

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



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

***2018 Annual Report***  
*on the results of the activities of*  
***The Institution of The Human Rights***  
***Ombudsman of Bosnia and Herzegovina***

*Banja Luka, March 2019*



---

**2018 ANNUAL REPORT**  
**ON THE RESULTS OF THE ACTIVITIES OF THE**  
**INSTITUTION OF THE HUMAN RIGHTS OMBUDSMAN OF**  
**BOSNIA AND HERZEGOVINA**

Banja Luka, March 2019

„All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.“

## THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

1948 – 2018

70 years from the adoption

**Print:**

TMP Association for the employment of blind and semi-blind persons Ltd., Sarajevo

**Circulation:**

80

## CONTENTS

<b>I. FOREWORD .....</b>	<b>7</b>
<b>II. RESUME.....</b>	<b>8</b>
<b>III. STATISTICS ON THE ACTIVITIES OF THE HUMAN RIGHTS OMBUDSMAN IN 2018.....</b>	<b>13</b>
<b>IV. CIVIL AND POLITICAL RIGHTS .....</b>	<b>17</b>
4.1. Judicial system and legal aid .....	18
4.1.1. Courts.....	18
4.1.2. High Judicial and Prosecutorial Council of Bosnia and Herzegovina .....	22
4.1.3. Prosecutor’s office .....	23
4.1.4. Free legal aid.....	24
4.2. Free access to information.....	24
4.3. Right to property .....	28
4.4. Administration.....	30
4.5. Inspections.....	33
4.6. Police.....	34
4.7. Special report on situation in the area of migrations in Bosnia and Herzegovina .....	36
4.8. Special report on appearance, use and protection of the national, that is, official insignia in Bosnia and Herzegovina.....	39
4.9. Governmental and ministerial appointments.....	40
<b>V. DEPARTMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS.....</b>	<b>45</b>
5.1. The right to work.....	46
5.1.1. Non-payment of contributions for pension and health insurance .....	48
5.1.2. Severance pay in Republika Srpska and the Federation of Bosnia and Herzegovina .....	50
5.1.3. Slowness of responsible authorities in proceedings involving the labor rights .....	50
5.1.4. Bankruptcy proceedings.....	51
5.1.5. Violation of public competition procedures .....	52
5.1.6. Violation of the right to maternity compensation in the Federation of Bosnia and Herzegovina .....	52
5.2. The right to pension.....	53
5.3. Health care.....	55
5.3.1. Problems of patients suffering from metastatic melanoma.....	57
5.3.2. Problems of patients suffering from diabetes .....	59
5.3.3. Payment of participation for health care services .....	61
5.4. Social protection.....	62
5.5. Utilities .....	63
5.6. Education.....	65
5.7. Ecology and environmental protection .....	67
<b>VI. RIGHTS OF PERSONS DEPRIVED FROM THEIR LIBERTY.....</b>	<b>70</b>
6.1. Notion of torture and the establishment of a Preventive National Mechanism in Bosnia and Herzegovina.....	70
6.2. Monitoring of the rights of persons deprived from their liberty .....	71
6.3. The rights of persons deprived from their liberty .....	73
6.3.1. Health care .....	73

6.3.2. Conditions of accommodation .....	75
6.3.3. Use of privileges out of the establishments .....	76
6.3.4. Transfer and conditional release .....	77
6.3.5. Prison work .....	79
6.3.6. Status rights of convicted persons .....	80
6.3.7. Voting rights of convicted persons .....	80
6.3.8. Communication with outside world.....	81
6.3.9. Staff.....	81
<b>VII. RIGHTS OF THE CHILD .....</b>	<b>83</b>
7.1. Violence against children.....	84
7.2. Children on the move.....	87
7.3. Protection of children in administrative and court proceedings .....	89
7.4. Education .....	93
7.5. Rights of children with special needs/disabilities in psychophysical development.....	95
7.6. Health Care .....	97
7.7. Juveniles in conflict with the law.....	98
<b>VIII. RIGHTS OF PERSONS WITH DISABILITIES .....</b>	<b>101</b>
8.1. The rights of person with disabilities.....	101
8.2. The rights of the blind and visually impaired persons .....	103
8.3. Architectural barriers .....	104
8.4. Employment of people with disabilities.....	104
8.5. Exercise of the right to health care.....	105
8.6. Special Report on the Status of the Rights of Persons with Intellectual and Mental Disabilities in Bosnia and Herzegovina.....	106
<b>IX. DISCRIMINATION .....</b>	<b>111</b>
9.1. Individual examples of general importance .....	112
9.1.1. Mobbing.....	112
9.1.2. Discrimination on social networks .....	114
9.1.3. Discrimination against LGBTI people.....	115
9.1.4. Differentiated tax rates in relation to income levels as a source of discrimination... ..	117
9.2. Special Report on the National and Gender Structure of Employees in Police and Security Agencies in Bosnia and Herzegovina .....	117
9.3. Promotional activities .....	119
9.4. Women's rights.....	120
9.4.1. Convention on the Prevention and Combating Violence against Women and Domestic Violence of the Council of Europe - Istanbul Convention .....	121
9.4.2. Participation of women in the authorities.....	124
9.4.3. The rights of women with disabilities .....	124
9.4.4. Unequal treatment of marital and extra-marital partners regarding the exercise of the right to family pension.....	125
9.5. Minority rights .....	127
<b>X. INITIATIVES FOR AMENDMENTS TO LEGISLATIVE REGULATIONS .....</b>	<b>129</b>
10.1. Initiatives submitted in 2018.....	129
10.1.1. Initiative for amending and supplementing the Law on the basic social protection, protection of civilian victims of war and protection of the family with children of the Federation of Bosnia and Herzegovina.....	129

10.1.2. Initiative for amending the Law on Enforcement Procedure of the Republika Srpska .....	130
10.1.3. Initiative for amendments and supplements to Article 31 of the Decision on the conditions and method of taking professional exams of trainees with higher professional education and employees at the level of Bosnia and Herzegovina.....	130
10.1.4. Initiative for amending the Law on Pension and Disability Insurance of the Republika Srpska .....	131
10.1.5. Initiative for amendments and supplements to the Law on Health Insurance of the Republika Srpska .....	132
10.1.6. Initiative for amendments and supplements to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina .....	133
10.1.7. Initiative for amendments and supplements to the Law on the BAR Examination of the Republika Srpska .....	134
10.1.8. Initiative for Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina .....	134
10.2. Results of initiatives submitted in 2017 and in the previous period, for amendments to the legislation .....	135
10.2.1. The Constitutional Court of the Federation of Bosnia and Herzegovina confirmed the position of the Ombudsman presented in the Initiative for passing the Law on Amendments to the Law on the Default Interest Rate of the Federation of Bosnia and Herzegovina .....	135
10.2.2. Accepted the Initiative for Amendments to the Labor Law of the Federation of Bosnia and Herzegovina .....	135
10.2.3. Accepted the Initiative for Amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina.....	136
10.2.4. Accepted the Initiative for Amendments to the Law on Communal Activities of the Una-Sana Canton .....	137
10.2.5. Initiative for amendments and supplements to the Law on Civil Servants of the Republika Srpska and the Law on Civil Service in the Federation of Bosnia and Herzegovina .....	137
10.2.6. Initiative for amending and supplementing the Law on Civil Service of the Federation of Bosnia and Herzegovina.....	138
10.2.7. Initiative for amending and supplementing the Law on Mediation in Employment and Rights during the Unemployment of the Republika Srpska.....	138
10.2.8. Initiative for amendments and supplements to the relevant legal and sub-legal regulations that will ensure the mechanism for controlling the calculation and payment of contributions for encouraging rehabilitation, training and employment of persons with disabilities. ....	139
10.2.9. Initiative for amendments to the Law on Labor in the Institutions of Bosnia and Herzegovina .....	140
<b>XI. COOPERATION WITH MEDIA .....</b>	<b>142</b>
11.1. Review of media requests for different areas of human rights .....	143
11.2. Review of media requests by type of media .....	144
<b>XII. COOPERATION WITH BODIES AND INSTITUTIONS, NGOs AND CIVIL SECTOR .....</b>	<b>147</b>
12.1. Cooperation with bodies and institutions in Bosnia and Herzegovina.....	147

12.2. Cooperation with international organizations and institutions and submissions to the Committees .....	152
<b>XIII. RECOMMENDATIONS OF THE OMBUDSMEN .....</b>	<b>157</b>
<b>ANNEX I REVIEW OF THE BUDGET FOR 2018.....</b>	<b>182</b>
<b>ANNEX II REVIEW OF THE OBLIGATION UNDER FREEDOM OF ACCESS TO INFORMATION ACT 2018. ....</b>	<b>183</b>
<b>ANNEX III TABULAR PRESENTATION OF STATISTICAL INDICATORS.....</b>	<b>188</b>

## I. FOREWORD

Under Articles 34 and 35 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina Ombudspersons are obligated to submit their 2018 Annual report on the results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina 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 by human rights areas, as is the Institution: 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, Department for the protection of the rights of persons deprived from liberty and Department for monitoring of human rights in the area of judiciary and administration.

Central office of the Ombudsman is in Banja Luka, and it has regional offices in Sarajevo, Mostar and Brčko, as well as its field office in Livno. Pursuant to the provisions of Law on Prohibition of Discrimination in Bosnia and Herzegovina, this report also includes the cases of discrimination.

In addition, all special reports prepared by the Ombudsman, as well as all the initiatives for legislative amendments and relevant statistic indicators are also presented. Co-operation with the authorities, non-governmental and civil sector and media is described. Finally, the present report comprises the overview of financial aspects of the Ombudsman's activities.

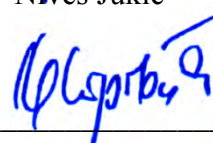
For the purposes of this report in line with the Law on Human Rights Ombudsman of Bosnia and Herzegovina three persons compose the Institution. At time of this report submission these persons were: Jasminka Džumhur, PhD, Nives Jukić and Prof. Dr. Ljubinko Mitrović.

### Ombudspersons of Bosnia and Herzegovina




---

Nives Jukić




---

Prof. Dr. Ljubinko Mitrović




---

Jasminka Džumhur, PhD



## II. RESUME

According to Article 1 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina, Ombudsman is an independent institution set up in order to promote good governance and the rule of law and to protect the rights and liberties of natural and legal persons, as enshrined in particular in the Constitution of Bosnia and Herzegovina and the international treaties.

For the successful functioning of the Ombudsman it is particularly important to have good cooperation with parliaments at all levels so that the recommendations of the Ombudsman be accepted with the aim of protection of basic individual, social and political rights of all persons living in Bosnia and Herzegovina.

The Institution has special powers foreseen by the Law on Prohibition of Discrimination, Freedom of Access to Information Act of Bosnia and Herzegovina, Law on Freedom of Access to Information of the Federation of Bosnia and Herzegovina and Law on Freedom of Access to Information of Republika Srpska, in addition to the Laws on Ministerial, Government and Other Appointments in Bosnia and Herzegovina, of the Federation of Bosnia and Herzegovina and of the Republika Srpska.

Most frequent reasons compelling citizens to address the Ombudsman<sup>1</sup> last year included high unemployment rate, lack of trust in the authorities, lack of transparency in their work and information about it.

The largest number of complaints related to the work of courts and the length of the court proceedings, which indicates to obligation of the authorities to organize the judicial system in more efficient manner.

There are still cases that the responsible administrative bodies ignore the instruction of the courts and the court decisions rendered in administrative proceedings. Particularly concerning is the fact that the courts avoid rendering the meritorious decisions in administrative disputes, but return the cases to the administrative bodies for renewed procedure, either before the first-instance bodies or the second-instance bodies, sometimes several times (*playing ping-pong with citizens*).

According to the statistics of the Department for the protection of economic, social and cultural rights, the citizens are mostly complaining of irregularities in public competitions, non-payment of contributions for health and pension insurance by the employers, illegal cancellation of work contracts, slowness of the relevant authorities in proceedings for the enjoyment of the labor related rights, violations of public competition procedures, length of first and second-instance proceedings for implementation of the right to pension, difficulties in reimbursement of health care costs, lack of access to health services because of absence of a doctor in the places of residence of the complainants, lack of access to emergency medical aid, non-resolving the applications for one-time financial assistance, housing issues, and provision of communal services.

---

<sup>1</sup> Banja Luka, Sarajevo, Mostar, Brčko and Livno

As many times before, in 2018 Ombudspersons paid special attention to the social welfare centers emphasizing the numerous professional risks facing the employees of the centers given a wide range of their legal responsibilities and powers, and daily work with a large number of different beneficiaries including persons with intellectual difficulties prone to asocial and aggressive behavior, or the perpetrators of various criminal offenses, spouses and common marriage partners, minors in conflict with the law, etc. Ombudspersons<sup>2</sup> have advocated for years for strengthening the capacities of social welfare centers due to their inadequate staffing, poor working conditions, responsibility and sensitivity, exposure to professional stress, and the perception of these professionals by the citizens and beneficiaries.

As for the rights of people with disabilities, there is still a problem of recognition and determination of disability, access to health care, accessibility of spaces, use of public transportation, services and communication of unadjusted persons with disabilities. Whenever Ombudspersons receive any information on this issue they contact the competent inspections asking them to check and verify such allegations and take the measures within their jurisdiction.

Ombudspersons of Bosnia and Herzegovina have recognized a serious problem regarding the (in)ability to exercise the rights of persons with intellectual and mental disabilities, especially when their legal capacity is stripped off and when they are placed in institutions with restricted freedom of movement. The European Court of Human Rights in Strasbourg in the case *Hadžimejlić and others v. Bosnia and Herzegovina*<sup>3</sup> held that the rights of persons whose legal capacity was stripped away and who were placed in social care institutions were violated. Individual measures under this judgment were taken and in this sense this judgment is enforced. However, it is necessary to adopt amendments to the Law on the Protection of Persons with Intellectual Disabilities, the Law on Non-Contentious Procedure and the Law on Fundamentals of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children in order to ensure the legal placement of persons with intellectual disabilities in institutions, that is, the placement only based on a relevant court decision to make certain that the continuous court scrutiny is in place as it comes to the justification and purpose of keeping these persons detained in social care institutions and to reduce the risk of the abuse of their rights.

In 2018 Ombudspersons registered the cases of violence against children, both the domestic and peer violence.

In their activities, either in the framework of processing the individual complaints, or while acting *ex officio*, Ombudspersons always emphasize that every child has the right to grow up in the environment that can ensure their respect and support, completely excluding any form of violence, because only such an environment promotes full development of the child's personality and creates responsible citizens, both towards themselves and others.

In this report Ombudspersons repeat their concerns from previous years concerning the criminal sanctions execution system is particularly complex in Bosnia and Herzegovina, as the mandate is

<sup>2</sup> Special report of the Ombudsman on "The role of social welfare centers in the protection of the rights of the child", November 2013

<sup>3</sup> Applications nos. 3427/13, 74569/13 and 7157/14 and judgment of 03 November 2015

spread out over three levels of government, that is, the state level, the entity level and the level of Brčko District of Bosnia and Herzegovina. This system which involves four legislative acts governing the criminal sanctions execution results in the existence of different legal norms governing the same area in different ways, which leads to unequal treatment of the convicted persons, depending on the prison establishment, or the entity in which they serve their sentence.

This year Ombudspersons also note that still not all institutions for the execution of criminal sanctions in Bosnia and Herzegovina have at least one qualified general medical practitioner in prison according to the provisions of Item 41.1 of the European Prison Rules (Part III related to health care, Item 41.1.)

In the area of discrimination the highest number of complaints, that is, 60 in the reporting period, referred to mobbing as a special form of discrimination at the workplace, which is an increase, followed by 11 complaints of discrimination based on national or social origin, in addition to 9 complaints of discrimination based on membership in a trade union or other association, 7 complaints of discrimination based on the age, 6 complaints of discrimination based on religion and finally 5 complaints of discrimination based on ethnicity. The number of complaints received in the Institution does not reflect the real situation in the society. Ombudspersons came to this conclusion based on the interviews held with the complainants who claim that a significant number of citizens decide not to initiate proceedings before the Ombudsman or seek judicial protection from fear of being fired.

Number of complaints of inappropriate content of statuses on the social networks and web portals comprising elements of hate speech, discrimination based on gender or harassment<sup>4</sup> is also increasing. Sanctioning of those who violate the rights of others using the information-communication technologies has not been fully resolved in Bosnia and Herzegovina.

Another issue raising concerns is the lack of provision of adequate material and psychological assistance to women victims of domestic violence, which would help them to overcome their situation, often results in their return to the violent environment, withdrawal of their complaints, and refusal to testify in the proceedings.

The Ombudsman uses standard forms of communication with media, which include: answering to inquiries about the activities and issues falling within the jurisdiction of the Institution, direct participation of representatives of the Institution in the media shows (interviews, statements, TV and radio shows) conferences, publication of press releases, presentation of the activities of the Institution through the distribution of promotional materials, and participation in promotional campaigns and other similar activities. In this way in 2018, the Ombudsman responded to 166 media inquiries, which mostly related to the issues concerning the Ombudsman's general jurisdiction. The interest of media mostly relates to the topics of which the citizens lodge their complaints and the issues learnt by the Ombudsman in processing these complaints, in addition to the measures taken to remedy the violations of their rights.

---

<sup>4</sup> Ž-SA-06-1156/18, Ž-SA-06-1207/17

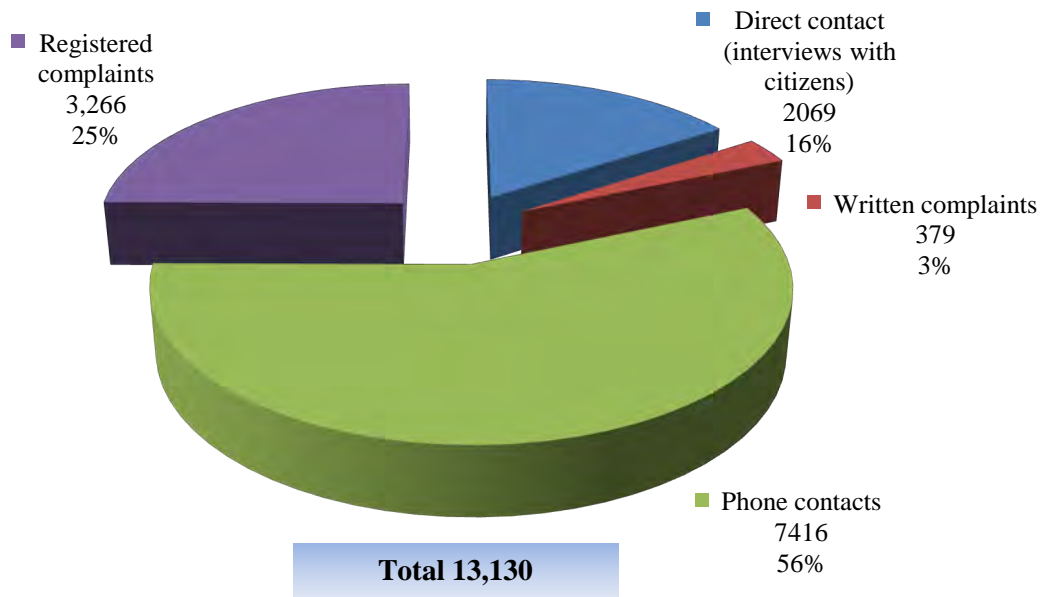
In 2018, in accordance with their plans set out in the Operational Strategy of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for the period 2016-2021, Ombudspersons devoted considerable attention to the continuation and further strengthening of cooperation with the authorities in Bosnia and Herzegovina and with representatives of non-governmental organizations with a view to improving the level of human rights and fundamental freedoms in Bosnia and Herzegovina. In the framework of cooperation with the international institutions and organizations, the Ombudsman's staff members have responded to numerous questionnaires and surveys related to the level of exercise of the rights and freedoms of different categories of citizens in our society. Cooperation with public and private faculties in Bosnia and Herzegovina continued through the promotion of the highest quality of teaching process and practice in higher education, with the development of common means of cooperation in all field of educational and research activities, education of students on basic human rights and freedoms and international instruments applicable in Bosnia and Herzegovina.



### III. STATISTICS ON THE ACTIVITIES OF THE HUMAN RIGHTS OMBUDSMAN IN 2018

In 2018, the Ombudsman Institution registered 3,266 citizens' complaints. Compared to 2017, this is an increase by 106 complaints. During the reporting period, 13,130 citizens contacted the Ombudsman (direct or phone contacts, electronic mail and written complaints).

Together with cases carried forward from the previous year, 5,303 complaints were processed in total. In 2018, 3,240 cases were completed. The majority of complaints were related to violations of civil and political rights –1,819. These are followed by complaints related to: violation of economic, social and cultural rights –825, rights of the child –216, all forms of discrimination – 208, rights of prisoners and detainees – 144, rights of persons with disabilities – 46, and violation of the rights of religious and other minorities – 8.



**Chart 1**

During the reporting period, the Ombudsman Institution issued 317 recommendations in 351 cases. Level of implementation is presented in Table 1.

Method of implementation of issued recommendations	Number of cases with an issued recommendation in 2018	Number of cases with an issued recommendation in 2017
Implemented	123	125
Co-operation established	115	78
Partially implemented	3	12
No feedback	44	73
Not implemented	66	67
<b>Total number of cases with issued recommendations</b>	<b>351</b>	<b>355</b>

**Table 1**

## SPECIAL REPORTS ISSUED IN 2018:

Special report on situation in the area of migrations in Bosnia and Herzegovina

Special report on use of the state or official insignia in Bosnia and Herzegovina

Report on implementation of recommendations issued in a document „Analysis of situation in institutions accommodating juveniles in conflict with law in Bosnia and Herzegovina“ and assessment of current situation

Special report on ethnic and gender structure of the employees in police and security agencies in Bosnia and Herzegovina

Special report on the situation of rights of persons with intellectual and mental difficulties in Bosnia and Herzegovina

## INITIATIVES<sup>5</sup>

Initiative for the amendment of the Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the Federation of Bosnia and Herzegovina;

- On 25 January 2018 an initiative was referred to the Parliament of the Federation of Bosnia and Herzegovina and the Federal Ministry of Labor and Social Policy.
- Ombudspersons were informed that on 14 March 2018 this Initiative was referred to the Legislative Board of the House of Representatives of the Federation of Bosnia and Herzegovina.

Initiative for the amendment of the Law on Executive Procedure of Republika Srpska

- On 25 May 2018 the Initiative was referred to the National Assembly of Republika Srpska.
- On 01 June 2018 the National Assembly of Republika Srpska informed that the Initiative was forwarded to the Legislative Committee on Political System, Justice and Administration, the Equal Opportunities Committee and the Government of Republika Srpska.
- On 26 December 2018 the Government of Republika Srpska informs the Ombudsman that the said Initiative was discussed and their opinion referred to the National Assembly of Republika Srpska

Initiative for amendment of Article 31 of the Decision on conditions and method of taking professional exams for trainees with higher education and employees at the level of Bosnia and Herzegovina;

- On 22 January 2018 the Initiative was referred to the Council of Ministers of Bosnia and Herzegovina.
- In their letter of 07 November 2018 the Council of Ministers of Bosnia and Herzegovina informs the Ombudsman that they discussed the Initiative on their 157<sup>th</sup> session held on 07 November 2018 and concluded that the Ministry of Justice of Bosnia and Herzegovina and the Civil Service Agency of Bosnia and Herzegovina were entrusted with the implementation of this Initiative no. P-35/18 and inform the Ombudsman and the Council of Ministers of Bosnia and Herzegovina if necessary.

Initiative for the amendment of the Law on Pension and Disability Insurance of Republika Srpska

- On 28 May 2018 the Initiative was referred to the National Assembly of Republika Srpska.
- On 29 June 2018 the National Assembly of Republika Srpska informed that the Initiative was forwarded to the Legislative Committee for monitoring the situation in pension and disability area and the Government of Republika Srpska.
- On 04 January 2019 the National Assembly of Republika Srpska informed the Ombudsman that "the the Legislative Committee could not take the view in this issue since the the Government, and the relevant authority, concretely the Committee for monitoring the situation in pension and disability area failed to furnish their opinion in respect of the mentioned initiative".

Initiative for the amendment of the Law on Health Insurance of Republika Srpska

- On 15 August 2018 the Initiative was referred to the National Assembly of Republika Srpska.
- On 03 September 2018 the National Assembly of Republika Srpska informed the Ombudsman that it referred the Initiative to the relevant Assembly bodies and the Government of Republika Srpska to review.

Initiative for the amendment of the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina

- On 12 September 2018 the Initiative was referred to the Ministry of Bosnia and Herzegovina.
- The Ombudsman has never received any reply in respect of this Initiative.

<sup>5</sup> Legislative amendments initiatives of the Institution are explained in more details in Chapter „X. Initiatives for legislative amendments“.



Initiative for the amendment of  
the Law on Bar Exam of  
Republika Srpska

- On 11 October 2018 the Initiative was referred to the National Assembly of Republika Srpska .
- The National Assembly of Republika Srpska informed the Ombudsman that it referred the Initiative to the relevant Assembly bodies for review.

Initiative for the amendment of  
the Criminal Code of the  
Federation of Bosnia and  
Herzegovina

- In their recommendation no. P-42/18 adopted on 13 February 2018 Ombudspersons recommended the Parliament of the Federation of Bosnia and Herzegovina to amend the Criminal Code of the Federation of Bosnia and Herzegovina.
- The Ombudsman has never received any reply in respect of this Initiative.

## IV. CIVIL AND POLITICAL RIGHTS

Department for the protection of civil and political rights has the highest number of complaints registered, just as it was in the previous years. In the reporting period it received 1,819 complaints. Received complaints were processed per categories or the violated rights: judiciary (courts, prosecutor's offices), administration, access to information and media, police, property rights, governmental and ministerial appointments, prosecutor's office, public documents, free legal aid and other rights.

In Sarajevo office the Ombudsman received 666 complaints, in Banja Luka 628, Brčko Office registered 181 complaints, Mostar 103 and 241 complaints received by Livno Office.

Areas in which the complaints are classified in the field of civil and political rights are presented in the following table.

Violations	Number of cases
Court	485
Administration	389
Access to information	340
Property rights	183
Police	132
Government and ministerial appointments	115
Prosecutor's Office	75
Public documents	60
Other	40
<b>Total</b>	<b>1,819</b>

Citizens' complaints were related to the excessive length of the court proceedings, which is a reason of the highest number of complaints. Citizens are dissatisfied with the impossibility of enforcement of final and binding judgments rendered by courts and administration bodies. Irrespective of many awareness-raising campaigns on the mandate of the Ombudsman taken over the previous years, citizens still address this Institution requiring free legal aid, drafting the various submissions (lawsuits, motions for the enforcement, or appeals from the court decisions or decisions administrative bodies), representation in court proceedings or proceedings before the administration, change of the court decisions, etc., which does not fall within the powers of the Ombudsman. Following that, a number of complaints relate to the administration (389). Citizens also complain to the Ombudsman for failure of the administrative bodies to render decisions in accordance to the court instructions related to the administrative proceedings. There follow complaints of citizens related to implementation of Law on Free Access to Information in Bosnia and Herzegovina (340)<sup>6</sup> since the Ombudsman has special powers under this legislation, then proceedings and disputes related to property rights, in particular related to implementation of Annex VII of the Dayton Peace Agreement (183) and dissatisfaction of citizens with actions

<sup>6</sup> Law on Free Access to Information of Republika Srpska ("Official Gazette of Republika Srpska no. 30/01), Law on Free Access to Information of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina", no. 32/01 and Law on Free Access to Information of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", no. 45/06, 62/11 and 100/13);

of the police and the treatment of authorized officials, given the high number of complaints exclusively related to the police (132).

This Department prepared two special reports in the reporting period:

- Special report on situation in the area of migrations in Bosnia and Herzegovina and
- Special report on use, appearance and protection of the state or official insignia in Bosnia and Herzegovina

## 4.1. Judicial system and legal aid

### 4.1.1. Courts

Out of the total number of complaints registered in the Department for the protection of civil and political rights the most relates to the work of the courts – 485 complaints. In this area Ombudspersons issued 30 recommendations.

In their complaints and direct contacts, citizens point out that the court proceedings are unreasonably long, that the judges are biased, unprofessional and that their procedural rights are violated. Citizens do not trust the judges and the judiciary generally, they feel legal insecurity. When advised, in accordance with the available processing guaranties, to ask for the exemption of a judge or a prosecutor or to address the Office of the Disciplinary Prosecutor of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, citizens feel that this is not an effective way to protect their procedural rights.

Ombudspersons are well aware of the fact that the judiciary should be the most important and effective control over other branches of the state power and that the judicial bodies should ensure that the laws passed by the legislative bodies and all decisions made by the executive bodies comply with domestic positive regulations and the international standards. Judicial power is the guarantor of law enforcement and is most important in protecting the rights and freedoms of citizens. The right to proceedings before a court in reasonable time is an inseparable part of the right to a fair trial and, in its work on processing the individual complaints, the Ombudsman often has to establish whether the proceedings initiated before the courts in Bosnia and Herzegovina involve a violation of Article 6 of the European Convention on Human Rights and Fundamental Freedoms. In a significant number of cases, citizens are asking Ombudspersons to monitor their court cases<sup>7</sup>.

It is important to emphasize that, as a matter of principle, Ombudspersons have good co-operation with the courts in Bosnia and Herzegovina and with the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The high number of complaints related to the work of courts was the reason why Ombudspersons wanted to have a meeting with the presidents of different courts in Bosnia and Herzegovina<sup>8</sup>. Upon invitation of the High Judicial and

<sup>7</sup> On 19 March 2018 Ombudsman Prof. dr. Ljubinko Mitrović did the monitoring in a case before the Basic Court in Banja Luka.

<sup>8</sup> On 09 April 2018 Ombudsperson of Bosnia and Herzegovina Nives Jukić had a meeting with president of the Cantonal Court in Sarajevo, on 19 April 2018 with president of the Municipal court in Sarajevo, on 25 April 2018 with presidents of the Cantonal and Municipal court in Mostar. After that, on 26 April 2018 she met president of the District court in Banja Luka, while Ombudspersons Jasminka Džumhur, PhD, met president of the Supreme court of the Federation of Bosnia and Herzegovina on 11 January 2018. Ombudsman prof. dr Ljubinko Mitrović on 02 April 2018 had a meeting with president of the the Constitutional court of Republika Srpska.

Prosecutorial Council of Bosnia and Herzegovina they participated at a conference gathering presidents and chief prosecutors in Bosnia and Herzegovina<sup>9</sup>. Among the adopted conclusions is that it is necessary to analyze the reasons behind the length of the court proceedings, which is a problem highlighted by the Ombudsman for years in its annual reports. Also, Ombudspersons think that a high backlog is not always an impediment to the efficiency, in particular having in mind a large number of decisions of the Constitutional court of Bosnia and Herzegovina related to the violation of Article 6 of European Convention on Human Rights and Fundamental Freedoms. This stance is also confirmed in a number of judgments adopted by the European Court of Human Rights<sup>10</sup> „...since overload of the courts in general cannot be accepted as justification. Contracting States the duty to organise their legal systems in such a way that their courts can meet each of the requirements of that provision, including the obligation to decide cases within a reasonable time. The states are obliged to organize the administration of justice and the various courts have the duty to meet requirements of Article 6 of the Convention “.

Ombudspersons also point to the problem of non-enforcement of legally binding court decisions, especially those involving damages to be paid from the budget, as they express their concerns about the fact that even after completion of the court proceedings, it takes years before the citizens are able to retrieve their funds from the public budgets, that is, there is generally a problem of enforcement of final and binding court decisions. In their proceedings Ombudspersons regard the enforcement proceedings from the aspect of Article 6 of European Convention, that is, as part of the proceedings for determination of somebody's civil rights because of the failure to enforce a binding court decision in a reasonable time or if non-enforcement in a reasonable time without justification means repetition of a civil right's violation. This is in line with standpoint of the Constitutional Court of Bosnia and Herzegovina in this respect expressed in a series of its decisions where the Court held that non-enforcement of a final and binding decision related to any determined civil right renders that right illusory /see the judgment of the BiH Constitutional court AP-288/03, Lončar, dated 17 December 2004, Item 27/. Namely, if a final and binding court decision establishes a right, which the relevant executive authority refuses to enforce, the right to a fair trial in determination of somebody's civil rights would be void and with no adequate force. Therefore, enforcement of a judgment issued by any court must be regarded as part of a “trial” in sense of Article 6 of European Convention /see the European Court of Human Rights, Golder v. the United Kingdom, judgment of 7 May 1974, series A-18, p. 16-18, p. 34-36/. In addition to that, Ombudspersons reiterate that the state has the obligation to organize the system of the court decisions enforcement in an efficient way either on the level of the rights or in the practice, and that the state must organize the enforcement without the unnecessary delays/see the European Court of Human Rights, Fuklev v. Ukraine, p. 84, judgment of 7 June 2005/. The right to access to a court does not only mean formal access to a court, on the contrary, it means that effective access to court should last until the established civil right is realized. It is also unacceptable, from the point of view of legal certainty, that the courts do not implement their own decisions or that the administrative bodies do not enforce the judicial decisions. Ombudspersons particularly respond to the cases involving disputes of urgent nature.<sup>11</sup> The courts the most complained of are the following: the Municipal

<sup>9</sup> Held in Neum on 15 and 16 May 2018

<sup>10</sup> Judgment of 07 October 2004 in a case of Baumann v. Austria, B 45;

<sup>11</sup> Such as labor disputes, trespassing disputes, or enforcement proceedings in cases related to the rights of the child;

court in Sarajevo (50), Cantonal court in Livno (42), the Municipal court in Livno (33), the Basic court in Banja Luka (31) and the Municipal court in Tuzla (31).

In the part of the Report that follows presented are concrete examples/complaints concerning the courts. It is emphasized that, save for the urgent disputes, clearly defined by the law, courts are asked to provide information to the citizens as to when they can expect a decision to be taken or the schedule hearings or taking the first processing action, as since this course of action contributes to the legal certainty.

**Example:** In a case<sup>12</sup> an administrative dispute was initiated in 2016 before the Cantonal court in Mostar, according to the current plan of dealing with backlog of cases, hearing upon the petition of the complainant was scheduled for the period from April to June 2018. In another case<sup>13</sup> before the Supreme court of Republika Srpska involving a request for extraordinary review of a judgment rendered by the Regional court in Banja Luka which was lodged in March 2016, this Court informed the Ombudsman that this case was scheduled for hearing in fourth quarter of 2018. So, in this concrete case the complainant did not have the information about the date when his case would be heard and decided upon and because of that as a citizen he expressed his dissatisfaction. In another example related to a complaint of work of the Cantonal court in Sarajevo in the proceedings of decision-making on an appeal from a judgment rendered by the first-instance court, after the conducted proceedings, the Cantonal court in Sarajevo replied to the Ombudsman's inquiry: *„...Currently, the cases starting with number 28 are heard, while this case has a number 413608, which means that, according to the chronological order of lodging the original act, it is scheduled for solving in 2020, if no changes take place in the sense of increasing the number of judges or redistributing cases to other courts. We also want to inform you that the work is organized according to the plan of dealing with backlog of cases adopted by the High Judicial and Prosecutorial Council, with the aim of prioritizing the items that are waiting the longest (because it was not always done in this way, which resulted in the accumulation of old and complex cases). Departure from this practice is possible only under the decisions of the Constitutional Court of BiH, and in urgent cases (dismissals, family affairs, trespassing), which is not the case here.”*

Courts still often submit this type of response, but Ombudspersons, in accordance with their mandate and competencies, in this Annual report reiterate to the competent authorities that the majority of complaints related to the work of the courts is about the duration of the proceedings before the courts and this fact is sufficient reason for Ombudspersons to remind the authorities to the obligation of the state to organize the court system in a more efficient and effective way.

**Example:** In their investigation taken in a case<sup>14</sup> Ombudspersons have established that, based on a final and binding decision, the Municipal court in Sarajevo passed a Decision on Enforcement in 2013. However, until the date of drafting this Report, the said Decision was not enforced and the complainant did not receive the amount of money to which he is entitled. The relevant body in charge to settle the debts owed to citizens under the final court decisions is the Ministry of Finance of Sarajevo Canton. According to them *this Decision will be enforced in accordance to*

<sup>12</sup> Ž-SA-05-159/18;

<sup>13</sup> Ž-BL-05-787/18;

<sup>14</sup> Case no. Ž-SA-05-704/16

*the Law on Enforcement Procedure, the Law on budget execution and finance resources of Sarajevo Canton.* Ombudspersons recommended the Ministry of Finance of Sarajevo Canton<sup>15</sup> to take necessary measures with no further delay to enforce the mentioned Decision on Enforcement. However, this recommendation of the Ombudsman was not implemented. In the concrete case the complainant is waiting for the execution of a final and binding court decision since 2013. In 2015 he was holding 1,771<sup>th</sup> place on a waiting list of payments crediting the budget of Sarajevo Canton, while in 2018 he is on 1,346<sup>th</sup> position.

**Example:** A complainant<sup>16</sup> is retired for seven years now and has not yet received her entitlements established pursuant to the final court decision issued by the Municipal court in Mostar (2012). The Party responsible is the Government of the Hercegovina-Neretva Canton, which has concluded out-of-court settlements with many claimants and based on these settlements is paying them the amounts owed based on the final court decisions. The complainant does not want to conclude out-of-court settlement, but wants to have her rights implemented based on an enforcement order from the budget of the Hercegovina-Neretva Canton. In their reply to Ombudspersons the Cantonal Public Attorney's Office of the Hercegovina-Neretva Canton by means of the Cantonal Government informs that more details on that case the Ombudsman can get from the Cantonal Ministry of Finance since the complainant does not want to settle her entitlements through the out-of-court settlement, but based on an enforcement order from the budget of the Hercegovina-Neretva Canton which unifies all the claims recognized by the court increased by the amount of default interest, so these claims are solved according to an "order of payment established by the business bank" (the order established according to the Law on Enforcement Procedure)<sup>17</sup>.

**Example:** In processing a complaint<sup>18</sup> Ombudspersons recommended to the Ministry of Finance of Una-Sana Canton to take measures to implement the Order on Enforcement issued by the Municipal court in Bihać (crediting the budget of Una-Sana Canton). In reply to this recommendations the Ministry claims that *„Budget of Una-Sana Canton planned in 2017 an amount of 523,000 BAM for the enforcement of court decisions and that the recommendation of Ombudspersons will therefore be implemented after a certain time period in accordance with the Law on Enforcement Procedure of the Federation of Bosnia and Herzegovina which governs the order of claims toward the budget of the Federation of Bosnia and Herzegovina.* This recommendation was not yet implemented since the responsible Ministry<sup>19</sup> informed the Ombudsman that only one creditor was paid by 04 December 2018, while the complainant is still on a „waiting list“, where she holds 397<sup>th</sup> position.

**Example:** A complainant<sup>20</sup> filed a petition 14 years before the Municipal court in Livno related to labor relations. Eight years ago she filed a motion for the enforcement, and since it did not take place, turned to the Ombudsman. After the investigation the Ombudsman issued its recommendation<sup>21</sup> to the Municipal court in Livno with no further delay to take efficient

<sup>15</sup> Recommendation no. P-99/17 dated 08 May 2017

<sup>16</sup> Ž-MO-04-93/18

<sup>17</sup> Document no. 14-1-10-1221-7/18 dated 26 June 2018

<sup>18</sup> Recommendation no. P- 251/17 dated 11 October 2017

<sup>19</sup> Document no. 04-10-5937-6/18 of 05 December 2018

<sup>20</sup> Ž-LI-05-303/16;

<sup>21</sup> P-270/18 of 24 October 2018

measures to finish the enforcement procedure. This recommendation was not implemented and the complainant is waiting for the payment.

**Example:** In another case<sup>22</sup> Ombudspersons issued their recommendation<sup>23</sup> to the Cantonal court in Bihać for failure to adopt a decision on an appeal from the decision of the Municipal court in Bihać explaining that the Ombudsman considers this matter urgent (labor relations). The Cantonal court in Bihać accepted this recommendation and passed its decision on the mentioned appeal.

**Example:** In a complaint<sup>24</sup> related to the work of the Cantonal court in Sarajevo because of the length of the proceedings, after the conducted investigation of the circumstances of the case, Ombudspersons referred their recommendations to the Cantonal court in Sarajevo.<sup>25</sup> After a while they received a letter which, among other things, reads as follows: „...*In respect of your recommendations we hereby inform you that in accordance with provisions of Article 55 of the Rulebook on internal court procedure, urgent procedure was endorsed in the subject case and your recommendation was included into the file for further procedure...*“ Ombudspersons are pleased to say that the Cantonal court in Sarajevo fully implemented their recommendation.

**Example:** With regard to the complaint of work of the Cantonal court in Novi Travnik<sup>26</sup>, for unreasonably long proceedings on appeal, the complainant asked the Ombudsman to carry out the review of the first-instance decision of the Municipal court in Bugojno. Ombudspersons found that this complaint has no ground since the mandate of the Ombudsman does not include review of the court decisions.

**Example:** In 2018 the Ombudsman registered multiple complaints of the work of the Municipal court in Lukavac. Replies from this court are mostly generic or including claims that this court is overloaded with cases. For instance, in a case<sup>27</sup> the complainant claims that on 20 February 2018 before the Municipal court in Lukavac the main hearing was concluded in a civil case, but until the date of addressing the Ombudsman (28 June 2018) no decision was reached. The president of the court claims that the understaffing of this Court constitutes the main reason for delay in decision-making and that they cannot be up-to-date in their work.

#### 4.1.2. High Judicial and Prosecutorial Council of Bosnia and Herzegovina

In dealing with complaints received from citizens, Ombudspersons recognized the issue involving the length of proceedings conducted by the Office of the Disciplinary Counsel of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on citizens' complaints, with the aim of determining possible breach of duty by the judicial function holders in Bosnia and Herzegovina.

---

<sup>22</sup> Ž-BL-05-542/17

<sup>23</sup> P-20/18

<sup>24</sup> Ž-SA-05-722/17

<sup>25</sup> P-18/18

<sup>26</sup> Ž-SA-05-145/17

<sup>27</sup> Ž-BR-05-148/18

In a case<sup>28</sup> processed by the Ombudsman as one in a series of the cases related to this issue the Office of the Disciplinary Counsel replied<sup>29</sup> that High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a time period of two years as determined in Article 72 paragraph 2 of the Law on High Judicial and Prosecutorial Council to finish the investigation (*„according to provisions of Article 72 paragraph 2 of the Law on High Judicial and Prosecutorial Council, the Council has the obligation to process every complaint not later than two years from the date of receipt...“*). The same claims are repeated in other letters sent to the Ombudsman in reply to their inquiries as to when the proceedings on complaints of citizens from work of individual judges in individual cases can be expected to be finished. Ombudspersons considered that this interpretation was not correct and was not in the interest of the citizens, and sent their initiative to the Ministry of Justice of Bosnia and Herzegovina to amend the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina<sup>30</sup> in sense to add provisions prescribing the deadline not longer than six months in which the investigation in disciplinary proceedings should be finished. In 2019 the Ombudsman will monitor the implementation of this initiative.

#### 4.1.3. Prosecutor's office

Number of complaints registered in Department for the protection of civil and political rights related to the work of the Prosecutor's offices in Bosnia and Herzegovina is 75<sup>31</sup>. Most of complaints about the work of the Prosecutor's Office relate to failure to take action upon receiving criminal reports. In accordance to its mandate, the Ombudsman contacts the responsible prosecutor's offices asking their answers on the allegations of the citizens. In contacts with the citizens about their dissatisfaction with work of the prosecutor's office the issue involving the status of the injured party in criminal proceedings is often raised<sup>32</sup>. Complaints and dissatisfaction of citizens relate to the procedural position of the injured party or the victim of the criminal offense in criminal proceedings. From direct contact with citizens, Ombudspersons note that they are not satisfied with their rights and consider that it is not enough only to be heard as a witness in the criminal proceedings or that they have, for example, only the right to file a complaint against the Prosecutor's decision not to conduct an investigation. Such an injured party and/or a victim of a criminal offense as well as all other citizens have the obligation and duty to report a criminal offense and file a criminal report (a general provision and the obligation and duty of each citizen).

**Example:** A complainant<sup>33</sup> addressed the Ombudsman because of slowness in work of the Cantonal Prosecutor's Office of West Herzegovina Canton in case involving the abuse of her minor daughter by an adult man. Immediately after the Ombudsman's intervention the Prosecutor's Office informed the Ombudsman that it filed an indictment against John Doe for grounded suspicion that he had committed a criminal offence exposing a child to pornography under Article 212 paragraph 1 of the Criminal Code of the Federation of Bosnia and Herzegovina and criminal offence of perpetrating the obscene acts under Article 208 paragraph 2

<sup>28</sup>Ž-BI-05-481/18

<sup>29</sup> Reply of the High Judicial and Prosecutorial Council's Office of the Disciplinary Counsel no.: UDT-16423/17 of 12 June 2018

<sup>30</sup> On 12 September 2018

<sup>31</sup> Ombudspersons emphasize that only one recommendation was directed to the Prosecutor's Office;

<sup>32</sup> For instance Ž-BL-01-741/15, Ž-BL-01-408/18, Ž-BL-704/18, Ž-BL-05-569/16;

<sup>33</sup> Ž-LI-05-176/18



of the Criminal Code of the Federation of Bosnia and Herzegovina. The indictment was upheld by the Municipal court in Široki Brijeg.

**Example:** The Ombudsman registered a complaint<sup>34</sup> for unreasonable length of criminal proceedings before the Municipal court in Sarajevo and the Cantonal Prosecutor's Office of Sarajevo Canton. The complainant is an injured party in this case and has no information whatsoever about the course of the proceedings since 2004. After the Ombudsman's intervention the responsible court and prosecutor's office finally filed an indictment on 29 April 2016 for criminal offence of aggravated assault and the criminal proceedings before the Municipal court in Sarajevo are still pending.

**Example:** The Ombudsman processed a complaint<sup>35</sup> against the work of the Cantonal Prosecutor's Office of Sarajevo Canton for their failure to reach a decision upon a criminal report. After the Ombudsman's intervention the Cantonal Prosecutor's Office informed it<sup>36</sup> that a prosecutorial decision had been made.

#### 4.1.4. Free legal aid

Free legal aid system is organized in nine cantons in FBiH, while in RS it is provided by the Free Legal Aid Center (for the whole territory of Republika Srpska). In its 2017 Annual report the Ombudsman emphasized the importance of the adoption of the Bosnia and Herzegovina Law on Free Legal Aid<sup>37</sup> as it enabled the equal access to justice and court to all the citizens of Bosnia and Herzegovina irrespective of their property status. Pursuant to BiH Law on Free Legal Aid it is also provided within BiH Ministry of Justice. Article 7 of the mentioned Law provides that the responsible authority for free legal aid provision before the authorities of Bosnia and Herzegovina is the Free Legal Aid Office of Bosnia and Herzegovina as an organizational unit within the Ministry of Justice of Bosnia and Herzegovina. So, this Office is in charge of the provision of free legal aid exclusively in proceedings conducted before the bodies and institutions of Bosnia and Herzegovina. However, Ombudspersons express their concern about the fact that this Office has not been established yet and free legal aid is provided by administrative inspectors as their additional duty and on *ad hoc* basis. In direct and telephone contacts with citizens, the lawyers of the Ombudsman always inform their complainants of the existence of free legal aid.

## 4.2. Free access to information

Statistics analysis shows a significant increase in the number of complaints filed with the Ombudsman regarding violation of the right of access to information. In 2018, the Ombudsman received 340 complaints lodged by natural and legal persons for alleged violations of the right to free access to information. Out of the total number of complaints received in this field, 50 recommendations were issued. For comparison, in the reporting period for 2017, the Ombudsman processed 248 complaints regarding the right to free access to information.

<sup>34</sup> Ž-SA-05-989/17

<sup>35</sup> Ž-SA-05-251/17;

<sup>36</sup> Document of the Cantonal Prosecutor's Office of Sarajevo Canton no. T09 0 KT 01080243 17 of 03 July 2018

<sup>37</sup> "Official Gazette of Bosnia and Herzegovina", no. 83/16

Free access to information is a key mechanism in ensuring accountability in work of public authorities, efficient implementation of public tasks, efficient public funds management, eradication of corruption, and involvement of citizens and legal persons in decision-making processes. The basic purpose and aim of the legislation related to free access to information is to provide access to information to every physical and legal person, while the obligation of each public authority is to communicate the information contained in its possession. The right to free access to information is not an absolute right, because it is subject to restrictions that can only be prescribed by the Free Access to Information Act in Bosnia and Herzegovina<sup>38</sup>.

This increase may be the result of several factors, namely: frequent violation of the right to free access to information by public authorities in Bosnia and Herzegovina, better awareness on citizens about the mechanisms of protection of the right to free access to information, and also the result of the functioning of the Ombudsman as a body supervising the implementation of the Law to Free Access to Information in Bosnia and Herzegovina. We cannot ignore the strong role played by the media in the promotion of these laws, especially since the media use the laws on free access to information in BiH as a tool for obtaining information for their reports.

In 2018, the Ombudsman had very good cooperation with the public authorities<sup>39</sup> in Bosnia and Herzegovina. In this regard, good practice of some public authorities to address the Ombudsman in the case of the ambiguities that occur in the application of the Free Access to Information Act before deciding on individual requests, with the aim of clarification or wording opinions on the manner of implementation of this Law in some specific case should be commended. Also, some media outlets also asked the Ombudsman to give its opinion on certain issues in the area of free access to information<sup>40</sup>. Ombudspersons of Bosnia and Herzegovina welcome this aspect of addressing and cooperating with public bodies, companies, institutions, or academic community, as it contributes to the prevention of violations of the right to free access to information.

The Ombudsman of Bosnia and Herzegovina praises the efforts of the Ministry of Justice of Bosnia and Herzegovina, with the aim to amend the Law on Free Access to Information of Bosnia and Herzegovina, which is one of the key challenges in this area on the path to the European integrations. However, the process of amending the aforementioned legislation began in 2016 and is going too slow. In the period from 7 to 9 February 2018 TAIEX Expert Mission visited Sarajevo to discuss activities necessary to harmonize the Law on Free Access to Information of Bosnia and Herzegovina in line with the EU legislation and practice. To this aim a comparative analysis of the existing provisions of the Law on Free Access to Information with the EU legislation, with particular consideration to matters related to the reuse of public sector information was made.<sup>41</sup> TAIEX Mission included three experts who prepared a report on their findings and submitted it to the Ministry of Justice of Bosnia and Herzegovina<sup>42</sup>. During this

<sup>38</sup> Law on Free Access to Information of Republika Srpska („Official Gazette of Republika Srpska“ no. 20/01); Law on Free Access to Information of the Federation of Bosnia and Herzegovina („Official Gazette of the Federation of Bosnia and Herzegovina“ no. 32/01 and 48/11 and Law on Free Access to Information of Bosnia and Herzegovina („Official Gazette of Bosnia and Herzegovina“, no. 45/06, 62/11 and 100/13)

<sup>39</sup> Complaints Ž-SA-05-1391/18 and Ž-SA-05-1397/18;

<sup>40</sup> OI-K-BL-481/18 dated 03 October 2018 and OI-K-BL-727/18 dated 28 December 2018;

<sup>41</sup> There were discussions about the amendments to Law on Free Access to Information of Bosnia and Herzegovina initiated by the Ministry of Justice of Bosnia and Herzegovina.

<sup>42</sup> Expert report „Improvement of the right to free access to information in Bosnia and Herzegovina“ filed on 19 February 2018

mission, experts assessed the current legal framework against international standards. The position of the experts is that the existing legislation is overly complex, especially after a series of changes, resulting in text incomprehensibility. The report outlines the complexity of complaint mechanisms, which is why the legal framework lacks clarity, and the applicants can lodge internal complaints and/or lodge their petitions to the Council of Ministers Petition Board, along with complaint to the Ombudsman and the courts. The law does not prescribe a whole range of functions over the supervisory body. This is a problem because comparative experience suggests that enforcement of the law greatly improves when the law envisages a range of supervision, training, investigative actions and sanctions. Experts have concluded that there is an obvious need to improve the current law to align with international standards, especially those in the European Union region and the Western Balkans, since this is a first legislative act in this area, and the amendments that were subsequently adopted are not sufficient for it. In addition to this, the experts presented their suggestions and recommendations to this end. However, in addition to the TAIEX mission, Ombudspersons of Bosnia and Herzegovina do not have information on other activities and concrete measures taken by the Ministry of Justice of Bosnia and Herzegovina in order to adopt a new legislation<sup>43</sup>.

At the level of the Federation of Bosnia and Herzegovina and Republika Srpska, issues related to free access to information remained unchanged. Since 2015 Ombudspersons of Bosnia and Herzegovina indicate to the need to regulate issue of two-instances in decision-making and the need to prescribe sanctions in entity laws. The Law on Free Access to Information of Republika Srpska from the moment of adoption did not undergo any change. The law does not yet prescribe the obligation of a public body to decide on a request for access to information by a decision, but the party is notified by a letter which is not of a character of the administrative act. Bosnia and Herzegovina's Ombudspersons reiterate that decision-making in the form of "letter" challenges the existence of two-instances as one of the basic principles of administrative procedure.

**Example:** In a complaint<sup>44</sup> Ombudspersons have established that the Republic Administrative for Land Survey and Property Issues, Field Administration Office Bratunac enabled the complainant the access to information, but he was asked to pay an amount of 97,00 BAM against the use of data and services of the mentioned Administration. In this case Ombudspersons issued their recommendation<sup>45</sup> to the Field Office Bratunac to cancel its decision and re-calculate the amount in accordance with provisions of Law on Freedom of Access to Information of Republika Srpska and the Guide on Copy Making Expenses as relevant legislative documents to be applied to this case. This recommendation was implemented and the costs recalculated so that the complainant paid only 4,00 BAM.

**Example:** The Ombudsman received a complaint<sup>46</sup> for violation of Law on Free Access to Information of Republika Srpska by the Health Insurance Fund of Republika Srpska. The complainant states that he submitted a request for access to information to the RS Health Insurance Fund requesting the provision of information regarding donors of medical equipment in the period from the beginning of 2010 to the date of filing the request in question. The RS

<sup>43</sup> Official name of the Mission TAIEX Expert Mission on the Law on Freedom of Access to Information in BiH

<sup>44</sup> Ž-BL-05-872/17;

<sup>45</sup> P-36/18 dated 13 February 2018

<sup>46</sup> Ž-SA-05-1282/17;

Health Insurance Fund refused to grant access to requested information, claiming that it established an exception due to the confidential commercial interest of a third party in accordance with Article 7 of the Republika Srpska Free Access to Information Act. The notification did not contain information of a legal remedy. To the inquiry of the Ombudsman the responsible party claimed that the letter by which the complainant was informed of refusal to grant information did not contain information of a legal remedy because it was not an administrative act in the sense of the Law on Administrative Disputes and the Law on General Administrative Procedure, and the only protection of the complainant's rights is possible through the Ombudsman Institution. Ombudspersons issued their recommendation to the RS Health Insurance Fund<sup>47</sup> to review its decision and adopt a new one granting the access to requested information. Having received the Ombudsman's recommendation the responsible party accepted and implemented it.

**Example:** In 2018 Ombudspersons replied to the request of a web-portal<sup>48</sup> asking their comment about the legal situation in which the Presidency of Bosnia and Herzegovina refused to provide information with names and surnames of persons engaged in the past period by the Presidency based on a service contract in addition to their remuneration and the purpose for their engagement. In the said request it was stated that the protection of personal data was mentioned as a reason for rejecting the request for access to information. In this regard Ombudspersons took the view that the general public has the right to know in what way and for what purpose public funds are spent. Public interest in such situations always prevails over the private interest and any restrictions imposed by the laws on freedom of access to information in Bosnia and Herzegovina. On the other hand, the protection of privacy is the right of citizens protected by the European Convention on Human Rights and Fundamental Freedoms, and the public authority in each individual case when it finds that certain information may undermine the privacy of third parties carries out a test of public interest which serves to assess whether the public or a private interest prevails. Ombudspersons emphasize in particular that contracts concluded by public bodies with legal or physical persons are subject to public scrutiny. Contracts contain certain personal information (such as PIN, address of residence, date of birth, ID card number, contact details and so on) and such personal data must be protected. However, the contract data, such as the name and surname of the person with whom the contract was concluded, the price, type of work for which the contract is concluded, and the contract validity period in no case can be denied to the public.

The practice of the Ombudsman of Bosnia and Herzegovina shows that there are some ambiguities regarding the relationship between the applicable legislation on free access to information and the Law on Protection of Personal Data in Bosnia and Herzegovina<sup>49</sup>. In this regard it should be emphasized that the above-mentioned pieces of legislation are complementary. The purpose of the Free Access to Information Act in Bosnia and Herzegovina is to provide access to information held by the public bodies, but only if the communication of these data is in the public interest, including, *inter alia*, the assessment of whether the requested information contains personal data. On the other hand, the purpose of the BiH Personal Data Protection Act is to ensure the protection of human rights and fundamental freedoms, in

<sup>47</sup> P-76/18 of 23 March 2018

<sup>48</sup> OI-K-BL-481/18 of 03 October 2018

<sup>49</sup> „Official Gazette of BiH“ no. 49/06, 76/11 and 89/11;

particular the right to privacy and data protection to all persons in Bosnia and Herzegovina, irrespective of their nationality or domicile regarding the processing of personal data concerning them.

**Example:** A complainant addressed the Ombudsman<sup>50</sup> because of the refusal of the Urgent Medical Aid Center of Sarajevo Canton to provide him with the name and surname of the doctor who came, along with his team, to home visit to his (late) daughter. The complainant alleges that he did not receive an answer until the day he filed a complaint with the Ombudsman and that the information he wanted to get was necessary for his further pursuit for rights as a patient. After the investigation procedure, Ombudspersons of Bosnia and Herzegovina issued their recommendation to the Center<sup>51</sup> to review its decision to refuse the data provision. Following that the Center informed the Ombudsman that it finally furnished the complainant with the information he asked thus implementing the Ombudsman's recommendation. In their recommendations Ombudspersons held that every personal information should be protected having in mind that a personal information in sense of the applicable legislation comprises the following: unique identification number (PIN), address of residence, nationality, credit information, amount of alimony paid, or other information revealing the identity of a person, while the name and surname of any person may not present personal information in the sense of the Personal Data Protection Act in Bosnia and Herzegovina, in particular bearing in mind that in the present case it is a public institution that carries out a health care activities.

Finally, we would like to point out that, in order to ensure the efficient implementation of the Free Access to Information Act in Bosnia and Herzegovina, it is necessary to draft the Training Program for information officers in the field of free access to information in all public bodies in Bosnia and Herzegovina.

### 4.3. Right to property

The Department for the protection of civil and political rights received 183 property related complaints in 2018. Ombudspersons indicate to the authorities that they still receive complaints related to Annex VII to the Dayton Peace Agreement, which raises concerns. Bosnia and Herzegovina after so many years after the war still has collective centers therefore Ombudspersons give priority to cases involving the implementation of Annex VII to the General Framework Agreement of Peace in Bosnia and Herzegovina.

**Example:** In the course of their proceedings conducted in a case<sup>52</sup> Ombudspersons have established that the complainant was the owner of a house and an apartment in Bosanska Krupa, which was devastated during the war. She claims that she is retired and currently lives in an alternative accommodation in Republika Srpska (Banja Luka), and that she expects that her housing issue be finally resolved. In this particular case it was established that the complainant applied to the public invitation in the framework of a housing provision regional project<sup>53</sup> whereby she was registered as an applicant for integration in her current place of residence – the

---

<sup>50</sup> Ž-SA-05-12/18

<sup>51</sup> P-38/18 dated 19 January 2018

<sup>52</sup> Ž-BL-05-227/18

<sup>53</sup> "Official Gazette of Bosnia and Herzegovina", no. 69/13

Municipality Banja Luka since she said in her application that she claims either an apartment or a financial compensation for an apartment in Banja Luka region. Ombudspersons will follow the pace of implementation of this project in the future period.

**Example:** The Ombudsman registered a complaint<sup>54</sup> for violation of Annex VII to the General Framework Agreement of Peace in Bosnia and Herzegovina and the Law on Human Rights Ombudsman of Bosnia and Herzegovina<sup>55</sup>. The Foča Department, Višegrad Office of the Ministry of Refugees and Displaced Persons of Republika Srpska was designated as a responsible party. The complainant is a returnee and his real estate is partially reconstructed, but conditions for normal life and „*a safe and dignified return to the previous place of residence*“ because of non-existence of a connection to water supply, sewerage and electric energy networks. The responsible party refused contacts with the Ombudsman so that Ombudspersons were compelled to issue their recommendation<sup>56</sup> for lack of co-operation with the Ombudsman, which is a legal obligation of all public authorities. In this case the Foča Department, Višegrad Office of the Ministry of Refugees and Displaced Persons of Republika Srpska acted in violation of *the Law on Human Rights Ombudsman of Bosnia and Herzegovina* by ignoring the letters and other communications of the Ombudsman. Ombudspersons expect this co-operation to be established in order to find the status of the complainant's rights.

**Example:** The Ombudsman registered a complaint lodged by a displaced person<sup>57</sup> which related to the Ministry of Refugees and Displaced Persons of Republika Srpska, Department Istočno Sarajevo, for not granting the right to alternative accommodation. During the Ombudsman's investigation it was established that the complainant had a status of a displaced person which qualified him to apply for alternative accommodation, that is, continuation of the use of alternative accommodation by means of the individual lease in 2018.

**Example:** In respect to a complaint lodged by another returnee<sup>58</sup>, Ombudspersons issued their recommendation<sup>59</sup> to the responsible authorities including the Municipality of Travnik and the Utility Company of Travnik Municipality to take all necessary measures to ensure water supply in the building. No reply to this recommendation was ever given to Ombudspersons.

**Example:** In processing a couple of cases<sup>60</sup>, Ombudspersons have established that the parents of the complainants before the war lived in Gornja Sanica, the Municipality of Ključ. After the war electric power could not be re-connected unless the children pay the fee for the connection to the electric supply network amounting at 1,528.62 BAM. Ombudspersons held that this fee should not be paid because these households had electricity connected. The responsible party „Elektrodistribucija“ Bihać informed Ombudspersons that the complainants can be connected to electric network under more favorable conditions if they furnish certificate of their status of a returnee. However, the complainants are not returnees since they live in Ključ Municipality, but the Ombudsman held that this is irrelevant and that they should be granted that status.

---

<sup>54</sup> Ž-SA-05-281/18

<sup>55</sup> Off. Gazette of BiH no.: 19/02, 35/04 and 32/06

<sup>56</sup> Recommendation no.: 265/18;

<sup>57</sup> Ž-BL-05-491/17

<sup>58</sup> Ž-SA-05-1295/16

<sup>59</sup> P-169/17

<sup>60</sup> Ž-BL-04-456/17, Ž-BL-04-499/17 and Ž-BL-04-585/17

Ombudspersons think that it is not neither fair nor stimulating to ask such huge amounts of money from people in a vulnerable situation. Therefore they issued their recommendation to the Public Company „Elektrodistribucija Bihać“ and the Municipality Ključ<sup>61</sup> to enable the complainants to have their property connected to electric supply network with no fees. This recommendation was not implemented<sup>62</sup>.

#### 4.4. Administration

The second highest number of complaints registered and processed by the staff of the Department for the protection of civil and political rights is in the area of administration. In 2018 the Ombudsman registered 389 complaints against the administrative bodies and issued 52 recommendations. Good governance principles and standards in the work of public administration are largely present in domestic positive legal regulations. Numerous domestic and international human rights and freedoms regulations also contain provisions that constitute elements of the good governance concept and can be subject to the standards of service and the work of public administration. In their contacts with numerous administrative bodies established in the course of processing the individual complaints of citizens, and in their recommendations issued in process of solving the complaints of the citizens, Ombudspersons insist on legality, responsibility, impartiality, efficiency, and respect toward the citizens in the work of the public bodies, as well as its publicity, which together represent the standard of service of the public administration. The attitude of the administration toward the citizens is very important in a state that maintains the rule of law. The Ombudsman is one of the mechanisms in the existing legal system that controls the administration and therefore the number of complaints in relation to the administration is always high. Citizens exercise most of their rights in their local community and therefore their complaints filed with the Ombudsman reflect their dissatisfaction with the work of municipal or town administrative bodies (failure to process the claims of citizens, ignoring of these claims, insufficient local community support in crisis/emergency situations or in situations when citizens are in social need etc.). In their complaints citizens express their dissatisfaction with the fact that administrative proceedings are conducted in violation of the legal provisions, for instance by failing to issue decisions within the legal deadlines, insisting on submission of a large number of unnecessary documents, silence of administration, violation of the principle of providing assistance to a lay client, failing to decide on appeals, with lengthy decision-making procedures in the second instance. Analysis of lodged complaints shows that in a large number of cases relevant administrative bodies finish their procedure only after the Ombudsman's intervention, which in some cases needs to be repeated before the public administrative bodies adopt their decisions on issues falling with their mandate. 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

---

<sup>61</sup> P-257/17 dated 13 October 2017

<sup>62</sup> Ombudsman Prof. dr. Ljubinko Mitrović and Ombudsperson Jasminka Džumhur, PhD visited the Municipality Ključ in February 2018 for some concrete cases

explanation and legal basis of the decision, that decisions that may adversely affect the rights or interests of citizens must contain instructions on remedies.

