rebalancing, restructuring, Redistribution, reserve, earmarked funds, etc.).	The corrected budget	The cumulative amount of the total costs and expenses	The cumulative amount of the same period last year	Percent 7/6 x 100	Percent 7/8 x 100
1	2	3	4	5	6 (4+5)	7	8	9	10
1	Total expenditure and expenditure (2+16)		2.460.000	0	2.460.000	2.328.369	2.387.447	94,6%	97,5%
2	Total Operating Expenses (3+6)	610000	2.420.000	-24.500	2.395.500	2.272.002	2.380.015	94,8%	95,5%
3	Salaries and allowances for employees (4+5)	611000	1.906.000	4.000	1.910.000	1.836.709	1.880.445	96,2%	97,7%
4	Gross salaries and wages	611100	1.723.000	0	1.723.000	1.656.592	1.702.693	96,1%	97,3%
5	Reimbursement of costs to employees	611200	183.000	4.000	187.000	180.117	177.752	96,3%	101,3%
6	Expenses for materials, inventory and services (7+.....+15)	613000	514.000	-28.500	485.500	435.293	499.570	89,7%	87,1%
7	Travel expenses	613100	73.000	0	73.000	65.103	55.341	89,2%	117,6%
8	Acquisition of telephone and postal services	613200	59.000	0	59.000	47.199	52.026	80,0%	90,7%
9	energy costs and COMMUNAL SERVICES	613300	21.000	-6.000	15.000	11.270	15.013	75,1%	75,1%
10	Procurement of materials and inventory	613400	49.000	-1.500	47.500	37.503	41.071	79,0%	91,3%
11	Expenditure on transport services and fuels	613500	35.000	-9.000	26.000	20.417	22.752	78,5%	89,7%
12	Renting property and equipment	613600	194.000	-12.000	182.000	181.307	247.047	99,6%	73,4%
13	Regular maintenance costs	613700	35.000	0	35.000	33.870	26.213	96,8%	129,2%
14	Expenditure for insurance, banking services and payment services	613800	7.000	0	7.000	2.843	6.403	40,6%	44,4%
15	Contracted and other special services	613900	41.000	0	41.000	35.781	33.704	87,3%	106,2%
16	Total capital expenditures		40.000	24.500	64.500	56.367	7.432	87,4%	758,4%
17	Expenditures for fixed assets	821000	40.000	24.500	64.500	56.367	7.432	87,4%	758,4%
18	Purchase of equipment	821300	40.000	24.500	64.500	56.367	7.432	87,4%	758,4%

ANNEX II.

PREVIEW OF OBLIGATIONS UNDER THE FREEDOM OF INFORMATION ACT

1. Public authorities at the level of Bosnia and Herzegovina who have met the obligation to appoint an Information Officer and submitted Guide and Index register in accordance with Article 19 and 20 of Freedom of Access to Information Act

No.	Institution	No.	Institution
1	BaH Police Support Agency	37	Institute for Intellectual Property
2	BaH Civil Service Agency	38	Institute for Standardization
3	BaH Agency for forensic examination	39	BaH Commission for concessions
4	The BaH Agency for Identification Documents, Registers and data Exchange	40	The Commission to Preserve National Monuments
5	BaH Public Procurement Agency and Procurement Review Body	41	Commission of the BiH Mine Action
6	The BaH Agency for Medicines and Medical Devices	42	BaH Competition Council
7	The Agency for Market Surveillance	43	Ministry of Civil Affairs
8	BaH Deposit Insurance Agency	44	Ministry of Finance and Treasury
9	BaH Insurance Agency	45	Ministry of Communications and Transport
10	The Agency for postal traffic of Bosnia and Herzegovina	46	BaH Ministry of Defense of BiH
11	The BaH Agency for Pre-school, Primary and Secondary education	47	Ministry of Justice
12	BaH Agency for prevention of corruption and coordination of the fight against corruption	48	Ministry of Security
13	The Agency for Labor and Employment	49	Ministry of Foreign Trade and Economic Relations
14	The Agency for Development of Higher Education and Quality Assurance	50	Ministry of Foreign Affairs
15	The Agency for Food Safety	51	Ministry of Human Rights and Refugees
16	BaH Statistics Agency	52	Intelligence and Security Agency
17	BaH Agency for Education and Professional Training	53	BaH Civil Service Commission to appeal
18	BaH Agency for Foreign Investment Promotion	54	Parliamentary Assembly
19	The Agency for Protection of Personal data	55	BiH Public Attorney's Office
20	BiH archive	56	Communications Regulatory Agency of Bosnia and Herzegovina
21	Center for Information and Recognition of Higher Education in BaH	57	BaH Presidency
22	Mine Action Centre Bosnia and Herzegovina	58	Service for Foreigners' Affairs
23	Central Bank of Bosnia and Herzegovina	59	Department of the Institutions of BiH
24	Central Election Commission	60	The Court of Bosnia and Herzegovina
25	Directorate for Coordination of Police Bodies in BaH	61	The Prosecutor's Office of Bosnia and Herzegovina
26	Directorate of Civil Aviation-BHDCA	62	Administration Bosnia and Herzegovina for the protection of health and plant
27	Directorate for Economic Planning	63	Administration Indirect Taxation
28	Directorate for European Integration	64	Office of the Coordinator for Public Administration Reform
29	The State Investigation and Protection Agency	65	The Office for Audit of Financial Operations of BiH Institutions
30	BaH State Regulatory Agency for Radiation and Nuclear Safety	66	Veterinary Office
31	State Electricity Regulatory Commission for Electricity in	67	Constitutional Court
32	Bosnia and Herzegovina Electric Utility	68	BaH Foreign/Trade Chamber
33	BaH Return Fund	69	BaH Legislative Office
34	Border Police	70	Council of Ministers
35	Institution of Ombudsman for Consumer Protection in BiH	71	High Judicial and Prosecutorial Council of BaH
36	BaH Institute for Accreditation		

