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za ljudska prava
Bosne i Hercegovine



БОСНА И ХЕРЦЕГОВИНА
Институција омбудсмена/омбудсмана
за људска права
Босне и Херцеговине

2017 Annual Report
on the results of the activities of
The Institution of The Human Rights
Ombudsman of Bosnia and Herzegovina

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CONTENTS

I. FOREWORD	5
II. RESUME.....	6
III. STATISTICS ON THE ACTIVITIES OF THE HUMAN RIGHT OMBUDSMAN IN 2017.....	11
IV. CIVIL AND POLITICAL RIGHTS	13
4.1. Judicial system and legal aid	13
4.1.1. Courts	13
4.1.2. High Judicial and Prosecutorial Council.....	19
4.1.3. Prosecutor’s Office	20
4.1.4. Complaints against the work of lawyers/bar associations	20
4.1.5. Free legal aid.....	21
4.2. Freedom of expression and the right to access to information.....	22
4.2.1. Special report on status and cases of threats to the journalists in Bosnia and Herzegovina	26
4.3. The right to property	27
4.4. Administration.....	30
4.5. Inspections.....	32
4.6. Status issues of the citizens	34
4.7. Police.....	36
4.8. Governmental and ministerial appointments.....	37
V. DEPARTMENT FOR THE PROTECTION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS.....	42
5.1. The right to work.....	42
5.1.1. Non-payment of contributions for pension and health and insurance	47
5.1.2. Severance pay in Republika Srpska and the Federation of Bosnia and Herzegovina	48
5.1.3. Slowness of responsible authorities in proceedings involving the labor rights	49
5.1.4. Bankruptcy proceedings.....	50
5.2. The right to pension.....	50
5.3. Health care.....	54
5.4. Social protection.....	58
5.5. Utilities	60
5.6. Education.....	62
5.7. Initiatives for the amendments to the economic, social and cultural rights	65
VI. THE RIGHTS OF THE DETAINEES/PRISONERS	69
6.1. Establishment of the preventive mechanism in Bosnia and Herzegovina	69
6.2. Monitoring the rights of prisoners/detainees.....	70
6.2.1. Health care	71
6.2.2. Conditions of accommodation	72
6.2.3 Work	73
6.2.4. Use of privileges out of the establishments	73
6.2.5. Transfer	75
6.2.6. Contact with the outside world	78
6.2.7. Religious needs	79

6.2.8. Nutrition.....	79
6.3. Staff.....	79
6.4. Visit to the Immigration Center in East Sarajevo and the Asylum Center in Delijaš.....	80
VII. CHILDREN'S RIGHTS	81
7.1. Violence against children.....	81
7.2. Children on the move.....	84
7.3. Protection of children in administrative and court proceedings	85
7.4. Education	88
7.5. Rights of children with special needs/disabilities in psychophysical development.....	90
7.6. Other activities of the Ombudsman	91
VIII. RIGHTS OF PERSONS WITH DISABILITIES	93
8.1. Rights of persons with disabilities	93
IX. RIGHTS OF NATIONAL, RELIGIOUS AND OTHER MINORITIES.....	99
X. DISCRIMINATION	103
10.1. Assessment of the state according to complaints and harmonization of the law	105
10.2. Mobbing.....	106
10.3. Discrimination on an ethnic basis	107
10.3.1. National representation in police structures	107
10.3.2. Special report on the use of the official language and script in Bosnia and Herzegovina.....	108
10.4. Discrimination in higher education.....	108
10.5. Discrimination of LGBTI people in access to right to assembly and freedom of expression.....	110
10.6. Cancellation of labor contracts due to pregnancy.....	111
10.7. Other illustrative examples of general significance.....	112
XI. COOPERATION WITH MEDIA	115
11.1. Review of media requests by type of media	116
11.2. Review of media requests by field of human rights.....	117
XII. COOPERATION WITH BODIES AND INSTITUTIONS	119
12.1. Cooperation with bodies and institutions in Bosnia and Herzegovina	119
12.2. Cooperation with international organizations and institutions	124
XIII. COOPERATION WITH NON-GOVERNMENTAL AND CIVIL SECTOR	127
XIV. RECOMMENDATIONS OF THE OMBUDSMEN.....	130
ANNEX I. REVIEW OF THE BUDGET FOR 2017.....	165
ANNEX II. REVIEW OF OBLIGATIONS UNDER FREEDOM OF ACCESS TO INFORMATION ACT/2017	166
ANNEX III. TABULAR PRESENTATION OF STATISTICAL INDICATORS.....	169

I. FOREWORD

Preparation of the 2017 Annual report on the results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina is its obligation under Articles 34 and 35 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina.

Ombudspersons are obligated to submit their report to the Presidency of Bosnia and Herzegovina, the House of the Representatives and the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, the Parliament of the Federation of Bosnia and Herzegovina and the National Assembly of Republika Srpska.

The report is organized per human rights areas in the same manner in which the Institution is organized: Department for the protection of the rights of the child, Department for the protection of the rights of persons with disabilities, Department for the protection of the rights of national, religious and other minorities, Department for the protection of economic, social and cultural rights, Department for the protection of civil and political rights, Department for elimination of all forms of discrimination, and Department for the protection of the rights of detainees/prisoners.

In addition to the statistic indicators, the report comprises the information on co-operation of the Institution with the authorities, civil sector, and media including the financial data. The report also comprises a separate part related to the obligations of the Ombudsman defined under the Law on Freedom of Access to Information.

Another separate part of the Annual report is a report on the occurrences of discrimination under the Law on Prohibition of Discrimination in Bosnia and Herzegovina.

And finally, in this report Ombudspersons wanted to indicate to the fact that although they do not have at disposal any means of coercion, their mission is to present the human rights situation and the means of its protection to the authorities at all levels in order to influence to the decision-making instances to take the necessary activities in the framework of their mandates to implementation the Ombudsman's recommendations and restore the violated human rights.

For the purposes of this report in line with the Law on Human Rights Ombudsman of Bosnia and Herzegovina three persons compose the Institution. At time of this report submission those persons were: Jasminka Džumhur, PhD, Nives Jukić and Ljubinko Mitrović, PhD.

Ombudspersons of Bosnia and Herzegovina

Nives Jukić

Ljubinko Mitrović, PhD

Jasminka Džumhur, PhD

II. RESUME

The European Convention for the Protection of Human Rights and Fundamental Freedoms is the basic and oldest human rights protection instrument adopted by the Council of Europe. The convention was signed in Rome on 4 November 1950 and came into effect after it was ratified by eight European countries (3 September 1953).

Bosnia and Herzegovina assumed the obligation to ensure the highest level of protection of internationally recognized human rights and fundamental freedoms. Article II of the Constitution of Bosnia and Herzegovina established that the rights and freedoms envisaged by the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols will be directly applicable in the legal system of Bosnia and Herzegovina and will have the priority over other domestic positive legislation.

In their Annual report Ombudspersons indicate to the irregularities observed while processing the complaints of the citizens and violations of human rights classified per legal areas in the same fashion in which the Ombudsman Institution is organized.

Ombudspersons of Bosnia and Herzegovina are concerned for lack of co-operation of some representatives of the authorities in respect of the implementation of their recommendations, which leads to continuation of human rights infringement.

A large number of complaints filed within the Department for the protection of civil and political rights stems from the unreasonable long court and administrative proceedings.

Complaints lodged by the citizens indicate to the excessive length of the administrative disputes beyond the reasonable time, because the courts return the cases to the administrative bodies for renewed procedure several times (*playing ping-pong with citizens*). Administrative bodies ignore the court decisions rendered in administrative disputes, or just take some formal measures lacking the substance.

Ombudspersons have noticed that the courts avoid rendering the meritorious decisions in administrative disputes even after the cases with identical factual and legal bases repeatedly come before the court, which results in continuous human rights violation.

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, failure 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.

Non-enforcement of the court decisions is the reason compelling the citizens to turn to the Constitutional court of Bosnia and Herzegovina and the European Court of Human Rights.

Complaints of the citizens of the work of public administration comprise the claims of unkindness of 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. In their complaints the citizens also express their dissatisfaction with the fact that administrative proceedings are conducted in violation of the provisions of the Law on Administrative Procedure, 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...

Solving the individual complaints, Ombudspersons checked the allegations of the citizens, which mostly related to the administrative proceedings and the protection of property rights. Citizens are complaining because of the excessive delays, obstructions, corruption and other illegal activities for which they filed even criminal charges against some relevant civil servants. In addition to that, the complaints comprised allegations related to lack of filing the criminal charges in cases involving non-enforcement of court decisions, and inconsistency of criminal legislation.

In the reporting period the Ombudsman received a number of complaints of the work of lawyers, both those engaged by the citizens, and those appointed to represent them through the free legal aid system. In their complaints citizens express dissatisfaction by the method of their representation before the court, poor communication in sense of lack of information about the actions taken in their cases and missing the deadlines.

The essence of complaints related to the freedom of expression and access to information is always the same, from a year to another. Public bodies keep missing deadlines for making decisions in both first and second instance, adopt decisions lacking legally prescribed elements (reasoning, instruction on legal remedy), or formally grant the access to information giving some wider context without the concrete piece of information requested.

Ombudspersons still receive complaints related to Annex VII to the Dayton Peace Agreement because the signatories, so many years after its signing, on the territories covered by their mandate, fail to ensure *“political, economic and social conditions, which will contribute to return and the harmonious reintegration of the refugees and internally displaced persons.”* Namely, property reconstruction and repair are not enough to solve all the issues related to return.

In their complaints and interviews the citizens express lack of trust in the internal control mechanisms established within the police agencies. They think that the conducted proceedings are neither objective nor efficient. In most cases the complaints against the police actions are found to have no grounds, and the complainants are just informed about the results of the internal investigation in a document which cannot be appealed. As in the previous years, the police stations submitted replies to the inquiries of the Ombudsman within the given deadline providing the details and the reasoning of their decisions.

Some complaints were filed for the violation of the basic principles governing the appointment and dismissal of the members of the management and supervisory boards in public companies and institutions, lack of objective criteria and non-transparency in the decision-making process, violation of conflict of interest laws in institutions and authorities at all levels during the appointment procedure, non-compliance with the positive legislation to be followed in appeals from the appointment decisions, etc.

Unemployment has taken large proportions in Bosnia and Herzegovina, and citizens in contact with the Ombudsman often point out that they are discriminated against in employment procedure following the published vacancies, that they do not enjoy the equal opportunities in employment and that public competitions are often fixed. Aware of their helplessness while wishing to provide for themselves and for their families, the citizens of Bosnia and Herzegovina, often the entire families, are forced to leave their homes and go trying to find job in other countries.

Ombudspersons keep receiving the complaints of the citizens because of the cases when the inspections order the demolition of illegally constructed buildings, which impact their property for not being far enough or some other reason, but the enforcement of these orders is halted due

to the building owner's request for legalization, which is a legally provided possibility, but the decisions on these requests are not issued within legally provided deadlines, so that the complainants face delays, obstructions in their free disposal of their property, that is, the legal uncertainty.

As in previous years, the complaints of prisoners/detainees related to their dissatisfaction with the quality of the provided health care, the use of privileges outside the institution, living conditions and treatment, incorrect behavior of the staff or other inmates, and inability to work, the conditions of accommodation and treatment, the inappropriate behavior of civil servants or other prisoners, the inability to obtain a work engagement. A number of complaints related to the content of legally binding court decisions according to which they were convicted, but this cannot be the subject of the Ombudsman's scrutiny, about which the convicted persons were informed in writing or verbally.

It should be highlighted that Bosnia and Herzegovina has four legislative acts governing the criminal sanctions execution, which may lead to the situation that the different legal norms govern the same area (same issue) differently, in addition to its different implementation. This situation leads to the unequal treatment of the convicted persons, depending on the prison establishment, or the entity in which they serve their sentence. Ombudspersons also note the fact that different rules contained in different books of rules and other by-laws are applied to persons deprived from liberty, which also contributes to their unequal treatment. It depends on the court which pronounced the sentence, for instance, whether it is the Court of Bosnia and Herzegovina or the courts of the entities.

Ombudspersons think that legal gaps and non-clarities in respect of transfer of prisoners from a prison to another in the other entity go to the detriment of the prisoners who have residence of the place of abode in the other entity, since they lose contact with their families, in particular having in mind the difficult economic situation prevailing in the country, This situation eventually results in aggravated rehabilitation of prisoners. For this reason and in order to secure more consistency in law implementation, based on a complaint in case Ž-SA-07-107/16 filed within the Ombudsman, Ombudspersons addressed the Parliament of the Federation of Bosnia and Herzegovina, the Federal Ministry of Justice and the Ministry of Justice of Republika Srpska with an initiative to amendments of the Law on Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina and the Law on Criminal Sanctions Execution in the Republika Srpska. Unfortunately, the initiative of Ombudspersons yielded no result in the Federation of Bosnia and Herzegovina so that no amendments to the Law on Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina were adopted.

By this report Ombudspersons once more indicate to the authorities at all levels to a very important problem of lack of coordinated and systemic action in cases of peer violence, which inevitably results in a lack of systemic prevention and protection measures. Obviously it is necessary to establish clear and defined rules of behavior in schools, to strengthen the role of psychologists and social workers, to introduce preventive measures, encourage reporting on peer violence among children and school staff, devise and conduct continuous peer violence courses for all involved in working with children.

It is also important to emphasize that special attention must be paid to violence on the Internet and new trends of violence against children: sexing, grooming, fake Facebook profiles, etc. The competent administrative units of the ministries of internal affairs must follow the trends and be familiar with different possibilities of misuse on the Internet.

In Bosnia and Herzegovina, there has been a lot of discussion about the explicit prohibition of corporal punishment of children. Ombudspersons point out that this explicit ban would represent a new step, a new chapter in better quality of pre-school children, i.e. children in their early, middle and late childhood.

A lot of complaints come from the parents of children with special needs and the difficulties in their development who point out that they expect more understanding and sensibility from competent authorities, in particular in cases where no healing and improvement in the treatment of illness/disorder can take place due to the nature of their children's disease, yet the competent authorities require the parents to present specific certificates, such as the assessment of the remaining work ability or the findings and opinions for different medical commissions, in regular time intervals, which is burdensome for them and their children. Following the fact-finding the Ombudsman has indicated to the competent authorities the obligation to create equal conditions, without discrimination on grounds of disability: the physical environment, means of transport, information and communication technologies and systems, other facilities and services.

Although the total number of complaints follows the trends from previous years, it is noteworthy that complaints in the area of discrimination have more grounds, that the complainants often address the Ombudsman through a proxy, and that the recommendations of the Ombudsman are increasingly used as evidence in court proceedings. These trends indicate to the greater trust the citizens in the Ombudsman and the power of the decisions they make.

Solving the individual complaints is the most important form of the Ombudsman's work on the human rights protection. In 2017 the Ombudsman Institution registered 174 cases involving discrimination. Ombudspersons emphasize that some cases were resolved positively even before the issuance of a recommendation owing, either to intervention, or the encouragement of the amicable solution or initiation of the mediation of the parties to dispute so that the responsible authority rectify their behavior after the first contact with the Ombudsman.

In its Special report on the use of official language and script in Bosnia and Herzegovina, Ombudspersons have pointed out to the competent authorities to their duty to take measures, aimed at enabling every child in any part of Bosnia and Herzegovina to have equal access to education, especially in areas with significant returnee population in both entities and reminded them that any failure to comply with the provisions of the Law on Prohibition of Discrimination in Bosnia and Herzegovina raises the issue of misdemeanor and civil responsibility. Ombudspersons also reminded that the principle of the best interests of the child requires all the authorities responsible for the education process in Bosnia and Herzegovina to take the efforts to establish the environment suitable for the development of the student's personality, and provide zero tolerance to discrimination.

Complaints related to the area of the higher education involve the violations of right to advancement, defense of doctoral dissertation, misleading information about the ECTS credits after the higher education.

Ombudspersons also want to point out that, regardless of some individual judgments that often relate only to procedural aspects of decision-making on the claims of the citizens, the rights of citizens in the field of higher education should be the same regardless of whether they are private or public educational institutions.

Although the number of citizens addressing the Ombudsman for mobbing is constantly increasing, this number is still not a real indicator of the situation in Bosnia and Herzegovina.

Ombudspersons come to this conclusion on the basis of testimonies of the complainants and media contents revealing the gravest consequences of mobbing.

In 2017 established was cooperation with about 40 media outlets from the country and the region (both printed and electronic), and the employees of the Ombudsman put efforts to respond to their inquiries as quickly as possible and substantively leaving no inquiry without an answer. The interest in the Ombudsman of Bosnia and Herzegovina has been shown by various media outlets such as: BHT1, RTRS, FTV, N1, Al Jazeera Balkans, TV Alfa, as well as Nezavisne novine, Glas Srpske, Dnevni Avaz, Euroblic, Radio Brčko Brčko, Radio Free Europe, FENA and SRNA news agencies, and an ever growing number of portals (discrimination.ba; etrafika.net; faktor.ba, klix, buka etc.).

III. STATISTICS ON THE ACTIVITIES OF THE HUMAN RIGHT OMBUDSMAN IN 2017

In 2017, the Ombudsman registered 3,160 citizens' complaints. Compared to 2016, this is a decrease by 183 complaints. During the reporting period, 13,968 citizens contacted the Ombudsman (direct contacts, telephone contacts, electronic mail and written complaints).

Together with cases carried forward from the previous year, 4,963 complaints were processed in total. In 2017, 2,908 cases were completed. The majority of complaints were related to violations of civil and political rights –1,861. These are followed by complaints related to: violation of economic, social and cultural rights (755), all forms of discrimination (178), rights of the child (172), rights of prisoners and detainees (135), rights of persons with disabilities (51), and violation of the rights of religious and other minorities (8).

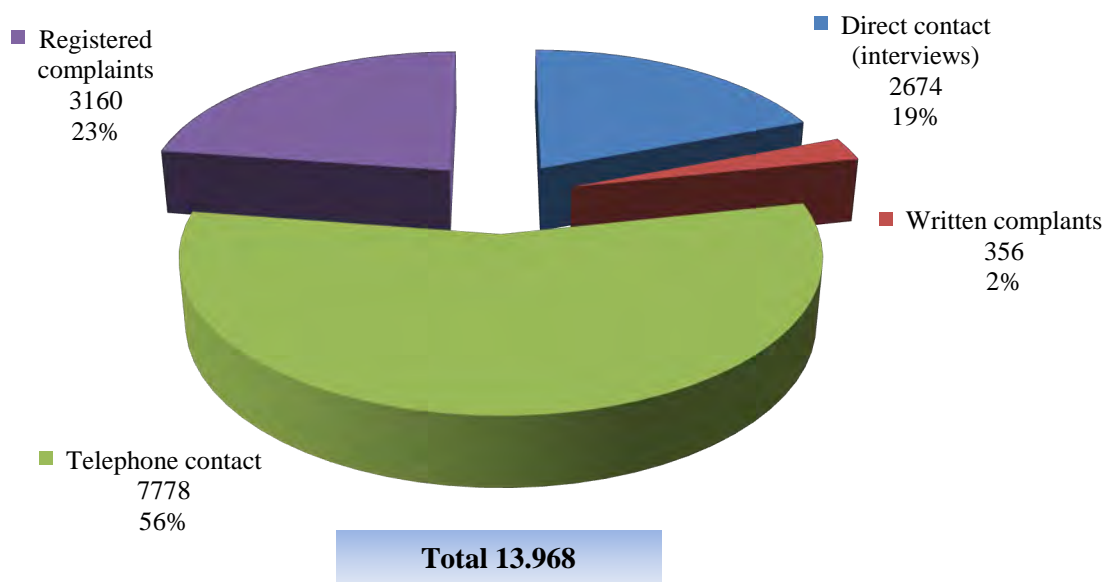


Chart 1

In the reporting period Ombudspersons issued 336 recommendations in 355 cases. Level of implementation is presented in Table 1.

Method of implementation of issued recommendations	Number of cases with an issued recommendation
Implemented	125
Co-operation established	78
Partially implemented	12
No feedback	73
Not implemented	67
Total number of cases with issued recommendations issued	355

Table 1

SPECIAL REPORTS issued in 2017:

- Special report on status and cases involving threats to the journalists in Bosnia and Herzegovina
- Special report on the use of official languages and script in Bosnia and Herzegovina.

INITIATIVES

1. Initiative for the amendment to the Law on Traffic Roads, Ž-SA-05-458/17
2. Ex officio - Initiative for the adoption of the Law on Amendments to the Law on Accrued Interest Rate in Bosnia and Herzegovina, Ž-SA-04-26/17
3. Ex officio – Initiative for amending the Law on Civil Service of Republika Srpska and the Federation of Bosnia and Herzegovina, Ž-BL-05-414/17
4. Ex officio – Initiative for amending the Law on Communal Services of Una – Sana Canton, Ž-BL-04-676/17
5. Initiative for amending the Law on Agency in Employment of Republika Srpska, Ž-BL-04-212/17
6. Ex officio – Initiative for amending the Law on Work in the Institutions of Bosnia and Herzegovina related to the use of maternity leave, Ž-SA-04-51/17.

IV. CIVIL AND POLITICAL RIGHTS

Out of the total number of 3,160 complaints received by the Ombudsman in 2017, majority relates to the violation of civil and political rights (1,861). Received complaints were processed per categories or the violated rights: court, administration, access to information and media, police, property rights, governmental and ministerial appointments, prosecutor's office, public documents, the rights of the national minorities, free legal aid and other rights. Their analysis shows that in some areas the number of complaints is decreasing, while in the others this number is increasing. This is due to a number of factors including: lack of harmonization of the domestic legislation with the international standards, lack of the legislation and the practice (conflict between the normative and the reality), political factors (actual political situation), economic and social reasons (poverty, unemployment, strikes etc.).

Areas in which the complaints are classified in the field of civil and political rights are presented in Table 2

Violations	Number of violations in 2017
Court	624
Administration	427
Access to information	248
Property rights	170
Police	132
Government and ministerial appointments	105
Prosecutor's Office	74
Public documents	35
Other	46
Total	1.861

Table 2

There is still a lot of citizens who turn to the Ombudsman in issues falling out of its mandate pursuant to the Law on Human Rights Ombudsman of Bosnia and Herzegovina. The complainants¹ expect the Ombudsman to decide on merits or the court or administrative decisions, to act as a second-instance body, to assume the role of a party to a dispute, or initiate court proceedings before the competent court (in disputes, misdemeanors etc.).

4.1. Judicial system and legal aid

4.1.1. Courts

Most of the citizens' complaints registered by the Ombudsman (624) were about the work of courts during the reporting period.

The analysis shows the citizens mostly complain for violation of the rights guaranteed by the domestic and international legislation, concretely, the excessive length of the court proceedings (193), and inefficiency in enforcement of the court decisions (48). The excessive length of the court proceedings particularly relate to civil disputes, criminal, administrative and enforcement proceedings. There are also complaints against judges for violation of procedural law provisions

¹ Ž-SA-05-1237/16, Ž-SA-05-612/17

(18), and other violations of the rights related to the work of court (406) (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).

While addressing the Ombudsman, citizens expressed, among other things, their dissatisfaction with the quality of court decisions, pointing out that the judgments did not contain good and detailed explanations about the presented evidence and the established facts, which creates the impression of arbitrariness and suspicion on the part of the complainants. On the other hand, the public often reduces the expectations from the judicial system only to formal things, such as the number of decisions and the process duration. In such a simplified approach neglected is the quality of the achieved protection, and the importance and complexity of the finished cases. Effectiveness must, however, be one among multiple important components of a "legitimate and fair process." Legal certainty and predictability is not nearly attained in the work of the judicial authorities which must function in a legitimate, timely and efficient manner.

A particular problem is the postponement of the enforcement of the final and binding court decisions by the competent courts regarding the payment of outstanding claims arising from the labor disputes/claims settlement, as the Ombudsmen pointed out in the previous reports. The Law on Enforcement Proceedings of the Federation of Bosnia and Herzegovina has limited the scope of forcible collection against the budget, leaving the cantons to determine how much the funds would be allocated for the payment of claims based on the court decisions. In practice, this means that the amended regulation allows for the payments to be prolonged if these actions would have a significant impact on the functioning of the authorities of various levels. But this institute is often misused in practice. There are many cases, despite the binding judgments which must be fully respected in their entirety, that the authorities suggest to the citizens (in particular in cases involving the settlement of labor related claims) to give up the amount of interest due, and then the principal debt (as determined in the judgment) would be paid.

This issue needs to be governed, and it is necessary to precisely establish all the steps in this process and indicate the responsible party for every action. It needs to be revealed which parties are involved in this issue, why are lists including the order of settlement hidden, which parties has the authority for these actions and it should be answered why the court, instead of sending the court order to the bank involved to finish the executive proceedings, does not follow all the activities until the enforcement procedure is finished and the citizens got satisfaction.²

From the complaints registered within the Ombudsman Institution lodged by the complainants who have received the first-instance judgments in lawsuits against the authorities for unpaid meal allowances, annual leave allowance or past performance compensation. In this regard, the Ombudsmen of Bosnia and Herzegovina made a number of recommendations, but none of it was implemented. However, the amounts of debts as established by the competent court was never paid to the most of the complainants so they turned to the European Court of Human Rights in Strasbourg, which issued two judgments against Bosnia and Herzegovina in the cases of "Kunić and others"³ and " Spahić and Others"⁴ versus Bosnia and Herzegovina⁵. The court

² Ž-SA-05-928/15

³ Judgment of the European Court of Human Rights in Strasbourg dated 14 November 2017, application no.: 68955/12 and 15 others;

⁴ Judgment of the European Court of Human Rights in Strasbourg dated 14 November 2017, application no.: 68955/12 and 15 others;

⁵ For 32 appellants the Court has established that the authorities of Bosnia and Herzegovina violated their right to a peaceful enjoyment of their property and the right to a fair trial. The reason for it is that the cantonal authorities refused to enforce the domestic courts decisions justifying their refusal by non-availability of funds in their budgets. The European Court of Human

recommended that the authorities of Bosnia and Herzegovina try to make friendly settlements in 368 other applications because it has already taken its stand that will not change. The Court ordered the respondent State of Bosnia and Herzegovina to ensure the enforcement of the judgments for these 32 appellants within three months as well as to pay each appellant a sum of EUR 1,000 as non-pecuniary damages for emotional distress and for more than half of the appellants the costs of representation in Strasbourg in the amount of 500 Euro. Profession-wise, the appellants who sued Bosnia and Herzegovina most frequently are professors, teachers and policemen. The European Convention on Human Rights prescribes that all citizens must have access to an impartial tribunal and that each state is obliged to resolve their claim within a reasonable timeframe.

The Constitutional Court of Bosnia and Herzegovina⁶ established a violation of Article 6 Paragraph 1 of the European Convention on Human Rights and Article 1 to the Convention in the mentioned and five other cases for prolonged non-enforcement of the final judgments.

Ombudspersons received a number of complaints⁷ from which arises that the complainants have received the first-instance judgments in lawsuits against the authorities for unpaid labor-related entitlements, as well as war-related damages and other claims. In this regard, the Ombudsmen of Bosnia and Herzegovina made a number of recommendations, but none of it was implemented. However, the amounts of debts as established by the competent court was never paid to the most of the complainants so they turned to the European Court of Human Rights in Strasbourg, which also held that justifying non-payment by lack of funds in the budgets was not reasonable, since the local governments could plan necessary amounts for unsettled claims for each year.

Courts still submit generic responses, confirming that the work on a specific case has not been completed and that cases are heard according to the Case Management Plan for the current year, counting from the initial act date pursuant to the criteria of the High Judicial and Prosecutorial Council according to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.⁸ For many years now Ombudspersons call on the authorities to honor the obligation of the state to organize the judicial system in a way that allows for the observation of these standards. According to the case-law of the European Court of Human Rights⁹, in spite of certain difficulties in the conduct of the proceedings, the court procedure is not an end in itself but it provides procedural safeguards for the realization of a series of civil rights.

The judicial system plays a key role in the protection of human rights and fundamental freedoms. Judicial power is an essential control over other parts of the state power, it ensures that laws adopted by the legislative authority as well as acts of the executive authority comply with international standards. The most important elaboration of a reasonable time standard as an inseparable part of the right to a fair trial was given by the European Court of Human Rights in

Rights held, however, that this justification was not reasonable, since the cantonal governments could plan necessary amounts for unsettled claims for each year.

⁶ AP-3438/12 dated 17 September 2014 and AP-4242/14 dated 26 February 2015

⁷ Ž-Ž-SA-05-308/15 in this case Ombudspersons issued the recommendation no.: P-111/16, Ž-SA-05-689/16 while in this case Ombudspersons issued the recommendation no.: P-69/17;

⁸ A complaint lodged with the Ombudsman relates to the Municipal court in Bihać for non-enforcement of the Decision on Enforcement no.: 17 0 P 007690 10 I dated 25 May 2010. On 12 December 2016 Ombudspersons issued their recommendation no. P-226/16 to the Municipal court in Bihać: *to take all necessary measures to enforce the mentioned decision*. On 23 January 2017 the Municipal court replied that the president of the Court immediately after receiving the Ombudsman's recommendation, that is, on 14 December 2016 issued an order to the case handling judge to continue the proceedings in the mentioned case following which the case handling judge informed him that he had rendered his decision on request of the party to be exempted from the payment of the court fees for forensic expertise and that he also adopted a Conclusion dated 19 January 2017 asking the Enforcement Requestor to pay the advance payment. This recommendation was implemented. On 27 January 2017 Ombudsperson issued a public release commending the Municipal court in Bihać for this.

⁹ Judgment of 07 October 2004 in the case of *Baumann v. Austria*, B 45.

Strasbourg in its *Delcourt*¹⁰ judgment, which, *inter alia*, includes the following guidance: "In a democratic society, within the meaning of the Convention, the implementation of justice has such a significant place that any restrictive interpretation of Article 6 (1) would not be appropriate to the objective and purpose of that provision." The Constitutional Court of Bosnia and Herzegovina in its decisions¹¹ stressed the importance of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Complaints lodged by the citizens indicate to the excessive length of the administrative disputes beyond the reasonable time, because the courts return the cases to the administrative bodies for renewed procedure several times (*playing ping-pong with citizens*)¹². Administrative bodies ignore the court decisions rendered in administrative disputes, or just take some formal measures lacking the substance. Ombudspersons have noticed that the courts avoid rendering the meritorious decisions in administrative disputes even after the cases with identical factual and legal bases repeatedly get before the court, which results in continuous human rights violation.

Example: On 04 January 2017 Ombudspersons received a complaint¹³ for non-enforcement of a decision of the Regional court in Doboj to her favor contrary to a Decision of the Pension and Disability Fund of Republika Srpska in proceedings for the implementation of her right to disability pension. The complainant claims that she lacks any means of subsistence, nor any money to support administrative disputes bringing no result despite the relevant provisions of the Law on Administrative Disputes that obliges the responsible authorities to enforce the judgments adopted in administrative disputes. Ombudspersons indicated to the responsible Fund to the situation of the complainant. In conclusion, on 12 May 2017 the responsible Fund informed the Ombudsman that it finished the forensic expertise in the mentioned case where the second-instance body established that the complainant suffered the loss of her working abilities. Enforcing the relevant decision of the Regional court, on 03 April 2017 the Fund rendered the disputed decision adopted on 08 July 2016 by the Doboj Branch Office null and void. By this the rights and entitlements of the complainant were established and the judgment of the Regional court in Doboj finally enforced about which she informed the Ombudsman.

Example: On 28 August 2017 Ombudspersons received a complaint¹⁴ in which the complainant claimed that in 2009 he filed a request for renewal of the proceedings, emphasizing that administrative dispute took place three times resulting in three decisions of the Regional court in Banja Luka, the last one being adopted on 10 July 2015 by which the document of the Ministry of Labor and Veterans and Disabled Persons Protection of Republika Srpska no. 16-03/4-1-4-568-109/14 dated 25 August 2014. The case was not finished pending a decision of the Supreme court of Republika Srpska following a Request for extraordinary review of the mentioned decision. The complainant is waiting for more than eight years now for his case to be resolved. Ombudspersons issued their recommendation P- 296/17 to the Supreme court of Republika

¹⁰ Judgment dated 17 January 1970., pp.15 and judgment dated 26 October 1984., *De Cubber*, A.86, p. 16.

¹¹ AP-3196/06, AP-1323/06, AP-2383/06, AP-1736/06, AP-430/06, AP-2008/06, AP-941/06, AP-2516/06, AP-2301/06

¹² In 2009 a complainant filed the motion for renewal of the proceedings emphasizing that the administrative proceedings were repeated three times, that he had three judgments rendered by the Regional court in Banja Luka, that the last judgment dated 10 July 2015 rendered the decision of the Ministry of Labor and Veterans and Disabled Persons Protection of Republika Srpska no. 16-03/4-1-4-568-109/14 dated 25 August 2014 null and void. The case was not finished pending a decision of the Supreme court of Republika Srpska following a Request for extraordinary review of the mentioned decision filed 14 August 2015. The complainant is waiting for more than eight years now for his case to be resolved. Ombudspersons issued their recommendation P-296/17 to the Supreme court of Republika Srpska to adopt a decision in the mentioned case urgently. This recommendation was not implemented.

¹³ Ž-BL-04-5/17

¹⁴ Ž-BL-05-591/17

Srpska to adopt a decision in the mentioned case urgently. The Ombudsman received no reply by the date of this report, and this recommendation was not implemented.

Example: Ombudspersons received a complaint¹⁵ for the length of the court proceedings for the compensation of non-pecuniary damages. The proceedings were initiated in 2012. In 2013 the Municipal court in Sarajevo adopted a judgment which was appealed before the Cantonal court in Sarajevo and this appeal was not yet resolved by 29 December 2016. Ombudspersons issued their recommendation no.P-19/17 and the Cantonal court in Sarajevo informed them on 09 March 2017 that their recommendation was implemented and the proceedings finished. On 21 February 2017 the relevant decision was adopted (no.: 65 0 P 31021613 Gž) and served to the complainant.

Example: On 28 June 2016 Ombudspersons received a complaint¹⁶ in which the complainant claimed that the Government and the Ministry of Finance of Sarajevo Canton did not enforce the final and binding court decisions rendered by the Municipal court in Sarajevo.¹⁷ The said decisions order the collection of claims from the budget of the Sarajevo Canton. In this case, after the completion of their investigation, on 11 April 2017 Ombudspersons issued a recommendation¹⁸ to the Government and the Ministry of Finance of Sarajevo Canton in which they presented their conclusion that there was a violation of human rights and fundamental freedoms of the complainant and recommended the mentioned parties to take all the measures to enforce the final and binding court decision of the Municipal court in Sarajevo. On 19 September 2017 Ombudspersons sent their letter no.: Ž-SA-05-689/16 to the Assembly of Sarajevo Canton inviting them to discuss this issue at the next meeting and inform the Ombudsman about it. Until the date of this report drafting, that is 16 November 2017, no reply was received and this recommendation was not implemented.

Example: On 08 June 2015 Ombudspersons received a complaint¹⁹ including the claims that on 15 January 2014 the complainants filed to the Municipal court in Sarajevo a motion for non-pecuniary damages compensation. The compensation amount had to be collected from the budget of the Federation of Bosnia and Herzegovina, while the Municipal court in Sarajevo and the Federation of Bosnia and Herzegovina were designated as responsible parties. The first-instance and the second-instance court decisions were attached to the motion. On 23 January 2015 the complainants addressed the Municipal court in Sarajevo again since the Court, according to them, did not take the legally foreseen actions. On 18 June 2015 Ombudspersons invited the Municipal court in Sarajevo to reply to the allegations of the complainant. The reply was dated 07 July 2015²⁰ and it reads as follow „...*The Federal Ministry of Finance Sarajevo, through the commercial bank “Union banka” on 16 January 2017 paid the amounts receivable to the complainants based on the motion for enforcement no. 65 0 I 410635 14 I dated 14 February 2014, thus the proceedings in this case can be considered finished.*“ On 17 March 2017 Ombudspersons received the letter of the complainant in which they inform the

¹⁵ Ž-SA-05-39/15

¹⁶ Ž-SA- 05- 689/16

¹⁷No. 65 0 I 322157 13 I dated 18 February 2013, no.: 65 0 I 465628 14 I dated 03 February 2015 and no.: 65 0 I 470910 14 I dated 20 November 2014

¹⁸ P-69/17

¹⁹ Ž-SA-05-523/15

²⁰ Document of the Municipal court in Sarajevo no.: 065-0-Su-15-001815 dated 09 July 2015, document no.: 65 0 I 410635 14 I dated 07 July 2015

Ombudsman that „... *the Federal Ministry of Finance Sarajevo, through the commercial bank “Union banka” on 16 January 2017 paid the amounts receivable to the complainants based on their motion for enforcement and the proceedings in this case are therefore finished.*“

Example: The Ombudsman processed a case²¹ involving the Municipal court in Banovići²² and the Cantonal court in Tuzla²³ related to the length of the proceedings. The Municipal court in Banovići accepted the recommendation of the Ombudsman and gave priority to the subject case²⁴ of the complainant against the respondent party, the Local Community Banovići Village – the Management Board of the Waterworks Kasumovići Gornji related to the connection to the local water distribution network. The Cantonal court in Tuzla in the appellate proceedings, following the recommendation of the Ombudsman took this case as a priority.²⁵

Example: On 07 November 2016 Ombudspersons registered a complaint²⁶ about the unreasonably long court proceedings on which they sought the opinion of the Cantonal court in Sarajevo on 11 November 2016. On 23 November 2016 they received an answer in a letter no. 09 0 U 020848 14 U, which, among other things, reads as follows „... *having in mind the highlighted allegations of the complainant..., this court will take in consideration and issue its decision in this issue in January 2017 thus taking necessary measures to redress the violation of Article 6 of the European Convention.*“

On 04 May 2017 Ombudspersons asked the Cantonal court in Sarajevo to give their opinion on whether or not a decision in this concrete case was made, and if not to state the reasons. On 26 May 2017 Ombudspersons received an answer from the Cantonal court in Sarajevo in their letter no.: 090 U 020848 14 U, dated 18 May 2017. Attached to this letter was a court decision no 090 U 020848 14 U, while on 28 July 2017 this decision was served to the complainant. Following the intervention of the Ombudsman the court has adopted its decision in the concrete legal issue.

Example: On 20 January 2017 Ombudspersons received a complaint²⁷ where the respondent party was the Land Books Registry of the Municipal court in Sarajevo. In the complaint it is said that the complainant waits for three months for his real estate to be registered in the land books based on the decision of the Supreme court of the Federation of Bosnia and Herzegovina no.: 41 0 P 002286 14 Rev. The complainant emphasized that she urged the issue several times, but the issue was not solved to the date of filing the complaint before the Ombudsman. After the intervention of the Ombudsman a new decision of the Department for Land Registry Books of the Municipal court in Visoko no.: 041-0-DN-16-004871 dated 26 January 2017 allowing for the entry of the property rights into the land books.

Example: A complaint²⁸ reflected the dissatisfaction of the complainant for failure of taking the processing actions by the Municipal court in Lukavac in the case no.: 126 0 I 159323 13 I. On 31 July 2017 the Municipal court in Lukavac informed the Ombudsman that: „*In accordance with*

²¹ SA-05-962/15

²² recommendation no. P-240/15

²³ recommendation no. P-51/17

²⁴ No.: 127 0 P 055750 14 P

²⁵ No.: 127 0 P 055750 16 Gž

²⁶ Ž-SA-05-1105/16

²⁷ Ž-SA-05-45/17

²⁸ Ž-BR-05-183/17

your request related to the complaint Ž-BR-05-183/17 dated 13 July 2017 we hereby inform you that on 17 July 2017 this Court adopted its decision on enforcement in the subject case.“

Example: A complainant²⁹ claims that on 08 August 2016 he filed a lawsuit to the Municipal court in Livno, Department Tomislavgrad, against the Tourist Association of Canton 10, Livno, as well as the Canton 10, Ministry of Economy of Livno (as a second-respondent), registered under number 68 0 P 11499 16 P and 68 0 P 11496 16 P. Since it is an urgent labor dispute it was necessary to take urgent steps. The complainant is an employee of the Tourist Association Kupres who had not received his salary since October 2015, nor had his employer paid the contributions for pension and health insurance in that period. After the intervention of the Ombudsman the responsible party, the Municipal court in Livno, on 16 December 2016 rendered its decision in this case.

4.1.2. High Judicial and Prosecutorial Council

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.

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, failure 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. Complaints of the citizens of the work of the High Judicial and Prosecutorial Council comprise the claims of the length of the proceedings before the Council, slowness of the procedure, inefficiency in work in general and lack of effectiveness toward the parties.

Example: In respect of a complaint³⁰ related to the failure of making a decision by the Appellate court of Brčko District of Bosnia and Herzegovina Ombudspersons issued their recommendation no P-79/17. In this case the complainants appealed from the decision of the Appellate court of Brčko District no.: 96 0 P 005999 14 GvI dated 01 July 2014. No decision upon this appeal was made for, as the Court stated in its reply, “*current absence of legal prerequisites*”, or impossibility to compose the judicial panel for decision-making. From the date of filing this complaint until the date of drafting this report, the responsible parties, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Appellate court of Brčko District have not taken necessary activities to ensure the regular work and functioning of the Appellate court of Brčko District and decision making in cases requiring sitting in panel. The recommendation of the Ombudsman is implemented.

²⁹ Ž-LI-05-271/16

³⁰ Ž-BR-05-46/15

4.1.3. Prosecutor's Office

In 2017 the Ombudsman received 74 complaints concerning the work of the prosecutor's office (e.g. the Prosecutor's Office of Bosnia and Herzegovina - 6, the Sarajevo Canton Prosecutor's Office - 28, the District Prosecutor's Office of Banja Luka - 9, the Cantonal Prosecutor's Office of Hercegovina – Neretva Canton - 5). The largest number of complaints filed against the work of the prosecutor's office is related to the failure to take action regarding the criminal reports filed by the citizens and legal persons. In addition, the complaints related to filing the criminal reports due to non-enforcement of court decisions, and the inconsistency of criminal legislation. Following these complaints, the Ombudsman took a series of activities. Ombudspersons noted that usually after the Ombudsman's inquiry responsible prosecutors generally issue orders not to initiate investigations, which they could have done much earlier instead of keeping the criminal reports for several years.

In the reporting period, the Ombudsman Institution received 74 complaints against the work of prosecutor's offices, and issued 4 recommendations. The complaints about the work of the Prosecutor's Office, as in the previous years, relate to failure to take action upon receiving criminal reports and to the length of prosecutorial decision making procedures. In most cases, relevant prosecutor's offices adopt adequate decisions upon the Ombudsman's intervention.

Example: In a complaint³¹ lodged with the Ombudsman on 20 September 2017 the complainant addresses Ombudspersons claiming that on 31 May 2011 a criminal report was filed with the Regional Prosecutor's Office Banja Luka against physical persons, which was registered under number: T 13 0 KTA 007255 11. For more than six years until the date of filing the complaint with the Ombudsman the prosecutor in charge did not make any decision in this respect. During the Ombudsman's investigation the Regional Prosecutor's Office Banja Luka informed the Ombudsman in a letter that the prosecutor's decision not to initiate criminal proceedings upon the subject report was made.

Example: A complainant³² asserts that on 30 October 2013 he filed a report of a criminal offence to the Cantonal Prosecutor's Office of Tuzla Canton against an official of the Municipality of Živinice. A couple of times he addressed the Prosecutor's Office in writing to get the information on the actions taken. In this case Ombudspersons issued their recommendation no.: P-190/16, which was implemented and on 10 April 2017 Ombudspersons received a letter in which the Chief Prosecutor refused the objection of the complainant for having no grounds.

4.1.4. Complaints against the work of lawyers/bar associations

*“In a society based on the rule of law attorneys have a special role to play. The lawyers must serve the interests of justice as well as those whose rights and freedoms are entrusted to them to protect and defend, their duty is not only to represent their clients, but to be their advisers in the best direction...”*³³

³¹ Ž-BL-05-665/17

³² Ž-BR-05-51/15

³³ Bar Association of the Federation of Bosnia and Herzegovina, *Code of Conduct of the Bar Association of the Federation of Bosnia and Herzegovina*

In the reporting period, the Ombudsman Institution received complaints against the work and actions of lawyers, either those engaged by the complainants personally or appointed by the court, but also lawyers within the free legal aid system. In their complaints the citizens express their dissatisfaction with the way of their legal representation, lack of efforts during legal representation, poor communication with lawyers in sense of lack of information about the actions taken in their cases and before competent authorities, as well as non-abiding with the deadlines for individual legal actions within their proceedings.

Citizens' allegations also relate to the work of bar associations in which they claim that the bar associations do not carry out disciplinary proceedings following clients' reports. In addition to that, citizens claim that their reports of the work of lawyers do not result in objective and impartial proceedings, but only formal proceedings.

Given a wide range of powers of the bar associations, legal regulation and grounds for those powers, having in mind the high level of independence and autonomy of this professional association, Ombudspersons express their concern for increasing level of citizens' dissatisfaction and think that it would be necessary to re-examine methods of their work and professional ethics of members and bodies of bar associations.

4.1.5. Free legal aid

The system of free legal aid in Bosnia and Herzegovina is organized in the following manner: in the Federation of Bosnia and Herzegovina, free legal aid institutes are established in eight cantons (they do not exist in Canton 10 and Central Bosnia Canton), while in Republika Srpska, free legal aid is provided by the Free Legal Aid Center with headquarters in Banja Luka, and offices in Doboje, Bijeljina, Trebinje and East Sarajevo. The Office for the Provision of Free Legal Aid is active in Brčko District of Bosnia and Herzegovina.

On 27 October 2016 the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on Free Legal Aid³⁴ drafted by the Ministry of Justice of Bosnia and Herzegovina. Adoption of the Law on Free Legal Aid is very important for citizens of Bosnia and Herzegovina since it enables them to have equal access to justice before the Court of Bosnia and Herzegovina, administrative bodies and other bodies of Bosnia and Herzegovina to all citizens, irrespective of their property status.

Accordingly, the Free Legal Aid Department was formed within the Ministry of Justice of Bosnia and Herzegovina. Services provided to citizens by the free legal aid institutes and centers include the filling-in the forms, filing complaints (lawsuits, appeals), and legal representation before the courts.

In the reporting period, in 2017, the ombudsmen did not receive individual complaints regarding the violation of the right to free legal aid. While processing the cases mostly related to the work of the courts due to the unreasonable length of proceedings and cases before the other authorities (public administration) and through contacts with the parties it is indisputable that the free legal aid system has not been introduced on the whole territory of Bosnia and Herzegovina yet, which results in a violation of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Namely, the system of free legal aid in Bosnia and Herzegovina is still fragmented and unregulated in certain cantons of the Federation of Bosnia and Herzegovina and at the level of the Federation of Bosnia and Herzegovina. Ombudspersons remind the

³⁴ Law on Free Legal Aid of Bosnia and Herzegovina "Official Gazette of Bosnia and Herzegovina", no. 83/16

authorities in the Central Bosnia Canton, Canton 10 and the authorities of the Federation of Bosnia and Herzegovina, which have not yet adopted the Law on Free Legal Aid “*to their obligations established by the Constitution of Bosnia and Herzegovina and Article 6 of the European Convention, and request that the authorities at the level of Bosnia and Herzegovina, as well as at other levels of government that did not honor the obligation, pass the Law on Provision of Free Legal Aid as soon as possible thus eliminating discrimination in the realization and protection of the rights of the citizens.*”

4.2. Freedom of expression and the right to access to information

In 2017 the Ombudsmen received 248 complaints related to freedom of expression and free access to information, which represents a decrease of 43 complaints compared to the previous year. In 2017 the Ombudsman issued 59 recommendations related to free access to information.

The substance of complaints related to this the freedom of expression and free access to information is repeating from a year to another. The public authorities still demonstrate stall in decision-making process in both first and second instance, adopt decisions that do not contain all the legally specified elements (reasoning, instruction on legal remedy), formally comply with the request without granting the real access to information, in addition to ever increasing practice of public authorities to deny access to information invoking the personal data protection, or protection of commercial interests of third parties, without performing the public interest test as prescribed by the law.

When it comes to a phenomenon noticed in the practice of some public authorities issue decisions refusing the access to information on grounds that requested information comprises confidential third parties commercial interests, Ombudspersons note that the public authorities act in a way to formally conduct proceedings in accordance with the Law on Freedom of Access to Information, but they wrongfully apply its provisions, thus making a double mistake, basically denying the access to information, both formally, and in substance.

In their 2016 Annual Report on the results of the activities of the Ombudsman, Ombudspersons have indicated that the Ministry of Justice of Bosnia and Herzegovina opened the process of consultations on a new Law on Freedom of Access to Information of Bosnia and Herzegovina³⁵ in which they actively participated. Given the large number of objections expressed by the public bodies and non-governmental organizations, the process of public consultations has resulted in withdrawal of the proposed draft by the Ministry of Justice of Bosnia and Herzegovina and invited all relevant and interested parties to submit their suggestions of the amendments to the existing wording of the Law. In a letter dated 27 March 2017, Ombudspersons presented suggestions of the amendments to the Law on Freedom of Access to Information of Bosnia and Herzegovina to the Ministry of Justice of Bosnia and Herzegovina³⁶. These amendments have not been adopted yet, nor had the Ombudsman been provided with any information regarding this procedure.

There is also the issue of the existence of two instances in decision-making process to which Ombudspersons turned the attention of the authorities in their annual reports on the results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2015 and 2016 including the recommendation to the competent authorities to co-operate in regulating

³⁵ <http://www.mpr.gov.ba/aktuelnosti/vijesti/default.aspx?id=5605&langTag=bs-BA>

³⁶ The document no.: Oi-K-SA-41/17 dated 27 March 2017

the issue of decision-making in two instances. This recommendation has not been implemented yet. Ombudspersons still think that the absence of penalty provisions in the entity laws on freedom of access to information is raising concerns, as well as the fact that the Law on Freedom of Access to Information of Republika Srpska does not provide for the obligation of a public body to issue a decision on request for access to information, but the party gets informed on decision in a letter, which is not an administrative document. Even back in 2011 Ombudspersons initiated the adoption of the amendments to Law on Freedom of Access to Information of Republika Srpska³⁷ in sense that institutions should be obliged to issue a decision, instead of sending a notification letter. This initiative was not accepted, although it is worth mentioning that some public bodies in Republika Srpska, while acting on requests for information, make reference to the Law on General Administrative Proceedings, and make decisions, but these are isolated cases, such as ones registered with the Ombudsman under numbers Ž-BL-05-383/17 and Ž-BL-05-523/17.

In a letter dated 27 March 2017, Ombudspersons presented suggestions of the amendments to the Law on Freedom of Access to Information of Bosnia and Herzegovina to the Ministry of Justice of Bosnia and Herzegovina. These amendments have not been adopted yet, nor had the Ombudsman been provided with any information regarding this procedure.

Below are examples related to the denial of access to information based to the alleged protection of personal data and commercial interest of third parties, without conducting the public interest test, and legally prescribed procedure, as well as the lack of deciding on appeals.

Example: Deciding on request for access to information in which the complainants³⁸ asked the Public Company Electric Utility of bah Ltd. Sarajevo – Thermal Power Plant Tuzla Branch to provide them with the contracts concluded with a private company for the procurement of meat products, but this public body decided to deny access to information invoking the commercial interests of a third party. The complainants appealed this decision, but their appeal was quashed as ill-founded. Decision-making process did not involve the public interest test as provided by Article 9 of Law on Freedom of Access to Information of the Federation of Bosnia and Herzegovina in order to establish a balance between the possible harm and benefit that can arise from making the required information public. In addition to that, the public body failed to establish exemptions in accordance with Articles 6 through 8 of Law on Freedom of Access to Information of the Federation of Bosnia and Herzegovina, but it applied provisions of a by-law, which is an lower-ranked document compared to the Law on Freedom of Access to Information. The access to information was denied and the requested information proclaimed confidential business information. The second-instance body refused the appeal invoking the commercial interests of the third parties although no procedure envisaged by Article 7 of the Law was conducted, nor was it specified what kind of commercial interests would be harmed in this case. In this regard, it should be emphasized that when assessing whether the requested information comprises a third party's confidential commercial interests, the public body should assess whether the disclosure of certain information would jeopardize a third party's business, or

³⁷ Ž-BL-03-196/11

³⁸ Ž-SA-05-929/17

whether it would reveal a particular chemical or other formula or procedure a particular product manufacture process, or other information crucial for the business of a third party. Therefore, the price of the contract or the personal information should not, in any case, fall under the protection of third party's commercial interests. In the concrete case, Ombudspersons issued their recommendation no. P-328/17, dated 28 December 2017, recommending that the public body annul the adopted decisions and adopt a new decision and approve the access to the information, to harmonize the decisions of the public body and the Rulebook on business secrets with the provisions of the Law on Freedom of Access to Information of the Federation of Bosnia and Herzegovina. No response from the public body was received.

Example: The complainants³⁹ from Trebinje filed a request for access to information related to the list of memorials erected to the killed veterans of the RS Army and civilian victims of war on the territory of Trebinje Town who have perished during the war activities in Bosnia and Herzegovina. In the request it was mentioned that the information will serve the purposes of implementation of a project of the Association for Social Studies and Communication. Trebinje Town gave no reply to the requestors, but it replied to the Ombudsman's inquiry explaining that the requested information include personal interests related to the privacy of third persons, for which they do not see themselves obligated to meet this request.

Ombudspersons issued a recommendation no. P-216/16 to the Trebinje Town to take action in accordance with Article 14 of the Law on Freedom of Access to Information of Republika Srpska, which was fully implemented.

During 2017⁴⁰, the Ombudsman received three inquiries for clarification regarding the application of the Law on Free Access to Information of the Federation of Bosnia and Herzegovina. Namely, having received some requests for access to information, public authorities were uncertain and had doubts regarding the manner of application of the provisions of the Act and decided to contact the Ombudsman and ask for its opinion before making a decision on the application of the law.

This course of action proved to be very effective, since in this way the public bodies have guidance how to act in a specific individual case, but also have a model for all subsequent similar cases that could appear in the future. In addition, this enables the Ombudsman to act proactively, not only reactively.

Ombudspersons are concerned for the fact that there are still cases of non-cooperation⁴¹ with the Ombudsman despite the clear legal obligation to do it. In cases where a public body fails to provide the information requested in connection with the allegations of the complaint, the Ombudsman, in accordance with Article 32 of the Law on the Human Rights Ombudsman of Bosnia and Herzegovina, issue a recommendation to the public body to establish co-operation. An overview of the issued recommendations regarding the lack of co-operation is presented in a separate part of this Report.

Example: Ombudspersons managed to positively solve a case involving a complaint⁴² against the Border Police which refused to provide the copies of a complaint against the Ombudsman's complainant filed by another police officer in order to use it as a ground for filing a criminal report for false reporting and defamation. The Border Police of Bosnia and Herzegovina refused

³⁹ Ž-SA-05-406/16. the case closed following the relevant decisions of Ombudspersons on 13 February 2017;

⁴⁰ Ž-SA-05-1107/16, Ž-SA-05-343/17 and Ž-SA-05-560/17

⁴¹ Ž-SA-05-158/17, Ž-SA-05-184/17, P-195/17

⁴² Ž-BL-05-716/16, P-42/17

to grant the access to information claiming that it was for the personal data protection. The Ombudsman's complainant appealed from this decision, but the appellate body refused the appeal as ill-founded. Reasoning its decision the appellate body quotes the provisions of Law on Freedom of Access to Information providing for the situations when a public body can refuse to grant the access to information, but the link between these provisions and the present case was not clearly drawn. It is also said that the public interest was not taken in consideration as a justification for revealing the requested information.

Ombudspersons issued their recommendations no P-42/17 to the Director of the Border Police recommending him to grant the access to information to the complainant. The Border Police later informed the Ombudsman that the recommendation was implemented.

