



The Institution of Human Rights Ombudsman of Bosnia and Herzegovina

Annex to the Report to the UN Committee on Economic, Social and Cultural Rights (CESCR)

I - Introduction

During 2019, the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina prepared a Report on the State of Economic, Social and Cultural Rights, which was sent to the UN Committee on Economic, Social and Cultural Rights¹, which is made and based on the complaints received by the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina in the period 2014-2018. In relation to the above, on this occasion, the Ombudsmen of BiH submit a report related to the complaints received by the Ombudsperson Institution in 2019-2020.

During 2019, 801 complaints were received within the Department for Monitoring the Exercise of Economic, Social and Cultural Rights, and during 2020, 622 complaints were received.

II - General observations

Summarizing the complaints from the Department for Monitoring the Exercise of Economic, Social and Cultural Rights, they show that they are a manifestation of the high level of poverty of a large population, which is a direct consequence of high unemployment, low pensions, and the lowest and average salaries far below the official consumer basket.

In the area of employment, work and protection of women's social rights, no adequate progress has been made in achieving real equality between men and women in the labor market. There are obvious cases of dismissal of pregnant women, and women working in the "gray economy" are not integrated into the formal labor market. There are indicators that women are not paid equally for the same work, and the Federation of Bosnia and Herzegovina has not established an equal system of protection of the rights of women who use maternity leave, which also applies to benefits during maternity leave. Most complaints, as in previous periods, were received on the basis of violation of employment rights, followed by violations of the right to pension, utilities, social protection, health, education, ecology and environmental protection, and public revenues.

The largest number of issued recommendations by categories referred to the violation of rights from labor relations, violation of rights from health insurance, pension insurance, ecology and environmental protection, utilities, social protection and education.

It is important to point out that an increasing number of citizens turn for help in writing submissions to the competent authorities, which Ombudsmen for years indicate the need for better organization of free legal aid in order to better access to all citizens in Bosnia and Herzegovina.

¹ On 23 July 2019.

- Recommendations to public authorities COVID-19

During the corona virus pandemic COVID-19, in order to protect the rights and freedoms of vulnerable categories of citizens, the Ombudsmen pointed out to the competent public authorities the need for increased supervision and taking more effective measures against risky and vulnerable groups (elderly, disabled, children), single parents), persons who due to chronic diseases, autoimmune diseases and/or other health difficulties belong to the risk group of citizens.

The ombudsmen also recommended that employers provide work from home, in all situations where this is possible for persons with disabilities, parents of children and adults with disabilities, or persons caring for these persons, single parents. If it is not possible to organize work from home in some cases, it is recommended to provide the most appropriate conditions that will ensure health protection and prevention.

Public authorities are aware of the position of the United Nations Special Rapporteur on the Rights of Persons with Disabilities, that: *"Restricting contact with loved ones leaves persons with disabilities completely unprotected from any form of violence or neglect in institutions."*

The elderly and infirm, people with disabilities, often cannot function independently and are forced to use various forms of support, such as food, medicine, various forms of assistance, and the view is expressed that it is necessary to consider the possibility and make additional efforts to allow these categories to continue to provide services. Protective equipment should be provided to persons providing assistance and support.

III - Positive aspects

- Law on Parents and Caregivers of FBiH

On July 27, 2021, the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina adopted the Law on Parents and Caregivers of the FBiH.

The aim of the law is to recognize one of the parents of persons with disabilities the right to the status of "career's parents" and to provide him with a monthly allowance with the corresponding contributions for pension and disability, health insurance and unemployment insurance. Namely, children and persons with disabilities are one of the most vulnerable categories of the population, and their families are exposed to numerous needs and are subject to various risks. The law systematically and comprehensively resolves the issue of families with a child with a disability, and supports parents whose status has been systematically resolved.

