

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



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

2019 Annual Report
on the results of the activities of
The Institution of The Human Rights
Ombudsman of Bosnia and Herzegovina

Banja Luka, March 2020



**2019 ANNUAL REPORT
ON RESULTS OF THE ACTIVITIES OF THE INSTITUTION OF
HUMAN RIGHTS OMBUDSMAN OF BOSNIA AND
HERZEGOVINA**

Banja Luka, March 2020

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I INTRODUCTION

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter: the Institution) is an independent institution established to promote good governance and the rule of law, that is, to protect human rights and fundamental freedoms. It was set up based on Annexes IV and VI of the General Framework Agreement for Peace in Bosnia and Herzegovina¹ (hereinafter: the Dayton Accords), and it started functioning in 1996.

The Institution is accredited in status "A" by the Global Alliance of the National Institutions for the Promotion and Protection of Human Rights (GANHRI), formerly known as the International Coordination Committee of the National Institutions for the Promotion and Protection of Human Rights (ICC). The last accreditation status was granted on 24 November 2017 and it is a confirmation of the independence of the Institution and its functioning according to the Paris Principles², as it entitles Ombudspersons to vote on the GANHRI related issues.

The Institution is functioning under the Constitution of Bosnia and Herzegovina and the Law on Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter: the Law on Ombudsman)³ guaranteeing the independence and structural framework of the Institution relating to the promotion and protection of human rights and fundamental freedoms. The Law on Ombudsman defines the mandate, competencies, powers, as well as the rules of procedure of the Ombudsman of Bosnia and Herzegovina. The mandate of the Institution is further defined by the following laws: Law on Prohibition of Discrimination of Bosnia and Herzegovina, which provides that the Ombudsman of Bosnia and Herzegovina is the central institution for the protection against discrimination, and that it can act toward all natural and legal persons⁴; legislation on free access to information (both on the level of Bosnia and Herzegovina and the entities)⁵ under which Ombudspersons have the power to take measures aimed at the rules governing of free access to information and legislation governing the governmental, ministerial and other appointments (both on the level of Bosnia and Herzegovina and the entities)⁶ which grant Ombudspersons the power

¹ Adopted on 21 November 1995 and ratified 14 December 1995

² The Paris Principles, adopted in 1993 by the United Nations General Assembly on the proposal of the Human Rights Committee in 1992, relate to the status of human rights institutions with regard to the promotion and protection of human rights and envisage their broad competence in the field of human rights protection. These are minimum standards that provide guidance on the founding, responsibilities, duties, composition, including pluralism, independence, methods of work and quasi-judicial powers of human rights institutions.

³ Official Gazette of Bosnia and Herzegovina no. 32/2000, 19/2002, 35/2004 and 32/2006. The Law on Human rights Ombudsman was adopted in 2000 and amended three times - in 2002, 2004 and 2006

⁴ Article 7 of the Law on Prohibition of Discrimination in Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina no. 59/2009 and 66/2016

⁵ Article 21 and 22 of Law on Free Access to Information in Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina No 28/2000, 45/2006, 102/2009, 62/2011 and 100/2013; Article 21 and 22 of Law on Free Access to Information in Republika Srpska, Official Gazette of Republika Srpska, No. 20/2001; Article 21 and 22 of Law on Free Access to Information in the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina" No. 32/2001 and 48/2011

⁶ Article 16 and 17 of the Law on Ministerial, Council of Ministers and Other Appointments of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina No 7/2003 and 37/2003; Article 16 and 17 of the Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina" No 12/2003, 34/2003 and 65/2013 and Article 16 and 17 of the Law on Ministerial, Governmental and Other Appointments of the Republika Srpska, Official Gazette of Republika Srpska No 41/2003.

to monitor implementation of adopted principles in appointment procedures and adopt measures for cancellation of appointment related decisions etc.

The institution is organized according to territorial and functional principle. The Central Office of the Institution is in Banja Luka, with regional offices located in Sarajevo, Mostar and Brčko, with the Field Office in Livno. The Ombudsman is organizing office days when the lawyers of the Institution work three days a week in Tuzla, while twice a month they maintain direct contact with citizens in Bijeljina, Doboj, Grahovo, Drvar, Kupres, Glamoč and Bihać.

According to the functional principle, the Institution is organized into eight departments, each covering a particular field of human rights: Department for Monitoring the Exercise of the Rights of the Child, Department for Monitoring the Rights of Persons with Disabilities, Department for Monitoring the Rights of National/Ethnic, Religious and Other Minorities, Department for Monitoring the Exercise of Political and Civil Rights, the Department for the Monitoring of the Exercise of Economic, Social and Cultural Rights, the Department for the Elimination of All Forms of Discrimination, the Department for the Monitoring of the Rights of Persons Deprived of Liberty, and the Department for the Monitoring of the Exercise of Rights in the Judiciary and Administration. In view of the large number of cases registered in the Institution in previous years, which related to the work of the judiciary and the administration, the Ombudspersons decided to upgrade the Institution's electronic database in such a way that cases in this area are kept separately within a new department which was established, so as of 2019 the Institution has eight departments.

With the aim of the protection of the rights of citizens, Ombudspersons are obligated to process the individual and group complaints of citizens or acts *ex officio*, conducting investigative procedures related to human rights violations, issue recommendations to responsible bodies to eliminate human rights violations, take measures to implement issued recommendations and eliminate evident violations human rights and fundamental freedoms, inform natural and legal persons about their rights and obligations, inform natural and legal persons about the possibilities of judicial and other forms of their protection, suggest initiation of mediation to the parties etc.

Pursuant to the Law on Human Rights Ombudsman, at the beginning of each year, the Ombudsman is submitting its report on the results of the activities of the Institution in the reporting period to the Presidency of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, the National Assembly of the Republic of Srpska, the Parliament of the Federation of Bosnia and Herzegovina. The report is presented to the general public including the experts, professional organizations, domestic and international organizations, civil society, media and citizens. The annual report includes the total number and nature of the registered complaints, the number of complaints not taken into consideration by Ombudspersons, the reasons for that, the number of complaints processed, and the findings of the case lawyers regarding the allegations of the complainants. The annual report also presents data on the number of issued recommendations implemented by responsible authorities, as well as statistics on the number of issued recommendations that were not accepted by the responsible authorities, that is, not implemented recommendations.

The structure of the 2019 Annual Report on the Results of the Activities of the Institution of Human Rights Ombudsman (hereinafter: 2019 Annual Report) consists of the following chapters covering the specific fields of human rights, namely: Exercise of civil and political rights - within this framework of this chapter provided are, among other things, the basic information regarding the drafting of a Special Report on Experiences in the Implementation of the Law on Free Access to Information; Monitoring and exercise of human rights in the field of justice and administration; Exercise of economic, social and cultural rights - within this chapter, the most important sections of the Special Report on the Status and Problems of the Social Welfare Centers/Services in Bosnia and Herzegovina are briefly presented; Exercise of the rights of persons deprived of their liberty; Exercise of the rights of the child; Exercise of the rights of persons with disabilities; Elimination of all forms of discrimination (in accordance with the Law on Prohibition of Discrimination of Bosnia and Herzegovina) and Exercise of the Rights of National, Religious and Other Minorities.

Given the limited financial resources, Ombudspersons have decided to include the report on discrimination as a separate chapter in this Annual Report, pursuant to the provisions of the Law on Prohibition of Discrimination.

In addition to the above mentioned chapters, the Annual Report also includes an introduction, a summary, and statistics on the Ombudsman's activities in 2019 (within this chapter, the number of issued recommendations is presented), a chapter on the cooperation of the Ombudsman with the media, as well as a separate section related to the cooperation of the Institution with the authorities and institutions, NGOs and the civil sector.

For the purposes of this Annual Report, pursuant to the Law on Human Rights Ombudsman, Ombudspersons are three persons who make up the Institution. This duty at the time covered by this report was carried out by: Prof. Dr. Ljubinko Mitrović, Jasminka Džumhur, PhD and Nives Jukić.

**Ombudspersons of Bosnia and
Herzegovina**

Prof. Dr. Ljubinko Mitrović

Jasminka Džumhur, PhD

Nives Jukić

II SUMMARY

In 2019 Ombudspersons registered the highest number of complaints in the area of civil and political rights including the judiciary and administration, followed by the economic and social rights. Lodged complaints indicate the aggravated access of citizens to the efficient judiciary, employment, or social rights, all mentioned phenomena being often linked to the high level of poverty⁷, corruption and migrations. When it comes to migrations, there is an increased number of indicators that young and educated people are mostly leaving the country which demands urgent measures to be taken in order to halt this process⁸. Bosnia and Herzegovina is still facing a huge influx of irregular migrants as a country of transit⁹, which requires taking of efficient measures by the authorities in order to improve the situation in this field.

Data available to Ombudspersons indicate that most vulnerable group of population in the current period are youth due to their lack of employment, and also pensioners¹⁰, persons with disabilities, single--parent families, children, in particular in some specific situations, such as conflict divorces, and employees in some industries with extremely low income, such as hospitality, trade, some production branches etc.

According to the database of the Ombudsman, in 2019 registered was 3,218 complaints. In the reporting period it was issued 304 recommendations in 374 cases, out of which 105 was fully implemented, 9 partially implemented and 77 in which some form of cooperation with the Ombudsman was established.

The most important recommendations of the Ombudsman to the authorities at all levels of government and relevant institutions related to the necessity of taking urgent additional (in particular pro-natalist) measures aimed at keeping the young and educated people in Bosnia and Herzegovina¹¹. Some recommendations cannot be implemented quickly as they are time

⁷ As a consequence of high unemployment rate, low pensions, average salary far below the official consumer basket, the same VAT charged basic goods and most expensive luxury goods, social gap between the most population and a small group of citizens with extremely high income, inequality in social benefits depending on the place of residence etc.

⁸ In addition to that, there are issues linked to a total depoliticizing of employment process, and urgent educational sector reforms, as well as support and assistance to undeveloped municipalities.

⁹ The UNHCR Spokesman for SEE Neven Crvenković defined the migrants and refugees who entered the country in an irregular way, without necessary permissions or documents required according to the legislation governing the immigration issues as irregular rather than illegal migrants since the second term has certain, not accurate “criminal” connotation. The term irregular migrant is preferred by the agencies and bodies of the UN, the Council of Europe, and EU. For most of these persons in their Special report on Situation in Area of Migrations Ombudspersons adopted the term irregular migrants since in most cases they are foreign nationals who entered into Bosnia and Herzegovina without any identification 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.

¹⁰ Trend of youth leaving the country will be detrimental for pensioners at a later stage as the pension funds become more empty.

¹¹ Allocation of additional funds for the employment of young people, or support to their employment, housing, more favorable environment for parental benefits, support for families with two or more children, increased children allowance/child benefit for families with more children, and removal of income ceiling for child benefit should be priority for the authorities and encouraging of new births should be a cornerstones fo population and demographic strategies

consuming. But, the fact that in 124 cases no reply from the responsible authority is particularly raising concerns of Ombudspersons.

A total of 978 cases were registered within the Department for Monitoring the Exercise of Political and Civil Rights in 2019. In 2019 the Department put in focus of its work the issues related to police conduct, especially in the segment of policing the public gatherings, then cases related to the work of inspections of all levels of government and free legal aid services. A significant number of cases have also been registered in the area of property relations, government and ministerial appointments, migration and asylum and public documents.

Since the largest number of registered cases within this Department relates to violations of rights to access to information, Ombudspersons would like to emphasize the importance of taking action to remedy the identified violations, given that this mechanism is important for building a democratic society and an efficient system. The exercise and protection of the right of access to information reflects the accountability and transparency of the authorities. In the area of access to information, the Institution has registered an increase in number of complaints since 2015, which can be the result of several factors, such as the following : more frequent violations of the right of access to information by the public authorities in Bosnia and Herzegovina, increased awareness of citizens on the mechanisms of protection of the right to free access to information, but also the result of the activities of the Ombudsman, as a body supervising the implementation of legislation governing the free access to information in Bosnia and Herzegovina. The role of the media in promotion of the mentioned legislation cannot be neglected, especially considering the fact that, due to the lack of specific media laws, the media themselves very often use freedom of information legislation as a tool for obtaining important information for public reporting purposes. The most common reasons for addressing the Ombudsman are the failure to reach a decision on received request for information within the statutory time limit, failure to provide information on legal remedy available, the inability to use the remedy, and the refusal to access information that citizens consider to be available.

In 2019 the Department for the Monitoring of the Exercise of Rights in the Judiciary and Administration registered 851 cases. The analysis of the received complaints may lead to the conclusion that citizens address the Ombudsman mostly because of the inappropriate length of court proceedings, ineffective enforcement of court decisions, especially when the respondent party is a municipality, canton or entity, as well as complaints relating to the work of judges due to violations of procedural law provisions. There are a large number of citizens' complaints regarding the work of the prosecutor's offices because of the delay of processing the reports of criminal offenses.

Complaints lodged by citizens about the work of public administration bodies, as in previous years, relate to the length of the administrative procedure, the silence of the administration, the ineffective response of the inspection services and the failure of the competent authorities to act within the legal deadlines when deciding on the parties' requests. Ombudspersons emphasize that the quality of public services and the work of public administration bodies for the citizen is a tangible indicator of the functionality of the state. Good governance should serve the community and promote the public confidence in the executive authorities, contribute to political stability and promote economic development and social well-being.

The judicial system should be organized in such a way that its constituent bodies can fulfill the requirements provided for in Article 6, paragraph 1 of the European Convention. This implies the obligation of the State party to conduct proceedings in civil and criminal matters, before the courts and other state authorities, without undue delay and to end within a reasonable time.

Economic, social and cultural rights are guaranteed by the constitutions of Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina, and the constitutions of ten cantons, and in more details are governed by legislation at the entity and cantonal levels. In the course of 2019, a total of 801 complaints were registered with the Department for Economic, Social and Cultural Rights. The largest number of complaints received relates to violation of the right to work, and the most noticeable violations are in competitive recruitment procedures, unlawfulness related to the termination of employment contracts, procedures related to promotion, non-payment of contributions for pension and disability insurance, as well as non-payment of salaries to the workers by the employer.

Complaints in the field of education are related to the failure of the ministries responsible for education to make certain decisions, the inability of continuation of education in the same school, as well as poor material conditions, i.e. inadequate teaching premises. A certain number of cases related to the procedure of conducting competitive procedures at higher education institutions, accreditation of higher education institutions, recognition of diplomas and non-recognition of appropriate titles in scientific and teaching fields within the higher education.

The number of complaints registered with the Ombudsman as utility complaints, which relate to the supply of water, electricity, gas, etc. to the inhabitants, is ever increasing. In 2019, complaints related to the failure to provide services by utility companies, problems with water supply, unresolved requests for connection to the water supply network, problems related to the selection of a manager in charge of management and maintenance of the common areas in residential buildings, provision and denial of services by utility companies, irregularities in billing of utilities, statute of limitation of utility bills, etc.

In the area of health care, a significant number of complaints related to difficulties in reimbursement of health care costs to be borne by health insurance funds and the inability to obtain health care due to the unavailability of medicines to certain categories of patients according to their actual needs. At the same time, problems with procurement of medicines that are not registered or available in Bosnia and Herzegovina are evident.

In 2019 registered complaints related to pensions were mostly about the length of the proceedings in the first and second instance regarding the recognition of the right to a pension, as well as certain irregularities in the calculation of the amount of pensions. In addition, slowness of the process of recognition and exercise of rights is a problem if the complainant has gained work experience in other countries, i.e. procedures concerning the recognition of a proportionate part of the pension to be borne by pension insurance institutions in other countries, in accordance with social insurance agreements which Bosnia and Herzegovina has signed with these countries.

In the area of social rights, the Ombudsman identifies challenges related to the functioning of social welfare centers in Bosnia and Herzegovina, which is why it issued its Special Report on the Situation and Challenges Facing Social Welfare Centers in Bosnia and Herzegovina in October 2019, which included recommendations addressed to the competent authorities for implementation, and this report was presented to the public.

In 2019, the Department for Monitoring the Exercise of the Rights of Persons Deprived from Liberty received a total of 129 complaints. As in previous years, the complaints received by this Department in the greatest part concerned the dissatisfaction with the quality of health services in the prison establishments, to the use of benefits out of the establishment, the right to transfer to another institution (in the same entity or in the other entity), conditional release, non-satisfactory conditions of accommodation and treatment, some form of abuse, or complaints about inappropriate behavior of the prison staff or violence from other prisoners, problems with visits of family members, status issues etc.

Ombudspersons repeatedly express their concerns regarding a problem present in the criminal sanctions execution system. This is a very complex issue since the mandate for criminal sanctions execution is divided between the state level, entity level and the level of Brčko District of Bosnia and Herzegovina. Such a system including four legislative acts (in addition to several dozen of by-laws) which sometimes 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.

National Preventive Mechanism/Preventive Mechanism has not been established yet irrespective of commitments assumed by Bosnia and Herzegovina under the Optional Protocol¹² to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). However, through the Project of Capacity Building of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina to carry out the mandate of the torture preventive mechanism in Bosnia and Herzegovina, adequate training on the mandate and functioning of the NPM/PM delivered¹³, thus creating the preconditions for the Institution to assume the role of this mechanism. As part of this project, Ombudspersons visited all larger police stations in Bosnia and Herzegovina to determine the condition of detention facilities, after which they made¹⁴ their Special report on the conditions in the detention facilities in police administration units in Bosnia and Herzegovina, which included recommendations addressed to the competent authorities, and this report was presented to the public.

In 2019 a total of 198 complaints were registered with the Department for the Protection of the Rights of the Child. The Ombudsman was processing the individual complaints received by this Department, as well as cases opened *ex officio*, in which children were victims of domestic violence and victims of peer violence. In 2019, Ombudspersons produced a Special Report on the Prohibition of the Physical Punishment of Children in Bosnia and Herzegovina¹⁵ which included

¹² Ratified on 24 October 2008

¹³ The Project was implemented in cooperation with the Ombudsman of the Republic of Bulgaria and the Embassy of the Republic of Bulgaria

¹⁴ In April 2019

¹⁵ <https://www.ombudsmen.gov.ba/Download.aspx?id=286&lang=BS>

recommendations addressed to the competent authorities, and this report was presented to the public. This Report has contributed to the protection of the rights of the child so that the executive and legislative authorities can seriously consider the introduction of an explicit ban on physical punishment of children where it has not been done so far.

Based on the complaints lodged by the citizens, it can be stated that a large number of complaints in 2019 relate to the protection of the rights of the child in court and administrative proceedings, where the most frequent threats to the rights of children are related to the so-called conflict divorces. Institutions most often complained of include social welfare centers, courts and prosecutors' offices, educational institutions, health care and other institutions which the complainants consider responsible for the violations of the children's rights they allege to be committed in their cases. Ombudspersons welcome all legal solutions leading to the improvement of quality and accessibility of health care for all children, while continuing to point to the obligation under the UN Convention on the Rights of the Child to establish the unconditional health care for all children up to the age of 18. Poverty and difficult financial situation in Bosnia and Herzegovina is particularly hard for children, especially given the globalization trends, crisis in family relations and changed system of values.

Special attention should be paid to the single parents and the rights of their children, and serious analyzes and realistic assessments should be made to this end in order to establish and operate alimony funds.

Positive developments are visible in Bosnia and Herzegovina, particularly in adoption of strategic documents related to the protection and enjoyment of the rights of persons with disabilities.¹⁶ However, the recommendations of the international bodies show that it is necessary to work continuously on public awareness raising, i.e. the promotion and protection of the rights of persons with disabilities.

A total of 48 cases were registered with the Department for the Monitoring of Implementation of the Rights of Persons with Disabilities in 2019. The majority of cases in this field relate to the challenges in exercising the rights of these persons in the field of social and health care, then the rights related to pension and disability insurance, the right to education, employment, placement in social welfare institutions, as well as the issue of accessibility of public transport. There are also some complaints in which citizens repeatedly express their dissatisfaction with the work of the Medical Forensic Institute of the Federation of Bosnia and Herzegovina. Ombudspersons are continuously involved in monitoring the situation in institutions for accommodation of persons with intellectual and mental disabilities, and in 2019 their additional engagement related to the situation in the Institute for the Care of Mentally Disabled Persons Pazarić.

Ombudspersons point out to the fact that 2019 marked ten years since the adoption of the Law on the Prohibition of Discrimination in Bosnia and Herzegovina which granted the Ombudsman Institution the status of a central institution responsible for the protection from discrimination. The

¹⁶The Federation of Bosnia and Herzegovina has adopted the 2016 - 2021 Strategy for Improvement of the Rights and Status of Persons with Disabilities in the Federation of Bosnia and Herzegovina. Also, Republika Srpska has adopted the 2017 - 2026 Strategy for the Advancement of Social Status of Persons with Disabilities in Republika Srpska.

Law on Prohibition of Discrimination of Bosnia and Herzegovina stipulates a provision that provides for a special budget item for the work of the Department for the Elimination of all Forms of Discrimination, but this provision has never been implemented, which rather limits the proactive actions of the Institution to prevent discrimination. Similar to previous years, Ombudspersons focus their activities in the area of discrimination on the processing of individual complaints, number of which remains continuously high.

In 2015, the Department for the Elimination of all Forms of Discrimination registered a total of 206 cases of discrimination. The largest number of complaints in the reporting period was related to mobbing, as a special form of discrimination at the workplace (a significant increase in number of such complaints compared to the previous year is evident), followed by complaints about discrimination on the grounds of national or social background, and about discrimination on grounds of membership in a trade union or another association, as well as complaints of discrimination on grounds of age, religion and ethnicity. There is also an increasing number of cases of multiple discrimination where the person who reported discrimination on certain grounds in the period following the report is exposed to additional victimization.

As in previous years, 94 cases were registered in which the complainants did not specify the grounds of discrimination, which is possible under provisions of Article 2 of the Law on Prohibition of Discrimination of Bosnia and Herzegovina, which lists forbidden grounds of discrimination, and envisages "*any other circumstance serving the purpose of or resulting in prevention or restriction of any individual from enjoyment or realization, on equal footing, of rights and freedoms in all areas of life*".

The Institution also has a special role to play in protecting women's rights, especially in terms of promoting and protecting women's rights, as recognized by the Committee on the Elimination of Discrimination against Women (CEDAW). There is still a need for further promotion of women's rights and gender equality in almost all segments of life, especially when it comes to the representation of women in political life, the elimination of discriminatory stereotypes in educational materials, the unequal pay of women for the same job, and domestic violence...

The rights of the minorities in Bosnia and Herzegovina has not been changed. No progress has been made towards comprehensive constitutional changes that would help equalize the rights of national minorities with those of the constituent peoples. Namely, passive suffrage at all levels is not yet possible for national minorities. Legislation related to the protection of the rights of persons belonging to national minorities protect the status, equality and rights of the 17 national minorities present in Bosnia and Herzegovina.

Finally, it is necessary to adopt strategic documents and implementation mechanisms that would define the social status of each resident of Bosnia and Herzegovina, with the introduction of a social card in both entities and the Brčko District, as well as the definition of clear and transparent criteria for granting the assistance, with the establishment of databases, all with a view to ensuring that all vulnerable individuals and families receive adequate assistance.



III STATISTICS ON THE ACTIVITIES OF HUMAN RIGHTS OMBUDSMAN OF BOSNIA AND HERZEGOVINA IN 2019

In 2019, the Institution registered 3,218 citizens' complaints. Compared to 2018, this is a decrease by 48 complaints. During the reporting period, 13,292 citizens contacted the Ombudsman (direct contacts, telephone contacts, electronic mail and written complaints).

Together with cases carried forward from the previous year, 5,239 complaints were processed in total. As much as 3,205 cases were completed in 2019.

The majority of complaints were related to violations of civil and political rights (978). These are followed by complaints related to the violation of rights in judiciary and administration (851), economic, social and cultural rights (801), all forms of discrimination (206), violation of the rights of the child (198), rights of persons deprived from liberty (129), rights of persons with disabilities (48), and violation of the rights of religious and other minorities (7).

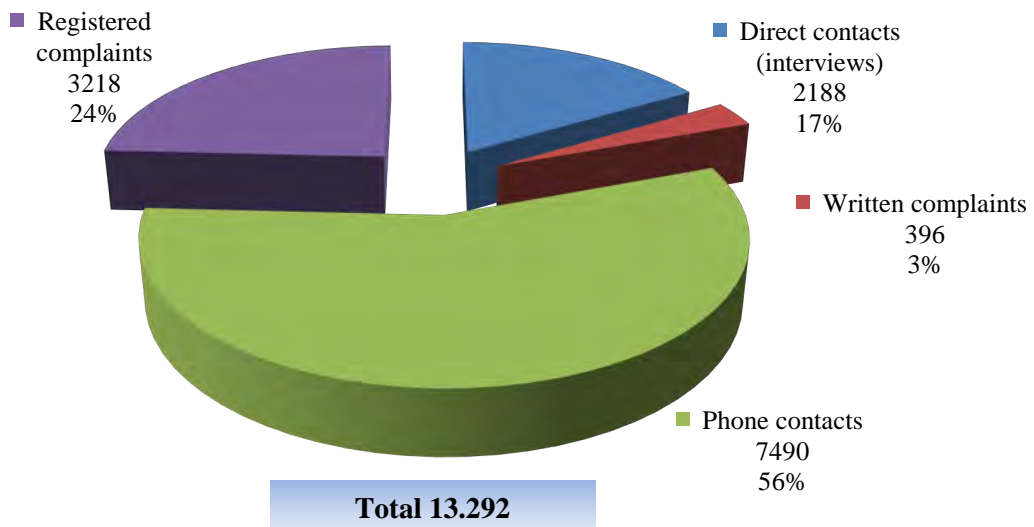


Chart 1

During the reporting period, the Ombudsman Institution issued 304 recommendations in 374 cases. Level of implementation is presented in Table 1.

Method of implementation of issued recommendations	Number of cases with an issued recommendation in 2019	Number of cases with an issued recommendation in 2018
Implemented	105	123
Co-operation established	77	115
Partially implemented	9	3
No feedback	124	44
Not implemented	59	66
Total number of cases with an issued recommendation	374	351

Table 1

SPECIAL REPORTS MADE IN 2019:

- Special Report on the Situation in the Detention Premises in Some Police Administrations in Bosnia and Herzegovina in preparation of which the Ombudsman's staff visited premises where persons deprived form liberty are held in order to establish the situation. The Special report included also the Ombudsman's recommendations directed to the relevant authorities including the Ministry of Interior of Republika Srpska, the Ministry of Interior of the Federation of Bosnia and Herzegovina, and cantonal ministries of interior, in addition to the Police of Brčko District of Bosnia and Herzegovina;
- Special Report on the Situation and Challenges Facing the Social Welfare Centers in Bosnia and Herzegovina which tackles weaknesses recognized by the social welfare centers themselves and some other observed by the Ombudsman based on individual complaints lodged by the citizens seeking the protection of their rights. The report gives the answer to the question as to whether the applicable legislative solutions are adjusted to the current situation and needs and whether the available resources of the social welfare centers are sufficient to meet all legal obligations of these centers and the challenges facing these centers in their daily work;
- Special Report „Prohibition of Physical Punishment of Children in Bosnia and Herzegovina“ aims at introduction of ban of physical punishment of the child wherever it was not introduced so far. The ban itself does not include only sanctions, that is, the punishment for violence inflicted by the parents, brother, sister, guardian or foster parent, but also creation of better conditions for so-called positive parenthood, which means the parenthood without the violent methods in upbringing of children;
- Special report on Experiences in Implementation of Law on Free Access to Information in Bosnia and Herzegovina in the framework of which was carried out a survey to establish the procedures implemented by the public bodies at the level of Bosnia and Herzegovina, the entities, the cantons, the municipalities and towns and which included recommendation addressed to the responsible public bodies implementation of which should result in better and unconditional implementation of the international standards in the area of free access to information and establishment of an efficient legislative and institutional system for the implementation and protection of the right to access to information.

Special Report on the Situation in the Detention Premises in Some Police Administrations in Bosnia and Herzegovina

Special Report on the Situation and Challenges Facing the Social Welfare Centers in Bosnia and Herzegovina

Special Report „Prohibition of Physical Punishment of Children in Bosnia and Herzegovina“

Special report on Experiences in Implementation of Law on Free Access to Information in Bosnia and Herzegovina

IV CIVIL AND POLITICAL RIGHTS

The International Covenant on Civil and Political Rights puts an obligation before Bosnia and Herzegovina to respect an individual's civil and political rights, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and the right to a fair trial.

Aware of the fact that in the past ten years the largest number of registered complaints in the Institution related to the violation of the rights by the judiciary and administration, in 2019 the Ombudspersons decided to establish a special Department to deal with the exercise of civil and political rights in the area of judiciary and administration. In this regard, the area of judiciary and administration is covered in a separate chapter of the Annual Report.

The largest number of complaints in 2019, as in previous years, was registered within the Department for Monitoring the Exercise of Political and Civil Rights. Registered complaints were processed for violation of the rights to which they relate: access to information (275), property relations (169), police (154), inspections (80), government and ministerial appointments (56), migration and asylum (52), war damages (50), public documents (42), media and freedom of information (8), free legal aid (5), corruption (4), freedom of assembly (3) and religious freedoms (2).

Within this Department, a total of 978 cases were registered, which is 88 cases less compared to 2018, due to the separation of the Department. 1,066 were transferred from previous years, so that in total there were 2,044 cases. 544 cases were completed.

VIOLATIONS OF THE RIGHTS	Number of cases
Access to information	275
Property rights	169
Police	154
Inspections	80
Government and ministerial appointments	56
Migrations and asylum	52
War damages	50
Public documents	42
Media and freedom of information	8
Free legal aid	5
Corruption	4
Free assembly	3
Religious freedoms	2
Total	978

There are 325 cases registered at the Central Office of the Institution in Banja Luka, 397 at the Sarajevo Regional Office, 65 at the Mostar Regional Office, 90 at the Brčko Regional Office, and 101 registered at the Livno Field Office.

Within the Department, 175 recommendations were issued. Most of the issued recommendations were related to violation of the right of access to information (57), followed by government and

ministerial appointments (27), migration (10), property relations (8), public documents (8), police (5), inspections (5) and war damage (2). Out of the total number of issued recommendations, 51 recommendations were implemented, 2 were partially implemented, cooperation with the bodies in 38 recommendations was made, 29 recommendations were not implemented, and the Ombudsman did not receive any feedback in respect of 55 issued recommendations.

The following part is a cross-section of the situation by category of violation of rights relating to the exercise of political and civil rights in Bosnia and Herzegovina.

4.1. Free access to information

The right to access information is considered to be a basic prerequisite for building a democratic society. An effective system of exercising and protecting the right of access to information reflects the responsibility and transparency of every government. It is necessary for citizens to be able, through effective mechanisms, to raise various issues of public interest.

Involvement of the public in the decision-making process should be based on the principles of transparency and openness of public bodies, thus enhancing citizens' trust in public authorities and realizing communication between citizens and public authorities in both directions.

The Institution, under the Law on Human Rights Ombudsman of Bosnia and Herzegovina¹⁷ and the applicable legislation related to free access to information¹⁸ processes complaints related to the access to information, makes *ex officio surveys*, and also has a mandate to prepare and issue guidelines and general recommendations in the area of implementation of the legislation governing free access to information.

4.1.1. Legislation

The right of access to information in Bosnia and Herzegovina is governed by the laws adopted at the level of Bosnia and Herzegovina and the entity levels. The Law on Free Access to Information in Bosnia and Herzegovina was adopted in 2000, and in 2001 the Law on Free Access to Information of the Federation of Bosnia and Herzegovina and the Law on Free Information in Republika Srpska were adopted.

A Guide for the implementation of the Law on Free Access to Information in Bosnia and Herzegovina is applicable in Brčko District of BiH¹⁹. This Guide governs the issues which are supposed to contribute to more efficient implementation of the Law on Free Access to Information in Bosnia and Herzegovina in Brčko District of BiH as it comes to the strict implementation of this Law, and determination of the costs of copying the information.

¹⁷ Official Gazette of Bosnia and Herzegovina No 32/2000, 19/2002, 35/2004 and 32/2006

¹⁸ Law on Free Access to Information in Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina No. 28/2000, 45/2006, 102/2009, 62/2011 and 100/2013; Law on Free Access to Information in Republika Srpska, Official Gazette of Republika Srpska, no. 20/2001; Law on Free Access to Information in the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina" No 32/2001 and 48/2011

¹⁹ Guide for the implementation of the Law on Free Access to Information in Bosnia and Herzegovina, Official Gazette of BD BiH, no. 36/2004

In order to improve it, the Law on Free Access to Information of Bosnia and Herzegovina has been amended several times. The most significant amendments to this law were related to prescribing the obligation to issue a decision on a request for access to information, definition of punitive provisions, and determination of the competence of an administrative inspectorate in cases of non-compliance with the provisions of the said Law.

The Law on Free Access to Information of the Federation of Bosnia and Herzegovina was amended once, in the part relating to the obligation to make a decision on a request for access to information and issue of a second instance body, which decides on an appeal against a decision.

The Law on Free Access to Information of Republika Srpska has not been amended so far.

4.1.2. Legislative amendment initiatives

In 2019, activities aimed at amending and/or adopting new legislation that should be fully aligned with international standards were continued. In this context, the activities of the Joint Initiative of the Organization for Economic Co-operation and Development (OECD) and the European Union (SIGMA) - Support for Improvement in Governance and Management²⁰ took place with key objective is to strengthen the foundations for improved public governance, and hence support socio-economic development through building the capacities of the public sector, enhancing horizontal governance and improving the design and implementation of public administration reforms, including proper prioritization, sequencing and budgeting.²¹

In January 2019, SIGMA published a document entitled „*Improving the Legislative Framework for Access to Public Information in Bosnia and Herzegovina*“, which contains a comprehensive analysis of legislation on access to public information in Bosnia and Herzegovina at the level of Bosnia and Herzegovina, in the Federation of Bosnia and Herzegovina, Herzegovina, the Republika Srpska and the Brčko District of BiH. The analysis focuses on the compliance of relevant laws with international standards and best international practices in this area, after which

²⁰ Public administration reform is defined as one of the three pillars of success on the road to EU membership in addition to the rule of law and economic governance, which makes it one of the key conditions for membership in the European Union for the period 2014-2016. In 2014, OECD/SIGMA developed the Principles of Public Administration which form the basis for the work of the European Commission in the field of public administration reform. The principles define what good governance entails in practice and set out the main requirements that countries should follow during the EU accession process. Although general good governance criteria are universal, these Principles are designed for countries that seek EU accession and receive EU assistance through the Instrument for Pre-accession Assistance (IPA). The acquis requirements, as well as other EU guidelines and instructions, are the core of the Principles in the areas where acquis is in place. In other areas, the Principles are derived from international standards and requirements, as well as good practices in EU Member States and/or Organization for Economic Cooperation and Development (OECD) countries. As a minimum benchmark of good administration, countries should ensure compliance with these fundamental Principles. The purpose of the principle is, therefore, to assist EU accession countries in identifying challenges and weaknesses in the functioning of public administration and planning the necessary changes. Also based on the Principles, the European Commission will measure progress in countries. The principles of public administration are common to BiH and six countries: Serbia, Macedonia, Albania, Kosovo, Montenegro and Turkey. Although the principles are not binding, they are designed as guidelines for good governance and meeting EU integration requirements. The principles relate to: the strategic framework for public administration reform, policy making and coordination, civil service and human resources management, accountability, service delivery and financial management in the public sector. The document contains 19 key requirements from which a total of 48 principles emerge. Information available at <http://rju.parco.gov.ba/sigma-principi/>

²¹ Information available at: <http://www.sigmaweb.org/about/>

recommendations on possible amendments that increase transparency of public authorities are defined and harmonized standards for access to information across the country. The recommendations identified relate to the lack of provisions governing the proactive publishing of information, the weak institutional framework for monitoring the application of legislation on access to public information, and the shortcomings in the process of accessing information on request.

Ombudspersons provided their comments to SIGMA model draft Law on Free Access to Information in BiH dated 2 September 2019²², and suggested amendments to wording of some provisions in this Draft. Ombudspersons keep following this process in the framework of the mandate of the Institution to carry out activities on the adoption of legislation responsive to the needs of the contemporary society.

4.1.3. Complaints lodged to the Ombudsman

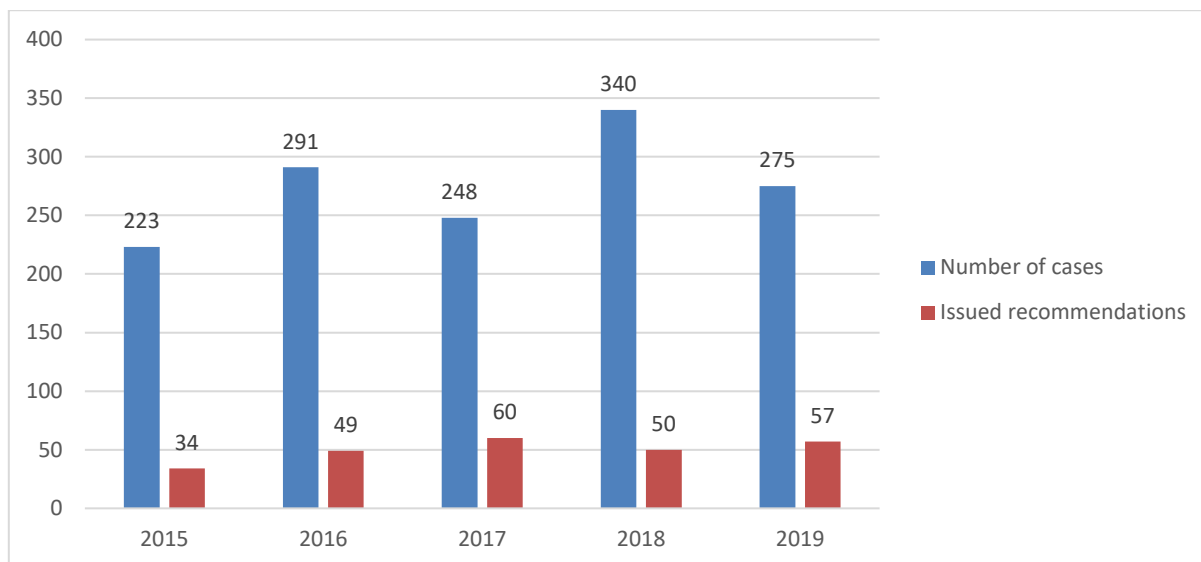
In 2019 most frequent reasons compelling citizens to address the Ombudsman are lack of decision-making on requests for information within the statutory time limit, non-availability of legal remedy, and the refusal of access to information that citizens feel should be available because they are in the public interest.

In 2019 the Ombudsman received 275 complaints and issued 57 recommendations. Issued recommendations relate to the silence of administration, or failure to act on requests for access to information and on appeals against first instance decisions, failure to provide information on available remedies in their decisions, claiming exceptions in situations when requested information does not constitute an exception, failure to carry out a public interest test or inadequate public interest test, failure to appoint information officers and the like.

Analysis of the data from the electronic database of the Ombudsman reveals that since 2015 there has been an increase in the number of complaints regarding violation of the right of access to information. 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.

Below is the comparative overview of the registered complaints and number of issued recommendations in this area in the period 2015-2019.

²² Document issued by the Ombudsman no. OI-K-SA-140/19 dated 20 September 2019



The Institution is satisfied with the cooperation it has achieved in 2019 with the most of public authorities. In a few cases, cooperation has not been established, and a detailed account of public authorities with which cooperation has not been established is given in the Annex to this report.

In the reporting period good practice of some public authorities to address the Ombudsman in the case of the ambiguities related to the manner of implementation of this Law in some specific case was continued. In such situations Ombudspersons provided their opinion about different issues. These opinions involved information and data about the public competition procedures in the area of employment²³, checking the veracity of public servants' diplomas²⁴, information on the public bodies employees²⁵, publishing of the Register of employees in the public sector of Sarajevo Canton²⁶, and handing over the health documents and health registers of the patients to the police.²⁷

In 2019, in co-operation with the OSCE Mission to Bosnia and Herzegovina, trainings were held in the area of access to information, attended by public officials from the Brčko District of BiH and Canton 10, as well as a workshop on "The Work Mechanism of the BiH Ombudsman Institution", at which freedom of access to information was discussed.

Among important activities of the Ombudsman in 2019 was engagement in checking the veracity of public servants' diplomas.

Example: The Ombudsman received a letter from the Secretariat of the Parliamentary Assembly of Bosnia and Herzegovina requesting an opinion regarding the implementation of the diploma verification activities in respect of civil servants. In relation to these issues, the Personal Data Protection Agency in Bosnia and Herzegovina has issued an Opinion, stating, *inter alia*, „we believe that suspecting all public documents in this way is detrimental to the public interest as

²³ Ž-SA-05-1397/19

²⁴ Ž-SA-05-580/19

²⁵ Ž-SA-05-1148/19

²⁶ Ž-SA-05-449/19

²⁷ Ž-SA-05-1143/19

*such treatment undermines and diminishes legal certainty*²⁸. The Agency also took the position that in this way the human dignity of employees would be violated if everybody and everything were questioned, and it would be advisable to seek the opinion of other institutions competent for human rights protection. This was the reason for addressing the Ombudsman. The opinion issued by Ombudspersons²⁹ emphasized that the right to personal data protection is one of the fundamental rights of every person, and that the purpose of personal data protection is the privacy protection. Also, the provisions of the Law on Personal Data Protection in Bosnia and Herzegovina were invoked³⁰ as it was pointed out that in the evaluation and assessment of the case at hand, it is necessary to take care of the purpose for which the data are processed. On the other hand, it should not be forgotten that, in the present case, the data subjects are employees of public bodies funded from the public budget who, upon entering the public service, agreed to work for the public good and in the public interest. Ombudspersons took the opinion that in such and similar cases the public interest always outweighs the protection of privacy, especially if a particular case is linked to circumstances such as failure to comply with a legal obligation, the existence of any wrongdoing, a judicial error, abuse of power or negligence in the exercise of official duty, illegal use of public funds, or the danger to the health or safety of the individual, the public or the environment.

Ombudspersons had identical opinion in respect of the publishing of the Register of employees in public sector on the territory of Sarajevo Canton³¹.

Example: The Independent Trade Union of Primary Education of the Federation of Bosnia and Herzegovina addressed the Ombudsman asking for an opinion on the publication of the Register of Public Sector Employees in the Sarajevo Canton. In the Ombudsman's reply³² it was emphasized that publishing of this type of information contributes to a more proactive role of the public authorities. Such proactive publication of information reflects the obligation of the public authorities to publish certain categories of information on their own websites on their own initiative. In this approach, the primary objective is to reveal information of public importance more efficiently, quickly and transparently, without the need to request access to information and additional spending of time and human resources required to issue decisions and process such requests. This concept is of particular importance when it comes to spending the funds from public budgets by the public authorities.

Complaints processed by the Ombudsman show that public authorities still fail to reply to requests for access to information within legal time limits.³³

Example: In 2019 the Ombudsman received a complaint³⁴ in which the complainant claimed that the Employment Service of Tuzla Canton failed to reach decision on his appeal from their first-instance decision denying him access to information. The Ombudsman issued recommendation

²⁸ Opinion of the Personal Data Protection Agency in Bosnia and Herzegovina dated 01 February 2019, available at www.azlp.ba

²⁹ A document of the Ombudsman no. OI-K-SA-33 /19 dated 15 February 2019

³⁰ Official Gazette of BiH, no. 49/2006, 76/2011 and 89/2011 – corr.

³¹ Ž-SA-05-449/19

³² Ž-SA-05-449/19

³³ Ž-SA-05-560/19, Ž-SA-05-746/19, Ž-BL-05-745/18 and Ž-BR-05-259/18

³⁴ Ž-BR-05-259/18, P-94/19

after which the Service made its decision on the mentioned appeal in compliance with the Ombudsman's recommendation.

In 2019 citizens complaining to the Ombudsman often indicated that requests for access to information be formally granted, but in fact the requested information is not revealed or is incomplete.

Example: The Ombudsman processed a complaint³⁵ in which dissatisfaction with the actions of the Government of Republika Srpska in the complainant's request for information was expressed. Namely, the complainant was formally granted the access, but genuinely she could neither use that information nor she had any legal remedy available. In this case the Ombudsman issued its recommendation³⁶. After this recommendation the complainant was granted access to information in compliance with the Ombudsman's recommendation.

Ombudspersons emphasize that the cooperation of the competent authorities with the Institution is necessary to improve the level of human rights implementation at all stages of the procedure, especially the stage of implementation of the Ombudsman's recommendations. Implementation of issued recommendations is crucial at all levels of government in all cases when the infringement of human rights is established.

Example: In 2019 the Ombudsman processed a complaint³⁷ lodged by a complainants dissatisfied with reaction of the Secretariat of the Parliamentary Assembly of Bosnia and Herzegovina Joint Service to their request for information about the amount of the entertainment costs of an MP in the Parliamentary Assembly of Bosnia and Herzegovina. The complainants were formally granted the access, but their dissatisfaction related to the fact that they had to wait 28 days for the reply from the Secretariat, and that the access to information was granted formally without the actual information as requested. Ombudspersons issued their recommendation to the Secretariat asking them to cancel their previous decision and issue a new one. This recommendation was fully implemented.

4.1.4. Special report on experiences in implementation of the Law on Free Access to Information in Bosnia and Herzegovina

Ombudspersons of Bosnia and Herzegovina, acting within the powers laid down in the Law on Human Rights Ombudsman of Bosnia and Herzegovina and applicable legislation on free access to information, in resolving complaints relating to the violations of the right to free access to information and conducting their *ex officio* investigations, have noted some shortcomings in positive legislation governing this issue, but also the difficulties and inconsistencies in its implementation, both on the part of public authorities and natural and legal persons requesting information.

³⁵ Ž-SA-05-560/19 and Ž-SA-05-746/19

³⁶ P-256/19

³⁷ Ž-SA-05-651/19, P-185/19

As a result, Ombudspersons decided to draft a special report on experiences in implementation of legislation governing the free access to information in Bosnia and Herzegovina in order to find facts related to this issue.

During the preparation of this Special Report, Ombudspersons of Bosnia and Herzegovina have reviewed the international human rights instruments guaranteeing the right to free access to information, positive legislation of Bosnia and Herzegovina, procedures implemented by the Ombudsman in this regard, and conducted a comprehensive survey of the conduct of public authorities at the level of Bosnia and Herzegovina and Herzegovina, entities, cantons, municipalities, and towns.

Recommendations were issued to the competent public authorities to ensure the following: unconditional implementation of international standards regarding the right of access to information and provisions of positive legislation on freedom of access to information; proactive publication of information of public importance and maximal transparency in work; professional training and continuous training of information officers; development of information access guides and index of information registers; appointment of information officers, in terms of the provisions of the Law on Free Access to Information in Bosnia and Herzegovina; regular submission of statistical data within the meaning of the provisions of the Law on Free Access to Information in Bosnia and Herzegovina.

Implementation of these recommendation should result in unconditional adherence to the international standards in the area of free access to information, and the establishment of an effective legislative and institutional system for the exercise and protection of the right to free access to information.

4.2. Property relations

The right to property is guaranteed by Article 1 of Protocol 1 to the European Convention on Human Rights.³⁸ In Bosnia and Herzegovina this right is guaranteed by the Constitution of Bosnia and Herzegovina³⁹, the Constitution of Republika Srpska⁴⁰, the Constitution of the Federation of Bosnia and Herzegovina⁴¹ and the Statute of Brčko District of Bosnia and Herzegovina⁴².

In a case *Sporrong and Lönnroth v. Sweden*⁴³ the European Court of Human Rights held that Article 1 comprises three distinct rules: the first rule is general and enunciates the principle of the peaceful enjoyment of property; the second rule covers deprivation of possessions and subjects it to certain conditions; the third rule, recognizes that the Contracting States are entitled, amongst other things, to control the use of property in accordance with the general interest. The second and third are concerned with particular instances of interference with the right to peaceful enjoyment

³⁸ „Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”

³⁹ Article II 3. k)

⁴⁰ Article 54

⁴¹ Chapter II Article 2 paragraph 1. k)

⁴² Article 13 paragraph 5

⁴³ *Sporrong and Lönnroth v. Sweden* (23 September 1982) Series A No. 52

of property and should therefore be construed in the light of the general principle enunciated in the first rule.⁴⁴

An interference of the state must achieve a "fair balance" between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The concern to achieve this balance is reflected in the structure of Article 1 (P1-1) as a whole, including the second paragraph: there must therefore be a reasonable relationship of proportionality between the means employed and the aim pursued.⁴⁵

Ombudspersons remind that an interference with the right to peaceful enjoyment of property is only allowed if it is prescribed by law, in the public interest and necessary in a democratic society.

In 2019 the Department registered 168 cases and issued six recommendations. The cases relate to impossibility to enter the change of ownership in the public registries, lack of meeting the requirements for real estate renovation, annotation of the administrative proceedings initiation in case of property disputes.

Example:⁴⁶ The complainant complained of the Company ZP "Elektro Dobož" a.d. Dobož –Dobož Branch Office claiming that he addressed them with a request to remove an electric pole from his property, but they failed to make a decision in this regard by the moment of his lodging a complaint to the Ombudsman. On request of the Ombudsman the responsible party replied⁴⁷ claiming that the electric pole was relocated in presence of the complainant. In this way the complaint was resolved to the favor of the complainant.

Example:⁴⁸ The complainant expressed his dissatisfaction with the Republic Land Survey and Property Administration - Branch Unit Šipovo for the failure to make a decision in the repeated administrative proceedings. The Ombudsman issued its recommendation to the responsible party⁴⁹, which informed the Ombudsman⁵⁰ that the required decision was made and the recommendation of Ombudspersons implemented.

Example:⁵¹ The Ombudsman received a complaint against the Urbanism and Construction Department of the Town of Mostar in relation to their failure to repeat administrative proceedings as instructed by the Cantonal Court in Mostar in its relevant judgment. After the Ombudsman's intervention the responsible party informed that the subject proceedings were continued, and the expert team sent to the field and made a record on the status of the construction as corroborated by the complainant. In this way the case was successfully resolved.

⁴⁴ S.A. Dangeville v. France (16 August 2002)

⁴⁵ Gasus Dosier und Fördertechnik GmbH v. the Netherlands (23 February 1995.) Series A no. 306-B; paragraph 62

⁴⁶ Ž-BL-05-673/19

⁴⁷ A document of the Ombudsman no.: 3187-19-1 dated 18 October 2019

⁴⁸ Ž-BL-05-130/19

⁴⁹ P-249/19, dated 22 October 2019

⁵⁰ A document no.: 21.54/952-334/04 dated 02 December 2019

⁵¹ Ž-MO-05-36/19

Example:⁵² The complainants, a mother and her two daughters applied to the Social and Housing Affairs, Health Care, Displaced Persons and Refugees Department of the Mostar Town to allocate them a social housing unit in Mostar and they will dully pay the associated costs. The reason for their request is their status of victims of domestic violence committed by her husband and the father of her daughters. After the Ombudsman's intervention the complainants were invited to the mentioned Department and handed over the keys of an single bedroom apartment. The case was resolved successfully.

4.3. Police

Work of the police is very important in every society. The police is the authority that should be the guarantor of public safety. The police have many tasks in this regard: protecting people and property, ensuring compliance with applicable laws and regulations, protecting and respecting citizens' fundamental rights and freedoms, preventing and combating crime, maintaining law and order, and providing assistance and services to citizens.

Actions of police officers are determined and based primarily on the provisions of the Law on Border Police of Bosnia and Herzegovina⁵³, the Law on Police Officers of Bosnia and Herzegovina⁵⁴, the Law on Police and Internal Affairs of Republika Srpska⁵⁵, the Law on Internal Affairs of the Federation of Bosnia and Herzegovina⁵⁶, the Law on Police of Brčko District of Bosnia and Herzegovina⁵⁷, and cantonal legislation on internal affairs.

In 2019 out of all received complaints 154 were related to the police, and the Ombudsman issued five recommendations. Complaints against the police can be classified as follows: actions of the police toward the citizens⁵⁸, police officers status issued and labor relations including the ranks and professional advancement and promotion⁵⁹.

Complaints in the field of the police actions of the police toward the citizens are linked to the excessive use of force, that is, exceeding the powers by the police officers in carrying out the official duties. In such situations the citizens can use the internal control mechanism⁶⁰ and initiate internal investigation proceedings.

⁵² Ž-MO-05-55/19

⁵³ Official Gazette of Bosnia and Herzegovina no. 50/2004, 27/2007 and 59/2009

⁵⁴ Official Gazette of Bosnia and Herzegovina no. 7/2004, 63/2004, 5/2006, 58/2006, 15/2008, 63/2008, 35/2009 and 07/2012

⁵⁵ Official Gazette of Republika Srpska no. 57/2016 i 11/2006

⁵⁶ Official Gazette of the Federation of Bosnia and Herzegovina no. 49/2005 and 81/2014

⁵⁷ Official Gazette of Brčko District of Bosnia and Herzegovina no. 31/2009, 60/2010 and 31/2011

⁵⁸ Ž-BR-05-39/18

⁵⁹ Ž-SA-06-429/18, Recommendation P- 201/18 dated 27 August 2018

⁶⁰ Organizational units/offices/services of the ministries of interior monitor and control the lawfulness of police work related to abuse of office, exceeding of official authority and possible involvement of police officers in criminal activities, conduct investigations and internal procedures to prevent and detect perpetrators of illegal actions, propose measures and actions as a result of internal procedures for examining the accuracy of allegations from citizens' complaints and complaints regarding the conduct of police officers, ensure that police officers act in accordance with relevant regulations, in the interests of lawful and professional conduct, strengthening trust and police cooperation and community.

In their complaints, however, the citizens express lack of trust in internal control mechanism since in majority of cases the claims against police officers be assessed as not having grounds⁶¹, or the citizens be informed about the results of the internal investigation in a document not granting any legal remedy⁶². In such cases the Ombudsman informs the complainants that its powers do not include the review of the decisions made in the internal control process by the police authority, but that the Institution repeatedly stated in its annual reports that citizens were dissatisfied with the proceedings of the police internal control system.⁶³

Example:⁶⁴ The Ombudsman received a complaint against the Police of Brčko District of Bosnia and Herzegovina in respect of the complainant's report dated 27 October 2015. In this report the complainant indicated that her son is a person with special needs and that he was hurt on the mentioned date, which she reported to the Police of Brčko District of Bosnia and Herzegovina, but their adequate and professional action in this case was missing. In this case the Ombudsman issues its recommendation⁶⁵ to Police of Brčko District, and the Prosecutor's Office of Police of Brčko District of Bosnia and Herzegovina⁶⁶ as a body before which the investigation of the mentioned case is pending. The most recent letter of the Police⁶⁷ reveals that investigation in this case has not finished yet.

Example:⁶⁸ Based on a newspaper article published on 25 April 2019 at the portal *izdvojeno.ba* titled *Border police held migrants in cages donated by EU* claiming that it happened on the premises of the Border Police Detention Unit – at the international border crossing „Klobuk“ on 22 April 2019 the Ombudsman opened an ex officio investigation. In the course of this investigation Ombudspersons asked the Border Police to plea as to these allegations and furnish the Ombudsman with information and data on the premises where foreign citizens are detained, and the circumstances of this particular case. The Border Police plead as requested⁶⁹ informing Ombudspersons on the existence of detention premises at the concrete border crossing, but these premises were built in accordance with the European standards. Representatives of the Ombudsman visited the international border crossing „Klobuk“– Trebinje and the Border Police Unit located there and did not find any human rights violation.

Example:⁷⁰ In a complaint registered with the Ombudsman a citizen complained of two police officers of the Internal Control Department within the Ministry of Interior of Canton 10. Asked to plea as to these allegations, the Department replied⁷¹ that they conducted the appropriate proceedings and found that the complainant was not subject to torture, blackmailing and disdain as claimed in his complaint.

⁶¹ Ž-SA-05-51/19

⁶² A document no.: 08-05/1-1/-05.3-15/19, dated 18 February 2019

⁶³ *2018 Annual Report on the results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina*, p. 34. https://www.ombudsmen.gov.ba/documents/obudsmen_doc2019030109434379bos.pdf,

⁶⁴ Ž-BR-05-39/18

⁶⁵ P-6/19, dated 03 December 2018

⁶⁶ Ž-BR-05-40/18

⁶⁷ A reply no.: 14.02.2-04.2-73588/19, dated 18 October 2019

⁶⁸ Ž-SA-05-474/19

⁶⁹ A document no.: 17-07-04-3-4198-3/19 dated 06 May 2019

⁷⁰ Ž-BL-05-456/19

⁷¹ A document no.: 02-03/1-04-11550/19 dated 11 July 2019

4.4. Inspections

Inspection surveillance is crucial in the implementation of the whole set of regulations forming the basis for the protection of the rights of natural and legal persons. Through inspection surveillance, the authorities monitor the implementation of the regulations, eliminate possible violations and sanction those responsible. Without inspection, there is no certainty of compliance which would render any discussion good administration impossible, as well as the rule of law and the protection of the rights of the individual. Therefore, it is extremely important that the inspection services act in an efficient, timely manner and in accordance with positive legal regulations.

Inspection is an effective mechanism that enables the administration to ensure compliance with legal provisions, as well as the implementation of administrative acts adopted to protect and support the public or private interests.

Having in mind the number of complaints related to the inspections in 2018⁷², in 2019 Ombudspersons initiated preparation of their special report titled "Special Report on the Role of Inspections in the Human Rights Protection in Bosnia and Herzegovina," which will encompass of the inspection bodies at the levels of Bosnia and Herzegovina, Republika Srpska and the Federation of Bosnia and Herzegovina, as well as Brčko District of Bosnia and Herzegovina, and ten cantons, towns and municipalities.

In 2019 the Ombudsman received 80 complaints and issued three recommendations related to inspections. Citizens complained about failure to act upon reports, non-enforcement of the made decisions or claims of not having the power.

Ombudspersons warn that the untimely and ineffective work of inspection bodies can produce lasting consequences not only in terms of violation of the right to legal protection but also violation of property rights of citizens. An example of that is failure to act on reports of illegal construction of residential and commercial buildings. When no action is taken in due course, it happens that construction works be finished and the process of legalization initiated. Such procedure may last for several years due to the weakness of the administrative apparatus, but regardless of the outcome, the principle of legality and efficiency in the work of the administrative body was put in question.

Example:⁷³ The Ombudsman received a complaint in which the respondent party is the Inspections Administration of the Canton 10. The complainant alleges that he filed a request for inspection surveillance to be carried out in the Public Company „LI ČISTOĆA“ d.o.o. Livno, so he wishes the Ombudsman to follow up the proceedings on this request for the protection of the rights to decision making in a reasonable time frame. On the Ombudsman's inquiry the Inspection replied that the misdemeanor proceedings and misdemeanor order was issued against the employer and the responsible person in the mentioned Company and the complainant was informed about it. In this way the case was resolved positively.

⁷² In 2018 the Ombudsman processed 60 complaints–cases in which the inspections were alleged to be responsible for human rights violations

⁷³ Ž-LI-05-46/19

Example:⁷⁴ A complaint was lodged against the Inspections Administration - Urbanistic and Construction Inspection in Velika Kladuša Municipality. The complainant claimed that the said inspection made a decision asking the subject to surveillance to take certain measures under the Una-Sana Canton Law on Zoning and Construction⁷⁵. The complainant appealed from the mentioned decision, but no decision was made on his appeal till the moment of his addressing the Ombudsman. The Ombudsman contacted the responsible party twice, but no reply was received so that it issued a recommendation in this case.⁷⁶ Finally the Velika Kladuša Municipality informed the Ombudsman that the requested decision was made so that this case was successfully resolved.

Example:⁷⁷ A complaint was lodged against the Inspections Department of the Prijedor Town Administration - Urbanistic and Construction Inspection for non-enforcement of a decision. The mentioned decision requires an investor to remove all executed works on the earthen embankment construction, on his own cost within 60 days. Ombudspersons issued their recommendation in this matter⁷⁸. The Inspection answered informing the Ombudsman that the investor abandoned the idea of embankment construction claiming that it will re-cultivate soil to be used for agriculture. However, since the abandoned embankment does not constitute construction object anymore, this Inspection declared itself as not having the authority to follow this issue anymore. Since Article 23 of the Law on General Administration Procedure sets out the obligation of an authority to take care during the whole course of the administrative proceedings of its local and factual jurisdiction, an urbanistic and construction inspector is unable to implement this recommendation.

4.5. Governmental and ministerial appointments

The Ombudsman has mandate to investigate the appointments made under 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 and the Law on Ministerial, Government and other Appointments of the Republika Srpska.

In 2019 Ombudspersons received 56 complaints related to the government, ministerial and other appointments. In 27 cases the Ombudsman issued a recommendation to the responsible public official to cancel the appointment. Two of these appointments were implemented, in five case a form of cooperation was established, while six was not implemented. In 12 issued recommendations no reply was received from the respondent party.

Allegations of these complaints indicate to a violation of the fundamental principles in the process of appointment and dismissal of management and supervisory boards public companies and institutions, non-implementation of objective criteria and lack of transparency in decision-making.

Example:⁷⁹ The Ombudsman received a complaint in which the complainant claims that formal legal procedure was not followed in the procedure of final appointment as a member of the

⁷⁴ Ž-BL-05-469/19

⁷⁵ Official Gazette of Una-Sana Canton, no. 12/2013

⁷⁶ P-197/19

⁷⁷ Ž-BL-05-615/17

⁷⁸ Dated 27 August 2018

⁷⁹ Ž-BL-05-1000/18

Management Board of the Public Institution Social Welfare Center Tuzla. The Ombudsman issued its recommendation in this case⁸⁰, which was accepted by the Tuzla Town Council so that this case was resolved successfully.

Example:⁸¹ The Ombudsman processed a complaint related to the appointment to the Supervisory Board of the Institution for Placement of Persons with Mental Disabilities – Drin and the Management Board of the Institute for Placement of Persons with Mental Disabilities– Bakovići. The complainant claims that the responsible party is the Federal Ministry of Labor and Social Policy. After the completed investigation the Ombudsman issued its recommendation to the Federal Ministry of Labor and Social Policy⁸². The mentioned Ministry replied claiming that the responsible public official is not obligated to assess and question the veracity of the claims provided by the candidates. Since this meant the lack of implementation of the Ombudsman's recommendation, the Ombudsman informed the superior instance about it.