As in previous years Ombudspersons indicate to inefficiency of judicial control over the administrative bodies since the responsible bodies do not follow the instruction given by the courts and fail to enforce court decisions issued in administrative disputes. Even bigger is the problem that the courts avoid rendering the meritorious decisions in administrative disputes, but return the cases to the administrative bodies for renewed procedure, either before the first-instance bodies or the second-instance bodies, sometimes several times (*playing ping-pong with citizens*).

**Example:** Ombudspersons praise good co-operation with the Ministry of Finance of Republika Srpska. In a complaint<sup>63</sup> related to non-payment of funds pursuant to a decision of the Basic court in Banja Luka adopted in 2015. Ombudspersons contacted this Ministry after which the payment was made.

There are other two examples of good co-operation, namely with the Landscaping and Construction Department of Banja Luka Municipality and the Ministry of Landscaping, Construction and Ecology of Republika Srpska for their full implementation of the Zoning and Construction Department of Banja Luka Municipality Ombudsman's recommendations. In the first case<sup>64</sup> relating to the repeated procedure before the Landscaping and Construction Department of Banja Luka Municipality this body implemented the Ombudsman's recommendation<sup>65</sup> and made its decision on an application of a construction company to obtain a construction license for the construction of a dwelling and business building in Banja Luka. In the second example<sup>66</sup> also related to an application for construction license Ombudspersons issued their recommendation<sup>67</sup> to the Ministry of Landscaping, Construction and Ecology to make its decision upon an appeal of a client. This recommendation was implemented.

**Example:** In a complaint<sup>68</sup> Ombudspersons have established that the administrative proceedings conducted before the Zoning, Property, Land Survey and Cadastre of the Municipality Novi Grad Sarajevo are unreasonably long and beyond any reasonable deadline, that is, *more than 16 years*. The complainant initiated proceedings for the protecting of her right to property (repossession of her apartment). Responsible administrative body, playing "*ping-pong*" with the complainant, fails to end the proceedings by making a decision, while the complainant cannot enjoy her right (to property repossession).

**Example:** In processing a complaint<sup>69</sup> Ombudspersons have established that the Pension and Disability Insurance Fund of Republika Srpska does not enforce and ignores the instructions of the Regional court in Banja Luka in an administrative dispute. Namely, the Fund ignored these instructions four times, and when the complainant addressed the Regional court for the fifth time

---

<sup>63</sup> Ž-BL-05-542/17

<sup>64</sup> Ž-BL-05-486/17

<sup>65</sup> P-58/18

<sup>66</sup> Ž-BL-05-255/18

<sup>67</sup> P-100/18

<sup>68</sup> Ž-SA-05-236/16

<sup>69</sup> Ž-BL-05-31/18



asking it to make decision in his case, Ombudspersons also intervened and recommended<sup>70</sup> the Regional court in Banja Luka to pass a decision resolving this administrative dispute and replacing the challenged decision of the administrative body in question, that is the Pension and Disability Insurance Fund. At the same time Ombudspersons invited the Court to inform the Administrative inspection that it was necessary to initiate misdemeanor proceedings against the Fund. Regional court in Banja Luka in its reply emphasizes that it upheld the complainant's appeal and rendered the decision of the Pension and Disability Insurance Fund null and void with prescribing the obligation of the Fund to indemnify the complainant and pay him the administrative procedure costs. Pursuant to Article 65 paragraph 1 Items 5 and 4 of the Law on Administrative Disputes<sup>71</sup> the Court ordered the Administrative inspection to initiate misdemeanor proceedings against the Director of the Pension and Disability Insurance Fund of Republika Srpska for failure to act in accordance with the Court's jurisprudence and decisions of the Court. However, the Fund again rejects the appeal of the complainant who initiates proceedings before the Regional court in Banja Luka for the sixth time. On the other hand the Administrative inspection informed the Ombudsman that, according to the instructions of the Regional court in Banja Luka, it filed a request to the Basic Court in Bijeljina (which has the local jurisdiction since the headquarters of the Fund are in Bijeljina) to initiate misdemeanor proceedings against the Fund as responsible legal person and its Director as responsible person. However, the Basic court in Bijeljina rejected this request with an explanation that it did not comprise all necessary documents, so it held that the Inspection relinquished the request. The Administrative Inspection appealed from this decision to the second-instance court, which, in continuation of the proceedings upheld its appeal<sup>72</sup> and returned the case to the Basic court to repeated proceedings. The Basic court informed the Ombudsman, upon its inquiry, that it will fully follow the instructions of the second-instance court. Taking in consideration the factual status and the relevant legislation, Ombudspersons decided<sup>73</sup> to use all its options to contribute to a positive solution of this issue. The Basic court in Bijeljina informed the Ombudsman that it will follow the instructions of the second-instance court. In this important case Ombudspersons referred all the relevant documentation to the Regional Public Prosecutor's Office in Bijeljina<sup>74</sup> for the existence of grounds of suspicion of the commitment of a criminal offence under Article 341 of the Criminal Code of Republika Srpska<sup>75</sup> – non-enforcement of a court decision and will follow all the measures taken in this case by the prosecutor's office<sup>76</sup>.

It must be noted that some competent administrative bodies do not act upon the decisions of the courts in administrative disputes, while the courts themselves do not make decisions to resolve the matter and replace the administrative decision of the administrative body, but annul it, but after that the administrative organs make the decisions identical to the cancelled ones. Repeating this procedure again and again greatly violates the right to fair trial, while the party, even though it uses all available legal remedies, remains unprotected and lacks the final solution. When it becomes obvious that the administrative body fails to comply with the clear instructions of the

<sup>70</sup> P-61/18 dated 14 March 2018

<sup>71</sup> „Official Gazette of Republika Srpska“, no. 109/05 and 63/11

<sup>72</sup> No. 80 0 Pr 097597 18 Pžp of 08 November 2018

<sup>73</sup> Ž-BL-05-865/18 a new case was opened

<sup>74</sup> Pursuant to Article 30 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina

<sup>75</sup> „Official Gazette of Republika Srpska“,no.: 64/17

<sup>76</sup> Case no. Ž-BL-04-837/18

court, the citizen remains even without "a moral satisfaction", as the competent body which is deliberately disrespectful of the court's decisions is not sanctioned in any way.

## 4.5. Inspections

This part of the report is dedicated to the work of inspections<sup>77</sup>. Ombudspersons of Bosnia and Herzegovina have decided to make a special report on the work of inspections in Bosnia and Herzegovina in the coming period due to the extraordinary importance of the inspections for the citizens. Inspection is a mechanism that ensures that administration bodies work in compliance with legislative provisions in place to protect and support public or private interests. Inspections provide a guarantee of the fulfillment of conditions that support the safety and good conditions in the society, such as the protection of air and water quality through environmental inspections, or construction inspection which controls whether objects are built on the basis of issued permits and whether they fulfill the structural requirements and so on. In conclusion, the inspection surveillance is important for a daily life of the citizens.

**Example:** In a complaint addressed to the Ombudsmen related to the protection of labor rights and discrimination in the workplace<sup>78</sup> the responsible cantonal labor inspection (as part of the Cantonal Administration for inspections of Sarajevo Canton) declined jurisdiction, that is, rejected the appeal of the complainant on the ground of being incompetent to rule in this matter<sup>79</sup>. They clearly informed Ombudspersons that they do not have jurisdiction to protect individual rights of the employees, that is, that the protection of the rights should be sought in court. However, in another, similar case<sup>80</sup> involving the protection of an employee's individual rights, the Cantonal Administration for inspections of Zenica – Dobož Canton carried out the inspection surveillance.

**Example:** The Ombudsman registered a repeated complaint<sup>81</sup> for non-enforcement of a decision issued by the inspection of Bugojno Municipal Administration to remove a chimney illegally constructed by a company. After the conducted proceedings Ombudspersons issued their recommendation<sup>82</sup> asking the Mayor and the construction inspector of Bugojno Municipal Administration to ensure the enforcement of the Decision on removal of illegally constructed chimney originating from 2012. This recommendation was not implemented and nothing was done to ensure the enforcement of this Decision.

**Example:** Ombudspersons would like to mention an example of good co-operation with Ravno Municipal Administration. In processing a complaint<sup>83</sup> it was established that no inspection surveillance is done in Ravno area because of non-existence of a construction inspector. In October 2017 Ombudspersons recommended the Ravno Municipal Administration<sup>84</sup> and

<sup>77</sup> In 2018 the Ombudsman received 60 complaints of the work of institutions

<sup>78</sup> Ž-SA-04-964/18

<sup>79</sup> Cantonal Administration for Inspections of Tuzla Canton

<sup>80</sup> Ž-SA-06-987/18

<sup>81</sup> A new complaint registered under number Ž-SA-05-161/18, while the previous one was registered under number Ž-SA-05-169/15

<sup>82</sup> Recommendation no. P-233/15

<sup>83</sup> Complaint no. Ž-SA-06-233/17

<sup>84</sup> Recommendation P-254/17 of 16 October 2017

Government of Hercegovina-Neretva Canton to find the way to solve this problem. The Ravno Municipal Administration hired a chief construction inspector in February 2018.

**Example:** Members of Trade Union of the Public company „Komunalac“ Drvar filed a complaint to the Inspection Administration of the Canton 10 asking them to conduct the inspection surveillance in their Company, at the same time asking Ombudspersons to monitor and follow-up the work of the inspection in charge<sup>85</sup> for the protection of the right to decision-making in a reasonable time. The Cantonal labor inspector shortly after informed the Ombudsman on the measures taken and that he found no violation of the complainants' rights.

**Example:** In processing a complaint<sup>86</sup> Ombudspersons contacted the Republic Administration for Inspections of Republika Srpska for the fact that an illegally constructed building obstructs the view from a window of the complainant's apartment. After the fact-finding the responsible inspection issued its Decision on removal of illegally constructed building which was built in 2003. In this particular case the relevant inspection did inspection surveillance visit and asked the removal of illegally built construction.

**Example:** Ombudspersons received a complaint<sup>87</sup> related to violation of labor rights claiming that he was advised to address the relevant inspection in writing. After a while the complainant informed Ombudspersons that the labor inspection complied with his request only partially. According to him, the subject to inspection surveillance was only his work agreement, and that other violations of the rights were not investigated. Ombudspersons addressed the Republic Administrations for inspections of Republika Srpska issued a recommendation<sup>88</sup> asking them to repeat the inspection visit and re-examine the challenged facts (overtime, work during the official holidays, work during the official holidays, denial of annual leave etc.), which were not the subject to the previous inspection. The Republic Administrations for inspections of Republika Srpska made another inspection visit and fully implemented the recommendations of the Ombudsman.

Ombudspersons would like to turn the attention to non-co-operation of the Inspection Service of Tuzla Town Administration with the Ombudsman since it fails to reply to the Ombudsman's inquiries, which is in violation of the provisions of the Law on Human Rights Ombudsman of Bosnia and Herzegovina<sup>89</sup>, and in violation of the rights of the citizens.

## 4.6. Police

**The Ombudsman's Department for the protection of civil and political rights registered 132 complaints<sup>90</sup>. This statistic information is very useful for Ombudspersons since the work of the police in a community is important and it has impact to quality of life and safety,**

<sup>85</sup> Case no. Ž-LI-05-23/18

<sup>86</sup> Ž-BL-05-443/18

<sup>87</sup> Ž-BL-04-196/18

<sup>88</sup> A recommendation no. P-130/18 of 07 June 2018

<sup>89</sup> Ž-BR-05-61/18, Ž-BR-05-252/18 and Ž-BR-05-185/18

<sup>90</sup> Ombudspersons issued four recommendations to the relevant bodies of the police agencies

as well as the scope of criminal activities in that particular community. Links between the police and the citizens are crucial in trust building and strengthening.

Complaints received by the Ombudsman indicate that police members often go beyond the limits of their legal powers, that the internal control system which is in place often has a formal role and that there is no efficient mechanism of control over the work of the police bodies. This is particularly manifested during the identity checks within the framework of regular traffic controls<sup>91</sup>. Complaints of actions of police officers are also registered within Department for the protection of the rights of persons deprived from liberty for going beyond the legal powers during the apprehension of persons to whom the measure of remand is pronounced, or apprehension of persons who failed to return to prison after<sup>92</sup> after their use of privileges out of prison establishment. Having in mind all specifics of work carried out by the police, their duties and rights pursuant to the provisions of the Criminal Procedure Act and other regulations, such as the identity check and stopping the citizens, search of persons and premises, deprivation of liberty and exceptional use of force and firearms, Ombudspersons point out the importance of the work of special bodies investigating possible abuse of powers and omissions committed by police officers (internal control bodies). In this context, the independence in work and activities of these bodies, as well as expertise of their staff is all the more significant. After their investigation and evaluation of all the circumstances of a particular event, they decide on the existence of the grounds for disciplinary or other proceedings against a particular police officer. Respecting the independence of the police internal control bodies, the Ombudsman cannot influence their possible decisions or indicate direction of their investigation. It can only check if every appeal or complaint is examined within the foreseen deadlines before the statute of limitation is taken place.

Contacts with and presence of the police is very important for all the citizens. Challenges facing the police nowadays require it to provide a comprehensive service, proactive and reactive at the same time. It is not enough to intervene after an incident takes place, it is necessary to address the problems that generate incident situations, thus improving the preventive effect.

In order to improve co-operation Ombudspersons had a series of meetings with representatives of police and security agencies in Bosnia and Herzegovina<sup>93</sup>.

**Example:** A complainant<sup>94</sup> addressed the Ombudsman for unprofessional attitude of the criminal inspector (member of the Ministry of Interior of Republika Srpska). Procedure on this complaint is ongoing before the Ministry of Interior of Republika Srpska's Administration for the protection of integrity and legality in work, but the complainant addressed the Ombudsman to monitor transparency and objectivity of these proceedings. This procedure is ongoing and this is an example of complaints, which are many, related to the work of internal control units monitoring the legality of work of the authorized police officers (members of police agencies).

---

<sup>91</sup> Ž-SA-05-34/18

<sup>92</sup> Ž-SA-07-857/17

<sup>93</sup> For example, Ombudsman Prof. dr. Ljubinko Mitrović on 01 November 2018 had a meeting with the members of the Police Board of the Ministry of Interior of Republika Srpska. Also, the Chief of the Police Administration Banja Luka Željko Spasojević paid a visit to the Ombudsman on 20 April 2018

<sup>94</sup> Ž-BL-05-685/18

**Example:** The Ombudsman registered a complaint<sup>95</sup> of a convicted person serving sentence in Zenica Prison. The complaint was directed against the work of the Ministry of Interior of Zenica-Doboj Canton for his being prevented to register his residence and based on that to get his ID card which he needed to claim his inheritance before the court in inheritance proceedings. After the Ombudsman's intervention the complainant achieved his right.

**Example:** On the occasion of a *tragic death of the student from Banja Luka David Dragičević the Ombudsman opened four cases by 31 December 2018*<sup>96</sup>. On the other hand, Ombudspersons expressed their opinion about this case in a special media release of 21 May 2018 in which they called on the authorities to do what is necessary to find the truth on this tragic event. In addition to that, two public announcements were issued in this respect<sup>97</sup>. Investigation in these cases is pending.

#### **4.7. Special report on situation in the area of migrations in Bosnia and Herzegovina**

Migration processes which encompassed Bosnia and Herzegovina in 2018 set certain requirements to its authorities, that is, a number of institutions, including the Ombudsman of Bosnia and Herzegovina. At its 140<sup>th</sup> session held on 26 April 2018, the Council of Ministers of Bosnia and Herzegovina discussed information on migration issues, and in this regard called on the Ombudsman to draft and submit to the Council of Ministers a Special Report on the State of Migration in Bosnia and Herzegovina Herzegovina, with the proposal of measures and recommendations to the competent authorities of Bosnia and Herzegovina.<sup>98</sup>

The special report is a result of monitoring of migration processes in Bosnia and Herzegovina, including visits to all places where groups of migrants were located, conversations and interviews with them and with the staff members in the institutions and the venues where foreign nationals were accommodated, meetings with all to the heads of the institutions competent to act in the field of migrations and asylum in accordance with the provisions of the Law on Aliens and the Law on Asylum, and representatives of the international organizations, and local and international NGOs. The Special Report aims at indicating to the obligations to secure and protect the rights of foreign nationals in Bosnia and Herzegovina, raising awareness of the presence of the problem as well as the obligations of the authorities in Bosnia and Herzegovina that have to be taken in order to secure the rights of foreign nationals found in Bosnia and Herzegovina<sup>99</sup>.

In 2018 a dramatic increase in number of migrants entering the territory of Bosnia and Herzegovina and using it mostly for transit towards the European Union countries. They are mostly irregular migrants who entered into Bosnia and Herzegovina without any identification

<sup>95</sup> Ž-SA-05-1066/18

<sup>96</sup> Ž-BL-05-1012/18, Ž-BL-05-1032/18- Ž-BL-05-1033/18, Ž-BL-05-1034/18

<sup>97</sup> Public release of 21 May 2018 <https://www.ombudsmen.gov.ba/Novost.aspx?newsid=978&lang=BS>; Saopćenje za javnost od 27.12.2018.g. <https://www.ombudsmen.gov.ba/Novost.aspx?newsid=1148&lang=BS>

<sup>98</sup> Information on the Conclusion of the Council of Ministers of Bosnia and Herzegovina no.: 05-07-1-1208-30-1/18 dated 04 May 2018

<sup>99</sup> The Report was presented at the press conference held in the Parliamentary Assembly of Bosnia and Herzegovina on 10 January 2019 and sent to all relevant institutions for further procedure

documents, at places not foreseen to be the state border crossings, in violation of the applicable legislation of Bosnia and Herzegovina and is not in accordance with the procedures of the competent authorities in Bosnia and Herzegovina regarding entry of a foreign national into the country. Most of them expressed their intention to seek asylum although Bosnia and Herzegovina is for them a transit country in most cases.

In period April – October 2018 the Ombudsman conducted the monitoring of the situation in this area and concluded that Bosnia and Herzegovina is currently having mixed migrations. Motives of migrations are varying so in the country there are aliens seeking better life conditions/economic migrants (citizens of Pakistan, Iran, Iraq, Morocco, Tunis, Algeria, Libya) and aliens enjoying the international legal protection (Syria). Increased inflow of migrants and continuity of this process requires additional mobilization of material, financial and human resources not available to Bosnia and Herzegovina.

Bearing in mind the daily increase in the number of migrants in Bosnia and Herzegovina, it is necessary that the competent authorities take additional measures to protect the state border of Bosnia and Herzegovina, in particular the security of the citizens of Bosnia and Herzegovina. According to the indicators, as of 31 October 2018 around 22,000 foreign nationals were registered in Bosnia and Herzegovina. In October 2018, estimates were that around 5,000 irregular migrants. Interviews with migrants found in Bosnia and Herzegovina show that neighboring states do not register the migrants in order to avoid their return through the readmission process. With the inflow of foreign nationals in Bosnia and Herzegovina, the first problems in the process of readmission of migrants in the neighboring countries emerged. The Aliens Affairs Department has pointed to the problem of smuggling of foreign nationals, and according to data received from the Border Police of Bosnia and Herzegovina, the cases processed and the collected criminal intelligence data indicate more manifest forms of smuggling of people.

Ombudspersons visited the Una-Sana Canton where the situation culminated in October 2018 and found that the support of the authorities of Bosnia and Herzegovina to local communities was lacking, both in Bihać and Velika Kladuša<sup>100</sup>. Despite the great care and extraordinary efforts of the local community in providing care of the migrants, the conditions under which migrants reside are below any minimum.

In this Special report Ombudspersons established factual status in Bosnia and Herzegovina in the field of the migrations and asylum, emphasized some positive aspects in the migrations process, and having done the situation analysis, in the light of relevant domestic and international

---

<sup>100</sup> According to the information obtained at the meeting of 08 October 2018 representatives of Velika Kladuša held their first meeting with representatives of the Ministry of Security only in July 2018. The meeting provided a plan for the taking care of migrants in the Una-Sana Canton area, and it was concluded that the Council of Ministers of Bosnia and Herzegovina reached an agreement to build a reception center - Medeno Polje. This is the land plot owned by Agrokomerc, where 60 tents are placed (donation from Austria). In order to put the camp in function the IOM requested the Waterworks Company to provide water supply. However, the Water Company could not establish a regular water supply without the consent of the owner (Agrokomerc), and requested from the Supervisory Board of Agrokomerc their consent, but it has not yet been reached. The Municipal Council on the thematic meeting adopted a conclusion in which they turn the attention of all interested parties to the fact that the European Union will not finance the construction of centers located within the 30 km from the state border, so that in this light no reception centers are acceptable on the territory of Velika Kladuša. This conclusion was sent to the Ministry of Security and international organizations. From then until the day of the visit of the representatives of the Ombudsman Institution, there were no contacts between the Ministry and the representatives of the Service for Foreigners' Affairs

legislation Ombudspersons issued to the the Council of Ministers of Bosnia and Herzegovina the following:

## RECOMMENDATIONS

- Activate all the measures envisaged by the Migration and Asylum Strategy and Action Plan for the period 2016-2020, which include, inter alia: increasing the efficiency of surveillance and control of the state border of Bosnia and Herzegovina, significantly improving the system of controlling the entry and stay of aliens in Bosnia and Herzegovina thus raising the protection and security of citizens of Bosnia and Herzegovina to a higher level;
- In addition to the existing accommodation capacities intended for accommodation of all categories of migrants, i.e. asylum seekers in case of a significantly increased inflow of foreign citizens, provide additional accommodation capacities;
- Establish clear operational procedures for all competent authorities with a clear definition of decision-makers in cases that could not be foreseen in procedures. In particular, define the role of international organizations, non-governmental organizations and volunteers in order to systematically and adequately utilize their willingness to assist in the process;
- Increase the number of personnel, i.e. strengthen the capacities of institutional mechanisms dealing with migration issues, including the Asylum Sector, the Border Police of Bosnia and Herzegovina and the Service for Foreigners' Affairs;
- Establish an operational body with a high degree of mobility and full involvement of members of this body in solving migration issues compared to their regular work engagement. This body should be operational 24 hours a day;
- Request financial, material and technical support, and human resources from the European Union, IOM, UNHCR, ICRC, UNICEF, UN Women, Save the Child, and other stakeholders that have resources and the mandate to act in this area;
- Continuously hold regional high-level meetings with neighboring countries and countries on the migration routes of all categories of migrants with a view to defining a common strategy of action given the evident different practices of some countries, which indicates to a possible departure from international standards in providing care of various categories of migrants;
- To initiate the procedure for the conclusion of readmission agreements with the countries of origin of some migrants registered in Bosnia and Herzegovina, with which these agreements are not signed, such as Algeria and Morocco.

#### **4.8. Special report on appearance, use and protection of the national, that is, official insignia in Bosnia and Herzegovina**

The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina<sup>101</sup> adopted an Initiative of a parliament member to call on the Ombudsman to prepare a “Special report on appearance, use and protection of the national, that is, official insignia in Bosnia and Herzegovina<sup>102</sup>.”

Based on this Initiative of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, on 20 December 2016 Ombudspersons adopted their Conclusion<sup>103</sup> to adopt this initiative and start drafting this Special Report<sup>104</sup>. In this work the Ombudsman’s staff used the methodology based on presentation of relevant provisions of the Constitution of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the cantonal constitutions and the Statute of Brčko District of Bosnia and Herzegovina, statutes of the towns and the municipalities in Republika Srpska<sup>105</sup> and the Federation of Bosnia and Herzegovina<sup>106</sup>. After that presented are legal provisions at all levels in Bosnia and Herzegovina governing the appearance, use and protection of national or official insignia emphasizing the decision of the Constitutional Court of Bosnia and Herzegovina, the Constitutional Court of the Federation of Bosnia and Herzegovina and the Constitutional court of Republika Srpska. In preparation of this Special report Ombudspersons also had in mind the relevant international standards.

In their concluding considerations, Ombudspersons emphasized that Bosnia and Herzegovina is a democratic state that functions in accordance with constitutions and laws, relying on respect for human dignity, freedom and equality. The Constitution of Bosnia and Herzegovina clearly defines that Bosnia and Herzegovina and both Entities will provide the highest level of internationally recognized human rights and fundamental freedoms and that the enjoyment of the rights and freedoms provided for in the Constitution or in the international agreements listed in Annex I of the Constitution is ensured to all persons in Bosnia and Herzegovina, without discrimination on any ground such as gender, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property status, status by birth or other status.

The Special Report established that the legislative bodies in Bosnia and Herzegovina did not comply with the decisions of the constitutional courts in Bosnia and Herzegovina. However, at

<sup>101</sup> At its 39<sup>th</sup> session held on 14 December 2016;

<sup>102</sup> Reasoning of this Initiative reads as follows: „*Bosnia and Herzegovina, its Entities - the Republika Srpska and the Federation of Bosnia and Herzegovina, the Brčko District of Bosnia and Herzegovina and all ten cantons belonging to the Federation of Bosnia and Herzegovina have their national or official insignia or symbols. The term "national" or "official" insignia includes the coat of arms, flag and anthem of Bosnia and Herzegovina, its entities, or cantons within the Federation of Bosnia and Herzegovina. The appearance of the insignia (coat of arms and flag) is prescribed by the Constitution of Bosnia and Herzegovina, by the constitutions of the Republika Srpska and the Federation of Bosnia and Herzegovina and by the constitutions or by the special laws of the canton. On the other hand, the use and protection of national or official insignia is regulated, as a rule, by special laws that also prescribe criminal sanctions for the use of these insignia or symbols contrary to the provisions of the said laws. The Report of the BiH Ombudsman should contain a review of constitutional and legal provisions in Bosnia and Herzegovina relating to the appearance of national or official insignia and their use and protection, in particular with respect to the constituency of all three peoples in Bosnia and Herzegovina and the 2006 Decision of the Constitutional Court of Bosnia and Herzegovina in this regard.*“

<sup>103</sup> Conclusion no. Oi-K-Sa-191/16

<sup>104</sup> After adoption of this initiative a case no. Ž-SA-05-94/17 was registered and a WG for drafting the Report established;

<sup>105</sup> Banja Luka, Bijeljina, Doboj, Prijedor, Zvornik, Trebinje, Istočno Sarajevo

<sup>106</sup> All the towns/municipalities in which the capitals of the cantons of the Federation of Bosnia and Herzegovina (towns: Bihać, Sarajevo, Mostar, Široki Brijeg, Goražde, Tuzla, Zenica; municipalities: Livno, Orašje, Travnik);



the same time, Ombudspersons pointed out that, due to limited human and financial resources, during the preparation of this Special Report, they were not able to investigate whether and to what extent all relevant legislative bodies at all levels of government made decisions regarding official insignia, especially whether the constituent peoples and others in Bosnia and Herzegovina were involved in the procedures of making these decisions and whether their rights and interests were taken into account.

The Special Report with recommendations to the relevant legislative bodies in Bosnia and Herzegovina was sent to the Parliamentary Assembly of Bosnia and Herzegovina, to the Parliament of the Federation of Bosnia and Herzegovina, to the National Assembly of Republika Srpska, to the Assembly of the Brčko District of Bosnia and Herzegovina, to the assemblies of the cantons in the Federation of Bosnia and Herzegovina, in the Republika Srpska and the assemblies of the towns and the municipalities in which the cantonal capitals are located in the Federation of Bosnia and Herzegovina<sup>107</sup>.

## RECOMMENDATION

- *All legislative bodies in Bosnia and Herzegovina are invited, while designing and adopting the national or official insignia to take care of the need to ensure full ethnic equality, democratic relations and the highest standards of human rights and freedoms of all constituent peoples, the others and all citizens of Bosnia and Herzegovina according to the international standards and domestic legislation, primarily guided by the principles set out in the United Nations Chapter, Universal Declaration of Human Rights and the General Framework Agreement for Peace in Bosnia and Herzegovina and its annexes.*

In 2019 Ombudspersons will follow the implementation of this recommendation.

## 4.9. Governmental and ministerial appointments

In 2018 Ombudspersons received 115 complaints<sup>108</sup> related to the violation of the provisions of the 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 and Government Appointments of the Federation of Bosnia and Herzegovina<sup>109</sup> and the Law on Ministerial, Government and other Appointments of the Republika Srpska. With the aim of remedying established errors in procedures of the appointment in the bodies to which the BiH Law on Ministerial, Council of Ministers and other Appointments applies, Ombudspersons issued 40 recommendations<sup>110</sup>.

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

<sup>107</sup> The Report was presented at a press conference organized in the Central Office of the Ombudsman in Banja Luka on the occasion of the Human Rights Day on 10 December 2018 and after that it was referred to all legislative bodies in Bosnia and Herzegovina

<sup>108</sup> In 2017 the Ombudsman had 105 complaints for violation of the provisions of the Law Ministerial, Council of Ministers and other Appointments

<sup>109</sup> „Official Gazette of FBiH“, no. 12/03, 34/03 and 65/13

<sup>110</sup> In 2017 Ombudspersons issued 16 recommendations

companies and institutions, absence of objective criteria and lack of transparency in decision-making process, violation of the provisions of the Law on Conflict of Interest in Governmental Institutions in the appointment process, non-application of the positive legislation on appeals from the appointment etc.

In some cases Ombudspersons receive inquiries of different authorities in which they ask the Ombudsman for interpretation of some provisions or some clarifications related to the Law on Ministerial, Government and other Appointments.

The Ombudsman received a letter of the Ministry of Finance of Republika Srpska<sup>111</sup> which reads as follows: *„Please provide us with your opinion as to what is the deadline for a member of the public to appeal from the final appointment in open competition procedure in accordance with the Law on Ministerial, Government and other Appointments of Republika Srpska („Official Gazette of Republika Srpska“ no.: 25/03).“*

Having considered the relevant facts the Ombudsman state that indeed the deadline for filing an appeal from a final appointment is not prescribed in the provisions of the Law on Ministerial, Governmental and Other Appointments of Republika Srpska, which can certainly be an aggravating circumstance in the work of the competent authorities applying this Law which can result in the different practices and ultimately make it difficult or impossible for the citizens to exercise their rights. In this regard, Ombudspersons consider that the non-existence of this deadline cannot serve as justification to the competent authorities to deprive the citizens of the right to an effective remedy, especially since the body carrying out the appointment procedure should apply the provisions of this Law in full scope, therefore it must ensure that it complies with the basic principles underlying it and ensure that all interested parties or any member of the public in the process of appointment have the possibility to exercise the right to appeal from the final appointment.

Having the above said in mind and since the provisions of Article 18 of this Law provides the following: *“This Law will be read in conjunction with or as an amendment to the applicable laws, rules and regulations of Republika Srpska, that is, Bosnia and Herzegovina unless these laws, rules and regulations are not contrary to the provisions of this Law...“*, Ombudspersons think that the public body in determination of the deadline for appeal can invoke the provisions of other laws, rules and regulations as defined in the above cited provision. Namely, provisions of the Law on General Administrative Proceedings of Republika Srpska can serve as an amendment to this Law. Ombudspersons remind that the final appointment should be published in the „Official Gazette of Republika Srpska“ and that the deadline for appeal defined by the public body must be the same for all participants in public competition and all members of the public. In conclusion, Ombudspersons think that the body carrying out the appointment procedure is responsible for the implementation of the principles defined in Article 3 of the Law on Ministerial, Governmental and Other Appointments of Republika Srpska and legality of the final appointment.

---

<sup>111</sup> Document no. 06.07/012-874-1/18 of 26 June 2018

Ombudspersons find it necessary to point out the need for public authorities in appointing the members of management and supervision boards, not to appoint the employees who, in carrying out their daily work, have contact with the agency or activity for which they are appointed to the management body as this raises the issue of the objectivity and transparency of the work of these bodies and the loss of citizens' trust in the work of public bodies.

In processing the complaints in this area, Ombudspersons make their opinions, conclusions or recommendations, after they determine whether the specific provisions of the Law on Ministerial, Governmental and Other Appointments are complied with in the specific procedure of appointment, and after they analyze the laws and bylaws relevant to a particular appointment procedure, or any procedure to which the Law on Ministerial, Governmental and Other Appointments applies.

Ombudspersons are concerned because the low level of implementation of their recommendations referred to the relevant bodies in this respect.

**Example:** In the course of the public competition for the election and appointment of a director of the Public Company „Radio-televizija Livno“ d.o.o. Livno, the complainant<sup>112</sup> was informed that the documentation he submitted was not complete since he failed to attach a no-conviction certificate. Ombudspersons recommended<sup>113</sup> the Supervisory Board to cancel their decision on appointment and take all necessary measures to ensure that the appointment of a director is done with full respect for the procedures and principles established by the Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina, as well as other applicable domestic laws and international conventions. The Supervisory Board informed the Ombudsman that "the procedure for election and appointment of a director of "PC RTV Livno "d.o.o. Livno conducted in accordance with the legal procedure, and that the application for the vacancy is an expression of an individual's free will and that the candidates who decide to apply for the competition must meet the general and special conditions listed in the advertisement and obtain the required documentation in order to participate in a competition procedure." In their letter dated 01 October 2018 Ombudspersons informed the Assembly of the Public Company „Radio-televizija Livno“ d.o.o. Livno, that their recommendation was not implemented.

**Example:** The Ombudsman registered a complaint<sup>114</sup> who indicated to the irregularities in the procedure of the election of four members of the Management Board of the University in Sarajevo appointed by the Government of Sarajevo Canton in violation of the Higher Education Act of Sarajevo Canton. After the conducted investigation Ombudspersons issued their recommendation to the Government of Sarajevo Canton<sup>115</sup> to consider the possibility to amend the Law on Civil Service of Sarajevo Canton to include a clear definition of the terms and conditions to be met for membership in a management or a supervisory board, assembly, management or for an authorized person in line with recommendations given by the Ombudsman. This recommendation was not implemented.

---

<sup>112</sup> Ž-LI-05-90/18

<sup>113</sup> P-182/18

<sup>114</sup> Ž-SA-05-1292/17

<sup>115</sup> P-65/18

**Example:** The Ombudsman registered a complaint<sup>116</sup> with objections to the appointment of a director of the Public Utility Company d.o.o. Maglaj in a public competition procedure. The complainant emphasizes that the provisions of BiH Law Ministerial, Governmental and other Appointments of the Federation of BiH and provisions of the Law on Public companies of the Federation of Bosnia and Herzegovina<sup>117</sup> relate to this appointment. After the conducted investigation Ombudspersons found that the objections of the complainant related to the “speed and confidentiality of the procedure” as well as legality of the whole procedure were ill-founded. Having reviewed the complete documentation related to the appointment procedure it was found that the procedure was conducted fully in accordance with the provisions of BiH Law Ministerial, Governmental and other Appointments of the Federation of BiH. The complainant’s allegations that the letter informing him of results of the public competition had no instruction on legal remedy provided not sufficient grounds for Ombudspersons to issue a recommendation to cancel the competition since the complainant had the opportunity and had no obstacles to appeal from the decision of the appointment which means that legal remedy was not denied. Furthermore, the Ombudsman investigated the allegations of the complainant involving his doubts as to the validity of the elected candidate’s diploma and certificate on his work experience and found that the furnished documentation corroborates the elected candidate’s statements given in his application in respect of his education and work experience. And finally, regarding the complainant’s claims that no member of the Election Panel was a lawyer, in light of Article 9 paragraph 3 of the BiH Law Ministerial, Governmental and other Appointments which provides that the Election Panel should take into account relevant provisions of the organic law according to which the body in question was established, the Ombudsman consulted the Statutes of the Public Utility Company d.o.o. Maglaj dated 05 February 2009 and found that neither the details of the election procedure nor the composition panel had not been defined.

**Example:** Ombudspersons registered a complaint<sup>118</sup> about the Decision on the appointment of a director of the Professional Rehabilitation and Employment of Persons with Disabilities because of the wrong application of BiH Law Ministerial, Governmental and other Appointments of the Federation of BiH during the appointment procedure. Having reviewed the complete documentation the Ombudsman found that the challenged decision on appointment of the director of the Fund was adopted in 2015, while the complainant filed his complaint within the Ombudsman in 2017. Although the BiH Law Ministerial, Governmental and other Appointments of the Federation of Bosnia and Herzegovina does not define a deadline for appeal, Ombudspersons think, however, that all interested parties have to stick to some reasonable deadlines, otherwise the purpose of filing an appeal against a decision made a couple of years ago is lost. The key allegations of the complaint relate to the elected candidate not meeting the conditions prescribed in the public competition advertisement, that is, the mismatch between the data on work experience provided by the candidate in his application and the Tax Administration of the Federation of Bosnia and Herzegovina and the director of the Company Securitas BH d.o.o. Sarajevo. In this regard Ombudspersons have stated that the incongruence between the data manifestly exists, but they cannot make an assessment as to whether or not it results from forging the data or other actions, all the more since the proceedings on this subject are pending before the Cantonal Prosecutor’s Office in Sarajevo. As to the claims of the complainant that he

---

<sup>116</sup> Ž-SA-05-1294/17

<sup>117</sup> „Official Gazette of FBiH“, no. 8/05, 81/08, 22/09 i 109/12;

<sup>118</sup> Ž-SA-05-805/17

had to be given priority as a persons with disabilities Ombudspersons gave their opinion earlier in their recommendation<sup>119</sup> related to violation of the provisions of Law on Prohibition of Discrimination in Bosnia and Herzegovina<sup>120</sup> related to the appointment of a director of the Professional Rehabilitation and Employment of Persons with Disabilities in which the Government of the Federation of Bosnia and Herzegovina was recommended to re-examine their Decision on giving consent to the appointment of the Fund's director. The Ombudsman's recommendation was not implemented.

**Example:** On 23 November 2017 the Municipal Assembly Laktaši replied to the Ombudsman's inquiry related to a complaint about the procedure of the appointment of a director of the Social Welfare Center Laktaši.<sup>121</sup> Ombudspersons issued their recommendations in this case<sup>122</sup> asking the responsible public official to cancel the public competition with no delay, as well as the Decision on appointment of a director of the Social Welfare Center Laktaši. The responsible public official replied<sup>123</sup> that the mentioned recommendation would not be implemented.

**Example:** The Ombudsman received the complaints<sup>124</sup> related to the appeal from the appointment of a director of the Public Company Regional Landfill "Dep-ot" d.o.o. Banja Luka. In this case the Ombudsman conducted investigation and issued a recommendation<sup>125</sup> in reply to which the responsible public official informed Ombudspersons that he would postpone the implementation of the Ombudsman's recommendation pending the solution of the administrative dispute before the Court of Bosnia and Herzegovina no.: S1 3 U 026382 17 Fp, and misdemeanor proceedings before the Basic court in Banja Luka based on the misdemeanor reports filed by the Personal Data Protection Agency of Bosnia and Herzegovina." This recommendation is considered not implemented.

---

<sup>119</sup> "Official Gazette of BiH" no. 59/09 and 66/16

<sup>120</sup> "Official Gazette of BiH" no. 59/09 and 66/16

<sup>121</sup> Ž-BL-05-05-830/17

<sup>122</sup> P-2/18

<sup>123</sup> A letter no. 01-111-69/17 of 12 January 2018

<sup>124</sup> Ž-BL-04-580/17, Ž-BL-05-590/17, Ž-BL-05-610/17

<sup>125</sup> P-315/17

## V. DEPARTMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In the reporting period the Ombudsman registered 825 complaints pertaining to violation of economic, social and cultural rights. Together with complaints carried forward from the previous years (437), this Department processed 1262 complaints. Compared to 2017, it was received 70 complaints more, which is 9,27 %. Finished was 748 cases, and 514 is pending. The most complaints relates to labor rights – 355, there follow complaints related to the right to pension – 191; utilities – 97; social protection – 76; health care – 61; education – 24; ecology and environmental protection – 18; and 5 complaints related to public revenues.

<b>Violation</b>	<b>Number of cases</b>
Labor rights	<b>355</b>
Pensions	<b>191</b>
Utilities	<b>97</b>
Social protection	<b>76</b>
Health care	<b>61</b>
Education	<b>24</b>
Ecology and environmental protection	<b>18</b>
Public revenues	<b>5</b>
<b>TOTAL</b>	<b>825</b>

The Ombudsman's Sarajevo Office received 366 complaints, Banja Luka Office 228, Brčko Office 125, Mostar 58 and 48 complaints in the Livno Office.

77 recommendations was issued in the area of economic, social and cultural rights, out of which 18 was implemented, and 14 was not. In 23 cases co-operation was established, which means that the responsible public body replied to the Ombudsman, while in 22 cases no reply was received.

In cases dealt by the Banja Luka Office implemented were 51 recommendations, in cases of Sarajevo Office number of implemented recommendations was 43, Livno Office 7, Mostar Office 1, while in cases processed by Brčko Office no recommendation was implemented. Although enshrined by the Constitution of Bosnia and Herzegovina, the constitutions of the entities and individual pieces of legislation, implementation of economic, social and cultural rights is not high and it is noticeable that a large number of citizens live in poverty and faces social exclusion.

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 mostly includes 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. Problem of availability or efficiency of legal remedies in competitions must be highlighted. 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...

Having this in mind, demographic perspective of Bosnia and Herzegovina is more that rising concerns.

## 5.1. The right to work

Prevailing reasons for lodging complaints to the Ombudsman are 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, violation of the rights of persons with disabilities, illegal termination of work contracts, slowness of procedures for realization labor related rights and entitlements and length of bankruptcy proceedings after which they cannot achieve their rights.

Since 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:** Ombudspersons would like to highlight an example of good co-operation with the Ministry of Interior of Tuzla Canton in a case<sup>126</sup> where the complainant claimed that the Ministry of Interior of Tuzla Canton failed to implement the Decision of the Federal Pension and Disability Insurance Fund – Cantonal Administration in Tuzla dated 30 September 2017 according to which the complainant, a person with disability of II category employed by the Ministry of Interior of Tuzla Canton, Police Administration Tuzla, had been granted the right to be reappointed to another position which does not require manual work and sophisticated manipulation skills by his right arm, as he was entitled to the appropriate salary starting from 13 February 2017. The Ministry claimed that there is no position matching that description, but after the second intervention of the Ombudsman the complainant was allocated to the Registry and Mail Dispatch Office of the Administrative Department starting from 02 April 2018.

**Example:** The Ombudsman registered complaints<sup>127</sup> related to Decision on the amount, method and procedure of implementation of the transportation allowances for the employees in the institutions of Bosnia and Herzegovina adopted by the Council of Ministers of Bosnia and Herzegovina at their 111<sup>th</sup> session held on 24 August 2017.

During the investigation it was established that the mentioned decision is not harmonized with provisions of the Law on Salaries and Compensations in the Institutions of Bosnia and

---

<sup>126</sup> Ž-BR-04-218/17

<sup>127</sup> Ž-SA-06-881/17, Ž-SA-04-1022/17 and Ž-SA-0465/17

Herzegovina since this Law guarantees this right to all the employees, while this Decision restricts this right. In this regard Ombudspersons issued the following recommendations to the Council of Ministers of Bosnia and Herzegovina and the Parliamentary Assembly of Bosnia and Herzegovina<sup>128</sup>: *It is recommended that the Council of Ministers initiates the dialogue with representative trade unions in order to reach a new decision which will redress any unambiguity and govern this important issue for all the employees in the Institution of Bosnia and Herzegovina in an adequate way; to the Parliamentary Assembly of Bosnia and Herzegovina to amend the challenged provision of Article 41. paragraph (1) of the Law on Salaries and Compensations in the Institutions of Bosnia and Herzegovina which was the basis underlying this method of calculation of the compensations for transportation and to re-enter the words „public transportation means“ and inform the Ombudsman within 60 days on the method of implementation of this recommendation.*

On 30 July 2018 the Ombudsman received a letter from the Parliamentary Assembly of Bosnia and Herzegovina, signed by the Chairman of the House of Representatives no.: 01-50-2-13-71/18 dated 25 July 2018 by which they inform Ombudspersons that their recommendation was referred to the Parliamentary Assembly Joint Commission for Human Rights and that the draft Amendments to the of the Law on Salaries and Compensations in the Institutions of Bosnia and Herzegovina are in parliamentary procedure...

**Example:** A complainant<sup>129</sup> claims that he was illegally fired from work in Public Company „Lokom“ d.o.o Sarajevo. In the investigation process it was established that the Public Company does not have a Rulebook on Disciplinary Proceedings, which means that the classification of duty infringements is not in place. In addition to that, no rules of procedure for the establishment of a breach of the employment terms are in place, neither are the sanctions for such a breach. Also, the employee was fired without any termination period. The Ombudsman issued its recommendation<sup>130</sup> to the Director of the Public Company „Lokom“ Sarajevo: *to cancel decision to terminate a work contract no.: 834/18 dated 26 June 2018; immediately after receiving this Recommendation of the Ombudsman to initiate drafting the Rulebook on Disciplinary Proceedings in accordance with Article 63 of the Statutes of the Public Company „Lokom“, after which, in case of the existence of the grounds for it, disciplinary proceedings can be initiated and carried out in manner provided for the the mentioned Rulebook on Disciplinary Proceedings; and to inform the Ombudsman on measures taken with a view to implementation of this Recommendation.* Having not received any answer to its recommendations the Ombudsman urged the implementation of its recommendations in its letter dated 18 December 2018.

**Example:** A complainant<sup>131</sup> is an employee of the Federal Police Administration who was referred, based on a decision of his director issued on 12 December 2017, to undergo health status assessment. He appealed from the issued Decision and was invited to the assessment procedure on 26 2017, that is, before the mentioned Decision became final and binding. For the complainant's refusal to show up for the assessment of his health condition, internal proceedings were initiated against him for the existence of the grounds of suspicion that he had

<sup>128</sup> Recommendation no.: P-19/18 of 25 January 2018

<sup>129</sup> Ž-SA-04-763/18

<sup>130</sup> P-239/18 of 19 October 2018

<sup>131</sup> Ž-SA-05-267/18



committed a graver violation of the official duty. The complainant appealed from this Decision referring him to the health condition assessment within the legal deadline. On 08 January 2018 he received a Decision of the Director dated 05 January 2018 under which he is suspended as of 09 January 2018. Ombudspersons issued a recommendation<sup>132</sup> to the Director of the Federal Police Administration: *to consider the possibility of cancellation of his Decision no.: 09/19/1-34-2-551 dated 12 December 2017 and all administrative decisions made in the course of the disciplinary proceedings initiated against the complainant.* The Federal Police Administration informed Ombudspersons that their recommendation was fully implemented and the complainant returned to work.

**Example:** A complainant<sup>133</sup> indicates that the Management Board of the Primary Music School „Tomislavgrad“ from Tomislavgrad had published a public competition for filling in the vacant positions on 09 August 2018 which was published on the web page of the Cantonal Employment Bureau in Livno. The complainant's application to a vacant position was rejected since he failed to submit the complete required documentation, that is, the no-conviction certificate was missing. Ombudspersons recommended to the Management Board of the Primary Music School „Tomislavgrad“ from Tomislavgrad<sup>134</sup>: *to cancel its Decision no.: 105-VIII-18 dated 22 August 2018 establishing that the complainant does not meet the terms and conditions listed in the vacancy notice for the position Piano Teacher and therefore cannot be hired to that position; to cancel its Decision no.: 106-VIII-18 dated 22 August 2018 establishing that the complainant failed to attach the complete necessary documentation to his application for the position Solfeggio Teacher, so that he cannot be hired to that position; to cancel its Decision no.: 138-IX-18 dated 14 September 2018 rejecting the complainant's appeal from the Decision no.: 106-VIII-18; and to cancel the Decision on the election of the candidate under the public competition for filling in the vacant positions no.: 96-VIII-18 dated 06 August 2018; to take all necessary measures to ensure that the election and appointment is done with full respect of the legislation of Bosnia and Herzegovina and the international documents.*

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

Ombudspersons remind that the Ombudsman have published the Special Report on the Right to Pensions in Bosnia and Herzegovina in December 2010, and the conclusions and recommendations of this Report have been sent to the authorities. Recommendations of the Special Report on the Right to Pensions in Bosnia and Herzegovina point to the need to establish a more efficient contribution collection and payment system. In this regard, the Ministry of Finance of the Republika Srpska and the Federal Ministry of Finance should consider the possibility of strengthening the capacity of tax administrations, especially in the area of creating

<sup>132</sup> P-165/18 of 05 July 2018

<sup>133</sup> Ž-LI-04-233/18

<sup>134</sup> P-292/18 of 16 November 2018

conditions for more effective supervision of the payment of contributions. Also, the tax administration should take timely measures to fulfill the obligation to notify the insured party about the status of contribution payments not later than the end of the first half of the previous year. This would ensure that the employees are informed on their status and create the conditions for timely prevention of violations of their rights.

Unique system of contributions collection in Republika Srpska was established on 1 January 2010 when the competence for registration and monitoring of payment of contributions was transferred from the Pension and Disability Insurance Fund of Republika Srpska to the Tax Administration of Republika Srpska. In the Federation of Bosnia and Herzegovina these competences were transferred on 1 January 2011. Transfer of competences was not associated with capacity strengthening, in particular when it comes to the staff training. In Republika Srpska the staff members of the Pension and Disability Insurance Fund were not taken over. It raises concern that without additional trained staff the priority will be given to the tax collection compared to the contributions collection.

Another obstacle for the efficient control of contributions payment is access and exchange of data between the different stakeholders included in contributions collection system on one hand and the agencies in charge of establishing the entitlements and the payment, on the other. It results in lack of coordination and non-motivation of business entities and institutions for timely payment of contributions in their full amount and limited accountability for spending the means from non-budgetary funds.

Although as much as 9 years has lapsed since the publication of this Special report in which the Ombudsman indicated to the challenges in collection of contributions, the rights of the employees are still being violated because of non-existence of an efficient preventive mechanism to control the payment of contributions by the employers thus preventing the abuse of the rights of the employees as there are employers who not only fail to pay contributions, but also the salaries without any consequence.

**Example:** A complainant<sup>135</sup> was sent to pension based on a Decision of his employer, the Company „Feroelektro“ d.d. Sarajevo dated 21 December 2015 when his work engagement in this Company had terminated. However, the Federal Pension and Disability Insurance Fund informed the complainant that they were unable to pay his pension since he did not meet the conditions for pension, that is, he was not entitled to it as his employer failed to pay taxes and contributions including the pension insurance contribution for the period from 01 July 2012 to the date 31 December 2014. The complainant tried everything to resolve this issue, but without success. Among other things he addressed the Federal Ministry of Trade, which informed the Ombudsman on 06 November 2018 that it checked the veracity of the claims of the complainant and other people in similar position and drafted the appropriate proposal to the Government of the Federation of Bosnia and Herzegovina dated 17 September 2018 as to how to resolve the emerged problem which needs an amount of 55,365.02 BAM to be paid so that the employees can exercise their right to pension.

---

<sup>135</sup> Ž-MO-04-117/18

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

**Example:** A complainant<sup>136</sup> waited for years to realize his rights under Article 143 of the Labor Law of the Federation of Bosnia and Herzegovina. On 31 December 1991 he was an employee of the Company „Elektro-Glamoč“. He sought his rights in court, but the Municipal court in Livno in its Decision of 17 April 2001 halted the proceedings and referred the case to the Ministry of Labor, Social Protection and Refugees of the Canton 10, that is, the Commission for implementation of Article 143 of the Labor Law of the Federation of Bosnia and Herzegovina. The Cantonal Commission failed to solve the issue, so that the complainant addressed the Ombudsman. In their investigation Ombudspersons found that the said Commission did not exist anymore, but it was re-established after the Ombudsman's intervention and took the case. During 2018 the Commission invited the complainant to furnish some additional documents, but did not reach the final solution.

**Example:** In a complaint<sup>137</sup> against the Ministry of Labor and Veterans and Disabled Protection of Republika Srpska in respect of the violation of the right to severance pay the mentioned Ministry issued its Decision on 01 December 2017 recognized the right to severance pay in the amount of three average salaries, but this Decision was not implemented. In reply to the Ombudsman's inquiry, on 23 November 2018 the Ministry explained that the payment of salaries is organized in chronological order based on the date of the respective decision, so that currently they are paying the amounts from 2012, and the complainant's turn is not possible to foresee as it would depend on the inflow of funds for this purpose.

**Example:** A complainant<sup>138</sup> was an employee of the institutions of Bosnia and Herzegovina and his severance pay was not paid after he was sent to pension. Ombudspersons addressed the Council of Ministers and the Commission of Concessions of Bosnia and Herzegovina and issued their recommendation<sup>139</sup> : *to enable the complainant to enjoy his right ASAP, that is, to pay him the amount of severance pay according to the Decision of the Concessions Commission of Bosnia and Herzegovina no. : 01-34-1-7-05-6/18 dated 26 February 2018.*

In its letter of 26 December 2018 the Council of Ministers informed the Ombudsman that it asked the Commission of Concessions of Bosnia and Herzegovina to make restructure in their budget in order to enable funds necessary for severance payments to those entitled.

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

The citizens often complain 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.

---

<sup>136</sup> Ž-LI-05-100/17

<sup>137</sup> Ž-BL-05-919/18

<sup>138</sup> Ž-SA-04-742/18

<sup>139</sup> Recommendation no.: P-199/18 od 04 September 2018

**Example:** A complainant<sup>140</sup> indicates that the Cantonal court in Mostar has not decided on her appeal from the first-instance decision dated 26 February 2015. In this way her right to trial within the reasonable time period has been violated. The President of the Court informed the Ombudsman that the case will be heard in IV quarter of 2018. After a while the judgment was adopted and the complainant realized her rights.

**Example:** A complainant<sup>141</sup> initiated proceedings on 24 November 2016 for implementation of her right to family pension before the Cantonal Municipal Administration of Tuzla Canton. It was not finished. Ombudspersons issued their recommendation to the Administrative service of Tuzla Canton<sup>142</sup>: *to establish co-operation with the Institution of Human Rights Ombudsman of Bosnia and Herzegovina in a way prescribed in the Law on Human Rights Ombudsman of Bosnia and Herzegovina*. Having received this recommendation the Cantonal Administrative Service informed the Ombudsman that it on 01 August 2018 issued a new, temporary Decision to recognize the right to family pension.

**Example:** Teachers of the Mixed High School in Ključ<sup>143</sup> complained to the Ombudsman since their salaries from the years 2000, 2001 and 2002 under the court decision on enforcement were not paid yet. Their colleagues from the same school received their money under the same court decision 10 or 15 years ago. In the meanwhile, the Government of Una-Sana Canton had blocked the payments based on court judgments for all the debts not harmonized with the collective agreement. The Ministry of Finance for Una-Sana Canton was recommended<sup>144</sup> *to enforce judgments<sup>145</sup> and the Decision<sup>146</sup> of the Municipal court in Sanski Most*.

In their reply of 26 November 2018 the Ministry of Finance points out that „it is not possible precisely to determine the deadline for the settlement and that they hope that it will happen soon.“

#### 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.

**Example:** A complainant<sup>147</sup> had a final and binding decision of the Municipal court in Ljubuški dated 30 August 2013 according to which the respondent party had to pay her the damages based on the accumulated unpaid salaries, compensations and other receivables related to the employment contract. The Decision was not implemented because of the bankruptcy proceedings

<sup>140</sup> Ž-MO-04-75/18

<sup>141</sup> Ž-SA-04-279/18

<sup>142</sup> Recommendation no. P-163/18 of 27 June 2018

<sup>143</sup> Ž-BL-05-371/18;

<sup>144</sup> Recommendation no: P-221/18 od 15 October 2018

<sup>145</sup> Decisions nos.: 022-0-I-08-000 624 of 23 July 2008, 022-0-I-08-000 352 of 31 March 2008, 022-0-I-08-000 622 of 23 July 2008, 022-0-I-08-000 623 of 23 July 2008, 022-0-I-08-000 351 of 31 March 2008 and: 022-0-I-08-000 625 of 23 July 2008

<sup>146</sup> Judgment no.: 22 o Rs 027093 13 Rs of 20 December 2017

<sup>147</sup> Ž-MO-04-71/18

pending before the Municipal court in Široki Brijeg against her ex-employer „Ljubuška tkaonica“ since 06 November 2014.

**Example:** A complaints<sup>148</sup> along with other thirty colleagues were the employees of the Company „Livtex“ d.o.o. Livno, subject to bankruptcy for more than 9 years. They are waiting for these proceedings to be ended before the Municipal court in Livno. All the assets of the Company were sold, so they expected to get settled. The money from the sale of the assets are in the banks and allocated to major creditors and they are fearing that their turn would never come. This situation is still unchanged.

### 5.1.5. Violation of public competition procedures

**Example<sup>149</sup>:** The primary school „Aleksa Šantić“ Banja Luka advertized a vacancy and following the competition procedure hired a candidate who failed to furnish the evidence on her work experience, which was mandatory according to competition requirements. The Ombudsman issued its recommendation<sup>150</sup> to the Primary School „Aleksa Šantić“ Banja Luka: *to take all necessary measures and activities to enable the complainant to enjoy her rights and be hired as a candidate meeting the competition conditions.*

This recommendation was also forwarded to the Ministry of Education and Culture of Republika Srpska and the Republic Administration for Inspections, Educational Inspections Sector – Banja Luka Department.

Having received the Ombudsman’s recommendation the Ministry informed the Ombudsman „that the elected candidate could not furnish the evidence on work experience with the employer, that is, the School, since she had no any experience in that particular school, but she has experience of one year in another school and in addition to that she passed the professional exam for work in education and upbringing sector, as well as other conditions necessary to be hired in capacity of an expert-associate under Article 104 paragraph 3 Item 2 of the Law on Primary Education and Upbringing. Since the complainant appealed from the decision of the School director on hiring the candidate to the Management Board, which refused her appeal, she was entitled to initiate court proceedings“.

Educational inspection informed the Ombudsman that it carried out the inspection surveillance and found irregularities in implementation of the provisions of the mentioned Law and the Rulebook on Procedure and Criteria for Hiring the Candidates for Work in School, after which the School was ordered to repeat the public competition procedure and establish for every candidate if they meet necessary requirements.

The Primary School „Aleksa Šantić“ Banja Luka did not inform the Ombudsman on the measures taken in respect of its recommendation.

### 5.1.6. Violation of the right to maternity compensation in the Federation of Bosnia and Herzegovina

Law on Fundamentals of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (“Official Gazette of FBiH” no.: 36/59, 54/04, 39/06, 14/09, 45/16)

<sup>148</sup> Ž-LI-05-28/14

<sup>149</sup> Ž-BL-04-546/18

<sup>150</sup> P-226/18 of 14 September 2018

provides a legal framework defining the maternity related entitlements. The Labor Law of the Federation of Bosnia and Herzegovina (“Official Gazette of FBiH” no.: 26/16) also provides for the rights to maternity leave compensation. In the cantons there are cantonal laws governing the basics of the social protection, protection of victims of war and families with children. These cantonal laws lay down the details of the maternity compensations.

In Posavina Canton the mentioned Law does not include the maternity leave compensation for unemployed mothers, so that these compensations are subject to individual decisions adopted on a yearly basis, while the employed mothers were not entitled to compensation during maternity leave. Only after the adoption of the Law on Maternity Leave Compensations for Working Mothers (“Official Gazette of Posavina Canton” no.: 7/16 of 23 September 2016) the right to compensation during the maternity leave for employed mothers in Posavina Canton was ensured. However, the mentioned Law does not foresee a financial assistance during the pregnancy and baby delivery for women which are not employed. In Hercegovina-Neretva Canton the Law on the Protection of Families with Children entered into force on 01 October 2017 which provides for the right to compensation during the pregnancy, birth and maternity leave for employed women. The same Law foresees the assistance to new mothers which are not employed, as well as children allowance.

**Example<sup>151</sup>:** The Ombudsman received a complaint against the Government of the Federation of Bosnia and Herzegovina – Commission for Status Issues of Members and their Advisors for their failure to make a decision on a request for establishment of the right to compensation during maternity leave lodged on 08 May 2017. After the Ombudsman’s intervention it was established that on 29 March 2018 the said Commission made a decision to grant the right to the complainant to salary compensation during her birth and maternity leave starting from 18 May 2017 thereby recognizing her rights related to maternity leave.

## 5.2. The right to pension

In the proceedings related to the right to pension, citizens often complain about the length of 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 rights including some cases<sup>152</sup> where even after the bankruptcy proceedings that lasted for 15 years citizens could not attain their rights despite the final and binding court decisions.

**Example:** In a case<sup>153</sup> in which the complainant designated the Federal Pension and Disability Institute – Cantonal Administrative Service in Tuzla as responsible for failure to enable the complainant to get retired starting from 05 October 2017. After the first intervention of the Ombudsman a decision granting the rights of the complainant was adopted on 20 March 2018.

---

<sup>151</sup> Ž-BL-04-866/17

<sup>152</sup> Ž-LI-04-391/15, Ž-LI-05-395/15 and Ž-LI-04-40/16

<sup>153</sup> Ž-BR-04-62/18

**Example:** A complainant<sup>154</sup> had a Decision of the Employment Service of Zenica – Dobož Canton of 31 July 2012 based on which he was entitled to have his pension and disability compensations paid under the Law on Agency in Employment and Material Insurance of the Unemployed Persons. On 12 September 2014 the Employment Service paid compensations, but it was not registered by the Tax Administration of the Federation of Bosnia and Herzegovina for unresolved issue of the forms to be used for that purpose. For this reason the complainant received a temporary decision on retirement, but the amount was reduced pending the solution of the form to be used which meant that part of the compensation payments was not registered, thus reducing his pension amount without his fault. The Ombudsman issued its recommendation<sup>155</sup> to the Public Institution Employment Service of Zenica – Dobož Canton, the Tax Administration of the Federation of Bosnia and Herzegovina and the Federal Pension and Disability Institute: *to review the available data and registers, to find solution related to the shape and content of a form to be used for evidence and to use prescribed procedures and ensure co-ordination in processing and entry of data on work experience and contributions paid for the complainant and make an urgent decision on his referral to retirement and calculate its full amount without any reduction based on data incompleteness.*

Federal Pension and Disability Insurance Institute informed the Ombudsman on 12 October 2018 that the complainant got a final decision on retirement.

**Example<sup>156</sup>:** In a complaint the Foreign Trade Chamber was designated as a party responsible for payment of a part of the contributions into the Federal Pension and Disability Insurance Institute although the complainant was not their insured, but the insured of the Pension and Disability Fund of Republika Srpska. The Foreign Trade Chamber of Bosnia and Herzegovina was recommended<sup>157</sup> *to take activities to resolve the payment for the complainant.* After that the Ombudsman received the information on the measures taken in respect of the issued recommendation, but the recommendation has not been implemented yet.

**Example:** The Ombudsman's complainant<sup>158</sup> asked the Federal Pension and Disability Insurance Institute – the Cantonal Administrative Service in Sarajevo to retroactively modify cancellation of registration to the pension and disability insurance for her work experience realized in the Federation of Bosnia and Herzegovina in the period from 01 May 1992 to 03 June 1992 for which the contributions were not paid, all of it in order for her to enjoy her right to old-age pension in Republika Srpska. For failure to make a decision upon this request, the complainant cannot get the proportional part of the pension according to a temporary Decision of the Pension and Disability Insurance Fund of Republika Srpska dated 30 March 2017. The Federal Pension and Disability Insurance Institute in its letter dated 05 October 2018 informed the Ombudsman that the procedure on request of the Ombudsman's complainant had ended by the adoption of a decision of 13 July 2017. The complainant appealed of the adopted decision, but her appeal was rejected by a Decision of the Federal Pension and Disability Insurance Institute dated 25 September 2017 as ill-founded. The complainant initiated civil proceedings before the Cantonal

---

<sup>154</sup> Ž-SA-05-789/18

<sup>155</sup> P-213/18 of 11 September 2018

<sup>156</sup> Ž-SA-04-1132/17

<sup>157</sup> Recommendation no.: P-145/18 od 04 July 2018

<sup>158</sup> Ž-SA-01-844/17

court in Sarajevo and her pension file is in custody of that Court since 17 November 2017. The administrative dispute has not been ended for a large backlog, and the Court has an obligation to hear the cases in a chronological manner.