Example: Ombudspersons processed a complaint⁴³ related to the violation of the rights to freedom of access to information by the Municipal Administration of Travnik. The complainant wanted to have access to information possessed by the General Administration Department and the Protection of Veterans. The Municipal Administration decided to deny the access to information, which was appealed by the unsatisfied complainant. However, his appeal was not decided upon within the legal deadline. In addition to that, the Municipal Administration failed to submit information about the claims of the complainant even after the intervention of the Ombudsman. This is why Ombudspersons issued their recommendation to the Municipal Administration to establish communication with the Ombudsman at once and submit the requested information. Till the date the Ombudsman has not received any reply by the Municipality Travnik. Ombudspersons emphasize that the co-operation with the administrative bodies is of a crucial importance for the Ombudsman Institution.

The complaints processed by the Ombudsmen of Bosnia and Herzegovina in 2017 also indicate to the need for permanent and continuous education of information officers with the aim of their better understanding of obligations and duties pursuant to the Law on Freedom of Access to Information at all levels of government in Bosnia and Herzegovina. With the same goal, in their 2015 Annual Report Ombudspersons have issued a recommendation to the Civil Service Agency of the Federation of Bosnia and Herzegovina and the Civil Service Agency of the Republika Srpska to provide continuous training for information officers, in order for them to be fully familiar with their obligations arising from Law on Freedom of Access to Information, and to include questions related to the freedom of access to information and the application of the relevant Law in the professional examination for work in the administrative bodies.

During the annual meeting of the Ombudsman Institution in Čapljina, all the employees received training on *the Right to access to information*⁴⁴ during which were presented the most common challenges faced by the Institution in respect of the complaints related to this segment, as well as the standards established by the case-law of the European Court of Human Rights in Strasbourg. It was concluded that the activities of the Ombudsman should be focused to the changes to the Law on Judicial Fees so that the administrative disputes related to free access to information are exempt from court fees, and to closer cooperation with the competent ministries of justice who are proponents of legislative solutions, the establishment of standards for the public interest test and better application of the Law on Freedom of Access to Information, especially in relation to the Personal Data Protection Act, which is often cited as a justification for denying the lawfully requested information.

⁴³ Ž-SA-05-184/17, P-195/17 dated 29 August 2017

⁴⁴ Training was organized by the Ombudsman's staff members Irma Salčin and Predrag Raosavljević, since the OSCE expert cancelled his participation.

4.2.1. Special report on status and cases of threats to the journalists in Bosnia and Herzegovina

Special Report on the status and cases of threats to journalists in Bosnia and Herzegovina was presented to the Parliamentary Assembly of Bosnia and Herzegovina on 28 August 2017 and soon after to the National Assembly of Republika Srpska, the Government of Republika Srpska, the Judicial and Prosecutorial Training Center of the Republika Srpska and the Center for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina.

Namely, the Council of Ministers of Bosnia and Herzegovina, at its 43rd session held on 26 January 2016, endorsed the Action Plan for Implementation of Priorities from the European Commission's 2015 Bosnia and Herzegovina Progress Report. Within the Action Plan, it was recommended to the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina to develop a Special Report on the Status and Cases of Threats against Journalists in Bosnia and Herzegovina, which was done with support of the OSCE Mission to BiH, with the engagement of experts.

Appreciating the importance of this engagement as part of the implementation of human rights and the rule of law in the country, the Association of BH journalists welcomed the publication of the Special Report, and in its public statement said, *inter alia*:

Emphasis put by the Ombudsman to very bad economic situation of journalists, the increase of violence, harassment and attacks on journalists, and the absence of effective protection of the basic human rights of the employees in journalism represents a significant contribution to stronger institutional action in the area of freedom of media, journalists' rights and safety. In this context, recommendation of the Ombudsman to consider the possibility of defining the assault on journalists as a separate criminal offense within the framework of criminal law on public order and peace in Bosnia and Herzegovina are particularly important, as well as emphasizing the need for professional development of judges, prosecutors and police officers in connection with investigations and sanctioning of attacks to journalists.

In the mentioned Special report the Institution of Human Rights Ombudsman of Bosnia and Herzegovina has issued a series of recommendations addressed to the highest legislative and executive bodies in Bosnia and Herzegovina with the aim of improving the position and status of journalists and protecting their fundamental rights in the public information service, and will monitor their implementation *ex officio*.

On their 116 session the Council of Ministers considered this Special report⁴⁵ and strongly supported the freedom of the media and equally strongly condemned the attacks on journalists, and entrusted the Ministry of Security and Justice, as well as the Ministry for Human Rights and Refugees, with the implementation of these recommendations of the Council of Ministers.

Example: Acting Director of Kupres Radio station filed a complaint⁴⁶ to the Ombudsman for frequent occurrences of pressure and threats to the employees of this Radio, in particular by the Mayor of Kupres Municipality. Ombudspersons issued their recommendation no. P- 117/17 after

⁴⁵On invitation of the Council of Ministers, Ombudsperson Nives Jukić presented the Special report on the status and cases of threats to journalists in Bosnia and Herzegovina

⁴⁶ Ž- LI- 05-109/07

which the Mayor sent his reply to the Ombudsman and soon after the Ombudsman received a letter from the complainant informing that he is not receiving the threats anymore. With that the case was closed.

However, at the end of November 2017 acting director addresses Ombudspersons again and reports political pressure and threats, so the case was re-opened and the Ombudsman sent a new letter to the Mayor.

In his reply the Mayor claims the following: *„The Institute of the Municipal Mayor is the Chief Executive Officer in the local self-government unit. If the Municipal Council is the founder of Radio Kupres, and if your complainant is an acting director for 4 years and a few months, now you please tell me how is it possible by law. Secondly, the Mayor convened a meeting with all the directors of the institutions founded by the Municipality, but the mentioned acting director instead of attending this meeting went to the Government of the Herzeg-Bosnia County claiming that they are a regional radio station. Thirdly, for your information the Public Companies Assembly is dissolved, due to the fact that its report had not been adopted by the Municipal Council, which automatically means the termination of the work of the Assembly and the Supervisory Board and the Steering Board. The mentioned gentleman is in the function of the politics that installed him to this position of acting Director, but he had never realized that there is a new majority in the Council and the new Mayor who is not a member of the party HDZ of Bosnia and Herzegovina. As far as I am concerned, I do not want to spend a single word to that gentleman anymore, nor do I want to justify myself. You do what the law says to you, and I do not want to write a single point on this issue anymore.”*

According to the newest information coming from the complainant, he was removed from his position following the decision of the Steering Board. On 28 December 2017 the Ombudsman registered a new complaint under number Ž-LI-05-397/17 related to the above case 109/17 and the Municipal Council of Kupres was informed that the recommendation was not implemented.

4.3. The right to property

In the reporting period Ombudspersons have registered 170 complaints for violation of the property rights of the citizens. The property related cases considered by the Ombudsman comprise the allegations of the violation of Article 1 of Protocol No. 1 to the European Convention on Human Rights in respect of: the inappropriate length of proceedings which, where in certain cases decision-making process lasts for several years; inappropriate requests by the administration to provide additional documentation, thus exposing the citizens to unnecessary expense; violation of procedural and material laws; bias in making decisions; inadequate behavior of the acting civil servant in the case; non-scheduling the hearings; not deciding on merits and based on the factual situation; violation of the right to remedy; inefficient responses of inspection services; non-compliance with citizen's requests, etc. Examples of such treatment are particularly apparent in matters relating to housing policy, real estate survey and cadastre, construction, legalization, illegal construction, upgrading, exercise of rights of service, access to public roads, trespassing.

Ombudspersons still receive complaints related to Annex VII⁴⁷ to the Dayton Peace Agreement because the signatories, so many years after its signing, on the territories covered by their mandate, fail to ensure *“political, economic and social conditions, which will contribute to*

⁴⁷ Ž-SA-05-208/14, Ž-SA-05-88/17, Ž-SA-05-59/17, Ž-SA-05-632/14, Ž-SA-05-166/15;

return and the harmonious reintegration of the refugees and internally displaced persons.” Namely, property reconstruction and repair are not enough to solve all the issues related to return. There are still collective centers in Bosnia and Herzegovina accommodating a number of internally displaced persons.

The phenomenon of "*internally displaced persons in their pre-war municipalities*" was noticed, in relation to which the Ombudsmen received complaints. One of such cases relates to the Municipality of Novo Sarajevo. Since 1996 the complainants have been trying to resolve the issue of reconstruction of a dwelling unit in respect of which they have “the occupancy/tenancy right” Decisions of the Housing Administration of the Sarajevo Canton confirmed the complainant's occupancy right. The complainant is submitting different communications to the addresses of institutions in Bosnia and Herzegovina responsible for the return for several years in an attempt to resolve this issue and eliminate the harmful consequences caused by the failure to implement Annex VII. They tried to resolve their status of displaced persons through various arrangements with the representatives of the Municipality of Novo Sarajevo, either through the reconstruction of their pre-war property, or by providing a substitute apartment in a building elsewhere. All attempts to negotiate and solve their problems did not result in a positive outcome. In this case Ombudspersons issued two recommendations: P-2/15 and P-87/15.

The Ombudsman of Bosnia and Herzegovina received complaints⁴⁸ regarding the violation of Annex VII of the *General Framework Agreement for Peace in Bosnia and Herzegovina*, Article 6 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* and Article 1 of Protocol No. 1 to the European Convention against the Municipality of Novo Sarajevo as a responsible party. Regarding complaints, the Ombudsman submitted a recommendation⁴⁹ and requested the Parliament of the Federation of Bosnia and Herzegovina to take priority measures as soon as possible to adopt the Law on Amendments to the Law on Displaced Persons and Returnees to the Federation of Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina.

The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina has submitted to the Government of the Federation of Bosnia and Herzegovina and to the Board on Spatial Planning, Housing and Communal Policy, Ecology and Tourism of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, the initiative for the adoption of 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 submitted by the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina under the number: Ž-SA-05-1331/14 of 26 March 2015. The Government of the Federation of Bosnia and Herzegovina, in respect of the submitted document, has issued a decision entitled "Declaration", a document number: V.broj: 1326/2015 of 1 October 2015. The Government of the Federation of Bosnia and Herzegovina supports the initiative for adoption of 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 ("Official Gazette of the Federation of Bosnia and Herzegovina", No. 15/05). Furthermore, the Government of the Federation of Bosnia and Herzegovina considers the proposal of the Law on Amendments to the Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from Bosnia

⁴⁸ Case no.: Ž-SA-05-1331/14, Ž-SA-04-1127/14, Ž-SA-05-78/11

⁴⁹ no.: P-87/15

and Herzegovina made by the Ombudsman justified and agrees that it should undergo further procedure for the adoption.

Example: On 27 July 2015 Ombudspersons received a complaint⁵⁰ in which the Municipality of Novi Grad Sarajevo was designated as a responsible party. In her complaint the complainant claims that her property in 1 Radenka Abazovića St. is threatened by land sliding since 2012, when the landslide started, that her water piping is without insulation and bare, exposed to the atmospheric influences, prone to cracking in winter time, while her house is surrounded by water all the time, and all these factors created a huge abyss nearby her house with no support whatsoever, and the land slide is still active. She addressed different authorities of the Municipal Administration of Novi Grad Sarajevo to no avail since nobody took any steps. In order to establish facts in this case, the Ombudsman contacted the Municipal Administration of Novi Grad Sarajevo on 29 July 2015, 08 April 2016 and 27 January 2017, but no reply was received. Then they invited the Municipal Council of the Municipality Novi Grad Sarajevo to pass its decision in this issue thus implementing the recommendations of the Ombudsman⁵¹. The Municipality Novi Grad finally informed Ombudspersons and the complainant that the Ombudsman's recommendation was implemented.

Example: On 06 June 2016 Ombudspersons received a complaint⁵² for unreasonable length of proceedings for repossession of an apartment. The respondent party is the Housing Administration of the Sarajevo Canton. Ombudspersons carried out the investigation and issued a recommendation in this case.⁵³ Since the moment of filing the initial motion till the date, including the extraordinary remedy (request for extraordinary judicial review) on which the Supreme Court of the Federation of Bosnia and Herzegovina decided, the whole process lasted for 15 years which can only indicate to the serious faults of the judicial system. Only on 10 May 2017 in the repeated proceedings the Housing Administration of Sarajevo Canton finally adopted its decision.⁵⁴ Regardless to the number of retrials, the proceedings should be regarded as an integral unit where the violation of the right to fair trial in a reasonable time period takes place after the second refusal of the first-instance decision.⁵⁵

Example: A complainant⁵⁶ is a returnee to Banja Luka who claims to be a victim of discrimination since illegal buildings were constructed by third persons on his real property. Despite the decision of the construction inspector of Banja Luka Town no.: 09-362-1855/15 dated 22 August 2015 asking the demolition of illegally constructed buildings, the objects remained. Ombudspersons issued their recommendation no. P-297/17 to the Municipal Administration of Banja Luka Town to enforce the decision no. 09-362-1855/15 dated 22 August 2015 and remove the illegal buildings. In their reply no.: 09-362-924/16 dated 06 December

⁵⁰ Ž-SA-05-699/15

⁵¹ no.: P-53/17

⁵² Ž-SA-05-592/16

⁵³ P-153/17

⁵⁴ The Constitutional Court of Bosnia and Herzegovina in their decision upon the appellation no.: AP-2211/07 held that the constant return to retrial may demonstrate the serious faults in the organization of the judicial system. The European Court of Human rights also held that certain actions of the public bodies result in violation of the rights to a fair trial in a reasonable time period.

⁵⁵ Prelević-Gorjanc, T., *The right to trial in a reasonable time*, Sarajevo, 2009, pp.36

⁵⁶ Ž-BL-05-595/17 dated 22 December 2017

2017 the inspection authorities informed the Ombudsman that its recommendation has not been implemented.

4.4. Administration

In 2017 the Ombudsman registered 427 complaints related to actions of the administrative bodies, and issued 64 recommendations. . Like in previous years, most of complaints related to the violation of principles prescribed by the Law on Administrative Procedure of the Federation of Bosnia and Herzegovina⁵⁷ and the Law on General Administrative Procedure of Republika Srpska⁵⁸, which is binding for the competent administrative authorities in processing the claims and decision making in administrative matters.

Analysis of lodged complaints shows that the Ombudsman's intervention is required in a significant number of cases, sometime more than once, before the competent body finishes the administrative proceedings and reaches the decisions in accordance with their legal powers. This makes us ask ourselves how long these proceedings would have lasted should the Ombudsman not intervened. There is also the issue of accountability of responsible officials who often cause adoption of illegal and wrong decisions by their passivity. This goes to detriment of citizens, while the responsible persons bear no responsibility, nor do they suffer consequences.

Unfortunately, a large number of registered complaints show that in some cases the Ombudsman's intervention is not sufficient for the proceedings to be completed. Namely, some administration bodies express persistence in disrespect of human rights and keep violating it by not meeting the citizen's demands even after a large number of Ombudsman interventions, or even after the issuance of the Ombudsman's recommendation, and this behavior constitutes a violation of the provisions of the Law on Human Rights Ombudsman of Bosnia and Herzegovina.

The public administration has an obligation to serve the needs of citizens and be close to them, to guarantee the improvement of the quality of work by ensuring that the decisions affecting the rights or interests of individuals are based on the law that the content of such decisions is in accordance with the law, to respect the principle of equal treatment in their work, to avoid discrimination based on nationality, sex, ethnic origin, religion, disability and others, to act responsibly, fairly and easily to citizens, to make decisions on a request or an appeal within a reasonable time, without delay with the explanation and legal basis of the decision, that decisions that may adversely affect the rights or interests of citizens must contain instructions on remedies.

Complaints of the citizens of the work of public administration comprise the claims of unkindness of 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. In their complaints the citizens also express their dissatisfaction with the fact that administrative proceedings are conducted in violation of the provisions of the Law on Administrative Procedure, 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, length of

⁵⁷ The Law on Administrative Procedure of the Federation of BiH, Official Gazette of FBiH" no. 2/98 and 48/99

⁵⁸ The Law on General Administrative Procedure of Republika Srpska ("RS Official Gazette", no. 13/02, 50/10 and 87/07

deciding on appeals, and instead of that multiple return of cases to the first-instance (*playing ping-pong with applicants*) and silence of administration, wrongful application of material law.

Legal protection from the “*silence of administration*” is governed by law. Analysis of the complaints received by the Ombudsman, in which citizens designate the administration as a party that violates their rights, indicating that they feel unequal before the law, that they cannot have a fair hearing within a reasonable time, that due to the slowness of administration they have difficulties in enjoyment of the right to property, home, equal access to public services, to work and other rights. In the course of the Ombudsman’s investigation, which is conducted either based on a concrete complaint or *ex officio*, Ombudspersons receive responses, and statements of the responsible authorities, mainly within a given time. However, this cooperation in many cases is reduced to the formal compliance with the procedures laid down by the Law on BiH Ombudsman and its Rules of Procedure, which adversely contributes to the effective protection of human rights and fundamental rights.

Example: A complainant⁵⁹ addressed the Institution because in 2014 her access to her home was not possible because of the fence erected by her neighbor. On 18 September 2014 the Construction inspection of the Municipality of Teslić issued its decision no.: 09-362-143/14 ordering the demolition of the mentioned fence. However, the second-instance body in its decision no.: 15.03-362-188/14 dated 25 February 2015 repels the first-instance decision of the construction inspector and returns the file to the first-instance body to renewed procedure. The complainant claims that the second-instance decision was not implemented and the fence is still standing preventing the unimpeded access to her home. The Ombudsman addressed the Construction inspection and received their reply according to which the reason for their inactivity was the lack of staff due to the sickness leave and the staff absence for other reasons, this is why the case of the complainant was not resolved yet. Ombudspersons issued their recommendation to the Municipality of Teslić to take measures as necessary to enable unimpeded functioning of the Municipal Administration – Inspections Department. On 09 August 2017 Ombudspersons received a reply to their recommendations in which it was said that all necessary measures for normal functioning of the inspections were taken, as well as the measures to reach a final conclusion in the complainant’s case.

Example: A complaint⁶⁰ against the Municipality of Kneževo and the Ministry of Administration and Local Self-Government of Republika Srpska is connected to the compensation for damages caused by strong wind to his house in Javorani village, the Municipality of Kneževo. The complainant claims that the relevant commission established that the damages were caused by *force majeure*. The reply of the Municipality of Kneževo was that they do not have the funds envisaged for repair caused by the acts of *force majeure*. On 04 September 2017 Ombudspersons issued to the Municipality of Kneževo and the Ministry a recommendation no.: P-231/17 to envisage the funds for force majeure cases while drafting their budget and to pay the compensation for damages to the complainant. There was no reply to this recommendation.

⁵⁹ Ž-BL-05-289/17

⁶⁰ Ž-BL-05-156/17

Example: On 07 April 2017 Ombudspersons received a complaint⁶¹ against the Municipality Centar Sarajevo as responsible party. The allegations indicate possible violations of the right to home. Namely, the complainant states that she lives in 45 Jukićeva Street, in the building constructed in 1957, with two entrances and eight apartments. According to the complainant's claims, the building is in a very poor state, it has cracks, it sinks, is threatened by landslide ... Such a state of the building makes the tenants concerned about their life and security. As stated, since 2004, they were addressing "various instances," seeking help in addressing these issues. Until the date of filing the complaint to the Ombudsman no steps were taken to find an adequate solution. In order to verify the allegations of the complaint on 13 April 2017 the Ombudsman asked the Mayor of the Municipality of Centar Sarajevo to reply. Since the requested reply was not received within the legal deadline, on 10 August 2017 Ombudspersons in their recommendation no. P-130/17 asked the Municipality of Sarajevo Center to establish cooperation with the Ombudsmen immediately upon receipt of the recommendation. The recommendation is implemented.

Example: On 03 July 2015 the Ombudsman received a complaint⁶² in which the complainant states that he lives in Bugojno, 3/3 Šumelja Street, that this street is a „*dead end*“, around 130m long, and that a workshop was opened in this street and goods are being loaded and unloaded for the needs of this workshop on a daily basis for three hours. This prevents the complainant to access his house for which he contacted the Public Utility and the Local Roads Administration, and finally to the Police Station Bugojno, but without success. The complainant attached photos to his complaint to prove his allegations (the evidence). The complainant thinks that the Municipality of Bugojno and its Mayor have the duty to solve this issue. This complaint was regarded under the Law on Human Rights Ombudsman of Bosnia and Herzegovina and Article 1 of the Protocol 1 to the European Convention. In this case Ombudspersons issued their recommendation no. P-98/17, but it was not implemented.

4.5. Inspections

During the reporting period, the Ombudsmen received 62 complaints relating to failure of the inspection bodies to act upon the citizens' reports, not conducting the inspection in due time, non-enforcement of binding legislation, lack of action due to understaffing etc. From the received complaints it can be concluded that the inspectors only state a violation of the law, i.e. they issue decisions in which they establish shortfalls, mistakes or errors, or issue orders for taking the appropriate measures, and this is usually where the work of the inspection ends. The Law on Inspections, however, stipulates the mandatory monitoring of the implementation of the measures to be taken according to the relevant decision, including forcible enforcement, fines, prohibition of performing the business activity, all of it aimed at the enforcement of the measures defined in the inspection decision.

However, in most cases the inspector's work ends with the issuance of a decision. Ombudspersons point out that issuance of a decision without the monitoring of its enforcement or taking the legally foreseen measures does not constitute an adequate protection of the complainant's rights, which raises the question of the purpose of such inspection. Non-

⁶¹ Ž-SA-05-346/17

⁶² Ž-SA-05-637/15

enforcement of the final decisions and non-efficiency of the administrative bodies creates legal uncertainty of the legal system and raises reasonable doubts of the citizens in impartiality of the administration and its employees. The public administration should possess the authority built on trust arising from their full respect and enforcement of the final decisions by means of the available legal institutes, including the coercive measures. Also, as hereby mentioned examples show, one of the justifications of the competent bodies for non-enforcement of the inspection decision is the non-existence of a construction inspector and a demolition team. Such a response should in no way be justified because citizens are not responsible for the omissions of the organizations of the competent authorities. Good governance requires an active and committed attitude towards taking all the necessary actions to achieve the rights of the citizens.

Example: A complaint⁶³ was filed against the Municipality of Bužim for the construction of a garage, which closes the complainant's backyard. The attached documentation comprises the inspection decision issued by the Cantonal Inspection Administration Bihać on 15 August 2016 ordering the demolition of illegally constructed building and reinstatement of the original status, unless the lawfully provided building permit is obtained. After the Ombudsman's intervention the Ombudsman received a reply that "the Municipality of Bužim does not have a construction inspector or a demolition team, so that the decision in question cannot be enforced."

On 06 March 2017 Ombudspersons issued a recommendation no. P-56/17 to the Municipality of Bužim, to take what is necessary to form demolition team, in order to enforce the mentioned decision. On 06 July 2017 the Municipality of Bužim informed the Ombudsman that it appointed a construction inspector on 20 May 2017 and in this way implemented the recommendations of the Ombudsman.

Ombudspersons keep receiving the complaints of the citizens because of the cases when the inspections order the demolition of illegally constructed buildings, which impact their property for not being far enough or some other reason, but the enforcement of these orders is halted due to the building owner's request for legalization, which is a legally provided possibility, but the decisions on these requests are not issued within legally provided deadlines, so that the complainants face delays, obstructions in their free disposal of their property, that is, the legal uncertainty.

Example: A complainant⁶⁴ expressed dissatisfaction with work of the Spatial Arrangement Department of the Municipal Administration of Gradiška. In his complaint the complainant claims that he is the owner of an apartment at 28 Vidovdanska Street, first floor in Gradiška. All the apartments in the ground floor were turned into the business premises, that is, hospitality objects. The problem arose when these hospitality objects attached the winter and summer gardens to their objects which are on the public area thus closing the access to the building from the Vidovdanska Street and disabled the access to the complainant's apartment.

On 05 June 2017 Ombudspersons issued their recommendation to the Spatial Arrangement Department of the Municipal Administration of Gradiška to take measures for ending the legalization procedure. In reply the mentioned Department informed the Ombudsman that on 30 December 2016 request for legalization was submitted, and on 29 May 2017 additional

⁶³ Ž-BL-05-496/16

⁶⁴ Ž-BL-05-115/17

documents were required and since it was not done, this request was refused and in this way the recommendation of the Ombudsman was implemented.

From the complaints and the replies of the responsible authorities Ombudspersons concluded that it would be necessary to make a comprehensive analysis of the functioning of the inspections, review their capacities from the aspect of human resources and organize trainings as necessary to improve their efficiency. Ombudspersons underline that untimely and ineffective action of the inspection bodies can produce far-reaching consequences not only in terms of violations of the right to legal protection, but also a violation of property rights of citizens.

Such is the case with inspection bodies that failed to act on reports related to the illegal construction of residential and commercial buildings. Since inspections took no action on due time in order to halt the construction works on the buildings, the time has passed and construction was completed, then the owners started legalization process, which sometimes lasts for several years due to the weaknesses of the administrative apparatus, but whatever the outcome, the principle of legality and efficiency in the work of the administration was brought into question.

4.6. Status issues of the citizens

In the reporting period, like in previous ones, Ombudspersons handled complaints of citizens in respect of status issues, mostly related to wrong entries in the registry books or errors in issued documents in respect of citizens' personal data such as the data of birth, citizenship, marriage, death etc., and issuance of personal documents. Problems encountered in respect of the enjoyment of the basic status rights are linked to poor organization of the administrative authorities, absence of powers to deal with certain issues and wrongful referral of citizens to another authority where the citizens suffer consequences of these mistakes on the part of administration. If a citizen does not meet requirements foreseen by positive legislation of Bosnia and Herzegovina for the enjoyment of a right, or obtaining of a document, they deserve to be adequately instructed as to the ways of realizing of the individual right by an official person. Decisions on requests of citizens should be made in writing respecting legally provided deadlines to allow the citizens to use legal possibility to appeal if they are not satisfied with these decisions.

Example: A complainant⁶⁵ addressed the Ombudsman claiming that the Bihać Town Administration, General Administrative and Local Self-Government Unit violated his rights. He had lost his ID at the end of December 2016 somewhere on the territory of Banja Luka Municipality. Although he duly reported the loss of his ID document and filed a request for issuance of a new ID card accompanied by citizenship certificate, the Public Security Center Banja Luka informed him that "a check was made in the registry of the Bihać Town and no entry was found in the registry of citizens". The Registry office of Bihać informed the complainant that it was necessary to apply for entry into the citizenship register. After submitting the complete documentation, the Municipal Office of the City of Bihać informed the complainant

⁶⁵ Ž-BL-144/17

that they were not competent and that he should have addressed the Banja Luka Office. In the course of the Ombudsman's investigation, the complainant's case was resolved since it was established that the Banja Luka Municipal Court was in charge of the matter. In this case Ombudspersons noted a series of irregularities. First, a citizen was not entered into the citizenship registry, and when he applied for entry into the registry, the responsible authorities could not determine which administrative body is in charge of this matter. Thus the Ombudsman established a violation of the fundamental principles of administrative procedure and on 05 July 2017 issued a recommendation to the Bihać Town to take measures as necessary to act in the future in the best interest of the citizens in order to resolve their status issues in an efficient manner.

Example: On 01 February 2016 the Ombudsman registered a complaint⁶⁶ in which the complainant claims that the Ministry of Interior of Sarajevo Canton during the procedure of ID cards issuance asks the applicants to submit the excerpt from the land book. The purpose of this document in this case is unclear, just as it is unclear what will those who do not own any land do. On 03 February 2016 the Federal Ministry of Interior was asked to plea, which they did on 08 February 2016 in a letter no.: 01-03-13-6-196 claiming that this Ministry is not in charge of the issues governed by the Law on ID card of the citizens of Bosnia and Herzegovina and the Law on Residence and Abode of the Citizens of Bosnia and Herzegovina, and that the BiH Ministry of Civil Affairs monitors the mentioned issues. On 24 February 2016 Ombudspersons asked the standpoint of the BiH Ministry of Civil Affairs, which replied on 07 March 2017 in a document no.: 06-30-333/17, and this reply was forwarded to the complainant. From the reply the BiH Ministry of Civil Affairs of Bosnia and Herzegovina it became clear that the complainant's rights were not violated and that the relevant legislation is harmonized with the international standards.

Example: A complainant⁶⁷ filed a complaint to the Ombudsman on 02 February 2017 claiming that he had lost his ID card and filed an application for the issuance of the new one to the Police Administration Bijeljina, but they failed to do it. The Ombudsman sent an inquiry to the Police Administration in Bijeljina and on 23 May 2017 received a letter in which the Police Administration Bijeljina explained that the delay was caused for prolonged duration of background checks necessary for the issuance of ID documents and that the ID was issued after the completed procedure.

Ombudspersons emphasize that the public bodies keeping various registries of the citizens and issuing public documents (certificates and excerpts) have an obligation to put accurate data into these documents in order to enable citizens as the subjects of the rights to use it in legal transactions. In case that documents comprise errors, these errors should be corrected on the own initiative of these public bodies, efficiently, quickly and without any costs for citizens. Namely, processing the complaints of the citizens shows that these errors are sometimes corrected only after the intervention of the Ombudsman.

⁶⁶ Ž-SA-05-116/16

⁶⁷ Ž-BL-05-315/17

4.7. Police

Ombudspersons believe that a professional, capable and efficient police force is necessary for proper functioning of a society. Apart from the material prerequisites, for good police work, human resources are also vital.

In 2017 the Ombudsman registered 132 complaints against the work of the police and 9 recommendations were issued in this regard. These recommendations indicate 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.

In their addresses citizens express lack of trust into these internal control mechanisms, as they see the conducted proceedings as being formal and inefficient. In most cases internal control finds their complaints ill-founded and informs complainants about it in a document which can be appealed of.

As it was in previous years, to the inquiries of Ombudsman, the police stations replied timely providing necessary reasoning. As a rule, after the initial document sent to a police station a case would be solved. Also, police staff members sometimes call Ombudspersons asking for some additional explanations.

Example: A complainant⁶⁸ turned to the Ombudsman complaining of the work of the Police Station Centar, the Public Security Center Banja Luka related to the psychological and physical violence inflicted by the ex-wife of her present husband to her family. The Ombudsman sent an inquiry to the Police Station which replied on 18 August 2017 explaining that they filed a criminal report to the Regional Prosecutor's Office Banja Luka on the criminal offence "jeopardizing the safety" under Article 169 paragraph 1 of the Criminal Code of Republika Srpska on 12 July 2017. On 07 August 2017 under the number KU-946/17 a report was filed to the Regional Prosecutor's Office Banja Luka on the criminal offence "Domestic violence" under Article 190 paragraph 1 of the Criminal Code of Republika Srpska against a person designated by the complainant. This reply was forwarded to the complainant on 21 August 2017 after which (30 August 2017) the complainant thanked the Ombudsman for it solved a very serious problem burdening her family life.

Example: A complaint⁶⁹ was filed to the Ombudsman against the Ministry of Interior of Zenica-Doboj Canton. On 14 November 2016 the complainant filed his complaint against an unknown perpetrator for the breach of official duty and exceeding the limits of official powers by an unknown officer to the Ministry of Internal Affairs of Zenica-Doboj Canton. After the investigation conducted on 09 January 2017, the Ombudsman was informed that the Professional Standards Unit organized a meeting with the police Commissioner of the Ministry of Interior of the Zenica-Dobor Canton and the police officer complained of. They established that there were faults in the actions of the mentioned officer, even without conducting the whole procedure, and for that reason the Police Commissioner and the said Police Officer apologized in writing for the faults committed.

⁶⁸ Ž-BL-05-500/17

⁶⁹ Ž-SA-05-1131/16

In 2017 the Ombudsman also received a number of complaints lodged by police officers alleging violation of their rights in the area of labor law⁷⁰, disciplinary proceedings with no grounds⁷¹, stripping of their ranks⁷², discrimination, mobbing, miscalculation of special work experience, use of unpaid leave etc. During the reporting period the Ombudsman registered multiple complaints filed by police officers complaining of mobbing⁷³.

Ombudspersons think that it is necessary to address the independence of the internal control that monitors the work of police officers, and re-examine the independence of the police control bodies and ensure decision-making in two-instances in proceedings upon citizens' complaints against the work of police officers.

The findings of the Center for Security Studies (CSS) Report titled "*Assessment of Police Integrity in Bosnia and Herzegovina in 2017*" indicate that there are several key weaknesses regarding the independence of internal control units, the lack of human resources and the duration of their proceedings is not always at a satisfactory level. Further, the report states that neither the normative framework nor the practice provides necessary integrity to the police in Bosnia and Herzegovina yet, and that the BiH public confidence in the police is at the lowest level in the last three years.

4.8. Governmental and ministerial appointments

In the reporting period Ombudspersons registered 105 complaints for alleged violations of the provisions of the BiH Law on Ministerial, Council of Ministers and other Appointments of Bosnia and Herzegovina, the Law Ministerial, Council of Ministers and other Appointments of the Federation of Bosnia and Herzegovina and the Law Ministerial, Council of Ministers and other Appointments of Republika Srpska. They issued 16 recommendations. Allegations of these complaints relate to violation of the fundamental principles in the process of appointment and dismissal of management and supervisory boards in economic and public companies and institutions⁷⁴, absence of objective criteria and lack of transparency in decision-making process,⁷⁵ violation of the provisions of the Law on Conflict of Interest in Governmental Institutions in the appointment process,⁷⁶ non-application of the positive legislation on appeals from the appointment,⁷⁷ etc.

It is of paramount importance to establish objective criteria that will be applied in the process of evaluation and selection of candidates to for a certain position and, on the other hand, to unconditionally apply the positive legislation as well as by-laws of public companies and institutions governing the incompatibility of performing certain functions and conflicts of interest.⁷⁸ The Law on Conflict of Interest in Governmental Institutions of Bosnia and

⁷⁰ Ž-BR-05-184/15, and the related recommendation no.: 206/16

⁷¹ Ž-BR-04-60/16

⁷² Ž-BR-04-61/16

⁷³ Ž-BL-06-69/16, Ž-BL-06-79/16 i Ž-BR-06-42/16

⁷⁴ Ž-MO-05-4/17 i Ž-MO-05-3/17

⁷⁵ Ž-LI-05-309/17

⁷⁶ Ž-SA-05-641/16, Ž-LI-05-347/16, Ž-SA-05-2/17, Ž-SA-05-5/17 i Ž-SA-05-7/17

⁷⁷ Ž-BL-05-199/17

⁷⁸ The Ombudsman received a complaint comprising claims related to the appointment of a director of the Cantonal Housing Foundation Sarajevo. She challenges legitimacy of the conducted appointment procedure emphasizing that the incumbent appointed based on a decision of the Government of Sarajevo Canton does not meet prerequisites for carrying out this function. The complainant claims the public vacancy notice comprised the prerequisite that "the incumbent must not be a member of a political party", which is also in accordance with BiH Law Ministerial, Council of Ministers and other Appointments of the Federation of Bosnia and Herzegovina, which, in its Article 5 provides that "any person holding a function in a political party cannot be appointed." Ombudspersons challenge the method used to prove one's holding "a function in a political party" related

Herzegovina,⁷⁹ the Law on Conflict of Interest in Governmental Institutions of the Federation of Bosnia and Herzegovina,⁸⁰ the Law on Conflict of Interest in Governmental Institutions of the Republika Srpska⁸¹ and the Law on Conflict of Interest in Governmental Institutions of the Brčko District of Bosnia and Herzegovina⁸² were adopted for the purpose of preventing conflicts of interest and governing the special obligations of elected officials, executive office holders, advisers in government bodies at state, entity or district level in performing public functions. A conflict of interest exists in situations where elected officials, executive officers and advisers have a private interest that affects or may affect legitimacy, openness, objectivity and impartiality in performing public function.

In processing the complaints received, it was noted that following the appointment of members of the management and supervisory boards in public companies and institutions there is a multiplication of the functions and concentration of authority in one person, which inevitably leads to the "privatization" of certain functions and benefits and at the same time violates the principles of good administration and rule of law.

Based on the findings resulting from processing the complaints of the citizens⁸³ Ombudspersons noted that an increasing number of the state authorities during the advertizing and conduction the selection process ask the candidates applying for the vacant positions to submit some documents not required by the applicable legislation (e.g. non-conviction certificate, health certificate, birth certificate not older than 6 months, solemnized copy of an ID document etc.) In this regard Ombudspersons sent a document no.: OI-K-BL-355/17 dated 20 September 2017 to the public service agencies of Bosnia and Herzegovina, Republika Srpska, and the Federation of Bosnia and Herzegovina in addition to the governments of Republika Srpska, the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina. In this document Ombudspersons turn the attention to the importance of meeting that meeting of both general and special conditions in public competitions constitutes a basic and eliminatory factor in selection procedures. Conditions are set out in order to enable that evaluation and selection of candidates be done in an objective manner establishing the qualifications of the candidates who applied for a certain position. Any departure from the predefined criteria is a violation of the selection procedure and the rights of the candidates to a legal, non-biased and transparent selection process.

Example: The complainants⁸⁴ indicate to the irregularities in the appointment and dismissal of members of the management boards of health institutions in Herzegovina-Neretva Canton where the Government decided to dismiss the previous members of the management boards in health care institutions and appoint new ones at a telephone session where the Cantonal Minister's proposal was missing. The complainants addressed the Ombudsman because the Government at

to Article 5 of the Law Ministerial, Council of Ministers and other Appointments of the Federation of Bosnia and Herzegovina and raises the issue of relevancy and accuracy of data provided by the candidates while filling-in the forms and preparing the documents required for the public competition.

⁷⁹The Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, 13/02, 13/02,16/02, 14/03, 12/04,63/08,18/12,87/13,41/16, The Law on Conflict of Interest in Governmental Institutions of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 70/08

⁸⁰ Official Gazette of the Federation of Bosnia and Herzegovina 70/08

⁸¹ The Law on Conflict of Interest in Governmental Institutions of Republika Srpska (Official Gazette of the Republika Srpska 73/08, 52/14)

⁸² The Law on Conflict of Interest in Governmental Institutions of Brčko District of Bosnia and Herzegovina (Official Gazette of the Brčko District of Bosnia and Herzegovina 03/00,43/08,47/08)

⁸³ Ž-BL-04-475/17, Ž-SA-04-123/16, Ž-BL-06-7/16

⁸⁴ Ž-MO-05-3/17, Ž-MO-05-4/17, Ž-MO-05-10/17

the telephone session passed decisions on dismissal of members of the Management Board of the Public Institution Health Center "Stari Grad" Mostar and the Public Institution Cantonal Hospital "Dr. Safet Mujić" Mostar without the proposal for dismissal from Cantonal Minister of Health, which is necessary in accordance with Article 64 of the Health Care Act (Official Gazette of the Federation of Bosnia and Herzegovina, No. 46/10). Following the conducted investigation due to the shortened dismissal procedure, and because of the absence of the mentioned proposal for dismissal from the Cantonal Minister of Health Ombudspersons issued the recommendations⁸⁵ to the Government of Hercegovina-Neretva Canton asking for the illegal solutions to be reversed, but the recommendation was not implemented.

Example: The Ombudsman received a complaint⁸⁶ because of the election of the members of the Management Board of the Public Institution Primary Health Care Center Živinice in which the complainant claims that the decision no: 10-05-3632/16 dated 31 May 2016 on the appointment of the Chairman and the members of the Management Board made by the Municipal Council was illegal since the elected candidate did not meet the prerequisite of “not being a member of any political party” because he was a member of the Executive Board of the Democratic Action Party Živinice. Ombudspersons pointed out that the public notice for the election of a member of the Management Board of the Živinice Health Care Center is, among other things, comprised the general condition to be met by every candidate namely "not be an elected official, executive or adviser in terms of the provisions of the Law on Conflict of Interest in Governmental Institutions of the Federation of Bosnia and Herzegovina", and in accordance with the decision of the Municipal Council on establishing the criteria for appointing the members of the Management Board of the PI Živinice Health Center and the PI ZU Narodna apoteka (pharmacy) Živinice. The ombudsman issued a recommendation P-28/17 to Živinice Municipal Council and PI Živinice Health Center to annul the decision on appointment, which was not implemented.

Example: On 12 December 2016 Ombudspersons received a complaint⁸⁷ related to the illegal appointment of the members of the Supervisory Board of the Forest Management Company Hercegbosanske šume d.o.o. Kupres. Ombudspersons found that the complaint was justified and well-founded and issued a recommendation to the Forest Management Company Hercegbosanske šume d.o.o. Kupres, *to take measures and actions to check the allegations contained in this complaint.*

On 09 March 2017 Ombudspersons received a letter⁸⁸ from the acting director of the Company informing the Ombudsman that „the Assembly of the Forest Management Comopany Hercegbosanske šume d.o.o. Kupres at its session held on 23 February 2017 adopted a decision to terminate the mandate of the Supervisory Board including a person subject to complaint file within the Ombudsman. The recommendation was implemented.

Example: The Ombudsman received a complaint⁸⁹ of a decision adopted by the Government of the Federation of Bosnia and Herzegovina.⁹⁰ The complainants claim that the appointment of the

⁸⁵ Ž-MO-05-4/17, recommendation P-245/17 dated 27 September 2017; Ž-MO-05-3/17, recommendation P-244/17 27 September 2017; Ž-MO-05-10/17 recommendation 242/17 of 27 September 2017;

⁸⁶ Ž-SA-05-641/16, recommendation P -28 /17 dated 04 January 2017;

⁸⁷ Ž-LI-05-347/16, recommendation no. P- 40/17 dated 27 February 2017;

⁸⁸ A document of the Forest Management Company „Hercegbosanske šume“ d.o.o. Kupres no.:01/1-381/17 dated 09 March 2017;

⁸⁹ Ž-SA-05-2/17, Ž-SA-05-5/17 and Ž-SA-05-7/17 recommendation P-124/17 dated 15 June 2017;

members of the Management Board of the Public Institution the Federal News Agency from the ranks of its employees given the fact that the elected Editor-in-Chief is at the same time a member of the Management Board. The complainants challenge the fact that the approval of the Management Board is necessary for the election of the Editor-in-Chief, and he is one of the members. The Ombudsman's recommendation in this case was directed to the Government of the Federation of Bosnia and Herzegovina to review the election process and take measures for the implementation of the given recommendation. This recommendation was not implemented.

Example: A complaint⁹¹ filed by members of the Municipal Assembly of Čelinac from the parties SDS and NDP on 17 March 2017 includes claims that during the public vacancy notice for the appointment of the Director of the Public Institution Culture, Physical Culture and Information Center Čelinac, published in the Official Gazette of Republika Srpska on 03 February 2017 the provisions of the Law on Ministerial, Council of Ministers and other Appointments of Republika Srpska were violated. Ombudspersons issued a recommendation⁹² to the Municipal Assembly to review the appointment process and submit a copy of the complaint to the responsible public official to deciding and furnish the Ombudsman with a copy of that decision in order to bring the process in alliance with the provisions of the Law on Ministerial, Council of Ministers and other Appointments of Republika Srpska. This recommendation was implemented.

Example: In her complaint⁹³ the complainant claims that she was a member of the Management Board of the Public Institution „Banski dvor“ Banja Luka, that her mandate and the mandate of all other members was illegally terminated by virtue of a decision of the Municipal Assembly no.: 07-013-498/16 dated 27 December 2016. On 21 July 2017 Ombudsman sent a recommendation to the Municipal Assembly of Banja Luka Town to give due consideration to all aspects of legality when deciding on the issues falling within their powers, in order to respect the interests of all interested parties to whom the decisions relate, thus diminishing the risk of disputes to the minimum, and within 60 days, counting from the date of receipt, to notify the Ombudsman on the procedures and deadlines for measures taken in order to implement this Recommendation.

On 23 October 2017 the Municipal Assembly of Banja Luka Town⁹⁴ replied informing the Ombudsman that its *recommendation will be accepted as general guidelines for the decision-making process in sense of giving due consideration to all aspects of legality, which will be implemented in the future*. It was also said that the current members of the Management Board mandate of whom would terminate in January 2018 were in technical mandate and they received certain remuneration for their work, which in no way harmed the complainant.

Examples: The Ombudsman received the complaints⁹⁵ where the respondent party was the Regional Landfill DEP-OT d.o.o. Banja Luka, for non-compliance with the principle comprised in Article 3 of the Law on Ministerial, Governmental and Other Appointments of Republika Srpska (Official Gazette of Republika Srpska, No. 41/03).

⁹⁰ no.: 2103/2016 dated 02 December 2016;

⁹¹ Ž-BL-05-199/17 recommendation P- 258 /17 dated 28 August 2017;

⁹² P-258/17

⁹³ Ž-BL-05-254/17, recommendation P-162 /17 dated 08 August 2017;

⁹⁴ A document issued by the Municipal Assembly of Banja Luka no. 07/1-353-1/17 dated 20 October 2017

⁹⁵ Ž-BL-04-580/17, Ž-BL-05-590/17, Ž-BL-05-610/17

In one of the cases, the candidates were asked to furnish non-conviction certificate, and in the other case the application was not considered for non-fulfillment of the terms and conditions listed in the vacancy notice, in terms of professional qualifications and work experience at managerial positions. In respect of these complaints Ombudspersons issued their recommendation no.: P-315/17.

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

During 2017, the Ombudsman Institution registered 755 complaints pertaining to violation of economic, social and cultural rights. Compared to 2016, when it received 738 complaints, it is evident that the number of complaints of citizens has increased by 2,3%.

Number of received complaints by the categories of rights is the following:

labor rights 337; pensions 167; utilities 99; social protection 67; health care 48; education 29; ecology and environmental protection 11; and 2 complaints related to public revenues. It was issued 77 recommendations as follows:

labor rights 37; education 7; ecology and environmental protection 1; utilities 9; health care 11; social protection 2; pensions 10.

In handling complaints about violation of economic and social rights of citizens, Ombudspersons acted within the framework of the positive regulations and standards of the human rights protection set out in the International Covenant on Civil and Political Rights and the Revised European Social Charter and the domestic legislation.

In this field Ombudspersons took a series of activities in order to protect the rights of the most vulnerable categories of the population, in particular unemployed and persons with disabilities, pensioners, elderly, frail, job-seekers etc.

Work on the protection of the rights of the mentioned categories in mostly involving dealing with irregularities in public competitions, labor related rights, pension insurance, health care and social insurance, minimum means of subsistence, impossibility of payment the utility bills, and the resulting disconnection of water or electricity in violation of the relevant international standards etc.

Unemployment has taken large proportions in Bosnia and Herzegovina, and citizens in contact with the Ombudsman often point out that they are discriminated against in employment procedure following the published vacancies, that they do not enjoy the equal opportunities in employment and that public competitions are often fixed. Aware of their helplessness while wishing to provide for themselves and for their families, the citizens of Bosnia and Herzegovina, often the entire families, are forced to leave their homes and go trying to find work in other countries.

5.1. The right to work

The most common reasons for addressing the Ombudsman in 2016 were: irregularities in recruitment procedures, failure to register employees at pension and disability insurance funds, including the failure to pay legally prescribed contributions into the pension, disability and health insurance funds, as well as the unemployment insurance, weaknesses in the work protection system and length of bankruptcy proceedings.

Given that the right to work implies the right to equal access to work, and the obligation of the state to take concrete measures and actions to enable citizens to exercise this right, there is a large number of complaints concerning the breach of the competition procedures.

Example: A complainant⁹⁶ highlights the irregularities in the process of employment to a position of a janitor in the mixed secondary school in Donji Vakuf. As the protection of the rights could not be reached within the competent school authorities, he filed a complaint with the Ministry of Education of the Central Bosnia Canton. After the complaint was filed, the Cantonal Inspection Office did the inspection and issued a decision on the annulment of the decision on employment the janitor and harmonization of the procedures with the School's Rules of Procedure on the Scoring Criteria and the publishing a new vacancy notice.

Example: The Ombudsman received a complaint⁹⁷ indicating to the irregularities in employment the trainees following the public advertisement published on 15 March 2016 by the Republika Srpska Archive. The complainant appealed because the best ranked candidate was not a trainee at all. On 03 February 2017 Ombudspersons issued their recommendation P-20/17 to the director of the Republika Srpska Archive in which they recommend him "to take the appropriate action within its powers in order to finish the public competition process in accordance with the decision of the Civil Service Appeals Board no.: 120-229/16, dated 18 May 2016." This recommendation was not implemented.

Example: A complaint⁹⁸ related to the violation of the provisions of the Rulebook on criteria for employment of employees in pre-school institutions, primary and secondary schools as public institutions in the Canton of Sarajevo, in part related to scoring candidates and "conflicts of interest" by the "Hasan Kikić" Primary School in Sarajevo. In addition, the complainant claims that a permanent work contract was concluded with the selected candidate, although the advertisement was published to hiring a candidate on temporary basis.

On 31 October 2017 the Ombudsman issued its recommendation no. P-25/17 to the Ministry of Education, Culture and Youth of Sarajevo Canton and the director of "Hasan Kikić" Primary School to take measures to redress the illegal actions taken in this process, to consider its cancellation and publishing the new vacancy notice. This recommendation was not implemented.

Example⁹⁹: On 09 June 2017 Ombudspersons issued their recommendation no. P-141/17 to the Governments of Republika Srpska and the Federation of Bosnia and Herzegovina indicating to the need of amending the Law on Civil Service (Official Gazette of Republika Srpska no. 118/08, 117/11, 37/12) the Law on Civil Service in the Federation of Bosnia and Herzegovina (Official Gazette of Federation of Bosnia and Herzegovina", no. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06, 4/12). According to this initiative, the Governments of Republika Srpska and the Federation of Bosnia and Herzegovina need to harmonize provisions of their acts on civil service in the institutions of Bosnia and Herzegovina in sense to increase the number of election panels members coming from the Civil Service Agency compared to those coming from an institution which published the vacancy notice and advertised the public competition.

On 12 July 2017 in a document no. 10.2-020-1649/17 the Ministry of Administration and Local Self-Government of Republika Srpska on behalf of the Government of Republika replied to this initiative. In this document it is said that in the framework of the Project titled „Simplification and improvement of employment in the civil service” implemented at four governance levels in

⁹⁶ Ž-LI-04-238/17

⁹⁷ Ž-BL-04-464/16

⁹⁸ Ž-SA-6-269/16 and Ž-SA-04-870/16

⁹⁹ no. Ž-BL-05-414/17

Bosnia and Herzegovina, suggestions of the Ombudsman will be taken in consideration during the process of drafting the amendments to the Law on Civil Service.

The Government of the Federation of Bosnia and Herzegovina failed to inform Ombudspersons on the activities taken in respect of the Ombudsman's initiative even after its inquiry sent on 09 November 2017.

Example: In a complaint¹⁰⁰ Ombudspersons issued their recommendation no. P-288/15, on 28 December 2015, having completed the investigation and established the facts. In this recommendation directed to the Parliament of the Federation of Bosnia and Herzegovina Ombudspersons initiate the amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina suggesting that after the public competition notice is published: „The public service authority manager hires the best ranked candidate having obtained the opinion of the Civil Service Agency.“

The recommendation was not implemented, that is, the legal provisions have not been amended. Speaking about the irregularities in public competition procedures, it is worth noting that there are examples of the institutions where the human rights violations were redressed after the intervention of the Ombudsman.

Example: A complaint¹⁰¹ related to the irregularities in employment procedure conducted after the publication of a vacancy notice on 12 June 2017 for the employment of a servant to the Public Institution „Djeca Sarajeva“ Sarajevo. Education inspector informed the Ombudsman on the existence of irregularities in scoring the candidates, and issued a relevant decision on 11 August 2017 putting a ban to the enforcement of a decision of the director related to the selection of a candidate.

In respect of the irregularities in public competition procedures, it is worth mentioning that the Institution of the Ombudsman had the complainants¹⁰² with objections to the Rulebook on criteria for employment of employees in pre-school institutions, primary and secondary schools as public institutions in the Canton of Sarajevo (Official Gazette of Sarajevo Canton, nos. 03/13, 33/16 and 35/17). The complainants thought that full-time teachers meeting the productivity norm should be scored better than teachers who work part-time, that no points should be granted for non-employment periods, as they complain of criteria for assessment of education success claiming that the points for success in education are awarded without objective criteria. Further, there are also objections to the interview and the fact that the director does not have the obligation to choose the best ranked candidate from the list. It is particularly emphasized that interviews in different schools are conducted at the same time. Other objections relate to the fact that candidates who are already employed eliminate those who are unemployed.

In this regard Ombudspersons emphasize that they have considered the mentioned Rulebook in multiple occasions while processing the complaints and formulated their standpoints as follows:

- in a complaint¹⁰³ related to giving priority in employment to the war veterans and their families;
- in a complaint¹⁰⁴ related to the selection of a candidate who was not best ranked;

¹⁰⁰ Ž-SA-04-454/15

¹⁰¹ Ž-SA-04-743/17

¹⁰² Ž-SA-04-1170/16

¹⁰³ Ž-SA-04-913/13

¹⁰⁴ Ž-BL-06-553/14

- in a complaint¹⁰⁵ related to decrease of number of points awarded for periods of unemployment.

In relation to the above mentioned cases, Ombudspersons have expressed their views on some of the most important criteria including the wider circle of candidates or all candidates, taking into account the principle of fairness, such as employment of candidates who are not best-ranked according to the established criteria. Regarding the other provisions and the number of points, we consider that the Ombudsman's legal competence and mandate does not give rise to the possibility for the Ombudsmen to revise the Rulebook, taking into account each individual provision, and to specify the number of points according to different criteria. Therefore, Ombudspersons recommended that the complaints about these issues should be directed to the trade unions and the relevant ministry competent to deal with the above allegations, and the Ombudsman's mandate covers irregularities in the process of public competitions in specific situations.

Frequent are complaints of irregularities in scoring candidates in public competitions for teaching positions in primary and secondary schools (Ž-SA-04-1050/16, Ž-SA-04-1059/16), in which education inspections intervened. In a complaint no.: Ž-LI-04-83/17, the School Board of the Primary School Fra Lovro Karaula“Livno failed to implement the recommendation of the Ombudsman no. P-84/17, related to cancellation of the decision on selection of the candidate and renewed scoring and selection of the best ranked candidate.

In a case no.: Ž-SA-04-428/17, the complainant claimed that the PI Primary School „Kamenica“ Bihać failed to implement the decision on the employment. She applied for the position of a pedagogue-psychologist to a definite time period, but on 27 February 2017 the School Board decided to cancel the competition. After it was re-published she applied again and won the competition. However, she was not hired in fact till the date of her complaint's filing. In the School's reply received by the Ombudsman on 03 April 2 2017 they emphasize that they still did not obtain the opinion of the Ministry of Education, Science, Culture, and Sports of the Una-Sana Canton on appeals from this competition, which is the reason why they are not able to finish the process.

In a case no. Ž-SA-04-509/15 the complaint was about the procedure that followed the publishing the public competition notice for the civil servant position, concretely, the expert associate for waste waters and its treatment in the Federal the Ministry of Ecology and Tourism published in the "Official Gazette of the Federation of Bosnia and Herzegovina", no. 98/14 dated 03 December 2014. The complainant thought that the election of a candidate of Croat origin was done in violation of the law, and the constitutional provisions on fair participation of constituent peoples. In her complaints she highlights that the Federal the Ministry of Environment and Tourism is has mono-ethnic structure (out of 7 employees, 6 are Bosniacks), for which she thought a candidate of a Croat origin should be given the priority.

In their reply sent on 31 August 2015 the Ministry emphasizes that they asked all their employees to state their ethnic origin and that they are submitting this information to the Ombudsman including the names of the employees per sectors and their pleas in respect of their ethnic origin. Finally, the Ministry mentions that the Government of the Federation has seized all the employment and that the complainant was not employed for that reason.