- The right of extramarital partners to a survivor's pension - Decision of the Constitutional Court of Bosnia and Herzegovina

The Ombudsmen point out the continuing problem of unequal treatment of marital and extramarital partners regarding the exercise of the right to a pension in accordance with the provisions of the Law on Pension and Disability Insurance of the Federation of BiH and the Law on Pension and Disability Insurance of the Republika Srpska inheriting the Federation of BiH and the Republika Srpska, marital and extramarital partners have equal rights.

Namely, in 2015, the Ombudsman Institution sent an initiative² to the Parliament of the Federation of BiH, the Federation Ministry of Labor and Social Policy, the Federation Institute for Pension and Disability Insurance to amend Article 60 of the Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina³. The Ombudsman Institution also sent an initiative on December 26, 2016⁴ to the National Assembly of the Republika Srpska and the Ministry of Labor and Veterans' and Disabled Protection of the Republika Srpska to harmonize the Law on Pension and Disability Insurance with the Family Law of the Republika Srpska by adding the word "spouse" in Article 70, item a) of the Law on Pension and Disability Insurance "and extramarital spouse" and that in point b) the words "or extramarital spouse" are deleted.

In the annual reports on the results of the activities of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina for 2015, 2016, 2018 and 2019, the Ombudsmen pointed out the problem of unequal treatment of marital and extramarital partners, however, despite all the activities of the Ombudsman on pension and disability insurance do not provide extramarital partners with the right to exercise the right to a survivor's pension after an extramarital partner, nor is this possibility provided for by the entry into force of the new Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina.

It is also important to mention that in the meantime, the Constitutional Court of Bosnia and Herzegovina in the case AP-4077/16, at its session held on 11 October 2018 issued a decision on admissibility and merits, in which it concluded that the regular court and administrative bodies and disability insurance from 1998, without respecting the commitment from the Family Law of the Federation of Bosnia and Herzegovina from 2005 on consistent equalization of extramarital union, which in this case lasts 17 years, with the marital union in all rights and obligations, including property rights, and rejection of the appellant's request to recognize her, as a family member of the deceased insured person, the right to a survivor's pension, violated the prohibition of discrimination under Article II/4. of the Constitution of Bosnia and Herzegovina and Article 14 of the European Convention regarding the right to property referred to in Article II/3.k) of the Constitution of Bosnia and Herzegovina and Article 1 of Protocol No. 1 to the European Convention.

- Access to court - Judgment of the Constitutional Court of FBiH

The Judgment of the Constitutional Court of the Federation of Bosnia and Herzegovina, published on 3 April 2020, established that Article 9 of the Law on Amendments to the Labor Law is not in accordance with the Constitution of the FBiH. The mentioned article regulates the obligation of the employee to demand from the employer the realization of the right which he considers to be violated, and only if the employer would not satisfy the request of the employee and an agreement on peaceful settlement of the dispute was reached, the employee would have the right to file a lawsuit. An exception to this obligation is the case of termination of the employment contract, when the employee's application to the court is not conditioned by the previous application to the employer. The court found that the disputed article restricts the right of access to a court, which is not in line with the right to a fair trial under Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. With the announcement of the verdict, Article 9 of the Law on

² P-134/15 do 29.06.2015.godine

³ "Official Gazette of the Federation of Bosnia and Herzegovina", no. 29/98. 49/00, 32/01, 29/03, 73/05, 59/06 and 4/09

⁴ Ž-BL-04-761/16

Amendments to the Labor Law will not apply, and it is the discretionary right of the employee to address the employer with a request for exercising the right before addressing the court.

- **Decree on the procedure of employment in the public sector in BiH**

The Ombudsmen wish to commend the adoption of the Decree on the Procedure for Recruitment in the Public Sector in the Federation of Bosnia and Herzegovina (172nd Session of the Government of Bosnia and Herzegovina, published in the Official Gazette of the FBiH No. 13/19). Article 12 of the mentioned Decree imposes on the employer the obligation to hire the most successful candidate from the list of successful candidates according to the announced public announcement.