**Example:** In a case<sup>159</sup> the complainant designated the Federal Pension and Disability Insurance Institute – the Cantonal Administrative Service in Tuzla as a body responsible for his problem. He claims that on 19 November 2017 he filed a request for retirement and received no answer so he addressed the Ombudsman. After its first intervention the Cantonal Administrative Service in Tuzla informed the Ombudsman that it adopted a Decision dated 18 January 2019 so the complainant realized his rights.

### 5.3. Health care

The European Social Charter has established the right to health care. In Bosnia and Herzegovina, the issue of health care is regulated at entity level laws and at the level of Brčko District of Bosnia and Herzegovina, and the cantons have to implement the defined policies and laws. The Federation has no control mechanism to monitor the cantons in the implementation of established policies. As a consequence the cantonal regulations in the field of health are often incompatible with federal regulations.

Number of complaints related to health care is increasing.

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, non-availability of certain medical services due to non-availability of doctors in the place of residence, or other problems in the provision of urgent medical assistance, the information of the identity of a doctor who provided a certain medical service, non-availability of certain drugs to certain categories of patients according to their disease, lack of reagents etc.

Ombudsmen are particularly concerned about in which parties point out the inability to access information about the identity of doctors who have treated them. The competent authorities justify the denial to provide this information by the protection of personal data (names and surnames of doctors) in sense of the provisions of the Personal Data Protection Act and the Free Access to Information Act, while forgetting the patient's right to information or provisions of Article 22 of the Law on Health Care of Republika Srpska (Official Gazette of RS No. 106/09 and 44/15) and Article 8 of the Law on the Rights, Obligations and Responsibilities of Patients in the Federation of Bosnia and Herzegovina ("Official Gazette of FBiH" No. 40/10), which prescribes that *health practitioners are also obliged to provide patients with information on: treatment methods, drug effects and possible undesirable results of its taking, the legal rights and obligations of the patient, the identity and professional title of healthcare workers participating in the treatment of the patient, which must be visibly displayed, certain types of health services and health insurance rights and the procedures for obtaining these rights.*

---

<sup>159</sup> Ž-SA-04-1396/18



**Example:** A complainant<sup>160</sup> addressed the Health Center Stari Grad Sarajevo with request to copy his own health evidence card. On 22 June 2018 he received an answer that he is entitled to have an insight into the file and transcribe it if it is necessary. With this letter in his hand he went to the Infirmary Stari grad, but the access to his health file was denied. After the telephone conversation with the Head of the Legal Service he repeated his request on 02 July 2018 to which he received the same reply with denial of access in a letter dated 10 July 2018. And he did not receive either the copies of the documents, or the transcript of the requested information. Ombudspersons issued their recommendations<sup>161</sup> to the Public Institution Health Center Stari Grad Sarajevo *to adopt a decision on granting the access to information based on the provisions of the Free Access to Information Act and the Law on Administrative Proceedings, in particular Article 14 of the Free Access to Information Act.*

The Public Institution Health Center Stari Grad Sarajevo accepted this recommendation and on 22 October 2018 made a decision to grant the complainant access to his medical documentation, the right to get a copy of the mentioned documentation.

**Example:** A complainant<sup>162</sup> points out that her work contract with her former employer did not include the health insurance and for that reason she registered herself to the voluntary health insurance. However, since April 2013 when she lost her job, she was not able to pay it anymore. On 29 June 2016 the complainant submitted application to the Health Insurance Institute of Sarajevo Canton to be deleted from membership of the voluntary insurance, but they informed her that they can cancel her registration only after she pays an amount of 2,142.00 BAM to cover the period from 15 July 2013 to 27 May 2016.

Ombudspersons issued a recommendation<sup>163</sup> to the Health Insurance Institute of Sarajevo Canton asking them to *cancel the complaint's registration as of the date when she stopped the payment and in the future to cancel registration to mandatory and voluntary health insurance in accordance with Article 27 of the Law on Health Insurance, that is, from the date of halting the payment.*

Both the complainant and the Health Insurance Institute informed the Ombudsman that its recommendation was implemented.

**Example:** A complainant<sup>164</sup> indicated that the only neuro-psychiatrist in the Public Institution Health Center Hadžići, Mental Health Center is on a sick leave for a prolonged period, and no replacement is ensured thus depriving the patients from their right to health care.

After the investigation the Ombudsman received a letter from the Health Center in which they claim that in the future period they will find a temporary solution and ensure that a neuro-psychiatrist from other health center visits the Health Center Hadžići once a week, emphasizing that this profession is very rare at labor market.

Although aware of all difficulties facing the health centers in Sarajevo Canton in the provision of professional staff in the field of neuro-psychiatry and necessary funds, Ombudspersons however, emphasize that denial of the health care constitutes a violation of human rights and fundamental

---

<sup>160</sup> Ž-SA-05-837/18

<sup>161</sup> Recommendation no.: P-232 /18 of 01 October 2018

<sup>162</sup> Ž-SA-04-351/17

<sup>163</sup> P-197/17

<sup>164</sup> Ž-SA-04-1199/18

freedoms guaranteed in the Constitution and the applicable international treaties ratified by the authorities.

In order to enable every patient equal access to health care, the general director of the health centers in Sarajevo Canton was given a recommendation<sup>165</sup> *to provide the replacement for a neuro-psychiatrist who is on a sick leave in the Mental Health Center Hadžići until the return to work of the absent doctor in order to prevent further violation of the rights of the patients and enable them to have regular therapies and health care.*

In his reply dated 08 January 2018 the general director said: „...that the management of the Health Center of Sarajevo Canton will find the adequate solution“.

**Example:** A complainant<sup>166</sup> from Šipovo had a final decision of the Regional Court in Banja Luka no.: 11 0 U 021260 17 U of 14 February 2018, but the Health Insurance Fund of Republika Srpska refuses to enforce it since it filed a request for extraordinary examination of this court decision to the Supreme court of Republika Srpska on 22 March 2018. In their explanation they invoke the court practice that a request for extraordinary examination of a court decision postpones its enforcement. Ombudspersons issued a recommendation<sup>167</sup> to the Health Insurance Fund of Republika Srpska: *to take efficient measures and ensure the enforcement of the decision rendered by the Regional Court in Banja Luka no.: 11 0 U 021260 17 U of 14 February 2018 in accordance with the provisions of the Law on Administrative Disputes or Republika Srpska.* This recommendation was not implemented.

**Example:** A complaints<sup>168</sup> was filed within the Ombudsman because the Urgent Medical Aid Institute of Sarajevo Canton refused to provide the complainant with the name and surname of a doctor who paid a home visit to the complainant's late daughter on 22 July 2017. The Institute refused to grant access to data justifying their denial of access with personal data protection. Ombudspersons of Bosnia and Herzegovina issued a recommendation to the Center<sup>169</sup> *to review its decision (a letter addressing the complainant no.: 5569/17 of 19 December 2017) refusing the complainant's request to access to information about the identity of a doctor who made a field visit on 22 July 2017.*

The Ombudsman's recommendation was implemented and the complainant granted the access to required information.

### 5.3.1. Problems of patients suffering from metastatic melanoma

An *ex officio* case<sup>170</sup> was opened related to the violation of the right to health care and possibility of treatment of the patients suffering from metastatic melanoma. These patients do not have access to adequate treatment with medicines which are in the Federation of Bosnia and Herzegovina not included in so-called Solidarity Fund A-list, which is essential drugs list.

<sup>165</sup> Recommendation no.: P-310/18 of 28 December 2018

<sup>166</sup> Ž-SA-05-486/18

<sup>167</sup> P-215/18 of 21 September 2018

<sup>168</sup> Ž-SA-05-12/18

<sup>169</sup> P-38/18 dated 19 January 2018

<sup>170</sup> Ž-SA-04-50/18

This means that the patients from the Federation of Bosnia and Herzegovina are forced to use outdated therapies, while in Republika Srpska and the neighboring countries these drugs are on the essential list.

Ombudspersons realize that this is a very complex issue requiring the engagement of multiple responsible authorities and provision of necessary funds.

After the investigation and fact-finding Ombudspersons issued a recommendation<sup>171</sup>: *to the Federal the Ministry of Health and the Federal the Ministry of Finance examine the possibility of finding necessary funds from the budgetary reserve of the Federation of Bosnia and Herzegovina for 2018 and seek the financial support of the Health Insurance and Re-Insurance Institute of the Federation of BiH for acquisition of drugs from the FBiH Solidarity Fund drug list, in particular citostatics and tuberculstatics, and that the Federal the Ministry of Finance for the next financial year consider the allocation of additional funds in order to improve the treatment of the patients suffering from metastatic melanoma and that the Federal the Ministry of Health and the Health Insurance and Re-Insurance Institute of the Federation of BiH take the activities necessary for the inclusion of required drugs to the regular Solidarity Fund drug lists in order to ensure the metastatic melanoma patients to benefit from modern treatment methods, and that the Federal the Ministry of Health and the Health Insurance and Re-Insurance Institute of the Federation of BiH in respect of drugs which do not have obtained the approval for putting into circulation and imported as urgent (such as Ipilimumab and Nivolumab) undergo the procedure and method of preparation of the Solidarity Fund drug list of the Federation of Bosnia and Herzegovina in order to be included into the list according to Article 4 of the Rulebook on Detailed Criteria for the Choice of Medicines, Procedure and Method of Compiling the Solidarity Fund of the Federation of Bosnia and Herzegovina Drug Lists.*

Having received this recommendation, the Federal the Ministry of Health<sup>172</sup> and the Health Insurance and Re-Insurance Institute of the Federation of Bosnia and Herzegovina<sup>173</sup> replied to the Ombudsman with all the details about the taken activities falling within their mandate. It arises from their replies that these medicines were included into a separate 2018 program for treatment of patients suffering from metastatic melanoma. The Association of Melanoma Patients informed the Ombudsman that the Government of the Federation of Bosnia and Herzegovina on 12 December 2018 made a decision to increase the budget of the Health Insurance and Re-Insurance Institute of the Federation of Bosnia and Herzegovina for 2,5 million BAM earmarked for the funding of 2018 program for treatment of patients suffering from metastatic melanoma. The Health Insurance Institute<sup>174</sup> informed the Ombudsman that the financial plan of the Institute has not undergone the necessary procedure yet and had not approved by the Parliament of the Federation of BiH. Since the funds necessary for treatment of all the patients from the Federation of Bosnia and Herzegovina cannot be provided, Ombudspersons will follow up this issue and take further activities in order to provide the adequate treatment of those suffering from this disease.

---

<sup>171</sup> P-172/18 of 03 August 2018

<sup>172</sup> Document no.: 05-37-4797/18 of 23 August 2018

<sup>173</sup> Document no.: 01/I-03-3-2893-1/18 of 19 October 2018

<sup>174</sup> Document no.: 01/IV-06-01-232-1/19 24 January 2019

### 5.3.2. Problems of patients suffering from diabetes

The Ombudsman acted *ex officio* in a complaint<sup>175</sup> related to denial of the rights of the patients suffering from diabetes by restriction of the quantity of their insulin therapy.

In respect of this issue the Ministry of Health of Sarajevo Canton informed the Ombudsman that „...in order to ensure sufficient quantities of the drugs for the insurees of Sarajevo Canton introduced was the option of so-called „Timely sufficient therapy-TST“. The option TST is activated exclusively for the purpose of procurement of sufficient quantities of the medicines...“ As it comes to the insulin application by means of the insulin pump, in particular for children and young people up to 26 of age, the function of TST was halted under the Decision of the Sarajevo Canton’s Government adopted on 02 October 2018“.

Health Insurance Institute of Sarajevo Canton also informed the Ombudsman of this Decision make by the Government of Sarajevo Canton.

**Example:** Association of Celiac Patients „Leptirić“ Zenica<sup>176</sup> indicated to the violations of the rights and discrimination of the persons suffering from celiac disease in the Federation of Bosnia and Herzegovina, as the only cure for celiac disease is a gluten-free diet, which is enormously expensive for citizens. The gluten-free flour, as their medicine, is placed on the B list, and, depending on cantonal health ministries, in some cantons costs for purchase of this flour are reimbursed, and in others not.

Unlike the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District have granted the lifelong rights to gluten-free flour for all celiac patients, regardless of age.

After the conducted investigation Ombudspersons issued their recommendations to the Prime Minister of the Federation of Bosnia and Herzegovina and Minister of the Federal the Ministry of Health. The recommendation is registered under number: P-121/17 and dated 4 June 2017 and by this recommendation the mentioned parties were invited to *consider the possibility to include gluten-free devices into the A-list and remove discriminatory practice in some cantons toward the patients suffering from celiac disease.*

The Office of the Prime Minister of the Federation of Bosnia and Herzegovina in their letter dated 26 January 2018 informed the Ombudsman a reply of the Federal the Ministry of Health dated 15 January 2018, which reads as follows: ...“ *Given that this is flour rather than a drug, the Federal Ministry of Health has found the only possible way to incorporate flour into the content of priority programs to enable celiac disease patients in the Federation of Bosnia and Herzegovina better the access to gluten-free flour.*

*Cantonal health ministries may, following the adoption of positive lists of cantonal medicines, access medication procurement through special priority programs, in particular medicines used in the treatment of pain, artificial insemination, pulmonary hypertension, cystic fibrosis, growth*

---

<sup>175</sup> Ž-SA-04-1077/18

<sup>176</sup> Ž-SA-04-178/17

*hormone, as well as silicone bands and linings in the treatment of bullous epidermolysis, as well as the gluten-free flour for celiac disease patients.*“

**Example:** The complainants<sup>177</sup> are patients suffering from diabetes mellitus and in Republika Srpska they are forced to use the products of „Roche“ Company, that is, the doctors have no option but to prescribe these products. Some patients have to buy additional test strips and lancets at the highest prices. Ombudspersons recommended the director of the Health Insurance Fund of Republika Srpska<sup>178</sup>: *as soon as possible to modify the procurement plan for 2017 and include sufficient quantity of test strips and lancets thus taking into the account the best interest of the patients.* This recommendation was not implemented.

**Example:** In a case<sup>179</sup> the Ombudsman conducted an investigation on initiative of the Women’s Rights Center Zenica based on their observations arising from the provision of legal aid to the women from different cantons of the Federation of Bosnia and Herzegovina. Ombudspersons learnt about the different practices related to reimbursement of the costs of medically assisted reproduction, or different requirements to be met in order to be included into the program of medically assisted reproduction, in particular in respect of a woman’s age. The Center points out that cantonal practices are not harmonized and are discriminatory. In some cantons, there are no age limits for women or couples, such as the practice of the Zenica-Doboj and Tuzla Canton Health Insurance Institute, as opposed to all other cantons. The place of residence of a woman or a couple, either marital or a common-law couple, defines their entitlement to reimbursement of medically assisted reproduction costs and what will the amount of reimbursement be. The investigation is pending.

**Example:** A complainant<sup>180</sup> has objections to the Decision on reimbursement of the costs for medically assisted reproduction made by the Health Insurance Institute of Sarajevo Canton. In this Decision it is written that women up to their 40 can get reimbursed if they are insured in Sarajevo Canton for the period of at least 5 years. The complainant emphasizes that she is a foreign citizens and will not be able to attach movement certificate issued by the Ministry of Interior, but she can attach other document that prove that she was in her current marital relationship in the relevant time period.

After the conducted investigation Ombudspersons issued their recommendations to the members of the Management Board of the Health Insurance Institute of Sarajevo Canton to do the following<sup>181</sup>: *adopt amendments to the Decision on reimbursement of the costs for medically assisted reproduction – consolidated – no.: UO/06-13.1-N.H.-1697/17 of 23 January 2017 by adding that common-law marriage can be proven otherwise as well.*

In the meanwhile in the Federation of Bosnia and Herzegovina the Law on Treatment of Infertility by bio-medical insemination („Official Gazette of FBiH“ no. 59/18) entered into force. This Law in the same way regulates this issue in this entity, and will continue to be the basis for cantonal regulations in the future so that all by-laws will have to be aligned with it. For this reason, this case was closed.

<sup>177</sup> Ž-SA-02-21/17

<sup>178</sup> Recommendation no.: P-123/17 of 14 June 2017

<sup>179</sup> Ž-SA-06-377/18

<sup>180</sup> Ž-SA-04-1237/17;

<sup>181</sup> Recommendation no.: P-44/18 of 26 February 2018

### 5.3.3. Payment of participation for health care services

Participation is a term designating the personal payment by the insured persons of a part of health care costs. Insured persons in all countries with similar system of mandatory health insurance participate in coverage of health care provision costs since the funds collected from contributions are not sufficient to cover all the mentioned costs. Also, participation is seen as one of mechanisms ensuring the rational use of health care services. All insured persons in Bosnia and Herzegovina once a year pay a flat-rate amount, instead of payment of the participation amount for every individual visit during the year. Lump sums are paid by all, except for insured persons who are exempt from participation fees on some basis, regardless of whether they will be going to doctor or not.

In Republika Srpska the issue of participation is governed by the Decision on Participation („Official Gazette of Republika Srpska”, no.: 58/16, 83/16, 112/16, 01/17, 29/17) adopted on 1 July 2016 by the Management Board of the Health Insurance Fund of Republika Srpska.

In Republika Srpska, children under 15 do not pay participation for any of the services included in a package of compulsory health insurance, except for medicines listed in List B and in the case of the use of healthcare services abroad at the personal request of the parents or the guardians. Likewise, persons over 65, war veterans, families of killed veterans, persons with impaired vision (first and second category) and pensioners with minimal pensions do not pay any participation for any of the services included in a package of compulsory health insurance, except for medicines listed in List B and in the case of the use of healthcare services abroad at the personal request.

Beneficiaries of permanent financial aid and persons placed in social welfare institutions whose contributions are paid by the social welfare centers do not pay any participation for any of the services included in a package of compulsory health insurance, except for medicines listed in List B and in the case of the use of healthcare services abroad at the personal request.

In the Federation of Bosnia and Herzegovina, the issue of participation is governed by the Decision on the maximum amounts of the direct participation of insured persons in the costs of certain forms of health care in the basic healthcare package ("Official Gazette of FBiH", no. 21/09 of 1 April 2009) adopted by the Parliament of the Federation of Bosnia and Herzegovina. In this Decision is defined that the cantonal governments can determine minimal amounts of participation, based on a proposal of the cantonal ministers of health, lower than the ones defined in this Decision in case of availability of funds.

Children below 15, pupils and students up to 26, women in the provision of health care related to pregnancy and maternity and health care beneficiaries included in breast cancer and cervical cancer prevention programs, disabled from war with more than 60% disability rate, civilian victims of war and civilian disabled with more than 60% disability rate, members of the families of shahids, or members of the families of killed veterans who were members of the Army of the Federation of Bosnia and Herzegovina, pensioners whose pension is not exceeds the amount of the minimum pension according to the last published data, persons older than 60, if they are not beneficiaries of pensions or other monthly income over the minimum pension amount according

to the last published data, the insured persons – beneficiaries of social welfare institutions, the insured persons - socially protection beneficiaries, displaced persons and refugees if they are not beneficiaries of pensions or other monthly income over the minimum pension amount according to the last published data, insured persons who are voluntary blood donors, and persons who have given blood 10 or more times, insured persons - human body parts providers for the purpose of treatment and insured persons registered with the employment service as unemployed persons are exempt from the payment of participation.

Insured persons suffering from certain diseases are exonerated from payment of participation, but only for health services related to that particular disease.

The Decision stipulates that cantonal regulations may exempt other categories of insured persons from the payment of participation, provided that this regulation establishes the body or institution that will pay the amount of participation instead be the insured person, on the basis of this Decision.

Cantons were legally bound to harmonize the cantonal decisions on participation with the Federal Decision on participation, but some of them failed to do so. As a consequence, the citizens of the Federation do not have equal health protection.

#### 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 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 that 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:** In the civil proceedings<sup>182</sup> initiated on 31 July 2017 by the complainant in respect of his request for the use of social protection benefits before the Cantonal court in Mostar a decision had not been reached by 12 December 2018 because the judge went to pension. After the Ombudsman's intervention the Court decided to allocate the case to another judge.

---

<sup>182</sup> Ž-MO-05-127/18;

**Example:** A complainant<sup>183</sup> asked the Ombudsman to intervene with the Municipality of Drvar in respect of his request for one-off financial assistance in order to buy food. After the Ombudsman's intervention the requested assistance was paid to the complainant.

**Example:** A complainant<sup>184</sup> filed her application to the Municipality of Livno five years ago asking them to allocate a social housing unit to her due to her bad living conditions. The complainant is placed on 8<sup>th</sup> position of the ranking list, but she could not realize her rights because the Municipality of Livno does not have any social housing units available currently.

**Example:** A complainant<sup>185</sup> addressed the Social Welfare Center in Glamoč with her request to get free firewood. She receives the disability allowance in the amount of 140.00 BAM and the carer's allowance in the amount of 240.00 BAM. Her request was refused because the Center had only 100m<sup>3</sup> of firewood available and received 97 applications out of which they granted the firewood to 54 most vulnerable ones. According the Social Welfare Center the complainant was not among them because she had a pension, which means that she was not entitled to social welfare assistance.

## 5.5. Utilities

Number of complaints related to the utility services compared to the previous reporting period is increasing. The complaints processed by the Ombudsman concerned disproportionate amounts of utility services, problems related to the election of the managers for maintenance of joint areas and arrangement of the building - entrance, problems with wastewater, requests for free connection of returnees to the water supply network, provision or non-provision of services by the utility companies, irregularities in the calculation of utility services, statute of limitation of utility bills etc.

Citizens often seek advice from the Ombudsman regarding the lawsuits of the utility companies for non-payment of outstanding debts, stating that they are threatened by disconnection of their households from the water supply network. Many citizens are not able to regularly pay communal services and utility companies charge them with old claims, older than one year, thus making additional pressure on the otherwise difficult situation where a large number of citizens.

Utility related complaints the Ombudsman usually forwards to the Consumer Ombudsman with which it has established very good co-operation.

**Example:** In a case<sup>186</sup> the complainant points out that a dwelling building in which her father has an apartment has a defect on water pipes for almost 12 months now which is causing the increased monthly bills. After the most of tenants installed the water meters her father's bills are reaching the amounts of 200.00-300.00 BAM, because all the water lost due to a leakage is calculated to him. Following a couple of appeals her father decided to install his own water meter. However, on 22 January 2018 the Waterworks Company „Vodovod i kanalizacija“ d.o.o.

---

<sup>183</sup> Ž-LI-04-128/18;

<sup>184</sup> Ž-LI-05-162/18;

<sup>185</sup> Ž-LI-04-260/18;

<sup>186</sup> Ž-SA-04-136/18



Sarajevo informed her father that installation of his water meter is halted because that is how the law provides. The father appealed from this, but received no answer. The Ombudsman regarded this complaint from the aspect of availability of legal remedy. During the intervention of the Ombudsman, on 20 September 2018 the Waterworks Company „Vodovod i kanalizacija“ d.o.o. Sarajevo informed the complainant that the procedure before this Company is finished as well as the water meter’s installation.

**Example:** A complainant<sup>187</sup> emphasizes that his family house was damaged during the floods in 2014. The Commission of the Municipality of Banovići assessed the damage, but the landslide is still active and it causes further damage to the house. The complainant points out that in 2013 the infrastructure was built including the paving of roads in Omazići and during these works rainfall and fecal sewerage was directed to his property where an open channel was built, which also affects the landslide and causes very bad smell. After the investigation the Ombudsman issued a recommendation<sup>188</sup> to the Municipality of Banovići: *with no delay, in accordance with the law to ensure taking the efficient measures to solve the issue of sewerage in local community Omazići.*

Having received the recommendation the Municipality of Banovići informed the Ombudsman that the sewerage water issue can only be resolved if an amount of 4,000,000.00 BAM is available, which would cover the project documentation and obtaining of necessary permits.

In their letter of 17 October 2018 the Ombudsman informed the Municipal Council of Banovići on lack of taking any measures in respect of the Ombudsman’s recommendation. The Ombudsman asked the Municipal Council of Banovići to take measures to ensure the implementation of the Ombudsman’s recommendation.

**Example:** A returnee to Drvar addressed<sup>189</sup> the Ombudsman to help her to get free connection to water network to his reconstructed house. She applied to the Utility Company „Komunalac“ Drvar explaining that her pension of 280.00 BAM is not nearly sufficient to cover the reconnection costs. After the intervention of the Ombudsman the water to the complainant’s house was connected free of charge.

**Example:** A complainant<sup>190</sup> claims that he could not go to his home at Jahorina mountain since he refused to pay a toll on the ramp installed to prevent the passage. Namely, the persons charging the toll did not present any legal decision proving that there is a legal ground for such payment. As it is about the public road, the complainant called the police to enable him to pass to his property, but instead of that, he was arrested and kept in the Police Station Pale. The Ombudsman issued its recommendation no.: 281/18 of 24 April 2018 to the Olympic Center *a.d. OC „Jahorina“* which was charging the toll<sup>191</sup>: *to comply with the Decision issued by the Government of Republika Srpska which reads as follow: „It is recommended to the a.d. OC „Jahorina“ to secure a parking lot and charge the parking fee...“, and remove the contested ramp from the main public traffic road thus enabling the unimpeded passage to the citizens*

---

<sup>187</sup> Ž-BR-04-141/17

<sup>188</sup> P-306/17 of 22 November 2017

<sup>189</sup> Ž-LI-04-91/18

<sup>190</sup> Ž-BL-05-388/18

<sup>191</sup> Recommendation no.: 281/18 of 24 April 2018

*living in the neighboring areas to their properties, as well as all the drivers passing through to move without delays.* No reply was received to this recommendation.

**Example:** A complaint<sup>192</sup> related to the work of the Cantonal public utility company “Vodovod i kanalizacija” d.o.o. Sarajevo. A complainant was a tenant in a dwelling building in which all other tenants save for her and another family had installed on their own cost the individual water meters and pay their bills according to quantities they actually spend. However, since there is a leak in the piping, the complainant and the other mentioned family are charged for all the water lost due to the leaking. Her monthly bills amount at 200.00 BAM – 300.00 BAM, which is ten times higher than an average water bill. The complainant addressed the responsible party, but did not receive an answer. After the Ombudsman’s intervention the problem was solved.

## 5.6. Education

Complaints in the area of higher education concern the violations of the rights of adults to education in the Brčko District of Bosnia and Herzegovina, lack of response to an application for vacant position following a public advertisement to complement the list of experts to be engaged in the teaching process for giving the lectures and conducting the exercises at the faculties in Tuzla and problems related to the conclusion of a fixed-term contract for regular professors at the Faculty of Medicine in Sarajevo.

**Example:** A complaint<sup>193</sup> related to the violation of the rights of adults to education in Brčko District of Bosnia and Herzegovina, that is, impossibility of adults wishing to sit extraordinary exams for primary school. After the conducted investigation the Ombudsman issued its recommendation<sup>194</sup> to the Government of Brčko District of Bosnia and Herzegovina and the Assembly of Brčko District of Bosnia and Herzegovina: *to take necessary measures for the adoption of a Law on Education of Adults.*

Having received this recommendation the Assembly of Brčko District of Bosnia and Herzegovina in their letter of 30 October 2018 informed the Ombudsman that it adopted the Law on Education of Adults which was published in the Official Gazette of Brčko District of Bosnia and Herzegovina no. 50/18.

**Example:** On 29 August 2017 a complainant<sup>195</sup> submitted his application to be included to the list of renowned experts following a public invitation for the extension of this list published by the University in Tuzla. These experts can be engaged to give lectures and conduct exercises at the different faculties of the University of Tuzla. He applied for scientific field Digital Economy at the Faculty of Economy, Safety of Computer Systems Safety at the Faculty of Electric Engineering and Legal Informatics and Patent Rights to the Faculty of Law. Since he received no answer about the status of his applications, he sent a letter to the University of Tuzla on 03 October 2017, but did not receive any answer to that letter as well. Then he addressed the deans of the mentioned faculties with no avail and finally to the Ombudsman. After its investigation

---

<sup>192</sup> Ž-SA-04-136/18

<sup>193</sup> Ž-BR-04-124/17

<sup>194</sup> P-221/17 of 28 August 2017

<sup>195</sup> Ž-BL-05-819/17

the Ombudsman issued its recommendation<sup>196</sup> the University in Tuzla, faculties of law, economy and electric engineering: *to inform the applicant in writing on the status of his application to be included to the list of renowned experts that can be engaged to give lectures and conduct exercises following a public invitation for the extension of this list and to introduce the practice to reply to all applications in writing.*

All the mentioned faculties informed the Ombudsman that they implemented the issued recommendations and informed the applicants on the status of their applications.

**Example:** A complainant<sup>197</sup> claims that he is a full professor at the Medical Faculty in Sarajevo since 29 March 2011 for scientific area of surgery – the subject of Orthopedics. On 04 June 2011 he concluded a temporary work contract with the Faculty, although Article 95, paragraph 2 of the Law on Higher Education of Sarajevo Canton stipulated that full professor should conclude a permanent work contract with the Faculty. In reply to the Ombudsman's inquiry in this matter the Faculty replied, which is particularly worrying, that in the period from 2013 to 2016, that is, till the date, the Faculty had concluded work contracts on temporary basis with a total of 7 academic staff members who are employed in the Public Institution General Hospital „Abdulah Nakaš“ and the Public Institution Health Centers of the Sarajevo Canton. The complainant claims that a part of staff members are still employed. Ombudspersons recommended to the authorities of the Faculty of Medicine of the University in Sarajevo<sup>198</sup> *that is to the Dean of the Faculty of Medicine in Sarajevo: pursuant to Article 136 paragraph 7 of the Law on Higher Education of the Sarajevo Canton to take necessary measures to ensure legality of functioning of the processes at the level of the Faculty of Medicine of the University in Sarajevo, and to the Rector of the University in Sarajevo: pursuant to Article 120 paragraphs 6 and 7 of the Law on Higher Education of the Sarajevo Canton to take necessary measures to ensure legality of functioning of processes at the level of the Faculty of Medicine of the University in Sarajevo and to the President of the Management Board to make a decision in respect to the appeal filed by the complainant.*

In her letter of 28 September 2018 the Dean of the Faculty of Medicine informed the Ombudsman that the implementation of the Decision of the Management Board of the University in Sarajevo no. : 02-200/18 dated 07 September 2018 according to which the appeal lodged by the complainant was accepted and that a lawful employment relationship with the complainant should be established. In her letter dated 28 September 2018 the Dean informed Ombudspersons that the Management Board of the University of Sarajevo accepted the appeal of the complainant.

Vice-Dean for financial issues of the Faculty of Medicine in Sarajevo in his letter to the Ombudsman of 19 November 2018 attached a photocopy of the Decision of the the Ministry of Education, Science and Youth of Sarajevo Canton no. : 11-05-38-35645-2/18 dated 08 November 2018 by which a decision made by the Dean of the Faculty of Medicine is endorsed as made based on a proper implementation of Article 32 of the Law on the Institutions („Official Gazette of RBiH“, no. 6/92, 8/93 and 13/94).

---

<sup>196</sup> P-53/18 of 26 February 2018

<sup>197</sup> Ž-SA-04-667/18

<sup>198</sup> P-203/18 of 04 September 2018

The recommendations of the Ombudsman have not been implemented by the date and the complainant was not able to realize his rights.

## 5.7. Ecology and environmental protection

The issue of the environment and its protection is a very important topic in Bosnia and Herzegovina, as indicated by the number of 18 complaints received for the alleged violation of the rights in this area. In Bosnia and Herzegovina, there is no clearly defined policy of action in this area, notwithstanding the adoption of a large number of laws, which raises the question of the fulfillment of the international commitments taken by the state.

International treaties in the area of environmental protection are framework conventions to which the parties assume obligations and create a legal framework for the gradual adoption of additional protocols with detailed and concrete obligations and these treaties are governing the protection of particular environmental elements of regional or global significance.

Bosnia and Herzegovina has ratified numerous conventions and protocols such as the UN Framework Convention on Climate Change, the Kyoto Protocol, the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, the UN Convention on Biological Diversity, the Cartagena Protocol on Bio-safety, the Water and Health Protocol, etc.

The UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Legal Bodies in the Environment adopted in 1998 in Aarhus, Denmark is one of the most important ones. This convention is often abbreviated as the Aarhus Convention. Aarhus Convention is an international legal framework for environmental regulation, relating to access to information and court instances, and public participation in deciding on environmental issues. Bosnia and Herzegovina signed the Aarhus Convention on 15 September 2008.

Environmental issues are not included in the ten areas falling within the mandate of the state-level institutions according to the Constitution of Bosnia and Herzegovina and therefore the following provision applies to these issues: “All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities”(Article III, paragraph 3).

**Example:** A complainant<sup>199</sup> points out that the Municipality of on 17 March 2017 adopted a decision to forbid unknown subjects to operate coal furnaces<sup>200</sup> located nearby the complainant’s house, which produces unpleasant smell and spreading of polluted air. The complainant is a person disabled from war with 100% disability rate, that is, the first category. However, the Municipality of Busovača failed to enforce this Decision, while the owners of these furnaces continue to operate it. Ombudspersons issued their recommendation to the Municipal Administration of Busovača<sup>201</sup>: *to take necessary measures and enforce at once the Decision of the Zoning, Urbanism and Housing Administration of the Municipality of Busovača no.: 05-23-*

<sup>199</sup> Ž-SA-05-737/17

<sup>200</sup> Blast furnace for coal production

<sup>201</sup> Recommendation no.: P-219/18 of 12 September 2018

4043-2017 dated 17 March 2017 and enables the complaint to peacefully enjoy his possessions and property on principles of human dignity...

The Mayor replied to the Ombudsman's recommendations on 30 October 2018 in the following manner: "What right is bigger, the right to life, that is, to provide subsistence, or the right to a little bit cleaner air?" Furthermore, he emphasizes that „these people who enter the furnaces in order to provide for their families with food and enable their children to attend school are not fools or irresponsible...“ claiming further that „the Inspector who made the mentioned Decision has made a catastrophic mistake which causes major problems to all of us” and goes on to say that „this gentlemen for whose rights you are struggling has an apartment equipped by the authorities in the Kačun city center, and he is not a resident of a village in which these furnaces are located, and I would like that you heard the opinions of the community members to find the truth in this case“. This recommendation was not implemented.

**Example:** A complainant<sup>202</sup> claims that she finds water flowing down the walls in her apartment since 2014. She paid for works on hydro-insulation twice, but without success. Analysis of water has shown that it is the sewerage water which penetrates to the walls of her apartment from Gornjovakufska Street in the Municipality of Novo Sarajevo. On 14 June 2018 Ombudspersons issued a recommendation<sup>203</sup> no. P-146/18 to the Mayor of the Novo Sarajevo asking him: *as soon as he gets this recommendation to take all necessary steps to repair the sewerage network.*

Since there was no reply to this recommendation Ombudspersons informed the Municipal Council Novo Sarajevo of the matter in their letter dated 19 September 2018.

The Municipal Council of Novo Sarajevo informed Ombudspersons thereupon that: „...On request of your complainant urgent works were executed to remedy the situation, but these works could not been finished since your complainant intervened asking her to decide on methods of repair and did not let the contractor to continue with the works...“. On 09 November 2018 the Ombudsman informed the complainant about this reply.

**Example:** A complainant<sup>204</sup> lives in the settlement of Miljkovac – Dobož, and is turning to the municipal authorities for a longer period asking them to find a solution to drain the waste water percolating from the neighboring septic tanks into her backyard, but without a result.

The Ombudsman issued its recommendation to the Communal Police of the Dobož Town<sup>205</sup> immediately after the receipt of this recommendation to take all available measures to protect the complainant's health and take steps provided for by the Law on Communal Police of Republika Srpska.

This recommendation was implemented.

**Example:** A group of citizens<sup>206</sup> from the village of Želeća, the Municipality of Žepče, indicate that a cattle farm is located in the village and that the owner disposes the farm waste in the vicinity of dwelling units. Close is also a wooden toilet from which the faecal leachate is poured

<sup>202</sup> Ž-SA-05-1193/17

<sup>203</sup> Recommendation no.: P-146/18 od 14 June 2018

<sup>204</sup> Ž-SA-04-730/17

<sup>205</sup> Recommendation no.: P-147/18 of 31 May 2018

<sup>206</sup> Ž-SA-04-1017/17

onto the road. The municipal authorities are informed of this problem and the danger of epidemic incidents were officially proclaimed. Having been fined for this behavior, the owner continued with waste disposal in the same fashion even increasing the quantity of waste. The Mayor of Žepče was recommended<sup>207</sup> *to take urgent measures in order to remove the hazard this waste poses to public health of the citizens of the local community of Želeća caused by the improper disposal of the waste by the farm „Poljoprivredna djelatnost H&F“.*

The Municipal Administration of Žepče implemented the issued recommendation and informed the Ombudsman on the measures taken.

---

<sup>207</sup> Recommendation no.: P-164/18 of 04 July 2018

## VI. RIGHTS OF PERSONS DEPRIVED FROM THEIR LIBERTY

### 6.1. Notion of torture and the establishment of a Preventive National Mechanism in Bosnia and Herzegovina

In 2018 the amendments to the Law on Human Rights Ombudsman of Bosnia and Herzegovina which foresee the establishment of a national 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. Irrespective of that, Ombudspersons of Bosnia and Herzegovina have taken specific concrete actions for timely and proper preparation for the implementation of the mandate of this mechanism. For this reason, within the framework of the Project of the Ombudsman conducted in cooperation with the Ombudsman of the Republic of Bulgaria and supported by the Bulgarian Embassy in Bosnia and Herzegovina, the necessary training was provided by Bulgarian experts delivered to the lawyers of the BiH Ombudsman about the mandate and functioning of the National Preventive Mechanism thus creating the preconditions for the Ombudsman Institution to adequately assume the role of this mechanism. As part of the project, Ombudspersons visited all major police administrations in Bosnia and Herzegovina<sup>208</sup> in order to establish conditions in the places of detention. In this respect a Special report on the Situation in Police Administrations in Bosnia and Herzegovina was prepared.

It is important to remind that the General Assembly of the United Nations on 18 December 2002 drafted and adopted the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which provides for the establishment of a system of visits institutions in which persons deprived of their liberty with the aim of preventing torture and other cruel, inhuman or degrading punishments or proceedings. As a signatory of the mentioned the Convention Bosnia and Herzegovina ratified this Option Protocol in 2008. The Option Protocol foresees the establishment of a national prevention mechanism for the prevention of torture in all member-states.

The Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment envisages that all States Parties establish mechanisms for the prevention of torture, which will make regular visits to institutions in which persons deprived of liberty are kept, to act preventively in order to improve their treatment and conditions under which these persons are placed. The purpose of the visit is to enable the protection of these persons from torture and other cruel inhuman or degrading punishment and treatment.

---

<sup>208</sup> On 22 October 2018 the Ministry of Interior of Republika Srpska, the Police Administration Banja Luka, the Police Station Center, the Police Administration Prijedor, the Police Station Prijedor 1, the Ministry of Interior of Central Bosnia Canton, the Police Administration Travnik, the Police Station Travnik, the Ministry of Interior of Zenica-Doboj Canton, the Police Administration 1, the Police Station Centar; on 23 October 2018 the Ministry of Interior of Republika Srpska, the Police Administration Doboj, the Police Station Doboj 1, the Ministry of Interior of Sarajevo Canton, Second Police Administration, the Police Station Centar; on 24 October 2018 the Police of Brčko District of Bosnia and Herzegovina, the Police Station Brčko, the Ministry of Interior of Hercegovina-Neretva Canton, the Police Administration Mostar, the Police Station Mostar Centar, the Ministry of Interior of Republika Srpska, the Police Administration Bijeljina, the Police Station Bijeljina 1; on 25 October 2018 the Ministry of Interior of Tuzla Canton, the Police Administration Tuzla, the Police Station Centar;

For the purposes of this Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

## **6.2. Monitoring of the rights of persons deprived from their liberty**

In this year Ombudspersons adopted amendments to their Rulebook on Internal Organization and Systematization of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina<sup>209</sup> and, among other things, Department for the protection of the rights of detainees/prisoners became Department for the protection of the rights of persons deprived from liberty. This change was not only formal, but it meant the extension of the mandate of that Department. Therefore the mandate of the Department now covers processing complaints and initiating the investigation in all cases relating to alleged violation of the rights of persons deprived of their liberty irrespective of their whereabouts, in a prison or another institution with restricted freedom of movement.

The statistics show that 144 complaints were received in this Department in 2018, which is an increase of 6.67% compared to the previous year. The analysis of the submitted complaints shows that the largest number refers to the use of benefits out of the establishment, the provision of adequate health care in institutions where the persons deprived of their liberty are placed, the conditions of accommodation and treatment, the exercise of the right to transfer to another institution. 117 complaints were received in the Sarajevo office, while Banja Luka Office received 27 complaints.

In this report, the Ombudsman repeats its concerns expressed in previous years regarding a problem noticeable within the criminal sanctions execution system. This is a very complex issue since the mandate is spread out between the state level, entity level and the level of Brčko District of Bosnia and Herzegovina. Such a system including four legislative acts governing the criminal sanctions execution, which are mostly harmonized, but sometimes 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.

Certain developments were, however, made in 2018 in the area of improvement of the legal framework. For instance, a new Law on Execution of Criminal and Misdemeanor Sanctions in Republika Srpska was adopted<sup>210</sup> introducing a certain new solutions into the criminal sanctions execution system, but it is still early to speak about its effects since its provisions are implemented only for a period shorter than a half of a year. Unlike this, in the Federation of Bosnia and Herzegovina there are no any legislative news in this field which would improve the rights of persons serving their sentence in the prison establishments of this entity and make the system better and more just.

<sup>209</sup> Rulebook on Internal Organization and Systematization of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina no.: OI-K-Sa-188/18 dated 12 July 2018

<sup>210</sup> Law on Execution of Criminal and Misdemeanor Sanctions, „Official Gazette of Republika Srpska“ no.: 63/18



In this year in Republika Srpska a new Law on Pardon of Republika Srpska<sup>211</sup> in drafting of which the Ombudsman Institution was included<sup>212</sup>. From the contacts with prison authorities the Ombudsman learnt that the sentence of a number of prisoners was reduced based on the provisions of this Law, which was the aim of the adoption of this legislative act.

In the framework of its regular activities the Ombudsman's representatives visited prison establishments in Bosnia and Herzegovina in order to follow up the human rights situation. It was concluded that certain degree of progress was achieved in the functioning of their institutions, accompanied with the improvement of conditions for serving the sentence. The subject to monitoring were the following establishments; Zenica Prison<sup>213</sup>, Foča Prison<sup>214</sup>, Bijeljina Prison<sup>215</sup>, Trebinje Prison<sup>216</sup>, Sarajevo Prison<sup>217</sup>, Doboj Prison<sup>218</sup>, Banja Luka Prison<sup>219</sup>, Tuzla Prison<sup>220</sup>, Orašje Prison<sup>221</sup> and Mostar Prison<sup>222</sup>. Most of the visits were unannounced based on complaints received by the prisoners or on the own initiative of Ombudspersons.

With the aim of promoting and protecting the rights of persons deprived of their liberties, the ombudsmen participated, along with representatives of other authorities and the system of criminal sanctions, at numerous conferences and round tables<sup>223</sup> which was important for exchange of experiences and practices between the participants.

---

<sup>211</sup> Law on Pardon „ Official Gazette of Republika Srpska “ no.: 61/18

<sup>212</sup> In discussions held in the process of drafting this Law participated Ombudsman Prof. dr Ljubinko Mitrović

<sup>213</sup> Visits took place on 21 February 2018 involving the Assistant Ombudsman Rade Kafedžić and Expert Advisor Dejana Kozomara, on 11 June 2018 Assistant Ombudsman Rada Kafedžić and Expert Advisor Dejana Kozomara and on 23 November 2018 Ombudsperson Jasminka Džumhur, PhD and Expert Advisor Lamija Sivić-Hodžić

<sup>214</sup> Visits took place on 30 May 2018 involving Ombudsman Prof.dr Ljubinko Mitrović and Expert Advisor Dejana Kozomara and on 03 October 2018 involving Ombudsperson Jasminka Džumhur, PhD, and Expert Advisor Lamija Sivić-Hodžić

<sup>215</sup> Visits took place on 27 September 2018 and involved Ombudsperson Jasminka Džumhur, PhD, Expert Advisor Lamija Sivić-Hodžić

<sup>216</sup> Visits took place on 11 September 2018 by Ombudsman Prof.dr Ljubinko Mitrović

<sup>217</sup> Visits took place on 06 April 2018 involving Ombudsperson Jasminka Džumhur, PhD, on 25 June 2018 involving Ombudsman Prof. dr. Ljubinko Mitrović, Assistant Ombudsman Aleksandra Marin-Diklić, Assistant Ombudsman Rada Kafedžić, Expert Advisor Andrea Čaluk, Expert Advisor Lamija Sivić-Hodžić and Expert Advisor Dejana Kozomara, on 14 December 2018 involving Ombudsperson Jasminka Džumhur, PhD

<sup>218</sup> Visits took place on 12 July 2018 and involved Expert Advisor Dejana Kozomara along with a Trainee Slobodanka Radić;

<sup>219</sup> Visits took place on 26 January 2018 and involved Expert Advisor Dejana Kozomara, on 04 April 2018 and involved Expert Advisor Dejana Kozomara, on 25 April 2018 representatives of the Ombudsman along with the experts from the Bulgarian NPM and on 19 June 2018 and involved Ombudsman Prof. dr. Ljubinko Mitrović, Assistant Ombudsman Aleksandra Marin-Diklić, Assistant Ombudsman Rada Kafedžić, Expert Advisor Andrea Čaluk, Expert Advisor Lamija Sivić-Hodžić and Expert Advisor Dejana Kozomara

<sup>220</sup> Visits took place on 12 July 2018 involving Expert Advisor Dejana Kozomara and Trainee Slobodanka Radić and on 26 September 2018 by Ombudsperson Jasminka Džumhur, PhD, and Expert Advisor Lamija Sivić-Hodžić

<sup>221</sup> Visits took place on 20 June 2018 and involved Ombudsman Prof. dr. Ljubinko Mitrović, Assistant Ombudsman Aleksandra Marin-Diklić, Assistant Ombudsman Rada Kafedžić, Expert Advisor Andrea Čaluk, Expert Advisor Lamija Sivić-Hodžić and Expert Advisor Dejana Kozomara

<sup>222</sup> Visits took place on 17 October 2018 involving Expert Advisor Lamija Sivić-Hodžić

<sup>223</sup> 30 January 2018 in Banja Luka – a meeting with the representatives of the Council of Europe on „Advancement of human rights protection mechanisms in the prison system“, 29 and 30 May 2018 in Podgorica a meeting of the SEE Network of NPMs, on 25 October 2018 a a meeting with the representatives of the Council of Europe on implementation of further training sessions for the prison and police administrations staff, on 28 September 2018 TAIEX Peer Review mission on Prison System and Prevention of Ill - treatment etc.

### 6.3. The rights of persons deprived from their liberty

#### 6.3.1. Health care

Healthcare is a set of services and activities aimed at improving and preserving people's health. Health care services must be of good quality, safe, efficient and provided in accordance with the principles of professional ethics. For these reasons, the quality of health care and its availability to persons deprived of their liberty must be ensured under the same conditions as for other citizens. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation<sup>224</sup>. All necessary medical, surgical and psychiatric services including those available in the community shall be provided to the prisoner for that purpose<sup>225</sup>.

Despite these standards, the Ombudsman also notes that in the institutions for the execution of criminal sanctions in Bosnia and Herzegovina, no full-scale health care has been established, which is evidenced by the fact that not all institutions have at least one general practitioner in the contract for an indefinite period of time as prescribed by European Prison Rules, part III governing the health care, Item 41.1.

In Republika Srpska the following prison establishments have a permanently employed doctor: Banja Luka Prison, Foča Prison and Istočno Sarajevo Prison, while the prisons in Doboj, Trebinje and Bijeljina engage a medical doctor based on a temporary contract<sup>226</sup>.

In the Federation of Bosnia and Herzegovina prisons in Zenica, Tuzla and Sarajevo have permanently engaged doctors within the facility, while the prisons in Mostar, Orašje, Bihać and Busovača engage medical doctors from the closes health institutions<sup>227</sup>.

Based on the above data, it is indisputable that institutions which do not have a full-time doctor usually engage one on the basis of temporary service contract, with the obligation to regularly visit the institution and provide necessary medical services to persons deprived of their liberty<sup>228</sup>.

**Example:** A complainant<sup>229</sup> addressed the Ombudsman expressing his lack of satisfaction by his treatment by the prison officers in Tuzla Prison and the subject of his complaint was the alleged violation of his right to life and health during his stay<sup>230</sup> in remand unit of this Prison. After the investigation and establishment of facts, the Ombudsman issued their recommendation to Director of Tuzla Prison<sup>231</sup>, *to enable all prisoners/detainees to enjoy necessary level of health care*. Since the Ombudsman did not receive any reply to this recommendation, it decided to visit this prison and discuss the issue at hand and method of implementation of its recommendation. During the visit Ombudspersons were informed that they could not receive a

<sup>224</sup> European Prison Rules, Part III governing the Health Care, Item 40.3;

<sup>225</sup> European Prison Rules, Part III governing the Health Care, Item 40.5;

<sup>226</sup> Data provided by the Ministry of Justice of Republika Srpska in a letter no.: 08.030/240-155/18 dated 06 December 2018

<sup>227</sup> Data provided by the Ministry of Justice of the Federation of BiH in a letter no: 04-49-4158/18 dated 11 December 2018

<sup>228</sup> European Prison Rules, Part III governing the Health Care, Item 41.3

<sup>229</sup> No. Ž-BL-07-891/17 dated 18 December 2017

<sup>230</sup> In remand unit of Tuzla Prison in the period between 23 November 2016 to 17 February 2017

<sup>231</sup> Recommendation no.: 92/18 of 13 April 2018 the stay was based on Decision of the Municipal court in Tuzla

reply to their recommendations because the prison authorities forwarded it to health authorities asking them to plea. After receiving their reply it will be sent to Ombudspersons. In addition to that, the Prison management disagreed with the Ombudsman's claims that this detainee did not receive adequate health care services explaining that a replacement has always been provided in case of the absence of the Prison doctor, and in concrete case it was a doctor from Health Center. As for the placement in a separate premises, having reviewed the documentation the Prison management asserted that it was done *"for the protection of bodily integrity on suggestion of the Prison doctor"* offering the official record as a proof of that and adding that the case judge was informed of all the facts related to the disputable separation into the separate room in the period in question from official records and reports that were prepared and furnished to the judge for information.

**Example:** A complainant<sup>232</sup> expressed in his complaint dissatisfaction with health services in Tuzla Prison where he was serving his sentence. During the investigation, based on reply of the Prison management<sup>233</sup> it was established that the complainant since his arrival to the Prison (in September 2015) came to the Prison Clinic 43 times and, in addition to that, he underwent a number of specialist examinations in the Public Institution Health Center Tuzla, as he was also from time to time referred to stay in the Prison Infirmary for a couple of days, which he left on his personal request. Attached to the Prison management's letter was a copy on inspection surveillance carried out by the Federal Administration for Inspections<sup>234</sup> which confirms that this prisoner was not deprived from access to health care. Having in mind all these facts, the Ombudsman did not find a violation of this complainant's rights to health care.

**Example:** A complainant<sup>235</sup> addressed the Ombudsman claiming that her husband was serving his prison sentence in Orašje Prison and his health condition was very bad. He had thyroid carcinoma, and a diabetes. He applied for termination of his sentence, but the Municipal court in Zavidovići refused his request by its decision from which he appealed to the Cantonal court in Zenica, but this appeal was not decided upon. For this reason, the Ombudsman contacted the court asking to complete decision-making process. In its reply the Cantonal court in Zenica<sup>236</sup> it informed the Ombudsman "...that the mentioned case was received by this Court for the appellate proceedings on 14 March 2018, that a decision was made the same day and the file forwarded to the Municipal court in Zavidovići which received it on 15 March 2018".

**Example:** A complainant<sup>237</sup>, a convicted person serving his prison sentence in Doboj Prison claims in his complaint that he was transferred to his current prison from Banja Luka Prison. Following his arrival he presented his medical documentation (which indicated that he needed to undergo his arm surgery) to health care practitioners in Doboj Prison, but wanted the Ombudsman to follow up the situation and decision-making process. After a while he informed the Ombudsman that *„...on 23 May 2018 in co-operation with the Doboj Prison management he was referred to Banja Luka for surgical procedure, everything went fine, his recovery is going*

<sup>232</sup> Ž-BL-07-189/17 of 22 January 2018

<sup>233</sup> Reply of Tuzla Prison no.: 04-12-836/18 of 14 February 2018

<sup>234</sup> Minutes of inspection surveillance conducted by the Federal Administration for Inspections no.: UP1-08-37-4-00031/2018.-0805-P-0805-1-P dated 14 February 2018

<sup>235</sup> Ž-BI-SA-07-545/18

<sup>236</sup> Letter of the Cantonal court in Zenica no.: 004 0 SuDp 18 000655 of 16 May 2018

<sup>237</sup> Ž-BL-07-440/18 ;

*all right, uses the therapy as prescribed...“.* During the visit to the Doboј that followed<sup>238</sup> the Ombudsman’s staff established that the complainant received an adequate medical care.

### **6.3.2. Conditions of accommodation**

Compared to previous years, the conditions of accommodation in penal institutions in Bosnia and Herzegovina have significantly improved.

In penal institutions in the Federation of Bosnia and Herzegovina significant financial resources have been allocated for the improvement of conditions in all institutions (purchase of building material, purchase of equipment, purchase of fixed assets and reconstruction).<sup>239</sup> Investing additional funds in existing institutions by expanding their capacities<sup>240</sup> in order to relieve the existing institutions<sup>241</sup> had improved the situation in prison institutions in this Entity.

The only remaining problem related to accommodation of a large number of persons exceeding the envisaged capacity of the institution is in the detention unit of the Sarajevo Prison. Compared to 2016 when there were 180 persons (capacity 88), the remand unit of the Sarajevo Prison as found during the Ombudsman’s visit<sup>242</sup> to this Institution in June 2018 number of detainees was 94. These information was corroborated in a letter of the Federal the Ministry of Justice<sup>243</sup> which reads *„...In 2018 there were some difficulties in the functioning of the remand (pre-trial detention) unit of Sarajevo Prison as the capacities were exceeded, the accommodation is 88 persons, while the actual number of persons found there was 90-100 detainees. In order to resolve the difficulties and relieve the detention facilities in Sarajevo Prison, the Federal Ministry of Justice expanded detention facilities at Zenica Prison for 50 places and the Municipal and Cantonal Court in Sarajevo were informed that they can refer detainees to the detention unit of Zenica Prison and, if necessary to other prison establishments if there are free accommodation capacities. Also, in the forthcoming period, activities on extension of the detention capacity in Sarajevo Prison for 50 places is planned.“*

These data show that the problem of overcrowding in the detention unit of the Sarajevo Prison has been considerably reduced, but Ombudspersons will keep monitoring the activities of the competent authorities and insist on a complete solution of this issue in the forthcoming period.

It should be noted that on 03 October 2018 a new management of Sarajevo Prison was appointed and that, in a short period of time, the conditions in this Institution were greatly improved, *inter alia*, in the health services, both in the infrastructure and in the material and technical segments, new rooms were allocated for contacts between lawyers and prisoners, a new video surveillance was set up and activities undertaken with the aim of building additional capacities at Igman, so

<sup>238</sup> Visit took place on 12 July 2018

<sup>239</sup> Letter of the Federal the Ministry of Justice no.: 04-49-4158/18 of 11 December 2018 according to which the funds for different purposes were allocated for the following institutions: Zenica Prison – procurement of the equipment, Sarajevo Prison - procurement of the equipment, fixed assets and reconstruction, Tuzla Prison - procurement of the equipment and reconstruction, Mostar Prison – procurement of construction material, Bihać Prison - procurement of the equipment and reconstruction, Orašje Prison - procurement of construction material, reconstruction, Busovača - procurement of construction material and equipment

<sup>240</sup> An example is Zenica Prison with extended capacity for 50 places;

<sup>241</sup> Juvenile Prison was moved from Tuzla into the complex of Orašje Prison

<sup>242</sup> Visit of the Ombudsman’s representatives took place on 25 June 2018

<sup>243</sup> Federal the Ministry of Justice no.: 04-49-4158/18 of 11 December 2018

that this establishment, together with the Ustikolina Department, would receive the convicted person to serve their prison sentence there, while the central establishment in Sarajevo would serve exclusively for accommodation of pre-trial detainees.<sup>244</sup>

In 2018 in Republika Srpska significant funds were invested in the following institutions to improve the conditions: Banja Luka Prison (replaced exterior carpentry in the office and replaced exterior carpentry in the administrative building), Foča Prison (maintenance of the boiler room), Bijeljina Prison (building repair and reconstruction), Trebinje Prison (sports playground for prisoners).<sup>245</sup>

In the opinion of Ombudspersons commissioning of the state prison in Vojkovići would contribute a lot to the solution of this issue.

Ensuring of adequate accommodation for persons serving their criminal sanctions is crucial for organization and management of penitentiary institutions, for security of convicted persons and employees, the provision of appropriate hygiene conditions and provision of health care. Therefore, Ombudspersons call on the authorities to keep improving the situation in this area.

### **6.3.3. Use of privileges out of the establishments**

The purpose of the prison sentence and similar measures depriving a person of their liberty is primarily the protection of the society from crime and the reduction of recidivism. This purpose can only be achieved if the period of stay in the penal institution is used to ensure the better reintegration of such persons into the community upon their leaving the institution so that these persons can live according to the legally prescribed norms and take care of themselves.

The importance of privileges out of the establishments in the process of re-socialization of convicted persons, which represents a set of incentive measures aimed at giving trust to a convicted person with a view to maintaining and promoting their family relations, as well as encouraging personal participation in the implementation of the treatment program, strengthening of responsibility and self-confidence, in accordance with the legal order and the social norms. Approval of privileges out of the establishments is an opportunity that a convicted person can only deserve by his good conduct and behavior, not the right or obligation that the administration must comply with. Although the granting of privileges is not conditional on positive check results of the police authorities, it, however, depends to a large extent on this opinion.

For all the above reasons Ombudspersons conclude that there is an obligation and responsibility of the police authorities to observe the overall situation in the field when it comes to fulfilling this legal obligation and to establish all relevant facts, so that the opinion formulated would reflect the objective circumstances and thus served as a good basis for the prison management in deciding whether to approve the use of privileges out of the establishments or not. In the process

<sup>244</sup> Letter of Semi-Open Sarajevo Prison no.: 01-49-924-3/18 of 13 December 2018

<sup>245</sup> Report of the Ombudsman of a meeting held in the framework of TAIEX Peer Review mission on Prison System and Prevention of Ill – treatment on 28 September 2018, a letter of the Ministry of Justice of Republika Srpska no.: 08.030/240-155/18 of 06 December 2018

of collecting this information, good cooperation and coordination between the institutions for the criminal sanctions execution, the social welfare centers and police structures is of special importance.

**Example:** A complainant<sup>246</sup> serving his sentence in the Juvenile Prison Istočno Sarajevo was not satisfied with actions of the Police Station Bijeljina 1 for their negative opinion on his use of privileges based on-spot security checks. The complainant explained that he was a first-year of university student and needed to sit another exam in order to enroll the second year. For that purpose he applied for privileges out of the establishment after which the prison management asked the responsible Social Welfare Center and the Police Station to make security checks. The Center gave a positive opinion unlike the Police. The complainant was not satisfied as he did not know why the police gave a negative opinion, in particular because of his exemplary conduct and his focus to his studies, exams and faculty related obligations. After the investigation Ombudspersons issued their recommendation<sup>247</sup> to the Commander of the Police Station Bijeljina 1 *„in further on-spot checks and forming the opinion on temporary release of the convicted persons in order to use the privileges out of the prison establishment to take in account the opinion of the Ombudsman.“* The Police Station Bijeljina 1 submitted a reply<sup>248</sup> which contains information that the recommendation was implemented.

#### 6.3.4. Transfer and conditional release

Transfer of convicted persons is present in the Ombudsman’s annual reports in a couple of recent years because Ombudspersons wish to highlight the importance of this issue for the prisoners. In this regard Ombudspersons reiterate that legal provisions governing the transfer from one entity to another are not harmonized which leads to discrimination. For this reason in a complaint filed within the Ombudsman<sup>249</sup> in 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 Herzegovina<sup>250</sup> and the Law on Criminal Sanctions Execution in the Republika Srpska<sup>251</sup>.

The National Assembly of Republika Srpska has adopted the Amendments to the Law on the Execution of Criminal and Misdemeanor Sanctions. This issue is governed by the provisions of Article 151 which reads:

*„(1) Due to the security or the organization of a prison sentence execution, the Prison Warden may, with the written consent of the prisoner, submit a motion to the Minister for the transfer of a prisoner to serve the sentence into another establishment in the other entity in which the prisoner has a permanent or temporary residence.“*

<sup>246</sup> Ž-BL-07-819/18 of 11 October 2018

<sup>247</sup> P-280/18 of 12 November 2018

<sup>248</sup> Letter of the Police Station Bijeljina I, no.: 15-01/2-234-1535/18 of 11 December 2018 containing the information that they act *„...upon requests submitted by the prison managements to carry out on-the-spot security checks according to the established mode of operation via heads of security sector on territory of which the convicted person resides within the legally prescribed deadlines, taking into account all legislative provisions related to the said area and on the basis of which security checks are made for the use of privileges out of the establishments.“*

<sup>249</sup> Ž-BL-07-107/16

<sup>250</sup> Official Gazette of the Federation of Bosnia and Herzegovina no. 44/98, 42/99, 12/09 and 42/11

<sup>251</sup> Official Gazette of Republika Srpska no. 12/10, 117/11 and 98/13

*(2) Security or organizational reasons mentioned in paragraph 1 above must be clearly reasoned and proven.... “*

The Law on the Criminal Sanctions Execution in the Federation of Bosnia and Herzegovina does not contain any similar provisions governing the transfer of convicted persons from the prisons located in this entity into the prisons in Republika Srpska.

Ombudspersons remind that the relevant authorities should ensure the implementation of the European Prison Rules<sup>252</sup> in full scope and that referral of a convicted person to serving the sentence, as well as their transfer, should in the first place be based on the realization of their re-socialization through contact with the family, and the place of residence or the proximity of their homes should be the most important factor in deciding in which prison establishment these persons should serve their sentence. Thus, these rules do not leave room for the transfer to be conditional on security or organization of the imprisonment and this right should not be limited in a way that the initiative can only be given by a prison warden, but it should be primarily the right of the convicted person.

In their 2017 Annual report Ombudspersons, based on a case<sup>253</sup>, have indicated to an important problem in implementation of the right to conditional release or persons convicted under final and binding decisions of the courts in Republika Srpska who are referred to serve their sentence in prisons located in the Federation of Bosnia and Herzegovina for proximity of their families, that is, their residence in this entity. These persons could not get a decision on their application for conditional release since the Federal the Ministry of Justice thought that they were not in charge to decide on applications for conditional release filed by persons serving their prison sentence in the Federation while their sentences were pronounced by the courts of Republika Srpska. On the other hand the Ministry of Justice of Republika Srpska claims that the applicable Law on Criminal Sanctions Execution<sup>254</sup> does not comprise provisions related to decision-making on applications or proposals made by prison wardens for conditional release of the convicted persons serving the sentence in the prisons of the Federation of Bosnia and Herzegovina and whose sentence was delivered by the courts of Republika Srpska. For the mentioned reasons Ombudspersons issued to the entity ministries the following recommendation<sup>255</sup> „*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 being sentenced by the courts in Republika Srpska “*.

The adoption of the Amendments to the Law on the Execution of Criminal and Misdemeanor Sanctions of Republika Srpska<sup>256</sup> meant the adoption of the Ombudsman’s recommendations so

<sup>252</sup> European Prison Rules, Article 17.1 Allocation and accommodation

<sup>253</sup> Ž-SA-07-1247/16 and 3587/17

<sup>254</sup> Law on Execution of Criminal Sanctions of Republika („Official Gazette of Republika Srpska“ no. 12/10, 117/11,98/13 and 44/16)

<sup>255</sup> Recommendation no.: P-102/17

<sup>256</sup> Law on Criminal Sanctions Execution in the Republika Srpska („Official Gazette of Republika Srpska no.: 63/18);

that decision-making on the application for conditional release is defined by the provisions of Article 185 of this Law<sup>257</sup>.