Example:⁸³ The Ombudsman registered a complaint related to the appointment of a member of the School Board of the Secondary School „Kupres“ where the Government of the Canton 10 was considered as a responsible party. The complaint indicates to the violation of the provisions of the Law on Ministerial and Government Appointments of the Federation of Bosnia and Herzegovina as the Government of the Canton 10 in Livno failed to reach a decision on appeal from the final appointment in this case. After the conducted proceedings Ombudspersons issued their recommendation⁸⁴. After some time, the complainant submitted in writing that he had never received any decision on his appeal, neither from the Ministry nor from the Government, not even after the issuance of the Ombudsman's recommendation. Ombudspersons informed the Assembly of the Canton 10 on this lack of implementation of their recommendation by the Government of the Canton 10.

Example:⁸⁵ A complaint lodged with the Ombudsman related to the procedure of the election and appointment of a director of Heating Plant "Toplana" ad Prijedor. The responsible official informed the complainant⁸⁶ that he was not appointed to the position of a director of the Heating Plant "Toplane" ad Prijedor after the conducted public competition⁸⁷. Having received this information and in accordance to the available legal remedy the complainant appealed from this decision to the Supervisory Board of the Heating Plant "Toplana" ad Prijedor. After the relevant proceedings the Supervisory Board made its decision⁸⁸ to refuse the complainant's appeal. The reasoning provided shows that the decision-makers described the election procedure in detail including all the terms and circumstances. Based on all available information Ombudspersons held that in the procedure of the election and appointment no violation of the principals set out in Article 3 of the Law on Ministerial, Government and other Appointments of the Republika Srpska could be established.

⁸⁰ P-139/19 dated 26 April 2019

⁸¹ Ž-SA-05-1018/18; Ž-SA-05-1020/18; Ž-SA-05-1144/18

⁸² P-136/19 dated 01 April 2019 and P-137/19 dated 06 June 2019

⁸³ Ž-LI-05-25/19

⁸⁴ P-112/19 dated 30 April 2019

⁸⁵ Ž-BL-05-338/19

⁸⁶ A document no.: 020-876/19 dated 02 April.2019

⁸⁷ Public competition no. : 02-199/19, dated 24 January 2019

⁸⁸ Decision no.: 020-1051-3-19, dated 25 April 2019

4.6. Migrations and asylum

In the course of 2019 the Ombudsman registered a total of 52 cases and issued 10 recommendation related to the asylum and migrations. Out of this six cases were registered in the Central Office in Banja Luka, 45 in Regional Office in Sarajevo and one in the Regional Office in Brčko.

Under the Agreement with the Ministry of Security of Bosnia and Herzegovina, on behalf of the asylum seekers, complaints are filed by the NGO „Vaša prava Bosne i Hercegovine“/„Your Rights of Bosnia and Herzegovina“. The complaints filed relate to the legal status of migrants, i.e. the access to the asylum procedure, appointment of guardians to the minor asylum seekers and restriction of freedom of movement⁸⁹.

Ombudspersons pay particular attention to complaints lodged by or behalf of minor migrants, as well as to complaints regarding the treatment of these persons. Namely, the question of appointing a guardian to an unaccompanied minor is governed by the Law on Asylum⁹⁰, which stipulates that an unaccompanied minor who has expressed his/her intention to apply for asylum should get a guardian under the same conditions as nationals of Bosnia and Herzegovina, and that the request for the appointment of a guardian be submitted to the competent social welfare center by the Ministry of Security of Bosnia and Herzegovina. In this regard, the Ombudsman stressed the importance of the role of social welfare centers in the treatment of minors. When it comes to the minor asylum seekers, 14 cases have been registered.

In 2018 Ombudspersons sent their submission to the Committee of the Rights of Migrant Workers⁹¹. In their submission Ombudspersons informed the Committee members that in the framework of its mandate, the Ombudsman monitors and fulfills the obligations under the International Convention on the Protection of the Rights of All Migrant Workers and their Family Members through visits and monitoring of immigration and asylum centers and other places where migrants are located and by processing the individual complaints lodged in addition to the cooperation with civil society engaged in migration issues. The submission includes the review of the situation in the area of migrations in Bosnia and Herzegovina and indication to the lack of harmonization of the Law on Aliens⁹² with the provisions of the Convention on the Protection of Migrant Workers, in the part related to the definition of the notion of migrant workers, access to legal and court protection, the system of free legal aid that these persons receive in Bosnia and Herzegovina, reference to the legislation concerning the employment of foreigners, and the segment of social and health care. In the mentioned submission, Ombudspersons also indicated to the measures to be taken to improve the situation in this area.

On 30 September 2019 Ombudspersons met UN Special Rapporteur on Human Rights for Migrants Felipe Gonzalez Morales. During this meeting issues related to the stay of migrants in BiH were discussed. On that occasion, the Special Rapporteur was briefed on the Ombudsman's activities in this area, which included visits to all foreign citizens' locations, discussions with them

⁸⁹ P-299/19 dated 12 December 2019

⁹⁰ Official Gazette of Bosnia and Herzegovina, no. 88/2015

⁹¹ A document no.: Oi-K-SA-182/18 dated 08 August 2018

⁹² Official Gazette of Bosnia and Herzegovina, no. 88/2015

and the employees of the institutions and premises where they were held, meetings with the responsible persons, heads of the institutions in charge of procedures in the field of migration and asylum under the provisions of the Law on Aliens and the Law on Asylum, as well as representatives of international organizations, local and international NGOs. The UN Special Rapporteur on Human Rights for Migrants welcomed the efforts made by the Ombudsman to provide a humane solution to these problems, including the Special Report on the State of Migration in Bosnia and Herzegovina.

In the framework of its mandate, aimed at monitoring the situation in the area of migrations in Bosnia and Herzegovina Ombudspersons paid a visit to the temporary reception center for migrants „Ušivak“⁹³. In this occasion they noted some positive developments regarding the legal status of migrants. It was stated that on the day of the visit of the representatives of the Institution, all migrants had a certificate of expressed intention to seek asylum. The NGO Your Rights provides BiH migrants with free legal aid while psychosocial protection is provided through the BiH Women's Initiative. The conditions of stay with an emphasis on children's accommodation, the provision of translators and cooperation with health care facilities were examined. UNICEF and its partner organization SOS regularly conducts various educational and psychosocial activities for children. Children of irregular migrants attend Primary School „9. May "in Hadžići.⁹⁴ At the time of the Ombudsman's visit, the School was attended by 12 migrant children⁹⁵. A very important role in the treatment of children has the Hadžići Social Welfare Center, which tackles the issue of migration and the appointment of guardians to minor children. This Social Welfare Center assumes the role of the competent center and appoints guardians for minors who are accommodated in the Reception Center "Ušivak" by decision of the Cantonal Social Welfare Center.

Example:⁹⁶ Ombudspersons received a complaint lodged by the NGO „Vaša prava BiH“/„Your Rights BiH“ on behalf of the minor foreign nationals Y.I, D.B, T.M, H. A, originating from Pakistan, M. A. from Pakistan and R. K. from Iran. The mentioned persons have expressed their intention to seek asylum with the Foreigners' Affairs Service of Bosnia and Herzegovina. The Social Protection Service of the Hadžići Municipal Administration appointed a guardian to the mentioned minors - an employee of the NGO Foundation BH Women's Initiative. Since the minor asylum seekers are accommodated in the Temporary reception Center Ušivak which falls under the mandate of the Service for Foreigners' Affairs and since they possess IOM cards comprising their ID data to corroborate their residence on the declared address, the complainant asks the relevant bodies to accept the request for asylum and registration of minor asylum seekers in order for them to become entitled to their guaranteed rights based on this card. After the conducted investigation and based on collected documentation, Ombudspersons issued their recommendation⁹⁷ to the Foreigners' Affairs Service and the Ministry of Security of Bosnia and

⁹³ This visit took place on 10 May 2019 by Ombudsperson Jasminka Džumhur and her associates. The discussion was held with the Head of the Readmission Department and the representatives of the International Organization for Migrations.

⁹⁴ This visit took place on 10 May 2019 by Ombudsperson Jasminka Džumhur and her associates. In this occasion she had a meeting with the Director and the Expert Associate - Psychologist.

⁹⁵ Children do not stay long, they mostly leave voluntarily.

⁹⁶ Ž-SA-05-158/19; Ž-SA-05-159/19, Ž-SA-05-160/19, Ž-SA-05-161/19, Ž-SA-05-162/19, Ž-SA-05-163/19

⁹⁷ P-160/19 dated 08 July 2019

Herzegovina/Asylum Sector. The Ombudsman's recommendation was accepted and implemented.

Example:⁹⁸ Ombudspersons received a complaint lodged by the NGO „Vaša prava BiH“/„Your Rights BiH“ on behalf of the minor A.A., a national of Morocco, L. F., a national of Algeria, and A.L., a national of Algeria. In the complaint they emphasize that these minors expressed their intention to seek asylum to the Service for Foreigners' Affairs - Field Center Tuzla. Also, they claim that the minors wanted to register their permanent residence with the Service for Foreigners' Affairs - Field Center Tuzla, together with the owner of the apartment in which they are accommodated, pursuant to Article 38 paragraph (2) of the Law on Asylum. However, officers of the Field Center Tuzla refused to register their residence justifying their action by the fact that the minors had no identification documents and referred them to the Ministry of Security - Asylum Sector, to lodge their request there. Following that the employees of the NGO „Vaša prava BiH“ contacted the FC Tuzla which issued to the minors new certificates on the expressed intent to seek asylum and their residence registered for the time period corresponding the one determined at the mentioned certificate. Having in mind the fact that all mentioned documents are temporary and are in force for a certain time period, the Ombudsman asked the Ministry of Security - Asylum Sector to provide their interpretation. The reply they provided reveals that the request for asylum was duly received, and the registration of the residence completed, thus finishing the procedure to the favor of the complainant.

4.7. Public documents

In 2019, a total of 42 cases were registered in this area and eight recommendations were issued, regarding the correction of the contents of certain public documents after the conducted procedure or during the proceedings. Ombudspersons point out that the public documents constitute so-called material means of evidence, which are presumed to be authentic. Various pieces of legislation governing this area prescribe the manner in which the correction of data in acts could be done, depending on the type of proceedings, i.e. the authority before which these proceedings are conducted.

Example:⁹⁹ The complainant addressed the Ombudsman asking the assistance in correction of an error in a decision on inheritance in the probate proceedings conducted after the death of the complainant's late mother before a notary public acting as a commissioner of the Municipal Court in Cazin. After the conducted investigation, Ombudspersons issued their recommendation¹⁰⁰ following which the Municipal Court in Cazin informed the Ombudsman¹⁰¹ that the notary corrected the error in the mentioned decision on inheritance thus implementing the Ombudsman's recommendation. In this way the case was successfully solved.

Example:¹⁰² The Ombudsman received a complaint of the work of the Pension and Disability Insurance Fund of Republika Srpska in respect of the violation of the rights arising from the

⁹⁸ Ž-SA-05-771/19

⁹⁹ Ž-BL-05-950/18

¹⁰⁰ P-92/19 dated 28 March 2019

¹⁰¹ A document no.: 020-0-SU-19-0001 55, dated 22 May 2019

¹⁰² Ž-BL-05-295/19

pension insurance. The complainant claims that she asked her ex-employer to correct the erroneous date of her employment termination since she applied for early retirement before the Federal Pension and Disability Insurance Fund - PIO/MIO Mostar – Cantonal Administrative Service Tuzla. In its reply the Pension Insurance Fund claims that PIO/MIO Mostar – Cantonal Administrative Service Tuzla issued a new work experience certificate and forwarded it to the complainant thus rendering the previous erroneous date void. In this way the case was successfully solved.

Example:¹⁰³ The complainant designated the Service for Foreigners' Affairs, Livno Field Center, as the responsible party in this case. She alleges that she has applied to the responsible party for a residence permit. She points out that she is a Romanian citizen, employed in Austria and married to a citizen of Bosnia and Herzegovina, that she intends to regulate her residence in Livno, so that she can exercise other rights, such as the right to health insurance and more. The complaint points out that the employees of the Field Center in Livno make it unreasonably difficult for her to exercise her rights, since they are asking for her medical certificate as well as a non-conviction certificate, even though she submitted the mentioned documents after obtaining them in Austria. The Field Center in Livno informed the Ombudsman after it conducted its procedure that the complainant had been issued a residence registration certificate, which was valid once for up to 90 days or repeatedly for up to six months, but that the total number of days spent in Bosnia and Herzegovina should not exceed 90. The proceedings were successfully finished.

4.8. Media and freedom of information

Freedom of information is recognized by the Constitution of Bosnia and Herzegovina¹⁰⁴, the Constitution of Republika Srpska¹⁰⁵ and the Constitution of the Federation of Bosnia and Herzegovina.¹⁰⁶ Through their work, journalists inform the public about the actions of all actors of public life within a society. In that way, they contribute to the opening of discussions and create an opportunity for all actors to express their views on current phenomena and events in society. Full realization of the social role of journalists is possible only if their status is regulated, and if they enjoy the right to safety and dignity.

Ombudspersons are concerned because this right is not fully implemented. They remind of their 2017 Special Report on the position and cases of threats to journalists in Bosnia and Herzegovina. Among most important recommendations from that Report, which was directed to the Ministry of Justice of the Republika Srpska, the Ministry of Justice of the Federation of Bosnia and Herzegovina and the Judicial Commission of the Brčko District of BiH to consider the possibility of defining an attack on journalists as an on an official in the performance of official duties, as well as to consider the possibility of defining an attack on journalists in the laws on public order

¹⁰³ Ž-LI-05-220/19

¹⁰⁴ Article 2 paragraph 3 Item g) and Item h) of the Annex 4 of the General Framework Agreement for Peace in Bosnia and Herzegovina

¹⁰⁵ Article 25 and 26 of the Constitution of Republika Srpska, 'Official Gazette of Republika Srpska', no. 21/92 – consolidated 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/2002, 26/2002, 30/2002, 31/2002, 69/2002, 31/2003, 98/2003, 115/2005 and 117/2005.

¹⁰⁶ Article 2 paragraph 1 of the Constitution of the Federation of BiH, Official Gazette of the Federation of Bosnia and Herzegovina" no. 1/94, 13/97, 16/2002, 22/2002, 52/2002, 63/2003, 9/2004, 20/2004, 33/2004, 71/2005, 72/2005 and 88/2008.

and peace as a special violation of public order and peace. To date, these recommendations have not been incorporated into the relevant amendments to said laws.

Ombudspersons do not notice any progress in this area as complaints about violations of rights in this area continue to be registered. In 2019, a total of eight complaints were registered¹⁰⁷ and three recommendations issued¹⁰⁸.

4.9. Free legal aid

Free legal aid in Bosnia and Herzegovina is organized in such a way that free legal aid institutes have been established in eight cantons in the Federation of Bosnia and Herzegovina, while in the Republika Srpska free legal aid is provided by the Republika Srpska Free Legal Aid Center (for the entire Republika Srpska). In their 2017 Annual Report, Ombudspersons emphasized the importance of adopting the Law on Free Legal Aid of Bosnia and Herzegovina.¹⁰⁹ The adoption of this Law enables equal access to court for all citizens of Bosnia and Herzegovina, irrespective of their financial status. Article 7 of the said Law stipulates that the competent body for providing free legal aid before the bodies and institutions of Bosnia and Herzegovina is the Office for the Provision of Free Legal Aid of Bosnia and Herzegovina, which is an internal organizational unit within the Ministry of Justice of Bosnia and Herzegovina. Therefore, the Office has an important role in providing free legal aid, but only in relation to proceedings before the bodies and institutions of Bosnia and Herzegovina.

However, Ombudspersons express concern about the fact that the Office has not yet been established, and that legal assistance is provided by administrative inspectors, as their additional activity and on an *ad-hoc* basis. In direct and telephone contacts with citizens, the representatives of the Institution point out and instruct the parties to make use of free legal aid.

In 2019 the Ombudsman received 5 complaints related to free legal aid¹¹⁰, but did not issue any recommendations in this matter.

4.10. Freedom of assembly

Freedom of assembly constitute the right enshrined by the Constitution of Bosnia and Herzegovina¹¹¹, the Constitution of Republika Srpska,¹¹² the Constitution of the Federation of Bosnia and Herzegovina,¹¹³ Statute of Brčko District of Bosnia and Herzegovina,¹¹⁴ laws on public assemblies at the level of cantons (10 in total, while in Zenica-Doboj Canton the procedure of the adoption of this law is ongoing), at the level of Brčko District of Bosnia and Herzegovina and at the level of Republika Srpska.

¹⁰⁷ Ž-SA-05-976/19, Ž-SA-05-338/19, Ž-SA-05-550/19, Ž-SA-05-1043/19; Ž-SA-05-1187/19; Ž-BL-05-276/19, Ž-BL-05-357/19, Ž-BR-05-4/19

¹⁰⁸ P-47/19 dated 05 March 2019, P-206/19 dated 04 October 2019, P-281/19 dated 24 December 2019

¹⁰⁹ Official Gazette of Bosnia and Herzegovina no. 83/2016

¹¹⁰ Ž-BL-05-328/19, Ž-BL-05-470/19, Ž-BL-05-474/19, Ž-BL-05-740/19, Ž-BL-05-758/19

¹¹¹ Article II 3. Item i)

¹¹² Article 30

¹¹³ Article 2. (1) l)

¹¹⁴ Article 14 paragraph 1

The exercise of this right imposes positive obligations on the competent authorities, i.e. taking measures in order to ensure the peaceful enjoyment of rights, which primarily includes protection and assistance. Restrictions are possible and permissible, if they are legally prescribed and necessary in a democratic society to protect public safety, to prevent disorder or crime, to protect health or morals, or to protect the rights and freedoms of others. In practice, any restriction on freedom of assembly must be commensurate with the objective for which the restriction is established and the competent authority should always strive to use a more lenient restriction, if the lesser measure can be achieved. The competent authority, in accordance with the principles of good administration, must justify the decision restricting the freedom of assembly and provide access to a remedy that should not only be available, but also effective. In this regard, as one of their strategic goals of protection and promotion of basic human rights, the Human Rights Ombudsmen of Bosnia and Herzegovina have decided to start drafting a Special Report on the Right to Freedom of Peaceful Assembly in 2019.

Ombudspersons remind of the first Pride held on 8 September 2019 in Sarajevo under the slogan: "Coming out" as a form of a public assembly in move, which had passed without any incidents, for which the organizers deserve to be praised, as well as the authorities policing the event¹¹⁵.

Example:¹¹⁶ In 2019 the Ombudsman registered a number of complaints related to the alleged violation of the right to peaceful assembly. These are individual complaints lodged by the citizens of Banja Luka, and the members of the informal group "Justice for David."¹¹⁷ The Ministry of Interior of Republika Srpska was designated as respondent party. Given the specific nature of this subject, registered complaints are process in the framework of the violation of the right to peaceful assembly. During the processing of these complaints Ombudspersons asked the responsible party to state their opinion. Based on analysis of the received complaint, replies of the respondent parties and the relevant documentation, Ombudspersons have found a series of controversies about the events subject to complaints¹¹⁸ related to the gatherings of the informal group of citizens Justice for David on 25 December 2018 and 30 December 2018. In such situations (especially when allegations from complaints filed and statements made by the competent authorities are completely opposite), the Institution of Human Rights Ombudsman of Bosnia and Herzegovina does not, by the law, have the opportunity to directly adduce evidence in order to determine all disputed facts. A special problem is the fact finding and establishment of the factual state in cases in which, according to the complaints, police officers are charged with exceeding their authority and excessive use of force in those situations when the internal control mechanisms at the Ministry of Internal Affairs of Republika Srpska, as stated in their replies, investigated and determined that there was no excess use of force and authority. Summarizing the complaints, obtaining statements, analyzing the provisions of international regulations governing this area¹¹⁹,

¹¹⁵ <https://www.ombudsmen.gov.ba/Novost.aspx?newsid=1327&lang=HR>

¹¹⁶ P-15/20, dated 05 February 2020

¹¹⁷ Ž-BL-05-1012/18, Ž-BL-05-1032/18, Ž-BL-05-1034/18, Ž-BL-05-12/19, Ž-BL-05-17/19, Ž-BL-05-19/19, Ž-BL-05-20/19, Ž-BL-05-21/19, Ž-BL-05-7/19, Ž-BL-05-32/19, Ž-BL-05-59/19, Ž-BL-05-70/19, Ž-BL-05-146/19, Ž-BL-05-461/19

¹¹⁸ Ž-BL-05-12/19; Ž-BL-05-32/19; Ž-BL-05-70/19

¹¹⁹ European Convention for the Protection of Human Rights and Freedoms, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

domestic legislation¹²⁰, as well as relevant bylaws¹²¹, Ombudspersons issued their recommendation to the responsible party¹²².

¹²⁰ Constitution of Bosnia and Herzegovina, Constitution of Republika Srpska, Criminal Code of Republika Srpska, Law on Public Order and Peace, Law on Police and Internal Affairs, Law on Public Assembly of Republika Srpska

¹²¹ Rulebook on the Use of Force

¹²² P-15/20

V JUDICIARY AND ADMINISTRATION

Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms - the right to a fair trial reads: *In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...*

The position of the European Court of Human Rights in Strasbourg is that the States Parties to the European Convention on Human Rights are obliged to organize legal systems that will ensure compliance with Article 6 of the Convention (conducting proceedings in civil matters and criminal charges, before courts and other state bodies, without unjustified delay and to be completed within a reasonable time).

The right to a fair trial, in addition to the right to a trial within a reasonable time, includes the right to the unimpeded access to justice, the right to legal aid, the right to legal certainty, the right to procedural equality and the right to a clearly and fully reasoned decision. Therefore, the principle of the rule of law in modern legal systems also implies the obligation of States Parties to the Convention to provide an effective system of guarantees and respect for rights in court proceedings, which ultimately leads to the timely implementation of justice.

European Court of Human Rights held that the “reasonableness” of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and of the relevant authorities and what was at stake for the applicant in the dispute¹²³.

By prescribing the above standards, through the legal framework, the legal basis for the protection and exercise of rights before domestic courts is provided, with the direct application of the case law of the European Court, when deciding on the violation of the right to a trial within a reasonable time.

In that context, on 14 November 2019 the Government of the Republika Srpska prepared a Draft Law on Protection of the Right to Trial within a Reasonable Time, which governs the right to a trial within a reasonable time and the protection of this right, as well as the right to a fair satisfaction in case of violation of this right that can be realized in the court. The right of the party to monetary compensation and compensation for property damage due to a violation of the right to a trial within a reasonable time is also prescribed. Every party to court proceedings who considers that the court has not decided within a reasonable time on their right or obligation, suspicion or charge of a criminal offense is entitled to the protection of the right to a trial within a reasonable time and the right and the duration of a reasonable time are determined in accordance with the jurisprudence of the European Court of Human Rights in Strasbourg. The draft prescribes the possibility of publishing of a judgment which finds that the procedure and decision-making on the court's website is unjustifiably delayed, which makes these procedures more transparent, enables fair satisfaction of the party, and increases citizens' trust in fair judicial protection. It

¹²³ Frydlender v. France [Grand Chamber], 27 June 2000, paragraph 43

remains to be seen whether the Law in question, after its adoption, will have a positive effect in terms of protecting the rights of citizens.

In 2019, the Department for Monitoring the Exercise of Rights in the Judiciary and Administration received 851 complaints. 302 complaints were received at the Regional Office in Sarajevo, 244 complaints at the Central Office of the Ombudsman in Banja Luka, 19 complaints at the Regional Office in Mostar, 63 complaints at the Regional Office in Brčko and 223 complaints at the Field Office Livno.

Ombudspersons issued 26 recommendations, of which five were fully implemented, in five cases cooperation was achieved with the respondent party, three recommendations were not implemented and in 13 cases the designated responsible authority did not provide feedback on the recommendation.

5.1. Judiciary

The analysis of 504 complaints received by the Institution, which relate to the area of justice, it can be concluded that citizens turn to the Ombudsmen for violation of the following rights:

- inappropriate length of court proceedings - a total of 101 complaints,
- ineffective enforcement of court decisions - 56 complaints,
- 20 complaints of the work of judges for violations of procedural laws and 12 complaints related to other violations of rights related to court proceedings (violations of the principle of impartiality, failure to make court decisions in the manner prescribed by law and within the deadline, inconsistency of court practice)

Example: Ombudspersons processed a case¹²⁴ in which the respondent party was the Cantonal Court in Sarajevo. The complainant claims that on 20 December 2015 he had lodged an appeal from the decision of the Municipal Court in Sarajevo and that he received no reply till the date of lodging the complaints to the Ombudsman. Upon the Ombudsman's inquiry the Municipal court in Sarajevo replied¹²⁵ emphasizing the following: „... *we hereby inform you that the Court is currently deliberating on lawsuits filed in 2012 and 2013, while the plaintiff filed his lawsuit on 21 October 2015 so that resolution of this case cannot be expected in the next year given the chronological order of case resolution.*“ After the repeated Ombudsman's intervention, the Cantonal Court in Sarajevo furnished the following information¹²⁶: „...*In reply to your request for urgent procedure in a case tackled by this Court, having previously obtained the opinion of the Civil Department of this Court, based on Article 55 of the Rulebook on Internal Court Procedure, we hereby inform you that your request for urgent treatment of this case is granted and the case judge informed about it*“.

Example: Ombudspersons processed a case¹²⁷ in which the respondent party was the Municipal Court Cazin. The complainant claimed that the Cantonal Court in Bihać in its decision no.: 20 0 I

¹²⁴ Ž-BL-08-444/19

¹²⁵ A document of the Cantonal court in Sarajevo, no. 009-0-Su-19-000776 dated 03 September 2019

¹²⁶ A document of the Cantonal court in Sarajevo, no. 009-0-Su-19-000776 dated 15 January 2020

¹²⁷ Ž-BL-08-151/19

01288 17 Gž dated 09 March 2018 had quashed the first-instance decision dated 12 July 2017 and returned the case to the Court for re-trial. Until the moment of lodging the complaint to the Ombudsman the complainant had no information about the developments in his case. In processing the case, the cooperation with the Municipal court in Cazin could not be established so that the Ombudsman issued its recommendation.¹²⁸ The recommendation was not implemented.

Example: Ombudspersons processed a case¹²⁹ in which it claimed that on 26 December 2017 through the legal representative he initiated a lawsuit before the Basic Court in Banja Luka under number: 71 0 P 275425 17 P. Until the moment of filing the complaint to the Ombudsman no hearing was scheduled in this legal matter. After the investigation procedure the Ombudsman issued its recommendation¹³⁰ to the Basic Court in Banja Luka. In its reply¹³¹ the Basic court said the following: *„...Since on 11 July 2019 the conditions for scheduling the preliminary hearing have been met, on 26 July 2019 the case judge ordered the preliminary proceedings to be scheduled for 28 November 2019....“*.

5.1.1. Enforcement from public budgets

For years now Ombudspersons have pointed out to the complaints related to the impossibility or difficulty of enforcing the final judgments. The problem is particularly big in the situation when the respondent party is a municipality, canton or entity, in which cases the execution can be carried out only over the funds provided for that purpose, and in the amount provided by the budget line of a certain public body earmarked for that purpose, for a specific budget year.

Example: Ombudspersons processed a case¹³² in which the respondent party was the Ministry of Finance of the Government of Sarajevo Canton. In the complaint it is explained: by the judgment rendered by the Municipal Court in Sarajevo¹³³ and the Cantonal Court in Sarajevo¹³⁴ it was ordered to Sarajevo Canton to pay an amount of 4,038.00 BAM¹³⁵ to the complainant (plaintiff in the lawsuit), an employee of the Cantonal Prosecutor's Office in addition to the default interest to be calculated starting from 17 October 2011 till the date of payment. Under a decision of the Municipal Court in Sarajevo¹³⁶ the Canton Sarajevo is ordered to enforce this decision and pay the mentioned amount to the complainant. For non-enforcement of this decision the complainant addressed the Ministry of Finance of the Sarajevo Canton, which replied in a letter no.: 08-05-SI/18 dated 22 February 2018. On 02 March 2018 the complainant addressed the Union banka d.d. Sarajevo for the enforcement under the Court Decision¹³⁷ and was replied¹³⁸ that the bank could not act on her request because as of the date 13 March 2018 the Bank did not receive a

¹²⁸ Recommendation no. P-130/19 dated 07 May 2019

¹²⁹ Ž-BL-08-313/19

¹³⁰ Recommendation no. P-158/19 dated 07 August 2019

¹³¹ A document issued by the Primary Court in Banja Luka no. 071-0-Su-19-001287 dated 05 September 2019

¹³² Ž-SA-05-1367/18

¹³³ A judgment of the Municipal Court in Sarajevo no.: 65 0 Rs 212980 11 Rs dated 26 June 2012

¹³⁴ A judgment of the Municipal Court in Sarajevo no.: 65 0 Rs 212980 12 Rsž dated 16 July 2013

¹³⁵ As follows: difference for holiday allowance for 2010 an amount of 404.00 BAM, the difference in holiday allowance for 2011 an amount of 419.00 BAM, and an amount of 1,836.27 BAM, food allowance for 2010 an amount of 1,358.33 BAM, the difference in food allowance from January 2011 till 01 October 2011

¹³⁶ A judgment of the Municipal Court in Sarajevo no.: 65 0 I 376286 13 I dated 27 September 2013

¹³⁷ A judgment of the Municipal Court in Sarajevo no.: 65 0 I 376286 13 I dated 27 September 2013

¹³⁸ A document issued by the Union Bank no.: 10/4-2-3759-1/18 od 13.03.2018

Decision on Enforcement of the Municipal Court in Sarajevo¹³⁹ addressed to the Union banka dd Sarajevo. The complainant emphasizes that in her case another three decisions of the Municipal Court in Sarajevo¹⁴⁰ become final and binding, yet the payment under these decisions took no place. In order to check the allegations of the complainant in its letter dated 11 January 2019 the Ombudsman asked the Ministry of Finance of Sarajevo Canton to provide their explanation. The received reply, among other things, reads as follows¹⁴¹: „... *the Decision on Enforcement is recorded in the Unique database of the enforceable decisions to be credited from the main transactions account of the Sarajevo Canton and will be enforced in accordance with the Law on Executive Proceedings, the 2019 Budget of the Sarajevo Canton and the Law on the Execution of the 2019 Budget of the Sarajevo Canton.*

Example: Ombudspersons have processed multiple cases¹⁴² in which the respondent party was the Government of Zenica-Doboj Canton and the Government of Central Bosnia Canton. The complainants, acting under the power of attorney from the applicants claim that the European Court of Human Rights on 14 January 2019 rendered its judgment in cases: *Šain and others v. Bosnia and Herzegovina*¹⁴³, *Elčić and others v. BiH*¹⁴⁴, and on 07 February 2019 the judgment in multiple cases¹⁴⁵ declaring the applications admissible. The complainants added that the ECHR informed them that the judgments became final and binding on 17 January 2019 and 07 February 2019. The Governments of Zenica-Doboj and Central Bosnia had an obligation to fully enforce the mentioned judgments no later than 17 April 2019 and 07 May 2019. In response to the request to enforce the judgment in the case: *Šain and others v. BiH, Elčić and others v. BiH, Dujak and others v. BiH, Hrnjić and others v. BiH*, the Government of Zenica-Doboj Canton passed a decision on method of the judgment enforcement pursuant to which it was ordered to the Ministry of Finance to pay as non-pecuniary damage an amount of (1,000 EUR per applicant) and the costs of the proceedings before the European court (350 EUR per applicant), while the principal debt, interest and other costs of the civil and enforcement proceedings which make part of the judgment of the European court will be paid in the same manner applied for domestic judgments of other enforcement claimants according to the creditors payment priority scheme with the ABS bank. In accordance with the Rules of Procedure Ombudspersons addressed the Government of the Zenica-Doboj Canton and Central Bosnia Canton. The Government of Zenica-Doboj Canton¹⁴⁶ expressed its determination to enforce the judgment of the European court of Human Rights, among other things. In this respect, the Ministry of Finance of the Zenica-Doboj Canton paid its financial obligations toward the applicants in part related to the non-pecuniary damages per applicant and the costs of the proceedings held before the European Court of Human Rights. The Government of the Zenica-Doboj Canton claimed that if it would accelerated the payment schedule, the complete cantonal budget would not be enough to settle all the obligations. On the Ombudsman's request the Government of the Central Bosnia Canton submitted its explanation¹⁴⁷ in which it said

¹³⁹ A judgment of the Municipal Court in Sarajevo no.: 65 0 I 376286 13 I dated 27 September 2013

¹⁴⁰ A judgment of the Municipal Court in Sarajevo no.: 65 0 I 343367 13 I, 65 0 I 734291 18 I, 65 0 I 734288 18 I

¹⁴¹ A document of the Ministry of Finance of the Canton Sarajevo no.: 08-10-1018 dated 12 February 2019

¹⁴² Ž-BL-08-439/19

¹⁴³ Application no.: 61620/15 and 53 others

¹⁴⁴ Application no.: 34524/15 and 5 others

¹⁴⁵ Dujak and al v. BiH, application no.: 173030/15 and 52 others; Hrnjić and al v. BiH, application no.: 20954/13 and 57 others; Avdić and al v. BiH, application no.: 47345/15 and 40 others

¹⁴⁶ A document no.: 07-06-1326/19 dated 02 July 2019

¹⁴⁷ A document no.: 02-14-206/2019 dated 11 July 2019

that the claims of the applicants under the judgment of the European Court of Human Rights in the case Avdić and others are granted payment priority according to the claims maturity and will be settled in a reasonable deadline. In order to do the mentioned payments, the Government of the Central Bosnia Canton adopted the relevant decision/conclusion¹⁴⁸.

Example: In a complaint¹⁴⁹ lodged by a war veteran with disabilities – a paraplegic with 100% disability rate of the category I Ombudspersons issued their recommendation to the Public Attorney's Office of the Centar Municipality¹⁵⁰. Namely, in the procedure of the enforcement of the judgment of the Municipal Court in Sarajevo, the Attorney's Office of the Municipality of Centar originally submitted a Proposal for seizure of a motor vehicle owned by the complainant, which procedure was suspended upon the complainant's objection. After that, the Public Attorney's Office of the Municipality of Centar proposed that the enforcement be carried out by seizure, appraisal and sale of the real estate owned by the complainant, which is a two-bedroom apartment in Sarajevo, with an area of 80.39 m². In addition to the fact that the complainant points out that he is a beneficiary of a disability pension and personal disability allowance, which could be the subject of enforcement, it is also pointed out that the said real estate, in which the complainant lives with his family, is fully adapted to persons with disabilities. By selling the property, the appellant's family would be left without a home and basic living conditions. The Ombudsmen reminded of the Decision of the Constitutional Court of Bosnia and Herzegovina AP-1955 of May 26, 2019. which held that the sale of seven real estates in the value of 44,249.50 BAM for the purpose of collecting the debt of 64,90 BAM would lead to deprivation of the complainant of the ownership over these real estates, and that insufficient attention was paid to establishing proportionality between the complainant's debt and real estate sale. The recommendation was implemented.

5.2. High Judicial and Prosecutorial Council of Bosnia and Herzegovina

During this reporting period, Ombudspersons solved complaints lodged by the citizens for the length of proceedings conducted in the Office of the Disciplinary Counsel of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, in order to determine possible breaches of duty by judicial officials in Bosnia and Herzegovina.

In previous years, the Office of the Disciplinary Counsel of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina provided a standardized response to both citizens and Ombudspersons: *“Pursuant to provisions of Article 66 paragraph 1 of the Law on High Judicial and Prosecutorial Council of BiH, the Office of the Disciplinary Counsel initiated an investigation about the allegations from the complaint. We remind you that, 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, putting maximum efforts to process complaints as soon as possible. Of note, the duration of an investigation depends on the nature of allegations, as well as on facts and circumstances to be established in each case... In any case, upon the completion of the investigation process, the*

¹⁴⁸ A decision no.: 01-5-604/2019-22 dated 04 July 2019

¹⁴⁹ Ž-SA-02-18/18

¹⁵⁰ Recommendation P-280/19 dated 13 December 2019

Council will inform the complainant on its prosecutorial decision, and refer the relevant information to your Institution as well for your information¹⁵¹.”

Ombudspersons noticed changes in the actions of the Office upon the claims which can be seen from the following example.

Example: Ombudspersons tackled a complaint¹⁵² filed by an association of the workers of the then shareholder DD „BOSNA“ Derventa, in which the possible violation of the provisions of the Law on Civil Procedure is indicated, along with the provisions of Article 6 paragraph 1 of the European Convention on Human Rights (procedure within the reasonable time). Further documentation furnished to Ombudspersons shows that the complainant filed a complaint to the Disciplinary Counsel's Office for that reason. In this reply¹⁵³ it is claimed as follows: „... we hereby inform you that we have registered a complaints under the mentioned number and this is currently subject to investigation. On the actions taken by the Office we cannot inform you since this information is confidential as provided for in Article 70 paragraph 1 of the Law on Council („Official Gazette of BiH, nos 25/04, 93/05, 48/07 and 15/08). Article 72 paragraph 2 of the Law on Council prescribes an obligation of the Office to finish its investigation within two years from the date of the receipt of a claim. The Office is making efforts to finish all investigations as soon as possible before the expiry of the mentioned deadline.“

5.3. Prosecutor's offices

In 2019 the Department for Monitoring the Exercise of Rights in the Judiciary and Administration registered 80 complaints related to the work of the prosecutor's offices in Bosnia and Herzegovina, in which it issued 12 recommendations, out of which two were implemented, in three cases a form of cooperation was achieved, six recommendation remained with no reply and one was not implemented.

Example: Ombudspersons processed a complaint¹⁵⁴ in which the respondent party was the Regional Prosecutor's Office Banja Luka to which the complainant filed a criminal report on 27 July 2017 at the same time asking the Ombudsman to follow up the developments in this matter. In processing this complaint, and having in mind the time lapsed since the filing of report, on 25 October 2018 Ombudspersons sent a letter to the Prosecutor's Office asking it to provide it with some information about the matter. On 18 June 2018 they repeatedly addressed the Prosecutor's Office asking whether or not the investigation in the subject matter was finished and what was the outcome. In its reply¹⁵⁵ the Prosecutor's Office informs the Ombudsman that the prosecutorial decision has not been made yet „...since the case involving a request for gathering certain information and taking of certain measures is still being processed by the Public Security Center Banja Luka, Economic Crime Department, Team-2.“ In this case Ombudspersons issued their

¹⁵¹ 2015 Annual report on the results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina, p. 18

¹⁵² Ž-SA-05-1020/19

¹⁵³ A document issued by the Disciplinary Counsel's Office no. UDT DI 009895 19 dated 04 December 2019

¹⁵⁴ Ž-BL-06-749/17,

¹⁵⁵ A document no.: T13 0 KTAK 0037108 17 dated 03 July 2018

recommendation¹⁵⁶ to the relevant Regional Public Prosecutor's Office Banja Luka and the Ministry of Interior of Republika Srpska. The recommendation was implemented.

5.3.1. Actions of the Prosecutor's offices in cases of domestic violence

Ombudspersons emphasize that, as it will be showcased in the examples that follow, it raises their concerns that prosecutors, in a large number of cases, submit an identical response to the Institution: *We inform you that the investigation is ongoing*, without providing specific answers. This is particularly problematic in cases involving criminal charges filed for domestic violence.

Such examples contribute to a worrying situation, as it could be seen in the chapter related to the violence against women, that most women victims of violence do not trust the institutions of the system, which results in accumulation of fear among women victims of violence and their failure to report cases of violence. This also raises the issue of the efficiency and timely functioning of the judicial apparatus.

Ombudspersons emphasize that international standards on the protection of victims of violence put the victim in the first plan, and first take into account the safety and protection of the victim, and in this regard encourage states to coordinate actions to protect victims, so that victims receive immediate and comprehensive assistance through coordinated, multidisciplinary and professional activities, and cooperation between the police, health and social services, the judiciary and the non-governmental sector.

Example: Ombudspersons processed complaints¹⁵⁷ in which the complainant designated the Cantonal Prosecutor's Office of Tuzla Canton as a respondent party in relation to their filed criminal report¹⁵⁸ for domestic violence which were not processed until the moment of their addressing the Ombudsman. In the course of the Ombudsman's investigation in both cases the Ombudsman received replies from the Cantonal Prosecutor's Office of Tuzla Canton:

- A reply¹⁵⁹ which reads as follows:

„In respect of your inquiry received on 13 February 2019 related to the complaint filed by ŠM from Tuzla against the Cantonal Prosecutor's Office of Tuzla Canton to which it filed a criminal report for domestic violence on 23 August 2018, which, according to her claims had not been processed yet, we herewith inform you that the investigation in this case is pending, and that the criminal report was referred to the responsible police administration to further processing in order to check the veracity of the claims.“

¹⁵⁶ Recommendation no. P-25/19 dated 28 January 2019

¹⁵⁷ Ž-BR-08-156/19; Ž-BR-05-2/19.

¹⁵⁸ Report filed on 23 August 2018 and 22 August 2018

¹⁵⁹ A document no. T03 0 KTA 0075453 18 dated 20 February 2018

- A reply¹⁶⁰ which reads:

„In respect of your inquiry received on 10 July 2019 related to the complaint filed by ŠM from Tuzla against the Cantonal Prosecutor's Office of Tuzla Canton to which it filed a criminal report for domestic violence on 23 August 2018, which, according to her claims had not been processed yet, we herewith inform you that the investigation in this case is pending.“

- A reply¹⁶¹ which reads:

„In respect of your inquiry received on 30 September 2019 related to the complaint filed by ŠM from Tuzla against the Cantonal Prosecutor's Office of Tuzla Canton to which it filed a criminal report for domestic violence on 23 August 2018, which, according to her claims had not been processed yet, we herewith inform you that the investigation in this case is pending. We also inform you that on 15 July as a reaction to the Ombudsman's inquiry Ž-BR-05-2/19 dated 08 July, which constituted the urgency, we have replied to your Sarajevo Office.“

- A reply¹⁶² which reads: *“In reply to your inquiry received on 30 September 2019 related to the report filed by ŠA who reported his ex-wife and ŠM and his daughter ŠA, that they attacked him physically, we hereby inform you that investigation is pending.”*

After the completed investigation Ombudspersons issued their recommendation to the Cantonal Prosecutor's Office of Tuzla Canton¹⁶³.

5.4. Administration

Ombudspersons emphasize that the quality of public services and the work of public administration bodies for a citizen is a tangible indicator of the functionality of a particular state. Good administration should be at the service of the community and promote public confidence in the executive bodies, contribute to political stability, and encourage economic development and social well-being. In contrast, a malfunctioning administration can cause resistance from citizens and their protest against the state, and in the worst case, lead to a dysfunctional state. The right of citizens to good administration is regulated, among other things, by the Charter of Fundamental Rights of the European Union (Article 41). This right is also regulated by the laws on (general) administrative procedure at the entity level, especially through the principle of protection of citizens' rights and protection of public interest, the principle of efficiency, the principle of hearing the party and other provisions guaranteeing the right of access and participation in proceedings, the right to assistance, prohibition of discrimination, etc.

In the reporting period Ombudspersons processed 322 complaints related to the violation of the right to good administration.

¹⁶⁰ A document no.: T03 0 KTA 0075453 18 dated 15 July 2019

¹⁶¹ A document no.: T03 0 KTA 0075453 18 dated 04 October 2019

¹⁶² A document no.: T03 0 KTA 0078679 19 dated 04 October 2019

¹⁶³ Recommendation no.: P-297/19 dated 23 December 2019

Most of these complaints registered in 2019 are about the length of administrative proceedings, silence of administration, inefficiency in work of the inspections and exceeding the legal deadlines in decision making. The complaints include the following allegations: inappropriate conduct of the administrative staff, inadequate working hours of the administrative bodies, and referring user parties from one body to another, excessive formalism, inefficiencies and general violation of procedural provisions governing the administrative procedure. Citizens are dissatisfied with the fact that administrative proceedings are conducted in violation of the legal provisions,¹⁶⁴ for instance by failing to issue decisions within the legal deadlines, insisting on submission of a large number of unnecessary documents, violating the principle of providing assistance to a lay client, failing to decide on appeals, with lengthy decision-making procedures in the second instance, multiple return of cases to the first-instance (playing ping-pong with applicants) and wrongful application of the substantive law.

Example: The Ombudsman processed a complaint¹⁶⁵ in which the complainant claimed that on 23 May 2018 she appealed from a decision made by the Public Institution “Cantonal Social Welfare Center”, Social Protection Service of the Municipality Novo Sarajevo no. 35/3-06-533-110/18 dated 03 May 2018, but no decision was made until the date of her addressing the Ombudsman. The complainant urged the decision-making process on 29 June 2018. On 18 April 2019 the Ombudsman received a letter of the Federal Ministry of Labor and Social Policy no.: 06-35/18-89/18-ĐN dated 16 April 2019 informing that on 03 January 2019 a decision no.: 06-35/19-2598/18-ĐN refusing the appeal of the complainant as ill-founded was made thus ending the proceedings conducted upon the complainant's appeal from the decision made by the PI “Cantonal Social Welfare Center”, Social Protection Service of the Municipality Novo Sarajevo no. 35/3-06-533-110/18 dated 03 May 2018.

Example: The Ombudsman processed a complaint¹⁶⁶ filed by a complainant who tried to obtain a birth certificate in multiple municipalities in Sarajevo Canton with no avail since they failed to issue it for the lack of information on the entry of the complainant's birth into the birth registration books. Following the Ombudsman's inquiry the Municipality of Centar Sarajevo replied¹⁶⁷ saying the following: *“With full respect of the Ombudsman Institution, especially appreciating the fact that in this particular case you were involved in the proceedings, we treated your letter as a specific request for the issuance of a copy of birth registration in accordance with the provisions of Article 68 of the Law on Birth Registry. In this regard, attached to the letter please find the requested birth certificate”*.

This complaint of a citizen who was not able to obtain her birth certificate and the method of its solution Ombudspersons highlight as a positive example of cooperation with the Ombudsman.

Example: The Ombudsman processed a complaint¹⁶⁸ in which the respondent party was Donji Vakuf Municipality whereby the complainant filed an application for zoning approval for the

¹⁶⁴ The Law on Administrative Procedure of the Federation of BiH (“Official Gazette of FBiH” no. 2/98 and 48/99, the Law on General Administrative Procedure of the RS (“RS Official Gazette”, no. 13/02, 87/07 and 50/10)

¹⁶⁵ Ž-SA-06 -769/18

¹⁶⁶ Ž-SA-05-515/19

¹⁶⁷ A document issued by the Centar Municipality no. 08-13-2014/19 dated 24 December 2019

¹⁶⁸ Ž-SA-05-1017/18,

change of location of the compatible plant SKID - above ground reservoir for LPG - liquid petrol gas. The complainant claimed that he received a letter¹⁶⁹, from the Mayor of Donji Vakuf Municipality related to this request whereby it was said that the Spatial Planning, Cadastre and Property Relations Service would not issue the required approval until he had settled all his obligations toward the Donji Vakuf Municipality arising from communal fee and the fee for the use of construction area. During the investigation the Ombudsman established that there was a violation of the provisions of the Law on Administrative Proceedings of the Federation of Bosnia and Herzegovina¹⁷⁰ so it issued a recommendation¹⁷¹ to the Municipality Donji Vakuf. This recommendation was implemented.

5.4.1. The right to an efficient legal remedy

In 2019 the Ombudsman processed multiple complaints¹⁷² in which the citizens pointed out the denial of the right to a legal remedy in respect of information on the results of the public competition of the Civil Service Agency of the Federation of Bosnia and Herzegovina. Namely, after the publication of information on the results of the public competition of the Civil Service Agency of the Federation of Bosnia and Herzegovina, if the candidate who has not been selected for the position is not satisfied with the decision, he has no right to appeal. In the event that candidates who have not been selected to the position file an appeal with the Civil Service Appeals Board of the Federation of Bosnia and Herzegovina, the appointed appellate body shall issue a Decision rejecting the appeal as ill-founded, interpreting the *Law on Civil Service of Sarajevo Canton*¹⁷³ in a way that only a selected candidate is entitled to appeal. Ombudspersons sent a recommendation to the Prime Minister of the Federation of Bosnia and Herzegovina. On 16 August 2019 the Ombudsman received a letter of the Government of the Federation of Bosnia and Herzegovina no. 03-10-586 / 2019 dated 13 August 2019, which also contained a statement from the Civil Service Appeals Board. In the stated answer, it was pointed out that in September 2018, the Rulebook on Internal Organization and Systematization of Work Positions No. 01-02-28 / 18 and No. 01-02-149 / 18 entered into force, which envisages an increase in the number of civil servants engaged on case handling from two to five incumbents. After the completion of the competition procedure, three new employees started working on the tasks for which they were selected. The recommendation has been partially implemented.

¹⁶⁹ A document no.: 02-23-00440/18 dated 23 August 2018

¹⁷⁰ Article 216 Paragraph 1 of the Law on General Administrative Procedure of the Federation of Bosnia and Herzegovina: „ *Where the procedure is instigated on request of the party, that is, ex officio, if it is in the party's interest and it is not necessary to carry out a special examination procedure prior to taking a decision and there are no other reasons due to which it would not be possible to issue a decision without delay (resolving of a prior issue and the like), the responsible authority shall be required to issue a decision and communicate it to the party as soon as possible and within 30 days at the latest calculating from the date of submission of a proper request, that is from the date of instigation of the procedure ex officio, unless a shorter period is set by a special provision*“.

¹⁷¹ Recommendation no. 23/19 dated 05 February 2019

¹⁷² Ž-SA-05-986/18, Ž-SA-04-1107/18, Ž-SA-04-1236/18, Ž-SA-04-15/19, Ž-SA-04-212/19, Recommendation no. P-153/19 dated 29 May 2019

¹⁷³ Official Gazette of Sarajevo Canton no. 31/2016

VI ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Economic, social and cultural rights are guaranteed by the constitutions of Bosnia and Herzegovina, the Republika Srpska and the Federation of BiH, as well as the constitutions of the ten cantons and the Statute of the Brčko District of Bosnia and Herzegovina. These rights are more precisely governed by legislation at the level of the entities and cantons and the Brčko District, since it falls into their exclusive competence according to the constitutional set up in Bosnia and Herzegovina.

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

In the area of employment, work and protection of women's social rights, in the period covered by this Report, no adequate progress has been made in achieving real equality between men and women in the labor market. Cases involving firing of pregnant women were registered, and there is a lot of women working in the "gray economy" which are not integrated into the formal labor market. There are indicators that women are not paid equally for the same work, and in the Federation of Bosnia and Herzegovina there is no established system of protection of the rights of women using maternity leave, which also applies to benefits during maternity leave.¹⁷⁴

In 2019, the Department for Monitoring the Exercise of Economic, Social and Cultural Rights, a total of 801 cases were registered, which is 24 less than in 2018. From previous years, 506 cases were carried forward, so that there were a total of 1,307 cases processed. Of this total, 445 cases were completed. The largest number of registered cases within the Department relates to violations of employment rights (281), followed by violations of pension insurance rights (217), utilities (92), social protection (82), health (74), education (33), ecology and environmental protection (21), public revenues (4).

Violation	Number of cases
Labor relations	281
Pensions	217
Utilities	92
Social protection	82
Health care	74
Education	33
Ecology and environmental protection	21
Public revenues	4
TOTAL	801

¹⁷⁴ Special report on the Protection of Mother and Motherhood in the Federation of Bosnia and Herzegovina, Institution of the Ombudsman

The Central Office in Banja Luka registered 198 cases, the Regional Office Sarajevo 378, the Regional Office Mostar 51, the Regional Office Brčko 127, and the Field Office Livno had 50 complaints. In these cases Ombudspersons issued 97 recommendations. The largest number of recommendations related to alleged violations of the rights pertaining to labor relations (51), health insurance (19), pension insurance (11), ecology and environmental protection (6), utilities (5), social protection (4) and education (3).

In 2019 Ombudspersons prepared their submission to the UN Committee on Economic, Social and Cultural Rights (CESCR)¹⁷⁵.

6.1. Labor relations

The right to work is one of the basic human rights guaranteed by the Universal Declaration of Human Rights,¹⁷⁶ International Covenant on Economic, Social and Cultural Rights¹⁷⁷, the Constitution of Bosnia and Herzegovina, the Constitution of Republika Srpska¹⁷⁸, the Constitution of the Federation of Bosnia and Herzegovina¹⁷⁹ the Statute of Brčko District¹⁸⁰ and relevant labor legislation at the level of Bosnia and Herzegovina and the entities. This right is equal for all, i.e. it implies the obligation of the competent authorities to enable citizens to exercise this right, or equal access to work and under equal conditions. At the same time, it is important to note that the legal formulation of the "right to work" does not imply a guarantee of the exercise of this right.

Unemployment has taken large proportions in Bosnia and Herzegovina, and citizens in contact with the Ombudsmen often point out that the published competitions for vacant positions are mostly framed. The problem of availability, and above all the efficiency of legal remedies in public competitions, was also pointed out. Aware of their helplessness, and in the desire to provide for themselves and their family members, the citizens of Bosnia and Herzegovina, and often entire families, are forced to leave their homes and go to seek job in other countries. Therefore, the demographic picture of the society in Bosnia and Herzegovina is more than worrying.

Ombudspersons are commending the adoption of the Ordinance on the procedure of employment in the public sector in the Federation of Bosnia and Herzegovina.¹⁸¹ Article 12 of this Ordinance imposes the obligation on the employer to hire the most successful candidate from the list of successful candidates according to the announced public competition.

In 2019 the Ombudsman registered 281 complaints in the field of labor relations, and issued 51 recommendations. The analysis of complaints related to the violation of the right to work reveals

¹⁷⁵ Bosnia and Herzegovina is a signatory of the International Covenant on Economic, Social and Cultural Rights. Article 16 of the Covenant provides for the obligation of the state to submit report on measures adopted and the progress achieved in ensuring respect for the rights recognized in the Covenant; a document number: Oi-K-SA-109/19 dated 22 July 2019

¹⁷⁶ Article 23

¹⁷⁷ Article 6

¹⁷⁸ Article 39

¹⁷⁹ Article 2 (1) 1)

¹⁸⁰ Article 13

¹⁸¹ 172 session of the Government of the Federation of Bosnia and Herzegovina published in the "Official Gazette of the Federation of Bosnia and Herzegovina" No 13/19

that the most frequent are violations of procedures in public competitions, then non-recognition of the education levels by the employers, which prevents the possible advancement in service, according to the work experience and personal qualification of employees, illegalities related to the termination of employment contracts, non-payment of contributions for pension and disability insurance, as well as non-payment of salaries to employees by the employer.

Example:¹⁸² The Ombudsman processed a complaint against the "Central Heating" Tuzla as the responsible party, for violation of labor rights. The complainant states that seeking the protection of her rights, she addressed the Cantonal Administration for Inspection Affairs asking them to carry out an urgent inspection surveillance, because her employment contract was terminated during her absence from work due to high-risk pregnancy. These are special categories of employees protected by the Labor Law of the Federation of BiH. Also, the complainant was dismissed in violation of the provisions of the Labor Law of the Federation of BiH relating to the termination of the employment contract. At the request of the Ombudsman, the Cantonal Administration for Inspection Affairs submitted a statement stating, inter alia, that an inspection had been carried out at the complainant's request, and that the complainant's employment contract had been terminated, contrary to Article 60 paragraph 1 of the Labor Law¹⁸³ during her pregnancy, that the employer did not provide her a photocopy of the evidence of her health insurance coverage effective since the beginning of her work, that the employer does not keep records of workers in accordance with the provisions of the Labor Law and the Rulebook on the content and manner of keeping records of workers and other persons engaged in work, that the employer has not published the Rulebook in accordance with Article 118 of the Labor Law, all of it listed in the official record of the inspection surveillance, and that measures will be taken against the legal and responsible person in this legal matter in accordance with the Law. Later on, the complainant informed the Ombudsman that her employer made a decision to re-established her employment status for an indefinite period of time, thus successfully concluding the proceedings.

Example:¹⁸⁴ The Ombudsman processed a case in which the complainants identified the Cantonal Public Utility Company "Park" d.o.o. as the responsible party for violation of employment rights. They state that their contributions for pension insurance for the period from 01 January 2013 - 05 March 2017 have not been paid due to which they cannot exercise the right to a pension. They also state that the debts that the Company Park had towards other workers have been settled. At the request of the Ombudsman, the responsible party submitted a statement stating, among other things, that the complainants' employment contract was terminated due to retirement. With regard to the allegations that their contributions had not been paid, they were partially founded. The said statements were forwarded to the complainants for information and comment. The responsible party informed the Ombudsman that they had paid a sum of money on behalf of the complainants for pension and health insurance contributions as well as unemployment insurance for the period that had not been paid. The complainants informed the Institution that the violation of the right that was the reason for addressing the Institution was eliminated, which successfully completed the procedure.

¹⁸² Ž-SA-04-653/19

¹⁸³ Official Gazette of the FBiH, no. 26/2016 and 89/2018

¹⁸⁴ Ž-SA-04-1350/18, Ž-SA-04-118/19

Example:¹⁸⁵ The Ombudsman processed a case in which the complainant identified the Municipality of Vlasenica. The complainant claims the Municipal Mayor adopted a decision¹⁸⁶ cancelling the position of an senior expert associate for agricultural development in the municipal administrative body which was so far held by him thus granting the complainant a status of "not assigned". From this decision the complainant appealed, and his appeal was refused under a decision of the Municipal Appellate Board. Ombudspersons issued their recommendation¹⁸⁷ to the Mayor of Vlasenica Municipal Administration and the Ministry of Administration and Local Self-Government or Republika Srpska. The Municipality of Vlasenica did not reply to the issued complaint.

Example:¹⁸⁸ The Ombudsman processed a case in which the complainant identified the Municipality of Teslić for alleged violation of labor rights. He claims that he is employed in the Municipal Administration, which recently passed a decision¹⁸⁹ transferring him from the Industry and Agriculture Department into the Social Issues Department with salary calculation coefficient 7,50. In the same Department, apart from the complainant, another two employees were there who had the same category (fifth), the same position (third), the same educational background (university degree, 240 ECTS) and the very same responsibilities (for proper implementation of work methods, procedures and expert techniques). However, their coefficients are 8,50 and 9,50, the fact he got to know by accident, which put him into an unequal position compared to other employees. The reason for such treatment, according to him, is the fact that during the discharge of the duty of a Secretary of the Municipal Administration of Teslić Municipality in the period from 2012 to 2016 he refused to sign the attendance list for the employees not coming to work. In respect of these allegations, the Ombudsman asked the respondent party to provide it with its explanation, which was given in a letter¹⁹⁰ of the Municipal Administration refusing all the charges of discrimination finding it ill-founded and arbitrary, claiming at the same time that the complainant enjoyed all the rights and legal entitlements and benefits, and will keep enjoying it in the same manner as other employees in the Municipal Administration. Seeking the achievement of his rights the complainant initiated a lawsuit and the Basic Court in Teslić in this matter passed its decision no.: 87 0 Rs 026024 18 Rs dated 28 March 2019. Under this decision the complainant's claims were granted and the Court obliged the Municipality to indemnify the complainant and pay non-pecuniary damages. In this way this case was solved to the favor of the complainant.

Example:¹⁹¹ The complainant addressed the Ombudsman seeking the assistance in order to successfully overcome the harmful consequences arising from the violation of her rights in the field of labor relations. The complainant is a long-term employee of the company "Hidroelektrane na Trebišnjici" and the last employment contract specifies that she performs the tasks and duties of a skilled waiter in the General and Joint Affairs Service in the General Sector, in the Directorate for Economic, Legal and General Affairs. The complainant seriously complained that her immediate supervisor did not comply with the rights and obligations provided for in the said

¹⁸⁵ Ž-BL-04-765/18

¹⁸⁶ Decision no.: 02/1-127-66/18 dated 31 August 2018

¹⁸⁷ P-86/19 dated 26 March 2019

¹⁸⁸ Ž-BL-04-182/19

¹⁸⁹ Decision no.: 02-127-1/17 dated 17 May 2017

¹⁹⁰ A document no.: 02-014-151/19 dated 21 March 2019

¹⁹¹ Ž-MO-04-2/19

Contract and that she was continuously assigned to a lower-ranking post of an auxiliary worker, while at the same time assigning the duties of a waiter to persons who did not have the necessary professional qualifications for this specific position. Instead of being promoted, as the complainant has an even higher level of education (college studies) that has not been recognized so far, the relevant employer representative degrades her and puts her in a humiliating position compared to other employees. After the intervention of the Ombudsman, the response of the director of the said public company was submitted¹⁹² and explanation provided for this point of dispute. After the Ombudsman's intervention the complainant informed the Ombudsman that her employer changed attitude, assigned her to a new duty corresponding with her qualifications and experience thus meeting all her requirements. This case was resolved to the favor of the complainant.

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

The right to severance pay for illegal work termination in Republika Srpska is prescribed by Articles from 152 to 159 of the Labor Law¹⁹³. Provisions of Article 152 of the Labor Law read as follows: „ Employees having employment contract on the day of 31 December 1991 with the employer having seat on the territory which is now part of the Republika Srpska, whose working relationship with that employer was illegally terminated between that date and the effective date of this Law, shall have the right to file a request for severance pay...”

In the Federation of Bosnia and Herzegovina the right to severance pay related to illegal employment termination is governed by articles 143, 143a, 143b, 143c of the Labor Law¹⁹⁴. In this regard, Article 143. of the Law reads: „ An employee who was employed on 31 December 1991 and who, within three months from the effective date of this law, addressed in written form or directly the employer for the purpose of establishing the legal and working status - and had not accepted employment from another employer during this period, shall also be considered a laid off employee “. Furthermore, Article 143a of the same Law reads: „...within 90 from the date of this Law entry into force an appeal can be lodged to the Cantonal Commission for Implementation of Article 143 of the Labor Law“.