IV- The main concerns

Poverty, unemployment, small pensions and small amounts of social assistance and small salaries that are below the official consumer basket, are the reason that the position of citizens, especially vulnerable categories (elderly people, children, people with disabilities ...) is becoming increasingly difficult. More and more citizens, especially the elderly, are forced to apply to social work centers for social or one-time financial assistance, and in order to procure firewood, pay for medicines and the like. Small pensions (often in the amount of a little more than 200.00 KM) and small amounts of social assistance (100.00 KM, sometimes less) are often not enough for medicines, let alone for other life needs.

The situation of the elderly is particularly complex in rural areas, where there are often no family members or others to help them, and social work centers, hospitals and other services are remote. Women in rural areas are in a very difficult situation, and their financial security usually depends exclusively on the man in the family.

Many have not had their war-ravaged housing reconstructed. Also, a large number of citizens do not have adequate housing, so they use apartments owned by the city or municipalities, while other citizens are not allocated accommodation according to the submitted requests, with the most common explanation that municipalities do not have enough apartments for that purpose.

- **The role of inspection bodies in the protection of human rights**

The rule of law means, above all, ensuring the application of the law and respect for human rights. In order to implement these principles, states establish various mechanisms, and inspection is one of the key mechanisms. In connection with the above, in November 2020 *the Ombudsperson Institution issued a Special Report on the role of inspection bodies in the protection of human rights in Bosnia and Herzegovina, and in the same year a Special Report on the situation of victims of domestic violence was issued in Canton 10.*

Through inspections, the authorities monitor the implementation of regulations, eliminate possible violations of the same and sanction the responsible persons. Without inspection supervision, as a special mechanism of administrative supervision, it is impossible to talk about good governance, the rule of law and the protection of the rights of the individual. Therefore, it is extremely important that the actions of inspection bodies be efficient, timely and in accordance with positive legal regulations. All inspection activities are undertaken by or under the authority of the public administration, which means that they are subject to the principles of good governance. In this regard, inspections are

required to be established on the following values: transparency, professionalism, accountability, but also coherence, proportionality, openness, participatory approach and testing techniques.

In Bosnia and Herzegovina, at all levels of government, inspections have been established.

However, analyzing the legislative framework at all levels of government, as well as the current situation (and based on data obtained from inspection bodies at all levels during the preparation of this report), it is difficult to speak of a fully established and harmonious inspection system, given that inspection the system presupposes continuous development of the inspection service, proper prioritization, activity planning, monitoring, management, application of the principles of good governance and others.

Inspection bodies in Bosnia and Herzegovina are established as independent organizational units in the system of state administration organization, with their own budget (Inspectorate of the Republika Srpska or Federation Administration for Inspection Affairs) or are incorporated within the administrative body responsible for the thematic area subject to inspection. This second model raises the question of the independence of inspection supervision, especially in the case where the violation of rights occurs by the administrative body within which the inspection body operates. In relation to this model, the functional way of organizing inspection services is an adequate, rational and efficient way of organizing inspection supervision, because inspectors, as persons with special authorizations, who directly perform inspection supervision, perform their duties within one administrative body. Both of the above models of functioning of inspection bodies are evident at the cantonal level of government. Namely, Una-Sana, Bosnia-Podrinje, Posavina, Zenica-Doboj, Sarajevo, Tuzla, West Herzegovina and Canton 10 have established cantonal administrations for inspection affairs, while in Herzegovina-Neretva and Central Bosnia cantons no administrations have been formed, but inspections function organizationally within cantonal ministries.

The key instrument of the rule of law, along with the constitution, is legislation, and above all these are those laws whose practical application in specific situations is determined in detail by secondary legislation, ie bylaws such as decrees, regulations, instructions, etc. In their statements, the inspection bodies pointed out a number of shortcomings related to the legislation, from its non-harmonization, to the fact that certain legal rules originate from another period, e.g. Law on Occupational Safety (Official Gazette of SRBiH, No. 22/90) applicable in the Federation of Bosnia and Herzegovina, which, inter alia, prescribes fines in dinars, other political environment, or from the time when other norms were valid and values, which is why they represent a “dead letter on paper”.