### 6.3.5. Prison work

Prison work of the convicted persons in penal institutions must be beneficial and adapted to their abilities, physical and psychological health. The goal of this engagement is to have a positive impact on the process of re-socialization of these persons and to encourage their professional training, as well as to enable them to acquire professional knowledge and work experience. The importance of prison work is also in the fact that it can bring certain monetary benefits.

Ombudspersons are aware that at a time when unemployment is a major problem for all citizens in Bosnia and Herzegovina, the prison managements also faces a challenge how to ensure that a larger number of persons serving prison sentence be engaged in adequate work.

Prison work in the Zenica Penitentiary represents a significant source of income for a number of convicted persons who send so earned money to their families. At Begovo farm, a part of Zenica Prison and Kozlovac Farm (Tuzla Prison), certain quantities of food are provided for the needs of the convicted persons. The iron foundry which operates within the framework of the Zenica Prison, owing to the high level of cooperation with its permanent partners, has secured a market for its products, which ensures the necessary funds for paying salaries to prisoners.

During the last year, compared to the previous years, a progress was made in Banja Luka Prison where a production unit of the Shoe Factory „Bema“ was opened, in addition to a series of new contents in the framework of the tourist-recreation complex „Brioni“ where a number of convicted persons are engaged to work, while a part of convicted persons serving in Doboj prison are engaged to work in the distillery Destilacija a.d. Teslić.<sup>258</sup>

**Example:** A complainant<sup>259</sup> claims that he serves the 12 years sentence in Zenica Prison. He is an ex-drug addict being treated for 19 years now. In addition to that, he is a mental patient suffering from serious problems. He claims that he used to work as a monitor in the establishment, but never received any compensation for that engagement. After the investigation the Ombudsman found that these claims were not substantiated as he had regularly received monetary compensation until such time when he was pronounced a disciplinary measure of „solitary confinement in the duration of 9 days“. So his rights were not violated in this respect.

<sup>257</sup> Article 185 of the Law on Criminal and Misdemeanor Sanctions Execution in the Republika Srpska reads: „(1) In support of personal efforts for the inclusion into the community life at large of the prisoners for whom it can be reasonably expected that they will not repeat the commission of criminal offences and that the prison sentence has fulfilled its purpose, the prisoner can be released conditionally in accordance with provisions of the Criminal Code and this Law.

(2) A Conditional Release Commission to be appointed by the Minister shall decide on applications of prisoners serving their sentence in prison establishments or Republika Srpska.

(3) The Commission mentioned in paragraph 2 above will decide on conditional release of persons serving their sentence in prison establishments in the Federation of Bosnia and Herzegovina under the final and binding decisions of the courts or Republika Srpska until the final decision on their conditional release is made;

<sup>258</sup> Official Note dated 07 February 2018 made after the visit to the Doboj Prison

<sup>259</sup> Ž-SA-07-425/18



### 6.3.6. Status rights of convicted persons

Personal documents, primarily the ID card is an extremely important public document by which the citizens can prove their identity and enjoy a number of rights in accordance with legal provisions.

An ID card serves as evidence of the facts contained therein and its possession is not only the right but also the obligation of all citizens of Bosnia and Herzegovina above the age of 18 with residence in Bosnia and Herzegovina. For this reason the obligation of the body that keeps records of these data and issues personal documents is to do so at the request of citizens, if the legal requirements are met. This also applies to persons deprived of their liberty which are serving to serve prison sentences in correction facilities in Bosnia and Herzegovina. The ID card does not only serve to prove identity, but also to be presented in order to exercise other rights e.g. the right to use benefits out of prison establishments, social protection rights, etc.

**Example:** In his complaint<sup>260</sup> a complainant serving the sentence in Zenica Prison claims that he tried to renew his ID card since it expired. He claims that the Police Station Maglaj refuses to receive his application and send a mobile team into the Zenica Prison. During their investigation Ombudspersons contacted the Police Station Maglaj, which soon replied that their *mobile team for the collection of biometric data will be sent to Zenica Prison ASAP in order to take biometric data of the complainant.*

### 6.3.7. Voting rights of convicted persons

Active and passive voting rights (the right to vote and the right to be elected) are the basic political and constitutional right of all citizens of a state, so they can elect their representatives and to be elected to representation authorities and to other public functions and positions. In 2018 elections took place Bosnia and Herzegovina and all citizens had the right to take part in the elections and elect representatives for the highest state functions. Ombudspersons indicate that every citizen of Bosnia and Herzegovina older than 18 including the persons deprived of their liberty have their voting rights in accordance with the Constitution of Bosnia and Herzegovina and the provisions of the Election Law of Bosnia and Herzegovina.

**Example:** A complainant<sup>261</sup> was detained in the Detention Unit of Tuzla Prison based on a decision of the Municipal court in Tuzla<sup>262</sup> under which her detention was extended until 13 November 2018 the latest. From the attached documentation it arises that on the day of general elections in Bosnia and Herzegovina, 07 October 2018 she was in the Detention Unit of Tuzla Prison, but for an unknown reason, her right to vote was denied and she was not able to exercise her electoral rights enshrined by the Constitution of Bosnia and Herzegovina and the Electoral Law of Bosnia and Herzegovina. The Prison Warden arguing that the detainees are not allowed to vote. Ombudspersons asked the Tuzla Prison why the complainant was not able to exercise her passive electoral right. The Central Electoral Commission of Bosnia and Herzegovina was also asked to provide information on whether a decision was reached on reported violation of the

<sup>260</sup> Ž-SA-07-125/18

<sup>261</sup> Ž-B1-07-841/17

<sup>262</sup> Decision of the Municipal court in Tuzla no.: 32 0 K 333451 18 Kv 5 of 13 September 2018

electoral right. In the letter of Tuzla Prison<sup>263</sup> it was said *that all the convicted persons whose names were on the list of those who wish to vote during the general elections in Bosnia and Herzegovina were enabled to do so, and since the detainees are not on that list, the complainant could not exercise that right.* The Central Electoral Commission of Bosnia and Herzegovina<sup>264</sup> it was said that the complainant „...on 02 October 2018 applied to the Central Electoral Commission asking to be enabled to vote“. However, having in mind the fact that „22 September 2018 was the deadline for the application for those who wish to vote before the mobile team, the Central Electoral Commission could do nothing in respect of this application, neither did the responsible local electoral commission as a first-instance body“.

### 6.3.8. Communication with outside world

In the past few years, one of the recommendations given by Ombudspersons to all penal institutions is to provide the confidentiality of the letters sent to the Ombudsman by the persons deprived of their liberty in accordance with Article 20 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina<sup>265</sup>. For that reason and based on the fact that the Ombudsman did receive letters containing complaints of the convicted persons in open letters attached to a cover letter made by the prison managements, in their annual reports Ombudspersons kept recommending to the prison managements in Bosnia and Herzegovina, in particular those in Republika Srpska<sup>266</sup> „that letters of the convicted persons to the Ombudsman should be forwarded in closed envelopes“.

Asked by the management of Foča Prison to provide their opinion<sup>267</sup> in a case Ombudspersons explained that the right to communication with outside world includes the right of the convicted persons to submit applications, complaints, or motions indicating „...that submission of letters in open envelopes and with cover letter attached by the prison managements containing some data on convicted persons (including some personal data and data on criminal offence they committed) is not acceptable.<sup>268</sup> ...which means that written communication of the convicted persons with Ombudspersons cannot be subject to any restriction or supervision, which means sending the letters in closed envelopes....“

In this occasion Ombudspersons reiterate that the prison managements are obliged to enable the convicted persons to send their letters to Ombudsman in the closed envelopes thus ensuring the confidentiality of the proceedings before the Ombudsman and confidentiality of communication.

### 6.3.9. Staff

In the previous annual report Ombudspersons have expressed their concern about the fact that all the institutions for the execution of criminal sanctions are lacking trained staff in the treatment

<sup>263</sup> A letter of the Tuzla Prison no.: 03-11-5145-2/18 of 15 November 2018

<sup>264</sup> A letter of the Central Election Commission of Bosnia and Herzegovina no.: 05-1-50-4-998-5/18 of 08 January 2019

<sup>265</sup> Article 20 of the Law on Human Rights Ombudsman of *Bosnia and Herzegovina* reads: „, Correspondence addressed to an Ombudsman or to the Institution from places where individuals are held in detention, in imprisonment or in custody may not be the subject of any kind of censorship, nor may such correspondence be opened“.

<sup>266</sup> Banja Luka Prison, Dobož Prison, Bijeljina Prison, Foča Prison, Istočno Sarajevo Prison, Trebinje Prison;

<sup>267</sup> A letter of Foča Prison no.: 01-56/18 of 22 January 2018

<sup>268</sup> Ž-SA-07-107/18

and security services. For that reason Ombudspersons recommended the ministries of justice of Republika Srpska and the Federation of Bosnia and Herzegovina to „*solve or at least alleviate the issue of understaffing, in particular when it comes to prison police*“. The provided data show that the ministries met this recommendation.

In Republika Srpska was hired 56 staff members in total, by Banja Luka Prison 10, by Foča Prison 13, by Istočno Sarajevo Prison 5, by Doboј Prison 15, by Bijeljina Prison 11, and by Trebinje Prison 2 staff members<sup>269</sup>.

In the Federation of Bosnia and Herzegovina, as mentioned in their letter<sup>270</sup> „*Based on a Decision of the Government of the Federation of Bosnia and Herzegovina no.: 1407/2017 of 24 October 2017 the Federal the Ministry of Justice was given the approval to hire 48 civil servants and prison staff members to work in the prisons in the Federation of Bosnia and Herzegovina... According to information available to the Ministry under this Decision most of staff has already been hired, while a number of decisions was appealed of and is pending a final decision. In addition to that, after leaving to pension of a number of employees or termination of the work contract for another reason (consensual contract termination, leaving abroad etc.) in June 2018 this Ministry endorsed hiring of 26 new employees (Mostar Prison – five staff members, Orašje - three, Tuzla Prison – two, -Bihać Prison – two, Sarajevo Prison –two, Busovača Prison – four staff members and Zenica Prison - eight). Hiring procedure, following the public competitions is ongoing*“.

---

<sup>269</sup> Data taken from the letter of the Ministry of Justice of Republika Srpska no.: 08.030/240-155/18 of 06 December 2018

<sup>270</sup> Data taken from the letter of the Ministry of Justice of the Federation no.: 04-49-4158/18 of November 12.2018

## VII. RIGHTS OF THE CHILD

In 2018 the Department for the protection of the rights of the child registered 216 complaints and issued 20 recommendations. Sarajevo Office received 105 complaints, Banja Luka Office 90, Brčko Office 8, Mostar Office 8 and Livno Office 5 complaints. Most of complaints related to the actions of guardianship authorities in conflict divorces, peer violence and protection of the rights of the child in court proceedings.

In the reporting period the Department staff participated in the preparation of the Report on implementation of recommendations from the document „Analysis of the situation in the institutions in which the minors in conflict with law are accommodated in Bosnia and Herzegovina“ and the assessment of current situation.

In the 2017 Annual Report Ombudspersons have stressed the importance of drawing up the Guidelines for determination of the best interests of the child in Bosnia and Herzegovina.<sup>271</sup> In 2018 these Guidelines were prepared and Ombudspersons in their processing of individual complaints indicate to the relevant authorities to the need to determine the best interest of the child and give clear guidance as to how to achieve it. This is an important aspect of the Ombudsman's mandate and powers as it strives to promote the concept of the child's best interest which implies the question to be asked by all the adults in decision-making on issues concerning children, which is *...if a decision I am about to make in the best interest of the children*. In general, Ombudspersons think that the rights of the children are not in the focus of the relevant authorities in Bosnia and Herzegovina. Poverty and the difficult material situation in Bosnia and Herzegovina hardly affects children (indirectly and directly), especially taking into account the trends of globalization, the crisis in family relations and the distressed value system.

In this Annual report Ombudspersons reiterate the importance of social welfare centers. The employees in these centers are exposed to many professional risks, a wide spectrum of legal responsibilities and powers, and are daily engaged with a high number of the beneficiaries (mental patients, persons inclining to asocial and aggressive behavior, criminal offences perpetrators, marital and extra-marital partners, minors in conflict with law etc). Ombudspersons also advocate for years<sup>272</sup> for the strengthening of the capacity of social welfare centers (guardianship authorities) due to their inadequate staffing and poor working conditions because of their responsibilities and sensitivity of their work, exposure to professional stress and burnout, and the perception of this profession by the citizens and their beneficiaries. To this end, it would be extremely useful, from the aspect of human rights protection, to provide supervision to the professionals engaged in the social welfare centers as a kind of professional support and, wherever possible, to distribute their tasks in order to get staff specialized for certain types of services, as well as to provide continuous staff training, with the full support of the local community and the provision of adequate cash funds to cover implementation of all recognized rights, but also many other rights that do not include cash benefits and other activities.

<sup>271</sup> This is an initiative and a project of the Network of NGOs "Stronger Voice for Children" supported by UNICEF in Bosnia and Herzegovina and the Ministry of Human Rights and Refugees of Bosnia and Herzegovina

<sup>272</sup> Special Report of the Ombudsman of Bosnia and Herzegovina "The Role of Social Welfare Centers in the Protection of the Rights of the Child", November 2013

## 7.1. Violence against children

In 2018, as in previous years, Ombudspersons have registered cases of violence against children, as well as peer-violence and cases of children victims of domestic violence.

Violence against children is a phenomenon that may encompass different interpretations and definitions, but the common characteristic of all is that violence implies any physical or psychological violence directed against children, either directly or indirectly, by individuals or institutions that endangers or prevents normal development, personal integrity or fulfillment of children's needs. While processing individual complaints or in cases handled *ex officio* Ombudspersons emphasize that every child has the right to growing up in the environment that will ensure them respect and support, completely free of any form of violence, because only such an environment promotes full development of a child's personality and creates responsible citizens towards oneself and others.

By ratification of the international standards in the area of the protection of the rights of the child, by adoption of different legislative acts, by signing the protocol on the procedure to be followed in cases of violence against children, the state has assumed the obligation to protect children from any form of psychological or physical violence. In situations where the timely reaction of the family is absent, as a primary cell, essential for the proper development and protection of the child's personality, intervention of the state or institutions and bodies with the mandate to protect the rights of the child is necessary. A key role in providing assistance to a child victim or a potential victim of violence is provided by educational institutions, guardianship bodies, family counseling centers and police bodies.

In respect of the implementation of Article 19 of the UN Convention on the Rights of the Child, or the state's obligation to undertake child protection measures against any form of physical or mental violence, the Ombudsman seeks to inform the competent authorities that a clear and explicit ban on physical punishment of children should be introduced in Bosnia and Herzegovina in all environments. The Ombudsman considers it necessary to emphasize that, with the aim of the implementation of recommendations concerning **the explicit prohibition of corporal punishment of children** given to Bosnia and Herzegovina by the UN Committee on the Rights of the Child, in addition to the steps already taken by the state with the aim of definition and the prohibition of any form of physical or mental violence<sup>273</sup>, it is necessary to carry out a **reform of legal regulations with certain measures, to provide a system of support for the ban on physical punishment as a social policy, and to involve the wider public in the debate with a view to raising awareness on this issue. The Family Law of Republika Srpska comprises an explicit ban of corporal punishment of children at home.**<sup>274</sup> **In the Federation of Bosnia and Herzegovina and the Brčko District it is necessary to ensure that the applicable legislation is clearly prescribing the explicit prohibition of the physical punishment of the children at home. Although the Children's Council of BiH, guided by the international documents and the BiH Acton Plan for children 2015 – 2018 referred an initiative to the relevant authorities**

<sup>273</sup> The Government of the Federation of Bosnia and Herzegovina, at its 75<sup>th</sup> session held on 11 March 2013 adopted the Strategy for the Prevention and Fighting of Domestic Violence (2013-2017), the Government of Republika Srpska adopted the Strategy for Combating Violence in the Republika Srpska (2014-2019) in May 2014

<sup>274</sup> Article 97 of the Family Law of Republika Srpska „Official Gazette of Republika Srpska“ no.54/02, 41/08 and 63/14

for the amendments of family legislation and the Law on Social and Child's Protection, the Law on the Protection from Domestic Violence and legislation in the area of health care in the Federation of BiH, Republika Srpska and Brčko District of BiH, the Framework Law in the area of pre-school and school education, as well as the introduction of the Law on Sports in order to introduce an explicit ban on physical punishment of children in all environments, Ombudspersons state that this problem is still not regulated by law. Ombudspersons of Bosnia and Herzegovina conclude that despite the protection from all forms of violence, abuse, harassment, and neglect provided for by family legislation, this norm is not sufficient to protect the dignity of the child.

**Example:** The Ombudsman opened a case *ex officio* related to a video record of abuse of a child by a teacher in pre-school institution, which was posted on many portals and social networks in Bosnia and Herzegovina<sup>275</sup>. This case also points to the sensationalist approach of the media in situations where they report a violation of the child's right. In their media release<sup>276</sup>, Ombudspersons expressed their concern because a clear and explicit ban on physical punishment of children in all environments in Bosnia and Herzegovina has to be introduced. It is obvious that the international standards for the protection of human rights of children contained in the UN Convention on the Rights of the Child and the protocols attached to it and other conventions of the Council of Europe have also created the obligation of Bosnia and Herzegovina to harmonize the legal framework, as well as the obligation of monitoring and reporting on harmonization and application of regulations in Bosnia and Herzegovina. Within these standards, the issue of professional standards for all professionals working for children and with children, as well as professional follow-up systems with children victims of violence is of paramount importance. The investigation is ongoing.

**Example:** Ombudspersons received a report<sup>277</sup> that children in a family from the area of Kostajnica Municipality are completely neglected, educationally and otherwise. The Ombudsman contacted the competent social welfare center to provide their opinion and the substantiate their claims with relevant documentation (evidence). At the same time they offered their assistance and expertise to the social welfare center in order to resolve this case in the best interest of the children (via relevant authorities – the Municipal Administration and the relevant ministries – the Ministry of Health and Social Protection of Republika Srpska and other governmental or non-governmental organizations. The case is followed-up.

**Example:** Ombudspersons have received a complaint<sup>278</sup> of a high school in the area of Biháč Town. The School invokes the Protocol on the procedure to be followed in cases of violence involving children. During their investigation Ombudspersons praised the School as it acted in accordance with the law and above that, professionally, responsibly, consciously, putting primarily the best interest of the child in consideration and their focus. In their complaint, the School reports a case of domestic violence to the competent authorities including the Social Welfare Center Biháč, the Ministry of Interior of Una-Sana Canton and Ombudspersons. The School claims that the school pedagogue had an interview with a third grade student and that the

---

<sup>275</sup> Ž-BL-01-861/18

<sup>276</sup> on 29 October 2018

<sup>277</sup> Ž-BL-01-889/18

<sup>278</sup> Ž-BL-01-473/17

child said that during a fight between the parents his father attacked his mother in his presence. The School management took all necessary measures falling within their mandate including the interview with the mother who was given advice. In the course of the proceedings the responsible bodies (the Ministry of Interior of Una-Sana Canton and the Social Welfare Center Bihać) were invited to provide information to the Ombudsman on the actions taken in this case of reported violence. The School informed Ombudspersons<sup>279</sup> that the child was constantly monitored and followed-up by the School pedagogue and that it was established that the whole situation between the parents had improved. An interview was conducted with them and they said they go to the marital counseling and seek to find the most suitable solution to this whole situation.

Ombudspersons emphasize that the key subjects for the protection of children, i.e. the authorities implementing the Law on the Protection against Domestic Violence: police, prosecution, judiciary, social welfare institutions, health care institutions, pre-school and school institutions. Their actions should be directed towards achieving the best interests of the child. The obligation to act to this end is determined by a number of regulations and documents relating to the rights and protection of children, starting with the international documents adopted by Bosnia and Herzegovina, and to domestic legislation governing the areas of criminal law, family law, social and child protection, education, protection. Every form of violence against children is considered as an inadmissible act and is one of the most difficult forms of endangering and violating the rights of the child. The state has a duty to protect the child from all forms of violence, provide support to the family and provide an environment in which the child will develop unimpeded.

**Example:** A mother, the citizen of Bosnia and Herzegovina, addressed the Ombudsman<sup>280</sup> seeking the assistance in a situation where her child, a secondary school student attending a high school in Novi Sad was exposed to sexual harassment by a school employee, emphasizing that the child is suffering of cerebral palsy and is benefiting from a boarding school. Ombudspersons contacted the Provincial Ombudsman of Vojvodina asking him to get included and to furnish the Ombudsman with all relevant data in this case. The Ombudsman is closely following this case.

Ombudspersons state that peer violence is still present in Bosnia and Herzegovina, which is evident from the cases registered in the Ombudsman. Since its establishment in 2009, the Department for the protection of the rights of the child on an annual basis received about 20 complaints relating to the peer violence in primary and secondary schools. The complaints received show that in most cases verbal violence is present among the peers, and mostly occur in larger cities or urban environments. Violence is most commonly occurring at school, at a time of rest in the classroom, on the corridor or in the school yard. Even though children are perpetrators, the role of adults responsible for these children is crucial in seeking the most appropriate response to prevent such violence, also taking care that these measures do not further aggravate violence by taking a wrong stance or using violence to prevent violence.

**Example:** The Ombudsman received a complaint of a minor boy's mother<sup>281</sup> which was complaining of inadequate treatment of her son by the Primary School „Grbavica 1“ in a case

<sup>279</sup> On 26 March 2018 (number not provided)

<sup>280</sup> Ž-BL-01-454/18

<sup>281</sup> Ž-SA-01-294/17

involving the peer violence against the boy, which was a victim of verbal, physical and pshychological violence. The Ombudsman informed the School director and pedagogue, as well as the social welfare service and the police and, having in mind the specifics of the allegations contained in this complaint, initiated a consultative meeting<sup>282</sup> to which attended the complainant, the representatives of the Ombudsman, the School director and pedagogue, and the representatives of the Social Protection Service of the Municipality of Novo Sarajevo. At this meeting the Ombudsman informed the present participants on their legal obligations to take necessary measures in cases of peer violence, to sanction the perpetrators and to prevent similar future cases. After the meeting, according to the complainant, the violence against her son stopped, so that the case was closed.

## 7.2. Children on the move

In 2018 Ombudspersons made a Special report on situation in the area of migrations in Bosnia and Herzegovina, which was presented in more details in the part of report related to civil and political rights. In this part of the report Ombudspersons will highlight the basis data and concerns related to the children on the move. To remind, children on the move are those children moving for a variety of reasons, voluntary or involuntary within or between countries, with or without their parents or other primary caregivers, and whose movement might place them at risk of inadequate care, economic or sexual exploitation, abuse, neglect or violence<sup>283</sup>.

In Una-Sana Canton in July in the Reception Center in Đački dom in Borići established was a space for children called "Child friendly space", that is, a safe corner for children. A safe corner for mothers and babies<sup>284</sup> is located in the drop-in center for children, or in the Safe House<sup>285</sup> located in the vicinity of the Đački dom in Borići. Initially, the housing of the most vulnerable categories in the Safe House was realized with the support of the Care International, while the continuation of the implementation from July 2018 was provided through the UNHCR. As part of the care in the Safe House in September, 11 families with a total of 42 people were registered. From the month of August, with the support of UNICEF, for children in Sedra (Reception Center, Sedra Hotel situated in Cazin Municipality) established was a Corner for children as well. On a daily basis, volunteers work with more than 80 children. The Social Welfare Center Bihać has a very important role in the treatment of children, that is, in the process of appointing a legal guardian. SWC Bihać is the only social welfare center in the Una-Sana Canton area dealing with migration issues, care of migrants and appointment of guardians to the minor children<sup>286</sup>. In 2017 this SWC provided guardianship for 25 children and in 2018 for 60 minors. Due to the scope of work, the SWC Bihać is facing numerous difficulties in its work<sup>287</sup>. The difficulties are

---

<sup>282</sup> On 03 April 2017

<sup>283</sup> Definition of the Save the Children

<sup>284</sup> The corner for mother and children is the corner where mothers can change, feed, bathe their babies, and so on.

<sup>285</sup> A Safe House provides adequate accommodation for women and children victims of trauma and violence during the process of their recovery. Stay in the Safe House includes appropriate professional assistance, individual and group therapy, counseling, family therapy, occupational therapy, and economic empowerment through attending the training for employment and self-employment.

<sup>286</sup> On 9 October 2018, representatives of the Ombudsman Institution visited the Social Welfare Center in Bihać. On that occasion, a conversation was held with the director of the Center Senad Tutić and Dijana Nuspahić.

<sup>287</sup> Although not competent, the Social Welfare Center in Bihać, taking into account the best interests of the minor, takes over the role of the competent center and appoints guardians for minors located in the Sedra Center. The Sedra Center is located in the municipality of Cazin, which means that the institution in charge of the designation of a guardian should be the Social Welfare



primarily related to the procedure of appointment of a legal guardian and registration of the newborn children delivered in the Una-Sana Canton. Specifically, in accordance with Article 16 of the FBiH Law on Registry Books<sup>288</sup>, this Center is required to ensure that the newborn migrant children are entered in the birth register and that the employees themselves give the names to the newborn babies in the event that their mothers and the newborn babies leave the hospital and they lose track of them. For this reason, the SWC Bihać has sent a letter to the Foreigners' Affairs Service to check if the parents of these children are in Bosnia and Herzegovina so they can contact them and, with their knowledge, complete the process of registration of their children. Since the establishment of the Foundation of Bosnia and Herzegovina Women Initiative in Bihać, 63 unaccompanied minors have been registered, of which 61 boys and two (2) girls. The temporary reception center Sedra (Municipality of Cazin) is ensured the accommodation to vulnerable categories<sup>289</sup> (families, single parents, mothers with children, unaccompanied children<sup>290</sup>, victims of violence) located in the Una-Sana Canton area, the Ministry of Security of Bosnia and Herzegovina opened the Center in July 2018. Out of the total number of the beneficiaries located in the Center, 108 are men, 100 women, 204 children out of which 111 boys and 93 girls. Since the establishment of the Center, 97 families have been registered in the Center<sup>291</sup>. With the support of UNICEF, Sedra has established a safe corner for children and a corner for mothers and babies<sup>292</sup>. On the day of visit<sup>293</sup> there were 133 beneficiaries accommodated in the Center out of which 58 children<sup>294</sup>, and their gender structure was 69 men and 64 women. This Center mostly accommodates families with children. In occupational segment the NGOs coming on a daily basis to the Center play a great role since they envisage different activities in the field of education and sports for the beneficiaries. First of all, there is a Foundation of Bosnia-Herzegovina Women Initiative representatives of which is engaged in literacy campaigns and organization of language courses. The NGO World Vision has equipped a room for children placing toys, learning material and similar items there. Their representatives work with children every day. The role of these activists, who work with children in groups according to their age includes the activities aimed at the development of linguistic and social skills of children. The establishment of "Children's Corner" is of particular importance having in mind that these children are not part of the preschool or educational system and that this is their only activity. Ombudspersons would like to use this opportunity to express their appreciation for the work of these NGOs.

---

Center Cazin. According to information provided at the meeting, the representatives of the Social Welfare Center of Cazin refuse to appoint guardians to minors who are located in the Sedra Center.

<sup>288</sup>Official Gazette of the Federation of BiH ", No. 37/12

<sup>289</sup> Profiling of migrants based on the priority list is done by UNHCR on the ground. Most of these are located in Borići and Velika Kladusa.

<sup>290</sup> One is an unaccompanied minor (17 years old) to whom by the Social Welfare Center Cazin was assigned as a guardian. It is a boy who was caught in a fight, with serious injuries, undergone surgery and was released from the hospital, after which he was placed in the Center.

<sup>291</sup> There are currently two children with special needs in the Center.

<sup>292</sup> From 20 August 2018, a corner for children in Sedra was established. On a daily basis, volunteers work with over 80 children. In September, work with a total of 35 mothers with babies was recorded in the corner for mothers and babies. UNICEF supports the work of both corners until 31 March 2019

<sup>293</sup> Visit of the Ombudsman's representatives took place on 19 September 2018 when the Ombudsman's representatives talked to the director of the Refugee Center Denjo Edin

<sup>294</sup> Age structure at the day of the Ombudsman's delegation visit: 0-4 years– 17 children; 4-10 years – 29 children; 10-16 years – 12 children.

### 7.3. Protection of children in administrative and court proceedings

Acting on individual complaints, the Department for the protection of the rights of the child, received in the reporting period the largest number of complaints related to the protection of the rights and interests of the child in administrative and judicial proceedings. Through the individual examples, Ombudspersons want to highlight the phenomena that actually represent indicators that the competent authorities should take additional efforts to enable children to exercise their rights.

The position and protection of the rights of children in conflict divorces is still an important issue and the ground for the engagement of the Ombudsman, that is, Department for the protection of the rights of the. Given the frequency of this problem, Ombudspersons can conclude that these are the issues that put a large number of children to a very unfavorable situation. Divorce of the parents is a very stressful experience for every child, which undoubtedly provokes strong emotional reactions and, unfortunately, we are often witnessing the situation when the parents by their behavior make this experience even more difficult to their children because of their own inability to face their situation and their unwillingness to take responsibility for developing a mature relationship with their child and their former partner.

Monitoring of work and the way in which the competent institutions react in cases of violation of the child's right during and after divorce of their parents, including the common-law partners, clearly indicate that the manipulation with children in cases of divorce is very common.

Ombudspersons of Bosnia and Herzegovina emphasize the obligation of the state to assist the parents in taking the responsibility for raising their children and to this end ensure that the relevant institutions, capacities, and child protection and care services are in place. Ombudspersons are aware of the numerous flaws of the system of the protection of the rights of the child, so when there is no cooperation, willingness and intention of the parents to work together to establish normal parental communication, even the state demonstrates the inability to protect the child. The lack of adequate protection mechanisms, because the existing ones are not sufficient and are ineffective, only deepens the conflicts (numerous court and administrative proceedings).

Although aware of the many weaknesses in the functioning of the social welfare centers, and in particular the scope of their work, Ombudspersons emphasize the key role of the relevant social welfare services in the protection of children's rights in judicial and administrative proceedings. Particularly emphasized is the need for coordinated action and cooperation between the social protection services and the police authorities in situations of disrupted family relationships, the lack of parental communication, as well as impossibility of direct personal contacts between the children and the parents, both during the divorce proceedings and even after the adoption of a final judgment of the competent court, with the aim of its consistent implementation.

In processing the complaints<sup>295</sup> in the area of conflict divorces where the divorce lawsuit is ongoing before the responsible court, taking account of the specifics of every complaint, such as

---

<sup>295</sup> Ž-SA-01-875/17, Ž-SA-01-876/17

the duration of every lodged complaint, that is, the specific characteristics of the complainants, relationships between the parties to the lawsuit and the difficulties in maintaining the personal contacts between the child and the missing parent, emphasizing also the need for urgent reaction and resolution of lawsuits<sup>296</sup> as defined by the family legislation in Bosnia and Herzegovina.

In cases of issuance of travel documents, the Ombudsman notes the different practices and procedures of the competent authorities in the territory of the whole of Bosnia and Herzegovina, which is not in the interest of the realization and protection of the rights of the children, because such acts create legal uncertainty and opportunities for various abuses, which leads to threats and violations the rights of children. In this regard, it is absolutely justified that the competent bodies in charge, in case of any doubt, or the lack of clarity regarding the issuance of a travel document, address the competent social welfare centers, and advocate the same legal and practical solutions on the territory of the whole country, while respecting the provisions of the Law on Travel Documents of Bosnia and Herzegovina.

**Example:** In processing a complaint<sup>297</sup> it was established that the complaint and the child's father do not have communication and the parental relationships are deeply and permanently disturbed. The Social Welfare Center in Banja Luka took actions and measures prescribed by the positive legislation, but it led no to communication between the child's parents in the interest of children. During the investigation, Ombudspersons found that the different court proceedings are ongoing, which only worsen the situation deepening the conflict between the parents and the children, and that the child's father filed a criminal report against the complainant for the alleged criminal offence the child abduction. The competent Public Prosecutor's Office filed an indictment against the mother in order to protect the rights of the child. Irrespective of the numerous measures and actions taken by the competent authorities, the Ombudsmen also use this opportunity to point out that the rights of the child in this particular case are violated and endangered, given the lack of parental communication and the deterioration of parental relations. Note that on the side of both parents, the competent authorities should take into account the parents' ability to jointly exercise parental care and their determination to do it, their fulfillment of obligations and respect for the rights of another parent, degree of the agreement on the child's upbringing during the past period, and in accordance with it, ability, willingness, will and desire to cooperate in upbringing the child and understanding of all matters of vital importance to life and raising of the child after the dissolution of their matrimony, their ability and readiness to jointly make important decisions concerning the child because the needs of the child must be given a priority and the parents should adjust to the child's needs. Given the importance of regular contacts with the parents for the child and the fact that the existence of such contacts is in the best interest of the child in the long term, the maintenance of these relationships and contacts can be limited or prohibited only when the interests of the child cannot be protected otherwise. The case is subject to investigation.

**Example:** Ombudspersons received a complaint<sup>298</sup> relating to the guardianship for the protection of the best interest of the minor child against the Social Protection Service of the Municipality of Hadžići. In this complaint the Ombudsman intervened and afterwards received a letter from the

---

<sup>296</sup> P-17/18

<sup>297</sup> Ž-BL-01-606/18

<sup>298</sup> Ž-SA-01-1182/16

mentioned Service<sup>299</sup> from which they learnt that the said Service passed a decision, on request of the Municipal Administration, appointing a Service's staff member as a guardian to a minor child who made necessary administrative actions for the child to get his PIN and initiated a legal proceedings for the obtaining of citizenship.

**Example:** The Ombudsman registered a complaint<sup>300</sup> lodged by a children's father who was not satisfied by the work of the Social Protection Service in a municipality. Acting on this complaint, Ombudspersons learnt<sup>301</sup> that the children and the mother had residence in another municipality which was the reason that this Service pronounced itself as not having a jurisdiction in this particular case. After that the complainant informed the Service that he had reached an agreement with his ex-common-law wife about the raising of the children. In 2014 the complainant contacted the Service again claiming that his ex-wife is sending him inappropriate messages and that he was concerned about the children's well-being. The competent Service explained to the father that the children are currently in a safe house in Banja Luka and that they would have to be placed in a foster family because of the mother's health condition, adding that the children would have to stay in a foster family until the end of the court proceedings for stripping their mother from her legal capacity. In response, the complainant applied to the Service to be entrusted with the guardianship after which the Service sent a letter to the Ombudsman<sup>302</sup> to inform it that after the field visits, interviews and review of the available documentation they found that the complainant has a dominant resolution and wish to solve this issue, in addition to his motivation and commitment to take over the parental care and obligations in respect of his minor children. Eventually, the complaints informed the Ombudsman<sup>303</sup> that he was entrusted with protection and care of his children and the case was closed.

**Example:** The Ombudsman received a complaint of a mother<sup>304</sup> related to the work of the Social Protection Service of the Municipal Administration Stari Grad Sarajevo in respect of mediation and decision-making about the guardianship of the minor children pending the final and binding court decision to be rendered by the Municipal court in Sarajevo. The complainant claimed that the children very rarely contacted her under the influence of their manipulative father. Having found that the allegations of the complainant have grounds, in this case the Ombudsman issued its recommendation<sup>305</sup> to the Municipal court in Sarajevo to take necessary activities in this case in order to render a decision, and to the Social Protection Service of the Municipal Administration Stari Grad Sarajevo to invite the father at once and inform him of his legal obligation to enable the contacts of the children with their mother under the circumstances and by means promoting the best interest of the children and in case that the father is not inclining to reaching the agreement with the children's mother that the Service arranges their contact in their premises. After this the complainant informed the Ombudsman that the Court had scheduled the

<sup>299</sup> Letter no. 35/VI-10-530-622/18 of 05 October 2018

<sup>300</sup> Ž-BL-01-274/18;

<sup>301</sup> Letter no. 01-544-1-18/18 of 13 April 2018

<sup>302</sup> Letter no. 01-550-2-39/18 of 15 August 2018

<sup>303</sup> On 30 August 2018

<sup>304</sup> Ž-SA-01-938/18

<sup>305</sup> P-237/18

main hearing in their case<sup>306</sup>. Ombudspersons will keep following up the case in the best interest of the children.

**Example:** The Ombudsman received a complaint of a mother<sup>307</sup> which emphasized that after her divorce she experienced problems in communication with her ex-husband, while she thought that the contact is necessary for the best interest of their child. Although the father pays the alimony regularly, he manipulates with the child and the authorities responsible for the protection of the interests of the child (police and social welfare center) by accusing the mother and her parents for violence, both physical and psychological, which she fully denies. Ombudspersons recommended the competent authorities<sup>308</sup> including the competent ministry to speed-up the proceedings of decision-making on the appeal from the decision of the relevant social welfare center and if necessary render their professional and other assistance to the competent social welfare centers taking care of the best interest of the child. In addition to that, they recommended the competent social welfare centers (two of them, since the residence of the child's mother and the father are different) to keep taking the steps and making efforts which will result in protection of the rights and interests of the child. The competent court was recommended to act urgently in proceeding conducted on the father's appeal from the previous court decision related to entrusting the guardianship of the child and directly applying the the United Nation Convention on the Rights of the Child invite the forensic expert in the area of child's psychology or psychiatry to assess the child's situation and establishes the facts in this case in order to reach a decision in the best interest of the child. The competent prosecutor was recommended to act urgently and efficiently and speed-up the decision-making in respect to every report of the relevant police authorities. The competent police station was recommended to apply maximum caution in respect to the reports of the parents. Ombudspersons are closely following the implementation of these recommendations.

**Example:** The Ombudsman received a complaint of a mother of a minor boy<sup>309</sup> including her complaint of the work of the municipal Social Protection Service of the Municipality Centar Sarajevo because the father of a child took the child in violation of the decision of the mentioned Service<sup>310</sup> entrusting the mother with the care of child and that the father prevents the mother's contact with the child for a prolonged period. Ombudspersons took necessary measures for the protection of the child's rights<sup>311</sup>, and issued their recommendation<sup>312</sup> to the Social Protection Service of the Municipality Centar Sarajevo and the Police Station Centar to take necessary measures and the actions with no delay in accordance with its legal mandate and implementation the decision of the Service. On the initiative of the ex-husband of the complainant Ombudspersons had a meeting<sup>313</sup> with him and took necessary activities which had resulted with return of the child to his mother<sup>314</sup>.

---

<sup>306</sup> On 21 December 2018

<sup>307</sup> Ž-BL-01-806/18

<sup>308</sup> P-294/18 of 22 November 2018

<sup>309</sup> Ž-SA-01-1219/18

<sup>310</sup> No. 35/II-02-544-95/16 of 02 June 2016

<sup>311</sup> 19 November 2018 a meeting was held in the Social Protection Service of the Municipality of Centar

<sup>312</sup> P-291/18

<sup>313</sup> On 06 December 2018

<sup>314</sup> On 07 December 2018

## 7.4. Education

The Ombudsmen of Bosnia and Herzegovina point out that every child must have the same right of access and equal opportunity to participate in appropriate education that must be in accordance with established standards that will ensure the child to develop his potential in the best possible way, which means ensuring equal conditions and opportunities for all children.

The right of the child to education must have priority over all other rights, given that it is of paramount importance for the enjoyment of all other rights and freedoms: civil-political, economic-social, cultural rights and freedoms of each person, and has a major role in the preservation of cultural and national identity, and the principle of the best interests of the child requires all bodies responsible for educational processes in Bosnia and Herzegovina to take efforts that will result in the establishment of an environment that supports the personality of students, in the absence of any form of discrimination.

**Example:** The Ombudsman Institution received complaint from two boys<sup>315</sup>, stating that a boy aged 12, attends the seventh grade of elementary school in Koprivna, which is about eight kilometers from their home, while his brother, at the age of ten, attends the fifth grade of the Territorial School in Koprivska Trebava, which is from their houses four kilometers away. The complainants from home to school and back go on foot, live alone with their father, whose monthly cash benefits are 200 KM, and state that the family previously owned a car that they sold because the road to their house is bad and impassable for cars. According to them, their father addressed several times to the head of the Municipality of Modriča with the aim of remedying the road, but unsuccessfully. Also, the appellants state that they contacted the mayor of the Municipality in writing in connection with the aforementioned, but did not receive any response. The complaint is currently in work.

**Example:** Acting on the complaint of a close relative of a child<sup>316</sup>, the Ombudsmen noted that the competent cantonal ministry of education found a violation of the child's right to education and it was recommended to the secondary school to immediately consider and take all necessary measures in order to resolve the problems that had arisen peacefully and by mutual agreement, resulting in the elimination of all adverse consequences for the child in the educational process. Namely, after the procedure was carried out, the child was sentenced and the child was no longer attending school. During the investigative procedure, the responsible school informed<sup>317</sup> the Ombudsmen there are no omissions in the concrete situation, and that this is caused by an inappropriate and unacceptable behavior of the student. After issuing a recommendation<sup>318</sup> by the Ombudsmen, the competent inspection body, or the competent Ministry, delivers an opinion<sup>319</sup> according to which the school carried out a complete procedure in accordance with the School Rules and in accordance with the Law on Secondary Education, and was of attitude that the student committed a serious violation of working discipline and consequently was imposed an educational disciplinary measure - exclusion from school. Respecting the Ministry's

---

<sup>315</sup> Ž-SA-05-1086/18

<sup>316</sup> Ž-BL-01-652/17;

<sup>317</sup> Act No. 663/2017 of 25.10.2017.

<sup>318</sup> P-3/18;

<sup>319</sup> Act No. 10-38-3109-2/18 od 14.03.2018.

opinion, the Steering Board confirmed<sup>320</sup> Decision of the Teachers' Council on the pronouncement of an educational disciplinary measure<sup>321</sup>. The Ombudsmen noted that after the issuance of recommendation, the school took procedural procedures and activities, but did not consider the Ombudsmen's recommendation in the part relating to the possible settlement of the dispute peacefully, and concluded that the recommendation was not respected.

**Example:** The Ombudsmen addressed the Elementary School about the complaint and addressing by representatives of a political party<sup>322</sup>, in view of the allegations that the case in question is child abuse for political purposes. According to the complaint of a political party, another political party distributed gifts/packages to children, and it is disputed that the packages were marked by political parties. The complaint emphasizes that children without knowledge and parents' permits were taken out from the school and exposed to distribution of political advertising materials. After examining the allegations, the Ombudsmen received a statement from the school<sup>323</sup> *"...that a forest management had expressed its intention to distribute New Year gifts to children up to the sixth grade in front of the Cultural Center, without mentioning the name of any party, that it was only after the delivery of the gift that it was noticed that the name of a political party was shown on the bags with gifts, about which no one could be informed, and that it was incorrect information that children, parents and educators were consciously and deliberately deceived."* In this case, Ombudsmen issued a recommendation<sup>324</sup> and recommended that the school ensure that, in all future situations, children are protected from any abuse and manipulation for political purposes. Following a recommendation, the school provided an answer<sup>325</sup> *that it will do everything necessary and protect children from any abuse and manipulation for political purposes.*

**Example:** Mixed secondary school "Travnik" in Travnik has introduced Ombudsmen<sup>326</sup> on the conclusion of the Municipal Court in Travnik, which determines the execution and eviction of this school for the day of August 14, 2018, upon the proposal of the prosecutor of the execution of the Vrhbosana Archdiocese of Sarajevo. The complainant states that by executing this Conclusion, over 1,000 students and professors will be "thrown out" in the street because there are no other possibilities. The Ombudsmen assessed that there was no legal basis for appealing to the Municipal Court in Travnik, considering the existence of a final and enforceable judgment. However, the Ombudsmen addressed the Government of the Federation and the Government of the Central Bosnia Canton, with the aim of resolving the issue of further education of children and school work. The authorities have cooperated with the Ombudsmen, and the Ombudsmen have made efforts<sup>327</sup> and asked the competent authorities for a permanent solution to the

---

<sup>320</sup> Date: 15.03.2018.

<sup>321</sup> No. 352/2017;

<sup>322</sup> Ž-BL-01-927/17;

<sup>323</sup> No. 22/18 of 18.01.2018.

<sup>324</sup> No. P - 67/18;

<sup>325</sup> Act No. 203/18 of 18.04.2018.

<sup>326</sup> Ž-BL-01-572/18, Ž-BL-01-766/18;

<sup>327</sup> In relation to this, three meetings were held, one in Travnik and two in Sarajevo, involving several different actors, starting with the Mayor of Travnik Municipality, the cantonal minister and prime minister of the Central Bosnia Canton, the representatives of the Council of Ministers of Bosnia and Herzegovina before the European the Human Rights Court, the representatives of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Office of the Government of the Federation of BiH for representation before the Constitutional Court of Bosnia and Herzegovina, the Secretary and the Prime Minister of the Government of the Federation of Bosnia and Herzegovina. Regardless of the complexity of the topic and the numerous issues that need to be solved, all participants expressed their readiness to work on a solution that would respect the rights and interests of all parties and continue to devote themselves to working in that direction.

problem. After undertaking the activities, the Vrhbosna Archbishopric leased the school/premises, and the children continued to attend school in the new school year. However, the Ombudsmen use this opportunity to indicate to the competent authorities that this is a temporary solution and require a lasting solution to this long-standing problem. They also point out that over 1,000 students attend classes in a unsuitable facility, and for which the competent ministry regularly pays rent.

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

Starting from the basic principles of human rights that all human beings are free and equal in dignity and human rights, with full respect for all the principles of the UN Convention on the Rights of the Child, the Ombudspersons of Bosnia and Herzegovina, in 2010, assessed the need to evaluate the situation of children with special needs/disturbances in psychophysical development<sup>328</sup>. In the Special Report, the Ombudsmen pointed to the difficulties encountered by children and families of children, that is, to indicate the inconsistency in the implementation of international and domestic legal regulations and the violation of basic children's rights.

The highest number of complaints received at the Ombudsman Institution regarding the protection of the rights of children with special needs indicates that the categorization of a child as a person with disabilities in psychophysical development is directly reflected in the realization of the right to education<sup>329</sup>. The violation of the rights of this category of children in the education system, and according to the complaints received, is mainly manifested through the lack of basic working conditions (inaccessibility of a school facility, lack of didactic means, teaching assistants) or discriminatory attitude, that is, unequal treatment of teaching staff which can occur as a result of insufficient education and experience in working with this category of children.

The Ombudsmen reiterate that the only correct childcare system for children is the one that is flexible and shaped according to the needs of each child, including children with developmental disorders. The most important inclusion of the child occurs in his social environment in everyday life, and this will only be achieved through the successful development of the potential of the child with the help of a unique but fluid system tailored to each child individually. The Ombudsmen emphasize that it is necessary to link the health, education and social system and establish their functionality for children with special needs/disabilities in psychophysical development.

**Example:** The Ombudsmen have been aware of the problems of a child with severe and rare illness for a long period of time<sup>330</sup>. The Ombudsmen undertook numerous measures and activities in order to exclusively appreciate the best interest of the child, the children's exercise of the right to education in elementary school, and then in secondary school. The Ombudsmen insisted and demanded from the competent authorities the consistent application of the law in all

<sup>328</sup> "Special Report on the Status of Rights of Children with Special Needs/Disabilities in Psychophysical Development in BiH", November, 2010.

<sup>329</sup> Ž-SA-06-922/16, Ž-SA-01-490/18;

<sup>330</sup> Ž-BL-01-341/16;



procedures, and they recommended<sup>331</sup> to the Government of Canton Sarajevo and to the competent Ministry of Education, Science and Youth to conduct reform activities in the near future in accordance with the Law on Primary Education; to adopt the Strategy on Primary Education in the Sarajevo Canton as soon as possible, so that, immediately in order to protect the rights and interests of the child, they help the school that the child attends in a way that will provide full material and any other kind of support, in particular to provide a child with a teaching assistant in order to successfully complete primary education. Competent Ministry<sup>332</sup> informed the Ombudsmen about the activities and intentions undertaken, in accordance with the recommended measures. In a written correspondence, the mother of the child states that she enrolled her child at the School for Secondary Vocational Education and Training in Sarajevo, but that she did not have an assistant and that her education without an assistant loses meaning, and she expects the Ministry to hire an assistant. The Ombudsmen invited the Ministry to consider every legal possibility for the child to receive as much as possible an adequate and qualitative right to education, and will continue to monitor the case. A concrete example also opens the issue of the position of children in other smaller and rural areas in Bosnia and Herzegovina, since complaints are registered in the Department from the area of urban and densely populated communities (cities).

**Example:** The Institution of the Ombudsman was addressed by the mother of a child with special needs<sup>333</sup>, regarding the difficulties in inclusive education in PI "Middle Catering and Tourism School" Sarajevo. The complainant claims that her son is a child with special needs, which was observed by the Vladimir Nazor Center for Upbringing, Education and Rehabilitation when he was diagnosed with ADHD and epilepsy. The party states that since the boy's enrollment in the first grade of the school, the administration of the institution and teaching staff showed a very negative attitude towards the family and the process of inclusion of the boys in the curriculum. After the investigative procedure was conducted, an announcement from the Educational and Pedagogical Institute of Canton Sarajevo was delivered<sup>334</sup> and the statement of the school principal, which explains the attitude of students towards the teaching process, as well as the treatment of teaching staff, resulting in no discrimination or violation of the rights of the child, and that all available steps have been taken to help the student to learn the school curricula, animation and motivation of students to get involved in the work of school tasks, optimal utilization of student's capacities and socialization, and in his best interest.

**Example:** The Ombudsmen received complaint by a mother of a child with special needs (autism)<sup>335</sup>. The complaint states that the boy was introduced into regular education in the presence of an assistant, and that during the two-year education; four assistants were changed to the child. The boy could not accept the frequent change of assistants, which resulted in a change in his psycho-physical condition. Pediatrician and psychiatrist were asked for assistance, after which he was sent to the Institute for Mental Health - Clinic for Children and Youth in Belgrade. In the opinion of an ordination physician, a child psychiatric specialist at the Children's and Youth Clinic in Belgrade noted that considering the specificity of the developmental disorder, it

---

<sup>331</sup> P-69/18 of 09.03.2018.

<sup>332</sup> Act No. 11-04-38-sl/18 of 22.08.2018.

<sup>333</sup> Ž-SA-01-770/18;

<sup>334</sup> Act No. 11/1-02-38-671-1/18 of 12.07.2018.

<sup>335</sup> Ž-BR-01-188/18;

is necessary to provide the continuity of the assistant at least during one school year, and it is recommended that parents be assisted in attending classes and performing school activities. However, the parents did not find the willingness of the competent authorities to act in accordance with the opinion of the doctor, so that the child did not begin attending classes in the school year 2018/2019. The Ombudsmen point out that it is not questionable that the provisions of the Law on Education in Primary and Secondary Schools of the Brčko District of BiH<sup>336</sup> the prescribed goals, organization and activity of the institutions of primary and secondary education of the Brčko District of BiH, and the Rulebook on work with pupils with special needs in primary and secondary schools of the Brčko District<sup>337</sup>, the method of work and the job descriptions of the assistant are provided, which provide professional assistance to pupils with special needs, and that assistants should not be members of the immediate family of the students to whom they are assigned. However, the Ombudsmen found that when deciding on the subject matter of the requests of the parents of the pupils, the educational bodies of the Brčko District of Bosnia and Herzegovina did not comprehensively take into account his health condition and the specificities of the disorders from the spectrum of autism, and therefore they recommended<sup>338</sup> to the Government of the Brčko District of BiH, the Department of Education, without delay, to take the necessary measures in order to continue the education of the child, acting in his best interest and in accordance with his special needs. After the decision of the responsible body was delivered, the Ombudsmen noted that the recommendation was not implemented.

## 7.6. Health Care

Recalling the provisions of Article 24 of the UN Convention on the Rights of the Child, the Ombudspersons of Bosnia and Herzegovina emphasize that well organized health care of children in BiH is the basis for ensuring the conditions for the overall development of the child, safe and happy childhood, to alleviate, remove and exclude some negative health influences. Key factors for the establishment of quality health services include, among other things, quality programs, promotion of health in both health institutions, kindergartens, schools and the local community, regular and safe sources of funding, appropriate ratio of the number of children and healthcare staff, well-trained health personnel, as well as the involvement of parents. Since the beginning of the work of the Department for monitoring the realization of children's rights, the Ombudsmen have pointed out that the procedures for exercising the right to access to health care are contrary to the provisions of the Convention on the Rights of the Child, which regulates the issue of health care, and that protection must be provided to every child under 18 years of age. For years, the Ombudsmen have been stressing their concerns about the fact that children under 18 years of age are not provided with unconditional and free health care.

**Example:** The Ombudsmen ex officio decided to launch an inquiry into the knowledge of discrimination against diabetic children in Bosnia and Herzegovina, depending in which entity or canton they live not entitled to free insulin pumps, with the aim of improving the protection of

<sup>336</sup> The Law on Education in Elementary and Secondary Schools in Brčko District of BiH, Official Gazette of the Brčko District of BiH no. 10/08, 25/08, 4/13, 48/16 and 22/17;

<sup>337</sup> Rulebook on Working with Students with Special Needs in Primary and Secondary Schools of Brčko District Official Gazette of Brčko District BiH, no. 43/17;

<sup>338</sup> P-278/18;

children's rights under the UN Convention on the Rights of the Child<sup>339</sup>. After the procedure, the Health Insurance Institute of the Zenica-Doboj Canton<sup>340</sup> informs the Ombudsmen that *the Assembly of the Zenica-Doboj Canton has adopted the Decision on the scope of the right to use orthopedic and other aids, dental-prosthetic aid and dental-prosthetic substitutes*<sup>341</sup>, and state that the new List of substitutes contains, among other things, an insulin pump with a shelf life of 60 months and financing of monthly maintenance of insulin pumps purchased from their own funds according to medical recommendations. Having in mind the above, the Ombudsmen closed the case. However, afterwards, the Ombudsman Institution addresses the Association of Children and Youths Suffering from Diabetes in the Zenica-Doboj Canton<sup>342</sup>, stating that *no child has yet received the pump and that although the competent Ministry and the Institute claim that this problem was solved by the adoption of the Decision on the scope of the right to use orthopedic and other aids, dental prosthetics aid and dental prosthetics substitutes, they, as patients, did not realize this right due to the non-implementation of all the regulations necessary for the legislative framework to be completed (Rulebook or similar implementing act)*. Ombudsmen again addressed the competent cantonal authorities<sup>343</sup>, and the process of investigation is ongoing.

**Example:** Acting on a mother's complaint<sup>344</sup>, whose juvenile child could not be regularly vaccinated as a result of a doctor's strike in Canton Sarajevo, the Ombudsmen issued a press release<sup>345</sup>, stressing that the right to health care for children should not be denied or restricted under any circumstances and indicated the obligation of regular immunization of children. **The Ombudsmen did not want to challenge the right of doctors and employees of health centers to join trade union with the aim of achieving and protecting their rights from labor relations, that is, they support every form and method of improving the status of health workers. However, the entry into the strike must not under any circumstances be reflected and have negative consequences on exercise of health care for children.**

## 7.7. Juveniles in conflict with the law

Through the support of UNICEF in Bosnia and Herzegovina, the Ombudsmen visited all institutions in which juveniles in conflict with law do criminal sanctions of institutional character in the territory of the Federation of Bosnia and Herzegovina and Republika Srpska<sup>346</sup>. After the visits, a document entitled "*Analysis of the situation in the institutions where the juveniles in conflict with the law were placed in Bosnia and Herzegovina*" was completed. The joint cooperation between UNICEF in Bosnia and Herzegovina and the Ombudsman continued throughout 2018, and resulted in a document entitled: *Report on the Implementation of Recommendations from the Document entitled "Analysis of the situation in the institutions where the juveniles in conflict with the law are placed in Bosnia and Herzegovina"* and the assessment

<sup>339</sup> Ž-BL-01-16/18;

<sup>340</sup> Act no. 02-37-6865/18 of 19.07.2018.

<sup>341</sup> "Official Gazette of the Zenica-Doboj Canton" No. 10/18;

<sup>342</sup> On 06.11.2018.

<sup>343</sup> Ž-BL-01-907/18;

<sup>344</sup> Ž-SA-01-1023/18;

<sup>345</sup> On 21.09.2018.;

<sup>346</sup> January-February 2016;

of the current situation<sup>347</sup>. When drafting a new Report on the implementation of previously submitted recommendations, the Ombudsmen were guided by the aim to protect juveniles in conflict with the law against torture, inhuman and degrading treatment, which is a permanent task and obligation of all competent authorities and institutions and that it implies an active role not only in preventive mechanisms, but also the Ombudsman, representatives of the legislature, judiciary and civil society organizations. The Ombudsmen, many of the recommendations outlined in the 2016 Analysis have, unfortunately, needed to repeat to the competent authorities, but, on the other hand, they are satisfied with the cooperation with the institutions themselves and the implementation of recommendations by the institutions. Representatives of the Ombudsman Institution<sup>348</sup>, in the period from June 19, 2018 to June 27, 2018, visited all institutions where juveniles in conflict with the law were placed in Bosnia and Herzegovina<sup>349</sup>. Regardless of the fact that the Preventive Mechanism has not yet been established, the Ombudsmen seek, in accordance with their current mandate and available capacities (although they are faced with a lack of material and human resources), to carry out the tasks of this mechanism, aware of its importance, in particular through the work of the Department monitoring the realization of the rights of persons deprived of their liberty and the Department for monitoring the realization of children's rights. The purpose of the action of the Preventive Mechanism is to ensure that continuous visits to institutions for detaining persons deprived of their liberty act preventively and prevent torture, to regularly check the treatment of persons deprived of their liberty and give recommendations to the competent authorities in order to improve the treatment and position of persons deprived of their liberty and to prevent torture, cruel, inhuman or degrading treatment and punishment, taking into account relevant United Nations norms, as well as submitting proposals and giving opinions on applicable or proposed laws.<sup>350</sup>

The Ombudsmen use the opportunity to point out in this part of the Annual Report that they are satisfied with cooperation with institutions, that some progress has been achieved over a period of two years and that the recommendations of the Ombudsman have been partially implemented. However, the Ombudsmen cannot be satisfied with the implementation of recommendations by the competent authorities of the executive authorities and cooperation with the competent authorities, and they emphasize the following concerns:

- The correctional facility in the Republika Srpska remains in the prison of correctional facility for adult detainees and prisoners;
- At the Institute for the Education of Male Children and Youth, there are still grids on the windows, and in fact it is an open-type institution, and the recommendation of the

<sup>347</sup> Ž-BL-01-951/18; The report was presented to the public and to the competent bodies at a roundtable held in Tuzla, November 22, 2018;

<sup>348</sup> The working group was consisted of: Prof. Dr. Ljubinko Mitrović, Ombudsman of Bosnia and Herzegovina, Head of the Department for the Monitoring the Rights of the Child, Aleksandra Marin-Diklić, Head of the Department for Monitoring the Realization of the Rights of Persons Deprived of Liberty, Rada Kafedžić and expert counselors in these departments Lamija Sivić-Hodžić, Andrea Čaluk and Dejana Kozomara;

<sup>349</sup> Correctional institution Banja Luka (Correctional and educational institute)  
Correctional Facility Orašje (Correctional and Juvenile Prison)  
KJU "Educational Center" Tuzla  
Correctional Institution Sarajevo  
Penitentiary Institute East Sarajevo (Juvenile Prison)  
JU "Institute for the Education of Male Children and Youth" Sarajevo  
KJU "Education Center of Sarajevo Canton";

<sup>350</sup> Optional Protocol, Article 19.

Ombudsmen was sent to completely remove the grids on the windows and doors of the institution;

- Juvenile jail at Orašje Penal and Correctional Institution is part of an earlier formed organizational unit within the correctional facility, which is about various institutions, in which juveniles are sent on various grounds;
- The Juvenile Prison in East Sarajevo is located within the Criminal Penitentiary Institute East Sarajevo;
- In most of the institutions, professional staff reside with minors eight hours a day, on a working day, which the Ombudsmen consider insufficient to fulfill their role;
- The conditions for minors in the detention unit of the Penitentiary Institute of Sarajevo do not meet the minimum standards prescribed by domestic laws and international documents,
- Special institutions for the treatment and training of minors have not yet been established, as prescribed in all three laws on the protection and treatment of children and juveniles in criminal proceedings, in order to enable the pronouncement and execution of this educational and correctional measure, as well as the security measures/the safety of compulsory psychiatric treatment, that is, within the existing institutions for the accommodation of minors in conflict with the law, there are no separate departments in which this educational and correctional measure would be implemented;
- No activities are undertaken in the Republika Srpska with the aim of establishing a juvenile educational and correctional center, which would ensure short-term, but intense treatment of minors, especially considering examples of good practices of educational and correctional centers in the Federation of Bosnia and Herzegovina.

Recommendations were sent to the competent authorities and the Ombudsman will monitor their implementation in 2019.

## VIII. RIGHTS OF PERSONS WITH DISABILITIES

### 8.1. The rights of person with disabilities

In the Department for the monitoring and realization of the rights of persons with disabilities in 2018, 46 complaints were received, 23 complaints were received in the Sarajevo office, 15 in Banja Luka, 7 in Mostar and 1 in the office in Livno.

The analysis of complaints revealed that the largest number refers to the treatment of persons with mental and intellectual disabilities in the institutions in which they are accommodated, the procurement of medical devices, the length of the proceedings before the competent authorities in exercising individual rights from health and social protection, architectural barriers, the inability to follow the procedure blind/partially sighted persons and others. In the past year, a certain number of addresses related to the lack of information regarding the way individual rights were exercised. Frequent amendments to by-laws defining procedures for the realization of certain rights, inadequate publicity and information of citizens have led to citizens' dissatisfaction<sup>351</sup> (how to receive a referral for spa treatment, reimbursement of treatment costs, participation in a health service for people with 100% disability, access to gynecological and dental services, categorization, different treatment of persons with disabilities with regard to exercising their rights related to the cause of disability, failure to implement the decisions of the European Human Rights Court in Strasbourg, etc.).

Over the past year, the Ombudsmen, together with representatives of the Department for monitoring the realization of the rights of persons with disabilities, participated in several conferences and round tables<sup>352</sup> organized with the aim of improving the rights of persons with disabilities, identifying issues and raising awareness about the obligation of competent public authorities to take the necessary measures to equalize the opportunities and actively involve these persons in all spheres of society.

The Ombudsmen of Bosnia and Herzegovina in the reporting year published:

- Special Report on the Status of Persons with Intellectual and Mental Disabilities in Bosnia and Herzegovina.

In order to recognize adequate status, addressing by non-governmental organizations was also frequent. The Ombudsmen note that non-governmental organizations that advocate the rights of persons with disabilities enjoy special support in their work, but also that their work must be transparent and organized under the conditions for all civil society organizations having equal status. The Law on the Basis of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the Federation of Bosnia and Herzegovina<sup>353</sup> the exclusive competence of the cantons in relation to the procedure for establishing and regulating

<sup>351</sup> Ž-BL-02-822/17, Ž-BL-04-218/18, Ž-BL-04-217/18, Ž-BL-02-218/18;

<sup>352</sup> Roundtable "Accessibility of available literature for people with impaired vision, importance of the Marrakech Agreement", Banja Luka; Antidiscrimination forum on "Rights and access to people with disabilities", Trebinje; Conference "Equality for All, Our Fate Is in Our Hands", Jelah; 12th International Conference on the Status and Rights of Persons with Disabilities, Sanski Most;

<sup>353</sup> The Law on the Basis of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the Federation of Bosnia and Herzegovina „Official Gazette of the Federation of Bosnia and Herzegovina", no. 69/99, 54/04, 39/06 and 14/09;

all issues important for the work of the association is prescribed, which gives the right to the cantonal ministry to determine the conditions for financing the association by cantonal regulation.

**Example:** The Ombudsmen received complaint<sup>354</sup> by Association of Seriously Disabled Veterans and Families of Fallen Soldiers of the Republika Srpska, Prijedor Headquarters. The addresses referred to the resolution of the housing care of disabled war veterans from categories I and IV and the families of those who got killed. During the investigation process, the Ombudsmen asked the Ministry of Labor and Veterans' and Disability Protection of the Republika Srpska for information on whether activities planned to be undertaken in the coming period and which, with the aim of disposing of this category of persons. The second complaint, which was the subject of research before the Ombudsman Institution, referred to the adequate space for the work of the Association adapted to the needs of persons using trolleys and equipment for work. It was found that the applications and the requirements of the Association for the allocation of funds and adequate space are considered according to the published Public Invitation, and that the Association was founded in 2015, that they have been applied several times to the Public Invitation with the aim of improving the status of the Association and enabling working conditions, and that due to the non-fulfillment of the conditions envisaged by the Public Invitation could not achieve certain goals.