Example:¹⁹⁵ The complainant claimed that the Republika Srpska Ministry of Labor and Veteran and Disability Protection Commission for Implementation of Article 152 of the Labor Law adopted a decision in 2016 granting her the right to severance pay which was not implemented yet. Ombudspersons addressed the Republika Srpska Ministry of Labor and Veteran and Disability Protection which provided a reply according to which that according to chronological order of payment currently paid are amounts under decisions adopted in 2012. The Ombudsman informed the complainant about it and closed the case.

Example:¹⁹⁶ The complainant designated the Ministry of Justice of the Republika Srpska as the responsible party related to an appeal from a decision of the Attorney General's Office of the Republika Srpska, which has not been decided upon until the moment of addressing the Institution.

¹⁹² A document no.: 745 dated 04 February 2019

¹⁹³ "Official Gazette of the Republika Srpska", no. 38/00, 40/00, 47/02, 38/03, 66/03 and 20/07

¹⁹⁴ " Official Gazette of the Federation of BiH" no. 43/99, 32/00, 29/03

¹⁹⁵ Ž-BL-05-298/19

¹⁹⁶ Ž-BL-05-420/19

After the Ombudsman's inquiry, the Ministry submitted a decision of the second instance body which decided on the complainant's appeal, which successfully completed the procedure.

6.2. Pensions

In 2019 the Ombudsman received 217 complaints regarding violations of pension insurance rights. A total of 11 recommendations were issued. The registered complaints referred to the length of the proceedings in the first and second instance regarding the recognition of the right to a pension, as well as certain irregularities in the calculation of the monetary amount of pensions. In addition, the problem is the slow procedures for recognition and exercise of rights if the complainant has worked in other countries, i.e. procedures related to the recognition of a proportionate part of the pension, which is borne by different insurance providers, in accordance with social security agreements Bosnia and Herzegovina has signed with other countries.

Example:¹⁹⁷ In her complaint the complainant designated the Pension and Disability Insurance Fund of the Republika Srpska as the responsible party for the violation of the right to a family pension. The complainant states that the judgment of the Regional Court in Banja Luka in the administrative dispute upheld her lawsuit, annulled the disputed act of the responsible party and returned the case for retrial. The complainant claims that the Pension and Disability Insurance Fund of the Republika Srpska exceeded the deadline as it has the obligation to immediately, and no later than within 30 days from the day of delivery of the said judgment, pass a new administrative act. At the written request of the Ombudsman, the responsible party submitted a statement claiming, among other things, that they processed the mentioned case and issued an appropriate decision, which successfully completed the procedure.

Example:¹⁹⁸ The Ombudsman processed a case in which the complainant identified the the Pension and Disability Insurance Fund of the Republika Srpska, Banja Luka Branch Office as the responsible party for the violation of his right to pension. In his complaint he claim that he addressed the Fund with a request for a pension on 03 October 2018, but until the moment of addressing the Ombudsman, he did not receive any answer to the submitted request. At the written request of the Ombudsman, the Banja Luka Branch Office informed Ombudspersons that they duly requested confirmation of the length of service from the Republic Fund of Serbia under the bilateral agreement and in the form provided for in the said agreement, but did not get any answer even after the multiple urgencies. After that, the Ombudsman sent a letter to the Protector of Citizens of the Republic of Serbia, to address the Republic Pension Insurance Fund of the Republic of Serbia within his competence and request confirmation of length of service on a form SRB-BIH 205. The Protector of Citizens of the Republic of Serbia informed the Institution that the competent Fund provided it with confirmation of length of service completed in the Republic of Serbia. After a while, the complainant informed the Ombudsman that he received a decision of the Banja Luka Branch Office according to which he realized his right to a proportional part of the old-age pension.

¹⁹⁷ Ž-LI-04-79/19

¹⁹⁸ Ž-BL-04-72/19

Example:¹⁹⁹ A complainant claimed that the Federal Institute for Pension and Disability Insurance was the responsible party for violation of his right to pension. He states that he addressed the responsible party twice with a request for an old-age pension, but until the day of his addressing the Ombudsman, it has not been decided upon. At the request of the Ombudsman, the responsible party submitted that KAS Tuzla had issued an appropriate decision in the complainant's case. The procedure took longer because the complainant worked in Croatia, Slovenia, Macedonia, Republika Srpska and Austria, in addition to Bosnia and Herzegovina. The case was resolved to the favor of the complainant.

6.3. Utilities

In 2019 the Department registered 92 cases related to the utilities. The complaints were about the failure to provide services by utility companies, problems with water supply, unresolved requests for connection to the water supply network, problems related to the selection of a manager in charge of management and maintenance of the common areas in residential buildings, provision and denial of services by utility companies, irregularities in billing of utilities, statute of limitation of utility bills, etc.

During their visits, the citizens often seek advice regarding lawsuits filed by utility companies for non-payment of due bills. They point out that they are threatened with disconnection of the household from the water supply network. Many citizens are not able to pay for utilities regularly, and utility companies also charge them for obsolete claims, which are claims older than a year, which puts additional pressure on their already difficult situation. Courts do not process these cases *ex officio*, so this is left to the parties to the proceedings to litigate, which results in the creation of legal uncertainty for legally ignorant parties.

Example:²⁰⁰ The complainant identified the Public Company "Komunalno" Livno as the responsible party in her complaint lodged to the Ombudsman. She states that she lives on Kruzi, a plateau above Livno, and that due to the height of the snow, communication with Livno is impossible, where her minor daughter goes to school. She sought the help of the responsible party but her appeals were ignored. On request of the Ombudsman the management of the Public Company "Komunalno" Livno issued an order to their workers to clear the snow the same day. The complainant informed the Institution that the snow had been cleared, thus successfully concluding the proceedings.

Example:²⁰¹ The Ombudsman processed a case related to water supply. In this case the complainant claims that her neighbor prevents her from using water from the "Krč" spring, and that because of that she has not had water in her household for two months. Ombudspersons addressed the Ministry of Agriculture, Water Management and Forestry of the Central Bosnia Canton and the Municipality of Kiseljak, which submitted a statement stating, *inter alia*, that the use of the water spring in question was carried out illegally and that the parties were given advice about the process of legalization and the documents necessary to be obtained. After that the

¹⁹⁹ Ž-SA-04-535/19

²⁰⁰ Ž-LI-04-11/19

²⁰¹ Ž-SA-04-956/18

complainant filed a request to the municipality for issuance of their consent for water intake from the spring "Krč", and its neighbor was ordered by the decision of the cantonal water inspection to obtain from the municipality the necessary documents in order to be allowed to intake drinking water up to the quantity 2 l/s from the spring "Krč" and other three springs. Considering the fact that the Inspectorate of the Ministry of Agriculture, Water Management and Forestry of the Central Bosnia Canton, acted at the request of the complainant and carried out inspections and that the complainant acted according to the instructions received from the inspection, the case was closed with a remark that it had been resolved positively.

Example:²⁰² The complainant addressed the Institution with a complaint against the work of the Department of Traffic and Roads of the Banja Luka Town, regarding the illegal charge of parking fee in Dragana Bubića Street in Banja Luka. Following the investigation, Ombudspersons issued a recommendation²⁰³ to the Mayor of Banja Luka. The Mayor replied saying that the responsible inspector issued misdemeanor order to the subject to surveillance and that the inspection bodies will keep monitoring the legality of the work of all official bodies thus ending this case successfully.

Example:²⁰⁴ The Ombudsman processed a case and issued its recommendation to the Mayor of Travnik Municipality²⁰⁵ after the completed investigation. The Mayor failed to reply to Ombudsman both within the deadline specified in the Ombudsman's recommendation nor after the urgency²⁰⁶, therefore the Ombudsman informed about it the Municipal Council, which also did not reply. In its 2018 Annual Report under chapter related to property issues Ombudspersons mentioned that in the case of this complainant who is also a returnee it issued its recommendation to the Municipality of Travnik and Utility company asking them to take the measures as necessary to provide the unimpeded access to water to the complainant. After the respondent parties failed to resolve the issue and reply to Ombudsman, having exhausted all legal remedies available, in a last attempt to resolve this case Ombudspersons managed to schedule a meeting²⁰⁷ with the Mayor of Travnik who promised to engage in repair of defects in water supply network and enable the complainant the access to potable water. As promised, after six years, the complainant finally had water connected.

6.4. Social protection

In 2019 the Department registered 82 complaints and Ombudspersons issued four recommendations. Complaints are about lack of decision-making on requests for financial assistance, housing, carer's assistance etc.

Unemployment of a large scale and low pensions cause a large number of vulnerable citizens to seek some type of social protection, which imposes an obligation on the state to put these rights in focus of its actions. Number of filed complaints reflect the real situation on the ground, which is

²⁰² Ž-BL-05-790/18

²⁰³ P-27/19 dated 04 February 2019

²⁰⁴ Ž-SA-05-1295/16; Ž-SA-05-616/17

²⁰⁵ P-169/17 of 20 July 2017

²⁰⁶ Urgency of 27 December 2017

²⁰⁷ Meeting held on 28 November 2019

even worse. Social assistance is symbolic and cannot ensure the basic necessities of its beneficiaries.

In their reports Ombudspersons pay a great deal of attention to social protection. Aiming at highlighting all specific aspects of this topic, in 2019 Ombudspersons prepared their "Special Report on the Situation and Challenges Facing the Social Welfare Centers in Bosnia and Herzegovina"²⁰⁸.

Example:²⁰⁹ The Ombudsman processed a complaint related to housing. The complainant notes that he addressed the competent authorities in multiple occasions in order to resolve his housing issue. He points out that he belongs to the category of demobilized veterans, that he is in a beneficiary of the Social Protection Service of the Municipality of Novo Sarajevo, and that he sleeps in the tent settlement of demobilized fighters in Sarajevo. From the submitted documentation, it is evident that this is a former member of the armed forces of the Army of Bosnia and Herzegovina, that he suffered bodily injury of a certain category on basis of which he receives financial assistance in form of disability benefits. In this case Ombudspersons issued a recommendation²¹⁰ to the Ministry of Veterans' Issues of the Sarajevo Canton, which submitted its reply claiming that the complainant meets all necessary requirements to be granted a rented apartment, but currently no apartment is available. The case is closed with remark that the Ombudsman's recommendation was not implemented.

Example:²¹¹ The Ombudsman processed a complaint in which the Ministry of Health and Social Policy of the Central Bosnia Canton was identified as a responsible party regarding the violation of social security rights. Deciding on the complainant's request for permanent financial assistance, the Public Institution Social Welfare Center Novi Travnik issues decisions recognizing the complainant's right to permanent financial assistance, which the Ministry annuls every time in the procedure of reviewing the first instance decision. Ombudspersons issued a recommendation to the Ministry²¹². The Ministry replied that the Ombudsman's recommendation cannot be implemented.

6.5. Health care

The right to health care is established by the European Social Charter. In Bosnia and Herzegovina, the issue of health care is regulated by laws at the level of the entities and the Brčko District of Bosnia and Herzegovina, and the cantons have to implement the established policies and legislation.

In 2019 the Department registered 74 cases in the field of health care, and recommendations were issued in 19 cases. Complaints related to the failure of health insurance funds to reimburse the costs to be borne by them, the inability to provide health care due to the unavailability of drugs to

²⁰⁸ Ž-BL-01-302/19; October 2019

²⁰⁹ Ž-SA-04-1004/18

²¹⁰ P-53/19 dated 19 February 2019

²¹¹ Ž-SA-04-37/19

²¹² P-264/19 dated 12 December 2019

certain categories of patients according to their actual needs, which resulted in the opening of a number of *ex officio* cases related to this issue²¹³. There is also the issue of drugs not registered and not available in Bosnia and Herzegovina.

It is important to point out that on 15 August 2019 Ombudspersons of Bosnia and Herzegovina sent an initiative to the National Assembly of the Republika Srpska to amend the Law on Health Insurance²¹⁴ in part related to the status of mandatory insured persons. During their investigation²¹⁵ Ombudspersons realized that a person older than 65 cannot gain the status of an insured person, that is, cannot get the insurance coverage under the provisions of the Law on Health Insurance if they do not have a pension, but they are the owners of a certain land plot. Being frail and old, they cannot carry out agricultural activities and therefore are unable to get coverage in the category of farmers, and at the same time cannot be insured as social protection beneficiaries since they own the land. In 2019 the National Assembly of Republika Srpska adopted the Law on Amendments to the Law on Health Insurance of Republika Srpska²¹⁶ where Article 10a was added whereby under Item 3 persons older than 65 are covered by health insurance mandatorily in which way the Ombudsman's initiative was implemented.

Example:²¹⁷ Ombudsman processed a complaint in which the Health Insurance Fund of the Republika Srpska was identified as a responsible regarding the violation of the rights arising from the health insurance, which is reflected in the non-reimbursement of the costs of the micro TESE procedure. He alleges that the East Sarajevo Branch of the Fund reached a decision rejecting his request for reimbursement of the mentioned costs. Deciding on the appeal, the second-instance body annulled the first-instance decision and returned the case for a new procedure. In the repeated procedure, the East Sarajevo Branch of the Fund in their decision no.: 15/053-8-174-1 / 19 dated 11 July 2019 decided negatively again. The complainant timely filed a complaint with the Director of the Fund. The Ombudsman requested a statement from the responsible party. In its statement, the Fund claimed that the procedure is still ongoing, because the expert opinion of the University Clinical Center of Republika Srpska has been requested, and that after receiving a response from the said institution, it will decide on the complainant's request. The complainant later informed the Ombudsman that the Fund had passed a decision on the appeal approving his request for reimbursement of costs, thus successfully concluding the proceedings.

Example:²¹⁸ The complainant contacted the Institution as she was suffering from adrenal cancer and needed the drug Mitaton (lysodren) for treatment, which is not on the List of Essential Medicines for the treatment of her condition. She states that she underwent surgery of a tumor on the adrenal gland, and it was established that she needed the mentioned medicine for therapy, which is not available in Bosnia and Herzegovina. The complainant considers that the said medicine should be available from the Health Insurance and Reinsurance Institute of the Federation of Bosnia and Herzegovina (Solidarity Fund) and points out that she applied to the Health Insurance and Reinsurance Institute of the Federation of Bosnia and Herzegovina with a

²¹³ Ž-SA-04-327/19

²¹⁴ Official Gazette of Republika Srpska, no. 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 1/09 and 106/09.

²¹⁵ Ž-BL-04-646/18

²¹⁶ „Official Gazette of Republika Srpska“, no.: 94/19 dated 11 November 2019

²¹⁷ Ž-BL-04-642/19

²¹⁸ Ž-SA-04-154/19

request and received a negative answer after which she filed an appeal against the said answer. Ombudspersons issued a recommendation²¹⁹ to the Federal Ministry of Health, the Health Insurance and Reinsurance Institute of the Federation on Bosnia and Herzegovina and furnished a copy to the Government of the Federation of Bosnia and Herzegovina for information. The Health Insurance and Reinsurance Institute of the Federation on Bosnia and Herzegovina, as well as the Federal Ministry of Health replied to the Ombudsman stating their reasons why the Ombudsman's recommendation cannot be implemented.

6.6. Education

The right to education in Bosnia and Herzegovina is governed by the Constitution of Bosnia and Herzegovina²²⁰, the Constitution of Republika Srpska²²¹ the Constitution of the Federation of Bosnia and Herzegovina²²² the Statutes of Brčko District of Bosnia and Herzegovina²²³, and the relevant legislation governing this area.

In the category of education in 2019 the Ombudsman registered 33 cases and issued three recommendations.

Complaints in the field of education are related to the failure of the ministries responsible for education to make certain decisions, the inability of continuation of education in the same school, as well as poor material conditions, i.e. inadequate teaching premises. A certain number of cases related to the procedure of conducting competitive procedures at higher education institutions, accreditation of higher education institutions, recognition of diplomas and non-recognition of appropriate titles in scientific and teaching fields within the higher education.

Example:²²⁴ The complainant identified the Ključ Primary School as the responsible party. She alleges that she enrolled her minor child in the mentioned school. She states that her minor child has been attending classes at the school for almost four years, but in all school records the child is recorded with a graphite pencil and at the semester and end of the school year she does not receive any evidence that she finished the school year or semester. Ombudspersons requested the statements of the Ministry of Education, Science, Culture and Sports of the Una-Sana Canton, the Cantonal Administration for Inspection Affairs and the School. In the provided statement, the Ministry claims that it has issued a decision on equivalence thus granting the child the right to continue education in Bosnia and Herzegovina. Ombudspersons then asked the School for information on whether it had received a notification from the Ministry. The school submitted the requested information, stating that it received the mentioned decision, and that it acted according to it. The case was successfully completed.

²¹⁹ P-162/19 dated 08 July 2019

²²⁰ Article II 3. 1)

²²¹ Article 38

²²² Article 2. (1) m)

²²³ Article 15.

²²⁴ Ž-SA-01-275/19

Example:²²⁵ The complainant, acting as a proxy of his minor child addressed the Ombudsman designating the “Ivan Goran Kovačić” Primary School in Livno as the responsible party for violation of his child's rights. He alleges that the judgment of the Cantonal Court of Canton 10 rejected his lawsuit for annulment of a document issued by the Ministry of Science, Education, Culture and Sports. Attached to the complaint, he submitted a notification he sent to the Primary School "Ivan Goran Kovačić" Livno informing them that under the mentioned court judgment, his child is no longer a student of the mentioned school, and that schooling should continue in the Primary school "Fra Lovro Karaula" Livno from 14 January 2019 and the child should be erased from the record of students of the Primary school "Ivan Goran Kovačić" Livno as of that date. The complainant pointed out that his six-year-old child needed more than two months to adjust to the new environment, and that his brother and sisters, who also attend the same school, brought him and took him to school every day until he adjusted. According to the enrollment area, i.e. the street in which they currently reside, the child should have been enrolled in the elementary school "Fra Lovro Karaula" Livno. The complainant initiated administrative proceedings at the beginning of the school year, followed by an administrative dispute. At the beginning of the 2018/19 school year, the child was enrolled in the elementary school "Ivan Goran Kovačić" Livno, which he attended for four months, i.e. until 14 January 2019 when the father of the child was informed that his child was no longer a student of the said school. Ombudspersons addressed the responsible party and talked to the Minister of the Ministry of Science, Education, Culture and Sports of Canton 10, pointing out that the mentioned judgment rejected the lawsuit comprising the claim for annulment of the document issued by the Ministry of Science, Education, Culture and Sports, but did not decide on the child's status in the Primary school "Ivan Goran Kovačić" Livno, nor was the judgment order that the minor child be erased from the records of school students. Immediately after receiving the complaint, Ombudspersons instructed the complainant to submit a proposal to the Cantonal Court of Canton 10 for an interim measure, due to the unforeseeable consequences for a six-year-old child that would cause him the act of being transferred to another school during the school year. The Cantonal Court of Canton 10, acting on the proposal to determine a temporary measure, issued a decision ordering the Primary school "Ivan Goran Kovačić" Livno that a minor child attend classes at the school, annulling the decision of the principal to erase this student from school records. The responsible party informed Ombudspersons that the minor child kept attending the school, thus successfully concluding the proceedings.

Example:²²⁶ The complainant designated the Academy of Arts of the University of Banja Luka as the responsible party for violation of his rights in a matter of the competition for the selection of teachers in the Study Program of Dramatic Arts. He was the only candidate to apply for the position. The Teaching-Scientific Council approved the proposal of the Election Commission, which was rejected by the University Senate, explaining that the candidate does not meet the minimum requirements for election to the position of full professor because he has not completed the second cycle of studies, i.e. the master's degree. The complainant graduated from the four-year Faculty of Dramatic Arts in Belgrade, according to the pre-Bologna system of education, which is recognized as an equivalent of the title of master according to the valid laws in the Republic of Serbia. The Senate of the University of Banja Luka does not dispute the very character of the certificate of equivalence, but considers that it cannot be used as a legal basis for the employment

²²⁵ Ž-LI-05-17/19

²²⁶ Ž-BL-04-489/19

in the field of higher education in the Republic of Srpska. In this particular case, it is evident that the complainant has already been selected and taught at the same higher education institution - the Academy of Arts of the University of Banja Luka, for the past six years, and that he has not had any problem in proving that he meets the legal requirements. Ombudspersons issued a recommendation²²⁷ instructing the National Assembly of the Republika Srpska to define the procedure of title equivalence, as well as the issue of valuation and recognition of equivalence of certificates from the country where the documents were originally acquired.

6.7. Ecology and environmental protection

Environmental protection is an important topic in Bosnia and Herzegovina, which is reflected in the higher number of registered complaints compared to 2018.²²⁸ The Ombudsman registered 20 complaints in the area of ecology and issued 6 recommendations. Despite the adoption of a large number of laws in Bosnia and Herzegovina, the policy of action in this area is not clearly defined, which raises questions about the fulfillment of commitments at the international level. Namely, Bosnia and Herzegovina has ratified numerous conventions and protocols, such as: the UN Framework Convention on Climate Change, the Kyoto Protocol, the Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal, the UN Convention on Biological Diversity, the Aarhus Convention, The Cartagena Protocol on Biosafety, the Water and Health Protocol, etc.

Example:²²⁹ Based on information obtained from the media Ombudspersons opened an *ex officio* case related to the detection of pharmaceutical waste at the Jasenovi Potoci site in the municipality of Mrkonjić Grad. The Republic Administration for Inspections of Republika Srpska informed the Ombudsman that a republic pharmaceutical inspector was sent to the field in the presence of a communal police officer and representatives of the inspection bodies of the municipality of Mrkonjić Grad, along with a representative of the company authorized by the Ministry of Physical Planning, Construction and Ecology for the management of hazardous waste and that they inspected the area in the municipality of Mrkonjić Grad, near the village of Jasenovi Potoci, where an unknown person illegally disposed of medical waste. On that occasion, two larger drug piles were identified dating from the post-war period, since the expiration dates that were visible refer to the period from 1993 to 1997. The Law on Waste Management²³⁰ prescribes that the costs of removing waste disposed of outside the landfill foreseen for that purpose, the origin of which and its connection with the producer or a person who disposed of it cannot be determined, has to be borne by the local self-government unit, and the Municipality of Mrkonjić Grad was informed about it by Ombudspersons. In return, the Municipality informed Ombudspersons that it published an invitation to bid for removal of the disposed pharmaceutical waste, and that after this public invitation, the most favorable bidder was selected, who loaded and transported the waste to its final disposal site. Having that in mind, the case ended in a positive way.

²²⁷ P-275/19 dated 11 November 2019

²²⁸ 18 registered complaints

²²⁹ Ž-LI-04-84/19

²³⁰ Official Gazette of Republika Srpska, no. 111/2013

Example:²³¹ In a case processed by the Ombudsman a complainant designated the Cantonal Administration for Inspections of Una-Sana Canton as a party responsible for violation of his rights. In the complaint, he presented his long-standing problem with a neighbor who breeds bees in his yard, as a result of which his wife got stung several times, which endangered her life (she suffers from allergy causing suffocation and can have fatal consequences). During the investigation, Ombudspersons established that the responsible party did not take all measures within its competence in order to solve the long-standing problem of keeping beehives that endanger the safety of the settlement and are not kept in accordance with applicable legal regulations. It is indisputable that the responsible party issued a decision ordering the relocation of beehives, but it is disputable whether the mentioned decision was implemented and the problem was solved. Subsequently, Ombudspersons issued a recommendation²³². After a while, the Cantonal Administration for Inspections informed the Ombudsman that it had fined the complainant's neighbor in the amount of 1,000 BAM for non-enforcement of the mentioned decision made in 2018. Subsequent inspection of the site has shown that the responsible party was not found on the property, but there were no beehives on the premises. The Federal Administration for Inspections submitted a response stating that it had asked the acting inspector of the Cantonal Agricultural Inspector of the Una-Sana Canton to report regularly on the activities taken in this case. Having analyzed the documentation, it was concluded that there was no basis for further actions in accordance with the above provisions of the Law on Organization of Administrative Bodies in the Federation of BiH. In this way the case was successfully completed.

Example:²³³ Based on information obtained from the media Ombudspersons opened an *ex officio* case related to the construction of mini power plant on the river of Doljanka. During the investigation in the case, information was collected from the relevant authorities, as well as information from NGOs acting in the field. Following the investigation, a recommendation²³⁴ was issued to the Government of the Federation of Bosnia and Herzegovina. In addition, an investigation was conducted in terms of regulating this issue in Republika Srpska, and a response was obtained from the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska, which explained the manner this matter is governed in Republika Srpska and further steps planned. The Government of the Federation of Bosnia and Herzegovina submitted a response to the issued recommendation in which it referred to the issued recommendation and the factual situation. Based on the above, the case was closed, and the issued recommendation is considered implemented.

6.8. Public revenues

In 2019 the Department for Economic, Social and Cultural Right registered a total of four cases related to public revenues. The mentioned cases include the lack of action of the tax authorities on the filed complaints, and the charge for certain services that the citizens consider to be ill-founded.

²³¹ Ž-BL-04-603/18

²³² P-122/19 dated 17 April 2019

²³³ Ž-SA-04-525/19

²³⁴ P-175/19 dated 29 July 2019

Example ²³⁵: The complainant appeals against the decision of the Cantonal Tax Office Tuzla, Lukavac Tax Office. He appealed the decision to a second instance body, the Federal Ministry of Finance. The second-instance body eliminated the violation of rights after the intervention of the Ombudsman, in which way the case ended positively.

Example:²³⁶ The complainant addressed the Institution due to the alleged violation of consumer rights. He states that during the sending of a parcel at the Pošte Srpske/Posts of Srpska, in addition to the regular price, he was charged an additional 0.20 BAM, as an allowance for the Red Cross week. He also stated that he was not issued a fiscal invoice for that service, but a handwritten invoice, and he was interested in whether everything was legal in the mentioned case, how he could know that the funds would really end up in the Red Cross accounts, and why in the mentioned case the Pošte Srpske/Posts of Srpska act in a humanitarian way collecting the fees from the users of their services without their explicit consent, instead from their own funds. In response to the complainant's allegations, the Posts of Srpska stated ²³⁷ that, as a legal entity, they are obliged to sell additional stamps in favor of the Red Cross during the "Red Cross Week" and "Tuberculosis Week", in accordance with the Law on the Position and Powers of the Red Cross of the Republika Srpska and the Law on Postal Traffic Services. Also, they further stated that the Law on VAT prescribes that public postal services are exempt from VAT, and the Law on Fiscal Cash Registers so that they do not have an obligation to register each individual transaction of goods and services through the fiscal cash register.

²³⁵ Ž-SA-04-287/19

²³⁶ Ž-BL-04-681/19

²³⁷ A document no.:1/2.1.-3055/19, dated 15 October 2019

VII RIGHTS OF PERSONS DEPRIVED FORM LIBERTY

7.1. Notion of torture and establishment of a preventive mechanism in Bosnia and Herzegovina

By ratification of the Optional Protocol²³⁸ to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), Bosnia and Herzegovina has assumed responsibility for establishing the mandate of the National Preventive Mechanism/Preventive Mechanism, or an independent body with a mandate to, *inter alia*, conducts visits to all places where persons deprived of their liberty are held, in order to improve the position of persons deprived of their liberty, especially with regard to the identification of possible torture and other forms of inhuman and inhuman treatment.

National Preventive Mechanism/Preventive Mechanism has not been established in Bosnia and Herzegovina. However, through the Project of Capacity Building of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina to carry out the mandate of the torture preventive mechanism in Bosnia and Herzegovina, adequate training on the mandate and functioning of the National Preventive Mechanism/Preventive Mechanism delivered²³⁹, thus creating the preconditions for the Institution to assume the role of this mechanism. As part of this project, Ombudspersons visited all larger police stations in Bosnia and Herzegovina to determine the condition of detention facilities, and in relation to this prepared and presented to the public²⁴⁰ their Special report on the conditions in the detention facilities in police administration units in Bosnia and Herzegovina²⁴¹.

Visits to places where persons with freedom of movement are restricted in any way are an effective way to prevent and combat torture. Places where persons deprived of their liberty are detained, due to their character, are suitable places for torture, and regular monitoring of these places, i.e. public presentation of the findings of these visits a prerequisite for prevention of torture and other forms of degrading treatment of these persons.

It is important to emphasize that the procedure of amending the Law on the Human Rights Ombudsman of Bosnia and Herzegovina²⁴² is pending. According to these amendments the National Preventive Mechanism/Preventive Mechanism has to be established, i.e. the creation of a legal framework for the implementation of obligations arising from the Optional Protocol to the UN Convention Against Torture. Amendments to the Law on the Ombudsman were accepted by the Council of Ministers in 2017, but nevertheless have not been adopted to date.

²³⁸ Ratified on 24 October 2008

²³⁹ The Project was implemented in cooperation with the Ombudsman of the Republic of Bulgaria and the Embassy of the Republic of Bulgaria

²⁴⁰ In April 2019

²⁴¹ https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2019041708251344bos.pdf

²⁴² Amendments to the Law on the Institution of Human Rights Ombudsman of Bosnia and Herzegovina adopted by the Council of Ministers in 2017

Bosnia and Herzegovina is the only country that is not a member of the Network of National Preventive Mechanisms of the countries of South-East Europe²⁴³, but its representatives are regularly invited to the meetings of this Network²⁴⁴ in order for the Institution to prepare to assume this mandate once the amendments to the Law on Human Rights Ombudsman are adopted.

7.2. Monitoring of the rights of persons deprived from liberty

Within the Institution, operates its Department for Monitoring the Exercise of the Rights of Persons Deprived of Liberty, which processes complaints and acts *ex officio* initiating investigations in all cases related to possible violation of the rights of persons deprived of liberty, irrespective of whether those persons were in a penitentiary institution (prison or detention facility), or in another institution where the freedom of movement is restricted (police stations, educational or disciplinary centers for minors, immigration centers, nursing homes, centers for asylum seekers, psychiatric institutions, etc.).

In the reporting period, this Department received 129 complaints, which is a decrease of 10.42% compared to 2018. 110 complaints were received at the Regional Office in Sarajevo, and 18 complaints at the Central Office of the Institution in Banja Luka. Analyzing the structure of the submitted complaints, it is evident that the largest number refers to dissatisfaction with the quality of health care provided in these institutions, denial of out-of-prison benefits, transfer to another institution, use of parole, unsatisfactory conditions of accommodation and treatment in institutions. misconduct by staff or violence by other prisoners, visits by family members, resolution of status issues, etc. A number of complaints also related to the review of court proceedings and final court decisions, but the Ombudsmen in this case inform complainants that in such cases they cannot act because, according to the law, they cannot interfere with or influence court decisions.²⁴⁵

In 2019 in the framework of processing complaints and also on its own initiative, representatives of the Ombudsman visited the following penitentiary institutions: Foča Prison²⁴⁶, Trebinje

²⁴³ Because the National Preventive Mechanism/ Preventive mechanism has not been established yet

²⁴⁴ The meeting of the representatives of the NPM network of Southeast European countries held in Skopje on 11 and 12 June 2019, on the topic "NPM policy on reprisals", was attended by the head of the Department for Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Advisor Vanja Dandić Burić. In addition to representatives of the NPM network, representatives of the UN Subcommittee on Prevention of Torture (CPT) were present; Meeting of the representatives of the NPM network of Southeast European countries in Skopje, 2-3 October 2019 on the topic "Specific needs of minors in detention", was attended by the Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović

²⁴⁵ Law on Human Rights Ombudsman of Bosnia and Herzegovina (Official Gazette of BiH no. 19/2002, 35/2004 and 32/2006), Article 4 paragraph 2) reads: „ *An Ombudsman shall not interfere with the adjudicative functions of a court.*“

²⁴⁶ Ombudsperson Ljubinko Mitrović and Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović visited the Foča Prison on 06 March 2019

Prison²⁴⁷, Zenica Prison²⁴⁸, Istočno Sarajevo Prison²⁴⁹, Tuzla Prison²⁵⁰, Doboj Prison²⁵¹, Mostar Prison²⁵², Prison²⁵³, Busovača Prison²⁵⁴. Visits were mostly unannounced. During these visits, the representatives of the Institution conduct interviews with persons deprived of their liberty and monitor the current situation in the institutions. The aim of monitoring visits and reporting is to present to the public and government officials issues that threaten the exercise of the human rights of persons serving prison sentences and other persons deprived of their liberty.

7.2.1 Special report on the situation in detention facilities in some police administrations in Bosnia and Herzegovina

In 2019 Ombudspersons presented to the public their Special report on the situation in detention facilities in some police administrations in Bosnia and Herzegovina²⁵⁵. Shortly prior to that they visited police administrations in Bosnia and Herzegovina²⁵⁶, and based on interviews with managements of these institutions, insight into the documents and direct observation during the visits, they drafted this report.

Having analyzed the situation in the detention facilities, Ombudspersons drafted their general recommendations to the Government of Republika Srpska, the Government of Brčko District of Bosnia and Herzegovina, the Government of Sarajevo Canton, the Government of Zenica-Doboj Canton, the Government of Central Bosnia Canton, the Government of Tuzla Canton and the Government of Herzegovina-Neretva Canton: to allocate necessary funds in order to implement the recommendations of the Ombudsman sent to the competent ministries of interior regarding the necessary adaptation of detention facilities.²⁵⁷ These activities should include the installation of video surveillance to control and prevent undesirable behavior or self-harm of persons deprived of

²⁴⁷ Visit conducted on 13 March 2019 by the Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Associate Naida Korajlić

²⁴⁸ Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Associate Naida Korajlić visited the closed-type prison in Zenica on 26 March 2019. Visit conducted also on 10 July 2019 by Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Associate Naida Korajlić and Expert Associate Ante Šakota

²⁴⁹ Visit conducted on 21 May 2019 by Ombudspersons Ljubinko Mitrović, Nives Jukić and Jasminka Džumhur

²⁵⁰ Visit conducted on 01 July 2019 by Ombudsperson Jasminka Džumhur, Assistant Ombudsman Vedrana Pavlović and a volunteer Jasna Kolar. A visit was also conducted on 11 November 2019 by Assistant Ombudsman Vedrana Pavlović and the volunteers Nevena Filipović and Selma Hašić.

²⁵¹ Visit conducted on 17 June 2019 by the Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Advisor Hajrija Adžamija. A visit was also conducted on 09 October 2019 the Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Associate Naida Korajlić

²⁵² Visit conducted on 22.08.2019 the Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović. A visit was also conducted on 04 November 2019 by the Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Advisor Maja Pandžić Marić.

²⁵³ Visit conducted on 30 August 2019 by the Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Associate Mirjana Trifković

²⁵⁴ Visit conducted on 14 October 2019 by Ombudsperson Jasminka Džumhur, by the Head of the Department for the Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and a volunteer Amar Nijemčević.

²⁵⁵ Special report on situation in detention facilities in some police administrations in Bosnia and Herzegovina available at https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2019041_708251344_bos.pdf

²⁵⁶ In this occasion visits were conducted to the police administrations within the Ministry of Interior of Republika Srpska (Police Administration Banja Luka, Police Administration Prijedor, Police Administration Doboj and Police Administration Bijeljina), the Ministry of Interior of the Federation of Bosnia and Herzegovina and cantonal ministries of interior (Police Administration Sarajevo, Police Administration Zenica, Police Administration Mostar, Police Administration Travnik and Police Administration Tuzla) and the Police of Brčko District of Bosnia and Herzegovina

²⁵⁷ Pursuant the standards set out in the European Prison Rules

their liberty, with particular regard to the deployment of cameras to ensure the protection of the privacy rights of convicted persons²⁵⁸. The recommendation also pointed out the need to allocate the funds as necessary for the employment of additional staff - public servants, officials in police administrations/stations, in accordance with the established systematization of posts, and for professional training of police officials engaged in treatment of persons deprived of liberty. This training should be organized through continuous, specialized and licensed courses that meet the highest domestic and international standards in this field. Also, Ombudspersons sent a recommendation to the Ministry of Interior of the Federation of Bosnia and Herzegovina to establish electronic records of persons deprived of liberty, and a recommendation to the Ministry of Interior of Republika Srpska to harmonize the existing electronic records of detainees with the provisions of the Criminal Code of Republika Srpska.

7.3. Rights of persons deprived of liberty

7.3.1. Health care

Ombudspersons emphasize that persons deprived of liberty belong to a vulnerable category of the population because their situation has an impact on the physical, psychological, social, legal and every other aspect of their lives.

Persons deprived of liberty must be examined by a doctor upon entering a penitentiary institution. The prison health care service should be able to provide health care of the same quality and scope as the one provided to patients enjoying compulsory health insurance outside the prison. The obligation of medical staff in the institution is not only the treatment of the patient, but also preventive medicine which consists of monitoring hygienic conditions in the institution, health counseling, prevention of violence among and towards prisoners, recording injuries, etc. Prison medical staff should have certain professional knowledge that enables them to tackle various forms of prison pathology, and adapt their treatment methods to prison conditions.

European Prison Rules pay a great deal of attention to health care²⁵⁹ and indicate that health care must be provided to the prisoners without discrimination based on their status.

Irrespective of these standards, in 2019 the Ombudsman registered complaints lodged by convicted persons about the quality of health care in prisons in correction facilities in Bosnia and Herzegovina.

Some prisons do not have a general practitioner with work contract for an indefinite period of time as prescribed by European Prison Rules²⁶⁰. 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 liberty.

²⁵⁸ Cameras should be located in corridors approaching the prison cells and should not cover toilet space

²⁵⁹ European Prison Rules, Part III covering the health care issues, Item 40.3

²⁶⁰ European Prison Rules, Part III covering the health care issues, Item 41.1

In Republika Srpska and the Federation of Bosnia and Herzegovina the following prison establishments have a permanently employed doctor: Foča Prison, Banja Luka Prison, Istočno Sarajevo Prison, Zenica Prison, Tuzla Prison and Sarajevo Prison.

In Republika Srpska the prisons in Doboј, Trebinje and Bijeljina engage a medical doctor based on a temporary contract, while in the Federation of Bosnia and Herzegovina the prisons in Mostar, Orašje, Bihać and Busovača engage medical doctors from the closes health institutions based on temporary service contracts.

Although the rights of persons deprived of liberty are defined by a number of international legislation acts and by-laws, in practice they are often violated.

Example: Chair of the Joint Commission of Human Rights of the Parliamentary Assembly of Bosnia and Herzegovina forwarded to the Ombudsman a complaint²⁶¹ of a prisoner serving her sentence in Tuzla Prison. The complaint related to the putting her health in jeopardy, non-provision of adequate health care and the general poor hygiene conditions in semi-open Tuzla Prison. After the investigation Ombudspersons issued their recommendation to Director of semi-open prison facility in Tuzla²⁶². Since he failed to provide his feedback to the Ombudsman within the defined deadline, Ombudspersons informed the Ministry of Justice of Bosnia and Herzegovina that the Ombudsman's recommendation was not implemented.

Example: The Ombudsman received a complaint²⁶³ lodged by an inmate dissatisfied with health care in detention unit of Tuzla Prison. Based on reply of Tuzla Prison management²⁶⁴, and after the insight into the health records of the complainant, Ombudspersons could not establish a violation of the rights of the complainant. Namely, since his arrival to prison he was checked in the infirmary as much as 23 times. Prison psychiatrist checked him six times, and he was several times referred to the University Clinic Tuzla for several specialistic examinations. Representatives of the Ombudsman talked to the complainant during their visit to Tuzla Prison and presented him these facts after which he said that he was an ex psycho-active substance user (heroin and cocaine), and that he was treated since his arrival to prison. He pointed out that he received adequate health care, that he had been using the appropriate therapy and feeling excellent. Every weekend he visits psychiatrist, does not has objections to the detention conditions and does not require further interventions of the Ombudsman.

Example: A complainant²⁶⁵ who serves his sentence in Foča Prison complained that he had diabetes 1 established upon his arrival to prison, but that he had not experienced any particular health problems. However, he started having problems after his doctor changed his therapy so that his sugar levels vary between 1 to more than 35. He cannot undergo surgery as his sugar levels cannot be stabilized. His food is not adequate for persons with diabetes which significantly contributes to his health difficulties. During the investigation Ombudspersons established that he was referred to the University Clinic Center Banja Luka to be examined with a specialist who

²⁶¹ Ž-SA-07-484/18 dated 17 April 2018

²⁶² P- 191/19 of 15 August 2019

²⁶³ Ž-SA-07-544/19

²⁶⁴ Reply of Tuzla Prison no. 03-11-4505-2/19 dated 10 September 2019

²⁶⁵ Ž-SA-07-461/19

confirmed the diagnosis and therapy prescribed by Foča Prison doctor. The complainant is included in the list of inmates with diabetes which is updated regularly and given to the kitchen staff so they prepare adequate food for them including necessary additives and whole grain bread. The Foča Prison management and relevant medical documents indicate that the prisoner is changing his insuline doses on his own and is not taking adequate food which complicates his disease. Ombudspersons keep following up this case.

Example: A complainant²⁶⁶ who serves his sentence in Foča Prison complained of the quality of health care provided claiming that he got asthma and bronchitis in the prison, as well as skin diseases due to humidity. Ombudspersons asked the prison management to reply to these allegations, which they did²⁶⁷. Based on their reply, as well as the medical documentation provided, Ombudspersons stated that the prisoner was and still is provided with adequate health care, in accordance with the regulations, which is clearly seen from the health report. Respiratory health problems also existed at the time the prisoner started serving his sentence. In this regard, he was examined by a specialist pulmonologist, and he was recommended appropriate therapy, which the prisoner refused to use. Also, the prisoners had a skin infection caused by the use of inadequate razor hygiene equipment and it has nothing to do with humidity. Ombudspersons in this case could not find violations of the right to health care, but it was noted that this is one of the ways in which the convict seeks transfer to another penitentiary institution.

7.3.2. Accommodation conditions and prison staff

Persons deprived of liberty are entitled to adequate accommodation according to standards set out in European Prison Rules²⁶⁸. In this respect Ombudspersons can state that overcrowdedness which was a challenge in all previous years is now almost completely resolved.

Existing accommodation capacities in the prisons located in the Federation of Bosnia and Herzegovina²⁶⁹ meet the needs for accommodation of detainees and prisoners. In 2018 and 2019 there were certain difficulties in the functioning of the detention unit of the Sarajevo Prison due to overcrowding, because the detention capacity was planned for 88 people, and the actual number was up to 130 detainees. In order to resolve the difficulties and relieve the detention facilities of the Sarajevo Prison, the Federal Ministry of Justice has expanded the detention facilities at the Zenica Prison by 70 places, in order to relieve the detention facilities of the Sarajevo Prison. At the same time, the capacity of the detention unit of the Sarajevo semi-open Prison has been expanded to 132 places. This Ministry, after the adoption of a new Rulebook on the criteria for sending persons to serve a prison sentence²⁷⁰ enabled the courts pronouncing prison sentences to be served in Busovača Prison²⁷¹, which are mostly the courts from Zenica-Doboj and Central Bosnia Cantons, to directly refer convicted persons to other prisons if the capacity of semi-open Busovača Prison is filled. Based on the data provided in a letter of the Federal Ministry of

²⁶⁶ Ž-SA-07-906/19

²⁶⁷ A letter no. 03-3244/19 of 30 August 2019

²⁶⁸ European Prison Rules, Part II Allocation and accommodation 18.1.

²⁶⁹ Capacity of penitentiary institutions located in the Federation of Bosnia and Herzegovina as at 20 November 2019 was 1,982 places, while the total number of prisoners was 1,830 (1,476 convicted persons and 354 detainees)

²⁷⁰ Official Gazette of the Federation of Bosnia and Herzegovina" no. 33/2018.

²⁷¹ According to the data obtained from municipal courts from the territory of Zenica-Doboj Canton and Central Bosnia Canton as of 31 December 2018 a total of 20 convicting persons was waiting to be allocated to serve the sentence

Justice²⁷², Ombudspersons can conclude that the problem of overcrowding has been successfully resolved.

When it comes to material investments in penitentiary institutions in the Federation of Bosnia and Herzegovina, Ombudspersons note that significant funds have been allocated for the procurement of construction material, equipment, fixed assets and the buildings reconstruction. It is important to emphasize that the newly built admission ward has been put into operation in the Bihac Prison, in the Zenica Prison the construction of the ninth pavilion is being financed from IPA funds, and in the Orašje Educational Correctional Facility for minors, also funded under the IPA programs.

In the Republika Srpska, in 2019, significant funds were invested in the adaptation and reconstruction of penitentiary institutions, in the Trebinje Prison (reconstruction of the heating system and purchase of a protective fence). For the adaptation and improvement of living conditions in the Bijeljina Prison, the allocated funds were used for the reconstruction and repair of the bathroom, heating, painting, maintenance of electrical installations and replacement of windows. In the Istočno Sarajevo Prison in 2019, funds were provided for replacement the exterior carpentry on the building within the prisoners pavilion. A part of the prisoners' pavilion was repaired within the Banja Luka Prison. In the Administrative building of the Banja Luka Prison, a part of the exterior doors and windows was replaced, and the procedure for reconstruction and repair of the restaurant and part of the administrative building is in progress.

In 2019, the Federal Ministry of Justice granted all penitentiary institutions in the Federation of BiH its consent for the admission of two civil servants, 27 prison police officers and 11 administrative employees. According to the data of the Ministry of Justice of the Republika Srpska, a certain number of prison staff was admitted to penitentiary institutions, as follows: Dobož Prison (a total of nine employees were hired in all services), Trebinje Prison (a total of five new employees), Istočno Sarajevo Prison (three new staff members are hired) Foča Prison (nine new employees are hired), Banja Luka Prison (19 new employees are hired - out of which 13 for an indefinite period of time, four on a temporary basis and two trainees).

After the adoption of the Law on Pardon of Republika Srpska²⁷³, a number of prisoners had their sentences reduced, which contributed to the increase of accommodation capacity in many prisons in Republika Srpska.

In November 2019 the Ministry of Justice of Bosnia and Herzegovina published a public competition for hiring 100 employees for the Institute for the Execution of Criminal Sanctions, Detention and Other Measures in Istočno Sarajevo. Once the new employees finish the training first prisoners can be accommodated²⁷⁴. Opening of this Institute will solve the accommodation issue²⁷⁵, and will relieve the closed type prisons.

²⁷² No. 04-49-3300/19 dated 12 December 2019

²⁷³ Official Gazette of Republika Srpska, no. 61/2018

²⁷⁴ At the moment there is around 400 prisoners convicted by the Court of BiH and detainees who serve their sentence or are detained in entity prisons.

²⁷⁵ State Prison capacity is 500 inmates.

Example: The Ombudsman received a complaint of a husband of an inmate of Tuzla Prison²⁷⁶ in which he complained of inhumane and unhygienic conditions in the room for conjugal visits. Representatives of the Institution visited the said room, and determined that the room was unconditional, cold, unpainted, full of moisture. During the conversation with the director of the Institute, the representatives of the Ombudsman were told that measures would be taken in order to adapt this room. After a while Ombudspersons received a letter from Tuzla Prison²⁷⁷ in which it was said "*... in November 2019, in the room for conjugal visits, the plasterboard walls were separated by slabs in order to prevent the penetration of moisture, the room was painted, and the process of procuring the floor cover is in progress. Once a week, the room is generally cleaned, bed linen is changed after each visit, and also under the public procurement procedure are linen bed sheets that would replace the current ones. During the conjugal visit, the hygiene in the room is maintained by the persons who use it...*

7.3.3. Benefits out of the establishments

Success of institutional rehabilitation treatment is extremely important in approving the benefits out of the prison establishments. After fulfilling all legal aspects, i.e. serving the part of the prison sentence, the conditions are met when a convicted person can submit a request to the management of the institution for approval of the use of out-of-prison benefits (weekend leave, going out, vacation). When making a decision on their request, all aspects of institutional rehabilitation treatment are analyzed: fulfillment of legal conditions for submitting an application, attitude towards sentence, conduct and behavior while serving a sentence, employment, participation in free activities, attitude towards officials. On the other hand, a joint assessment is made between the treatment service and the security services on the degree of risk of whether a person will abuse out-of-prison benefits. This assessment²⁷⁸ has to be done thoroughly and in its conducting data from the field are required (opinion of the competent police administration and competent social welfare center). For persons convicted by the Court of BiH a final decision on granting benefits out of prison is made by a prison director in accordance with the law²⁷⁹ and the Rulebook of use of benefits and annual leave of prisoners serving sentences in the institutions for the execution of criminal sanctions and other measures of Bosnia and Herzegovina²⁸⁰. For persons convicted by the entity courts, a final decision on granting benefits out of prison is made by a prison director or a person authorize by him in accordance with the Law²⁸¹ and the House rules of a particular prison.

²⁷⁶ Ž-SA-07-1209/19

²⁷⁷ No. 04-12-6007-2/17 dated 26 November 2019

²⁷⁸ Article 154 paragraph 3) of the Bosnia and Herzegovina Law on the Execution of Criminal Sanctions, Detention and Other Measures, Official Gazette of BiH, no. 13/2005, 53/2007, 97/2007, 37/2009 and 12/2010 reads: The risk assessment or the assessment of security conditions shall at the very least include: threat to the public/community in case of a prisoner's escape, prior conduct, escape attempts, previous arrest upon the wanted notice, access to outside help, prior criminal record, personal and family circumstances, leaving the territory of BiH in the past, tendency to move from one place to another or frequent change of temporary or permanent place or residence, participation in the treatment programs, nature of the criminal offense for which the prisoner was convicted, manner, motive and consequences of the committed criminal offense, attitude towards the victim, k)length of sentence, possible threat to other prisoners, other circumstances that may be of importance for the assessment of security risk.

²⁷⁹ Bosnia and Herzegovina Law on the Execution of Criminal Sanctions, Detention and Other Measures, Official Gazette of BiH, no. 13/2005, 53/2007, 97/2007, 37/2009 and 12/2010

²⁸⁰ Official Gazette of Bosnia and Herzegovina no. 67/2009 and 20/2012

²⁸¹ Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina, Official Gazette of the Federation BiH, no. 44/98, 42/99, 12/2009 and 42/2011, Law on the Execution of Criminal and Misdemeanor Sanctions of Republika Srpska, Official Gazette of Republika Srpska, no. 63/2018, Law on the Execution of Criminal

Granting the privileges out of the establishments is a benefit that a convicted person can only deserve by his good conduct and behavior, not the right or obligation that the administration must comply with. Granting of privileges is not conditional on positive check results of the police authorities. However, analyzing the cases registered by the Ombudsman, it could be concluded that it depends to a large extent on this opinion although it is not binding for the prison management. It is a general observation of Ombudspersons that police while collecting information from the field does not always do adequate and objective checks, but very often provides negative opinion automatically.

Example: A complainant²⁸² claimed in her complaint that she served a half of her twenty year sentence in Tuzla Prison after which she became entitled to use of out-of-prison benefits with her family. However, for almost two years and seven months she is not able to do it as the Police station Novo Sarajevo provides the prison management with negative opinion giving no satisfactory reasons. During their investigation Ombudspersons asked the Tuzla Prison management and Police Administration Novo Sarajevo to give their opinion and reasons. In its letter, the Third Police administration Police Station Novo Sarajevo²⁸³ claim that their police officers went to the field and had informative interviews with tenants at the provided address at which the convicted person wanted to spend her time during the stay out of the prison establishment, and found out that the community in general is against it. Therefore, the management of Tuzla Prison informed Ombudspersons²⁸⁴ that the only reason why the convict does not use the benefit out of the prison establishment is a negative opinion of the community about it. The investigation in this case is pending.

Example: The Ombudsman received two complaints²⁸⁵ of the convicted persons serving their sentences in semi-open type Orašje Prison. They complained of being deprived of the out-of-prison benefits since the Police of Brčko District does not concur with it and keeps giving the negative opinion with no adequate reasoning. During the investigation Ombudspersons asked the Police of Brčko District to provide them with information as to the above subject along with all relevant evidence on the measures taken. The Brčko District provided an explanation²⁸⁶ claiming that it acted in accordance with the document issued by the Prison management, made checks in the field and collected the opinions of the citizens as to the use of out-of-prison benefits. Given that they failed to provide any evidence to corroborate their claims and facilitate the Ombudsman's decision making. In this case Ombudspersons issued recommendations²⁸⁷ to the Police of Brčko District of Bosnia and Herzegovina. These recommendations were implemented and cooperation with the Ombudsman established at once

Santions, Detention and Other Measures in Brčko District of Bosnia and Herzegovina, Official Gazette of Brčko District BiH, no. 31/2011.

²⁸² Ž-SA-07-1160/19

²⁸³ A document no. 02/10-2-04-10-3099/19 dated 27 November 2019

²⁸⁴ A document no. 04-12-5735-2/19 dated 11 November 2019

²⁸⁵ Ž-SA-07-1015/19 i Ž-SA-07-971/19

²⁸⁶ A document issued by the Police of Brčko District no. 14.01-04.12-65806/19 dated 30 October 2019 and a document issued by the Police of Brčko District no 14.01-04.12 dated 30 October 2019

²⁸⁷ P-265/19 dated 13 December 2019 and Recommendation no. P-265/19 dated 10 December 2019

Example: A complainant²⁸⁸ serving in Doboj Prison claims that his human rights are breached and he discriminated and abused because of his religion. In addition to that, he is entitled to the use of out-of-prison benefits and he has a positive opinion of the competent social welfare center and the police administration. During the investigation the Doboj Prison furnished the Ombudsman with its opinion²⁸⁹ whereby they claim that it was correct that the convicted person had gained the right to apply for the benefits outside the establishment, but at that moment before the Regional court of Doboj new criminal proceedings against him are taking place. On the other hand his application is refused temporarily waiting the confirmation of data provided by the Police letter that the mentioned person also has a Croatian citizenship (and that there is a danger that he might escape). After that the prisoner started his hunger strike insisting to be transferred to another prison, Orašje or some other prison in the Federation of Bosnia and Herzegovina. On 97 October 2019 the prisoner was transferred to Foča Prison in Republika Srpska based on a decision of the Ministry of Justice of Republika Srpska.

Example: A complainant²⁹⁰ claimed that he was serving his sentence of three years in Sarajevo Prison under a judgment of the Court of BiH. He emphasized that he was entitled to the benefits out of prison as he had served a half of his sentence. He applied three times addressing the competent police administration, but the answer was negative. During the investigation Ombudspersons received a letter from the Sarajevo Prison management²⁹¹ which reads as follows *"..at the beginning of December the application of the mentioned convicted person was processed and he was granted out-of-prison benefits starting from 14 December 2019..."*

7.3.4. Prison labor

Among the most effective forms of treatment of convicted persons on their path to resocialization is their work engagement. The prison work by convicts is treated as an integral part of the treatment and it must be purposeful and not degrading. The purpose of work is to enable to convicted persons to acquire, maintain or increase their working skills, so that, if possible, they can earn some income after their release making use of the acquired skills. Penitentiary institutions are obliged to take into account the physical and mental characteristics of convicts, their inclinations and abilities, and professional qualifications when determining the type of work. A convicted person may work in the institution and outside it, and they receive compensation for that work. In this way, convicts provide a significant source of income through their work engagement, which they can send to their families.

Ombudspersons think that prison institutions should be Ombudsmen make additional efforts in order to improve the work engagement of persons serving prison sentences in accordance with objective possibilities. For example, in some penitentiary institutions in Bosnia and Herzegovina, the work of convicts on agricultural goods (greenhouse production) provides a certain amount of food needed to feed the inmates.²⁹²

²⁸⁸ Ž-SA-07-657/19

²⁸⁹ A document no. 03-241-2668/19 dated 23.09.2019

²⁹⁰ Ž-SA-07-1254/19 dated 20 November 2019

²⁹¹ No.: 01-12-201-5/18 dated 05 December 2019

²⁹² In Busovača Prison, prisoners are engaged in hygiene maintaining, they prepare food in the prison kitchen, as well as to maintain the Prison circle. In addition to the above-mentioned jobs, the convicts, together with the prison

Example: A prisoner serving his sentence in Busovača Prison²⁹³ addressed the Federal Ministry of Justice asking permission to work outside the prison, but the permission was not granted. He wonders why as he already uses the benefits out-of-the establishment, regularly reports to the police station and returns to the prison on time. During the investigation the Federal Ministry of Justice²⁹⁴ replied to the Ombudsman's inquiry by a letter that reads: „...*The Ministry had in mind that this is a convicted person whose re-socialization treatment takes place without difficulties, but considering the gravity of the crime, the ratio of imprisonment served, convinced that giving consent would not achieve the purpose of punishment, especially in terms of victim's satisfaction, this Ministry has not given its consent for sending a convicted person to work outside the institution while serving his prison sentence...*“

7.3.5. Education

Every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations.²⁹⁵ The education of persons deprived of liberty, especially prisoners, is the best way of their resocialization, including the right to primary and secondary education and the right to vocational training through theoretical and practical training in prison workshops. Special attention must be paid to the education of young prisoners.

Example: Upon arrival at the prison, a convicted person serving his sentence in the Doboj Prison expressed interest in part-time education, in order to complete the Secondary Traffic School in Doboj, arguing that his mother is willing to bear the costs of his part-time education.²⁹⁶ In the course of its investigation, the Ombudsman received a letter from the Doboj Prison²⁹⁷ whereby the prison management informs Ombudspersons that the Prison's social worker visited High Traffic School in Doboj where she was informed that part-time education in this school is not possible since it is legally restricted to persons below the age of 18, but there is another possibility under the Republika Srpska Law on Education of Adults²⁹⁸. The Center for Education of Adults, however, did not organize the courses in the academic year 2018/2019 due to the lack of interest, so that the prisoner could not be enrolled there. But, the Center is at disposal to the prisoner and is willing to organize the completion of his secondary education in any secondary school in Doboj Town. Since his mother is ready to bear costs of his education she was invited to actively participate in implementation of this idea.

officers, maintain a greenhouse that produced 5.5 tons of vegetables last year, which is used for their needs. Within the Tuzla Prison, the Kozlovac Department also produces food through greenhouse production, which largely meets the needs of convicts in this institution. In the Trebinje Prison, the convicts also contribute to society through their engagement in the semi-open economic department in Duži, where piglet and laying hen farms have been established. The production of eggs and meat and the sale of meat is sufficient to meet their needs and partly the needs of the community.

²⁹³ Ž-SA-07-530/19

²⁹⁴ No.: 04-49-1743/19 dated 06 June 2019

²⁹⁵ European Prison Rules, Part II 28.1.

²⁹⁶ Ž-SA-07-943/19

²⁹⁷ No. 03-241-3143/19 dated 07 November 2019

²⁹⁸ Official Gazette of Republika Srpska, no. 59/2009

7.3.6. Status rights of convicted persons

In 2019 the Ombudsman received a number of complaints related to resolving certain status issues of persons deprived of liberty, such as obtaining an ID card, registration and change of residence, assistance in obtaining documentation necessary to exercise the right to pension and other status issues. Persons deprived of liberty must be able to access the documents they need to regulate their status. Ombudspersons noticed certain problems that persons deprived of liberty have, related to access to documents, or registration and change of residence, as it will be presented below.

Example: The Ombudsman processed a complaint filed by a convicted person²⁹⁹ who could not exercise his right to pension. Namely, the prisoner's proxy addressed the Federal Pension Insurance Fund to obtain a listing comprising the data about the accelerated pension benefit payment by the prisoners ex-employers into the pension fund . Having summarized all the facts and evidence collected during its investigation the Ombudsman issued a recommendation³⁰⁰ to the Federal Ministry of Interior and the minister of the Ministry of Interior of Sarajevo Canton. The Federal Ministry of Interior failed to answer and in the meantime the prisoner's proxy informed the Ombudsman that the prisoner reached the age of 65, which made him entitled to pension anyway irrespective of the fact that he would enjoy more favorable conditions had he retired according to accelerated pension benefit scheme.

Example: Ombudspersons opened their investigation based on a complaint lodged by a prisoner³⁰¹ serving her sentence in Tuzla Prison who applied to the Ministry of Interior of Police Administration Novi Travnik to issue her new personal ID card as she had lost her previous one prior to her referral to serve her sentence. However, the Police Administration Novi Travnik never replied to her application. In the meanwhile she become entitled to the use of benefits outside the prison, but without her ID card she cannot exercise this or other rights. She is a mother of a minor child (16 months old baby), so she fears that all these delays in issuance of ID card can deprive her of the contact with her child. In the course of their investigation Ombudspersons were informed that the complainant had exercised her right, because shortly after the Ombudsman's intervention she was furnished with a decision declaring the ID card invalid and the mobile team of the Travnik Police Administration came to Tuzla Prison to carry out the procedure for issuing a new ID card.

Example: Ombudspersons opened an investigation upon a complaint³⁰² lodged by a prisoner serving his sentence in Foča Prison related to difficulties he is facing in registration of the residence as the Administration Department of the Ministry of Interior of Tuzla Canton does not allow it. The Ombudsman's investigation revealed that the first-instance body adopted a decision refusing the application of the complainant for registration of the residence because he failed to furnish all required documentation under the BiH Law on Temporary and Permanent Residence³⁰³. The second-instance body accepted the complainant's appeal and returned the application to the first-instance body to repeated decision-making with suggestion to grant the complainant's request for residence registration at the address of the Social Welfare Center Tuzla which points out that the

²⁹⁹ Ž-SA-07-297/19

³⁰⁰ No.: P-129/18 of 07June 2018

³⁰¹ Ž- SA-07-1226/19

³⁰² Ž-BL-07-978/19

³⁰³ Official Gazette of Bosnia and Herzegovina, no. 32/2001, 56/2008 and 58/2015

complainant is covered by the provisions of Article 8 paragraph 7 of the BiH Law on Temporary and Permanent Residence³⁰⁴ since he earlier neither had a residence on the territory of BiH, nor property or relatives at whose address he could have register the residence. The Ministry of Civil Affairs of Bosnia and Herzegovina was included in seeking solution of this problem. This Ministry asked the complainant to provide them with some additional information in order to solve his matter. Investigation in this case is still pending.

7.3.7. Transfer and conditional release

Transfer of convicted persons in Bosnia and Herzegovina involves the transfer of prisoners from one collective to another within the same institution, or from one institution to another within the same entity, as well as transfer from a prison in one entity to a prison located in another entity.