The implementation of “dead rules” can damage the credibility of the inspection service and represents a misuse of the already scarce human resources, which is why it is necessary to take measures in order to eliminate these practices. According to the views of the inspection bodies, certain areas covered by the inspection are not covered by material regulations, especially by-laws; regulations are “bad”, inconsistent with each other, especially between different levels of government; the provisions in many regulations are not precise and clear, which leaves room for different interpretations by inspectors, ie gives them great discretion, which further results in different practices. All of the above can result in unequal treatment, which is an obstacle to the establishment of the rule of law, and it is difficult to monitor the application of regulations and report to policy makers so that they can take measures to improve legislation in the interest of citizens. When we talk about the legislation related to the functioning of the inspection, then it is necessary to make a distinction in relation to the legislation that regulates the functioning of the inspection, ie the procedure, which primarily refers to inspection laws, administrative procedure laws, misdemeanor laws, etc. , and laws in certain thematic areas (tourism, education, social protection, utilities, etc.) which determine the competence for the inspection. There are ambiguities in both groups of laws,

and the inconsistency between the law on inspection and the law on administration is particularly worrying, because these are the laws that regulate procedures.

Procedural omissions are often the basis for revoking decisions and other measures taken by inspection bodies in court proceedings, which seriously undermines the rule of law. The issue of inspection legislation is so complex and serious that it requires to be the subject of a separate analysis that should help policy makers and lawmakers to take measures to improve the situation in this segment.

From the aspect of the actions of the inspection bodies, the issue of the attitude towards the applicants, i.e., the persons who requested the inspection supervision, is significant. In the Institution, a significant number of cases refer to this issue, where citizens state that they were not informed about the results of inspection upon the submitted application, ie that they were not allowed to obtain a record and use a legal remedy if they are dissatisfied with the inspection body's actions. During the investigation, the inspection bodies indicated that the person who submits the request to perform the inspection is not a party to the procedure (not the subject of the inspection in the inspection procedure, which the inspector will initiate ex officio), and therefore does not receive a record of the inspection. , rather than information in the form of a notification that the supervision he initiated has been performed.

The purpose of the Report is to serve as an information tool for policy makers and lawmakers when creating measures aimed at improving the functioning of inspection supervision as an element of the rule of law, and thus provide more effective protection of citizens' rights. In that sense, a set of appropriate recommendations was sent to the competent authorities.

- Slowness of court proceedings and execution of final court decisions over budget funds

Citizens often complain about the length of proceedings before the competent courts in Bosnia and Herzegovina. Labor disputes, which are defined as disputes of an urgent nature, and due to the overload of the number of cases, have been conducted in the first and second instance for many years. For example, a case was recorded where four preparatory hearings and twelve main hearings were held. The ombudsmen responded by sending recommendations because every citizen is guaranteed the right to a trial within a reasonable time.

A special problem for citizens when conducting court proceedings, as well as labor disputes, is the execution of final court decisions on budget funds. Namely, these are situations when the executor is a municipality, canton or entity, in which cases the execution can be carried out only over the funds provided for that purpose, and in the amount provided by the budget of a particular public body for that purpose, for a specific budget. year and in accordance with the established order of collection. The Ombudsmen requested the responsible authorities to provide the necessary information regarding the amount of funds provided for the execution of final court decisions, whether there is a payment plan, and the regular location of the complainant.

Ombudsmen demand greater transparency of this information so that citizens have complete information on the implementation of court decisions. When it comes to the implementation of final court decisions at the expense of the budget, especially municipalities, a much larger allocation is needed than the current one, depending on the number of executors waiting to be paid.

V - Analysis of complaints and the state of economic, social and cultural rights

Labor relations

During 2019, 281 complaints were registered in the field of labor relations, and 51 recommendations were issued. In 2020, 211 complaints were registered and 25 recommendations were issued.

Complaints received relate to violations of competitive procedures in employment, non-recognition of education acquired by employees by their employers, which relates to the possibility for everyone to advance in employment with their employer, taking into account the years of service and personal abilities of employees, illegalities related to termination of employment contracts, redundancies due to the COVID-19 pandemic, problems with exercising the right to severance pay, non-payment of pension and disability insurance contributions, non-payment of wages to employees by the employer and denial of the right to unemployment benefits.

