



**PLATFORM FOR CO-OPERATION OF HUMAN  
RIGHTS OMBUDSMAN OF BOSNIA AND  
HERZEGOVINA WITH NON-GOVERNMENTAL  
SECTOR**

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## I - INTRODUCTION

Human Rights Ombudsman of BiH is a national human rights institution established with a special mandate to secure human rights protection and promotion. The Institution was established based on the Human Rights Agreement (Annex 6 of the General Framework Agreement for Peace in BiH) and Law on Human Rights Ombudsman of Bosnia and Herzegovina.<sup>1</sup> The said Law defines issues related to powers and functioning of the Institution of the BiH Ombudsman with a view to ensuring the efficient functioning of human rights and fundamental freedoms protection mechanism as enshrined in the BiH Constitution and the international treaties attached thereto.

Broadly set mandate of the Institution requires its ability to be engaged in supervision, consultancy and issuing of recommendation on a variety of human rights related issues, to establish co-operation with regional and international organizations and to promote human rights through the public awareness-raising, including education on human rights and research. In order to ensure carrying out of its mandate, ***the Institution set the establishment of dialogue and strengthening of relationship with NGO sector as one of the priorities in its work.*** This is particularly expressed, based on the experience of the Ombudsman Institution, in the field of legal aid provision and the promotion of human rights including the organization of training sessions,

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<sup>1</sup> ("Official Gazette of BiH" no. 32/00, 19/02 and 32/06)

research, manuals and handbooks publishing and like, in addition to the preparation of legislative reviews from the aspect of their harmonization with the international standards.

Convinced that co-operation with NGO sector should be genuine rather than formal and based on partnership, on 28 April 2009 the BiH Human Rights Ombudsman held first of two consultative meetings with the NGO sector representatives. These consultations continued in 2010 with support of ODIHR and OSCE Mission to Bosnia and Herzegovina in Sarajevo and Banja Luka. Consultations were held on 09 June 2010 in Sarajevo and 11 June 2010 in Banja Luka.

With a view to the level of co-operation achieved with the NGOs it was concluded that this co-operation remained at its introductory level and was chiefly directed to the implementation of some partial activities. Independence of the national Ombudsman Institution was highlighted as a positive characteristic, as well as its well-developed capacities. Regained good reputation of the Institution and presence of the sincere readiness for the protection and promotion of human rights from the both sides is in line with this. It was concluded that formalization of co-operation between the Institution of BiH Ombudsman and NGO sector should be done once the areas and modalities of this co-operation have been jointly defined. Conclusions of these consultative meetings formed a basis for the creation of this Platform.

## II - AREAS OF CO-OPERATION

The Institution of BiH Human Rights Ombudsman will be co-operating with NGOs primarily in areas defined as priorities during the consultative meetings. It is important to stress that during the mentioned consultations necessity of ***holding the permanent periodical meetings*** between the Institution and NGOs was underlined in order to discuss certain issues pertinent to human rights and to redefine priorities as necessary.

Areas defined as those where the need for co-operation between the Ombudsman Institution and NGOs was primarily expressed include ***area of economic and social rights protection, especially for the vulnerable groups*** with particular attention to the disabled, women,

children, minorities and returnees population. It is also necessary to ensure co-operation in the area of the protection of domestic violence and protection of women in rural areas. ***Freedom of access to information, efficiency of judiciary***, including the right to access to court through the free legal aid provision, witness protection, execution of court decisions are another possible fields of co-operation between the Ombudsman Institution and NGOs.

Consultative process demonstrated that the need for ***co-operation in the field of the prevention of discrimination*** is most clearly expressed with a special focus to ensuring the implementation of the Law of Prohibition of Discrimination. Since the Ombudsman Institution is selected to be a key institution for the protection from discrimination, although the relevant Law does not precisely define the methods to implement this mandate, the need for the creation of an instrument to be used for the realization of this legal obligation has arisen. This is particularly related to use of mediation mechanism, giving opinions, relation to court protection etc.

***Obligation to establish a National Preventive Mechanism (NPM)*** in accordance with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and experience gained so far which has proven that the most efficient model includes Ombudsman institution as an NPM with established co-operation with NGOs creates even greater obligation of setting out the model of strengthened collaboration between the Ombudsman Institution and NGOs.

### **III - FORMS OF CO-OPERATION**

Giving weight to the standpoints expressed during the consultation process, the Ombudsman Institution intends to realize co-operation with NGOs through the joint organization of events such as the marking of important dates related to human rights, conferences, workshops, seminars, round tables, information exchange, issuing of jointly prepared publications, joint recommendations on methods of work, forming of joint groups in order to analyze realization of certain rights, joint visits to institutions and like.

#### IV - PRINCIPLES OF CO-OPERATION

The Ombudsman Institution will ensure for co-operation to be **regular, transparent, comprehensive and meaningful**. To this end, at the end of every calendar year the Ombudsman will invite NGOs to co-operation in a public announcement which will define areas and methods of co-operation. In order to ensure transparency of this process, there will be Criteria for the selection of NGOs with which a Memorandum on Co-operation will be signed. This Memorandum will determine obligations of both parties in detail.

Recognizing the importance of the permanent communication with NGOs, in the Rulebook on internal organization and systematization of working posts, the Ombudspersons have foreseen a post of an adviser whose job description includes the obligation to co-ordinate co-operation with NGOs. Almedina Karić is a current incumbent in this position.

#### HUMAN RIGHTS OMBUDSPERSONS OF BIH



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Jasminka Džumhur



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Nives Jukić



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Ljubomir Sandić