2. Public authorities at the level of Bosnia and Herzegovina who in 2015 submitted statistics in accordance with Article 20 of Freedom of Access to Information Act

No.	Institution	No.	Institution
1	Civil Service Agency of BaH	21	The Ministry of Communications and Transport
2	The Agency for Identification Documents, Registers and data Exchange	22	BaH Ministry of Defense
3	Public Procurement Agency of BaH	23	Ministry of Justice
4	The Agency for Market Surveillance	24	Ministry of Security of Bosnia and Herzegovina
5	The Agency for Food Safety	25	Ministry of Foreign Trade and Economic Relations
6	Insurance Agency in BaH	26	Veterinary Office
7	The Agency for Labor and Employment	27	Office for harmonization and coordination of payments in agriculture, nutrition and rural development of Bosnia and Herzegovina
8	The Agency for Development of Higher Education and Quality Assurance	28	Ministry of Foreign Affairs
9	Agency for prevention of corruption and coordination of the fight against corruption BiH	29	Ministry of Civil Affairs
10	Agency for Foreign Investment Promotion	30	Ombudsman for protection of consumers of BaH
11	Directorate of Civil Aviation-BHDCA	31	The Parliamentary Assembly of BiH - Secretariat
12	Directorate for Economic Planning	32	BaH Presidency -Secretariat
13	Directorate for European Integration	33	Service for Foreigners' Affairs
14	State Regulatory Agency for Electricity in BaH	34	State court
15	BaH Electric Utility	35	Office of the Coordinator for Public Administration Reform
16	Border Police	36	Petition review bureau of BaH
17	BaH Return Fund	37	Constitutional Court
18	Institute for Intellectual Property	38	Council of Ministers - General Secretariat
19	The Commission for Protection Preserve National Monuments	39	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
20	The Ministry of Finance and Treasury		

With regard to the provision of the statistical data by the public bodies at the state level, compared to 2015, the Institution of Ombudsman for Human Rights received statistics from 39 public bodies, which regularly meet their obligation in this respect. In 2014, 29 public bodies met this obligation.

3. Public authorities at the level of Bosnia and Herzegovina who in 2015 submitted statistical data in accordance with Freedom of Access to Information Act

No.	Entity level	No.	Cantonal level	No.	Municipal level
1	Government of the Federation of Bosnia and Herzegovina	1	Cantonal Court in Tuzla	1	Municipality Bugojno
2	Federation Hydro- meteorological Institute	2	Cantonal Prosecutor's Office of the Sarajevo Canton	2	Municipality Bosansko Grahovo
3	Securities Commission of the Federation of Bosnia and Herzegovina	3	Cantonal Prosecutor's Office ZDK	3	Municipality Drvar
4	FBiH Ministry of Interior	4	Ministry of Justice and Administration of Sarajevo Canton	4	Municipality Foča-Ustikolina
5	Ministry of Physical Planning and Environment FBiH	5	Ministry of Internal Affairs of Sarajevo Canton	5	Municipality Gračanica
6	Prosecution of FBiH	6	Cantonal administration for Inspection -Sarajevo	6	Municipality Hadžići
		7	Cantonal Court Zenica	7	Municipality Ilijaš
		8	Ministry of Justice and Administration of the Zenica-Doboj Canton	8	Municipality Visoko
		9	Public Institution Center for Social Work Bihac	9	Municipality Kakanj
		10	Olympic Pool Otoka	10	Municipality Lukavac
		11	University of Tuzla	11	Municipality Novi Travnik
				12	Municipality Sapna
				13	Municipality Sanski Most
				14	Municipality Stari Grad
				15	Municipality Tomislavgrad
				16	Municipality Zavidovići
				17	Municipal Court Živinice