¹⁰⁵ Ž-SA-04-718/16

Example: In a case Ž-SA-04-138/16, the complainant addressed the Federal Inspection Administration informing them of irregularities in form of not taking the protection measures in the course of the construction works on the “Corridor 5c” site where the contractor is the HERING d.d. Mostar Company.

The Federal Inspection Administration responded on 22 March 2016 claiming that the complainant asked orally that the inspection supervision be conducted at the site Drivuša-Klopče in the village Perin Han where the contractor implementing the works is the Company HERING d.d. Široki Brijeg, noting that he has a dwelling unit within the site borders and that the contractor had closed a complete road in length of 2-3 km, so that his trip to town, the school, the post or the health care center was prolonged in this way for 10 to 12 km. He further claimed that his private forest is located within the Highway protection belt, and there is no protective fence anywhere or any protection from noise and the dust.

At time when the inspection surveillance took place, there was no works at the local traffic road located within the construction site borders, and the local traffic was ongoing. The representative of the HERING Company who was present at the time of inspection said that the road will soon be closed due to the works planned to be done above it.

According to the HERING’s representative, at time of the construction of the column S 9, HERING d.o.o. Široki Brijeg had furnished the Zenica Town with the Study on Redirecting the Traffic, and on 24 July 2015 the Town Administration issued its Approval for temporary traffic closure at the mentioned road sub-section Drivuša-Klopče.

During the inspection surveillance the inspectors could review all the construction related documentation.

Within the scope of administrative measures in the field of occupational safety, the contractor has been instructed to strictly adhere to the requirements of the Study on Safety and Health Protection at Work including Fire, Explosion and Environmental Protection.

Example: In its decision U-94/16 dated 25 June 2017 the Constitutional Court of Republika Srpska confirmed the Ombudsman's position on complaints of dismissed police officers because they used unpaid leave in duration of one year, due to their participation in peacekeeping missions abroad. Following the investigation, Ombudspersons asked the Republika Srpska Ministry of Interior to reconsider the dismissal decision (P-13/16), to approve requests for unpaid leave in duration of one year (P-36/16), and, on request of the complainants, they monitored the trial before the Basic Court of Banja Luka.¹⁰⁶ In response of the Ministry of Interior to the Ombudsman's recommendations, it was stated that it would be implemented after the court proceedings, after which the Ombudsman addressed the Prime Minister of the Republika Srpska asking her to take urgent measures to implement the Ombudsman's recommendations. By not implementing the Ombudsman’s recommendations on time, in the light of the Constitutional Court's decision, the responsible public body has opened up the possibility of filing high claims (covering wages, contributions and other benefits), exposing itself to judicial and financial responsibility and bringing about legal uncertainty as to the validity of all decisions related to this area.

This example serves as yet another proof of the preventive role of the Ombudsman, whose recommendations leave the possibility for public authorities to correct their actions before the harmful consequences that will ultimately be borne by the citizens as taxpayers take place.

¹⁰⁶ Ž-BL-04-503/16

5.1.1. Non-payment of contributions for pension and health and insurance

As in earlier reporting periods, it is rather wide-spread that employers do not pay the pension and disability insurance for their employees, which makes their position even more difficult. In trying to draw attention to such a situation to the relevant state bodies expecting the authorities to protect their acquired rights, the Ombudsman emphasized this issue in many occasions, but it often ends unsuccessfully. What raises particular concerns is the fact that even some public budget beneficiaries do not fulfill their obligations in sense of payment of contributions for pension and disability and health insurance, which directly undermines the rule of law (Ž-BL-04-45/15, Ž-BL-04-55/16). As a result the employees can not exercise their right to health care, they are unable to retire, etc. At the same time, work of health and social care institutions supposed to provide health care services to citizens are unable to normally carry out their duties since they are funded from these contributions. This drives the citizens to turn to the Ombudsman seeking the protection of their rights in the field of health services.

Example: In a complaint¹⁰⁷ the responsible party, the Public Company BH Airlines failed to pay the contributions for 3 years and 9 months, which prevents her from filing the application for an early retirement. The complainant appealed for help to the chairman of the company, the Prime Minister of the Federation of Bosnia and Herzegovina and the Minister of the Federal Ministry of Transport and Communications, but without any specific effect. Since the above-mentioned company has in the meantime opened bankruptcy proceedings, she was informed that she can seek the protection of its rights in these proceedings.

Example: In a complaint¹⁰⁸ the complainant is an employee of the Company Bosnia Valves d.o.o. Tuzla, which resulted from privatization of the Steel Foundry Tuzla. The complainant emphasizes that the Government of Tuzla Canton decided to pay in the missing contributions for the employees who meet conditions for retirement, but his status, and the status of another of his colleagues has not been resolved since they concluded their work contracts with the Company Bosnia Valves, and not with the Steel Foundry Tuzla.“

The Ministry of Industry, Energy and Mining of Tuzla Canton informed Ombudspersons were informed that the Government of Tuzla Canton decided to pay in the unpaid contributions for those employees of the ex-Steel Foundry Tuzla who meet requirements for pension. By „allocation of funds for these purposes, the Government of Tuzla Canton is implementing its plans in the area in economy, and it is not its obligation under the commercial companies with majority of 100% state capital since this depends on the funds available in their budget.“

The bankruptcy proceedings were initiated before the Municipal court in Tuzla in 2016 and the bankruptcy trustee has calculated and recognized their receivables. The complainant and other creditors of the bankruptcy proceedings did not settle their claims because they have not yet fulfilled the legal requirements for the separation of the bankruptcy debtor's property.

¹⁰⁷ Ž-SA-04-377/17

¹⁰⁸ Ž-BR-04-31/17

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

The Ombudsman Institution still receives complaints from citizens who are still unable to enjoy their rights under Article 143 of the Labor Law of the FBiH and Article 152 of the RS Labor Law, that is, Article 182 of consolidated RS Labor Law.

Complaints mostly relate to the length of proceedings or decision-making process.

In cases no.: Ž-BL-05-251/17, Ž-BL-04-471/17, Ž-BL-05-781/17, Ž-BL-05-252/17 and Ž-BL-05-874/17, in which the complainants managed to get decisions on the rights to severance pay, the Ministry of Labor, Veterans and Disability Protection of Republika Srpska informed Ombudspersons that the payment will take place as soon as the funds for that purpose become available and that at the moment the payment under decisions dated 2012 is ongoing.

In a case no.: Ž-BL-05-327/17 the complaint was lodged to the Ombudsman against the Commission for Implementation of Article 182 of the Labor Law of Republika Srpska for non-deciding on request for recognition of the right to severance pay. The relevant Commission informed the Ombudsman that they follow the chronological order in decision-making and that currently they process requests around number 25,000, while the request of the complainant is registered under serial number 47,079.

In a case no.: Ž-LI-05-376/17, the complainant, in accordance with the decision of the Commission for Implementation of Article 152 of the Labor Law of Republika Srpska the severance amount was paid at the end of 2017.

When it comes to the work of the Federal Commission for the Implementation of Article 143 of the Labor Law of the Federation of Bosnia and Herzegovina, the Ombudsman refers to the case number: Ž-BL-04-132/15, where the Government of the Federation of Bosnia and Herzegovina did not provide the Ombudsman with an explanation. Ombudspersons sent to the Federal Ministry of Labor and Social Policy and the Government of the Federation of Bosnia and Herzegovina a recommendation to establish cooperation with the Institution and submit the requested response. On 15 March 2016 the Federal Ministry submitted a reply stating:

: ...“ We inform you that in accordance with Article 174 paragraph 2 of the Labor Law, the final decisions of the federal or cantonal commissions for the implementation of Article 143 of the Labor Law have the power of enforceable titles. This Ministry is of the opinion that this provision of the Labor Law eliminated the discrimination of persons who had acquired certain rights based on the final decisions of the federal or cantonal commissions for the implementation of Article 143 of the Labor Law, which is in accordance with the recommendations of the BiH Human Rights Ombudsman.“

In a case no.: Ž-LI-05-100/17, the complainant emphasizes that the Ministry of Labor, Social Policy and Refugees of Canton 10, did not adopt any decision related to Article 143 of the Labor Law of the Federation of Bosnia and Herzegovina.

In their letter dated 25 August 2017 the mentioned Ministry informed the Ombudsman that: „The above Commission was relieved by the Government of the Canton 10 in 2010 before it could resolve all the requirements related to labor status, so that a smaller part of the cases remained unresolved, and among others the case of your complainant. With a view to the final settlement of all remaining outstanding cases related to the regulation labor related status, the Ministry will initiate the establishment of a new commission to resolve the above mentioned cases.“

5.1.3. Slowness of responsible authorities in proceedings involving the labor rights

Frequent are complaints of citizens about the length of proceedings initiated due to breaches of labor rights. In particular, they are affected by the inefficiency of competent courts in labor related cases, although these cases are considered urgent.

Example: In a case no.:¹⁰⁹ pursuant to the final judgment of the Municipal Court in Mostar of 25 April 2014, the decision on the termination of employment and dismissal of 22 August 2011 is annulled as unlawful, and the respondent is ordered to return the complainant to work within 15 days and pay the corresponding receivables. The seizure proposal was filed on 08 May 2015, but by now the complainant could not protect his rights. The Municipal Court in Mostar informed the Ombudsmen that it had issued a decision of 27 October 2017 and pronounced a fine of 1,000 BAM to be paid for non-enforcement of a final court judgment, but with no results.

Example: In a case¹¹⁰ a couple of years ago, the complainant managed to get the final and binding court ruling against her employer Ljubuška tkaonica d.o.o. Ljubuški (textile factory) for non-payment of contributions and other labor-related rights and entitlements. Once the seizure procedure was initiated, Ombudspersons contacted the Municipal court in Ljubuški twice. In its letter of 17 October 2017, the Ljubuško Municipal Court informs the Ombudsman that the bankruptcy proceedings have been initiated in respect of the said employer in 2014, so that the complainant can seek the implementation of her rights in the proceedings. Upon receipt of this notification, the complainant was duly registered for adequate compensation from the bankruptcy estate, thus the conditions were met for closing the case.

Example: In a case¹¹¹ where the complainant claims that his employer, Transport Devices Factory energetik d.o.o. Tuzla in which he had worked for 36 years before that company went bankrupt and a new company named “TTU energetik“ d.o.o. Tuzla was formed. The employees who were registered in the Employment Bureau were supposed to be returned to work. Although a number of them were actually returned, the complainant was not among them, which puts in jeopardy the existence of his family. The new company „TTU energetik“ d.o.o. Tuzla informs Ombudspersons that it will try in near future to find solution of this and other similar requests.“

Example: The cases¹¹² involving two workers of the Municipality of Drvar who appealed on 03 May 2017 to the Appellate Board to the Government of the Canton 10 from decision of the Mayor of Drvar according to which they were allocated to other positions. Although the Appellate Board members informed Ombudspersons that they will adopt their decision in these cases, they failed to do it in one of the above cases by the date of drafting this report. As for the other, the Appellate Board adopted the relevant decision on 01 August 2017 and informed Ombudspersons about it only on 12 December 2017 and the complainant on 15 December 2017.

¹⁰⁹ no. Ž-MO-04-100/17

¹¹⁰ no. Ž-MO-04-102/17

¹¹¹ Ž-BR-04-237/17

¹¹² Ž-LI-04-153/17 and Ž-LI-04-154/17

Example: In a case¹¹³ the complainant complains against the Public Institution Istočno Sarajevo Hospital which he addressed on 17 December 2015 with his request for payment of one-off financial assistance for the birth of the child. On 24 December 2015 a decision was reached pursuant to which he was granted the financial assistance in the amount of one average salary in Republika Srpska. The approved amount was never paid, therefore the Ombudsman issued its recommendation P-59/17 dated 09 March 2017 asking the Hospital manager to find the possibility to pay this amount which has already been granted in order for him to realize his labor related entitlements. The Ombudsman informed the Agency for Peaceful Settlement of Labor Disputes of Republika Srpska on this case.

5.1.4. Bankruptcy proceedings

Particular attention is drawn to cases involving the length of bankruptcy proceedings before the competent courts. These proceedings last for more than 15 years, even though some workers before the commencement of these proceedings have obtained valid court judgments relating to the unpaid contributions and outstanding salaries, the court did not enforce its own judgments.

Employees whose employer is subject to bankruptcy proceedings often point out dissatisfaction with legal solutions in this area, which relate to the position of employees in the process of collecting claims, pointing out that banks and other creditors in bankruptcy proceedings are exercising their rights, and only crumbs remain for them. Further problems are related to the timely initiation of bankruptcy proceedings due to irresponsibility of persons authorized to represent a bankruptcy debtor. There was no body overseeing the timeliness of bankruptcy proceedings, which leads to insufficient bankruptcy amount and low degree of creditors' settlement

Example: The proceedings involving the Company „Livnotrans“ d.o.o. Livno, the ex-employer of three complainants¹¹⁴ lasted for 15 years before the Municipal court in Livno. The complainants managed to get the final and binding court judgments related to the payment of their outstanding contributions and salaries, but in the course of bankruptcy proceedings these judgments were not enforced. The Ombudsman issued its recommendation no. P-106/16 dated 26 May 2016 to the Municipal court of Livno, which was not accepted.

Example: 17 ex-workers of DD Tvornica transportnih uređaja Tuzla addressed the Ombudsman, which opened a case¹¹⁵ since their labor contracts were terminated in 2014 and some other colleagues, in total 24 employees, and they were all promised to get the severance pay in the amount of three salaries. In 2015 the Factory went bankrupt and the bankruptcy proceedings were initiated, but the complainants never received their promised severance pay, although there was inflow of funds due to the sale of the assets.

5.2. The right to pension

The Ombudsman received 167 complaints for the alleged violation of the right to pension. In the proceedings for realization of the right to pension, citizens often complain about the length of

¹¹³ Ž-BL-04-715/16

¹¹⁴ Ž-LI-04-391/15, Ž-LI-05-395/15 and Ž-LI-05-40/16

¹¹⁵ Ž-BR-04-184/17 through Ž-BR-04-200/17

first and second instance proceedings, as well as the return of cases for deciding which creates uncertainty as to the time limit in which a final decision can be expected. There are also examples of the procedures that lasted for several years before the parties realized the protection of their rights¹¹⁶ including some cases where even after the bankruptcy proceedings that lasted for 15 years citizens could not attain their rights despite the final and binding court decisions. Another issue posing a big challenge for some people is the realization of the right to pension where multiple countries are involved where legal prerequisites to be met to enjoy to right to pension are different. This problem also exists between the pension funds of the Federation of Bosnia and Herzegovina and Republika Srpska.

Example: In a complaint¹¹⁷ the Free Legal Aid Institute of Una-Sana Canton on behalf of the complainant addressed the Ombudsman for the fact that no decision was made by the Federal Pension Insurance Institute in Sarajevo in respect of request for early retirement filed by the complainant on 04 June 2012.

On 26 October 2017 the Cantonal Insurance Institute informed the Ombudsman that finally, on 21 June 2017 this administrative issue was resolved, 5 years after filing the request and the payment has started.

On this occasion, Ombudspersons welcome the actions of the Cantonal the Free Legal Aid Institute of Una-Sana Canton, and emphasize in particular the commitment, effort and persistence of their legal representative, which should be the normal way of co-operation of the different authorities with the Ombudsman.

The Ombudsman emphasizes that the joint work and effort of all competent institutions ultimately yields positive results, when such co-operation is established with the aim of achieving the basic citizens' rights. Such an example of good governance, engaging and active attitude towards the exercise of citizens' rights should be practiced and followed by all competent authorities and should not be an exception.

Example: In a complaint¹¹⁸ the complainant points out that his employer AD "Elvaco" Bijeljina did not pay contributions in the period from 01 January 2014 until 31 January 2016 thus violating the complainant's right to work, to health care, property and the social protection. If the payments were made for the disputed period the complainant would be entitled to retire.

Ombudspersons issued their recommendation no. 295/17 dated 22 November 2017 to the Pension and Disability Insurance Fund of Republika Srpska, the Ministry of Labor, War Veterans and Disability Insurance of Republika Srpska and the Ministry of Finance of Republika Srpska calling them "to consider every legal possibility to have the contributions for complainant paid pursuant to the decision of the Fund no. 1818.79-7882/17 dated 01 September 2017 from the budget of the Republika Srpska, i.e. from the reserves of the Republika Srpska's Pension and Disability Insurance Fund" and these bodies are invited to inform the Ombudsmen of the implementation of the recommendation within 30 days of its receipt.

Example: A complaint¹¹⁹ of the Federal Pension and Disability Insurance Institute for length of decision-making process related to the right to the old age pension. It is the basic obligation of

¹¹⁶ Ž-LI-04-391/15, Ž-LI-05-395/15 and Ž-LI-04-40/16

¹¹⁷ Ž-BL-04-122/17

¹¹⁸ no. Ž-BL-04-132/17

¹¹⁹ Ž-SA-04-296/17

the state to ensure to its citizens the protection of their human rights, so Ombudspersons issued their recommendation no. P-264/17 dated 20 October 2017 by which they recommend the Federal Pension and Disability Insurance Institute, the Tax Administration of the Federation of Bosnia and Herzegovina, and the Federal Employment Bureau to take measures and activities to establish the efficient co-operation and co-ordination mechanism so that the complainant and other citizens of Bosnia and Herzegovina can enjoy their rights.

There follow two examples of the citizens who attained their right after the Ombudsman's interventions.

Example: A complaint¹²⁰ in which the complainant points out that on 30 October 2015 she filed her request for granting the family pension to the Federal Pension and Disability Insurance Institute and the Cantonal Administrative Service in Tuzla. After the Ombudsman's intervention in her letter dated 26 June 2017 the complainant informed the Ombudsman that on 19 June 2017 a decision was made granting her the right to family pension.

Example: A complainant¹²¹ encountered problems in providing evidence of her work experience when she wanted to go to disability retirement. She claims that responsible parties are the Labor and Employment Agency of Bosnia and Herzegovina, the Federal Pension and Disability Institute and the Employment Administration of Sarajevo Canton. In several occasions the complainant personally visited and addressed in writing the Labor and Employment Agency of Bosnia and Herzegovina and the Federal Pension and Disability and the Employment Administration of Sarajevo Canton in order to correct errors in her documents, but without success. The complainant is a person with disability of II category, and for her deteriorated health cannot visit the institutions anymore.

After some correspondence with all three responsible parties, the Federal Pension and Disability Institute informed the Ombudsman that the complainant's right to pension was recognized on 21 August 2017 and her pension will be running from 07 January 2016.

The problem related to retirement emerged, among other reasons, due to the fact that the applicable laws define the conditions for retirement differently. In the Federation of Bosnia and Herzegovina, the insured person acquires the right to an old-age pension when s/he reaches the age of 65 and has at least 20 years of pensionable work experience and when s/he reaches 40 years of work experience regardless of age. An employee in the Republika Srpska has the right to an old-age pension by at the age of 65 and at least 15 years of insurance. An insured person below the age of 65 is entitled to an old-age pension when s/he reaches the age of 60 and has 40 years of work experience. The insured woman below the age of 65 is entitled to an old-age pension when she turns 58 and has 35 years of retirement insurance. As an exception from paragraph 1 of Article 42 of the Law on Pension and Disability Insurance of Republika Srpska¹²², the right to an old-age pension is granted to a police officer, a court police officer of the Republika Srpska and a member of the prison guard service - a police officer in the correctional facility in Republika Srpska when he reaches 40 years of work experience irrespective of age. Pursuant to Article 43 paragraph 1, an insured person who has met the requirements for pension and enjoys the pension coverage with extended duration, the age for retirement is reduced for the time period gained due to the extended duration benefits. According

¹²⁰ no. Ž-BR-04-180/16

¹²¹ no. Ž-SA-04-181/17

¹²² „Official Gazette of Republika Srpska“ no. 134/11, 82/13, 103/15

to paragraph 2 of Article 43 of this Law, the extended duration is the difference between the established insurance coverage with extended duration and the effective insurance coverage. Paragraph 3 of Article 43 provides for the age limit referred to in paragraph 1 of Article 41 can be reduced up to the age of 55.

In a complaint no.: Ž-SA-04-311/17 the complainant was not able to retire after his termination of employment in the Border Police of Bosnia and Herzegovina. The Border Police of Bosnia and Herzegovina, the Federal Institute for Pension and Disability Insurance and the Pension and Disability Insurance Fund of Republika Srpska have been designated as responsible parties. The complainant was dismissed by the Border Police of Bosnia and Herzegovina by virtue of the 40 years of service, according to Article 119 paragraph 1 item 3 of the Law on Police Officers of Bosnia and Herzegovina.¹²³ The Cantonal Administrative Service in Sarajevo rejects the request for recognition of the right to a proportionate part of the old-age pension because the complainant has reached the age of 52 and 34 years of retirement insurance. Accordingly, since he does not meet the requirements under Article 30 of the Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina¹²⁴ in the issued decision it is established that a special insurance period acquired in the Republika Srpska since 05 April 1992 until 08 June 1992 and from 10 June 1992 to 30 June 1996 has not been included in accordance with Article 5 of the Agreement on Mutual Rights and Obligations in the Implementation of Pension and Disability Insurance. The complainant's appeal from that decision was dismissed and the administrative dispute was initiated before the Cantonal Court in Sarajevo.

The complainant's request for the pension is also rejected by the Republika Srpska Pension Fund. The relevant decision states that the applicant has reached the age of 52, 5 months and 26 days, and the total retirement insurance period is 43 years, 4 months and 13 days. Based on the established factual situation, the insured person does not meet the conditions for the exercise of the right to old-age pension, in accordance with the provisions of Articles 41 to 43, in conjunction with the provisions of Articles 177 to 178 of the Republika Srpska Law on Pension and Disability Insurance. The appeal from the decision was rejected.

In conclusion, the complainant claims that he is currently in a very difficult situation that his life is threatened because he is the father of five children and his wife is unemployed and that his human rights are violated.

Regarding the legal regulations concerning the area of labor legislation and pension disability insurance, the Ombudsman Institution has already dealt with this issue, while processing the complaints (Ž-SA-06-10 / 70/14 and Ž-SA-06-241 / 15) and issued recommendation No. P-90/15 dated 26 March 2015 to the Ministry of Civil Affairs of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, the Government of Republika Srpska and the Pension and Disability Insurance Fund of the Republika Srpska pointed out the different treatment of police officers residing in the Federation of Bosnia and Herzegovina and residing in Republika Srpska, regarding the different regulations for the acquisition of old-age pension. By the end of 2015, the amendments to the Law on Pension and Disability Insurance of Republika Srpska ("Official Gazette of the Republika Srpska" No. 103/15) provide for old age pension based on the retirement insurance to be granted only is granted to a police officer, a court police officer of the Republika Srpska and a member of the prison guard service - a police officer in the correctional

¹²³ „Official Gazette of Bosnia and Herzegovina”, no. 27/04,63/04, 5/06, 58/06, 15/08, 63/08, 35/09 and 7/12

¹²⁴ „Official Gazette of the Federation of Bosnia and Herzegovina”, no.: 29/98, 49/00, 32/01, 73/05, 59/06, 4/09, 55/12

facility in Republika Srpska, while this right is not recognized to the police officers who are part of the institutional structure at the Bosnia and Herzegovina state level.

From the presented state of facts, it is evident that the complainant ceased to work having attained the 40 years of service, that the contributions for pension and disability insurance were subtracted from his gross salaries, that the complainant cannot currently retire and that he initiated administrative disputes resolution of which may take a longer time, and that it could be expected that an increasing number of persons, i.e. the police officers working in the institutions of Bosnia and Herzegovina, will face a similar problem, that is, the inability to exercise the right to retirement. For all these reasons, Ombudspersons are of the opinion that it is primarily necessary to ensure equal treatment of all police officers regardless of whether they are members of the entity or state bodies of Bosnia and Herzegovina. In the opinion of the Ombudsman, the current legal regulation is not a fair solution and the complainant has consequences not only in terms of material damage but in the way of deprivation of rights over a given period. Ombudspersons consider it necessary for the authorities to employ the additional efforts and special attention in order to resolve the status of the complainants and police officers in Bosnia and Herzegovina, in a way that allows them to have the unimpeded enjoyment of their right to retirement.

Therefore, the Ombudsman issued its recommendation P-119/17 dated 01 June 2017 to the Ministry of Civil Affairs of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, the Government of Republika Srpska and the Pension and Disability Insurance Fund of the Republic of Srpska, requesting from these bodies the undertaking of additional the measure from its jurisdiction to comply with the harmonization of legislation regulating termination of employment and the exercise of the right to pension insurance for all police officers in Bosnia and Herzegovina.

After issuing the recommendation, the Ombudsman received a reply from the Council of Ministers and the Ministry of Civil Affairs of Bosnia and Herzegovina stating that these bodies took certain measures for the implementation of the recommendations. The Pension and Disability Insurance Fund of Republika Srpska informed the Ombudsmen that "we have neither jurisdiction nor the possibility to harmonize or amend the existing legislation."

In the exercise of the right to retirement, the problem is also a slow procedure for the realization of the rights if the complainant has worked in other countries (Case No. Ž-BL-05-424 / 16), which is about the determination of a proportional part of the pension to be borne by the various insurers, in accordance with the social security agreement signed by Bosnia and Herzegovina with other countries. Although there is an obligation of official co-operation between the funds/pension and disability insurance institutions, the procedures may take longer depending on the complexity of the case and collection of documentation based on which the working experience is established, and which serves as a proof that contributions are paid.

5.3. Health care

The European Social Charter has established the right to health care.

Article II (1) and (2) of the Constitution of Bosnia and Herzegovina stipulates that Bosnia and Herzegovina and both entities will ensure the highest level of internationally recognized human rights and fundamental freedoms and that the rights and freedoms envisaged in the European Convention for the Protection of Human Rights and basic freedoms and its protocols, are directly applicable in Bosnia and Herzegovina. These acts have priority over all other laws. The Law on

the Law of the Constitution of Bosnia and Herzegovina does not contain provisions on the right to health care, and Article III of the Constitution of Bosnia and Herzegovina stipulates that all governmental functions and authorizations which are not expressly entrusted to the institutions of Bosnia and Herzegovina by this Constitution belong to the Entities. The Constitution of Republika Srpska guarantees the right to health care by Article II 37 and the Constitution of the Federation of Bosnia and Herzegovina guarantees the right under Article II 2.

Accordingly, the issue of health care in Bosnia and Herzegovina is regulated by the entity level laws and the laws of Brčko District of Bosnia and Herzegovina.

Problems emerge in cases when cantons adopt legislative acts, especially by-laws, which are not harmonized with the Federation of Bosnia and Herzegovina-level legislation. As a consequence, the cantonal legislation in the field of health care is often incompatible with the legislation of the Federation of Bosnia and Herzegovina.

The Ombudsman received 48 complaints based on the violation of the right to health care.

The complaints are related to non-provision of health care due to non-payment of health insurance contributions by the employers, difficulties in exercising the right to reimbursement the costs of health services, the right to emergency medical assistance, the inability to provide health care to the pensioners of the Federation of Bosnia and Herzegovina who earned their working experience and had residence on the territory of Republika Srpska who moved to the Republic of Croatia or the Republic of Serbia etc.

Example: In a case¹²⁵ more than 60 employees of the Forest Management Mostar turned to help because the Health Insurance Institute of the Herzegovina-Neretva Canton refused to certify the health booklets. They remained without health care even though all taxes and contributions from the employment contract were regularly paid. When the employees asked to the Institute to state the reasons for such refusal, they said that their contributions for years 2002 and 2003 were not paid. After the Ombudsman's intervention, the complainants realized their rights.

Example: In a case¹²⁶ where the respondent party was the Health Insurance Institute of Canton 10 for the inability to exercise the right to health insurance, although the complainant as a retired person should have the right to it. The Department of Health Insurance of Canton 10 informs the Ombudsmen that the Federal Institute for Pension and Disability Insurance has not made a proper registration to health insurance in the Tax Administration of the Federation of Bosnia and Herzegovina through a single registration system for the complainant. After that the complainant turned to the Federal Institute for Pension and Disability Insurance, following which the Department had taken certain actions, the complainant had the right to health insurance about which he informed the Ombudsman on 18 April 2017.

Example: Two cases¹²⁷ were opened for the inability to exercise the right to health insurance. One complainant has the residence in Zagreb. The right to old-age pension acquired in 2007, and since then was receiving his pension from the RS Pension and Disability Insurance Fund, because he lived and worked on the territory of this Entity until the war. In 2009 the complainant was transferred to the Federal Institute for Health Insurance, however, until the day of addressing the Ombudsmen on 24 September 2015 no institution has paid for health insurance.

¹²⁵ Ž-MO-04-137/17

¹²⁶ Ž-LI-04-81/17

¹²⁷ Ž-SA-04-1010/14 i Ž-SA-04-728/15

The other complainant points out that she has lost her health insurance in the Republic of Croatia, where she has been living for 22 years. Before the war, until 1993, she lived in Banja Luka. Furthermore, it could be seen from the submitted documentation that she enjoys the right to disability pension from FZMIO/PIO. The Croatian Health Insurance Institute of Omiš has requested the health insurance for the complainant from the RS Health Insurance Fund, but the request was rejected.

During the investigation the substance of the problem was defined, which is that for the beneficiaries from the Federation of Bosnia and Herzegovina who had moved to the Republic of Croatia and the Republic of Serbia, the competent the health insurance holder cannot be defined. From the replies to the Ombudsman's inquiries it is evident that the authorities are aware of problems related to the provision of health insurance for persons who had realized the right to pension in Bosnia and Herzegovina who currently live abroad, and that certain activities have already been taken to resolve this issue.

Ombudspersons of Bosnia and Herzegovina consider that the complexity of this problem with regard to competencies or the rejection of the competences by the various authorities of Bosnia and Herzegovina must not result in the inability to exercise the rights, as in the concrete case of the right of health care of complainants, but that the authorities should take the necessary activities and measures to overcome and resolve this issue in favor of the complainants. To this end Ombudspersons issued their recommendation no. P-275/15 dated 16 December 2015 to the Ministry of Civil Affairs of Bosnia and Herzegovina, the Federal Health Insurance and Reinsurance Institute of the Federation of Bosnia and Herzegovina, the Health Insurance Fund of Republika Srpska, the Federal Ministry of Health and the Ministry of Health and Social Welfare of the Republika Srpska inviting them to undertake activities and measures within their competencies to find the appropriate solutions and facilitate the provision of health care to pensioners from the Federation of Bosnia and Herzegovina who spent their working life and had residence in the Republika Srpska and who later moved to the territory of the Republic of Croatia or the Republic of Serbia. These bodies were asked to inform the Ombudsman of the course of action taken to implement this recommendation within 60 days from the receipt of the recommendation.

The Ministry of Civil Affairs of Bosnia and Herzegovina, in its letter 16 February 2016, informs the Ombudsmen that it has called to the competent health care institutions in Bosnia and Herzegovina to meet to discuss this matter and their meeting was scheduled for 09 March 2016 with the aim of finding the appropriate solutions. In a new letter of 01 November 2016, the said ministry informs the Ombudsman that "there has been a problem for a number of years and that numerous activities have been carried out with the aim of finding appropriate solutions and that meetings have been held in an effort to find appropriate solutions for retirees of the Federation of Bosnia and Herzegovina which spent their working life and had the residence in the territory of Republika Srpska and who moved to the territory of the Republic of Croatia or the Republic of Serbia to enable them to realize health care." The above problem has not yet been resolved.

Since this problem still exists, the Ombudsman sent yet another letter to the BiH Ministry of Civil Affairs of Bosnia and Herzegovina on 22 November 2017 asking the information on what was done in respect of the Ombudsman's recommendation. There was no answer.

Example: The Republika Srpska Health Insurance Fund, Banja Luka Office, according to the complainant¹²⁸, is the responsible party in this case. The complaint was filed in respect of the decision of the Fund dated 10 February 2017 in which the claim of the complainant for the recognition of the right to the first attempt of assisted reproduction, because the complainant's wife does not have the status of the insured person with the Fund. The Ombudsman issued its recommendation no. P-136/17 of 22 May 2017 which instructs the management of the Fund, without delay, to take all appropriate actions and measures within the scope of its competence to render the above mentioned decision ineffective and to grant the complainant the right to the assisted reproduction. In a letter of 04 August 2017 the responsible party informed the Ombudsman that the first decision was rendered ineffective and the complainant was granted the right to the first attempt of assisted reproduction.

Example: The Ombudsman processed a case¹²⁹ in which the complainant was the Old and the Immovable Persons Care Institution "Miran san" Ilidža, which designated the Department of Emergency Medical Assistance of Canton Sarajevo as the responsible party for failure to provide the medical assistance to a resident of the above Institution who got sick on 21 September 2016 due to the alleged non-availability of medical aids.

The essence of the problem is related to the functioning of private social welfare institutions, such as the elderly care homes which do not provide health services for their residents received on a commercial basis, and then expect these services to be provided through the emergency health service, which is not its purpose. The situation is particularly complex for the residents who are insured in another canton or entity, different of the one in which the elderly home care institution is located. Ombudspersons note that the issue of functioning the social care and welfare institutions requires additional attention, especially the child care and elderly care facilities, because of their vulnerability and obligation of the society to provide them with additional protection and support.

Example: A complainant¹³⁰ in her complaint against the Health Insurance Institute of the Canton 10 points out that for three months neither pediatrician nor the gynecologist came to the Health Center Kupres, as they used in the previous periods. After the intervention of the Ombudsman the Health Center Kupres on 31 March 2017 informed the Ombudsman that a pediatrician and a gynecologist started coming twice a month again.

In a complaint Ž-BR-04-145/15 upon complaint of the president of the Association of those who suffer from chronic kidney diseases „Bubreg“ Brčko who complains of work of the Health Department of the Government of Brčko District of Bosnia and Herzegovina for the failure to form the transplantation list for Brčko District of Bosnia and Herzegovina, which makes it impossible for persons subject to dialysis to be put on that list. The complainant claims that those who suffer from kidney diseases are no on any list for kidney transplantation, thus depriving them from the right to equal treatments.

However, it is evident that there are problems in Bosnia and Herzegovina that make it impossible for these patients to fully exercise the right to organ transplants. It is the responsibility of the competent authorities to take effective measures and actions to address this problem, i.e. to

¹²⁸ Ž-BL-04-233/17

¹²⁹ Ž-SA-04-942/16

¹³⁰ Ž-LI-04-74/17

enable the exercise of the right to health care in accordance with the Constitution of Bosnia and Herzegovina and international standards.

5.4. Social protection

An increasing number of citizens in Bosnia and Herzegovina have a need for certain forms of social protection. The situation of high unemployment, low incomes, workers who have been left out of work after the dismissal etc., indicate that the social rights of vulnerable residents must be put into focus.

The number of complaints in this area does not reflect the factual status, which is much worse. Social assistance is symbolic and cannot provide the basic life needs.

The complaints concern the non-payment of one-off financial assistance, the need for housing care, the situation that citizens who cannot pay heating bills request the disconnection from the district heating system. The same situation is with the electricity bills, so the people get disconnected from the electric power distribution network. Furthermore, there are problems with provision of firewood, which is worsened with the fact that these persons are frail and helpless. Complaints of the returnees have also been received due to the inability to connect the household to electric network favorable conditions etc.

Example: A complainant¹³¹ points out that she addressed the Social Welfare Center of Doboj Town with a request for the granting her one-off financial assistance. The requested assistance was not received, while the Social Welfare Center invited her on 31 May 2017 to present some documentation. On 31 July 2017 the Social Welfare Center replied to the inquiry of the Ombudsman informing it that on 19 July 2017 the one-off financial assistance in the amount of 50.00 BAM for alleviation of financial hardships was granted to the complainant. The other letter dated 29 September 2017 the Social Welfare Center informs the Ombudsman that on 21 August 2017 the complainant filed a new request for one-off financial assistance for the purchase of firewood. Since no decision on any extension of the list of entitlements was made in 2017 by the Doboj Town Administration, which provides the legal grounds for subsidies for different purposes including the purchase of firewood or electric power debt reduction, the Town Administration refused this request. In its investigation the Ombudsman found that the Social Welfare Center acted in accordance with the law and closed the case.

Example: In a case¹³² processed by the Ombudsman the complainant designated the General Administration and Housing Issues Department of the Zenica Town Administration as responsible party. The complainant's problem is the eviction from the apartment she occupies attempted in several occasions. In a reply to the inquiry of the Ombudsman the Town Administration Zenica informed the Ombudsman that "the mentioned eviction did not take place and the Department is trying to secure an alternative accommodation of the complainant before it happens." Ombudspersons assessed that the respondent party employed their efforts to meet the complainant's needs and closed the case.

¹³¹ Ž-SA-04-689/17

¹³² Ž-SA-04-766/16

Example: A complainant¹³³ claimed that he addressed the Social Welfare Center asking for one-off financial assistance. The Center failed to reply to the Ombudsman's inquiry.

He also contacted the Mayor of the Municipality of Drvar asking to be granted a quantity of free firewood. To the Ombudsman's inquiry the Mayor stated that, in accordance with the established criteria the complainant did not meet it since his income is higher than the income of 60% of the inhabitants of the city of Drvar. The complainant did not comment this statement.

Example: A complainant¹³⁴ claims that she asked the one-off financial assistance for buying the food and napkins for her small children being treated in Mostar, and also for travel costs for her trip to Mostar. Social Welfare Center informed the Ombudsman that the Mayor of the Municipality of Glamoč paid the amount of 200.00 BAM and the Social Welfare Center pledged that they will grant her the required financial assistance as soon as they get the funds from the Ministry of Labor and Social Policy of Canton 10.

Example: A complainant¹³⁵ point out that on 03 May 2017 he applied for discontinuation of heating from the network of the heating plant „Toplana“ Banja Luka for his financial difficulties, which renders him unable to pay his bills. Until the day of addressing the Ombudsman he did not receive a reply from the Heating Plant. On the Ombudsman's inquiry the Ombudsman received a reply from the respondent party that the complainant was granted the permission to cut the supply from the heating network and that he was informed about it in their letter no. 04-7480-2/17 dated 12 September 2017.“

Example: A complainant and his parents¹³⁶ before the war in Bosnia and Herzegovina lived in Gornja Sanica, the Municipality of Ključ, where they had the electricity connected, but after the war, when they returned, the electricity was not there. In order to get connected to the electric supply network they have to pay an amount of 1,528.62 BAM to the electric power distribution company „Elektrodistribucija“ Bihać, which is a huge burden on them. They can get better price if they manage to prove that they are returnees. This status can be confirmed by the appropriate certificate of the responsible Municipality. The Ombudsman contacted the Municipality of Ključ, which replied to Ombudspersons claiming that the complainants are not returnees since they have not returned into their pre-war residence. The Ombudsman thinks that the fact that they own some real property in the Municipality of Ključ should not play any role in recognition of their status as returnees. Since this category of citizens is particularly vulnerable from the date when they were forced to leave their pre-war homes, Ombudspersons think that in cases involving them, the authorities should interpret the rules in more flexible way. Namely, it is neither just nor stimulating for the sustainability of return process to ask these people to pay such high amounts of money for such a basic thing as the electricity connection. Therefore, on 13 October 2017 Ombudspersons issued their recommendation no.: P-257/17 to the „Elektrodistribucija“ Bihać and the Municipal Administration of Ključ to connect the electricity to the complainants free of charge, and to find the systemic solution for all the persons in the same legal situation either by amending the applicable general legislation or by the establishment of special purpose funds. The responsible parties replied that they are unable to act

¹³³ Ž-LI-04-360/17 and Ž-LI-04-362/17

¹³⁴ Ž-LI-04-390/17

¹³⁵ Ž-BL-05-611/17

¹³⁶ Ž-BL-04-456/17, Ž-BL-04-499/17 and Ž-BL-04-585/17

pursuant to the Ombudsman's recommendation, the Ombudsman sent the letter to the „Elektrodistribucija“ Bihac which informed the Ombudsman that they asked the „Elektrodistribucija“ Bihac to explain the legal grounds for their actions in the mentioned case. The case is pending.

Example: A complainant¹³⁷ has designated a Subsidiary of the Mixed Holding Power Utility of the Republic of Srpska "Elektrokrajina" a.d. Banja Luka which initiated court proceedings for unpaid debts for delivered electricity as the responsible party in this case. As the complainant did not agree to pay off the debt amounting to BAM 3,606.56 in installments because her pension amount is 100.00 BAM, she was disconnected from the electro-distribution network. Her obligations for the period to which the statutory limitation does not apply are duly settled, and she thinks she should not have been disconnected from the network until the court proceedings are finished. The Ombudsman initiated the investigation after which the complainant informed it that on 20 November 2017 the electric power was re-connected and she has the electricity at home now.

All this suggests that apparently there are social problems in Bosnia and Herzegovina to which the authorities do not react in accordance with their obligations and the rights of the complainant.

Particularly concerns the case of the public companies which use their monopoly position (electricity and utility companies), resort to disconnection of households from the electric and water-distribution network due to non-payment of the bills, which is in contravention of Article 11 of the International Covenant on Economic, Social and Cultural Rights.

5.5. Utilities

The complaints filed by the Ombudsman relate to non-payment and denial of service provision by the utility companies, errors in utility bills, statute of limitation of utility bills etc. In the reporting period 99 complaints were filed.

Based on the received complaints it is obvious that the public companies resort to disconnection of households from the water-distribution network due to non-payment of the bills, which is in contravention of Article 11 of the International Covenant on Economic, Social and Cultural Rights. This behavior of the utility companies is not in line with Article 11 of the International Covenant on Economic and Social Rights, guaranteeing every individual the right to an appropriate standard of living and a constant improvement of their living standard. By disconnecting a household from the water supply network as a consequence of non-payment of utility services, these companies use coercion as a form of punishment. Instead of initiation of a lawsuit in the court, after sending a warning, utility companies disconnect households from the water supply network by which they send a message to the public that they are only interested in the collection of their claims, rather than being sensitive to the difficult situation of citizens and international human rights documents ratified by Bosnia and Herzegovina.

Utility related complaints the Ombudsman usually forwards to the Consumer Ombudsman with which it has established very good co-operation. However, since the access to potable water

¹³⁷ Ž-BL-04-627/17

constitutes one of the human rights guaranteed by the international standards, the Ombudsman handles these cases.

Example: In a case¹³⁸ the citizens of the social housing settlement „Bafo“ in Mostar complaint of the Public Company Vodovod d.o.o. Mostar, for extremely high water bills. A complainant points out that on 26 September 2017 water was disconnected for accumulated debts including the debts from the past years. One of the complainants is a social welfare beneficiary and has three children.

In their letter of 06 November 2017, Vodovod d.o.o. Mostar informs Ombudspersons that an agreement was reached with the inhabitants of the „Bafo“ settlement (33 families) on the method of payment of the outstanding debts. If the citizens honor their obligations, Vodovod will keep providing the water supply services, but in case of their failure to do so, the service will be disconnected.

Example: In a case¹³⁹ involving the Mixed Secondary School „Bužim,“ the local waterworks company „Tkomb“ Bužim disconnected water because the School did not have the funds to pay the bill. After the Ombudsman’s intervention the water supply was reinstated.

Example: In a case¹⁴⁰ it is alleged that the Company „Čistoća“ a.d. Banja Luka, does not collect waste in the Street Od Zmijanja Rajka, in which the majority of inhabitants are elderly, weak and disabled persons. The inhabitants have to carry the bags with waste for a kilometer until the closest garbage bin.

On 22 September 2017 Ombudspersons issued their recommendation no. P-225/17 by which they ask the mentioned Company to find the appropriate solution for waste collection in the Street Od Zmijanja Rajka in Banja Luka.

On 17 October 2017 the Company „Čistoća“ replied to the Ombudsman asserting that the mentioned issue did not fall within the mandate of the utility company. The Company carries out the services involving the collection and disposal of the communal waste, while the placement of the garbage bins was the responsibility of the Banja Luka Town Administration. The complainant lives in a street which is not accessible for the utility company vehicles. The Law on Public Services and Utilities does not define the distance from the place of residence and the garbage bin, so that the complainant should seek the solution for his problem in the Municipal Administration Utilities Department. The recommendation was not accepted.

On a positive side, it happens that the utility companies resolve the issue and rectify a human rights violation following the intervention of the Ombudsman.

Example: A complainant¹⁴¹ claims that the (“Waterworks and sewerage”) “Vodovod i kanalizacija“ d.o.o. Sarajevo persistently sends the bills for the period beyond legal limitation and has many errors in calculation.

After the investigation through which the allegations of the complaint were corroborated, Ombudspersons issued their recommendations no. P-45/17 which reads as follows: “The Company Vodovod i kanalizacija d.o.o. Sarajevo should state the reasons for change in price of

¹³⁸ Ž-MO-05-111/17 and Ž-MO-05-112/17

¹³⁹ Ž-SA-04-464/17

¹⁴⁰ Ž-BL-04-673/16

¹⁴¹ Ž-SA-05-111/16

water supply service and take the measures to review her request related to the statute of limitation of some receivables. In addition to that, the Company should review its calculation and inform the complainant and the Ombudsman on the results within 30 days from the date of the receipt of the Ombudsman's recommendation....“

On 29 March 2017 the Ombudsman received a reply informing it that the bills correction committee met and found that the objection of the complainant was justified and his debt was reduced for the amount of BAM 247.00, so that the remaining receivables of the Company were BAM 682.75. The complainant was informed of this change on 28 December 2016.“

Example: In a case no.: Ž-SA-05-835/17, which was opened *ex officio* after the media reports indicating the excessive use of force by the police officers of the Ministry of Interior of Central Bosnia Canton toward the inhabitants of the local community of Kruščica, the Municipality of Vitez, when they tried to prevent the commencement of the small electric power plant construction works. The contractor of the works, the Company Higrakon d.o.o. Sarajevo, obtained all necessary paperwork from the responsible authorities, but the inhabitants thought that the construction of the power plant endangers their potable water and destroys the environment, which the authorities disregarded during the decision-making process and following issuance of the necessary construction permit.

Ombudspersons asked the responsible authorities to provide it with the documentation as necessary and following the insight into it found that the law was observed in all aspects of the work and the Ombudsman will keep monitoring the situation.

5.6. Education

For the violation of the right to education, 29 complaints were received. Out of the total number of complaints received, 13 complaints relate to primary education, 12 complaints to the higher school (university) education and 4 complaints to secondary school education. One complaint relates to the inability to exercise in a sports club.

In the area of primary education, two (2) complaints were filed by parents due to poor quality of school teaching and one (1) complaint for frequent staff changes at school. Three (3) complaints relate to the unprofessional work of teachers, and four (4) complaints to the selection of teaching staff after the public competition. One (1) complaint was received in respect of the request of the parents to postpone the enrollment of the child to the school, based on the rights of adults in elementary education and another one in relation to dismissal of the school director.

After the Ombudsman's intervention, the responsible authorities took measures and actions in order to overcome the problems that had arisen.

In the area of the secondary education two (2) complaints relate to the enrollment of new students, one complaint (1) failure of the school authorities to issue final certificates due to disputes related to the name of the students' mother tongue and one complaint (1) for violation of the Rulebook on sitting the makeup examination.

In the case of Ž-BR-04-265 / 17, Ombudspersons issued a recommendation to the Ministry of Education, Science, Culture and Sports of Tuzla Canton, the Mixed Secondary School of Živinice, the Education, Science, Culture and Sport Inspection of Tuzla Canton and the Pedagogical Institute of Tuzla Canton: “To take, within the framework of your competences, legally prescribed measures to ensure the continuation of the education process for all students of

the Mixed Secondary School Živinice, respecting the principles of equal treatment and non-discrimination, in particular taking into account the best interests of the child," and "to ensure that the enrollment and teaching process in the Mixed Secondary School Živinice be carried out in accordance with domestic legislation and international standards for the protection of children's rights ... "

The complaints in the area of the higher education institutions relate to violations of right of advancement, defense of doctoral dissertation, misleading as to the obtaining of the ECTS credits after the university, reimbursement of tuition fee, violation of the Code of Ethics, etc.

Example: A complainant¹⁴² was denied the right to defend her doctoral thesis at the Faculty of Arts of the Sarajevo University due to the lack of establishment of a panel for the assessment of the suitability of the thesis. The Faculty of Arts in their letter dated 08 February 2017 informed the Ombudsman that „the Council of the Faculty of Arts of the Sarajevo University has drafted a decision to establish a Panel for the assessment of the doctoral thesis suitability, while the University Senate in their decision no. 01-7639/16 dated 30 November 2016 adopted its final decision on the appointment of the said Panel, and the incumbent was granted the right to continue her education and defend the doctoral thesis.“

Example: A complainant¹⁴³ who had finished the studies at the Mechanical Engineering Faculty of the University of Banja Luka and acquired the title of a mechanical engineer and a certificate that he had 210 ECTS points. In his complaint he claims that the responsible bodies of the Faculty during the whole course of the studies kept misleading him that the study program he had attended was licensed program earning 240 ECTS points. In several occasions he addressed the Mechanical Engineering Faculty as it could be seen from the receipts of service, but he had never received any answer.

After the investigation Ombudspersons found the allegations of the complaint were justified. Consequently, they issued their recommendation no. P-142/17 dated 04 July 2017 by which they invite the Ministry of Education and Culture of the Republika Srpska and the Mechanical Engineering Faculty in Banja Luka „to take all necessary measures and actions to find adequate solution for the status of these persons in accordance with the Ombudsman’s position and inform Ombudspersons within 60 on the activities taken and the time schedule for implementation of this recommendation.“

The Mechanical Engineering Faculty replied on 08 September 2017 pointing out that they initiated activities in order to find solutions for this issue and enable „the students who have finished 3,5 year studies to enroll to two-years long master studies (120 ECTS) where 30 ECTS earned during the first cycle would be recognized. Three students in the academic 2016/2017 used this opportunity. The mentioned students will also be enabled to finish the first-cycle studies in duration of 4 years (240 ECTS) having passed the exams granting 30 ECTS (30 ECTS earned during the undergraduate studies will be recognized). The students who have not finished their studies yet will be enabled to enroll to the studies following the model 3 plus 2, according to the decision of the Teachers Scientific Council of the Mechanical Engineering Faculty dated 04 May 2017.“

¹⁴² Ž-SA-04-988/15

¹⁴³ Ž-BL-04-771/16

Example: In a case¹⁴⁴, a mother of the High Musical School in Tuzla's student, which at the same time attends the Catholic School Center in Tuzla complained of the High Musical School in Tuzla and the Inspection of Education, Science, Culture and Sports in Tuzla Canton. A reason for lodging the complaint is the situation where her daughter was required to take a deferred exam due to the absence from school in a prolonged time period. This is in violation of the Rulebook on organization, the manner and the timing of sitting the supplemental, deferred and makeup exams (Official Gazette of Tuzla Canton no. 02/11). Namely, the Pedagogical Institute did not receive a list of students who are required to take a makeup exam, as well as a list of members of the Examination Panel within ten (10) days prior to the exam. The Tuzla Canton's Education, Science, Culture and Sports Inspections failed to take an appropriate action within the scope of its jurisdiction to remedy these irregularities, although the complainant informed them on the case.

After the Ombudsman's investigation it was established that the complaint had right, so that Ombudspersons contacted the inspection and asked for an explanation. On 18 July 2017 the complainant sent a letter to the Ombudsman saying that „the inspectors of the Inspection of Education, Science, Culture and Sports in Tuzla Canton have established the irregularities in conducting the deferred exams and cancelled them for that reason. My daughter re-sit the exam and passed two subjects and the third failed, so will sit a makeup exam”.

Example: A complainant¹⁴⁵ addressed the Ombudsman in respect of the certification of his diploma and accreditation of the University Slobomir iz Bijeljine, in order for him to continue his studies and enroll to the master studies at the Conservatory of Music in Trieste. After the investigation in which Ombudspersons established the human rights violations, they issued their recommendation¹⁴⁶ to the Agency for the Development of Higher Education and Quality Assurance of Bosnia and Herzegovina to adopt a decision on accreditation of the Slobomir University from Bijeljina in accordance with positive legislation and the findings from the Ombudsman's recommendation. On 25 September 2017, through a proxy, the Agency for the Development of Higher Education and Quality Assurance of Bosnia and Herzegovina replied that the recommendation of the Ombudsman is both „infeasible and unacceptable“ invoking the distribution of powers of the state and entity level authorities and positive legislation and internal by-laws governing the accreditation process.

Since the Agency for the Development of Higher Education and Quality Assurance of Bosnia and Herzegovina refuses to make a decision to accredit one of the universities in Bosnia and Herzegovina and enter it into the Register of Accredited Higher Education Institutions at the state level, as it refuses to act upon the recommendation of the Human Rights Ombudsman requesting the Agency to make a decision on accreditation in accordance with the positive regulations, which should be its core activity even without the intervention of any body, Ombudspersons notified the Council of Ministers of Bosnia and Herzegovina and the Parliamentary Assembly of Bosnia and Herzegovina of non-implementation of the recommendation requesting that this case of violations of citizens' rights be discussed at the next sessions and that measures be taken for the implementation of the Ombudsman's recommendation.

¹⁴⁴ no. Ž-BR-04-170/17

¹⁴⁵ Ž-BL-04-419/17

¹⁴⁶ P-200/17 dated 07 March 2017

In a case: Ž-BR-04-148/17 a complainant claims that she was a member of the Election Panel for the election of acting Dean of the Faculty of Philosophy of the University in Tuzla when an incident at the polling station took place. Namely, one of the teachers, having heard the name of one of his competitors for that post, in presence of the members of the Panel with whom he was in the room alone, said that everybody would learn who he was and that somebody denying genocide would not be elected a dean. The Panel made an official note and sent it to the Ethics Committee for processing. Meanwhile, the Panel members were invited to the acting Dean's office in an attempt to calm the situation and members of the Panel to change their statement. However, the Panel members were determined to process the case and the teacher who caused the incident be adequately sanctioned. After that the mentioned teacher gave his statement before the Ethics Committee, denying all the allegations of the Panel, and offending the complainant in the most brutal manner by putting her in context of war crimes. He wrote that his brother and his 27 closest relatives were killed in Srebrenica in July 1995, their house was burned down and all of them expelled from their home by her ethnic group members. The Ethics Committee found these words as an act with elements of criminal responsibility and therefore, due to the inability to propose stricter sanctions, they referred the case to the rector. The Rector did not do anything but returned the case to the Ethics Committee, which called on the teacher to apologize, although an apology was not prescribed by the Statute of the University of Tuzla as a measure of sanctioning behavior contrary to the University by-laws.

After its investigation, having in mind the right to the freedom of expression, Ombudspersons found the words of the mentioned teacher as inappropriate and concluded that the Teachers' Code of Ethics was violated, while neither the Ethics Committee, nor the Rector took the measures falling within their mandate in order to sanction such behavior.

Ombudspersons indicate that the management of the University of Tuzla is obligated to take activities and measures in order to ensure the legal functioning of the University and its parts, and protect the rights of its employees, which involves the establishment of an efficient system of the protection from discrimination, or the hate speech, in this particular case. In this respect Ombudspersons issued their recommendation no. P-183/17 dated 26 July 2017 asking the University Rector, the Dean of the Faculty of Philosophy in Tuzla and the Ethics Committee of the University in Tuzla to take measures to ensure that the University teachers, associates, scientists and researchers in their public appearances and communication restrain from the use of speech that may be offensive to any person or group of persons in Bosnia or Herzegovina or may become the hate speech and to ensure that the provisions of the Code of Ethics of the University of Tuzla are fully respected and take appropriate action in the event of their violation.

On 20 November 2017 the Ethics Committee informs Ombudspersons that "it considers that issuance of an oral warning to the teacher and his public apology for his actions and words suffice to put an end to this controversial situation."

