



**2023 ANNUAL REPORT
ON THE RESULTS OF THE ACTIVITIES OF
THE INSTITUTION OF HUMAN RIGHTS
OMBUDSMAN OF BOSNIA AND HERZEGOVINA**

Banja Luka, March 2024

Published by

Institution of Human Rights Ombudsman of Bosnia and Herzegovina

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I. PREFACE

The Constitution of Bosnia and Herzegovina stipulates that “*Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms*”, and that “*The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall be directly applicable in Bosnia and Herzegovina. These acts shall have priority over other laws.*” The Constitution of Bosnia and Herzegovina, in Article II 6, establishes the competent authorities for implementation, namely: “Bosnia and Herzegovina, and all courts, institutions, authorities, and bodies indirectly managed by the Entities or operating within the Entities shall be subject to, or shall apply, human rights and fundamental freedoms referred to in paragraph 2.” In a similar manner, obligations to implement and respect human rights and freedoms are defined in the constitutions of the Entities and the Statute of the Brčko District of Bosnia and Herzegovina.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter referred to as: the Institution) is an independent institution, established with the task of promoting good governance and the rule of law, i.e. to protect human rights and fundamental freedoms. It was established on the basis of Annexes IV and VI of the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter referred to as: the Dayton Agreement) and the Law on Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter referred to as: LHROBiH), and began its work in 1996.

In accordance with LHROBiH, at the beginning of each calendar year, IHROBiH submits an annual report on the results of the Institution's activities in the previous year to the Presidency of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, the National Assembly of the Republika Srpska and the Parliament of the Federation of Bosnia and Herzegovina.

IHROBiH is, in accordance with Article 7, paragraph (2), item f) of the Prohibition of Discrimination Act, obliged to submit annual and, if necessary, special reports on the occurrence 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. Guided by the principle of economy, the Ombudspersons submit the report on the occurrence of discrimination as a separate section within the annual report.

The specificity of the aforementioned reports lies in the fact that they represent an instrument through which IHROBiH activities and the results of those activities are presented. This primarily includes activities related to handling citizens' complaints, but also monitoring, promoting human rights, giving opinions, as well as other activities in accordance with the provisions of the law that determine IHROBiH's competences.

The obligation of IHROBiH, thus defined, is based on the obligation to inform decision-makers about the findings that IHROBiH has obtained, through complaints and other activities, about the problems and obstacles that citizens have in exercising their rights, with a view to taking measures to eliminate them. In a methodological sense, the annual report is not only a way to present

problems, but also to point out international human rights standards relevant to specific problems and the constitutional framework within which the problems should be resolved.

The 2023 Annual Report has an additional challenge because certain laws have been amended, the implementation of which has a significant impact on citizens, especially in the areas of freedom of access to information at the state level and social protection in the Federation of BiH.

The annual report is also presented publicly, submitted to the expert public, professional organizations, domestic and international organizations, civil society, the media and citizens. The annual report must state the total number and nature of complaints received, the number of complaints that the Ombudspersons did not consider and the reasons for this, the number of complaints that were under investigation procedure, as well as the findings of the lawyers assigned to the case on this. Data on the number of recommendations issued by the Ombudspersons that were accepted by the competent authorities are presented, as well as statistical data relating to the number of recommendations issued that the responsible authorities did not accept, i.e. the so-called unimplemented recommendations.