A special challenge for human rights is the COVID-19 pandemic, which had negative consequences for the human rights situation of the citizens of Bosnia and Herzegovina in all fields. Although the global corona virus pandemic COVID-19 has affected the whole world and is primarily a health problem, at the same time it has a huge impact on the economic sphere, labor market and capital and has greatly affected the quality of life of Bosnia and Herzegovina.

How the competence of the Ombudsman relates to the authorities in Bosnia and Herzegovina⁵, and not private companies, the Ombudsperson Institution has no data on the number of complaints related to the termination of employment due to the pandemic. However, during the period in which there was a reduction and shutdown of catering, service and tourism facilities that were most affected by measures taken to protect against the spread of the virus, a greater number of telephone calls from citizens who lost their jobs was noticed. Also, in connection with the above, the length of waiting for the realization of the related unemployment benefits can be pointed out as a problem that has arisen, due to the increased inflow of requests to the competent unemployment offices.

Existing labor legislation in Bosnia and Herzegovina does not provide for legal solutions to be applied in times of crisis, such as emergencies and natural disasters, caused by the COVID-19 pandemic. For these reasons, the Government of the Federation of Bosnia and Herzegovina and the Government of the Republika Srpska, after declaring a state of natural disaster, ie a state of emergency, adopted a number of measures and recommendations to ensure the implementation of orders of the competent civil protection crisis headquarters employers and workers. Due to the ban on work and reduced workload, employers organized work outside the business premises (work from home), the use of annual leave and/or leave, and in some cases the employment contract was terminated. In the Federation of Bosnia and Herzegovina, the Law on Mitigation of Negative Economic Consequences has been adopted⁶. Measures to mitigate the harmful effects of the corona virus pandemic on the economy of Republika Srpska have been adopted in the form of several decrees⁷. The Law on Mitigation of Negative Economic Consequences Caused by the State of Natural Disaster Due to COVID-19 was adopted in the Brčko District of Bosnia and Herzegovina⁸. It remains to be seen to what extent these laws and regulations have responded to the needs of employers, i.e., companies and

⁵ Article 1 of the Law on the Human Rights Ombudsman of Bosnia and Herzegovina

⁶ "Official Gazette of FBiH" No. 28/20

⁷ <https://www.vladars.net/sr-sp-cyrl/Pages/default.aspx>

⁸ "Official Gazette of the Brčko District of BiH", no. 17/20, 40/20 and 13/21

businessmen, and to what extent the competent institutions have responded to the request to preserve jobs and the economy.

On July 28, 2020, the House of Representatives of the FBiH Parliament adopted the Draft Amendments to the Labor Law. The Government of the Federation of Bosnia and Herzegovina is in charge of organizing a public debate within 60 days in order to draft a Proposal for Amendments to the Labor Law. The law was originally proposed under an urgent procedure, which was not supported by the deputies, so it was returned to the regular procedure. During the debate, the majority of MPs considered that the proposed amendments to the Labor Law violate the position of workers.

The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, at its 5th regular session held on September 24, 2020, adopted the Draft Law on Occupational Safety in FBiH, which was confirmed by the House of Peoples at its 7th session held on October 1, 2020.

Pensions

During 2019, 217 complaints were received and 11 recommendations were issued. During 2020, 131 complaints were received and 5 recommendations were issued.

Complaints most often refer to the slowness of the first and second instance bodies in the procedures for exercising the right to a pension, both in cases when the appellant has worked in Bosnia and Herzegovina and in cases when he has worked in other countries. , which is borne by various insurance carriers, in accordance with the agreements on social insurance that Bosnia and Herzegovina has signed with other countries.

Similar to the exercise of some other rights, in this segment the COVID-19 pandemic brought some difficulties, i.e., concerns to pensioners in exercising their rights, which were related to "checking" during COVID-19. Namely, pensioners have the obligation to withdraw checks in the bank within 90 days, if they receive their pension through a current account.

