



**CRITERIA OF THE INSTITUTION OF HUMAN RIGHTS
OMBUDSMAN OF BOSNIA AND HERZEGOVINA
FOR COOPERATION WITH NON-GOVERNMENTAL
ORGANISATIONS**

Banja Luka, May 2022

1. Introduction

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter referred to as “IHROBiH”) is an independent institution established to promote good governance and the rule of law, i.e. to protect human rights and fundamental freedoms. It was established under Annexes IV and VI of the General Framework Agreement for Peace in Bosnia and Herzegovina¹ (hereinafter referred to as “Dayton Agreement”), and began its operations in 1996. IHROBiH functions based on the Constitution of Bosnia and Herzegovina and the Law on Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter referred to as “IHROBiH Law”)² guaranteeing independence and the frameworks for structural organisation of IHROBiH relating to the promotion and protection of human rights and fundamental freedoms. The IHROBiH Law defines the mandate, competences, authorities and the code of practice of IHROBiH. According to Article 1 of the IHROBiH Law: “IHROBiH is an independent institution established with a view to promoting good governance and the rule of law, protecting the freedoms of natural persons and legal entities, as guaranteed by the Constitution of BiH and international agreements annexed to the Constitution, which shall monitor the relevant activities of the institutions of Bosnia and Herzegovina, its entities and the Brčko District, pursuant with this Act”.

IHROBiH's broad mandate requires the capacity to monitor, advise and make recommendations on different human rights issues, but also to establish cooperation with regional and international organisations and promote human rights by raising public awareness and conducting human rights research. In order to ensure the full implementation of the mandate, one of the IHROBiH priorities is definitely to strengthen relations and dialogue with the non-governmental sector, via joint work on projects and project activities.

2. Priority areas of cooperation

The IHROBiH Strategy 2016-2021³ defines cooperation with non-governmental organisations and citizens as one of the strategic objective (Strategic Objective 5). Strategic Sub-Objective 5.1 was established within Strategic Objective 5, defining the following segments of cooperation with the non-governmental sector: strengthening cooperation with NGOs, with a particular focus on the transparency of established cooperation, improvement of the Platform for Cooperation with NGOs, establishment of NGO advisory thematic committees, holding working and consultative meetings between IHROBiH and NGOS, cooperation with NGOs by signing individual agreements on cooperation.

In accordance with the defined objectives and frameworks of action, the 2010 Strategy and Platform for IHROBiH Cooperation with the Non-Governmental Sector⁴ defines the thematic priorities that significantly affect IHROBiH work:

- Protection of children's rights

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

² *The Official Gazette of Bosnia and Herzegovina*, no. 32/2000, 19/2002, 35/2004 and 32/2006, The IHROBiH Law was enacted in 2000 and has been amended three times since – in 2002, 2004 and 2006.

³ https://www.ombudsmen.gov.ba/documents/obudsmen_doc2016041509303547bos.pdf

⁴ https://www.ombudsmen.gov.ba/documents/obudsmen_doc2013071014223237bos.pdf

- Protection of civil and political rights
- Prevention of all forms of discrimination
- Protection of religious rights and freedoms
- Protection of minority rights
- Protection of economic, social and cultural rights
- Protection of the rights of vulnerable groups, including: persons with disabilities, persons with mental and/or intellectual disabilities, the elderly, drug addicts and HIV-positive persons, asylum seekers, THB victims, and sex and gender minorities
- Protection of the rights of persons deprived of their liberty
- Freedom of the media and the right to access information
- Effectiveness of judicial protection
- Protection of environmental rights

The following thematic priorities are also important for the execution of the IHROBiH mandate:

- Free legal aid;
- Promotion of human rights by: raising public awareness, human rights education and research, drafting legal reviews in terms of their compliance with international standards;
- Monitoring of the human rights situation of persons in institutions whose freedom of movement is restricted

The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina may, in addition to the above thematic priorities, establish cooperation with NGOs if the specific project activity is generally related to the improvement of human rights and fundamental freedoms in Bosnia and Herzegovina.