The Ombudsmen of Bosnia and Herzegovina point out that in everyday life it often happens that for people with disabilities is very hard to exercise their rights. As such, they recognized a serious problem concerning the possibility of exercising the rights of persons with intellectual and mental disabilities, especially when they were deprived of their business ability and were placed in institutions where their freedom of movement was restricted. The practice of the Institution shows that in these situations there is a high degree of risk of abuse of the rights of these persons. For this reason, the Ombudsmen in their work pay special attention to the protection of the rights of persons who are accommodated in institutions and hospitals, and respond promptly to the purpose of examining all the circumstances that citizens, as patients, list in order to allow them a dignified stay and treatment in these institutions.

**Example:** Complainant filed complaint with Ombudsman Institution<sup>355</sup> in which he states that he was placed in the Sokolac forensic psychiatry institute. He claims that the support staff of this institution was carrying out a torture against him, and that although he addressed several times to the heads of the Institute for protection, he was not protected from physical violence. In the course of the investigation process, the Ombudsmen requested the head of the Institute to examine all allegations, in a way to inspect camera shots and make a report on the video surveillance of the rooms in which the patients are staying and moving, as well as the circle around the facility where the walk of the patients is carried out, then to have an interview with the complainant and to seek the expert opinion of the Head of the Department for Psychotic Disorders, and in whose jurisdiction is the treatment of the complainant. A video surveillance report was submitted as well as a report from the commission for the resolution of written submissions of patients from which it follows that there was no physical maltreatment of the

---

<sup>354</sup> Ž-BL-02-192/18;

<sup>355</sup> Ž-BL-04-799/18;

complainant. Nevertheless, in order to satisfy the complainant, the transfer of an assistant to another department was carried out. On the basis of everything established, it was concluded that there is no patient cooperation, i.e., the complainant in respect of respect for housekeeping and discipline, and that insisting on respecting the house rules cannot be regarded as "torture and harassment".

**Example:** The Ombudsmen received complaint<sup>356</sup> Special Hospital for chronic psychiatry of Modriča due to the inability to regulate the status/place of residence for a patient who returned from the Reception Center in Debrecen, Republic of Hungary, in 2009, and according to the Agreement of the competent entity ministries of Bosnia and Herzegovina with a group of former patients of the Institute for Treatment and social protection "Jakeš" Modriča, returned to the hospital. After the investigative procedure, the Ombudsmen sent a recommendation to the signatories<sup>357</sup> to the Agreement on return, acceptance and accommodation of refugees-returnees from Debrecen, the Republic of Hungary, to Bosnia and Herzegovina<sup>358</sup> *"immediately upon receipt of this recommendation, take all measures and actions in order to resolve the status, place of residence of the complainant"*. Subsequently, all the responses submitted to the Special Hospital for the purpose of specific instructions from the signatories of the Agreement, which will help in resolving the status, place of residence of the complainant. With that in the answer<sup>359</sup> the director of this hospital, who headed the expert team, stated that the Decision was made to report the complainant to the address of this hospital. Since the complainant has full legal capacity, he signed a statement that gave his consent to the application.

## 8.2. The rights of the blind and visually impaired persons

The right to equal participation in all proceedings before the competent authorities is especially difficult for the blind and the visually impaired. The proceedings before the Ombudsman Institution are aimed at determining whether all persons are enabled to actively participate and take procedural actions.

Taking concrete measures with the aim of inclusion of blind and visually impaired persons is also necessary through ensuring the accessibility of official web sites, educating relevant participants on the accessibility of services provided, introducing into the plan and program of work of educational institutions in the field of information technologies. The Ombudsmen also point to the necessity of training persons with disabilities in the use of modern aids, which should be concurrent with determining the right to use them.

**Example:** Based on a telephone contact with the complainant, a complaint has been registered<sup>360</sup>, because of the fact that he was denied the right to equal participation in the trial only because he is a blind person. During the research process, the Ombudsmen found that it was

---

<sup>356</sup> Ž-BL-02-105/17;

<sup>357</sup> Ministry of Human Rights and Refugees of Bosnia and Herzegovina, Ministry of Civil Affairs of Bosnia and Herzegovina, Ministry of Health and Social Welfare of the Republika Srpska, Federation Ministry of Health, Federal Ministry of Labor and Social Policy, Federation Ministry of Displaced Persons and Refugees and Ministry for Refugees and Displaced Persons of the Republika Srpska;

<sup>358</sup> P-103/18 of 03.05.2018;

<sup>359</sup> The response of the Special Hospital for chronic psychiatry Modriča of 16 November 2018;

<sup>360</sup> Ž-BL-02-468/18;



not disputed that technical conditions were not provided, for example, Braille letter as one of the ways of correspondence with the court; however, the complainant was an "active" party in the proceedings. During the entire court proceedings, the court took into account whether he could monitor the procedure, the delivery of the letters, and the plea hearing during the procedure on the proposed evidence. In this regard, the Ombudsmen did not find that the complainant was deprived of the right to participate in the procedure as a blind person.

### 8.3. Architectural barriers

Accessibility is a problem that has been pointed out by the Ombudsmen for many years in their Annual and Special Reports in which this issue is covered. There is still a problem of accessibility of space, use of public transport, services and communications adapted for people with disabilities. Any knowledge that the approach that has been made is not in accordance with the standards is sufficient proof for the Ombudsmen to alert the competent inspectors who, by going out on the spot, determine the merits of the allegations and undertake measures within their jurisdiction.

**Example:** The Ombudsmen received a complaint<sup>361</sup> by the member of the Association of Paraplegics Doboj, which refers to accessibility to the "St. Apostle Luka" hospital in Doboj, because although reconstruction of the building in which the hospital is was carried out, there is no toilet suitable for people with disabilities. A recommendation was sent<sup>362</sup> to this medical institution to take all measures and actions immediately to eliminate the existing barriers for the smooth movement and stay of persons with disabilities in the Public Medical Institution St. Apostolic Luka in Doboj. In response<sup>363</sup> to the recommendation it is stated that the Institution has sent a request for donations for the renovation of the facility and that the first donations will be directed to the removal of existing barriers.

### 8.4. Employment of people with disabilities

Considering the sensitivity of the population of people with disabilities who, even in the circumstances when employed, face many obstacles to access to the workplace, but also to establish a working relationship, the Ombudsmen are of the opinion that additional attention should be paid to the adequate exercise of the rights of these persons. They also base their stance on complaints received by persons with disabilities regarding the problem of employment of this category of persons and the inability to adequately control the legal obligation of all employers to pay appropriate compensation in the event of unemployed persons with disabilities in accordance with the legal regulations of the entity<sup>364</sup>.

**Example:** Related to received complaint<sup>365</sup> the Ombudsmen of Bosnia and Herzegovina issued recommendation<sup>366</sup> to the Government of the Canton Sarajevo to take into account the needs of

<sup>361</sup> Ž-BL-02-835/17;

<sup>362</sup> Recommendation number: P-37/18;

<sup>363</sup> Answer by JZU „ Sveti Apostol Luka" in Doboj of 19.03.2018;

<sup>364</sup> The Law on Professional 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 Persons of the Republika Srpska;

<sup>365</sup> Ž-SA-02-1121/17;

persons with disabilities in the consideration of the issue of transport allowances for employees in public institutions, public institutes, funds and enterprises founded and co-founded by Sarajevo Canton, and enable persons with disabilities to receive appropriate transportation charges regardless of the distance between work place and the place of residence.

**Example:** Related to a complaint received<sup>367</sup> the Ombudsmen supported the complainant who is a person with disabilities who launched the Initiative for amending the regulations in the field of passing the BAR examination and taking the professional exam, in the part referring to the fee for passing the exam (Article 11, paragraph 4 of the Law on the Taking of the Judicial Exam, Article 13, paragraph 1 of the Regulation on professional examination for work in the administration of the Republika Srpska). The author of the Initiative believes that the exemption from payment of fees for this category of population would significantly affect education or employment in the state administration bodies and the judiciary of this category of persons. The complainant alleges a rather difficult situation, a financial situation, and the possibility of employment of people with disabilities. The abolition of compulsory remuneration would additionally motivate this category of persons for education and integration into the contemporary trends of society as beneficial and equal members of society. The Peoples' Assembly of the Republika Srpska submitted a statement that the Legislative Committee could not take a position regarding the Initiative received from the Speaker of the Peoples' Assembly, because the relevant committees: the Committee on Health, Labor and Social Policy, the Committee on Political System, Judiciary and Administration, the Committee of Equal Opportunities, the Committee for education, science, culture and information, as well as the Government of the Republika Srpska, did not submit an opinion in accordance with the Rules of Procedure of the Peoples' Assembly. In this connection, the Initiative will not be found in the legislative procedure because the Legislative Committee has not received opinions in accordance with the Rules of Procedure of the Peoples' Assembly of the Republika Srpska.

## 8.5. Exercise of the right to health care

The Ombudsmen are of the opinion that health policies must be created according to the needs of citizens who cannot survive on their own, as evidenced by constant newspapers articles on health services and the ways of providing them and financing (for example, opening mental health centers). All programs aimed at protecting health must be made in accordance with the goal they serve, so that the participation of persons with disabilities in their creation, either directly or indirectly, is very important.

The rights of persons with disabilities that are personal rights depend solely on the user, the complainant, and the Ombudsmen do not have the possibility, according to the applicable regulations, to continue the procedure if they do not actively participate in it. The right to quality orthopedic aids is not subject to any condition, but the complainant must be explicit in not receiving a quality aid.

---

<sup>366</sup> P-71/18;

<sup>367</sup> Ž-BL-02-450/18;

**Example:** A complainant filed complaint with the Ombudsman Institution<sup>368</sup> in which she expressed dissatisfaction with the work of the Una-Sana Canton Health Insurance Institute regarding orthopedic aids assigned to her use. The complainant as an aid uses a silicone cartridge with an adapter, however, the cartridge that it received was not appropriate. Since she was not provided with the help she needed, she was offered another, replacement, which was not adequate, nor did it meet her needs, and for that reason she addressed several times to the competent institution, which did not respond to her. During the investigation procedure, the Ombudsmen found that the complainant had taken the orthopedic aid and signed the certificate of the received aid with a quality certificate - satisfied, the certificate was verified at the Institute's office and she signed the receipt. For this reason, it was directed to file an objection to the Office with the granted aid, which she refused by considering that she would not receive the appropriate aid, and that she could therefore have problems in exercising the right to a new aid. Since the complainant did not want to use the available remedies to exercise her rights, the Ombudsmen did not have jurisdiction to proceed further with the complaint.

## **8.6. Special Report on the Status of the Rights of Persons with Intellectual and Mental Disabilities in Bosnia and Herzegovina**

The first Special Report on the situation in institutions for the care of mentally handicapped persons in Bosnia and Herzegovina was published in 2009, and the time period passed enabled Ombudsmen to check the degree of implementation of earlier issued recommendations and determine whether and to what extent the rights of these persons improved in relation to the situation stated in that Report.

Another important factor that required the drafting of this Report to be drawn up is the fact that the European Court of Human Rights in Strasbourg rendered a judgment in *Hadžimejlić and Others v. Bosnia and Herzegovina*<sup>369</sup> by which it found that the rights of persons who have been deprived of legal capacity and who are placed in social welfare institutions were violated. In this decision, the European Court found that Bosnia and Herzegovina violated Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, because the applicants were placed in a social care institution, the Public Institution for the Care of the Mentally Disabled Persons "Drin" in Fojnica for many years without a valid legal basis, that is, without a court decision, as no continuous judicial review of the justification and integrity of retention of applicants in that and similar social welfare institutions is ensured.

During the drafting of the Report, the Ombudsmen visited all social welfare institutions in Bosnia and Herzegovina and institutions where persons with mental disorders were hospitalized, interviewed with the management of institutions and hospitals, users and patients, and all the impressions and established facts were described in detail in the Report, as well as the conditions in which these persons reside. Apart from the aforementioned, specific recommendations have been sent to the competent authorities and institutions in accordance with the basic principles prescribed by international standards, with the aim of ensuring the improvement of the position of this category of persons.

---

<sup>368</sup> Ž-BL-04-900/17;

<sup>369</sup> Complaint No. 3427/13,74569/13 and 7157/14 and judgment of 11.03.2015;

## RECOMMENDATIONS:

1. The Government of the Federation of Bosnia and Herzegovina, the Government of the Republika Srpska and the Government of the Brčko District of Bosnia and Herzegovina to continuously work on the harmonization of their legislations regulating the treatment and care of persons with intellectual disabilities with the provisions of the UN Convention on the Rights of Persons with Disabilities, the General Commentary of the UN Committee on the rights of persons with disabilities<sup>370</sup>, the Recommendations of the UN Committee addressed to Bosnia and Herzegovina, after considering the initial and periodic reports, the Standard Rules for Equalizing Opportunities for Persons with Disabilities; Judgment Hadžimejlić and Others vs. Bosnia and Herzegovina, and the findings of this Report. These changes should ensure:
  - *Professional assessment of each person with intellectual and mental disabilities by an independent body.* This body may be a court or expert body established exclusively for the purpose of assessing the state and needs of persons with intellectual and mental disabilities. These assessments should be carried out periodically in relation to each person *ex officio*, in order to stop the practice that the beneficiaries' diagnosis, established when deciding on the accommodation of a person in the institution, is used as a basis for his continuous stay and treatment for several years, and often to the end of life<sup>371</sup>. *The finding and the opinion of an independent body should be the basis for the categorization/classification of persons with intellectual and mental disabilities, and the basis for determining treatment and accommodation in an institution or community support.* Categorization/classification requires a clear demarcation of medical and social care, and a high degree of cooperation within the health and social sectors. This should ensure a clear legal definition of the establishment, purpose and functioning of institutions, including the founders, activities, structure, standards, types, funding, etc. Furthermore, this should ensure that people with mental disabilities can be accommodated in institutions, their classification/categorization, the procedure of accommodation, the treatment procedure, including the procedure for leaving the institution;
  - *Establishment of databases on persons with intellectual and mental disabilities with full protection of their personal data in accordance with applicable legislation;*
  - *Re-examination of a system in which the employees of the Centers for Social Work are concerned with the excessive number of persons who have been deprived of their work ability.* This attitude of the Ombudsmen is based on the fact that too many beneficiaries whose caretakers are employees of the centers for social welfare, that they are often not able to perform this duty due to occupation in regular jobs, and may also be in conflict of interest, since they participate in the decision making process about the accommodation of a person in the institution, while at the same time they are in charge of the rights of that person;
  - *Continue with the implementation of standards for the activities of institutions for the care of persons with intellectual and mental disabilities in the Federation of Bosnia and*

<sup>370</sup> Adopted at the seventeenth session of the Committee (20 March to 12 April 2017);

<sup>371</sup> Example of the Bakovići Institute: on the day of the visit, the number of beneficiaries who stayed less than 1 year was 14, from 1 to 3 years - 36, from 3 to 5 years - 29, 6-10 years - 86, 11-20 years - 90 beneficiaries, from 21 to 30 years - 34, and more than 30 years - 25 beneficiaries. This indicator points out that for many people with mental disabilities, accommodation in social welfare institutions is in some way a permanent solution, where 55% of the beneficiaries stay for 10 years or more in this institution.

Herzegovina and, in the Republika Srpska, in accordance with the Rules on standards for work and provision of services in social welfare institutions and the Rulebook closer prescribing conditions in terms of space, equipment, necessary professional and other workers for the establishment of a social care institution;

- *Capacity building of institutions*, especially in the segment of strengthening of human resources, with the provision of continuous education of staff in institutions, and their supervision;
- *Co-operation between competent ministries and institutions* is permanent, professional, and not mainly based on logistical issues;
- *A comprehensive mental health care system* that is uniform, synchronized and coordinated, covering all rights of these people and including protection at all levels (primary, secondary and tertiary). This would prevent that primary protection is highly separated from secondary and tertiary protection systems and that there is a very low level of interconnectedness and coordination between them. This approach should ensure the standardization of the forms and ways of cooperation of all institutions in the network, thus avoiding any problems with the timely arrival of the beneficiaries in the mental health centers, sending the beneficiaries to other institutions as needed, coordinating their work, monitoring the rehabilitation and re-socializing the beneficiaries, and community integration after completing the treatment. Focus on individual therapeutic work with patients<sup>372</sup>. Abovementioned should include:
  - *Legal regulation of the activities of mental health centers, centers for social work and police services*, their mutual coordination and cooperation, and especially with regard to the family, because the existing protocols in the communities in which they were established did not prove to be an effective instrument, since it is legally non-binding instrument. Ultimately, the sporadic, non-systemic existence of the protocol leads to different treatment of persons with intellectual and mental disabilities with regard to the community in which they live;
  - Ensure that, when discharging persons with intellectual or mental disabilities from psychiatric institutions and social care institutions, *the competent mental health center should be mandatory informed* of further activities related to the continuation of treatment and re-socialization of the beneficiaries;
  - *Mental health services must be close to those who need them*. Financing transport costs or organizing transport for all persons in need of mental health care will make it possible to make the closest mental health centers available;
  - Pay special attention to the environment in which *children* in institutions spend time and receive a visit (to complete it with toys, paintings, objects of merry colors, paint walls, etc.);
- *Adequate, professional assessment in the best interest of the beneficiary*, where appropriate as far as possible to take into account the opinion of the beneficiary and his relatives about the institution in which he/she will be accommodated;
- Establish adequate legal solutions (based on the experiences of other countries, primarily from the region) in terms of *public-private partnership in the field of care for people with intellectual and mental disabilities*, with the clear objective of strengthening this system;

---

<sup>372</sup> Daily newspaper Blic, 07/21/2016. - data from the Health Insurance Fund of the Republic of Srpska were published in which it was stated that in 2015 for medications for calm and ant depressive expenses amounted to 2.5 million KM, while in 2008 it amounted to 2.2 million KM.

- *Develop a social services system to meet the needs of persons with disabilities which is a prerequisite for de-institutionalization;*
- *Strengthening the capacities of the centers for social work, based on the previous comprehensive analysis of the position of these institutions in the social protection system. During the analysis, special attention should be paid to the fact that these institutions have established jurisdiction to act in accordance with different laws, while at the same time institutional strengthening of their capacities is not ensured. Thus, the centers for social work act in solving family relations, adoption, guardianship, domestic violence, protection of civilian victims of war, protection of victims of trafficking in human beings, protection of all vulnerable groups, which reflects on the quality of services they provide;*
- *Take measures to eliminate the causes of stigma and discrimination of persons with mental disabilities through training programs for self-help and first aid, and the creation of a system of concrete assistance to families/care providers;*
- *Introduction of a decision-making system with support and for this purpose education of family doctors on the recognition of mental disorders, social workers, legal professionals and public bodies, with the involvement of organizations of persons with disabilities;*
- *Creating community support through the establishment of day centers and other services that would enable the provision of adequate assistance depending on the specific needs;*
- *Establish a quality control support, which will, through the supervision of guardianship, provide instructions, advice, and assistance in carrying out guardianship in cases where the guardianship authority does not perform custody directly. Apply measures that will contribute to better cooperation between the guardian and the center for social work;*
- *Exemption from payment of expert fees for centers for social work in proceedings initiated ex officio, through amendments to the provisions of the Family Law of the Republika Srpska and the Family Law of the Brčko District of Bosnia and Herzegovina;*
- *Pay special attention to elderly dementia through special care programs. When visiting institutions, it is stated that a certain number of these persons are in institutions, although they have a need for protection in the form of gerontopsychiatrie since they are often upset, sometimes they have a psychotic clinical picture, while Alzheimer's dementia requires a special type of treatment.*

## 2. The Government of the Federation of Bosnia and Herzegovina

- *Ensure the regulation of social and health care policies in accordance with the constitutional competences, given that the inadequate regulation of this area has left room for different approaches, which ultimately leads to unequal treatment of beneficiaries even though funding is done in the same way;*
- *Take measures to ensure that the financial audit of the social protection institutions is under the authority of the Audit Office of the institutions in the Federation of Bosnia and Herzegovina;*
- *Review the efficiency and sustainability of the governance structures of social welfare institutions (administrative and supervisory boards) in order to ensure the best interest of institution beneficiaries. In that sense, review the structure of the administrative and supervisory boards, from the aspect of ensuring that representatives of relatives (guardians), employees and founders are represented in the governing boards; that the employees of the competent ministries that supervise these institutions cannot be members*

of the administrative and supervisory boards, and that the remuneration for work is equal to the benefits paid to the members of the administrative and supervisory boards established in the Republika Srpska and the Sarajevo Canton;

- *Reconsider the effectiveness of the current model of professional supervision in institutions and the establishment of binding forms of visits at certain times, as the reports of the Federal Commission indicate that more focus is already on the supervision of primary health care institutions (mental health centers) in relation to social institutions in which it is located a large number of people with mental disorders. Establish a clear policy of supervision in relation to the competencies of competent ministries;*
  - *Review the possibilities of work engagement and the use of incentives for employment. This is important because it is necessary to provide confirmation that a person for at least 3 months is kept on the records of the Employment Service, which cannot be met by the beneficiary of the social care services, in order for a legal entity to receive a stimulus from the Rehabilitation Fund, since after the accommodation in the institution their records of the unemployed cease to be kept;*
3. The Federation Ministry of Health and the Federation Ministry of Labor and Social Policy to initiate legal solutions in order to ensure that the beneficiaries located in institutions are provided with the same level of health care in the area where the institution operates, regardless of where the beneficiary comes from;
  4. The Federation Ministry of Health and Federation Ministry of Labor and Social Policy to ensure the establishment of standards that will ensure the employment of neuropsychiatrists and other necessary staff in institutions. In the framework of this activity, the Institute of Pazarić's request for registration of an ambulance, which, in the opinion of the Ombudsman, could be the reference ambulance for all social welfare institutions for the accommodation of persons with mental disabilities whose founder is the Federation of Bosnia and Herzegovina;
  5. The Ministry of Health, Labor and Social Policy of Herzegovina-Neretva Canton and Dom Stolac to ensure that the functioning of Dom Stolac is in accordance with the Decision of the European Court Hadžimejlić and Others vs. BiH, and in accordance with the minimum standards that must be ensured for the functioning of such institutions, which primarily refers to the quality of accommodation and hygiene conditions, professional and occupational work, better and permanent health care and ensure the qualified structure of employees, and given the structure of persons accommodated in the institution from the aspect of the minimum standards that must be secured in the care of this category of citizens, and take measures for its improvement;
  6. The Council of Ministers of Bosnia and Herzegovina to provide an exception to the implementation of the law on public procurement in relation to the purchase of clothes, footwear and personal necessities of persons with intellectual and mental disabilities located in health and social institutions in order to preserve their personality and dignity;

## IX. DISCRIMINATION

In the Institution of the Ombudsman in 2018, a total of 196 cases were registered in which citizens indicated violation of the provisions of the Law on the Prohibition of Discrimination, which is an increase of 12.64% compared to the previous year when 174 cases in the field of discrimination were received. The Sarajevo office received 137 complaints, Banja Luka 44, Brčko 10, Mostar 11 and 6 complaints in the Livno office.

A total of 39 recommendations were issued, out of which 6 were implemented, in 8 cases recommendations were not implemented, in 16 cases cooperation was made with the designated responsible authority, and for 9 recommendations the response was not received.

Staff of this department participated in the preparation of:

- Special Report on the National and Gender Structure of Employees in Police and Security Agencies in Bosnia and Herzegovina.

It is important to emphasize that a significant number of cases have been resolved positively during the investigation process, in such a way that the designated responsible party after the first address of the Ombudsman undertakes activities aimed at eliminating discrimination; by encouraging a friendly solution; by mediating between the parties to the dispute.

The highest number of complaints in the reporting period relates to mobbing, as a special form of discrimination in the workplace 60, which represents an increase from the previous year when 37 complaints were registered, followed by complaints of discrimination based on national or social origin 11, based on membership in a trade union or other association 9, based on age 7, based on religion 6 and based on ethnicity 5 complaints.

Two separate complaints were received based on language, political or other beliefs and on the basis of sexual orientation, and 1 complaint based on social status and gender, 1 based on education, 1 based on sexual characteristics and 1 on the basis of skin color.

87 complaints were received in which the parties did not specify the basis of discrimination, which is a consequence of the provision of Article 2 of the Law on the Prohibition of Discrimination, which, as a prohibited basis of discrimination, envisages: race, skin color, language, religious affiliation, ethnicity, disability, age, social origin, connection with a national minority, political and other beliefs, property status, membership of a trade union or other association, education, social status or gender, sexual orientation, gender identity, sexual characteristics, and *"any other circumstance for the purpose or effect to prevent or threaten any person from recognizing, enjoying or exercising on an equal basis the rights and freedoms in all areas of life."* In these cases, if it could not have been assumed that discrimination was concerned, the Ombudsmen continued to examine complaints in respect of the violation of any other right, if the allegations alleged that it was a violation of another human right or basic freedom.



In Bosnia and Herzegovina, one of the significant problems is a poor understanding of the notion of discrimination, in particular direct and indirect discrimination, poor knowledge of relevant laws and institutions, and insufficient knowledge of potential victims of discrimination in their rights and ways of achieving them.

## 9.1. Individual examples of general importance

### 9.1.1. Mobbing

A number of citizens' calls for mobbing in 2018 have significantly increased compared to the previous year, by 38.33%, but it still does not reflect the real situation on the ground. The Ombudsmen come to this conclusion on the basis of statements made by the parties during the oral interviews, and the fact that a significant number of citizens do not decide to initiate proceedings before the Institution, nor are they seeking judicial protection for fear of being left out of business.

The specificity of mobbing is reflected in the fact that it represents a particular form of discrimination for whose existence there is no need for any prohibited basis. The Law on the Prohibition of Discrimination defines mobbing as a psychological abuse in a workplace that is repeated by actions aimed at or resulting from the degradation of employees' working conditions, which can cause violations of human rights and human dignity, inflict damage on physical or mental health or compromise the employee's professional future. At the same time, an additional element that is necessary for the existence of a mobbing, the repetition of mobbing actions, that is, their performance over a longer period of time. Repetition of mobbing implies the existence of time continuity<sup>373</sup>. The law has not established what period of time is being worked out, and therefore the Ombudsmen especially value if it was more than one action that could have a degrading effect that happens in some time continuity.

When handling complaints in which parties point to the existence of mobbing, the Ombudsmen are faced with difficulties in making the final decision, because the documentation of the responsible parties and the complainant, delivered written frequently pronouncements are highly controversial, and due to the lack of mechanisms for the implementation of a comprehensive evidentiary procedure that include: examination of witnesses, expert witnesses .... certain facts cannot be determined. In such cases, the Ombudsmen seek to clarify all the controversial facts in direct (and mutual) contact with the parties.

Through the work on cases<sup>374</sup> it was noticed that within working organizations, most often, there are no mechanisms for dealing with complaints of mobbing and discrimination, and the Ombudspersons pointed out to the responsible bodies the recommendations on the obligation to apply Article 24, paragraph 4 of the Law on Amendments to the Law on the Prohibition of Discrimination in Bosnia and Herzegovina, according to which all public bodies and other legal entities are obliged, in their general legal acts, or through specific legal acts, to regulate the

<sup>373</sup> There are opinions of some experts that the requirement of repetition, that is, the continuity of mobbing actions is not necessary in every particular case, since mobbing can be carried out only with one operation, provided that the effect of this action is of long-term nature.

<sup>374</sup> Ž-SA-06-551/18 and Ž-SA-06-512/18;

principles and ways of equal treatment, and to ensure effective internal procedures for the protection against discrimination.

**Example:** The Ombudsmen acted on a complaint<sup>375</sup> by a professor at the Faculty of Philosophy of the University of Sarajevo, in which the complainant stated that he had been exposed to the mobbing by the Dean for a long period of time, and that he was given a written warning made by the Dean of the Faculty of Philosophy on May 3, 2018 for breach of his work obligation presenting the reasons that led to such Decision and without previously conducted disciplinary proceedings. Acting on the complaint, and after the investigative procedure, the Ombudsmen on June 18, 2018 issued Recommendation No. P-136/18 to the University of Sarajevo and the Faculty of Philosophy, to postpone the Written Worker's Warning of May 3, 2018. In order to ensure the mechanism for protection against discrimination within the Faculty for resolving and preventing it, undertakes measures with the aim of implementing Article 24, paragraph 4 of the Law on the Prohibition of Discrimination of Bosnia and Herzegovina, according to which all public bodies and other legal entities are obliged through their general legal acts, or through specific legal acts, to regulate the principles and manner of equal treatment, and to ensure effective internal procedures for the protection against discrimination. The recommendation by the Ombudsman: No. P-136/18 is complied with.

**Example:** A complainant<sup>376</sup> stresses that he is employed in the Republic Administration for Geodetic and Property Affairs of the Republika Srpska and that he was exposed to mobbing (exclusion from work on the projects he was involved in, failure to reply to his letters and complaints related to the work process, short or impossible deadlines to perform work tasks, ignore his initiatives ...) after the arrival of the new director, until the dismissal from the duties of the assistant, which is the culmination of mobbing. Following the complaint, and after the investigation procedure, the Ombudsmen for Human Rights of Bosnia and Herzegovina sent a recommendation under number P-169/18 to the Republican Administration for Geodetic and Property Affairs of the Republika Srpska on 26 July 2018 to establish the employment status of the complainant in accordance with Article 53 paragraph 2 of the Law on Civil Servants of the Republika Srpska; to take measures to eliminate and prevent discrimination against the complainant and to eliminate its consequences, in accordance with existing regulations and findings from the Recommendation. The Recommendation is not implemented.

**Example:** The Ombudsmen dealt with several complaints<sup>377</sup> by workers, assigned to the affairs of the communal order keeper, Cantonal public company "Park" d.o.o. Sarajevo, pointing out that the complainants since the arrival of the new director of the Company and the administration are exposed to mobbing, the threat that everything can change from job change to failure; the frequent changes in the Rules followed by a reduction in salaries and coefficients for communal regimes from 2.52 to 2.05 to 1.75, that the temporary arrangement decisions were assigned to the workplace of the stockholder and the operator of the equipment in RJ RZC "Pionirska dolina" and ZOO garden for periods of 60 days, that is on 07/06/2018 in the KJKP "Park" d.o.o. Sarajevo entered into force a new Ordinance on work with the internal organization and systematization of workplaces, after which the complainants were presented with solutions to

---

<sup>375</sup> Ž-SA-06-512/18;

<sup>376</sup> Ž-BL-06-411/18, P-169/18;

<sup>377</sup> Ž-SA-06-444/18, Ž-SA-06-807/18, Ž-SA-06-808/18, Ž-SA-06-809/18, Ž-SA-06-809/18, Ž-SA-06-810/18, Ž-SA-06-811/18, Ž-SA-06-812/18, Ž-SA-06-813/18, Ž-SA-06-814/18 and Ž-SA-06-815/18;

cancel their contracts for indefinite work with the offer of concluding a new employment contract under changed conditions at the workplace of the employees in the Maintenance Sector of public green spaces, and all because they did not want to withdraw the lawsuit against KJKP "Park" doo Sarajevo filed for payment of salaries and other earnings based on work.

After conducting the survey, the Ombudsmen found that complaints were founded, that the issuance of decisions terminating their employment contracts with the offer of concluding a new contract is a type of mobbing, that is, pressure, intimidation and ultimately the realization of threats that the complainants point out and that they were orally informed of, and on December 7, 2018 KJKP "Park" doo Sarajevo was sent the Recommendation No. P-316/18 to immediately, upon receipt of this Recommendation, to put an end to the decision to cancel the contracts for indefinite work with the complainants with the offer of concluding a new employment contract under changed conditions at the workplace of the employees in the Sector for maintenance of public green areas; immediately upon receipt of the recommendation, cease all acts aimed at the complainants, which have the characteristic of mobbing, and within 30 days from the date of receipt of this Recommendation, inform the Ombudsman for Human Rights of Bosnia and Herzegovina on the manner in which it is to be implemented. The recommendation is not complied with.

### 9.1.2. Discrimination on social networks

In the reporting period, the Ombudsmen considered several complaints indicating the inappropriate content of the statuses published on social networks containing elements of hate speech, discrimination based on gender, harassment ...<sup>378</sup>

In these cases, the Ombudsmen took the view that the issue of human rights violations through high-tech activities is a challenge, not only for lawyers and persons dealing with the protection and promotion of human rights, but for every person, taking into account that high technologies enter all spheres of life. High technology is gaining importance when used for activities that touch upon individual rights, especially when entering the sphere of his private life and when they become an object that violates the right to privacy or endangers the person's security. In accordance with international human rights standards in such situations, the state is required to provide protection mechanisms. An additional challenge is when high technology is used to endanger the rights of people who are considered particularly vulnerable, such as children, women and persons with disabilities.

The Ombudsmen in 2018 supported the Initiative<sup>379</sup> of "Center for Legal Assistance to Women in Zenica" for amendments to the Criminal Code of the Federation of Bosnia and Herzegovina, and referred to the Parliament of the Federation of Bosnia and Herzegovina Recommendation No. P-42/18: *To amend the Criminal Code of the Federation of Bosnia and Herzegovina in order to create legal assumptions for the sanctioning of persons performing certain actions using information and communication technologies, resulting in violation of the rights of citizens.*

<sup>378</sup> Ž-SA-06-1156/18, Ž-SA-06-1207/17;

<sup>379</sup> <http://cenppz.org.ba/2017/11/14/predata-inicijativa-za-izmjene-i-dopune-krivcnog-zakona-fbih/>;

**Example:** The Ombudsmen, dealing with complaint<sup>380</sup> in which it was pointed out: "... *Optician Dijana from Banja Luka published on her Instagram page a post announcing that in Optician's premises in future will be seen a lot of "STOP MIGRANTS" and state that the reasons for this are visible because there is no framework for their darkness it would stand out on their skin (you can read the entire post in the attachment) ...*", on November 19, 2018 to the Optics Dijana d.o.o Banja Luka the Ombudsmen sent recommendation No. P-295/18: immediately after receiving the recommendation, remove the Instagram post published on August 2, 2018; to take the necessary measures to act in accordance with the Law on the Prohibition of Discrimination in Bosnia and Herzegovina fully in the future in posting on its Instagram page. (This measure may include staff training to prevent the writing of the same or similar Instagram posts). The response to the recommendation was not received.

**Example:** On the basis of information from the media, the Ombudsmen opened an *ex officio* investigation procedure<sup>381</sup> related to insulting women-journalists by the Deputy Secretary General of the Presidency of Bosnia and Herzegovina, regarding the status announcement on the Facebook profile that read: "*I'm watching the trailer for some interview on BHT. I see two "worn out women" sitting one opposite the other. One with very badly colored hair, and the other with a sublimed collagen in the lips. People call them women-journalists. And now, this bleached, dead-cold, through the loaf of poorly-nourished hair, reported that BiH in the war was in fact defended by a handful of journalists of BHT. Nothing Army of BiH, nothing heroes, nothing Alija ... only she and her friends ....*"

On June 13, 2018 the Secretariat of the Presidency of Bosnia and Herzegovina was sent recommendation No. P-139/18 recommending: to establish cooperation with the Ombudsmen of Bosnia and Herzegovina, inform the Ombudsman what was done in the concrete case in order to prevent and sanction these and similar situations. No respond was received after the recommendation.

### 9.1.3. Discrimination against LGBTI people

Bosnia and Herzegovina, as a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms, should take appropriate measures to enable all persons to enjoy the rights and freedoms without discrimination on any ground. In the Recommendation of the Committee of Ministers to Member States on measures to combat discrimination based on sexual orientation or gender identity (CM/Rec (2010)5 of 31.03.2010), to the member States of the Council of Europe, and thus Bosnia and Herzegovina, are given recommendations in order to improve the status of members of LGBTI community.

In September 2016, the Ombudspersons published the Special Report on the Rights of LGBTI persons in Bosnia and Herzegovina in which they established the current state and real approach to the human rights of members of the LGBTI community, containing data and information obtained from public authorities, non-governmental organizations, academic experts, examples from the practice of the Ombudsman Institution. In that Report, the Ombudsmen through

<sup>380</sup> Ž-BL 06-868/18 and Ž-SA-06-1156/18;

<sup>381</sup> Ž-SA-06-1207/17;

recommendations requested to undertake a series of concrete legal and administrative measures aimed at improving the position of this population.

Although the legislative framework has been improved in the past period through the Amendments to the current Law on the Prohibition of Discrimination, so that sexual orientation, gender identity and sexual characteristics are cited as grounds for the prohibition of discrimination, the position of the population has not been significantly improved to date.

Legislative authorities in Bosnia and Herzegovina have not adopted legal solutions regulating the issue of the community of the same-sex partners and the rights arising from such a community.

The Ombudsmen acted upon the complaint<sup>382</sup> by the Federation Ministry of Internal Affairs<sup>383</sup> entitled Information on Requirements for the Registration of Data into Registers Regarding Same-Sex Citizens Partnerships, stating that the competent Ministry, through received submissions, is aware that they have appeared in practice: *"requirements for the enrollment of a citizens partnerships, that is, the life of the same-sex couples in adequate records in BiH and FBiH, and on the basis of foreign documents, since such partnerships were concluded by citizens of BiH and FBiH abroad, as well as requests for registration of the birth of children in the register of births with the statement of citizenship of BiH and FBiH on the basis of foreign documents, which children originate from the life of same-sex couples living in partnership of BiH and FBiH abroad"*, and the Federation Ministry of the Interior in this regard addressed<sup>384</sup> and the Government of the Federation. Acting on the issue the Government of the Federation of Bosnia and Herzegovina at its 158th session held on October 19 2018, *„on the proposal of the Federation Ministry of Justice, the Federation Government has appointed an interdepartmental working group to analyze the regulations in which same-sex couples living in citizens partnership can exercise the rights deriving from the European Convention for the Protection of Human Rights and basic freedoms, and to propose regulations that need to be brought in the territory of the Federation of BiH"*.

In the opinion of the Ombudsman, this is a significant step in improving the position of the LGBTI population in Bosnia and Herzegovina, since the legal recognition and regulation of the same-sex partnerships would address the issues of enjoying certain rights and obligations and regulate the economic, social and legal and property relations of same-sex partners.

In Bosnia and Herzegovina, there is currently no possibility of medical change of sex. This procedure is not defined by any law, nor is mandatory health insurance regulated partial or full funding of gender-responsive interventions. The law regulates the possibility of enrolling gender changes in registries and changing personal documents through certain administrative procedures, but also from interviews with representatives of the LGBTI population, and also practice in the work of the Ombudsman in the past period shows that in a certain number of cases, officers working in the business of registering change gender in the registries and changes in personal documents are not sufficiently familiar with the applicable legislation in this field.

---

<sup>382</sup> Ž-SA-05-919/18;

<sup>383</sup> Act of the Federation Ministry of Internal Affairs number: 01-03-02-3-66 of 14.08.2018;

<sup>384</sup> Act of the Federation Ministry of Internal Affairs number: 01-03-02-3-66 of 08.08.2018;

In particular, the position of trans and intersex persons in Bosnia and Herzegovina, which is one of the most invisible and most vulnerable minority groups within the Bosnian society, but also of the LGBTI population itself, is particularly uninhibited, and almost do not address Ombudsmen with a request for the protection of their rights.

#### **9.1.4. Differentiated tax rates in relation to income levels as a source of discrimination**

The Ombudsmen considered the complaint<sup>385</sup> sent to the Notary Chamber of the FBiH, the Federation Ministry of Justice, and to the Ombudsman Institution for Human Rights of Bosnia and Herzegovina as well, whose allegations referred to the Decision on Amendments to the Decision on the amount of compulsory contribution - membership fee for the purpose of financing the Notary Chamber of the FBiH, it is stipulated that the membership fee for the members of the FBiH Notary Chamber will be calculated in different percentages in such a way that notaries offices with a smaller scope of work pay a monthly fee in the amount of KM 300.00, and notary offices with a higher volume of work and engaged a larger number of employees they pay a membership fee in the amount of about 5.000,00 KM.

The previously described is considered controversial and points to alleged violations of the provisions of the Law on the Prohibition of Discrimination, stating that certain notaries affiliated to the Notary Chamber of the FBiH have been placed in an unequal position in relation to notary offices with a smaller scope of work and notaries with a larger scope of work directly discriminated, given that they achieve higher turnover and therefore should allocate considerably higher funds based on the percentage determined by the Decision adopted.

The Ombudsmen took the view that the differentiated rates of taxes, contributions and/or fees and similar types of obligations that are related to different levels of income cannot be regarded as discrimination, or violation of the provisions of the Law on the Prohibition of Discrimination, since it could not be concluded that any persons differently treated on some of the prohibited grounds referred to in Article 2 of the Law on the Prohibition of Discrimination, and the Decision on the amount of compulsory contribution for financing the Notary Chamber of FBiH No. 1-4260-3pr/13, of 20.12.2013. - the consolidated text (number 1-2014-12, of 12.05.2018) adopted by the Assembly of the Notaries Chamber in accordance with the positive legal regulations.

## **9.2. Special Report on the National and Gender Structure of Employees in Police and Security Agencies in Bosnia and Herzegovina**

Since 2013, the Ombudsmen of Bosnia and Herzegovina have been continuously acting on complaints<sup>386</sup> in which the complainants pointed to discrimination on a national basis in the police and security agencies in Bosnia and Herzegovina in the procedure of employment and exercise of rights arising from and on the basis of employment. At the end of 2017, the Ombudsmen issued a Decision on the Development of a Special Report on the National and

<sup>385</sup> Ž-SA-06-994/18;

<sup>386</sup> Ž-BL-06-66/13, Ž-BL-06-67/13, Ž-SA-06-187/14, Ž-SA-06-318/14, Ž-BL-06-192/14, Ž-BL-05-83/15, Ž-BL-05-84/15, Ž-SA-06-1150/16, Ž-BL-06-216/17, Ž-SA-06-841/17, Ž-SA-06-842/17 and Ž-SA-06-1297/17.

Gender Structure of Employees in the Police and Security Agencies in Bosnia and Herzegovina, conducted a research of a limited nature consisting of submitting an act-inquiry to the competent authorities with a request for the submission of data on the structure of employees, with status as of September 30, 2017, and joined the analysis of relevant provisions of applicable laws at all levels of government in Bosnia and Herzegovina, which regulated the issue of labor relations between all categories of employees in these agencies (police officers, civil servants and state employees) .

Activities on the drafting of the Special Report were completed in April 2018, and the Special Report on the National and Gender Structure of Employees in Police and Security Agencies in Bosnia and Herzegovina was presented to the public.

As stated in the Report, the provisions of the relevant positive laws regulating the national representation of all employees in these agencies (police officers, civil servants and state employees) were set in a different way (according to the 1991 census, the last census ...) and the Ombudsmen for the human rights of Bosnia and Herzegovina did not go into a comparative analysis of the situation on the ground and its compliance with the laws, due to the lack of human and financial resources needed for this, as well as the fact that the principle of representation of constituent peoples in these agencies and other bodies in Bosnia and Herzegovina also depends on other factors: the situation on the ground, the national structure of the candidates applied for in the calls/public calls/internal calls, the quality of the candidates.

The Report emphasizes that the task of the managers of police and security agencies at all levels in Bosnia and Herzegovina is that apart from necessarily taking into account the best interests and success of the agency/organization they manage, and manage human resources in their agencies/organizations in a way to care to take into account both the quality of staff and, in particular, the national representation of all constituent peoples and others in the structure of all the employees of the agency/organization they manage, when gaining employment, that is, in the promotion of employees, as well as for ensuring the exercise of rights arising from and through employment, and in accordance with the obligations of the Constitution.

The aforementioned postulate is not easy to implement. Based on objective criteria such as the number of staff, agency/employee budgets and employee salaries, the educational profile of employees, the lack of quality, that is, professional staff, it is difficult only on the basis of comparative statistical indicators to determine whether a certain category of employees belonging to a particular constituent people while, on the other hand, the imposition of an obligation to hire or promote a candidate/employee of a certain nationality would also mean direct interference in the decision of the head of the agency/organization, and in a certain way, reconsideration of its decisions relating to human resources management.

In their Report the Ombudsmen drew attention to the fact that the Law on Gender Equality of Bosnia and Herzegovina<sup>387</sup> adopted in 2003, and that Article 20 of the Law stipulates that state bodies at all levels of the organization of government and local self-government bodies, including legislative, executive and judicial power, political parties, legal entities with public

---

<sup>387</sup> Law on Gender Equality in Bosnia and Herzegovina - consolidated text, Official Gazette of BiH, No. 32/10.

authorities, legal entities that are owned or under the control of a state, entity, canton, city or municipality or whose work the public authority exercises control, ensure and promote equal representation of the sexes in the management, decision-making process and presentation. Equitable gender representation exists when one of the sexes is represented at least in the percentage of 40% in the said organs.

Analyzing the received data shows that in almost all police and security agencies in Bosnia and Herzegovina, neither the national representation of all constituent peoples nor others nor the principles of gender equality are respected.

The Ombudsmen sent special reports to the heads of all police and security agencies in Bosnia and Herzegovina

#### **RECOMMENDATION:**

- *to take adequate measures within the framework of their powers, which will result in the fair representation of constituent peoples and others in the structure of the police and security agency staff;*
- *to take measures within the framework of their powers that will result in a more equitable representation of men and women in the structure of the employees of the police and security agencies..*

### **9.3. Promotional activities**

The Ombudsman's handling of individual complaints is the most important aspect of human rights protection. The Law on the Prohibition of Discrimination foresees the 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 anti-discrimination.

During 2018, the Department for the Elimination of All Forms of Discrimination continued activities on promotion of the law, however limited resources and the fact that in the Department for the Elimination of All Forms of Discrimination three jurists are employed, it reduces the possibility of the Institution acting in the promotion of this Law, so that this activity in 2018, as in previous years, was mostly part of the activities organized by other organizations and institutions.

Employees of the Department, as well as other lawyers of the Ombudsman Institution, within the project "Strengthening the capacity of the Ombudsman for Human Rights to fight discrimination", which is part of the joint program of cooperation between the European Union and the Council of Europe "Horizontal Instrument for Support to the Western Balkans and Turkey", funded by the European Union and the Council of Europe have had the opportunity for professional development through online education on the topic of protection against discrimination.



In addition to this, the Ombudsman Institution's lawyers, within the framework of the project, held eight round tables on the topic of Coordination of activities of the Institution of Ombudsmen for Human Rights of Bosnia and Herzegovina and other relevant institutions on the implementation of recommendations of the Ombudsman, as well as training on protection against discrimination for representatives of institutions of government at all levels in Bosnia and Herzegovina<sup>388</sup>.

A part of the project activities during 2018 also referred to the holding of five roundtables on the topic "Cooperation with the Ombudsman Institution for Human Rights: implementation of recommendations and coordination of activities" aimed at improving cooperation and establishing a direct contact between the Ombudsman Institution and public institutions, five were held in parallel, and training on protection against discrimination for public institutions organized for representatives of public institutions from Zenica-Doboj Canton, Central Bosnia Canton, Canton 10, and representatives of public authorities from Mrkonjić-Grad, Zvornik and surrounding towns.

Representatives of the Ombudsman Institution also participated in the preparation of the "Manual for Civil Servants, Civil Society and the Media for Identification and Treatment in Discrimination Cases"<sup>389</sup> which is intended primarily for civil servants, but also for all other entities that exercise public authority. The Manual clarifies the concepts and types of discrimination in a simple and comprehensible way, how to investigate whether there is discrimination in a particular case, informs the reader of the available mechanisms for protection against discrimination, presents the role of civil servants in preventing and protecting against discrimination, the organization of civil society in promoting equality and protection from discrimination, and the role of professional journalists in the promotion of non-discrimination, equality and equal treatment.

Employees in the Department for the Elimination of All Forms of Discrimination also had a two-day training on situational testing, and this activity was realized with the support of the OSCE Mission to Bosnia and Herzegovina.

#### **9.4. Women's rights**

The Ombudsperson Institution also maintains statistics on the structure of complaints against the sex of the complainant, bearing in mind its authority to combat gender-based discrimination, as well as the demands of various bodies and organizations dealing with gender equality.

In 2018, men filed 93 complaints, and 69 women had complaints of discrimination, which was 25.8% for men, and when talking about mobbing as the most common form of discrimination in the complaint structure received in 2018: men filed 30 and women 22 complaints about mobbing. Thus, it is noticeable that there is a slight advantage in the number of referrals of men to women.

<sup>388</sup> Trebinje 31.05 and 01.06.; Zvornik 08. and 09.11.; Zenica 13. and 14.11.; 15. and 16. Vlačić; Livno 12. and 13.12, and Mrkonjić Grad 13. and 14.12.;

<sup>389</sup> <https://rm.coe.int/prirucnik-page-by-page/16807baefd>

When talking about the total number of cases in 2018, the Ombudsman Institution received a total of 938 women complaints, compared to 1830 men, while in 498 cases, the complainant's gender was not mentioned, which is the result of the *ex officio* opening of cases, anonymous complaints, associations' appeals, or situations where the appellant seeks anonymity in the proceedings.

#### **9.4.1. Convention on the Prevention and Combating Violence against Women and Domestic Violence of the Council of Europe - Istanbul Convention**

Violence against women is defined in accordance with the Convention on the Prevention and Combating Violence against Women and Domestic Violence of the Council of Europe<sup>390</sup> as *a violation of human rights and the form of discrimination against women, and represents all acts of gender-based violence that lead or can lead to: physical, sexual, psychological or financial injuries or suffering for women, including threats by such acts, coercion or arbitrary deprivation of liberty, whether in public or in private life.*

Domestic violence is defined as: *any act of physical, sexual, psychological or economic violence that comes within the family or household, or between former or present spouses or partners, regardless of whether the perpetrator shares or has shared the same dwelling with victim.*

In November 2013, Bosnia and Herzegovina ratified the Istanbul Convention, assuming the obligation to include in its legislation a large number of instruments envisaged by this Convention, which aim to establish a more efficient system of prevention and combating violence against women and domestic violence.

There has been partial alignment of domestic legislation (Law on Protection against Domestic Violence and Criminal Law) with the Convention<sup>391</sup>.

The Ombudsmen continue to express concern over the fact that domestic violence in the Republika Srpska is both criminal offense and a petty offence. According to Article 190 paragraph 1 of the Criminal Code of the Republika Srpska<sup>392</sup> it is established the criminal offense of "domestic violence and family community" in the following manner: *"Whoever, by applying violence, threatening to attack life or body, dishonestly or ruthless behavior endangers the serenity, physical integrity or mental health of a member of his/her family the violation of his*

<sup>390</sup> Council of Europe, *Convention on the Prevention and Combating Violence against Women and Domestic Violence, Istanbul, 11 May 2011.*

<sup>391</sup> The Criminal Code of the Republika Srpska was adopted in 2017, and on that occasion the structure was monitored by the criminal laws of the other two administrative units of BiH, and so *crimes against sexual integrity* are regulated in Chapter XIV: criminal offenses against sexual integrity, and the crimes of sexual violence against minors in Chapter XV: crimes of sexual abuse and exploitation of a child.

Criminal acts of sexual harassment and sexual abuse are regulated only by the Criminal Code of the Republika Srpska, while the FBiH Criminal Code and the Brčko District Criminal Code do not regulate them at all.

The RS Criminal Code regulates the criminal offenses of pledging a child under the age of 15 and the sexual abuse of a child older than 15 years as separate offenses within Chapter XV, which is not the case in the FBiH and Brčko District, where sexual violence against minors is treated as a qualified form of criminal offense against sexual freedom and morality.

The Criminal Code of the Federation of Bosnia and Herzegovina criminal offenses against sexual freedom and morals, which include the aforementioned criminal offenses, are regulated by Chapter XIX: crimes against sexual freedom and morality.

The Criminal Code of Brčko District criminal offenses against sexual freedom and morals are regulated in Chapter XIX: crimes against sexual freedom and morals.

<sup>392</sup> Criminal Code of the Republika Srpska, "Official Gazette of the Republika Srpska" No. 64/17;

*physical or psychological integrity, he shall be punished by a community fine or by imprisonment for a term not exceeding three years."*

Pursuant to Article 6, paragraph 1 of the Law on Protection from Domestic Violence of the Republika Srpska<sup>393</sup> Domestic Violence: *"is any act of violence of a member of a family or family community, endangering the serenity, psychological, physical, sexual or economic integrity of another family member or family community."* The same article in paragraph 2 stipulates: *"Every act of violence, within the meaning of paragraph 1 of this Article, which does not contain the characteristics of a criminal offense, constitutes a misdemeanor, and in particular the following: a) threat of bodily injury to a family member or to a close person, b) the threat of confiscation of children or the expulsion of a member of the family, v) exhaustion by work, starvation, deprivation of sleep or necessary rest to a family member, g) education of children in a humiliating manner, d) denial of means of subsistence to a family member, economic independence by prohibition of work or the keeping of a family member in relation to dependence or subordination, threat or denial of means of living or other forms of economic domination, e) verbal assault, cursing, naming a wrong name or insulting a family member in another way, g) limiting the freedom of communication of family member or family members, z) damage, destruction or trafficking of joint property or property in possession, as well as damage or destruction of property in possession or owned by another family member, or an attempt to do so, i) the secret surveillance of a member of the family ij) causing fear, humiliation, feelings of less value and other acts that do not contain the characteristics of the criminal offense of domestic violence or the family community."*

Aforementioned practically means that domestic violence in the Republika Srpska constitutes a criminal offense or a violation, depending on the legal qualification of the offense, and therefore it can be prosecuted in a criminal or misdemeanor procedure (there is no possibility for the same offense to be pronounced the criminal and offense sanction due to the application the principles of "ne bis in idem"). The fact is that the criminal offense of Domestic Violence, according to the quoted provision of the Criminal Code of the Republika Srpska, does not only apply to inflicting bodily injuries, but also to psychological abuse, while according to the provisions of the Law on Protection against Domestic Violence, domestic violence constitutes a threat to the tranquility, , physical, sexual or economic integrity. The question arises as to how the decision is made whether domestic violence should be legally qualified and therefore processed as a misdemeanor or criminal offense, given the matching of the basic elements of the act of domestic violence.

The Criminal Code of the Republika Srpska was adopted in 2017<sup>394</sup>, and *criminal offenses against sexual integrity* are regulated in Chapter XIV: criminal offenses against sexual integrity, and crimes of sexual violence against minors in Chapter XV: crimes of sexual abuse and exploitation of a child. Criminal acts of sexual harassment and sexual abuse are regulated only by the Criminal Code of the Republika Srpska, while the FBiH Criminal Code<sup>395</sup> and the Brčko District Criminal Code<sup>396</sup> does not regulate them at all.

<sup>393</sup> Law on Protection against Domestic Violence of the Republika Srpska, "Official Gazette of the Republika Srpska" no. 102/12, 108/13 and 82/15;

<sup>394</sup> "Official Gazette of the Republika Srpska" number: 64/17;

<sup>395</sup> "Official Gazette of FBiH" 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 and 76/14;

<sup>396</sup> "Official Gazette of Brčko District of BiH", number: 33/13;

Criminal Code of the Republika Srpska regulates the offense of committing a crime with a child under the age of 15 and the sexual abuse of a child older than 15 years as separate offenses within Chapter XV.

The Criminal Code of the Federation of BiH criminal offenses against sexual freedom and morality are regulated by Chapter XIX: crimes against sexual freedom and morality, and sexual violence against minors is treated as a qualified form of criminal offenses against sexual freedom and morality.

The Criminal Code of the Brčko District of Bosnia and Herzegovina criminal offenses against sexual freedom and morals are regulated in Chapter XIX: crimes against sexual freedom and morality.

Family laws of the Federation of BiH and the Republika Srpska prohibit domestic violence.

The provisions of the Law on Protection against Domestic Violence of the Federation of BiH and the Law on Protection against Domestic Violence of the Republika Srpska prescribe measures and mechanisms for protection in cases of domestic violence.

At the session held on February 28, 2018, the Brčko District Assembly of Bosnia and Herzegovina adopted the Law on Protection against Domestic Violence in the Brčko District of Bosnia and Herzegovina<sup>397</sup> which prescribes protection against domestic violence or family community, persons considered to be members of the family or family community, protection subjects and procedures for the protection of victims of domestic violence, misdemeanor sanctions imposed on the perpetrators of domestic violence and other issues of importance for protection against domestic violence in the Brčko District of Bosnia and Herzegovina, which the Ombudsmen welcome as a positive step.

Labor Laws that came into force in the Federation of BiH<sup>398</sup> and the Republika Srpska<sup>399</sup> they further specified the areas of discrimination, mobbing, harassment and sexual harassment.

However, changes in legislation have not been accompanied by appropriate measures aimed at increasing employment and economic empowerment of women, particularly women in vulnerable categories, are not provided adequate material and psychological support to victims of domestic violence in overcoming the situation, resulting in frequent returns of victims to violators, withdraw complaints and refuse to testify in proceedings.

The Ombudsmen point out that violence against women and domestic violence seriously violates the enjoyment of human rights of victims, in particular their basic rights to life, security, freedom, dignity, and physical and emotional integrity, and it is not a private but social issue. It is necessary for all holders of public office to make additional efforts to develop the social awareness of the Bosnian society about the mentioned problem, and the public authorities must

<sup>397</sup> Law on Protection against Domestic Violence in the Brčko District of Bosnia and Herzegovina, Official Gazette of BD BiH No. 07/18;

<sup>398</sup> „Official Gazette of FBiH" number: 26/16;

<sup>399</sup> "Official Gazette of the Republic of Srpska" No. 1/16 and 66/18;

take adequate measures in order that the mentioned changes in the legislation will have an impact on the daily life of persons affected by violence.

#### **9.4.2. Participation of women in the authorities**

Regarding the realization of civil and political rights of women in Bosnia and Herzegovina, discrimination against women and violation of the provisions of the Law on Gender Equality in BiH continued<sup>400</sup>.

Preliminary results of the last General elections in BiH held in October 2018 again point to the subordination of women. At the level of BiH, the Parliamentary Assembly of BiH, out of a total of 42 representatives, there are only 7 women (16.6%); at the level of the House of Representatives of the Parliamentary Assembly of the FBiH out of 98 representatives only 25 women (25.5%); At the level of the People's Assembly of the Republika Srpska, out of 83 representatives only 14 women (16.8%). These percentages significantly deviate from the legal obligation of 40% of the less represented gender in political positions<sup>401</sup>.

#### **9.4.3. The rights of women with disabilities**

In the segment of the protection of the rights of women with disabilities, the Ombudsmen indicate that the sensitivity and active measures of the competent authorities in the area are largely lacking. Social protection services are mainly implemented at the local/municipal level, and such a system of protection allows to provide an opportunity to create a social protection system in the local community according to material possibilities. Previous work on registered cases at the Ombudsman Institution shows that at the level of both entities, more attention is paid to providing monetary rights for people with disabilities and institutional care than other types of services, in particular assessment, care and home help, personal assistance, etc. The traditional approaches that emphasize and stress the material benefits are still not eliminated in organizations and institutions of social protection, and they neglect the professional assistance that should lead to the independence and integrity of persons with disabilities. For a different attitude, organizations and institutions need additional training and learning new approaches, but also people with disabilities need assistance in a different understanding of the roles of organizations and institutions in the public and non-governmental sector. From communication with representatives of associations, there are often examples highlighting the lack of awareness of the authorities about the needs of persons with disabilities. As an illustrative example, there is often a problem with access to public transport<sup>402</sup> which for people with disabilities, especially those outside of larger urban centers, it is a big problem. A certain number of women with disabilities are unable to provide adequate healthcare and access to a gynecologist or access to this medical care service is significantly more difficult. Furthermore, from the perspective of women who face various types of ontological diseases, especially breast cancer, the number of problems they face daily is significant, from lack of cytostatics or other drugs, oncology

<sup>400</sup> Law on Gender Equality in Bosnia and Herzegovina - Consolidated text, "Official Gazette of Bosnia and Herzegovina" No. 32/10;

<sup>401</sup>[http://rightsforall.ba/bs/wp-content/uploads/sites/5/2018/11/Bosanska-verzija-Kako-osigurati-rodnu-ravnopravnost-kroz-proces-EU-integracija\\_finalna-verzija.pdf](http://rightsforall.ba/bs/wp-content/uploads/sites/5/2018/11/Bosanska-verzija-Kako-osigurati-rodnu-ravnopravnost-kroz-proces-EU-integracija_finalna-verzija.pdf), preuzeto 20.12.2018.

<sup>402</sup> Ž-SA-02-1121/17;

physiotherapy and others. This, besides the problems in the treatment itself, is an additional obstacle, which often leads to the impression of being deprived of society and contributes to the feeling of resignation in a definitely difficult period of life. The urgency of procedures that address the rights of persons with disabilities are of paramount importance<sup>403</sup>.

#### **9.4.4. Unequal treatment of marital and extra-marital partners regarding the exercise of the right to family pension**

During 2018, the Ombudsmen also dealt with complaints<sup>404</sup> related to unequal treatment of marital and extra-marital partners regarding the exercise of the right to family pension in accordance with the provisions of the Law on Pension and Disability Insurance of the Federation of BiH<sup>405</sup> and the Law on Pension and Disability Insurance of the Republika Srpska<sup>406</sup>.

The Ombudsmen in the annual reports on the results of the activities of the Ombudsman for Human Rights of Bosnia and Herzegovina for 2015 and 2016 emphasized that according to the provisions of the Family Laws and the Law on Inheritance of the Federation of Bosnia and Herzegovina and the Republika Srpska, marital and extra-marital partners have equal rights, the result of the harmonization of the relevant laws with international standards and the Law on Gender Equality in BiH, however, despite the undertaken activities of the Ombudsman, the Entity Pension and Disability Insurance Act does not provide to the extramarital partners the right to exercise the right to family pension for a spouse.

However, by the entry into force of the new Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina<sup>407</sup> there were no changes in this segment, while the Law on Pension and Disability Insurance of the Republika Srpska<sup>408</sup> has not changed since 2015.

**Example:** Ombudsmen have acted on complaint<sup>409</sup> related to the inability to exercise the right to family pension after the death of his spouse. The complainant points out that she had been living in an extramarital community since 1998 and gave birth to two children and the community lasted until his death, but the Cantonal Administrative Service in Tuzla, the Federation Institute for Pension and Disability Insurance, dismisses the appellant's request for family pension.

The Ombudsmen opened the case<sup>410</sup> ex officio on the statements of the director of a broadcast company on November 8, 2018 in the "Stav" TV show on K3 Prnjavor television, which read: *"If a woman has become a family feeder and she cannot be ... women have problems, and not only their husbands beat them, children beat them as well, they wanted five marks, they wanted 10 marks ..."*

<sup>403</sup> Ž-MO-02-47/18

<sup>404</sup> Ž-BR-04-209/18

<sup>405</sup> Law on Pension and Disability Insurance of the Federation of BiH, Official Gazette of FBiH, no. 29/98, 49/00, 32/01, 29/03, 73/05, 59/06 and 4/09

<sup>406</sup> Law on Pension and Disability Insurance of the Republika Srpska, "Official Gazette of Republika Srpska, No. 134/11, 82/13 and 103/15

<sup>407</sup> The Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina, "Official Gazette of the Federation of Bosnia and Herzegovina" No. 13/18

<sup>408</sup> Law on Pension and Disability Insurance of Republika Srpska, "Official Gazette of Republika Srpska"

<sup>409</sup> Ž-BR-04-209/18

<sup>410</sup> Ž-BL-06-981/18

*I have a young workforce, I have a lot of pregnant women ... today we have 67 pregnant women and maternity ... I'm buying the antibiotic tablets ... I will close the factory, the factory is endangered, my factory is endangered. .. that girl when, after making love ... the other month going to hospital, in Tito's time this was called pregnant woman, it now has some strange name, I do not even know how the name is and she is treated as if she cut her finger, as if she has a sore throat ...*

*... why would I finance natality, it's not the job of the factory ... gynecologists are the worst doctors ... Bema Shoes Factory says it has 65% of the work that kids do, they record, paint the beautiful ribbons. It's harder to cook lunch at home than to do it. No, she bleeds, she goes to hospital immediately ... But she is not stupid. Immediately she binds another child. So, she did not work for 9 months, she did not work for a year, instantly binds another child, immediately another pregnancy, again nine months, a year. I have seven women who instantly got pregnant to get the third child."*

In connection, Recommendation was sent to the competent authorities<sup>411</sup>.