In 2015, six public bodies at the state level regularly fulfilled its obligation to provide statistical data, as well as in 2014. At the level of cantons in FBiH, in 2015 this obligation fulfilled 11 public authorities, while in 2014 this obligation fulfilled 6 public bodies. When we speak of Municipalities in the FBiH statistical data in 2015 regularly delivered 17 public bodies at the level of Municipality, while in 2014 this obligation fulfilled 11 public bodies.

4. Public authorities in the Republic of Srpska who in 2014 provided the 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 Commercial Court of Doboj	1	Municipality Milići
2	Republic Prosecutor's office	2	County Prosecution in Eastern Sarajevo	2	Municipality Prnjavor
		3	County Prosecutor's Office in Trebinje	3	Municipality Rudo
		4	County Prosecution in Banja Luka	4	Municipality Sokolac
				5	Municipality Ugljevik
				6	Basic Court in Teslić

At the level of the entity of the Republic of Srpska, in 2015 compared to 2014, remained unchanged state, with a new public authority at the county level that has fulfilled its obligation to submit statistics

During 2015, the following public authorities have fulfilled the obligation to submit the Decision on Information Officer, the Guide and Index Register in accordance with Freedom of Access to Information Act:

1. The Ministry of Communications and Transport (Decision of Information Officer)
2. The state regulatory agency for electricity Energy (Guide, Index Register, Decision of Information Officer)
3. 3 Border Police (Guide Index Registry)
4. Directorate for Coordination of Police Bodies in BiH (Decision of Information Officer)
5. The Agency for Development of Higher Education and Quality Assurance (Decision of Information Officer)
6. 6. Service for Foreigners' Affairs (Decision of Information Officer)
7. Office for harmonization and coordination of payments in agriculture, nutrition and Rural Development (Guide, Index Register, decision on the Information Officer)
8. The Commission to Preserve National Monuments Protection (Guide, Index Register, Solution of Information Officer)
9. The Federal Ministry of Agriculture, Water and Forestry (Decision on Information Officer)
10. The Federation Ministry of Work and Social Policy (Decision of Information Officer)
11. Cantonal administration Civil Protection (Decision of Information Officer)
12. Sarajevo Cantonal Prosecutor's Office (Decision of Information Officer)
13. Tuzla Cantonal Court (Decision of Information Officer)
14. Ministry of Physical Planning, Construction and Environmental Protection of Sarajevo Canton (Decision of Information Officer)
15. Ministry of Education, Science, Culture and Sports of the Central Bosnia Canton (Decision of Information Officer)
16. Municipal Court Orašje (Decision of Information Officer)
17. Municipality Lancaster (Decision of Information Officer)
18. Centre for Social Work Laktaši (Guide)
19. Center for Social Work Banja Luka (Guide, Index Register, decision on the Information Officer)
20. Public Institution Center for Social Work (Guide Index Registry)
21. Public Company "Communal Brčko" (Guide, Index Register, Decision on Information Officer)

ANNEX III.

TABLE OF STATISTICAL INDICATORS

DEPARTMENT	Received in 2015	Transferred from previous years	Dealt with in 2015	Completed in 2015	Transferred to 2016
01 - Department for monitoring the rights of the child	148	87	235	133	102
02 - Department for monitoring the rights of persons with disabilities	53	48	101	54	47
03 - Department for monitoring the rights of ethnic, religious and other minorities	10	10	20	11	9
04 - Department for economic, social and cultural issues	698	343	1041	704	337
05 - Department for monitoring of political and civil rights	1790	772	2562	1659	903
06 - Department for elimination of all forms of discrimination	159	181	340	211	129
07 - Department for monitoring of the rights of detainees/prisoners	108	85	193	94	99
TOTAL	2966	1526	4492	2866	1626