3. Establishing cooperation and partnership

Cooperation with IHROBiH is established at the written proposal of a non-governmental organisation.

The proposal contains a detailed description of the project / activities planned to be implemented in cooperation with IHROBiH, the time required for the implementation of activities, planned funds, human resources, as well as the specific IHROBiH role in the proposed activities.

Cooperation/partnership means joint responsibility, support and advisory process, and it is therefore desirable to define in detail the deadlines, obligations, roles, responsibilities of the partners in the written proposal.

After receiving the written proposal, IHROBiH considers the proposal in terms of the criteria defined.

4. Evaluating applications submitted

NGOs' written proposals for establishing cooperation with IHROBiH are submitted to the ombudspersons, who consider them and then decide on the cooperation proposals by consensus.

The ombudspersons consider the proposals by applying the criteria referred to in Item 5 below.

If two or more cooperation proposals that meet the criteria are received, the ombudspersons may, assessing the availability of IHROBiH human resources, approve one or more proposals.

The applicant submitting the proposal is informed in writing about the IHROBiH decision.

IHROBiH staff may take part in the approved project under the same conditions as other staff engaged in the project, such as consultants, experts or representatives of non-governmental organisations.

The primary obligation of the non-governmental organisation is to plan and contract with donors the logistical and other costs of participation of IHROBiH representatives in any project activity, as well as to present the terms of the engagement when proposing participation in the project.

When deciding on whether to participate in the project, the legal provision under which IHROBiH may not represent any natural person or legal entity before the institutions of any government level in Bosnia and Herzegovina will be taken into account, and no other activity that would question its independence will be taken.

5. Criteria for establishing cooperation

The principles of IHROBiH action are defined in the IHROBiH Law, the Prohibition of Discrimination Act and the IHROBiH Rules of Procedure and refer to the following:

- IHROBiH's independence from all state-level authorities in the performance of its function;
- organisational, administrative and financial independence in exercising the competences provided for by the Constitution of BiH and by law;
- impartiality and independence in work;
- efficiency;
- cooperation with civil society organisations.

This document defines the criteria for cooperation between IHROBiH and the non-governmental sector with a view to increasing the transparency of cooperation with the non-governmental sector, defined by Strategic Sub-Objective 5.1 of the 2016-2021 Strategy.

The criteria are uniform and apply equally to all non-governmental organisations that apply for cooperation with IHROBiH.

The procedure for considering applications from non-governmental organisations for cooperation with IHROBiH is transparent.

The criteria include the following:

1. Cooperation objectives must be aligned with the objectives defined in the 2016-2021 IHROBiH Strategy, as well as the goals defined in the Platform for Cooperation of IHROBiH with the non-governmental sector;
2. Cooperation objectives must refer to one or more thematic priorities set out in Point 2 of this document;
3. Joint cooperation should focus on the target groups:
 - a. People with disabilities
 - b. Elderly people
 - c. National, religious and other minorities
 - d. Women
 - e. Children
 - f. Discrimination victims
 - g. Free legal aid beneficiaries
 - h. Persons with restricted freedom of movement
 - i. Journalists
 - j. People in need of social assistance
 - k. Roma
 - l. Asylum seekers, migrants
 - m. LGBT persons
4. The activities and cooperation offered must be innovative and have the potential for further expansion;
5. The activities and cooperation offered must have an impact on a wider circle/group of people or members of the above-mentioned target groups;

6. Supervision of project implementation

IHROBiH monitors the implementation of the approved project by analysing the submitted reports, attending project activities, directly communicating with project beneficiaries, providing guidelines for correcting identified shortcomings in project implementation and in other adequate ways.

The lead project contractor is obliged to submit the project and financial documentation for inspection at IHROBiH request.