The ombudsmen determined that the Federation Institute for Pension and Disability Insurance had taken measures to reduce congestion in banks as a significant risk of spreading the infection, and that after declaring the state of accident caused by corona virus in the Federation, to prevent the spread of the virus and protect the health of pensioners, payment of pensions adjusted to the new situation. A press release was issued according to which pension beneficiaries until 31 May 2020 are not obliged to withdraw pension checks in banks, and beneficiaries who did not withdraw checks in that period were not suspended from paying their pensions. The stated deadline was first extended until 31 July 2020, then until 31 December 2020.

The Ombudsmen point out that they generally have very good cooperation with the entity pension and disability insurance institutes, related to family pension claims, which act promptly at the request of the Ombudsman, or recommendations in most cases - eliminate observed human rights violations, both to mutual satisfaction and to the satisfaction of the users of our services, which is especially important having in mind the fact that it is about exercising the rights necessary for the existence of a population of citizens of Bosnia and Herzegovina.

Health care

The right to health care is determined by the European Social Charter. In Bosnia and Herzegovina, the issue of health care is regulated by laws at the level of the entities and the Brčko District of Bosnia and Herzegovina, and the cantons have the role of implementers of established policies and laws. In 2019, the Department registered 74 cases in the field of health care, and recommendations were issued

in 19 cases. In 2020, the Department registered 68 cases, and a recommendation was issued in one case.

Complaints related to the inability to reimburse the costs borne by health insurance funds, the inability to provide health care due to the unavailability of drugs to certain categories of patients according to their actual needs, which resulted in the opening of a number of ex officio cases related to this issue.⁹ At the same time, medicines that are not registered or available in Bosnia and Herzegovina are also a problem.

It is important to point out that the Ombudsmen for Human Rights of Bosnia and Herzegovina on August 15, 2019, sent an initiative to the National Assembly of the Republika Srpska to amend the Law on Health Insurance¹⁰ in the part concerning the status of compulsorily insured persons. Conducting the research procedure, the Ombudsmen of Bosnia and Herzegovina recognized the problem related to acquiring the status of an insured person according to the Law on Health Insurance, in order to exercise the right to health care for the category of elderly people over 65 years of age. These are people over the age of 65, who are not pension beneficiaries and own certain "land" for which they are instructed to insure themselves as farmers. Due to age and incapacity for work, this category of persons is not able to perform agricultural activity, nor can it be insured in that way, nor can it be insured in the category of social case, nor through another person, e.g. family member, again due to possession of a certain "land". In 2019, the National Assembly of the Republika Srpska passed the Law on Amendments to the Law on Health Insurance of the Republika Srpska ("Official Gazette of the Republika Srpska", No. 94/19, dated 11 November 2019), in which Article 10a was added, where Item 3 envisages persons all over the age of 65 as insured persons, which means that the initiated initiative was adopted.

The provision of health services and health care in Bosnia and Herzegovina during the COVID-19 pandemic was a particular challenge. In addition to the fact that the competent authorities issue measures and recommendations aimed at preventing the spread of the virus, the quality of health care and the availability of services are hampered and conditioned by the measures implemented by the competent health institutions.

Notwithstanding the COVID-19 pandemic, the Ombudsperson Institution considered complaints regarding the availability of health care, problems related to the reimbursement of medical expenses abroad and other rights in the field of health insurance. Especially during March and April 2020, when there were general prohibition measures, citizens sought help for adequate treatment.

Social protection

The state of high unemployment, low pensions, indicate that an increasing number of the population needs certain forms of social protection, which imposes an obligation on the state that this type of right must be placed in a greater focus of interest.