Due to the complex and non-harmonized legal regulation in Bosnia and Herzegovina, the issue of transfer of convicted persons has been regularly addressed by Ombudspersons in their annual reports for the last few years. Due to the importance of this right for convicts, the Ombudsmen consider it necessary to reiterate to the competent authorities that due to the inconsistency of the legislation, some convicted persons are discriminated against.

Based on the Ombudsman's initiative for legal amendments to the entity legislation³⁰⁵ the Ministry of Justice of the Federation of Bosnia and Herzegovina prepared a Draft Law on the Execution of Criminal Sanctions of the Federation of BiH, which envisages the possibility of transferring convicted persons from penitentiary institutions of one entity to institutions in another entity, but under the same conditions and according to the same procedure as provided for in Article 151 of the Law on Execution of Criminal Sanctions and Misdemeanor Sanctions of the Republika Srpska.³⁰⁶ The Law on Execution of Criminal Sanctions and Misdemeanor Sanctions of the Republika Srpska foresees that the Prison Warden can file a motion for transfer of a convicted person to the entity in which he has a permanent or temporary residence due to the safety reasons or simplification of the organization related to serving the sentence.

The Ombudsman asked the Federal Ministry of Justice to provide it with information about the stage of the amendment procedure of the Law on Execution of Criminal Sanctions and received a letter³⁰⁷ including the following information: *"On 09 October 2019 the Federal Ministry of Justice sent a letter no. 01-49-2772/19 to the Government of the Federation of Bosnia and Herzegovina comprising the suggestion that the Draft Law on Amendments to the Law on Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina be withdrawn from the parliamentary procedure. In a letter No. 03-02-591 / 2016 of 23 October 2019 the Government of the Federation*

³⁰⁴ Article 8 paragraph 7 of the Law on Temporary and Permanent Residence of Citizens of Bosnia and Herzegovina reads: A competent social welfare authority may enable a person who does not have a place and address of residence or means to meet the need for housing (hereinafter: homeless person) to register residence at the address of the social assistance institution, in which case the homeless person is obliged to submit to the competent authority and social welfare institution their contact address which may be with a natural or legal person with their consent.

³⁰⁵ On 07 March 2016 Ombudspersons referred to the Parliament of the Federation of Bosnia and Herzegovina and the Federal Ministry of Justice their initiative for the amendments of the Law on Execution of Sanctions in the Federation of Bosnia and Herzegovina

³⁰⁶ Law on the Execution of Criminal and Misdemeanor Sanctions of Republika Srpska, Official Gazette of Republika Srpska, no. 63/2018

³⁰⁷ No. : 04-49-3649/19 dated 07 January 2020

of Bosnia and Herzegovina informed that the Draft Law on Amendments to the Law on Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina was withdrawn from the parliamentary procedure. In the preliminary draft of the new Law on Execution of Criminal Justice Sanctions, the Federal Ministry of Justice incorporated all the provisions contained in the draft law on amendments to the Law on Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina.”

With regard to the right to conditional release Ombudspersons issued to the Ministry of Justice of Republika Srpska and the Federal Ministry of Justice the following recommendation³⁰⁸“... *with the aim of eliminating discrimination it is necessary that the Ministry takes all measures within its competence for quick and efficient decision-making on the application for conditional release of convicted persons serving a prison sentence in penitentiary institutions of the Federation of Bosnia and Herzegovina based on decisions made by the courts of Republika Srpska ...*”

Ombudspersons emphasize that their recommendation was accepted by the Ministry of Justice of Republika Srpska, where the Republika Srpska Law on Execution of Criminal and Misdemeanor Sanctions³⁰⁹ was adopted. Article 185 of the said Law reads as follows:

„(1) In order to encourage the personal efforts to engage in life at large of a prisoner who can reasonably be expected to no longer commit criminal offenses and that their imprisonment has served the purpose of punishment, the prisoner may be released on parole in accordance with the Criminal Code and this Law.

(2) Conditional Release Commission (hereinafter: the Commission), appointed by the Minister, shall decide on the conditional release of prisoners serving a prison sentence in the institutions of the Republika Srpska

Example: The Ombudsman processed a complaint³¹⁰ filed by the mother of a prisoner serving his sentence in Sarajevo Prison. In her complaint she states that her disabled son (his leg was amputated and he is wearing a prosthesis), stays in an unconditional room, which is full of moisture, in which water leaks from the tiles, there is no hot water, in which there are no hygienic conditions, especially not for people with disabilities. She pointed out that her son was on a hunger strike and that the judge who ordered custody was informed about it, but that nothing had changed. Ombudspersons contacted the director of the Sarajevo Prison by telephone, who explained that the Sarajevo Prison in general had a problem with accommodation capacity, but that they would try to do everything possible to provide better conditions for this detainee. After a while Ombudspersons received a letter³¹¹ whereby they were informed that the detainee in question was transferred to Zenica Prison Detention Unit. Mother of the detainee also contacted the Ombudsman and said that her son is satisfied with accommodation conditions and treatment and that there no further need for the Ombudsman's intervention.

³⁰⁸ P-102/17

³⁰⁹ Law on the Execution of Criminal and Misdemeanor Sanctions of Republika Srpska, Official Gazette of Republika Srpska, no. 63/2018

³¹⁰ Ž-SA-07-470/19

³¹¹ A document of the Municipal court in Sarajevo no. 65 0 K 663410 17 K dated 15 May 2019

Example: In his complaint³¹² the complainant stated that he was afraid for his safety because some convicts in the Tuzla Prison were threatening him constantly. He thinks that his life is endangered and because of that he is afraid to move freely, to go swimming, or to eat in the kitchen. During the investigation, the representatives of the Institution talked to the complainant and the Prison management, after which the complainant was transferred to the B collective.

7.3.8. Communication with outside world

Ombudspersons point out the great importance of maintaining good contact with the outside world of all persons deprived of their liberty. It is very important to emphasize that most detainees and prisoners will one day be free, so they should be supported and allowed to maintain as many connections with the outside world as possible. These contacts should not be limited to family members, but should include friends and everyone else related to them. A detained or imprisoned person is entitled to receiving visits and maintaining the correspondence, especially with family members, and must have adequate opportunity to communicate with the outside world. European prison rules³¹³ provide the following: *“...Na Communication and visits may be subject to restrictions and monitoring necessary for the requirements of continuing criminal investigations, maintenance of good order, safety and security, prevention of criminal offences and protection of victims of crime, but such restrictions, including specific restrictions ordered by a judicial authority, shall nevertheless allow an acceptable minimum level of contact.”*

Ombudspersons remind that the written communication of convicted persons cannot be subject to any restrictions or supervision, and they want to welcome the positive changes when it comes to certain prisons in the Republika Srpska³¹⁴, because they accepted the recommendations of the Ombudsman regarding the secrecy of correspondence and the letters of convicted persons which delivered to the Ombudsmen in sealed envelopes. However, certain prison institutions³¹⁵ keep delivering letters to the Ombudsman in open envelopes with a cover letter from the prison management containing certain data about the convicted person.

Example: Ombudspersons opened an investigation upon a complaint³¹⁶ filed by a prisoner serving his sentence in Tuzla Prison Director of which furnished him an illegal information³¹⁷ which introduced a new procedure of payment of postal services, according to which the convicted persons have to pay for postal services from their own funds for all letters sent outside the prison, except those signed by the Prison Warden. During the investigation, Ombudspersons received a statement from the Tuzla Prison³¹⁸ whereby they are informed that by which they were informed that Minister of Justice of the Federation of Bosnia and Herzegovina on 28 March 2019 established the Procedure on the manner of payment of postal services for letters sent by convicted persons with the instruction that prison institutions are obliged to apply it from the day of its entry into force, which is 01 April 2019. The statement of the Federal Ministry of Justice³¹⁹ explains that

³¹² Ž-SA-07-1079/19

³¹³ European Prison Rules, Part II Contact with the outside world

³¹⁴ Foča Prison, Trebinje Prison, Dobož Prison.

³¹⁵ Bijeljina Prison and Banja Luka Prison

³¹⁶ Ž-SA-07-476/19 dated 22 April 2019

³¹⁷ No.: 04-12-1797/19

³¹⁸ No.:04-49-2080/19 dated 16 July 2019

³¹⁹ Broj:04-49-2080/19 dated 16 July 2019

the legal ground for the adoption of this new procedure is set out in Articles 85 and 86 of the Law on the Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina since there are no provisions obligating the prison institutions to bear the postal costs of the convicted persons. In the opinion of Ombudspersons the introduction of this measure of charging the convicted persons for the costs of postal services put those convicted persons who do not have work engagement and do not have the basic means of subsistence in an unequal position compared to those who have work engagement, thus restricting their right to contact with outside world contrary to the provisions of the European Prison Rules. Ombudspersons issued their recommendation to the Federal minister of justice³²⁰, but did not receive any information on the activities taken for the implementation of this recommendation.

Based on the analysis of the received complaints³²¹ Ombudspersons note that convicted persons often point to established contact with extramarital partners as a problem. In order to allow a regular or extraordinary visit of an extramarital partner, penitentiary institutions ask convicted persons to present evidence - a certificate of the existence of an extramarital union issued by the competent social welfare center. In practice, it often happens that convicted persons request regular and extraordinary visits for unmarried wives, even if they are still formally married, i.e. their marriage is not divorced. Penitentiary institutions are not able to meet such requirements, because according to the provisions of family law in Bosnia and Herzegovina, the marital union excludes the existence of an extramarital union.

Hereby Ombudspersons want to point out that it is very important for the process of resocialization and reintegration of convicted persons to maintain a quality relationship with their primary family. The frequency of contacts between prisoners and their family members is influenced by various factors, such as distance from the place of residence, material status of the family, family relations, as well as a personal decision of a prisoner-parent regarding the child's visits to him/her while serving the sentence in the institution. Maintenance of family bonds and quality family relations during the execution of a prison sentence significantly contributes to mitigating the negative effects of deprivation of liberty. In order for the prisoner to be able to fulfill the parental role as well as possible, it is very important to establish various possibilities of communication and to arrange the environment in which it will take place. Children in such a situation may feel abandoned and frightened, and in some children this can cause emotional trauma, which can be exacerbated if they are unable to talk to their parents and maintain an emotional relationship with them. Often neglected and discriminated against, children whose parents are serving prison sentences need the support and understanding of society. Investing in staff education and equipping rooms specially arranged for children's visits are the answer to their need. Ombudspersons wish to point out the importance and encourage penitentiary institutions in Bosnia and Herzegovina to, in accordance with their capabilities, especially equip the rooms for contacts of parents of prisoners with their children. In some penitentiary institutions in the Republika Srpska and the Federation of Bosnia and Herzegovina, there are separate areas for contacts between parents of prisoners and their children.³²² Humane contact of the child with the parent in prison can be achieved by equipping it with furniture that is adapted to children, color decorations,

³²⁰ P-234/19 dated 05 November 2019

³²¹ Ž-SA-07-844/19, Ž-SA-07-829/19, Ž-SA-07-695/19

³²² Bijeljina Prison, Doboj Prison, Banja Luka Prison, Mostar Prison

children's works on the wall, posters, toys, picture books, drawing tools etc. A child friendly environment diminishes the child's fear and confusion.

Example: The Ombudsman processed an anonymous complaint³²³ in which it was stated that convicted persons who are serving their prison sentence in the Busovača Prison, can only maintain contacts with their children during their visits through the special partition made of plexiglass with a couple of drilled holes that allow communication or conversation between family members. It was pointed out that in such conditions it is impossible to have normal communication, especially in situations when three visits are held at the same time, so that children are deprived of physical contact with their fathers in this way. During the investigation, the Busovača Prison submitted a statement that the visits were carried out in accordance with the laws and bylaws governing this issue, taking into account the overall security situation in the Institution. During a visit to the Busovača Prison³²⁴ the Prison Warden explained that such a type of communication is maintained for security reasons and the lack of employed prison guards to be engaged to maintain safety and security during the visits.

Example: A complainant³²⁵ in his complaint expresses dissatisfaction with the work of the Public Institution Social Welfare Center Tuzla, as they prevent him from seeing his minor son who is accommodated in the institute for children with no parental care MFS –EMMAUS in Doboj pursuant to the ruling adopted by the Municipal court in Tuzla. The complainant addressed the Social Welfare Center in Tuzla more than once asking for an explanation as to why they do not bring him his child, but never got any answer. During the last contact he was told that during his stay in custody of the Institution EMMAUS Duje he does not attend the school and that he is taking some medication to sleep and that he, as a father, should know about it. Representatives of the Ombudsman had two meetings³²⁶ in this matter and talked to the complainant's child. The Social Welfare Center Tuzla informed the Ombudsman that since the child's father is a convicted person the contact of the father with the child will be established in accordance with the court decision and in the best interest of the child.

7.3.9. Visit to Public Health Institution “Psychiatric Hospital Sokolac”

Status of persons with intellectual and mental disabilities provokes additional attention, especially in the case of deprivation of legal capacity and placement in institutions, as this restricts their freedom of movement. Ombudspersons note that these persons are exposed to a high degree of risk of abuse.

The Ombudsman processed a complaint³²⁷ whereby the complainant sought the Ombudsman's intervention for the following reasons: The public health institution Sokolac Psychiatric Hospital

³²³ Ž-BL-07-680/19

³²⁴ Visit conducted on 14 October 2019 by Ombudsperson Jasminka Džumhur, head of the Department for Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and a volunteer Amar Nijemčević.

³²⁵ Ž-SA-07-613/19 dated 29 May 2019

³²⁶ On 01 July 2019 head of the Department for Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and a volunteer Jasna Kolar had a meeting in the Social Welfare Center Tuzla with its Director Lejla Jogunčić and a social worker Mulalić Anis. At the same day a meeting was held in the Institution for children without parental care MFS –EMMAUS in Doboj with Assistant Director for Nursing Halilović Sefir.

³²⁷ Ž-SA-04-290/19

made a decision to limit the use of the telephone booth to her father and other patients and reduce it to twice a week (Monday and Friday in two periods of time: from 10 a.m. to 12 p.m. and from 3 p.m. to 5 p.m.), while earlier they had the possibility to use of the telephone booth at the aforementioned time intervals every day and that medical information on the patient's health are available only on Wednesdays (from 11 a.m. to 1 p.m.), which, according to the complainant, is a minimal time period, all under the pretext that they do not have time to give information about all patients. During the investigation, the representatives of the Institution requested a statement from the Hospital and visited the Psychiatric Hospital Sokolac, and held a meeting with the management of the institution.³²⁸ Psychiatric Hospital Sokolac in their letter to the Ombudsman,³²⁹ claim the following: „...*Article 6 of the House Rules of our Institution, which is binding for both our patients and our staff, governs the use of telephone booth and mobile phones. So the patients can use the mobile phones without any supervision unless a doctor in charge decides otherwise in accordance with the patient's health. There is no any other decision in this regard. Also, it is not true that doctor's information on the patient's health is available only on Wednesdays (from 11 a.m. to 1 p.m). Article 5 paragraph 4 of the House Rules provides that information on the patients' health is to be given by a doctor in charge durign the working hours, which means every day from 07a.m. to 1 p.m...*“ During the meeting, Director pointed out that "at the time of the visit to the Psychiatric Hospital Sokolac has 115 patients, while the capacity of the hospital is 200 patients. The Health Insurance Fund of Republika Srpska is financing the stay for 100 patients." She stressed that the financing of acute psychiatry in accordance with Model 1 is not acceptable for this type of patients, since it involves funding of hospital stay for patients for 3 - 10 days after surgery, while for patients staying in Psychiatric Hospital it cannot be determined how long they will stay there, whether 15 days, six months or more, which certainly requires very large financial expenses. Unfortunately, a large number of patients return to the hospital because they do not take medication, are often left to fend for themselves, and there are patients who are destined to spend their entire lives in the hospital. In the next period, the plan is to open a psycho-geriatric ward and a ward for addiction. The Department of Forensics was transferred to the Public Health Institution Institute for Forensic Psychiatry Sokolac, and thus the men's Department of Acute and Rehabilitation Psychiatry was moved to that part of hospital. Patients have occupational therapy, go on excursions, and can leave the hospital only under the supervision of a doctor. During the visit, the representatives of the Institution talked to a certain number of patients, who pointed out that they have regular telephone contacts with their families, that no one denies them the right to do so, and that everyone has mobile phones. They are satisfied with the food, the staff, health care and occupational therapy.

³²⁸ On 01 April 2019 head of the Department for Exercise of the Rights of Persons Deprived of Liberty Vedrana Pavlović and Expert Advisor Selma Jahić had a meeting with Director of Psychiatric Clinic Sokolac Biljana Renovica - Cvijetić and Head Technician Vladan Grubačić

³²⁹ No.: 01-1052-1/19 dated 01 April 2019

VIII THE RIGHTS OF THE CHILD

In 2019 the Department for the Protection of the Rights of the Child received 198 complaints. In cases where violations of children's rights were found, Ombudspersons issued 23 recommendations. Analyzing the complaints received during the reporting year, it is evident that the complaints most often related to the work of social welfare centers, courts, prosecutor's offices, educational institutions, inspection bodies, and some other competent administrative bodies.

Ombudspersons pay a great deal of attention in their work to the protection of children's rights through the work of the Department for the Protection of the Rights of the Child, which is operating since 2009. In this part of their Annual Report, Ombudspersons emphasize that the UN Committee on the Rights of the Child, which is established under the UN Convention on the Rights of the Child, considered the combined fifth and sixth periodic reports of Bosnia and Herzegovina on the implementation of the UN Convention on the Rights of the Child³³⁰. Prior to that, the Committee called on the Ombudsman to provide information they considered relevant to the situation of children's rights in Bosnia and Herzegovina. On 14 January 2019 Ombudspersons furnished the UN Committee with information on the implementation of the UN Convention on the Rights of the Child. In addition, in accordance with Article 45 (a) of the Convention (before considering the report of Bosnia and Herzegovina), representatives of the Institution attended a working meeting with members of the Committee, together with representatives of non-governmental organizations from Bosnia and Herzegovina³³¹.

In accordance with Recommendations of the UN Committee on the Rights of the Child³³² Ombudspersons find it necessary to strengthen the work and activities of the Department for the Protection of the Rights of the Child, so that in addition to legal experts working on individual complaints, the Department employs psychologists, social workers or social pedagogues in order to conduct comprehensive research on the rights of the child and to establish the so-called network of young Ombudsman's advisers. The network would consist of children and would continuously advise Ombudspersons and suggest solutions to certain problems, conduct education in schools on various topics (peer violence, child abuse on the Internet, etc.). Furthermore, in this direction, governmental organizations dealing with the rights of the child should be strengthened. In this regard, it is necessary to further strengthen efforts through appropriate curricula to ensure that children and teachers are better informed about the role of student councils in the decision-making process in the interest of children in school, and to sensitize children and adults to respect and cooperation with this student body. The Ombudsman's assessment is that in many schools student councils are formed solely to meet the legal form, without a real will to improve participation of children in school.

³³⁰ In September 2019

³³¹ On 04 February 2019

³³² Concluding remarks on the combined fifth and sixth report of Bosnia and Herzegovina dated 30 September 2019 adopted by the UN Committee on the Rights of the Child at its 82nd Session (9-27September 2019)

8.1. Best interest of the child

In 2019, with the support of UNICEF in Bosnia and Herzegovina, the Ombudsman, together with the Ministry of Human Rights and Refugees of BiH and the non-governmental sector, participated in the development of Guidelines for determination of the best interests of the child.³³³ The guidelines are comprehensive and could be implemented in education and promotion of children's rights. These guidelines represent an important instrument in the work of the Ombudsman in order to harmonize the practices of the competent authorities, i.e. to act in accordance with the principle of the best interests of the child. The guidelines are prepared to serve as a tool and guide to all relevant decision-makers³³⁴ to find the best possible solution for the child and to protect their best interest while respecting the special circumstances and needs of each particular child.

In previous years, Ombudspersons pointed out the great importance of strengthening the capacity of the social welfare centers and for that reason in 2019 they prepared a Special Report on the situation and problems faced by centers/services engaged in social welfare in Bosnia and Herzegovina³³⁵ in which they presented the weaknesses of the system that were recognized by the social welfare centers, and through the Ombudsman's work on complaints of citizens who addressed the Institution seeking protection of their rights.

In respect of the individual decisions of the competent authorities, in this report Ombudspersons made an overview of significant cases and observed violations or jeopardizing the rights of the child.

8.2. Violence against children

At international level, the rights of the child are protected by the UN Convention on the Rights of the Child³³⁶ (which has priority in application in relation to domestic legislation, given that it has the force of a constitutional norm), as well as other international conventions ratified by Bosnia and Herzegovina. On the other hand, the rights of the child are guaranteed by many domestic laws, in particular family related legislation³³⁷, legislation related to the protection from domestic violence³³⁸, legislation related to the protection and treatment of children and juveniles in criminal proceedings³³⁹ etc. Whether it is physical or psychological violence against children or violence

³³³ https://www.ombudsmen.gov.ba/documents/obudsmen_doc2019020112314016eng.pdf

³³⁴ Social welfare centers, courts, prosecutor's offices, schools, educational institutions etc.

³³⁵ https://www.ombudsmen.gov.ba/documents/obudsmen_doc2019112015101009bos.pdf

³³⁶ Comprised in Annex I to the Dayton Peace Agreement

³³⁷ Family Law of Republika Srpska, Official Gazette of Republika Srpska, no. 54/2002, 41/2008 and 63/2014; Family Law of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, no. 35/2005, 41/2005, 31/2014 and 32/2019; Family Law of the Brčko District of Bosnia and Herzegovina, Official Gazette of Brčko District of Bosnia and Herzegovina, no. 23/2007.

³³⁸ Law on Protection of Domestic Violence in the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, no. 36/2003, 37/2003, 21/2004, 69/2004, 18/2005, 21/2010, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 and 75/2017; Law on Protection of Domestic Violence in Republika Srpska, Official Gazette of Republika Srpska, no. 102/2012, 108/2013 and 84/2019; Law on Protection of Domestic Violence in Brčko District of Bosnia and Herzegovina, Official Gazette of Brčko District of Bosnia and Herzegovina, no. 7/2018

³³⁹ Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings, Official Gazette of the Federation of Bosnia and Herzegovina, no. 7/2014; Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings, Official Gazette of Republika Srpska, no. 13/2010 i 61/2013; Law on the Protection and

in the form of abuse and neglect, the responsibility and obligation of all those who work with children, as well as every citizen, to report violence against children, must not be neglected. Every child has the right to respect for his or her human dignity and physical integrity, and to equal protection of the law.

By ratifying international standards for the protection of children's rights, Bosnia and Herzegovina has undertaken to protect children from all forms of psychological or physical violence, as well as sexual abuse. Ombudspersons consider it necessary to point out the exceptional importance of the UN Convention on the Rights of the Child, the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (also known as *the Lanzarote Convention*)³⁴⁰ and Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

Bosnia and Herzegovina is also a signatory to two optional protocols to the UN Convention on the Rights of the Child, namely: the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography³⁴¹.

United Nations Committee on the Rights of the Child³⁴² in its Concluding Observations states the following „that the types and lengths of criminal sanctions for sexual exploitation and sexual abuse of children in domestic criminal law are not proportionate to the consequences of these acts on victims and therefore require the legislature to provide adequate and proportionate penalties for perpetrators of criminal offences of sexual exploitation and abuse of children“.

Following the initiative of a couple of NGOs³⁴³ for the amendments to the Criminal Code of the Federation of Bosnia and Herzegovina, Ombudspersons registered a case (these NGOs asked for harmonization of the Criminal Code of the Federation of Bosnia and Herzegovina with international documents governing the sexual violence against women and children and protection of children from all forms of psychological or physical violence, as well as sexual abuse)³⁴⁴. The said legislative proposal was drafted and in form of a bill in July 2017 put in parliamentary procedure. On 19 October 2017 the Government of FBiH provided its opinion on this Bill to the Speaker of the House of Representatives of the Parliament of FBiH claiming that it offered a quality legal solutions and suggested it to undergo the regular parliamentary procedure as a legal draft. However, irrespective of the obligations assumed by the state of Bosnia and Herzegovina by ratification of international documents for the protection of human rights and the rights of the child, the competent authorities of the Federation of Bosnia and Herzegovina failed to harmonize

Treatment of Children and Juveniles in Criminal Proceedings Brčko distriktu Bosne i Hercegovine Official Gazette of Brčko District of Bosnia and Herzegovina, no. 44/2011.

³⁴⁰ Article 1 reads: The purposes of this Convention are to: .prevent and combat sexual exploitation and sexual abuse of children; b.protect the rights of child victims of sexual exploitation and sexual abuse; c. promote national and international co-operation against sexual exploitation and sexual abuse of children.

³⁴¹ Official Gazette of Bosnia and Herzegovina, no. 5/2002 - International Treaties.

³⁴² While considering the combined fifth and sixth periodic reports of Bosnia and Herzegovina (CRC/C/BIH/5-6) on its 2404th and 2405th sessions held on 10 and 11 September 2019

³⁴³ Initiative of the NGO "Zemlja djece u BiH", NGO "Žene ženama" and Association of Prosecutors of FBiH within the campaign under the title "Šutnja nije zlato / Silence is not golden"- stop sexual violence against women

³⁴⁴ Ž-BR-01-176/18

the provisions of their criminal legislation. Ombudspersons recommend³⁴⁵ to the relevant authorities of the Federation of Bosnia and Herzegovina without delay to start the amending procedure to the Criminal Code of the Federation of Bosnia and Herzegovina in order to increase the efficiency of processing and punishing the criminal offences of violence, sexual violence and abuse of women and children, as well as domestic violence.

Ombudspersons welcome the adoption of the law on the special register of persons convicted based on final and binding court decisions for sexual abuse and exploitation of children³⁴⁶ in Republika Srpska governing the collection and keeping of data on perpetrators of the criminal offences of sexual abuse and exploitation of children which was a commitment made by Bosnia and Herzegovina in accepting the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.³⁴⁷

At the session of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina³⁴⁸ the Draft Law on the Special Register of Persons Convicted of Criminal Offenses against Sexual Freedom and Morality against Children and Juveniles was adopted. Ombudspersons wish to welcome the adoption of this draft law, which will enable the establishment of a register of pedophiles.

Ombudspersons especially point out to the competent parliaments in Bosnia and Herzegovina³⁴⁹ to their obligation to pay special attention to online violence and be familiar with new trends in violence against children together with the competent executive authorities: sexting, grooming, fake Facebook profiles, etc., and that the competent authorities must follow the trends and be familiar with numerous applications on the Internet.

8.2.1. Special report on the ban of physical punishment of children in Bosnia and Herzegovina

Violence means any physical or psychological violent behavior directed at a child, directly or indirectly, by institutions or individuals, which endangers or prevents the normal development of the child, the integrity of the child's personality or the satisfaction of the child's needs.

In 2019 Ombudspersons have made and presented to the public their Special report on prohibition of corporal punishment of children in Bosnia and Herzegovina³⁵⁰. In this Report it is stated that *„violence against adults in any context and all settings is forbidden and punishable, while violence against children is forbidden and punishable only in educational institutions, social protection institutions and institutions for enforcement of criminal sanctions“*.

³⁴⁵ P-117/19

³⁴⁶ Official Gazette of Republika Srpska, no. 31/2018, entered into force in April 2019

³⁴⁷ Article 37 reads: For the purposes of prevention and prosecution of the offences established in accordance with this Convention, each Party shall take the necessary legislative or other measures to collect and store, in accordance with the relevant provisions on the protection of personal data and other appropriate rules and guarantees as prescribed by domestic law, data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention.

³⁴⁸ At its session held on 29 January 2020

³⁴⁹ Parliamentary Assembly of Bosnia and Herzegovina, National Assembly of Republika Srpska, Parliament of the Federation of BiH, Assembly of BD BIH.

³⁵⁰ <https://www.ombudsmen.gov.ba/Download.aspx?id=286&lang=BS>

This special report „*aims to explain the purpose of introducing the prohibition of corporal punishment of children, whereby such punishment does not necessarily mean only the disciplining of the child, or punishment by a parent, sibling, guardian or adoptive parent, but also implies the creation of better conditions for the so-called positive parenting, or parenting without using violent methods of child education and discipline* “. By this report, Ombudspersons wanted to contribute to the protection of the rights of the child, within their mandate and authority, so that the executive and legislative bodies would give serious consideration to the express prohibition of the corporal punishment of children. Recommendations of the UN Committee on the Rights of the Child³⁵¹ oblige Bosnia and Herzegovina to take all necessary actions to fully prohibit corporal punishment of children in all settings, including the family.

In their Special report on prohibition of corporal punishment of children in Bosnia and Herzegovina Ombudspersons recommend to the Government of the Republika Srpska, Government of the Federation of Bosnia and Herzegovina, Government of the Brčko District of Bosnia and Herzegovina and governments of the Cantons:

In line with their legal authority and powers, and through their competent ministries, in the forthcoming period, propose to the relevant parliaments to adopt statutory provisions which will expressly prohibit corporal punishment of children in all settings, including the domestic setting, at all levels where such prohibition has not yet been introduced;

Conduct all necessary activities, through their competent ministries, to raise public awareness through educational programs, including campaigns, with the aim of promoting positive and alternative forms of child discipline and respect for children’s rights, with involvement of children and raise awareness about the adverse consequences of corporal punishment of children;

Competent authorities are invited to inform the Ombudspersons within one year on all actions taken in relation to the recommendations of the Ombudspersons and on the effects of the recommendation.

In Bosnia and Herzegovina, the problem of peer violence is still present, which is evident from the cases registered in the Institution. Received complaints show that most cases relate to verbal violence in primary and secondary schools. Peer violence most often occurs at school, during vacations, in classrooms, in hallways or in the backyard. The role of adults responsible for children is crucial to respond appropriately and prevent violence. Below we illustrate examples of good and bad practices when it comes to dealing with children.

Example: The Ombudsman received a complaint³⁵² of a mother of a child victim of peer violence in a primary school in Banja Luka area. In the course of its investigation the Ombudsman was informed by the School administration that the complainant's child had never approached the teacher or the school's professional staff and possibly indicated that she had been provoked or exposed to violence in school. On the other hand, they pointed to certain incidental situations in

³⁵¹ Concluding remarks on the combined fifth and sixth report of Bosnia and Herzegovina dated 30 September 2019 adopted by the UN Committee on the Rights of the Child at its 82nd Session (9-27 September 2019)

³⁵² Ž-BL-01-229/19

which her child was the initiator of certain conflicts. Ombudspersons informed the School management about the Guidelines for determination of the best interests of the child in Bosnia and Herzegovina, not only because of the specific case, but appreciating the importance of the school in the child's life (determination of the best interests of the child in the field of education, in the part concerning the safety and protection of the child in educational institutions). The school informed Ombudspersons that in the meantime they had organized a TPA meeting, and that the staff of professional services talked to the students in order to act preventively in the best interests of the child.

Example: Parents of a boy with cerebral palsy who is a student at an elementary school in the Sarajevo area addressed the Ombudsmen because of the violence their child is experiencing from a boy from his class.³⁵³ The parents pointed out that their child is upset every day and does not want to attend classes. Since the mentioned boy disturbed the other students, Ombudspersons were informed that the boy had been transferred to another class and that he will be given individual instruction in cooperation with psychologists. Currently, an investigation is pending before the Institution in two cases³⁵⁴ related to the behavioral problems of a boy who harassed other students.

Example: In a case³⁵⁵ Ombudspersons established a violation of the rights of the child who was a victim of violence and suffered severe consequences to his mental and physical health because of the behavior of his parents and other close relatives. The child's father was given a restraining order from home and from approaching victims of violence. Ombudspersons expressed their concern over the fact that an adequate assessment of parental capacities had not been carried out. The Social Welfare Center should have made adequate professional assessments in this case and decide what is the best for the child. In this regard, Ombudspersons issued a recommendation³⁵⁶ to the Social Welfare Center. The recommendation was implemented partially, but Ombudspersons will keep monitoring the court proceedings - divorce of the child parents before the competent court which will also decide on child's custody.

Example: In a complaint³⁵⁷ the complainant emphasized his dissatisfaction by the work of the Social Welfare Center of the Government of Brčko District of Bosnia and Herzegovina in mediation between him and his ex-wife since he is not enabled to see his children and they do not take necessary measures to protect the children's best interest by monitoring their living conditions. After their investigation, Ombudspersons conclude that the parents were heavily burdened by their conflict, and therefore did not see the needs and interests of the children. Children are not spared their quarrels with each other, which can certainly have a negative impact on the psychological growth and development of children. A recommendation has been issued³⁵⁸ to the Social Welfare Center of the Government of Brčko District of Bosnia and Herzegovina.

³⁵³ Ž-MO-01-67/19

³⁵⁴ Ž-SA-01-636/18 i Ž-SA-01-637/18

³⁵⁵ Ž- BL-01-185/19

³⁵⁶ P-156/19

³⁵⁷ Ž-BL-250/18

³⁵⁸ P-128/19

Example: The Ombudsman received a complaint of a pedagogue³⁵⁹ working in a primary school from Olovo in which she sought the Ombudsman's intervention to help solve the problems of two students of that school who were obviously grossly neglected by their father and left to fend for themselves. Representatives of the Institution held a meeting with the school principal and pedagogue, established cooperation with the Social Welfare Center in Olovo and the local police station, which resulted in successful resolution of this problem. Now the children attend classes regularly, the house in which they live has been painted, the hygienic conditions have improved, and much better communication has been established with the children's father. On this occasion, Ombudspersons welcome the actions of the school pedagogue, but also other actors, because they expressed readiness for joint cooperation, and in the end the problem was successfully solved in the best interest of the children.

8.3. Children on the move

Bosnia and Herzegovina sees the trend of a constant influx of irregular migrants in 2019, while the the authorities are faced with a number of problems and challenges in dealing with this population, especially when it comes to children.

Ombudspersons want to emphasize that given the complexity and severity of the challenges faced by some cantonal ministries and social welfare centers in their attempts to protect the children of irregular migrants, it is very important to establish adequate coordination and provide the infrastructure necessary to protect migrant children. Ombudspersons welcome the harmonization at the level of the Sarajevo Canton of the procedure for the treatment and protection of migrant children in the Sarajevo Canton, which can serve as a good example and a guide for the action of social welfare centers in protecting vulnerable categories of refugee and migrant children in the Federation of Bosnia and Herzegovina.

In 2018 Ombudspersons published their Special report on situation in the area of migrations in Bosnia and Herzegovina³⁶⁰, and a special attention was paid to the children on the move. In this report Ombudspersons analyzed the accommodation conditions and capacities intended for children on the move, the role of the governmental and non-governmental sector, international organizations in protecting the rights of this category, and based on the established situation issued recommendations to the Council of Ministers.

The students of the Primary School „25 November“ from Velika Kladaša addressed Ombudspersons in their capacity of the children's rights protectors to indicate to the problems they are facing on a daily basis due to the large number of migrants constantly present in the streets of Velike Kladaše including the immediate vicinity of their school³⁶¹. They asked Ombudspersons for help in order for the competent authorities to provide a school zone in which the movement of unknown persons would be restricted - which includes the migrants who violate the safety of students and to prevent the transit of unknown persons through the school yard through which they pass on a daily basis, where they stay, often sleep, use alcohol and narcotics, leave the packaging

³⁵⁹ Ž-SA-01-1095/18

³⁶⁰ https://www.ombudsmen.gov.ba/documents/ombudsmen_doc2019010713545979bos.pdf

³⁶¹ Ž-BL-01-883/19

of narcotics, feces, urine, garbage, etc ... The investigation in this case which shows how challenging is dealing with these issues is ongoing.

8.4. Protection of children in administrative and court proceedings

Processing the individual complaints of citizens in the Department for the Protection of the Rights of the Child, it can be stated that a large number of complaints concern the protection of the rights of the child in court and administrative proceedings. Ombudspersons very often turn to the courts during the investigation process and demand urgent action in civil matters when deciding on the rights of the child, recommending that the courts act in the best interests of the child. Ombudspersons can state that the courts, in most cases, take into account the opinions and recommendations of the Ombudsman and take the highlighted cases as a priority.

Unfortunately, in light of the provisions of the UN Convention on the Rights of the Child and family law in Bosnia and Herzegovina, Ombudspersons often find violations of children's rights. While processing the cases involving children Ombudspersons primarily call their parents to account, because both parents have a shared responsibility to raise the child³⁶². On the other hand, the competent authorities have an obligation to assist parents in fulfilling their responsibilities for raising children and ensuring the development of institutions, capacities and services for the protection and care of children.

In this part of the Annual Report, Ombudspersons point out to the governments of the Republika Srpska and the Brčko District to necessity of adopting the appropriate amendments to the existing family laws or the legislation on social or child protection to enable regular courts to decide in proceedings initiated on the motion of the parent not having the custody of the child to maintain regular contacts³⁶³.

Through their special and annual reports, Ombudspersons continuously point out to the competent bodies at all levels of government, that it is necessary to pay special attention to the category of so-called single parents (single-parent families) in order for them to enjoy special legal protection and any other type of protection necessary, in accordance with the best interests of children, and to make in-depth analysis and realistic assessments for the same purpose (providing assistance to single parents or children) with the aim of establishment and functioning of alimony funds. With regard to alimony, the Family Law of the Federation of Bosnia and Herzegovina stipulates that, when the court finds that parents and other persons obliged to provide maintenance are not able to meet the needs of child support, the guardianship authority is obliged to provide funds for child support from budget funds. According to information available to the Ombudsman, the Government of the Federation of Bosnia and Herzegovina instructed the competent ministries to consider the establishment of an alimony fund and submit a proposal to the Government to resolve this issue³⁶⁴. Despite the Ombudsman's advocacy efforts, the establishment of alimony funds in the Republika Srpska and the Federation of Bosnia and Herzegovina has not yet taken place.

³⁶² Article 18 of UN Convention on the Rights of the Child

³⁶³ In the Federation of Bosnia and Herzegovina courts decide on these issues

³⁶⁴ Ombudspersons of Bosnia and Herzegovina have information that the Government of the Federation of BiH in 2014 instructed the Federal Ministry of Justice, as a proponent and a drafter of the FBiH Family Law, to amend

A large number of complaints concern the endangerment of children's rights in the so-called conflict divorces. Given the frequency of this problem, Ombudspersons state with certainty that these are problems that put a large number of children at a significant disadvantage. For every child, the divorce of his parents is a very stressful experience that undoubtedly provokes strong emotional reactions, but unfortunately, we often witness that parents by their behavior make it even more difficult for children to pass through that experience, due to their own inability to cope with the situation and their lack of responsibility for improving the relationship with the child and their ex-partner.

In dealing with specific cases, Ombudspersons seize the opportunity and point out to social welfare centers that they must decide on all relevant issues related to the rights of the child before the courts do so, when the best interests of the child require it in a given situation. Ombudspersons call on the centers to always act in the best interests of the child, which in many situations will include making interim decisions, before the issuance of the court decisions, in order to protect the child.

Example: A complainant was a mother of a child³⁶⁵ who addressed the Ombudsman complaining that the child's father does not pay child maintenance in full or pays it with a certain delay. During the proceedings, Ombudspersons determined that following the mother's lawsuit, the Basic Court in Banja Luka found the father guilty of a criminal offense of evasion of providing the child support. In accordance with their competencies, Ombudspersons requested the court to act urgently and accelerate the enforcement procedure since this matter involves the protection of the rights of the child. Ombudspersons made a recommendation³⁶⁶ to the Basic court in Banja Luka, which was implemented.

Example: Having investigated allegations in a complaint³⁶⁷ Ombudspersons established a violation of the rights of the child as a consequence of the divorce proceedings of his parents. Ombudspersons issued a recommendation³⁶⁸ to the Social Welfare Center Tuzla and Cantonal Prosecutor's Office of Tuzla Canton. Ombudspersons emphasize that special attention is required in sense of intensified supervision and taking urgent measures if the competent authority during the proceedings in any way learns that the safety or physical integrity of the child is in question. The recommendation is implemented.

Example: In a case processed following a complaint³⁶⁹ it was established that after the divorce the child was entrusted to the mother, and the amount of maintenance was determined for the father to pay under the judgment of the Basic Court in Kotor Varoš. However, the judgment of the District Court in Banja Luka quashed the first-instance judgment in the part concerning the costs of the proceedings and in the part concerning the entrustment of the child. It is extremely important that the second instance court gave clear instructions to the first instance court to hear the minor

Article 237 in order to more clearly define competencies and to draft a bylaw that will govern the issue of securing the funds from the FBiH budget intended for child support and maintenance

³⁶⁵ Ž-BL-01-597/17

³⁶⁶ P-159/19 dated 03 July 2019

³⁶⁷ Ž-BL-01-186/18

³⁶⁸ P-01/19

³⁶⁹ Ž-BR-01-882/18

child in the repeated procedure and to obtain relevant data on the health condition of both parents in order to assess parental abilities, with the active participation of guardianship authorities. The mother points out that she does not see the child, and that she asks the Social Welfare Center to arrange contacts until the end of the court proceedings. Following the investigation, the Ombudsmen issued a Recommendation³⁷⁰ to the Regional court in Banja Luka and the Social Welfare Center in Kotor Varoš. The Ombudsman's recommendation was fully implemented by the Regional court in Banja Luka, while the Social Welfare Center takes certain measures to establish communication between the parents.

Example: A complainant addressed the Ombudsman³⁷¹ having objections to the work of the Bosanska Krupa Social Welfare Center, which declared itself not competent to issue a temporary decision on entrusting the child until the end of the court proceedings, explaining that it was an extramarital union, and instructed the complainant to go to court to protect the rights and interests of the minor. The complainant filed a lawsuit in court, however, the problem is that the court proceedings take a very long time. In the specific case, the court reacted efficiently and adequately, and the best interest of the child was realized, and until the final decisions of the court, the child sees and maintains contacts with the father. At the same time, the question arises as to what would have happened if the court had not reacted quickly.

Example: Ombudspersons opened an *ex officio* investigation³⁷² after the media reports titled „*Pedofile with no sanction for months*“. The Ombudsman's investigation revealed that the court proceedings against an adult charged for the criminal offense of exploiting children for pornography under Article 185, paragraph 1 of the Criminal Code of the Republika Srpska lasted a long time. In the last written correspondence, the acting judge informed Ombudspersons that the case was not marked as an urgent matter, that this case was assigned to her on 17 September 2019 and that the case is scheduled for resolution in 2020. Ombudspersons are of the opinion that this is an urgent matter, and they made a recommendation³⁷³ to the court to this end. The recommendation was implemented.

8.5. Health care of children

Applicable legislation at all levels of government in Bosnia and Herzegovina provides that the right to health care of a child is conditioned by the status of their parents/guardians or this right is related to the school attendance by the child. Ombudspersons express their concerns over the fact that equal access and equal opportunities have not been provided as it comes to health care of children in the entities and the Brčko District of Bosnia and Herzegovina emphasizing that no additional measures have been taken in the field of inclusion of children with mental and physical disabilities, as well as children from marginalized groups such as the Roma. Efforts to create minimum standards for child health care in the entities and the Brčko District of Bosnia and Herzegovina have not sufficiently resulted in child health care services being tailored to the needs of a developed society.

³⁷⁰ P- 207/19

³⁷¹ Ž-BL-01-297/19

³⁷² Ž-BL-01-304/19

³⁷³ Recommendation no. P-286/19 dated 24 December 2019

In the last year amendments the Law on Health Insurance of Republika Srpska were adopted³⁷⁴ providing that³⁷⁵ children below the age of 15 are considered to have mandatory insurance, as well as all school children and students until the end of their studies, but not after they reach 26 years of age. Ombudpersons welcome all legal solutions resulting in the improvement of the quality and availability of health care for all children, but they keep insisting on the establishment of unconditional health care for all children up to 18 years of age, as recommended in the Special Report on conditions and problems facing social welfare centers/services in Bosnia and Herzegovina.³⁷⁶

The quality and availability of health care significantly affects the quality of life of every child and the exercise of other rights. Ombudpersons emphasize that the health care system must be improved so that health services are available to every child in order to ensure the growth and development of children in accordance with their individual capacities and capabilities. Respecting the best interests of the child, international standards, but also domestic regulations, there is an obligation of both the parents and the state to ensure the child's right to health, i.e. the child must receive unconditional and adequate health care, which includes preventive and medical care, regardless of insurance or other status of their parents.

Ombudpersons welcome the establishment of the Solidarity Fund for Diagnosis of Diseases, Conditions and Injuries of Children Abroad in the Republika Srpska, which has been established and is financed in accordance with a special law³⁷⁷. This Fund was established in order to raise additional money for the diagnosis and treatment of children abroad, when this is not possible in health care institutions in the Republika Srpska, or in other health care institutions with which the Republic Health Insurance Fund has signed a contract. In 2019 this Fund financed treatment and diagnostics for 86 children³⁷⁸. The funds of this Fund can be allocated to children up to 18 years of age.

Having in mind the importance of immunization of children in Bosnia and Herzegovina³⁷⁹, Ombudpersons called on the competent bodies³⁸⁰ to furnish them with data on degree of immunization of children in 2018 and first four months in 2019. Having analyzed all the data received Ombudpersons can state that the high percentage of children is covered with vaccination, but all health practitioners should permanently be trained to engage in awareness raising on the importance of vaccination.

³⁷⁴ Official Gazette of Republika Srpska, no. 94/2019

³⁷⁵ Article 10.a

³⁷⁶ Recommendation addressed to the Government of the Republika Srpska, the Government of the Federation of Bosnia and Herzegovina, the Government of the Brčko District of Bosnia and Herzegovina and the governments of the cantons in the Federation of Bosnia and Herzegovina to propose appropriate legal solutions to the competent parliaments in order to provide unconditional and free of charge health care for all the children and persons older than 65

³⁷⁷ Law on Solidarity Fund for Diagnosis of Diseases, Conditions and Injuries of Children Abroad, Official Gazette of Republika Srpska, no. 100/2017.

³⁷⁸ Since its establishment the Fund funded treatment and diagnostics abroad for 149 children. Some of these treatments were extended multiple times

³⁷⁹ Ombudpersons opened an *ex officio* case Ž-BL-301/19

³⁸⁰ Public Health Institute of Republika Srpska, Public Health Institute of the Federation of Bosnia and Herzegovina, and the Government of Brčko District of Bosnia and Herzegovina – Health and Other Services Department

8.6. Education

With regard to the situation in the educational institutions in Bosnia and Herzegovina, the Ombudsmen, on the basis of their visits, state that the material situation in many schools is poor, and that work should be done to modernize the schools in material and technical terms (equip classrooms for subject teaching, strengthen the IT equipment of schools, complete school libraries, etc.), enable adequate realization of physical education classes (construction of new ones, rehabilitation of existing sports halls and courts), provide free textbooks and organized school transportation to as many children as possible, and for socially disadvantaged categories one meal a day during school day, to facilitate the practice of extended school attendance in all those municipalities where there is a need for it, to encourage Roma children to attend compulsory primary and secondary education on a regular basis³⁸¹.

Special attention should be paid to the inclusion of children with special educational needs as this directly affects their education. The violation of the rights of this category of children in the education system, according to the complaints received, is mainly manifested in the lack of basic means of work (it is necessary to remove physical barriers and make schools technically accessible to this population of children; to provide sufficient number of experts, teaching assistants and to educate teaching staff to work with children with special educational needs; reduce the prejudices of children and adults about the needs and opportunities of children with developmental disabilities, etc.).

Ombudsmen find that efforts need to be stepped up to increase the reach of children in pre-school education and education, initiate through responsible ministries all local communities to create action plans for children with a view to greater involvement in pre-school education, use existing capacities in rural and suburban areas (adapted premises in schools and local communities, trained staff), in order to enable the children from rural and suburban areas to obtain the right to pre-school education through the pre-school program for children, if not covered by some form of pre-school education, to strengthen the educational system the role of schools through the creation of the necessary preconditions for the continuous realization of additional programs of preventive, cultural, artistic, scientific-research and sports work with children.

Example: Ombudsmen received a complaint by a child's mother³⁸², who considered the contested scoring for various teaching and extracurricular activities, competitions, by which the school allegedly "harmed" her child. The Ombudsmen found that there were certain irregularities, which were remedied in the repeated selection process, but their elimination did not result in the choice of the complainant's daughter as a generation student, but it was clearly stated that the school did not violate the regulations. On the other hand, the school is invited to take more care in the future elections to fulfill all the formal requirements for the selection of students of the generation, to comply with the School Rules and to conduct the process openly and transparently. The procedures

³⁸¹ Children in their Alternative Report on the State of the Rights of the Child in Bosnia and Herzegovina state: *Data on school hygiene are extremely difficult to obtain and generalize. However, practice shows that hygiene in schools is not quite satisfactory. In school toilets, for the most part, there is no hot water and adequate soap, and a towel and a hand dryer. This is especially true of schools in rural areas. The situation is further complicated when there is water reduction in some places or through floods ...*

³⁸² Ž-BL-01-340/19

and activities of the school management Ombudsmen do not consider discriminatory and are of the opinion the school management did not treat the child differently from other students in the same school.

Example: Ombudsmen registered a parent complaint³⁸³ in which he emphasizes his concern that extremely dangerous wooden pillars of 30-40 cm in height, which are not well fixed in the ground, have been erected in the Second Primary School in Gračanica, and that the area is slippery due to rain and mud and is a danger for the safety of children. The Ombudsmen issued a recommendation to the school³⁸⁴. The recommendation was implemented.

Example: Parents of children attending classes at Branko Radičević Primary School in Banja Luka³⁸⁵ pointed out the problem regarding the teaching of the second shift starting at 3.10 pm, pointing out the problem of the lack of a sports hall and adequate physical education for all students, as well as the lack of possibility to organize an extended stay for children in grades I and II. Following the inquiry procedure, the Ombudsmen made a recommendation³⁸⁶ to the Ministry of Education and Culture of the Republika Srpska, City of Banja Luka and Primary School "Branko Radičević" Banja Luka. The Ombudsmen were informed that the "Branko Radičević" primary school in Banja Luka had received eight new classrooms and that classes would be taught in two shifts, noting that the first shift would start at 07.25 am and the second one would start at 1.30 pm. As for the new gym, the City informed the Ombudsmen³⁸⁷ that a building permit is being obtained and technical documentation has been prepared previously, as the School states³⁸⁸ that a project has been made for the new hall, and that it is necessary to provide funds for its construction.

Example: Ombudsmen acted on the complaint of the child's mother³⁸⁹ attending Tuzla Mixed Secondary School in Tuzla, believing that in the treatment of her child, the School violated the provisions of the Law on Secondary Education of the Tuzla Canton and the Rulebook on Violations of Discipline, the procedure for determining student responsibility, the length of the pedagogical measure, its mitigation, termination and consequent relationship the assessment of student behavior as well as compensation for material damage done to the Tuzla Canton, as well as provisions of the UN Convention on the Rights of the Child. Following the investigation, the Ombudsmen issued a Recommendation³⁹⁰ to Mixed Secondary School Tuzla. The recommendation was implemented.

Example: The child's father in his complaint³⁹¹ pointed out the unprofessional and non-pedagogical treatment of teachers at the Public Engineering High School Sarajevo. The Ombudsman Institution requested a statement from the Ministry of Education, Science and Youth of the Sarajevo Canton, the Cantonal Administration for Inspection Affairs, the Educational-Pedagogical Institute and the Public Secondary School of Mechanical Engineering in Sarajevo,

³⁸³ Ž-SA-01-633/19

³⁸⁴ P-171/19

³⁸⁵ Ž-BL- 01-588/17 and Ž-BL-01/641/17

³⁸⁶ P-No. 124/19 of 13.05.2019.

³⁸⁷ Act No. 15-610-329/2019 dated 04/06/2019.

³⁸⁸ Act No. 962/19 of 14.08.2019.

³⁸⁹ Ž-BL- 01-835/18

³⁹⁰ P-28/19 of 31.01.2019.

³⁹¹ Ž- SA-01-1113/19

solving the above problem³⁹². They were informed that disciplinary proceedings had been instituted against the class teacher by the headmaster, and the teacher council of the school in question had complied with the parents' request and granted the student a transfer from one class to another. The headmaster warned all classmates and teachers of the school to keep in mind the code of conduct of the teachers, with respect for the personality of the students and their parents, of course with his respect for the professor.

Example: In 2019, the Ombudsmen continued to insist with the competent authorities that the problem of education of children and work of the Mixed Secondary School "Travnik" in Travnik be permanently resolved, i.e. to build a school, with the aim of providing children with the right to education³⁹³. In September 2018, a contract was signed to continue the construction of the Secondary School Center in Travnik, and funds were provided by the Government of the Federation of Bosnia and Herzegovina and the Central Bosnia Canton. The Federation Ministry of Education informed the Ombudsmen³⁹⁴ that from the funds provided by the Government of the Federation, a rough construction part of the school building was built and that more financial resources would be needed, which should be allocated by the Government of the Central Bosnia Canton and Travnik Municipality. The Municipality of Travnik confirmed the Ministry's allegations, namely that activities were started on the execution of roofing and masonry works at the facility of the Secondary School Center in Travnik, that the completion of Phase II works was planned for June 30, 2019, but that there were no certain financial resources for the continuation of school's construction.

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

Ombudsmen have for years been warning and reminding the authorities that there are numerous problems facing children and parents of children with special needs/disabilities in psychophysical development, and that additional efforts should be made to address them.

The UN Convention on the Rights of Persons with Disabilities recognizes the right of persons with disabilities to education. For the purpose of exercising this right without discrimination and on the basis of equal opportunity, States Parties shall ensure comprehensive education at all levels as well as lifelong education.

Ombudsmen in particular insist on the consistent application of the regulations in force and the adoption of by-laws that will regulate the education of children with special needs more precisely. It is very important to establish a clear and precise way of categorizing a child as a person with a disability, as this is then directly reflected through the exercise of the right to education. In dealing with specific cases, the Ombudsmen note that it is necessary for the competent authorities to act with a much greater sensitivity and understanding towards children with special needs.

³⁹² A meeting was held at the Ministry of Education, Science and Youth of Sarajevo Canton, attended by a minister, teacher and school principal, parents and class teacher, when a constructive conversation was conducted and the situation calmed down significantly.

³⁹³ Ž-BL-01-572/18

³⁹⁴ Act of 27.05.2019.

A mentally or physically disabled child should enjoy a decent life in conditions that ensure dignity, encourage self-confidence and facilitate the active participation of children in the community. It is necessary for the state to provide the disabled child with the right to special care and helpers and to provide all necessary care to him and his parents/guardians. Free assistance should be provided, taking into account the financial resources of parents or other caregivers, and should be designed to provide the disabled child with successful access to education, schooling, health services, rehabilitation services, job preparation and opportunities recreation in a way that helps the child to achieve the fullest possible social integration and individual development, including his or her cultural and spiritual development.

The Ombudsmen state that in many cases the rights of this category of children in Bosnia and Herzegovina are not given priority by the competent authorities.

The Ombudsmen also noted that there were some problems³⁹⁵ relating to the financing and licensing of entities other than public bodies (non-governmental organizations) providing social protection services³⁹⁶.

Example: The Institution has acted on complaint³⁹⁷ by group of parents of children with intellectual and multiple disabilities from Tuzla Canton. Children with intellectual and multiple disabilities are insured with the Health Insurance Institute of Tuzla Canton, and on this basis, they are entitled to dental care as well as to children without disabilities. However, since children with intellectual and multiple disabilities cannot exercise this right by coming to the dental offices of public health facilities and using the services of dentists as well as children without disabilities, a group of parents has taken the initiative to address this issue in cooperation with the competent authorities³⁹⁸. A series of meetings were held with representatives of the competent institutions and promises were made to find a solution. Parents believe that this attitude of the competent institutions is discrimination against children with disabilities and preventing them from exercising their rights. The Institution of the Ombudsman in the process of investigation, by an act of the Ministry of Health of the Tuzla Canton,³⁹⁹ was informed that "the Institute of Health Insurance of Tuzla Canton has conducted the procedure of contracting dental health care services under general anesthesia for persons with special needs, and with the consent of the Minister of Health of Tuzla Canton, the Agreement on the regulation of health services provision - dental remediation in general anesthesia for 2019 concluded with PHI University Clinical Center Tuzla."

³⁹⁵ Ž-BL-01-70/18

³⁹⁶ The Parliament of the Federation of Bosnia and Herzegovina has not adopted an amendment requiring that the budget of the Federation of Bosnia and Herzegovina for 2018 be allocated 200,000 KM to support the education of children with disabilities as part of the EDUS (NGO Education for All) program. GPS purchases have also not been "voted", bracelets, which are crucial for the safety of children with disabilities. According to the Ombudsman, the Government of the Federation of Bosnia and Herzegovina has, by its decision, approved certain funds in solving the aforementioned problem. It remains unclear why the cuts in the budget of the Federation of Bosnia and Herzegovina to support the education of children with disabilities as part of the EDUS program.

³⁹⁷ Ž-SA-06-171/19

³⁹⁸ Institute of Health Insurance of Tuzla Canton, PI Health Center Tuzla, PI University-Clinical Center Tuzla and Ministry of Health of Tuzla Canton.

³⁹⁹ No: 01-3738-234-1/19-AA/EN of 30 May 2019.

Example: Citizens' Assistance Associations for People with Special Needs Šamac submitted complaint⁴⁰⁰ stating that the competent authorities are violating the right to work of parents who are taking care of a helpless child all day because it is impossible for them to find employment anywhere. Children have gone through a categorization process and in most cases they are children with mental disabilities. Children and their parents, i.e. these families exercise their rights in accordance with the existing regulations of the Republika Srpska (personal disability allowance and monthly allowance of 80 KM, which is 180 KM in total), which is not sufficient to meet basic living needs, and they consider that unfairly transfer the whole burden to the family or parents of the children. The complaint also points to the practice of individual countries in an environment where one parent of a child with special needs is provided with benefits, namely the right to a monthly gross salary. According to a statement by representatives of the Association, they addressed the Ministry of Social Protection of the Republika Srpska, which refers to the provisions of the Law on Social Protection of the Republika Srpska. The Institution sent an act to the Ministry of Social Protection of the Republika Srpska requesting information on possible new plans, and in particular plans for 2020, in order, among other things, to improve the status and increase the rights of children with special needs/disabilities in psychophysical development, and therefore team and their families. Specific answers are expected in the coming period, after which a final decision will be made.

8.8. Juveniles in conflict with the law

Ombudsmen consider that improving the institutional treatment of minors in conflict with the law is imperative for all competent authorities *"because any "failure" of society, i.e. any negative reaction in this segment of social behavior can have catastrophic consequences for a child in conflict with the law, but also for society as a whole."*

Ombudsmen, in cooperation with UNICEF in Bosnia and Herzegovina, have been monitoring the situation of institutions for juveniles in conflict with the law for a long time, and subsequently produced a document titled *"Analysis of the situation of juveniles in conflict with the law in Bosnia and Herzegovina"*⁴⁰¹. In 2018, cooperation with UNICEF continued and resulted in a document entitled: *Report on the Implementation of Recommendations from the document entitled "Analysis of the Situation in Institutions in which Juveniles in Conflict with the Law in Bosnia and Herzegovina are located"* and an assessment of the current situation⁴⁰². The Ombudsmen are satisfied with the cooperation with the institutions, pointing out that significant progress has been made in the period of two years and that the Ombudsman's recommendations have been partially implemented.

The Ombudsmen monitored the implementation of the recommendations sent to the competent authorities during 2019 and requested the submission of information from institutions and competent bodies. The Ombudsmen ascertain some progress in this field. It is recalled that the Ombudsmen recommended to the administration of the Sarajevo Correctional Institution to provide adequate conditions for the execution of the detention measure for juveniles and to ensure

⁴⁰⁰ Ž-BL-02-889/19

⁴⁰¹ https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2018111912083431bos.pdf

⁴⁰² https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2016100610154998bos.pdf

the treatment of minors during the detention period. The Institution informed the Ombudsmen that the decision of the Federation Ministry of Justice had stipulated that all juveniles be remanded in custody to the Orašje Correctional Institution and that juveniles would no longer be sent to this Institution⁴⁰³. The Federation Ministry of Justice has informed the Ombudsmen⁴⁰⁴ that in the previous period 30 officers and employees were admitted to the correctional facility and juvenile prison at the Orašje Correctional Institution, which significantly improved the conditions for the treatment of minors. They also pointed out that IPA funds provided funds for the construction of gymnasiums and workshop facilities. According to them, in the next period they will appoint a commission for monitoring and improving the work of criminal proceedings and the enforcement of criminal sanctions against juveniles.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina acted on the recommendation of the Ombudsman and informed all courts about the Ombudsman's Report to the designated courts in Bosnia and Herzegovina⁴⁰⁵.

Regarding the work of the Juvenile Education Center in Sarajevo, the Ombudsmen recommended the Ministry of Labor said Draft, Social Policy, Displaced Persons and Refugees of Sarajevo Canton and the Juvenile Education Center Sarajevo to put into operation the Diagnostic and Observation Center as an organizational unit of the Sarajevo Cantonal Education Center. The Correctional Center of Sarajevo Canton has undertaken activities to establish work of the Diagnostic and Observation Center through the Diagnostic Service, but the realization will depend on the provision of budgetary funds.⁴⁰⁶ Recommendation not implemented. Regarding the work of the Educational Center of Tuzla Canton, the Ombudsmen state that the recommendations regarding the allocation of financial resources for the procurement of psychological tests and replacement of external joinery in the premises of the Educational Center have been fully respected.⁴⁰⁷ East Sarajevo Correctional Institution - Juvenile Prison acted upon the recommendation of the Ombudsman and furnished the living room with furniture suitable for the stay and use of minors.⁴⁰⁸

With regard to the implementation of other recommendations, the Ombudsmen are not satisfied and, in accordance with their mandate and competencies, will continue to advocate the implementation of the recommendations in the future.

⁴⁰³ Sarajevo Prison Act No. 01-12-597/19 of 18.11.2019.

⁴⁰⁴ Act No. 04-49-4191-18 of 06.12.2019.

⁴⁰⁵ Act No. 06-12-3541-3/2019 of 02.12.2019.

⁴⁰⁶ Ministry Act, No. 13-02/1-10-40834/19 dated 27.11.2019 and the act of the Educational Center of the Canton of Sarajevo, No. 35-01-10-766-01/19 dated 18 November 2019.