5.7. Initiatives for the amendments to the economic, social and cultural rights

During the reporting period Ombudspersons have given five (5) initiatives for the legislative amendments:

Example¹⁴⁷: On 09 June 2017 Ombudspersons issued their initiative no. P-141/17 indicating to the Government of the Republika Srpska and the Government of the Federation of Bosnia and Herzegovina to the need to amend Of the Law on Civil Servants (Official Gazette of Republika Srpska, No. 118/08, 117/11, 37/12) the Law on Civil Service in the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina, no. 29/03, 23 / 04, 39/04, 54/04, 67/05, 8/06, 4/12). The initiative relates to the need for the Government of Republika Srpska and the Government of the Federation of Bosnia and Herzegovina to harmonize the provisions of its civil service law with the Civil Service Law in the institutions of Bosnia and Herzegovina so that the number of members of the Election Panel increases in favor of those nominated by the Agency for the civil service in relation to those who are appointed by the body to which the public competition applies.

In a letter no: 10.2-020-1649 / 17, dated 12 July 2017 the Government of Republika Srpska, the Ministry of Administration and Local Self-Government of Republika Srpska replied to this initiative asserting, among other things, that within the project "Simplification and improvement of employment in the civil service", which is being implemented at all four levels of government within Bosnia and Herzegovina, in the activities to be undertaken for amending the Law on Civil Servants, concerns and issues raised by the Ombudsman of Bosnia and Herzegovina will be taken into consideration.

The Government of the Federation of Bosnia and Herzegovina did not notify the Ombudsman of the mentioned initiative, not even after the reminder sent on 09 November 2017.

In a case¹⁴⁸: According to existing legal solutions in the Republika Srpska, it is foreseen that the persons who have worked part-time for less than 6 hours per day are not entitled to unemployment benefit. Since the persons engaged in part-time work, regardless to the length of time of their engagement, also paid contributions foreseen by the relevant legislation just like those permanently employed, and bearing in mind the fact that Article 34 of the Law on Mediation in Employment and the Unemployment Benefits¹⁴⁹ foresees that the funds for the payment of the mentioned unemployment benefits to be paid from the contributions paid by the employees, so the Ombudsman consider that the only correct solution would be to pay these persons the amount of compensation that would be proportional to the time spent in the workplace. In this regard, Ombudspersons issued recommendation number P-144/17 of 09 June 2017 recommending to the Ministry of Labor and Veterans' Affairs of the Republika Srpska to seek to "consider the possibility of proposing a new legal solution that would enable persons who worked less than six hours a day to exercise the right to unemployment benefit proportional to the time spent at work."

In a letter dated 10 July 2017 informs Ombudspersons that: „...Since the work programs of the Government and the National Assembly of Republika Srpska for the current year include the planned adoption of the Law on Amendments to the Mediation in Employment and the Unemployment Benefits, certain measures and steps have already been taken with the aim of more precise definition of legal provisions governing the entitlement to monetary benefits in order to explicitly provide for the entitlements of persons who worked part-time in the scope corresponding to time of their work engagement.“

¹⁴⁷ no. Ž-BL-05-414/17

¹⁴⁸ no. Ž-BL-04-212/17, P-144/17

¹⁴⁹ „Official Gazette of the Republika Srpska”, no.. 30/10, 102/12

In a case¹⁵⁰ which was opened *ex officio* because the provisions of Article 1 of the Law on Amendments to the Law on Default Interest (Official Gazette of the Federation of Bosnia and Herzegovina”, no. 101/16) resolves differently the receivables, that is, the rights of the employees arising from the employment compared to the other legal and physical persons where the amount of default interest to be paid on principal debt will be higher (applying the rate of 12% on a yearly basis) for them than those who have receivables based on the enforceable documents (court judgments and court settlements) and out-of-court settlements based on employment the default interest is to be paid applying the rate of 0.2% on a yearly basis.

The ombudsmen are of the opinion that this legal provision that pursues a legitimate aim (increasing the liquidity of the budget, public companies and business entities) is disproportionate and leads to interference in the right to property of persons exercising their rights arising from the employment. In addition, the above provision is discriminatory as it puts in an unequal position the persons claiming their rights based on employment compared to other natural and legal persons, given the large difference in the amount of default interest. Ombudspersons conclude that the imperative of the labor legislation is the payment of remuneration for work – wages, and that the legislator can not intervene in sense to treat the compensation for work and other labor related rights differently from all other benefits and claims.

On 27 February 2017 Ombudspersons referred to the House of Representatives and the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina an initiative „within 60 days from the receipt of this initiative to start the procedure for amending the Law on Amendments to the Law on Default Interest in order to delete the paragraph (3) of Article 2 which reads as follows:

Exceptionally from paragraph 1 of this Article to the amount of the principal debt determined pursuant to an enforceable instruments (court judgments and court settlements) and out-of-court settlements based on employment the default interest is to be paid applying the rate of 0.2% on a yearly basis.“

This initiative was not accepted.

In a case¹⁵¹ on 23 January 2017 Ombudspersons opened an *ex officio* investigation related to the possibility of use of adoption leave under the Law on Work in the Institutions of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no. 26/16, 7/05, 48/05, 60/10 and 32/13). Namely, the Labor Law of the Federation of Bosnia and Herzegovina, the Labor Law of the Republika Srpska and the Labor of the Brčko District of Bosnia and Herzegovina (Official Gazette of Brčko District of Bosnia and Herzegovina, No. 19/06 and 1/15), in the relevant part prescribe the right of the child's adoptive parent to apply provisions of the Law governing the right to birth leave. Unlike the above mentioned laws, the Law on Work in the Institutions of Bosnia and Herzegovina does not contain provisions regulating the use of the adoption leave.

The Ministry of Justice of Bosnia and Herzegovina informed Ombudspersons that by applying the articles of the law governing the closest family members and the relevant entity laws of the governing the family relations, and that, according to their interpretation there are no obstacles that the adoptive parents enjoy all rights as the parents of the child. The Ministry of Justice emphasizes that, taking into account the importance of this matter and the need for a clear

¹⁵⁰ no. Ž-SA-04-26/17

¹⁵¹ no. Ž-SA-04-51/17

definition of the rules applicable to each particular situation, the opinion of the Ombudsman will be understood as an initiative for amending the said law.

In a case¹⁵²: the complainant states that the Council of Ministers of Bosnia and Herzegovina, at its 56th session held on 27 May 2004, made a decision by which the categorization of employees was carried out in paragraph III on the basis of which it defined the duration of the annual leave of at least 25 days for managers, 20 working days for other civil servants and 18 working days for the staff members.

The complainant raises the following question: Why the basis for calculation of the annual leave is not defined equally for all the employees, irrespective of the position they are holding, and therefore whether discrimination against employees has been committed on the basis of such a scheme or the initial number of the annual leave days.

Ombudspersons have asked the Council of Ministers of Bosnia and Herzegovina to provide them with a decision on working hours in the Council of Ministers of Bosnia and Herzegovina, the ministries of Bosnia and Herzegovina and other bodies of the Council of Ministers of Bosnia and Herzegovina, with all amendments, if any, as well as a decision on conditions and manner of use the annual leave for civil servants and employees in the ministries and other administrative bodies of Bosnia and Herzegovina, services, bodies and institutions of the Council of Ministers of Bosnia and Herzegovina no. 05-34-357-10 / 04 of 27 May 2014, with all amendments, if any. In a letter of 07 November 2016 the Council of Ministers met the Ombudsman's request.

On 05 May 2017 Ombudspersons have issued their recommendation no. P-90/17 to the Council of Ministers to take measures with a view to amending the disputed provisions of the Law on Work in the Institutions of Bosnia and Herzegovina and decisions on terms and conditions on the use of annual leave for civil servants and employees in ministries and other administrative bodies of Bosnia and Herzegovina, services, bodies and institutions of the Council of Ministers of Bosnia and Herzegovina no.: 05-34-357-10/04 dated 27 May 2004.

In their letter dated 09 June 2017 the Council of Ministers of Bosnia and Herzegovina informed Ombudspersons that the Ministry of Justice is in charge to prepare the roadmap in the sense of an integrated approach to addressing this issue. In the above mentioned answer, it is further emphasized: "Since the differences in the application of these regulations can be established in part related to the legal minimum duration of annual leave, the Ministry of Justice of Bosnia and Herzegovina has initiated the procedure of amending the Law on Work in the Institutions of Bosnia and Herzegovina with the aim of harmonizing the conditions for the use of the annual leave for all employees in the institutions of Bosnia and Herzegovina to which the provisions of the Law on Work in the Institutions of Bosnia and Herzegovina apply, that is, the Law on Civil Service in the Institutions of Bosnia and Herzegovina, thus the application of the international standards for determination of minimum duration of paid annual leave. Regarding the amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina, the Ministry of Justice has also undertaken activities in drafting the amendments to the mentioned legislation, so the recommendations of the Ombudsman will certainly be taken into consideration in the course of this process."

¹⁵² no. Ž-SA-04-1040/16

VI. THE RIGHTS OF THE DETAINEES/PRISONERS

6.1. Establishment of the preventive mechanism in Bosnia and Herzegovina

Torture¹⁵³ 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 Optional Protocol to the United Nations General Assembly adopted in 2002, envisages that all States Parties establish national mechanisms for the prevention of torture.

In October 2008, Bosnia and Herzegovina ratified the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides for the establishment of a preventive mechanism to visit institutions in which persons deprived of their liberty with the aim of preventing torture and other cruel, inhuman or degrading punishments or proceedings¹⁵⁴. The Optional Protocol established a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁵⁵, which has the authority to visit all places for detention and to make recommendations to Member States regarding the protection of persons deprived of their liberty.

The aim of the preventive mechanism is to ensure that its continuous visits to the institutions where the persons deprived of liberty are accommodated prevent and discourage all the authorities and officials from torture and other cruel, inhuman or degrading punishments or treatment so that the preventive mechanism is obligated to continuously visit all the places where the persons deprived from their liberty are or can be (e.g. prisons, police stations, psychiatric hospitals, psychiatric departments in general hospitals, clinical centers, social welfare institutions, asylum seekers).

Irrespective of the importance of the establishment of the NPM, and the facts that domestic authorities in Bosnia and Herzegovina employed some efforts, and took measures and activities for the NPM establishment the NPM has not been established yet.

Namely, in 2017, just like in previous years, the amendments to the Law on Human Rights Ombudsman of Bosnia and Herzegovina which foresee the establishment of a preventive mechanism within the Ombudsman Institution were not adopted, although the proposed amendments to the Act were adopted by the Council of Ministers of Bosnia and Herzegovina and adopted in the first reading by the Constitutional Law Committee of the House of Representatives, and the Constitutional Law Committee of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina.

¹⁵³ Article 1 of the Convention against Torture or other Cruel Inhuman or Degrading Treatment or Punishment

¹⁵⁴ Optional Protocol, Article 3

¹⁵⁵ Optional Protocol, Article 2 paragraph 1

6.2. Monitoring the rights of prisoners/detainees

Processing the individual complaints of the prisoners/detainees is one of the most important forms of human rights protection. Statistical data in 2017 show that 135 complaints were received in the Department for the protection of the rights of detainees/prisoners, which represents a decrease of 19.6% compared to the previous year. Ombudspersons point out that certain cases were resolved positively prior to the issuance of the recommendations, so that the correctional facilities corrected their actions after the oral or after the first written address of the Ombudsman. As in previous years, the complaints related to the dissatisfaction with the quality of the health care provided, the use of benefits outside the establishments, the conditions of accommodation and treatment, the inappropriate behavior of civil servants or other inmates, the inability to obtain a work engagement. A certain number of complaints lodged by convicted persons (as in previous years) were related to the contents/merits of final and binding court decisions, which cannot be reviewed by Ombudspersons about which they inform the complainants either in writing or orally as it will be illustrated in examples.

Criminal sanctions execution system is particularly complex in Bosnia and Herzegovina, as the positive legislation governing this field, in accordance with the constitutional structure of Bosnia and Herzegovina, is spread out over three levels of government. Namely, 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 Bosnia and Herzegovina, the Federal Ministry of Justice, Ministry of Justice of Republika Srpska and the Judicial Commission of Brčko District of Bosnia and Herzegovina. This system including four legislative acts governing the criminal sanctions execution¹⁵⁶, is resulting in the existence of different legal norms governing the same area (same issue) in different ways, which leads to its different implementation. This situation leads to the unequal treatment of the convicted persons, depending on the prison establishment, or the entity in which they serve their sentence. Ombudspersons also note the fact that different rules contained in different rulebooks and other by-laws are applied to persons deprived from liberty, which also contributes to their unequal treatment. It depends on the court which pronounced the sentence, for instance, whether it is the court of the entities or the Court of Bosnia and Herzegovina.

The Department for the Protection of the Rights of Detainees/Prisoners through the visits to persons deprived of their liberty examines how they are treated in order to increase the protection of these persons against torture. During the reporting period, as part of regular activities, the Department for the Protection of Detainees and Prisoners, on the basis of the complaints of convicted persons, visited the following institutions for the execution of criminal sanctions: Zenica Prison (two times), Foča Prison, Trebinje Prison, Bijeljina Prison, Mostar Prison, Bihać Prison, Tuzla Prison, Sarajevo Prison, Orašje Prison, Banja Luka Prison and Dobojo Prison. During these visits, representatives of the Ombudsman Institution went unannounced, solely at the request of the convicted persons, to examine their allegations expressed in their complaints, in accordance with the established practice of the Ombudsman.

¹⁵⁶ Law of Bosnia and Herzegovina on Execution of Criminal Sanctions, Detention and Other Measures, Official Gazette of Bosnia and Herzegovina”, no. 22/16, Law on Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina, Official Gazette in the Federation of Bosnia and Herzegovina, no. 44/98, 42/99, 12/09 and 42/11, Law on Execution of Criminal Sanctions in Republika Srpska, Official Gazette of Republika Srpska no. 2/10, 98/13 and 44/16 and Law on Execution of Criminal Sanctions in Brčko District of Bosnia and Herzegovina, Official Gazette of Brčko District of Bosnia and Herzegovina no. 31/11.

6.2.1. Health care

Judging by the number and content of complaints lodged with the Ombudsman by prisoners in respect of the quality of health care provided within the prison system, it is still a very important issue. When a state deprives citizens of their freedom, it assumes the responsibility their health in terms of the overall conditions in which they are serving prison sentences, including the provision of health care, measures and activities for the provision of quality health care equal to that provided to persons covered by compulsory health insurance. In no case should the prisoners after the served sentence suffer from poor health due to the imprisonment conditions and inadequate quality of the provided health care. Hence, the quality of health care provided to persons deprived of liberty must be the same as that provided to insured persons at liberty. However, most of the problems that the Ombudsman emphasized in recent years are still present, which significantly impede the provision of a satisfactory and good quality health care to persons deprived of their liberty.

Namely, the health care provision system has not been established in the institutions for the execution of criminal sanctions in Bosnia and Herzegovina in full capacity as foreseen by the European Prison Rules, Part III related to health care. This particularly relates to the fact that no prison facility has at least one qualified general medical practitioner in prison according to the provisions of Item 41.1 of the European Prison Rules¹⁵⁷, but they instead use the possibility provided by Item 41.3 of these Rules¹⁵⁸, that is, they engage a part-time medical practitioner who visits the facilities. Such a medical practitioner is usually hired based on a service contract and s/he is obliged to be available and regularly visit the establishment. In addition, every prison shall have personnel suitably trained in health care.

Although the case-law of the ECHR provides that it is necessary to provide the health care and medical treatment appropriate to the established diagnosis, instead of just carrying out the medical examinations and define the diagnosis, the quality of health care in the prison system in Bosnia and Herzegovina is still regarded from the aspect of the number of examinations carried out. By analyzing these data, the Ombudsman estimates whether the healthcare service is sufficiently accessible to this category of people, irrespective of the fact that these data do not necessarily reflect the real quality of health care. This issue can partially be ascribed to inadequate number of healthcare workers, both those employed and those engaged under the service contract.

According to the data obtained from the Ministry of Justice of Republika Srpska the following prison establishments have a permanently employed doctor: Banja Luka Prison, Foča Prison and Istočno Sarajevo Prison, while the prisons in Doboј, Trebinje and Bijeljina do not have any.

The Federal Ministry of Justice informed the Ombudsman that only prisons in Zenica and Tuzla have permanently engaged doctor within the facility, while the prisons in Bihać, Mostar, Sarajevo, Orašje and Busovača do not have any. Ombudspersons think that it is necessary to make a comprehensive analysis of the situation in the area of health care in the institutions for the execution of criminal sanctions.

¹⁵⁷ European Prison Rules, Part III governing the Health Care, Item 41.1 foresee that „Every prison shall have the services of at least one qualified general medical practitioner.“

¹⁵⁸ European Prison Rules, Part III governing the Health Care, Item 41.3 foresee that: „Where prisons do not have a full-time medical practitioner, a part-time medical practitioner shall visit regularly.“

Example: A complainant¹⁵⁹ needed the treatment which was not possible in the prison for the nature of his disease, thus Ombudspersons recommended the management of Zenica Prison to enable his transfer to a specialist clinic. This recommendation was implemented.

Example: A complainant¹⁶⁰ serving his prison sentence in Mostar Prison at the time of the Ombudsman's visit was brought from solitary confinement because he was disciplined for taking two Apaurin pills. Investigating his complaint the Ombudsman found that a neuro-psychiatrist treating the complainant would not allow the use of any other pharmacotherapy to those receiving the substitute methadone therapy. Since the actions of the prison staff were in line with the instructions of the doctor specialist, Ombudspersons did not find a violation of human rights in this particular case.

Recommendation to the Ministry of Justice of Bosnia and Herzegovina, the Ministry of Justice of the Federation of Bosnia and Herzegovina and the Ministry of Justice of Republika Srpska to:

- **in accordance with the European Prison Rules, establish health policy in the institutions for the execution of criminal sanctions and ensure the material and technical conditions for its implementation;**
- **organize training programs to familiarize persons deprived form their liberty with dangers and ways of contracting a disease including the ways of transmitting the contagious diseases to enable them to take preventive actions.**

6.2.2. Conditions of accommodation

As overcrowding was one of the biggest problems facing the prison system for many years, Ombudspersons consider positive and encouraging the fact that in Bosnia and Herzegovina's institutions for the execution of criminal sanctions in 2016 and 2017 there were more places available than persons deprived of their liberty. A sufficient number of available places is certainly the result of the considerable amount of funds allocated for the adaptation of the existing prison establishments (prisons in Banja Luka, Doboje and Kula) and the construction of new capacities (the State Prison, Zenica Prison's IX Pavilion and Orašje Prison).

Ombudspersons emphasize that the conditions of accommodation in penal institutions today do not only include the size of the room in which the convicted person is staying but also other aspects such as the volume of air, lighting, ventilation, as well as contact with the family especially children.¹⁶¹ In this regard, it is important to point out the need to adjust the spaces in which the persons serving the prison sentences receive visits of their children, and the Ombudsmen reminded all institutions for the execution of criminal sanctions on the importance of achieving this standard.

¹⁵⁹ Ž-SA-07-909/16, P-34/17

¹⁶⁰ Ž-SA-07-1087/17

¹⁶¹ The organization of the children's corner in Bijeljina Prison was recognized by Ombudspersons as an expression of a high level of sensibility of the competent bodies for the needs of persons who are serving prison sentence.

6.2.3 Work

Living in a confined space involving limited movement and the absence of regular activities has negative impact to behavior and psychophysical condition of persons serving prison sentence. Work activities are needed for realization of a complete treatment program in the closed-type facilities. In relation to the work and other activities of the convicted persons, it is believed that the opportunities for occupational therapy are fewer than needs. A small number of convicted persons are mainly engaged in work in the boiler room, laundry, in the kitchen, carrying the packages, maintaining the cleanliness of the facility and the prison area, and a negligible number of convicted persons working in the economies.

In this regard, Ombudspersons indicate that additional efforts should be taken in order to improve work engagement of persons serving their sentence in all prisons in Bosnia and Herzegovina in line with obligations assumed under the European Prison Rules, Part VII – work by sentenced prisoners¹⁶² as a contribute to realization of a complete treatment program and re-socialization of these persons. Ombudspersons are aware of the fact that management of correctional facilities faces many difficulties in meeting this obligation, but they cannot accept the lack of initiative to explore and implement the available options.

Ombudspersons point to the importance of the existence of prison farms within the institutions for the execution of criminal sanctions. Also, as an example of good practice, they mention the Tourist Recreation Complex "Brioni", owned by the Foča Prison's Economic Unit "Drina", which significantly contributes to the greater degree of engagement of convicted persons.

Example: A complainant¹⁶³ claims that he has no problem with prison officials and security service, but, since he serves a long-time sentence, he would like to have work engagement. He had learnt that an inmate who was in charge of playing the music during was released and wanted to take his place. However, after the discussion with the prison authorities Ombudspersons understood that this would not be possible for safety reasons since that position is located next to the exit door of the prison building, and this particular convict has 8 more years to serve, and had already tried to escape.

Recommendation: To all prison establishments in Bosnia and Herzegovina to enhance to work engagement of persons serving the prison sentence according to their best abilities and circumstances.

6.2.4. Use of privileges out of the establishments

In 2017, as in the previous years, Ombudspersons processed complaints of convicted persons about their dissatisfaction by procedures involving the approval and use of privileges outside the prison establishments. In this respect, it should be said that these privileges are to be earned by good behavior and exemplary conduct, and not the right of the prisoners, which must be observed. On the other hand, the use of privileges outside the prison depend on opinion of the competent police station and social welfare authorities.

¹⁶² European Prison Rules, Part VII – work by sentenced prisoners, 105.10 „A systematic program of works shall seek to contribute to meeting the objective of the regime for convicted prisoners.“

¹⁶³ Ž-SA-07-885/17

Most of complaints in this area related to practical solutions applied in the process of approval of the use of these privileges. In their complaints lodged with the Ombudsman, convicted persons claim that police officers are not objective enough, and do not conduct sufficient field investigations, but give a negative opinion automatically.

Example: A complainant¹⁶⁴ is a convicted person serving his prison sentence in the Doboj Prison and in his complaint expresses his dissatisfaction with the actions of the Police Station Tešanj, which gave negative opinion for the third time upon his request to be granted the mentioned privileges. Having summarized the facts of the case, Ombudspersons issued their recommendation to the Police Station Tešanj¹⁶⁵ in which they emphasize the importance of the use of privileges out of the establishments for re-socialization of the convicted persons which presupposes the responsibility and obligation of the police bodies, while carrying out the security checks to take into consideration the overall situation in the field and establish all relevant facts in order to form a merits-based opinion, which would serve as a good basis for the prison authorities to make a decision to approve or not the use of privileges out of the prison establishments. In their reply¹⁶⁶ the prison authorities asserted that measures and actions in line with the recommendation of the Ombudsman were taken.

Example: A complainant¹⁶⁷ emphasizes that the Third Police Administration Sarajevo, after the field checks, has given a negative opinion upon his request for the use of privileges out of the prison establishment. He points out that he never had an insight into the opinion of that Police Administration, nor did he was given any clear reasons for which he could not use the privileges. After the investigation procedure was carried out, the complaint was assessed as ill-founded. Namely, in accordance with the judgment of the Cantonal Court in Sarajevo, the complainant was sentenced to imprisonment for the criminal offense of rape, and for nature of this offence the police officers were not able to assess the risk to which the convicted person could be exposed on the ground, i.e. the degree of the danger of revenge against the convicted person when using the privileges by the injured party's family. It is also noted that even citizens in his domestic environment did not want to comment on the use of the privileges out of the prison of the convicted person for security reasons as he is a problematic person.

Example: A complainant¹⁶⁸ claims that police officers of the Police Administration Gradačac failed to seek the opinion of his children and parents regarding his use of privileges out of the prison establishment. Attached to the complaint is a petition signed by the community members proving that they have no objection to his use of the mentioned privileges, the household size certificate, the excerpt from the criminal record, copies of the ID cards of his daughters and their statements that they agree to his use of privileges and the DVD - CD record on the damage made to his house in 2017. In order to establish the veracity of the claims of the complaint Ombudspersons asked the competent Police Administration to plead. Since no reliable conclusion could be drawn from the submitted statement, the Ombudsmen considered that, in the specific case, the officials of Gradačac Police Station when giving their opinion on the use of the

¹⁶⁴ Ž-BL-05-68/17

¹⁶⁵ P-80/17 dated 30 March 2017

¹⁶⁶ A document issued by the Police Station Tešanj no.: 08-04/12-1-04-2-7382/17 dated 09 June 2017

¹⁶⁷ Ž-SA-07-192/17

¹⁶⁸ Ž-SA-07-1048/17

privileged by the convicted person should appreciate the objective circumstances more. They also highlighted the importance of the use of privileges out of the establishments for re-socialization of the convicted persons.

Example: A complainant¹⁶⁹ claims that the Police Administration Zenica refused to give positive opinion on his request for the use of privileges out of the prison establishment although in his case there is no injured party since he was convicted for tax evasion, and is an exemplary prisoner classified into the group „A,“ and works in the prison restaurant. He also emphasizes that he has already served a part of his sentence as defined by law as a prerequisite to apply for the use of privileges out of the prison. The Police Administration Zenica claimed that the complainant very often changes his place of residence, but the Ombudsman found that every change of the place of residence was duly registered within the responsible authorities and therefore recommended to the Police Administration Zenica to revisit this application for the use of privileges out of the prison, having in mind all the circumstances including the statement of the complainant’s brother who confirmed that he had agreed for his brother to stay in his house during his visit.

Recommendation was issued by Ombudspersons to the police bodies as follows:

- **while carrying out the security checks to take into consideration the overall situation in the field and establish all relevant facts in order to form a merits-based opinion, which would serve as a good basis for the prison authorities to make a decision to approve or not the use of privileges out of the prison establishment**

6.2.5. Transfer

In accordance with the European Prison Rules¹⁷⁰ 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 affect their social rehabilitation. In this context transfer relates to the transfer of prisoners from a collective to another within the same prison establishment or from a prison to another within the same entity, as well as transfer from a prison to another in the other entity.

Transfer of sentenced persons is a complex issue in Bosnia and Herzegovina, especially since legislation in this area is not harmonized, that is, this benefit is not prescribed on equal grounds, especially in the part relating to the transfer of convicted persons from an institution in one entity to the institution in another entity and this situation is made even more complex after some *ad hoc*, non-harmonized and non-coordinated legislative interventions in this issue.

When discussing this issue, one must mention an objective limiting factor for transfer, and this is the type of prison, namely a prisoner from closed-type establishment cannot be transferred to a semi-open prison. Ombudspersons think that legal gaps and lack of clarity in respect of transfer of prisoners from a prison to another in the other entity go to the detriment of the prisoners who have residence of the place of abode in the other entity, since they lose contact with their

¹⁶⁹ Ž-SA-140/16 P - 33/17

¹⁷⁰ European Prison Rules, Part II- Allocation and accommodation, 17.1. „Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation” 17.2. „Allocation shall also take into account the requirement for continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners.” 17.3. „As far as possible, prisoners shall be consulted about their initial allocation and any subsequent transfer from one prison to another.”

families, in particular having in mind the difficult economic situation prevailing in the country. Eventually this situation results in aggravated rehabilitation of prisoners which takes wrong direction in such situation. For this reason and in order to secure more consistency in law implementation, based on a complaint filed within the Ombudsman¹⁷¹, on 07 March 2016 Ombudspersons addressed the Parliament of the Federation of Bosnia and Herzegovina, the Federal Ministry of Justice and the Ministry of Justice of Republika Srpska with an initiative to amendments of the Law on Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina¹⁷² and the Law on Criminal Sanctions Execution in the Republika Srpska¹⁷³ as described in detail in the previous annual report. Unfortunately, Ombudspersons state that no progress was made despite many urgencies and interventions in this case¹⁷⁴.

Example: A complainant¹⁷⁵ claims that he spent a lot of time in Pavilion VI and would like to be transferred to the collective now since the concerns related to his safety seized to exist. Ombudspersons were soon informed that this prisoner was transferred to the outer pavilion, which is a collective of exemplary prisoners since the most of his sentence has already passed.

Example: A complainant¹⁷⁶ addressed the Ministry of Justice of the Federation of Bosnia and Herzegovina asking to be transferred from the Zenica Prison to Mostar Prison where he has the place of residence in order to facilitate his family visits. After the Ombudsman's intervention the prisoner was transferred.

Example: In the reporting period the Ombudsman registered two complaints¹⁷⁷ of the prisoners serving the sentence in Tuzla Prison. The complaints point out their dissatisfaction with the actions of the Republika Srpska Ministry of Justice and the Federal Ministry of Justice. Namely, the complainants were convicted under the final judgments of regional courts in Republika Srpska, but were referred to serve the sentence in Tuzla Prison, as they resided in the Federation of Bosnia and Herzegovina. Once they became entitled to conditional release by law, in consultation with the officials the Tuzla Prison, they appealed to the Federal Ministry of Justice to be granted conditional release. In response, the Federal Ministry of Justice informed the complainants that it does not have jurisdiction in respect of the treatment of persons convicted by the Republika Srpska court. In consultation with the Prison management they addressed the Ministry of Justice of the Republika Srpska, which replied saying that the Law on Execution of Criminal Sanctions in Republika Srpska¹⁷⁸ did not contain a provision concerning decision-making on a request or upon a proposal of the prison establishment management related to the conditional release of convicted persons serving their sentence in penal institutions in the Federation of Bosnia and Herzegovina, while the prison sentences were pronounced by the courts of Republika Srpska.

Ombudspersons pointed out that in the present case the laws and by-laws are interpreted to the detriment of the convicted persons since they are neither allowed to serve a sentence in the

¹⁷¹ Ž-BL-07-107/16

¹⁷² Official Gazette of the Federation of Bosnia and Herzegovina no. 44/98, 42/99, 12/09 and 42/11

¹⁷³ Official Gazette of Republika Srpska no. 12/10, 117/11 and 98/13

¹⁷⁴ Case no. Ž-BL-07-796/17 Initiative for amending the Law on the Criminal Sanctions Execution in the Federation of Bosnia and Herzegovina

¹⁷⁵ Ž-SA-07-901/16

¹⁷⁶ Ž-SA 07-1087/17

¹⁷⁷ Ž-SA-07-1247/16 i 357/17; P-102/17

¹⁷⁸ Official Gazette of the Republika Srpska no. 12/10, 117/11, 98/13, 44/16

Republika Srpska in which case, according to the current interpretation of the Republika Srpska Ministry of Justice, it would have the jurisdiction and be competent to decide on their request for conditional release, nor does it allow, now that they serve their sentence in the Federation of Bosnia and Herzegovina, the Ministry of Justice of the Federation of Bosnia and Herzegovina to be in charge of all the issues related to their sentence, including the conditional release. In the course of processing this case, Ombudspersons informed the Republika Srpska Ministry of Justice on allegations of the convicted persons, asking them to comment and to list the measures and activities that they intend to take in connection with the decision on the conditional release of the complainants.

In reply of the Ministry it is said, among other things, that "the Ministry of Justice of the Republika Srpska has been informed of the recent problem of conditional release of convicted persons serving imprisonment in the penal institutions of the Federation of Bosnia and Herzegovina while their sentence was pronounced by the court in Republika Srpska. The Conditional Release Commission acts and decides in accordance with the provisions of the Criminal Code of Republika Srpska, the provisions of the Law on Execution of Criminal Sanctions of Republika Srpska and the Rules of Procedure of the Commission for Conditional Release. The Rules of Procedure of the Commission for Conditional Release stipulate that the Commission will resolve upon the request of convicted persons as well as on the proposal of the head of the institution for convicted persons serving prison sentences in Republika Srpska's correctional facilities and so far nobody addressed this authority in respect of the disputed issue. With regards to the situation that has emerged recently, as a transitional solution before the final solution of this issue is found, at the first forthcoming session of the Conditional Release Commission, the above mentioned issues and individual cases received will be decided upon in order for the convicted persons to be able to exercise their human rights."

Ombudspersons considered that in this particular case the convicted person was completely deprived of the right to have their request for conditional release decided upon. Namely, Ombudspersons support any form of cooperation, agreement and communication between the entity ministries of justice, and any form of harmonization of entity legislative regulations with the aim of mutual protection of the rights of convicted persons of both entities. However, in this case, convicted persons will not benefit of any agreement or negotiations on amendments to the legal regulations, given the lengthy parliamentary procedures related to possible amendments to the law. Ombudsmen think that it unacceptable that entities authorities simply ignore the right of the convicted person to have their application for conditional release decided upon, since the entity authorities are obliged to make timely decision on the complainant's request just as the complaints; of all other convicted persons and to protect them from any form discrimination. The ombudsmen pointed out that the prisoners are currently *fully discriminated against in relation to the other convicted persons, only because they have the residence in one of the entity of Bosnia and Herzegovina while were convicted in the other entity thus being unconstitutionally stripped from their rights related to the for conditional release.*

Ombudspersons encourage the Republika Srpska Ministry of Justice to resolve this case on the basis of non-discriminatory interpretation of the legal regulations and decide on the request of the convicted persons and that the Federal Ministry of Justice will continue to follow this example and submit an initiative to delete or amend the discriminatory provision of the Law on Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina.

Ombudspersons have issued a recommendation¹⁷⁹ to the Ministry of Justice of the Republika Srpska and to the Ministry of Justice of the Federation of Bosnia and Herzegovina on the issue: *"to take all the measures within its competence necessary for the swift and effective decision-making on the application for conditional release of the convicted persons in penal institutions in the Federation of Bosnia and Herzegovina, while being sentenced by the court in Republika Srpska."*

6.2.6. Contact with the outside world

The Ombudsmen during the visit to the penitentiary institutions found that prisoners were allowed to communicate verbally, by letters or telephone with their families, other persons and representatives of outside organizations and these persons were allowed to visit prisoners. These forms of communication and visits may be subject to the restrictions and monitoring necessary for the purpose of criminal investigation, maintenance of order and security, the prevention of the commission of criminal offenses and the protection of victims of criminal offenses, with such restrictions, including specific restrictions imposed by the judicial authority, however, provide an acceptable minimum level of contact. Ombudspersons point out that the communication of convicted persons (written, oral or telephone) with the Ombudspersons must not be subject to any restrictions or supervision as prescribed by Article 20 of the Law on Ombudsman for Human Rights of Bosnia and Herzegovina: "The transcript addressed to the Ombudsman or the Institution from the places where persons are in custody, in which they are imprisoned or deprived of their liberty cannot be subjected to any censorship or may be opened. Interviews between the Ombudsman and persons delegated by the Ombudsman can never be supervised or interfered in."

The Ombudspersons in present Report find that the recommendation addressed to the penitentiary institutions in the Republika Srpska in previous reports, referring to the need to ensure the secrecy of written consignments, is only respected by the Penitentiary Institution Banja Luka, and not by other institutions in this entity. In this regard, the Ombudspersons reiterate that the delivery of written consignments in open envelopes and with an accompanying letter to the institution that contains already certain details of the convicted person (personal and about the work he has done) is an example of the persisting ignoring the Ombudsman's recommendation and violating the rights of convicted persons.

This year, the Ombudsmen again praise the positive practices of the Dobož Penitentiary Institute, which continued in 2017. Namely, the educators of this institution, at the request of convicted persons, and if they estimate that there is a need, provide direct telephone contact with the Ombudsman Institution. In this way, convicted persons receive the necessary legal advice in the short term, and if there are elements for acting, Ombudsmen can take these actions without delay. The directorates of the penitentiary institutions Mostar, Zenica and Busovača have taken this positive practice, while this is not the case with other correctional institutions in Bosnia and Herzegovina.

Example: The complainant¹⁸⁰ contacted the Ombudsman by telephone, arguing that he was dissatisfied with the attitude of the prison staff to which he did not approve, among other things, the departure accompanied by the guard on the grave of his father and his mother to light the

¹⁷⁹ P-102/17

¹⁸⁰ Ž-SA-07-1087/17

candle. On complaint, the Ombudsmen requested a written statement on the allegations of the complaint. From the answer, among other things, it follows that the convict is currently serving a sentence for the crime of murder in an attempt. He was transferred from the Zenica Penitentiary. The prisoner has a serious conflict with two brothers and there is no contact between them. Because of this, he is not allowed visits during the holidays of All Holy and Soul Days. It is stated in the course that the social worker interviewed the neighbors of his prisoner, who said that they did not recommend any visit to the prisoner as this situation lasts and this kind of relationship between the brothers is such. Therefore, he was not granted a home visit during the holidays of All Saints. Ombudspersons in this case could not determine violation of rights.

6.2.7. Religious needs

Ombudspersons note that penitentiary institutions have provided religious services to prisoners and detainees. The question of the engagement of religious officials in order to satisfy the religious needs of convicted persons is regulated by different principles: in some institutions, these services of religious officials are paid and contracts are concluded while in others they perform them free of charge.

6.2.8. Nutrition

All penitentiary institutions in Bosnia and Herzegovina should provide prisoners with a diet appropriate to their age, health, physical condition, religion, culture and the nature of the work they perform. Regarding the quality of food and hygiene conditions in which it is prepared and served, only a small number of prisoners complained about the quality and quantity of food, while some prisoners complained that they were not provided with dietary food. The verification of the complaint alleges that most professional staff in the kitchen is engaged in all the institutions, and some institutions, such as the BPK Bijeljina, Busovača, Bihać and Zenica, have the possibility to use their own products obtained by self-production organized within the working engagement of convicts.

6.3. Staff

The ombudsmen with concern note that in all institutions for the enforcement of criminal sanctions there is a problem of lack of staff in relation to the number of convicted persons. Particularly worrying is the situation in the field of transitional care and treatment, which calls into question the goal that is to be achieved by the execution of the criminal sanction. This situation is also contributed by the situation that people have retired or left within the internal redeployment from the institution, and new employees have not been admitted to their place.

Recommendation to the Ministry of Justice of the Republika Srpska and the Ministry of Justice of the Federation of Bosnia and Herzegovina to:

- solve or at least mitigate the problem of insufficient number of employees in penitentiary institutions in Bosnia and Herzegovina, especially prison police officers.

6.4. Visit to the Immigration Center in East Sarajevo and the Asylum Center in Delijaš

Human Rights Ombudsmen¹⁸¹ visited the Immigration Center in East Sarajevo and the Asylum Center in Delijaš.

During the visit, they interviewed members of the Management Board, with particular attention to the state of human rights, the availability of centers' capacities, the number of employees, health care and the problems they face.

The Administration of the Immigration Center in East Sarajevo pointed out that the center is currently not facing major problems, while at the Delijaš Asylum Center; there are currently more asylum seekers in relation to accommodation capacities.

¹⁸¹ Prof. dr. Ljubinko Mitrović and Nives Jukić, on 19.12.2017.

VII. CHILDREN'S RIGHTS

During 2017, the Department for the Monitoring of Children's Rights received 172 complaints, and the Ombudsmen issued 13 recommendations. Citizens (parents¹⁸²) who were generally dissatisfied with the work of centers for social work, courts, prosecutors' offices, schools, but also other competent administrative bodies (e.g. inspection bodies). Taking into account the best interests of the child in each particular case, Ombudsmen, if necessary, include other bodies in the research process.¹⁸³ The recommendations were most often addressed to the above mentioned authorities, but often, the Ombudspersons in their recommendations invite parents of children to responsibility and cooperation.

In connection with the individual decisions of the competent bodies, Ombudsmen present a review of significant cases and perceived violations or violations of rights.

We particularly emphasize the importance of the activities of persons working with children and for them, and the Ombudspersons point out that they are involved in the preparation of the Guidelines for determining the best interests of the child in Bosnia and Herzegovina.¹⁸⁴

7.1. Violence against children

This year, too, Ombudsmen had parents' complaints¹⁸⁵ that their children are victims of peer violence. The Ombudsmen, on the occasion of this Report, indicate to the competent authorities, at all levels of government, the problem of the lack of coordinated and systemic action in cases of peer violence, which certainly results in a lack of systemic prevention and protection measures. It is clear that it is necessary to establish clear, defined rules of conduct in schools, to strengthen the role of psychologists and social workers, to introduce preventive measures, to encourage reporting on peer violence among children and school workers, to design and implement continuous courses on peer violence for all involved working with children.

Example: Ombudsmen issued a recommendation in one case¹⁸⁶ due to peer violence, with the aim of the school taking measures and activities aimed at preventing violence among pupils. It should be noted that there are complaints¹⁸⁷ the parents of both students, peers in the peer violence.

Example: Acting on a mother's complaint to the prosecution's work,¹⁸⁸ Ombudspersons have undoubtedly established that they are very much concerned with the rights of the child. The competent authorities (the police, the court, the prosecutor's office and the Center for Social

¹⁸² Ombudsmen are not addressed by the children.

¹⁸³ In addition to the bodies to which the complaint relates exclusively to, for example, competent inspections, pedagogical institutes or other control/supervisory authorities.

¹⁸⁴ This is the initiative and project of the Network of NGOs "Stronger voice for children", which is supported by UNICEF in Bosnia and Herzegovina and the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.

¹⁸⁵ This is a small number of cases, since the establishment of the Department for the Monitoring of Children's Rights (2009), every year the Ombudsman receives up to 20 complaints/cases related to peer violence, and in most cases they occur in larger cities (urban areas).

¹⁸⁶ Complaint No: Ž-SA-01-349/17, Recommendation No:j P-198/17 of 30.08.2017.

¹⁸⁷ Ž-SA-01-1224/16 i Ž-SA-01-349/17

¹⁸⁸ Ž-SA-05-1294/16

Work) found that the child was a victim of psychological and physical violence and was adequately and effectively acting in the best interest of the child. The child was a victim of domestic violence by the step-father and thanks to the prompt reaction of the competent prosecutor's office, with the coordination and assistance of other competent authorities, the child is excluded from the family (from mother and step-father), and the child's father is immediately called to take care and care of the child. Ombudsmen closed the case and concluded that the prosecution did not endanger or violate the rights of the mother, as a parent.

Example: Ombudsmen received a grandmother's application¹⁸⁹ that her minor granddaughter, who lives with her mother and stepfather, suffers physical and psychological violence on a daily basis. In addition, she was forced to begging. A social work center was immediately notified about it, which carried out a comprehensive analysis. Unlike in the previous case, it was found that the child was not a victim of violence or economic exploitation, that is, the allegations were not factual.

Example: Following the complaint¹⁹⁰ of peer violence, the Ombudsmen found that there was a quarrel between the two students at the school. Upon returning home, the children continued the quarrel. At one point, one child stated that he would be killed, i.e. thrown under the car, which was confirmed by other children who were nearby. The school quickly responded appropriately, that is, individual and group interviews with students were followed by school psychologists, pedagogues, social workers and directors, and the child who threatened to kill confirmed that they had wanted to kill themselves, while attending another school. The school also met the police, interviewed parents of children - actors in case of peer violence, which turned out to be the best companion. The meeting was attended by representatives of all relevant bodies (education, interior, social protection), as well as representatives of parents' councils, school representatives, professional staff and school director. After the meeting, concrete activities were agreed, that is, to continue with the practice of conducting workshops with pupils and parents in cooperation with the family counseling and police administration, to hold a parental meeting in that department and to involve the mother in the treatment of psychologists within the mental health center. The Ombudspersons praise the work of the competent authorities and all the necessary measures to prevent and protect the rights of the child against violence.

In the Department for monitoring the rights of children, there are examples of individually filed complaints when during the investigation process it is established that it is not a case of peer violence, for example, in the case¹⁹¹ where the mother claimed that her child was a victim of peer violence, and that the school did not take adequate measures, although violence lasts for a long time, not a short-term incident or childish quarrels. At the moment of addressing the Ombudsman, the mother made it clear that the child will not attend school because it is a victim of peer violence. During the course of the case, it was found that there were problems in communication between two students, but the school took all necessary measures and activities to solve the problems, which were resolved to the satisfaction of all stakeholders, which was also confirmed by the Ombudspersons.

¹⁸⁹ Ž-SA-01-512/16

¹⁹⁰ Ž-SA-01-236/17

¹⁹¹ Ž-BL-01-106/17

It is very important to emphasize that special attention must be paid to internet violence and new trends of violence against children: sexing, grooming, false Facebook profiles, etc. The competent authorities of the internal affairs must follow the trends and be familiar with numerous applications on the Internet. As this is often emphasized, peer violence existed before, but incidents, quarrels and fights were not recorded and set on different social networks.

The Ombudsmen are aware that the police are faced with numerous problems, the length of data acquisition from large companies like Facebook and/or Google, or with the difficulty in obtaining valid evidence for initiating and prosecuting criminal proceedings. Namely, according to the media, the State Investigation and Protection Agency (SIPA) received more applications from citizens regarding the so-called Facebook group "*Zabranjene tajne incesta*." There is a suspicion that this is a crime of incest and pedophilia, as well as child pornography within the competence of the Entity Ministries of Interior and the Police of the Brčko District of Bosnia and Herzegovina (criminal offenses prescribed by the Entity Criminal Code and the Criminal Code of Brčko District of Bosnia and Herzegovina), the relevant applications were forwarded to the competent ministries in both Entities and the Brčko District Police in Bosnia and Herzegovina. According to the media, the group counts more than 2,000 members and shocking images are published, photographs accompanied by pedophile and incestuous statuses about their own children and their close relatives. The Ombudspersons in the particular case monitor the activities of the competent bodies.¹⁹²

The Ombudspersons expressed particular concern about the case of peer violence when the recording of the event was posted on numerous media portals and social networks, which resulted in additional dramatization of the victim of violence and the violation of the right to privacy. According to the Ombudsman's knowledge, the competent institutions reacted and acted in accordance with their powers and competences on the concrete case. In the concrete case, taking into account the best interest of the child, Ombudsmen immediately, through a press release for the media and websites, invited all editors of the Internet portal to immediately remove the controversial footage, all texts and comments from their portals.

The Ombudsmen re-use the opportunity, both on the complaints of citizens and on the continuous monitoring of media reporting on current events in society, especially when it comes to children, to point out that the practice of media reporting on cases of violence against children is still present in a way that does not provide protection of their identity and rights.

Ombudsmen are aware that technological globalization is accelerating rapidly, and access to the media and social networks is becoming more and more common. The Ombudsmen, among others, warned in their Special Report under the title "Recommendations for improving the protection of children's rights to privacy when rights are violated by the media in Bosnia and Herzegovina." The sensationalist approach to children's reporting it only causes additional violations and violations of the rights of the child, as well as additional dramatization of the child. Recognizing that media freedom is a key condition for the development of a democratic

¹⁹² Ž-BL-01-582/17

society that protects and respects basic human rights, the Ombudsmen again urge the media to deal exclusively with the occurrence of children's reporting, not a single case.

Ombudspersons received a letter from a non-governmental organization asking whether the publication of photographs of children on the website of the competent authority violates their **privacy rights**.¹⁹³ Taking care primarily of the best interests of the child, in a specific case was carried out investigation. It was found that the distribution of school bags and school supplies to pupils from socially vulnerable families was carried out in the premises of the Center for Social Work. After that, the informal gathering of children with representatives of the competent bodies continued. The Center's associates cautioned the media present not to shoot children, but the children themselves expressed their desire to take photographs. The permission of their parents was sought, and after the parents gave their consent, the Public Relations Office of the competent body published photographs. Ombudspersons did not establish violations of the rights of the child, but they invited the authorities to always take care of children's rights in all future situations and to always manage the best interests of the child, because it is a very sensitive group.

7.2. Children on the move

During 2017, the Ombudsmen, among other things, dealt with the rights of children on the move through the work of the Department for the Monitoring of Children's Rights.¹⁹⁴ Children on the move are children who, for various reasons, voluntarily or forcibly, within the country or between countries, with or without their parents or caregivers, migrate and which movement poses potentially exposed risks of inadequate care, economic and sexual exploitation, abuse, neglect and violence¹⁹⁵

Example: In the investigation procedure in the case No. Ž-SA-01-73 / 17, the Ombudspersons established that the children, together with their parents, were born on January 19, 2017 adopted in Bosnia and Herzegovina on the basis of the Agreement on surrender and acceptance of persons whose entry or stay is illegal (Agreement between the Government of the Republic of Croatia and the Council of Ministers of Bosnia and Herzegovina). Parents and children were in the Immigration Center. In the meantime, the parents of children expressed their intention to apply for asylum in Bosnia and Herzegovina. As stated in the complaint, there is no legal basis for further detention of the juvenile children in the Immigration Center, which is why the applicants request that the families be urgently released from the Immigration Center and transferred to the Asylum Center, referring to the best interests of the child. At the request of the Ombudsman, the Ministry of Security of Bosnia and Herzegovina, the Foreign Affairs Service, confirms the allegations that during the stay at the Immigration Center, they stated their intentions for asylum and were later transferred to the Open-ended Asylum Center in Delijaš, which entitles them to freedom of movement and free choice of places of residence in Bosnia and Herzegovina. In the concrete case, the protection of the rights of the child has been achieved and the case is closed.

¹⁹³ Ž-BL-01-616/17

¹⁹⁴ Ž-SA-01-73/17

¹⁹⁵ Definition by Save the Children

7.3. Protection of children in administrative and court proceedings

Acting on individual complaints in the Department for monitoring the rights of children, the Ombudsman usually addresses, in order to protect the rights and interests of the child, to courts and centers for social work. In all proceedings involving children, their best interests must first be taken into account. A child may appear in different process roles, and the child's involvement in judicial or administrative proceedings should be given special attention and caution. In their acts and recommendations, the Ombudsmen are referring to the European Convention on Human Rights and Article 6, the right to a fair trial in relation to the best interests of the child and the UN Convention on the Rights of the Child. Also, in determining the violation of the rights of the child, he seeks to inform the competent authorities with the international standards and case law of the European Court of Human Rights in Strasbourg.

Example: A lawsuit was filed before the competent domestic court of first instance with the remark that the mother and child were in Bosnia and Herzegovina and the father of a child in Turkey. This procedure certainly included international legal assistance in accordance with the Hague Convention of 1970, on the performance of evidence in civil or commercial matters, and the Ombudspersons of Bosnia and Herzegovina established a successful cooperation with the Ombudsman of the Republic of Turkey¹⁹⁶, which resulted in more effective protection the rights of the child, since the father has paid back debts due to the maintenance/alimony.

Ombudspersons, in other words, seek to establish cooperation with the competent authorities of other states in the field of the protection of the rights of the child, or to deal with complaints from parents from other countries in order to obtain data from the competent authorities in Bosnia and Herzegovina about the parents who reside and/or live in Bosnia and Herzegovina, and they do not fulfill their obligations towards the child (maintaining contact, giving consent for obtaining a travel document for a child, alimony).¹⁹⁷

Ombudsmen consider that it is absolutely not disputable that when one parent is found not to fulfill his legal obligation, or if he does not pay for maintenance, that many rights of the child are endangered and/or violated. Parents are always told that they are obligated to support the minor children and that in carrying out this obligation they must use all their possibilities, which implies the renunciation of their own material existential minimum. Since the beginning of the Department's work¹⁹⁸ Ombudspersons encounter children's rights violations in connection with the payment of support or alimony.¹⁹⁹, that is, exactly about the problem of support and alimony, In 2017, the Ombudsmen undertook numerous measures in advocating the establishment of alimony funds in Bosnia and Herzegovina,²⁰⁰ and they believe that there will be concrete shifts in 2018.

¹⁹⁶ Ž-SA-01-372/15

¹⁹⁷ 01.06.2009.

¹⁹⁸ 01.06.2009.

¹⁹⁹ Complaint No. Ž-BL-01-585/14 successfully completed, or after a long period of time, all outstanding arrears were paid, and the parent regularly pays the monthly amounts of alimony.

²⁰⁰ Ombudsman prof. dr. Ljubinko Mitrović on 28.03.2017. attended a working-consultative meeting with the members of the Equal Opportunities Committee of the National Assembly of Republika Srpska, and on 29.11.2017. held a working-consultative meeting with the Assistant Minister of Health and Social Welfare of the Republic of Srpska, Branko Sladojević, in the negotiation of concrete further steps in forming the Republika Srpska's alimony funds;

Example: In October 2017, the Ombudsmen received the initiative of the Parliament of the Federation of Bosnia and Herzegovina.²⁰¹ The initiative is proposed to the Ombudspersons to develop a special report on the situation of single-parent communities in the territory of the Federation of Bosnia and Herzegovina with a special focus on the provision of information on violations of children's rights and the rights of single parents in the context of the payment of alimony or more precisely on the basis of non-enforcement of court judgments for the maintenance of children. Ombudsmen use the opportunity to reiterate that in 2013 they prepared a special report on children in conflict divorces, and in that report the Ombudspersons paid special attention to the alimentations claims. One of the recommendations referred to in the said Special Report was sent to the governments of the Entities and the Brčko District, that special attention be paid to the category of single parents - single parents, in order to enjoy the specific legal and any other protection needed and to approach serious analyzes and realistic assessments for the same purpose for the purpose of establishing and operating alimony funds. Bearing in mind the initiative, but also earlier activities of the Ombudsman, the activities of the Federation of Bosnia and Herzegovina and Republika Srpska have already been initiated. When it comes to the concrete case and the Federation of Bosnia and Herzegovina, the Ombudspersons have established that the Government of the Federation of Bosnia and Herzegovina in 2014 entrusted the Federal Ministry of Justice, as the proposer and processor of the Family Law of the Federation of Bosnia and Herzegovina, supplemented by Article 237 with the aim of clarifying the determination competencies and to start drafting a sub-legal act that will regulate in more detail the issue of how to secure funds from the budget of the Federation of Bosnia and Herzegovina intended for the maintenance of a child. In addition, the Federal Ministry of Finance is in charge of, in cooperation with the Federal Ministry of Justice and the Federal Ministry of Labor and Social Policy, to consider the establishment of the alimony fund and to submit a proposal to the Government for resolving this problem. However, the decision to establish an alimony fund has not yet been adopted. According to the latest statements of the Federation Ministry of Finance,²⁰² The Federation Ministry of Justice, as the processor and proponent of the Family Law, initiates the procedure for amending the same law, as well as an insight into the submitted financial requirements from the budget for the period 2018-2020. Funds for these purposes were not requested.

In their work, Ombudsmen address the courts and demand urgent action in civil matters, when, among other things, they decide on the rights of the child, recommending that they work in the best interest of the child, referring to the UN Convention on the Rights of the Child. Generally speaking, it can be safely stated that the courts generally respect the opinions and recommendations of the Ombudsperson and make prominent cases of priority.²⁰³

Example: As in previous years, Ombudspersons had registered cases related to the rights of the child regarding the issue of travel documents and the crossing of the state border. In one case²⁰⁴ Ombudspersons found that the applicant was in a marital union in which two children were born. Marriage is divorced, and the final judgment clearly states that children have the right to have

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²⁰² Act No. 06-14-3-7683/17 od 22.11.2017. godine

²⁰³ Ž-MO-01-95/17

²⁰⁴ Ž-SA-01-327/17

travel documents and unhindered journeys, but that parents, with mutual agreement, will both give their consent to the competent authorities in the interests of children. Therefore, it is clearly determined by a valid verdict that joint children without the written consent of both parents cannot leave the territory of Bosnia and Herzegovina. During the proceedings in the case, the mother of the child instructed that the father retained the travel document of the daughter in which the valid visa to the United States is valid and that he does not wish to give consent for a trip to the United States. The Ombudsmen recommended the Center for Social Work²⁰⁵ to immediately summon parents and instruct them on their legal obligation to provide unhindered travel in a way that implies the protection of the best interests of the child. It was also recommended that the father pay particular attention to the fact that any behavior in the sense of preventing unhindered travel to children would constitute a violation of children's rights. Father denies that children travel with their mother to America because of the security situation in the world. By the competent staff of the competent authority, the father was suggested that it was not in the best interest of children to be denied travel and freedom of movement. The competent guardianship body acted upon recommendation. However, the Ombudsmen closed the case because it was established that by the final court verdict the rights of children on the travel document and the crossing of the state border were conditioned by the consent of both parents. In the concrete case, despite the involvement of the competent guardianship body, the father of the children did not give consent. The ombudsmen sent their mother to protect the rights of their children by the courts, because the only way to protect the rights of the child is to request an amendment to the judgment in the part relating to the issuance of a travel document and the crossing of the state border.