This annual report also provides indications of the results of the Analysis of the Implementation of the Recommendations of IHROBiH Sent to the Competent Authorities in the Period: from 2022 to June 30, 2023, which indicate that the implementation of IHROBiH recommendations is much higher, but that the competent authorities do not provide information on this to IHROBiH within the established deadlines. The Analysis will be submitted to the legislative authorities and presented to the public in the first quarter of 2024. Activities in compiling the Analysis also had a positive effect among the authorities that had previously ignored IHROBiH recommendations. Furthermore, in the responses in most cases, the competent authorities informed IHROBiH of the reasons for not acting on the recommendations, which shed new light on individual cases (lack of funds for implementation, existence of preconditions on the part of another authority, court proceedings, etc.), all of which has an impact on the issue of the implementation of an individual recommendation by the responsible authority. However, the fact is that the authorities did not inform IHROBiH of the numerous reasons why the recommendation was not complied with, as well as of the subsequent implementation of the recommendation, in a timely manner, which they were obliged to do. All of the above undoubtedly indicates the necessity of continuous monitoring of the level of implementation of the recommendations issued by IHROBiH, which has not always been the case. The actions of IHROBiH and the authorities to which the recommendations are addressed represent the most efficient and painless way of preventing and correcting possible injustices, before irreversible damage occurs. This also guarantees that there will be no expensive and lengthy court proceedings for the protection and exercise of individual rights, which can represent a much greater burden for all parties to the proceedings, unlike the proceedings before the Institution, which are free of charge, less formal and adapted to the specific circumstances of each individual case.

The Ombudspersons submit this annual report to the competent authorities for consideration in the belief that it will serve as a starting point for discussion and improvement of human rights, where strengthening institutional mechanisms is one of the key elements.

In this regard, it is necessary to recall that the current situation in IHROBiH requires the support of all entities, especially considering the limited resources in relation to the breadth of the mandate,

which the Ombudspersons reported in detail to the competent authorities in the 2021 IHROBiH Annual Report.

This is additionally important because the Institution of Human Rights Ombudsman of Bosnia and Herzegovina has begun a re-accreditation process in 2023, within which it will also consider the issue of implementing the recommendations from the previous accreditation cycle from 2017, when the Institution's "A" status was confirmed. As a reminder, the GANHRI Reaccreditation Subcommittee also recommended that legal interventions include the following issues: financial independence, establishment of the mandate of an independent preventive mechanism, formalization of working relations with other human rights organizations and domestic institutions, primarily civil society organizations, and appointment and dismissal. The Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on Amendments to the Law on Human Rights Ombudsman of Bosnia and Herzegovina (The Official Gazette of BiH, No. 61/23), thus adopting some of the recommendations of the GANHRI Subcommittee on Accreditation..

Namely, LHROBiH defines the mandate, competences, authorities, as well as the rules of conduct of IHROBiH. The mandate of IHROBiH has several functional elements that include not only handling complaints and individual procedures initiated ex officio, but also monitoring and preventive action. It is General Assembly Resolution 48/134 of 20 December 1993 (hereinafter referred to as: the Paris Principles) that points to the importance of IHROBiH having the broadest possible mandate in its actions: independence, pluralism, and established cooperation with government bodies, civil society, international organizations, etc. IHROBiH should be provided with funding, staff, infrastructure and institutional capacity to perform functions within its jurisdiction and discharge all responsibilities.

IHROBiH currently employs 61 employees and three ombudspersons, out of which number 37 are law graduates (of which three are ombudspersons) and 27 employees from the category of administrative and technical staff, while the Rulebook on Internal Organization and Systematization systematizes 85 jobs (more precisely, 85 jobs and three ombudspersons).

When adopting the Law on Salaries in the Institutions of Bosnia and Herzegovina, the specific conditions necessary for employing staff in IHROBiH were not taken into account, as they should, according to LHROBiH, have the same status as employees of the Constitutional Court of Bosnia and Herzegovina. On the contrary, the Law on Salaries repealed the provisions of LHROBiH, as a *lex specialis*, thus directly challenging the independence of IHROBiH as one of the basic Paris Principles.

Therefore, within IHROBiH, three separate mandates are carried out, the importance of which is not recognized, which is also reflected in the fact that material and financial resources have not been secured, and this also limits the change in the structure of IHROBiH and its further development.

It is particularly important to point out that IHROBiH has the authority to act in relation to judicial institutions, without entering into the merits of the case, which requires the admission of a certain number of lawyers who meet the conditions necessary for the election of judges, and for the position of assistant they must have five years of work experience and have passed the bar exam.