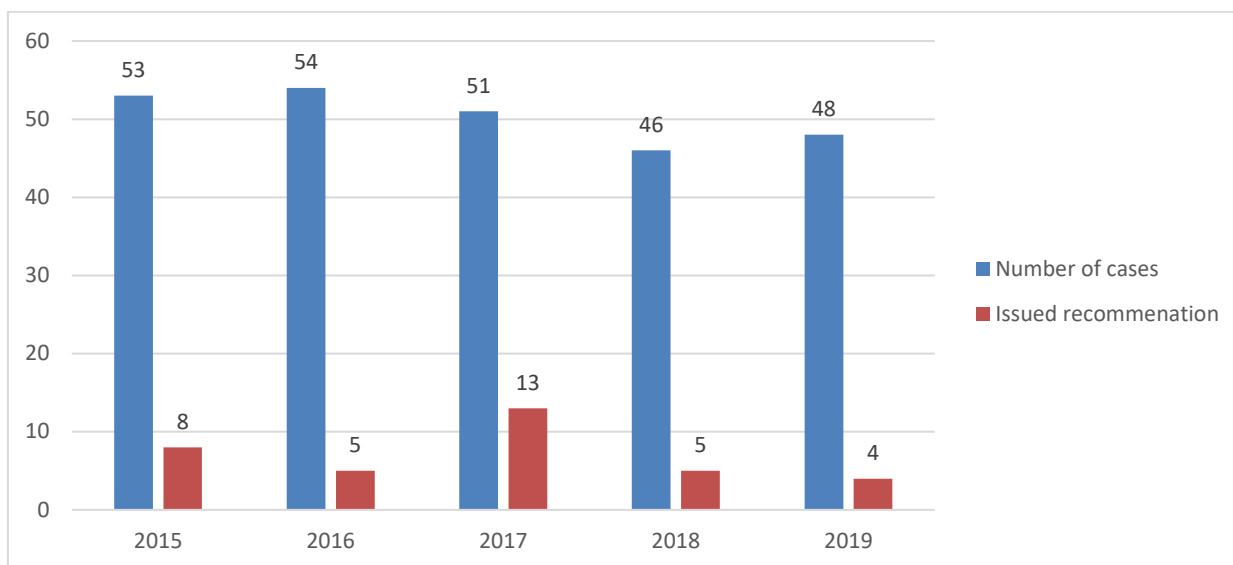
⁴⁰⁷ Act of the Educational Center TK No. 04-814/19 dated 05.12.2019.

⁴⁰⁸ Act No. 08/1.04/240-1340/19 of 18.11.2019.

IX RIGHTS OF PERSONS WITH DISABILITIES

United Nations Convention on the Rights of Persons with Disabilities represents the first comprehensive document to guarantee the rights and freedoms of persons with disabilities.⁴⁰⁹ In addition to the said Convention, it is important to point out that there are a number of other international instruments guaranteeing the rights and freedoms of persons with disabilities, including the Universal Declaration of Human Rights⁴¹⁰, International Covenant on Civil and Political Rights⁴¹¹, International Covenant on Economic, Social and Cultural Rights⁴¹² and others, which proceed from the fundamental principle that every human being has innate, equal, inalienable, and universal rights arising from the dignity of the human being.

In 2019, 48 cases were registered in the Institution in this area and four recommendations were issued. For comparison, the following is an overview of the number of complaints received and recommendations issued for the period 2015-2019.



The cases received in the reporting period relate mainly to problems in exercising rights in the field of social and health care, then rights from pension and disability protection, the right to education, employment, placement in social welfare institutions, as well as the issue of accessibility of public transport. With a number of complaints, citizens expressed dissatisfaction with the work of the Institute for Medical Expertise of the Health Status in the Federation of Bosnia and Herzegovina, and Ombudsman Institution acted promptly because of photos of residents at the Institute for the Care of the Mentally Disabled and Youth Pazarić. The Government of the

⁴⁰⁹ United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol, Resolution A/RES/61/106, 13 December 2006 Bosnia and Herzegovina has ratified the United Nations Convention on the Rights of Persons with Disabilities, as well as the Optional Protocol on 12 March 2010, and the Convention is Effective since April 11, 2010.

⁴¹⁰ Adopted at the United Nations General Assembly on 10 December 1948.

⁴¹¹ Adopted by General Assembly resolution 2200A (XXI) on December 16, 1966, and entered into force on March 23, 1976.

⁴¹² Adopted and opened for signature and ratification by United Nations General Assembly Resolution 2200 A (XXI) of 16 December 1966 and entered into force on 3 January 1976, when the required 35 States have deposited instruments of ratification or accession.

Republika Srpska was commented on the Draft Law on Amendments to the Law on Social Protection of the Republika Srpska, which will also be discussed further in the report.

Recommendations issued in the reporting period relate to the issues of eliminating accessibility to educational institutions and teaching processes, the issue of inaccessibility and unavailability of transport in the Canton of Sarajevo, the enforcement of court judgments in which one of the parties is a person with disabilities, and the issue of financing the work of associations that gather persons with disabilities.

According to data from the 2008 Disability Policy in Bosnia and Herzegovina, about 10% of the population in Bosnia and Herzegovina suffers from some kind of physical, sensory, developmental or mental disability.⁴¹³ Therefore, persons with disabilities in Bosnia and Herzegovina, as a vulnerable category, reasonably expect authorities of all levels in Bosnia and Herzegovina to ensure, through concrete measures, the full enjoyment of the rights and freedoms guaranteed by the Constitution of Bosnia and Herzegovina, the Constitution of the Federation of Bosnia and Herzegovina, the Constitution of the Republika Srpska and the Statute of the Brčko District of BiH.

Positive progress in Bosnia and Herzegovina is noticeable, especially when it comes to the adoption of strategic documents related to the exercise and protection of the rights of persons with disabilities⁴¹⁴. However, the recommendations of the November 2019 Universal Periodic Review (UPR) Working Group Report⁴¹⁵, as well as the April 2017 recommendations of the United Nations Committee on the Rights of Persons with Disabilities⁴¹⁶ point out that it is necessary to continuously work to raise public awareness, i.e. to promote and protect the rights of persons with disabilities.

During the reporting period, representatives of the Institution actively participated in several conferences, working meetings and roundtables focused on the rights of persons with disabilities and which resulted in conclusions with the aim of defining further course of action. Throughout 2019, communication with international bodies has been continuously pursued⁴¹⁷.

⁴¹³ 2008 Disability Policy of Bosnia and Herzegovina, BiH Official Gazette, No. 76/2008.

⁴¹⁴ Strategy for the Advancement of the Rights and Status of Persons with Disabilities in the Federation of Bosnia and Herzegovina 2016-2021 and Strategy for Improving the Social Position of Persons with Disabilities in the Republika Srpska 2017-2026.

⁴¹⁵ The 2019 Working Group Report on the Universal Periodic Review (UPR) is available at <http://www.mhrr.gov.ba/PDF/LjudskaPrava/Zakljucna%20zapazanja%20na%20Treci%20ciklus%20UPR-a.pdf>

⁴¹⁶ Concluding Considerations to the Initial Report of Bosnia and Herzegovina of 12/04/2017 http://www.mhrr.gov.ba/ljudska_prava/Prava_osoba_sa_invaliditetom/Zakljucna%20razmatranja%20i%20preporuke%20Komiteta%20za%20prava%20osoba%20sa%20invaliditetom%20za%20BiH.pdf

⁴¹⁷ At the request of the Office of the High Commissioner for Human Rights (OHCHR), information was provided to the Institution regarding the preparation of a study on Article 8 (awareness raising) of the UN Convention on the Rights of Persons with Disabilities. Regarding the activities of the United Nations Special Rapporteur on good practices with a view to ensuring effective access to justice for persons with disabilities, the Institution provided an overview of the situation in Bosnia and Herzegovina from the aspect of the jurisdiction of the Institution. Also, at the request of the European Network of National Institutions for Human Rights (ENNHRI), an overview of the situation in Bosnia and Herzegovina regarding the voting rights of persons with disabilities was provided, especially for those under guardianship. Given that Bosnia and Herzegovina is due to report on the implementation of the UN Convention on the Rights of Persons with Disabilities in 2020, the Institution has submitted to the Committee an overview of the state of rights of persons with disabilities in Bosnia and Herzegovina for the purpose of drawing up a list of questions for Bosnia and Herzegovina.

9.1. Situation in the Institute for the Care of Mentally Disabled Children and Youth Pazarić

Ombudsmen since 2009 point to problems in the functioning of social welfare institutions in Bosnia and Herzegovina. In 2009, a Special Report on the Situation in the Institutions for the Care of Mentally Disabled Persons in Development in BiH was prepared⁴¹⁸ which outlines the shortcomings of the current legislation and the problems with its implementation. Thus, it was pointed out that the lack of legal terminology creates legal confusion, which opens the possibility of breaking the consistency in the application of the law, and there is no real categorization of institutions. When it comes to isolation and fixation, the same document states that isolation rooms deviate from the standards of worthy dignity of this population of people. There is no possibility to monitor the occupants while in the room or to protect them from possible injuries because the walls are not lined. Basically, the issue of fixation and isolation has been resolved by the internal rules of the institutions, and in some these have not even been adopted. In order to remedy the identified shortcomings, the Ombudsmen issued specific recommendations to the relevant public authorities.

In order to review the level of implementation of these recommendations, the Ombudsmen in 2018 drafted a new, second Special Report on the State of the Rights of Persons with Intellectual and Mental Disabilities in Bosnia and Herzegovina⁴¹⁹ and on that occasion visited all social care institutions in Bosnia and Herzegovina, as well as institutions where persons with mental disorders (including the Institute for the Care of Mentally Disabled Children and Youth Pazarić) were hospitalized, with the heads of institutions and hospitals, and with users, that is, patients to patients. In the said document, specific recommendations were made to the competent authorities and institutions, in accordance with the basic principles laid down in international standards, with a view to ensuring the advancement of the position of this category of persons. The Ombudsmen pointed out in the Special Report that there was still no adequate categorization/classification of persons with intellectual and mental disabilities and that their diagnosis during placement was used as a basis for stay and treatment for many years, without any justification for further stay being made of these persons in the institution. In addition, institutions operate with limited human resources and the staffing structure often does not meet the needs. A continuous form of staff education in institutions has not been established, and the link between line ministries and institutions is mainly based on logistical issues. It was pointed out that there are still no databases on persons with intellectual and mental disabilities, as well as on persons deprived of legal capacity and placed in institutions, which prevents strategic access to the regulation of exercising the rights of this category of citizens. Based on the conclusions drawn, specific recommendations were again made to public authorities

The Parliament of the Federation of Bosnia and Herzegovina did not include the said Special Report on the agenda until the date of preparation of this report, while the Council of Ministers of

⁴¹⁸ Special Report on the Situation in the Institutions for the Care of Mentally Handicapped Persons in Development in BiH, available at https://www.ombudsmen.gov.ba/documents/ombudsmen_doc2013020401071133bos.pdf

⁴¹⁹ Special Report on the State of the Rights of Persons with Intellectual and Mental Disabilities in Bosnia and Herzegovina, available at https://www.ombudsmen.gov.ba/documents/ombudsmen_doc_201805180903_2286_bos.pdf

Bosnia and Herzegovina considered it at its 152nd session on 29 August 2018 and the National Assembly of the Republika Srpska on 12 March 2019.

Example: Ombudsmen have registered a case ex officio on the occasion of the publication of disturbing photographs showing residents of the Public Institution the Institute for the Care of Mentally Disabled Children and Youth Pazarić.⁴²⁰ The first activity undertaken as part of the case work was a visit by a representative of the Institution to the Institute for the Care of Mentally Disabled Children and Youth Pazarić⁴²¹, on which occasion the interview was conducted with the Director of the Institute, medical staff, caregivers and users of the Institute. According to the director, at the time of the visit, the Institute housed 339 users and employed 70 caregivers. Compared to the previous reporting period, when a neuropsychiatrist was hired once a month, the number of neuropsychiatrists and dentists visits increased to four times a month at the time of the visit. In the interview with the staff, a small number of caregivers were mentioned in relation to the number of protégés, especially in certain pavilions, with two or more caregivers working with twenty or more protégés, while only one caregiver was hired at night for two pavilions. Caregivers do not have the opportunity for any type of professional development, and there is also room for improvement in the conditions of placement of beneficiaries. With regard to procedures for the separation and use of physical force, the neuropsychiatrist pointed out that the Law on the Protection of Persons with Mental Disabilities of the Federation of Bosnia and Herzegovina establishes a procedure for the separation and use of physical force against persons with mental disabilities. Procedures and fixation books have not yet been drawn up and there is no categorization of institutions, which means that the issue in question has not been systematically resolved.

Ombudsmen pointed out problems in social welfare institutions in the Special Report on the State of the Rights of Persons with Intellectual and Mental Disabilities in Bosnia and Herzegovina. Considering that the recommendations were issued to the Federation Ministry of Labor and Social Policy, but that the Ministry did not provide information regarding the measures and activities undertaken with a view to their realization, an act was sent to the Federation Ministry of Labor and Social Policy on the basis of which the response was submitted⁴²² which states, inter alia: "... *The need to establish an independent body for the expert evaluation of every person with intellectual and mental disabilities was also detected by the Federation Ministry of Labor and Social Policy, namely, an expert evaluation to be carried out by an independent bodies, would constitute a basis for classification and further a basis for determining treatment and care of these persons in a community or institution. This would, inter alia, prevent the continuation of the current practice of placement of persons with mental disabilities in institutions for the care of persons with disabilities, which are in accordance with the Law on Assuming the Rights and Obligations of the Founders of Social Welfare Institutions in the Federation of BiH ("Official Gazette of the Federation" BiH, No. 31/08 and 27/12) owned by the Federation of BiH.*

...

As part of the reform processes in the field of social protection, the Federation Ministry of Labor and Social Policy has drafted the Strategy for Deinstitutionalization and Transformation of Social

⁴²⁰ Ž-SA-02-1274/19

⁴²¹ The visit was made by the Ombudsmen of Bosnia and Herzegovina Nives Jukić and Dr. Jasminka Džumhur, Assistant to the Ombudsman Irma Haživadić and Expert Advisor Alma Mehonić Kišić on 21 November 2019.

⁴²² Federation Ministry of Labor and Social Policy, Act No. 05-3/2-3107/19 AH of 13 December 2019.

Protection Institutions in the Federation of BiH (2014-2020), as a framework strategic document aimed at improving conditions for the development of a protection system that will ensure quality improvement life, non-discrimination, protection of human rights and freedoms for all beneficiaries of social protection, through the transition from institutional care to community-based social care. The Strategy was adopted by the Government of the Federation of Bosnia and Herzegovina Conclusion V No: 1395/14 of 10 July 2014 and it was developed in accordance with the EU Guidelines for the Transition from Institutional Care to Community Support Services and the UN Guidelines for Alternative Child Care.

...

In accordance with the aforementioned Conclusion, this Ministry has also prepared an Action Plan for the implementation of the Strategy, to which the Government, by Decision V No. 1591/17 of 7 December 2017, approved.

...

Therefore, it can be concluded that the Federation Ministry of Labor and Social Policy is aware of the existence of problems in the subject area, that the strategic documents have been adopted, but that the problem arises when implementing the strategic documents. In this regard, we point out the need to involve all relevant actors who will, through concrete measures, contribute to improving the position of persons with mental and intellectual disabilities placed in social care institutions.

9.2. Rights of persons with disabilities in the field of social protection

Complaints in the Institution show that the legislation in Bosnia and Herzegovina is based on a medical rather than a social model. Therefore, the focus is not on exercising the rights of persons with disabilities in relation to residual capacity, which international standards insist on.

Example: Ombudsmen became involved in the process of adopting the Law on Amendments to the Law on Social Protection of the Republika Srpska in 2019⁴²³, and submitted a comment to the Republika Srpska Ministry of Health and Social Welfare⁴²⁴ on the Draft Law on Amendments to the Law on Social Protection of the Republika Srpska.

After having reviewed the Draft Law on Amendments to the Law on Social Protection of the Republika Srpska, it was established that Article 35a. of the draft law stipulates that the right to personal disability shall be exercised, among other things, by persons who are dependent on assistance and care of another person in meeting basic living needs and whose damage/illness occurred in the developmental period and have physical damage from 80% to 100% (Article 35a (1) (a)), persons with intellectual disabilities who are dependent on the assistance and care of another person to meet basic living needs and who have suffered a developmental impairment/illness and have a physical impairment of at least 70% (Article 35a (1) (v)) and hearing impaired persons who have suffered a developmental impairment/disease and have a physical impairment of at least 70% (Article 35a (1) (g)).

⁴²³ Official Gazette of the Republika Srpska, No. 37/2012 and 90/2016.

⁴²⁴ Ž-SA-02-522/19

Furthermore, Article 35v. Paragraph 2, prescribes that developmental impairment/illness constitutes impaired vision, hearing, voice-voice communication, physical impairment and/or chronic illness, intellectual impairment, psychiatric disorder and/or illness or other impairment or illness that gives rise to difficulties in psychological and sensorimotor development and functioning in activities of daily living that occurred in the period up to the age of 18 years.

Adoption of the provision defined in this way leads to the exclusion of persons with disabilities whose disability did not arise in the developmental period, i.e. until the age of 18 years. The Ombudsman's Commentary on said Draft outlines the provisions of the Law on the Prohibition of Discrimination in Bosnia and Herzegovina, the basic principles underlying the United Nations Convention on the Rights of Persons with Disabilities, and the obligation of States Parties to ensure the full enjoyment of all human rights and fundamental rights, freedom for persons with disabilities without discrimination on the basis of disability. The relevant provision of the Draft Law was not made in the light of the Recommendation of the United Nations Committee on the Rights of Persons with Disabilities in the Concluding Considerations on the Initial Report of Bosnia and Herzegovina⁴²⁵, which recommended that the term disability should be defined without discrimination on the basis of the cause of the disability. An inspection of the Proposal for the Law on Amendments to the Law on Social Protection of the Republika Srpska of September 2019 established that the aforementioned objections were not accepted, on the grounds that the adoption of the Institution's objections would increase the allocation of funds from the Republika Srpska budget.

The Ombudsmen repeatedly pointed to problems in practice that arose after the Amendments to the Law on Basic Social Protection, Protection of Civilian Victims of War and Family with Children of the Federation of Bosnia and Herzegovina⁴²⁶ adopted in 2009⁴²⁷. Article 3 of the aforementioned Amendments puts persons with disabilities into two groups, namely: group I with a disability in percentage of 100% and group II with disability in percentage of 90%, depending on which of the two groups mentioned above, persons with disabilities exercise their rights under the aforementioned Law. So, by adopting the amendments, instead of the previous six groups, only two groups were introduced, and thus all beneficiaries with a disability percentage of less than 90% were excluded from the rights, with the exception of civilian victims of war who continued to exercise their rights and war invalids, who have been recognized under the Law on the Rights of Defenders and Members of Their Families of the Federation of Bosnia and Herzegovina⁴²⁸. On the other hand, members of the category of war invalids are classified in group I to X and exercise their rights in all groups. The monthly amount of the personal disability allowance of Group I to X disabled persons is determined as a percentage of a certain base.

⁴²⁵ Report adopted at the seventeenth session of the Committee (20 March-12 April 2017).

⁴²⁶ Special Report on the Rights of Persons with Disabilities, November 2010, available at: https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013020406303506bos.pdf

Annual Report on the Results of the Activities of the Human Rights Ombudsman of Bosnia and Herzegovina 2011, available at:

https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013012811550655bos.pdf

Special Report on the State of the Rights of Persons with Intellectual and Mental Disabilities in Bosnia and Herzegovina, 2018, available at:

https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2018051809032286bos.pdf

⁴²⁷ FBiH Official Gazette, No. 14/2009.

⁴²⁸ FBiH Official Gazette no. 33/2004, 56/2005, 70/2007, 9/2010 and 90/2017.

Ombudsmen in their work so far have consistently pointed to discrimination on the basis of disability in relation to the cause of disability.

Example: During 2019, a discrimination procedure was monitored in the Sarajevo Municipal Court following a lawsuit filed by citizens alleging discrimination on the basis of disability, because by adopting the above-mentioned Amendments to the Law on Basics of Social Protection, Protection of Civilian Victims of War and Families with Children of the Federation of Bosnia and Herzegovina, derived from the right to personal disability allowance, since their disability percentage is less than 90%. The Sarajevo Municipal Court rendered Judgment No. 65 0 P 699974 18 P dated 9 July 2019, which upheld the claim and established discrimination. The verdict is not final because the Federation Attorney's Office appealed, but the monitoring of the proceedings before the Sarajevo Cantonal Court continues.⁴²⁹ The said judgment stated the following: "Appreciating all the evidence adduced and presented by the Prosecutor, and in particular the Special Report and Recommendations of the BiH Human Rights Ombudsman Institution, pursuant to the aforementioned Anti-Discrimination Act, Article 7, for protection against discrimination, the court held that the plaintiffs were able to prove the merits of their claim, that is, by enacting an amendment to the disputed Article 18b where instead of the previous 6 groups there were ranges from 60% - 100% and invalidity for disabled persons, and in relation to civilian victims of war, whose rights are also regulated by the said Law and the procedure for determining, these persons were discriminated against, that is, there was a different treatment on the part of the respondent, primarily on the basis of the occurrence of disability, i.e. treatment of social protection, social benefits in comparison with the same, because it is indisputable that these are persons with disabilities and that the defendant on which the burden of proof was in this legal matter, it did not prove public and interest in interfering with the acquired and exercised rights - the property of the plaintiff. The amount of the claim was determined on the basis of the Decision of the Centers for Social Work which established monthly disability benefits for the plaintiffs."

In 2019, the Ombudsmen received complaints alleging the inability to exercise the right to an orthopedic device - diapers for adults.

Example: Citizens of Herzegovina-Neretva Canton and their families with Alzheimer's submitted a complaint to the Institution stating that since 2019 they were denied the right to diapers that they had been exercising properly until 2019, and that the elderly were mostly suffering from the disease. The Ministry of Health, Labor and Social Policy of the Herzegovina-Neretva Canton submitted a reply confirming the allegations from the complaint and emphasizing that in 2019 a Decision was adopted to amend the Decision on the scope of use of orthopedic and other aids that may be prescribed under compulsory health insurance.⁴³⁰ The same answer stated the following: "*However, following the above decision, it is evident that the category of insured persons who had previously been entitled to diapers on the basis of diagnosis - incontinence regardless of the cause, was denied the previously acquired right to diapers, and it cannot be justified by the reduced inflow of money. It is understandable that the Health Insurance Institute of Mostar should take care of rational spending of money, but it should not be a diminution of the rights for the most*

⁴²⁹ Ž-SA-06-478/19

⁴³⁰ Ž-MO-02-14/19

*vulnerable categories of insured persons, but effective control of spending.*⁴³¹ *The Ministry of Health, Labor and Social Welfare of Herzegovina-Neretva Canton will request the Government of Herzegovina-Neretva Canton to amend the List of Orthopedic and Other Aids in this Part, as we cannot allow the already low standard of living of this population to be further compromised.*

However, the same problem exists in the Canton of Zenica-Doboj, in which, by amending the Decision on the scope of the right to use orthopedic and other aids, dental-prosthetic care and dental-prosthetic substitutes, a certain circle of patients was derived from the rights they had regularly exercised.

Example: An complaint was submitted to the Institution⁴³², indicating the inability to exercise the right to an orthopedic device - diapers for adults of an elderly age with organic personality disorder and behavioral disorder, caused by illness, damage and dysfunction of the brain, which according to the Findings and Opinion of a specialist of the Public Institution Health Center Zenica urinates and defecates without control of the sphincters.

Despite the fact that the specialist made a recommendation for the provision of diapers and that the complainant freely used the right to orthopedic supplies - diapers, at the time of the Opinion of the Commission for consideration of the request, the complainant was not granted this right because it did not meet the requirements of the Decision on the scope of the right to use orthopedic and other aids, dental prosthetics and dental prosthetics⁴³³. Examination of the aforementioned Decision has established that the circle of persons is significantly narrowed and that persons of older age, regardless of the cause of incontinence, cannot exercise this right unless they suffer from the aforementioned diseases. The research process is ongoing and the Ombudsmen will make a final decision in the coming period.

On the other hand, according to the complaints submitted, there is a problem with the quality of adult diapers in the Republika Srpska.

Example: Organizations of persons with disabilities of the City of Doboj in a complaint submitted to the Institution⁴³⁴ express their dissatisfaction with the quality of the diapers selected through the procurement procedure of the Republika Srpska Health Insurance Fund, stating that the diapers are of poor quality, permeability is one drop, instead of six drops that had diapers they used earlier, and as such do not serve their purpose. They are also said to be entitled to only one type of diaper, with no choice but forced to use poor-quality diapers. The research process is ongoing and the Ombudsmen will make a final decision in the coming period

We take this opportunity to highlight the fact that discrimination against the elderly is widespread in Bosnia and Herzegovina, as well as prejudices that stem from the assumption that age discrimination and neglect of the elderly is a social norm and is therefore acceptable. At the same time, age discrimination limits the potential of older persons and affects their health and well-

⁴³¹ Ministry of Health, Labor and Social Welfare of Herzegovina-Neretva Canton, Act No. 06-02-39-336/19 of 07 February 2019.

⁴³² Ž-SA-04-1277/19

⁴³³ Official Gazette of Zenica-Doboj Canton, No. 10/2018.

⁴³⁴ Ž-BL-02-241/19

being, and diminishes their contribution to social, economic, cultural and political life, and is therefore unacceptable in modern society and is a violation of the rights of older people who are full citizens with the same rights as everyone else.

9.3. Institute for Medical Expertise of the Federation of Bosnia and Herzegovina

Since 2011, the Ombudsmen have been pointing to citizens' dissatisfaction with the work of the Institute for Medical Expertise of the Federation of Bosnia and Herzegovina.⁴³⁵

During 2014, the Institution *ex officio* registered the case⁴³⁶ and issued a Recommendation to the Institute for Medical Expertise of the Health Status of the Federation of Bosnia and Herzegovina to cease to apply the Instruction on the Application of the Disability List as an absolutely null and void act and to apply the Disability List as an act in force and adopted in legal procedure by the competent authority. Then, the Government of the Federation of Bosnia and Herzegovina, by Conclusion No. 822/2015 of 02 July 2015, ordered the Director and the Board of Directors of the Institute for Medical Expertise of Health to immediately harmonize the Rulebook on Criteria and Procedure for Medical Expertise of Health and to adopt a new Disability List principles on the unique criteria and non-discrimination of persons with disabilities with regard to the cause of disability and the principles enshrined in the UN Convention on the Rights of Persons with Disabilities.

Since the Institution received complaints from citizens about the work of the Institute afterwards, the issue of its work was again updated in 2018 by opening a new *ex officio* case in order to check the implementation of the Conclusions of the Government of the Federation of Bosnia and Herzegovina. The Institute submitted a reply stating that the text of the new Rulebook on the criteria and procedure for medical evaluation of a medical condition had been drafted, but that the approval of all competent ministries had not been received.⁴³⁷ From the response submitted to the Institution it follows that the Federation Ministry for the Issues of Veterans and Disabled Veterans of the Defensive and Liberation War will deliver the opinion in question, after the organizational units of this Ministry give their opinion on the proposed Rulebook⁴³⁸. The Federation Ministry of Finance did not approve, stating that the Information on the assessment of the entry into force of the aforementioned Rulebook also emphasized the need for an increase in the number of employed medical doctors-experts, which entails an increase in other costs as well, i.e. an increase in the budget allocations of the cantonal and Federation ministries. The list of disabilities that would be implemented would require the need to increase the budgetary contributions of the Federation

⁴³⁵ Annual Report on the Results of the Activities of the Human Rights Ombudsman of Bosnia and Herzegovina 2011, available at:

https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013012811550655bos.pdf

Annual Report on the Results of the Activities of the Ombudsman Institution of Bosnia and Herzegovina for 2013, available at:

https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2014042313584567bos.pdf

⁴³⁶ Ž-SA-02-851/14, P-154/14.

⁴³⁷ Institute for Medical Examination of Health Status, Act No: 01-426/19 of 19 February 2019.

⁴³⁸ Federation Ministry for the Issues of Veterans and Disabled Veterans of the Defence and Liberation War, Act No. 03-41 3467/2019 of 04 November 2019.

Ministry of Labor and Social Policy, as well as certain benefits from the budgets of the cantonal ministries responsible for social policy.⁴³⁹

Therefore, the Ombudsman's Recommendation and the Conclusions of the Government of the Federation of Bosnia and Herzegovina have not been implemented, as indicated by the complaints received at the Institution during 2019⁴⁴⁰, from which it clearly follows that in some cases the Disability List applies, and in some cases the Instruction for the implementation of the Disability List, in which way citizens are deprived of rights.

When it comes to the situation in the Republika Srpska, when drafting the Special Report on the Status and Problems of the Centers/Services for Social Work in Bosnia and Herzegovina⁴⁴¹ individual centers⁴⁴² informed the Ombudsmen about the problem regarding the work of the first-instance expert commissions for the assessment of the functional state of adults and children in the process of exercising social protection rights⁴⁴³.

Namely, in terms of the applicable by-laws, it is envisaged that each municipality forms a first-level expert commission for determining the ability of persons and functional status in the process of exercising social protection rights and a first-level expert commission for assessing the needs and guidance of children and young people with disabilities. Municipalities pay commissions from the budget, and all persons who submit applications for entitlement to the assistance and care allowance of another person and the right to financial assistance go for review. After the evaluation of the functional status by the commission, the competent center decides by decision on the recognition of rights, i.e. on the non-recognition of rights.

In practice, problems occur because commissions give different opinions, especially in the area of children's rights - for example, a child with diabetes in one municipality is entitled to a supplement for the assistance and care of another person, and from the territory of another municipality, with the same diagnosis does not. They believe that this problem could be solved by establishing regional commissions (e.g. one regional commission for several municipalities). This would provide approximately equal opportunities for all citizens and beneficiaries of social protection rights. The Centers for Social Work also pointed out the difficulties in the work of the first-level expert committees to assess the needs and guidance of children and youth with disabilities. Ombudsmen will consider these issues in 2020 and continue to insist on the application of the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities.

⁴³⁹ Federation Ministry of Finance, Act No. 06-02-4-8447/19 of 6 November 2019.

⁴⁴⁰ Ž-SA-02-1330/19, Ž-SA-02-543/19, Ž-SA-02-1316/19

⁴⁴¹ Report finalized in October 2019, presented to the general public and recommendations sent to the competent authorities in November 2019, available at www.ombudsmen.gov.ba;

⁴⁴² Centers from Trebinja, Kotor Varoša and Srbac.

⁴⁴³ The work and procedure of the commissions are defined in the Rulebook on the Assessment of Needs and Guidance of Children and Youth with Disabilities (Official Gazette of the Republika Srpska, Nos. 117/2012 and 16/2018) and the Rulebook on Determining the Capacity of Persons in the Process of Exercising Social Protection Rights and Determining functional status of users (Official Gazette of the Republika Srpska, Nos. 116/2012, 111/2013 and 9/2017).

9.4. Financing and operation of associations of persons with disabilities

During the reporting period, the Institution received several complaints alleging non-transparent way of allocating funds from the public budget, non-transparent spending of funds allocated from games of chance, as well as the issue of placing the association in business premises.

Example: Alliance of the Deaf and Hard of Hearing Associations of the Federation of Bosnia and Herzegovina addressed the Institution⁴⁴⁴ stating that one of the members of the Alliance, the Association of the Deaf and Hard of Hearing of Banovići Municipality, is unable to resolve the issue of space for accommodation of the Association, due to the unwillingness of the competent municipal authorities to find an adequate solution to the problem. The Institution was requested to be involved in the case at hand, after which the Alliance informed the Institution that the competent municipal authorities had undertaken the obligation to resolve the disputed issue.

Establishing clear and transparent criteria for the allocation of funds from the budget is an important issue for the operation and functioning of the non-governmental sector. The complaint that the Ombudsmen acted on in 2019 indicated the importance of a transparent procedure, from the very announcement of the Public Invitation, to the stage of monitoring and reviewing how the funds were spent.

Example: Complaint considered by the Institution⁴⁴⁵ indicates a non-transparent way of allocating funds from the budget of the Una-Sana Canton to associations of persons with disabilities from the Una-Sana Canton. The complaint stated that for a long period of time there was a non-transparent practice of transferring money from the Canton budget to nine disability associations. The complaint states that the financing of associations of persons with disabilities is not disputable, but it is disputable to finance individual associations, while other associations cannot even get the opportunity to apply for funds from the cantonal budget, since the award procedure is conducted without a public invitation. It was found that there is a problem in the Una-Sana Canton regarding the way of financing the work of associations of persons with disabilities, reporting on the use of funds transferred from the budget of the Una-Sana Canton, lack of clear criteria and conditions for financing the work and lack of transparency of the process of transferring funds from the public budget, which is mostly reflected in the non-publication of a public call for applications, which the Government of Una-Sana Canton was aware of in 2009. The Ministry of Health, Labor and Social Policy of the Una-Sana Canton informed the Government of the Una-Sana Canton that the reports submitted by the associations of persons with disabilities were sketchy, non-transparent and unclear and from them it was not possible to determine the time of incurring the costs or the identity of the legal entity, or the individual who made the cost. Furthermore, the Audit Office of the Institutions of the Federation of Bosnia and Herzegovina, in the Annual Audit Report on the Most Important Findings and Recommendations for 2017/2018, expressed a reservation with the explanation that the transfer to non-profit organizations - disabled associations in the amount of KM 127,500 was realized in a non-transparent manner and without applying clear and measurable criteria. The Ombudsmen issued a Recommendation⁴⁴⁶ to the Prime Minister of the Una Sana

⁴⁴⁴ Ž-SA-02-452/19

⁴⁴⁵ Ž-BL-02-233/19

⁴⁴⁶ P-277/19

Canton and the Minister of Health, Labor and Social Policy of the Una Sana Canton and in the coming period information on the measures taken to implement the recommendation is expected.⁴⁴⁷

Good communication and coordination of public-civil society activities is one of the key prerequisites for strengthening democratic principles and dialogue between different social groups, while respecting the needs of others. Such partnerships, in addition to the exercise of rights, also entail the fulfillment of certain obligations of the partner parties. In its Concluding Observations of 12 April 2017, the United Nations Committee expressed concern about the lack of transparent procedures and laws regarding consultation with organizations of persons with disabilities, as well as the lack of structured financial support and capacity building for those organizations, especially at the local level. In this regard, the Committee recommended that Bosnia and Herzegovina adopt formal and transparent mechanisms for regular consultation with organizations of persons with disabilities, including those representing women and children with disabilities, the deaf and hard of hearing persons, with psychosocial and/or intellectual disabilities, in both Entities and all Cantons. The Committee also recommended that Bosnia and Herzegovina regularly provide sufficient funding to organizations of persons with disabilities.⁴⁴⁸

Example: The Institution acted on the complaint of the Coordination Board of the Cantonal Organizations and Associations of Persons with Disabilities of the Una Sana Canton⁴⁴⁹ which indicated the impossibility of holding a work-consultative meeting with representatives of the Ministry of Health, Labor and Social Policy of the Una-Sana Canton, regarding the problem of financing the associations. The Ombudsmen issued a recommendation⁴⁵⁰ pointed out to the Prime Minister of the Government of Una-Sana Canton and the Minister of Health, Labor and Social Policy of Una-Sana Canton the importance of establishing dialogue between the public and civil sectors, and they were urged to work continuously on strengthening cooperation and social dialogue with associations of persons with disabilities, especially during drafting regulations and making decisions regarding persons with disabilities. Answer on the recommendation is expected in the coming period.

Complaints submitted to the Institution show that the problem of communication with public authorities also exists in other cantons.

Example: During 2019, the Institution considered the complaint of the Association of Blind Citizens of Tuzla Canton⁴⁵¹ stating that the Alliance had repeatedly requested the delegation to receive the President of the Assembly, the Prime Minister and the Minister of the Ministry of Culture, Sports and Youth of the Canton of Tuzla. The subject of the request was a request to the

⁴⁴⁷ Audit Office of the Institutions of the Federation of Bosnia and Herzegovina, Annual Audit Report on the Most Important Findings and Recommendations for 2017/2018, available at:

http://www.vrifbih.ba/javni-izvj/Godisnji_revizorski_izvjestaji/default.aspx?id=9083&langTag=bs-BA

⁴⁴⁸ Concluding Considerations to the Initial Report of Bosnia and Herzegovina of 12 April 2017 http://www.mhrr.gov.ba/ljudska_prava/Prava_osoba_sa_invaliditetom/Zakljucna%20razmatranja%20i%20preporuke%20Komiteta%20za%20prava%20osoba%20sa%20invaliditetom%20za%20BiH.pdf

⁴⁴⁹ Ž-SA-02-1293/19

⁴⁵⁰ P-277/19

⁴⁵¹ Ž-BR-02-220/19

authorities, within the scope of their authority, to assist in *"addressing the life problem of blind persons in the field of information which is a basic human right."*

9.5. Education of persons with disabilities

Article 9 of the UN Convention on the Rights of Persons with Disabilities obliges States Parties to take measures to facilitate the full participation of persons with disabilities in all areas of life. This includes identifying and removing obstacles and barriers to accessibility of buildings and other open and closed spaces and taking appropriate measures to develop, disseminate and monitor the implementation of minimum standards and guidelines for the accessibility of spaces and services open or intended for the public, ensuring that private legal entities providing the premises, means and services open or intended for the public, take into account all aspects of accessibility for persons with disabilities, ensure Braille lettering and in easily legible and comprehensible form in buildings and other spaces open to the public, provide forms of personal assistance and intermediaries, including guides, readers and sign language interpreters, to facilitate access to public facilities and spaces open to the public, etc.⁴⁵²

Example: An institution has *ex officio* registered a case, based on media knowledge⁴⁵³ in connection with the case of a student at the Faculty of Law in Sarajevo who, due to the malfunctioning of the access elevator, *was unable to access the building of the Faculty of Law in Sarajevo without hindrance and thus regularly monitor teaching and participate in the educational process.* The Faculty of Law and the Rectorate of the University of Sarajevo informed the Institution that they had taken concrete measures to remove the architectural barrier, and a ramp was installed at the entrance of the Faculty of Law in Sarajevo as an alternative to the entry steps. The University of Sarajevo has provided information indicating a very positive practice, and below we convey the part of the answer: *"We want to inform you that the University of Sarajevo has expressed a high degree of sensitivity and desire to help all our students who need help. Two projects have been implemented at the Faculty of Philosophy in Sarajevo in this field, which aimed, among other things, at creating the preconditions for supporting and improving the quality of education of students with disabilities. Ways to do this are: acquiring assistive technology and aids, obtaining literature, setting up an Office to support the training of academic and non-academic staff, working with employers, publishing employer guides and books for training academic staff, etc. opened on 02/10/2018 as the Student Support Office of the University of Sarajevo. The basic orientation of the Office is aimed at improving the conditions of study of students with disabilities, ensuring the conditions for meeting the needs and enjoyment of rights, psychological assistance, information and education of students, research activities, assistance*

⁴⁵² Accessibility also means providing access to education and educational programs. The educational system must be accessible, including buildings, information and communication, which includes the curriculum, educational materials, teaching methods, assessment, language and support services. The environment of students with disabilities must be designed to foster inclusion and guarantee equality for the duration of education, for example, school transportation, which should be inclusive, accessible and safe, water and sanitation, including hygiene and sanitary facilities, school cafeterias and the like. In addition, accessibility implies that education at all levels is accessible to students with disabilities, taken from the General Comment of the UN Committee on the Rights of Persons with Disabilities on Article 24 of the Convention on the Rights of Persons with Disabilities, available at:

http://www.myright.ba/uimages/Opsti20komentar20br20420na20clan202420Konvencije20o20pravima20osoba20s20invaliditetom20UN_april_2019.pdf

⁴⁵³ Ž-SA-05-1251/18, P- 284/19

*and support in selecting studies, improving access to education, organizing and delivering training for teaching and non-teaching staff, participation in the adoption and amendment of laws and regulations related to education, student scholarships, etc."*⁴⁵⁴

Since the process of inclusion of persons with disabilities in the education system is a long process, involving a number of actors and continuous action and monitoring of results, the Ombudsmen in this case issued a Recommendation to the Prime Minister of Sarajevo Canton and the Rector of the University of Sarajevo. The Recommendation is directed to the need to make continuous efforts in order to continue the process of removing architectural barriers in educational institutions in the Sarajevo Canton, in order to prepare strategic documents on accessibility and inclusive education in the Canton of Sarajevo in accordance with its competences. Also, it is necessary to create a plan for education of teaching staff in the educational system on support and instruments for inclusive education of children and young people with disabilities, to ensure the availability of aids, classroom support and educational material in adapted forms and accessible formats for persons with disabilities, to budget Sarajevo Canton foresees adequate financial resources for the implementation of the Ombudsman's recommendations outlined above. A response to the recommendation has not yet been received.

The importance of implementing an inclusive education system was also demonstrated by the complaint concerning the exercise of the right to education of a minor child with special needs attending primary school.

Example: During 2019, the Institution considered the complaint of a parent of a minor child attending seventh grade at PI First Elementary School in Bugojno and was diagnosed with disharmonic development, tremor, underdeveloped speech, hearing impairment, or *Hypocausis sensorineuralis bilis hereditaria*. While attending class, the child was educated according to a program tailored to his or her abilities. However, since attending the subject, the curriculum is not adapted to his or her abilities, so he attends classes as children who have no special educational needs, despite the fact that Article 10 of the Law on Amendments to the Law on Primary School in the Central Bosnia Canton⁴⁵⁵ stipulates that children and young people with special educational needs will be educated in mainstream schools and according to programs tailored to their individual needs. According to the Rulebook on the Education of Children with Disabilities and Special Educational Needs in Primary and Secondary Schools⁴⁵⁶ the school's obligation to include children with disabilities in one of the integration forms is prescribed. Following the Institution's intervention, the minor child exercised his right and the complainant informed the Institution that the boy had a teaching assistant in the new school year, that the same engagement was smooth, which made access to the education process much easier.⁴⁵⁷

Support for persons with disabilities is reflected in the willingness of the competent authorities to contribute, through various affirmative measures, to the equalization of persons with disabilities with other citizens. These measures facilitate access to and exercise of individual rights (social protection rights, education rights, health care, etc.). The Ombudsmen point to the positive practice

⁴⁵⁴ University of Sarajevo, Act No. 01-1487-1/18 of 3 December 2018.

⁴⁵⁵ Official Gazette of Canton Central Bosnia, No. 11/2001 and 17/2004.

⁴⁵⁶ Official Gazette of Canton Central Bosnia, No. 13/2006

⁴⁵⁷ Ž-SA-02-982/17

of the Fund for Rehabilitation and Employment of Persons with Disabilities of the Federation of Bosnia and Herzegovina, which, through the Public Invitation, within which there is a LOT to support education for persons with disabilities, facilitate access to education for persons with disabilities.

Example: The Association of Visually Impaired Tuzla Citizens has submitted a complaint to the Institution⁴⁵⁸ stating that several students from the University of Tuzla had contacted the Association, who indicated that they encountered a problem when applying for the Public Invitation. The applications of students of the University of Tuzla are rejected because the University of Tuzla allegedly does not pay the Fund a tax of 0.5%. The Institution has obtained information from the said University from which it is clearly evident that for the current year all obligations have been met. The Fund for Professional Rehabilitation and Employment of Persons with Disabilities of the Federation of Bosnia and Herzegovina is also expected to make a statement, after which a final decision will be made by the Ombudsman.

9.6. Public transportation accessibility

One of the principles underlying the UN Convention on the Rights of Persons with Disabilities, contained in Article 3 of the UN Convention, is the principle of non-discrimination and accessibility. Article 9 of the Convention provides for an obligation on the State party to take appropriate measures to ensure accessibility for persons with disabilities, including all structures, roads, transport and other indoor and outdoor spaces.

When it comes to accessibility, persons with disabilities in Bosnia and Herzegovina face a number of difficulties, and delaying the resolution of accessibility issues certainly makes it difficult to advance all other rights of persons with disabilities and to achieve the principles of equality, non-discrimination and equality.

The UN Committee on the Rights of Persons with Disabilities in its Concluding Considerations of 12 April 2017 expressed concern that: “... *there is no comprehensive accessibility strategy or laws with effective sanctions that are harmonized at all levels, and that most public buildings and institutions, with particular reference to those providing free legal aid and/or, in particular, services for persons with disabilities, as well as public transport, are not accessible...*”⁴⁵⁹

The stated position of the UN Committee is confirmed by the complaint considered in the Institution concerning the issue of taxi licenses for the transportation of persons with disabilities.

Example: A complainant filed a complaint⁴⁶⁰ stating that he could not have been issued a taxi license to transport people with disabilities because the legal regulations do not know a taxi license

⁴⁵⁸ Ž-SA-02-1206/19

⁴⁵⁹ Concluding comments available at:

http://www.mhrr.gov.ba/ljudska_prava/Prava_osoba_sa_invaliditetom/Zakljucna%20razmatranja%20i%20preporuke%20Komiteta%20za%20prava%20osoba%20sa%20invaliditetom%20za%20BiH.pdf

⁴⁶⁰ Ž-SA-02-1269/16, P-283/19: to take concrete measures immediately upon receipt of the recommendation in order to ensure accessibility and availability of public transport to all persons with disabilities, to provide an adequate number of public transport vehicles, that is, an adequate number of licenses for carrying out taxi transportation for persons with disabilities, in the process of amending relevant laws. Involve associations of persons with disabilities in the

to transport people with disabilities. Accordingly, the issue of public transportation of persons with disabilities is not adequately regulated in Sarajevo Canton. According to the information of the Ministry of Transport of Sarajevo Canton, an initiative was introduced to the Federation Ministry of Transport and Communications to amend the Law on Road Transport of the Federation of BiH, to amend the Rulebook on Technical and Exploitation Conditions for Vehicles Performing Some Transports and to amend the Rulebook on License to Perform Public Road Transport traffic⁴⁶¹, which was supported by the Ministry of Transport of the Sarajevo Canton and gave its consent to the proposal of the working material: "Law on Amendments to the Law on Road Transport of the Federation of Bosnia and Herzegovina. Recognizing the efforts made so far to adequately address the issue in question, but considering the need for more effective action by the competent authorities, the Ombudsmen issued a Recommendation to the Federation Ministry of Transport and Communications, Speaker of the House of Representatives and Speaker of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina.

The problem is also present in other parts of Bosnia and Herzegovina, as shown by other complaints received at the Institution.

Example: In a complaint submitted to the Institution⁴⁶² it is indicated that the complainant, as a deaf person, is not entitled to a free ticket or to a reduced amount for the purchase of daily, monthly tickets for public transport in the Brčko District of BiH. He also states that both his wife and child are deaf people, and given the child's medical condition, frequent use of public transport is required otherwise they are of poor financial standing. At the request of the Institution, a statement from the carrier was obtained stating that: *"When purchasing daily and monthly tickets, persons with disabilities do not have a disability discount. As a socially responsible company, to the best of our ability, we grant discounts and free tickets for transportation only to members of the Disabled Persons Association, upon request of the Association."*

Therefore, persons with disabilities can only obtain a discount if they are members of a particular association, bearing in mind the fact that not all persons with disabilities are also members of the association, and the aforementioned benefits should be provided with regard to the existence of a disability and not with membership of associations.

process of consultation in order to better understand the problems and potential solutions that will contribute to the greatest possible extent to the improvement of the position of persons with disabilities.

⁴⁶¹ Official Gazette of the Federation BiH, No. 65/2006, 18/2008 and 56/2010.

⁴⁶² Ž-BR-02-33/19

X DISCRIMINATION

The principle of equality and non-discrimination is an integral part of all international human rights treaties and declarations, as well as the Constitution of Bosnia and Herzegovina (Article II, paragraph 4), the entity constitution – the Republika Srpska and the Federation of Bosnia and Herzegovina and the constitution of all ten cantons in the Federation of Bosnia and Herzegovina, and the significance of the Anti-Discrimination Law in Bosnia and Herzegovina is immeasurable.

The law defines the legal and institutional framework for combating discrimination in Bosnia and Herzegovina, and entrusted the Institution with the status of "central institution competent for protection against discrimination". Pursuant to Article 7, paragraph (2), point f. of the Law on Prohibition of Discrimination in Bosnia and Herzegovina The Ombudsmen are obliged to prepare and submit an annual report on the occurrences of discrimination to the Parliamentary Assembly of Bosnia and Herzegovina, the Parliament of the Federation of Bosnia and Herzegovina, the National Assembly of the Republika Srpska and the Assembly of the Brčko District of Bosnia and Herzegovina, and outlines trends and occurrences of various forms of discrimination that citizens face.

Important advances in the implementation of Anti-Discrimination Law of Bosnia and Herzegovina have been made, but key mechanisms and institutional actors still face many challenges and problems.

By the amendments to Anti-Discrimination Law of Bosnia and Herzegovina 2016⁴⁶³ the legal framework for protection against discrimination has been improved, and the role of the Ombudsman in the activities of promoting anti-discrimination protection, which is reflected in informing the public, raising awareness campaigning and other forms of discrimination prevention, is envisaged (Article 7, paragraph 2, item 1 of Anti-Discrimination Law of Bosnia and Herzegovina).

Although the Law on Prohibition of Discrimination in Bosnia and Herzegovina in 2009, even before the amendments (Article 7, paragraph 5) stipulates the obligation to have a separate budget item for the work of the Department for Elimination of All Forms of Discrimination, this provision has not been done until today, or even ten years after prescribing legal obligation, has not been implemented.

The limitation of the financial and human resources of the Department did not significantly affect the work on individual complaints of citizens, which is the most important form of protection of human rights, but to a certain extent limited the exercise of other powers vested in law, such as proactive and preventive action in relation to the occurrence of discrimination.

However, despite the aforementioned during 2019, representatives of the Department for Elimination of All Forms of Discrimination, as well as other employed lawyers in the Institution,

⁴⁶³ Law on Prohibition of Discrimination, Official Gazette of Bosnia and Herzegovina, No. 66/2016.

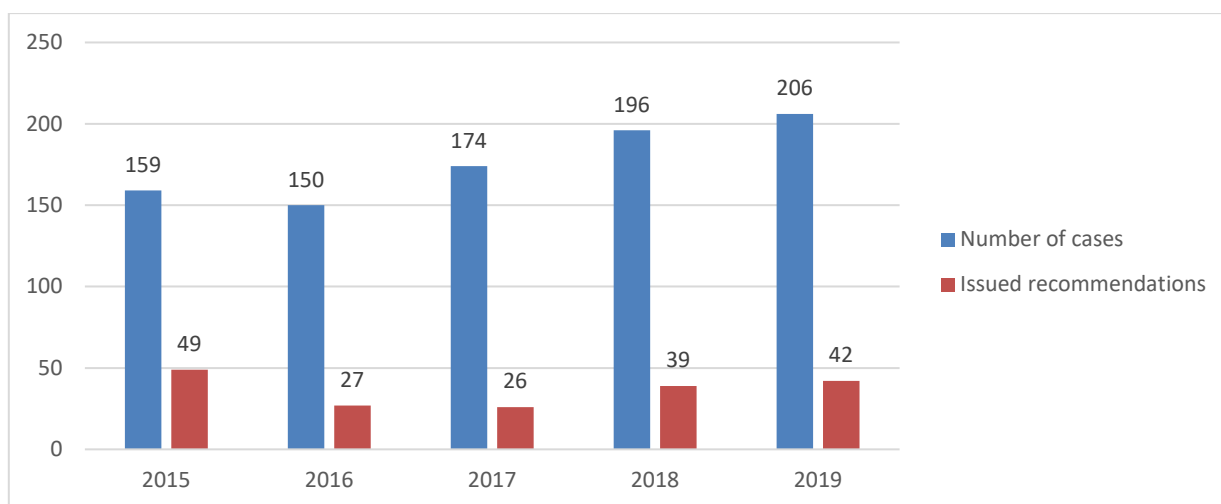
who in the previous period⁴⁶⁴ had no opportunity for professional development through workshops and online training on the topic of protection against discrimination, held in co-operation with the OSCE Mission to Bosnia and Herzegovina, training on the implementation of the Law on Prohibition of Discrimination in Bosnia and Herzegovina, as well as the legal basis of action and working methods of the Institution for representatives of public institutions and civil servants in the Brčko District of Bosnia and Herzegovina⁴⁶⁵, while the same training was conducted for civil servants and public authorities in Canton 10⁴⁶⁶. Also, within the Pilot Project "Inclusion of LGBTQI Issues in Open Government Approaches in Bosnia and Herzegovina", representatives of the Department for the Elimination of All Forms of Discrimination held a workshop⁴⁶⁷ on the *Presentation of the main findings of the Human Rights Ombudsman Institution of Bosnia and Herzegovina: what are the challenges?*

10.1. Overview - a comparison with the previous period

In 2019, the Institution registered a total of 206 cases in which citizens reported violations of the provisions of the Law on Prohibition of Discrimination in Bosnia and Herzegovina, which is two cases less than in 2018. At the Regional Office in Sarajevo, 124 complaints were received, at the Headquarters of the Institution in Banja Luka - 66, at the regional offices in Mostar and Brčko - six complaints and four complaints at the Field Office in Livno.

A total of 42 recommendations were issued, of which seven were implemented, in 16 cases the recommendations were not implemented, in three cases cooperation with the designated responsible authority was made, and for 16 recommendations no response was received.

Below we provide a comparative overview of the complaints received and the number of recommendations issued for the period 2015-2019:



⁴⁶⁴ Training for employees of the Human Rights Ombudsman Institution of Bosnia and Herzegovina was carried out as part of the project "Strengthening the Capacity of the Human Rights Ombudsman Institution to Combat Discrimination", which is part of a joint program of cooperation between the European Union and the Council of Europe "Horizontal Support Facility for the Western Balkans and Turkey", funded by the European Union and the Council of Europe

⁴⁶⁵ Held on March 26, 2019 and December 3, 2019 in Brčko

⁴⁶⁶ Held on November 19, 2019 in Livno

⁴⁶⁷ Held on October 8, 2019 at Jahorina

Most complaints in the reporting period refer to mobbing, as a special form of discrimination in the workplace - 52, followed by complaints of discrimination on the basis of ethnicity - eight, six complaints of discrimination on the basis of union membership, five complaints of discrimination on the basis of sexual orientation, four complaints of discrimination based on language, national or social origin, social status or gender, three complaints of discrimination on grounds of religion, hate speech and harassment, two complaints of discrimination on the basis of education and disability and one complaint on the basis of political or other beliefs, property, gender identity, age and segregation.

As in previous years, 94 cases 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, which categorically lists prohibited grounds of discrimination, and stipulates "any other circumstance for the purpose or consequence of any which denies or endangers the recognition, enjoyment or exercise on an equal basis of rights and freedoms in all areas of life."

It is necessary to emphasize that the work of the Department for Elimination of All Forms of Discrimination cannot be viewed solely from the aspect of the number of cases received, and in this regard the issued recommendations.

The procedure for submission of complaint to the Ombudsmen is free of charge, it is not conditioned by formalities, it does not require the assistance of a lawyer, and therefore most citizens primarily turn to the Ombudsmen, and it is only in the next step that they decide to initiate proceedings before a competent court.

The analysis of complaints at the Institution shows a general misunderstanding of the concept of discrimination (in the way that most citizens of Bosnia and Herzegovina classify every injustice as discrimination), poor knowledge of relevant laws and institutions, insufficient awareness of potential victims of discrimination in their rights and ways of exercising them, complexity of the case, and team with regard to working with the complainants, providing oral advice, the need for regulation, which requires additional involvement of lawyers, a significant segment of the work of employees in the Department for Elimination of All Forms of Discrimination remains invisible to the public and relevant civil society organizations that monitor the work of the Institution and the Department for Elimination of All Forms of Discrimination.

10.2. Ensuring effective internal anti-discrimination procedures

As the central anti-discrimination institution, the Institution has the authority to propose, within its area of competence, solutions to designated responsible parties that aim to ensure equal treatment. Increasing competitiveness, organizational change, recession, labor market developments and job insecurity are reflected in worsening working conditions and increasing workload. Factors such as social and physical isolation, lack of communication, poor communication with superiors, low levels of support in problem solving, lack or exaggeration of promotion ... may represent some of the characteristics of work, but possible sources of stress, which can ultimately lead to mobbing and unequal treatment. Ombudsmen believe that human resources management bodies are responsible for taking adequate measures to prevent the

occurrence of factors that cause work stress. Adequate investment in the prevention and repair of impaired interpersonal relationships would have numerous benefits for both the work organization and employees and service users.

Through work on cases⁴⁶⁸ in the past few years, as well as in 2019, it has been observed that there are a large number of cases in which the parties point out that they are exposed to discrimination, and the investigation procedure shows that the competent authorities did not act in accordance with the provisions of Article 24 of the Law on Prohibition of Discrimination in Bosnia and Herzegovina, which prescribes the obligation to harmonize other regulations with this law, and in this regard it was noted that in most cases there was a lack of implementation of Article 24, paragraph 4, of the Law on Prohibition of Discrimination in Bosnia and Herzegovina, which prescribes the obligation of all public bodies and other legal entities to regulate in their general legal acts, or through specific legal acts, the principles and principles of equal treatment, and to ensure effective internal procedures for protection against discrimination. In such cases, the Ombudsmen issued recommendations to the competent authorities to act in accordance with the above provision.

Implementation of the mentioned provision would significantly improve the work of public bodies and legal entities in terms of creating working conditions and working environment free from discrimination, with precisely defined rules and manner of treatment in the event of any form of discrimination, but would also impose an obligation for employees in their work to promote and apply the principles of equal opportunity and prevention of any form of discrimination both to work colleagues and service users. The Ombudsmen point out that the following section highlights a number of examples of recommendations that point out to the competent authorities the obligation to implement the relevant provision of the Law on Prohibition of Discrimination in Bosnia and Herzegovina and, for reasons of economy, do not find it necessary to highlight the same examples especially within this chapter.

10.3. Zero tolerance policy for acts of sexual and gender based harassment

Council of Ministers of Bosnia and Herzegovina at an Extraordinary Telephone Session held on 16 October 2019, on the proposal of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, adopted the Information on Mechanisms for Effective Prevention and Protection Against Gender and Sexual Harassment in the Institutions of Bosnia and Herzegovina, with a Guide to Take Effective Measures to Prevent Harassment based on gender and sexual harassment in the workplace in the institutions of Bosnia and Herzegovina.

Ministries and independent administrative organizations should take effective measures by the end of 2020 to prevent gender-based harassment and sexual harassment in the institutions of Bosnia and Herzegovina, and adopt and announce a zero-tolerance policy on acts of sexual and harassment based on gender. By the end of 2020, the Heads of the institutions of Bosnia and Herzegovina should appoint advisers to prevent gender-based and sexual harassment in the workplace. By the end of 2021, the Agency for Gender Equality should submit to the Council of Ministers of BiH a report on the implementation of these activities.

⁴⁶⁸ Ž-SA-06-551/18 and Ž-SA-06-512/18

The Ombudsman was not consulted during this process, and it remains to be seen how this policy will be implemented in practice.

10.4. Individual examples of general interest

10.4.1. Mobbing

Article 4 (3) of the Law on Prohibition of Discrimination in Bosnia and Herzegovina⁴⁶⁹ provides that *"mobbing is a form of non-physical harassment in the workplace which involves repetition of actions that have a degrading effect on the victim with the purpose or effect of degrading working conditions or the professional status of the employee."*

The specificity of mobbing is reflected in the fact that it constitutes a special form of discrimination for the existence of which no prohibited basis is required. An additional element that is necessary for the existence of a mobbing operation is the repetition of mobbing actions, that is, their performance over a long period. Repetition of actions implies the existence of temporal continuity⁴⁷⁰. The law does not specify what time period it is, and therefore the Ombudsmen particularly appreciate whether it was more than one action that may have a degrading effect that occurs over a period of time.

The fact is that there are many citizens who are exposed to mobbing today but do not turn to the Ombudsman Institution or seek judicial protection for fear that they may be out of work in that case. Victims of mobbing are also exposed to stress as mobbing has consequences for their health, and often complaints from psychologists, psychiatrists or other professionals are attached to complaints to the Ombudsman Institution. The mitigating circumstance for the victim of mobbing is reflected in the fact that the burden of proof lies with the alleged offender. In practice, the offender is a person in a position of power in relation to the victim and does his or her best to disprove the existence of mobbing, invoking his/her rights arising from various internal and general acts. Similar to the previous reporting period, citizens most often addressed the Ombudsman Institution because of the hostile workplace environment, insulting and humiliation by superiors, preventing promotion in the service, selective and incomplete exercise of employment rights with regard to annual leave, professional rights training and remuneration. The most commonly reported form of mobbing is the so-called vertical mobbing that exists when the superior abuses one particular worker, while a significantly smaller number of complaints relates to horizontal mobbing, i.e. mobbing between workers on equal footing in the hierarchical scale.

In any case, the goal of mobbing is to force employees to leave the workplace and thus further degrade economically. The designated responsible authorities in their statements to the Ombudsman state that the complainant's allegations are untrue, that the transactions are sometimes carried out under changed conditions due to the specific nature of work processes ..., whereby the allegations and statements of the designated responsible party are counteracted and due to the lack

⁴⁶⁹ BiH Official Gazette, No. 59/09 and 66/16

⁴⁷⁰ There are also opinions of some experts that the condition of repetition, that is, continuity of mobbing operations is not necessary in each case, since mobbing can be carried out with only one action, provided that the effect of that action is long-term.

of comprehensive implementation mechanisms, evidentiary proceedings, including: examination of witnesses, expert witnesses, etc. certain facts cannot be established. In such cases, the Ombudsmen seek to clarify all disputed facts in direct (and mutual) contact with the parties.

Example: Ombudsmen received more complaints during 2019⁴⁷¹ by employees of the Gender Center of the Government of the Republika Srpska on allegations of mobbing by the Director. The Ombudsmen issued a Recommendation after the inquiry procedure⁴⁷² to the Prime Minister of the Republika Srpska.