The best interest of a child is a legal standard that is not predetermined. An assessment of the best interest is an analysis of all the elements and specific circumstances related to the child in each individual case, which are necessary for making a decision in a concrete situation, with the mandatory participation of the child. Determining the best interests of the child implies a procedure that ensures legal guarantees and proper application of rights.

Example: Ombudsmen are in one case²⁰⁶ found that the police did not act in the best interests of the child. Namely, the police undertook actions aimed at ensuring the contact and presence of the complainant, the father of the child, in order to receive a statement on the circumstances of the complainant filed against him by the mother of the child. However, actions are taken during contact with a child. The Ombudspersons are aware that police officers must act in accordance with their competencies and powers, but in the particular case, it would certainly be in the best interest of the child that the actions and actions have not taken place in his presence, while the father contacted the child.

Example: Although, in the opinion of the Ombudsman, Bosnia and Herzegovina rarely takes away parental rights/care,²⁰⁷ in this reporting year they received a complaint from the parents²⁰⁸ to whom the court seized parental rights/care, and the Ombudsmen spoke about the impossibility of establishing contact with the child in the institution for children without parental care. In the research process it was determined that the parents contacted the competent social work center,

²⁰⁵ Recommendation P-97/17

²⁰⁶ Ž-BL-05-56/17

²⁰⁷ Taking into account the experience and knowledge in the work of the Department for the Rights of the Child.

²⁰⁸ Ž-SA-04-764/17

and after the Ombudsman addressed the competent body immediately issued a decision. As the parents themselves confirmed, they now maintain direct contact with the child.

Example: By appealing to the parents' complaint concerning the work of the prosecution due to the irregularities committed in the hearing of the child as a witness - injured party, the Ombudsmen contacted the competent prosecutor's office²⁰⁹ In the course of the investigation, Ombudsmen found that the prosecution did not endanger or violate the right of the child, that the child was heard in accordance with the legal regulations and the rules of the profession.

In Bosnia and Herzegovina, lately, there has been a lot of talk about **an explicit ban on corporal punishment of children**.^{210 211} The Ombudspersons are sure that this explicit prohibition would represent a new step, a new chapter in a better growth of pre-school children, that is, children in the early, middle and late childhood, because quality defines a determinant - without any physical punishment. Very often abuse and disciplining of children is placed in the same context with physical punishment, which can be viewed as a continuum of the various educational means used by parents. It is necessary to start the reform and development of new educational resources, which will be based on the rights of children and on unconditional respect for the child and its specificity. It is certainly necessary in the future to advocate and legally define an explicit ban on corporal punishment of children and raise social awareness of this problem.

7.4. Education

Example: Acting on the complaint of one parent to the work of a **private preschool institution**,²¹² the Ombudspersons observed the extremely unprofessional behavior of the kindergarten in correspondence with the parent, as well as in written correspondence with the Ombudspersons. In addition, the kindergarten clearly and decadently conditioned the stay of the child in the kindergarten. Ombudsmen immediately condemned all actions that are not in the interest of children, and recommended²¹³ to enable the child to fully preschool and educate in cooperation with parents. The recommendation is fully respected and the child goes unhindered to pre-school education and education. In their Recommendation, the Ombudsmen clearly pointed out to their opinion that preschool education is the first, special and specific level of the educational system and as such is the basis for lifelong learning, directed towards the aspects of intellectual, emotional, physical development and the development of creativity and creativity.

Example: During 2014, Ombudsmen found a violation of the rights of the religious community of Jehovah's Witnesses in Bosnia and Herzegovina,²¹⁴ and at the beginning of 2017, this religious community informs the Ombudsmen that the competent ministry has revised the controversial textbook of Orthodox religion for the eighth and the part relating to Jehovah's Witnesses and was disputed completely removed. The Ombudspersons expressed their satisfaction, but at the same time they express their concern as the textbook revision was waiting for quite a long time.

²⁰⁹ Ž-BL-01-70/17, child victim of violence on the Internet ..

²¹⁰ Round table on topic "Prohibition of corporal punishment of children" held on May 22, 2017. organized by the Children's Council of Bosnia and Herzegovina and Save the Children

²¹¹ One of the recommendations of the UN Committee on the Rights of the Child.

²¹² Ž-BL-01-767/16

²¹³ Rec. No. P-111/17

²¹⁴ Ž-BL-01-94/17

Example: Acting on complaint²¹⁵ a mother who wants her children to stop attending religious education in the fifth grade of elementary school, while the authorities have not in formal terms - by decision, decided that the children are released from the obligations of attending religious education. The mother expresses fears that children will have potential consequences for their beliefs and attitudes, and calls on the Ombudsmen to act in the best interest of the child. Referring to relevant international and domestic legislation and respecting the case law of the European Court of Human Rights in Strasbourg, the Ombudspersons recommended to the competent ministry and the school to take the necessary measures to ensure that the children of the complainant do not suffer any adverse consequences in their educational process, in relation to other children and students, all due to the fact that they no longer attend a religious education.²¹⁶

Example: Ombudsmen *ex officio* initiated a case²¹⁷ due to violation of the rights of children in the field of education due to the observed uncertainties in the interpretation of the Rulebook on the manner of monitoring and evaluation of pupils in elementary and secondary schools in the West Herzegovina Canton, which was why the Ombudspersons considered it necessary to visit the school²¹⁸ and hold meetings.

Director of the Gymnasium Fra Grga Martić, Posušje, issued six certificates for the completion of the first grade of the Gymnasium, without the consent of the teacher, in accordance with the verdict of the County Court in Široki Brijeg. In spite of the above, two children graduated and continued their education in Mostar, and the first one entered the first grade of the School of Education in Posušje, which did not recognize them as credible certificates of completion of the first grade of the Gymnasium. On the occasion of the modification of the certificate, professors and students expressed dissatisfaction so that the students did not attend classes for several days in protest.

On December 7, 2017, the Ombudsmen sent recommendation P-314/17 to the Ministry of Education, Science, Culture and Sports of the West Herzegovina Canton to "consider the interpretation of the County Court in Široki Brijeg and in that way approached the clearer provision of Article 6 of the Rules on the manner of monitoring and Assessment of students in primary and secondary school in the West Herzegovina Canton ". Within the deadline, a notification was received from the Ministry of Education, Science, Culture and Sports of the West Herzegovina Canton that it will respect the recommendation of the Ombudsman of Bosnia and Herzegovina and to approach a more precise definition of the regulation on assessing student achievement in a particular semester to each case in the Rulebook on the manner of monitoring and grading students in elementary and secondary schools in the West Herzegovina Canton, so that there will be no ambiguity in its application. The Ombudspersons point out that this way of acting and observing the recommendations of the Ombudsman shows the seriousness of the competent educational institutions and readiness for cooperation and changes in the educational system, with the aim of achieving children's rights to quality education.

²¹⁵ Ž-BL-01-627/17

²¹⁶ P-311/17 od 23.11.2017.

²¹⁷ Ž-MO-01-139/17

²¹⁸ Press Release on Ombudsman Nives Jukić's visit to Gymnasium Fra Grga Martić, Posušje.

7.5. Rights of children with special needs/disabilities in psychophysical development

In this part of the Report, the Ombudspersons particularly point out concern about the very difficult problems and situations encountered by **children with special needs/psychophysical developmental disorders** and their parents, among others, in the field of education.²¹⁹ Namely, the Ombudspersons in the specific cases insisted on the adoption of bylaws that will regulate the education and progress of children with special needs decisively and clearly, invited the authorities to intensify their efforts in order to ensure that children have their right to education, as well as all other children in the educational process. Through acting on complaints, it has been observed that there are problems in engaging teaching assistants that parents fear that they will not be engaged on time and during the whole school year that the exercise of rights is conditioned by budgetary means and the like. Parents in direct correspondence with representatives of the Ombudsman Institution point out that they expect more understanding and sensibility from the competent bodies, for example, in cases where, regardless of the fact that there can be no healing and improvement in the treatment of the disease / disorder, the authorities require an assessment of working ability²²⁰ or obtaining findings and opinions of different commissions.²²¹ It is certainly superfluous to state that the situation in this area would be greatly improved if the applicable existing regulations were consistently applied.

Example: After addressing the Ombudsman, acting on the complaint of the parent of **the child with diabetes**, the competent Ministry of Health expressed understanding and readiness for cooperation, all with the aim of protecting the rights of the child to adequate health care, and the consumables for the insulin pump are free of charge for children, i.e., a unique list of orthopedic and other aids. After addressing the Ombudsman, acting on the complaint of the parents of **a child with diabetes**²²², the competent Ministry of Health has expressed understanding and readiness for cooperation, all with the aim of protecting the rights of the child to adequate health care, and the consumables for the insulin pump are free of charge for children, that is, a unique list of orthopedic and other aids²²³

Example: The parent of **a child born with multiple and severe illnesses**²²⁴ spoke about the impossibility of free drug purchase for the needs of his child. Only after the intervention of the Ombudsman, in cooperation with the competent executive and legislative bodies in the Brčko District of Bosnia and Herzegovina, the child exercised his right and was provided free procurement of the requested medicine.

Example: We also present the case on the complaint of the parent of **child with Down's syndrome**²²⁵, which was transferred from the inclusion program to the special department of the

²¹⁹ Ž-BL-01-360/14, Ž-BL-01-341/16 and Ž-BL-140/17

²²⁰ eg. after the age of the child

²²¹ Both children and parents see commission examinations stressfully, traumatically, there is no individual approach and approach suited to the child, as parents say ... everything goes fast "on the tape."

²²² Ž-BR-04-206/16

²²³ Ž-BR-01-199/16

²²⁴ eg. the right of parents of a child with special needs in half working hours, with full amount of salary and contributions, especially in the private/real sector.

²²⁵ Ž-BR-01-208/16

school. During the course of the case, it was found that the mother of a child was five (5) years of education as his assistant, but her access to the school was now disabled. Parents report that the child has shown great progress in development and socialization in the previous period and consider that the decision of the authorities is not in the child's interest and should be re-examined.²²⁶ In recommendation,²²⁷ Ombudspersons have clearly indicated that it is the responsibility of the authorities, educational institutions, specialized health and social centers to establish a legislative and organizational system in which the decision on whether a child will attend regular classes will be passed by a statutory body or persons with the necessary expertise, in lawful proceedings. The Ombudspersons emphasized the obligation of cooperation of the competent institutions in the concrete case, all acting in the best interests of the child. Although recommended to the competent authorities in this regard to take all the necessary, legally prescribed measures, the Ombudsman's recommendation was not complied with.

Bearing in mind the mandate and competencies of the Ombudspersons, the centers for social work are often responsible, especially in the Department for the Monitoring of Children's Rights, as responsible parties; therefore, the Ombudspersons pay special attention to this Annual Report to the Centers for Social Work. First of all, the employees in the centers face numerous professional risks, a wide range of legal responsibilities and powers, and work daily with a large number of different users (mental patients, infectious diseases, persons prone to asocial and aggressive behavior, perpetrators of various crimes, marital and extramarital partners, juveniles in conflict with the law, etc.). Furthermore, there is a problem of a large scope of work and high expectations that go beyond opportunities and resources, leading to an increased risk of professional misconduct and often require professional assistance and legal advice from lawyers of the Ombudsman Institution.²²⁸ Professional staff of the centers needs quick and practical solutions, and it is quite certain that in the centers, jobs will only be complicated in the future,²²⁹ with the notion that it is very difficult for centers in small local communities. The Ombudspersons advocate the strengthening of the capacities of the centers for social work, due to already stated reasons, but also because of insufficient human resources, poor working conditions, responsibility and sensitivity, exposure to professional stress and burnout, and the issue of perception of professions by citizens and users. In that direction, it would be very useful, taking into account, first and foremost, the need to protect human rights, to provide professional staff in the centers with supervision as a professional support, to carry out specialized division of jobs wherever possible and to ensure continuous education of staff, with the full support of the local community and the provision of adequate funds for all recognized rights that imply financial benefits, but also for many other rights that do not imply financial allowances and other activities.

7.6. Other activities of the Ombudsman

In 2017, the Ombudsmen and **Save the Children** co-operated in the framework of the **LYRA project** funded by the European Union. Joint cooperation was aimed at promoting and involving young Roma leaders in the promotion of human rights and changing discriminatory attitudes.

²²⁶ Committee on the Rights of the Child, Forty-third Session, Geneva, 11-29. September 2006, General Comment No. no. 9 on the rights of children with disabilities (CRC/C/GC/9).

²²⁷ P-68/17

²²⁸ Ž-BL-01-527/17

²²⁹ Respecting the trends of globalization, the family crisis and the distorted system of values.

Partners in the implementation of this project were also the Association for the Promotion of Roma Education "Otaharin" Bijeljina and the Association "Altruist" Mostar. Ombudspersons point to the importance of the project because it supported the work of the informal network of young Roma and non-Roma people from Banja Luka, Sarajevo, Tuzla, Mostar and Bijeljina.²³⁰ The activities of the Ombudsperson and non-governmental organizations are aimed at *inter alia*, promotion of the Ombudsman Institution, especially in the field of protection against discrimination.

The Ombudsmen also contributed to the UNICEF global campaign **in Bosnia and Herzegovina** on the occasion of marking the International Children's Day on November 20, titled "Children take over." The Convention on the Rights of the Child is a very important international document, since it is the first time treats children as subjects of law. It is important because it provides children with immediate protection - in the sense that CHILDREN have a right, but also indirect, because WE, ADULTS, WE MUST PROTECT THE PROTECTION OF THEIR RIGHTS. With regard to cooperation with UNICEF, the Ombudspersons recall that, thanks to the support of UNICEF in Bosnia and Herzegovina, during 2016, they visited all institutions in which are minor persons who undergo institutional sanctions in the territory of the Federation of Bosnia and Herzegovina and the Republika Srpska. After the completed visits, a document was prepared "Analysis of the situation in the institutions where the juveniles are in conflict with the law in Bosnia and Herzegovina" and sent recommendations to the competent bodies.²³¹ After making recommendations, Ombudspersons were ready to hear representatives of institutions and competent bodies about the compliance with and implementation of recommendations, as well as about all the difficulties and challenges they face in their daily work and in the implementation of Ombudsman's recommendations. After all the undertaken activities²³², the Ombudsmen decided to resume visits to all institutions in 2018 and to report on the implementation of the recommendations from the above analysis.

²³⁰ In these cities, workshops with children in schools were held (each city - one primary and one secondary school), as well as with adult Roma in Roma settlements.

²³¹ Ž-BL-01-589/16

²³² Workshop held in Vitez on 09 and 10.02.2017.

VIII. RIGHTS OF PERSONS WITH DISABILITIES

8.1. Rights of persons with disabilities

In the Department for the Monitoring of the Rights of Persons with Disabilities in 2017, 51 complaints were received, and a total of 13 recommendations were issued.

The analysis of the complaints found that they were submitted due to the problems of accessibility to the realization of individual rights, delay in payment of disability benefits, the length of the decision-making process on appeals before the second instance bodies, the right to social and health protection, the failure to pay the costs of accommodation of persons with disabilities in institutions, architectural barriers, housing care, non-compliance with statutory procedures for cases of placement in institutions of persons deprived of their legal capacity, procurement of medical devices, employment of persons with disabilities, inability to monitor the court procedure for blind/partially sighted people, assigning them to other jobs due to reduced working ability, ignorance of rights, etc.

Difficulties and obstacles faced by people with disabilities are primarily architectural, urban and informative, then uneven access to educational institutions, prejudices, unmanaged textbooks ...

As stated above, people with disabilities continue to encounter architectural barriers on a daily basis. The problem of accessibility is reflected in the realization of all other rights, starting with education, health and social protection, private and family life, and social inclusion. Through research procedures, the Ombudsmen indicated to the competent authorities the obligation to create equal conditions, without discrimination on grounds of disability: physical environment, means of transport, information and communication technologies and systems, other facilities and services.

There are also positive examples, such as setting up a path for blind people in the Municipality of Novo Sarajevo, which, hopefully, will be an example for other municipalities in the territory of Bosnia and Herzegovina.

On the occasion of the Report on Accessibility of Working Premises of Legislative Bodies in Bosnia and Herzegovina to Persons with Disabilities, which was created in January 2016, the Ombudsmen also made a Report on the implementation of the recommendations given by this report. Thus, this year, the Commission for the Protection of Human Rights of the Brčko District Assembly of Bosnia and Herzegovina, reviewed the Report on the implementation of the recommendations and made a conclusion requiring the Assembly to include the reconstruction, which refers to the removal of architectural barriers, into the budget in 2017 and to require the Government of the Brčko District of Bosnia and Herzegovina and the government bodies to do the District. According to our findings, a conclusion has not yet been reached. The Tuzla Canton Assembly has removed the architectural barriers at the entrance to the building. The National Assembly of the Republika Srpska installed a panoramic elevator, marked the parking spaces and adjusted the toilet; The Assembly of the Federation of Bosnia and Herzegovina submitted a preliminary project on how to remove all architectural obstacles in this building.

Example: The Government of Brčko District of Bosnia and Herzegovina was sent a recommendation last year for the impossibility of access to a residential building. The Ombudspersons had to make recommendation P-220/17²³³ where the complainant addressed the request for an access path or an eventual elevator in a building intended for collective housing but, since she was not satisfied, she appealed to our Institution and is in the process of implementing a recommendation.

Adaptation of the legislation of the UN Convention on the Rights of Persons with Disabilities in the Republika Srpska was carried out by establishing a social model of assessment by the Rulebook on Determining the Ability of Persons in the Procedure for Exercising Social Protection Rights and Determining the Functional Status of the Users. The Rulebook prescribes the conditions for assessing the ability and functionality of adult persons in the process of exercising rights in the field of social protection, composition, conditions for the formation and manner of operation of the first and second instance expert commissions. Behavioral reforms have been carried out, especially in the areas related to the modality of assessment and determining the ability of persons in the process of exercising social protection rights, the conditions that the social protection institution should fulfill when establishing it in terms of general and special conditions when it comes to space, equipment, number professional and other workers and the like, then the issue of maintaining a register of social care institutions, day care, and other non-minor issues. However, regardless of the above, citizens' returns show that precisely the lack of information²³⁴ (both on rights and competencies) leads to their dissatisfaction.

Example: The complainant²³⁵ is a person with severe mental retardation. The decision of the Basic Court in Bijeljina completely deprived him of his legal capacity. He submitted a request for access to the sign of accessibility, but the competent Ministry of the Interior did not accept the request, claiming that the complainant does not meet the conditions, or that there was no conclusion that the complainant is a person with 100% disability. The Center for Social Work submitted a statement or confirmed the condition in which the complainant is located. Ombudspersons contacted the Ministry of Health and Social Welfare of the Republika Srpska, the competent ministry provided information that the pension and disability insurance system and their expert commission perform these assessments. The appellant, acting in accordance with the information provided, submits a request for determining physical impairment on the basis of which the expert body in the first instance brings the findings, assessment and opinion, i.e. clarification that the condition of severe mental retardation represents physical impairment in the percentage of 100%. After that, said finding was accepted and the issuance of the accessibility sign was granted.

In their work, the Ombudspersons face the dissatisfaction of the parties due to unequal treatment and rights that belong to persons with disabilities due to the cause of disability. The Ombudspersons supported the initiative of the Center for Coordination and Support of Disabled People "East Herzegovina" with the aim of enacting the Law on Uniform Principles and within the support of "all" persons with disabilities in the Republika Srpska. The Ombudspersons sent a letter to the authorized proposers of the law, according to the Constitution of the Republika Srpska supporting the initiative and offering cooperation and taking measures within the

²³³ Ž-BR-02-153/16

²³⁴ Ž-BL-02-485/17, Ž-BL-02-344/17, Ž-BL-02-222/17

²³⁵ Ž-BL-02-392/16

competence of the Ombudsman established by the Law on Ombudsman for Human Rights of Bosnia and Herzegovina The National Assembly of the Republika Srpska²³⁶ informed the Ombudsmen that the Committee on Health, Labor and Social Policy unanimously took the view that the initiative was justified and was forwarded to the Legislative Committee for further action.

Analyzing the complaints received, the Ombudsmen are of the opinion that the move by the authorities to slow down the creation of equal opportunities for persons with disabilities, with the explanation that this is due to lack of funds. The inaccessibility of the physical environment, along with inadequate or missing orthopedic and other aids, the lack of public transport for people with disabilities, and the lack of information adapted to the blind, the deaf and the persons with intellectual disabilities, contribute to the exclusion of persons with disabilities from all social activities.

Education and training are also an area in which the rights of persons with disabilities are not respected in accordance with existing legislative frameworks. Although existing laws and legal provisions contain and emphasize the right to education for all under the same conditions, the actual picture is different.

It is recommended to all institutions of executive and legislative power in Bosnia and Herzegovina to enact laws to ensure the establishment of a system of provision of assistance to persons with disabilities, with the guarantee of a stable system of financing, in which persons with disabilities will have the exclusive right to choose a personal assistant.

Example: One complaint related to the rights of persons with disabilities to the selection of an assistant in accordance with international standards and applicable regulations of Bosnia and Herzegovina²³⁷ After observed human rights violations, the Ombudspersons of Bosnia and Herzegovina issued a recommendation to all institutions of executive and legislative power in Bosnia and Herzegovina to enact laws to ensure the establishment of a system of provision of assistance to persons with disabilities, with the guarantee of a stable system of financing, The assistant has persons with disabilities.

Professional rehabilitation, training and employment of persons with disabilities are of special 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 are regulated by the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities of the Federation of Bosnia and Herzegovina and the Law on Vocational Rehabilitation, Training and Employment of Disabled People in the Republika Srpska.

Example: The complainant²³⁸ contacted the Ombudsmen for violating the provisions of the Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities of the Federation of Bosnia and Herzegovina, since at least one person with disabilities is not employed for every 16 employees, as prescribed by the Law. The Ombudsperson sent recommendation P-128/17 to the Parliament of the Federation of Bosnia and Herzegovina, the Federation Ministry of Finance, the Federation Ministry of Labor and Social Policy, whose implementation is in progress. Namely, employers who do not abide by these legal provisions are obliged to pay a

²³⁶ Akt broj 02/4.01-9-011-1915-1/17

²³⁷ Ž-SA-02-594/16

²³⁸ Ž-SA-02-1125/16

special contribution to the employment of persons with disabilities in the amount of 25% of the average net salary in the Federation of Bosnia and Herzegovina for each such person they were obliged to employ. It follows that over 40,000 employers in the Federation of Bosnia and Herzegovina directly discriminate against persons with disabilities. The recommendation proposed the amendment of the relevant legal and secondary legislation with the aim of ensuring the mechanism for controlling the calculation and payment of special contributions for encouraging rehabilitation, training and employment of persons with disabilities.

Access to information is another serious and serious obstacle and difficulty for people with disabilities, since most sources of information are not available because of the physical barriers or barriers that these individuals encounter because of various sensory impairments.

The issues that are the subject of the considered complaints relate also to the procedure for the transfer of occupancy right, i.e. the purchase of an apartment, persons under custody, and the protection of rights and interests, i.e. property, persons who have been deprived of their legal capacity. In specific cases, the complainants indicated that the persons acting as custodians acted contrary to the interests of the persons under their guardianship.²³⁹

In Bosnia and Herzegovina, there are three categories of people with disabilities. These are war invalids, civilian victims of war and civilian invalids whose cause of disability is not of a war nature. Although the needs of these citizens are often the same, the rights and benefits for the three categories of disability are drastically different. Thus, for example, a person who is completely blind and a disabled warrior is entitled to disability, other care and assistance, an orthopedic assistance supplement, employment advantage, housing, free parking, the right to benefit from car imports, priority in waiting in queues, while a totally blind person from birth of everything has only someone else's care and help.

Example: The complainant addressed the Ombudsmen with the allegations that as a person with disabilities, the percentage was 100%, is discriminated against in relation to the category of war military invalids when exercising the right to release and to reduce part of the fee for arranging urban building land in the case when the housing issue is settled for the first time. The complainant stated in his complaint that the Department for General Administration, Economic and Social Affairs of the City of Bihać rejected the complainant's request for the release and reduction of part of that compensation because the complainant did not belong to the category of war-disabled soldiers. The research has shown that the amount of compensation for the construction of urban construction land is reduced by 50% for certain categories of persons, including war-disabled soldiers, while peacetime disabled, although de facto in the same position because they equally feel the consequences of disability as war military invalids, the enjoyment of this right is prevented based on the cause, or circumstances of the occurrence of disability. In this case, the Ombudspersons found discrimination on the basis of disability and issued a recommendation number: P-89/17, stating that the basic aim of the UN Convention on the Rights of Persons with Disabilities is that the laws and regulations of the States Parties, and therefore Bosnia and Herzegovina, protect all rights of persons with disabilities, in order to ensure equal opportunities for all persons with disabilities to achieve goals. In a response submitted by the Una-Sana Canton Assembly, it was stated that procedures for amending the law will be initiated

²³⁹ Ž-SA-02-156/13, Ž-SA-02-367/13

in the coming period, in order to eliminate discrimination based on disability. The implementation of the recommendation is still being monitored.²⁴⁰

It is important to emphasize that there is no legal obligation to revise decisions on the deprivation of legal capacity of persons with intellectual and mental disabilities (which entail the abolition of other rights such as the right to own and inherit property, disposing of their own money, etc.), nor are the conditions necessary for performing regular audits, which practically excludes the possibility of restoring legal capacity and grossly violates the rights of persons with intellectual and mental disabilities, many of which are in closed institutions. The state should provide legal solutions that will provide different forms of support for decision-making to people with intellectual and mental disabilities.

The problem of length of court proceedings also applies to persons with disabilities, especially when it comes to procedures for returning legal capacity. Unfortunately, a number of complaints related to the conduct of courts in the procedures for returning legal capacity. Namely, the length of the procedure for restoring legal capacity is often conditioned by the existing legislative system.

Example: One such example is a complaint²⁴¹ where the Center for Social Work, as a reason for non-compliance, identified a lack of financial resources to meet the costs of expertise. The Ombudsmen made recommendations to the Center for Social Work to urgently take all measures within their jurisdiction to secure funding. The recommendation was respected, and after the conducted court procedure, the applicant was returned to work.

As in previous years, the special attention of this Department is the cooperation with the civil sector. At the end of 2017, the Ombudsmen created a calendar for the year 2018, exactly in cooperation with the categories of people that are the most vulnerable in order to illustrate and broaden public awareness of their needs.

Example: The complainants²⁴² pointed to the problem they encounter in the application of the Law on the Basis of Social Protection, Protection of Civil War Victims and Protection of Families with Children of the Una-Sana Canton, when deciding on rights to care allowance and other person's assistance. The complaint states that the existing legal situation and legal solutions lead to the creation of social insecurity and inequality of persons with disabilities who have determined the same degree of disability. Following the intervention of the Ombudsperson and the issuing of recommendation No. P-10/17, which recommended to the Government of the Una-Sana Canton and the Ministry of Health, Labor and Social Policy of the Una-Sana Canton, to take all measures and actions immediately after the receipt of recommendations, with the aim of establishing social equality of citizens of Una-Sana Canton in the part referring to the recognition of the right to care for the care and assistance of another person, the Ombudspersons received the response of the Ministry of Health, Labor and Social Policy of the Una-Sana Canton stating that the Government of the Una-Sana Canton adopted a decision on the amount of the base for the calculation of cash benefits, which determined certain increases in the care allowance and assistance of another person, but also some other forms of social protection.

²⁴⁰ Ž-SA-02-690/15, P-89/17

²⁴¹ Ž-BL-04-429/15

²⁴² Ž-BL-02-667/16

Example: The Ombudsmen received complaint²⁴³ due to problems with the construction of a housing facility that would be suitable for the housing of a sick child with specific needs. Due to a dispute concerning the status of the holder of a property right in a specific case, proceedings were instituted before the competent court. In the given circumstances of waiting and uncertainty, to end the initiated procedure before the court and to make a decision based on the law, but also to finally implement adequate housing care for a severely ill family member, the family of the complainant is forced to suffer adverse consequences. Ombudsmen requested explanation from the Cantonal Court in Mostar and sent an urgent request on December 19, because the answer was not received.

²⁴³ Ž-MO-02-136/17

IX. RIGHTS OF NATIONAL, RELIGIOUS AND OTHER MINORITIES

The following obligations undertaken by the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination in Bosnia and Herzegovina are fulfilled by adoption of *the Law on the Protection of the Rights of Persons Belonging to National Minorities of Bosnia and Herzegovina*,²⁴⁴ *the Law on the Protection of the Rights of Members of National Minorities of the Federation of Bosnia and Herzegovina*²⁴⁵ and *the Law on the Protection of the Rights of Members of National Minorities of the Republika Srpska*.²⁴⁶ These laws determine the rights and obligations of persons belonging to national minorities in Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina, as well as the obligation of the authorities to respect and protect, maintain and develop the ethnic, cultural, linguistic and religious identity of each member of the national minority.²⁴⁷ The Law on the Protection of the Rights of Persons Belonging to National Minorities of Bosnia and Herzegovina prescribes the obligations of lower levels of authority (entities, cantons, cities and municipalities in Bosnia and Herzegovina) who, in accordance with their powers, have to regulate their rights and obligations more precisely by their laws and other regulations which arise from the Law, as well as international conventions regulating issues of relevance to national minorities.

To what extent are the provisions of international human rights documents and domestic positive legislation when it comes to the rights of national minorities in Bosnia and Herzegovina is difficult to determine only on the basis of cases registered in the Department for monitoring the rights of national, religious and other minorities of the Ombudsman for Human Rights of Bosnia and Herzegovina.

During 2017, there were only eight (8) cases in the work of this Department relating to the *rights of national, religious and other minorities*.

An analysis of the complaints received has determined that it is a matter of addressing a request for assistance and housing care,²⁴⁸ complaint against the work of municipal administration bodies due to insufficient financial assistance,²⁴⁹ complaint against the actions of the Central Election Commission of Bosnia and Herzegovina and denial of belonging to national minorities to certain candidates in local elections.

Example: On February 14, 2017. the applicant²⁵⁰ was sent a notice, indicating, *inter alia*, that the Central Election Commission of Bosnia and Herzegovina, in accordance with its jurisdiction, monitors whether candidates in the elections (general and local) change the declaration of nationality during one electoral cycle. Therefore, when it sees such a case, the CEC of Bosnia

²⁴⁴ *Law on the Protection of the Rights of Persons Belonging to National Minorities of Bosnia and Herzegovina, (Official Gazette of Bosnia and Herzegovina, No. 12/03, 76/05);*

²⁴⁵ *Law on the Protection of the Rights of Members of National Minorities in the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina, No. 56/08);*

²⁴⁶ *Law on the Protection of the Rights of Persons belonging to National Minorities of Republika Srpska (Official Gazette of Republika Srpska, number: 2/04);*

²⁴⁷ Article 5 stipulates that "members of national minorities have the right to freedom of assembly in order to express their cultural, religious, educational, social, economic and political freedoms, rights, interests, needs and identities," and Article 6 "Bosnia and Herzegovina enables and financially helps maintaining and developing relations between members of national minorities in Bosnia and Herzegovina with members of the same national minorities in other countries and with the peoples of their countries of origin

²⁴⁸ Ž-SA-03-772/17, Ž-SA-03-1020/17

²⁴⁹ Ž-SA-03-160/17

²⁵⁰ Ž-SA-03-112/17

and Herzegovina, in accordance with the legal competences, takes certain measures. In accordance with its authority,²⁵¹ The Ombudspersons ex officio opened the investigative actions²⁵² regarding the information that there is a problem of difficult water supply in the settlement Dolovi, the municipality of Zavidovići, in which the population of Roma nationality is inhabited.

The Institution also received complaints from members of national minorities for violation of economic and social rights and discrimination on grounds of belonging to a national minority that are the subject of review by the competent departments of the Institution.

Having in mind that most of the mentioned remarks by members of the Roma national minority, the Ombudsmen conclude that they are not primarily familiar with the way and mechanisms for exercising their rights, and then with the competencies of our institution.

During the reporting period, the Ombudsmen undertook numerous activities in terms of contacts with local communities, authorities, and the non-governmental sector. At the meeting of representatives of the Ombudsman and representatives of non-governmental organizations of the Tuzla Canton²⁵³ held on 16.10.2017.²⁵⁴ the problems of the members of the Roma national minority are highlighted, which are reflected in the following:

- Disputable quality of education and possible transfer of knowledge to children in elementary schools. It is often said that Roma children who enroll in high school do not know elementary things, read and write;
- A certain number of children cease to attend school after a certain period of time, but they are not written out of the school, so as not to remain "out of the system," for which they have a large number of unreasonable hours;
- The Law on Residence and Residence of the Citizens of Bosnia and Herzegovina²⁵⁵ of 2015 stipulates that in the process of obtaining personal documents, that is, registration of residence and address of residence, citizens must enclose proof of ownership or co-ownership or possession of an apartment, house or other residential facility, tenancy agreement or a certified tenancy agreement with certified proof of ownership or co-ownership or possession of the landlord.²⁵⁶

This has led to major problems in practice, especially when the request for the first time is submitted to the competent authority for issuing personal documents. A significant number of members of the Roma population cannot fulfill the above conditions, thus jeopardizing the possession of personal documents, which is a requirement for the fulfillment of their basic civil, political, economic, social and other rights.

²⁵¹ Article 30 of the Rules for the Functioning of the Ombudsman for Human Rights of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 104/11).

²⁵² Ž-BR-03-249/17

²⁵³ Visit of Ombudsman Jasminka Džumhur to organizations: Viva Women, Country of Children in Bosnia and Herzegovina, Euro Rom, Better Future, Human Rights Bureau.

²⁵⁴ Minutes from the meeting in Tuzla, Oi-k-Sa-168/17 of 08.11.2017.

²⁵⁵ The Law on Resident and Residence of Citizens of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, no. 32/01, 56/08 and 58/15.

²⁵⁶ Article 8 of the Law on the Resident and Residence of the Citizens of Bosnia and Herzegovina.

Example: As the responsible party²⁵⁷, the complainant marked the Government of the Brčko District of Bosnia and Herzegovina, the Department for Displaced Persons, Refugees and Housing Affairs. In the complaint, the complainant states that in the settlement of Prutača, the Brčko District of Bosnia and Herzegovina, in 2014 received land for the construction of an individual house and that he was selected as a beneficiary of the Roma housing project, however, until the day of addressing the Ombudsmen, his housing issue has not been resolved. Recommendation P-219/17 to the Government of the Brčko District of Bosnia and Herzegovina, the Department for Spatial Planning and Property Affairs, the Department for Displaced Persons, Refugees and Housing Affairs and the Public Property Management Office, without delay, in accordance with existing legal regulations, in the coordinated cooperation, take the most effective measures with the aim of finding a solution for the plot in the village of Prutača, Brčko, all for the purpose of approaching the construction of a housing unit to a person selected as a beneficiary of a housing assistance project for the Roma in the Brčko District of Bosnia and Herzegovina for 2013. On 23.01.2018. the Government of the Brčko District of Bosnia and Herzegovina, the Department for Displaced Persons, Refugees and Housing Affairs, received responses to the activities undertaken in order to resolve the housing issue.

Example: As the responsible party the complainant²⁵⁸ has marked the City of Tuzla, the Commission for conducting the procedure for awarding unallocated taxi stations in Tuzla. The complainant alleges that the Tuzla city has repeatedly failed to apply for a taxi service. The nominee points out that he is the Roma of national origin, and is considered discriminated against on grounds of belonging to the national minority. Ombudsmen requested an announcement on November 23, 2017. from the City of Tuzla and since they did not receive the answer the Ombudsman sent an urgency.

In 2017, the Ombudsmen of Bosnia and Herzegovina considered one case in terms of protection of the freedom of thought, conscience and religion prescribed by Article II / 3.g) of the Constitution of Bosnia and Herzegovina and Article 9 of the European Convention on Human Rights and Fundamental Freedoms (hereinafter: ECHR) for violating the rights of members of the religious national minority.

Example:²⁵⁹ the complainant filed an complaint against the treatment of the University Clinical Center Tuzla (hereinafter: UKC Tuzla) stating that she was deprived of health care, which she claims is entitled, because she did not consent to blood transfusion, which is contrary to her religious convictions.

In this particular case, the complainant, in accordance with her beliefs, wants a guarantee that she will not receive any blood transfusion in any way, while the health institution in which the surgical procedure is to be conducted calls for legal solutions, policies and procedures of the institution, indicating to what extent are able to meet her demands.

It justifiably raised the question of the extent to which society, that is, the authorities, may limit the rights and freedoms of the complainant, and another issue, which was considered, in which way, in accordance with legal obligations, the institution can satisfy its request.

Recommendation P 253/17 (dated 28 September 2017) was sent to the UKC Tuzla and the Ministry of Health of the TK to consider the complainant's case and the possibilities in which it

²⁵⁷ Ž-BR-04-30/17

²⁵⁸ Ž-BR-06-312/17

²⁵⁹ Ž-SA-03-537/17

could be complied with in accordance with the legal provisions, starting with the engagement of external associates treatment in another health institution in Bosnia and Herzegovina, the Ministry of Health of the TK to consider the need to initiate the procedure for obtaining opinions or interpreting the legal norms related to this specific case, and within 60 days from the date of receipt of this recommendation, the Ombudsman's notification of its realization. On October 26, 2017. the complainant's complaint was filed in which it states: "... I am informing you that the Cantonal Court in Tuzla issued a judgment that recognized my lawsuit and administrative matter, so that UKC Tuzla obliges me to provide me with a health service in compliance with my religious beliefs, that is, without blood transfusion.

I am taking this opportunity to thank you for your engagement in this case, which has provided me with court protection."

X. DISCRIMINATION

Law on the Prohibition of Discrimination in Bosnia and Herzegovina²⁶⁰ entrusts the Institution of Ombudsmen for Human Rights of Bosnia and Herzegovina with the status of a "central institution responsible for protection against discrimination" and for this purpose provides for the establishment and operation of a special department with the exclusive task of considering the subject of discrimination by any legal or natural person in any area of life.

In 2017, the Ombudspersons applied the Law on the Prohibition of Discrimination in Bosnia and Herzegovina in accordance with the amendments from 2016, which improved the legal framework for the protection against discrimination, but also increased the scope of competencies of the Ombudsman Institution and the Department for the Elimination of All Forms of Discrimination. This is particularly reflected in the broadening of the list of grounds for prohibiting discrimination²⁶¹ prescribing more serious forms of discrimination,²⁶² improving the procedural aspects of the Law²⁶³ and defining the legal force of the recommendations of the Ombudsman in the evidentiary proceedings before the courts.²⁶⁴ In addition, the Draft Amendments to the Anti-Discrimination Law envisage a much larger role of the Ombudsperson in the activities of promoting anti-discrimination protection, which is reflected in informing the public, raising awareness, conducting campaigns and other forms of prevention of discrimination.²⁶⁵

Although the total number of complaints follows trends from previous years,²⁶⁶ it is noteworthy that complaints from the field of discrimination are becoming more and more established, that the parties often turn to the Ombudsman through a proxy, and that Ombudsman's recommendations are increasingly used as evidence in court proceedings. Such trends indicate a greater confidence that citizens have in the Ombudsmen and the strength of the decisions they make, but at the same time the impossibility or inadequacy of protecting the rights of citizens before other public bodies.

In 2017, the Department for Elimination of All Forms of Discrimination, in addition to acting on individual complaints of citizens, acted proactively on the prevention of discrimination through various activities, ranging from: opening cases ex officio,

- presence in the field,
- promotional activities,²⁶⁷

²⁶⁰ Law on the Prohibition of Discrimination of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, no. 59/09 and 66/16.

²⁶¹ Through these changes in the law, sexual orientation and gender identity are terminologically correctly named as the grounds for non-discrimination. In addition, sexual characteristics, age and disability are listed as the prohibited basis of discrimination.

²⁶² Multiple discrimination (Article 4, paragraph 4), repeated discrimination (Article 4, paragraph 5) and prolonged discrimination (Article 4, paragraph 6).

²⁶³ Regarding the provisions on the urgency of the procedure (Article 11), special complaints (Article 12), jurisdiction of courts and deadlines (Article 13), prescribing insurance measures (Article 14), redistribution of burden of proof (Article 15), participation of third parties (Article 16), the possibility of filing collective complaints (Article 17).

²⁶⁴ Article 15, para 9

²⁶⁵ Article 7, para 2, item (1)

²⁶⁶ In the year of reporting, there were 174 cases in the field of discrimination, and in the previous years, as follows: 2016 (152); 2015. (159); 2014. (230); 2013. (198); 2012. (257); 2011. (191); 2010. (135); 2009. (156)

²⁶⁷ International conferences with addressing by representatives of the Institution:

- Equinet project meeting, *Violence Against Women and Gender based violence*, Budimpešta, 22.03.2017.
- Conference on the Future of Human Rights Education, Strasbourg, France, 20-22. June 2017
- Second Regional Conference of Equality Bodies of South-East Europe, Collection of Statistical Data on the Occurrences of Discrimination, Zagreb, Croatia, October 30, 2017.

- press releases,,
- cooperation with public institutions, non-governmental and international organizations,²⁶⁸
- cooperation with the academic community and research projects with scientific institutes from abroad,²⁶⁹
- monitoring of court procedures on the requests of parties,,
- conducting trainings and education for associations and activists²⁷⁰ before
- creating of new special reports²⁷¹ and
- monitoring, implementation and promotion of special reports from the previous period.

The Department staff also had the opportunity to gain professional training on the topic of hate speech and hate crimes organized by the Council of Europe, on the topic of filing submissions to UN committees organized by the OSCE,²⁷² as well as for participation in three capital study visits²⁷³ within the framework of the Council of Europe project entitled "Strengthening the capacity of the Ombudsman for Human Rights to combat discrimination".

The Ombudspersons regretfully note that the adoption of amendments to the law was not accompanied by an increase in the capacity of the Human Rights Ombudsman Institution of Bosnia and Herzegovina in the field of protection against discrimination, which raises the question of the real will of the state to raise the level of realization of citizens' rights in this area to a higher level. Among other things, this is indicated by the United Nations through the Global Alliance of National Human Rights Institutions (GANHRI), which in the Reaccreditation Letter dated 24.11.2017. states that "the current Law ... does not determine the financial autonomy of the Ombudsperson Institution over the approved budget," and that "in order to function effectively, the national human rights institution must have an adequate level of funding to guarantee its independence and the ability to freely determine priorities and activities."²⁷⁴

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- Council of Europe, Workshop against hate speech in sport, Sarajevo, Bosnia and Herzegovina, 21-22. November 2017 and other conferences and conferences on the territory of Bosnia and Herzegovina, which is described in more detail in the following chapters.

²⁶⁸ Through active participation in the work of international networks of bodies for the protection of equality

- Connecting the Equality Body and the Ombudsman Institution, the EQUINET Policy Formulation Working Group Poll, November 20, 2017.
- Equinet Questionnaire on Measures Taken by Equality Bodies under the European Commission Action List for the Promotion of Equality of LGBTI Persons, 31.08.2017;
- Questionnaire for Equality Bodies, Foundation for Change, Investing in Equality: A Decade of Change for Equality Bodies, August 31, 2017.
- EQUINET Training *How to build a case on equal pay*, Brno, Slovakia, 31.8-01.09.2017.

²⁶⁹ Research on discrimination in the field of health, Dr. Joanna Banasiuk, Adiunkt on Wydziale Prawa Uniwersytetu w Białymstoku, 05/12/2017 ...

²⁷⁰ The trainings were organized for representatives of non-governmental sector NGOs, attended by members of these associations:

- Conference, Formal and Informal Obstacles to Civil Activism, Banja Luka, Staklenac, April 26, 2017;
- Round table on the topic of discrimination against Roma in the organization of the OSCE, 22-23 May 2017, Vlastic;
- Workshop on "Stop discrimination" - project "Empowering Women in Bosnia and Herzegovina," CARITAS Banja Luka, September 20, 2017;
- Public debate organized by "United Women", Local Community Borik, Banja Luka, September 26, 2017;
- Save the Children, a two-day training on the topic of human rights and discrimination, for 40 young Roma leaders from Bijeljina, Tuzla, Mostar, Sarajevo and Banja Luka, Sarajevo, from 17 to 18 November 2017.

²⁷¹ Special Report on the Use of Official Language and Letter in Bosnia and Herzegovina, April 2017, available at: http://ombudsmen.gov.ba/documents/obmudsman_doc2017051211015795ser.pdf; Special Report on the Status and Cases of Threats to Journalists in Bosnia and Herzegovina, June 2017, available at: http://ombudsmen.gov.ba/documents/obmudsmen_doc2017082415202346ser.pdf

²⁷² Banja Luka, Hotel Bosnia, May 18, 2017; Sarajevo Hotel Marriot, May 17, 2017

²⁷³ Strasbourg, France: 10-14. July 2017; Yerevan, Armenia: October 29 - November 3, 2017, Belfast, Ireland: October 15 - November 15, 2017

²⁷⁴ Paragraph 4, pages.3-4

The same situation is with human capacities, where the sphere of competences of the Anti-Discrimination Law, which was increased by the amendments from 2016, which is further expanded with the adopted Draft Amendments to the Ombudsman for Human Rights Law of Bosnia and Herzegovina from 2017, entrusted with the work a total of three officials, which is probably the smallest human resources framework for the protection of citizens' equality in Europe, even in comparison with the countries of the region.

10.1. Assessment of the state according to complaints and harmonization of the law

The procedure for individual complaints of citizens is the most important aspect of human rights protection. In the Ombudsman Institution in 2017, a total of 174 cases of discrimination were registered, an increase of 17% compared to the previous year.

The highest number of complaints in the reporting period relates to mobbing, as a special form of discrimination in the workplace (37), which is a decrease compared to the previous year (when 55 such complaints were registered), followed by complaints of discrimination based on ethnicity 8 while there were 7 in 2016), based on social status and gender 6, based on sexual orientation 6, based on national or social origin 5, based on harassment 4, based on religion 3, based on political or other belief 3, based on a relationship with a national minority 2, based on membership in a trade union or other association 2, and one complaint in the field of discrimination based on language, education and sexual characteristics.

According to the estimates of the Ombudsman, these data still do not represent a realistic representation of the extent of discrimination, as there are still unregistered cases, due to general distrust in the institutions, and because of the fear of possible negative consequences for the status of victims.

Compared to previous years, Ombudspersons note that there are constantly high complaints about mobbing,²⁷⁵ complaints of ethnic discrimination appear regularly,²⁷⁶ and that more and more cases are opened by allegations of discrimination based on or in the field of education (especially higher education in the field of election to the profession)²⁷⁷ due to which the Department for the Elimination of Discrimination will propose to Ombudsmen the creation of a Special Report on the state of higher education within its strategic commitments for 2018.

The Ombudspersons point out that certain cases have been resolved positively before issuing the recommendation, either through mediation, by encouraging a friendly decision or by mediating between the parties to the dispute, or by the responsible public body merely correcting its actions after the first Ombudsman's address, which will be illustrated in the following chapters examples.

During the reporting period, the Ombudsmen issued 26 recommendations, most often in cases of mobbing, discrimination based on belonging to the national minority, on the basis of education, as well as on other bases.

Failure to comply with the recommendations of the Ombudsman concerning the violation of the Law on the Prohibition of Discrimination entails the misdemeanor liability of natural and legal

²⁷⁵ Ž-SA-06-315/15 (P-282/15), Ž-BL-06-750/14(P-246/15), Ž-SA-06-1258/14

²⁷⁶ Ž-BR-06-18/14 (P-42/15), Ž-BL-05-83 i 84/15 (P-225/15)

²⁷⁷ Ž-BL-06-373/16, Ž-BL-06-748/16, Ž-BL-06-258/16, Ž-BL-04-648/16, Ž-BL-06-669/17

persons, as well as their fines of up to 10,000 KM, the pronouncement of a measure of the safety of the prohibition of performing activities, as well as other sanctions provided for by Art.19 and 20 of the said Law. Ombudsmen resort only to the initiation of court proceedings because there are expectations that the recommendations will ultimately be respected, since such a decision is in the interest of all parties to the proceedings.

During 2017, promotional activities and information campaigns, which were directed towards the competent institutions and the public, continued. Limited resources and capacities have reduced the ability of the Institution to act in the promotion, so that in 2017, as in the previous one, it was mostly part of the activities that were organized by other organizations and institutions. A detailed chronological review of activities and promotion in the field of discrimination is contained in the continuation of this Report.

10.2. Mobbing

Although the number of citizens turning to this institution due to mobbing is constantly high, this figure is still not a real indicator of the situation in Bosnia and Herzegovina. The institution of the Ombudsperson comes to this conclusion based on the testimony of the parties and media inscriptions when the most serious consequences of mobbing are most often exposed in the light. The fact is that there are many citizens who are exposed to mobbing today, but they do not address the Institution or seek judicial protection for fear of losing their jobs.

Example: The complainant²⁷⁸, a senior nurse, alleges that she is a victim of mobbing by a superior doctor employed in the Banja Luka Health Center. In the process of work on this case, the Ombudsmen asked the management of the institution to establish direct communication with the direct managers of the complainant, with the aim of gaining a real insight into the factual situation and providing objective information to the Ombudspersons. The head of the Family Medicine Service, in which the applicant was employed, delivered an announcement stating that after a detailed analysis and taken individual statements from the staff of the clinic it was considered unjustified to initiate disciplinary proceedings against the applicant and that she was a doctor and the complainant evidently had poor communication, but did not affect the work in the outpatient clinic and the care of patients. In order to improve interpersonal relationships in the outpatient clinic, the head nurse of the Family Medicine Service visited the outpatient clinic, and a meeting was held with the management of the institution with the heads of the Family Medical Post in the interest of finding out all relevant facts related to the conflict situation. In order to avoid further misunderstandings, the complainant and the responsible doctor are assigned to work in opposite shifts. On October 27, 2017 in the same year, the complainant informed the Ombudsman that the problems she had resolved and the verbal threats and pressures the appointed doctor ceased exposed to her

Example: In the case²⁷⁹, the Court of Bosnia and Herzegovina has acknowledged the Ombudsman's recommendation to the Indirect Taxation Authority of Bosnia and Herzegovina for mobbing over the worker of the Regional Center Tuzla, and on October 6, issued a judgment ordering the defendant to prohibit the taking of actions that violate the plaintiff's right to equal

²⁷⁸ Ž-BL-06-637/17

²⁷⁹ Ž-BL-06-773/16

treatment, order actions to eliminate discrimination and its consequences on the plaintiff, instruct the defendant to pay the plaintiff in the name of non-pecuniary damage for the suffering of mental pain and fear, as a consequence of mobbing, the amount of KM 9,600 with the statutory default interest, counting from the date of the judgment to the final payment, and to compensate the prosecutor for the costs of civil proceedings, within 30 days from the date of validity of the judgment, under threat of enforced execution.

The Judgment of the Court of Bosnia and Herzegovina is a significant step in the formation of court practice in the area of protection against discrimination and mobbing, especially due to the fact that various institutions from the Anti-Discrimination Law are explained in it: the finding of neuropsychiatry experts on the impact of mobbing on health, the issue of the actual jurisdiction of the Court, calculation of deadlines for continuous discrimination, burden of proof, determination of the amount of non-pecuniary damage, as well as the role of the Ombudsperson.

10.3. Discrimination on an ethnic basis

10.3.1. National representation in police structures

The complainant²⁸⁰ addressed the Ombudsmen for Human Rights of Bosnia and Herzegovina, stating that as Bosniak was employed as a police officer in the Republika Srpska Ministry of the Interior. In the complaint, he pointed out that after the entry into force of the Rulebook on internal organization and job classification in the Ministry of Internal Affairs of the Republika Srpska, Bosniaks were discriminated on a national basis when making a decision on the schedule, in relation to the police officers of Serbian nationality who, with the adoption of new scheduling decisions, services, and previously worked on the same job as the complainant.

After conducting the investigation procedure, the Human Rights Ombudsman of Bosnia and Herzegovina sent a letter to the Ministry of Internal Affairs of the Republika Srpska on October 18, Recommendation No. P-256/17, recommending reviewing all the circumstances related to the decision on the placement of the complainant and the measures taken to notify the Ombudsman for Human Rights of Bosnia and Herzegovina.

In response to the recommendation,²⁸¹ The Ministry of Internal Affairs of the Republika Srpska pointed out: "... after a reconsideration of a specific case, they found that the appointment procedure of the named person was carried out in accordance with the laws and by-laws, that there was no place for allegations concerning discrimination in any way, national basis ... "

Based on this and related cases, the Ombudspersons decided to draw up a Special Report on the National Structure of Employees in Security and Police Agencies in Bosnia and Herzegovina.

²⁸⁰ Ž-SA-06-1150/16

²⁸¹ Act of the Ministry of Internal Affairs of the Republic of Srpska, No. D/P-127-362/16 of 04.12.2017.

10.3.2. Special report on the use of the official language and script in Bosnia and Herzegovina

On the basis of received complaints from citizens, but also ex officio, the Ombudsmen initiated the investigation procedure²⁸² regarding the use of the official language and script in elementary schools, and the way of enrolling the title of the Bosnian-Bosniak language into the testimonies and pupils' booklet of elementary school students in the Republika Srpska. Acting in the aforementioned cases, and bearing in mind the Act of the President of the Federation of Bosnia and Herzegovina No. 02-10-356-01 / 15 of 14.10.2015. In the year of requesting the preparation of the Report on the Use of Official Languages in Bosnia and Herzegovina, respectively in both Entities and Cantons of the Federation of Bosnia and Herzegovina, the Ombudsmen have begun to draft it.

In the Special Report on the Use of the Official Language and Letter in Bosnia and Herzegovina, the Ombudspersons instructed the competent authorities to take measures to ensure that every child in any part of Bosnia and Herzegovina is given equal access to education, which in particular relates to areas with significant returnee population in both entities, and reminded them that any failure to do so in accordance with the provisions of the Law on the Prohibition of Discrimination in Bosnia and Herzegovina opens the issue of misdemeanor and civil liability. The Ombudspersons also reminded that the principle of the best interests of the child requires all bodies responsible for educational processes in Bosnia and Herzegovina to undertake efforts that will result in the establishment of an environment that supports the personality of students, in the absence of any form of discrimination.

In the Special Report, the Ombudsmen made a recommendation to the competent bodies (the Government of the Republika Srpska and the Ministry of Education and Culture of the Republika Srpska, the Government of the Federation of Bosnia and Herzegovina and the Federal Ministry of Education and Science, the governments of all cantons and cantonal ministries of education as well as the Government of the Brčko District of Bosnia and Herzegovina and Department of Education) to take all necessary measures without delay in order to ensure equal and equal treatment of children in teaching in the official languages of the constituent peoples in all elementary schools in Bosnia and Herzegovina and its entities and the Brčko District of Bosnia and Herzegovina.

The Ombudspersons also recommended to the competent authorities to take all necessary measures without delay to ensure that children in all elementary schools in Bosnia and Herzegovina, and its entities and the Brčko District of Bosnia and Herzegovina, study letters that are in official use in Bosnia and Herzegovina - Latin and Cyrillic.

10.4. Discrimination in higher education

During the reporting period, a number of cases related to discrimination in the field of higher education were opened, relating to unequal or uneven treatment of private higher education institutions.