The functioning of IHROBiH is in the constant focus of various organizations and bodies, because the functionality of this institution, both in the protection and promotion segments, is a guarantee of the protection of citizens' rights, but above all, an indicator of the achieved level of rule of law against which the level of democracy of a society is measured.

All that has been said puts before IHROBiH and the authorities a serious and demanding task to create the prerequisites for the improvement of IHROBiH, as a central mechanism for the protection and promotion of human rights, through coordinated and synchronized action.

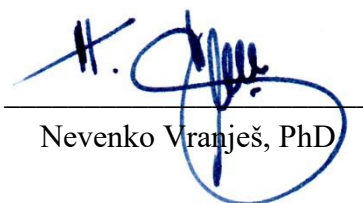
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II. SUMMARY

The rights of every individual in Bosnia and Herzegovina are stipulated in the Constitution of Bosnia and Herzegovina, international treaties or conventions that BiH has signed, and laws. The Preamble to the Constitution of BiH states the determination to ensure full respect for international humanitarian law in BiH, and the commitment to proceed from the Universal Declaration of Human Rights, international treaties on civil and political rights, and economic, social and cultural rights, as well as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and other human rights instruments. Article II of the Constitution of BiH proclaims that BiH and both entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. Annex VI of the Dayton Agreement stipulates that IHROBiH is a mechanism for the protection and promotion of human rights. Within the framework of its mandate, IHROBiH considers cases related to poor functioning or violations of human rights committed by any authority of Bosnia and Herzegovina, its entities and the Brčko District of BiH. In addition to this mandate, IHROBiH is an equality body in accordance with the Prohibition of Discrimination Act, and act in accordance with the provisions of the Freedom of Information Act and the Law on Government, Ministerial and Other Appointments. Cases are formed based on individual complaints from legal or natural persons or ex officio.

During 2023, IHROBiH received a total of 2,794 complaints, so that with the cases transferred from previous years (1,768), there were 4,562 cases in progress. Work was completed in 2,831 cases, of which 1,686 were from 2023 and 1,145 cases from previous years. During the reporting period, a total of 8,366 citizens contacted IHROBiH in various ways (direct contacts, written contact, telephone calls, e-mails and written complaints).

Structure of complaints filed, in relation to violation of rights: violations of political and civil rights - 771 cases; complaints related to violations of economic, social and cultural rights - 741 complaints; violations of rights in the judiciary and administration - 709 complaints; violations of children's rights - 231 complaints; discrimination - 187 complaints; violations of the rights of persons deprived of their liberty - 86 complaints; violations of the rights of persons with disabilities - 56 complaints and violations of the rights of national, religious and other minorities - 13 complaints.

In the reporting period, IHROBiH issued 356 recommendations in 488 cases, which represents a slight decrease of three recommendations, compared to 2022 when 359 recommendations were issued in 428 cases. Statistical indicators indicate that, although the number of complaints filed decreased in 2023, at the same time, an approximate number of recommendations were issued as in 2022, with an increase in the level of implementation of recommendations. In 2023, IHROBiH initiated activities to draft a Special Report on the Implementation of Previously Issued Recommendations. This activity can be linked to an increase in the level of implementation of recommendations, because the bodies to which the recommendations were addressed were invited to submit their statements as to why the recommendations were not implemented. The submitted statements of the bodies show that the additional action of IHROBiH was an incentive for the obligation to take measures to implement the recommendations. In some cases, the recommendations were even implemented, but the responsible bodies failed to inform the Ombudspersons about this in accordance with the deadline given in the recommendation. At the

same time, direct contacts with the bodies to which the recommendations were addressed were intensified with a view to ensuring their implementation.

Statistical data indicate that in 2023, compared to 2022, there was a decrease in the number of unimplemented recommendations, as well as a decrease in the number of cases in which the authority failed to submit a response after issuing a recommendation. Thus, in 242 cases, the recommendation was implemented (129 cases in 2022); cooperation was achieved in 62 cases (75 cases in 2022); in 90 cases there was no response (100 cases in 2022) and in 80 cases the recommendations were not implemented (108 cases in 2022).