Processing complaints by the departments in 2015

DEPARTMENT	Number of complaints
01 - Department for monitoring the rights of the child // SA	66
02 - Department for monitoring the rights of persons with disabilities // SA	27
03 - Department for monitoring the rights of ethnic, religious and other minorities // SA	9
04 - Department for economic, social and cultural rights // SA	287
05 - Department for monitoring of political and civil rights // SA	669
06 - Department for elimination of all forms of discrimination // SA	83
07 - Department for monitoring of the rights of detainees/prisoners // SA	94
Total number of cases dealt with in Sarajevo	1235
01 - Department for monitoring the rights of the child // BL	58
02 - Department for monitoring the rights of persons with disabilities // BL	19
03 - Department for monitoring the rights of ethnic, religious and other minorities // BL	1
04 - Department for economic, social and cultural rights // BL	177
05 - Department for monitoring of political and civil rights // BL	474
06 - Department for elimination of all forms of discrimination // BL	58
07 - Department for monitoring of the rights of detainees/prisoners // BL	13
Total number of cases dealt with in Banja Luka	800
01 - Department for monitoring the rights of the child // Brčko	6
04 - Department for economic, social and cultural rights // Brčko	110
05 - Department for monitoring of political and civil rights // Brčko	188
06 - Department for elimination of all forms of discrimination // Brčko	8
Total number of cases dealt with in Brčko	312
01 - Department for monitoring of the rights of the child // Mostar	15
02 - Department for monitoring the rights of persons with disabilities // Mostar	3
04 - Department for economic, social and cultural rights // Mostar	65
05 - Department for monitoring of political and civil rights // Mostar	121
06 - Department for elimination of all forms of discrimination // Mostar	7
07 - Department for monitoring of the rights of detainees/prisoners // Mostar	1
Total number of cases dealt with in Mostar	212

DEPARTMENT	Number of complaints
01 - Department for monitoring the rights of the child // Livno	3
02 - Department for monitoring the rights of persons with disabilities // Livno	4
04 - Department for economic, social and cultural rights // Livno	59
05 - Department for monitoring of political and civil rights // Livno	338
06 - Department for elimination of all forms of discrimination // Livno	3
Total number of cases dealt with in Livno	407
Total number of cases dealt with in the Institution	2966

The number of complaints per offices in 2015

Number of complaints received // subcategory 2015		
Violation of the right	Subcategory	Number of complaints
01 - DISCRIMINATION	00 - OTHER	67
01 - DISCRIMINATION	01-01 - HARASSMENT	4
01 - DISCRIMINATION	01-03 - MOBBING	37
01 - DISCRIMINATION	01-09 – BASED ON LANGUAGE	4
01 - DISCRIMINATION	01-11 - BASED ON ETHNICITY	13
01 - DISCRIMINATION	01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	8
01 - DISCRIMINATION	01-13 - BASED ON RELATION WITH NATIONAL MINORITY	1
01 - DISCRIMINATION	01-14 – BASED ON POLITICAL OR OTHER OPINION	3
01 - DISCRIMINATION	01-15 - BASED ON THE FINANCIAL SITUATION	1
01 - DISCRIMINATION	01-17 - BASED ON EDUCATION	8
01 - DISCRIMINATION	01-18 - BASED ON SOCIAL STATUS AND SEX	5
01 - DISCRIMINATION	01-19 - BASED ON SEXUAL ORIENTATION OR EXPRESSION	4
01 - DISCRIMINATION	TOTAL	155
02 – MEDIA AND FREEDOM OF EXPRESSION	TOTAL	7
03 – ACCESS TO INFORMATION	00 - OTHER	128
03 – ACCESS TO INFORMATION	03-1 - NON-DECIDING WITHIN THE LEGAL DEADLINE	48
03 – ACCESS TO INFORMATION	03-2 - REFUSAL OF ACCESS TO INFORMATION	41
03 – ACCESS TO INFORMATION	03-3 - RIGHT TO APPEAL	6
03 - ACCESS TO INFORMATION	TOTAL	223
04 - FREEDOM OF RELIGION/RELIGION	TOTAL	5
05 - POLICE	TOTAL	135
06 - PUBLIC REVENUE	TOTAL	4
07 - PRISONS	00 - OTHER	96
07 - PRISONS	07-1 - USE OF INSTITUTIONAL FACILITIES AND VISITS	5
07 - PRISONS	07-2 - HEALTH CARE AND HYGIENE	4
07 - PRISONS	TOTAL	105
08 – GENDER EQUALITY	TOTAL	1
09 - COURTS	00 - OTHER	278
09 - COURTS	09-1 - COMPLAINTS ABOUT THE JUDGE	36
09 - COURTS	09-2 - LENGTH OF THE PROCEEDINGS (ARTICLE 6)	193
09 - COURTS	09-3 - EXECUTION OF JUDGMENT	96
09 - COURTS	TOTAL	603
10 – WORK RELATIONS	TOTAL	288
11 - EDUCATION	TOTAL	33
12 – PERSONS WITH DISABILITIES	TOTAL	55
13 - THE RIGHTS OF THE CHILD	TOTAL	145
14 – ECOLOGY - ENVIRONMENTAL PROTECTION	TOTAL	3