²⁸² Ž-BL-01-622/13, Ž-SA-01-977/13, Ž-SA-04-1114/13, Ž-SA-06-1133/13, Ž-SA-1152/13, Ž-LI-06-226/14, Ž-SA-05-500/15, Ž-SA-06-615/15, Ž-SA-06-854/15, Ž-SA-06-13/16, Ž-BL-06-359/16, Ž-BR-06-225/16

Example: In the case,²⁸³ the complainant contacted the Ombudsman, stating that neither he nor his wife could be employed at the University of Bihać, although they are Doctors of Economic Sciences as assistant professors, and that the reason for that is the discriminatory decision of the Senate of the University of Bihać from 10.10.2015. after which the elections in teaching-scientific titles acquired at private higher education institutions are not recognized by the automatism at the University of Bihać, that they were therefore prevented from participating under the same conditions in the tender procedure, which is why they are currently on the bureau as unemployed persons. In the course of the investigation, it was determined that this decision of the Senate was passed in spite of the report of the Ministry of Education, Science, Culture and Sports Commission on the conducted surveillance at the PI University in Bihać, which states that one of the problems is the lack of one's own human resources, especially teaching staff, and that unjustifiably high funds are allocated to work across norms and engage external associates. In response to the allegations of the appeal, the designated public institution is referred to the judgment of the Municipal Court in Bihać dated 02.06.2017. which established that the Senate of the University has the authority to make a decision that disables the engagement of teaching staff from private faculties. Ombudsmen use this opportunity to point out that, regardless of individual judgments that often deal only with procedural aspects of deciding on citizens' demands, citizens' rights in higher education should be equal regardless of whether they are private or public educational institutions. In the opinion of the Ombudsman, any procedure during which this category of law is decided, it is necessary to determine whether the reciprocity of recognition of teacher titles is ensured in relation to other public universities, universities from other (most often neighboring) countries, and on what basis or with which precise reasoning such a possibility is excluded for private universities from their own country, and whether such a justification is based on a law (which allows the establishment and full functioning of private higher education institutions) and the Constitution (which defines that the state is based on the principles of a market economy).

In any case, the competent institutions, and primarily ministries of education, are obliged, in cooperation with representatives of higher education institutions, to take concrete measures in order to resolve the issues of recognizing elections to public and private universities in a systemic manner and not to depend on individual cases, administrative or judicial decision-making, which is long-term, financially demanding and inconsistent.

Example: The complaint registered under number²⁸⁴ was filed for the existence of discrimination based on sex and mobbing of a docent at the Faculty of Economics at the University of East Sarajevo. The complainant's basic allegation is that she was placed in a more unfavorable position than her male colleagues, docents and teachers employed at the same faculty. After the investigation, the Ombudsmen were on 05.05.2017. P-91/17 sent the rector of the University of East Sarajevo to take the necessary measures so that the complainant, as a responsible teacher, would have equal treatment of the implementation of the working standard on the number of lectures and cases, and to take the necessary measures to prevent and eliminate mobbing, inter alia, through the establishment of internal procedures or mechanisms that would be available to employees. In response to the recommendation, the Rector indicated that he would take measures

²⁸³ Ž-BL-06-206/17

²⁸⁴ Ž-BL-06-748/16

to comply with the recommendation, but the complainant informed the Ombudsman that her position had not improved.

The Ombudspersons have decided to consistently monitor the implementation of the recommendation in the following period, especially emphasizing the prohibition of victimization, according to which no person should be placed in a more unfavorable position because of reporting discrimination or in any way participating in the procedure for protection against discrimination.

10.5. Discrimination of LGBTI people in access to right to assembly and freedom of expression

Example: Ombudsmen acted in the case ²⁸⁵ on the occasion of taking away the Dictaphone from the NGO representatives during the session of the Assembly of the City of Prijedor. After the procedure was conducted in the case, the recommendation (P-171/17) to the Assembly of the Prijedor City was sent, in which it was asked that the complainant's Dictaphone be returned immediately and annul the decision on the ban on 15.02.2017. In addition, enable undisturbed public access to the work of the assembly sessions. President of the Assembly on 24.08.2017 and on the same day a statement was sent on the recommendation stating that the Dictaphone is located at the port office of the City Administration, which is a record of the police, and that there is no obstacle to take over it. The statement further states that the assembly hall is of limited capacity and cannot receive an unlimited number of persons interested in the work of the Assembly, and that no ban on the attendance at the Assembly sessions has been issued, but that no accreditation has been given to representatives of the "Kvart" association, since the presidents of the municipal clubs made such a decision. Ombudsmen use this Annual Report to point out an unacceptable practice that administrative measures decide on one of the basic rights of citizens guaranteed by the Constitution of Bosnia and Herzegovina and international conventions, which is the right to freedom of expression which includes the right to free access to information. The sessions of the Assembly are public in nature, accompanied by numerous technical devices for audio and video recording, so it is unclear why one association of citizens is limited the right to follow the work of the session in the same way, through the technical means that are most suitable for them. The recorder is in itself a very common and often present device at any gathering of public importance, does not occupy space, does not interfere with anyone's work, and its use can by no means be subjugated to work or maintain order in the meeting room.

For the Ombudsman is unacceptable the position of municipal clubs of the City of Prijedor to deny the applicants the right to attend sessions, especially due to the fact that there is no explanation on the basis of which the criteria is made such a decision, what are the technical possibilities that allow the partial presence of the public, council clubs have the authority to derogate from the constitution the guaranteed right to a remedy when deciding on the rights or interests of citizens.

On May 11, 2017, the Ombudsmen of Bosnia and Herzegovina received a complaint from the Sarajevo Open Center regarding the violation of the right to freedom of peaceful assembly of LGBTI persons in Canton Sarajevo by the Ministry of Transport/Traffic of the Sarajevo Canton regarding the organization of the human rights mask of LGBTI persons, planned for May 13, 2017. in Sarajevo. On receipt of the complaint, the Ombudspersons urgently acted and contacted

²⁸⁵ Ž-BL-05-797/17

the Ministry of Transport/Traffic of the Sarajevo Canton with a request for urgent meeting. On May 12, 2017, Assistant Ombudsman²⁸⁶, together with representatives of the OSCE Mission to Bosnia and Herzegovina, held a meeting with the Assistant Minister of Transport/Traffic of the Sarajevo Canton in order to inspect the Sarajevo Open Center. Ombudspersons established that the Ministry of Transport/Traffic of Canton Sarajevo received a request from the Center on April 12, 2017. because on May 11, 2017. was issued a decision approving the temporary complete suspension of traffic due to the holding of the protest march. However, the action of the Ministry at the request of the Sarajevo Open Center on the thirtieth day after the submitted request, in the concrete case, has the legal consequence of the impossibility of exercising the right to peaceful assembly because it is conditioned by the briefly exclusive deadlines of the organization, especially given the Ministry's practice that, within 3-5 days. The Ombudsmen conducted a research in this case in the light of Article 11 of the European Convention on Human Rights and Fundamental Freedoms, Article 21 of the International Covenant on Civil and Political Rights and the Law on the Prohibition of Discrimination and Full Respect for Human Rights and Social Inclusion of LGBTI persons in Bosnia and Herzegovina.

On this occasion, the Ombudsman of Bosnia and Herzegovina issued a press release calling on the general public to hold a protest scheduled on 13.05. 2017 in Sarajevo are dignified in a spirit of tolerance towards different political, social and cultural practices and beliefs and in the spirit of respect for human rights. At the same time, the Ombudsperson recommended that all relevant institutions, and in particular the Ministry of Internal Affairs of the Canton of Sarajevo, should take all necessary measures in order to secure that the announced protest takes place without incident.

10.6. Cancellation of labor contracts due to pregnancy

During 2017, the Ombudsmen dealt with several cases in which the allegations of complaints pointed to a violation of gender equality, and in particular, the fact that pregnant women received a cancellation of employment contracts or were not offered the extension of a labor contract which they had for a limited time.

Example: The complainant²⁸⁷ she contacted the Ombudsmen regarding the protection of employment rights in the pharmacy, and more specifically, the fact that her contract was not prolonged after she got pregnant. The director, through a proxy, submitted a response denying the allegations of the complaint, describing the various incidents preceding the incident in which it further states that the contract expired at the expiration of the deadline to which it was concluded, and finally the requested documentation was attached to the complaint, to protect the reputation and other rights of responsible natural persons. On 15.05.2015., the same day, the complainant submitted a comment on the statement by the director of the pharmacy stating that the allegations of the incidents were false, that she was an appropriate and good worker, that the director knew for sure about her condition that she could produce the witnesses and that she was ready to talk and compromise dispute, in order to avoid conducting proceedings before the competent institutions. During the direct discussion with the representative of the Ombudsman, the complainant also confirmed that her work contract was extended on 21.07.2017. The

²⁸⁶ As a rule, the Department for Civil and Political Rights has the highest number of complaints.

²⁸⁷ Ž-BL-06-228/17

Ombudsmen sent an answer to the proxy of the pharmacy director who rejects the request for the submission of the original complaint sent to the Ombudsmen for Human Rights of Bosnia and Herzegovina, indicating that the requested data is protected by the obligation of discretion under Article 28, paragraph 2 of the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina, as well as under Article 13 of the Rules of Procedure of the Ombudsman for Human Rights of Bosnia and Herzegovina.

Example: In a case with similar factual allegations, on 18.02.2017. Recommendation (P-17/17) to a private cable operator was sent to remedy the harmful consequences to the complainant of a cancellation of a labor contract or to achieve a satisfactory solution with regard to her employment status or compensation, in accordance with the general principles of the law of obligations. The Ombudspersons do not dispute the fact that a fixed-term employment contract expires at the expiration of the deadline specified in the contract, and it is clear that pregnancy can not affect the length of the employment, but at the same time point to the fact that the complainant worked for a continuous period of 19 months, there were no objections, that her fixed-term work contract was regularly extended to a period that coincided with her going to hospital for keeping high-risk pregnancy. Ombudspersons note that the employer did not offer any explanation or statement on the complainant's claim that new employees are employed in her post immediately after the cancellation of the employment contract. The notified company informed the Ombudsmen that they would implement the recommendation after the completion of the court procedure, and the Ombudspersons express the hope that the court will respect the findings from the recommendation in the evidentiary procedure, as foreseen by the Law on the Prohibition of Discrimination.

Ombudsmen point out that during 2017 it was also clear that the adoption of the Amendments to the Labor Law from 2016 primarily reflects the respect of the interests of employers because this activity was not accompanied by the provision of mechanisms for the protection of workers, especially from vulnerable categories, such as pregnant women, contract for work on certain time, workers under contract on work, etc. Ombudsmen invite all competent authorities, primarily legislative, to take the necessary measures aimed at a greater degree of realization of the rights and positions of workers, which today are characterized by high unemployment rates, unregulated labor market and lack of capacity of competent inspectors.

10.7. Other illustrative examples of general significance

Unrelated to the existence of a specific case, the Ombudspersons want to point out an example of good practice of the Public Health Institution Health Center Novi Grad Sarajevo, which is reflected in the notice in a visible place in the waiting room, the Citizens' Guidelines, what is discrimination, to whom to address and in what way . Among other things, the Ombudsman for Human Rights of Bosnia and Herzegovina has given instructions on the right to address. The instruction primarily relates to the obligations of the healthcare institution regarding equal treatment and ensuring equal access to health care for all patients, as well as to channels of communication in case of suspicion of discrimination. Ombudspersons point out this example of good practice because the first step towards the realization of human rights is the information for

citizens about the mechanisms of protection available to them in case someone hurts or endangers their rights.

Example: Complaints²⁸⁸ related to the discriminatory provisions of the Labor Law of the Federation of Bosnia and Herzegovina (Article 59) and the Law on the Work of the Brčko District (Article 42) which stipulate that a woman cannot be employed on jobs underground (in mines), and on the non-compliance of these provisions with the Law on the Prohibition of Discrimination. The Ombudsperson's action in this case is governed by the position of the Committee of Experts of the International Labor Organization (ILO), which stated that Member States should ratify the Convention on Safety and Health in Mines (No. 176) of 1995 and cancel the controversial Convention nr. 45 (which contains the above prohibitions) because: "Unlike the old approach and complete direct ban on its underground work, the new standards focus on risk assessment and management, and the establishment of adequate preventive and protective measures for workers in mines underground, regardless of their gender." After conducting the survey, the Ombudspersons were informed by the Ministry of Human Rights and Refugees that Bosnia and Herzegovina had begun the cancellation of the 45 ILO Convention Concerning the Prohibition of Women Under Labor.

Example: On September 13, 2017. the Ombudsman Institution for Human Rights of Bosnia and Herzegovina received an *e-mail* from the complainant,²⁸⁹ in which she states that she files complaint for insulting in the workplace, and describes the situation in which a colleague during the quarrel said that she was "abnormal," in the presence of other colleagues, and asks about the possibility of reporting insulting colleague. In connection with the aforementioned, the complainant filed an complaint on 21.09.2017, in accordance with the Labor Law and the internal act of the working organization regulating the initiation of a disciplinary procedure (Rulebook on Disciplinary Responsibility), as well as the competence of the Ombudsperson in accordance with the Labor Law with Article 7 of the Law on the Prohibition of Discrimination.

This example illustrates the primary responsibility of employers to regulate the issue of protection against discrimination and mobbing by internal acts, which the Ombudsmen often point to in their recommendations.

Example: The Ombudsmen for Human Rights were addressed by a complaint²⁹⁰ of locals living in the village of Volijak, Municipality of Jajce, regarding the construction of an Islamic religious building - a mosque without the necessary building permits. After conducting the survey, the Ombudsmen on 27.07.2017 sent recommendation P-173/17 to the Mayor of the Municipality of Jajce and to the Municipal Council of Jajce to take immediate measures from their jurisdiction in order to establish the situation in accordance with the Law on the construction of the Central Bosnia Canton in relation to the allegations in the complaint. In response to the recommendation, the Mayor stated that the Municipality of Jajce undertook all measures within its jurisdiction, that the position of the construction inspector that was vacant was filled, and that conditions for its smooth operation were created after the Municipal Council got its leadership. In communication with the complainants, it was confirmed that the construction was suspended, but

²⁸⁸ Ž-SA-06-123/17

²⁸⁹ Ž-SA-06-904/17

²⁹⁰ Ž-BL-06-215/17

that the building was not removed until the last quarter of 2017 or the necessary building permits were obtained: urban approval, building permit and amendments to the Regulatory Plan.

XI. COOPERATION WITH MEDIA

Public relations and media co-operation are a very important part of the Ombudsman's Human Rights Institution's work in Bosnia and Herzegovina, especially taking into account the influence of the media on the formation of public opinion and their contribution to the promotion of human rights. Ombudspersons certainly remain committed to further developing professional relations because journalists are very important allies in the exercise of their mandate.

The cooperation of the Ombudsman and the media takes place with the aim of systematic, continuous, timely and accurate public information, through printed and electronic media, on the work and activities of this institution in relation to events and issues of importance for the realization of human rights in Bosnia and Herzegovina. The media, as in the past years, in accordance with their editorial policy, followed with considerable interest the work of the Ombudsman of Bosnia and Herzegovina. They reported on the statements of the Ombudsperson and their assistants, then on the basis of reports from the events and press conferences, but they also transmitted the views and responses of the Ombudsmen they made through the press release. On this occasion, the Ombudspersons point out that the media were a very useful source of information about the cases that triggered the proceedings on their own initiative, based on journalists reporting. Upon learning about such events and media situations in a certain number of cases, the Ombudsman Institution open cases *ex officio* and undertaken activities.

At the same time, the Ombudspersons advocate the freedom of expression and the undisturbed work of the media in the society, which is a prerequisite for the development of every democratic society, and in the previous period, in addition to addressing the journalists themselves and media workers, cases were opened *ex officio* in cases that were related threats to journalists or media workers, attacks on them, and others.

The Ombudspersons recognized the need for increased work in the field of media freedom, as well as the position of persons working in the media or freelancers. Thus, this year, a Special Report on the situation and cases of threats to journalists in Bosnia and Herzegovina was published, published on the Ombudsman's website, and presented at a press conference in the Parliamentary Assembly of Bosnia and Herzegovina on 28.08.2017. in Sarajevo.

The Ombudsmen prepared a report in cooperation with the support of the OSCE Mission to Bosnia and Herzegovina with the aim of ensuring understanding of the problems and issues related to the position of journalists in Bosnia and Herzegovina as one of the prerequisites for ensuring the right to freedom of expression and contributing to the general improving the right to freedom of expression, human rights and freedoms in Bosnia and Herzegovina. The report should also provide identification of key directions for institutional action in order to address the problems identified in this area. The special report contains a number of recommendations that the Ombudsmen refer to competent bodies and institutions within Bosnia and Herzegovina.

In daily work with the media, the Ombudsmen apply standard procedures, which involve submitting responses to the activities and issues within the competence of the Institution at the request of journalists, the participation of the Ombudsman and their assistants in the media (interviews, statements, roaming in TV and radio emissions), holding press conferences, for the public, as well as distribution of promotional materials and participation in promotional campaigns.

In the reporting year, the Ombudsmen responded to 133 media requests, issued 27 press releases and published a total of 186 information on the official website of the Institution.

During 2017, cooperation was achieved with about 40 media companies from the country and the region (both printed and electronic), in order to respond to their inquiries as soon as possible and more precisely, without leaving any unresponsive address. Interest in matters of jurisdiction The institutions of the Ombudsman of Bosnia and Herzegovina have shown various media outlets, such as: BHT1, RTRS, FTV, N1, Al Jazeera Balkans, TV Alfa, as well as Nezavisne Novine, Glas Srpske, Dnevni Avaz, Euroblic, Radio Brčko , Radio Free Europe, news agencies FENA and SRNA, in line with trends and an increasing number of portals (diskriminacija.ba, etrafika.net, faktor.ba, kliks, noise, etc.). RTVUSK from Bihać, Radio Herceg-Bosna from Mostar, Internet magazine "Moja Hercegovina" from Trebinje and others, made a significant contribution in informing the public about the activities of the Ombudsman at the local level. In the reporting, as in previous years, most of the media requests were answered at the headquarters of the Institution in Banja Luka and the Sarajevo Regional Office, while the specific requirements related to concrete indicators on the state of human rights at the local level were treated by other regional offices of this institution.

In the form of a press release, the Ombudsmen, among other things, called for the appreciation of the needs of children whose parents were in prison, warned of violations of the rights of children in the media, welcomed the adoption of the Law on Uniform Principles and the Support Framework for All Persons with Disabilities in the Republika Srpska, and introduced broader public with the submitted initiatives, the opening of cases ex officio, the official and other activities of the Ombudsman in local communities. In the same way, the Ombudspersons endeavored to contribute to the affirmation of the rights of particularly vulnerable categories of population on the occasion of marking significant dates in the field of human rights in Bosnia and Herzegovina in 2017.

11.1. Review of media requests by type of media

Observed by type of media, the highest number of appearances during 2017 was achieved in TV programs (55), while the number of statements given on the demand of printed media remained at the last year's level (32). Compared to print media, a double number of statements were based on radio station requests (15). In percentage terms, there were no changes in relation to 2016 when it comes to web portals (23), nor to news agencies whose requests in the reporting period were in about the same number (8).

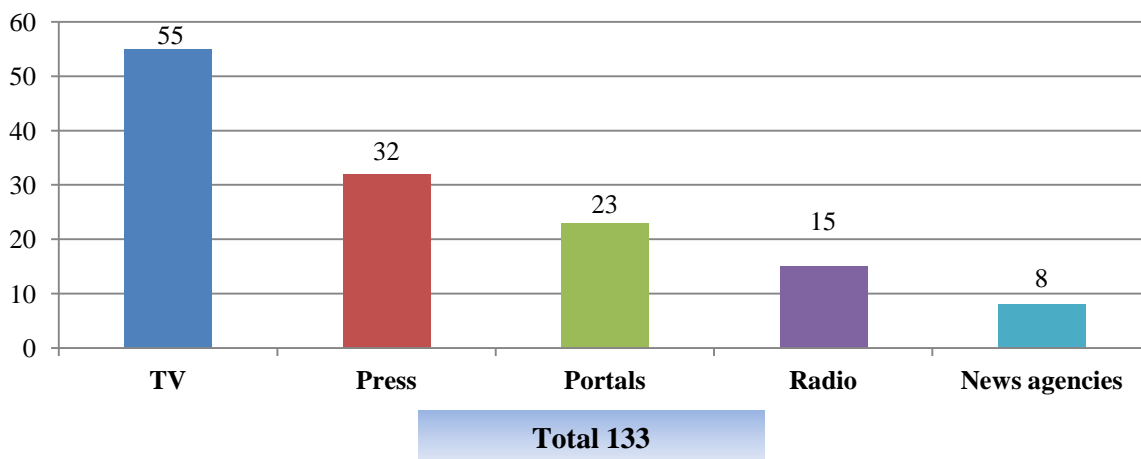


Chart 1: The media interest in the work of the Institution according to media types

11.2. Review of media requests by field of human rights

Observed by categories of violation of rights, the analysis shows that the majority of received media requests refer to issues from the Ombudsman's general jurisdiction, that is, that the media are mostly interested in the findings to which the Ombudsmen came to act on citizens' complaints, as well as the measures they have taken on removing the established violations of their rights (40). In these statements, Ombudsmen and their assistants reacted to events that caused increased public attention, which could have influenced or influenced the enjoyment of human rights and freedoms. They also looked at other indicators assessing the general situation of human rights in Bosnia and Herzegovina, and communicating other news on the activities within their jurisdiction.

As the previous, and also in 2017, it is evident that the media largely focus their interests on the field of child rights protection in Bosnia and Herzegovina (34). This can be related to current developments in education, but also to cases of peer violence, exploitation of children and other issues in the realization of children's rights in Bosnia and Herzegovina. In their statements for the media, the representatives of the Institution discussed, among other things, the health care of children, the establishment of an alimony fund in the Republika Srpska and its making operational in the Federation of Bosnia and Herzegovina, physical punishment of children, protection of children on the Internet, as well as other factors that indirectly affect the exercise of the rights of children, such as, for example, economic status of their parents.

In the field of civil and political rights, the Ombudspersons responded to 17 media requests, most of which related to freedom of expression. Fully acknowledging the freedom of expression and commitment to express personal views on individual social phenomena, the Ombudspersons pointed out the need to take all measures to restrain the responsible persons, as far as possible, from using expressions in public communication that may be offensive to any person or group persons in Bosnia and Herzegovina, or they can become hate speech. The Ombudsmen repeated verbal attacks on journalists on several occasions in 2017, pointing to the harmfulness of limiting media freedom as a pillar of a democratic and pluralistic society. Other topics discussed in the field of civil and political rights were related to the freedom of access to information, tendering procedures, administration and the judiciary.

To a lesser extent, the demands of the media concerned the economic and social rights of citizens (15). Within this field fall topics from the field of health and social protection, as well as the rights from employment, etc.

Compared to 2016, approximately the same share in the total number of received media requests in 2017 takes over the issues within the competence of the Department for Elimination of All Forms of Discrimination. In the focus of interest were mobbing and other forms of discrimination, as well as the position of LGBTI people in Bosnia and Herzegovina.

To the same extent, the media have shown interest in minority rights, the rights of prisoners/detainees and the rights of persons with disabilities.

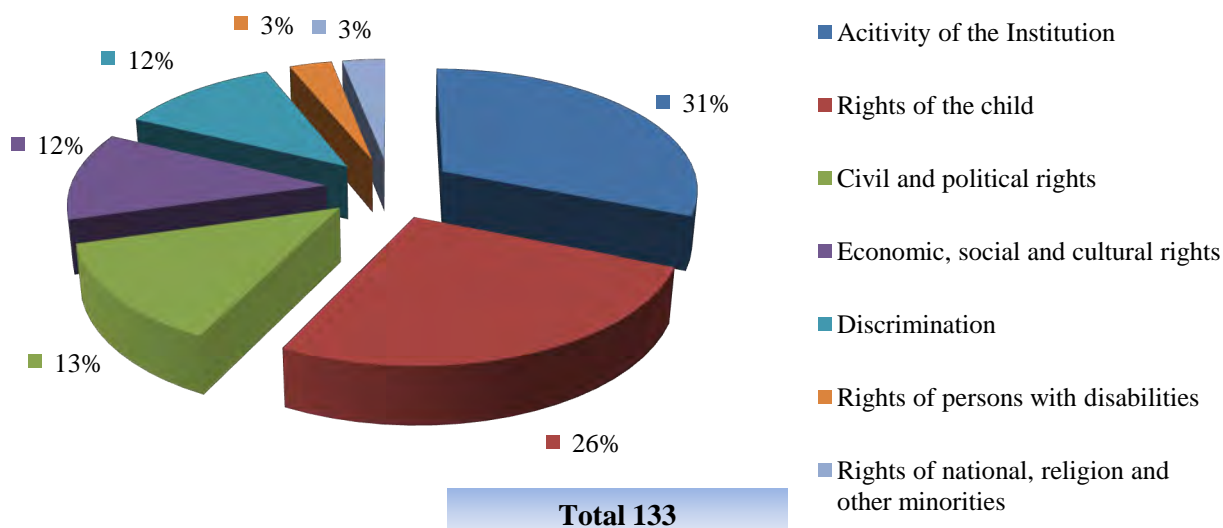


Chart 2: Overview of media requests in various fields of human rights

As an important mechanism for promoting and informing citizens about the work of the Institution and issues of importance for the realization of their rights, Ombudsmen paid special attention to the contents of the official website this year: www.ombudsmen.gov.ba.

A novelty compared to the previous years is the creation of a special segment within the site called "We in the media," where the titles of articles and appendices are published in which the Ombudsperson is the main topic or equally represented with other main news subjects. For the newspaper text, the title, the date and the name of the media that published the news are given, and the links or timing codes are added for the electronic content, if available.

During 2017, the site was visited 38,033 times, and a total of 116,893 pages of content were viewed. These visits were made by 23,082 different visitors who, on average, stayed for two minutes and forty-five seconds on an online presentation. The most visits were from Bosnia and Herzegovina, followed by Serbia and Croatia, and a significant number of visits were recorded from the USA, Germany, Russia, France, Austria, South Africa, etc.

The established mechanisms for cooperation with the media in 2017 were promoted at meetings, conferences and other meetings devoted to issues related to media freedom, as well as through daily contacts with journalists and information officers from other agencies and institutions.

XII. COOPERATION WITH BODIES AND INSTITUTIONS

12.1. Cooperation with bodies and institutions in Bosnia and Herzegovina

Following the agreed principles of vision (adopting the Action Plan of the Ombudsperson for Human Rights of Bosnia and Herzegovina for the period 2016-2020), the Ombudsmen and the employees of the Ombudsman Institutions continued to work on developing and strengthening the cooperation with the bodies and institutions of Bosnia and Herzegovina integrated into the structures of Bosnia and Herzegovina as a corrective factor in the further development of democracy based on the rule of law and respect for human rights and fundamental freedoms of citizens. For the Ombudsmen, there is significant cooperation with the authorities, from which we point out the legislative authority (both at state and entity levels), which discusses and gives an opinion on the annual reports of the Ombudsman Institution, as well as bodies of the executive authorities and the Gender Equality Agency of Bosnia and Herzegovina, Entity Gender Centers for the purpose of protecting against discrimination and analyzing the occurrence of discrimination, promoting rights in the field of gender equality, the rights of national, religious and other minorities, adopting and implementing recommendations on citizens' complaints, delivering reports, responding to citizens' complaints and collecting data for making special reports. Cooperation was also achieved with a certain number of faculties and schools throughout Bosnia and Herzegovina by signing a cooperation act, all with the aim of informing young people about their human rights, that is, education about how to protect themselves and how they can exercise their rights. The cooperation with the Joint Commission for Human Rights of the Parliamentary Assembly of Bosnia and Herzegovina continues through the consideration of special reports implemented in 2017 (which, for the ultimate goal, has the final implementation of the recommendations from the aforementioned reports). The Ombudsman's visit and the representative of the Department for Political and Civil Rights to the Immigration Center, within the Foreign Affairs Service, were also successfully implemented in the previous year.

In the past calendar year, quality and genuine work on the daily protection of human rights was also reflected in visits to local communities, maintaining regular contacts with local government officials, and in 2017, meetings with the mayors/municipal chiefs of cities and municipalities of Bihać, Sokolac, Doboj, Bugojno,²⁹¹ Kupres,²⁹² Nevesinje, Zenica, Ilidža,²⁹³ Tuzla, Prijedor and Orasje, and the prime ministers of the Posavina and Tuzla Cantons²⁹⁴ which intensified discussions on current problems in these municipalities, as well as cooperation with Ombudsmen.²⁹⁵

²⁹¹ Ž-BL-06-215/17

²⁹² Ombudsman Nives Jukić, together with associates and representatives of the OSCE, visited the Bugojno Municipality where a meeting was held with the Mayor of Bugojno Municipality, Hasan Ajkunić, and Chairman of the Bugojno Municipal Council, Igor Vrljić.

²⁹³ The Ombudsperson Nives Jukić visited together with the OSCE's associates and representatives of the Municipality of Kupres, where a meeting was held regarding the appeal with the Mayor of Kupres, Milan Rastegorac, and the Chairman of the Municipal Council of Kupres, Mladen Pavličić.

²⁹⁴ Ombudsmen of Bosnia and Herzegovina, Dr. Jasminka Džumhur and Prof. Dr. Ljubinko Mitrović visited the Municipality of Ilidža, where they met with the Mayor of Dr. Senaid Memić spoke about cases that were established in the Ombudsman Institution for Human Rights of Bosnia and Herzegovina on the basis of complaints from citizens from the area of this municipality. The Ombudsmen of Bosnia and Herzegovina and Mayor Memić during the meeting highlighted the key problems and challenges they face in their work, and discussed the possibilities of resolving citizens' complaints.

²⁹⁵ Visit of Ombudsman dr. Jasminka Džumhur to the Tuzla Canton, and meetings with Prime Minister Canton, the Minister of the Interior, the Minister of Health, the Minister of Labour and Social Policy, the Minister of Justice, and the Director of the

Ombudsmen²⁹⁶ this year also visited the Cantonal Hospital in Travnik for the violent death of a patient at the Department of Neurology and Psychiatry.

A visit to the Ministry of Education, Science, Culture and Sports of the West Herzegovina Canton was held, and on the occasion of a specific subject.²⁹⁷

Visits and interviews were held with the local priest in Bugojno Municipality,²⁹⁸ then a working-consultative meeting was held with the Director of the Center for Education of Judges and Prosecutors of the Republika Srpska.²⁹⁹ On the occasion of the opening of the office days of the Ombudsman Institution for Human Rights of Bosnia and Herzegovina, a press conference was held.³⁰⁰ A working-consultative meeting was held with the Assistant Minister of Health of the Republika Srpska and representatives of the Ministry of Health of the Republika Srpska.³⁰¹ Representatives of media outlets, as well as every year, received a reception at the headquarters of the Ombudsman Institution for Human Rights of Bosnia and Herzegovina.³⁰² Representatives of the Institution were present at the working-consultative meeting with the members of the Equal Opportunities Committee of the National Assembly of the Republika Srpske.³⁰³ A visit to the County Court in Banja Luka was also conducted³⁰⁴ and was discussed with the President of that court.³⁰⁵ In October, the institution's headquarters was visited by the Ombudsperson for

Cantonal Institute of Health Insurance and the Cantonal Institute for Pension and Disability Insurance. Furthermore, Ombudsman dr. Džumhur met and held numerous meetings with both representatives of the current authorities of the City of Tuzla as well as numerous NGOs from Tuzla discussing free health care for women in the Tuzla Canton, the issue of child health care, issues related to the issue of personal documents, the quality of education of children in primary schools and problems that the Roma population encounters during primary education.

²⁹⁶ Dr. Jasminka Džumhur and Nives Jukić, visit 28.04.2017.

²⁹⁷ Ombudsman Nives Jukić on 10.10.2017. held a meeting with Minister Ruzica Mikulić in Široki Brijeg regarding events in the Fr. Grga Martić Posušje Gymnasium.

²⁹⁸ Ombudsman prof. dr. Ljubinko Mitrović. during his visit to Bugojno Municipality, spoke to the local priest about the situation and problems in this municipality, especially with the accent on the realization of the rights of Serbs living in this area. Also discussed were cases registered in the Institution.

²⁹⁹ Ombudsman prof. dr. Ljubinko Mitrović held a working - consultative meeting with the director of the Center for Education of Judges and Prosecutors of the Republika Srpska, Mr. Tomislav Čavić. At the meeting, we agreed upon the forms of cooperation between our Institution and the Centre.

³⁰⁰ The Human Rights Ombudsman Institution of Bosnia and Herzegovina, with the support of the City Administration of the City of Doboj and the OSCE Mission to Bosnia and Herzegovina, organizes office days in Doboj in order to facilitate citizens' access to this institution as a mechanism for the protection of their rights. At the time of office days, lawyers in the Institution of Ombudsmen for Human Rights of Bosnia and Herzegovina will file complaints of natural and legal persons for violation of human rights committed by any authority of Bosnia and Herzegovina, its entities and Brčko District of Bosnia and Herzegovina.

³⁰¹ Ombudsman Prof. Dr. Ljubinko Mitrović. at the meeting, agreed on further steps to establish the Alimentative Fund in the Republika Srpska, primarily in terms of adopting adequate legal solutions.

³⁰² Reception was an opportunity for Ombudsmen to summarize the results of the Ombudsman Institution for Human Rights in Bosnia and Herzegovina in 2015, as well as the opportunity to talk about the improvement of future cooperation with the goal of promoting and protecting human rights.

³⁰³ Ombudsman Prof. Dr. Ljubinko Mitrović and his members agreed on further steps to establish the Alimentation Fund in the Republika Srpska, primarily in terms of adopting adequate legal solutions. At the meeting, I presented the views of our Institution, especially in relation to the recommendation of the Government of the Republika Srpska, i.e. the Government of the Federation of Bosnia and Herzegovina and the Government of the Brčko District of Bosnia and Herzegovina, given by the Special Report: Children in Conflict Divorces.

³⁰⁴ Ombudsman Prof. Dr. Ljubinko Mitrović and his staff agreed on further steps to establish the Alimentation Fund in the Republika Srpska, primarily in terms of adopting adequate legal solutions. At the meeting, I presented the views of our Institution, especially in relation to the recommendation of the Government of the Republic of Srpska, ie the Government of the Federation of Bosnia and Herzegovina and the Government of the Brčko District of Bosnia and Herzegovina, given by the Special Report: Children in Conflict Divorces.

³⁰⁵ Ombudsman prof. dr. Ljubinko Mitrović and the President of the District Court, Marija Aničić-Zgonjanin, conducted an interview on the status of the cases resolved in the Human Rights Institution of Bosnia and Herzegovina in which this Court was designated as a responsible party. It was jointly noted that the number of such cases was minimal, and the satisfaction was attained by the achieved level of cooperation between our two institutions.

children of Croatia.³⁰⁶ At the headquarters of the Institution in Banja Luka, took place the visit of the newly-appointed Ombudsman of Serbia, Zoran Pašalić with associates³⁰⁷

In the process of public administration reform, which was reflected through active participation within the *Responsibility and Service Response Panel*, as well as with the meeting with the expert team for HRM from SIGMA, the Law on Civil Service in the Institutions of Bosnia and Herzegovina was considered. The Public Administration Reform Coordinator's Office coordinated the process of data collection for measuring the situation in the public administration of Bosnia and Herzegovina for 2017 in relation to the principles of public administration.

Representatives of the Institution also attended XIII. conference of court presidents in Bosnia and Herzegovina organized by the High Judicial and Prosecutorial Council, discussing the efficiency of the courts and alternative ways of resolving the cases, and then the XVI. counseling from the criminal-legal area (on the topic of *Serving serious crimes of organized crime and corruption and topical issues of judicial reform in Bosnia and Herzegovina*). In 2017, a meeting was also held with the President of the High Judicial and Prosecutorial Council,³⁰⁸ discussing the length of court proceedings before the courts in Bosnia and Herzegovina, as well as the future modalities of cooperation with the Ombudspersons.

Representatives of the Institution also participated and exhibited at XIV counseling of lawyers "Building and functioning of the legal system" at the October legal days in Banja Luka at the Law Faculty of the University of Banja Luka.

The Department for monitoring the rights of the child continued to monitor the dedicated work of the Center for Social Work, and the representatives of the Institution also took part in the III. Annual Professional Conference of Social Workers in Bosnia and Herzegovina entitled Professional Status and Position of Social Workers and Other Professional Staff in the Field of Social Protection. Coordination with centers throughout Bosnia and Herzegovina has been maintained through regular participation in meetings, workshops and roundtables such as *the European Anti-Trafficking Day*, with the aim of highlighting the awareness of people that each person may be in the potential for trafficking in human beings. Representatives of the Department also attended the screening of the film Stop Violence in the Seventh Elementary School Gornji Rahic, Brčko, as well as the presentation of *the Education for All* project organized by the Mayor of the City of Mostar with the Association of Young Psychologists, Roma Neretva Association, Primary School Mustafa Ejubović, Sheikh Jujo and Primary school Bijelo Polje.

In order to address the everyday challenges that employees face when accommodating persons to social care institutions, existing legal obstacles and solutions, and the different practices of courts and problems that have arisen in the implementation of the judgment of the European Court of Human Rights (*Hadžimejlić et al. V. Bosnia and Herzegovina*) were visited by Psychiatric Hospital of Sarajevo Canton Jagomir, Psychiatric Clinic KCUS and JZU Hospital for Chronic

³⁰⁶ The Ombudsman for Children of Croatia, Ms. Milas-Klarić, visited the headquarters of the Ombudsman Institution for Human Rights of Bosnia and Herzegovina, and on that occasion spoke with the ombudsman Prof. Dr. Ljubinko Mitrović and other colleagues at the Institution.

³⁰⁷ Defender of citizens of Serbia Mr. Zoran Pašalić, with associates, visited the headquarters of the Ombudsman for Human Rights of Bosnia and Herzegovina in Banja Luka on Friday, October 6th, where he met with the Ombudsmen of Bosnia and Herzegovina dr. Jasminka Džumhur, Nives Jukić and prof. dr. Ljubinko Mitrović. They discussed the cooperation between the two institutions in the field of protection and promotion of basic human rights, as well as other issues of importance for the work of independent human rights institutions.

³⁰⁸ Nives Jukić held a meeting with Milan Tegeltija as President of the High Judicial and Prosecutorial Council.

Psychiatry Jakeš Modriča. Concerning the above problems, a meeting was held with the Federal Minister of Labor and Social Policy.³⁰⁹

Working closely with the Regional Coordination of Families of Missing Persons from the Former Yugoslavia, five (5) workshops have been successfully implemented within the Project *Improving Access to the Rights of Families of the Missing Persons through the more effective implementation of the Missing Persons Act entitled Protecting Families of Missing Persons in Bosnia and Herzegovina - Protection of Rights members of the families of missing persons in Bosnia and Herzegovina*, while a round table on *the Rights and Status of Families of Missing Persons in Bosnia and Herzegovina - a legal framework conceived as a continuation of the project*.

With the representatives of the Agency for Prevention of Corruption and Coordination of the Fight against Corruption, the Strategy was drafted in the fight against corruption and Integrity Plan, while the representative of the Institution actively participated at the regional conference on the occasion of the International Anti-Corruption Day, at the invitation of Transparency International Bosnia and Herzegovina, the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (APTİK) and the Anti-Corruption Network (ACCOUNT).

The regular activities of Disability Rights Monitoring Department in the past year were also reflected in the participation at the round table *"Accommodation of persons with mental disabilities in social welfare institutions and treatment of juveniles in conflict with the law*, organized by the OSCE, the Social Workers' Association of ZDK and the Association of Social employees of SBK (with the presence of representatives of the Federal Ministry of Labor and Social Policy, Ministry of Labor, Social Policy and Refugees ZDK, Ministry of Health and Social Policy SBK, director and representative of the Bakovići and Drin Institute, and social workers and lawyers of the Center for Social Work, Canton ZDK and SBK) and the conference (organized by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina) on the occasion of the International Day of Persons with Disabilities, as well as on the topics of *the Recommendation and Concluding Observations of the UN Committee on the Rights of Persons with Disabilities on the Initial Report of Bosnia and Herzegovina*. With the Director of the Vocational Rehabilitation and Employment of Disabled Persons Fund, the Director of the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities discussed the situation of the human rights of persons with disabilities in the context of the Convention on the Rights of Persons with Disabilities, the obstacles encountered by persons with disabilities in the field of employment but also discussing the problems of the registered in the Ombudsman Institution for Human Rights of Bosnia and Herzegovina, as well as the current problems of the Fund. The Association of Deaf and Hard of the Republika Srpska celebrated 25 years of successful existence (in the presence of representatives of executive and legislative power of the Republika Srpska) in the company of representatives of the Institution organizing the conference *the significance of the adoption of the Law on the Sign Language of the Deaf Persons of the Republika Srpska*. .

The Department also reported events on XI international conference on the status and rights of OSI organized by the Coordination Committee of the Association and the Association of Persons with Disabilities of the USK (campaign Let us act together), and within the implementation of

³⁰⁹ Dr. Jasminka Džumhur and Nives Jukić held a meeting with Vesko Drljača, Federal Minister of Labour and Social Policy.

the Strategy for the Promotion of the Rights and the Position of Persons with Disabilities in the Federation of Bosnia and Herzegovina.

Scientific Discourse of *existing legal discrimination* organized by the Association of the Blind persons of the Republika Srpska (supported by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina) was accompanied by a representative of the Institution, discussing health and social protection and the need to identify mechanisms for removing various forms of discrimination against persons with disabilities.

Final activity in 2017, and with regard to activism in the fight against discrimination, the active participation of the representatives of the Institution at the meeting *Strengthening Ombudsmen for Human Rights* in the fight against discrimination, which is at the same time a kind of training of members/representatives of the Agency for Gender Equality of Bosnia and Herzegovina, The Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Gender Center of the Federation of Bosnia and Herzegovina and the Gender Center of the Republika Srpska.

The Gender Equality Agency of Bosnia and Herzegovina, in cooperation with the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, organized a round table/working-consultative meeting titled *Activities on the preparation of the sixth periodic report on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Bosnia and Herzegovina*, pointing to the final recommendations (34 and 42) of the UN CEDAW Committee and at the same time asking questions: Has a trusted and secure system for lodging complaints on gender-based discrimination and sexual harassment in the workplace been developed? (34) Whether and in which areas the collection and analysis of gender-disaggregated statistical data has been improved, as required by Article 22 of the Law on Gender Equality in Bosnia and Herzegovina, and whether the statistics are classified according to the place of residence (urban/rural) including: the issues of vulnerable groups of women, in order to assess the progress in achieving de facto equality? What is the impact of the measures taken and the results obtained?

On October 18, 2017, on the invitation of the Committee on Legal Sciences - Department of Social Sciences of the Academy of Sciences and Arts of Bosnia and Herzegovina, Ombudsman Mitrović attended the session of the Committee and on that occasion held an introductory presentation on the topic: "The role and conduct of the Ombudsman for Human Rights of Bosnia and Herzegovina in cases of discrimination."

Furthermore, for the purpose of developing the Strategy for Improving the Position of the Elderly in the Federation of Bosnia and Herzegovina for the period 2018-2027., organized by the Federation Ministry of Labor and Social Policy, a representative of the Ombudsman participated in public consultations on the draft Strategy. The main goal of the Strategy is to improve the quality of life of the elderly. Strategic goals have been presented, for whose successful implementation (in cooperation with the Center for Healthy Aging), it is necessary to solve the issue of reform of the pension and disability system, the issue of youth and employment, the issue of palliative care and mobile teams functioning (the problem is intensifying for the elderly in rural areas).

The Human Rights Ombudsman Institution of Bosnia and Herzegovina participated at the conference Stigmatization of persons who survived sexual violence in the war: Civil activism and responsibility for suppressing stigmatization at the level of local communities in Bosnia and Herzegovina organized by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina and Embassy of the United Kingdom, at the international conference *Authenticity of the National Minority in Bosnia and Herzegovina*, organized by the Council of National

Minorities of Bosnia and Herzegovina (in partnership with the OSCE Mission and the Ministry of Human Rights and Refugees of Bosnia and Herzegovina) as well as at Public Consultations on the Preliminary Draft Law on Freedom of Access to Information of Bosnia and Herzegovina (proposed by the Ministry of Justice of Bosnia and Herzegovina).

12.2. Cooperation with international organizations and institutions

The ombudsman institution, as a human rights protection mechanism, also checks the issue of its independence through the re-accreditation process carried out by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), now GANHRI - the Global Alliance of Independent Human Rights Institutions.

The GANHRI Accreditation Subcommittee twice postponed the decision on re-accreditation, for the first time at the Ombudsman's request, and for the second time in anticipation of the Amendments to the Law on Ombudsman for Human Rights of Bosnia and Herzegovina. Finally, on 24 November 2017, the GANHRI Accreditation Subcommittee informed the Ombudsman Institution that it would recommend to the GANHRI Bureau that the Ombudsman Institution be re-accredited in the status of "A" For Ombudsmen, as well as for all employees, this is a great recognition and a great obligation. The recommendation of GANHRI will, as before, be a guideline in the work of the Institution, in which the Ombudsperson will make great efforts.

This process is supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR), as a permanent observer and serves as the secretariat of GANHRI. Institutions accredited in "A" status act in accordance with the Paris Principles. They may fully participate as voting members in the work of the United Nations system, inter alia through the reporting of relevant United Nations Committees on compliance with the obligations assumed by the State by ratifying human rights treaties.

From the very beginning of its functioning, the Ombudsman Institution has been accredited in status "A" Its previous accreditation expired in 2015 when Ombudsmen submitted to the then International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights - ICC, former name for GANHRI, a request for re-accreditation. In every re-accreditation process, GANHRI issues national human rights institutions with specific recommendations aimed at improving their work, achieving greater efficiency and strengthening their engagement with United Nations mechanisms. In the previous re-accreditation process, GANHRI issued several recommendations related to greater transparency and pluralism in the process of election of the Ombudsperson, complete financial independence, institutionalized cooperation with civil society organizations, and greater engagement in the field of human rights promotion. The Ombudspersons recognized the recommendations of the GANHRI Bureau and proceeded with actions to implement them. The basis for this work was the Action Plan for the implementation of the GANHRI recommendations that they adopted.

The Ombudspersons held numerous meetings with representatives of the legislative and executive authorities in Bosnia and Herzegovina and in those contacts they advocated the adoption of the necessary amendments to the regulations governing the work of the Institution. Meetings were also held with representatives of the civil sector in Bosnia and Herzegovina and a Platform for Cooperation with Non-Governmental Organizations was created, which was later upgraded.

During the reporting period, the following activities were realized, i.e. attendance at meetings and conferences:

1. Meeting with the NHC Executive Director, Mr. Gerrets, and Professor Lawson from the Law School of the University of Leiden.
2. XV counseling from the criminal field "Fight against organized crime and terrorism", June 01 - 04, 2016.
3. 4th International Symposium on Institutions of the Ombudsman "Migration and Refugees," Ankara.
4. The process of searching for missing persons and legal aspects, workshops: Individual and social consequences of uncertain loss - support to faculties and research in Bosnia and Herzegovina, International Committee of the Red Cross, Sarajevo.
5. XII. Counseling in the field of civil law, Jahorina, 18. -21. October 2017.
6. Expansion of the Committee for Migrant Workers, Workshop "United Nations Human Rights Decisions", Max Planck Institute, Luxembourg.
7. "Women and the process of reconciliation in Bosnia and Herzegovina", Council of Europe, Strasbourg.
8. "The Ombudsmen under Pressure, Political, Democratic, Constitutional Restrictions and Restrictive Financial Conditions in our Neighboring Countries", the Institute for the Danube Region and Central Europe (IDM) organizes - together with the International Ombudsman Institute (IOI) and the Austrian Ombudsman, the Committee, Vienna
9. The Role of the Ombudsman in Judicial Protection, XV. International Consultation of the Law Faculty in Mostar, "Efficiency of mechanisms for the protection of discrimination cases", Neum.
10. Living together and coexistence, International Conference sponsored by the Croatian Parliament Speaker on Freedom of Expression, Zagreb
11. Within the project implemented by the Ombudsmen with the Council of Europe, the representatives of the Institution were on a study visit to the European Court of Human Rights and the Council of Europe headquarters in Strasbourg. Also, a study visit to the Ombudsman of Armenia was organized at the end of October.
12. International Scientific Conference entitled: Reform of the Legal System of Montenegro - Judiciary and Fundamental Rights.
13. Second Conference of Regional Equality Bodies of South-East Europe, held in Zagreb.
14. Meeting with the Director of the Institute for Democracy and Human Rights in Azerbaijan, Mr. Shadinov and diplomatic advisor, Mr. Guliyev.
15. Seminar organized by EQUINET on the topic: "Equality bodies deal with discrimination against persons with intellectual disabilities", Zagreb.
16. Meeting with the expert team Mr. Primož Vehar and Mr. Samo Godecom for HRM from SIGMA - Collection of data for the measurement of the situation in the public administration of Bosnia and Herzegovina for 2017 in relation to the Principles of Public Administration.
17. A meeting of the representatives of the NPM Network of South East European Countries was held in Podgorica on the topic: "Health care in closed and psychiatric institutions."
18. The Conference on the topic: "Discrimination at work and employment" was held in Montenegro.

19. Participation in the seminar of the General Assembly of the European Network of National Human Rights Institutions and the Annual Assembly of the European Network of National Human Rights Institutions in Brussels.
20. Meeting with the Commissioner for the Protection of Equality of Serbia, Ms. Brankica Janković, as well as with the Defender of Citizens of Serbia, Mr. Zoran Pašalić.
21. Regional conference and workshop titled "Free Legal Assistance-ratio legis, scope and conditions of application" organized by the Ministry of Justice of the Republic of Serbia and the Serbian Association for Criminal Law Theory and Practice.
22. Meeting of the Network of NPMs of South East Europe in Belgrade titled "Treatment of people with mental disorders in prison." The meeting was organized by the Ombudsman of the Republic of Serbia.
23. International Scientific Conference at the Law Faculty in Osijek. At this Conference Ombudsman Mitrović spoke on the topic: "The Human Rights Ombudsman's conduct in Bosnia and Herzegovina in cases of discrimination."
24. Round table on "Information society and media" in Neum. The Round Table Organizer was the Joint Committee for European Integration in cooperation with the OSCE.
25. Meeting of the representatives of the NPM Network of South East European Countries on the topic: "Methodology of visitation of institutions of detention," in Belgrade.
26. International Scientific Conference entitled "Freedom, Security: The Right to Privacy", organized by the Provincial Protector of Citizens - the Ombudsman of Vojvodina and the Institute for Criminological and Sociological Research from Belgrade, was held in Novi Sad.
27. The Fourth International Conference on Environment and Human Rights titled: "Public Participation in Environmental Issues," held in Ljubljana.
28. 21st Annual Conference of ENOC, Helsinki (Finland). Host of the conference was the Children's Ombudsman of Finland.
29. Round table organized by the Mostar Coordination of Serbs under the name "Unconstitutionality of the Serbian People in the Constitution of the Herzegovina-Neretva Canton."
30. Roundtable on Cooperation of Authorities (Government Institutions) with the Human Rights Ombudsman of Bosnia and Herzegovina focused on the implementation of Ombudsman's recommendations and coordination of activities, Banja Luka.

XIII. COOPERATION WITH NON-GOVERNMENTAL AND CIVIL SECTOR

Cooperation of the Ombudsman Institution with the non-governmental and civil sector continued successfully in 2017. As in previous years, a significant number of applications have been received and registered in this year, especially those related to current issues of rights and protection of children and women, protection of marginalized groups, prevention and combating discrimination, as well as on issues and issues of persons with disabilities .

A series of activities in the field of anti-discrimination was initiated by a joint project of the Ombudsman, the Council of Europe in Bosnia and Herzegovina, the Sarajevo Open Center and Your Rights in Bosnia and Herzegovina. Ombudsperson Jasminka Džumhur participated in the preparation of the Manual for the Prevention of Discrimination for Civil Servants and Non-Governmental Organizations within the framework of the implementation of anti-discrimination activities implemented by the Council of Europe. During 2017, cooperation with Save the Children organization through the LYRA project continues, this time in the form of creating an online platform for reporting discrimination.

Engagements are followed by participation in the round table of the Characteristics and significance of situational testing in the process of proving discrimination in the organization of the Association for Democratic Initiatives (ADI) and the consideration of the role in the organization of civil society, and the quality and importance of situational testing in the process of proving discrimination. On this occasion, *the Handbook for Situational Discrimination Testing - Handbook for Activists* was presented. Representatives of the Ombudsman contributed to participation, together with Roma Neretva Association, and when presenting project *the Education for all*, the emphasis on providing equal social, educational and cultural opportunities for all Roma children through the inclusion of legally compulsory basic education, improvement of attending classes and increasing inclusion of parents of Roma in the educational process of their children.

Activities of the Department for the Elimination of All Forms of Discrimination continue with participation at the annual conference organized by the Coalition Equality for All under the title *From Discrimination to Inclusion and Equality in Education in Bosnia and Herzegovina*, discussing the different dimensions of discrimination and segregation issues in the field of education in Bosnia and Herzegovina, as well as ensuring the inclusion of children with disabilities and disabilities in the process of full-time education (by participating in this activity Ombudsmen also cooperated with the Association of BiH DUGA). The representative of the Department also attended the round table *Strengthening Anti-Discrimination and Hate Crimes Mechanisms*, organized by the Tuzla Anti-Hate Coalition, which aimed to strengthen the capacity of local organizations, as well as cooperation between civil society organizations and relevant institutions in prevention and combating discrimination and hate crimes.

The continuation of the work of the Department for the fight against all forms of discrimination was reflected in the active participation in the Stop discrimination workshop - Women Empowerment in Bosnia and Herzegovina under the auspices of Caritas Banja Luka, as well as at a public tribune organized by the United Women with the aim of empowering women from vulnerable categories (unemployed, single mothers, victims of domestic violence and women in a state of social need). In the realization and protection of human rights of LGBTI people, activity is included in the participation in consultations, with the aim of creating a free and non-

discriminatory space for LGBTI persons in Bosnia and Herzegovina, with representatives of your rights in Bosnia and Herzegovina, CURE Foundation, the Ministry of the Interior of Canton Sarajevo, Public the Institute for Employment of the Sarajevo Canton, the Sarajevo Canton Ministry of Justice and Administration, the Association of Journalists of Bosnia and Herzegovina and the *Gender Center* of the Federation of Bosnia and Herzegovina. The support to the elderly continues with the cooperation of the OSCE Mission to Bosnia and Herzegovina through the activities of the Anti-Discrimination Forum (ADF) on *Human Rights and the Position of the Elderly in Society* (held in Trebinje) and the participation of representatives of NGOs from the Trebinje region, Bileća and Nevesinje.

Co-operation with the Center for Civil Initiatives (CCI) and Transparency International of Bosnia and Herzegovina (TI BiH) in 2017 was reflected in the participation in the preparation and drafting of a bylaw, which would regulate in a uniform manner the admission to employment by public advertising in institutions, , directors and administrative organizations. The aim of the cooperation was to better detect the problems in the field of employment, and in order to prepare a better Regulation (Decree on the procedure for admission to employment in the public service in the Federation of Bosnia and Herzegovina), which dealt with the issue of employment in the public sector in more detail. Working on this topic has also raised a public debate on the topic *Transparent, meritorious and responsible employment in the public sector*.

The Department for the Monitoring of the Rights of Persons with Disabilities also co-operated with non-governmental organizations dealing with the issues of rights and the protection of persons with disabilities in the territory of Bosnia and Herzegovina in 2017. One of them is the SUMERO Alliance and the current issue of building a deinstitutionalization platform (and all within the project *Support to the Inclusion of People with Disabilities in Bosnia and Herzegovina*). In October, the SUMERO Association organized a conference called *Inclusion to Equal Opportunities for Children and Persons with Disabilities in Canton Sarajevo* (which was also followed by a representative of the Institution), reiterating that budget funds must be distributed according to needs rather than by social status, then the period of inclusion should begin in pre-school age, that teachers should have professional training, and that every child has the right to education. There are numerous activities in the past year in the field of protection of the rights of children and women. At the meeting with the Viva Women's Associations, the Country of Children in Bosnia and Herzegovina, the Euro Rom, the Better Future and the Bureau for Human Rights, the current problems of free maternity protection, the quality of the education system, issues related to the issue of personal documents, the issue of child health care 15-18 years of age, as well as the rights of the Roma national minority.