**Example:** A complainant<sup>412</sup> addressed with the purpose of assisting with the family situation in which she is. She states that she is a person with disabilities and is 26 years old. She states that the father is an alcoholic, who is maltreating her every day, and that she is in a situation where she does not know how to proceed. Public institution Center for Social Work Zvornik submits a notification stating that after receipt of the Ombudsman Institution's letter, the institution made a family visit to the family, whereupon interviews were conducted with the complainant, mother and father. On that occasion, it was established that the complainant's allegations that father consumed alcohol in large quantities during the past year was why she knew that she was often aggressive towards the family members. Namely, the family circumstances of this family are familiar to this institution, since the family has been registered for more than a decade in the Center for Social Work, and they are rated as favorable, which is why it is alleged that the information that there was maltreatment by the father was unpleasantly surprised by the workers of this institution. The worker of the Center for Social Work again made a home visit where it was determined that the situation was significantly improved, that the father reduced the consumption of alcohol and was more attentive to the complainant. Speaking to the Center's employees, he promised that he would not be doing something like that and that he would regret the roughness of the complainant. The complainant and her mother also confirmed that the situation of the repair was confirmed.

**Example:** Ombudsmen also acted in the case<sup>413</sup> where the complainant pointed out that for a longer period of time she was absent from the workplace (due to high-risk pregnancy), that during that time the employer contrary to the provisions of the Labor Law in the institutions of Bosnia and Herzegovina and the Rulebook on the Organization of the Independent System Operator in Bosnia and Herzegovina with a description of the job positions at the workplace where the complainant was employed and for which position was envisaged one employee, another person was employed for an indefinite period of time, and that after the change of the Rulebook, the complainant was offered a position of lower rank, in relation to the position she was performing before pregnancy. After the investigative procedure, the Ombudsmen found that

<sup>411</sup> Recommendation No: P-311/18;

<sup>412</sup> Ž-BL-02-639/18;

<sup>413</sup> Ž-SA-06-202/18;

the complainant was a victim of discrimination based on sex - pregnancy, in the field of work and working conditions, and on December 31, the Independent System Operator in Bosnia and Herzegovina sent a recommendation<sup>414</sup> to *undertake activities that will result in the elimination of committed discrimination.*

## 9.5. Minority rights

From year to year in the Ombudsman Institution there is a very small number of complaints related to the exercise of minority rights, so in 2018 four complaints were filed in this area, partly because a significant number of complaints related to the realization of minority rights were registered within the Department for the Elimination of All Forms of Discrimination.

**Example:** Ombudsmen have acted on complaints<sup>415</sup> due to the non-compliance of the Indirect Taxation Authority of Bosnia and Herzegovina with the relevant practice of the Court of Bosnia and Herzegovina. After the investigation on October 23, 2018 Recommendation was issued to the Ministry of Finance and Treasury of Bosnia and Herzegovina in cooperation with other ministries and bodies of Bosnia and Herzegovina to consider the issue of compliance of customs policy rules and the Law on the freedom of religion and the legal status of churches and religious communities in Bosnia and Herzegovina regarding the payment of customs and import duties when importing religious literature.

**Example:** Ombudsmen have acted on complaints<sup>416</sup> by Associations of National Minorities from Zenica, concerning the application of regulations and decisions related to the Decision of the City Council of the City of Zenica, by which the amount of compensation for users of non-profit housing in the City area is increased, and the complainants consider that the objects in question should be exempted from paying rent because they have information that this was the intention of the donor/investor of the facilities. During the investigative procedure<sup>417</sup>, it was established that "... the concluded contracts between the Municipality of Zenica and the humanitarian organizations" LEDA "and" HILFSWERK "that participated in the construction of the buildings regulated the mutual relations and obligations of the contracting parties, which were primarily related to the construction of the building itself and this is the provision of financial resources for the construction of a building, the provision of land, the necessary project documentation ... The subject of these contracts was not and could not have been at that stage rentals of end users of apartments, since this right is regulated by special contracts that were concluded after the construction of the building and its surrenders to the same municipality as the owner.

Between the Municipality/City of Zenica as the owner of the apartment on the one hand and the apartment user on the other hand for each individual apartment were concluded contracts that established mutual rights and obligations, and among others, the obligation of the users to pay for the use of housing space is 0.50 KM per m<sup>2</sup> of living space. We point out that all contracts were signed by the personal users and with their signature they accepted all the obligations stated in the contract, and so the obligation to pay the rent ... ".

---

<sup>414</sup> Recommendation No. P-315/18;

<sup>415</sup> Case No. Ž-SA-03-437/18;

<sup>416</sup> Ž-SA-03-552/18 and Ž-SA-03-633/18;

<sup>417</sup> Ž-SA-03-552/18 and Ž-SA-03-633/18;



**Example:** In another complaint<sup>418</sup> it is stated that the notification to the Association of National Minorities from Zenica was sent by the Association of Economy and Finance of the City of Zenica, act No. 04-23-263/18 dated 23 May 2018, stating that: The City of Zenica is not able to meet the request of the Association from 08.05.2018, concerning the conclusion of a new lease contract for business premises that would regulate the other way of paying the costs of utilities (electricity, water, KGZ and heating) and the complainants were informed that the subject to commercial space that is the subject of the lease agreement, for the needs of the City of Zenica, shall be emptied and returned free of charge from the person and things within 30 days from the date of receipt of the notice. The complainants consider this move as a consequence of their public indication of the numerous problems encountered by members of the Roma national minority in Zenica Town. During the investigative procedure<sup>419</sup>, it was established that the contract for lease of business premises: "concluded for a fixed period for a period of one year starting from 15.06.2017. ... On 08.05.2018 the beneficiary of business premises addressed the request to the Economy and Finance Department to conclude a new agreement on the use of business premises "which would contain a provision that would place the City on the cost of directing to the office of the Association of National Minorities ..." ... The Economy and Finance Service, by letter No. 04-23-263/18 dated 23 May 2018 informed the users that it could not comply with their request ...".

In both cases, the complainant gave up the proceedings before the Ombudsmen.

---

<sup>418</sup> Ž-SA-03-633/18

<sup>419</sup> Act of the Service for Economy and Finance of the City of Zenica no. 04-23-328 / 18 of 01.06.2018

## **X. INITIATIVES FOR AMENDMENTS TO LEGISLATIVE REGULATIONS**

### **10.1. Initiatives submitted in 2018.**

During the reporting period, the Ombudsmen submitted to the competent bodies eight initiatives for amendments and supplements to the law, as follows:

1. Initiative for amending and supplementing the Law on the Basis of Social Protection, Protection of Civil Victims of War and Protection of Family with Children of the Federation of Bosnia and Herzegovina;
2. Initiative for amending and supplementing the Law on Enforcement Procedure of the Republika Srpska;
3. Initiative for amending Article 31 of the Decision on the conditions and manner of taking professional exams of trainees with the higher professional education and employees at the level of Bosnia and Herzegovina;
4. Initiative for amending the Law on Pension and Disability Insurance of the Republika Srpska;
5. Initiative for amendments and supplements to the Law on Health Insurance of the Republika Srpska;
6. Initiative for amendments and supplements to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina;
7. Initiative for amendments and supplements to the Law on the Judicial Examination of the Republika Srpska;
8. Initiative for amendments to the Criminal Code of the Federation of Bosnia and Herzegovina.

#### **10.1.1. Initiative for amending and supplementing the Law on the basic social protection, protection of civilian victims of war and protection of the family with children of the Federation of Bosnia and Herzegovina**

Complainant<sup>420</sup> is a citizen of the Republic of Macedonia with an approved permanent residence in Bosnia and Herzegovina. The Ilidža Municipality's competent department rejected her application for recognition of the right to compensation instead of paying a woman-mother during her absence from work for the pregnancy, childbirth and care of the child. Namely, the Law on Social Protection, Protection of Civilian Victims of War and Protection of the Family with Children ("Official Gazette of Sarajevo Canton", No. 38/14), Article 6 stipulates that "The rights under this Law cannot be realized by persons who are not citizens of Bosnia and Herzegovina". Therefore, the rights of woman-mothers legally staying in the territory of Bosnia and Herzegovina are not equal to the rights of women-mother of Bosnia and Herzegovina's citizens, although Bosnia and Herzegovina is a signatory to the European Social Charter. Article 13 of the Charter provides the same basis for the application of rights in the domain of social protection to its citizens and to citizens of other signatory countries legally residing on its

---

<sup>420</sup> Ž-SA-05-558/17;

territory. In this regard, it is necessary to harmonize the Federation law with international standards, after which it would be possible to approach the harmonization of the cantonal laws on social protection, the protection of civilian victims of war and the protection of the family with children with federal law.

On 25.01.2018 Initiative was sent to the Parliament of the Federation of Bosnia and Herzegovina and the Federation Ministry of Labor and Social Policy for amending and supplementing the Law on the Basic Social Protection, Protection of Civil Victims of War and Protection of Family with Children ("Official Gazette of the Federation of Bosnia and Herzegovina" No. 36/99, 54/04, 39/06, 14/09 and 45/16). The Ombudsmen were informed that on March 14, 2018, Initiative was forwarded to the Legislative and Legal Commission of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina.

### **10.1.2. Initiative for amending the Law on Enforcement Procedure of the Republika Srpska**

The PI Center for Social Work Bijeljina informs the Ombudsmen<sup>421</sup> that the Basic Court in Bijeljina, enacted the decisions on execution, obliges the Center to suspend a part of the money for the social assistance beneficiaries in order to settle the debts of the prosecutors. In this way, the basis of the social protection system and the Public Institution of the Center are changing and that instead of the care of beneficiaries and socially vulnerable persons, they serve to service the debts of profitable institutions and organizations, and that the budgetary funds are used contrary to the intended purpose.

On 25.05.2018 in the Republika Srpska People's Assembly, the Initiative for Amendments to the Law on the Enforcement Procedure of the Republika Srpska was submitted to the People's Assembly of the Republika Srpska, in which it was stated that they were exempt from the payment of social assistance benefits.

With its act dated 01.06.2018 the People's Assembly of the Republika Srpska informs the Ombudsmen that the Initiative was submitted to the Legislative Committee for the Political System, Judiciary and Administration, the Committee for Equal Opportunities and the Government of the Republika Srpska for consideration. The Government of the Republika Srpska through its Act of 26.12.2018 informed the Ombudsmen that it considered the Initiative and submitted its opinion to the People's Assembly of the Republika Srpska in an annex to the letter dated 10.07.2018.

### **10.1.3. Initiative for amendments and supplements to Article 31 of the Decision on the conditions and method of taking professional exams of trainees with higher professional education and employees at the level of Bosnia and Herzegovina**

The ombudsman institution acted on complaints<sup>422</sup> in which it was stated that **the examination of general knowledge was placed before the Civil Service Agency of the Federation of Bosnia and Herzegovina, was recognized as a public examination passed before the Civil Service Agency of Bosnia and Herzegovina pending the entry into force of the Decision on the manner of taking public and professional exams ("Official 103/12), and as such, in the**

<sup>421</sup> Case No: Ž-BL-05-381/18;

<sup>422</sup> Ž-SA-06-742/16, Ž-SA-06-405/17, Ž-SA-05-543/17 i Ž-SA-06-59/18,

**administrative procedure, at the request of the interested party, before the Ministry of Justice of Bosnia and Herzegovina, was the basis for exemption from the obligation to take a professional administrative examination for a high school degree.**

**Upon entry into force of the Decision on Amendments to the Decision on the conditions and manner of taking the professional administrative examination of trainees, persons with higher education and employees at the level of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina" No. 105/12), this possibility is abolished,** a certain number of persons who did not apply for recognition of the general knowledge examination as a public test and for the exemption from the obligation to take the professional administrative examination at the level of Bosnia and Herzegovina until the end of 2012, impose, without their fault, an additional obligation to take the professional administrative examination, due to changes in the regulations governing the said area.

On 22 January 2018, the Ombudsmen submitted to the Council of Ministers of Bosnia and Herzegovina the Initiative number: P-35/18 for amendment of Art. 31.b. of the Decisions on the conditions and manner of passing the professional administrative examination of trainees, persons with higher education and employees at the level of Bosnia and Herzegovina ("Official Gazette of BiH" No. 104/10, 105/12 and 61/14), which reads: *"Professional exam was not shall be obliged to lay the person who passed the public exam before the Civil Service Agency of Bosnia and Herzegovina until the date of entry into force of this Decision "*, in the manner that it should be worded:

*"Professional exam is not obligatory to be passed by a person who passed the public exam before the Civil Service Agency of Bosnia and Herzegovina or a general knowledge examination before the Civil Service Agency of the Federation of Bosnia and Herzegovina, until the day of entry into force of the Decision on the conditions and manner of taking the professional administrative examination of the trainee, persons with university education and employees at the level of Bosnia and Herzegovina ("Official Gazette of BiH", number: 105/12) "*.

The Council of Ministers of Bosnia and Herzegovina, by its Act of 07.11.2018 informs the Ombudsman Institution that at the 157th session, held on November 7, 2018, On the initiative of the Ombudsman, in relation to that, it found that the Ministry of Justice of Bosnia and Herzegovina and the Civil Service Agency of Bosnia and Herzegovina are acting on the initiative number P-35/18 and inform the Ombudsman Institution and, if necessary, the Council of Ministers Bosnia and Herzegovina.

#### **10.1.4. Initiative for amending the Law on Pension and Disability Insurance of the Republika Srpska**

Ombudsman institution based on the case<sup>423</sup> in which they acted recognized the problem when it comes to persons who have been assigned a special internship because they have no right to renounce it. Namely, the problem arises when fulfilling the conditions for exercising the right to old age pension, since Art. 39 of the Act stipulates that persons who have been assigned a special service can not deny of such length of service, which in many cases leads to early and forced retirement of persons. It was noted that, in view of the different situations in which individuals

---

<sup>423</sup> Ž-BL-04-292/18;

are in place, in some cases the waiver of a special service is not in the individual's interest, while in some cases the situation is reversed. The Ombudsmen consider that the most adequate solution to this issue is to leave the possibility for individuals to decide on their own whether they want or do not want to be given a special internship when exercising their right to a pension. Given the nature of this right, the Ombudsmen are of the opinion that it is not justified that the use of this right is required by an imperative legal norm, rather than stemming from the will of the right holder.

The Ombudsmen were held on May 28, 2018. The National Assembly of the Republic of Srpska submitted the Initiative for Amendments to the Law on Pension and Disability Insurance of the Republika Srpska ("Official Gazette of the Republika Srpska" No. 134/11, 83/13 and 103/15) in a manner that Art. 39. Delete.

The People's Assembly of the Republika Srpska, by its Act of 29.06.2018 informs the Ombudsmen that the Initiative was submitted to the Legislative Committee for monitoring the situation in the field of pension and disability insurance, as well as the Government of the Republika Srpska, for consideration.

In a new submission dated 04.01.2019, the People's Assembly of the Republika Srpska states: "In accordance with Article 191, paragraph 3 of the Rules of Procedure of the People's Assembly of the Republika Srpska (" Official Gazette of the Republika Srpska ", No. 31/11 and 34/17), the Legislative Committee, after obtaining the opinions of the Government and the competent working body, in the further period of 90 days, to decide on the Initiative. Given that the Government and the competent working body, that is, the Committee for monitoring the situation in the field of pension and disability insurance did not provide a response in relation to the aforementioned Initiative, the Legislative Committee could not take the position in this case."

### **10.1.5. Initiative for amendments and supplements to the Law on Health Insurance of the Republika Srpska**

Acting on complaints<sup>424</sup> filed by the citizens the Ombudsmen recognized the problem regarding the acquisition of the status of an insured person under the Law on Health Insurance of the Republika Srpska ("Official Gazette of the Republika Srpska", No. 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 1/09 and 106/09), and in order to exercise the right to health care for the category of persons older than 65 years of age. These are people who are not pension beneficiaries, and they have a certain "land", which is why they are directed to insure themselves as farmers. Due to age and incapacity this category of persons is not able to perform agricultural activity or insure themselves in this way, and they cannot be insured as any other category - social case, or through another person, for example, family member, again because of having a certain "land".

On 15.08.2018 Initiative for amendments and supplements to the Law on Health Insurance of the Republika Srpska was submitted to the People's Assembly of the Republika Srpska, in the manner that, after Item 14 of Art. 10. adds point 15, which reads: "... persons who have completed 65 years of age who have their place of residence on the territory of the Republika Srpska, who are not provided with health insurance on a different basis in Bosnia and Herzegovina or in another country ..."

---

<sup>424</sup> Ž-BL-04-646/18;

The People's Assembly of the Republika Srpska, by its Act of 03.09.2018 informs the Ombudsmen that the Initiative, in accordance with the Rules of procedure, was sent to the relevant Assembly working bodies and the Government of the Republika Srpska for consideration.

#### **10.1.6. Initiative for amendments and supplements to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina**

Acting on complaints<sup>425</sup> the Ombudsmen also recognized the problem of length of proceedings conducted at the Office of the Disciplinary Prosecutor of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on complaints by citizens in order to determine possible violation of the office of duty by the holder of judicial functions in Bosnia and Herzegovina. In its replies to the Ombudsman Institution, the Office of the Disciplinary Prosecutor of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the two-year term prescribed in Art. 72. Paragraph. 2 of the Law on the High Judicial and Prosecutorial Council interprets as a deadline in which the investigation is to be completed. It should be noted that the provision of Article 72, paragraph 2 of the aforementioned Law sets the deadline for limitation of initiation of disciplinary proceedings, and it cannot be used as a deadline within which the investigation in the disciplinary procedure is to be completed. Such arbitrary interpretation leads to an unjustified justification of the unjustifiably long duration of disciplinary proceedings before the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Furthermore, on the basis of recommendations of the European Commission, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, at a session held on 28 and 29 June 2018, adopted the Initiative for revision of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, which was sent to the Ministry of Justice of Bosnia and Herzegovina. It should be noted that during the discussion of the mentioned Initiative it is necessary to pay attention to the problem described above. In the Initiative of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the disciplinary procedure is discussed. The proposed text does not specify the deadline for the investigation in the disciplinary procedure to be completed, but it stipulates: "In all matters relating to the disciplinary procedure, which are covered by this Law and the Disciplinary Responsibility Regulations, the provisions of the Law on criminal proceedings of Bosnia and Herzegovina are accordingly applied". In line with the above, we consider that the optimal deadline for determining whether or not the disciplinary responsibility of the holder of the judicial office in the specific case should be six months.

The Ombudsmen on 12.09.2018 submitted to the Ministry of Justice of Bosnia and Herzegovina the Initiative for Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 25/04, 93/05, 48/07 and 15/08), by adding a provision that would set the deadline for the completion of the investigation in the disciplinary procedure, but that the period is no longer than six months.

The Ombudsmen did not receive a response to the initiative submitted.

---

<sup>425</sup> Ž-BL-05-700/18;

### **10.1.7. Initiative for amendments and supplements to the Law on the BAR Examination of the Republika Srpska**

A complaint<sup>426</sup> points to a problem related to the fact that the candidates, when taking a Bar examination in the Republika Srpska, take the cases that they have already placed as part of the professional examination for work in the administrative bodies, and twice the same cases (administrative, labor and constitutional law).

In Article 18 of the previous Law on the Judicial Examination of the Republika Srpska ("Official Gazette of the Republika Srpska", No. 17/93) prescribed: "Persons who, after graduating from the Faculty of Law, have passed a professional examination of the employees of the administrative body in accordance with the applicable regulations, a judge for misdemeanors, provided they have a working experience specified in Article 2 of this Law, are not obliged to lay down administrative law, labor law and constitutional law at the examination."

The aforementioned article was in force until the Amendments to the Law on the Bar Examination ("Official Gazette of the Republika Srpska", No. 85/03), when the said provision was deleted.

Bearing in mind the fact that previously the law stipulates that these persons are not obliged to lay down certain cases, the Ombudspersons argue that it is justified, in order to facilitate candidates in passing the Bar exam, to the current Law on the Judicial Examination of the Republika Srpska, add a provision that regulates the release of the candidates from laying down the cases they have already laid down when applying for the professional examination for work in the administration of the Republika Srpska (administrative law, labor law and constitutional law).

Therefore, the Initiative Number: P-252/18 dated 11.10.2018 was submitted to the National Assembly of the Republika Srpska. On the basis of the amendments to the Law on Judicial Examination of the Republika Srpska, the following was added: "Persons who, after graduating from the Faculty of Law, have passed a professional examination for work in the administration of Republika Srpska in accordance with the applicable regulations, when passing a Bar examination, they are not obliged to lay down administrative, labor and constitutional law."

The People's Assembly of the Republika Srpska informed the Ombudsmen that it in accordance with the Rules of procedure, the Initiative was forwarded to the competent bodies for consideration.

### **10.1.8. Initiative for Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina**

Regarding the issue of human rights violations through use of information and communication technologies was received by the complaint number Ž-SA-06-791/16, in which the complainant, as a representative in the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, points out inappropriate comments on social networks by colleagues representatives in the House of Representatives of the Parliament of the Federation, concerning the restraint of the complainant on the issue of voting and restraint on the proposal of a single law. The complainant considers that her rights have been violated by commenting on social networks, spreading hate speech and threats from other people.

---

<sup>426</sup> Ž-BL-04-756/18;

The Ombudsmen issued the recommendation number: P-42/18 of 13.2.2018. It recommended that the Parliament of the Federation of Bosnia and Herzegovina amend the Criminal Code of the Federation of Bosnia and Herzegovina in order to create legal preconditions for sanctioning persons who perform certain activities using information and communication technologies, which result in violation of the rights of the individual. Recommendation to the Parliament of the Federation of Bosnia and Herzegovina also recommended adoption of the Code of Ethics of Representatives of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina. The Ombudspersons did not receive a response to the issued recommendation.

## **10.2. Results of initiatives submitted in 2017 and in the previous period, for amendments to the legislation**

### **10.2.1. The Constitutional Court of the Federation of Bosnia and Herzegovina confirmed the position of the Ombudsman presented in the Initiative for passing the Law on Amendments to the Law on the Default Interest Rate of the Federation of Bosnia and Herzegovina**

**Within a case<sup>427</sup>** in 2017, the Ombudsmen sent the Initiative to the House of Representatives and the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina, which proposed: *"In the period of 60 days from the date of the receipt of this Initiative, the adoption of the Law on Amendments to the Law on the amount of default interest in terms of deleting the position) in Article 2, which reads as follows:*

*"Notwithstanding paragraph 1 of this Article, default interest at the rate of 0.2% per annum shall be payable on the amount of the principal determined by executive documents (court judgments and court settlements) and extra-judicial settlements on the basis of employment."*

The Parliament of the Federation of Bosnia and Herzegovina did not accept the submitted Initiative.

Regarding this problem, it is important to point out that the Constitutional Court of the Federation of Bosnia and Herzegovina, deciding on the request of the Vice-President of the Federation of Bosnia and Herzegovina, to review the constitutionality of the Act amending the Law on the amount of default interest, pursuant to Article IV.C.3.10 2) a) of the Constitution of the Federation of Bosnia and Herzegovina, at its session held on 25.09.2018. ("Official Gazette of the Federation BiH" No. 101/16) is not in accordance with the Constitution of the Federation of Bosnia and Herzegovina, which confirmed the position of the Ombudsmen in the concrete case.

### **10.2.2. Accepted the Initiative for Amendments to the Labor Law of the Federation of Bosnia and Herzegovina**

Almost 5 years after the Initiative for changing the Law on the Work of the Federation of Bosnia and Herzegovina was adopted, it was accepted in the manner that the FBiH Official Gazette No.

---

<sup>427</sup> Ž-SA-04-26/17;



89/18 published the Law on Amendments to the Labor Law of the Federation of Bosnia and Herzegovina, or Article 20a.

We emphasize in particular that item 2 of Article 20a of the Law on Amendments to the Labor Law prescribes: "In the institutions, agencies, directors and administrative organizations under another name, legal entities with public authority in the territory of the Federation of Bosnia and Herzegovina (hereinafter: Federation), as well as in public institutions and public enterprises founded by the Federation, canton, city or municipality, and in companies where the Federation, the canton, the city or the municipality participates with more than 50% of the total capital, **the admission to employment is made after procedures for obligatory public advertisement for admission to employment.**

### **10.2.3. Accepted the Initiative for Amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina**

Complainant<sup>428</sup> requested the Ombudsperson Institution to interpret why no equal basis are defined for the duration of the annual leave for all employees (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), regardless of the position they work, and then, according to the length of service, the conditions under which the employees work or live and the health condition itself, they add days of annual leave.

After the investigation, Ombudsmen issued a recommendation to the Council of Ministers of Bosnia and Herzegovina<sup>429</sup>: *to take measures with the aim of amending the controversial provisions of the Law on Civil Service in the institutions of Bosnia and Herzegovina and the Decision on conditions and manner of using 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 number: 05-34-357-10 / 04 of 27.05.2002.*

Amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina ("Official Gazette of BiH" No. 93/17) amended the provision that stipulates the right to annual leave, in the following manner:

Article 46 (Absence and annual leave)

1. *A civil servant shall be entitled to a paid annual leave for the duration determined by the act of the head of the institution from at least 20 working days and on a paid absence of five working days in one calendar year.*
2. *The annual leave referred to in paragraph 1 of this Article shall be increased on the basis of work experience and other individually determined criteria, in accordance with the bylaw.*
3. *The total duration of the annual leave cannot be less than 20 or more than 30 working days.*

The amendment to the law initiated by the Ombudsman Initiative was assessed as accepted.

<sup>428</sup> Ž-SA-04-1040/16;

<sup>429</sup> P-90/17 of 05.05.2017;

#### **10.2.4. Accepted the Initiative for Amendments to the Law on Communal Activities of the Una-Sana Canton**

In the complaint<sup>430</sup> it was pointed out that the Ministry of Internal Affairs of the Una-Sana Canton, when registering motor vehicles, seeks proof of the settlement of utility services, a certificate on settled obligations for waste collection and water consumption. The mentioned Ministry found its position in Article 36 of the Law on Communal Activities of the Una-Sana Canton ("Official Gazette of the USK", No. 4/11, 11/11, 6/12 and 13/12), which stipulates that "registration of all vehicles cannot be accomplished by the Police Directorate of the Ministry of Internal Affairs of the Canton without previously settled communal obligations, minimum until the last three months or an agreement on the settlement of obligations between the provider and the user of utility services."

Ministry of Internal Affairs of Una-Sana Canton, on 09.02.2017 addressed the Government of the Una-Sana Canton with the Initiative for the amendment of Article 36, paragraphs 3 and 4 of the Law on Communal Activities.

The Ombudsmen issued a recommendation No. P-232/17 to the Ministry of the Interior and the Government of the Una-Sana Canton, stating that "the practice of the Ministry of Internal Affairs of the Una-Sana Canton to seek evidence about the collection of utility services when registering motor vehicles is unjustified and that the Government of the Una-Sana Canton, as soon as possible, decided on the Initiative of the Una-Sana Canton Ministry of Internal Affairs of 09.02.2017 with respect to the expressed opinion in this recommendation.

The Una-Sana Canton Assembly at its session held on 21.07.2017 adopted the Law on Amendments to the Law on Communal Activities. The above-mentioned amendments deleted Article 36. The initiative was assessed as accepted.

#### **10.2.5. Initiative for amendments and supplements to the Law on Civil Servants of the Republika Srpska and the Law on Civil Service in the Federation of Bosnia and Herzegovina**

Related to the case they dealt with<sup>431</sup> on 09.06.2017, the Ombudsmen of Bosnia and Herzegovina sent the Initiative number P-141/17, stating that the Government of the Republika Srpska and the Government of the Federation of Bosnia and Herzegovina pointed to the need to amend the Law on Civil Servants ("Official Gazette of the Republika Srpska" 08, 117/11, 37/12) and 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 the Republika Srpska and the Government of the Federation of Bosnia and Herzegovina to harmonize the provisions of their civil service law with the Law on Civil Service in the institutions of Bosnia and Herzegovina in such a way that the number of election commission members increases in favor of those

---

<sup>430</sup> Ž-BL-04-676/17;

<sup>431</sup> Ž-BL-05-414/17;

appointed by the Agency for the state administration/service in relation to those appointed by the body to which the public competition relates.

By Act number: 10.2-020-1649/17, dated 12.07.2017, the Ministry of Administration and Local Self-Government of the Republika Srpska, on behalf of the Government of the Republika Srpska, submitted a response to the Initiative. The Act states, among other things, that within the project "Simplification and improvement of employment in the civil service", which is implemented at all four levels of government within Bosnia and Herzegovina, in the activities that will be undertaken when making amendments or new ones the text of the Law on Civil Servants, will be taken into consideration and sent to the Initiative of the Ombudsman of Bosnia and Herzegovina.

Federation Ministry of Justice, by its Act of December 6, 2017 informs the Ombudsmen that the Minister of Justice in a decision dated 15.05.2017 appointed a working group in charge of preparing a working text of the new Law on Civil Servants in the Federation of Bosnia and Herzegovina, which since then has taken appropriate actions with the aim of its adoption, and that the initiative of the Ombudsman of Bosnia and Herzegovina will be taken into consideration.

#### **10.2.6. Initiative for amending and supplementing the Law on Civil Service of the Federation of Bosnia and Herzegovina**

Related to the case<sup>432</sup> the Ombudsmen made a recommendation on 28.12.2015<sup>433</sup>, by which the initiative for amending the FBiH Civil Service Law was sent to the Parliament of the Federation of Bosnia and Herzegovina and it was suggested that after the closure of the public announcement: "The head of the civil service body, with the previously obtained opinion of the Agency, appoints the most successful candidate from the list of successful candidates".

Recommendation was not enforced, i.e. there was no change in the legal provision.

The Ombudsmen in the context of employment of civil servants in the Federation of Bosnia and Herzegovina note that there has been some progress, since in 2016 and 2017 cantons in the Federation of Bosnia and Herzegovina have adopted the Law on Civil Service, that the majority of the provisions stipulate that the head of organ as a civil servant shall appoint the most successful candidate with the exception provided for, if the national balance and gender structure are to be respected, as provided for in Article 39 of the Civil Service Law of Sarajevo Canton (Official Gazette of KS No. 31/16).

#### **10.2.7. Initiative for amending and supplementing the Law on Mediation in Employment and Rights during the Unemployment of the Republika Srpska**

By the case<sup>434</sup> it was established that according to the existing legal solutions in the Republika Srpska and in accordance with their interpretation, represented by the Employment Service of the Republika Srpska, which arise from the judgment of the County Court in Banja Luka, to which the Office is called (although the same court also rendered a second judgment with which it is occupied the opposite attitude), there is an impossibility for persons who have worked part time less than 6 hours a day to exercise the right to unemployment benefits. Namely, by simple

<sup>432</sup> Ž-SA-04-454/15;

<sup>433</sup> Recommendation No. P-288/15;

<sup>434</sup> Ž-BL-04-212/17 P-144/17;

recalculation, the Ombudsmen came to the conclusion that only workers who had six-hour (or seven-hour) part-time employment could fulfill the conditions prescribed in Article 36 of the Law on Mediation in Employment and Rights during the Unemployment, and thus to exercise the right to compensation, which it is not, in the opinion of the Ombudsman, a satisfactory solution. Bearing in mind that persons who were part-time employed no matter how much the amount was paid, and the fact that Article 34 of the Law on Mediation in Employment and Rights during Unemployment stipulates that funds for the payment of the disputed fee are provided from the contributions paid by persons in employment, the Ombudsmen consider that the only correct solution would be to pay those persons the amount of compensation that would be proportionate to the time spent at the workplace. In this regard, the Ombudsmen issued recommendation number P-144/17 of 09.06.2017, requesting the Ministry of Labor and Veterans and Disability Protection of the Republika Srpska to "consider the possibility of proposing a new legal solution that would allow persons who worked less than six hours a day to exercise the right to unemployment compensation in proportion to the time spent in employment.

The Ministry informed the Ombudsmen by its Act of 10.07.2017 that: *"... Considering that the work programs of the Government and the People's Assembly of the Republika Srpska, for the current year, the adoption of the Law on Amendments to the Law on Mediation in Employment and Rights for the time of unemployment, certain activities have already been undertaken in order to more precisely define the legal provisions determining the right to monetary compensation in such a way that it is unequivocally stipulated that persons entitled to part time work may be entitled to that right, to the extent proportionate to the time spent on work"*.

From the above answer it follows that the Ministry has recognized the problem, but to date, the new legal solution has not been adopted.

#### **10.2.8. Initiative for amendments and supplements to the relevant legal and sub-legal regulations that will ensure the mechanism for controlling the calculation and payment of contributions for encouraging rehabilitation, training and employment of persons with disabilities.**

Complainant<sup>435</sup> indicates a violation of the provisions of the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities ("Official Gazette of the Federation of Bosnia and Herzegovina" No. 9/10) and discrimination against persons with disabilities by employers who do not employ the prescribed number of persons with disabilities, and do not pay the law stipulated a special contribution to encourage professional rehabilitation, training and employment of people with disabilities.

The Ombudsmen issued a recommendation to the Parliament of the Federation of Bosnia and Herzegovina, the Federation Ministry of Finance and the Federation Ministry of Labor and Social Policy<sup>436</sup>: *that after consultations with the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities of the Federation of Bosnia and Herzegovina, organizations and associations of persons with disabilities and organizations and associations of employers, it will prepare and adopt amendments to the relevant legislation (Law on Tax Administration of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation BiH", No. 33/02, 28/04, 57/09, 40/10, 27/12, 7/13 and 71/14), the Law on Vocational*

<sup>435</sup> Ž-SA-02-1125/16;

<sup>436</sup> Recommendation No: P-128/17 of 01.06.2017;

*Rehabilitation, Training and Employment of Persons with Disabilities*, *The Rulebook on the manner of payment of public revenues of the budget and extra-budgetary funds in the territory of the Federation of Bosnia and Herzegovina* ("Official Gazette of FBiH", No. 35/13, 53/13, 63/13, 93/2013, 103/13, 111/14, 19/14, 46/14, 60/14, 65/14, 105/14, 20/15, 44/15, 53/15, 73/15 i 96/15), which will provide a mechanism for controlling the calculation and payment of special contributions to encourage rehabilitation, training and employment of persons with disabilities..

According to the issued recommendation, the Federation Ministry of Labor and Social Policy informs the Ombudsmen that the Law stipulates a payment obligation, but no entity has been established that would supervise and control the collection of contributions by legal entities, and in accordance with its competence, imposed sanctions in the event of non-payment of the prescribed compensation.

The Parliament of the Federation of Bosnia and Herzegovina by its act of 08.11.2018 informed the Ombudsman Institution that it is ready when it receives Amendments to the Law on Tax Administration, the Law on Vocational Rehabilitation and Training and Employment of Persons with Disabilities, and the Rulebook on the Payment of Public Revenues of the Budget and Extra-budgetary Funds in the Territory of the Federation of Bosnia and Herzegovina by the Government of the Federation Bosnia and Herzegovina or any other authorized proposer to amend these laws, to put it on the agenda of the House of Representatives and in that way to contribute to the adoption of amendments to these regulations in the shortest period of time in Parliament.

The Government of the Federation of Bosnia and Herzegovina in its reply of 16.11.2018 emphasizes that it accepts the response of the Federation Ministry of Labor and Social Policy of 06.11.2018. It states that only by amending the Law on Contributions can the problem be resolved, and that any other mechanism for controlling the collection of special contributions outside the Tax Administration, which would eventually be established by amending the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities, was dysfunctional and would not achieve the desired purpose of effective billing.

### **10.2.9. Initiative for amendments to the Law on Labor in the Institutions of Bosnia and Herzegovina**

On January 23, 2017, the Ombudsmen opened an ex officio case<sup>437</sup> regarding the possibility of using adoption leave on the basis of the Law on Labor 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 Law on the Work of the Federation of Bosnia and Herzegovina, the Labor Law of the Republika Srpska and the Law on the Work of the Brčko District of Bosnia and Herzegovina, in the relevant part, prescribe the right of the adopter of the child in the way that articles of the laws regulating the right to maternity leave apply. Unlike those laws, the Labor Law of the institutions of Bosnia and Herzegovina does not contain provisions regulating the use of adoption leave.

The Ministry of Justice of Bosnia and Herzegovina has informed the Ombudsmen that, by applying the articles of the law regulating narrow family members and relevant legal regulations

---

<sup>437</sup> Ž-SA-04-51/17,

of the Entity on family relations, by their interpretation there are no obstacles for adopters of the child to use all rights as well as the parents of the child. The Ministry of Justice emphasizes, taking into account the importance of this matter and the need for a clear definition of the rules applicable to each specific situation, that the Ombudsman's addressing will be treated as an Initiative for initiating the process of amending to the said law.

## **XI. COOPERATION WITH MEDIA**

The Ombudsman's cooperation with the media takes place continuously with the goal of promoting human rights, informing about their violations and the possibilities of protection.

The Human Rights Ombudsman Institution of Bosnia and Herzegovina applies standard procedures in relation to the media, which implies submission of responses on the activities and issues within the competence of the Institution, participation of representatives of the Institution in the media (interviews, statements, roaming in TV and radio emissions), organization of press conferences, publishing press releases, presenting the activities of the Institution through the distribution of promotional materials, and participating in promotional campaigns and other promotional activities.

In the reporting year, the Ombudsman Institution responded to 166 media requests, which are 33 requests more than in 2017. As in the previous years, this year too, the majority of media requests were answered at the headquarters of the Institution in Banja Luka and the regional office in Sarajevo, 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 addition, it is important to emphasize that this does not include statements made by the Ombudsmen or their assistants when participating in meetings in the country and abroad, as well as information placed in the form of press releases or presented at press conferences, which significantly contributed to informing the general public 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.

In the form of press releases, the Ombudsmen strongly condemned the attacks on journalists, called for persons with disabilities to provide adequate transport allowance, regardless of the distance of work from the place of residence, warned of the possible abuse of children for political purposes, pointed to the worrying trend of increasing peer violence, and touched upon other topics that were considered from the point of view of the protection and promotion of human rights in Bosnia and Herzegovina. In the same way, the Ombudsmen addressed the World Roma Day, World Refugee Day, International Human Rights Day, International Freedom Day, International Children's Week, International Coming Out days, as well as other significant dates in the field of human rights in Bosnia and Herzegovina in the previous year.

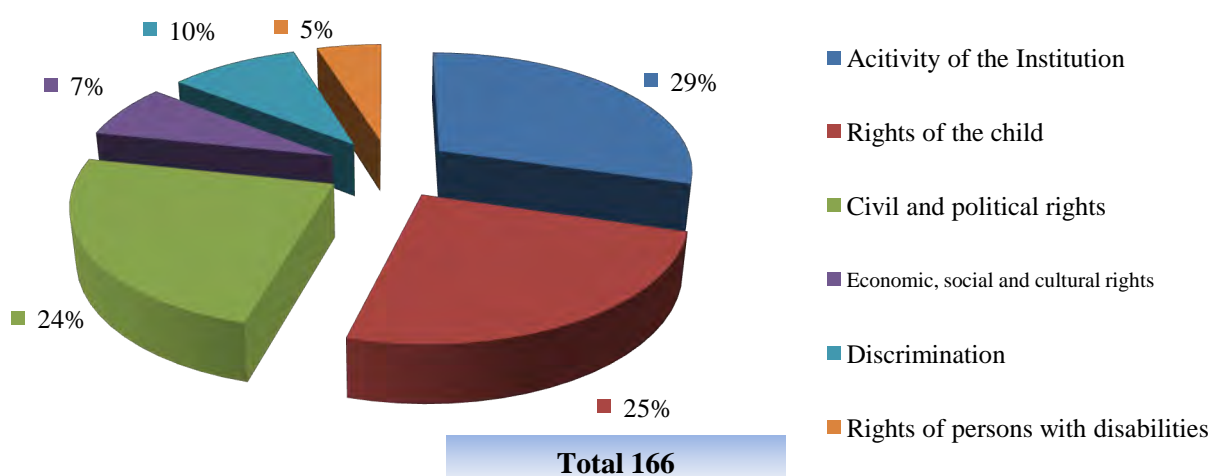
The Ombudsmen also organized press conferences in 2018 where the Special Reports of the Institution were presented, such as the Special Report on the Appearance, Use and Protection of State, or Official Marking in Bosnia and Herzegovina, the Special Report on the Status of the Rights of Persons with Intellectual and mental health problems in Bosnia and Herzegovina, Special Report on the National and Gender Structure of Employees in Police and Security Agencies in Bosnia and Herzegovina and others.

Particular attention in the reporting year was devoted to the promotion of the Ombudsman's official days, with which the number of Ombudsmen visiting the local radio and TV stations

program, especially with regard to the Una-Sana Canton area, and other environments in which the Ombudsmen are implementing this activity.

### 11.1. Review of media requests for different areas of human rights

Observed by categories of violation of rights, the analysis shows that most of the received media requests in 2018, as in the previous year, related to the issues from the general competence of the Ombudsman. Consequently, the media showed to a large extent the interest in the findings to which the Ombudsmen came to act on citizens' complaints, as well as the measures they took to remedy the established violations of their rights (49). In these statements, the Ombudsmen referred to indicators that assess the general state of human rights in Bosnia and Herzegovina, and responded to events that could have influenced or influenced the realization of human rights and freedoms.



#### Review of media requests for different areas of human rights

As in the previous years, as well as in 2018, it is evident that a significant proportion of the total number of media coverage is taken up by the topics within the competence of the Department for the Monitoring of Children's Rights (41). In their press statements, representatives of the Institution spoke, inter alia, of peer violence, physical punishment of children, their health care, establishment of the alimony fund in the Republika Srpska, as well as other factors that directly or indirectly affect the exercise of the rights of children, as which are, for example, conflict divorces of parents. Special attention was paid to the Ombudsman in this year's analysis of the situation in the institutions where the juveniles are in conflict with the law.

In almost identical measure, civil and political rights issues were addressed (40). In their media presentations, representatives of the Institution provided answers to questions concerning the freedom of access to information, the functioning of public administration, freedom of expression, citizens' status issues, the right to a fair trial, issues of transitional justice, including civil war victims, Taking into account the current situation regarding migration, the largest number of media demands were related to this topic.

When it comes to issues within the jurisdiction of the Department for the Elimination of All Forms of Discrimination (16), in the focus of media interest, mobbing has been found, as a



special form of discrimination in the workplace, then discrimination based on ethnicity, based on national or social origin, on the basis of social position and gender, as well as other forms of discrimination.

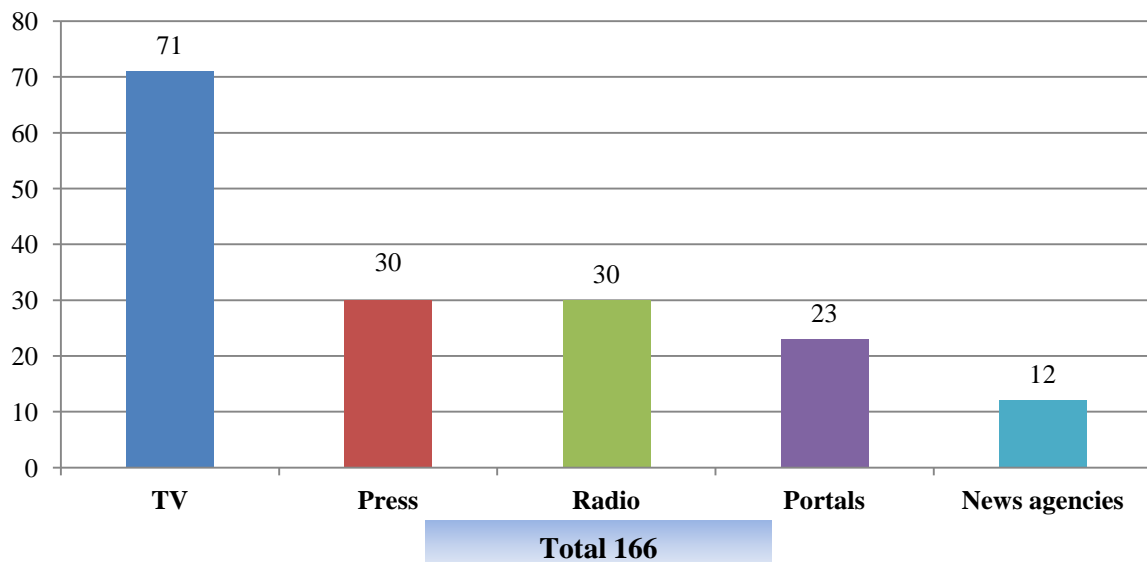
In the area of economic and social rights of citizens (12), during the media appearances the topics from the field of health and social protection were treated, as well as the rights from employment, etc.

In the statements concerning the realization of the rights of persons with disabilities (8), the representatives of the Institution distributed information through the media to the visits to the institutions where persons with intellectual and mental disabilities in Bosnia and Herzegovina were located, and pointed out the problem of architectural barriers, employment and other problems whose resolution would enable improvement of the rights of this category of population.

## **11.2. Review of media requests by type of media**

In the course of 2018, the Ombudsman Institution cooperated with more than thirty media companies from the country and abroad, with constant efforts to respond to all queries of journalists in a timely and meaningful manner. With the aim of systematic, continuous, timely and accurate public information, through printed and electronic media, on the work and activities of this Institution during the reporting period, the Ombudsmen and their associates were guests in the program or made statements for various media outlets such as, among others: BHRT, RTRS, RTVFBiH, ATV, TV1, N1, Elta, Alfa and Hayat television, Nezavisne novine: Glas Srpske, Dnevni avaz, Euroblic, Oslobođenje, Radio Slobodna Evropa, Radio Otvorena Mreža and FENA and SRNA news agencies. In line with modern trends, there are a growing number of portals statements, such as Klix.ba, etrafika.net, diskriminacija.ba; bljesak.info and others. At the local level, a significant contribution on informing the work of the Ombudsman was, among others, RTVUSK, Bobar Radio, Zos Radio, magazine "Moja Hercegovina" and others.

Observed by type of media, the highest number of appearances during 2018 was recorded in TV programs (71). In an identical number, the Ombudsmen complied with the requirements of radio stations and print media (30). Compared to 2017, in this reporting year, significant portions in the total number of addresses are taken by web portals (23). From the diagram, it can be seen that, taking into account the share of the total number of press statements, there were no significant changes in news agencies (12).



### Review of media requests by type of media

As an important mechanism for promoting and informing citizens about the work of the Institution and issues of importance for the exercise of their rights, the Ombudsmen in particular are devoting special attention to the contents of the official website of the Institution: [www.ombudsmen.gov.ba](http://www.ombudsmen.gov.ba).

On this site, visitors can, inter alia, read the Ombudsman's recommendations, get acquainted with current affairs in the work of the Institution, find annual and special reports of the Ombudsman, and download the complaint form.

During 2018, this site was visited 38,056 times, and a total of 121,395 page views were viewed. These visits were made by 21,148 different visitors who, on average, spent two minutes and fifty-four seconds on the web presentation. The most visits were from Bosnia and Herzegovina, followed by Serbia and Croatia, and a significant number of visits were recorded from France, the United States, South Africa, Germany, Austria, India, Montenegro, etc.

Furthermore, the established public relations mechanisms in this reporting year were promoted at meetings, conferences and other events devoted to media freedom issues, as well as through daily contacts with journalists and cooperation with information officers in other agencies and institutions.

At the same time, through media information, the Ombudsmen of Bosnia and Herzegovina were able to respond in a timely manner to potential violations of citizens' rights through the opening of cases ex officio in order to examine the accuracy of the allegations and undertake activities in accordance with their mandate.

On the other hand, citizens' right to timely and accurate information directly depends on the environment in which journalists should have adequate and unhindered working conditions. This is possible, first and foremost, if their status is regulated in society, and guaranteed them the enjoyment of fundamental rights and freedoms, including the right to security and dignity. Violence, harassment and intimidation of journalists represent an attack on democracy itself.

They lead to the suppression of the freedom of the media and freedom of expression, depriving citizens of freedom to make decisions based on timely and accurate information. In this context, Ombudspersons strongly condemn attacks and inadequate or inappropriate behavior towards journalists and all media workers that happened in Bosnia and Herzegovina. In this regard, the Ombudsmen invite the competent institutions to admit their recommendations in the "Special Report on the situation and cases of threats to journalists in Bosnia and Herzegovina", and in accordance with their mandate, confirm the readiness and obligation to assist journalists in the realization of their fundamental rights and important social functions.

Taking all these into account, the Ombudsmen remain committed to further developing professional relations with journalists and other media employees in Bosnia and Herzegovina as significant allies in the fulfillment of their mandate, especially taking into account the influence of the media on the formation of public opinion, and their contribution to the promotion of human rights.

.

## XII. COOPERATION WITH BODIES AND INSTITUTIONS, NGOs AND CIVIL SECTOR

### 12.1. Cooperation with bodies and institutions in Bosnia and Herzegovina

In 2018 the Ombudsmen of Bosnia and Herzegovina and the staff of the Institution following the programs of activities defined in the Strategy of the Ombudsman Institution for Human Rights of Bosnia and Herzegovina for the period 2016-2021, they devoted considerable attention to the continuation and further strengthening of the cooperation with the government institutions in Bosnia and Herzegovina, representatives of non-governmental organizations, with the aim of improving the level of realization of human rights and fundamental freedoms in Bosnia and Herzegovina.

The Ombudsmen are mostly acting on individual complaints of citizens, and in this regard, a series of meetings, visits to local communities, were held, and the Municipality of Bihać<sup>438</sup>, the Municipality of Ključ<sup>439</sup>, Municipality of Stolac, Municipality of Čapljina<sup>440</sup>, Municipality of Sokolac<sup>441</sup>, Municipality of Brod<sup>442</sup>, Municipality of Čitluk<sup>443</sup>, Municipality of Olovo<sup>444</sup>, Municipality of Orašje<sup>445</sup>, Municipality of Visoko<sup>446</sup> related to the cooperation of the Ombudsman and local self-government bodies in solving individual cases, current problems in the mentioned municipalities.

Also, visits to the Psychiatric Hospital Jagomir were made<sup>447</sup> and the Cantonal Hospital in Bihać. The Ombudsmen<sup>448</sup> also met with Banja Luka Mufti and Banja Luka Bishop, where they

<sup>438</sup> Ombudsman of BiH dr. Jasminka Džumhur on May 23, 2018, met with Mayor of Bihać and discussed problems related to the migrant crisis and the challenges facing the Bihać City, as well as the entire Una-Sana Canton.

<sup>439</sup> Ombudsmen of BiH Dr. Jasminka Džumhur and Prof. Dr. Ljubinko Mitrović and his assistants visited the Ključ Municipality where they met with the Head of the Department for Physical Planning, Housing, Utility and Property Affairs and the Advisor to the Mayor.

<sup>440</sup> On May 30, 2018, the Adviser of the Ombudsman in the regional office in Mostar attended a meeting also attended by representatives of the field office of the OSCE Mission and the Mayor of Čapljina Municipality, discussed the measures that the chief should take in relation to resolving Roma housing issues in the municipality and the municipality current problems of returnee population.

<sup>441</sup> Ombudsman Prof. Dr. Ljubinko Mitrović met on May 26, 2018 with the Mayor of the Municipality of Sokolac. The topics of the meeting were issues of importance for the realization and protection of rights and freedoms in the area of this municipality, as well as the cooperation of municipal authorities with Ombudsmen of BiH.

<sup>442</sup> Ombudsman Prof. Dr. Ljubinko Mitrović and his associate on October 5, 2018 visited the Municipality of Brod and held a meeting with the chief of the cabinet of the mayor. It was discussed about the individual complaint registered in the Ombudsman Institution, but also in general about the treatment of municipal authorities regarding the exercise of citizens' property rights and other issues of relevance to the municipality in question.

<sup>443</sup> On 10.10.2018, Ombudsman Nives Jukić visited the Municipality of Čitluk with a collaborator and held a meeting with the Mayor of the Municipality. At the meeting she introduced the participants about the mandate and responsibilities of the Ombudsman Institution, and special attention was paid to the functioning of the judiciary in the said municipality, the rate of employment, issues in the field of social protection, and the improvement of cooperation between the Ombudsman Institution with the aim of resolving individual complaints.

<sup>444</sup> Ombudsman Prof. Dr. Ljubinko Mitrović, 15.09.2018

<sup>445</sup> Ombudsmen of BiH Nives Jukić, Dr. Jasminka Džumhur and Prof. Dr. Ljubinko Mitrović visited the Municipality of Orašje and held a meeting with the Municipal Mayor and the President of the Municipal Council of the Municipality of Orašje. On the same occasion, they visited the Penal and Correctional Institution in Orašje and the Ministry of Internal Affairs of the Posavina Canton.

<sup>446</sup> Ombudsman of BiH, Dr. Jasminka Džumhur and her associate met with the Secretary of the Municipal Council of the Municipality of Visoko. The topic of the meeting was the implementation of the Law on Freedom of Access to Information, especially in the segment of the implementation of the public interest test.

<sup>447</sup> Ombudsman Nives Jukić met on June 22, 2018 with the Director of the Psychiatric Hospital Jagomir and associates, on which occasion she discussed the specific complaint registered in the Ombudsman Institution.

<sup>448</sup> Ombudsmen Nives Jukić and Dr. Jasminka Džumhur on January 25, 2018

exchanged information on exercising the rights of citizens living in the territory of the Republika Srpska.

Ombudsmen were informed that a significant number of citizens of Islamic and Catholic faiths addressed the Banja Luka mufti and the Banja Luka diocese with demands for the realization of their rights related to employment and economic and social rights. The meeting concluded that there is room and need to strengthen cooperation with all religious communities with the involvement of the Inter-religious Council in Bosnia and Herzegovina.

During 2018, Ombudsmen visited the Correctional Institution of Sarajevo<sup>449</sup>, the Penitentiary and Correctional Institution Trebinje<sup>450</sup> Correctional Institution Banja Luka<sup>451</sup> Penitentiary in Foča<sup>452</sup> Penitentiary-correctional institution in Zenica<sup>453</sup> Correctional Institution in Tuzla<sup>454</sup> Correctional Institution in Sarajevo<sup>455</sup>, on which occasion they held talks with the directors of the mentioned institutions, and special attention was paid to the measures that should be taken in accordance with the Ombudsman's findings and recommendations made in individual complaints.

With the support of UNICEF in Bosnia and Herzegovina, and according to the document "Analysis of the situation in the institutions where the juveniles are in conflict with the law in Bosnia and Herzegovina", visits to the correctional facility for minors in Orašje<sup>456</sup> Public institution of Tuzla Canton Educational Center in Tuzla<sup>457</sup> Juvenile Prison within the Penitentiary Institute East Sarajevo<sup>458</sup> which aimed to determine the level of implementation of the recommendations of the Ombudsman given in the above-mentioned document.

The Ombudspersons cooperated and held several meetings with the directors of the Entity Centers for Judicial and Prosecutorial Training, discussing topics that could eventually be included in the Vocational Training and Initial Training Programs for 2019<sup>459</sup> and challenges faced by the Ombudsman Institution in the protection and promotion of human rights, as well as the application of the Law on the Prohibition of Discrimination, or the treatment of judges in misdemeanor proceedings initiated by the Ombudsman for Human Rights of BiH for failing to comply with Ombudsman's recommendations in cases of discrimination<sup>460</sup>.

Two meetings were also held with the Ombudsmen for Children of the Republika Srpska, the Minister for Physical Planning, Construction and Ecology in the Government of the Republic of

<sup>449</sup> On 06/06/2017 ombudsman Dr. Jasminka Džumhur; on 26.06.2018. Prof. Dr. Ljubinko Mitrović

<sup>450</sup> Ombudsmen Prof. Dr... Ljubinko Mitrović visited the Trebinje Penitentiary Institute on Tuesday, September 11, where he talked with the director of the Penitentiary

<sup>451</sup> Ombudsman Prof. Dr.. Ljubinko Mitrović led the delegation of the Ombudsman Institution of Bosnia and Herzegovina, who, together with experts for the National Preventive Mechanism from the Institution of the Ombudsman of the Republic of Bulgaria, visited the Correctional Institution Banja Luka on Wednesday, April 25, 2018

<sup>452</sup> On 11/4/2018 Dr. Jasminka Džumhur with associates

<sup>453</sup> On 11/23/2018 Dr. Jasminka Džumhur with associates

<sup>454</sup> On September 26, 2018 Dr. Jasminka Džumhur with associates

<sup>455</sup> On 12/14/2018 dr. Jasminka Džumhur with associates

<sup>456</sup> On June 20, 2018. Prof. Dr.. Ljubinko Mitrović and associates

<sup>457</sup> On June 21, 2018. Prof. Dr... Ljubinko Mitrović with associates

<sup>458</sup> On June 29, 2018 Prof. Dr. Ljubinko Mitrović

<sup>459</sup> Ombudsman Prof. Dr. Ljubinko Mitrović gave a lecture at the Center for Education of Judges and Prosecutors of Republika Srpska on 09.02.2018; Ombudsman Prof. Dr. Ljubinko Mitrović held a meeting in the Center for Education of Judges and Prosecutors of the Federation BiH on 31.05.2018; Ombudsman Prof. Dr. Ljubinko Mitrović held a meeting with the Director of the Center for Education of Judges and Prosecutors of Republika Srpska on October 9, 2018; Ombudsman dr. Jasminka Džumhur held a meeting with the Director of the Center for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina

<sup>460</sup> Ombudsman dr. Jasminka Džumhur on December 11, 2018 held a presentation in the Center for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina

Srpska<sup>461</sup> President of the Notary Chamber of Republika Srpska, President of the Assembly of the City of Banja Luka<sup>462</sup> and the Secretary General of the People's Assembly of the Republika Srpska<sup>463</sup>

On March 13, 2018 the Ombudsman held a meeting with BiH Presidency Member Dragan Čović<sup>464</sup>.

Pursuant to the Agreement on Cooperation between the Ombudsman and public and private universities in Bosnia and Herzegovina signed with the aim of establishing and developing mutual cooperation through the promotion of the development of the highest level of quality of teaching and practice in higher education, while developing a common framework of cooperation in all areas of educational and research activities, in 2018, activities on the implementation of this agreement continued, so students of the Faculty of Law of the University of "Vitez" visited the regional office in Sarajevo. The purpose of the visit was to introduce students to the mandate of the Ombudsman Institution and to discuss international instruments that are being applied in Bosnia and Herzegovina<sup>465</sup>. At the invitation of the Dean of the Faculty of Law of the University of Business Studies in Banja Luka, a lecture was held on the topic "Role and importance of the Ombudsman Institution for Human Rights of BiH in our society", within the Human Rights Clinic<sup>466</sup>. At the invitation of the Rector of the University of Zenica and the Dean of the Law Faculty in Zenica, they participated in the celebration of 10 years of the journal "Annals of the Law Faculty in Zenica", and the activities of Jean Monnet with PhD students and undergraduate studies<sup>467</sup>. During the visit to the Faculty of Agriculture and Food in the University of Sarajevo, there were discussed problems in higher education related to the integration of universities, the freedom of access to information, the prohibition of discrimination, as well as the protection of the human environment, primarily ensuring access to drinking water, fresh air and healthy soil.<sup>468</sup>

The Ombudsmen lectured<sup>469</sup> at the Fifteenth International Law Consultations "October Law Days" on the topic "The role of the police in seizing property resulting from the commission of a criminal offense in Republika Srpska" organized by the Association of Lawyers of the Republic of Srpska and the Law Faculty of the University of Banja Luka at the invitation of the Dean of the Law Faculty of the University in Banja Luka, was attended by marking the 43rd year of existence and work of the Law Faculty in Banja Luka<sup>470</sup>. A lecture was held at the Law Faculty of the University of Zenica<sup>471</sup> on the topic "Juveniles in conflict with law - execution of sanctions and measures". A lecture was held at the International University of Sarajevo<sup>472</sup> on the Ombudsman Institution for Human Rights of Bosnia and Herzegovina and the state of human

<sup>461</sup> On 12.01.2018 Prof. Dr. Ljubinko Mitrović

<sup>462</sup> On 17.01.2018 Prof. Dr. Ljubinko Mitrović

<sup>463</sup> On 16.01.2018 Ombudsman Prof. Dr. Ljubinko Mitrović

<sup>464</sup> The Ombudsmen Nives Jukić and Prof. Dr. Ljubinko Mitrović

<sup>465</sup> On March 30, 2018, student was received by Ombudsman Dr. Jasminka Džumhur

<sup>466</sup> Lecture delivered by Prof. Dr. Ljubinko Mitrović on March 21, 2018

<sup>467</sup> Ombudsman Dr. Jasminka Džumhur participated on this event on May 28, 2018 and presented the role and activities of the Ombudsman for Human Rights of Bosnia and Herzegovina

<sup>468</sup> On October 19, 2018, Ombudsman Dr. Jasminka Džumhur

<sup>469</sup> On October 12, 2018 Ombudsman Prof. Dr. Ljubinko Mitrović

<sup>470</sup> On 02/06/2018 Ombudsman Prof. Dr. Ljubinko Mitrović

<sup>471</sup> Lecture by Prof. Dr. Ljubinko Mitrović on November 27, 2018

<sup>472</sup> Ombudsmen Dr. Jasminka Džumhur on 14.12.2018

rights in Bosnia and Herzegovina, with special emphasis on minority rights, lecture<sup>473</sup> for students of the Law Faculty of the University of Sarajevo on the topic "The role of the Ombudsman in the protection and promotion of human rights". Lecture in the framework of promotional activities on the topic: "The role of the Ombudsman in the protection and promotion of human rights in Bosnia and Herzegovina as a post-conflict state" was held within Humanity in action BiH summer fellowship program<sup>474</sup>.

In 2018, the Ombudsman of BiH continued to cooperate in priority areas with representatives of the non-governmental sector, through joint activities with civil society organizations, participation in conferences and round tables in the organization of civil society in accordance with the Platform on Cooperation with NGOs. In order to improve the position of the LGBTI population in Bosnia and Herzegovina, the cooperation with the Sarajevo Open Center continued, and a series of meetings with representatives of the mentioned organization<sup>475</sup>.

The Ombudsperson Institution actively participated in the round table "Prohibition of corporal punishment - obligation, not necessity"<sup>476</sup> organized by the Bureau for Human Rights Tuzla, attended by representatives of the authorities, centers for social work, prosecutors' offices, mental health services, and regarding the obligations of Bosnia and Herzegovina from Article 19 of the Convention on the Rights of the Child with the aim of actively addressing the problem of physical punishing children, which requires clear and precise legal reforms, protection and prevention measures and educational measures to distance society from accepting violent and degrading punishment of children.

The Department for the Exercise of Children's Rights attended the presentation of the evaluation findings of the "The Child Protection Hub" project for Southeast Europe with a focus on Bosnia and Herzegovina launched in 2015 by Save The Child and Terres des homes from Switzerland with the aim of networking and business cooperation of the countries of the South East Europe in protecting children's rights.

Representatives of the Ombudsman Institution actively participated in the two-day *workshop "Security of Journalists in BiH: Application of EU, CoE, and UN Standards on Security and Protection of Journalists in BiH Through Effective Investigation of Attacks and Judicial Proceedings"* held in Mostar on 23 and 24.02.2018. organized by the Council of Europe and the Association of Journalists of Bosnia and Herzegovina on the occasion of the presentation of the Ombudsman Institution's work with the aim of protecting journalists, then at *the Media Circle Conference - Citizens' Response to Clientelism in the Media in South East Europe*<sup>477</sup> organized by the Association of Journalists of BiH. At the Conference on the "Position and Protection of Journalists in Bosnian Media", held on 15 and 16 May 2018 in Sarajevo, organized by the Association of BH Journalists in cooperation with the OSCE Mission to BiH and the organization Civil Rights Defenders presented are the experiences of the Ombudsman Institution regarding the position of journalists<sup>478</sup>.

<sup>473</sup> Ombudsman Dr. Jasminka Džumhur on December 21, 2018

<sup>474</sup> Ombudsman Dr. Jasminka Džumhur, on June 13, 2018

<sup>475</sup> On January 25, 2018, Ombudsman Nives Jukić, Dr. Jasminka Džumhur and Prof. Dr. Ljubinko Mitrović with the representatives of the Sarajevo Open Center related to activities on established legal regulations of same-sex communities and rights of transgender persons. Representatives of the Department for the Elimination of All Forms of Discrimination held a meeting with the SOC on 11.07.2018

<sup>476</sup> Held on March 26, 2018 in Sarajevo

<sup>477</sup> Held on March 22, 2018

<sup>478</sup> On May 15, 2018, Ombudsman Dr. Jasminka Džumhur addressed the gathering

The Ombudsman Institution attended the presentation of the National Report on Bosnia and Herzegovina on Media Freedom and Security of Journalists<sup>479</sup>, Conference and presentation of the report "Regulation of the advertising market"<sup>480</sup> within the project "Media and public reputation"; presentation of the report "Indicators of the Level of Media Freedom and Security of Journalists - BiH"<sup>481</sup>.