Example: In the complaint submitted⁴⁷³ the complainant alleged violation of the provisions of the Law on Prohibition of Discrimination in Bosnia and Herzegovina by the Principal of Tin Ujević High School in Glamoč, by discriminating, blackmailing, verbally assaulting and intimidating her with all her actions in order to withdraw and waives the application for the vacancy for the post of Secretary of the School. Following the investigation, the Ombudsmen issued a Recommendation⁴⁷⁴ to the Principal of Tin Ujević High School Glamoč. The recommendation was partially respected⁴⁷⁵.

Example: Ombudsmen acted on complaint⁴⁷⁶ alleging that the provisions of the Law on Prohibition of Discrimination in Bosnia and Herzegovina were violated in terms of mobbing by the head of the pastry shop in the Catering Section of the Common Service of the institutions of Bosnia and Herzegovina. Following the investigation, the Ombudsmen made a recommendation⁴⁷⁷ to Common Affairs Service of the institutions of Bosnia and Herzegovina. On March 15, 2019, the Ombudsmen received a response to a recommendation from the Office for Common Affairs of the institutions of Bosnia and Herzegovina in act No. 05/II-50-1-134-15/18, stating that *on March 12, 2019 was adopted the Rulebook on Prohibition of Discrimination in the Common Affairs Service of the institutions of Bosnia and Herzegovina.*

10.4.2. Age Discrimination

The age protected area refers solely to different treatment or enjoyment of rights, based on the age of the victim. Although age discrimination does not fall within the legal framework of a special

⁴⁷¹ Ž-BL-06-28/19

⁴⁷² P-194/19 of 28.08.2019.

⁴⁷³ Ž-LI-06-277/18

⁴⁷⁴ Recommendation No. P-108/19 of 15 April 2019.

⁴⁷⁵ In response to recommendation Act No. 07-01-38-101/19 of 16 May 2019 the Director stated: *"In your recommendation, I cease all actions towards employees who have the characteristics of mobbing. Therefore, under full moral responsibility, I declare that I have neither performed, nor will perform actions that have the characteristics of mobbing against my employees. As regards the complainant NN, I note that she has not been employed by us on any basis, nor have we had any official contacts of 20 November 2018. Your recommendation under number 2, in which you state that Article 24 (4) of the FBiH Discrimination Law is implemented, according to which all public bodies are obliged to regulate in their general or special legal acts the principles and principles of equal treatment, we inform you that we undertook the following. The check in the School Statute on page 3, Article 8, paragraph 4 states: "The school must not discriminate against students, teachers and other employees because of their religious, racial, national, gender, and cultural particularities." school "Tin Ujević" Glamoč implemented the principles of equality and justice, the principle of professionalism and peaceful coexistence in the School. We will carry out other activities in connection with Article 24, paragraph 4 in accordance with the recommendations and instructions of the Ministry of Science, Education, Culture and Sports of Herceg-Bosnia Canton."*

⁴⁷⁶ Ž-SA-06-172/18

⁴⁷⁷ Recommendation No. P-33/19 of 14 February 2019.

right in the European Convention for the Protection of Fundamental Human Rights and Freedoms (as opposed to religion or sexual orientation), age discrimination issues arise in the context of different rights. As such, the European Court of Human Rights in Strasbourg, as in other areas, ruled it in cases whose facts indicated age discrimination, without actually analyzing the case in this regard, particularly in relation to the treatment of children in the criminal justice system. The European Court of Human Rights has held that "age" is a "different circumstance."⁴⁷⁸

The Law on Prohibition of Discrimination in Bosnia and Herzegovina stipulates age as a prohibited basis for discrimination, in accordance with Article 2, paragraph 1.

In the reporting period, the Ombudsmen considered a number of complaints indicating discrimination on the basis of age, and examples of complaints are provided below.

Example: The complainant⁴⁷⁹ states that she applied for the 2018 Self-Applicant Grant Public Call⁴⁸⁰, which was announced on the basis of Decision on criteria for self-employment, number: 01-01-6-3096/18 of 24 April 2018 in the territory of Jajce Municipality. After the preliminary list was published stating that the complainant did not meet the requirements of the public invitation because of her age, she lodged a complaint with the Mayor within the deadline. The complaint stated, *inter alia*: "... Article 2 of that Decision states: "A candidate who does not meet one of the general conditions will be disqualified." By examining my application and the attached documentation, it is possible to establish that all the general conditions have been fully fulfilled and that the age limit has not been set as a general condition, neither in the Jajce Municipality Decision nor in the Public Invitation..." Following the investigation, the Ombudsmen made a recommendation⁴⁸¹ to Municipality of Jajce. The recommendation was implemented.

Example: Ombudsmen acted on complaint⁴⁸² citing violations of the provisions of the Law on Prohibition of Discrimination, i.e. Age Discrimination in the Procedure for Public Selection of Police Officers in the rank of "police officer" and "junior inspector" in the Federation Police Directorate, No. 09-19/1-34- 2-527, dated December 12, 2017. During the investigation procedure it was found that the by-law of the Federation Police Directorate "*Criterion on Method, and System of Scoring, Candidate Testing and Physical Aptitude*" has deficiencies in a way that it is not harmonized with the amendments to the Law on Police Officers, which provides for an exception in terms of enabling reporting and candidates over 35 years, because without the provisions of the by-law "*Criterion on the Method and System of Scoring, Candidate Testing and Physical Aptitude*" which will set norms adapted to candidates older than 35 years, these candidates are given only a formal opportunity to apply for the competition, but not a realistic possibility to participate until the end of the competition and to be competitive in accordance with the principle of fairness. Following the investigation procedure, a Recommendation was sent⁴⁸³ Director of the Federation Police Administration. The recommendation was implemented.

⁴⁷⁸ ECtHR, *Schwizgebel v. Switzerland* (No. 25762/07), 10 June 2010.

⁴⁷⁹ Ž-SA-06-866/18

⁴⁸⁰ Grant No: 02-14-3539/18 of 28 May 2018.

⁴⁸¹ Recommendation No. P-30/19 of 12 February 2019.

⁴⁸² Ž-SA-04-798/18

⁴⁸³ Recommendation No. P-106/19 of 24 April 2019.

Example: Citizens also addressed the Ombudsman during this reporting period⁴⁸⁴ with complaints alleging discrimination due to the preferential treatment of certain groups in exercising their right to work in the Tuzla Canton. The issue in question dates back to 2014 when several complaints were received concerning the Law on Supplementary Rights of Veterans and Members of Their Families in Tuzla Canton⁴⁸⁵ and Rulebook on Conditions, Criteria and Procedure for Employment in Public Primary and Secondary Education Institutions in the Tuzla Canton.⁴⁸⁶ Following the investigation procedure, the Ombudsmen issued a recommendation⁴⁸⁷. Since the recommendation in question has not been respected and the problem has been re-implemented in practice,⁴⁸⁸ on 5 July 2019, the Assembly of the Tuzla Canton and the Ministry of Education, Science, Culture and Sports of the Tuzla Canton were again asked to consider Ombudsperson's recommendation No. P-100/15.

10.4.3. Victimization

Victimization, as a form of discrimination, is prohibited and represents any form of adverse treatment of persons who have reported or intend to report discrimination in good faith, attended or witnessed discrimination, refused a discriminatory treatment order, participated in any way in the anti-discrimination procedure provided or intended to provide information or documents required in the anti-discrimination proceeding or to inform the public about the discriminatory treatment⁴⁸⁹.

Ombudsmen emphasize that a person who complains about discrimination must feel safe, without fear of losing their job or being disadvantaged. It is extremely difficult to combat discrimination, it takes strength and determination to invoke the right to equal treatment, and effective protection against victimization is one of the key guarantees of all anti-discrimination legislation.

Within the meaning of the Law on Prohibition of Discrimination of Bosnia and Herzegovina, the consequences that persons suffer from initiating proceedings for violation of some other rights (for example, procedures for reporting corruption, appealing to inspection, appealing in administrative procedure, filing lawsuits, etc.) are not considered victimization and are not related to some form

⁴⁸⁴ Ž-BL-06-481/19

⁴⁸⁵ Official Gazette of the TK, no. 03/2007 and 05/2014

⁴⁸⁶ No. 10/1-02-28915/14, dated December 02, 2014.

⁴⁸⁷ Recommendation No. P-100/15 of 22 April 2015;

⁴⁸⁸ According to the Institution, the Ministry of Education, Science, Culture and Sports adopted a new Rulebook on Conditions, Criteria and Procedure for Employment in Public Institutions of Primary and Secondary Education in the Canton of Tuzla, No. 10/1-34-018011-2/15, dated July 31, 2015. Reviewing the Rulebook, No. 10/1-34-018011-2/15, dated July 31, 2015, it can be stated that Articles 6 and 9 continue to be provided with points based on their affiliation with the veteran population, provided that scoring on the basis of work obligation. Further, Article 20 (11) further provides that, "By way of derogation from paragraph (6), the Director may, upon a reasoned request, with the consent of the Ministry, receive persons from the Law on Supplementary Rights of Veterans and Members of Their Families ...". From the foregoing, it can be concluded that the recommendation of the Ombudsman P-100/15 was not complied with, which takes the view that preference for the categories explicitly mentioned by the Law and the Regulations can be given, but only on equal terms with other candidates, and would be a fairer solution. whether in the case of the same number of points, preference is given to candidates who fall into the categories from the above-mentioned laws and regulations, or the recommendation to the "Ministry of Education, Science, Culture and Sports of the Tuzla Canton to revise the Rulebook on the criteria for admission of employees to employment in preschools, primary and secondary schools as public institutions in the Tuzla Canton, according to the principle of giving priority to the above categories in case of the same number of points detailed in this Recommendation."

⁴⁸⁹ Article 18 of the Law on Prohibition of Discrimination

of discrimination, that is, they are not covered by the Law on Prohibition of Discrimination in Bosnia and Herzegovina).

Example: During the reporting period, the Ombudsmen acted on a complaint⁴⁹⁰ in which the Central Bank of Bosnia and Herzegovina⁴⁹¹ is designated as the responsible party. The complainant states that he addresses, *inter alia*, the Ombudsmen regarding the initiation of disciplinary proceedings by a decision of the Governor of the Central Bank of Bosnia and Herzegovina⁴⁹² citing one of the serious breaches of duty by filing a complaint with the Institution. The Ombudsmen made a recommendation⁴⁹³ to the Governor of the Central Bank of Bosnia and Herzegovina. The recommendation was respected and a decision was declared null and void under item 3 of the decision to initiate disciplinary proceedings.

Example: Ombudsmen acted on complaint⁴⁹⁴ in which she designated Intesa Saopalo Bank d.d. of Bosnia and Herzegovina, and was addressed for violation of labor rights, discrimination and mobbing by Intesa Saopalo Bank d.d. Bosnia and Herzegovina, and noted that on 14 August 2018, she received at her home address the Decision to terminate her employment contract by offering an amended employment contract and a new employment contract while on sick leave due to a high-risk pregnancy. Following the investigation procedure⁴⁹⁵ a Recommendation was sent⁴⁹⁶ to Intesa Saopalo Bank d.d. Bosnia and Herzegovina. Declaration on recommendation received⁴⁹⁷ stating that: "the aid client has reviewed the recommendation in question. However, as the preliminary hearing in the case pending before the Sarajevo Municipal Court is currently pending and there is no final court decision imposing an obligation on our client to do so at this time, we believe that the conditions for acting on the recommendation have not been met at this time. ...".

10.4.4. Discrimination based on the use of language and script

As in previous years, the Ombudsmen handled cases where the parties indicated that they were discriminated against in the use of their native tongue and script.

The Ombudsmen emphasize that the Constitution of Bosnia and Herzegovina does not contain a provision explicitly regulating the issue of the use of official languages, i.e. the official letter in

⁴⁹⁰ Ž-SA-06-9/19

⁴⁹¹ Decision No: 104-18-2-3005-1/18, of 18 December 2018.

⁴⁹² Decision No: 104-18-2-3005-1/18, of 18 December 2018.

⁴⁹³ Recommendation No. P-113/19 of 10 May 2019.

⁴⁹⁴ Ž-SA-06-908/19

⁴⁹⁵ The employer of Intesa Saopalo Bank was found to be d.d. BiH discriminated against the complainant from the time of the oral submission (May 2018), then the written report (10 August 2018) of sexual harassment and mobbing by her immediate superior by victimizing her and repeatedly harassing her by being served with termination of her contract, work with the offer of the amended employment contract, contrary to the provision of Article 60, paragraph 1 of the Labor Law of the Federation of Bosnia and Herzegovina; that he did not carry out the procedure of filling the second vacancy to which he transferred the Prosecutor, as stipulated by the provisions of the Instructions on the procedure of internal and external selection of candidates, establishment and termination of employment; that, contrary to the Law on Protection of Personal Data of Bosnia and Herzegovina, it required the complainant to submit the finding, assessment and opinion of the first-instance medical commission in order to exercise the right to reimbursement of salary during temporary work disability for more than 42 days; that he had issued her a certificate of work experience containing information when the complainant had used sick leave.

⁴⁹⁶ Recommendation No. P-289/19 of 27 December 2019.

⁴⁹⁷ Act of the Attorney-at-Law Firm of limited liability Company MARIĆ & Co (proxy of the designated responsible party)

Bosnia and Herzegovina. The Constitution of the Republika Srpska provides that the official languages of the Republika Srpska are the Serbian language, the Croatian language and the language of the Bosniak people, and the official letters are Cyrillic and Latin. The Constitution of the Federation of Bosnia and Herzegovina and the Statute of the Brčko District of BiH provide that the official languages of the Federation of Bosnia and Herzegovina, i.e. the Brčko District of BiH, are Croatian, Bosnian and Serbian, while the official letters are Cyrillic and Latin. A comprehensive analysis of legislation regulating the issue of official languages and scripts in the Federation of Bosnia and Herzegovina, more specifically by cantons, is available in the Special Report on the Use of Official Languages and Scripts in Bosnia and Herzegovina⁴⁹⁸.

All persons in the territory of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District of Bosnia and Herzegovina have the right to use one of the official languages, that is, the official letter, whereby the term "use" cannot be narrowly construed and as such is not guaranteed, not only does the citizen have the right to speak and write in one of the three official languages and letters, but also includes the right to receive the information they receive in their language, to have official documents, forms available in all three language variants..., or to use their native tongue in all aspects of life, including the printing and issuing of official documents and forms.

It is important to emphasize that none of the existing regulations in force in Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska establishes criteria for ensuring, in practice, the equal use of official languages and letters, and that The issuing of official documents and forms in all three official languages and scripts in Bosnia and Herzegovina is uneven, although the use of official languages in Bosnia and Herzegovina is prescribed by all constitutions and lower legal acts.

In the light of all of the above, the following ways of selecting the criteria for using official languages appear in practice:

- the native tongue of the party, if indicated by the party;
- the native tongue of the document handler⁴⁹⁹;
- or all materials are compiled or published on the official website of the Authority in all three language versions and on both official letters⁵⁰⁰.

Example: Ombudsmen acted on complaint⁵⁰¹ in which the Public Enterprise Sarajevo International Airport is designated as the responsible party. The complainant alleges that for an extended period of time the employer has been exposed to discrimination on the basis of language, harassment and mobbing caused by discrimination. During the investigation procedure, the Ombudsmen found that the complainant was not prevented from using his or her native (Croatian) tongue and that the problem arises in external communication, where the question arises as to

⁴⁹⁸ https://www.ombudsmen.gov.ba/documents/obudsmen_doc2017051211015795cro.pdf

⁴⁹⁹ Example - Act of the Civil Service Agency of Bosnia and Herzegovina No. 01-02-2-1297/17 of 29 December 2017 entitled Policy of the use of languages and scripts in the Civil Service Agency - http://www.ads.gov.ba/v2/attachments/4659_politika-upotrebe-jezka.pdf

⁵⁰⁰ Example - Website of the Parliamentary Assembly of Bosnia and Herzegovina, Website of the Parliament of the Federation of Bosnia and Herzegovina

⁵⁰¹ Ž-SA-06-479/19

whether priority in the use of the native tongue is given by the person authorized to communicate or priority is given to the use of the native tongue of the Management Board of the Company, that is, the Director and the President of the Management Board. This situation seems to neglect the interest of citizens, i.e. the public, which raises the question of the criteria that are decisive in deciding in which language the information will be published. The Ombudsmen sent a recommendation to the designated responsible authority⁵⁰². Cooperation has been established with the competent authority to implement the recommendation and is in the implementation phase.

Example: Ombudsmen acted⁵⁰³ upon request⁵⁰⁴ of the Indirect Taxation Authority of Bosnia and Herzegovina, requesting an Opinion on the draft Rulebook on Prevention and Protection against Discrimination in the Indirect Taxation Authority, which was drafted for the implementation of Article 24, paragraph 4 of the Law on Prohibition of Discrimination in Bosnia and Herzegovina. The Ombudsmen welcome this and all similar initiatives as they represent the implementation of the Law on Prohibition of Discrimination in Bosnia and Herzegovina. However, no opinion was given to the rulebook, as it is in accordance with Article 77 of the Uniform Rules for Drafting Legal Regulations in the institutions of Bosnia and Herzegovina⁵⁰⁵ prescribed that:

- 1) *The drafting team submits the draft for approval to the head of the institution.*
- 2) *In case the draft is approved, it shall be forwarded to the Council of Ministers of Bosnia and Herzegovina or the Presidency of Bosnia and Herzegovina, as appropriate, accompanied by:*
 - a) *a rationale that fulfills the criteria of Chapter II. of these uniform rules,*
 - b) *regulatory drafting approvals approved by the institution's manager,*
 - c) *a draft normative act used through consultation,*
 - d) *documentation of the consultations,*

from which it follows that the Institution is not envisaged as one of the actors participating in or approving the internal regulations of the institutions of Bosnia and Herzegovina.

Example: Ombudsmen have acted on multiple complaints⁵⁰⁶ relating to the use of a form in the Sarajevo Canton: *"Statement of the name of the course, derived from the name of one of the three official languages of the constituent peoples of Bosnia and Herzegovina"*, in which parents are asked to state the *"name of the course which is derived from the name of one of the three official languages of the constituent peoples of Bosnia and Herzegovina"*, which, as stated in the said form, will be listed in public documents and pedagogical documentation and records in accordance with the choice of the parents/guardians of the students, and asked to declare one of three options: a) Bosnian language and literature; b) Croatian language and literature; c) Serbian language and literature. During the investigation procedure it was established that the Ministry of Education, Science and Youth of Sarajevo Canton issued Decision No. 11/01-05-990/19 dated 16 January 2019, amending the curriculum for the elementary school in the part related to the title of the subject, by changing the name Bosnian language and literature/Croatian language and literature/Serbian language and literature to change and read Bosnian language and literature, Croatian language and literature, Serbian language and literature; that there has also been a change in the ability to express students' parents, so that, in addition to declaring the name of only one of

⁵⁰² Recommendation No. 205/19 of 16 September 2019.

⁵⁰³ Ž-BL-06-728/19

⁵⁰⁴ Act No. 01-02-2-1515-2/19 of 9 October 2019.

⁵⁰⁵ "Official Gazette of BiH" no. 11/05, 58/14 and 60/14

⁵⁰⁶ Ž-SA-06-1361/18, Ž-SA-06-3/19

the three official languages in BiH, a fourth language option is introduced that reads *"Bosnian language and literature, Croatian language and literature, Serbian language and literature"* and that all parents of students by the end of the school year will have the opportunity to opt for the additional option. The case was closed as no violation of rights was established.

Example: Ombudsmen also acted on complaint⁵⁰⁷ Municipality of Glamoč on the grounds of discrimination and inability to exercise the constitutionally prescribed rights to use language and script. The complaint alleges that Serbs who make up over 33% of the total number of students at Glamoč Elementary School have been denied the right to study their native (Serbian) language for decades. He further states that years ago, and on several occasions, an initiative was introduced for the introduction of the Serbian language by the parents of the students and the Municipal Council to the competent Ministry, but to no avail. The complaint clarified that the Municipal Council, consisting of six Serbs, five Bosniaks and four Croats, unanimously adopted the initiative and referred it to the addressed Ministry. Finally, they state that Bosniak students attend classes in their mother tongue, and that Serb students in neighboring municipalities - Drvar and Bosansko Grahovo that belong to the same canton, have the right to do so, unlike the Glamoč elementary school students. In a plea⁵⁰⁸ on appeal from the Ministry of Science, Education, Culture and Sports of Canton 10, stating: *"... we are obliged to inform you that the Ministry did not address the Ministry of Science, Education, Culture and Sports with a request for the introduction of a national group of subjects, but for the introduction of the Serbian language in the elementary school Glamoč from Glamoč. The Ministry does not dispute the right to a national group of cases for Serb students at the Glamoč Elementary School in Glamoč. Specifically, Article 17 of the Ordinance on the number of pupils in the elementary school class in the elementary school (Official Gazette of Herceg-Bosnia Canton No. 7/06) provides: In schools with fewer than 18 students, the Ministry may authorize classes or part of classes in a national group of subjects to be provided as supplementary classes. Since there are not enough students in the classrooms to organize classes from a national group of subjects for children of Serbian nationality, according to the article, it is evident that the conditions for organizing classes from a national group are not fulfilled in that school. Therefore, classes may be organized in accordance with the aforementioned article as supplementary classes."*

Example: The Ombudsmen opened an investigation *ex officio*⁵⁰⁹ regarding a newspaper article published on the portal „Slobodna Bosna“ of July 18, 2018, entitled "Scandalous move by the Republika Srpska Police: I went to the sea via Bosnia and Herzegovina, and then I was fined for wearing a checkered jersey ...!" The Ombudsmen issued a recommendation to the commander of the Kostajnica Police Station⁵¹⁰. A response to the recommendation was not received.

10.5. Women's Rights

In 2019, men filed a total of 82 complaints and women filed 89 complaints of discrimination, and when talking about mobbing as the most common form of discrimination in the structure of

⁵⁰⁷ Ž-BL-06-487/19

⁵⁰⁸ Act of the Ministry of Science, Education, Culture and Sports of Canton 10, No: 06-01-38-749/19 of 21 November 2019.

⁵⁰⁹ Ž-BL-06-624/18

⁵¹⁰ Recommendation No. P-91/19 of 3 April 2019.

complaints received in 2019, men filed 19 and women 32 complaints about mobbing. There is therefore a slight advantage in the number of women.

Speaking of the total number of cases in 2019, the Institution was addressed by a total of 1,079 women and 1,845 men, while the gender of the complainant was not mentioned in 294 cases. Non-gender-specific cases are cases where the Institution opens an *ex officio* case, an anonymous complaint or a complaint where the applicant expressly states that he or she does not wish to disclose his/her identity.

Following the recommendations of the CEDAW Committee on the Elimination of Discrimination against Women addressed to the institutions of Bosnia and Herzegovina in 2013, the Committee, at its 1732 and 1733 sessions, held on 30 October 2019 considered the sixth periodic report of Bosnia and Herzegovina⁵¹¹. Progress has been made after reviewing the fourth and fifth periodic reports on legislative reform, but concerns remain regarding:

- general ignorance of the convention, the optional protocol and general recommendations in the Member State;
- the definition of discrimination in Article 2 of the Constitution of Bosnia and Herzegovina does not cover all types of discrimination against women in accordance with Article 1 of the Convention, nor are laws and policies for achieving equality of women fully harmonized at the state, ethnic and cantonal levels;
- insufficient access of women to free legal aid, especially for women from vulnerable groups and rural areas who wish to complain about gender discrimination and violence;
- the absence of a comprehensive strategy to end discriminatory stereotypes that permeate sexist and misogynistic attitudes in society;
- online threats against women politicians, journalists ... and the lack of effective punishments for such acts;
- insufficient reporting of cases of gender-based violence, including domestic violence by victims due to social stigma and their distrust of law enforcement agencies;
- low rates of prosecution and conviction in cases of non-physical violence against women
- a large number of women and girls trafficked for sexual exploitation and forced labor, including begging, especially among the Roma population;
- lack of specialized shelters for women and girls victims of trafficking;
- poor representation of women in parliaments and governments on state and local newspapers, despite quotas of 40 percent for female candidates on political party lists, including poor participation of women from vulnerable population groups in political and public life
- the existence of discriminatory gender stereotypes in educational materials;

⁵¹¹ The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) considered the Sixth Periodic Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) at its 74th session, held on 30 October 2019 in Geneva. The Delegation of Bosnia and Herzegovina, composed of representatives of BiH's gender institutional mechanisms and led by the BiH Agency for Gender Equality, MHRR presented the Sixth Periodic Report of CEDAW Bosnia and Herzegovina. On the basis of the report presented, the CEDAW Committee made concluding remarks on the Sixth Periodic Report of Bosnia and Herzegovina containing recommendations for the improvement of the position and contains recommendations for the advancement and elimination of discrimination against women under all articles of the CEDAW Convention.

- lack of comprehensive education on sexual and reproductive health and rights⁵¹².

It is also important to emphasize that: *“The Committee welcomes the fact that the Institution of Human Rights Ombudsman of Bosnia and Herzegovina has been re-accredited with the status of 'A' by the Global Alliance of National Human Rights Institutions in 2017. However, it is concerned ... about the lack of human, technical and financial resources to effectively carry out its mandate to promote and protect women's rights.*

The Committee recommends that the Member State:

(a) adopt the draft amendments to the Ombudsman Act in order to strengthen its independence and to authorize it effectively to exercise its mandate in accordance with the principles relating to the status of state institutions for the promotion and protection of human rights (Paris Principles; see General Assembly resolution 48/134; attachment);

(b) provide the Institution with sufficient human, technical and financial resources to effectively promote and protect women's rights.”

10.5.1. Violence against women

In Bosnia and Herzegovina, domestic violence (and especially violence against women) is seen as one of the basic types of human rights abuses, but it is also a criminal offense. The legal framework governing the issue of domestic violence in Bosnia and Herzegovina is: the Law on Protection against Domestic Violence of the Republika Srpska; The Law on Protection against Domestic Violence of the Federation of Bosnia and Herzegovina, the Law on Protection against Domestic Violence in the Brčko District of Bosnia and Herzegovina, and the criminal legislation: the Criminal Code of the Republika Srpska, the Criminal Code of the Federation of Bosnia and Herzegovina and the Criminal Code of the Brčko District of Bosnia and Herzegovina. In the case of gender-based violence, the BiH Gender Equality Law prescribes a criminal offense.

As a prerequisite for the prevention of violence against women, numerous acts have been adopted at the entity level implementing the principles contained in the Law on Prohibition of Discrimination in BiH⁵¹³ and the Law on Gender Equality of BiH⁵¹⁴. These two laws are otherwise a framework for the exercise of equal rights and opportunities for all persons in Bosnia and Herzegovina and regulate the system of protection against discrimination, inter alia, on the basis of gender.

On 17 September 2019, the Republika Srpska adopted the Law on Amendments to the Law on Protection against Domestic Violence⁵¹⁵ and it entered into force on 1 January 2020⁵¹⁶. There is

⁵¹² Find more at http://arsbih.gov.ba/wp-content/uploads/2019/11/BOS_CEDAW-C-BIH-Concluding-Observations-6_AsAdopted.pdf

⁵¹³ Law on Prohibition of Discrimination in BiH, Official Gazette of BiH, no. 59/2009 and 66/2016.

⁵¹⁴ BiH Gender Equality Law - consolidated text, Official Gazette of BiH, No. 32/2010.

⁵¹⁵ Official Gazette of the Republika Srpska, No. 84/2019.

⁵¹⁶ The amendment to the Law on Protection against Domestic Violence in Republika Srpska provides that between 300 and 900 KM will be punished for a misdemeanor by a citizen who does not report domestic violence. In addition, fines of KM 1,000 to KM 3,000 are provided for employees of educational, social and health institutions who do not report domestic violence, as well as fines for employees of protection entities who come to know that they have been committed or that there is the slightest suspicion that domestic violence has been committed and not reported. Legal liability shall also be borne by a police officer who fails to comply with the obligations of this Law. Among the newspapers is the extension of the circle of persons who may be perpetrators and victims to persons who were or are

an initiative in the Federation of Bosnia and Herzegovina to amend the Law on Prohibition of Domestic Violence, which is still in the public debate.

According to the laws on protection against domestic violence, the police are authorized to receive reports of domestic violence committed. The police and the guardianship authority play a key role when domestic violence (violence against a woman) occurs. They are obliged, with the consent of the victim, to temporarily take the victim of domestic violence to a safe house, appropriate institution or other family. Upon reporting that domestic violence has occurred, the police are obliged to immediately inform the guardian of the domestic violence case and provide official notes.

Pursuant to the signed protocols with the police, social welfare centers and safe houses, the competent prosecutor's offices conduct the procedure for the care of victims of domestic violence. Criminal Procedure Laws deprive the police of a potential perpetrator of domestic violence (violence against women).

For each reported case of domestic violence, the police are required to submit a request for a protective measure to the competent court according to the place where the victim has his or her registered place of residence or residence within 12 hours of finding out that the violence occurred. Also, in exceptional cases, a request for a protective measure may be filed by the prosecution when there are good reasons for doing so. In addition to the request for a protective measure, it is necessary to submit the collected evidence as well as an excerpt from the official records if the potential perpetrator of the violence was reported earlier for cases of domestic violence. After receiving the request for a protective measure, the competent court is obliged to act on the request within 12 hours and to issue a decision on the imposition of the protective measure on the violent person. The competent court may also request that a violent person be brought to justice.

Cases registered with the Institution point to certain problems with the application of the legislation, which include the victim's unwillingness to testify in the case against the suspect/accused, but also the continuing perception that domestic violence is a private matter.

The Ombudsmen are of the opinion that continuous efforts should be made to educate persons employed by the police, judiciary and social welfare centers how to act in cases of domestic violence (especially for violence against women), or to be able to act and respond as adequately as possible in cases of violence in the family.

Example: Ombudsmen initiated *ex officio* investigation⁵¹⁷ related to the actions of the competent authorities to report domestic violence against the NT. Acting on the case on 16 October 2018, representatives of the Ombudsman Institution of Bosnia and Herzegovina held a meeting at the Public Institution Center for Social Work Novi Travnik, but also conducted an investigation in which the statements of the Novi Travnik Police Station were received⁵¹⁸. On this occasion, it was determined that the victim of domestic violence from the first-instance Expert Commission for

still in an emotional or intimate relationship, regardless of whether the perpetrator shares or shared a household with the victim.

⁵¹⁷ Ž-SA-01-1104/18

⁵¹⁸ Act no. 02/7-4-1-04-2-2448/18 of 11 March 2019.

assessing the ability and classification of children and youth with physical or mental disabilities was classified into a group of persons with combined disabilities; stay in the Educational and Rehabilitation Center "Duga". On July 11, 2018, the Novi Travnik Center for Social Work submitted to the Police Station a report from the KD "Domestic Violence", committed by the named father. Novi Travnik Police Station Filed a Motion with the Travnik Municipal Court on 11 July 2018 for a Protective Order⁵¹⁹; The Travnik Municipal Court rendered the Decision⁵²⁰ imposing safeguards; and informed the Prosecutor's Office of Central Bosnia Canton⁵²¹ The Novi Travnik Police Station that an indictment was filed with the Travnik Municipal Court for the criminal offense of Domestic Violence referred to in Article 222 (2) in conjunction with paragraph 1 of the Criminal Code of the Federation of Bosnia and Herzegovina.

Since the day of reporting domestic violence, no one has approached the Novi Travnik Police Station to file a new report on domestic violence or anything similar. The foregoing is an extremely positive and multidisciplinary approach to the actions of those responsible for receiving reports of domestic violence.

10.6. Unequal treatment of spouses and partners in exercising the right to a family pension

As in previous years, the Ombudsmen again point to the problem of unequal treatment of spouses and partners in the exercise of the right to pension in accordance with the provisions of the Law on Pension and Disability Insurance of the Federation of BiH and the Law on Pension and Disability Insurance of the Republika Srpska. Namely, according to the provisions of family laws and laws on inheritance of the Federation of BiH and the Republika Srpska, spouses have the same rights, which is the result of harmonization of the laws in question with international standards and the Law on Gender Equality of BiH.

However, despite all the activities undertaken by the Ombudsman so far, the entity laws on pension and disability insurance do not provide extramarital partners with the right to exercise the right to a family pension beyond the spouse, nor is this possibility foreseen with the entry into force of the new Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina. .

Example: Ombudsmen acted on appeal⁵²² of the applicant who, after the death of her extramarital partner, applied for a claim for recognition of the right to a family pension, which claim was rejected by Decision No. FZ12/2/1-35-3-51383-5/18, precisely because it was an extramarital union. The Federation Ministry of Labor and Social Policy submitted its response⁵²³ It states: *"We would like to inform you that the Federation Ministry of Labor and Social Policy has drafted the Law on Amendments to the Law on Pension and Disability Insurance, under which all the Initiatives for Amendments to the Law on Pension and Disability Insurance were considered. However, as in practice new problems arise in the implementation of certain provisions, where,*

⁵¹⁹ Act no. 02/7-4-1-04-2-2448/18

⁵²⁰ Ruling No. 51 0 Pr 142490 18 Pr of 11 July 2018.

⁵²¹ On 16 October 2018.

⁵²² Ž-SA-04-344719

⁵²³ Ministry of Labor and Social Policy Federation Act, No. 04-35/16-3251/19 EB of 13 December 2019.

among other things, another judgment of the Constitutional Court of the Federation of Bosnia and Herzegovina has arrived, said Draft needs to be further refined in order to eliminate the problems identified." From the above answer, the Ombudsmen could not determine whether the provisions in the front draft truly included provisions for the exercise of the right to pension of extramarital partners. Ombudsmen do not know if there are tendencies in the Republika Srpska to introduce this category of citizens into this right.

10.7. Minorities

The Framework Convention for the Protection of the Rights of National Minorities establishes that the protection of national minorities, their rights and freedoms is part of the international protection of human rights, which is why the contracting parties are obliged to guarantee equality before the law to persons belonging to national minorities. This means that any discrimination based on belonging to a national minority is prohibited. This Convention further requires that appropriate measures be taken to promote effective equality between persons belonging to a national minority and those belonging to a majority in all areas of economic, social, political and cultural life.

The Ombudsmen would like to emphasize that on December 22, 2019, it has been ten years since the Grand Chamber of the European Court of Human Rights delivered its judgment in the case of *Sejdić and Finci v. Bosnia and Herzegovina*, stating that the BiH Constitution and the Election Law contain discriminatory provisions which prevent citizens who do not belong to the category of "constituent peoples" from standing for election to office as a member of the Presidency of Bosnia and Herzegovina and delegates to the House of Peoples of Bosnia and Herzegovina.

It is also important to note that during 2014, the European Court of Human Rights delivered its judgment in *Zornić v. Bosnia and Herzegovina*. In 2002, the applicant was a candidate for the Social Democratic Party of Bosnia and Herzegovina in the parliamentary elections and declared herself a citizen of Bosnia and Herzegovina. According to the BiH Constitution, only members of the constituent peoples (Bosniaks, Serbs, and Croats) can run in elections for executive bodies⁵²⁴. It was also found that the case of Azra Zornić was identical to the case of *Sejdić and Finci v. Bosnia and Herzegovina*, in which members of the Jewish and Roma national minorities sued Bosnia and Herzegovina for their inability to run for executive power.

No progress has been made towards comprehensive constitutional changes that would help equalize the rights of national minorities with those of the constituent peoples. Namely, passive suffrage at all levels is not yet possible for national minorities. Laws on the protection of the rights of persons belonging to national minorities protect the status, equality and rights of the 17 national minorities present in Bosnia and Herzegovina, but the scope of equality is nevertheless limited by the non-equalization of rights at constitutional levels.

⁵²⁴ In its judgment, the European Court of Human Rights found that there had been a violation of Article 14 (Prohibition of Discrimination) in conjunction with Article 3 of Protocol No. 1 (Right to Free Elections) to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The violation relates to Ms. Zornic's inability to participate in elections to the House of Peoples of the BiH Parliamentary Assembly. The Court also found that there had been a violation of Article 1 of Protocol No. 12 (General Prohibition of Discrimination) to the European Convention for the Protection of Human Rights and Fundamental Freedoms in relation to Ms. Zornic's inability to participate in the elections to the House of Peoples of the BiH Parliamentary Assembly and the BiH Presidency.

The factual situation in Bosnia and Herzegovina vis-à-vis national minorities points to their rather limited number: according to the results of the 2013 census (it should be noted that the Republika Srpska did not accept the results of the 2013 census)⁵²⁵ persons who do not belong to the three constituent peoples (the constituent peoples in Bosnia and Herzegovina are Bosniaks, Serbs and Croats), and so-called "Others" make up less than three percent of the total population of Bosnia and Herzegovina. Data available in the census for individual cities, municipalities and populated areas also show that there are almost no places where persons belonging to national minorities listed in Article 3 of the Law on Protection of Rights of persons belonging to national minorities of Bosnia and Herzegovina⁵²⁶ are even close to making up "the majority" or a third of the locals.⁵²⁷

Seven complaints were received in the reporting period.

Example: Ombudsmen acted on complaint⁵²⁸ Religious Communities "Jehovah's Witnesses" Sarajevo. The allegations of the complaint indicated both the issues rose in the application of the customs policy regulations and the harmonization of the practices and actions of the Indirect Taxation Authority of Bosnia and Herzegovina and the case law of the Court of Bosnia and Herzegovina. After considering the allegations of the complaint and conducting the investigation in the case, the Institution issued a Recommendation⁵²⁹.

On January 11, 2019, the Institution received a response from the Cabinet of Directors of the Board under number: 01-02-2-103/19 dated January 4, 2019, in which they stated a number of reasons why they claim that there is no violation of rights in this case. They point out that one of the obligations of Bosnia and Herzegovina undertaken by the Stabilization and Association Agreement is the harmonization of the customs regulations of Bosnia and Herzegovina with the *acquis communautaire* in the field of customs, i.e. with the relevant customs regulations of the European Union.

In the meantime, the Institution contacted other churches and religious communities, pointing to almost identical appellate allegations by the Christian Adventist Church. After considering the situation in the file, the Ombudsmen decided to, in accordance with Article 61 of the Rules of Procedure of the Council of Ministers of Bosnia and Herzegovina, which reads as follows: *"The Council of Ministers is informed by information on certain issues or problems. The information should be concise, transparent, include information that enables the assessment of a particular issue or problem and, as a rule, contain proposals for conclusions"*, provides information on this issue. The information related to issues related to the implementation of regulations related to the implementation of the Law on Customs Policy of Bosnia and Herzegovina⁵³⁰ in relation to the Law on Freedom of Religion and the Legal Status of Churches and Religious Communities in

⁵²⁵ (available at <http://www.popis.gov.ba/popis2013/knjige.php?id=2>),

⁵²⁶ Official Gazette of Bosnia and Herzegovina, No. 12/2003 and 76/2005

⁵²⁷ According to these data, the total population in Bosnia and Herzegovina is about 3.531 million people. Among the national minorities referred to in Article 3 of the Law, the largest number is Roma, 12,583 persons, 0.4%), followed by Albanians (2,659), Ukrainians (2,331), Montenegrins (1,833) and Turks (1,108) (all about 0,1%) while all other groups number less than 1,000 people.

⁵²⁸ Ž-SA-03-437/18

⁵²⁹ Recommendation No. 238/18 of 23 October 2018

⁵³⁰ Official Gazette of BiH, no. 57/2004, 51/2006, 93/2008, 54/2010 and 76/2011.

Bosnia and Herzegovina⁵³¹. The Ombudsmen want to point out that the action of the Indirect Taxation Authority of Bosnia and Herzegovina from the point of legality is not disputable and that pointing out this issue is not aimed at excluding anyone from the application of the regulations.

The essence of this issue is the possible inconsistency of the regulations as well as the resulting effects on particular churches and religious communities. This primarily refers to churches and religious communities that are smaller in number. Certainly, there is no legal obligation, and it would in itself be discriminatory for the authorities to give advantages or exclude any church or religious community from the application of the regulations. On the other hand, the frameworks within which particular churches and religious communities operate must be taken into account, in which it is a challenge to maintain religious life and service and at the same time fulfill all legal obligations. Although there is no obligation on the authorities to assist churches and religious communities in their work, it is an undeniable obligation on the part of the authorities that in order to promote plurality in our country, they should continuously work to remove possible administrative obstacles to their work.

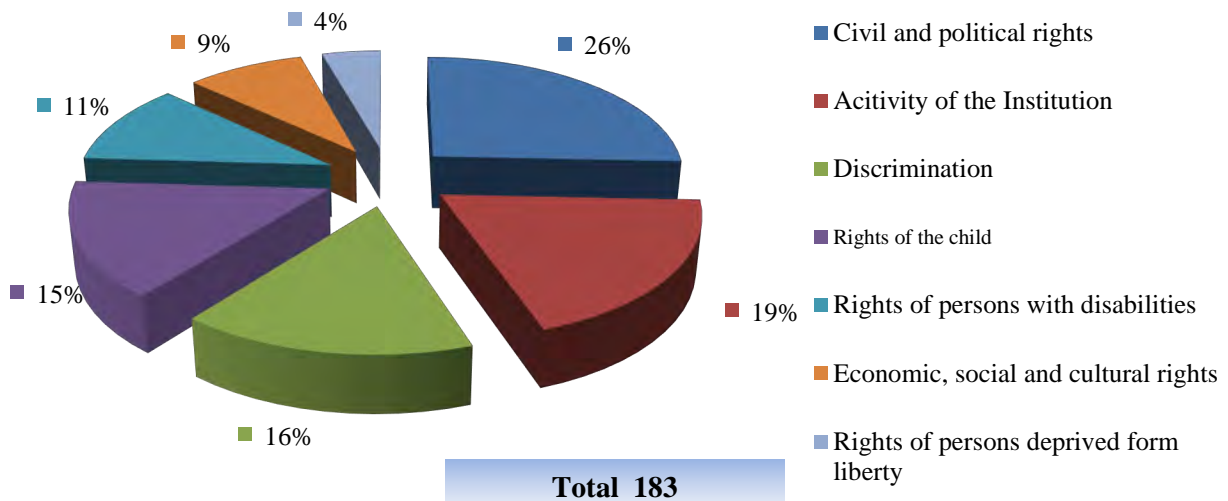
⁵³¹ Official Gazette of BiH, no. 5/2004.

XI COOPERATION WITH THE MEDIA

In its mandate, the Institution, in addition to its primary role in protecting human rights, has an obligation to promote human rights. One of the essential tools in promoting human rights is, of course, successful cooperation with the media.

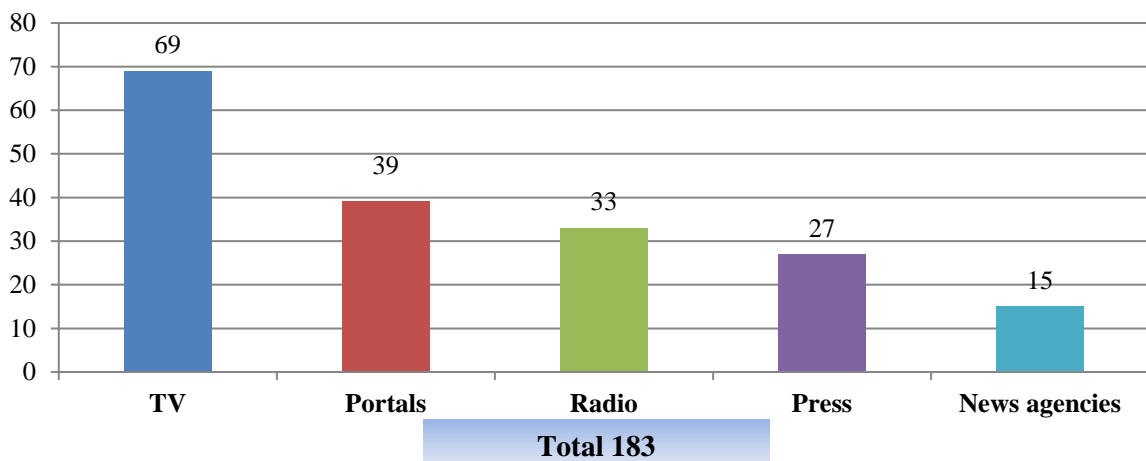
During 2019, the Institution received a total of 183 media inquiries (166 in 2018), not including statements made by the Ombudsmen and staff of the Institution to the media when attending meetings in the country and abroad, press conferences, as well as information placed through press releases and published on the website of the Institution.

Most inquiries by the media were related to civil and political rights - 47, then generally to the work of the Institution - 35, various forms of discrimination - 29, issues related to the rights of children - 28, rights of persons with disabilities - 20, economic and social rights - 16, and the rights of persons deprived of their liberty - 8.



Review of media requirements by human rights area

The majority of media inquiries were received by TV companies - 69, followed by web portals - 39, radio stations - 33, written media - 27, and news agencies - 15.



Review of media requirements by media type

In addition to the daily responses to various media inquiries, as well as guest appearances by the Ombudsmen and employees of the media, cooperation with the media is being carried out proactively, i.e. through the Institution's special website. Thus, information on the activities of the Institution, i.e. employees, and press releases related to the state and exercise of human rights in Bosnia and Herzegovina are regularly published on the website of the Institution. During 2019, more than 180 information on Ombudsman activities was published. The importance of the website is also sufficiently described by the fact that, during 2019, the Institution's website has been visited 45,014 times (38,056 visits in 2018), with more than 137,000 pages with content published. Most visits in recent years were recorded from Bosnia and Herzegovina, followed by the USA, Germany, Serbia, Croatia, and the website has recorded a significant number of visits from Austria, Montenegro, France, etc.

XII COOPERATION WITH BODIES, INSTITUTIONS, NGOs AND THE CIVIL SECTOR

12.1. Cooperation with authorities and institutions in Bosnia and Herzegovina

In addition to the ongoing cooperation that the Institution is conducting with the authorities and institutions in Bosnia and Herzegovina in monitoring the implementation of the Ombudsman's recommendations, a series of meetings were held in 2019 with representatives of a large number of local authorities and institutions in the areas that the Ombudsmen assessed as important for the situation and the exercise of human rights in Bosnia and Herzegovina.

In order to implement the recommendations of the Institution regarding the Government of the Federation of BiH and its bodies, a working-consultative meeting was held with the Prime Minister of the Federation of BiH, Fadil Novalić. At the meeting, conclusions were reached on the concrete measures that will be taken to implement the recommendations made.⁵³²

Regarding the problem of increased influx of irregular migrants that Bosnia and Herzegovina has encountered in recent years, a series of meetings and working visits have been held, namely: with the Director of the Border Police of Bosnia and Herzegovina Zoran Galić and his closest associates⁵³³; visits to the Field Office of the Aliens Affairs Office and the Field Office of the Border Police in Trebinje⁵³⁴ visit to the Migrant Accommodation Center "Ušivak" in Hadžići⁵³⁵, and visit to elementary school "9. Maj" in Hadžići⁵³⁶.

During 2019, a series of meetings were held at the Institution Headquarters in Banja Luka, notably the meetings with Assistant Minister of Justice of the Government of the Republika Srpska, Slobodan Zec, Vice-President of the Republika Srpska National Assembly, Senad Bratić, delegation of the Union of Police and Security Employees agencies of Bosnia and Herzegovina, etc. An enviable level of co-operation was also achieved with the Cabinet of the Prime Minister of the Republika Srpska, Minister of Health and Social Welfare in the Government of the Republika Srpska, Alen Šeranić, Minister of Justice in the Government of the Republika Srpska, Anton Kasipović, and Minister of Family, Youth and Sports in the Government of the Republika Srpska, Sonja Davidović, discussed different aspects of human rights protection. During these meetings, the interlocutors paid special attention to the situation in prisons, new legal proposals in 2019, as well as the establishment of alimony funds, and the Special Report on the State of Rights of Persons with Intellectual and Mental Disabilities in BiH. Certain subjects were also registered in the Institution, as well as issues related to cooperation within the competence and scope of functioning and work of institutions, especially in the segment of preparation of the Special Report on the state and problems encountered by the centers for social work in BiH.⁵³⁷

⁵³² Ombudsman Dr. Jasminka Džumhur with associates

⁵³³ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁵³⁴ Ombudsman Dr. Jasminka Džumhur with associates

⁵³⁵ Ombudsman Dr. Jasminka Džumhur with associates

⁵³⁶ Ombudsman Dr. Jasminka Džumhur with associates

⁵³⁷ Ombudsman Prof. Dr. Ljubinko Mitrović

A very constructive meeting was held with Sarajevo Canton Prime Minister Edin Forto. The topics of the talks were issues of importance for the realization of human rights and the current and future cooperation between the Institution and the Government of Canton of Sarajevo. During the talks, special attention was paid to resolving complaints received by the Institution from citizens of Canton of Sarajevo in relation to institutions and institutes⁵³⁸

In order to find adequate solutions and ensure protection of the best interests of children, a working meeting was held with the Minister of Education, Science and Youth of the Sarajevo Canton, Zineta Bogunić, on the functioning of the instruments established to protect the rule of law and protect the rights of children.⁵³⁹ Also, a working meeting was held with the director of the largest center for social work in the Republika Srpska, the Center for Social Work in Banja Luka Irena Joldžić, to discuss individual cases registered with the Institution, as well as to prepare a Special Report on the state and problems encountered by centers for social work in BiH.

Concerning the situation in the State Institution for the Care of Mentally Disabled Children and Youth Pazarić, at the invitation of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, we took part in the Thematic session of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina to the session of the Commission for the Protection of Human Rights and Freedoms and the Committee on Labor and Social Protection of the Parliament of the Federation of Bosnia and Herzegovina, at which was presented the situation in social care and health institutions housing persons with mental and intellectual disabilities in the Federation of BiH, according to special reports on the State of Rights of Persons with Intellectual and Mental Disabilities in Bosnia and Herzegovina prepared in 2009 and 2018.⁵⁴⁰

During 2019, visits were made and working meetings were held with the directors of the Dobojski Penitentiary⁵⁴¹, Sarajevo Prison⁵⁴², Foča Correctional Institution⁵⁴³, Kula-Istočno Sarajevo Correctional Institution⁵⁴⁴, Tuzla Correctional Institution⁵⁴⁵ and Busovača Penitentiary⁵⁴⁶.

With regard to the termination of the right of unemployed persons to health care, and after one year since applying to the Employment Service of Canton Sarajevo, we have held a meeting with acting Director of the Public Employment Service of Canton Sarajevo, Bekto Muhammad, and meetings with the Directorate of the Federation Tax Administration, Šerif Isović and Secretary of the Government of the Federation of BiH, Edita Kalajdžić⁵⁴⁷.

Through several public announcements and appearances in the media, the Ombudsmen gave full support to the exercise of the rights of LGBT persons in Bosnia and Herzegovina, and participated in the first Pride Parade held in Sarajevo.⁵⁴⁸

⁵³⁸ Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁵³⁹ Ombudsman Dr. Jasminka Džumhur

⁵⁴⁰ Ombudsman Dr. Jasminka Džumhur

⁵⁴¹ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁴² Ombudsman Dr. Jasminka Džumhur

⁵⁴³ Ombudsman Prof. Dr. Ljubinko Mitrović with associates

⁵⁴⁴ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁵⁴⁵ Ombudsman Dr. Jasminka Džumhur with associates

⁵⁴⁶ Ombudsman Dr. Jasminka Džumhur with associates

⁵⁴⁷ Ombudsman Dr. Jasminka Džumhur

⁵⁴⁸ Ombudsman Nives Jukić with associates

Within the framework of continuous cooperation with all universities in Bosnia and Herzegovina (and as a result of earlier memoranda of cooperation with all public and private universities in BiH), we held lectures at the Faculty of Law in Banja Luka⁵⁴⁹, Faculty of Political Science in Banja Luka⁵⁵⁰, Summer School of the Center for Balkan Studies at the International University of Sarajevo (IUS)⁵⁵¹ and the Faculty of Law, University of Sarajevo⁵⁵².

The Ombudsmen, in their capacity of lecturers-experts, gave lectures at the 18th International Scientific Conference of Criminal Sciences Days entitled "Contemporary Challenges in Cyber Security - CFS 2019"⁵⁵³, then at a training course organized by the Federation Inspectorate for Federation and Cantonal Inspectors⁵⁵⁴, at the 16th October Legal Days Conference⁵⁵⁵, at a seminar for judges and prosecutors organized by the Center for the Education of Judges and Public Prosecutors in the Republika Srpska, in cooperation with UNICEF⁵⁵⁶, and at the Round Table on: „Is Law Above Child Rights?“ held at the National Assembly of the Republika Srpska, organized by Milan Petković, Vice-President of the National Assembly of the Republika Srpska.⁵⁵⁷

In 2019, the Institution continued to actively cooperate with civil society organizations in Bosnia and Herzegovina through numerous participations in activities organized by them. Thus, at the invitation of the non-governmental organization "Perpetuum mobile - Institute for Youth and Community Development Banja Luka", it participated in the Academy for Political Leaders in Bosnia and Herzegovina 2018. The program of the Academy for Political Leaders in Bosnia and Herzegovina aims to train young members from different political parties in the field of political work and to support a new generation of politicians who will now and in perspective work together to improve their communities and society as a whole.⁵⁵⁸

Ombudsmen also participated in the implementation of the project „Don't forget!“ by which the Caritas of the Diocese of Banja Luka and the Caritas of the Diocese of Mostar-Duvno and Trebinje-Mrkan, with the help of donors from Austria, seek to improve the lives of people with dementia. The project objective is to improve the quality of life of 370 people with dementia and their families with innovative offers targeted at people with dementia and structures tailored to people with dementia in Banja Luka and Mostar regions, given that there are no services for people with dementia and their families in these areas⁵⁵⁹.

A working meeting was held with the president of the Parents' Association with four or more children from Banja Luka, Jovan Radovanović. The meeting discussed the problems encountered

⁵⁴⁹ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁵⁰ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁵¹ Ombudsman Dr. Jasminka Džumhur

⁵⁵² Ombudsman Nives Jukić

⁵⁵³ Ombudsman Dr. Jasminka Džumhur

⁵⁵⁴ Ombudsman Prof. Dr. Ljubinko Mitrović delivered a lecture on the topic: Ethics and Integrity of Inspection Services and Inspector Adequate for Citizens

⁵⁵⁵ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁵⁶ Ombudsman Prof. Dr. Ljubinko Mitrović delivered lectures on the topics: Execution of Alternative Measures for Juveniles and Execution of Criminal Sanctions for Juveniles.

⁵⁵⁷ Ombudsman Prof. Dr. Ljubinko Mitrović delivered a lecture on: Health care in Bosnia and Herzegovina with a special focus on child health care.

⁵⁵⁸ Ombudsman Prof. Dr. Ljubinko Mitrović delivered a lecture on: The role of the Ombudsman for Human Rights.

⁵⁵⁹ Ombudsman Dr. Jasminka Džumhur and Ombudsmenka Nives Jukić had a presentation on the human rights situation of older persons in Bosnia and Herzegovina at the inaugural conference.

by the Association in its work, as well as the many problems encountered by multi-member families, i.e. members of this Association⁵⁶⁰

At the invitation of BH Journalists Association, representatives of the Institution also participated in the final conference for representatives of the media, civil society organizations and the judiciary on the topic "Media and the Judiciary in BiH: Together to Improve Freedom of Expression and Protect the Public Interest in Media Content"⁵⁶¹.

The Ombudsmen also participated in the Round Table on "Melanoma in FBiH 2017/Melanoma in FBiH 2019", organized by the Federation of Bosnia and Herzegovina Melanoma Patients Association (UOM FBiH) in cooperation with the Association of Oncologists of Bosnia and Herzegovina, sponsored by the Vice President of the Federation of Bosnia and Herzegovina, Dr. Melika Mahmutbegović.⁵⁶²

At the invitation of the Association „Centar za lobiranje“ from Banja Luka, the Ombudsmen attended the promotion of the Proceedings of the first Scientific Expert Conference on the topic: Constitution of the Republika Srpska - 26 years later, held in Banja Luka⁵⁶³. At the invitation of the Banja Luka Research Center, the Ombudsmen also attended the Third International Scientific Conference entitled: Harmonization of Legal Regulation with the Acquis Communautaire in Bosnia and Herzegovina⁵⁶⁴.

A meeting was held with representatives of the Association „Pokret majke enklave Srebrenica i Žepa“. The meeting discussed the issue of the lack of unique identification numbers on birth certificates, deaths and marriages issued by the registry offices in the Federation of Bosnia and Herzegovina and the Republika Srpska⁵⁶⁵.

The Ombudsmen attended an interdisciplinary scientific and expert meeting called „Evropski ustav za Bosnu i Hercegovinu“, held in Neum, organized by the University of Mostar and the Rector's Assembly of the Republic of Croatia. The conference covered theoretical and practical considerations on optimal constitutional models that pave the way for the consolidation of the legal and political system of Bosnia and Herzegovina.⁵⁶⁶

The Ombudsmen also attended the promotion of the Compilation of Papers under the heading: Military neutrality or NATO, advantages and disadvantages organized by the Association in Banja Luka „Centar za lobiranje“, Banja Luka⁵⁶⁷, and a Scientific and Professional Conference organized by the same Association under the name: MAP - Membership Action Plan - Akcioni plan za članstvo - held in Banja Luka⁵⁶⁸.

⁵⁶⁰ Ombudsman Prof. Dr. Ljubinko Mitrović with associates

⁵⁶¹ Ombudsman Dr. Jasminka Džumhur

⁵⁶² Ombudsman Nives Jukić

⁵⁶³ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁶⁴ Ombudsman Prof. Dr. Ljubinko Mitrović presented a paper entitled: Standards in the conduct of security agencies with the aim of respecting and protecting human rights.

⁵⁶⁵ Ombudsman Dr. Jasminka Džumhur

⁵⁶⁶ Ombudsman Nives Jukić

⁵⁶⁷ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁶⁸ Ombudsman Prof. Dr. Ljubinko Mitrović

On the topic of protection of the rights of the LGBT population, and as a result of the cooperation of the Institution with the Youth Center "Kvart" from Prijedor, we held a working meeting with representatives of this organization.⁵⁶⁹

A meeting was held at the headquarters of the Institution in Banja Luka with Gospava Rađen-Radić, a representative of the Alliance of Assistance to Mentally Disabled Persons of the Republika Srpska and Coordinator of the project "UN Convention on the Rights of Persons with Disabilities - A Tool for Equality"⁵⁷⁰.

Representatives of the Institution also participated in the Scientific Conference entitled: Bosnia and Herzegovina and the European Framework of Judiciary, Justice, Freedom and Security, held in Banja Luka, organized by the Association „Centar za lobiranje“, Banja Luka⁵⁷¹.

A meeting with CURE Foundation representative, Selma Hadžihalilović, and Sarajevo Open Center representative, Delila Hasanbegović, was held at the Sarajevo Regional Office. The meeting discussed specific cases concerning the situation of women, single parents and single parent communities, as well as the issues of alimony funds⁵⁷².

A meeting was held with representatives of the Institute for Youth Development KULT. The meeting discussed the initiative entitled "Improving Human Rights in the Economic Sector in Bosnia and Herzegovina", which is currently being implemented in cooperation with the Federation of Employers of the Federation of Bosnia and Herzegovina and exchanged views and information on current topics⁵⁷³.

At the invitation of the Federation of Intellectual Disability Support Organizations of the Federation of Bosnia and Herzegovina (SUMERO), the Ombudsmen participated in a joint meeting of all relevant entities organized to define the necessary activities to protect and promote the human rights and dignity of institutionalized persons with disabilities in Bosnia and Herzegovina.⁵⁷⁴

12.2. Collaboration with international organizations and institutions and submissions to the committees

During 2019, the Institution has continued and significantly improved its international cooperation, both with international organizations and institutions operating in Bosnia and Herzegovina, as well as with human rights institutions in the region and Europe, as well as within networks and organizations in which the Institution is one of the members.

In terms of international organizations and institutions operating in Bosnia and Herzegovina, during 2019, the most significant cooperation was achieved with the OSCE Mission to BiH, which

⁵⁶⁹ Ombudsman Prof. Dr. Ljubinko Mitrović with associates

⁵⁷⁰ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁷¹ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁷² Ombudsman Dr. Jasminka Džumhur with associates

⁵⁷³ Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁵⁷⁴ Ombudsman Nives Jukić

for many years has been one of the institution's strategic partners. Thus, in 2019, cooperation continued on the implementation of the project of holding office days in Doboј, Bijeljina, Tuzla, Bihać, Drvar, Glamoč, Kupres and Bosansko Grahovo, and the project "Ombudsman in your city". Within this project, the Ombudsmen visited during 2019: Ljubuški⁵⁷⁵, Prijedor⁵⁷⁶, Prnjavor⁵⁷⁷, Travnik⁵⁷⁸, Gradiška⁵⁷⁹, Foča⁵⁸⁰, Trebinje⁵⁸¹, Istočna Ilidža⁵⁸², Zvornik⁵⁸³, Livno⁵⁸⁴, Posušje⁵⁸⁵, Glamoč⁵⁸⁶, Grude⁵⁸⁷, Doboј⁵⁸⁸ i Višegrad⁵⁸⁹. Practice has shown that this activity of the Institution is of great importance for all local communities, as it contributes to the greater presence of ombudsmen and other employees of the Institution in the field, and the accessibility of the Institution itself to citizens.

In February 2019, at the Headquarters of the Institution in Banja Luka, with the support of the OSCE Mission to BiH, a Working Meeting of Environmental and Human Rights Ombudsmen was held on the topic: "Environmental Protection - The Role of the Ombudsman". The working meeting, which brought together over 30 participants, from representatives of the Ombudsman Institutions of the countries of the region (Slovenia, Croatia, Serbia, Northern Macedonia and Montenegro), authorities of all levels in Bosnia and Herzegovina, academia, NGOs and environmental activists from Bosnia and Herzegovina and the region aimed at sharing ideas and good practices on environmental issues. They discussed current issues and problems in the field of environmental law and protection, as well as ways to overcome certain challenges in order to improve environmental protection, both in Bosnia and Herzegovina and in the region. The contents of the Banja Luka Statement signed by the BiH Ombudsmen on 28 February 2019 and representatives of the Ombudsman institutions participating in the meeting were defined at the Meeting.