During 2019, the Department registered 82 complaints, and four recommendations were issued. Complaints relate to the failure to resolve requests for one-time financial assistance, for the needs of housing, problems with the recognition of the right to someone else's care, assistance and the like. The number of complaints filed in this area certainly does not reflect the real state of affairs, which is much more difficult. Social assistance is symbolic and cannot provide the basic living needs of the

⁹ Ž-SA-04-327/19

¹⁰ Official Gazette of the Republika Srpska, no. 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 1/09 and 106/09

beneficiaries. In their reports, the Ombudsmen pay special attention to the areas of social protection. Having in mind the specifics of this issue, during 2019, work began on the Special Report on the situation and problems encountered in their work by centers / services for social work in Bosnia and Herzegovina.

The situation in the field of social protection was extremely difficult in 2020, given the fact that, due to the COVID-19 pandemic, a significant number of workers in the private sector were laid off, smaller companies ceased to operate, and service facilities were restricted. The goal is to prevent and limit the spread of the infection, yet it has a great impact on the economic prosperity of citizens and brings them to a state of social need.

Having in mind all the above, it is not surprising that this year, the Human Rights Ombudsmen received 68 cases related to the exercise of the right to social protection.

Citizens address the ombudsmen by telephone, e-mail, with requests for help in improving their economic and social status, solving the problem of unemployment, lack of financial resources, which is a consequence of the poor economic situation in the country. The fact is that Ombudsmen, unfortunately, do not have adequate mechanisms to meet these citizens, given the powers given in the Law on the Human Rights Ombudsman of Bosnia and Herzegovina and can not provide assistance in seeking employment or provide certain funds, but citizens are directed to social protection institutions and through communication with the competent institutions and bodies try to find a solution to the problem.

Education

The right to education is extremely important for the realization of all other rights and freedoms of all persons and has a great role in preserving cultural and national identity.

During 2019, 33 complaints were received and 3 recommendations were issued. During 2020, 36 complaints were received and 8 recommendations were issued.

Complaints refer to the failure to make a decision by the ministries responsible for education, the inability to attend the school in which schooling began during the school year, poor material conditions, and inadequate space for teaching. Some complaints related to the procedure of conducting competition procedures at higher education institutions, accreditation of higher education institutions, equivalence of diplomas and non-recognition of appropriate titles in teaching and research areas within higher education. Furthermore, complaints were recorded that related to the behavior of individual primary school teachers, and which behavior was not professional and educational, nor focused on the best interests of the child. Then, a complaint related to the primary education of adults in the Brcko District of Bosnia and Herzegovina, and a complaint indicating that the competent authority in the Federation of BiH does not want to recognize a diploma obtained in another entity in order to take a professional exam.

Following the Ombudsman's intervention, the violations of the complainants' rights were remedied.

Utilities

Complaints relate to requests for connection to the water supply network, untimely provision of communal services by companies and ignoring citizens' requests. During 2019, 92 complaints were received, and during 2020, 103 complaints were received.

The ombudsmen note that the human right to water is not yet sufficiently recognized as an independent human right, but a human right that is "subordinated" to other civil, political, economic, social and other rights - that is, a right necessary to exercise other human rights.

Thus, a group of locals in the settlement of Domanovići filed a complaint because they have been waiting for many years for the water connection in this settlement, with which they enclose contracts for connection to the water supply network and the calculation of a work order from the Public Utility Company Čapljina. The ombudsmen issued an appropriate recommendation.

Ecology and environmental protection

During 2019, regarding the ecology and environmental protection, the Ombudsperson Institution received 20 complaints and issued 6 recommendations. During 2020, the Ombudsmen received 15 complaints related to the field of ecology, ie environmental protection, and one recommendation was issued.

Despite the adoption of a large number of laws in Bosnia and Herzegovina, the policy of action in this area is not clearly defined, which raises questions about the fulfillment of commitments at the international level.

In addition to working on cases, the Ombudsmen, as organizers and/or participants, contributed to the work of conferences on the environment, of which the following stand out:

- Regional meeting - conference entitled: "Environmental Protection - The Role of the Ombudsman", organized by the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina, Banja Luka, 27-28. February 2019;
- 4. International Conference: "Environment and Human Rights. Public participation in environmental matters", Ljubljana, 15 September 2017.