Based on the complaints received, it can be concluded that the main feature of the reporting period is that there was a limited decrease in complaints received in the areas of civil and political rights, in relation to freedom of access to information and the media, police, migration and asylum. A decrease in complaints was also recorded in the areas of administration and discrimination, while an increase was recorded in the areas of justice, economic and social rights, which is particularly present in relation to the right to pensions, social protection and communal services. The increase in the area of economic and social rights is an indicator of the situation in which citizens find themselves, especially if the number of complaints in relation to the right to pensions is taken into account. This indicator indicates demographic trends in BiH that lead to the conclusion of an aging population, which results in an increase in the number of people seeking pension rights. Complaints related to Social welfare benefits point to the issue of access to rights prescribed by law, but also to various forms of assistance, including one-off assistance. The judicial system in every society, as the third pillar of government, represents a key factor in ensuring the rule of law and is considered a corrective factor in the actions of the other two pillars of government. The continuation of the trend of increasing the number of complaints in this area is worrying and requires urgent action.

For every institution, assessments of the efficiency of its operations are important. An integral part of these assessments, if it is an institution that provides services to citizens, is certainly feedback from citizens. This is also important from the perspective of the employees themselves, especially in cases where the institution's actions have resulted in the realization of rights, because this motivates employees to be even more efficient in their work. The Ombudspersons of BiH monitor citizens' reactions, both affirmative and those that indicate weaknesses in the system of operations. Some of the feedbacks are:

"My greatest gratitude goes to you, who solved my problem in front of the Institution of Human Rights Ombudsman. Thank you for your effort, commitment, understanding and fairness."

"I am very grateful for your work and response. Payments are made every month and so far there have been no delays."

"Thank you for your help, without which I would not have been able to exercise my right. I am informing you that I have received a decision for old age pension. Thank you again for everything you have done for me."

"I hereby inform you that yesterday, along with the payment of my pension for August 2023, I also received a payment in the amount of 100 KM. I want to thank you for your"

help, all the actions taken, kindness and patience you had for my appeal, in order to achieve a positive outcome."

"IHROBiH has been working very persistently and dedicatedly for several months In my case, and significantly helped me reach a positive outcome when it came to the annulment of the public invitation in question. The legal and professional conduct of IHROBiH in my case gave me faith and hope that there is an institution that can still initiate certain mechanisms to "pressure" officials of certain state institutions to consistently apply the law and protect individuals from gross violations of the same... This case is an example that proves how, through joint persistent action by an individual and IHROBiH, responsible persons in state institutions can be factually and legally "pressured" to consistently apply legal regulations."

"First of all, I would like to thank the Institution of Human Rights Ombudsman of Bosnia and Herzegovina. Thank you for your effort, the time you have set aside, as well as the speed and efficiency of resolving the problem. If I had not contacted IHROBiH, I doubt that my problem would have been resolved so quickly...Once again, my gratitude goes to IHROBiH, I am glad that such an institution exists and that citizens can rely on your work, as well as the protection of our human rights."

Unfortunately, citizens' complaints expressing dissatisfaction with the Institution's actions have also been registered. In some cases, they are related to the parties' expectations that actions will be taken that fall outside the scope of the competence of the Institution of Human Rights Ombudsman of BiH. This particularly applies to complaints related to the judiciary, where it is expected that the Ombudspersons can change or influence court decisions. The second group includes complaints from which it is impossible to conclude what the subject of the complaint to the Ombudspersons of BiH is, and they are not resolved even after the Institution sends a request for amendment. And in cases where parties point to weaknesses in the proceedings, which in some cases are related to the length of the proceedings, the Ombudspersons of BiH try to take measures to eliminate these weaknesses. The greatest challenge is certainly covering a very wide field of competences, which in some countries are divided between several institutions.