The Ombudsmen also participated in the 24th edition of the Sarajevo Film Festival, within the framework of the Human Rights Day program of the thematic title: "The rise of nationalism in Europe - a test of European humanitarianism in European values?"<sup>482</sup>

The Ombudsmen<sup>483</sup> took part in scientific-professional conferences organized by the Center for lobbying from Banja Luka:

- On 07.07.2018 on the topic "Security in Bosnia and Herzegovina: Are Citizens Safe", and on that occasion a report titled "Legal and Practical Challenges in Punishing Foreign Terrorist Fighters in Bosnia and Herzegovina"<sup>484</sup>, and at the conference also participated numerous professors from the University of Banja Luka, Sarajevo and East Sarajevo, as well as experts in the field of security;
- On 25.08.2018 on the topic "Military neutrality or NATO, advantages and disadvantages" with oral presentation on the topic "Legal aspects of the possibility of joining of Bosnia and Herzegovina to NATO" with a special focus on the benefits of every citizen in Bosnia and Herzegovina who can have the accession of Bosnia and Herzegovina NATO Alliance or in the case of the military neutrality of Bosnia and Herzegovina.

The Department for the Elimination of All Forms of Discrimination took part in Round table held in Banja Luka on 23.02.2018 "*Protection of women from sexual/gender discrimination - from the law to real equality*"; Analysis of reported cases of sexual/gender discrimination with the presentation of the work of the Institution regarding the Law on the Prohibition of Discrimination in BiH, and the position of women victims of multiple discrimination, women in rural areas, Roma women and women whose work rights have been endangered because of pregnancy and at the Conference<sup>485</sup> "*Introduction of the Person of Trust in the Victims of Violence Protection System - Exchange of Goodwill with the Countries of the Region*" organized by the Center for Women's Rights Zenica and the United Women Banja Luka Foundation, with the aim of opening a dialogue on mechanisms for improving assistance and protection for survivors of violence through the introduction of institutions persons of trust in the legislation of Bosnia and Herzegovina.

Ombudsmen<sup>486</sup> also held a meeting with the founder of the "Give us a Chance" association marking the "Children's Week" with which the association has a long-standing successful cooperation, and discussed the cases of violation of human rights of users of the services of the association concerned.

<sup>479</sup> Held in Banja Luka on March 30, 2018,

<sup>480</sup> Held on June 21, 2018 in Sarajevo.

<sup>481</sup> Held on December 20, 2018 in Sarajevo.

<sup>482</sup> On 08/13/2018 Ombudsman Dr. Jasminka Džumhur was one of the panelists at this gathering.

<sup>483</sup> Prof. Dr. Ljubinko Mitrović.

<sup>484</sup> Prof. Dr. Ljubinko Mitrović and Dr. Gojko Pavlović;

<sup>485</sup> Held on 25.10.2018 in Sarajevo;

<sup>486</sup> Ombudsman Nives Jukić, on October 3, 2018;



It was also attended at the Round Table entitled "*Children on the move, children without accompaniment - React and prevent trafficking in children*"<sup>487</sup> organized by the Foundation Women's Association Banja Luka in cooperation with the network "RING" with the aim of marking October 18th - European Anti-Trafficking Day.

It was also attended by the Round Table for representatives of the Roma non-governmental sector in the area of registration of citizens, organized by the association Vaša prava BiH and UNHCR<sup>488</sup>, and on that occasion, the participants exchanged experiences and good practices in the field of registration of Roma, and reviewed the current situation in order to improve the process of registration of Roma in the register, and discussed the mandate and work of the UNHCR concerning the statelessness and the Round table on free legal aid in Canton Sarajevo<sup>489</sup> organized by the Association Vaša prava of BiH, UNHCR and the Institute for Free Legal Assistance of Canton Sarajevo.

On the invitation of the Association of Paraplegics, the Ombudsmen<sup>490</sup> participated in the conference "Promoting rights and raising awareness on the issues of people with disabilities with a lecture on the topic "*Discrimination against persons with disabilities: Revival of equal opportunities*" and presentation of Ombudsman's work on the rights of people with disabilities, with a special emphasis on the position of paraplegics and patients with disabilities child paralysis.

At the invitation of the Union of the Paraplegics and Paralytics the Ombudsmen attended at the Conference<sup>491</sup> "Promoting Rights and Raising Awareness of the Issues of Persons with Disabilities in BiH" with a presentation on the topic of the Institution's Role in Discrimination Matters. Also, representatives of the Ombudsman Institution participated in the seventh meeting<sup>492</sup> organized by the Alliance of Civil Society Organizations (SUMERO) on the topic of the Deinstitutionalization Platform, and the event was organized within the project "Support to Inclusion for Persons with Disabilities".

## **12.2. Cooperation with international organizations and institutions and submissions to the Committees**

The Ombudsman Institution as a mechanism for the protection of human rights on November 24, 2017 by the Subcommittee for Accreditation of the Global Alliance of Independent Human Rights Institutions has been re-accredited to status "A".

Openness of the Ombudsman Institution's work and readiness to cooperate with all bodies that can contribute to the promotion and protection of human rights continuously requires the Ombudsperson of BiH to improve cooperation with a number of international organizations operating in Bosnia and Herzegovina, but beyond its borders as well.

<sup>487</sup> Held on October 18, 2018 in Banja Luka;

<sup>488</sup> Held on 16.10.2018 in Sarajevo;

<sup>489</sup> Held on 24.10.2018 in Sarajevo;

<sup>490</sup> Ombudsman Nives Jukić, Conference held in Sarajevo on December 13, 2018;

<sup>491</sup> Held on December 22, 2017;

<sup>492</sup> Held on 06.09.2018 in Sarajevo.

The most important cooperation, based on the partnership relations of the Ombudsman of BiH, has been realized with the OSCE Mission for many years, with the aim of strengthening the capacities and role of the Ombudsman Institution in Bosnian-Herzegovinian society<sup>493</sup>.

Significant cooperation was achieved with the Office of the Council of Europe in Bosnia and Herzegovina in the framework of the realization of the project "Strengthening the capacity of the Ombudsman for Human Rights to fight discrimination", which is part of the joint program of cooperation between the European Union and the Council of Europe "Horizontal Instrument for Support to the Western Balkans and Turkey" financed by the European Union and the Council of Europe. Thus, in BiH on 15 and 16 February 2018, the Ombudsman of BiH, with the support of the Delegation of the European Union, the Council of Europe Office and the OSCE Mission to Bosnia and Herzegovina, held a regional conference entitled "Exchange of best practices in dealing with human rights violations with special focus on the fight against discrimination". The main goal of the two-day conference was to exchange best practices among national human rights institutions from across the region, and to strengthen the cooperation of these institutions in the prevention and fight against human rights violations. During the panel discussion, a review of the academic community and judiciary was given to the role of national institutions for the protection of human rights in judicial and administrative procedures, and the position of the non-governmental sector on the role of national institutions for the protection of human rights in judicial and administrative proceedings. The conference was attended by ombudsmen and representatives of institutions for the protection of human rights from Montenegro, Croatia, Kosovo<sup>494\*</sup>, The former Yugoslav Republic of Macedonia, Slovenia, Serbia, Turkey, Bosnia and Herzegovina, as well as representatives of the judiciary, the academic community and civil society organizations.

In 2018, the Ombudsmen made a significant contribution to TAIEX<sup>495</sup> expert missions organized in Bosnia and Herzegovina with the support of the Directorate for European Integration of Bosnia and Herzegovina, with the aim of assessing the situation in certain areas that were included in the questionnaire for EU accession. Thus, representatives of the Ombudsman Institution contributed to the following missions: TAIEX mission of the European Commission's expert assessment on women's rights and gender equality and anti-discrimination, held from 18-23 March 2018<sup>496</sup>;

- TAIEX expert assessment of the European Commission on freedom of assembly, held from 21 to 25 May 2018.<sup>497</sup>;

<sup>493</sup> Ombudsman Prof. Dr. Ljubinko Mitrović held a meeting with the OSCE Ambassador on 5.2.2018, and on 23.4.2018 he attended a reception on the occasion of moving to new premises of the OSCE in Banja Luka. In addition, he held meetings with representatives of the OSCE on 20.3.2018, 24.4.2018, 14.9.2018, 2.11.2018 and 5.11.2018;

<sup>494</sup> This name does not call into question the status of Kosovo and is in line with UN Security Council Resolution 1244 and the ICC Decision on the Kosovo Declaration of Independence.

<sup>495</sup> TAIEX (*Technical Assistance and Information Exchange*) is an instrument of the European Commission for technical support and exchange of information, that is, to provide short-term technical assistance to the new member states and countries in the process of accession to the European Union in the fields of acquisitions of the European Union and its implementation into the domestic legal system.

<sup>496</sup> Ombudsman Dr. Jasminka Džumhur and associates. The mission of the expert assessment is held in the context of the preparation of the European Commission's Opinion on the Application of Bosnia and Herzegovina Membership in the EU. The mission aims to provide the European Commission with an assessment of women's rights and gender equality in Bosnia and Herzegovina. The outcome of this expert mission is a report with clear recommendations to authorities, including concrete actions and results.

<sup>497</sup> Ombudsman Dr. Jasminka Džumhur and associates. The mission of the expert assessment is held in the context of the preparation of the European Commission's Opinion on the Application of Bosnia and Herzegovina Membership in the EU. The mission aims to provide the European Commission with an assessment of where Bosnia and Herzegovina is in terms of freedom

- TAIEX Revision Mission of the Prison System and Prevention of Abuse in Bosnia and Herzegovina, 24-28 September 2018.<sup>498</sup>

The Ombudsmen and staff of Ombudsman Institutions on 29 and 30 November 2018 participated in a two-day regional conference dedicated to the role of national human rights institutions (NHRI) in the Western Balkans in advocating for human rights and the prohibition of discrimination, organized in cooperation with the Council of Europe within the project "Strengthening the Capacity of the Ombudsman for Human Rights to Combat Discrimination". In addition to the aforementioned, a number of study visits to the Ombudsman's staff were organized as part of the project activities:

- Protector of Human Rights and Freedoms of Montenegro from 14 to 20 October 2018;
- Ombudsman of the FYR of Macedonia from 04 to 10.11.2018;
- Ombudsman of the Republic of Croatia from 11 to 17 November 2018;
- Ombudsman of Albania from 18 to 24 November 2018 and
- Protector of citizens of the Republic of Serbia from 16 to 22 December 2018

In 2018, the project activities for strengthening the capacities of the Ombudsman Institution of Bosnia and Herzegovina continued with the aim of implementing the mandate of the Preventive Mechanism in Bosnia and Herzegovina, implemented with the support of the Embassy of the Republic of Bulgaria, within which training activities of the Ombudsman Institution were undertaken<sup>499</sup>. Namely, the Preventive Mechanism has not yet been established in Bosnia and Herzegovina, but through the Capacity Building of the Ombudsman Institution of Bosnia and Herzegovina with the aim of implementing the mandate of the Preventive Mechanism in Bosnia and Herzegovina, the preconditions for the Ombudsman Institution to take over the role of this mechanism are continuously created.

The Ombudsman Institution is a member of a number of international networks of national human rights institutions, and in 2018 the following activities were realized, i.e. attendance at meetings and conferences:

1. Meeting with the consultant of the European Union, Sarajevo 29.01.2018;
2. Meeting with the representatives of the Council of Europe 01/30/2018 Sarajevo;
3. Meeting of the European Network and the General Assembly of GANHRI for 2018 in Switzerland on 20-22.02.2018;
4. Annual Regional Forum on the Rule of Law for South-East Europe and the Fifth Regional Forum on the Rule of Law, FYR Macedonia, 15-18 March 2018;
5. EQUINET conference "Poverty and discrimination: two sides of the same coin", Republic of Ireland, March 22, 2018;

---

of assembly. The focus is on legislation and policies. The outcome of this expert mission is a report with clear recommendations to authorities, including concrete actions and results.

<sup>498</sup> Ombudsman Dr. Jasminka Džumhur and associates. The mission of the expert assessment is held in the context of the preparation of the European Commission's Opinion on the Application for Bosnia and Herzegovina Membership in the EU. The objective of the mission is to provide the European Commission with an assessment of where Bosnia and Herzegovina is located in terms of effectively managing the prison system and ensuring the prevention of torture and ill-treatment in a detention facility. The focus is on legislation and policies, as well as on the application of measures and conditions. The outcome of this expert mission is a report with clear recommendations to authorities, including concrete actions and results.

<sup>499</sup> From 23.04. until 27.04.2018, in Banja Luka, training was held for the staff of the Ombudsman Institution for Human Rights of Bosnia and Herzegovina. The aim of the training, carried out by a team of experts/representatives of the Ombudsman of the Republic of Bulgaria, was familiarization with the functioning of the National Preventive Mechanism in Bulgaria.

6. Symposium: 15 years of equality body - 27 years of Ombudsman for Equality in Austria, Vienna, 18-19 April 2018;
7. Training for the Control of Forced Return, Republic of Serbia, Belgrade 09.-13.04.2018.
8. Annual European Commission Seminar on Racism and Intolerance, France, Strasbourg 05/24/2018;
9. Participation at the Network Conference of National Mechanisms for the Prevention of Torture of Countries of South-eastern Europe, Montenegro, Podgorica, 29.-30.05.2018;
10. EQUINET Conference, entitled Investing in Equality, Brussels, 31.05 and 06/01/2018;
11. Marking the 20th anniversary of the Ombudsman of Macedonia and the Conference "Ombudsmen as protector of social, cultural and environmental rights ", FYR Macedonia 29.05. to 1.6.2018;
12. Academy of National Institutions for the Protection of Human Rights, Helsinki, Finland, 04-06/08/2018;
13. Second International Conference on Human Rights Protection "From Unlawfulness to Laws", Republic of Serbia, Novi Sad, 29-30.10.2018;
14. 3rd International Conference of National Human Rights Institutions on the topic: "Spreading." civil society and the promotion and protection of human rights defenders with a focus on women: the role of national human rights institutions", which is being held in Marrakech, Morocco from 10 to 12 October 2018.
15. UNFPA global meeting on the role of national human rights institutions in advancement Sexual and Reproductive Health and Rights, from 5 to 6 December 2018 in Istanbul, the Republic of Turkey;
16. Meeting of the General Assembly of the European Network of National Human Rights Institutions (ENNHRI) from 24 to 25 October 2018 in Athens, Greece;
- 17 "First national training of Bosnia and Herzegovina related to escorts" in Podgorica, 04 to 08.06 2018, Podgorica, Montenegro.

During 2018, Ombudsmen responded to numerous questionnaires of international organizations regarding the degree of realization of human rights and freedoms of certain categories of population in Bosnia and Herzegovina:

1. UN Committee on the Elimination of All Forms of Racial Discrimination - Information on the Report of Bosnia and Herzegovina on the Application of the International Convention on the Elimination of All Forms of Racial Discrimination and the recommendations of the CERD Committee (June 2018);
2. UN Committee for the Protection of the Rights of Migrant Workers and Members of Their Families - Human Rights Ombudsman Briefing of Bosnia and Herzegovina on the Application of the UN Convention on the Rights of Migrant Workers and Members of Their Families (August 2018);
3. UN Committee for the Elimination of All Forms of Discrimination against Women - Observations of the Ombudsman for Human Rights of Bosnia and Herzegovina on the Application of the UN Convention on the Elimination of Discrimination Against Women (CEDAW) in Bosnia and Herzegovina (November 2018);
4. UN Committee on the Rights of the Child - Information on the Application of the UN Convention on the Rights of the Child in Bosnia and Herzegovina from the aspect of the work and work of the Ombudsman of Bosnia and Herzegovina (December 2018);

5. Questionnaire to the Special Rapporteur on the independence of judges and lawyers (sent on 15.01.2018 to the Human Rights Council on questions of national judicial councils and/or other national authorities or mechanisms);
7. 2. EQUINET Questionnaire (sent on 5.2.2018 to the Albanian Anti-Discrimination Commissioner who asked for a questionnaire to be filled in);
8. ENNHRI A questionnaire on innovative, good practices of the NHRI in the protection and promotion of civil society (sent on 26.02.2018);
9. ENNHRI Questionnaire on Human Rights of the Elderly (sent on March 9, 2018);
10. Special Rapporteur on the Rights of Persons with Disabilities (questionnaire sent on March 1, 2018);
11. Czech NPM on the issues of prisoners with disabilities (responded on April 12, 2018);
12. OHCHR Questionnaire on Missing Persons (responded on 2.3.2018);
13. OHCHR Information on the Effects of Terrorism on the enjoyment of human rights (answered on 3.5.2018);
14. OHCHR Questionnaire of the Human Rights Advisory Committee on the contribution to development for the enjoyment of all human rights (answered 1.6.2018);
15. EQUINET Survey Hate Speech (answered on June 12, 2018);
16. Human Rights Watch's request regarding attacks on the work of non-governmental organizations and journalists (answered on September 11, 2018);
17. EQUINET Survey on the Collection and Use of Data from Appeals by the Equality Body (answered on October 15, 2018);
18. ENNHRI Questionnaire on Sustainable Development Goals (answered October 12, 2018);
19. EQUINET Anti-Discrimination and Transnational Discrimination Questionnaire (answered on October 29, 2018);
20. GANHRI Report on Prevention and Elimination of All Forms of Violence against Women and Girls (responded on November 16, 2018);
21. OHCHR Questionnaire on women and girls deprived of their liberty (posted on November 1, 2018);
22. Questionnaire of the Global Initiative for the Introduction of Explicit Prohibition of Physical Punishment of Children (answered on November 1, 2018).

### XIII. RECOMMENDATIONS OF THE OMBUDSMEN

In accordance with Article 32 of the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina, the Ombudsperson, after carrying out 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 limit specified by the Ombudsperson.

If the responsible body does not take measures from the recommendation, or if it does not inform the Ombudsman 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:

**TABULAR PRESENTATION OF RECOMMENDATIONS**

NUMBER OF RECOMMENDATION	NUMBER OF COMPLAINT	ISSUED TO AN ORGAN	VIOLATION OF RIGHT	DATE OF ISSUANCE OF RECOMMENDATION	REALIZATION	ANSWER RECEIVED
P-1/18	Ž-SA-05-1125/17,	CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO ATTN. ACTING DIRECTOR	03 - ACCESS TO INFORMATION	3.1.2018.	ACHIEVED COOPERATION	YES
P-2/18	Ž-BL-05-830/17,	MUNICIPALITY OF LAKTAŠI, MUNICIPALITY ASSEMBLY	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	4.1.2018.	NOT IMPLEMENTED	YES
P-3/18	Ž-BL-01-652/17,	PUBLIC INSTITUTION MEDRESA "DŽEMALUDIN ČAUŠEVIĆ", UNA-SANA CANTON, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT	13 - RIGHTS OF THE CHILD	5.1.2018.	NOT IMPLEMENTED	YES
P-4/18	Ž-BL-05-536/17,	MUNICIPALITY KNEŽEVO	19 – ADMINISTRATION	4.1.2018.	IMPLEMENTED	YES
P-5/18	Ž-LI-05-349/17,	ŠGD "HERCEGBOSANSKE ŠUME" D.O.O. KUPRES ASSEMBLY OF THE ASSOCIATION	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	9.1.2018.	ACHIEVED COOPERATION	YES
P-6/18	Ž-LI-05-192/17,	THE GOVERNMENT OF THE CANTON 10	19 – ADMINISTRATION	9.1.2018.	NOT IMPLEMENTED	YES
P-7/18	Ž-LI-04-153/17,	THE GOVERNMENT OF THE CANTON 10 - THE APPEAL COUNCIL-	10 - WORK RELATIONS	9.1.2018.	IMPLEMENTED	YES

P-8/18	Ž-LI-05-293/17,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF THE CENTRAL BOSNIA CANTON	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN LEGAL DEADLINE	9.1.2018.	ACHIEVED COOPERATION	YES
P-9/18	Ž-SA-05-397/17,	MUNICIPALITY OF OLD CITY, SARAJEVO	15 – PROPERTY RELATIONS	10.1.2018.	ACHIEVED COOPERATION	YES
P-10/18	Ž-SA-06-233/17,	MUNICIPALITY OF RAVNO	01 - DISCRIMINATION - 01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	10.1.2018.	IMPLEMENTED	YES
P-11/18	Ž-SA-05-359/16,	CONSTITUTIONAL COURT OF BOSNIA AND HERZEGOVINA SARAJEVO, ATTN. PRESIDENT OF THE COURT	03 - ACCESS TO INFORMATION	22.1.2018.	IMPLEMENTED	YES
P-12/18	Ž-BL-05-235/17,	PON- MUNICIPALITY OF KOZARSKA DUBICA	09 - JUDICIARY	24.1.2018.	IMPLEMENTED	YES
P-13/18	Ž-BL-04-651/16,	PRIMARY SCHOOL „JOVAN JOVANOVIĆ ZMAJ“ SRBAC, MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	10 - WORK RELATIONS	24.1.2018.	NO ANSWER	NO
P-14/18	Ž-BL-06-206/17,	UNIVERSITY OF BIHAĆ	01 - DISCRIMINATION - 01-17 - BASED ON EDUCATION	24.1.2018.	NOT IMPLEMENTED	YES
P-15/18	Ž-BL-04-791/17,	THE CITY OF BANJA LUKA, THE ASSEMBLY OF THE CITY OF BANJA LUKA	21 - COMMUNAL SERVICES	24.1.2018.	NOT IMPLEMENTED	YES
P-16/18	Ž-SA-05-642/17,	FEDERATION MINISTRY OF HEALTH SARAJEVO	03 - ACCESS TO INFORMATION	26.1.2018.	NO ANSWER	NO
P-17/18	Ž-SA-01-875/17, Ž-SA-01-876/17,	MUNICIPAL COURT IN SARAJEVO, ATTN. THE PRESIDENT OF THE COURT, JANJA JOVANOVIĆ	13 - RIGHTS OF THE CHILD	9.2.2018.	ACHIEVED COOPERATION	YES
P-18/18	Ž-SA-05-722/17,	CANTONAL COURT IN SARAJEVO, ATTN. PRESIDENT OF THE COURT	09 - JUDICIARY	29.1.2017	IMPLEMENTED	YES
P-19/18	Ž-SA-04-1022/17, Ž-SA-04-1065/17, Ž-SA-06-881/17,	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA ATTN. THE CHAIR OF THE COUNCIL OF MINISTERS, THE PARLIAMENTARY ASSEMBLY OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION, 10 - WORK RELATIONS	29.1.2018.	ACHIEVED COOPERATION	YES
P-20/18	Ž-BL-05-542/17,	CANTONAL COURT IN BIHAĆ	09 - JUDICIARY -- 09-2 - LENGTHY PROCEDURE (ARTICLE 6)	30.1.2018.	IMPLEMENTED	YES

P-21/18	Ž-BL-04-555/17,	PRIMARY SCHOOL "MILOŠ DUJIĆ" ČELINAC, REPUBLICAN ADMINISTRATION FOR INSPECTIONS, EDUCATION INSPECTION - BANJA LUKA DEPARTMENT, MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	10 – WORK RELATIONS	30.1.2018.	NOT IMPLEMENTED	YES
P-22/18	Ž-BL-01-163/15,	THE FEDERATION OF BOSNIA AND HERZEGOVINA, THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, THE TUZLA CANTON, THE GOVERNMENT OF THE TUZLA CANTON	13 – RIGHTS OF THE CHILD	30.1.2018.	NOT IMPLEMENTED	YES
P-23/18	Ž-BL-05-838/17,	CANTONAL COURT IN SARAJEVO	09 - JUDICIARY	30.1.2018.	IMPLEMENTED	YES
P-24/18	Ž-BL-05-524/17,	CITY OF BANJA LUKA, COMMUNAL DEPARTMENT FOR TRAFFIC AND ROADS	19 - ADMINISTRATION	30.1.2018.	NOT IMPLEMENTED	YES
P-25/18	Ž-BL-05-333/17,	FEDERATION MINISTRY FOR VETERANS AND DISABLED VETERANS OF DEFENSIVE AND LIBERATION WAR	19 - ADMINISTRATION	30.1.2018.	IMPLEMENTED	YES
P-26/18	Ž-LI-04-360/17,	MUNICIPALITY OF DRVAR, MUNICIPAL MAYOR	24 - SOCIAL PROTECTION	31.1.2018.	IMPLEMENTED	YES
P-27/18	Ž-LI-05-277/17,	MUNICIPAL COUNCIL OF BOSANSKO GRAHOVO	19 - ADMINISTRATION	31.1.2018.	IMPLEMENTED	YES
P-28/18	Ž-LI-05-181/17,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	19 - ADMINISTRATION	31.1.2018.	ACHIEVED COOPERATION	YES
P-29/18	Ž-BL-04-509/17,	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA, CENTER FOR PRESCHOOL EDUCATION AND EDUCATION OF BANJA LUKA	10 – WORK RELATIONS	30.1.2018.	NOT IMPLEMENTED	YES
P-30/18	Ž-BL-04-573/17,	MUNICIPALITY TESLIĆ	10 - WORK RELATIONS	30.1.2018.	IMPLEMENTED	YES
P-31/18	Ž-BL-05-735/17,	INVESTMENT AND DEVELOPMENT BANK OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION	29.1.2018.	IMPLEMENTED	YES
P-32/18	Ž-SA-04-440/17,	MUNICIPALITY VISOKO, STEERING BOARD OF PI KSC „MLADOST“ VISOKO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	7.2.2018.	NOT IMPLEMENTED	YES
P-33/18	Ž-SA-07-1048/17,	POLICE STATION GRADAČAC ATTN. COMMANDER	07 - PRISONS	7.2.2018.	IMPLEMENTED	YES
P-34/18	Ž-SA-05-775/17,	JPŠ „ŠUME REPUBLIKE SRPSKE“ ATTN. DIRECTOR	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	12.2.2018.	ACHIEVED COOPERATION	YES



P-35/18	Ž-SA-05-543/17, Ž-SA-06-405/17, Ž-SA-06-59/18, Ž- SA-06-742/16,	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION, 19 - ADMINISTRATION	12.2.2018.	NOT IMPLEMENTED	YES
P-36/18	Ž-BL-05-872/17,	REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS, BRATUNAC	03 - ACCESS TO INFORMATION	12.2.2018.	IMPLEMENTED	YES
P-37/18	Ž-BL-02-833/17,	JZU HOSPITAL „SVETI APOSTOL LUKA“ DOBOJ	12 - PERSONS WITH DISABILITIES	13.2.2018.	IMPLEMENTED	YES
P-38/18	Ž-SA-05-12/18,	PI INSTITUTE FOR URGENT MEDICAL ASSISTANCE OF CANTON SARAJEVO ATTN. DIRECTOR	03 - ACCESS TO INFORMATION -- 03-3 – RIGHT TO APPEAL	13.2.2018.	IMPLEMENTED	YES
P-39/18	Ž-BL-06-867/17,	UNIVERSITY IN BANJA LUKA	01 - DISCRIMINATION	13.2.2018.	NO ANSWER	NO
P-40/18	Ž-BL-05-175/17, Ž-BL-05-183/17,	THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA THE BASIC COURT OF TREBINJE, COUNTY COURT TREBINJE	15 - PROPERTY RELATIONS	13.2.2018.	IMPLEMENTED	YES
P-41/18	Ž-SA-05-53/18, Ž- SA-05-68/18, Ž- SA-05-69/18, Ž- SA-05-70/18, Ž- SA-05-71/18,	MUNICIPALITY OF KONJIC, MUNICIPAL MAYOR, MUNICIPAL COUNCIL OF KONJIC	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	13.2.2018.	IMPLEMENTED	YES
P-42/18	Ž-SA-06-791/16,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, HOUSE OF REPRESENTATIVES ATTN. SPEAKER OF HOUSE OF PEOPLES, THE LEGISLATIVE AND LEGAL COMMISSION	01 - DISCRIMINATION	13.2.2018.	NO ANSWER	NO
P-43/18	Ž-SA-05-91/17,	CITY OF ZENICA ATTN. THE MAYOR	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	14.2.2018.	NO ANSWER	NO
P-44/18	Ž-SA-04-1237/17,	HEALTH INSURANCE INSTITUTION OF CANTON SARAJEVO	23 - HEALTH SERVICES	26.2.2018.	NO ANSWER	NO
P-45/18	Ž-BL-01-845/17,	PON - MUNICIPALITY OF NOVO GORAŽDE, FOR KNOWLEDGE: MINISTRY OF ADMINISTRATION AND LOCAL SELF- GOVERNMENT OF THE REPUBLIKA SRPSKA	13 - RIGHTS OF THE CHILD	28.2.2018.	ACHIEVED COOPERATION	YES
P-46/18	Ž-BL-05-832/17,	PI SECONDARY SCHOOL DRVAR	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	1.3.2018.	NOT IMPLEMENTED	YES
P-47/18	Ž-BL-05-737/16,	PON- THE COUNTY ECONOMIC COURT OF BANJA LUKA	09 - JUDICIARY-- 09-3 – EXECUTION OF JUDGMENTS	28.2.2018.	ACHIEVED COOPERATION	YES
P-48/18	Ž-BL-05-361/16,	PON- BASIC COURT IN BANJA LUKA	09 - JUDICIARY	28.2.2018.	NOT	NO

					IMPLEMENTED	
P-49/18	Ž-BL-05-282/17,	PON- FEDERATION MINISTRY OF REFUGEES AND DISPLACED PERSONS	20 - WAR DAMAGES	28.2.2018.	IMPLEMENTED	YES
P-50/18	Ž-BL-04-851/17,	MINISTRY OF JUSTICE AND ADMINISTRATION OF UNIT OF-DOBOJ CANTON, THE GOVERNMENT OF ZENICA-DOBOJ CANTON	10 - WORK RELATIONS	1.3.2018.	IMPLEMENTED	YES
P-51/18	Ž-SA-06-879/17,	PON - MUNICIPALITY OF VLASENICA ATTN. THE MAYOR OF THE MUNICIPALITY	01 - DISCRIMINATION	28.2.2018.	NOT IMPLEMENTED	NO
P-52/18	Ž-SA-05-378/17,	CITY OF BIHAĆ, URBAN PLANNING AND BUILDING SERVICE, BIHAĆ	ADMINISTRATION	5.3.2018.	ACHIEVED COOPERATION	YES
P-53/18	Ž-BL-05-819/17,	UNIVERSITY OF TUZLA, FACULTY OF ECONOMY, FACULTY OF ELECTRICAL ENGINEERING, FACULTY OF LAW	03 - ACCESS TO INFORMATION	14.3.2018.	IMPLEMENTED	YES
P-54/18	Ž-BL-05-837/17,	REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY AND LEGAL AFFAIRS, REGIONAL UNIT OF BANJA LUKA	15 - PROPERTY RELATIONS	14.3.2018.	IMPLEMENTED	YES
P-55/18	Ž-BL-05-919/17,	PON- FUND FOR PENSION AND DISABLEMENT INSURANCE OF THE REPUBLIKA SRPSKA, BANJA LUKA BRANCH	03 - ACCESS TO INFORMATION	14.3.2018.	IMPLEMENTED	YES
P-56/18	Ž-BL-05-909/17,	PON- MUNICIPALITY OF VELIKA Kladuša, INSPECTION SERVICE	15 - PROPERTY RELATIONS	14.3.2018.	ACHIEVED COOPERATION	YES
P-57/18	Ž-BL-05-901/17,	PON-JPŠ "ŠUME REPUBLIKE SRPSKE" A.D. SOKOLAC, FOREST MANAGEMENT "BORJA" TESLIĆ	15 - PROPERTY RELATIONS	14.3.2018.	IMPLEMENTED	YES
P-58/18	Ž-BL-05-486/17,	CITY OF BANJA LUKA, SPATIAL DEPARTMENT	19 - ADMINISTRATION	20.3.2018.	IMPLEMENTED	YES
P-59/18	Ž-BL-04-846/17,	PON- FUND FOR PENSION AND DISABLEMENT INSURANCE OF THE REPUBLIKA SRPSKA, BANJA LUKA BRANCH	25 - PENSIONS	20.3.2018.	IMPLEMENTED	YES
P-60/18	Ž-BL-04-465/17,	MEDICAL POST NOVO GORAŽDE	25 - PENSIONS	20.3.2018.	NOT IMPLEMENTED	YES
P-61/18	Ž-BL-05-31/18,	COUNTY COURT IN BANJA LUKA	09 - JUDICIARY	20.3.2018.	IMPLEMENTED	YES
P-62/18	Ž-BL-06-91/17,	UNIVERSITY OF BIHAĆ, ETHICAL COMMITTEE	01 - DISCRIMINATION -- 01-01 - HARASSMENT	20.3.2018.	IMPLEMENTED	YES

P-63/18	Ž-SA-05-766/17,	GOVERNMENT OF UNA-SANA CANTON, MINISTRY OF BUILDING, SPATIAL ORGANIZATION AND PROTECTION OF THE ENVIRONMENT, BIHAĆ	19 - ADMINISTRATION	21.3.2018.	ACHIEVED COOPERATION	YES
P-64/18	Ž-SA-05-1283/17,	MINISTRY OF INTERNAL AFFAIRS OF CANTON SARAJEVO, POLICE ADMINISTRATION SARAJEVO, ATTN. THE POLICE COMMISSIONER	05 - POLICE	21.3.2018.	NOT IMPLEMENTED	YES
P-65/18	Ž-SA-05-1292/17,	THE GOVERNMENT OF THE CANTON SARAJEVO ATTN. PRIME MINISTER	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21.3.2018.	NOT IMPLEMENTED	NO
P-66/18	Ž-SA-05-632/14,	CANTONAL COURT IN SARAJEVO ATTN. PRESIDENT OF THE COURT	15 - PROPERTY RELATIONS	21.3.2018.	IMPLEMENTED	YES
P-67/18	Ž-BL-01-927/17,	ELEMENTARY SCHOOL „JOVAN DUČIĆ“ ČAJNIČE	13 - RIGHTS OF THE CHILD	21.3.2018.	IMPLEMENTED	YES
P-68/18	Ž-BL-01-330/17,	FEDERATION OF BOSNIA AND HERZEGOVINA, PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, HOUSE OF REPRESENTATIVES, GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, FEDERATION MINISTRY OF JUSTICE, FEDERATION MINISTRY OF WORK AND SOCIAL POLICY, FEDERATION MINISTRY OF FINANCE	13 - RIGHTS OF THE CHILD	21.3.2018.	ACHIEVED COOPERATION	YES
P-69/18	Ž-BL-01-341/16,	THE GOVERNMENT OF CANTON SARAJEVO, THE MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS, ELEMENTARY SCHOOL „KOVAČIĆI“ SARAJEVO	13 - RIGHTS OF THE CHILD	21.3.2018.	ACHIEVED COOPERATION	YES
P-70/18	Ž-SA-04-903/17,	INSTITUTE FOR HEALTH PROTECTION OF EMPLOYEES OF THE MINISTRY OF INTERNAL AFFAIRS OF THE CANTON SARAJEVO ATTN. DIRECTOR OF THE INSTITUTE OF SARAJEVO	10 - WORK RELATIONS	21.3.2018.	ACHIEVED COOPERATION	YES
P-71/18	Ž-SA-04-1121/17, Ž-SA-04-1238/17,	GOVERNMENT OF CANTON SARAJEVO, MINISTRY OF TRANSPORT OF CANTON SARAJEVO	10 - WORK RELATIONS	3.4.2018.	IMPLEMENTED	NO
P-72/18	Ž-SA-05-1212/16,	MUNICIPALITY OF CAZIN, INSPECTION SERVICE	19 - ADMINISTRATION	22.3.2018.	NOT IMPLEMENTED	YES

P-73/18	Ž-BR-04-43/17,	PUBLIC ENTERPRISE OF THE ELECTRIC POWER INDUSTRY OF BOSNIA AND HERZEGOVINA SARAJEVO - SUPPLIERS "ELECTRIC DISTRIBUTION" TUZLA, BRANCH GRAČANICA -FEDERATION MINISTRY OF VETERANS SARAJEVO	25 - PENSIONS	27.3.2018.	ACHIEVED COOPERATION	YES
P-74/18	Ž-BR-05-207/16,	GOVERNMENT OF TUZLA CANTON, MINISTRY OF INTERNAL AFFAIRS OF TUZLA CANTON, TUZLA, 2-CITY TUZLA, OFFICE FOR MUNICIPAL SERVICES, CONSTRUCTION AND BUSINESS OF LOCAL COMMUNITIES, 3-PUBLIC COMMUNAL COMPANY "TRAFFIC AND COMMUNICATION" TUZLA	19 - ADMINISTRATION	27.3.2018.	ACHIEVED COOPERATION	YES
P-75/18	Ž-SA-05-1130/17,	APPEAL COUNCIL AT THE COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA SARAJEVO ATTN. CHAIRPERSON	03 - ACCESS TO INFORMATION	4.4.2018.	NOT IMPLEMENTED	NO
P-76/18	Ž-SA-05-1282/17,	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA, BANJA LUKA ATTN. DIRECTOR	03 - ACCESS TO INFORMATION -- 03-2 - REJECTING ACCESS TO INFORMATION	4.4.2018.	IMPLEMENTED	YES
P-77/18	Ž-SA-05-1251/17,	PON- CANTONAL COURT IN SARAJEVO, SARAJEVO	09 - JUDICIARY	4.4.2018.	IMPLEMENTED	NO
P-78/18	Ž-LI-05-31/18,	CIVIL SERVICE AGENCY OF F BiH	03 - ACCESS TO INFORMATION	5.4.2018.	IMPLEMENTED	YES
P-79/18	Ž-LI-05-16/18,	MINISTRY OF JUSTICE OF F BiH	19 - ADMINISTRATION	5.4.2018.	ACHIEVED COOPERATION	YES
P-80/18	Ž-BL-05-35/18,	CITY OF BANJA LUKA	19 - ADMINISTRATION	12.4.2018.	NOT IMPLEMENTED	YES
P-81/18	Ž-BL-05-66/18,	FEDERATION ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS	15 - PROPERTY RELATIONS	12.4.2018.	NOT IMPLEMENTED	YES
P-82/18	Ž-BL-05-871/17,	MINISTRY OF AGRICULTURE, WATER SUPPLY AND FORESTRY OF THE REPUBLIKA SRPSKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	12.4.2018.	NOT IMPLEMENTED	YES
P-83/18	Ž-BL-05-852/17,	THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	12.4.2018.	NO ANSWER	NO
P-84/18	Ž-BL-05-695/17,	ELEMENTARY SCHOOL „MIROSLAV ANTIĆ“ BISTRICA BANJA LUKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	12.4.2018.	IMPLEMENTED	YES
P-85/18	Ž-BL-04-783/17,	ELEMENTARY SCHOOL „MIROSLAV ANTIĆ“ BISTRICA BANJA LUKA	10 - WORK RELATIONS	12.4.2018.	NOT IMPLEMENTED	YES

P-86/18	Ž-SA-05-1242/17,	MUNICIPALITY OF VISOKO ATTN. MAYOR	03 - ACCESS TO INFORMATION	16.4.2018.	NOT IMPLEMENTED	YES
P-87/18	Ž-SA-05-752/17,	THE GOVERNMENT OF THE REPUBLIKA SRPSKA, THE MINISTRY OF FINANCE, BANJA LUKA, OFFICE OF THE LEGAL REPRESENTATIVE OF THE REPUBLIKA SRPSKA, BANJA LUKA	09 - JUDICIARY -- 09-3 – EXECUTION OF JUDGMENT	16.4.2018.	IMPLEMENTED	YES
P-88/18	Ž-SA-02-386/18,	THE GOVERNMENT OF THE CANTON SARAJEVO	12 - PERSONS WITH DISABILITIES	17.4.2018.	IMPLEMENTED	NO
P-89/18	Ž-BR-06-203/16,	PUBLIC INSTITUTION "FIRST PRIMARY SCHOOL" SREBRENICA	01 - DISCRIMINATION - 01-10 - BASED ON RELIGION	17.4.2018.	ACHIEVED COOPERATION	YES
P-90/18	Ž-SA-05-180/18,	UNIVERSITY OF SARAJEVO, SARAJEVO ATTN. RECTOR	19 - ADMINISTRATION	24.4.2018.	IMPLEMENTED	YES
P-91/18	Ž-MO-04-166/17,	PON- MINISTRY OF FINANCE HNK, GOVERNMENT OF HNK	10 - WORK RELATIONS	25.4.2018.	NOT IMPLEMENTED	YES
P-92/18	Ž-BL-07-891/17,	CORRECTIONAL FACILITY TUZLA	07 - PRISONS	8.5.2018.	NOT IMPLEMENTED	NO
P-93/18	Ž-BL-05-701/17,	MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA	19 - ADMINISTRATION	8.5.2018.	NOT IMPLEMENTED	NO
P-94/18	Ž-SA-06-323/17,	PI "CANTONAL CENTER FOR SOCIAL WORK" SOCIAL PROTECTION SERVICE, MUNICIPALITY NOVI GRAD SARAJEVO ATTN. DIRECTOR	01 - DISCRIMINATION -- 01-03 - MOBBING	9.2.2018.	IMPLEMENTED	YES
P-95/18	Ž-BL-04-78/18,	THE INDIRECT TAXATION ADMINISTRATION OF BOSNIA AND HERZEGOVINA	10 - WORK RELATIONS	10.5.2018.	IMPLEMENTED	YES
P-96/18	Ž-LI-05-20/18,	CITY OF LIVNO	19 - ADMINISTRATION	15.5.2018.	NOT IMPLEMENTED	YES
P-97/18	Ž-SA-06-424/18,	KRAJINA KLAS D.O.O BANJA LUKA	01 - DISCRIMINATION -- 01-18 - BASED ON SOCIAL STATUS AND GENDER	15.5.2018.	IMPLEMENTED	YES
P-98/18	Ž-SA-05-413/18,	PI "OFFICE FOR EMPLOYMENT OF CANTON SARAJEVO" SARAJEVO, ATTN. OSMANBEGOVIĆ MIDHAT, DIRECTOR	03 - ACCESS TO INFORMATION	15.5.2018.	IMPLEMENTED	YES
P-99/18	Ž-SA-05-95/18,	PI OFFICE FOR EMPLOYMENT OF CANTON SARAJEVO	03 - ACCESS TO INFORMATION	15.5.2018.	NOT IMPLEMENTED	YES
P-100/18	Ž-BL-05-255/18,	MINISTRY OF SPATIAL ORGANIZATION, CONSTRUCTION AND ECOLOGY OF THE REPUBLIKA SRPSKA	19 - ADMINISTRATION	16.5.2018.	IMPLEMENTED	YES

P-101/18	Ž-BL-05-311/18,	FUND FOR PENSION AND DISABLEMENT INSURANCE OF THE REPUBLIKA SRPSKA. BRANCH BANJA LUKA	09 - JUDICIARY	16.5.2018.	ACHIEVED COOPERATION	YES
P-102/18	Ž-BL-04-270/18,	RAILWAYS OF THE REPUBLIKA SRPSKA	10 - WORK RELATIONS	17.5.2018.	ACHIEVED COOPERATION	YES
P-103/18	Ž-BL-02-105/17,	MINISTRY FOR HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA, MINISTRY OF CIVIL AFFAIRS OF BOSNIA AND HERZEGOVINA, MINISTRY OF HEALTH AND SOCIAL WELFARE OF THE REPUBLIKA SRPSKA, FEDERATION MINISTRY OF HEALTH, FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES, MINISTRY OF REFUGEES AND DISPLACED PERSONS THE REPUBLIKA SRPSKA	12 - PERSONS WITH DISABILITIES	22.5.2018.	ACHIEVED COOPERATION	YES
P-104/18	Ž-SA-05-1055/17,	PON- MINISTRY OF FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA ATTN. MINISTER	03 - ACCESS TO INFORMATION	28.5.2018.	ACHIEVED COOPERATION	YES
P-105/18	Ž-SA-04-428/18,	APPEAL COMMITTEE OF CIVIL SERVICE AGENCY OF FEDERATION OF BOSNIA AND HERZEGOVINA ATTN. CHAIR PERSON OF THE COMMITTEE	10 - WORK RELATIONS	28.5.2018.	NOT IMPLEMENTED	YES
P-106/18	Ž-SA-05-160/18,	PON-THE BASIC COURT OF DOBOJ ATTN. PRESIDENT OF THE COURT	09 - JUDICIARY	28.5.2018.	IMPLEMENTED	YES
P-107/18	Ž-SA-05-1014/15, Ž-SA-05-885/13,	MINISTRY OF HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA ATTN. MINISTER, SEMIHA BOROVIĆ, FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES ATTN. MINISTER, DR. EDINA RAMIĆ, MUNICIPALITY OF NOVI SARAJEVO ATTN. THE MAYOR NEDŽAD KOLDŽO	03 - ACCESS TO INFORMATION, 19 - ADMINISTRATION	28.5.2018.	ACHIEVED COOPERATION	YES
P-108/18	Ž-SA-05-226/18,	PS „VITEZIT“ D.O.O. VITEZ ATTN. DIRECTOR, SUPERVISORY BOARD, VITEZ	25 - PENSIONS	29.5.2018.	ACHIEVED COOPERATION	YES
P-109/18	Ž-BL-05-381/18,	PEOPLE'S ASSEMBLY OF THE REPUBLIKA SRPSKA	09 - JUDICIARY	30.5.2018.	ACHIEVED COOPERATION	YES

P-110/18	Ž-BL-04-314/18,	MINISTRY OF WORK AND PROTECTION OF DISABLED VETERANS OF THE REPUBLIKA SRPSKA, MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNMENT OF THE REPUBLIKA SRPSKA	10 - WORK RELATIONS	30.5.2018.	ACHIEVED COOPERATION	YES
P-111/18	Ž-BL-04-748/17,	MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA	06 – PUBLIC REVENUE	30.5.2018.	NO ANSWER	NO
P-112/18	Ž-BL-04-271/18,	JZU "MEDICAL POST" BRATUNAC, AGENCY FOR PROTECTION OF PERSONAL DATA IN BOSNIA AND HERZEGOVINA	10 - WORK RELATIONS	5.6.2018.	NOT IMPLEMENTED	YES
P-113/18	Ž-SA-05-578/17,	MINISTRY OF HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA ATTN. MINISTER; FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES ATTN. MINISTER,	19 - ADMINISTRATION	5.6.2018.	NOT IMPLEMENTED	YES
P-114/18	Ž-SA-05-161/18,	MUNICIPALITY BUGOJNO, MUNICIPAL MAYOR, FINANCIAL SERVICE AND INSPECTION SUPERVISION, BUGOJNO	19 - ADMINISTRATION	5.6.2018.	NOT IMPLEMENTED	YES
P-115/18	Ž-BL-04-487/18,	ELEKTRO BIJELJINA	21 - COMMUNAL SERVICES	6.6.2018.	IMPLEMENTED	YES
P-116/18	Ž-SA-05-300/18,	CITY OF ZENICA, ZENICA CITY COUNCIL	19 - ADMINISTRATION	6.6.2018.	ACHIEVED COOPERATION	YES
P-117/18	Ž-BL-05-198/18,	MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA	09 - JUDICIARY	8.6.2018.	IMPLEMENTED	YES
P-118/18	Ž-BL-05-339/18,	PEOPLE'S ASSEMBLY OF THE REPUBLIKA SRPSKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	8.6.2018.	NO ANSWER	NO
P-119/18	Ž-BL-05-422/17,	PENSION AND DISABLEMENT INSURANCE FUND OF THE REPUBLIKA SRPSKA, BRANCH BIJELJINA	09 - JUDICIARY	12.6.2018.	ACHIEVED COOPERATION	YES
P-120/18	Ž-SA-07-963/17,	CORRECTIONAL FACILITY DOBOJ	07 - PRISONS	13.6.2018.	IMPLEMENTED	YES
P-121/18	Ž-BL-05-258/17,	MINISTRY OF REFUGEES AND DISPLACED PERSONS OF THE REPUBLIKA SRPSKA, MINISTRY OF HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA, FUND FOR RETURN OF BOSNIA AND HERZEGOVINA	20 - WAR DAMAGES	13.6.2018.	IMPLEMENTED	YES
P-122/18	Ž-SA-07-815/16,	BRČKO DISTRICT POLICE, BRČKO DISTRICT, ATTN. POLICE COMMANDER	07 - PRISONS -- 07-1 - USE OF PRISON BENEFITS AND VISITS	13.6.2018.	ACHIEVED COOPERATION	YES

P-123/18	Ž-SA-05-79/17,	PON- FEDERATION MINISTRY OF HEALTH, ATTN. MINISTER	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	13.6.2018.	ACHIEVED COOPERATION	YES
P-124/18	Ž-BL-05-223/18,	MUNICIPALITY OF BOSANSKA KRUPA	09 - JUDICIARY	13.6.2018.	ACHIEVED COOPERATION	YES
P-125/18	Ž-BL-04-325/18,	CITY OF TUZLA	21-COMMUNAL SERVICES	14.6.2018.	NO ANSWER	NO
P-126/18	Ž-LI-05-14/18,	MINISTRY OF JUSTICE AND ADMINISTRATION OF CANTON 10, LIVNO	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN LEGAL DEADLINE	11.7.2018.	NO ANSWER	NO
P-127/18	Ž-LI-05-15/18,	MINISTRY OF JUSTICE AND ADMINISTRATION OF CANTON 10, LIVNO	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN LEGAL DEADLINE	11.7.2018.	NO ANSWER	NO
P-128/18	Ž-BL-06-789/17,	MIXED HOLDING „ELEKTROPRIVREDA REPUBLIKE SRPSKE“ A.D. TREBINJE	01 - DISCRIMINATION	19.6.2018.	NOT IMPLEMENTED	NO
P-129/18	Ž-BL-07-297/18,	FEDERATION MINISTRY OF INTERNAL AFFAIRS, MINISTRY OF INTERNAL AFFAIRS OF CANTON SARAJEVO	07 - PRISONS	19.6.2018.	ACHIEVED COOPERATION	YES
P-130/18	Ž-BL-04-196/18,	REPUBLICAN ADMINISTRATION FOR INSPECTIONS	10 - WORK RELATIONS	19.6.2018.	IMPLEMENTED	YES
P-131/18	Ž-MO-05-42/18, Ž- MO-05-55/18, Ž- MO-05-57/18, Ž- MO-05-74/18,	PON-MUNICIPALITY OF JABLANICA – MUNICIPAL MAYOR - PRESIDENT OF THE MUNICIPAL COUNCIL OF THE MUNICIPALITY JABLANICA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21.6.2018.	PARTLY IMPLEMENTED	YES
P-132/18	Ž-BL-01-527/17,	MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA, PI CENTER FOR SOCIAL WORK VUKOSAVLJE	13 - RIGHTS OF THE CHILD	25.6.2018.	IMPLEMENTED	YES
P-133/18	Ž-BL-04-284/18,	PI ELEMENTARY SCHOOL „KOZARAC“ PRIJEDOR, MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	10 - WORK RELATIONS	26.6.2018.	ACHIEVED COOPERATION	YES
P-134/18	Ž-BL-04-292/18,	PEOPLE'S ASSEMBLY OF THE REPUBLIKA SRPSKA	25 - PENSIONS	26.7.2018.	ACHIEVED COOPERATION	YES
P-135/18	Ž-BL-05-393/18,	MUNICIPALITY KAKANJ, SERVICE FOR PROPERTY, LEGAL, GEODETIC AND REAL ESTATE CADASTRE	03 - ACCESS TO INFORMATION	5.7.2018.	IMPLEMENTED	YES
P-136/18	Ž-SA-06-512/18,	UNIVERSITY OF SARAJEVO, PHILOSOPHY FACULTY OF SARAJEVO ATTN. DEAN PROF.DR. MUHAMED DŽELILOVIĆ	01 - DISCRIMINATION	26.6.2018.	IMPLEMENTED	YES



P-137/18	Ž-BL-05-608/17,	MINISTRY OF REFUGEES AND DISPLACED REPUBLIC OF SRPSKA, MINISTRY OF WORK AND DISABLED VETERANS PROTECTION OF THE REPUBLIKA SRPSKA	27 - PUBLIC ATTORNEY'S OFFICES	28.6.2018.	IMPLEMENTED	YES
P-138/18	Ž-BL-01-410/17,	SOCIAL WORK CENTER BIJELJINA	13 - RIGHTS OF THE CHILD	28.6.2018.	ACHIEVED COOPERATION	YES
P-139/18	Ž-SA-06-1207/17,	THE PRESIDENCY OF BOSNIA AND HERZEGOVINA SARAJEVO ATTN. CHAIR OF THE PRESIDENCY OF BOSNIA AND HERZEGOVINA BAKIR IZETBEGOVIĆ	01 - DISCRIMINATION -- 01-18 - BASED ON SOCIAL STATUS AND GENDER	29.6.2018.	NO ANSWER	NO
P-140/18	Ž-BL-04-844/17,	FEDERATION PENSION AND DISABLEMENT INSTITUTE, CANTONAL ADMINISTRATIVE SERVICE FOR CANTON SARAJEVO	25 - PENSIONS	2.7.2018.	IMPLEMENTED	YES
P-141/18	Ž-BL-04-221/18,	PI ELEMENTARY SCHOOL "DOSITEJ OBRADOVIĆ"	10 - WORK RELATIONS	2.7.2018.	NOT IMPLEMENTED	YES
P-142/18	Ž-BL-05-235/18,	"CITY CEMETERY" JK A.D. BANJA LUKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	5.7.2018.	IMPLEMENTED	YES
P-143/18	Ž-LI-05-67/18,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	19 - ADMINISTRATION	3.7.2018.	IMPLEMENTED	YES
P-144/18	Ž-LI-05-79/18,	PI "RADIO-TELEVIZIJA LIVNO" D.O.O. LIVNO, SUPERVISORY BOARD	03 - ACCESS TO INFORMATION	3.7.2018.	NOT IMPLEMENTED	YES
P-145/18	Ž-SA-04-1132/17,	THE FOREIGN TRADE CHAMBER OF BOSNIA AND HERZEGOVINA, SARAJEVO	25 - PENSIONS	4.7.2018.	ACHIEVED COOPERATION	YES
P-146/18	Ž-SA-05-1193/17,	CITY OF SARAJEVO, MUNICIPALITY OF NOVO SARAJEVO, ATTN. MAYOR OF THE MUNICIPALITY	19 - ADMINISTRATION	4.7.2018.	ACHIEVED COOPERATION	NO
P-147/18	Ž-SA-04-730/17,	THE REPUBLIKA SRPSKA, CITY OF DOBOJ MUNICIPALITY MAYOR, ADMINISTRATIVE SERVICE OF MUNICIPAL POLICE BUSINESS DEPARTMENT	14 - ECOLOGY ENVIRONMENTAL PROTECTION	31.5.2018.	IMPLEMENTED	YES
P-148/18	Ž-BL-01-408/18,	PON- COUNTY PUBLIC PROSECUTION OF BANJA LUKA, MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIKA SRPSKA	13 - RIGHTS OF THE CHILD	5.7.2018.	ACHIEVED COOPERATION	YES
P-149/18	Ž-BL-05-397/18, Ž-BL-05-398/18, Ž-BL-05-399/18,	MUNICIPALITY OF HAN PIJESAK	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	5.7.2018.	IMPLEMENTED	YES
P-150/18	Ž-BL-05-193/18,	MUNICIPALITY OF VELIKA KLADUŠA	19 - ADMINISTRATION	6.7.2018.	NOT IMPLEMENTED	NO
P-151/18	Ž-BL-04-374/17,	CITY OF BIHAĆ	21-COMMUNAL SERVICES	6.7.2018.	ACHIEVED	YES

					COOPERATION	
P-152/18	Ž-BL-05-273/18,	MUNICIPALITY ČAPLJINA	19 - ADMINISTRATION	5.7.2018.	NO ANSWER	NO
P-153/18	Ž-SA-06-630/18,	RADIO AND TELEVISION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, TELEVISION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO ATTN. MANAGING DIRECTOR	01 - DISCRIMINATION-- 01-03 - MOBING	6.7.2018.	NO ANSWER	NO
P-154/18	Ž-SA-05-1119/17,	MUNICIPALITY NOVI GRAD SARAJEVO ATTN. MUNICIPAL MAYOR, SARAJEVO	19 - ADMINISTRATION	6.7.2018.	IMPLEMENTED	YES
P-155/18	Ž-SA-05-181/18,	PON- CANTONAL COURT IN SARAJEVO	09 - JUDICIARY -- 09-2 - LENGTHY PROCEDURE (ARTICLE 6)	9.7.2018.	IMPLEMENTED	YES
P-156/18	Ž-SA-05-203/18,	CITY OF TUZLA	03 - ACCESS TO INFORMATION	9.7.2018.	IMPLEMENTED	YES
P-157/18	Ž-SA-04-928/17,	PI MEDICAL POST „IZUDIN MULABEĆIROVIĆ-IZO“ TEŠANJ	10 - WORK RELATIONS	9.7.2018.	ACHIEVED COOPERATION	YES
P-158/18	Ž-SA-05-1117/17,	PON- MINISTRY OF HEALTH OF ZENICA-DOBOJ CANTON	03 - ACCESS TO INFORMATION	9.7.2018.	IMPLEMENTED	YES
P-159/18	Ž-LI-05-99/18,	FEDERATION MINISTRY OF VETERANS AND DISABLED PERSONS OF THE DEFENSIVE AND LIBERATION WAR, SARAJEVO	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN LEGAL DEADLINE	11.7.2018.	IMPLEMENTED	YES
P-160/18	Ž-SA-01-266/17,	CENTER FOR SOCIAL WORK ŽIVINICE	13 - RIGHTS OF THE CHILD	11.7.2018.	IMPLEMENTED	YES
P-161/18	Ž-SA-05-1250/17,	CANTONAL PROSECUTOR'S OFFICE OF CANTON SARAJEVO	19 - ADMINISTRATION	13.7.2018.	IMPLEMENTED	YES
P-162/18	Ž-LI-05-66/18,	GOVERNMENT OF CANTON 10, THE MINISTRY OF JUSTICE AND ADMINISTRATION LIVNO ATTN. THE PRESIDENT OF THE GOVERNMENT IVAN JOZIĆ ATTN. MINISTER JOVO PARIPOVIĆ	19 - ADMINISTRATION	2.11.2018.	NO ANSWER	NO
P-163/18	Ž-SA-04-279/18,	PON- FEDERATION PENSION AND DISABLEMENT INSURANCE INSTITUTE, CANTONAL ADMINISTRATIVE SERVICE FOR TUZLA CANTON	25 - PENSIONS	18.7.2018.	IMPLEMENTED	YES
P-164/18	Ž-SA-04-1017/17,	MUNICIPALITY ŽEPČE ATTN. MAYOR	14 - ECOLOGY ENVIRONMENTAL PROTECTION	18.7.2018.	IMPLEMENTED	YES
P-165/18	Ž-SA-05-267/18,	FEDERATION MINISTRY OF INTERNAL AFFAIRS, FEDERATION POLICE ADMINISTRATION ATTN. DIRECTOR	05 - POLICE	18.7.2018.	IMPLEMENTED	YES

P-166/18	Ž-SA-04-735/18,	CENTER FOR SOCIAL WORK CAZIN	24 - SOCIAL PROTECTION	18.7.2018.	ACHIEVED COOPERATION	YES
P-167/18	Ž-SA-05-140/18,	MUNICIPALITY STARI GRAD, SERVICE FOR GENERAL ADMINISTRATION AND INSPECTIONS	19 - ADMINISTRATION	18.7.2018.	NOT IMPLEMENTED	YES
P-168/18	Ž-LI-01-144/18,	CENTER FOR SOCIAL WORK GLAMOČ	13 - RIGHTS OF THE CHILD	23.8.2018.	ACHIEVED COOPERATION	YES
P-169/18	Ž-BL-06-411/18,	REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS	01 - DISCRIMINATION -- 01-03 - MOBBING	31.7.2018.	ACHIEVED COOPERATION	YES
P-170/18	Ž-SA-05-1055/15,	MUNICIPALITY STARI GRAD SARAJEVO, URBANISM SERVICE, SARAJEVO ATTN. MUNICIPAL MAYOR	09 - JUDICIARY	1.8.2018.	IMPLEMENTED	YES
P-171/18	Ž-SA-04-87/18,	THE GOVERNMENT OF THE CANTON SARAJEVO, PROFESSIONAL SERVICE, SARAJEVO	10 - WORK RELATIONS	2.8.2018.	ACHIEVED COOPERATION	YES
P-172/18	Ž-SA-04-50/18,	FEDERATION MINISTRY OF FINANCE ATTN. MINISTER, SARAJEVO, FEDERATION MINISTRY OF HEALTH ATTN. MINISTER, SARAJEVO, HEALTH INSURANCE AND REINSURANCE INSTITUTION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA ATTN. DIRECTOR, SARAJEVO	23 – HEALTH SERVICES	3.8.2018.	PARTLY IMPLEMENTED	YES
P-173/18	Ž-BL-05-511/17,	PON-COUNTY ECONOMIC COURT IN BANJA LUKA	09 - JUDICIARY	17.8.2018.	IMPLEMENTED	YES
P-174/18	Ž-BL-05-46/18,	PON- REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY AND LEGAL ISSUES, BANJA LUKA	15 - PROPERTY RELATIONS	17.8.2018.	IMPLEMENTED	YES
P-175/18	Ž-BL-05-808/17,	REPUBLICAN ADMINISTRATIVE BOARD FOR INSPECTION BANJA LUKA, TAX ADMINISTRATION OF THE REPUBLIKA SRPSKA	19 - ADMINISTRATION	17.8.2018.	NOT IMPLEMENTED	YES
P-176/18	Ž-BL-01-304/18,	MUNICIPAL COURT IN ZENICA, CENTER FOR SOCIAL WORK ZENICA	13 - RIGHTS OF THE CHILD	17.8.2018.	IMPLEMENTED	YES
P-177/18	Ž-BL-05-342/18,	MUNICIPALITY BUGOJNO, FINANCIAL SERVICE AND INSPECTION SUPERVISION	19 - ADMINISTRATION	17.8.2018.	IMPLEMENTED	YES
P-178/18	Ž-BL-05-431/18,	PI ELEKTROPRIVREDA BIH	03 – ACCESS TO INFORMATION	17.8.2018.	ACHIEVED COOPERATION	YES
P-179/18	Ž-BL-05-17/18,	THE ASSEMBLY OF THE UNA-SANA CANTON	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	25.10.2018.	NOT IMPLEMENTED	NO
P-180/18	Ž-BL-04-426/18,	FEDERATION EMPLOYMENT OFFICE	10 - WORK RELATIONS	24.8.2018.	ACHIEVED COOPERATION	YES

P-181/18	Ž-SA-06-652/18,	MUNICIPALITY VISOKO	01 - DISCRIMINATION	22.8.2018.	ACHIEVED COOPERATION	YES
P-182/18	Ž-LI-05-90/18,	PUBLIC ENTERPRISE "RADIO-TELEVISION" D.O.O. LIVNO, SUPERVISORY BOARD	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	23.8.2018.	NOT IMPLEMENTED	YES
P-183/18	Ž-BL-04-461/18,	PI "INSTITUTION FOR SPATIAL ARRANGEMENT" BIHAĆ	21- COMMUNAL SERVICES	22.8.2018.	NOT IMPLEMENTED	YES
P-184/18	Ž-BL-04-444/18,	PCI „KOMRAD“ D.O.O. BIHAĆ	21- COMMUNAL SERVICES	23.8.2018.	NOT IMPLEMENTED	NO
P-185/18	Ž-BL-05-288/18,	PON- REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS BANJA LUKA REGIONAL UNIT	19 - ADMINISTRATION	22.8.2018.	IMPLEMENTED	YES
P-186/18	Ž-BL-05-405/18,	PON- MINISTRY OF HEALTH, WORK AND SOCIAL POLICY OF UNA-SANA CANTON	19 - ADMINISTRATION	22.8.2018.	IMPLEMENTED	YES
P-187/18	Ž-BL-05-382/18,	PON- MINISTRY OF HEALTH, WORK AND SOCIAL POLICY OF UNA-SANA CANTON	03 - ACCESS TO INFORMATION	23.8.2018.	IMPLEMENTED	YES
P-188/18	Ž-SA-05-456/18,	MUNICIPAL COURT OF SARAJEVO AND THE FEDERATION POLICE ADMINISTRATION	09 - JUDICIARY	22.8.2018.	IMPLEMENTED	YES
P-189/18	Ž-BL-04-413/18,	CITY OF BANJA LUKA	14 - ECOLOGY ENVIRONMENTAL PROTECTION	23.8.2018.	NOT IMPLEMENTED	YES
P-190/18	Ž-BL-06-5/18,	PON-PI „II SECONDARY SCHOOL“ CAZIN	01 - DISCRIMINATION	29.8.2018.	NOT IMPLEMENTED	YES
P-191/18	Ž-BL-05-525/18,	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA, UNIVERSITY CLINIC CENTER OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION	24.8.2018.	NOT IMPLEMENTED	YES
P-192/18	Ž-BL-05-615/17,	CITY OF PRIJEDOR, SECTION FOR INSPECTION SERVICES	15 - PROPERTY RELATIONS	24.8.2018.	NOT IMPLEMENTED	YES
P-193/18	Ž-SA-04-825/18,	PI TELEVISION OF CANTON SARAJEVO, SUPERVISORY BOARD, COMMISSION FOR THE IMPLEMENTATION OF THE PROCEDURE FOR ESTABLISHING THE RESPONSIBILITY OF THE WORKER AIDA MRŠIĆ	10 - WORK RELATIONS	27.8.2018.	NO ANSWER	NO
P-194/18	Ž-BL-04-732/16,	REPUBLICAN ADMINISTRATION FOR INSPECTION BUSINESS, INSPECTIONS, BIJELJINA SECTION, MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	10 - WORK RELATIONS	28.8.2018.	NOT IMPLEMENTED	YES