In addition, the OSCE Mission to BiH, with the assistance of experts and in consultation with the Ombudsmen, has developed Guidelines for the preparation of an annual report on the results of the activities of the Human Rights Ombudsman Institution of Bosnia and Herzegovina. The Special Report on the Right to Freedom of Assembly was jointly implemented and the Mission provided significant support to the Institution in organizing the annual meeting of the staff of the Institution. The fact is that, by the end of 2019, the Ombudsman has adopted a Co-operation Matrix with the OSCE Mission to BiH for the period 2019-2021. The year is a certain guarantee that this successful cooperation will continue in the future.

⁵⁷⁵ Ombudsman Nives Jukić

⁵⁷⁶ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur

⁵⁷⁷ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁵⁷⁸ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁵⁷⁹ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁸⁰ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur

⁵⁸¹ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁸² Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁸³ Ombudsman Dr. Jasminka Džumhur

⁵⁸⁴ Ombudsman Nives Jukić

⁵⁸⁵ Ombudsman Nives Jukić

⁵⁸⁶ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁸⁷ Ombudsman Nives Jukić

⁵⁸⁸ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁸⁹ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur

Successful cooperation continued with the Council of Europe Office in BiH. Following the completion of the project entitled "Strengthening the Capacity of the Human Rights Ombudsman Institution to Combat Discrimination", cooperation continued under the project "Horizontal Facilitation for the Western Balkans and Turkey - 2", in which ombudsman, Dr. Jasminka Džumhur, was appointed as a member of the Steering Board of the Project.

During 2019, the institution has also achieved significant cooperation with UN bodies. Thus, it started working with UNFP to produce a special report on the sexual and reproductive health of women in Bosnia and Herzegovina. This project is especially important when considering the relevance and importance of this topic, and especially its promotion among the population of women in Bosnia and Herzegovina. On the other hand, cooperation with UNICEF, manifested through the development and promotion of the Special Report on the Prohibition of Physical Punishment of Children, as well as the commemoration of 30 years of the UN Convention on the Rights of the Child, is extremely important.

During 2019, the Institution also cooperated with USAID on gender equality, as part of a project to support monitoring and evaluation in BiH.

It is also important to note the cooperation that the Institution has with numerous embassies in Bosnia and Herzegovina. Thus, in 2019, the capacity building project of the Ombudsman Institution of Bosnia and Herzegovina was successfully completed with the aim of implementing the mandate of the Preventive Mechanism in Bosnia and Herzegovina, which was implemented with the financial assistance of the Embassy of the Republic of Bulgaria in Bosnia and Herzegovina.

As part of its mandate and regular reporting to UN bodies, in 2019, the Institution made:

1. Submission to the UN Committee on the Rights of Persons with Disabilities,
2. Submission to the UN Committee on the Rights of the Child,
3. Submission to the UN Committee on Economic, Social and Cultural Rights.

A regular submission was also made to the Universal Periodic Report (UPR), as well as a submission to the European Commission against Racism and Intolerance (ECRI).

An important segment of international cooperation is the compilation of responses to various surveys and questionnaires received by the Institution. Namely, the exchange of mutual experiences, practices and examples in work greatly contributes to the improvement of the work of the Institution, as well as to better strategic planning of future activities.

Thus, during 2019, the Institution prepared and sent the answers to the following surveys and questionnaires:

1. ENNHRI Leadership Forum Survey
2. GANHRI Strategic Plan Questionnaire for 2020-2022
3. Council of Europe questionnaire aimed at preparing the scope of the Mental Health Good Practice Study - how to promote voluntary measures

4. Questionnaire to equality bodies on the implementation of Directives 2000/43 EC and 2000/78 / EC and on future equality and non-discrimination policies at European level
5. EQUINET Questionnaire of the Gender Equality Working Group
6. UNDP Questionnaire regarding the publication of war crimes judgments and indictments on websites and the availability of judgments and indictments from one country to judges and prosecutors from another country
7. UN Gender Responsibility Questionnaire
8. UN Good Practice Questionnaire to Ensure Effective Access to Justice for Persons with Disabilities
9. OHCHR Questionnaire for the forthcoming report on “Memorization processes following major human rights violations and serious violations of international humanitarian law”
10. Standards and Public Policies for the Effective Investigation of Enforced Disappearances, Submission of Study Group Material on Enforced or Involuntary Disappearances
11. Impunity for human rights violations and abuses committed against human rights defenders
12. ENNHRI - Situation in the State of Bosnia and Herzegovina regarding the suffrage of persons with disabilities
13. ENNHRI - Situation of human rights defenders working in and after conflict areas, including the so-called fragile states
14. Ombudsman of the Basque Country, cooperation with members of the IOI "foreign unaccompanied minors in Europe".

A special success in the field of international cooperation in 2019 is the signing of the Memorandum on Cooperation with the Ombudsman of the Republic of Turkey⁵⁹⁰, Defender of the citizens of the Republic of Serbia⁵⁹¹, and the High Commissioner for Human Rights of the Russian Federation⁵⁹².

The signing of the memorandums will enable faster and more efficient protection of the rights of the citizens of Bosnia and Herzegovina in these countries, as well as mutual exchange of experiences and good practices in the form of study visits of employees, joint organization of conferences and round tables, etc.⁵⁹³.

⁵⁹⁰ Istanbul, 18 November 2019.

⁵⁹¹ Belgrade, 16 December 2019.

⁵⁹² Moscow, 17 December 2019

⁵⁹³ The text of Article 2 of the Memorandum of Understanding reads as follows: The Parties shall cooperate in the following areas: Exchange of experience, best practices and information related to complaint handling and other activities of the Parties which they carry out within their respective mandates and competencies, including information on legislative activities and important decisions made by each state; Mutual information and assistance in cases of violations of the rights and freedoms of citizens of the Republic of Serbia-Republic of Turkey-Russian Federation in the territory of Bosnia and Herzegovina and citizens of Bosnia and Herzegovina in the territory of the Republic of Serbia-Republic of Turkey-Russian Federation of which the Parties have been notified through complaints lodged with their institution; Providing mutual assistance in the promotion and protection of human rights and freedoms of citizens within the jurisdiction of the Parties; The Parties will exchange information in accordance with the legislation of the States Parties; Mutual reference to conferences, workshops, meetings and other events in the field of promotion and protection of human rights, protection of citizens and other topics related to the competence of the Ombudsmen organized by the Parties; Holding joint events on the platforms of the International Ombudsman Institute and other organizations; and Carrying out joint projects and programs, organizing mutual visits, internships, trainings and workshops attended by representatives of both Parties in the framework of exchanging experiences and providing practical assistance in the field of citizens' protection, complaints handling and other activities of the Parties under their mandate; competences and thus contribute to the protection of human rights and freedoms.

During 2019, the Ombudsmen held a series of meetings with representatives of international organizations and institutions, and ambassadors in Bosnia and Herzegovina, of which they particularly emphasized:

- meeting with the Ambassador of the Kingdom of Spain in Bosnia and Herzegovina HE Joséa Maríu Valdemora Giméneza⁵⁹⁴
- meeting with representatives of the British Embassy in Sarajevo, Laurie Hunter and Claudio Kuljuh⁵⁹⁵
- meeting with the Head of the OSCE Mission to BiH HE Ambassador Bruce G. Berton, with associates⁵⁹⁶
- meeting with SIGMA project representatives - Dawid Szescilo from Warsaw, Poland, Primož Vehar from Slovenia and Dejan Milenković from Serbia⁵⁹⁷
- meeting with Expert Associate in the Political and Economic Section of the EU Delegation to BiH Rositso Petrov and Advisor on the Rule of Law Area of the EU Delegation to BiH Mirna Brešan⁵⁹⁸
- meeting with representatives of five OSCE Member States (France, Italy, Switzerland, United Kingdom and USA)⁵⁹⁹
- meetings with the Ombudsman of the Republic of Croatia, the Ombudsman for Children of the Republic of Croatia and the Ombudsman for Gender Equality of the Republic of Croatia⁶⁰⁰
- meeting with the Ombudsman for Children of the Kingdom of Sweden⁶⁰¹
- meeting with UNICEF Regional Director for Europe and Central Asia, Afshan Khan⁶⁰²
- meeting with a delegation of the Council of Europe Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)⁶⁰³
- a meeting with a representative of NGO Human Rights Watch for Europe and Central Asia⁶⁰⁴
- meeting with the newly appointed UNICEF Head of Mission in Bosnia and Herzegovina dr. Rownak Khan⁶⁰⁵
- meeting with the newly appointed Human Rights Officer of the United States Embassy in Bosnia and Herzegovina Michael Ahna⁶⁰⁶
- meeting with the UN Special Rapporteur on Human Rights of Migrants, Felipe González Morales⁶⁰⁷
- meeting with rapporteurs of the Strasbourg Venice Commission⁶⁰⁸

⁵⁹⁴ Ombudsman Dr. Jasminka Džumhur

⁵⁹⁵ Ombudsman Dr. Jasminka Džumhur

⁵⁹⁶ Ombudsman Prof. Dr. Ljubinko Mitrović

⁵⁹⁷ Ombudsman Prof. Dr. Ljubinko Mitrović (at the Headquarters of the Institution), Ombudsman Dr. Jasminka Džumhur and Ombudsman Nives Jukić (at the Sarajevo Regional Office).

⁵⁹⁸ Ombudsman Nives Jukić

⁵⁹⁹ Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁶⁰⁰ Ombudsman Nives Jukić

⁶⁰¹ Ombudsman Dr. Jasminka Džumhur

⁶⁰² Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁶⁰³ Ombudsman Dr. Jasminka Džumhur

⁶⁰⁴ Ombudsman Dr. Jasminka Džumhur

⁶⁰⁵ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁶⁰⁶ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁶⁰⁷ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

⁶⁰⁸ Ombudsman Prof. Dr. Ljubinko Mitrović, Ombudsman Dr. Jasminka Džumhur, Ombudsman Nives Jukić

- meeting with Katarzyn Struzins, from the Department of Sociology of Law, Jagiellonian University in Krakow, Poland.⁶⁰⁹

In terms of activities within networks and international organizations of which the Institution is a member, 2019 has been very successful. Thus, in March 2019, the Institution, in cooperation with ENNHRI, organized a two-day workshop on capacity building on economic and social rights in the (post) conflict situation, held in Mostar. The two-day workshop was aimed at staff of national human rights institutions, civil society organizations and international organizations, and addressed the challenges of preventing, protecting and promoting economic and social rights in (post) conflict situations. The conference itself was rated by all participants as very successful.

On the other hand, Ombudsmen and employees of the Institution participated in a series of international conferences, round tables and trainings, of which we will mention only a few:

1. Regional Conference: Detention and Other Measures to Ensure the Accused's Presence in Criminal Procedure - Belgrade, 07 June 2019.⁶¹⁰
2. EQUINET Seminar: Equality Bodies in Support of Older Equality - Berlin, 27-28 June 2019.
3. High Level Meeting on the Future of a Strategy to Protect and Combat Anti-Semitism, Racism, Xenophobia, Radicalism and Hate Speech, Bucharest - 17-18 June 2019.
4. VI. Regional Conference of Equality Bodies, Podgorica – 28 October 2019.
5. EQUINET Annual General Meeting, Brussels - 23-24 October 2019.
6. ENNHRI Annual General Meeting, Brussels - 13-14 November 2019.
7. 2. International Ombudsman Conference, Istanbul - 18-19 November 2019.
8. III. International Conference: Protecting Human Rights in Eurasia - Exchange of Ombudsman Best Practices and Meeting of the Eurasian Ombudsman Alliance, Moscow - December 17-18, 2019.
9. Council of Europe Horizontal Facility Program Conference, Skopje - 08–09 October 2019.
10. International Meeting of Special Envoys and Coordinators to Combat Anti-Semitism, Munich - 28-29 October 2019.
11. NPM Network Meeting, Skopje - 02-03 October 2019.
12. Counseling of the Serbian Association for Criminal Law Theory and Practice - Zlatibor, 19-21 September 2019.⁶¹¹
13. Meeting of the EQUINET Working Group on Gender Equality, Copenhagen - 10 – 11 October 2019.
14. Nairobi ICPD25 Summit: Speeding Promises, Nairobi - 12-14/11/2019. years
15. ENNHRI Workshop: The Role of NHRI in Peace-building, Zagreb - October 29-31, 2019. years
16. International Conference: Strengthening the Capacity of the Defender of Citizens - Increasing the Institution's Access to All Citizens, Niš - 7-8 November 2019

⁶⁰⁹ Ombudsman Prof. Dr. Ljubinko Mitrović

⁶¹⁰ Ombudsman Prof. Dr. Ljubinko Mitrović presented a paper entitled: Detention and Other Restrictions on Liberty to Ensure the Accused's Presence in Criminal Proceedings and the Freedom and Rights of Persons Deprived - Restricted Freedom of Movement and Communication (Experiences of Bosnia and Herzegovina).

⁶¹¹ Ombudsman Prof. Dr. Ljubinko Mitrović presented a paper entitled: Modalities of Imprisonment in the Misdemeanor Legislation of the Republika Srpska and the Federation of Bosnia and Herzegovina.

17. CRONSEE Conference in Tirana, 10/17/2019.
18. Fourth Scientific Conference titled: Financial Crime and Corruption - Challenges and Recommendations, Vršac - 18-19. November 2019.⁶¹²
19. 9th CoE-FRA-ENNHRI-EQUINET Platform meeting on Economic and Social Rights, Strasbourg – 28 November 2019.
20. Sixth Regional Forum on the Rule of Law for South East Europe, Dubrovnik - 22-23 March 2019.
21. Meeting of the Council of Europe Operational Platform on Roma Equality - Council of Europe, 14-15 May 2019.
22. 8th Meeting of the Thematic Platform for Social and Economic Rights - Athens, 10 April 2019.
23. Meeting of the EQUINET Communications Working Group - Sofia, 10-14 March 2019.
24. IX International Scientific Conference on Criminal Policy and Crime Prevention - Trebinje, 19-20 April 2019.⁶¹³
25. International Conference: Multisectoral Cooperation for the Prevention and Suppression of Sexual Abuse and Abuse of Children on the Internet - Strasbourg, 16-17 May 2019.
26. Expert Seminar on the Role of the UN Human Rights Mechanisms in the Implementation of the UN Declaration on the Rights of Villagers and Other Persons Working in Rural Environment - Geneva, 22 June 2019.
27. ECRI Conference to mark the 25th anniversary of ECRI - Paris, 26-27 September 2019.

⁶¹² Ombudsman Prof. Dr. Ljubinko Mitrović presented a paper entitled: Receiving and Offering Bribes in the Republika Srpska.

⁶¹³ Ombudsman Prof. Dr. Ljubinko Mitrović presented a paper entitled: Execution of the correctional measure of referral to the correctional center in Bosnia and Herzegovina.

XIII OMBUDSMEN'S RECOMMENDATIONS

The Ombudsmen may, in accordance with Article 32 of the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina, after conducting the inquiry procedure, make recommendations to the responsible authority with a view to remedying the identified human rights violations. Bodies that receive such recommendations are required to respond in writing and inform the Ombudsmen of the impact of the recommendations within the time limit set by the Ombudsmen.

If the responsible authority does not follow up on the recommendation, or fails to inform the Ombudsmen of the reasons for not taking it, the Ombudsmen immediately indicate to the higher authority the course of the case and further recommendations. The following is a tabular summary of the recommendations made last year and the manner in which they are implemented:

TABLE OVERVIEW OF RECOMMENDATIONS

REC. NO.	NO. OF COMPLAINT	SENT TO THE AUTHORITY	VIOLATION OF RIGHT	DATE OF RECOMMENDATION	IMPLEMENTATION	ANSWER RECEIVED
P-1/19	Ž-LI-05-10/18,	1. PI ELEKTROPRIVREDA HZ HB SECTION LIVNO 2. GLAMOČ MUNICIPALITY	19 - ADMINISTRATION	9.1.2019	NOT IMPLEMENTED	YES
P-2/19	Ž-SA-05-49/17,	CANTONAL COURT IN SARAJEVO	09 - JUDICIARY	8.1.2019	CO-OPERATION ACHIEVED	YES
P-3/19	Ž-SA-05-883/18,	CANTONAL COURT IN SARAJEVO, SARAJEVO	19 - ADMINISTRATION	7.1.2019	IMPLEMENTED	YES
P-4/19	Ž-SA-05-724/18,	FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES SARAJEVO MINISTRY FOR HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA, SARAJEVO	19 - ADMINISTRATION	14.1.2019	IMPLEMENTED	YES
P-5/19	Ž-SA-05-824/18,	FEDERATION MINISTRY OF AGRICULTURE, WATER AND FORESTRY SARAJEVO	19 - ADMINISTRATION	7.1.2019	IMPLEMENTED	YES
P-6/19	Ž-BR-05-39/18,	POLICE OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA -PROSECUTOR'S OFFICE OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	05 - POLICE	10.1.2019	CO-OPERATION ACHIEVED	YES
P-7/19	Ž-BR-05-255/17,	AGENCY FOR IDENTIFICATION DOCUMENTS, RECORDS AND EXCHANGE OF DATA	17 - PUBLIC DOCUMENTS	10.1.2019	NOT IMPLEMENTED	YES

P-8/19	Ž-BR-06-231/18,	GOVERNMENT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION - 01-11 - ON THE BASIS OF ETHNICITY	10.1.2019	NOT IMPLEMENTED	YES
P-9/19	Ž-BR-04-20/18,	FEDERATION MINISTRY OF JUSTICE	10 - LABOR RELATIONS	10.1.2019	NOT IMPLEMENTED	YES
P-10/19	Ž-BL-05-597/18,	RADIO-TELEVISION OF THE REPUBLIKA SRPSKA	05 - POLICE	10.1.2019	NOT IMPLEMENTED	NO
P-11/19	Ž-BR-01-186/18,	PI CENTER FOR SOCIAL WORK TUZLA TUZLA CANTON PROSECUTOR'S OFFICE TUZLA	13 - THE RIGHTS OF THE CHILD	10.1.2019	CO-OPERATION ACHIEVED	YES
P-12/19	Ž-BR-05-300/17,	MUNICIPAL COURT IN LUKAVAC	09 - JUDICIARY	11.1.2019	NOT IMPLEMENTED	NO
P-13/19	Ž-BR-05-297/17,	MUNICIPAL COURT IN LUKAVAC	09 - JUDICIARY	11.1.2019	NOT IMPLEMENTED	NO
P-14/19	Ž-SA-05-1117/17,	MINISTRY OF HEALTHCARE ZENIC-DOBOJ CANTON ZENICA, Attn. PRIME MINISTER	03 - ACCESS TO INFORMATION	10.1.2019	IMPLEMENTED	YES
P-15/19	Ž-SA-05-189/18,	MUNICIPAL COURT OF MOSTAR, MOSTAR, PUBLIC COMPANY KOMOS D.D. IN THE BANKRUPTCY, MOSTAR, Attn. BANKRUPTCY WARDEN	03 - ACCESS TO INFORMATION	10.1.2019	PARTIALLY IMPLEMENTED	YES
P-16/19	Ž-LI-05-286/18,	INSPECTION DIRECTORATE OF CANTON 10	03 - ACCESS TO INFORMATION - - 03-2 - REFUSAL TO ACCESS TO INFORMATION	26.2.2019	IMPLEMENTED	YES
P-17/19	Ž-SA-05-1163/18,	UNIVERSITY OF SARAJEVO, SARAJEVO Attn. CHAIR OF THE BOARD OF DIRECTORS	03 - ACCESS TO INFORMATION	10.1.2019	IMPLEMENTED	YES
P-18/19	Ž-LI-05-296/18,	SECONDARY VOCATIONAL SCHOOL "SILVIJE STRAHIMIR KRANJČEVIĆ" LIVNO	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	6.2.2019	IMPLEMENTED	YES
P-19/19	Ž-LI-05-285/18,	MINISTRY OF AGRICULTURE, WATER AND FORESTRY OF CANTON 10 GLAMOČ	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	6.2.2019	IMPLEMENTED	YES
P-20/19	Ž-LI-05-350/17,	CANTONAL COURT IN MOSTAR	09 - JUDICIARY -- 09-2 - LENGTH OF THE PROCEDURE (ARTICLE 6)	6.2.2019	NO ANSWER	NO
P-21/19	Ž-LI-05-244/16,	MUNICIPAL COURT LIVNO	09 - JUDICIARY -- 09-3 - ENFORCEMENT OF JUDGMENTS	6.2.2019	IMPLEMENTED	YES
P-22/19	Ž-SA-05-1227/18,	CANTONAL COURT IN SARAJEVO Attn. PRESIDENT OF THE COURT, SARAJEVO	09 - JUDICIARY	5.2.2019	IMPLEMENTED	YES
P-23/19	Ž-SA-05-1017/18,	MUNICIPALITY DONJI VAKUF, DONJI VAKUF	19 - ADMINISTRATION	5.2.2019	IMPLEMENTED	YES
P-24/19	Ž-BL-05-945/18,	UNIVERSITY OF BANJA LUKA	03 - ACCESS TO INFORMATION	11.2.2019	IMPLEMENTED	YES

P-25/19	Ž-BL-05-749/17,	PUBLIC PROSECUTOR'S OFFICE BANJA LUKA MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIKA SRPSKA	26 - PROSECUTION	12.2.2019	IMPLEMENTED	YES
P-26/19	Ž-BL-05-920/18,	CITY OF BIJELJINA	17 - PUBLIC DOCUMENTS	12.2.2019	NOT IMPLEMENTED	NO
P-27/19	Ž-BL-04-790/18,	CITY OF BANJA LUKA	21- COMMUNAL SERVICES	12.2.2019	IMPLEMENTED	YES
P-28/19	Ž-BL-01-835/18,	JU MIXED SECONDARY SCHOOL TUZLA, CANTONAL DIRECTORATE FOR INSPECTION ACTIVITIES OF TUZLA CANTON, MINISTRY OF EDUCATION AND SCIENCE OF TUZLA CANTON	13 - THE RIGHTS OF THE CHILD	12.2.2019	IMPLEMENTED	YES
P-29/19	Ž-SA-04-587/18,	FEDERATION MINISTRY OF INTERIORS SARAJEVO	25 - PENSIONS	12.2.2019	NOT IMPLEMENTED	DA
P-30/19	Ž-SA-06-866/18,	MUNICIPALITY OF JAJCE, JAJCE	01 - DISCRIMINATION	12.2.2019	IMPLEMENTED	YES
P-31/19	Ž-SA-05-1210/18,	UNIVERSITY OF EAST SARAJEVO FACULTY OF PHYSICAL EDUCATION AND SPORT, PALE	03 - ACCESS TO INFORMATION	12.2.2019	IMPLEMENTED	YES
P-32/19	Ž-SA-05-840/16,	MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA, FOREIGNER AFFAIRS SERVICE SARAJEVO	17 - PUBLIC DOCUMENTS	13.2.2019	NO ANSWER	NO
P-33/19	Ž-SA-06-172/18,	COMMON AFFAIRS SERVICE OF THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA Attn. DIRECTOR SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	14.2.2019	IMPLEMENTED	YES
P-34/19	Ž-SA-05-1003/18,	CANTONAL COURT IN SARAJEVO, SARAJEVO, Attn. PRESIDENT OF THE COURT, MUNICIPAL COURT OF SARAJEVO Attn. PRESIDENT OF THE COURT	09 - JUDICIARY -- 09-2 - LENGTH OF THE PROCEDURE (ARTICLE 6)	14.2.2019	IMPLEMENTED	YES
P-35/19	Ž-SA-06-469/18,	MINISTRY OF INTERNAL AFFAIRS OF THE CENTRAL BOSNIA CANTON	01 - DISCRIMINATION	15.2.2019	IMPLEMENTED	YES
P-36/19	Ž-LI-05-378/17,	LIVNO CITY COUNCIL, COMMISSION FOR THE PROTECTION OF HUMAN RIGHTS, GENDER EQUALITY, PETITIONS AND COMPLAINTS OF CITIZENS	19 - ADMINISTRATION	18.2.2019	NOT IMPLEMENTED	NO
P-37/19	Ž-LI-05-379/17,	LIVNO CITY COUNCIL, COMMISSION ON EDUCATION, CULTURE, SPORT AND YOUTH	19 - ADMINISTRATION	18.2.2019	NOT IMPLEMENTED	NO
P-38/19	Ž-LI-05-149/18,	CANTONAL COURT IN SARAJEVO	09 - JUDICIARY	18.2.2019	NOT IMPLEMENTED	YES

P-39/19	Ž-LI-05-3/18,	MINISTRY OF SCIENCE, CULTURE AND SPORTS OF CANTON 10	19 - ADMINISTRATION	18.2.2019	NOT IMPLEMENTED	NO
P-40/19	Ž-LI-05-220/18,	APPEALS COUNCIL OF THE GOVERNMENT OF CANTON 10	03 - ACCESS TO INFORMATION	18.2.2019	IMPLEMENTED	YES
P-41/19	Ž-SA-05-1131/18,	THE GOVERNMENT OF CANTON SARAJEVO, SARAJEVO	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	28.2.2019	NOT IMPLEMENTED	DA
P-42/19	Ž-BL-05-814/18,	CITY OF BANJA LUKA DEPARTMENT FOR INSPECTIONS, URBAN AND CONSTRUCTION INSPECTIONS	19 - ADMINISTRATION	4.3.2019	IMPLEMENTED	YES
P-43/19	Ž-BL-05-390/18,	JP "VISOKO EKOENERGIJA", D.O.O.	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	5.3.2019	NOT IMPLEMENTED	NO
P-44/19	Ž-BL-05-956/18,	FUND PIO OF THE REPUBLIKA SRPSKA BRANCH BANJA LUKA AGENCY FOR PERSONAL DATA PROTECTION IN BOSNIA AND HERZEGOVINA	09 - JUDICIARY	5.3.2019	IMPLEMENTED	YES
P-45/19	Ž-BL-05-89/19,	BASIC COURT IN SREBRENICA	03 - ACCESS TO INFORMATION	5.3.2019	NOT IMPLEMENTED	NO
P-46/19	Ž-SA-05-1002/18,	MUNICIPALITY OF DOBOJ EAST KLOKOTNICA-MUNICIPAL COUNCIL	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	5.3.2019	IMPLEMENTED	YES
P-47/19	Ž-SA-05-802/18,	ASSEMBLY OF UNA-SANA CANTON BIHAĆ GOVERNMENT OF UNA-SANA CANTON, BIHAĆ	02 - MEDIA AND FREEDOM OF INFORMATION	6.3.2019	NOT IMPLEMENTED	YES
P-48/19	Ž-SA-04-1229/17,	PORSCHE SARAJEVO, SARAJEVO	10 - LABOR RELATIONS	6.3.2019	NOT IMPLEMENTED	YES
P-49/19	Ž-SA-04-657/18,	FEDERATION INSTITUTE PIO, CANTONAL ADMINISTRATIVE SERVICE SARAJEVO	25 - PENSIONS	6.3.2019	IMPLEMENTED	YES
P-50/19	Ž-SA-05-1036/18,	CANTONAL COURT IN TUZLA, TUZLA, Attn. PRESIDENT OF THE COURT	03 - ACCESS TO INFORMATION	6.3.2019	NOT IMPLEMENTED	YES
P-51/19	Ž-SA-05-1007/18,	BASIC COURT OF BRČKO DISTRICT, BRČKO, COURT OF APPEALS OF DISTRICT OF BRČKO	09 - JUDICIARY -- 09-2 - LENGTH OF THE PROCEDURE (ARTICLE 6)	6.3.2019	IMPLEMENTED	YES
P-52/19	Ž-SA-04-615/18,	GOVERNMENT OF CANTON SARAJEVO Attn. PRIME MINISTER, MINISTRY OF HEALTH OF CANTON SARAJEVO, SARAJEVO Attn. MINISTER, PUBLIC INSTITUTION HEALTH CENTER OF CANTON SARAJEVO, SARAJEVO, Attn. GENERAL DIRECTOR	10 - LABOR RELATIONS	6.3.2019	NOT IMPLEMENTED	NO

P-53/19	Ž-SA-04-1004/18,	MINISTRY OF VETERAN ISSUES SARAJEVO SARAJEVO, Attn. MINISTER	24 - SOCIAL PROTECTION	6.3.2019	NOT IMPLEMENTED	YES
P-54/19	Ž-SA-05-947/18,	FEDERATION MINISTRY OF FINANCE SARAJEVO Attn. MINISTER	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	6.3.2019	NOT IMPLEMENTED	YES
P-55/19	Ž-SA-04-871/17,	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO, SARAJEVO Attn. MINISTER	10 - LABOR RELATIONS	6.3.2019	NOT IMPLEMENTED	YES
P-56/19	Ž-SA-04-1291/18,	FEDERATION MINISTRY OF THE INTERNAL AFFAIRS SARAJEVO	25 - PENSIONS	6.3.2019	IMPLEMENTED	YES
P-57/19	Ž-SA-05-73/19,	AGENCY FOR CIVIL SERVICE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO Attn. ACTING DIRECTOR	03 - ACCESS TO INFORMATION	6.3.2019	NOT IMPLEMENTED	YES
P-58/19	Ž-LI-05-298/18,	PI PRIMARY MUSIC SCHOOL TRAVNIK	03 - ACCESS TO INFORMATION	7.3.2019	IMPLEMENTED	YES
P-59/19	Ž-LI-05-28/19,	PUBLIC INSTITUTION "HRVATSKI DOM" KUPRES	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	7.3.2019	IMPLEMENTED	YES
P-60/19	Ž-BL-05-789/18,	MRKONJIĆ GRAD MUNICIPALITY REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY AND LEGAL AFFAIRS BRANCH MRKONJIĆ GRAD	15 - PROPERTY AND LEGAL RELATIONS	7.3.2019	NOT IMPLEMENTED	YES
P-61/19	Ž-BL-05-999/18,	CITY OF BANJA LUKA	03 - ACCESS TO INFORMATION	7.3.2019	IMPLEMENTED	YES
P-62/19	Ž-BL-05-79/19,	MUNICIPAL COURT TEŠANJ	03 - ACCESS TO INFORMATION	7.3.2019	IMPLEMENTED	YES
P-63/19	Ž-BL-05-83/19,	CANTONAL COURT IN LIVNO	03 - ACCESS TO INFORMATION	7.3.2019	IMPLEMENTED	YES
P-64/19	Ž-BL-04-750/18,	UNIVERSITY OF BANJA LUKA FACULTY OF ARCHITECTURAL-GEODETIC ENGINEERING	10 - LABOR RELATIONS	7.3.2019	IMPLEMENTED	YES
P-65/19	Ž-BL-05-487/17,	FUND PIO OF THE REPUBLIKA SRPSKA	09 - JUDICIARY	13.3.2019	NOT IMPLEMENTED	NO
P-66/19	Ž-SA-05-142/19,	GOVERNMENT OF CANTON SARAJEVO, SARAJEVO, MINISTRY OF LABOR, SOCIAL POLICY, DISPLACED PERSONS AND REFUGEES SARAJEVO	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	18.3.2019	CO-OPERATION ACHIEVED	NO
P-67/19	Ž-BL-05-960/18,	MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT OF THE REPUBLKA SRPSK	03 - ACCESS TO INFORMATION	22.3.2019	NOT IMPLEMENTED	YES

P-68/19	Ž-BL-05-922/18,	MINISTRY OF SCIENTIFIC TECHNOLOGICAL DEVELOPMENT, HIGHER EDUCATION AND INFORMATION SOCIETY OF THE REPUBLIK SRPSKA	03 - ACCESS TO INFORMATION	21.3.2019	NOT IMPLEMENTED	NO
P-69/19	Ž-BL-06-856/18,	GOVERNMENT OF THE REPUBLIK SRPSKA MINISTRY OF TRADE AND TOURISM CATERING SERVICE OF GOVERNMENT OF THE REPUBLIKA SRPSKA	01 - DISCRIMINATION	25.3.2019	NOT IMPLEMENTED	YES
P-70/19	Ž-SA-05-772/18,	SARAJEVO MUNICIPAL COURT	09 - JUDICIARY	27.3.2019	NOT IMPLEMENTED	YES
P-71/19	Ž-BL-05-874/18,	PI CENTER FOR SOCIAL WORK TUZLA, FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, COMMISSION FOR PROFESSIONAL OPINION FOR ESTABLISHING THE STATUS OF A SPECIFIC CATEGORY OF CIVIL WAR VICTIMS	20 - WAR DAMAGES	28.3.2019	CO-OPERATION ACHIEVED	YES
P-72/19	Ž-BL-04-937/18,	ELEMENTARY SCHOOL „DRVAR“ DRVAR	10 - LABOR RELATIONS	15.4.2019	NOT IMPLEMENTED	YES
P-73/19	Ž-SA-06-210/19,	RADIO-TELEVISION OF BOSNIA AND HERZEGOVINA SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	29.3.2019	NOT IMPLEMENTED	NO
P-74/19	Ž-BL-05-830/18,	COUNTY COURT BANJA LUKA	09 - JUDICIARY	1.4.2019	CO-OPERATION ACHIEVED	YES
P-75/19	Ž-BL-05-677/18,	COUNTY COURT BANJA LUKA	09 - JUDICIARY	1.4.2019	IMPLEMENTED	YES
P-76/19	Ž-LI-05-241/18,	MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY OF CANTON 10	19 - ADMINISTRATION	2.4.2019	NOT IMPLEMENTED	YES
P-77/19	Ž-SA-05-1232/18,	MUNICIPALITY OF BUGOJNO FINANCE AND INSPECTION SUPERVISION BUGOJNO Attn. URBAN - CONSTRUCTION INSPECTOR	19 - ADMINISTRATION	3.4.2019	CO-OPERATION ACHIEVED	NO
P-78/19	Ž-SA-08-170/19,	MUNICIPALITY OF STARI GRAD SARAJEVO URBANISM SERVICE SARAJEVO	19 - ADMINISTRATION	5.4.2019	IMPLEMENTED	YES
P-79/19	Ž-BL-05-629/18,	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY LEGAL AFFAIRS OF THE REPUBLIKA SRPSKA, BRANCH UNIT GRADIŠKA	15 - PROPERTY AND LEGAL RELATIONS	12.4.2019	IMPLEMENTED	YES
P-80/19	Ž-LI-05-262/18,	PI "HRVATSKI DOM" KUPRES THE ADMINISTRATIVE COUNCIL	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	6.5.2019	NOT IMPLEMENTED	YES
P-81/19	Ž-LI-05-42/19,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	03 - ACCESS TO INFORMATION	6.5.2019	IMPLEMENTED	YES

P-82/19	Ž-LI-05-47/19,	MINISTRY OF THE INTERIOR OF CANTON 10	03 - ACCESS TO INFORMATION	6.5.2019	IMPLEMENTED	YES
P-83/19	Ž-BL-01-586/18,	MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE OF THE REPUBLIKA SRPSKA, CITY OF ZVORNIK	13 - THE RIGHTS OF THE CHILD	16.4.2019	IMPLEMENTED	YES
P-84/19	Ž-BL-06-924/18,	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY LEGAL AFFAIRS	01 - DISCRIMINATION	22.4.2019	NOT IMPLEMENTED	YES
P-85/19	Ž-BL-05-616/18,	"FORESTS OF THE REPUBLIKA SRPSKA" A. D. SOKOLAC FOREST MANAGEMENT	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	16.4.2019	IMPLEMENTED	YES
P-86/19	Ž-BL-04-765/18,	VLASENICA MUNICIPALITY MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE OF THE REPUBLIKA SRPSKA	10 - LABOR RELATIONS	16.4.2019	NOT IMPLEMENTED	YES
P-87/19	Ž-BL-05-958/18,	DEPARTMENT OF CONSTRUCTION A. D. BANJA LUKA	03 - ACCESS TO INFORMATION	16.4.2019	NOT IMPLEMENTED	NO
P-88/19	Ž-BL-05-27/19,	MUNICIPALITY KONJIC	03 - ACCESS TO INFORMATION	16.4.2019	NOT IMPLEMENTED	NO
P-89/19	Ž-BL-05-763/18,	MINISTRY OF JUSTICE OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION	16.4.2019	NOT IMPLEMENTED	YES
P-90/19	Ž-BL-05-963/18,	ŽIVINICE MUNICIPAL COURT	03 - ACCESS TO INFORMATION	17.5.2019	IMPLEMENTED	YES
P-91/19	Ž-BL-06-624/18,	POLICE STATION OF KOSTAJNICA	01 - DISCRIMINATION	16.4.2019	NOT IMPLEMENTED	NO
P-92/19	Ž-BL-05-950/18,	CAZIN MUNICIPAL COURT	17 - PUBLIC DOCUMENTS	16.4.2019	IMPLEMENTED	YES
P-93/19	Ž-BL-05-180/19,	DEPARTMENT OF CONSTRUCTION A.D. BANJA LUKA	03 - ACCESS TO INFORMATION	18.4.2019	NOT IMPLEMENTED	NO
P-94/19	Ž-BR-05-259/18,	PUBLIC INSTITUTION EMPLOYMENT SERVICE OF TUZLA CANTON, TUZLA	03 - ACCESS TO INFORMATION - - 03-2 - REFUSAL TO ACCESS TO INFORMATION	18.4.2019	PARTIALLY IMPLEMENTED	YES
P-95/19	Ž-SA-04-1063/18,	KJKP "WATER SUPPLY AND SEWERAGE" D.O.O. SARAJEVO SARAJEVO Attn. DIRECTOR, MINISTRY OF COMMUNAL ECONOMY AND INFRASTRUCTURE OF CANTON SARAJEVO, SARAJEVO, Attn. MINISTER	21- COMMUNAL SERVICES	18.4.2019	CO-OPERATION ACHIEVED	YES
P-96/19	Ž-SA-05-214/19,	VOGOŠĆA MUNICIPAL PROFESSIONAL DEPARTMENT OF MUNICIPAL COUNCIL AND MUNICIPAL MAYOR	03 - ACCESS TO INFORMATION	25.4.2019	IMPLEMENTED	YES
P-97/19	Ž-SA-05-473/18,	MUNICIPALITY VITEZ, VITEZ, Attn. CHAIRMAN OF THE MUNICIPAL COUNCIL	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	18.4.2019	NOT IMPLEMENTED	NO

P-98/19	Ž-LI-05-7/19,	PRIMARY MUSIC SCHOOL "TOMISLAVGRAD" TOMISLAVGRAD	03 - ACCESS TO INFORMATION	17.5.2019	NOT IMPLEMENTED	YES
P-99/19	Ž-SA-06-899/18,	KJKP "WATER SUPPLY AND SEWERAGE" D.O.O. SARAJEVO, Attn. DIRECTOR. SARAJEVO	01 - DISCRIMINATION	23.4.2019	CO-OPERATION ACHIEVED	YES
P-100/19	Ž-SA-04-1195/18,	ŽEPČE MUNICIPALITY ŽEPČE, SECONDARY MIXED SCHOOL "ŽEPČE" ŽEPČE	10 - LABOR RELATIONS	19.4.2019	IMPLEMENTED	YES
P-101/19	Ž-SA-08-138/19,	UNIVERSITY OF SARAJEVO, SARAJEVO, RECTOR OF THE FACULTY OF CIVIL ENGINEERING IN SARAJEVO, Attn. DEAN, MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO, SARAJEVO, Attn. MINISTER	09 - JUDICIARY - ENFORCEMENT OF JUDGMENTS	24.4.2019	CO-OPERATION ACHIEVED	YES
P-102/19	Ž-SA-05-201/19,	GOVERNMENT OF CANTON SARAJEVO, SARAJEVO, Attn. PRIME MINISTER	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	24.4.2019	NOT IMPLEMENTED	YES
P-103/19	Ž-SA-04-1099/16,	PI BOSNIAN CULTURAL CENTER OF ŽIVINICE, ŽIVINICE	10 - LABOR RELATIONS	24.4.2019	CO-OPERATION ACHIEVED	YES
P-104/19	Ž-SA-05-1382/18,	MUNICIPAL COURT IN SARAJEVO, SARAJEVO CANTONAL COURT IN SARAJEVO, SARAJEVO	09 - JUDICIARY	24.4.2019	IMPLEMENTED	YES
P-105/19	Ž-SA-01-935/16,	THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO, THE GOVERNMENT OF THE REPUBLIKA SRPSKA BANJA LUKA	13 - THE RIGHTS OF THE CHILD	24.4.2019	CO-OPERATION ACHIEVED	YES
P-106/19	Ž-SA-06-798/18,	FEDERATION POLICE ADMINISTRATION Attn. DIRECTOR, SARAJEVO	01 - DISCRIMINATION -- 01-22 - ON THE BASIS OF THE AGE	24.4.2019	IMPLEMENTED	YES
P-107/19	Ž-SA-05-344/18,	MINISTRY OF LABOR AND VETERAN DISABILITY PROTECTION OF THE REPUBLIKA SRPSKA BANJA LUKA	19 - ADMINISTRATION	24.4.2019	IMPLEMENTED	YES
P-108/19	Ž-LI-06-277/18,	SECONDARY SCHOOL "TIN UJEVIĆ" GLAMOČ	01 - DISCRIMINATION -- 01-03 - MOBBING	24.4.2019	IMPLEMENTED	YES

P-109/19	Ž-SA-04-150/18, Ž-SA-04-151/18, Ž-SA-04-157/18, Ž-SA-04-166/18, Ž-SA-04-167/18, Ž-SA-04-179/18, Ž-SA-04-200/18, Ž-SA-04-208/18, Ž-SA-04-214/18, Ž-SA-04-228/18, Ž-SA-04-229/18, Ž-SA-04-230/18, Ž-SA-04-231/18, Ž-SA-04-232/18, Ž-SA-04-233/18, Ž-SA-04-235/18, Ž-SA-04-236/18, Ž-SA-04-237/18, Ž-SA-04-238/18, Ž-SA-04-244/18, Ž-SA-04-252/18, Ž-SA-04-253/18, Ž-SA-04-255/18, Ž-SA-04-346/18, Ž-SA-04-569/18,	MUNICIPAL COURT IN SARAJEVO, SARAJEVO, Attn. PRESIDENT OF MUNICIPAL COURT	10 - LABOR RELATIONS	24.4.2019	IMPLEMENTED	YES
P-110/19	Ž-SA-04-1140/18,	GOVERNMENT OF CANTON SARAJEVO, SARAJEVO	10 - LABOR RELATIONS	26.4.2019	CO-OPERATION ACHIEVED	YES
P-111/19	Ž-LI-08-63/19,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	19 - ADMINISTRATION	8.5.2019	NOT IMPLEMENTED	YES
P-112/19	Ž-LI-05-25/19,	GOVERNMENT OF CANTON 10	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	9.5.2019	NOT IMPLEMENTED	YES
P-113/19	Ž-SA-06-9/19,	CENTRAL BANK OF BOSNIA AND HERZEGOVINA, Attn. GOVERNOR, SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	10.5.2019	IMPLEMENTED	YES
P-114/19	Ž-LI-05-43/19,	GOVERNMENT OF CANTON 10	03 - ACCESS TO INFORMATION	17.5.2019	IMPLEMENTED	YES
P-115/19	Ž-BR-04-9/19,	FACULTY OF PHILOSOPHY IN TUZLA	10 - LABOR RELATIONS	3.6.2019	NOT IMPLEMENTED	YES
P-116/19	Ž-BR-04-335/17,	ELEMENTARY SCHOOL „LUKAVAC GRAD“ LUKAVAC	10 - LABOR RELATIONS	3.6.2019	IMPLEMENTED	YES
P-117/19	Ž-BR-01-176/18,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA - HOUSE OF REPRESENTATIVES - HOUSE OF PEOPLES	13 - THE RIGHTS OF THE CHILD	3.6.2019	NO ANSWER	NO

P-118/19	Ž-BR-05-61/18,	CITY OF TUZLA, TUZLA INSPECTION OFFICE	19 - ADMINISTRATION	3.6.2019	CO-OPERATION ACHIEVED	YES
P-119/19	Ž-BR-05-128/18,	JZU MEDICAL POST DR. MUSTAFA ŠEHOVIĆ TUZLA, Str. ALBINA HERLJEVIĆA No. 1. 75 000 TUZLA	03 - ACCESS TO INFORMATION	3.6.2019	NO ANSWER	NO
P-120/19	Ž-BR-04-12/19,	FEDERATION MINISTRY OF THE ENVIRONMENT AND TOURISM SARAJEVO, MINISTRY OF SPATIAL PLANNING AND PROTECTION OF THE ENVIRONMENT OF TUZLA, CANTON TUZLA, CITY OF TUZLA SPATIAL PLANNING AND ENVIRONMENTAL PROTECTION / Attn. TUZLA	14 - ECOLOGY ENVIRONMENTAL PROTECTION	3.6.2019	IMPLEMENTED	YES
P-121/19	Ž-BR-05-104/18,	GOVERNMENT FOR THE PUBLIC REGISTER OF BRČKO	19 - ADMINISTRATION	3.6.2019	NO ANSWER	NO
P-122/19	Ž-BL-04-603/18,	CANTONAL DIRECTORATE FOR INSPECTION AFFAIRS OF UNA-SANA CANTON FEDERATION DIRECTORATE FOR INSPECTION AFFAIRS	14 - ECOLOGY ENVIRONMENTAL PROTECTION	22.5.2019	IMPLEMENTED	YES
P-123/19	Ž-BL-05-793/18,	COUNTY COURT BANJA LUKA	15 - PROPERTY AND LEGAL RELATIONS	22.5.2019	CO-OPERATION ACHIEVED	YES
P-124/19	Ž-BL-01-588/17, Ž-BL-01-641/17,	MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSK, CITY OF BANJA LUKA, PRIMARY SCHOOL "BRANKO RADIČEVIĆ" BANJA LUKA	13 - THE RIGHTS OF THE CHILD	22.5.2019	IMPLEMENTED	NO
P-125/19	Ž-BL-01-147/19,	GOVERNMENT OF UNA-SANA CANTON, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON	13 - THE RIGHTS OF THE CHILD	22.5.2019	CO-OPERATION ACHIEVED	YES
P-126/19	Ž-BL-06-969/18,	COMPETITION COUNCIL OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION	22.5.2019	IMPLEMENTED	YES
P-127/19	Ž-BL-06-970/18,	COMPETITION COUNCIL OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION	22.5.2019	IMPLEMENTED	YES
P-128/19	Ž-BR-01-250/18,	- SECTION FOR SOCIAL WELFARE - CENTER FOR SOCIAL WORK OF BRČKO DISTRICT OF BIH - PI CENTER FOR SOCIAL WORK NEVESINJE	13 - THE RIGHTS OF THE CHILD	24.5.2019	CO-OPERATION ACHIEVED	YES
P-129/19	Ž-BL-05-382/17,	MUNICIPALITY OF BROAD	05 - POLICE	23.5.2019	IMPLEMENTED	YES

P-130/19	Ž-BL-08-151/19,	CAZIN MUNICIPAL COURT	09 - JUDICIARY -- 09-2 - LENGTH OF THE PROCEDURE (ARTICLE 6)	23.5.2019	NOT IMPLEMENTED	NO
P-131/19	Ž-SA-04-969/18,	FEDERATION MINISTRY OF THE ENVIRONMENT AND TOURISM, SARAJEVO	14 - ECOLOGY ENVIRONMENTAL PROTECTION	29.5.2019	NOT IMPLEMENTED	NO
P-132/19	Ž-SA-05-276/19,	GOVERNMENT OF TUZLA CANTON, MINISTRY OF SPATIAL PLANNING AND PROTECTION OF TUZLA ENVIRONMENT	14 - ECOLOGY ENVIRONMENTAL PROTECTION	29.5.2019	IMPLEMENTED	YES
P-133/19	Ž-SA-05-860/17,	JKP „10. JULI“ D.O.O. BOSANSKA KRUPA BOSANSKA KRUPA	03 - ACCESS TO INFORMATION	29.5.2019	NOT IMPLEMENTED	YES
P-134/19	Ž-SA-08-330/19,	HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA, SARAJEVO, CANTONAL COURT IN SARAJEVO, SARAJEVO, Attn. PRESIDENT OF THE COURT	09 - JUDICIARY -- 09-2 - LENGTH OF THE PROCEDURE (ARTICLE 6)	29.5.2019	IMPLEMENTED	YES
P-135/19	Ž-SA-04-1107/18, Ž-SA-04-1236/18, Ž-SA-04-15/19, Ž-SA-04-212/19, Ž-SA-05-986/18,	GOVERNMENT OF THE FEDERATION OF BIH SARAJEVO, COMMITTEE OF THE CIVIL SERVICE OFFICE OF THE FBiH SARAJEVO, CIVIL SERVICE AGENCY OF THE FBiH SARAJEVO	10 - LABOR RELATIONS I 19 - ADMINISTRATION	18.6.2019	IMPLEMENTED	YES
P-136/19	Ž-SA-05-1032/18, Ž-SA-05-1033/18,	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY SARAJEVO	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	29.5.2019	CO-OPERATION ACHIEVED	YES
P-137/19	Ž-SA-05-1018/18, Ž-SA-05-1020/18, Ž-SA-05-1144/18,	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY SARAJEVO	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	29.5.2019	NOT IMPLEMENTED	YES
P-138/19	Ž-SA-06-1340/18, Ž-SA-06-1365/18, Ž-SA-06-1366/18, Ž-SA-06-1387/18, Ž-SA-06-1388/18, Ž-SA-06-1401/18, Ž-SA-06-1405/18, Ž-SA-06-1420/18, Ž-SA-06-16/19, Ž-SA-06-68/19, Ž-SA-06-8/19,	GOVERNMENT OF CANTON SARAJEVO, SARAJEVO	01-DISCRIMINATION--01-16 BASED ON UNION MEMBERSHIP OR OTHER ASSOCIATIONS AND 01-03 - MOBBING	30.5.2019	NOT IMPLEMENTED	NO
P-139/19	Ž-BL-05-1000/18,	CITY OF TUZLA	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	30.5.2019	IMPLEMENTED	YES

P-140/19	Ž-SA-05-551/19,	ZENICA CITY MAYOR, ZENICA CITY COUNCIL, ZENICA	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	3.6.2019	CO-OPERATION ACHIEVED	YES
P-141/19	Ž-LI-04-105/19,	MINISTRY OF THE INTERIOR OF CANTON 10 POLICE COMMISSIONER, POLICE COMMITTEE	10 – LABOR RELATIONS	5.6.2019	NOT IMPLEMENTED	YES
P-142/19	Ž-SA-05-790/18,	MUNICIPALITY OF ZAVIDOVIĆI, SERVICE FOR THE MANAGEMENT OF ECONOMIC AFFAIRS AND ENTREPRENEURSHIP - CONSTRUCTION INSPECTOR CABINET OF MUNICIPAL MAYOR ZAVIDOVIĆI	19 - ADMINISTRATION	18.6.2019	CO-OPERATION ACHIEVED	YES
P-143/19	Ž-SA-05-450/18,	MOSTAR CANTONAL COURT Attn. PRESIDENT OF THE MOSTAR COURT	09 - JUDICIARY	18.6.2019	CO-OPERATION ACHIEVED	YES
P-144/19	Ž-LI-08-98/19,	CITY OF LIVNO	19 - ADMINISTRATION	12.6.2019	NOT IMPLEMENTED	NO
P-145/19	Ž-LI-08-52/19,	TOMISLAVGRAD MUNICIPALITY GEODETIC AFFAIRS, PROPERTY AND LEGAL SERVICE, CADASTRE OF REAL ESTATES	19 - ADMINISTRATION	12.6.2019	IMPLEMENTED	YES
P-146/19	Ž-LI-05-230/18,	TOMISLAVGRAD MUNICIPALITY GEODETIC AFFAIRS, PROPERTY AND LEGAL SERVICE, CADASTRE OF REAL ESTATES	19 - ADMINISTRATION	12.6.2019	IMPLEMENTED	YES
P-147/19	Ž-SA-04-298/19,	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO, FEDERATION DEPARTMENT OF PENSION AND DISABILITY INSURANCE SARAJEVO	25 - PENSIONS	17.6.2019	NOT IMPLEMENTED	NO
P-148/19	Ž-BR-05-24/19,	MAYOR OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA, ETHICS OFFICER	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	19.6.2019	IMPLEMENTED	YES
P-149/19	Ž-SA-04-281/19,	THE TOURIST BOARD OF CANTON SARAJEVO, SARAJEVO	10 – LABOR RELATIONS	18.6.2019	CO-OPERATION ACHIEVED	YES
P-150/19	Ž-BL-05-377/19,	CITY OF DOBOJ	03 - ACCESS TO INFORMATION	19.6.2019	NOT IMPLEMENTED	NO
P-151/19	Ž-SA-05-485/18,	GOVERNMENT OF THE FEDERATION OF BIH SARAJEVO	15 - PROPERTY AND LEGAL RELATIONS	20.6.2019	IMPLEMENTED	NO
P-152/19	Ž-BL-05-258/19,	CITY OF BANJA LUKA - COMMUNAL POLICE DEPARTMENT - MAYOR - INSPECTION DEPARTMENT, COUNTY COURT OF BANJA LUKA	32 - INSPECTIONS	28.6.2019	NOT IMPLEMENTED	YES
P-153/19	Ž-SA-05-364/18,	MUNICIPALITY OF ILIDŽA SARAJEVO, Attn. MUNICIPAL MAYOR	15 - PROPERTY AND LEGAL RELATIONS	3.7.2019	CO-OPERATION ACHIEVED	YES

P-154/19	Ž-BL-07-186/19,	PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA	07 - PRISONS	3.7.2019	IMPLEMENTED	YES
P-155/19	Ž-SA-08-269/19,	CANTONAL COURT IN SARAJEVO, SARAJEVO, Attn. PRESIDENT	09 - JUDICIARY -- 09-2 - LENGTH OF THE PROCEDURE (ARTICLE 6)	5.7.2019	CO-OPERATION ACHIEVED	YES
P-156/19	Ž-BL-01-185/19,	CITY OF VISOKO, CENTER FOR SOCIAL WORK VISOKO, MUNICIPAL COURT VISOKO, POLICE STATION VISOKO, PI MEDICAL POST VISOKO	13 - THE RIGHTS OF THE CHILD	8.7.2019	CO-OPERATION ACHIEVED	YES
P-157/19	Ž-BL-04-349/19,	PI EMPLOYMENT INSTITUTE OF THE REPUBLIKA SRPSKA, PENSION AND DISABILITY INSURANCE FUND	24 - SOCIAL PROTECTION	5.7.2019	IMPLEMENTED	YES
P-158/19	Ž-BL-08-313/19,	BASIC COURT IN BANJA LUKA	09 - JUDICIARY	8.7.2019	IMPLEMENTED	YES
P-159/19	Ž-BL-01-597/17,	BASIC COURT IN BANJA LUKA, CENTER FOR PROVIDING FREE LEGAL AID OF THE REPUBLIKA SRPSKA	13 - THE RIGHTS OF THE CHILD	5.7.2019	IMPLEMENTED	YES
P-160/19	Ž-SA-05-158/19, Ž-SA-05-159/19, Ž-SA-05-160/19, Ž-SA-05-161/19, Ž-SA-05-162/19, Ž-SA-05-163/19,	MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA SECTOR FOR ASYLUM SARAJEVO SERVICE FOR FOREIGNERS' AFFAIRS	29 - MIGRATIONS AND ASYLUM	8.7.2019	IMPLEMENTED	YES
P-161/19	Ž-SA-05-672/18,	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA SARAJEVO	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	8.7.2019	NO ANSWER	NO
P-162/19	Ž-SA-04-154/19,	FEDERATION MINISTRY OF HEALTH SARAJEVO, Attn. MINISTER, DEPARTMENT OF HEALTH INSURANCE AND REINSURANCE OF FBIB SARAJEVO, Attn. DIRECTOR	23 - HEALTH	8.7.2019	NOT IMPLEMENTED	YES
P-163/19	Ž-MO-04-25/19,	INSTITUTE FOR MEDICAL EXAMINATION OF HEALTH CONDITION SARAJEVO, Attn. DIRECTOR	10 – LABOR RELATIONS	10.7.2019	NOT IMPLEMENTED	YES
P-164/19	Ž-SA-06-1408/18,	PUBLIC INSTITUTION PRIMARY SCHOOL "ČENGIĆ VILA I", Attn. SARAJEVO. DIRECTOR OF THE SCHOOL BOARD	03 - ACCESS TO INFORMATION	10.7.2019	CO-OPERATION ACHIEVED	YES
P-165/19	Ž-SA-05-1272/18,	KREŠEVO MUNICIPALITY, KREŠEVO POLICE STATION, SREBRENICA MUNICIPALITY, SREBRENICA.	17 - PUBLIC DOCUMENTS	11.7.2019	CO-OPERATION ACHIEVED	YES

P-166/19	Ž-LI-05-115/19,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF CANTON CENTRAL BOSNIA	03 - ACCESS TO INFORMATION	15.7.2019	IMPLEMENTED	YES
P-167/19	Ž-LI-05-90/19,	PI PRIMARY MUSIC SCHOOL TRAVNIK, MANAGEMENT BOARD	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	15.7.2019	NOT IMPLEMENTED	YES
P-168/19	Ž-LI-05-56/19, Ž-LI-05-57/19,	CITY OF LIVNO MAYOR	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	15.7.2019	NOT IMPLEMENTED	YES
P-169/19	Ž-LI-08-4/19,	GOVERNMENT OF CANTON 10, APPEALS COUNCIL	19 - ADMINISTRATION	17.7.2019	NO ANSWER	NO
P-170/19	Ž-SA-05-495/19,	MINISTRY OF SPATIAL PLANNING, CONSTRUCTION AND ENVIRONMENTAL PROTECTION OF CANTON SARAJEVO, SARAJEVO, Attn. MINISTER DAMIR FILIPOVIĆ	03 - ACCESS TO INFORMATION	23.7.2019	IMPLEMENTED	YES
P-171/19	Ž-SA-01-633/19,	PUBLIC INSTITUTION "SECOND PRIMARY SCHOOL" GRAČANICA	13 - THE RIGHTS OF THE CHILD	23.7.2019	IMPLEMENTED	YES
P-172/19	Ž-SA-05-521/19,	MINISTRY OF FOREIGN TRADE AND ECONOMIC RELATIONS OF BOSNIA AND HERZEGOVINA SARAJEVO, Attn. MINISTER	03 - ACCESS TO INFORMATION - - 03-3 - RIGHT TO SECOND-INSTANCE DECISION	23.7.2019	IMPLEMENTED	YES
P-173/19	Ž-SA-05-1022/18,	COMMON AFFAIRS SERVICE OF THE AUTHORITIES AND BODIES OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SECOND-INSTANCE RESIDENTIAL COMMISSION FOR ALLOCATION OF REPLACEMENT APARTMENTS, ALLOCATION OF APARTMENTS, AND RENEWAL OF PRE-CONCLUDED RENTAL USE AGREEMENTS	19 - ADMINISTRATION	23.7.2019	IMPLEMENTED	YES
P-174/19	Ž-SA-05-211/19,	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, FEDERATION MINISTRY OF AFFAIRS OF DISABLED VETERANS OF DEFENSIVE AND LIBERATION WAR, SARAJEVO	17 - PUBLIC DOCUMENTS	23.7.2019	IMPLEMENTED	YES
P-175/19	Ž-SA-04-525/19,	GOVERNMENT OF THE FEDERATION OF BIH SARAJEVO, FEDERATION MINISTRY OF THE ENVIRONMENT SARAJEVO	14 - ECOLOGY ENVIRONMENTAL PROTECTION	23.7.2019	IMPLEMENTED	YES
P-176/19	Ž-BL-05-433/19,	PHI "HEALTH HOME" BANJA LUKA	17 - PUBLIC DOCUMENTS	4.9.2019	IMPLEMENTED	NO
P-177/19	Ž-BL-05-886/18,	CITY OF BANJA LUKA	19 - ADMINISTRATION	29.7.2019	NOT IMPLEMENTED	NO

P-178/19	Ž-SA-04-425/19,	FEDERATION PENSION AND DISABILITY INSURANCE INSTITUTE - MOSTAR SARAJEVO	25 - PENSIONS	2.8.2019	IMPLEMENTED	YES
P-179/19	Ž-SA-05-1300/18,	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO, TAX ADMINISTRATION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, TAX OFFICE NOVI GRAD SARAJEVO	19 - ADMINISTRATION	13.8.2019	NOT IMPLEMENTED	YES
P-180/19	Ž-SA-04-84/19,	PI "THIRD PRIMARY SCHOOL" ILIDŽA, ILIDŽA	11 - EDUCATION- -11-2 - PRIMARY EDUCATION	13.8.2019	IMPLEMENTED	YES
P-181/19	Ž-BL-08-145/19,	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY AND LEGAL AFFAIRS, REGIONAL UNIT GRADIŠKA	19 - ADMINISTRATION	15.8.2019	CO-OPERATION ACHIEVED	YES
P-182/19	Ž-BL-04-97/19,	TAX ADMINISTRATION OF THE REPUBLIKA SRPSKA	21- COMMUNAL SERVICES	15.8.2019	IMPLEMENTED	YES
P-183/19	Ž-BL-06-105/19,	THE MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA	01 - DISCRIMINATION	16.8.2019	NO ANSWER	NO
P-184/19	Ž-BL-06-378/19,	MUNICIPALITY OF SANSKI MOST	01 - DISCRIMINATION	16.8.2019	IMPLEMENTED	NO
P-185/19	Ž-SA-05-651/19,	THE SECRETARIAT OF THE PARLIAMENTARY ASSEMBLY OF BOSNIA AND HERZEGOVINA SARAJEVO	03 - ACCESS TO INFORMATION	28.8.2019	IMPLEMENTED	YES
P-186/19	Ž-BL-05-865/18,	BASIC COURT IN BIJELJINA HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BIH, MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE OF THE REPUBLIK SRPSKA	09 - JUDICIARY	30.8.2019	PARTIALLY IMPLEMENTED	YES
P-187/19	Ž-BL-04-443/19,	PENSION AND DISABILITY INSURANCE FUND OF THE REPUBLIKA SRPSK	25 - PENSIONS	30.8.2019	NOT IMPLEMENTED	YES
P-188/19	Ž-LI-05-132/19,	BASIC COURT IN SOKOLAC	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	23.9.2019	IMPLEMENTED	YES
P-189/19	Ž-SA-04-381/19,	MINISTRY OF EDUCATION, SCIENCE, YOUTH, CULTURE AND SPORT OF BOSNIA-PODRINJE CANTON , 1.FAMOUS VIŠEGRAD BRIGADE Attn. MINISTER	10 – LABOR RELATIONS	6.9.2019	CO-OPERATION ACHIEVED	YES
P-190/19	Ž-SA-05-421/19,	GOVERNMENT OF CANTON SARAJEVO, SARAJEVO	03 – ACCESS TO INFORMATION	17.9.2019	NOT IMPLEMENTED	YES