15 - PROPERTY	TOTAL	206
16 - VIOLENCE	TOTAL	1
17 - PUBLIC DOCUMENTS	TOTAL	37
18 - MINORITIES	TOTAL	5
19 - ADMINISTRATION	TOTAL	403
20 – WAR DAMAGE	TOTAL	6
21 - COMMUNAL SERVICES	TOTAL	73
22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	TOTAL	73
23 - HEALTH CARE	TOTAL	34
24 - SOCIAL PROTECTION	TOTAL	100
25 - PENSIONS	TOTAL	188
26 - THE PROSECUTION	TOTAL	71
27 – PUBLIC ATTORNEY’S OFFICES	TOTAL	1
28 - CORRUPTION	TOTAL	6
TOTAL		2966

The number of complaints received under the subcategory 2015

No.	Manner of completion	Complaints 2015	Complaints from previous years	Total
1	During the Ombudsmen intervention	517	381	898
2	Through Ombudsmen recommendation	94	245	339
3	Lack of interest of the parties for further procedure	302	158	460
4	Unacceptable complaint	488	211	699
5	Differently	249	153	402
6	Lack of jurisdiction and referral of the case to the competent authority	36	7	43
7	Forwarded to another office of the Ombudsman	9	0	9
8	Through Special Reports	5	7	12
9	Repeat procedure	3	1	4
10	Total	1703	1163	2866
	ONLY REGARDING INADMISSIBLE COMPLAINTS – SUB-CATEGORIZATION			
	00 - Other	42	12	
	01 - Anonymous complaint	1	1	
	02 - Malicious complaint	4	1	
	03 - Unfounded complaint	389	185	
	04 - Complaint does not contain any requirement	8	2	
	05 - Violation of the legitimate rights of third parties	1	1	
	06 – One year delay of lodging complaint after the facts, events or decisions	4	2	
	07 – Complainants have not exhausted all remedies	17	1	
	08 - Complaint is incomplete or incomprehensible (not subsequently amended)	6	1	
	09 - The disclaimer of complaint	1	0	
	10 - Complaint to facts already discussed (duplication of complaint)	15	4	
	11 - The factual situation before 14 December 1995	0	1	
	Total	488	211	

The number of complaints that have been completed // Manner of the completion of the complaints in 2015

No.	Violation of the right	Number of recommendations
1	01 - DISCRIMINATION	49
2	02 – MEDIA AND FREEDOM OF INFORMATION	1
3	03 – ACCESS TO INFORMATION	34
4	04 – RELIGIOUS FREEDOMS/RELIGION	1
5	05 - POLICE	9
6	06 - PUBLIC REVENUE	2
7	09 - COURTS	19
8	10 – WORK RELATIONS	40
9	11 - EDUCATION	10
10	12 – PERSONS WITH DISABILITIES	8
11	13 - THE RIGHTS OF THE CHILD	14
12	15 - PROPERTY	22
13	17 - PUBLIC DOCUMENTS	1
14	18 - MINORITIES	2
15	19 - ADMINISTRATION	50
16	21 - COMMUNAL SERVICES	5
17	22 - MINISTERIAL AND GOVERNMENT APPOINTMENTS	30
18	23 - HEALTH CARE	8
19	24 - SOCIAL PROTECTION	3
20	25 - PENSIONS	11
21	26 - THE PROSECUTION	3
22	28 - CORRUPTION	2
23	TOTAL	324

PARTLY REALIZED	14
NO ANSWER	48
NOT REALIZED	69
COOPERATION ACHIEVED	90
REALIZED	103
TOTAL	324

The number of complaints with the recommendations issued in 2015 by categories of violations of the right and implementation

DEPARTMENT	The number of complaints with the recommendation issued in 2015.
Department for monitoring of Political and Civil Rights	170
Department for economic, social and cultural issues	79
Department for monitoring of the rights of persons with disabilities	9
Department for monitoring the rights of ethnic, religious and others minorities	2
Department for monitoring the rights of detainees/prisoners	0
Department for monitoring the rights of the child	15
Department for elimination of all forms of discrimination	49
TOTAL	324

The number of complaints with the recommendation given by departments in 2015

Office	The number of complaints with recommendation issued in 2015.
Office Sarajevo	132
Office Banja Luka	121
Office Brčko	33
Office Mostar	28
Office Livno	10
Total complaints from 2015 with a recommendation	324

The number of complaints with the recommendation communicated by the offices in 2015