P-195/18	Ž-BL-05-583/18,	REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS, REGIONAL UNIT PRNJAVOR GOVERNMENT OF THE REPUBLIKA SRPSKA	15 - PROPERTY RELATIONS	28.8.2018.	ACHIEVED COOPERATION	YES
P-196/18	Ž-SA-05-493/18,	PON- THE COUNCIL OF MINISTERS OF BIH, THE APPEAL CHAMBER AT THE COUNCIL OF MINISTERS OF BIH	03 - ACCESS TO INFORMATION	13.7.2018.	ACHIEVED COOPERATION	YES
P-197/18	Ž-BL-04-646/18,	PEOPLE'S ASSEMBLY OF THE REPUBLIKA SRPSKA	23 – HEALTH SERVICES	29.8.2018.	ACHIEVED COOPERATION	YES
P-198/18	Ž-BL-05-322/18,	MINISTRY OF AGRICULTURE, FORESTRY AND WATER SUPPLY OF THE REPUBLIKA SRPSKA	19 - ADMINISTRATION	25.10.2018.	NOT IMPLEMENTED	YES
P-199/18	Ž-SA-04-742/18,	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA SARAJEVO, COMMISSION FOR CONCESSIONS OF BOSNIA AND HERZEGOVINA BANJA LUKA	25 - PENSIONS	4.9.2018.	ACHIEVED COOPERATION	YES
P-200/18	Ž-BL-05-324/18,	CITY OF BIHAĆ, PI "INSTITUTE FOR SPATIAL ARRANGEMENT" BIHAĆ	19 - ADMINISTRATION	5.9.2018.	ACHIEVED COOPERATION	YES
P-201/18	Ž-SA-06-429/18,	THE REPUBLIKA SRPSKA, MINISTRY OF INTERNAL AFFAIRS, BANJA LUKA	01 - DISCRIMINATION -- 01-12 - BASED ON NATIONAL OR SOCIAL ORIGIN	5.9.2018.	ACHIEVED COOPERATION	YES
P-202/18	Ž-SA-05-15/18,	MUNICIPAL COURT IN ZENICA LAND REGISTER OFFICE	19 - ADMINISTRATION	7.9.2018.	ACHIEVED COOPERATION	YES
P-203/18	Ž-SA-04-667/18,	UNIVERSITY OF SARAJEVO, MEDICAL FACULTY OF SARAJEVO ATTN. DEAN UNIVERSITY OF SARAJEVO ATTN. RECTOR ATTN. CHAIRMAN OF THE STEERING BOARD	10 - WORK RELATIONS	13.9.2018.	ACHIEVED COOPERATION	YES
P-204/18	Ž-SA-06-551/18,	INSTITUTE FOR ACCREDITATION OF BOSNIA AND HERZEGOVINA HAMDJE ČEMERLIĆA BROJ 2/7 71 000 SARAJEVO ATTN. DIRECTOR	01 - DISCRIMINATION -- 01-03 - MOBBING	13.9.2018.	IMPLEMENTED	YES
P-205/18	Ž-SA-04-821/18,	PON- PHARMACEUTICAL FACULTY IN SARAJEVO ATTN. DEAN, CANTON SARAJEVO INSPECTORATE OF WORK, PROTECTION ON WORK, SOCIAL PROTECTION AND EDUCATION INSPECTION SARAJEVO	10 - WORK RELATIONS	13.9.2018.	ACHIEVED COOPERATION	YES
P-206/18	Ž-SA-05-234/18,	MUNICIPALITY OF VOGOŠĆA, CABINET OF THE MUNICIPAL MAYOR, SARAJEVO	19 - ADMINISTRATION	13.9.2018.	NOT IMPLEMENTED	YES

P-207/18	Ž-SA-05-153/18,	CITY OF ZENICA, OFFICE FOR VETERANS AND DISABLEMENT AND SOCIAL PROTECTION, HOUSING ISSUES AND SOCIAL ACTIVITIES ZENICA, ZENICA MINISTRY OF VETERANS ISSUES, ZENICA	03 - ACCESS TO INFORMATION	14.9.2018.	IMPLEMENTED	YES
P-208/18	Ž-SA-05-473/18, Ž-SA-05-527/18, Ž-SA-05-573/18, Ž-SA-05-574/18, Ž-SA-05-575/18,	MUNICIPALITY VITEZ, MUNICIPAL COUNCIL VITEZ	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	19.9.2018.	IMPLEMENTED	YES
P-209/18	Ž-SA-05-713/18,	PON-MUNICIPALITY STARI GRAD SARAJEVO, SERVICE FOR MUNICIPAL AND INSPECTION SERVICES, SARAJEVO	19 - ADMINISTRATION	18.9.2018.	IMPLEMENTED	YES
P-210/18	Ž-BL-05-700/18,	MINISTRY OF JUSTICE OF BOSNIA AND HERZEGOVINA, THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA	09 - JUDICIARY	20.9.2018.	NO ANSWER	NO
P-211/18	Ž-BL-01-250/18,	ELEMENTARY SCHOOL „DOSITEJ OBRADOVIĆ“ DOBOJ, CITY OF DOBOJ	13 - RIGHTS OF THE CHILD	20.9.2018.	ACHIEVED COOPERATION	YES
P-212/18	Ž-BL-01-491/18,	ZE-DO CANTON, MINICIPALITY USORA ELEMENTARY SCHOOL „IVANA FRA FRANE JUKIĆA“	13 - RIGHTS OF THE CHILD	20.9.2018.	ACHIEVED COOPERATION	YES
P-213/18	Ž-SA-05-789/18,	PI SERVICE FOR EMPLOYMENT OF ZENICA-DOBOJ CANTON ATTN. DIRECTOR, TAX ADMINISTRATION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO ATTN. DIRECTOR, FEDERATION PENSION AND DISABLEMENT INSURANCE, CANTONAL ADMINISTRATIVE SERVICES OF ZE-DO CANTON ZENICA ATTN. DIRECTOR	25 - PENSIONS	10.10.2018.	IMPLEMENTED	YES
P-214/18	Ž-SA-05-481/18,	HEALTH INSURANCE INSTITUTION OF CANTON SARAJEVO	03 - ACCESS TO INFORMATION	28.9.2018.	IMPLEMENTED	YES
P-215/18	Ž-SA-05-486/18,	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA BANJA LUKA	03 - ACCESS TO INFORMATION		NOT IMPLEMENTED	YES
P-216/18	Ž-SA-05-868/17,	MUNICIPALITY VLAZENICA	19 - ADMINISTRATION	28.9.2018.	NO ANSWER	NO
P-217/18	Ž-SA-05-774/17,	MUNICIPALITY NOVO SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	28.9.2018.	ACHIEVED COOPERATION	YES
P-218/18	Ž-SA-05-161/17,	CANTON SARAJEVO - MUNICIPALITY OF ILIDŽA, MUNICIPAL PRINCIPLE, SPATIAL ARRANGEMENT SERVICE ILIDŽA	19 - ADMINISTRATION	28.9.2018.	ACHIEVED COOPERATION	YES

P-219/18	Ž-SA-05-737/17,	MUNICIPALITY BUSOVAČA ATTN MUNICIPAL MAYOR	19 - ADMINISTRATION	28.9.2018.	ACHIEVED COOPERATION	YES
P-220/18	Ž-SA-05-666/17,	PON- MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA BANJA LUKA	19 - ADMINISTRATION	28.9.2018.	ACHIEVED COOPERATION	YES
P-221/18	Ž-BL-05-371/18,	MINISTRY OF FINANCE OF UNA-SANA CANTON, PI SECONDARY SCHOOL KLJUČ	09 - JUDICIARY -- 09-3 - EXECUTION OF JUDGMENT	28.10.2018.	ACHIEVED COOPERATION	YES
P-222/18	Ž-LI-06-182/18,	CANTON 10, INTERVIEW COMMISSION FOR THE ELECTION OF DIRECTOR OF THE CANTONAL INSTITUTION FOR LEGAL ASSISTANCE	01 - DISCRIMINATION	4.10.2018.	ACHIEVED COOPERATION	YES
P-223/18	Ž-LI-05-149/17,	CANTONAL COURT IN LIVNO	09 - JUDICIARY	4.10.2018.	IMPLEMENTED	YES
P-224/18	Ž-BL-05-890/17,	CITY OF BANJA LUKA, INSPECTION BUSINESS DEPARTMENT	15 - PROPERTY RELATIONS	1.10.2018.	ACHIEVED COOPERATION	YES
P-225/18	Ž-LI-05-167/18,	PRIVATIZATION AGENCY OF THE CANTON 10 LIVNO ATTN. ACTING DIRECTOR IVICA BODULUŠIĆ	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN LEGAL DEADLINE	18.10.2018.	NOT IMPLEMENTED	YES
P-226/18	Ž-BL-04-546/18,	PI ELEMENTARY SCHOOL „ALEKSA ŠANTIĆ“ BANJA LUKA	10 - WORK RELATIONS	1.10.2018.	IMPLEMENTED	YES
P-227/18	Ž-MO-05-58/18,	CANTONAL COURT MOSTAR	09 - JUDICIARY	1.10.2018.	IMPLEMENTED	YES
P-228/18	Ž-BL-05-379/18,	MUNICIPALITY JAJCE	19 - ADMINISTRATION	23.10.2018.	IMPLEMENTED	YES
P-229/18	Ž-SA-04-678/18,	PON-PI „VITEZIT“ D.O.O VITEZ ATTN. DIRECTOR	10 - WORK RELATIONS	17.10.2018.	NO ANSWER	NO
P-230/18	Ž-SA-05-712/16,	CANTONAL COURT IN SARAJEVO	09 - JUDICIARY	23.10.2018.	IMPLEMENTED	YES
P-231/18	Ž-SA-04-1162/17,	STATE FOR INVESTIGATIONS AND PROTECTION AGENCY OF THE SECURITY MINISTRY OF BOSNIA AND HERZEGOVINA, EAST SARAJEVO ATTN. DIRECTOR	10 - WORK RELATIONS	18.10.2018.	ACHIEVED COOPERATION	YES
P-232/18	Ž-SA-05-837/18,	PI MEDICAL POST IN CANTON SARAJEVO	03 – ACCESS TO INFORMATION	18.10.2018.	ACHIEVED COOPERATION	YES
P-233/18	Ž-SA-05-617/18,	ECONOMY FACULTY OF UNIVERSITY OF SARAJEVO, ATTN. DEAN	03 - ACCESS TO INFORMATION -- 03-1 - LACK OF DECISION WITHIN LEGAL DEADLINE	18.10.2018.	ACHIEVED COOPERATION	YES

P-234/18	Ž-SA-05-189/17,	PI CANTONAL CENTER FOR SOCIAL WORK SARAJEVO, SOCIAL PROTECTION SERVICE OF THE MUNICIPALITY NOVI GRAD ATTN. DIRECTOR	19 - ADMINISTRATION	18.10.2018.	IMPLEMENTED	YES
P-235/18	Ž-SA-05-619/18,	MINISTRY OF SECURITY SERVICE FOR FOREIGNERS ISSUES SARAJEVO	03 - ACCESS TO INFORMATION	18.10.2018.	NOT IMPLEMENTED	NO
P-236/18	Ž-SA-05-461/18,	MINISTRY OF INTERNAL AFFAIRS OF THE TUZLA CANTON, TUZLA, ATTN. INFORMATION OFFICER, POLICE STATION ŽIVINICE ATTN. COMMANDER	03 - ACCESS TO INFORMATION	18.10.2018.	IMPLEMENTED	YES
P-237/18	Ž-SA-01-938/18,	MUNICIPAL COURT IN SARAJEVO ATTN. PRESIDENT OF THE COURT JANJA JOVANOVIĆ SARAJEVO, PI "CANTONAL CENTER FOR SOCIAL WORK" SARAJEVO, SOCIAL PROTECTION SERVICE OF MUNICIPALITY STARI GRAD	13 - RIGHTS OF THE CHILD	19.10.2018.	ACHIEVED COOPERATION	YES
P-238/18	Ž-SA-03-437/18,	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA, MINISTRY OF FINANCE AND TREASURE SARAJEVO	04 - RELIGIOUS FREEDOMS / RELIGION	19.10.2018.	ACHIEVED COOPERATION	YES
P-239/18	Ž-SA-04-763/18,	PI „LOKOM“ SARAJEVO ATTN. DIRECTOR	10 - WORK RELATIONS	19.10.2018.	ACHIEVED COOPERATION	YES
P-240/18	Ž-SA-04-1021/18,	PI MIXED SECONDARY SCHOOL "BANOVIĆI" BANOVIĆI, PI MIXED SECONDARY SCHOOL ŽIVINICE, PEDAGOGICAL INSTITUTE OF TUZLA CANTON TUZLA, MINISTRY OF EDUCATION OF TUZLA CANTON, TUZLA	10 - WORK RELATIONS	19.10.2018.	ACHIEVED COOPERATION	YES
P-241/18	Ž-BL-06-5/18,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON	01 - DISCRIMINATION	26.10.2018.	NOT IMPLEMENTED	YES
P-242/18	Ž-BL-05-374/18,	COUNTY PUBLIC PROSECUTOR'S OFFICE TREBINJE	05 - POLICE	25.10.2018.	IMPLEMENTED	YES
P-243/18	Ž-BL-05-641/18,	COUNTY PUBLIC PROSECUTOR'S OFFICE TREBINJE	26 - PROSECUTION	25.10.2018.	IMPLEMENTED	YES
P-244/18	Ž-BL-04-648/18,	UNIVERSITY CLINICAL CENTER TUZLA	10 - WORK RELATIONS	25.10.2018.	NOT IMPLEMENTED	NO
P-245/18	Ž-BL-05-529/18,	BASIC COURT KOTOR-VAROŠ	09 - JUDICIARY -- 09-3 - EXECUTION OF JUDGMENT	25.10.2018.	NO ANSWER	NO



P-246/18	Ž-SA-05-985/18,	FEDERATION MINISTRY OF HEALTH, SARAJEVO, ATTN. MINISTER, INSTITUTE OF HEALTH INSURANCE AND REINSURANCE OF FBiH SARAJEVO ATTN. DIRECTOR	23 – HEALTH SERVICES	25.10.2018.	ACHIEVED COOPERATION	YES
P-247/18	Ž-SA-04-738/18,	PI PSYCHIATRY HOSPITAL KS SARAJEVO	23 - HEALTH SERVICES	25.10.2018.	NO ANSWER	NO
P-248/18	Ž-SA-05-937/18,	HEALTH INSURANCE INSTITUTION OF UNA-SANA CANTON BIHAĆ ATTN. DIRECTOR	03 - ACCESS TO INFORMATION	25.10.2018.	ACHIEVED COOPERATION	YES
P-249/18	Ž-SA-02-539/18,	GOVERNMENT OF THE FEDERATION OF BIH AND THE BOARD OF DIRECTORS FOR PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES	12 - PERSONS WITH DISABILITIES	25.10.2018.	ACHIEVED COOPERATION	YES
P-250/18	Ž-SA-05-906/17,	ŠPD „ UNSKO-SANSKE ŠUME "D.O.O BOSANSKA KRUPA ATTN. DIRECTOR ASSEMBLY OF ŠPD BOSANSKA KRUPA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	25.10.2018.	IMPLEMENTED	YES
P-251/18	Ž-SA-04-826/18,	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO	10 - WORK RELATIONS	26.10.2018.	NO ANSWER	NO
P-252/18	Ž-BL-04-756/18,	PEOPLE'S ASSEMBLY OF THE REPUBLIKA SRPSKA	11 - EDUCATION	1.11.2018.	ACHIEVED COOPERATION	YES
P-253/18	Ž-BL-05-418/18,	CITY OF BIHAĆ, THE GOVERNMENT OF THE UNA-SANA CANTON, THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, THE COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA	15 - PROPERTY RELATIONS	1.11.2018.	ACHIEVED COOPERATION	YES
P-254/18	Ž-BL-04-590/18,	UNIVERSITY OF TUZLA, FACULTY OF ELECTRICAL ENGINEERING, LAW FACULTY	10 - WORK RELATIONS	1.11.2018.	IMPLEMENTED	YES
P-255/18	Ž-BL-04-672/18,	ELEMENTARY SCHOOL "DOSITEJ OBRADOVIĆ" BANJA LUKA	10 - WORK RELATIONS	1.11.2018.	IMPLEMENTED	YES
P-256/18	Ž-BL-04-673/18,	ELEMENTARY SCHOOL "DOSITEJ OBRADOVIĆ" BANJA LUKA	10 – WORK RELATIONS	1.11.2018.	IMPLEMENTED	YES
P-257/18	Ž-BL-04-674/18,	ELEMENTARY SCHOOL "DOSITEJ OBRADOVIĆ" BANJA LUKA	10 - WORK RELATIONS	1.11.2018.	IMPLEMENTED	YES
P-258/18	Ž-BL-05-452/18,	REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS REGIONAL UNIT ČELINAC	19 - ADMINISTRATION	1.11.2018.	NOT IMPLEMENTED	YES

P-259/18	Ž-BL-05-534/18,	PENSION AND DISABLEMENT INSURANCE FUND OF THE REPUBLIKA SRPSKA, BRANCH BANJA LUKA	03 - ACCESS TO INFORMATION	1.11.2018.	ACHIEVED COOPERATION	YES
P-260/18	Ž-BL-05-775/17,	BASIC COURT IN BANJA LUKA	09 - JUDICIARY	1.11.2018.	IMPLEMENTED	NO
P-261/18	Ž-SA-02-653/18,	INSTITUTE FOR MEDICAL EXPERTISE OF THE HEALTH STATUS OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO ATTN. DIRECTOR, FEDERATION MINISTRY OF WORK AND SOCIAL POLICY SARAJEVO ATTN. MINISTER, GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO ATTN. PRIME MINISTER	12 - PERSONS WITH DISABILITIES	5.11.2018.	ACHIEVED COOPERATION	YES
P-262/18	Ž-SA-05-544/18,	COMMITTEE OF THE CIVIL SERVICE OFFICE FOR COMPLAINTS OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO, ATTN. CHAIRPERSON OF THE COMMITTEE	03 - ACCESS TO INFORMATION	5.11.2018.	ACHIEVED COOPERATION	YES
P-263/18	Ž-SA-05-973/18,	RADIO TELEVISION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO ATTN. DIRECTOR	03 - ACCESS TO INFORMATION	5.11.2018.	NOT IMPLEMENTED	YES
P-264/18	Ž-SA-04-949/18,	BH TELECOM SARAJEVO	10 - WORK RELATIONS	5.11.2018.	IMPLEMENTED	YES
P-265/18	Ž-SA-05-281/18,	PON- SECTION OF THE MINISTRY OF REFUGEES AND DISPLACED PERSONS OF FOČA, OFFICE VIŠEGRAD	15 - PROPERTY RELATIONS	5.11.2018.	NO ANSWER	NO
P-266/18	Ž-SA-05-847/18,	PON- THE MINISTRY OF FINANCE AND TREASURE OF BOSNIA AND HERZEGOVINA, SARAJEVO	19 - ADMINISTRATION	5.11.2018.	IMPLEMENTED	YES
P-267/18	Ž-SA-04-443/18,	“MEDICAL POST IN SAPNA“, SAPNA, ATTN. DIRECTOR	23 – HEALTH SERVICES	5.11.2018.	ACHIEVED COOPERATION	YES
P-268/18	Ž-SA-05-380/18,	FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES, SARAJEVO	15 - PROPERTY RELATIONS	5.11.2018.	ACHIEVED COOPERATION	YES
P-269/18	Ž-SA-04-679/18,	PON- TOURIST BUREAU OF CANTON SARAJEVO	10 - WORK RELATIONS	5.11.2018.	NO ANSWER	NO
P-270/18	Ž-LI-05-303/16,	MUNICIPAL COURT IN LIVNO ATTN. PRESIDENT NIKO CVITANOVIĆ	09 - JUDICIARY -- 09-2 - LENGTHY PROCEDURE (ARTICLE 6)	6.11.2018.	IMPLEMENTED	YES

P-271/18	Ž-LI-06-158/18,	CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA ATTN ACTING DIRECTOR NEDIM BEGIĆ, CANTON 10, GOVERNMENT OF THE CANTON 10 ATTN. PRIME MINISTER IVAN JOZIĆ	01 - DISCRIMINATION -- 01-17 – BASED ON EDUCATION	6.11.2018.	ACHIEVED COOPERATION	YES
P-272/18	Ž-BL-04-327/18,	PON- MINISTRY OF REFUGEES AND DISPLACED PERSONS OF THE REPUBLIKA SRPSKA	24 - SOCIAL PROTECTION	9.11.2018.	NO ANSWER	NO
P-273/18	Ž-LI-05-225/18,	CITY OF LIVNO, MAYOR	03 - ACCESS TO INFORMATION -- 03-1 – LACK OF DECISION WITHIN LEGAL DEADLINES	15.11.2018.	IMPLEMENTED	YES
P-274/18	Ž-BL-05-557/18,	PI ELEMENTARY SCHOOL „SVETI SAVA" BIJELJINA	03 - ACCESS TO INFORMATION	9.11.2018.	ACHIEVED COOPERATION	YES
P-275/18	Ž-SA-05-248/18, Ž-SA-05-249/18, Ž-SA-05-250/18, Ž-SA-05-268/18,	MUNICIPALITY OF GRADAČAC, MUNICIPAL COUNCIL OF GRADAČAC	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	9.11.2018.	NOT IMPLEMENTED	YES
P-276/18	Ž-LI-05-226/18,	PI INSTITUTION FOR EMPLOYMENT OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION -- 03-2 – REJECTING ACCESS TO INFORMATION	15.11.2018.	IMPLEMENTED	YES
P-277/18	Ž-BR-05-52/18,	MUNICIPAL COURT LUKAVAC	09 - JUDICIARY	21.11.2018.	ACHIEVED COOPERATION	YES
P-278/18	Ž-BR-01-188/18,	GOVERNMENT OF BRČKO DISTRICT OF BIH, EDUCATION DIVISION	13 - RIGHTS OF THE CHILD	21.11.2018.	IMPLEMENTED	YES
P-279/18	Ž-BL-05-493/18,	MUNICIPALITY OF JAJCE	03 - ACCESS TO INFORMATION	23.11.2018.	IMPLEMENTED	YES
P-280/18	Ž-BL-07-819/18,	CENTRE OF PUBLIC SECURITY BIJELJINA, POLICE STATION BIJELJINA 1	07 - PRISONS	23.11.2018.	IMPLEMENTED	YES
P-281/18	Ž-BL-05-388/18,	OC „JAHORINA“ PALE, THE GOVERNMENT OF THE REPUBLIKA SRPSKA	05 - POLICE	23.11.2018.	NOT IMPLEMENTED	YES
P-282/18	Ž-BL-04-522/18,	BASIC COURT DERVENTA	10 - WORK RELATIONS	23.11.2018.	NOT IMPLEMENTED	YES
P-283/18	Ž-BL-04-847/18,	MUNICIPALITY DERVENTA	10 - WORK RELATIONS	27.11.2018.	NO ANSWER	NO
P-284/18	Ž-BL-05-462/18,	MUNICIPALITY NOVI TRAVNIK, URBANISM SERVICE, PROPERTY - LEGAL BUSINESS AND CADASTRE	19 - ADMINISTRATION	27.11.2018.	NO ANSWER	NO
P-285/18	Ž-SA-05-864/18,	BORDER POLICE OF BIH	17 – PUBLIC DOCUMENTS	28.11.2018.	ACHIEVED COOPERATION	YES
P-286/18	Ž-SA-04-951/18,	UNIVERSITY OF SARAJEVO ATTN. SENAT	10 - WORK RELATIONS	28.11.2018.	NO ANSWER	NO

		UNSA				
P-287/18	Ž-SA-04-1008/18,	FI PENSION AND DISABLEMENT INSURANCE, CANTON SARAJEVO	25 - PENSIONS	28.11.2018.	ACHIEVED COOPERATION	YES
P-288/18	Ž-SA-05-642/16,	MUNICIPALITY CENTER SARAJEVO ATTN. PRINCIPALS SARAJEVO, MUNICIPALITY CENTER SARAJEVO, ADMINISTRATION SERVICE, PROPERTY, LEGAL BUSINESS, GEODETIC WORKS AND REAL ESTATE CADASTRE SARAJEVO	19 - ADMINISTRATION	28.11.2018.	NO ANSWER	NO
P-289/18	Ž-SA-05-397/18,	KJKP TOPLANE D.O.O. SARAJEVO ATTN. PRESIDENT OF THE SUPERVISORY BOARD	03 - ACCESS TO INFORMATION	28.11.2018.	ACHIEVED COOPERATION	YES
P-290/18	Ž-SA-05-702/18,	PON- MUNICIPALITY OF ILIDŽA SERVICE FOR PROPERTY, LEGAL, RESIDENTIAL, GEODETIC WORKS AND CADASTRE SARAJEVO	15 - PROPERTY RELATIONS	28.11.2018.	ACHIEVED COOPERATION	YES
P-291/18	Ž-SA-01-1219/18,	JU ,, CANTONAL CENTER FOR SOCIAL WORK SARAJEVO, SOCIAL PROTECTION CENTER SARAJEVO MUNICIPALITY, MINISTRY OF INTERNAL AFFAIRS CANTON SARAJEVO 2. POLICE ADMINISTRATION, POLICE STATION CENTER	13 - RIGHTS OF THE CHILD	30.11.2018.	IMPLEMENTED	YES
P-292/18	Ž-LI-04-233/18,	PRIMARY MUSIC SCHOOL "TOMISLAVGRAD" TOMISLAVGRAD, MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	10 - WORK RELATIONS	3.12.2018.	ACHIEVED COOPERATION	YES
P-293/18	Ž-LI-05-118/17,	MUNICIPAL COURT IN LIVNO	09 - JUDICIARY -- 09-3 – EXECUTION OF JUDGMENT	3.12.2018.	ACHIEVED COOPERATION	YES
P-294/18	Ž-BL-01-806/18,	BASIC COURT GRADIŠKA, MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA, CENTER FOR SOCIAL WORK SRBAC, CENTER FOR SOCIAL WORK LAKTAŠI, POLICE STATION LAKTAŠI, COUNTY PUBLIC PROSECUTOR'S OFFICE, BANJA LUKA	13 - RIGHTS OF THE CHILD	3.12.2018.	ACHIEVED COOPERATION	YES
P-295/18	Ž-SA-06-1156/18,	OPTIKA DIJANA D.O.O BANJA LUKA	01 - DISCRIMINATION -- 01-08 - BASED ON SKIN COLORS	4.12.2018.	NO ANSWER	NO
P-296/18	Ž-BL-05-729/18,	REGULATORY ENERGY COMMISSION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	20 - WAR DAMAGES	4.12.2018.	ACHIEVED COOPERATION	YES

P-297/18	Ž-BL-05-682/18, Ž-BL-05-777/18,	PI FORESTRY „ŠUME REPUBLIKE SRPSKE“ FOREST MAGAMENT „VISOČNIK“ HAN PIJESAK	03 - ACCESS TO INFORMATION	4.12.2018.	IMPLEMENTED	YES
P-298/18	Ž-SA-05-838/18,	BHRT S A R A J E V O	03 - ACCESS TO INFORMATION	5.12.2018.	NO ANSWER	NO
P-299/18	Ž-SA-05-530/18,	PI AUTO-ROADS OF THE FEDERATION OF BIH, MOSTAR, ATTN. DIRECTOR	19 - ADMINISTRATION	5.12.2018.	ACHIEVED COOPERATION	YES
P-300/18	Ž-SA-05-196/18,	MINISTRY OF SPATIAL ORGANIZATION, CONSTRUCTION AND ENVIRONMENTAL PROTECTION OF CANTON SARAJEVO ATTN. MINISTER	15 - PROPERTY RELATIONS	5.12.2018.	ACHIEVED COOPERATION	YES
P-301/18	Ž-MO-06-24/18,	PON- BEERHOUSE MOSTAR	01 - DISCRIMINATION	10.12.2018.	NO ANSWER	NO
P-302/18	Ž-BL-05-425/17,	MUNICIPAL COURT LIVNO	09 - JUDICIARY	12.12.2018.	ACHIEVED COOPERATION	YES
P-303/18	Ž-BL-05-745/18,	POLICE STATION TESLIĆ	03 - ACCESS TO INFORMATION	12.12.2018.	NO ANSWER	NO
P-304/18	Ž-BL-04-838/18,	COUNTY COURT IN BANJA LUKA	25 - PENSIONS	17.12.2018.	NO ANSWER	NO
P-305/18	Ž-SA-05-190/18,	PON-PI PARKS D.O.O. MOSTAR	03 - ACCESS TO INFORMATION	24.12.2018.	NO ANSWER	NO
P-306/18	Ž-SA-05-897/17,	PON- REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS, REGIONAL UNIT EAST SARAJEVO	19 - ADMINISTRATION	24.12.2018.	NO ANSWER	NO
P-307/18	Ž-SA-06-209/15,	MINISTRY OF AGRICULTURE, WATER SUPPLY AND FORESTRY OF THE CENTRAL BOSNIA CANTON, TRAVNIK, ATTN. MINISTER	01 - DISCRIMINATION -- 01- 03 - MOBBING	25.12.2018.	NO ANSWER	NO
P-308/18	Ž-SA-05-788/16,	HEALTH INSURANCE INSTITUTE OF ZENICA-DOBOJ CANTON, ZENICA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	25.12.2018.	ACHIEVED COOPERATION	YES
P-309/18	Ž-SA-05-880/18,	MINISTRY OF FINANCE OF BOSNIA- PODRINJE CANTON, GORAŽDE, PALE MUNICIPALITY IN THE FEDERATION OF BIH, PRAČA	19 - ADMINISTRATION	28.12.2018.	NO ANSWER	NO
P-310/18	Ž-SA-04-1199/18,	PI MEDICAL POST OF CANTON SARAJEVO ATTN. MANAGING DIRECTOR	23 – HEALTH SERVICES	28.12.2018.	IMPLEMENTED	YES
P-311/18	Ž-BL-06-981/18,	THE PRESIDENT OF THE REPUBLIKA SRPSKA, THE ASSEMBLY OF THE CITY OF BANJA LUKA, THE UNION OF ASSOCIATIONS OF THE EMPLOYERS OF THE REPUBLIKA SRPSKA	01 - DISCRIMINATION	31.12.2018.	NO ANSWER	NO

P-312/18	Ž-BL-05-415/18,	THE GOVERNMENT OF THE UNA-SANA CANTON	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	31.12.2018.	NO ANSWER	NO
P-313/18	Ž-BL-05-662/18,	PON- COMMITTEE OF THE CIVIL SERVICE AGENCY FOR COMPLAINTS OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	28 – CASES OF CORRUPTION	28.12.2018.	ACHIEVED COOPERATION	YES
P-314/18	Ž-SA-04-1078/18,	CANTONAL PUBLIC INSTITUTION "GERONTOLOŠKI CENTAR" SARAJEVO ATTN. ACTING DIRECTOR	10 - WORK RELATIONS	31.12.2018.	NO ANSWER	NO
P-315/18	Ž-SA-06-202/18,	INDEPENDENT OPERATORS SYSTEM IN BOSNIA AND HERZEGOVINA, SARAJEVO, ATTN. ADMINISTRATION, ATTN. STEERING BOARD	01 - DISCRIMINATION -- 01-03 - MOBBING	31.12.2018.	ACHIEVED COOPERATION	YES
P-316/18	Ž-SA-06-444/18, Ž-SA-06-807/18, Ž-SA-06-808/18, Ž-SA-06-809/18, Ž-SA-06-810/18, Ž-SA-06-812/18, Ž-SA-06-813/18, Ž-SA-06-814/18, Ž-SA-06-815/18,	CANTONAL PUBLIC UTILITY COMPANY "PARK" D.O.O. SARAJEVO ATTN. DIRECTOR	01 - DISCRIMINATION -- 01-03 - MOBBING	31.12.2018.	ACHIEVED COOPERATION	YES
P-317/18	Ž-SA-01-1050/18,	ELEMENTARY SCHOOL "ISAK SAMOKOVLJA" FRA ANĐELA ZVIZDOVIĆA 1, SARAJEVO	13 - RIGHTS OF THE CHILD	31.12.2018.	NO ANSWER	NO

## ANNEX I REVIEW OF THE BUDGET FOR 2018

### BOSNIA AND HERZEGOVINA

Institution: Institution of Ombudsman for Human Rights of Bosnia and Herzegovina

Seat: Banja Luka

ID: 4403087410007

Activity code: 69.10

### Form 2.

Organizational code: 0304

Fund: General Fund (10)

Project code: 0

Collection Form: x

#### Overview of spending and expenditures by economic categories

Reporting period: from 1.1.2018 until 31.12.2018.

#### BUDGET

Number	Description	Econ. code	Budget	Amendments (rebalance, restructuring, reallocation, reserve, dedicated funds, etc.)	Corrected budget	Realized cumulative amount of total spending and expenditures	Realized cumulative amount of the same period of the previous year	Percentage 7/6 x 100	Percentage 7/6 x 100
1	2	3	4	5	6 (4+5)	7	8	9	10
1	<b>Total spending and expenditures (2 + 16)</b>		<b>2.678.000</b>	<b>61.980</b>	<b>2.739.980</b>	<b>2.546.048</b>	<b>2.320.193</b>	<b>93</b>	<b>110</b>
2	<b>Total current expenditures (3 + 6)</b>	<b>610000</b>	<b>2.638.000</b>	<b>40.380</b>	<b>2.678.380</b>	<b>2.486.787</b>	<b>2.248.056</b>	<b>93</b>	<b>111</b>
3	<b>Salaries and reimbursement of staff costs (4 + 5)</b>	<b>611000</b>	<b>2.189.000</b>	<b>-29.100</b>	<b>2.159.900</b>	<b>1.995.101</b>	<b>1.834.709</b>	<b>92</b>	<b>109</b>
4	Gross salaries and reimbursement	611100	1.924.000	0	1.924.000	1.775.669	1.691.680	92	105
5	Employee reimbursement	611200	265.000	-29.100	235.900	219.432	143.029	93	153
6	<b>Material expenses, small inventory and services (7 + ..... + 15)</b>	<b>613000</b>	<b>449.000</b>	<b>69.480</b>	<b>518.480</b>	<b>491.686</b>	<b>413.347</b>	<b>95</b>	<b>119</b>
7	Travel expenses	613100	93.000	3.000	96.000	93.106	86.732	97	107
8	Telephone and postal service charges	613200	54.000	-1.000	53.000	47.959	50.614	90	95
9	Expenses for Energy and	613300	7.000	-1.000	6.000	4.765	4.476	79	106
10	Procurement of materials and small inventory	613400	40.000	-12.100	27.900	27.547	36.092	99	76
11	Expenses for transport and fuel services	613500	28.000	-2.000	26.000	23.708	15.782	91	150
12	Rental of property and equipment	613600	132.000	-18.000	114.000	113.452	131.583	100	86
13	Current maintenance costs	613700	31.000	28.000	59.000	54.271	18.871	92	288
14	Insurance, banking and payment services	613800	5.000	1.000	6.000	5.403	5.713	90	95
15	Contracted and other special services	613900	59.000	71.580	130.580	121.475	63.484	93	191
16	<b>Total capital expenditure</b>		<b>40.000</b>	<b>21.600</b>	<b>61.600</b>	<b>59.261</b>	<b>72.137</b>	<b>96</b>	<b>82</b>
17	<b>Expenses for the purchase of fixed assets</b>	<b>821000</b>	<b>40.000</b>	<b>21.600</b>	<b>61.600</b>	<b>59.261</b>	<b>72.137</b>	<b>96</b>	<b>82</b>
18	Procurement of equipment	821300	40.000	21.600	61.600	59.261	72.137	96	82

\*This overview is a summary review of the budget for 2018, including a special purpose Project entitled "Strengthening Ombudsman Capacity to Implement the NPM Mandate in BiH" Embassy of the Republic of Bulgaria

## **ANNEX II REVIEW OF THE OBLIGATION UNDER FREEDOM OF ACCESS TO INFORMATION ACT 2018.**

### **1. Public bodies at the level of Bosnia and Herzegovina who have fulfilled the obligation to appoint information officers and submitted the Guide and Index register in accordance with Articles 19 and 20 of the Law on Freedom of Access to Information**

1. Police Support Agency of Bosnia and Herzegovina;
2. Civil Service Agency of Bosnia and Herzegovina;
3. Forensic Testing Agency of Bosnia and Herzegovina;
4. Agency for Identification Documents, Records and Data Exchange of Bosnia and Herzegovina;
5. Public Procurement Agency and Office for reviewing complaints of Bosnia and Herzegovina;
6. Agency for Medicinal Products and Medical Devices of Bosnia and Herzegovina;
7. Market Surveillance Agency of Bosnia and Herzegovina;
8. Deposit Insurance Agency of Bosnia and Herzegovina;
9. Insurance Agency in Bosnia and Herzegovina;
10. Agency for Postal Services of Bosnia and Herzegovina;
11. Agency for Pre-school, Primary and Secondary Education of Bosnia and Herzegovina;
12. Agency for Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina;
13. Agency for Labor and Employment of Bosnia and Herzegovina;
14. Agency for the Development of Higher Education, and Quality Assurance of Bosnia and Herzegovina;
15. Food Safety Agency of Bosnia and Herzegovina;
16. Agency for Statistics of Bosnia and Herzegovina;
17. Agency for Training and Professional Development of Personnel of Bosnia and Herzegovina;
18. Agency for the Improvement of Foreign Investments of Bosnia and Herzegovina;
19. Agency for the Protection of Personal Data of Bosnia and Herzegovina;
20. Archive of Bosnia and Herzegovina;
21. Center for information and recognition of documents in the field of higher education of Bosnia and Herzegovina;
22. Mine Action Center of Bosnia and Herzegovina;
23. Central Bank of Bosnia and Herzegovina;
24. Central Election Commission of Bosnia and Herzegovina;
25. Directorate for Coordination of Police Bodies of Bosnia and Herzegovina;
26. Directorate for Civil Aviation of Bosnia and Herzegovina-BHDCA;
27. Directorate for Economic Planning of Bosnia and Herzegovina;
28. Directorate for European Integration of Bosnia and Herzegovina;
29. State Investigation and Protection Agency of Bosnia and Herzegovina;
30. State Regulatory Agency for Radiation and Nuclear Safety of Bosnia and Herzegovina;
31. State Electricity Regulatory Commission of Bosnia and Herzegovina;
32. Electric Power Company of Bosnia and Herzegovina;
33. Fund for the Return of Bosnia and Herzegovina;
34. Border Police of Bosnia and Herzegovina;
35. Institution of the Ombudsman for Consumer Protection of Bosnia and Herzegovina;
36. Institute for Accreditation of Bosnia and Herzegovina;
37. Institute of Intellectual Property of Bosnia and Herzegovina;
38. Institute for Standardization of Bosnia and Herzegovina;



39. Commission for Concessions of Bosnia and Herzegovina;
40. Commission for the Preservation of National Monuments of Bosnia and Herzegovina;
41. Commission for mine clearance of Bosnia and Herzegovina;
42. Council of Competition of Bosnia and Herzegovina;
43. Ministry of Civil Affairs of Bosnia and Herzegovina;
44. Ministry of Finance and Treasury of Bosnia and Herzegovina;
45. Ministry of Communications and Transport of Bosnia and Herzegovina;
46. Ministry of Defense of Bosnia and Herzegovina;
47. Ministry of Justice of Bosnia and Herzegovina;
48. Ministry of Security of Bosnia and Herzegovina;
49. Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina;
50. Ministry of Foreign Affairs of Bosnia and Herzegovina;
51. Ministry of Human Rights and Refugees of Bosnia and Herzegovina;
52. Intelligence and Security Agency of Bosnia and Herzegovina;
53. State Appeals Board of Bosnia and Herzegovina;
54. Parliamentary Assembly of Bosnia and Herzegovina;
55. The Office of the Prosecutor of Bosnia and Herzegovina;
56. Communications Regulatory Agency of Bosnia and Herzegovina;
57. Presidency of Bosnia and Herzegovina;
58. Service for Foreigners of Bosnia and Herzegovina;
59. The Office for Joint Affairs of the Institutions of Bosnia and Herzegovina;
60. Court of Bosnia and Herzegovina;
61. Prosecutor's Office of Bosnia and Herzegovina;
62. Administration of Bosnia and Herzegovina for the Protection of Health and Herbs;
63. Indirect Taxation Authority of Bosnia and Herzegovina;
64. Public Administration Reform Coordinator's Office of Bosnia and Herzegovina;
65. Audit Office for Financial Operations of the Institutions of Bosnia and Herzegovina;
66. Veterinary Office of Bosnia and Herzegovina;
67. Office for Legislation of Bosnia and Herzegovina;
68. Constitutional Court of Bosnia and Herzegovina;
69. Foreign Trade Chamber of Bosnia and Herzegovina;
70. Council of Ministers of Bosnia and Herzegovina;
71. High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

## **2. Public bodies at the level of Bosnia and Herzegovina who submitted statistics in 2018 in accordance with Article 20 of the FOIA:**

1. Civil Service Agency of Bosnia and Herzegovina;
2. Agency for Identification Documents, Records and Data Exchange of Bosnia and Herzegovina;
3. Public Procurement Agency of Bosnia and Herzegovina;
4. Agency for Market Surveillance of Bosnia and Herzegovina;
5. Insurance Agency in Bosnia and Herzegovina;
6. Agency for Labor and Employment of Bosnia and Herzegovina;
7. The Agency for the Prevention of Corruption and Coordination of the Fight against Corruption;
8. Agency for protection of personal data in Bosnia and Herzegovina;
9. Food Safety Agency of BiH;
10. Directorate for Civil Aviation of Bosnia and Herzegovina-BHDCA;
11. Directorate for Economic Planning of Bosnia and Herzegovina;
12. Directorate for European Integration of Bosnia and Herzegovina;

13. State Electricity Regulatory Commission;
14. Fund for Return of Bosnia and Herzegovina;
15. Border Police of Bosnia and Herzegovina;
16. Institute for Intellectual Property of Bosnia and Herzegovina;
17. Institution of the Ombudsman for Consumer Protection in BiH;
18. Public company Elektroprivreda Bosne i Hercegovine;
19. Commission for the Preservation of National Monuments of Bosnia and Herzegovina;
20. Ministry of Communications and Transport of Bosnia and Herzegovina;
21. Ministry of Defense of Bosnia and Herzegovina;
22. Ministry of Justice of Bosnia and Herzegovina;
23. Ministry of Security of Bosnia and Herzegovina;
24. Ministry of Finance and Treasury of Bosnia and Herzegovina;
25. Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina / BiH Veterinary Office, BiH Plant Protection Administration, Office for Harmonization and Co-ordination of Payment Systems in Agriculture, Nutrition and Rural Development BiH /;
26. Presidency of Bosnia and Herzegovina - Secretariat;
27. Court of Bosnia and Herzegovina;
28. Public Administration Reform Coordinator's Office of Bosnia and Herzegovina;
29. Office for reviewing complaints of Bosnia and Herzegovina;
30. The Constitutional Court of Bosnia and Herzegovina;
31. High Judicial and Prosecutorial Council of Bosnia and Herzegovina;
32. Council of Ministers of Bosnia and Herzegovina - General Secretariat;

*When talking about the submission of statistical data by public bodies at the state level, the Ombudsman Institution of Bosnia and Herzegovina in this reporting year states that 32 public bodies regularly fulfill their obligation. During 2017, this obligation was met by 24 public bodies.*

### **3. Public bodies at the level of the Federation of Bosnia and Herzegovina, which in 2018 supplied statistical data in accordance with the FOIA:**

1. Federation hydro meteorological institute;
2. Federation Ministry of Internal Affairs;
3. City of Bihać;
4. J.P. International Airport "Sarajevo" d.o.o .;
5. JP Olympic Swimming Pool;
6. Cantonal Court in Tuzla;
7. Cantonal court in Zenica;
8. Cantonal public utility company "Rad" d.o.o .;
9. Cantonal Administration for Inspection Affairs of Canton Sarajevo;
10. Cantonal Prosecutor's Office of Sarajevo Canton;
11. Cantonal Prosecutor's Office of the Zenica-Doboj Canton;
12. Securities Commission of the Federation of Bosnia and Herzegovina;
13. Ministry of Justice and Administration of the Zenica-Doboj Canton;
14. Ministry of Internal Affairs of Canton Sarajevo;
15. Ministry of Communal Economy and Infrastructure of Canton Sarajevo;
16. Ministry of Justice and Administration of Canton Sarajevo;
17. Municipality of Novi Travnik;
18. Municipality of Sanski Most;
19. Municipality of Kakanj;
20. Sapna Municipality;
21. Municipality of Ključ;

22. Municipality of Foča;
23. Municipality of Gračanica;
24. Lukavac Municipality;
25. Municipality of Hadžići;
26. University of Tuzla;
27. Government of the Federation of Bosnia and Herzegovina.

*In this reporting year, the obligation to submit statistical data in accordance with FOIA was fulfilled by 27 public bodies in the territory of the Federation of Bosnia and Herzegovina.*

*As the previous, and also in 2018, four public bodies at the level of the Federation of Bosnia and Herzegovina regularly fulfilled their obligation to submit statistical data to the Ombudsman for Human Rights of Bosnia and Herzegovina. At the level of cantons within the Federation of Bosnia and Herzegovina in 2018, this obligation was fulfilled by fourteen public bodies, which are three more than in the previous year. In the same period, this obligation was met by nine public bodies at the municipal level.*

#### **4. Public bodies at the level of the Republika Srpska who provided statistics in 2018 in accordance with the FOIA:**

1. Pension and Disability Insurance Fund of the Republika Srpska;
2. County Public Prosecutor's Office Banja Luka;
3. County court in Doboj;
4. County Commercial Court Doboj;
5. Basic court in Teslić;
6. Municipality of Rudo;
7. Gradiška Municipality;
8. Municipality of Prnjavor;
9. The Republika Srpska Prosecutor's Office;

*In this reporting year, the obligation to submit statistical data was fulfilled by nine public bodies at the level of the Republika Srpska. Compared to the previous year, there were no significant changes, i.e. there was no increase in the number of public bodies that in the reporting period provided statistical data in accordance with the FOIA.*

#### **5. During 2018, the following public bodies fulfilled the obligation to submit a decision on the information officer, the Guide and the Index of the Registry in accordance with the FOIA:**

1. Privatization Agency in the Federation of Bosnia and Herzegovina (Decision on the appointment of information officers);
2. Federal Ministry of Internal Affairs (Decision on Determination of Information Officers);
3. Financial and Information Agency of the Federation of Bosnia and Herzegovina (Decision on the appointment of information officers);
4. Federation Ministry of Development, Entrepreneurship and Crafts (Decision on determining information officers);
5. Federation Ministry of Trade (Decision on appointing information officers);
6. Helicopter Service of the Republika Srpska (Information Access Guide and Index of Information Registry);
7. PU Center for Social Work Banja Luka (Decision on Determination of Information Officers, Information Access Guide and Index of Information Registry);

8. JP Railways of the Federation of Bosnia and Herzegovina (Decision on Determination of Information Officers);
9. Cantonal Office for Spatial Planning and Planning of the USK (Decision on Determination of Information Officers, Guide to Access to Information and Index of Information Registry);
10. Clinical Center of the University of Sarajevo (Guide to Access to Information);
11. Cantonal court in Zenica (Decision on appointment of information officers);
12. Securities Commission of the Federation of Bosnia and Herzegovina (Decision on Determination of Information Officers);
13. Ministry of Justice and Administration of Zenica-Doboj Canton (Decision on Determining Information Officer, Guide to Access to Information and Index of Information Registry);
14. The Ministry of Justice and Administration of the Una-Sana Canton (Decision on the appointment of information officers);
15. Ministry of Justice and Administration of the West Herzegovina Canton (Decision on Determining Information Officer);
16. Olympic Center Jahorina (Decision on Determining Information Officer, Guide to Access to Information and Index of Information Registry).

**ANNEX III TABULAR PRESENTATION OF STATISTICAL INDICATORS**

<b>DEPARTMENT</b>	<b>Received in 2018.</b>	<b>Transferred from previous years</b>	<b>Total number of cases worked on in 2018.</b>	<b>Total completed in 2018</b>	<b>Translated in 2019</b>
01 - Department for monitoring the realization of children's rights	216	147	363	211	152
02 - Department for monitoring the realization of the rights of persons with disabilities	46	29	75	57	18
03 - Department for monitoring the realization of the rights of national, religious and other minorities	8	12	20	14	6
04 - Department for monitoring the realization of economic, social and cultural rights	825	437	1262	748	514
05 - Department for monitoring the realization of political and civil rights	1819	1150	2969	1877	1092
06 - Department for the Elimination of All Forms of Discrimination	208	158	366	160	206
07 - Department for monitoring the realization of the rights of persons deprived of their liberty	144	104	248	173	75
<b>TOTAL</b>	<b>3266</b>	<b>2037</b>	<b>5303</b>	<b>3240</b>	<b>2063</b>

**Work on complaints by departments in 2018**

DEPARTMENT	Number of cases
01 - Department for monitoring the realization of children's rights // Sarajevo	105
02 - Department for Monitoring the Realization of the Rights of Persons with Disabilities // Sarajevo	23
03 - Department for Monitoring the Realization of the Rights of National, Religious and Other Minorities // Sarajevo	6
04 - Department for monitoring the realization of economic, social and cultural rights // Sarajevo	366
05 - Department for Monitoring the Realization of Political and Civil Rights // Sarajevo	666
06 - Department for the Elimination of All Forms of Discrimination // Sarajevo	137
07 - Department for monitoring the realization of the rights of persons deprived of liberty // Sarajevo	117
<b>Total number of cases in Sarajevo</b>	<b>1420</b>
01 - Department for monitoring the realization of children's rights // Banja Luka	90
02 - Department for monitoring the realization of the rights of persons with disabilities // Banja Luka	15
03 - Department for Monitoring the Realization of the Rights of National, Religious and Other Minorities // Banja Luka	2
04 - Department for monitoring the realization of economic, social and cultural rights // Banja Luka	228
05 - Department for Monitoring the Realization of Political and Civil Rights // Banja Luka	628
06 - Department for the Elimination of All Forms of Discrimination // Banja Luka	44
07 - Department for Monitoring the Realization of the Rights of Persons Deprived of Freedom // Banja Luka	27
<b>The total number of cases in Banja Luka</b>	<b>1034</b>
01 - Department for monitoring the realization of children's rights // Brčko	8
04 - Department for monitoring the realization of economic, social and cultural rights // Brčko	125
05 - Department for Monitoring the Realization of Political and Civil Rights // Brčko	181
06 - Department for the Elimination of All Forms of Discrimination // Brčko	10
<b>Total number of cases in Brčko</b>	<b>324</b>
01 - Department for monitoring the realization of children's rights // Mostar	8
02 - Department for Monitoring the Realization of the Rights of Persons with Disabilities // Mostar	7
04 - Department for monitoring the realization of economic, social and cultural rights // Mostar	58
05 - Department for Monitoring the Realization of Political and Civil Rights // Mostar	103
06 - Department for the Elimination of All Forms of Discrimination // Mostar	11
<b>Total number of cases in Mostar</b>	<b>187</b>
01 - Department for monitoring the realization of children's rights // Livno	5
02 - Department for monitoring the realization of the rights of persons with disabilities // Livno	1
04 - Department for monitoring the realization of economic, social and cultural rights // Livno	48
05 - Department for Monitoring the Realization of Political and Civil Rights // Livno	241
06 - Department for the Elimination of All Forms of Discrimination // Livno	6
<b>Total number of cases in Livno</b>	<b>301</b>
<b>The total number of cases in the Institution</b>	<b>3266</b>

**Number of complaints by offices in 2018.**

<b>Violation of the right</b>	<b>Subcategory</b>	<b>Number of cases</b>
01 – Discrimination	00 – Other	87
01 – Discrimination	01-03 - Mobbing	60
01 – Discrimination	01-08 - Based on the color of the skin	1
01 – Discrimination	01-09 - Based on the language	2
01 – Discrimination	01-10 - Based on faith	6
01 – Discrimination	01-11 - Based on ethnicity	5
01 – Discrimination	01-12 - Based on national or social origin	11
01 – Discrimination	01-13 - Based on the connection with the national minority	1
01 – Discrimination	01-14 - Based on a political or other belief	2
01 – Discrimination	01-16 - Based on membership in a trade union or other association	9
01 – Discrimination	01-17 - Based on education	1
01 – Discrimination	01-18 - Based on social position and gender	1
01 – Discrimination	01-19 - Based on sexual orientation	2
01 – Discrimination	01-21 - Based on sexual characteristics	1
01 – Discrimination	01-22 - Based on age	7
<b>01 – Discrimination</b>	<b>SUM</b>	<b>196</b>
<b>02 - Media and freedom of information</b>	<b>SUM</b>	<b>6</b>
03 - Access to information	00 – Other	308
03 - Access to information	03-1 - lack of decision within legal deadline	19
03 - Access to information	03-2 - refusal to access to information	11
03 - Access to information	03-3 - the right to appeal to a higher instance	2
<b>03 - Access to information</b>	<b>SUM</b>	<b>340</b>
<b>04 - Religious freedoms / religion</b>	<b>SUM</b>	<b>4</b>
<b>05 - Police</b>	<b>SUM</b>	<b>132</b>
<b>06 - Public revenue</b>	<b>SUM</b>	<b>5</b>
07 - Prisons	00 – Other	131
07 - Prisons	07-1 - use of institutional benefits and visits	6
07 - Prisons	07-2 - health care and hygiene conditions	5
07 - Prisons	07-3 - accommodation of persons with mental disorders and disability	1
<b>07 - Prisons</b>	<b>SUM</b>	<b>143</b>
09 - Judiciary	00 – Other	367
09 - Judiciary	09-1 - complaints on the work of judges	7
09 - Judiciary	09-2 - lengthy proceedings (Article 6)	89
09 - Judiciary	09-3 - enforcement of judgments	22
<b>09 - Judiciary</b>	<b>SUM</b>	<b>485</b>
<b>10 - Working relations</b>	<b>SUM</b>	<b>355</b>
<b>11 - Education</b>	<b>SUM</b>	<b>24</b>
<b>12 - Persons with disabilities</b>	<b>SUM</b>	<b>47</b>
<b>13 - Rights of the child</b>	<b>SUM</b>	<b>215</b>
<b>14 - Ecology environmental protection</b>	<b>SUM</b>	<b>18</b>
<b>15 - Property-legal relations</b>	<b>SUM</b>	<b>183</b>
<b>16 – Violence</b>	<b>SUM</b>	<b>2</b>

<b>17 - Public documents</b>	<b>SUM</b>	<b>60</b>
<b>18 – Minorities</b>	<b>SUM</b>	<b>4</b>
<b>19 – Administration</b>	<b>SUM</b>	<b>389</b>
<b>20 - War damage</b>	<b>SUM</b>	<b>39</b>
<b>21 – Communal Services</b>	<b>SUM</b>	<b>97</b>
<b>22 - Government and ministerial appointments</b>	<b>SUM</b>	<b>115</b>
<b>23 – Health</b>	<b>SUM</b>	<b>61</b>
<b>24 - Social protection</b>	<b>SUM</b>	<b>76</b>
<b>25 – Pensions</b>	<b>SUM</b>	<b>191</b>
<b>26 – Prosecution</b>	<b>SUM</b>	<b>75</b>
<b>27 – Public Attorney's Offices</b>	<b>SUM</b>	<b>1</b>
<b>28 - Corruption cases</b>	<b>SUM</b>	<b>3</b>
<b>TOTAL ALL</b>	<b>SUM</b>	<b>3266</b>

**Number of complaints received by subcategories in 2018**



No.	Mode of completion	Cases in 2018.	Cases from previous years	Total
1	During the intervention of the Ombudsman	533	543	1076
2	Recommendation of the Ombudsman	75	252	327
3	Complainant's lack of interest in further proceedings	360	183	543
4	An unacceptable complaint	449	176	625
5	Otherwise	293	298	591
6	lack of competence and transfer of the case to the competent authority	33	13	46
7	Forwarded to another office of the Ombudsman	11	2	13
8	Special report	1	10	11
9	Repeated procedure	6	2	8
10	<b>Total</b>	<b>1761</b>	<b>1479</b>	<b>3240</b>

**ONLY FOR INADMISSIBLE COMPLAINT - SUBCATEGORY**

00 – other	61	16	77
01 - anonymous complaint	4	0	4
02 - malicious complaint	0	1	1
03 - unfounded complaint	289	140	429
04 - complaint does not contain any claim	3	1	4
05 - violation of legitimate rights of a third party	2	0	2
06 – complainant's delay of 1 year after facts, events or decisions	9	1	10
07 - not all legal remedies have been exhausted	23	9	32
08 - complaint incomplete or incomprehensible (not subsequently amended)	36	4	40
09 – complainant gave up the complaint	1	2	3
10 - complaint with already considered facts (duplication of complaint)	20	2	22
11 - factual situation before 14 December 1995	1	0	1
Total	449	176	625

**Number of Complaints Completed // Method of Completing Complaints in 2018**

No.	Violation of the right	Number of cases with issued recommendation
1	01 – Discrimination	39
2	03 - Access to information	50
3	04 - Religious freedoms / religion	1
4	05 – Police	4
5	06 - Public revenue	1
6	07 – Prisons	6
7	09 – Judiciary	30
8	10 - Working relations	46
9	11 – Education	1
10	12 - People with disabilities	5
11	13 - The rights of the child	21
12	14 - Ecology environmental protection	3
13	15 - Property-legal relations	17
14	17 - Public documents	1
15	19 – Administration	52
16	20 - War damage	3
17	21 – Communal services	6
18	22 - Government and ministerial appointments	40
19	23 - Health	7
20	24 - Social protection	3
21	25 – Pensions	12
22	26 - Prosecution	1
23	27 – Public Attorney’s Office	1
24	28 - Corruption cases	1
25	<b>TOTAL</b>	<b>351</b>

Realization method	Number of cases
Partially realized	3
No answer	44
Not implemented	66
Cooperation accomplished	115
Realized	123
<b>Total</b>	<b>351</b>

**Number of complaints with recommendations issued in 2018 by categories of violation of rights and realization**

<b>DEPARTMENT</b>	<b>Number of complaints with recommendation issued in 2018</b>
01 - Department for monitoring the realization of children's rights	21
02 - Department for monitoring the realization of the rights of persons with disabilities	5
03 - Department for monitoring the realization of the rights of national, religious and other minorities	1
04 - Department for monitoring the realization of economic, social and cultural rights	77
05 - Department for monitoring the realization of political and civil rights	202
06 - Department for the Elimination of All Forms of Discrimination	39
07 - Department for monitoring the realization of the rights of persons deprived of their liberty	6
<b>TOTAL</b>	<b>351</b>

**Number of complaints with recommendations issued by departments in 2018**

<b>Name of department</b>	<b>Number of recommendations</b>
01 - Department for monitoring the realization of children's rights	20
02 - Department for monitoring the realization of the rights of persons with disabilities	5
03 - Department for monitoring the realization of the rights of national, religious and other minorities	1
04 - Department for monitoring the realization of economic, social and cultural rights	75
05 - Department for monitoring the realization of political and civil rights	182
06 - Department for the Elimination of All Forms of Discrimination	28
07 - Department for monitoring the realization of the rights of persons deprived of their liberty	6
<b>TOTAL</b>	<b>317</b>

**Number of recommendations per department in 2018**

<b>Office</b>	<b>Number of complaints with recommendation issued in 2018</b>
Sarajevo Office	167
Banja Luka Office	145
Brčko Office	5
Mostar Office	7
Livno Office	27
<b>Total number of recommendations</b>	<b>351</b>

**Number of complaints with issued recommendations by offices in 2018**

Office	Number of recommendations
Sarajevo Office	140
Banja Luka Office	141
Brčko Office	5
Mostar Office	4
Livno Office	27
<b>Total number of recommendations</b>	<b>317</b>

**Number of recommendations by offices in 2018**

R.Br.	Name of authority	Number of cases	Body seat
1	MUNICIPAL COURT OF SARAJEVO	50	SARAJEVO
2	CANTONAL COURT LIVNO	42	LIVNO
3	MUNICIPAL COURT LIVNO	33	LIVNO
4	BASIC COURT BANJA LUKA	31	BANJA LUKA
5	MUNICIPAL COURT TUZLA	31	TUZLA
6	CANTONAL COURT SARAJEVO	29	SARAJEVO
7	CANTONAL COURT TUZLA	26	TUZLA
8	MUNICIPAL COURT BIHAĆ	17	BIHAĆ
9	MUNICIPAL COURT MOSTAR	16	MOSTAR
10	CANTONAL COURT IN MOSTAR	16	MOSTAR
11	SUPREME COURT OF THE REPUBLIKA SRPSKA	15	BANJA LUKA
12	CANTONAL PROSECUTION IN SARAJEVO	15	SARAJEVO
13	CONSTITUTIONAL COURT OF BIH	13	SARAJEVO
14	SUPREME COURT OF FBiH	13	SARAJEVO
15	COUNTY COURT OF BANJA LUKA	12	BANJA LUKA
16	CANTONAL COURT BIHAĆ	11	BIHAĆ
17	BASIC COURT BIJELJINA	11	BIJELJINA
18	BASIC COURT OF BRČKO DISTRICT OF BIH	11	BRČKO
19	BASIC COURT GRADIŠKA	11	GRADIŠKA
20	MUNICIPAL COURT ZENICA	11	ZENICA

**20 most common counter parties in the field of courts**

No.	Name of authority	Number of cases	Body seat
1	FUND PIO OF THE REPUBLIKA SRPSKA	38	BIJELJINA
2	MUP OF THE REPUBLIKA SRPSKA	34	BANJA LUKA
3	CITY OF BANJA LUKA	34	BANJA LUKA
4	MINISTRY OF SAFETY BiH - ASYLUM SECTOR	34	SARAJEVO
5	FEDERATION INSTITUTION PIO	32	TUZLA
6	PRISON ZENICA	30	ZENICA
7	REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS	29	BANJA LUKA
8	HIDROGRADNJA DD SARAJEVO IN BANKRUPTCY AND THE GOVERNMENT OF FBiH	25	SARAJEVO
9	FEDERATION PENSION AND DISABLEMENT INSURANCE INSTITUTE - CANTONAL ADMINISTRATIVE OFFICE FOR CANTON SARAJEVO	21	SARAJEVO
10	PRISON TUZLA	19	TUZLA
11	PRISON FOČA	18	FOČA
12	FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES	18	SARAJEVO
13	MINISTRY OF WORK AND DISABLED VETERANS PROTECTION OF THE REPUBLIKA SRPSKA	16	BANJA LUKA
14	CANTONAL ADMINISTRATIVE SERVICE PIO TUZLA	16	TUZLA
15	RS HEALTH INSURANCE FUND	14	BANJA LUKA
16	FEDERATION MINISTRY OF WORK AND SOCIAL POLICY	14	SARAJEVO
17	MUP OF CANTON SARAJEVO	15	SARAJEVO
18	CENTER FOR SOCIAL WORK	14	SREBRENİK
19	PI CENTER FOR SOCIAL WORK OF BANJA LUKA	13	BANJA LUKA
20	DIRECTORATE FOR THE COORDINATION OF POLICE BODIES OF BIH	13	SARAJEVO

**20 most common counterparts without judiciary**