P-191/19	Ž-SA-07-484/18,	CORRECTIONAL INSTITUTION OF SEMI-OPEN TYPE TUZLA, TUZLA	07 – PRISONS — 07 – 2 - HEALTHCARE AND HYGIENIC CONDITIONS	17.9.2019	NOT IMPLEMENTED	NO
P-192/19	Ž-SA-05-173/19,	CANTONAL CENTER FOR SOCIAL WORK SARAJEVO, SOCIAL WELFARE SERVICE NOVI GRAD, PUBLIC INSTITUTION HOME HEALTH NOVI GRAD, CENTER FOR MENTAL HEALTH, MINISTRY OF INTERNAL AFFAIRS OF CANTON SARAJEVO, POLICE STATION NOVI GRAD	19 - ADMINISTRATION	17.9.2019	CO-OPERATION ACHIEVED	YES
P-193/19	Ž-LI-08-208/19,	GOVERNMENT OF CANTON 10 LIVNO	19 - ADMINISTRATION	23.9.2019	NOT IMPLEMENTED	YES
P-194/19	Ž-BL-06-28/19,	GOVERNMENT OF THE REPUBLIKA SRPSKA	08 - GENDER EQUALITY	23.9.2019	CO-OPERATION ACHIEVED	YES
P-195/19	Ž-BL-06-918/18,	ŠPD "UNA-SANA FORESTS" BOSANSKA KRUPA	01 - DISCRIMINATION	23.9.2019	NO ANSWER	NO
P-196/19	Ž-BL-05-128/19,	ORIENTAL INSTITUTE OF THE UNIVERSITY OF SARAJEVO	28 - CORRUPTION CASES	23.9.2019	IMPLEMENTED	YES
P-197/19	Ž-BL-05-467/19,	VELIKA KLADUŠA MUNICIPALITY INSPECTION SERVICE, URBAN-CONSTRUCTION INSPECTION	32 - INSPECTIONS	23.9.2019	IMPLEMENTED	YES
P-198/19	Ž-BL-04-175/19,	PENSION AND DISABILITY INSURANCE FUND OF THE REPUBLIKA SRPSKA, BANJA LUKA BRANCH	25 - PENSIONS	23.9.2019	NOT IMPLEMENTED	NO
P-199/19	Ž-BL-05-101/19,	STATE INVESTIGATION AND PROTECTION AGENCY	03 – ACCESS TO INFORMATION	24.9.2019	CO-OPERATION ACHIEVED	YES
P-200/19	Ž-BL-05-368/19,	DEPARTMENT OF CONSTRUCTION A.D. BANJA LUKA	03 - ACCESS TO INFORMATION	24.9.2019	NOT IMPLEMENTED	NO
P-201/19	Ž-BL-08-442/19,	THE SUPREME COURT OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION	24.9.2019	IMPLEMENTED	YES
P-202/19	Ž-BL-05-473/19,	PI " CENTER FOR PRE-SCHOOL EDUCATION AND UPBRINGING" BANJA LUKA	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	24.9.2019	NO ANSWER	NO
P-203/19	Ž-BL-05-286/19,	MINISTRY OF SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT, HIGHER EDUCATION AND INFORMATION SOCIETY OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION	24.9.2019	IMPLEMENTED	YES
P-204/19	Ž-BL-05-31/19,	CANTONAL COURT IN SARAJEVO	17 - PUBLIC DOCUMENTS	4.10.2019	IMPLEMENTED	YES
P-205/19	Ž-SA-06-479/19,	PUBLIC COMPANY INTERNATIONAL AIRPORT SARAJEVO	01 - DISCRIMINATION -- 01-09 - BASED ON LANGUAGE	3.10.2019	CO-OPERATION ACHIEVED	YES

P-206/19	Ž-BR-05-4/19,	PUBLIC COMPANY "DIRECTORATE FOR RENEWAL AND CONSTRUCTION" D.O.O. TUZLA	02 - MEDIA AND FREEDOM OF INFORMATION	4.10.2019	NO ANSWER	NO
P-207/19	Ž-BL-01-882/18,	BANJA LUKA COUNTY COURT, PRIMARY COURT IN KOTOR VAROŠ, SOCIAL WORK CENTER KOTOR VAROŠ, KOTOR VAROŠ MUNICIPALITY	13 - THE RIGHTS OF THE CHILD	7.10.2019	CO-OPERATION ACHIEVED	YES
P-208/19	Ž-BL-05-730/18,	GOVERNMENT OF THE REPUBLIKA SRPSKA, MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE, MINISTRY OF SPATIAL PLANNING, CIVIL ENGINEERING AND ENVIRONMENT OF ŠAMAC MUNICIPALITY	19 - ADMINISTRATION	7.10.2019	NOT IMPLEMENTED	NO
P-209/19	Ž-SA-05-458/19,	APPEALS COUNCIL OF THE COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA SARAJEVO	03 - ACCESS TO INFORMATION - - 03-2 – REFUSAL OF ACCESS TO INFORMATION	7.10.2019	NO ANSWER	NO
P-210/19	Ž-SA-04-601/19,	BOARD OF COMPLAINTS OF CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO, Attn. CHAIRMAN PERO MATIJEVIĆ	10 – LABOR RELATIONS	8.10.2019	IMPLEMENTED	YES
P-211/19	Ž-SA-08-715/19,	FEDERATION GEODETIC AND PROPERTY AND LEGAL AFFAIRS ADMINISTRATION SARAJEVO: DIRECTOR ŽELJKO OBRADOVIĆ	19 - ADMINISTRATION	8.10.2019	NOT IMPLEMENTED	YES
P-212/19	Ž-SA-05-342/19,	ORIENTAL INSTITUTE SARAJEVO	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	8.10.2019	CO-OPERATION ACHIEVED	YES
P-213/19	Ž-SA-04-684/19,	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY SARAJEVO	25 - PENSIONS	10.10.2019	IMPLEMENTED	YES
P-214/19	Ž-LI-08-125/19,	GOVERNMENT OF CANTON 10, APPEALS COUNCIL OF CANTON 10	19 - ADMINISTRATION	22.10.2019	NOT IMPLEMENTED	NO
P-215/19	Ž-LI-08-134/19, Ž-LI-08-135/19,	GOVERNMENT OF CANTON 10, APPEALS COUNCIL OF CANTON 10	19 - ADMINISTRATION	22.10.2019	NO ANSWER	NO
P-216/19	Ž-LI-04-231/19,	"MIXED SECONDARY SCHOOL" GORNJI VAKUF-USKOPLJE	10 - LABOR RELATIONS	25.10.2019	IMPLEMENTED	YES
P-217/19	Ž-LI-08-168/19,	GOVERNMENT OF CANTON 10, APPEALS COUNCIL OF CANTON 10	19 - ADMINISTRATION	22.10.2019	NO ANSWER	NO
P-218/19	Ž-LI-08-216/19,	GOVERNMENT OF CANTON 10, APPEALS COUNCIL OF CANTON 10	19 - ADMINISTRATION	22.10.2019	IMPLEMENTED	YES
P-219/19	Ž-BL-04-156/19,	TOWN HEATING COMPANY A.D. DOBOJ	21- COMMUNAL SERVICES	23.10.2019	NO ANSWER	NO

P-220/19	Ž-BL-05-624/19,	ASSOCIATION OF HUNTERS "PASTIREVO" DOBRLJIN	03 - ACCESS TO INFORMATION	23.10.2019	IMPLEMENTED	YES
P-221/19	Ž-SA-05-624/19,	MUNICIPALITY STARI GAD SARAJEVO SARAJEVO, Attn. MUNICIPAL COUNCIL Attn. Mayor	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	24.10.2019	NO ANSWER	NO
P-222/19	Ž-SA-04-786/19,	INSTITUTE OF HEALTH INSURANCE OF CANTON SARAJEVO, SARAJEVO, Attn. DIRECTOR	23 - HEALTH	24.10.2019	CO-OPERATION ACHIEVED	YES
P-223/19	Ž-SA-01-1386/18,	SECONDARY SCHOOL OF AGRICULTURE, NUTRITION, VETERINARY AND CATERING ACTIVITIES SARAJEVO	13 - THE RIGHTS OF THE CHILD	24.10.2019	IMPLEMENTED	YES
P-224/19	Ž-SA-01-231/19,	PUBLIC INSTITUTION "CANTONAL CENTER FOR SOCIAL WORK" SARAJEVO SOCIAL PROTECTION SERVICE OF THE MUNICIPALITY CENTAR, SARAJEVO	13 - THE RIGHTS OF THE CHILD	24.10.2019	PARTIALLY IMPLEMENTED	NO
P-225/19	Ž-SA-05-1233/18,	UNIVERSITY OF ZENICA, Attn. RECTOR	03 - ACCESS TO INFORMATION	24.10.2019	PARTIALLY IMPLEMENTED	YES
P-226/19	Ž-SA-01-565/19,	PUBLIC INSTITUTION CENTER FOR SOCIAL WORK CAZIN	13 - THE RIGHTS OF THE CHILD	24.10.2019	CO-OPERATION ACHIEVED	YES
P-227/19	Ž-SA-05-11/19,	INDEPENDENT SYSTEM OPERATOR IN BOSNIA AND HERZEGOVINA, SARAJEVO, Attn. GENERAL DIRECTOR, Attn. CHAIRMAN OF THE STEERING BOARD	03 - ACCESS TO INFORMATION - - 03-2 – REFUSAL OF ACCESS TO INFORMATION	24.10.2019	IMPLEMENTED	YES
P-228/19	Ž-SA-05-204/19,	MINISTRY OF THE INTERIOR, CANTON SARAJEVO, POLICE ADMINISTRATION, SARAJEVO FIRST POLICE ADMINISTRATION	19 - ADMINISTRATION	24.10.2019	NOT IMPLEMENTED	YES
P-229/19	Ž-SA-05-989/19,	COMMON SERVICE OF ORGANS AND BODIES OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, Attn. DIRECTOR DAVORIN KORAĆ	09 - JUDICIARY	25.10.2019	CO-OPERATION ACHIEVED	YES
P-230/19	Ž-BL-06-483/19,	PI "CITY PHARMACY" SREBRENİK	01 - DISCRIMINATION -- 01-03 - MOBBING	28.10.2019	NOT IMPLEMENTED	YES
P-231/19	Ž-SA-04-407/19,	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO, SARAJEVO	10 – LABOR RELATIONS	29.10.2019	NO ANSWER	NO
P-232/19	Ž-SA-08-360/19,	TUZLA REGIONAL ATTORNEY-AT-LAW CHAMBER	31 - LAWYERS	1.11.2019	NOT IMPLEMENTED	YES
P-233/19	Ž-SA-04-534/19,	UNIVERSITY OF SARAJEVO, SARAJEVO, Attn. CHAIR OF THE SENATE	11 - EDUCATION	4.11.2019	CO-OPERATION ACHIEVED	YES

P-234/19	Ž-SA-07-476/19,	FEDERATION MINISTRY OF JUSTICE SARAJEVO, Attn. MINISTER	07 - PRISONS	5.11.2019	NO ANSWER	NO
P-235/19	Ž-BL-05-508/19,	FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES, BOSANSKA KRUPA MUNICIPALITY	20 - WAR DAMAGES	7.11.2019	NOT IMPLEMENTED	YES
P-236/19	Ž-BL-05-498/19,	POLICE STATION TESLIĆ	05 - POLICE -- 05-1 - COMPLAINT ON POLICE WORK	11.11.2019	NO ANSWER	NO
P-237/19	Ž-BL-04-265/19,	PI "HASN KIKIĆ" PRIMARY SCHOOL, SANSKI MOST	10 – LABOR RELATIONS	11.11.2019	NOT IMPLEMENTED	NO
P-238/19	Ž-BL-05-285/19,	HI MEDICAL POST OF VELIKA KADUŠA, GOVERNMENT OF THE UNA-SAN CANTON, MINISTRY OF HEALTH, LABOR AND SOCIAL POLICY OF UNA-SANA CANOTNA	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	11.11.2019	NOT IMPLEMENTED	YES
P-239/19	Ž-BL-05-996/18,	THE SUPREME COURT OF THE REPUBLIKA SRPSKA	09 - JUDICIARY	11.11.2019	CO-OPERATION ACHIEVED	YES
P-240/19	Ž-BL-05-267/19,	CITY OF DOBOJ, DEPARTMENT OF INSPECTION AFFAIRS, DEPARTMENT OF SPATIAL ARRANGEMENTS, COMMISSION FOR SECURITY OF TRAFFIC	32 - INSPECTIONS	11.11.2019	NOT IMPLEMENTED	YES
P-241/19	Ž-BL-06-544/19,	JKP „ČISTOĆA“ CAZIN	01 - DISCRIMINATION	12.11.2019	CO-OPERATION ACHIEVED	YES
P-242/19	Ž-BL-04-438/19,	FEDERATION PENSION AND DISABILITY INSURANCE, OFFICE MOSTAR, CANTONAL ADMINISTRATIVE SERVICE BIHAĆ	25 - PENSIONS	11.11.2019	IMPLEMENTED	YES
P-243/19	Ž-SA-04-1240/18,	FEDERATION PENSION AND DISABILITY INSURANCE, CANTONAL ADMINISTRATIVE SERVICE TUZLA, TUZLA, Attn. DIRECTOR PENSION AND DISABILITY INSURANCE FUND OF THE REPUBLIKA SRPSKA, BRANCH BIJELAINA, BIJELJINA	25 - PENSIONS	12.11.2019	NOT IMPLEMENTED	YES
P-244/19	Ž-SA-01-454/19,	PHI MEDICAL POST KLADANJ, Attn. DIRECTOR, PI PRIMARY SCHOOL "KLADANJ", KLADANJ, Attn. DIRECTOR	13 - THE RIGHTS OF THE CHILD	12.11.2019	IMPLEMENTED	YES

P-245/19	Ž-BL-04-160/19,	PENSION AND DISABILITY INSURANCE FUND OF THE REPUBLIKA SRPSKA, BANJA LUKA BRANCH	25 - PENSIONS	18.11.2019	IMPLEMENTED	YES
P-246/19	Ž-SA-06-974/19,	CLINICAL CENTER OF THE UNIVERSITY OF SARAJEVO, SARAJEVO, Attn. DIRECTOR PROF. DR. SEBIJA IZETBEGOVIĆ	01 - DISCRIMINATION -- 01-03 - MOBBING	14.11.2019	NO ANSWER	NO
P-247/19	Ž-SA-06-854/18,	CANTONAL COURT IN SARAJEVO, SARAJEVO	01 - DISCRIMINATION -- 01-19 - BASED ON SEXUAL ORIENTATION	14.11.2019	NO ANSWER	NO
P-248/19	Ž-SA-06-235/19,	MINISTRY OF FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA SARAJEVO, Attn. MINISTER	01 - DISCRIMINATION -- 01-18 - BASED ON SOCIAL POSITION AND GENDER	14.11.2019	NO ANSWER	NO
P-249/19	Ž-BL-05-130/19,	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY AND LEGAL AFFAIRS. BRANCH UNIT ŠIPOVO	15 - PROPERTY AND LEGAL RELATIONS	19.11.2019	IMPLEMENTED	YES
P-250/19	Ž-SA-04-842/19,	FEDERATION MINISTRY OF FINANCE SARAJEVO	14 - ECOLOGY ENVIRONMENTAL PROTECTION	21.11.2019	IMPLEMENTED	YES
P-251/19	Ž-SA-05-1419/18,	MUNICIPALITY CENTAR, SARAJEVO, INSPECTION SERVICE	19 - ADMINISTRATION	21.11.2019	CO-OPERATION ACHIEVED	YES
P-252/19	Ž-BL-05-796/18,	CANTONAL COURT IN SARAJEVO	09 - JUDICIARY	22.11.2019	NO ANSWER	NO
P-253/19	Ž-BL-08-685/19,	MUNICIPALITY OF STANARI, MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE OF THE REPUBLIKA SRPSKA	09 - JUDICIARY	26.11.2019	NO ANSWER	NO
P-254/19	Ž-SA-04-783/19,	MUNICIPALITY OF DRVAR, DRVAR, Attn. MAYOR OF THE MUNICIPALITY	24 - SOCIAL PROTECTION	6.12.2019	CO-OPERATION ACHIEVED	YES
P-255/19	Ž-SA-05-251/19,	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY SARAJEVO, Attn. MINISTER, FUND FOR PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITY OF SARAJEVO, Attn. DIRECTOR	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	6.12.2019	CO-OPERATION ACHIEVED	YES
P-256/19	Ž-SA-05-560/19, Ž-SA-05-746/19,	GOVERNMENT OF THE REPUBLIKA SRPSK BANJA LUKA, Attn. PRIME MINISTER, REPUBLIC CENTER FOR INVESTIGATION OF WAR, WAR CRIMES AND SEARCH FOR MISSING PERSONS, Attn. DIRECTOR	03 - ACCESS TO INFORMATION	6.12.2019	IMPLEMENTED	YES
P-257/19	Ž-SA-05-347/18,	GOVERNMENT OF CANTON BOSNIA PODRINJE GORAŽDE	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	9.12.2019	IMPLEMENTED	YES

P-258/19	Ž-SA-05-1048/18,	MUNICIPALITY OF GRADAČAC, GRADAČAC, Attn. CHAIR OF THE MUNICIPAL COUNCIL	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	9.12.2019	CO-OPERATION ACHIEVED	YES
P-259/19	Ž-SA-07-971/19,	POLICE OF BRČKO DISTRICT BIH, Attn. HEAD OF POLICE	07 - PRISONS -- 07-1 - USE OF INSTITUTIONAL BENEFITS AND VISITS	9.12.2019	CO-OPERATION ACHIEVED	YES
P-260/19	Ž-SA-07-813/17,	FEDERATION MINISTRY OF JUSTICE SARAJEVO	07 - PRISONS	9.12.2019	IMPLEMENTED	YES
P-261/19	Ž-SA-05-775/19,	GOVERNMENT OF THE CANTON SARAJEVO, PROFESSIONAL SERVICE OF THE GOVERNMENT OF CANTON SARAJEVO, SARAJEVO	03 - ACCESS TO INFORMATION	9.12.2019	NO ANSWER	NO
P-262/19	Ž-SA-01-949/19,	CANTONAL PROSECUTOR'S OFFICE SARAJEVO, SARAJEVO, MUNICIPAL COURT IN SARAJEVO, SARAJEVO, BASIC COURT IN SOKOLAC, SOKOLAC	13 - THE RIGHTS OF THE CHILD	9.12.2019	NO ANSWER	NO
P-263/19	Ž-SA-05-797/18,	CANTONAL PROSECUTOR'S OFFICE OF ZENICA-DOBOJ CANTON, ZENICA	05 - POLICE	9.12.2019	IMPLEMENTED	YES
P-264/19	Ž-SA-04-37/19,	MINISTRY OF HEALTH AND SOCIAL POLICY OF CENTRAL BOSNIA CANTON, TRAVNIK	24 - SOCIAL PROTECTION	12.12.2019	CO-OPERATION ACHIEVED	YES
P-265/19	Ž-SA-07-1015/19,	BRČKO DISTRICT POLICE, BRČKO DISTRICT BIH, Attn. CHIEF OF THE POLICE	07 - PRISONS	10.12.2019	NO ANSWER	NO
P-266/19	Ž-BR-06-132/16,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, HOUSE OF PEOPLES	01 - DISCRIMINATION -- 01-17 - BASED ON EDUCATION	10.12.2019	NO ANSWER	NO
P-267/19	Ž-BR-01-117/19,	PUBLIC INSTITUTION SOCIAL WORK CENTER OF KALESIJA	13 - THE RIGHTS OF THE CHILD	10.12.2019	CO-OPERATION ACHIEVED	YES
P-268/19	Ž-BR-05-252/18,	1. CANTONAL DIRECTORATE FOR INSPECTION AFFAIRS OF TUZLA CANTON 2. CITY OF TUZLA, INSPECTION OFFICE 3. CITY OF TUZLA, SPATIAL DEVELOPMENT AND ENVIRONMENTAL PROTECTION	19 - ADMINISTRATION	10.12.2019	CO-OPERATION ACHIEVED	YES
P-269/19	Ž-BR-05-51/18,	GOVERNMENT OF CANTON POSAVINA	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	10.12.2019	NO ANSWER	NO
P-270/19	Ž-LI-05-109/18,	FEDERATION MINISTRY OF WELFARE OF DEFENDERS AND DISABILITY ISSUES OF THE HOMELAND WAR SARAJEVO	19 - ADMINISTRATION	12.12.2019	IMPLEMENTED	YES

P-271/19	Ž-LI-04-256/19,	GOVERNMENT OF CANTON 10 IN LIVNO	10 - LABOR RELATIONS	12.12.2019	IMPLEMENTED	YES
P-272/19	Ž-LI-06-223/19,	GOVERNMENT OF CANTON 10 LIVNO	01 - DISCRIMINATION -- 01-22 - BASED ON THE AGE	12.12.2019	NO ANSWER	NO
P-273/19	Ž-LI-08-283/19,	FEDERATION MINISTRY OF DISPLACED PERSONS AND REFUGEES SARAJEVO	19 - ADMINISTRATION	12.12.2019	CO-OPERATION ACHIEVED	YES
P-274/19	Ž-BL-06-601/19,	GOVERNMENT OF THE REPUBLIKA SRPSKA PI EMPLOYMENT OF THE REPUBLIKA SRPSKA, CHAMBER OF ATTORNEYS-AT-LAW OF THE REPUBLIKA SRPSKA	01 - DISCRIMINATION	12.12.2019	CO-OPERATION ACHIEVED	YES
P-275/19	Ž-BL-04-489/19,	NATIONAL ASSEMBLY OF THE REPUBLIKA SRPSKA, UNIVERSITY OF BANJA LUKA	11 – EDUCATION – 11– 4 - HIGHER EDUCATION	12.12.2019	CO-OPERATION ACHIEVED	YES
P-276/19	Ž-BL-06-796/19,	GOVERNMENT OF THE REPUBLIKA SRPSKA, PENSION AND DISABILITY INSURANCE FUND OF THE REPUBLIKA SRPSKA	01 - DISCRIMINATION	12.12.2019	CO-OPERATION ACHIEVED	NO
P-277/19	Ž-BL-08-233/19, Ž-SA-02-1293/19,	GOVERNMENT OF UNA-SANA CANTON BIHAĆ, Attn. PRIME MINISTER, MINISTRY OF HEALTH, LABOR AND SOCIAL POLICY OF UNA-SANA CANTON BIHAĆ, Attn. MINISTER	12 - PERSONS WITH DISABILITIES - 19 - ADMINISTRATION	12.12.2019	CO-OPERATION ACHIEVED	YES
P-278/19	Ž-BR-01-194/19,	GOVERNMENT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA, HEALTH DEPARTMENT - BRČKO, SOCIAL WELFARE SUB-DIVISION	13 - THE RIGHTS OF THE CHILD	12.12.2019	NO ANSWER	NO
P-279/19	Ž-BL-08-661/19,	MUNICIPALITY OF BRATUNAC	19 - ADMINISTRATION	12.12.2019	NOT IMPLEMENTED	YES
P-280/19	Ž-SA-02-18/18,	MUNICIPALITY CENTAR SARAJEVO, Attn. MAYOR, PUBLIC ATTORNEY'S OFFICE, Attn CHAIR OF THE MUNICIPAL COUNCIL	12 - PERSONS WITH DISABILITIES	20.12.2019	CO-OPERATION ACHIEVED	YES
P-281/19	Ž-SA-05-1043/19,	PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA SARAJEVO, COMMUNICATIONS REGULATORY AGENCY SARAJEVO, FEDERATION POLICE ADMINISTRATION SARAJEVO	02 - MEDIA AND FREEDOM OF INFORMATION	24.12.2019	CO-OPERATION ACHIEVED	YES
P-282/19	Ž-SA-05-628/18,	MUNICIPALITY CENTAR SARAJEVO, Attn. MUNICIPAL MAYOR, INSPECTORATE, CHIEF INSPECTOR SARAJEVO	19 - ADMINISTRATION	24.12.2019	IMPLEMENTED	YES

P-283/19	Ž-SA-02-1269/16,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO, Attn. CHAIR OF HOUSE OF REPRESENTATIVES, Attn. CHAIR OF HOUSE OF PEOPLES, FEDERATION MINISTRY OF TRANSPORT AND COMMUNICATION SARAJEVO, Attn. MINISTER, ASSEMBLY OF CANTON SARAJEVO, SARAJEVO, Attn. CHAIR OF THE GOVERNMENT OF CANTON SARAJEVO, SARAJEVO, Attn. PRIME MINISTER, MINISTRY OF TRANSPORT OF CANTON SARAJEVO, SARAJEVO, Attn. MINISTER	12 - PERSONS WITH DISABILITIES	24.12.2019	NO ANSWER	NO
P-284/19	Ž-SA-02-1251/18,	GOVERNMENT OF CANTON SARAJEVO, SARAJEVO, Attn. PRIME MINISTER, UNIVERSITY OF SARAJEVO, SARAJEVO, Attn. RECTOR	12 - PERSONS WITH DISABILITIES	24.12.2019	NO ANSWER	NO
P-285/19	Ž-BL-01-537/19,	PI PRIMARY SCHOOL "CAZIN" CAZIN, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON, PEDAGOGICAL INSTITUTE USK	13 - THE RIGHTS OF THE CHILD	26.12.2019	CO-OPERATION ACHIEVED	YES
P-286/19	Ž-BL-01-304/19,	BASIC COURT IN KOTOR VAROŠ THE COUNTY PUBLIC PROSECUTOR'S OFFICE OF BANJA LUKA, MINISTRY OF THE INTERIOR OF THE REPUBLIKA SRPSKA	13 - THE RIGHTS OF THE CHILD	25.12.2019	CO-OPERATION ACHIEVED	YES
P-287/19	Ž-BL-01-690/19,	PI KINDERGARTEN „POLETARAC“ SREBRENICA	13 - THE RIGHTS OF THE CHILD	26.12.2019	NO ANSWER	NO
P-288/19	Ž-BL-01-906/18,	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO. PI "DJECA SARAJEVA"	13 - THE RIGHTS OF THE CHILD	25.12.2019	CO-OPERATION ACHIEVED	YES
P-289/19	Ž-SA-06-908/19,	INTESA SANPAOLO BANK D.D. BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION -- 01-03 - MOBBING	27.12.2019	NO ANSWER	NO

P-290/19	Ž-BL-04-246/19, Ž-BL-04-247/19, Ž-BL-04-248/19, Ž-BL-04-249/19, Ž-BL-04-250/19, Ž-BL-04-251/19, Ž-BL-04-252/19, Ž-BL-04-253/19, Ž-BL-04-260/19, Ž-BL-04-261/19, Ž-BL-04-268/19, Ž-BL-04-269/19, Ž-BL-04-484/19, Ž-BL-04-485/19, Ž-BL-04-517/19, Ž-BL-05-524/19,	PHI MEDICAL POST SRBAC HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA REPUBLIC ADMINISTRATION FOR INSPECTION AFFAIRS, MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA	23 - HEALTH	30.12.2019	CO-OPERATION ACHIEVED	YES
P-291/19	Ž-BL-08-177/19,	NATIONAL ASSEMBLY OF THE REPUBLIKA SRPSKA	19 - ADMINISTRATION	30.12.2019	CO-OPERATION ACHIEVED	YES
P-292/19	Ž-BR-05-175/19,	CITY OF TUZLA, INSPECTION OFFICE, INSPECTORATE OF URBAN-CONSTRUCTION, MARKET, TOURISM-CATERING, ROAD AND THERMO-ENERGY INSPECTION OF TUZLA	32 - INSPECTIONS	30.12.2019	NO ANSWER	NO
P-293/19	Ž-BR-04-108/17,	FEDERATION PENSION AND DISABILITY INSURANCE INSTITUTE, CANTONAL ADMINISTRATIVE SERVICE TUZLA, TUZLA	10 - LABOR RELATIONS	30.12.2019	IMPLEMENTED	NO
P-294/19	Ž-BR-05-126/19,	CITY OF TUZLA, INSPECTION AFFAIRS SERVICE, INSPECTORATE OF URBAN-CONSTRUCTION, MARKET, TOURISM-CATERING, ROAD AND THERMO-ENERGY INSPECTION OF TUZLA	15 - PROPERTY AND LEGAL RELATIONS	30.12.2019	NO ANSWER	NO
P-295/19	Ž-BR-05-115/19,	CITY OF TUZLA, INSPECTION AFFAIRS SERVICE, INSPECTORATE OF URBAN-CONSTRUCTION, MARKET, TOURISM-CATERING, ROAD AND THERMO-ENERGY INSPECTION OF TUZLA	15 - PROPERTY AND LEGAL RELATIONS	30.12.2019	NO ANSWER	NO
P-296/19	Ž-BR-04-198/19,	HEALTH INSURANCE FUND OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	23 - HEALTH	30.12.2019	NO ANSWER	NO
P-297/19	Ž-BR-05-2/19, Ž-BR-08-156/19,	CANTONAL PROSECUTOR'S OFFICE OF CANTON TUZLA, TUZLA	26 - PROSECUTION	30.12.2019	CO-OPERATION ACHIEVED	YES

P-298/19	Ž-SA-05-1085/19,	FEDERATION DEPARTMENT OF PENSION AND DISABILITY INSURANCE, MANAGEMENT BOARD MOSTAR, Attn. CHAIRPERSON, Attn. ACTING DIRECTOR	22 - MINISTERIAL AND GOVERNMENT APPOINTMENT	30.12.2019	CO-OPERATION ACHIEVED	YES
P-299/19	Ž-SA-05-1006/19,	MINISTRY OF THE INTERNAL AFFAIRS OF UNA-SANA CANTON BIHAĆ, MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA, SECTOR FOR ASYLUM SARAJEVO	29 - MIGRATIONS AND ASYLUM	30.12.2019	NO ANSWER	NO
P-300/19	Ž-SA-05-920/19, Ž-SA-05-921/19, Ž-SA-05-922/19,	MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA, SECTOR FOR ASYLUM SARAJEVO, SERVICE FOR FOREIGNERS' AFFAIRS SARAJEVO	29 - MIGRATIONS AND ASYLUM	30.12.2019	CO-OPERATION ACHIEVED	YES
P-301/19	Ž-SA-05-581/19,	CANTONAL DIRECTORATE FOR INSPECTION AFFAIRS OF CANTON SARAJEVO LABOR INSPECTORATE, OCCUPATIONAL SAFETY AND SOCIAL PROTECTION SARAJEVO	32 - INSPECTIONS	30.12.2019	CO-OPERATION ACHIEVED	YES
P-302/19	Ž-BR-04-154/18,	GOVERNMENT OF BRČKO DISTRICT BIH COMMUNAL DEPARTMENT OF BRČKO	21- COMMUNAL SERVICES	30.12.2019	CO-OPERATION ACHIEVED	YES
P-303/19	Ž-SA-05-1039/19,	THE NOTARY CHAMBER OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, Attn. PRESIDENT, SARAJEVO	03 - ACCESS TO INFORMATION	30.12.2019	NO ANSWER	NO
P-304/19	Ž-SA-05-900/19,	FEDERATION NEWS AGENCY SARAJEVO, Attn. DIRECTOR	03 - ACCESS TO INFORMATION - - 03-1 - NON-DECISION ON THE LEGAL DEADLINE	30.12.2019	CO-OPERATION ACHIEVED	YES

ANNEX I BUDGET REVIEW FOR 2019.**BOSNIA AND HERZEGOVINA****Institution: Institution of Human Rights Ombudsman of Bosnia and Herzegovina****Headquarters: Banja Luka****ID: 4403087410007****Activity code: 69.10****Form 2.****Organizational code: 0304****Fund: General Fund (10)****Project code: 0****Summary Form: x****Overview of expenditures and expenses by economic category****Reporting period: from 1.1.2019. to 31.12.2019.****BUDGET**

No.	Description	Econ.code	Budget	Amendments (rebalancing, restructuring, redeployment, reserve, earmarked funds, etc.)	Adjusted budget	Realized cumulative amount of total expenditures and expenses	Accumulated amount of the same period of the previous year	Percentage 7/6 x 100	Percentage 7/8 x 100
1	2	3	4	5	6 (4+5)	7	8	9	10
1	Total expenses and expenditures (2+16)		2.596.000	4.297	2.600.297	2.367.515	2.546.048	91	93
2	Total current expenses (3+6)	610000	2.547.000	1.614	2.548.614	2.348.831	2.486.787	92	94
3	Employee salaries and expenses remunerations (4+5)	611000	2.176.000		2.176.000	2.051.878	1.995.101	94	103
4	Gross salaries and wages	611100	1.937.000		1.937.000	1.852.978	1.775.669	96	104
5	Employee cost reimbursements	611200	239.000		239.000	198.900	219.432	83	91
6	Expenditure on materials, small inventory and services (7+.....+15)	613000	371.000	1.614	372.614	296.953	491.686	80	60
7	Travel expenses	613100	120.000		120.000	88.402	93.106	74	95
8	Expenditure for telephone and postal services	613200	55.000		55.000	45.834	47.959	83	96
9	Expenditure on energy and utilities	613300	7.000		7.000	4.370	4.765	62	92
10	Procurement of materials and small inventory	613400	40.000		40.000	35.686	27.547	89	130
11	Expenditure on transport and fuel services	613500	30.000		30.000	14.904	23.708	50	63
12	Rental of property and equipment	613600	13.000		13.000	12.800	113.452	98	11
13	Current maintenance expenditure	613700	31.000		31.000	24.825	54.271	80	46
14	Insurance, banking and payment services	613800	6.000		6.000	4.700	5.403	78	87
15	Contractual and other special services	613900	69.0000	1.614	70.614	65.432	121.475	93	54
16	Total capital expenditure		49.000	2.683	51.683	18.684	59.261	36	32
17	Expenditure on acquisition of fixed assets	821000	49.000	2.683	51.683	18.684	59.261	36	32
18	Procurement of equipment	821300	49.000	2.683	51.683	18.684	59.261	36	32

*This review is a summary of the 2019 budget, including a special purpose program called the Project "Strengthening the Ombudsman's Capacity to Implement the NPM Mandate in BiH" Embassy of the Republic of Bulgaria

ANNEX II OVERVIEW OF OBLIGATIONS UNDER FREEDOM OF ACCESS TO INFORMATION ACT 2019

1. Public authorities at the level of Bosnia and Herzegovina who have fulfilled the obligation to appoint Information Officers and have provided the Guide and Index Register in accordance with Articles 19 and 20 of the FOIA:

1. Police Support Agency of Bosnia and Herzegovina;
2. Civil Service Agency of Bosnia and Herzegovina;
3. Forensic Agency of Bosnia and Herzegovina;
4. Agency for Identification Documents, Records and Data Exchange of Bosnia and Herzegovina;
5. The Public Procurement Agency and the Complaints Review Office 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. Postal Transport Agency of Bosnia and Herzegovina;
11. Agency for Preschool, Primary and Secondary Education of Bosnia and Herzegovina;
12. Anti-Corruption Agency of Bosnia and Herzegovina;
13. Agency for Labor and Employment of Bosnia and Herzegovina;
14. Agency for 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. Foreign Investment Promotion Agency of Bosnia and Herzegovina;
19. Personal Data Protection Agency 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. Bosnia and Herzegovina Mine Action Center;
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 of 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 Agency for Investigation and Protection 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. Electricity Transmission of Bosnia and Herzegovina;
33. Return Fund for Bosnia and Herzegovina;
34. Border Police of Bosnia and Herzegovina;
35. Institution of Consumer Ombudsman of Bosnia and Herzegovina;
36. Institute for Accreditation of Bosnia and Herzegovina;
37. Institute for Intellectual Property of Bosnia and Herzegovina;
38. Institute for Standardization of Bosnia and Herzegovina;
39. Commission for Concessions of Bosnia and Herzegovina;

40. Commission to Preserve National Monuments of Bosnia and Herzegovina;
41. The Accounting and Auditing Commission of Bosnia and Herzegovina;
42. Bosnia and Herzegovina Mine Action Commission;
43. Council of Competition of Bosnia and Herzegovina;
44. Ministry of Civil Affairs of Bosnia and Herzegovina;
45. Ministry of Finance and Treasury of Bosnia and Herzegovina;
46. Ministry of Communications and Transport of Bosnia and Herzegovina;
47. Ministry of Defense of Bosnia and Herzegovina;
48. Ministry of Justice of Bosnia and Herzegovina;
49. Ministry of Security of Bosnia and Herzegovina;
50. Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina;
51. Ministry of Foreign Affairs of Bosnia and Herzegovina;
52. Ministry of Human Rights and Refugees of Bosnia and Herzegovina;
53. Intelligence and Security Agency of Bosnia and Herzegovina;
54. Board of Civil Service of Bosnia and Herzegovina;
55. Parliamentary Assembly of Bosnia and Herzegovina;
56. Attorney General's Office of Bosnia and Herzegovina;
57. Communications Regulatory Agency of Bosnia and Herzegovina;
58. Presidency of Bosnia and Herzegovina;
59. Service for Foreigners of Bosnia and Herzegovina;
60. Common Affairs Service of the Institutions of Bosnia and Herzegovina;
61. Court of Bosnia and Herzegovina;
62. The Prosecutor's Office of Bosnia and Herzegovina;
63. Administration of Bosnia and Herzegovina for the Protection of Health and Plants;
64. The Indirect Taxation Authority of Bosnia and Herzegovina;
65. Office of the Public Administration Reform Coordinator of Bosnia and Herzegovina;
66. Office of Audit of Financial Operations of the Institutions of Bosnia and Herzegovina;
67. Veterinary Office of Bosnia and Herzegovina;
68. Legislation Office of Bosnia and Herzegovina;
69. Constitutional Court of Bosnia and Herzegovina;
70. Foreign Trade Chamber of Bosnia and Herzegovina;
71. Council of Ministers of Bosnia and Herzegovina;
72. High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

2. Public authorities at the level of Bosnia and Herzegovina which provided statistics in 2019 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. Market Surveillance Agency of Bosnia and Herzegovina;
5. Insurance Agency in Bosnia and Herzegovina;
6. Agency for Labor and Employment of Bosnia and Herzegovina;
7. Agency for Prevention of Corruption and Coordination of Fight against Corruption;
8. Agency for Personal / Personal Data Protection in Bosnia and Herzegovina;
9. BiH Food Safety Agency;
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. Electricity Transmission of Bosnia and Herzegovina a.d. Banja Luka;

15. Return Fund for Bosnia and Herzegovina;
16. Border Police of Bosnia and Herzegovina;
17. Institute for Intellectual Property of Bosnia and Herzegovina;
18. Institution of Consumer Ombudsman in Bosnia and Herzegovina;
19. Commission to Preserve National Monuments of Bosnia and Herzegovina;
20. Council of Competition of Bosnia and Herzegovina;
21. Ministry of Civil Affairs of Bosnia and Herzegovina;
22. Ministry of Communications and Transport of Bosnia and Herzegovina;
23. Ministry of Defense of Bosnia and Herzegovina;
24. Ministry of Justice of Bosnia and Herzegovina;
25. Ministry of Security of Bosnia and Herzegovina;
26. Ministry of Finance and Treasury of Bosnia and Herzegovina;
27. Ministry of Human Rights and Refugees of Bosnia and Herzegovina;
28. Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina / BiH Veterinary Office, BiH Plant Health Protection Administration, Office for Harmonization and Coordination of Payment Systems in Agriculture, Food and Rural Development of BiH;
29. Parliamentary Assembly of Bosnia and Herzegovina;
30. Attorney General's Office of Bosnia and Herzegovina;
31. Presidency of Bosnia and Herzegovina - Secretariat;
32. Public Administration Reform Coordinator's Office of Bosnia and Herzegovina;
33. The Complaints Review Office of Bosnia and Herzegovina;
34. Constitutional Court of Bosnia and Herzegovina;
35. High Judicial and Prosecutorial Council of Bosnia and Herzegovina;
36. Council of Ministers of Bosnia and Herzegovina - Secretariat-General;

Regarding the submission of statistical data by public bodies at the state level, the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina notes that 36 public bodies regularly fulfill their obligations in the reporting year. During 2018, this obligation was fulfilled by 32 public bodies.

3. Public bodies at the level of the Federation of Bosnia and Herzegovina which provided statistical data in 2018 in accordance with the FOIA:

1. Banking Agency of the Federation of Bosnia and Herzegovina
2. Federation Meteorological Institute;
3. Federation Ministry of Health
4. Federation Ministry of the Interior;
5. Federation Employment Service;
6. Public Institution Center for the Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina;
7. JP Sarajevo International Airport Ltd.;
8. JP Olympic Island Swimming Pool;
9. Zenica Cantonal Court;
10. Cantonal Inspection Directorate of Sarajevo Canton;
11. Cantonal Inspection Directorate of Zenica-Doboj Canton;
12. Cantonal Administration for Civil Protection of Sarajevo Canton;
13. Cantonal Prosecutor's Office of Sarajevo Canton;
14. Cantonal Prosecutor's Office of Zenica-Doboj Canton;
15. Securities Commission of the Federation of Bosnia and Herzegovina;
16. Ministry of Construction, Physical Planning and Environment of Una-Sana Canton
17. Ministry of Justice and Administration of Zenica-Doboj Canton;

18. Ministry of Internal Affairs of Sarajevo Canton;
19. Municipality of Gračanica
20. Municipality of Tešanj;
21. Municipality of Sanski Most;
22. Municipality of Kakanj;
23. Municipality of Ključ;
24. Municipality of Foča;
25. Hadžići Municipality;
26. Municipality of Stari Grad Sarajevo
27. Municipal court in Lukavac
28. Municipal court in Visoko
29. University of Tuzla;
30. Government of the Federation of Bosnia and Herzegovina

In the reporting year, the obligation to submit statistical data in accordance with FOIA was fulfilled by 30 public bodies in the Federation of Bosnia and Herzegovina.

At the level of the Federation of Bosnia and Herzegovina, nine public bodies regularly fulfilled their obligation to submit statistics to the Institution of Human Rights Ombudsman of Bosnia and Herzegovina, while the same obligation at the cantonal level was fulfilled by ten public bodies.

In the same period, eleven public bodies at the municipal level also fulfilled this obligation.

4. Public bodies at the level of the Republika Srpska that provided statistical data in 2018 in accordance with the FOIA:

1. Pension and Disability Insurance Fund of the Republika Srpska;
2. City of Gradiška;
3. County Public Prosecutor's Office Banja Luka;
4. County Court Doboj;
5. County Commercial Court Doboj;
6. The Basic Court in Teslić;
7. Municipality of Rudo;
8. Municipality of Ugljevik
9. The President of the Republika Srpska - President's Office;
10. Prosecutor's Office of the Republika Srpska;

In 2019, the obligation to submit statistics was fulfilled by ten public bodies at the level of the Republika Srpska, and there were no significant changes compared to the previous year.

5. During 2019, the following public authorities fulfilled the obligation to submit decisions on the Information Officer, the Guide and the Index Register in accordance with the FOIA:

1. Privatization Agency of the Federation of Bosnia and Herzegovina (Decision on Appointment of Information Officers)
2. Agency for Quality and Accreditation in Health in FBiH (Notification of Appointment of Information Officers)
3. Directorate for European Integration of Bosnia and Herzegovina (Decision on Appointment of Information Officers)
4. Electricity Transmission of BiH (Decision on Designation of Information Officers, Guide on Access to Information and Index of Information Register)
5. Federation Ministry of Culture and Sports (Decision appointing information officers)
6. Federation Ministry of the Interior; Federation Police Directorate (Decision appointing Information Officer)

7. City of Gradiška - Mayor (Decision on appointment of information officer)
8. City of Zvornik (Notification of Appointment of Information Officer)
9. Institute for Intellectual Property of Bosnia and Herzegovina (Guide to Access to Information)
10. Public Institution "Waters of Srpska" Bijeljina (Decision on appointment of information officer, Guide, Index register)
11. JP BH Post (Decision on appointment of Information Officer, Guide on access to information, Index register)
12. Zenica Cantonal Court (Notification of Appointment of Information Officer)
13. Cantonal Institute for the Protection of the Cultural, Historical and Natural Heritage of Sarajevo (Decision on Appointment of Information Officers)
14. Cabinet of the Speaker and Deputy Speaker of the Assembly of the Sarajevo Canton (Decision on Appointment of Information Officers)
15. Cabinet of the Prime Minister of Sarajevo Canton (Decision on Appointment of Information Officers)
16. The Accounting and Auditing Commission of Bosnia and Herzegovina (Guide to Access to Information)
17. Ministry of Health, Labor and Social Policy of Una-Sana Canton (Decision appointing information officers)
18. Ministry of Security of Bosnia and Herzegovina (Notification of Appointment of Information Officer)
19. Ministry of Human Rights and Refugees (Decision appointing an Information Officer)
20. Ministry of the Interior of the Zenica-Doboj Canton, Zenica Police Directorate (Decision appointing an Information Officer)
21. Ministry of Physical Planning, Construction and Environmental Protection of Sarajevo Canton (Guide and Index Register)
22. Lukavac Municipal Court (Decision appointing an Information Officer)
23. County Court in Trebinje (Decision appointing information officers)
24. Gračanica Municipal Court (Decision appointing Information Officer)
25. Srebrenik Municipal Court (Decision appointing Information Officer)
26. The President of the Republika Srpska - President's Office (Decision appointing Information Officers, Access Guide and Index Information Register)
27. Brčko District Police (Decision on Appointment of Information Officer)
28. Republic Civil Defense Administration East Sarajevo (Decision on Appointment of Information Officer)
29. Republic Center for Research on War, War Crimes and Searching for Missing Persons - Ministry of Justice of the Republika Srpska (Guide to Access to Information and Index Registry)
30. Government of the Republika Srpska, Common Affairs Service (Guide to Access to Information)
31. Protocol Office of Sarajevo Canton (Decision on Appointment of Information Officers)
32. Expert Service for Common Affairs of Sarajevo Canton (Decision on Appointment of Information Officers)
33. Prosecutor's Office of the Brčko District of Bosnia and Herzegovina (Guide to Access to Information)
34. Office for Combating Corruption and Quality Management of Sarajevo Canton (Decision on Appointment of Information Officers)
35. Government of Posavina Canton (Decision on appointment of Information Officer)
36. Institute for Construction of Sarajevo Canton (Decision on Appointment of Information Officers)
37. Institute for Development Planning of Sarajevo Canton (Decision on Appointment of Information Officers)

38. Institute for Informatics and Statistics of Sarajevo Canton (Decision on Appointment of Information Officer)

ANNEX III TABLE OF STATISTICAL INDICATORS

DEPARTMENT	Received in 2019	Transferred from earlier years	Total handled in 2019	Total completed in 2019	Transferred to 2020.
01 - Department for monitoring exercise of children's rights	198	144	342	180	162
02 - Department for monitoring exercise of the rights of persons with disabilities	48	18	66	29	37
03 - Department for monitoring exercise of the rights of national, religious and other minorities	7	6	13	8	5
04 - Department for monitoring exercise of economic, social and cultural rights	801	506	1307	838	469
05 - Department for monitoring exercise of political and civil rights	978	1066	2044	1320	724
06 - Department for the elimination of all forms of discrimination	206	207	413	214	199
07 - Department for monitoring exercise of the rights of persons deprived of their liberty	129	74	203	114	89
08 - Department for monitoring exercise of judiciary and administration rights	851	0	851	502	349
TOTAL	3218	2021	5239	3205	2034

Work on complaints by departments in 2019

Department	Number of complaints
01 - Department for monitoring exercise of children's rights // Sarajevo	83
02 - Department for monitoring exercise of the rights of persons with disabilities // Sarajevo	31
03 - Department for monitoring exercise of the rights of national, religious and other minorities // Sarajevo	4
04 - Department for monitoring exercise of economic, social and cultural rights // Sarajevo	375
05 - Department for monitoring exercise of political and civil rights // Sarajevo	397
06 - Department for the elimination of all forms of discrimination // Sarajevo	124
07 - Department for monitoring exercise of the rights of persons deprived of their liberty // Sarajevo	110
08 - Department for monitoring exercise of judiciary and administration rights // Sarajevo	302
Total number of cases Sarajevo	1426
01 - Department for monitoring exercise of children's rights // Banjaluka	86
02 - Department for monitoring exercise of the rights of persons with disabilities // Banjaluka	7
03 - Department for monitoring exercise of the rights of national, religious and other minorities // Banjaluka	2
04 - Department for monitoring exercise of economic, social and cultural rights // Banjaluka	198
05 - Department for monitoring exercise of political and civil rights // Banjaluka	325
06 - Department for the elimination of all forms of discrimination // Banjaluka	66
07 - Department for monitoring exercise of the rights of persons deprived of their liberty // Banjaluka	18
08 - Department for monitoring exercise of judiciary and administration rights // Banjaluka	244
Total number of cases Banja Luka	946
01 - Department for monitoring exercise of children's rights // Brčko	10
02 - Department for monitoring exercise of the rights of persons with disabilities // Brčko	3
03 - Department for monitoring exercise of the rights of national, religious and other minorities // Brčko	1
04 - Department for monitoring exercise of economic, social and cultural rights // Brčko	128
05 - Department for monitoring exercise of political and civil rights // Brčko	90
06 - Department for the elimination of all forms of discrimination // Brčko	6
08 - Department for monitoring exercise of judiciary and administration rights // Brčko	63
Total number of cases Brčko	301
01 - Department for monitoring exercise of children's rights // Mostar	17
02 - Department for monitoring exercise of the rights of persons with disabilities // Mostar	7
04 - Department for monitoring exercise of economic, social and cultural rights // Mostar	50
05 - Department for monitoring exercise of political and civil rights // Mostar	65
06 - Department for the elimination of all forms of discrimination // Mostar	6
07 - Department for monitoring exercise of the rights of persons deprived of their liberty // Mostar	1
08 - Department for monitoring exercise of judiciary and administration rights // Mostar	19
Total number of cases Mostar	165
01 - Department for monitoring exercise of children's rights // Livno	2
04 - Department for monitoring exercise of economic, social and cultural rights // Livno	50
05 - Department for monitoring exercise of political and civil rights // Livno	101
06 - Department for the elimination of all forms of discrimination // Livno	4
08 - Department for monitoring exercise of judiciary and administration rights // Livno	223
Total number of cases Livno	380
Total number of cases in the Institution	3218

Number of complaints by offices in 2019

Number of cases received // subcategory 2019

Violation of right	Subcategory	Number of cases
01 - Discrimination	00 - Other	95
01 - Discrimination	01-01 - Harassment	3
01 - Discrimination	01-03 - Mobbing	52
01 - Discrimination	01-04 - Segregation	1
01 - Discrimination	01-09 - Based on language	4
01 - Discrimination	01-10 - Based on religion	3
01 - Discrimination	01-11 - Based on ethnicity	8
01 - Discrimination	01-12 - Based on national or social background	4
01 - Discrimination	01-14 - Based on political or other opinion	1
01 - Discrimination	01-15 - Based on property status	1
01 - Discrimination	01-16 - Based on membership of a union or other association	6
01 - Discrimination	01-17 - Based on education	2
01 - Discrimination	01-18 - Based on social status and gender	4
01 - Discrimination	01-19 - Based on sexual orientation	5
01 - Discrimination	01-22 - Based on age	1
01 - Discrimination	01-23 - Based on disability	2
01 - Discrimination	01-24 - Hate Speech	3
01 - Discrimination	SUM	196
02 - Media and freedom of information	SUM	8
03 - Access to information	00 - Other	216
03 - Access to information	03-1 - non-decision within the legal deadline	44
03 - Access to information	03-2 - denial of access to information	13
03 - Access to information	03-3 - right to second-instance decision	2
03 - Access to information	SUM	275
04 - Religious freedom / religion	SUM	2
05 - Police	00 - Other	106
05 - Police	05-1 - complaint about police work	47
05 - Police	05-2 - complaints by police officers	1
05 - Police	SUM	154
06 - Public revenues	SUM	4
07 - Prisons	00 - Other	109
07 - Prisons	07-1 - use of institutional benefits and visits	10
07 - Prisons	07-2 - health care and hygiene conditions	10
07 - Prisons	SUM	129
08 - Gender equality	SUM	4
09 - Judiciary	00 - Other	321
09 - Judiciary	09-1 - complaints about the work of the judges	20
09 - Judiciary	09-2 - length of the proceedings (Article 6)	101
09 - Judiciary	09-3 - enforcement of judgments	56
09 - Judiciary	09-4 - the High Judicial and Prosecutorial Council of BiH	6
09 - Judiciary	SUM	504

10 – Labor relations	SUM	281
11 - Education	00 - Other	12
11 - Education	11-2 - primary education	9
11 - Education	11-3 - secondary education	2
11 - Education	11-4 - higher education	9
11 - Education	11-5 - adult education	1
11 - Education	SUM	33
12 - Persons with disabilities	SUM	48
13 - The rights of the child	00 - Other	183
13 - The rights of the child	13-1 - Social work centers	10
13 - The rights of the child	SUM	193
14 - Ecology environmental protection	SUM	21
15 - Property-legal relations	SUM	169
16 - Violence	00 - Other	7
16 - Violence	16-1 - domestic violence	1
16 - Violence	16-2 - bullying	1
16 - Violence	SUM	9
17 - Public documents	SUM	42
18 - Minorities	SUM	6
19 - Administration	SUM	322
20 - War damage	SUM	50
21 - Communal services	SUM	92
22 - Ministerial and government appointment	SUM	56
23 - Health	SUM	74
24 - Social protection	SUM	82
25 - Pensions	SUM	217
26 - Prosecution	SUM	80
27 - Public attorney's offices	SUM	4
28 - Cases of corruption	SUM	4
29 - Migration and asylum	SUM	52
29 - Migration and asylum	SUM	3
31 - Lawyers	SUM	19
32 - Inspections	SUM	80
33 - Free legal aid	SUM	5
SUM	SUM	3218

Number of complaints received by subcategories in 2019

No.	Manner of resolving the cases	Cases 2019	Cases from earlier years	Total
1	During the ombudsman's intervention	550	469	1019
2	By the recommendation of the Ombudsman	71	208	279
3	Party's disinterestedness in further proceeding	282	157	439
4	Unacceptable complaint	461	137	598
5	In some other way	372	441	813
6	Non-competence and transfer of cases to the competent authority	23	15	38
7	Forwarded to another Ombudsman's office	2	2	4
8	Through a special report	0	3	3
9	Repeated procedure	8	4	12
10	Total	1769	1436	3205

FOR INADMISSIBLE COMPLAINTS ONLY – SUB-CATEGORIZATION

00 - other	97	13	110
01 - anonymous complaint	3	1	4
02 - malicious complaint	0	1	1
03 - unfounded complaint	303	107	410
04 - the complaint contains no claim	3	0	3
05 - infringement of the legitimate rights of a third party	2	0	2
06 - complainant's delay of 1 year after the facts, events or decision	6	0	6
07 - not all the remedies have been exhausted	21	5	26
08 - complaint incomplete or incomprehensible (not subsequently amended)	9	4	13
09 – the complainant withdrew his complaint	1	2	3
10 - complaint with facts already discussed (duplication of complaint)	13	3	16
11 - facts before 14 December 1995	3	1	4
Total	461	137	598

Number of complaints completed // Manner of ending complaints in 2019

No.	Violation of right	Number of recommendations
1	01 - Discrimination	40
2	02 - Media and freedom of information	3
3	03 - Access to information	57
4	05 - Police	5
5	07 - Prisons	6
6	08 - Gender equality	1
7	09 - Judiciary	26
8	10 - Labor relations	51
9	11 - Education	3
10	12 - Persons with disabilities	4
11	13 - The rights of the child	24
12	14 - Ecology environmental protection	6
13	15 – Property-legal relations	8
14	17 - Public documents	8
15	19 - Administration	44
16	20 - War damage	2
17	21 - Communal services	5
18	22 - Ministerial and Government appointment	27
19	23 - Health	19
20	24 - Social protection	4
21	25 - Pensions	11
22	26 - Prosecution	3
23	28 - Cases of corruption	1
24	29 - Migration and asylum	10
25	31 - Lawyers	1
26	32 - Inspections	5
27	TOTAL	374

Implementation status	Number of cases
Partly implemented	9
No answer	124
Not implemented	59
Cooperation achieved	77
Implemented	105
Total	374

Number of complaints with recommendations issued in 2019 by categories of violations of rights and implementation

DEPARTMENTS	Number of complaints with recommendation issued in 2019
01 - Department for monitoring exercise of children's rights	24
02 - Department for monitoring exercise of the rights of persons with disabilities	4
03 - Department for monitoring exercise of the rights of national, religious and other minorities	0
04 - Department for monitoring exercise of economic, social and cultural rights	97
05 - Department for monitoring exercise of political and civil rights	175
06 - Department for the elimination of all forms of discrimination	42
07 - Department for monitoring exercise of the rights of persons deprived of their liberty	6
08 - Department for monitoring exercise of judiciary and administration rights	26
TOTAL	374

Number of complaints with recommendations issued by Departments in 2019.

Name Department	Number of complaints
01 - Department for monitoring exercise of children's rights	23
02 - Department for monitoring exercise of the rights of persons with disabilities	3
03 - Department for monitoring exercise of the rights of national, religious and other minorities	0
04 - Department for monitoring exercise of economic, social and cultural rights	56
05 - Department for monitoring exercise of political and civil rights	161
06 - Department for the elimination of all forms of discrimination	31
07 - Department for monitoring exercise of the rights of persons deprived of their liberty	6
08 - Department for monitoring exercise of judiciary and administration rights	24
TOTAL	304

Number of recommendations issued by departments in 2019

Office	Number of complaints with recommendation issued in 2019.
Office Sarajevo	185
Office Banja Luka	114
Office Brčko	31
Office Mostar	1
Office Livno	43
TOTAL	374

Number of complaints with recommendations issued by offices in 2019.

OFFICE	Number of complaints
Office Sarajevo	134
Office Banja Luka	98
Office Brčko	30
Office Mostar	1
Office Livno	41
TOTAL	304

Number of recommendations issued by offices in 2019

No.	Name of the organ	Number of cases	The seat of the organ
1	MUNICIPAL COURT OF SARAJEVO	56	SARAJEVO
2	MUNICIPAL COURT OF LIVNO	47	LIVNO
3	CANTONAL COURT OF LIVNO	45	LIVNO
4	CANTONAL COURT OF SARAJEVO	35	SARAJEVO
5	BASIC COURT OF BANJA LUKA	28	BANJA LUKA
6	CANTONAL PROSECUTOR'S OFFICE OF SARAJEVO	24	SARAJEVO
7	THE SUPREME COURT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	20	SARAJEVO
8	THE SUPREME COURT OF THE REPUBLIKA SRPSKA	19	BANJA LUKA
9	CANTONAL COURT OF TUZLA	17	TUZLA
10	MUNICIPAL COURT OF LUKAVAC	16	LUKAVAC
11	MUNICIPAL COURT OF BIHAĆ	15	BIHAĆ
12	MUNICIPAL COURT OF MOSTAR	15	MOSTAR
13	MUNICIPAL COURT OF TUZLA	15	TUZLA
14	COUNTY COURT BANJA LUKA	14	BANJA LUKA
15	CANTONAL COURT OF MOSTAR	13	MOSTAR
16	PROSECUTOR'S OFFICE OF CANTON TUZLA	13	TUZLA
17	THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL BiH	12	SARAJEVO
18	BASIC COURT OF SOKOLAC	11	SOKOLAC
19	COUNTY PROSECUTOR'S OFFICE OF BANJA LUKA	10	BANJA LUKA
20	THE CONSTITUTIONAL COURT OF BOSNIA AND HERZEGOVINA	10	SARAJEVO

The 20 most common counterparties in the field of judiciary

No.	Name of the organ	Number of cases	The seat of the organ
1	FEDERATION INSTITUTE OF PENSIONS AND DISABILITY INSURANCE	86	TUZLA
2	INTERIOR MINISTRY OF THE REPUBLIKA SRPSKA	44	BANJA LUKA
3	CANTONAL ADMINISTRATIVE SERVICE OF PENSIONS AND DISABILITY INSURANCE TUZLA	42	TUZLA
4	FUND OF OF PENSIONS AND DISABILITY INSURANCE OF THE REPUBLIKA SRPSKA	37	BIJELJINA
5	CITY OF BANJA LUKA	33	BANJA LUKA
6	INTERIOR MINISTRY OF CANTON SARAJEVO	32	SARAJEVO
7	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY LEGAL AFFAIRS	24	BANJA LUKA
8	THE MINISTRY OF LABOR AND DISABLED VETERANS PROTECTION OF THE REPUBLIKA SRPSKA	18	BANJA LUKA
9	THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	17	SARAJEVO
10	CITY OF LIVNO	16	LIVNO
11	CITY OF MOSTAR	16	MOSTAR
12	CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	16	SARAJEVO
13	PHI HEALTH CENTER SRBAC	16	SRBAC
14	PRISON ZENICA	16	ZENICA
15	THE GOVERNMENT OF CANTON OF SARAJEVO	15	SARAJEVO
16	PRISON TUZLA	15	TUZLA
17	MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA - ASYLUM SECTOR	14	SARAJEVO
18	FEDERATION INSTITUTE OF PENSIONS AND DISABILITY INSURANCE MOSTAR	13	MOSTAR
19	MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA - SERVICE FOR FOREIGNERS' AFFAIRS	13	SARAJEVO
20	MUNICIPALITY OF DOBOJ	12	DOBOJ

The 20 most common counterparts without the field of justice