Complaints filed in the field of civil and political rights were considered by the Department for Monitoring Civil and Political Rights. These complaints relate to violations of the right to free access to information, police work, violations of the provisions of the law on government, ministerial and other appointments, property, actions of inspection bodies, exercising the right to free legal aid, public documents, migration and asylum, war damages, media and freedom of information, corruption cases, religious freedom and religion and freedom of assembly. During 2023, 771 complaints were registered within this Department, which is a decrease compared to 2022, when 857 complaints were received. 494 cases were transferred from previous years, so that there were a total of 1,265 cases pending. Work was completed in 790 cases, of which 304 cases from previous years and 486 from 2023. During the reporting period, 146 recommendations were issued within the jurisdiction of this Department. The Ombudspersons issued 70 recommendations due to violations of the right to access information, in procedures based on complaints against government and ministerial appointments – 28 recommendations, actions of inspection bodies – 20 recommendations, actions of police bodies – 10 recommendations, in property cases – 11

recommendations, public documents – 1 recommendation, war damages – 2 recommendations, migration and asylum – 1 recommendation, free legal aid – 2 recommendations, media and freedom of information - 1 recommendation.

One of Bosnia and Herzegovina's key priorities for joining the European Union is fundamental rights, which include, inter alia, the right to freedom of expression and the media. The European Commission's 2023 Country Report on Bosnia and Herzegovina notes that Bosnia and Herzegovina has made some progress by adopting the Freedom of Information Act, with a view to encouraging proactive disclosure and transparency. The report, as in previous years, continues to note that the legislation on the right to access information is fragmented, and that the adoption of a new law at the state level has yet to bring the independence of the appeals procedure into line with international and European standards. Data protection and access to information rules continue to be interpreted in a way that protects private rather than public interests, and such rights are inconsistently ensured across all levels of government.

When it comes to freedom of access to information, the Institution registered 10.71% fewer complaints in 2023 compared to 2022. During 2023, the Institution issued 70 recommendations in this area. Analyzing the grounds for complaint, the majority of them, namely 92 complaints or 33.45%, referred to the failure of the authorities to decide on the received requests, or to decide on the requests after the expiry of the legal deadline. Then, 27 complaints, or 9.81%, referred to the Denial of access to information, inadequate determination of exceptions and implementation of the public interest test, and violation of the right to review in two instances.

In 2023, the Freedom of Information Act was adopted at the level of institutions of Bosnia and Herzegovina. With the adoption of this law, the Brčko District of BiH was left without a legal basis for ensuring the implementation of freedom of access to information, because the newly adopted law regulates access to information only in the institutions of Bosnia and Herzegovina. IHROBiH is responsible for records related to information officers and records on the number of requests received, the type of information requested, the number of decisions made, the number of final decisions, etc. The institution is obliged to prepare an annual report on the state of freedom of access to information at the level of institutions of Bosnia and Herzegovina, which it submits to the competent institutions.

The right to property is guaranteed by the provisions of the Constitution of BiH and the European Convention, Article 1 of which Protocol 1 guarantees that: "Every natural and legal person has the right to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and under the conditions provided for by law and by the general principles of international law." In 2023, 120 complaints were received in relation to property, which is three complaints more than in 2022. In 11 cases, a recommendation was sent to the designated responsible authorities. Complaints related to the violation of the right to property were filed due to interference with the enjoyment of property rights, simultaneous violation of the right to property and the right to home, inability to access property, due to the issue of a protected public good, i.e. a historical monument and the right of citizens to access property connected to it by road, as well as the failure to take appropriate administrative, supervisory and inspection actions by the competent authorities in accordance with applicable legislation and international standards regarding the protection of property rights. The obligation of competent authorities at all levels of

government is to establish a legal framework, efficient administrative bodies responsible for deciding on property-legal issues, supervision mechanisms, or efficient inspection bodies that will operationally monitor the implementation and possible violations of legal regulations. The actions of judicial and criminal prosecution authorities must be timely and efficient.

In addition to the right to property, Article II./3.(f) of the Constitution of Bosnia and Herzegovina also guarantees the right to home, and Article 8 paragraph (1) of the European Convention guarantees the inviolability of the home, which in the context of the European Court's understanding also implies protection from noise. The Ombudspersons of BiH have considered several cases related to noise and have pointed out that protection from noise is ensured by the competent authorities of the entities, cantons, cities and municipalities, as well as by the owners of sound sources in accordance with the provisions of the legal regulations regulating this issue.