The Department for Protection of Children's Rights continues the long-standing project of the Save the Children Ombudsman in your school (since 2017 in cooperation with LYRA) by organizing workshops in local communities throughout Bosnia and Herzegovina. The second LYRA project, in cooperation with the Association for the Promotion of Roma Education Otaharin Bijeljina and the Altruist Mostar Association, with which the Institution and Save the Children cooperate jointly, is working to promote and respect the human rights of Roma children and young people. Cooperation with NGOs exists. Our children, who continuously organize roundtables on the theme of the *Kindergarten for All - a long way to the goal* (in cooperation with the Roma Information Center - Kali Sara), *Violence against children - a review of available data and the right to inclusive education*. Also, with UNICEF's partnership, a regional project of the Bureau for Human Rights was also carried out. *Protection of children against violence and promotion of social inclusion of children with disabilities in the Western Balkans and Turkey*;

Justice project for every child (within the project is training related to fulfillment legal needs of the most vulnerable children, especially children with disabilities and children from minority communities), as well as a conference on the occasion of the International Children's Day. Representatives of the Department actively participated in each of the activities listed above, as well as at the Street Children's Conference - Exit Strategy, organized by the Network of Bosnian and Herzegovinian Non-Governmental Organizations against Trafficking in Human Beings (Ring, United Women and Lara). The Local Democracy Foundation sent a call to the Institution for proactive participation in a public forum More information - a safe environment (as one of the authors of the Analysis of the situation in the institutions where the juveniles are in conflict with the law) to exchange views on ways of preventive action in the fight against juvenile delinquency, and the Association of New Generations at a round table on the subject of pre-school education. It is also important to mention the participation in the Round Table for the Protection of Children of the Street from Abuse organized by the Altruist Association on the occasion of the International Day of Children of the Street, which discussed many problems characteristic for begging children.

The institution is also active in resolving maternal issues through the work of the conferences *Together to eliminate various treatment in the area of maternity and parental benefits and rights in the Federation of Bosnia and Herzegovina, with a special focus on the Herzegovina-Neretva Canton and the discussion on the Draft Law on the Protection of Families with Children of the Herzegovina-Neretva Canton, that is, What are the Changes to Herzegovina-Neretva Canton after the campaigning of (non)discrimination against the mother in the Federation of Bosnia and Herzegovina - the Law on the Protection of Families with Children after 18 years*, organized by the Women's Association FORMA F and the Association Women for Women.

Discussion on how to establish better communication between civil society organizations, citizens and institutions was discussed at the Conference on Formal and Informal Obstacles to Civil Activism organized by the Association of Citizens of Oštra Nula from Banja Luka.

XIV. RECOMMENDATIONS OF THE OMBUDSMEN

In accordance with Article 32 of the Law on Ombudsmen for Human Rights of Bosnia and Herzegovina, the Ombudsmen, after conducting the investigation procedure, can make recommendations to the responsible body with the aim of removing the observed violations of human rights. The bodies that receive such recommendations are obliged to respond in writing and inform the Ombudsmen about the effect of the recommendations within the time period determined by the Ombudsmen.

If the responsible body does not take measures from the recommendation, or if it does not inform the Ombudsmen about the reasons for their non-deduction, Ombudsmen directly point to the higher body to indicate the course of the case and further recommendations. The following table shows the recommendations made in the past year and the way they are implemented:

TABLE OF RECOMMENDATIONS

NUMBER OF RECOMMENDATION	NUMBER OF COMPLAINT	ADDRESSED TO ORGAN	VIOLATED RIGHT	DATE OF RECOMMENDATION ISSUED	IMPLEMENTATION	ANSWER RECEIVED
P-1/17	Ž-BL-01-545/16,	CENTER FOR SOCIAL WORK SRBAC, MUNICIPALITY SRBAC	13 – THE RIGHTS OF THE CHILD	25.1.2017.	PARTLY IMPLEMENTED	YES
P-2/17	Ž-SA-05-792/16,	PRIMARY SCHOOL "SABURINA" SARAJEVO, SCHOOL BOARD, MINISTRY OF EDUCATION, SCIENCE AND YOUTH CANTON SARAJEVO, MINISTER	22 GOVERNMENT AND MINISTERIAL APPOINTMENTS	26.1.2017.	COOPERATION ACHIEVED	YES
P-3/17	Ž-SA-04-803/16,	MINISTRY OF INTERNAL AFFAIRS SBK/KSB TRAVNIK, MINISTER	10 - LABOR RELATIONS	26.1.2017.	COOPERATION ACHIEVED	YES
P-4/17	Ž-SA-05-829/16,	MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIKA SRPSKA, REPUBLIC SECURITY CENTER BIJE LJINA, POLICE STATION MILIĆI	03 ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	26.1.2017.	IMPLEMENTED	YES
P-5/17	Ž-SA-05-1111/16,	MUNICIPALITY OF OLD TOWN OF SARAJEVO, CHIEF OF MUNICIPALITY	03 - ACCESS TO INFORMATION	26.1.2017.	NO ANSWER	NO

P-6/17	Ž-MO-04-61/16,	FEDERATION MINISTRY OF ISSUES OF THE DEFENSE AND LIABILITY STAFF, MINISTER OF SARAJEVO	25 - PENSIONS	3.2.2017.	NO ANSWER	NO
P-7/17	Ž-MO-05-129/16,	MUNICIPALITY OF JABLANICA, CHIEF OF MUNICIPALITY	19 - ADMINISTRATION	3.2.2017.	NOT IMPLEMENTED	YES
P-8/17	Ž-BL-05-274/16,	MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA	19 - ADMINISTRATION	2.2.2017.	NO ANSWER	NO
P-9/17	Ž-BL-05-440/16,	FUND FOR PENSION AND DISABLEMENT INSURANCE OF THE REPUBLIKA SRPSKA	09 - COURTS	2.2.2017.	NOT IMPLEMENTED	YES
P-10/17	Ž-BL-02-667/16,	THE GOVERNMENT OF THE UNA-SANA CANTON, MINISTRY OF HEALTH, WORK AND SOCIAL POLICY OF USK	12 - PERSONS WITH DISABILITIES	2.2.2017.	IMPLEMENTED	YES
P-11/17	Ž-BL-05-665/16,	POLICE STATION SRBAC	05 - POLICE	2.2.2017.	IMPLEMENTED	YES
P-12/17	Ž-BL-05-808/16,	MUNICIPALITY OF MILIĆI	03 - ACCESS TO INFORMATION	2.2.2017.	IMPLEMENTED	YES
P-13/17	Ž-BL-05-465/16,	THE ASSEMBLY OF THE UNA-SANA CANTON	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	2.2.2017.	IMPLEMENTED	YES
P-14/17	Ž-BL-05-42/17,	PRIMARY SCHOOL "VUK KARADŽIĆ" BIJELJINA	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN LEGAL DEADLINE	2.2.2017.	NOT IMPLEMENTED	YES
P-15/17	Ž-SA-04-957/15,	HEALTH CENTER OF CANTON SARAJEVO , DIRECTOR	23 - PUBLIC HEALTH	13.2.2017.	IMPLEMENTED	YES
P-16/17	Ž-SA-04-1146/14,	GRAHOVO MUNICIPALITY, CHIEF OF GRAHOVO MUNICIPALITY	21 - COMMUNAL SERVICES	3.2.2017.	NO ANSWER	NO
P-17/17	Ž-BL-06-615/16,	ELTA KABEL DOO DOBOJ	01 - DISCRIMINATION -- 01-18 – BASED ON SOCIAL STATUS AND GENDER	3.2.2017.	COOPERATION ACHIEVED	YES

P-18/17	Ž-SA-05-867/15,	FEDERATION MINISTRY OF JUSTICE, SARAJEVO	15 LEGAL AND PROPERTY RELATIONS	3.2.2017.	IMPLEMENTED	YES
P-19/17	Ž-SA-05-39/15,	CANTONAL COURT SARAJEVO	09 - COURTS-- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	3.2.2017.	IMPLEMENTED	YES
P-20/17	Ž-BL-04-464/16,	ARCHIVE OF THE REPUBLIKA SRPSKA	10 - LABOR RELATIONS	3.2.2017.	NOT IMPLEMENTED	YES
P-21/17	Ž-LI-05-280/16,	SERVICE FOR GEODETIC, PROPERTY-LAW AND REAL ESTATE CADASTRE OF REAL ESTATE OF TOMISLAV GRAD	19 - ADMINISTRATION	13.2.2017.	COOPERATION ACHIEVED	YES
P-22/17	Ž-LI-05-281/16,	SERVICE FOR GEODETIC, PROPERTY-LAW AND REAL ESTATE CADASTRE OF REAL ESTATE OF TOMISLAV GRAD	19 - ADMINISTRATION	15.2.2017.	COOPERATION ACHIEVED	YES
P-23/17	Ž-BL-05-485/16,	FUND FOR PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	6.2.2017.	IMPLEMENTED	YES
P-24/17	Ž-BL-02-369/16,	MINISTRY OF WORK AND VETERAN DISABLEMENT PROTECTION OF THE REPUBLIKA SRPSKA	12 - PERSONS WITH DISABILITIES	8.2.2017.	NOT IMPLEMENTED	YES
P-25/17	Ž-SA-04-870/16, Ž-SA-06-269/16,	PREIMARY SCHOOL "HASAN KIKIĆ", DIRECTORS, SCHOOL BOARD SARAJEVO. MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO	01 - DISCRIMINATION, 10 - LABOR RELATIONS	13.2.2017.	NOT IMPLEMENTED	YES
P-26/17	Ž-SA-06-141/16,	ASSEMBLY OF THE CANTON SARAJEVO	01 - DISCRIMINATION -- 01-18 - BASED ON SOCIAL STATUS AND GENDER	13.2.2017.	COOPERATION ACHIEVED	YES
P-27/17	Ž-SA-02-156/13,	PUBLIC ATTORNEY'S OFFICE OF CANTON SARAJEVO	12 PERSONS WITH DISABILITIES	14.2.2017.	NOT IMPLEMENTED	YES

P-28/17	Ž-SA-05-641/16,	MUNICIPALITY OF ŽIVINICE, MUNICIPAL COUNCIL, MUNICIPAL CHIEF, HEALTH CENTER, DIRECTOR	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	14.2.2017.	COOPERATION ACHIEVED	YES
P-29/17	Ž-BL-04-8/17,	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA	23 - PUBLIC HEALTH	16.2.2017.	IMPLEMENTED	YES
P-30/17	Ž-BL-06-77/17,	UNIVERSITY OF SARAJEVO	01 - DISCRIMINATION	27.2.2017.	NOT IMPLEMENTED	YES
P-31/17	Ž-BL-05-759/16,	FEDERATION MINISTRY OF JUSTICE, ADMINISTRATIVE INSPECTION	19 - ADMINISTRATION	27.2.2017.	IMPLEMENTED	YES
P-32/17	Ž-BL-04-84/17,	BASIC COURT OF GRADIŠK	09 - COURTS	28.2.2017.	IMPLEMENTED	YES
P-33/17	Ž-SA-07-140/16,	POLICE MANAGEMENT OF ZENICA, CHIEF, PRISON OF CLOSED TYPE, ZENICA, DIRECTOR	07 - PRISONS	2.3.2017.	IMPLEMENTED	YES
P-34/17	Ž-SA-07-909/16,	FEDERATION MINISTRY OF JUSTICE, MINISTER, PRISON OF THE CLOSED TYPE OF ZENICA, DIRECTOR.	07 - PRISONS	2.3.2017.	NO ANSWER	NO
P-35/17	Ž-SA-04-26/17,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO, THE PRESIDENT OF THE REPRESENTATIVE OF THE PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, THE PRESIDENT OF THE PEOPLE'S HOUSE OF THE PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	10 - LABOR RELATIONS	2.3.2017.	COOPERATION ACHIEVED	YES
P-36/17	Ž-SA-05-1291/16,	MUNICIPALITY OF STARI GRAD SARAJEVO	19 - ADMINISTRATION	13.3.2017.	COOPERATION ACHIEVED	YES

P-37/17	Ž-SA-02-594/16,	THE PARLIAMENTARY ASSEMBLY OF BOSNIA AND HERZEGOVINA, THE PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, THE NATIONAL ASSEMBLY OF THE REPUBLIKA SRPSKA, THE BRČKO DISTRICT ASSEMBLY, THE COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA, THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, THE GOVERNMENT OF THE REPUBLIKA SRPSKA, THE BRČKO GOVERNMENT, THE RESPONSIBLE MINISTRY OF SOCIAL PROTECTION	12 - PERSONS WITH DISABILITIES	2.3.2017.	COOPERATION ACHIEVED	YES
P-38/17	Ž-SA-05-3/15,	MINISTRY OF FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA, SARAJEVO, FEDERATION MINISTRY OF ISSUES FOR VETERANS AND WAR INVALIDS, SARAJEVO	03 - ACCESS TO INFORMATION -- 03-3 - RIGHT TO SECOND INSTANCE REVIEW	2.3.2017.	COOPERATION ACHIEVED	YES
P-39/17	Ž-BR-05-244/15,	MUNICIPALITIES OF GRAČANICA, SERVICE FOR ENTREPRENEURSHIP, LOCAL DEVELOPMENT AND FINANCE	19 - ADMINISTRATION	27.2.2017.	NOT IMPLEMENTED	YES
P-40/17	Ž-LI-05-347/16,	ŠGD "HERCEGBOSANSKE ŠUME" D.O.O. KUPRES	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	13.3.2017.	IMPLEMENTED	YES
P-41/17	Ž-SA-05-68/17,	MUNICIPALITY OF NOVO SARAJEVO	19 - ADMINISTRATION	11.4.2017.	NOT IMPLEMENTED	YES
P-42/17	Ž-BL-05-716/16,	MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO	14.3.2017.	IMPLEMENTED	YES

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P-43/17	Ž-BL-04-754/16, Ž-BL-04-755/16,	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA	23 - PUBLIC HEALTH	14.3.2017.	NOT IMPLEMENTED	YES
P-44/17	Ž-LI-05-71/17,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS, CANTON 10	03 - ACCESS TO INFORMATION	3.4.2017.	IMPLEMENTED	YES
P-45/17	Ž-SA-04-111/16,	KJKP "VODOVOD I KANALIZACIJA" D.O.O. SARAJEVO, DIRECTOR	21 - COMMUNAL SERVICES	21.3.2017.	IMPLEMENTED	YES
P-46/17	Ž-SA-05-1121/14,	MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIKA SRPSKA, CENTER OF PUBLIC SECURITY EASTERN SARAJEVO, POLICE STATION VIŠEGRAD	05 - POLICE	21.3.2017.	IMPLEMENTED	YES
P-47/17	Ž-SA-04-745/16,	THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO	10 - LABOR RELATIONS	21.3.2017.	COOPERATION ACHIEVED	YES
P-48/17	Ž-SA-05-38/17,	PUBLIC HEALTH-RESEARCH INSTITUTE OF HEALTH CENTER "DR. MUSTAFA ŠEHOVIĆ "TUZLA, DIRECTOR	03 - ACCESS TO INFORMATION	20.3.2017.	NOT IMPLEMENTED	YES
P-49/17	Ž-SA-05-1030/16,	MUNICIPALITY OF FOČA, UNIT FOR PUBLIC RELATIONS FOČA	03 - ACCESS TO INFORMATION	20.3.2017.	NO ANSWER	NO
P-50/17	Ž-SA-05-1183/16,	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA, MINISTRY OF FOREIGN AFFAIRS, SARAJEVO	19 - ADMINISTRATION	21.3.2017.	NO ANSWER	NO
P-51/17	Ž-SA-05-962/15,	CANTONAL COURT OF TUZLA	09 - COURTS-- 09-3 EXECUTION OF THE JUDGMENTS	21.3.2017.	IMPLEMENTED	YES
P-52/17	Ž-SA-05-234/15,	MUNICIPAL COURT LUKAVAC, PRESIDENT OF THE COURT	09 - COURTS	21.3.2017.	IMPLEMENTED	YES
P-53/17	Ž-SA-05-699/15,	MUNICIPALITY OF NOVI GRAD SARAJEVO, MUNICIPAL CHIEF, SARAJEVO	15 - LEGAL AND PROPERTY RELATIONS	21.3.2017.	IMPLEMENTED	YES

P-54/17	Ž-SA-05-1156/16,	JP ELEKTROPRIVREDA BIH D.D.- SARAJEVO	03 - ACCESS TO INFORMATION	21.3.2017.	IMPLEMENTED	YES
P-55/17	Ž-SA-05-1003/16,	MINISTRY OF HEALTH, WORK AND SOCIAL POLICY OF UN-SANA CANTON, BIHAC, MINISTER	03 - ACCESS TO INFORMATION	21.3.2017.	IMPLEMENTED	YES
P-56/17	Ž-BL-05-496/16,	MUNICIPALITY OF BUŽIM	15 - LEGAL AND PROPERTY RELATIONS	21.3.2017.	IMPLEMENTED	YES
P-57/17	Ž-BL-05-343/16,	CITY OF BANJA LUKA	19 – ADMINISTRATION	21.3.2017.	NOT IMPLEMENTED	YES
P-58/17	Ž-BL-06-21/17,	MINISTRY OF WORK, SOCIAL POLICY AND REFUGEES OF ZENICA-DOBOJ CANTON	01 - DISCRIMINATION	21.3.2017.	NOT IMPLEMENTED	YES
P-59/17	Ž-BL-04-715/16,	JZU HOSPITAL ISTOČNO SARAJEVO	10 - LABOR RELATIONS	21.3.2017.	NOT IMPLEMENTED	YES
P-60/17	Ž-BL-05-677/16,	MUNICIPALITY OF MILIĆI	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	22.3.2017.	IMPLEMENTED	YES
P-61/17	Ž-BL-04-745/16,	THE PENSION AND DISABLEMENT INSURANCE FUND OF THE REPUBLIKA SRPSKA, BRANCH DOBOJ	25 – PENSIONS	21.3.2017.	NOT IMPLEMENTED	YES
P-62/17	Ž-BL-05-789/16,	POLICE STATION ČELINAC	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	21.3.2017.	IMPLEMENTED	YES
P-63/17	Ž-BL-05-652/16,	MUNICIPALITY OF SRBAC	03 - ACCESS TO INFORMATION	22.3.2017.	NOT IMPLEMENTED	YES
P-64/17	Ž-BL-04-669/16,	REGIONAL ROADS DIRECTORATE USK	10 - LABOR RELATIONS	22.3.2017.	COOPERATION ACHIEVED	YES
P-65/17	Ž-BL-05-23/17,	MUNICIPAL COURT SANSKI MOST	09 – COURTS	27.3.2017.	COOPERATION ACHIEVED	YES
P-66/17	Ž-BL-05-259/16,	REPUBLIC ADMINISTRATION FOR GEODETIC PROPERTY AND LEGAL AFFAIRS, MRKONJIĆ-GRAD REGION	15 - LEGAL AND PROPERTY RELATIONS	27.3.2017.	IMPLEMENTED	YES

P-67/17	Ž-BL-05-502/16,	MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA	19 – ADMINISTRATION	27.3.2017.	IMPLEMENTED	YES
P-68/17	Ž-BR-01-208/16,	GOVERNMENT OF BRČKO DISTRICT OF BIH, EDUCATION DEPARTMENT OF THE THIRD PRIMARY SCHOOL OF BRČKO DISTRICT	13 – THE RIGHTS OF THE CHILD	4.4.2017.	NOT IMPLEMENTED	YES
P-69/17	Ž-SA-05-689/16,	CANTON SARAJEVO, PRIME MINISTER, MINISTRY OF FINANCE SARAJEVO, MINISTER	09 - COURTS-- 09-3 - EXECUTION OF THE JUDGMENTS	11.4.2017.	NOT IMPLEMENTED	YES
P-70/17	Ž-SA-05-1124/15,	MUNICIPAL COURT SARAJEVU	09 – COURTS	12.4.2017.	IMPLEMENTED	YES
P-71/17	Ž-SA-05-977/16,	MUNICIPALITY SANSKI MOST, SPATIAL DEVELOPMENT SERVICE, BUILDING AND HOUSING SERVICES, CHIEF OF THE MUNICIPALITY	19 - ADMINISTRATION	11.4.2017.	IMPLEMENTED	YES
P-72/17	Ž-SA-05-540/16,	THE GOVERNMENT OF ZENICA-DOBOJ CANTON, THE MINISTRY OF JUDICIAL AND ADMINISTRATION OF ZENICA	19 - ADMINISTRATION	12.4.2017.	COOPERATION ACHIEVED	YES
P-73/17	Ž-SA-02-946/14,	CITY OF TUZLA, SERVICE FOR COMMUNAL AFFAIRS, CONSTRUCTION AND LOCAL COMMUNITY BUSINESS, TUZLA MONITORING DEPARTMENT	12 - PERSONS WITH DISABILITIES	12.4.2017.	NO ANSWER	NO
P-74/17	Ž-SA-05-34/17,	MINISTRY OF FINANCE KS SARAJEVO	03 - ACCESS TO INFORMATION	12.4.2017.	COOPERATION ACHIEVED	YES
P-75/17	Ž-LI-05-52/17,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	19 – ADMINISTRATION	12.4.2017.	IMPLEMENTED	YES
P-76/17	Ž-LI-05-213/16, Ž-LI-05-326/16,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	19 – ADMINISTRATION	12.4.2017.	NOT IMPLEMENTED	YES
P-77/17	Ž-BL-06-577/16,	„KOMUNALAC“ A.D. BIJELJINA	01 - DISCRIMINATION -- 01-03 - MOBBING	13.4.2017.	IMPLEMENTED	YES

P-78/17	Ž-BR-05-301/15, Ž-BR-05-302/15,	BOSNIA AND HERZEGOVINA, MINISTRY OF COMMUNICATION AND TRANSPORT OF BOSNIA AND HERZEGOVINA, CIVIL AIRCRAFT DIRECTORATE SARAJEVO	09 - COURTS-- 09-3 - EXECUTION OF THE JUDGMENTS	21.4.2017.	NOT IMPLEMENTED	YES
P-79/17	Ž-BR-05-46/15,	THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA, COURT OF APPEAL OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	09 - COURTS -- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	21.4.2017.	IMPLEMENTED	YES
P-80/17	Ž-BL-05-68/17,	POLICE STATION TEŠANJ	05 – POLICE	21.4.2017.	IMPLEMENTED	YES
P-81/17	Ž-BL-05-34/17,	ZP „ELEKTROKRAJINA“ A.D. BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	21.4.2017.	IMPLEMENTED	YES
P-82/17	Ž-BL-05-54/17,	MINISTRY OF REFUGEES AND DISPLACED PERSONS OF THE REPUBLIKA SRPSKA	19 – ADMINISTRATION	21.4.2017.	IMPLEMENTED	YES
P-83/17	Ž-BL-05-728/14,	MUNICIPALITY PRNJAVOR, MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE OF THE REPUBLIKA SRPSKA	19 – ADMINISTRATION	24.4.2017.	IMPLEMENTED	YES
P-84/17	Ž-LI-04-83/17,	PRIMARY SCHOOL "FRA LOVRO KARLAU" LIVNO, SCHOOL BOARD	10 - LABOR RELATIONS	16.5.2017.	COOPERATION ACHIEVED	YES
P-85/17	Ž-SA-05-27/17,	FEDERATION PUBLIC ATTORNEY'S OFFICE, SARAJEVO	19 - ADMINISTRATION	5.5.2017.	NO ANSWER	NO
P-86/17	Ž-BL-04-648/16,	UNIVERSITY OF BANJA LUKA, AGRICULTURAL FACULTY	10 - LABOR RELATIONS	5.5.2017.	IMPLEMENTED	YES
P-87/17	Ž-BL-05-144/17,	THE CITY OF BIHAĆ, MINISTRY OF CIVIL SERVICES OF BOSNIA AND HERZEGOVINA	17 - PUBLIC DOCUMENTS	5.5.2017.	NO ANSWER	NO

P-88/17	Ž-BL-05-194/17,	PUBLIC HEALTH INSTITUTION, HOSPITAL GRADIŠKA	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	5.5.2017.	IMPLEMENTED	YES
P-89/17	Ž-SA-02-690/15,	THE GOVERNMENT OF THE UNA-SANA CANTON, THE PRIME MINISTER, THE ASSEMBLY OF THE UNA-SAN CANTON, THE PRESIDENT OF THE ASSEMBLY, THE CITY OF BIHAĆ, THE MAYOR	12 - PERSONS WITH DISABILITIES	5.5.2017.	NOT IMPLEMENTED	YES
P-90/17	Ž-SA-04-1040/16,	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA, SARAJEVO	10 - LABOR RELATIONS	5.5.2017.	COOPERATION ACHIEVED	YES
P-91/17	Ž-BL-06-748/16,	UNIVERSITY OF EASTERN SARAJEVO	01 - DISCRIMINATION	5.5.2017.	COOPERATION ACHIEVED	YES
P-92/17	Ž-BL-04-698/16,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA SANA CANTON	10 - LABOR RELATIONS	5.5.2017.	NOT IMPLEMENTED	NO
P-93/17	Ž-BL-06-373/16,	UNIVERSITY OF BANJA LUKA	10 - LABOR RELATIONS	5.5.2017.	IMPLEMENTED	YES
P-94/17	Ž-BL-06-178/17,	PRIMARY SCHOOL „ALEKSA ŠANTIĆ“ UGLJEVIK	01 - DISCRIMINATION -- 01-03 - MOBBING	5.5.2017.	IMPLEMENTED	YES
P-95/17	Ž-SA-05-1287/16,	CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO, DIRECTOR	03 - ACCESS TO INFORMATION	5.5.2017.	NOT IMPLEMENTED	YES
P-96/17	Ž-SA-04-907/16,	INSTITUTE FOR CONSTRUCTION OF CANTON SARAJEVO, DIRECTOR	10 - LABOR RELATIONS	9.5.2017.	COOPERATION ACHIEVED	YES
P-97/17	Ž-SA-01-327/17,	SOCIAL PROTECTION OFFICE OF THE MUNICIPALITY NOVI GRAD SARAJEVO	13 - THE RIGHTS OF THE CHILD	5.5.2017.	COOPERATION ACHIEVED	YES
P-98/17	Ž-SA-05-637/15,	MUNICIPALITY BUGOJNO, MUNICIPAL CHIEF	19 - ADMINISTRATION	5.5.2017.	NOT IMPLEMENTED	YES

P-99/17	Ž-SA-05-704/16,	MINISTRY OF FINANCE OF CANTON SARAJEVO, SECTOR FOR THE TREASURE	09 – COURTS	8.5.2017.	COOPERATION ACHIEVED	YES
P-100/17	Ž-SA-04-177/17,	MUNICIPALITY STARI GRAD SARAJEVO, INSPECTORATE SECTOR SARAJEVO	19 - ADMINISTRATION	8.5.2017.	NOT IMPLEMENTED	YES
P-101/17	Ž-MO-04-93/16,	FEDERATION MINISTRY OF JUSTICE SARAJEVO	10 - LABOR RELATIONS	9.5.2017.	IMPLEMENTED	YES
P-102/17	Ž-SA-07-1247/16, Ž-SA-07-357/17,	MINISTRY OF JUSTICE OF THE REPUBLIKA SRPSKA, MINISTER, AND FEDERATION MINISTRY OF JUSTICE, MINISTER	07 - PRISONS -- 07-1 - USE OF INSTITUTIONAL BENEFITS AND VISITS	18.5.2017.	NO ANSWER	NO
P-103/17	Ž-SA-02-156/13, Ž-SA-02-367/13,	THE GOVERNMENT OF THE CANTON OF SARAJEVO, THE PRIME MINISTER OF THE CANTON	12 - PERSONS WITH DISABILITIES	18.5.2017.	NOT IMPLEMENTED	YES
P-104/17	Ž-SA-02-702/16,	CANTONAL CENTER FOR SOCIAL WORK, SARAJEVO, SOCIAL PROTECTION SERVICE, MUNICIPALITY OF NOVI SARAJEVO	12 - PERSONS WITH DISABILITIES	18.5.2017.	NOT IMPLEMENTED	YES
P-105/17	Ž-LI-05-104/17,	CANTONAL HOSPITAL "FRA MIHOVIL SUČIĆ" LIVNO	03 - ACCESS TO INFORMATION	19.5.2017.	IMPLEMENTED	YES
P-106/17	Ž-LI-05-50/17,	MUNICIPALITY OF LIVNO, MUNICIPAL CHIEF	03 - ACCESS TO INFORMATION	19.5.2017.	IMPLEMENTED	YES
P-107/17	Ž-LI-05-94/17,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	19 - ADMINISTRATION	19.5.2017.	IMPLEMENTED	YES
P-108/17	Ž-SA-05-1238/16,	CANTON SARAJEVO, MINISTRY OF SPATIAL ORGANIZATION, CONSTRUCTION AND PROTECTION OF ENVIRONMENT, ADMINISTRATION FOR HOUSING ISSUES SARAJEVO	19 - ADMINISTRATION	23.5.2017.	PARTLY IMPLEMENTED	YES

P-109/17	Ž-BL-05-180/17,	MUNICIPALITY VLASENICA	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	22.5.2017.	NOT IMPLEMENTED	YES
P-110/17	Ž-BL-05-613/16,	MUNICIPALITY CENTAR SARAJEVO	15 - LEGAL AND PROPERTY RELATIONS	23.5.2017.	COOPERATION ACHIEVED	YES
P-111/17	Ž-BL-01-767/16,	INSTITUTE FOR SCHOOLING OF MOSTAR, CHILDREN OF KINDERGARTEN "SPORTIĆ", MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT, HNK	13 - THE RIGHTS OF THE CHILD	23.5.2017.	IMPLEMENTED	YES
P-112/17	Ž-BL-05-782/16,	MINISTRY OF HEALTH, WORK AND SOCIAL POLICY USK, FEDERATION MINISTRY OF HEALTH, CANTONAL INSPECTION ADMINISTRATION OF USK, FEDERATION INSPECTION ADMINISTRATION	03 - ACCESS TO INFORMATION	23.5.2017.	IMPLEMENTED	YES
P-113/17	Ž-BL-04-768/16,	HEALTH CENTER BIHAĆ	10 - LABOR RELATIONS	25.5.2017.	NOT IMPLEMENTED	YES
P-114/17	Ž-BL-04-130/17,	JKP „VODOVOD I KANALIZACIJA“ DOO TUZLA	21 - COMMUNAL SERVICES	25.5.2017.	IMPLEMENTED	YES
P-115/17	Ž-BL-05-259/17,	OFFICE FOR LEGISLATION OF THE GOVERNMENT OF THE UNA-SANA CANTON	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	25.5.2017.	NOT IMPLEMENTED	YES
P-116/17	Ž-MO-05-163/16,	MUNICIPAL COUNCIL OF ČPLJINA, MUNICIPALITY OF ČAPLJINA, CHIEF OF MUNICIPALITY	15 - LEGAL AND PROPERTY RELATIONS	25.5.2017.	NO ANSWER	NO
P-117/17	Ž-LI-05-109/17,	MUNICIPALITY OF KUPRES, CHIEF OF MUNICIPALITY	02 - MEDIA AND FREEDOM OF INFORMATION	29.5.2017.	NOT IMPLEMENTED	YES
P-118/17	Ž-SA-05-176/17,	CANTONAL COURT OF SARAJEVO, PRESIDENT OF THE COURT OF SARAJEVO	09 – COURTS	13.6.2017.	IMPLEMENTED	YES

P-119/17	Ž-SA-04-311/17,	MINISTRY OF CIVIL AFFAIRS OF BIH, SARAJEVO, MINISTER OF BIH, SARAJEVO, GOVERNMENT OF RS, BANJA LUKA, PENSION AND DISABLEMENT FUND BIJELJINA	25 – PENSIONS	15.6.2017.	COOPERATION ACHIEVED	YES
P-120/17	Ž-SA-05-882/15,	MUNICIPALITY STARI GRAD, URBANISM OFFICE SARAJEVO, CHIEF OF MUNICIPALITY STARI GRAD	03 - ACCESS TO INFORMATION	13.6.2017.	IMPLEMENTED	YES
P-121/17	Ž-SA-04-178/17,	THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, THE PRIME MINISTER OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO, FEDERATION MINISTRY OF HEALTH, SARAJEVO, THE MINISTER OF FEDERATION MINISTRY OF HEALTH,	23 - PUBLIC HEALTH	14.6.2017.	IMPLEMENTED	YES
P-122/17	Ž-SA-05-1286/16,	CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO	03 - ACCESS TO INFORMATION	14.6.2017.	NOT IMPLEMENTED	YES
P-123/17	Ž-SA-02-21/17,	HEALTH INSURANCE FUND OF RS, BANJA LUKA, DIRECTOR	12 - PERSONS WITH DISABILITIES	14.6.2017.	NO ANSWER	NO
P-124/17	Ž-SA-05-2/17, Ž-SA-05-5/17, Ž-SA-05-7/17,	THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, "JP BH POŠTA" D.O.O. SARAJEVO, SUPERVISORY BOARD	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	15.6.2017.	COOPERATION ACHIEVED	YES
P-125/17	Ž-LI-05-137/17,	GOVERNMENT OF CANTON 10, MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	19 – ADMINISTRATION	13.7.2017.	COOPERATION ACHIEVED	YES
P-126/17	Ž-SA-04-348/16,	GOVERNMENT OF CANTON SARAJEVO, MINISTRY OF TRAFFIC, CANTON SARAJEVO, PUBLIC ATTORNEY'S OFFICE	10 - LABOR RELATIONS	19.6.2017.	COOPERATION ACHIEVED	YES

		OF THE CANTON SARAJEVO				
P-127/17	Ž-SA-05-229/17,	MINISTRY OF HEALTH, WORK AND SOCIAL PROTECTION OF THE WESTERN HERZEGOVINA CANTON, GRUDE, MINISTER	03 - ACCESS TO INFORMATION	25.6.2017.	NOT IMPLEMENTED	YES
P-128/17	Ž-SA-02-1125/16,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, HOUSE OF REPRESENTATIVE, HOUSE OF PEOPLES, FEDERATION MINISTRY OF FINANCE, MINISTER, FEDERATION MINISTRY OF WORK AND SOCIAL POLICY, MINISTER	12 - PERSONS WITH DISABILITIES	19.6.2017.	COOPERATION ACHIEVED	YES
P-129/17	Ž-MO-04-154/16,	CITY OF ŠIROKI BRIJEG, CITY COUNCIL OF ŠIROKI BRIJEG	11 - EDUCATION	21.6.2017.	PARTLY IMPLEMENTED	YES
P-130/17	Ž-SA-05-346/17,	MUNICIPALITY CENTAR SARAJEVO, CHIEF OF MUNICIPALITY, SARAJEVO	19 - ADMINISTRATION	19.9.2017.	COOPERATION ACHIEVED	YES
P-131/17	Ž-BR-04-26/17,	UNIVERSITY OF TUZLA	10 - LABOR RELATIONS	3.7.2017.	IMPLEMENTED	YES
P-132/17	Ž-BR-05-113/17, Ž-BR-05-115/17,	MINISTRY OF INTERNAL AFFAIRS OF TUZLA CANTON, POLICE ADMINISTRATION LUKAVAC	05 - POLICE	3.7.2017.	IMPLEMENTED	YES
P-133/17	Ž-BL-04-685/16,	MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA	25 - PENSIONS	4.7.2017.	IMPLEMENTED	YES
P-134/17	Ž-BL-05-289/17,	MUNICIPALITY TESLIĆ	15 - LEGAL AND PROPERTY RELATIONS	4.7.2017.	IMPLEMENTED	YES
P-135/17	Ž-BL-05-203/17,	CITY OF BANJA LUKA	15 - LEGAL AND PROPERTY RELATIONS	4.7.2017.	IMPLEMENTED	YES
P-136/17	Ž-BL-04-233/17,	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA	23 – PUBLIC HEALTH	4.7.2017.	IMPLEMENTED	YES

P-137/17	Ž-BL-05-292/17,	INSTITUTE FOR CONSTRUCTION AD BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN THE LEGAL DEADLINE	4.7.2017.	NOT IMPLEMENTED	YES
P-138/17	Ž-BL-05-190/17,	MUNICIPALITY TRAVNIK	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	4.7.2017.	IMPLEMENTED	YES
P-139/17	Ž-BL-05-196/17,	BAR ASSOCIATION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	17 - PUBLIC DOCUMENTS	4.7.2017.	NO ANSWER	NO
P-140/17	Ž-BL-05-79/17,	„KOMUNALAC“ A.D. DERVENTA	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	4.7.2017.	IMPLEMENTED	YES
P-141/17	Ž-BL-05-414/17,	THE GOVERNMENT OF THE REPUBLIKA SRPSKA, THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	19 – ADMINISTRATION	4.7.2017.	IMPLEMENTED	YES
P-142/17	Ž-BL-04-771/16,	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA, UNIVERSITY OF BANJA LUKA	11 - EDUCATION	4.7.2017.	IMPLEMENTED	YES
P-143/17	Ž-BL-05-781/16,	HEALTH INSTITUTION MEDICAL POST, BIHAĆ	03 - ACCESS TO INFORMATION	4.7.2017.	NO ANSWER	NO
P-144/17	Ž-BL-04-212/17,	MINISTRY OF WORK AND VETERAN-DISABLEMENT PROTECTION OF THE REPUBLIKA SRPSKA, EMPLOYMENT INSTITUTE OF THE REPUBLIKA SRPSKA	10 - LABOR RELATIONS	4.7.2017.	IMPLEMENTED	YES
P-145/17	Ž-BL-05-753/16,	MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA	09 - COURTS-- 09-3 - EXECUTION OF THE JUDGMENTS	4.7.2017.	IMPLEMENTED	YES
P-146/17	Ž-BL-05-747/16,	MUNICIPALITY KALESIJA	20 – WAR DAMAGES	6.7.2017.	IMPLEMENTED	YES

P-147/17	Ž-SA-02-636/16,	MUNICIPAL COURT OF TUZLA	12 - PERSONS WITH DISABILITIES	6.7.2017.	IMPLEMENTED	YES
P-148/17	Ž-BL-05-115/17,	MUNICIPALITY GRADIŠKA	05 - POLICE	6.7.2017.	COOPERATION ACHIEVED	YES
P-149/17	Ž-SA-04-1005/16,	FUND FOR PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, DIRECTOR	10 - LABOR RELATIONS	5.7.2017.	COOPERATION ACHIEVED	YES
P-150/17	Ž-SA-04-324/17,	HEALTH INSURANCE INSTITUTION OF THE CANTON SARAJEVO	23 - PUBLIC HEALTH	5.7.2017.	NO ANSWER	NO
P-151/17	Ž-SA-05-1008/16,	CITY OF ZENICA, INSPECTION SERVICE, CONSTRUCTION INSPECTION ZENICA	19 - ADMINISTRATION	5.7.2017.	COOPERATION ACHIEVED	YES
P-152/17	Ž-SA-05-402/17, Ž-SA-05-403/17,	MINISTRY OF EDUCATION SCIENCE AND YOUTH OF CANTON SARAJEVO, MINISTER	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN THE LEGAL DEADLINE	6.7.2017.	NO ANSWER	NO
P-153/17	Ž-SA-05-592/16,	MINISTRY OF SPATIAL ORGANIZATION, CONSTRUCTION AND ENVIRONMENTAL PROTECTION OF CANTON SARAJEVO, MINISTER	19 - ADMINISTRATION	6.7.2017.	IMPLEMENTED	YES
P-154/17	Ž-SA-05-454/17,	CANTONAL PROSECUTOR'S OFFICE OF CANTON SARAJEVO, MAIN PROSECUTORS	26 - PROSECUTION	6.7.2017.	IMPLEMENTED	YES
P-155/17	Ž-LI-05-148/16,	CANTONAL COURT OF MOSTAR	09 - COURTS-- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	31.7.2017.	IMPLEMENTED	YES
P-156/17	Ž-LI-05-134/17,	MUNICIPAL COURT OF TRAVNIK	03 - ACCESS TO INFORMATION -- 09-1 - COMPLAINTS	31.7.2017.	COOPERATION ACHIEVED	YES

			AGAINST WORKS OF THE COURTS			
P-157/17	Ž-BR-05-247/16,	PUBLIC ENTERPRISE „ELEKTROPRIVREDA“ OF BIH, BRANCH TERMOELEKTRANA "TUZLA" TUZLA	03 ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	21.7.2017.	IMPLEMENTED	YES
P-158/17	Ž-BR-05-171/16,	CITY OF TUZLA, INSPECTION SERVICE	19 - ADMINISTRATION	21.7.2017.	NO ANSWER	NO
P-159/17	Ž-BR-04-222/16,	FEDERATION PENSION AND DISABLEMENT INSURANCE INSTITUTE, CANTONAL ADMINISTRATIVE SERVICE FOR CANTON POSAVINA, ORAŠJE	25 - PENSIONS	21.7.2017.	NO ANSWER	NO
P-160/17	Ž-BR-05-182/16,	CITY OF TUZLA SERVICE FOR COMMUNAL AFFAIRS, CONSTRUCTION AND BUSINESS OF LOCAL COMMUNITIES 75000, TUZLA	19 - ADMINISTRATION	21.7.2017.	NO ANSWER	NO
P-161/17	Ž-BR-05-198/16,	MUNICIPAL COURT OF LUKAVC, LUKAVAC	09 - COURTS-- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	21.7.2017.	IMPLEMENTED	YES
P-162/17	Ž-BL-05-254/17,	THE ASSEMBLY OF THE CITY OF BANJA LUKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21.7.2017.	IMPLEMENTED	YES
P-163/17	Ž-BL-04-205/17,	PUBLIC INSTITUTION STUDENTS' HOME FOČA	10 - LABOR RELATIONS	27.7.2017.	IMPLEMENTED	YES
P-164/17	Ž-BL-05-56/17,	MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SRPSKA, POLICE STATION LAZAREVO,, BANJA LUKA	05 - POLICE	27.7.2017.	NOT IMPLEMENTED	YES
P-165/17	Ž-BL-05-162/17,	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS, REGIONAL UNIT ZVORNIK	20 – WAR DAMAGES	21.7.2017.	COOPERATION ACHIEVED	YES

P-166/17	Ž-BL-04-350/17,	TERMOELEKTRANA UGLJEVIK	25 - PENSIONS	21.7.2017.	NO ANSWER	NO
P-167/17	Ž-BL-05-40/17,	MUNICIPALITY OF FOČA	03 - ACCESS TO INFORMATION -- 03-2 REJECTING ACCESS TO INFORMATION	23.10.2017.	NOT IMPLEMENTED	NO
P-168/17	Ž-SA-05-1168/16,	MUNICIPALITY OF RAVNO, MUNICIPAL CHIEF	09 - COURTS	19.7.2017.	NO ANSWER	NO
P-169/17	Ž-SA-05-1295/16,	MUNICIPALITY OF TRAVNIK, CHIEF OF MUNICIPALITY	19 - ADMINISTRATION	20.7.2017.	NO ANSWER	NO
P-170/17	Ž-BL-04-318/17,	MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE OF THE REPUBLIKA SRPSKA, ADMINISTRATIVE INSPECTION	10 - LABOR RELATIONS	25.7.2017.	NOT IMPLEMENTED	YES
P-171/17	Ž-BL-05-797/16,	ASSEMBLY OF THE CITY OF PRIJEDOR	19 - ADMINISTRATION	25.7.2017.	IMPLEMENTED	YES
P-172/17	Ž-BL-06-455/17,	CITY ADMINISTRATION AND TUZLA CITY COUNCIL	01 - DISCRIMINATION	25.7.2017.	NOT IMPLEMENTED	NO
P-173/17	Ž-BL-06-215/17,	MUNICIPALITY JAJCE	01 - DISCRIMINATION -- 01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	25.7.2017.	COOPERATION ACHIEVED	YES
P-174/17	Ž-SA-06-458/17,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO, MINISTRY OF TRANSPORT OF CANTON SARAJEVO, MINISTER, MINISTRY OF INTERNAL AFFAIRS OF CANTON SARAJEVO, POLICE STATION CENTER, SARAJEVO	01 - DISCRIMINATION- - 01-19 - BASED ON SEXUAL ORIENTATION	25.7.2017.	COOPERATION ACHIEVED	YES
P-175/17	Ž-BR-04-305/15,	PEDAGOGICAL INSTITUTE OF TUZLA CANTON, TUZLA	10 - LABOR RELATIONS	26.7.2017.	NO ANSWER	NO
P-176/17	Ž-SA-04-208/17,	THE GOVERNMENT OF THE CANTON OF SARAJEVO, THE PRIME MINISTER, MINISTRY OF ECONOMY OF CANTON SARAJEVO, MINISTER, THE	10 - LABOR RELATIONS	19.7.2017.	NO ANSWER	NO

		ASSEMBLY OF CANTON SARAJEVO, THE PRESIDENT AND THE REPRESENTATIVES				
P-177/17	Ž-SA-06-256/17,	PUBLIC INSTITUTION „VODOVOD I KANALIZACIJA“ D.O.O ZENICA, ASSEMBLY OF THE ENTERPRISE, SUPERVISORY BOARD, DIRECTOR	01 - DISCRIMINATION -- 01-03 - MOBBING	25.7.2017.	IMPLEMENTED	YES
P-178/17	Ž-SA-05-68/17,	FEDERATION MINISTRY OF ENVIRONMENT AND TOURISM	19 - ADMINISTRATION	30.6.2017.	COOPERATION ACHIEVED	YES
P-179/17	Ž-SA-05-238/17,	THE GOVERNMENT OF CANTON SARAJEVO	19 - ADMINISTRATION	26.7.2017.	NO ANSWER	NO
P-180/17	Ž-SA-04-985/16,	MIXED SCHOOL, ZENICA, DIRECTOR	10 - LABOR RELATIONS	8.8.2017.	COOPERATION ACHIEVED	YES
P-181/17	Ž-SA-07-1270/16,	MINISTRY OF JUSTICE OF THE REPUBLIKA SRPSKA, MINISTER, PENALTY-CORRECTIONAL FACILITY BIJELJINA, DIRECTOR	07 - PRISONS	11.9.2017.	COOPERATION ACHIEVED	YES
P-182/17	Ž-BR-05-228/16,	CITY OF TUZLA, SERVICE FOR COMMUNAL AFFAIRS, CONSTRUCTION AND BUSINESS OF TUZLA LOCAL COMMUNITIES	15 - LEGAL AND PROPERTY RELATIONS	17.8.2017.	NO ANSWER	NO
P-183/17	Ž-BR-04-148/17,	UNIVERSITY IN TUZLA, RECTOR ATE., RECTOR OF FACULTY OF PHILOSOPHY, DEAN, ETHICS COMMITTEE OF UNIVERSITY IN TUZLA	11 - EDUCATION	17.8.2017.	IMPLEMENTED	YES
P-184/17	Ž-BR-05-251/16,	CITY OF TUZLA, OFFICE FOR VETERANS-DISABLEMENT PROTECTION, HOUSING SERVICE AND INTEGRATION OF DISPLACED PERSONS, TUZLA	19 – ADMINISTRATION	17.8.2017.	COOPERATION ACHIEVED	YES
P-185/17	Ž-BR-05-252/16,	CITY OF TUZLA, OFFICE FOR VETERANS-DISABLEMENT PROTECTION, HOUSING SERVICE AND INTEGRATION	19 – ADMINISTRATION	17.8.2017.	IMPLEMENTED	YES

		OF DISPLACED PERSONS, TUZLA				
P-186/17	Ž-BR-05-253/16,	CITY OF TUZLA, OFFICE FOR VETERANS-DISABLEMENT PROTECTION, HOUSING SERVICE AND INTEGRATION OF DISPLACED PERSONS, TUZLA	19 – ADMINISTRATION	17.8.2017.	IMPLEMENTED	YES
P-187/17	Ž-BR-06-160/16,	POLICE OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA BRČKO, MINISTRY OF INTERNAL AFFAIRS OF TUZLA CANTON, FEDERATION INSTITUTION FOR PENSION AND DISABLEMENT INSURANCE, CANTONAL ADMINISTRATIVE SERVICE OF CANTON POSAVINA, ORAŠJE	01 - DISCRIMINATION -- 01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	17.8.2017.	NOT IMPLEMENTED	YES
P-188/17	Ž-BR-05-115/15,	MUNICIPALITY OF ORAŠJE, CIVIL SERVICE PROTECTION AND SUPERVISION SERVICE, URBAN CONSTRUCTION INSPECTION OF ORAŠJE	19 – ADMINISTRATION	17.8.2017.	IMPLEMENTED	YES
P-189/17	Ž-BL-05-488/17,	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION	22.8.2017.	NOT IMPLEMENTED	NO
P-190/17	Ž-BL-05-380/17,	MUNICIPALITY MODRIČA	15 - LEGAL AND PROPERTY RELATIONS	23.8.2017.	IMPLEMENTED	YES
P-191/17	Ž-SA-06-111/17,	PUBLIC INSTITUTION OF CANTONAL HOSPITAL OF ZENICA, DIRECTOR, BOARD OF DIRECTORS	01 - DISCRIMINATION- - 01-03 – MOBBING	28.8.2017.	IMPLEMENTED	YES
P-192/17	Ž-SA-05-977/16,	CANTONAL COURT IN BIHAĆ, PRESIDENT OF THE COURT	19 - ADMINISTRATION	29.8.2017.	IMPLEMENTED	YES
P-193/17	Ž-SA-05-673/16,	MUNICIPALITY BANOVIĆI, CHIEF OF MUNICIPALITY	19 - ADMINISTRATION	29.8.2017.	IMPLEMENTED	YES

P-194/17	Ž-SA-02-1256/16,	JP ELEKTROPRIVREDA BIH D.D. – SARAJEVO ZAVISNO DRUŠTVO OF "KREKA" MINERALS MINE, "MRAMOR" D.O.O. – TUZLA IN MRAMOR	12 - PERSONS WITH DISABILITIES	29.8.2017.	IMPLEMENTED	NO
P-195/17	Ž-SA-05-184/17,	MUNICIPALITY TRAVNIK	03 - ACCESS TO INFORMATION	29.8.2017.	NO ANSWER	NO
P-196/17	Ž-SA-04-122/17,	UNIVERSITY OF SARAJEVO, SARAJEVO, STEERING BOARD	10 - LABOR RELATIONS	29.8.2017.	IMPLEMENTED	YES
P-197/17	Ž-SA-04-351/17,	HEALTH INSURANCE INSTITUTE OF SARAJEVO CANTON, DIRECTOR, SARAJEVO	23 - PUBLIC HEALTH	29.8.2017.	IMPLEMENTED	YES
P-198/17	Ž-SA-01-349/17,	GYMNASIUM „OBALA“ SARAJEVO, DIRECTOR	13 - THE RIGHTS OF THE CHILD	30.8.2017.	IMPLEMENTED	YES
P-199/17	Ž-SA-05-158/17,	MINISTRY OF FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA, SARAJEVO	03 - ACCESS TO INFORMATION	30.8.2017.	NOT IMPLEMENTED	YES
P-200/17	Ž-BL-04-419/17,	AGENCY FOR DEVELOPMENT OF HIGHER EDUCATION AND ASSURANCE OF QUALITY OF EDUCATION IN BOSNIA AND HERZEGOVINA	11 - EDUCATION	31.8.2017.	COOPERATION ACHIEVED	YES
P-201/17	Ž-BL-05-98/17,	CANTON CENTRAL BOSNIA, MINISTRY OF INTERNAL AFFAIRS	05 - POLICE	31.8.2017.	IMPLEMENTED	YES
P-202/17	Ž-BL-05-361/17,	ZE-DO CANTON, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	31.8.2017.	IMPLEMENTED	YES
P-203/17	Ž-BL-05-464/17,	CITY OF BIHAĆ	15 - LEGAL AND PROPERTY RELATIONS	31.8.2017.	NOT IMPLEMENTED	YES
P-204/17	Ž-BL-05-528/17,	INSTITUTE FOR INTELLECTUAL PROPERTY OF BOSNIA AND HERZEGOVINA, ASSOCIATION OF COMPOSERS - MUSIC MAKERS - AMUS	03 - ACCESS TO INFORMATION	31.8.2017.	IMPLEMENTED	YES

P-205/17	Ž-BL-04-460/17,	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	10 - LABOR RELATIONS	31.8.2017.	NOT IMPLEMENTED	YES
P-206/17	Ž-BL-05-381/17,	BASIC COURT MODRIČA	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN THE LEGAL DEADLINE	31.8.2017.	IMPLEMENTED	YES
P-207/17	Ž-BL-01-104/17,	UNIVERSITY OF BIHAĆ, ETHICAL COMMITTEE	13 - THE RIGHTS OF THE CHILD	31.8.2017.	NO ANSWER	NO
P-208/17	Ž-BL-05-383/17,	MINISTRY OF SPATIAL ORGANIZATION, CONSTRUCTION AND ECOLOGY OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	4.9.2017.	IMPLEMENTED	YES
P-209/17	Ž-SA-05-1025/16,	MINISTRY OF AGRICULTURE, FORESTRY AND WATER SUPPLY OF THE REPUBLIKA SRPSKA	19 - ADMINISTRATION	28.8.2017.	COOPERATION ACHIEVED	YES
P-210/17	Ž-LI-05-368/16,	THE ADMINISTRATION FOR THE ISSUES OF DEFENDERS AND VICTIMS OF HOME-DEFENDING WAR, HVO	03 - ACCESS TO INFORMATION	6.9.2017.	COOPERATION ACHIEVED	YES
P-211/17	Ž-LI-05-361/16,	SERVICE FOR GEODETIC, PROPERTY-LAW AND REAL ESTATE CADASTRE, TOMISLAVGRAD	19 - ADMINISTRATION	6.9.2017.	IMPLEMENTED	YES
P-212/17	Ž-LI-05-82/17,	SERVICE FOR GEODETIC, PROPERTY-LAW AND REAL ESTATE CADASTRE, TOMISLAVGRAD	19 - ADMINISTRATION	6.9.2017.	IMPLEMENTED	YES
P-213/17	Ž-SA-06-56/17,	SERVICE FOR GEODETIC, PROPERTY-LAW AND REAL ESTATE CADASTRE, TOMISLAVGRAD, MINISTER, SARAJEVO	01 - DISCRIMINATION	5.9.2017.	NO ANSWER	NO
P-214/17	Ž-MO-05-110/16,	FEDERATION MINISTRY OF ENERGY, MINING AND INDUSTRY, MOSTAR	15 - LEGAL AND PROPERTY RELATIONS	19.9.2017.	IMPLEMENTED	YES

P-215/17	Ž-BR-04-16/17,	MINISTRY OF EDUCATION SCIENCE, CULTURE AND SPORTS OF TUZLA CANTON, PEDAGOGUES OFFICE OF TUZLA CANTON, PUBLIC INSTITUTION PRIMARY SCHOOL "VUKOVIJA", VUKOVIJA DONJA, KALESIJA	11 - EDUCATION	20.9.2017.	NO ANSWER	NO
P-216/17	Ž-BR-05-281/16,	CITY OF TUZLA, INSPECTION SERVICE - URBAN CONSTRUCTION, TOURISM-HUMANITARIAN AND TRAFFIC ACTIVITIES OF TUZLA	19 - ADMINISTRATION	20.9.2017.	NO ANSWER	NO
P-217/17	Ž-BR-05-96/15,	MUNICIPALITY OF ŽIVINICE - INSPECTION SERVICE – CONSTRUCTION AND URBAN INSPECTION - CIVIL SERVICE PROTECTION	19 - ADMINISTRATION	20.9.2017.	NO ANSWER	NO
P-218/17	Ž-BR-04-47/17,	MUNICIPALITY OF ŽIVINICE - OFFICE FOR SPATIAL PLANNING AND COMMUNAL AFFAIRS OF ŽIVINICE	21 - COMMUNAL SERVICES	20.9.2017.	COOPERATION ACHIEVED	YES
P-219/17	Ž-BR-04-30/17,	GOVERNMENT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA; 1. SPATIAL PLANNING OFFICE AND PROPERTY-LEGAL BUSINESS 2. SECTION FOR DISPLACED PERSONS, REFUGEES AND RESIDENTIAL ISSUES 3. PUBLIC PROPERTY MANAGEMENT OFFICE	24 – SOCIAL PROTECTION	20.9.2017.	COOPERATION ACHIEVED	YES
P-220/17	Ž-BR-02-153/16,	GOVERNMENT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA; 1. SPATIAL PLANNING OFFICE AND PROPERTY-LEGAL BUSINESS	12 - PERSONS WITH DISABILITIES	20.9.2017.	COOPERATION ACHIEVED	YES
P-221/17	Ž-BR-04-124/17,	GOVERNMENT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA, ASSEMBLY OF BRČKO DISTRICT OF BOSNIA	11 - EDUCATION	20.9.2017.	PARTLY IMPLEMENTED	YES

		AND HERZEGOVINA				
P-222/17	Ž-BR-05-159/17,	CITY OF TUZLA, INSPECTION SERVICE, MUNICIPAL SERVICES FOR COMMUNAL AFFAIRS,, CONSTRUCTION AND BUSINESS OF TUZLA, LOCAL-SELF-GOVERNANCE OF TUZLA, "CESTE FEDERACIJE BIH" SARAJEVO	19 - ADMINISTRATION	26.9.2017.	IMPLEMENTED	YES
P-223/17	Ž-SA-01-341/17,	CANTON SARAJEVO, MINISTRY OF INTERNAL AFFAIRS, MINISTER, CANTONAL PROSECUTOR'S OFFICE OF CANTON SARAJEVO, MAIN PROSECUTORS	13 - THE RIGHTS OF THE CHILD	21.9.2017.	IMPLEMENTED	YES
P-224/17	Ž-BL-05-166/17,	THE GOVERNMENT OF THE CENTRAL BOSNIA CANTON, THE MINISTRY OF JUSTICE AND ADMINISTRATION OF THE CENTRAL BOSNIA CANTON, THE MINISTRY OF FINANCE OF THE CENTRAL BOSNIA CANTON	09 - COURTS-- 09-3 - EXECUTION OF THE JUDGMENTS	22.9.2017.	NOT IMPLEMENTED	YES
P-225/17	Ž-BL-04-673/16,	„ČISTOĆA“ A.D. BANJA LUKA	21 - COMMUNAL SERVICES	22.9.2017.	NOT IMPLEMENTED	YES
P-226/17	Ž-BL-05-213/17,	BASIC COURT IN BANJA LUKA	09 - COURTS	22.9.2017.	IMPLEMENTED	NO
P-227/17	Ž-BL-05-172/17,	GOVERNMENT OF CENTRAL BOSNIA CANTON, MINISTRY OF JUSTICE AND ADMINISTRATION OF CENTRAL BOSNIA CANTON	09 - COURTS -- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	22.9.2017.	NO ANSWER	NO
P-228/17	Ž-BL-05-334/17,	FEDERATION PENSION AND DISABLEMENT INSURANCE INSTITUTE, CANTONAL ADMINISTRATIVE SERVICE BIHAĆ, MINISTRY OF INTERIOR OF UNA-SANA CANTON	26 - PROSECUTION	2.10.2017.	IMPLEMENTED	YES
P-229/17	Ž-BL-04-55/17,	THE PENSION AND DISABLEMENT INSURANCE FUND OF THE REPUBLIKA	25 - PENSIONS	2.10.2017.	IMPLEMENTED	NO

		SRPSKA, BRANCH BANJA LUKA				
P-230/17	Ž-BL-06-432/17,	ZP „HIDROELEKTRANE NA VRBASU“ AD	01 - DISCRIMINATION -- 01-03 - MOBBING	2.10.2017.	NOT IMPLEMENTED	YES
P-231/17	Ž-BL-05-156/17,	MUNICIPALITY KNEŽEVO, MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE OF THE REPUBLIKA SRPSKA	19 - ADMINISTRATION	3.10.2017.	NO ANSWER	NO
P-232/17	Ž-BL-05-103/17,	THE GOVERNMENT OF UNASANA CANTON, MINISTRY OF INTERNAL AFFAIRS OF THE UNASANA CANTON	05 - POLICE	3.10.2017.	IMPLEMENTED	NO
P-233/17	Ž-SA-01-793/16,	MINISTRY OF SPATIAL ORGANIZATION AND PROTECTION OF ENVIRONMENT OF CANTON OF SARAJEVO, KJKP „RAD“ D.O.O. SARAJEVO	13 – THE RIGHTS OF THE CHILD	2.10.2017.	NO ANSWER	NO
P-234/17	Ž-BL-04-275/17,	PRIMARY SCHOOL „DESANKA MAKSIMOVIĆ,“ MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	10 - LABOR RELATIONS	2.10.2017.	PARTLY IMPLEMENTED	YES
P-235/17	Ž-SA-05-185/17,	MINISTRY OF CIVIL SERVICES OF BOSNIA AND HERZEGOVINA SARAJEVO, MINISTER	19 - ADMINISTRATION	3.10.2017.	NOT IMPLEMENTED	YES
P-236/17	Ž-SA-05-845/17,	PUBLIC INSTITUTION "INFO CENTAR" SOKOLAC	03 - ACCESS TO INFORMATION	3.10.2017.	NOT IMPLEMENTED	YES
P-237/17	Ž-SA-06-159/16,	FEDERATION MINISTRY OF WORK AND SOCIAL POLICY SARAJEVO, FEDERATION MINISTRY OF JUSTICE SARAJEVO	16 - VIOLENCE	4.10.2017.	PARTLY IMPLEMENTED	YES
P-238/17	Ž-SA-05-758/16,	BASIC COURT IN BANJA LUKA BANJA LUKA, PRESIDENT	09 - COURTS-- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	4.10.2017.	NOT IMPLEMENTED	YES

P-239/17	Ž-SA-04-572/17,	FEDERATION MINISTRY OF HEALTH, SARAJEVO, MINISTER	23 - PUBLIC HEALTH	9.10.2017.	NO ANSWER	NO
P-240/17	Ž-BL-05-564/17,	AGENCY FOR MEDICINAL PRODUCTS AND MEDICINES OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	6.10.2017.	NOT IMPLEMENTED	YES
P-241/17	Ž-MO-05-85/17,	MUNICIPALITY POSUŠJE, CHIEF OF MUNICIPALITY	03 - ACCESS TO INFORMATION	9.10.2017.	PARTLY IMPLEMENTED	YES
P-242/17	Ž-MO-05-10/17,	GOVERNMENT OF HNK, MOSTAR	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	9.10.2017.	NO ANSWER	NO
P-243/17	Ž-MO-05-77/17, Ž-MO-05-78/17,	MUNICIPALITY OF JABLANICA, MUNICIPAL COUNCIL	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	9.10.2017.	PARTLY IMPLEMENTED	YES
P-244/17	Ž-MO-05-3/17,	GOVERNMENT OF HNK, MOSTAR	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	9.10.2017.	NOT IMPLEMENTED	YES
P-245/17	Ž-MO-05-4/17,	GOVERNMENT OF HNK, MOSTAR	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	9.10.2017.	NOT IMPLEMENTED	YES
P-246/17	Ž-BR-04-114/17,	MUNICIPALITY OF GRADAČAC	10 - LABOR RELATIONS	10.10.2017.	NO ANSWER	NO
P-247/17	Ž-BR-05-266/16,	THE BASIC COURT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	09 - COURTS-- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	10.10.2017.	COOPERATION ACHIEVED	YES
P-248/17	Ž-BR-05-109/17,	INSPECTION SERVICE, URBAN-BUILDING, MARKET, TOURISM-CATERING, TRAVEL AND THERMO-ENERGY INSPECTION TUZLA, INSPECTORATE	19 - ADMINISTRATION	10.10.2017.	COOPERATION ACHIEVED	YES

P-249/17	Ž-BR-05-275/16,	CITY OF TUZLA, THE MAYOR, SERVICE FOR ECONOMIC DEVELOPMENT AND SOCIAL ACTIVITIES TUZLA	19 - ADMINISTRATION	10.10.2017.	NO ANSWER	NO
P-250/17	Ž-BR-05-287/16,	CITY OF TUZLA, TUZLA INSPECTION SERVICE	19 - ADMINISTRATION	10.10.2017.	COOPERATION ACHIEVED	YES
P-251/17	Ž-BL-05-325/17,	MINISTRY OF FINANCE OF UNA-SANA CANTON	09 - COURTS-- 09-3 - EXECUTION OF THE JUDGMENTS	10.10.2017.	NOT IMPLEMENTED	YES
P-252/17	Ž-BL-05-320/17,	MINISTRY OF FINANCE OF UNA-SANA CANTON	09 - COURTS-- 09-3EXECUTION OF THE JUDGMENTS	10.10.2017.	NOT IMPLEMENTED	YES
P-253/17	Ž-SA-03-537/17,	PUBLIC HEALTH INSTITUTION UNIVERSITY CLINIC CENTER TUZLA, GOVERNMENT OF TUZLA CANTON, MINISTRY OF HEALTH TUZLA	04 - RELIGIOUS FREEDOMS / RELIGION	16.10.2017.	NO ANSWER	NO
P-254/17	Ž-SA-06-233/17,	MUNICIPALITY OF RAVNO	01 - DISCRIMINATION -- 01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	16.10.2017.	NO ANSWER	NO
P-255/17	Ž-SA-04-676/17,	PUBLIC INSTITUTION GENERAL HOSPITAL "PRIM. DR. ABDULAH SHOW, DIRECTOR, BOARD OF DIRECTORS	10 - LABOR RELATIONS	16.10.2017.	IMPLEMENTED	YES
P-256/17	Ž-SA-06-1150/16,	MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIKA SRPSKA	01 - DISCRIMINATION -- 01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	19.10.2017.	NOT IMPLEMENTED	YES
P-257/17	Ž-BL-04-456/17, Ž-BL-04-499/17, Ž-BL-04-585/17, Ž-BL-05-466/17,	ELEKTROPRIVREDA BOSNE I HERCEGOVINE, BRANCH „ELEKTRODISTRIBUCIJA“ BIHAĆ MUNICIPALITY OF KLJUČ	20 – WAR DAMAGES, 21 - COMMUNAL SERVICES	19.10.2017.	COOPERATION ACHIEVED	YES
P-258/17	Ž-BL-05-199/17,	COUNCIL OF THE MUNICIPALITY ČELINAC	22 - GOVERNMENT AND MINISTERIAL	19.10.2017.	IMPLEMENTED	YES

			APPOINTMENTS			
P-259/17	Ž-BL-05-394/16,	MUNICIPALITY VIŠEGRAD	15 - LEGAL AND PROPERTY RELATIONS	19.10.2017.	NOT IMPLEMENTED	YES
P-260/17	Ž-BL-05-529/17,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION -- 03-2 REJECTING ACCESS TO INFORMATION	19.10.2017.	NOT IMPLEMENTED	YES
P-261/17	Ž-BL-05-686/17,	FEDERATION ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS SARAJEVO	15 - LEGAL AND PROPERTY RELATIONS	19.10.2017.	NO ANSWER	NO
P-262/17	Ž-BL-05-445/17,	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS, BANJA LUKA	15 - LEGAL AND PROPERTY RELATIONS	19.10.2017.	IMPLEMENTED	YES
P-263/17	Ž-BL-04-299/17,	„INTAL“ AD MILIĆI	10 - LABOR RELATIONS	19.10.2017.	COOPERATION ACHIEVED	YES
P-264/17	Ž-SA-04-296/17,	FEDERATION PENSION AND DISABLEMENT INSURANCE INSTITUTION, MOSTAR, TAX ADMINISTRATION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO, FEDERATION EMPLOYMENT OFFICE, SARAJEVO	25 – PENSIONS	25.10.2017.	COOPERATION ACHIEVED	YES
P-265/17	Ž-SA-05-556/16,	FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES, SARAJEVO	19 – ADMINISTRATION	20.10.2017.	IMPLEMENTED	YES
P-266/17	Ž-SA-05-462/17,	MUNICIPALITY VOGOŠĆA, MUNICIPAL COUNCIL VOGOŠĆA	15 - LEGAL AND PROPERTY RELATIONS	23.10.2017.	COOPERATION ACHIEVED	YES
P-267/17	Ž-LI-05-219/17,	PRIMARY SCHOOL "IVAN GORAN KOVAČIĆ" LIVNO	03 - ACCESS TO INFORMATION	26.10.2017.	IMPLEMENTED	YES
P-268/17	Ž-LI-05-261/17,	MUNICIPAL COUNCIL TOMISLAVGRAD, COMMISSION FOR PROTECTION OF HUMAN RIGHTS, SUBMISSIONS AND COMPLAINTS OF CITIZENS	19 – ADMINISTRATION	26.10.2017.	NO ANSWER	NO

P-269/17	Ž-LI-05-220/17,	PRIMARY MUSIC SCHOOL „TOMISLAVGRAD“ TOMISLAVGRAD	03 - ACCESS TO INFORMATION	26.10.2017.	COOPERATION ACHIEVED	YES
P-270/17	Ž-LI-05-309/17,	MUNICIPALITY OF LIVNO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	26.10.2017.	COOPERATION ACHIEVED	YES
P-271/17	Ž-LI-05-221/17,	MUNICIPALITY OF LIVNO, SERVICE FOR COMMERCIAL AND INSPECTION AFFAIRS	19 - ADMINISTRATION	26.10.2017.	COOPERATION ACHIEVED	YES
P-272/17	Ž-LI-05-217/17,	MUNICIPALITY KUPRES, MUNICIPAL COUNCIL KUPRES	19 - ADMINISTRATION	26.10.2017.	COOPERATION ACHIEVED	YES
P-273/17	Ž-LI-05-214/17,	MUNICIPALITY LIVNO, SERVICE FOR COMMERCIAL AND INSPECTION AFFAIRS	19 - ADMINISTRATION	26.10.2017.	COOPERATION ACHIEVED	YES
P-274/17	Ž-LI-05-29/17,	MUNICIPAL COURT IN LIVNO	09 - COURTS	26.10.2017.	IMPLEMENTED	YES
P-275/17	Ž-LI-05-51/17,	ZE-DO CANTON „STAMBENI SERVIS“ D.O.O.ZENICA	19 - ADMINISTRATION	26.10.2017.	COOPERATION ACHIEVED	YES
P-276/17	Ž-SA-06-475/17,	MUNICIPALITY OF NOVO SARAJEVO, CHIEF OF MUNICIPALITY, CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, DIRECTOR, SARAJEVO	01 - DISCRIMINATION- - 01-18 - BASED ON SOCIAL STATUS AND GENDER	25.10.2017.	IMPLEMENTED	YES
P-277/17	Ž-SA-06-920/17,	THE FEDERATION OF BOSNIA AND HERZEGOVINA, MINISTRY OF INTERNAL AFFAIRS: UNASANA CANTON, POSAVINA CANTON, TUZLA CANTON, ZE-DO CANTON, BOSNIA-PODRINJE CANTON, CENTRAL BOSNIA CANTON, HERZEGOVINA-NERETVA CANTON, WEST HERZEGOVINA OF CANTON, CANTON SARAJEVO AND CANTON 10	01 - DISCRIMINATION -- 01-19 - BASED ON SEXUAL ORIENTATION	26.10.2017.	IMPLEMENTED	YES

P-278/17	Ž-SA-05-976/17, Ž-SA-06-619/17,	UNIVERSITY OF SARAJEVO, ECONOMIC FACULTY-REACTOR OF UNIVERSITY	01 - DISCRIMINATION -- 01-03 - MOBBING, 03 - ACCESS TO INFORMATION	26.10.2017.	NO ANSWER	NO
P-279/17	Ž-MO-05-35/17,	CITY OF MOSTAR, THE MAYOR	15 - LEGAL AND PROPERTY RELATIONS	27.10.2017.	IMPLEMENTED	YES
P-280/17	Ž-MO-05-44/17,	CITY OF MOSTAR, THE MAYOR	15 - LEGAL AND PROPERTY RELATIONS	27.10.2017.	IMPLEMENTED	YES
P-281/17	Ž-SA-05-532/17,	FEDERATION MINISTRY OF JUSTICE - ADMINISTRATIVE INSPECTION, SARAJEVO	19 - ADMINISTRATION	27.10.2017.	COOPERATION ACHIEVED	YES
P-282/17	Ž-SA-05-643/17,	MINISTRY OF FINANCE OF CENTRAL BOSNIA CANTON TRAVNIK	09 - COURTS	27.10.2017.	NO ANSWER	NO
P-283/17	Ž-BL-05-342/17,	MUNICIPALITY HAN PIJESAK, MUNICIPAL COUNCIL	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	30.10.2017.	NOT IMPLEMENTED	NO
P-284/17	Ž-BL-05-594/17,	MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	30.10.2017.	IMPLEMENTED	NO
P-285/17	Ž-BL-06-502/17,	MUNICIPALITY STARI GRAD, SARAJEVO	01 - DISCRIMINATION	1.11.2017.	PARTLY IMPLEMENTED	YES
P-286/17	Ž-SA-06-713/16,	FUND FOR PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES, DIRECTOR OF THE BOARD OF DIRECTORS., SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	10.11.2017.	COOPERATION ACHIEVED	YES
P-287/17	Ž-SA-04-686/17,	FEDERATION MINISTRY OF JUSTICE, ADMINISTRATIVE INSPECTORATE, SARAJEVO	10 - LABOR RELATIONS	14.11.2017.	COOPERATION ACHIEVED	YES
P-288/17	Ž-BL-04-678/16,	JKP „10. JUL“ BOSANSKA KRUPA	10 - LABOR RELATIONS	20.11.2017.	NO ANSWER	NO

P-289/17	Ž-BR-04-265/17,	MINISTRY OF EDUCATION, SCIENCE OF CULTURE AND SPORTS OF TUZLA CANTON, MIXED HIGH SCHOOL OF ŽIVINICE,, INSPECTORATE FOR EDUCATION, SCIENCE, CULTURE AND SPORT OF TUZLA CANTON, PEDAGOGICAL INSTITUTE OF TUZLA CANTON	11 - EDUCATION	22.11.2017.	IMPLEMENTED	YES
P-290/17	Ž-SA-06-630/17,	PRIVATE EMPLOYERS	01 - DISCRIMINATION	21.11.2017.	IMPLEMENTED	NO
P-291/17	Ž-SA-06-274/16,	CANTONAL PROSECUTOR'S OFFICE OF CANTON SARAJEVO	01 - DISCRIMINATION -- 01-19 - BASED ON SEXUAL ORIENTATION	21.11.2017.	IMPLEMENTED	YES
P-292/17	Ž-SA-01-1240/16,	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA PUBLIC INSTITUTION OF SECONDARY SCHOOLING "RUDO" DIRECTOR, CENTER FOR SOCIAL WORK, RUDO	13 - THE RIGHTS OF THE CHILD	21.11.2017.	COOPERATION ACHIEVED	YES
P-293/17	Ž-BL-05-484/17,	MUNICIPALITY OF GRADIŠKA	19 – ADMINISTRATION	22.11.2017.	IMPLEMENTED	YES
P-294/17	Ž-BL-04-385/17,	THE PENSION AND DISABLEMENT INSURANCE FUND OF THE REPUBLIKA SRPSKA-BRANCH DOBOJ	25 – PENSIONS	22.11.2017.	NO ANSWER	NO
P-295/17	Ž-BL-04-132/17,	FUND FOR PENSION AND DISABLEMENT INSURANCE OF THE REPUBLIKA SRPSKA, MINISTRY OF WORK AND VETERANS DISABLEMENT PROTECTION OF THE REPUBLIKA SRPSKA, MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA	25 – PENSIONS	22.11.2017.	IMPLEMENTED	YES

P-296/17	Ž-BL-05-591/17,	SUPREME COURT OF THE REPUBLIKA SRPSKA	09 – COURTS	22.11.2017.	NO ANSWER	NO
P-297/17	Ž-BL-05-595/17,	CITY OF BANJA LUKA	19 – ADMINISTRATION	23.11.2017.	COOPERATION ACHIEVED	YES
P-298/17	Ž-BL-04-467/17,	JU „VODE SRPSKE“ BIJELJINA	10 - LABOR RELATIONS	24.11.2017.	NOT IMPLEMENTED	NO
P-299/17	Ž-BL-04-736/16,	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA	23 – PUBLIC HEALTH	24.11.2017.	IMPLEMENTED	YES
P-300/17	Ž-BL-04-312/17,	MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA, HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA	23 – PUBLIC HEALTH	24.11.2017.	NO ANSWER	NO
P-301/17	Ž-SA-04-757/17,	CANTON SARAJEVO, MINISTRY OF ECONOMY, MINISTER, SARAJEVO	10 - LABOR RELATIONS	24.11.2017.	COOPERATION ACHIEVED	YES
P-302/17	Ž-SA-04-646/17,	BROWN COAL MINES „BANOVIĆI“ D.D. BANOVIĆI, DIRECTOR	10 - LABOR RELATIONS	24.11.2017.	COOPERATION ACHIEVED	YES
P-303/17	Ž-SA-05-255/17,	CITY OF TUZLA, SERVICE FOR GENERAL MANAGEMENT AND COMMON AFFAIRS, TUZLA	03 - ACCESS TO INFORMATION	27.11.2017.	IMPLEMENTED	YES
P-304/17	Ž-BR-04-141/17,	MUNICIPALITY OF BANOVIĆI, CHIEF OF MUNICIPALITY BANOVIĆI	24 – SOCIAL PROTECTION	27.11.2017.	NO ANSWER	NO
P-305/17	Ž-BR-05-118/17,	MUNICIPALITY OF ŽIVINICE, CHIEF OF MUNICIPALITY ŽIVINICE	15 - LEGAL AND PROPERTY RELATIONS	27.11.2017.	NO ANSWER	NO
P-306/17	Ž-BR-04-220/17,	CITY OF TUZLA - TUZLA CIVIL PROTECTION SERVICE	21 - COMMUNAL SERVICES	27.11.2017.	NO ANSWER	NO
P-307/17	Ž-BR-05-238/17,	MINISTRY OF INTERNAL AFFAIRS OF TUZLA CANTON, POLICE STATION WEST TUZLA	19 – ADMINISTRATION	27.11.2017.	IMPLEMENTED	YES
P-308/17	Ž-BR-05-244/17,	TUZLA CANTON, MINISTRY OF INTERNAL AFFAIRS, POLICE ADMINISTRATION TUZLA, POLICE STATION "ZAPAD" TUZLA	05 – POLICE	27.11.2017.	IMPLEMENTED	YES

P-309/17	Ž-SA-05-714/17,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, HOUSE OF REPRESENTATIVES, CABINET OF THE SPEAKER, SARAJEVO, SPEAKER OF THE PARLIAMENT	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN THE LEGAL DEADLINE	27.11.2017.	COOPERATION ACHIEVED	YES
P-310/17	Ž-SA-05-899/17,	INSTITUTE FOR HEALTH CARE OF EMPLOYEES OF INTERIOR MINISTRY OF CANTON SARAJEVO N, DIRECTOR	03 - ACCESS TO INFORMATION	27.11.2017.	NOT IMPLEMENTED	YES
P-311/17	Ž-BL-01-627/17,	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA, PRIMARY SCHOOL "BRANKO ĆOPIĆ" BANJA LUKA	13 - THE RIGHTS OF THE CHILD	28.11.2017.	NO ANSWER	YES
P-312/17	Ž-LI-05-333/17,	CENTER FOR SOCIAL WORK GLAMOČ – GLAMOČ	19 – ADMINISTRATION	11.12.2017.	NO ANSWER	NO
P-313/17	Ž-LI-05-334/17,	CENTER FOR SOCIAL WORK GLAMOČ – GLAMOČ	03 - ACCESS TO INFORMATION	11.12.2017.	IMPLEMENTED	YES
P-314/17	Ž-MO-01-139/17,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT, ZHK	13 - THE RIGHTS OF THE CHILD	7.12.2017.	IMPLEMENTED	YES
P-315/17	Ž-BL-04-580/17, Ž-BL-05-590/17, Ž-BL-05-610/17,	REGIONAL DEPONY "DEP-OT" D.O.O. BANJA LUKA	10 - LABOR RELATIONS, 22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	13.12.2017.	COOPERATION ACHIEVED	YES
P-316/17	Ž-SA-05-1086/16,	MUNICIPALITY OF NOVI GRAD SARAJEVO, CHIEF OF MUNICIPALITY, SARAJEVO	19 – ADMINISTRATION	11.12.2017.	COOPERATION ACHIEVED	YES
P-317/17	Ž-SA-05-154/16,	MUNICIPAL COURT LUKAVAC, PRESIDENT OF THE COURT	09 - COURTS-- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	11.12.2017.	NO ANSWER	YES
P-318/17	Ž-BL-05-771/17,	POLICE STATION SOKOLAC	03 - ACCESS TO INFORMATION	13.12.2017.	IMPLEMENTED	YES

P-319/17	Ž-BL-04-702/17,	CITY OF BIHAĆ, FEDERATION MINISTRY OF AGRICULTURE, WATER SUPPLY AND FORESTRY, MINISTRY OF AGRICULTURE, WATER SUPPLY AND FORESTRY OF USK, FEDERATION ADMINISTRATION FOR INSPECTION AFFAIRS, COMMUNAL ADMINISTRATION FOR INSPECTION AFFAIRS;	14 - ECOLOGY / ENVIRONMENTAL PROTECTION	13.12.2017.	COOPERATION ACHIEVED	YES
P-320/17	Ž-BL-05-699/17,	BASIC COURT OF BANJA LUKA;	03 - ACCESS TO INFORMATION	13.12.2017.	NOT IMPLEMENTED	YES
P-321/17	Ž-BL-04-257/17,	UNIVERSITY OF BANJA LUKA, ARCHITECTURAL-BUILDING AND GEODETIC FACULTY OF BANJA LUKA	10 - LABOR RELATIONS	21.12.2017.	NO ANSWER	NO
P-322/17	Ž-BL-04-554/17,	THE FEDERATION OF BOSNIA AND HERZEGOVINA, CIVIL SERVICE AGENCY, THE COMMITTEE FOR COMPLAINTS	10 - LABOR RELATIONS	18.12.2017.	NO ANSWER	NO
P-323/17	Ž-BL-05-644/17,	BASIC COURT IN PRIJEDOR	09 - COURTS -- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	18.12.2017.	NO ANSWER	NO
P-324/17	Ž-BL-05-541/17,	BASIC COURT IN BANJA LUKA	09 - COURTS -- 09-1 - COMPLAINTS AGAINST WORK OF THE JUDGES	18.12.2017.	NO ANSWER	NO
P-325/17	Ž-BL-05-301/17, Ž-BL-05-303/17,	MINISTRY OF AGRICULTURE, FORESTRY AND WATER SUPPLY OF THE REPUBLIKA SRPSKA	15 -LEGAL AND PROPERTY RELATIONS, 19 – ADMINISTRATION	19.12.2017.	PARTLY IMPLEMENTED	YES
P-326/17	Ž-BL-01-443/17,	CLUB FOR CHILDREN "ZVJEZDICA", MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	13 - THE RIGHTS OF THE CHILD	25.12.2017.	NO ANSWER	NO
P-327/17	Ž-BL-01-724/17,	CENTER FOR SOCIAL WORK BIHAĆ, CANTONAL PROSECUTION OF UNA-SANA CANTON	13 - THE RIGHTS OF THE CHILD	28.12.2017.	NO ANSWER	NO

P-328/17	Ž-SA-05-929/17,	JP ELEKTROPRIVREDA BIH D.D. SARAJEVO, GENERAL DIRECTOR	03 - ACCESS TO INFORMATION	28.12.2017.	NO ANSWER	NO
P-329/17	Ž-SA-05-1186/17,	MUNICIPAL COURT IN SANSKI MOST, SANSKI MOST	09 - COURTS-- 09-2 - LENGTHY PROCEEDINGS (ARTICLE 6)	28.12.2017.	IMPLEMENTED	YES
P-330/17	Ž-BL-06-407/17,	ASSEMBLY OF THE CANTON 10	01 - DISCRIMINATION -- 01-01 - HARASSMENT	28.12.2017.	NO ANSWER	NO
P-331/17	Ž-BL-05-811/16,	BAR ASSOCIATION OF THE REPUBLIKA SRPSKA	09 – COURTS	28.12.2017.	NO ANSWER	NO
P-332/17	Ž-BL-05-609/17,	UNIVERSITY OF BANJA LUKA	03 - ACCESS TO INFORMATION	28.12.2017.	NO ANSWER	NO
P-333/17	Ž-BL-05-711/17,	COUNTY COURT BANJA LUKA	03 - ACCESS TO INFORMATION	28.12.2017.	COOPERATION ACHIEVED	YES
P-334/17	Ž-SA-05-1200/16, Ž-SA-05-98/17,	MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA - FOREIGNERS SERVICE - SECTOR FOR IMMIGRATION - SECTOR FOR ASYLUM, SARAJEVO	19 – ADMINISTRATION	28.12.2017.	NO ANSWER	NO
P-335/17	Ž-MO-05-123/17,	MINISTRY OF INTERNAL AFFAIRS, POLICE ADMINISTRATION MOSTAR, MINISTER	03 - ACCESS TO INFORMATION	29.12.2017.	NO ANSWER	NO
P-336/17	Ž-MO-05-104/16,	MUNICIPALITY TOMISLAVGRAD, CHIEF OF MUNICIPALITY TOMISLAVGRAD	15 - LEGAL AND PROPERTY RELATIONS	29.12.2017.	NO ANSWER	NO

ANNEX I. REVIEW OF THE BUDGET FOR 2017.

0304 Ombudsman Institution for Human Rights of Bosnia and Herzegovina

Overview of expenses and expenditures by economic categories, Reporting period: from 1.1.2017. until 31.12.2017.

Form 2.

Ordinal number	Description	Econ. cod	Budget	Amendments (rebalance, restructuring, reallocation, reserve, dedicated funds, etc.)	Corrected budget	Realized cumulative amount of total expenditures and expenses	Realized cumulative amount of the same period of the previous year	Percentage 7/6 x 100	Percentage 7/8 x 100
1	2	3	4	5	6 (4+5)	7	8	9	10
1	Total expenditures and expenses (2 + 16)		2,409,000	30,990		2,320.193	2.279.371	95,1%	101,8%
2	Total current expenditures (3 + 6)	610000	2.359.000	7.090	2.366.090	2.248.056	2.231.420	95,0%	100,7%
3	Salaries and allowances of employees (4 + 5)	611000	1.911.000	-21.400	1.889.600	1.834.709	1.821.595	97,1%	100,7%
4	Gross wages and salaries	611100	1.720.000	0	1.720.000	1.691.680	1.676.270	98,4%	100,9%
5	Employee compensation fees	611200	191.000	-21.400	169.600	143.029	145.325	84,3%	98,4%
6	Material expenses, small inventory and services (7+.....+15)	613000	448.000	28.490	476.490	413.347	409.825	86,7%	100,9%
7	Travel expenses	613100	84.000	5.000	89.000	86.732	88.677	97,5%	97,8%
8	Expenses for energy and utility services	613200	55.000	0	55.000	50.614	47.376	92,0%	106,8%
9	Expenses for energy and utility services	613300	10.000	-3.000	7.000	4.476	4.555	63,9%	98,3%
10	Procurement of materials and small inventory	613400	40.000	0	40.000	36.092	39.871	90,2%	90,5%
11	Expenses for transport and fuel	613500	31.000	-8.000	23.000	15.782	15.237	68,6%	103,6%
12	Injury of property and equipment	613600	132.000	0	132.000	131.583	131.583	99,7%	100,0%
13	Current maintenance costs	613700	31.000	-6.000	25.000	18.871	26.231	75,5%	71,9%
14	Insurance, banking and payment services	613800	6.000	0	6.000	5.713	3.874	95,2%	147,5%
15	Contracted and other special services	613900	59.000	40.490	99.490	63.484	52.421	63,8%	121,1%
16	Total capital expenditure		50.000	23.900	73.900	72.137	47.951	97,6%	150,4%
17	Expenses for the purchase of fixed assets	821000	50.000	23.900	73.900	72.137	47.951	97,6%	150,4%
18	Procurement of equipment	821300	50.000	23.900	73.900	72.137	47.951	97,6%	150,4%

ANNEX II. REVIEW OF OBLIGATIONS UNDER FREEDOM OF ACCESS TO INFORMATION ACT/2017

1. Public bodies at the level of Bosnia and Herzegovina that have fulfilled the obligation to appoint the Information Officer and submitted the Guide and Index Register in accordance with Articles 19 and 20 of Freedom of Access to Information Act

No.	Name of institution	No.	Name of institution
1	Police Support Agency of Bosnia and Herzegovina	37	Institute of Intellectual Property of Bosnia and Herzegovina
2	Civil Service Agency of Bosnia and Herzegovina	38	Institute for Standardization of Bosnia and Herzegovina
3	Agency for Forensic Testing of Bosnia and Herzegovina	39	Commission for Concessions of Bosnia and Herzegovina
4	Agency for Identification Documents, Evidence and Exchange of Data of Bosnia and Herzegovina	40	Commission for Preservation of National Monuments of Bosnia and Herzegovina
5	The Public Procurement Agency and the BiH Office for the Review of Complaints	41	Mine Action Commission of Bosnia and Herzegovina
6	Agency for Medicinal Products and Medical Devices of Bosnia and Herzegovina	42	Council of Competition of Bosnia and Herzegovina
7	Agency for Market Surveillance of Bosnia and Herzegovina	43	Ministry of Civil Affairs of Bosnia and Herzegovina
8	Deposit Insurance Agency of Bosnia and Herzegovina	44	Ministry of Finance and Treasury of Bosnia and Herzegovina
9	Insurance Agency in Bosnia and Herzegovina	45	Ministry of Communications and Transport of Bosnia and Herzegovina
10	Agency for Postal Services of Bosnia and Herzegovina	46	Ministry of Defense of Bosnia and Herzegovina
11	Agency for Pre-school, Primary and Secondary Education of Bosnia and Herzegovina	47	Ministry of Justice of Bosnia and Herzegovina
12	Agency for the Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina	48	Ministry of Security of Bosnia and Herzegovina
13	Agency for Labor and Employment of Bosnia and Herzegovina	49	Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina
14	Agency for the Development of Higher Education, and Quality Assurance of Bosnia and Herzegovina	50	Ministry of Foreign Affairs of Bosnia and Herzegovina
15	Food Safety Agency of Bosnia and Herzegovina	51	Ministry of Human Rights and Refugees of Bosnia and Herzegovina
16	Agency for Statistics of Bosnia and Herzegovina	52	Intelligence and Security Agency of Bosnia and Herzegovina
17	Agency for Education and Professional Development of Personnel of Bosnia and Herzegovina	53	State Appeals Board of Bosnia and Herzegovina
18	Agency for the Promotion of Foreign Investments of Bosnia and Herzegovina	54	Parliamentary Assembly of Bosnia and Herzegovina
19	Agency for the Protection of Personal Data of Bosnia and Herzegovina	55	Attorney's Office of Bosnia and Herzegovina
20	Archives of Bosnia and Herzegovina	56	Communications Regulatory Agency of Bosnia and Herzegovina
21	Center for information and recognition of documents in the field of higher education of Bosnia and Herzegovina	57	Presidency of Bosnia and Herzegovina
22	Bosnia and Herzegovina Mine Action Center	58	Service for Foreigners of Bosnia and Herzegovina
23	Central Bank of Bosnia and Herzegovina	59	The Office for Common Affairs of the Institutions of Bosnia and Herzegovina
24	Central Election Commission of Bosnia and Herzegovina	60	Court of Bosnia and Herzegovina
25	Directorate for Coordination of Police Bodies of Bosnia and Herzegovina	61	Prosecutor's Office of Bosnia and Herzegovina
26	Directorate for Civil Aviation of Bosnia and Herzegovina-BHDCA	62	Administration of Bosnia and Herzegovina for of Health Protection and the Herbs
27	Directorate for Economic Planning of Bosnia and Herzegovina	63	Indirect Taxation Administration of Bosnia and Herzegovina
28	Directorate for European Integration of Bosnia and Herzegovina	64	Public Administration Reform Coordinator's Office of Bosnia and Herzegovina
29	State Investigation and Protection Agency of Bosnia and Herzegovina	65	Audit Office of Financial Operations of the Institutions of Bosnia and Herzegovina
30	State Regulatory Agency for Radiation and Nuclear Safety of Bosnia and Herzegovina	66	Veterinary Office of Bosnia and Herzegovina
31	State Electricity Regulatory Commission of Bosnia and Herzegovina	67	Constitutional Court of Bosnia and Herzegovina
32	Elektroprivreda Bosne i Hercegovin	68	Foreign Trade Chamber of Bosnia and Herzegovina
33	Fund for Return of Bosnia and Herzegovina	69	Office for Legislation of Bosnia and Herzegovina

34	Border Police of Bosnia and Herzegovina	70	Council of Ministers of Bosnia and Herzegovina
35	Institution of the Ombudsman for Consumer Protection of Bosnia and Herzegovina	71	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
36	Institute for Accreditation of Bosnia and Herzegovina		

2. Public bodies at the level of Bosnia and Herzegovina that submitted statistical data in 2017 in accordance with Article 20 of Freedom of Access to Information Act

No.	Name of institution	No.	Name of institution
1	Civil Service Agency of Bosnia and Herzegovina	13	Ministry of Communications and Transport of Bosnia and Herzegovina
2	Agency for Identification Documents, Evidence and Exchange of Data of Bosnia and Herzegovina	14	Ministry of Defense of Bosnia and Herzegovina
3	Public Procurement Agency of Bosnia and Herzegovina	15	Ministry of Justice of Bosnia and Herzegovina
4	Agency for Market Surveillance of Bosnia and Herzegovina	16	Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina
5	Insurance Agency of Bosnia and Herzegovina	17	Commission for the Preservation of National Monuments of Bosnia and Herzegovina
6	Agency for Labor and Employment of Bosnia and Herzegovina	18	Directorate for European Integration of Bosnia and Herzegovina
7	Agency for the Development of Higher Education, and Quality Assurance of Bosnia and Herzegovina	19	Parliamentary Assembly of Bosnia and Herzegovina - Secretariat
8	High Judicial and Prosecutorial Council of Bosnia and Herzegovina	20	Presidency of Bosnia and Herzegovina - Secretariat
9	Directorate for Civil Aviation of Bosnia and Herzegovina-BHDCA	21	Public Administration Reform Coordinator's Office of Bosnia and Herzegovina
10	Directorate for Economic Planning of Bosnia and Herzegovina	22	Office for reviewing complaints of Bosnia and Herzegovina
11	Border Police of Bosnia and Herzegovina	23	Constitutional Court of Bosnia and Herzegovina
12	Fund for Return of Bosnia and Herzegovina	24	Council of Ministers of Bosnia and Herzegovina - General Secretariat

When we talk about the submission of statistical data by public bodies at the level of Bosnia and Herzegovina, the Human Rights Ombudsman institution in the reporting year states that 24 public bodies regularly fulfill their obligation. During 2016, this obligation was met by 29 public bodies.

3. Public bodies at the level of the Federation of Bosnia and Herzegovina that in 2017 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 of Gračanica
2	Federation Hydro-meteorological Institute	2	Cantonal Prosecutor's Office of Sarajevo Canton	2	Municipality of Hadžići
3	Securities Commission of the Federation of Bosnia and Herzegovina	3	Cantonal Prosecutor's Office of Zenica-Doboj Canton	3	Municipality of Lukavac
4	Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina	4	Cantonal Prosecutor's Office of Una-Sana Canton	4	Municipality of Tešanj
		5	Cantonal Administration for Inspection Affairs ZDK	5	Municipality of Ključ
		6	Ministry of Justice and Administration of Canton Sarajevo	6	Municipality of Foča
		7	Ministry of Internal Affairs of the Canton of Sarajevo	7	City of Bihać
		8	Public institution „Olimpijski bazen“ Otoka	8	Municipality of Sapna
		9	University of Tuzla	9	Municipality of Kakanj
		10	Cantonal Administration for Inspection Affairs of Canton Sarajevo		
		11	Ministry of Communal Economy and Infrastructure of Canton Sarajevo		

In 2017, as in the previous year, four public bodies at the level of the Federation of Bosnia and Herzegovina regularly fulfilled their obligation to submit statistical data. At the level of cantons within the Federation of Bosnia and Herzegovina in 2017, this obligation was fulfilled by eleven public bodies, which is four more than in 2016, when this obligation was fulfilled by seven public bodies. When we talk about the municipalities in the Federation of Bosnia and Herzegovina, and statistical data in 2017 was regularly delivered by nine public bodies, which is five more than in 2016 when four public bodies at the municipal level fulfilled this obligation.

4. Public bodies at the level of the Republika Srpska that submitted statistical data in accordance with Freedom of Access to Information Act in 2017:

No.	Entity level	No.	County level	No.	Municipal level
1	Pension and Disability Insurance Fund of Republika Srpska	1	County Public Prosecutor's Office Banja Luka	1	Municipality of Prnjavor
2	Prosecutor's Office of the Republika Srpska	2	County Court in Dobož	2	Municipality of Rudo
				3	Municipality of Gradiška
				4	Basic court in Teslić

At the level of Entity of the Republika Srpska, in 2017 compared to 2016, there was a decrease in the number of public bodies at the municipal level that fulfill their obligation to submit statistical data.

During 2017, the following public bodies fulfilled the obligation to submit a decision on the Information Officer, Guidebook and Index of the Registry in accordance with Freedom of Access to Information Act:

1. Foreign Trade Chamber of Bosnia and Herzegovina (Decision on Information Officer, Guidebook, Index Registry);
2. The Office for Common Affairs of the Institutions of Bosnia and Herzegovina (Decision on the Information Officer);
3. Federation Ministry of Internal Affairs (Decision on Information Officer);
4. Federation Ministry of Labor and Social Policy (Decision on Information Officer);
5. Ministry of Physical Planning, Construction and Environmental Protection of Sarajevo Canton (Decision on Information Officer, Guide);
6. Health Insurance Institute of Sarajevo Canton (Decision on Information Officer, Guidebook, Index);
7. Ministry of Economy of Herzegovina-Neretva Canton (Decision on Information Officer);
8. The Department for Common Affairs of Zenica-Dobož Canton (Decision on Appointment of Information Officers, Guidebook);
9. JP Elektroprivreda HZ HB d.d. Mostar (Decision on Information Officer, Guidebook, Index Registry);
10. Municipal Court in Jajce (Decision on Information Officer, Guidebook, Index);
11. Cantonal public utility company "Rad" d.o.o. Sarajevo (Decision on Information Officer);
12. Salt mine "Tuzla" d.d. Tuzla (Decision on Information Officer, Guide);
13. Municipal Court in Konjic (Decision on information officer).

ANNEX III. TABULAR PRESENTATION OF STATISTICAL INDICATORS

DEPARTMENT	Number of complaints submitted in 2017.	Transferred from previous years	Total work on cases in 2017.	Total of completed cases in 2017.	Transferred to 2018.
01 – Department for monitoring the rights of the child	172	120	292	143	149
02 – Department for monitoring the rights of persons with disabilities	51	49	100	71	29
03 – Department for monitoring the rights of national, religious and other minorities	8	8	16	4	12
04 - Department for economic, social and cultural rights	755	365	1120	680	440
05 - Department for monitoring of political and civil rights	1861	997	2858	1702	1156
06 - Department for elimination of all forms of discrimination	178	141	319	156	163
07 - Department for monitoring the rights of detainees/prisoners	135	123	258	152	106
UKUPNO	3160	1803	4963	2908	2055

Complaints dealt with on department-to-department basis

DEPARTMENT	No.
01 - Department for monitoring the rights of the child // SA	78
02 - Department for monitoring the rights of persons with disabilities // SA	18
03 - Department for monitoring the rights of national, religious and other minorities // SA	6
04 - Department for economic, social and cultural rights // SA	288
05 - Department for monitoring the political and civil rights // SA	699
06 - Department for elimination of all forms of discrimination // SA	95
07 - Department for monitoring the rights of detainees/prisoners // SA	120
Total number of cases in Sarajevo	1304
01 - Department for monitoring the rights of the child // BL	84
02 - Department for monitoring the rights of persons with disabilities // BL	24
03 - Department for monitoring the rights of national, religious and other minorities // BL	0
04 - Department for economic, social and cultural rights // BL	226
05 - Department for monitoring of political and civil rights // BL	518
06 - Department for elimination of all forms of discrimination // BL	61
07 - Department for monitoring the rights of detainees/prisoners // BL	15
Total number of cases in Banja Luka	928
01 - Department for monitoring the rights of the child // Brčko	3
02 - Department for monitoring the rights of persons with disabilities // Brčko	2
03 - Department for monitoring the rights of national, religious and other minorities // Brčko	1
04 - Department for economic, social and cultural rights // Brčko	139
05 - Department for monitoring of political and civil rights // Brčko	175
06 - Department for elimination of all forms of discrimination // Brčko	15
Total number of cases in Brčko	335
01 - Department for monitoring the rights of the child // Mostar	7
02 - Department for monitoring the rights of persons with disabilities // Mostar	5
03 - Department for monitoring the rights of national, religious and other minorities // Mostar	1
04 - Department for economic, social and cultural rights // Mostar	44
05 - Department for monitoring of political and civil rights // Mostar	111
06 - Department for elimination of all forms of discrimination // Mostar	5
Total number of cases in Mostar	173
01 - Department for monitoring the rights of the child // Livno	0
02 - Department for monitoring the rights of persons with disabilities // Livno	2
04 - Department for economic, social and cultural rights // Livno	58
05 - Department for monitoring of political and civil rights // Livno	358
06 - Department for elimination of all forms of discrimination // Livno	2
07 - Department for monitoring the rights of detainees/prisoners // Livno	0
Total number of cases in Livno	420
Total number of cases in the Institution	3160

Number of complaints filed on office-to-office bases in 21017.

Violation of right	Subcategory	Number of cases
01 – Discrimination	00 – other	95
01 - Discrimination	01-01 - harassment	4
01 - Discrimination	01-03 - mobbing	37
01 - Discrimination	01-09 – based on language	1
01 - Discrimination	01-10 – based on religion	3
01 - Discrimination	01-11 – based on ethnicity	8
01 - Discrimination	01-12 – based on national or social origin	5
01 - Discrimination	01-13 - based on the connection with the national minority	2
01 - Discrimination	01-14 - based on political or other opinion	3
01 - Discrimination	01-16 - based on membership in a trade union or other association	2
01 - Discrimination	01-17 - based on education	1
01 - Discrimination	01-18 - based on social status and gender	6
01 - Discrimination	01-19 - based on sexual orientation	6
01 - Discrimination	01-21 - based on sexual characteristics	1
01 - Discrimination	SUM	174
02 - Media and freedom of information	SUM	8
03 - Access to information	00 – other	182
03 - Access to information	03-1 - not making a decision within the legal deadline	38
03 - Access to information	03-2 - refusal to access to information	24
03 - Access to information	03-3 - right to second instance	4
03 - Access to information	SUM	248
04 - Religious freedoms / religion	SUM	5
05 - Police	SUM	132
06 – Public income	SUM	2
07 - Prisons	00 – other	108
07 - Prisons	07-1 - Use of institutional benefits and visits	8
07 - Prisons	07-2 - health care and hygiene conditions	17
07 - Prisons	07-4 - pardons	2
07 - Prisons	SUMA	135
09 - Courts	00 – other	406
09 - Courts	09-1 - complaints on the work of judges	18
09 - Courts	09-2 - length of the proceedings (Article 6)	152
09 - Courts	09-3 - execution of judgments	48
09 - Courts	SUM	624
10 – Labor relations	SUM	337
11 - Education	SUM	29
12 – Persons with disabilities	SUM	51
13 – The rights of the child	SUM	172
14 - Ecology environmental protection	SUM	11

15- Legal and property relations	SUM	170
16 - Violence	SUM	2
17 – Public documents	SUM	35
18 – Minorities	SUM	5
19 - Administration	SUM	427
20 – War damages	SUM	30
21 – Communal services	SUM	99
22 – Government and ministerial appointments	SUM	105
23 – Public health	SUM	48
24 – Social protection	SUM	67
25 – Pensions	SUM	167
26 - Prosecution	SUM	74
27 – Public Attorney’s office	SUM	3
SUM	SUM	3160

Number of filed subcategory complaints in 2017.

No.	Manner of implementation	Cases filed in 2017.	Cases from previous years	Total
1	During the intervention of the Ombudsman	655	506	1161
2	Recommendation of the Ombudsperson	84	156	240
3	The party's lack of interest in further proceedings	262	168	430
4	An unacceptable appeal	430	157	587
5	Otherwise	209	216	425
6	Non-jurisdiction and transfer of cases to the competent authority	21	6	27
7	Forwarded to another office of the Ombudsman	7	1	8
8	Special report	11	10	21
9	Repeated procedure	5	4	9
10	Total	1684	1224	2908

ONLY FOR INADMISSIBLE COMPLAINT – SUBCATEGORIES

00 – others	45	24
01 - anonymous complaint	2	0
02 - malicious complaint	1	0
03 - unfounded complaint	327	119
04 - complaint does not contain any claim	3	1
05 - violation of legitimate rights of a third party	1	0
06 – complainant’s delay of 1 year after the facts, the event or the decision	8	2
07 - not all the remedies have been exhausted	21	2
08 - complaint incomplete or incomprehensible (not subsequently amended)	9	6
09 - complainant withdrew from the complaint	0	0
10 - complaint with already considered facts (duplication of complaint)	11	3
11 – facts before December 14, 1995.	2	0
Total	430	157

Number of complaints completed//Manner of completing complaints in 2017.

No.	Violation of right	Number of cases with issued Recommendation
1	01 – Discrimination	26
2	02 - Media and Freedom of Information	1
3	03 - Access to information	60
4	04 - Religious freedoms / religion	1
5	05 – Police	10
6	07 – Prisons	5
7	09 – Courts	32
8	10 - Work relations	38
9	11 – Education	7
10	12 - Persons with disabilities	14
11	13 - The rights of the child	13
12	14 - Ecology Environmental Protection	1
13	15 - Legal and property relations	21
14	16 – Violence	1
15	17 - Public documents	2
16	19 – Administration	66
17	20 - War damages	3
18	21 – Communal services	9
19	22 - Government and ministerial appointments	20
20	23 – Public health	11
21	24 - Social protection	2
22	25 – Pensions	10
23	26 – Prosecution	2
24	Total	355

Manner of implementation	Number of cases
Partly implemented	12
No answer	73
Not implemented	67
Cooperation achieved	78
Implemented	125
Total	355

Number of complaints with issued Recommendation in 2017. by categories of rights violated and implementation.

DEPARTMENT	Number of complains with Recommendation issued in 2017.
Department for monitoring of political and civil rights	215
Department of economic, social and cultural rights	79
Department for monitoring the rights of persons with disabilities	14
Department for monitoring the rights of national, religious and other minorities	1
Department for monitoring the rights of detainees/prisoners	5
Department for monitoring the rights of the child	13
Department for elimination of all forms of discrimination	28
TOTAL	355

Number of complaints with issued recommendation on Department-to-Department basis in 2017.

Name of Department	Number of recommendations
01 - Department for monitoring the rights of the child	13
02 – Department for monitoring the rights of persons with disabilities	13
03 - Department for monitoring the rights of national, religious and other minorities	1
04 - Department of economic, social and cultural rights	76
05 - Department for monitoring of political and civil rights	203
06 - Department for elimination of all forms of discrimination	26
07 - Department for monitoring the rights of detainees/prisoners	4
TOTAL	336

Number of recommendations issued in 2017. by Departments

Office	Number of complains with Recommendation issued in 2017.
Office Sarajevo	129
Office Banja Luka	140
Office Brčko	40
Office Mostar	17
Office Livno	29
TOTAL	355

Number of complains with recommendation issued in 2017. on office-to-office bases

Office	Number of recommendations
Office Sarajevo	121
Office Banja Luka	133
Office Brčko	38
Office Mostar	16
Office Livno	28
TOTAL	336

Number of recommendations issued in 2017. on office-to-office bases

No..	Name of organ	No. of cases	The Seat of organ
1	MUNICIPAL COURT LIVNO	93	LIVNO
2	CANTONAL COURT IN SARAJEVO	53	SARAJEVO
3	CANTONAL COURT LIVNO	51	LIVNO
4	BASIC COURT OF BANJA LUKA	48	BANJA LUKA
5	MUNICIPAL COURT OF SARAJEVO	42	SARAJEVO
6	SUPREME COURT OF THE FEDERATION OF BOSNIA	35	SARAJEVO
7	MUNICIPAL COURT OF TUZLA	30	TUZLA
8	CANTONAL COURT OF TUZLA	25	TUZLA
9	MUNICIPAL COURT LUKAVAC	21	LUKAVAC
10	CANTONAL PROSECUTION IN SARAJEVO	21	SARAJEVO
11	MUNICIPAL COURT MOSTAR	19	MOSTAR
12	SUPREME COURT OF THE REPUBLIKA SRPSKA	18	BANJA LUKA
13	CONSTITUTIONAL COURT OF BIH	18	SARAJEVO
14	COUNTY COURT OF BANJA LUKA	16	BANJA LUKA
15	CANTONAL COURT OF BIHAĆ	16	BIHAĆ
16	CANTONAL COURT IN MOSTAR	15	MOSTAR
17	BIH COURT	15	SARAJEVO
18	MUNICIPAL COURT OF BIHAĆ	14	BIHAĆ
19	MUNICIPAL COURT OF CAZIN	12	CAZIN
20	HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BIH	12	SARAJEVO

20 most frequent responsible parties from the area of judiciary

No.	Name of organ	Number of cases	The Seat of organ
1	FEDERATION PIO/MIO FUND TUZLA	107	TUZLA
2	MUP OF CANTON SARAJEVO	31	SARAJEVO
3	KPZ ZENICA	31	ZENICA
4	FUND PIO OF THE REPUBLIKA SRPSKA	28	BIJELJINA
5	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS	25	BANJA LUKA
6	MINISTRY OF WORK AND VETERANS DISABLEMENT PROTECTION OF THE REPUBLIKA SRPSKA	22	BANJA LUKA
7	CITY OF BANJA LUKA	18	BANJA LUKA
8	MINISTRY OF SCIENCE, PROSECUTION, CULTURE AND SPORTS OF CANTON 10	18	LIVNO
9	MUP OF THE REPUBLIKA SRPSKA	17	BANJA LUKA
10	CITY OF BIHAĆ	17	BIHAĆ
11	FEDERATION MINISTRY OF ENERGY, MINING AND INDUSTRY	17	MOSTAR
12	CENTER FOR SOCIAL WORK OF BANJA LUKA	14	BANJA LUKA
13	MUNICIPALITY OF DOBOJ	13	DOBOJ
14	MUNICIPALITY STARI GRAD SARAJEVO	18	SARAJEVO
15	MUNICIPALITY NOVI GRAD SARAJEVO	13	SARAJEVO
16	MUNICIPALITY NOVO SARAJEVO	13	SARAJEVO
17	SERVICE FOR GEODETIC LEGAL AND PROPERTY AFFAIRS OF TOMISLAVGRAD	13	TOMISLAVGRAD
18	THE GOVERNMENT OF THE FEDERATION OF BIH	13	SARAJEVO
19	MUNICIPALITY CENTAR	13	SARAJEVO
20	REPUBLIC ADMINISTRATION FOR INSPECTION AFFAIRS	11	BANJA LUKA

20 most frequent non-judicial responsible parties