IHROBiH has noticed an increase in cases related to spatial planning in cases involving local communities (municipalities and cities) on whose territory there are significant objects that have been registered as monuments of culture, architectural heritage, historical significance or natural heritage by individual decisions of the competent authority. This issue requires the inclusion of all subjects in consultations with a view to finding the best solutions.

Annex VII of the General Framework Agreement for Peace in Bosnia and Herzegovina stipulates that all refugees and displaced persons have the right to freely return to their homes, the right to restitution of property taken from them during the hostilities since 1991, as well as compensation for property that cannot be returned to them (Chapter I, Article 1, paragraph (1)). The reconstruction of damaged housing, the construction of new ones where they have been completely demolished, or fair compensation for damage, is a prerequisite for the implementation of the above provision throughout Bosnia and Herzegovina. In 2023, nine cases related to the issue of war damage to the complainant's property were received, due to the inability/impossibility of reconstructing damaged facilities and issues of public tender procedures, and two recommendations were issued. Complaints related to the issue of war damage to the complainant's property relate to the inability to reconstruct damaged facilities and issues of public tender procedures. Weaknesses were observed in the administrative procedure preceding the decision on the right to financial resources, as well as the passivity of the authorities in determining the factual situation and real needs of applicants in public calls for proposals related to the reconstruction and renovation of housing units with a view to returning.

IHROBiH points out the importance of the competent authorities taking all measures and activities to enable the reconstruction and renewal of housing units destroyed by the war, as well as that when allocating funds for the reconstruction and renewal of housing units, with the aim of return, the procedures prescribed by law and by-laws are respected, taking into account the actual factual situation in the area of local communities.

Annex VII of the General Framework Agreement for Peace in Bosnia and Herzegovina defines the right to return, according to which the signatory parties shall ensure that refugees and displaced persons are allowed to return safely, without risk of harassment, intimidation, persecution or discrimination, in particular on the grounds of their ethnic origin, religious affiliation or political opinion. The Ombudspersons, acting in accordance with their jurisdiction and based on information

from the media about the attack on returnees, opened ex officio investigations and, in a public statement, pointed out the importance of timely action by the police and prosecutors in order to shed light on each individual incident of this kind, and all competent institutions to actively act against hate speech, in order to prevent situations that may constitute harassment, intimidation or attacks on the physical integrity and property of returnees. The Ombudspersons of BiH particularly emphasize that ensuring the enjoyment of human rights without discrimination is the basis for the development of all local communities in Bosnia and Herzegovina. Returnees represent a particularly vulnerable category, given the fact that they are a numerical minority, which is why the authorities should pay more attention to their needs. All competent institutions must actively act against hate speech and ensuring a greater degree of tolerance, in order to prevent situations that may represent harassment, intimidation or an attack on the physical integrity and property of returnees.

During 2023, the Ombudspersons considered 138 complaints about the work of the police, which is 15 complaints fewer than in 2022. 10 recommendations were issued. The reasons for the complaints relate to the failure of the police to act upon reports from citizens, due to unprofessional conduct of police officers, failure to act upon reports from citizens who require a reaction due to a violation of the right to peaceful enjoyment of property, failures in the conduct of the police as an administrative body, failures in the manner of receiving the report, excesses in the use of force, violations of the principle of proportional national representation in competition procedures. In a certain number of cases, complaints were filed due to actions taken by police officers and which constitute their regular work. After establishing the factual situation, the Ombudspersons of BiH assessed these complaints as unfounded. During the proceedings, IHROBiH pointed out that in the performance of their duties, a police officer must act impartially and lawfully, guided by the public interest to serve and assist the public by promoting the development and preservation of democratic practice, in accordance with the protection of human rights and fundamental freedoms, which is why it is necessary to review the efficiency and independence of the established mechanisms for supervising the work of police officers. In relation to the competition procedures, complaints were received regarding the competition procedure, related to national representation. The task of the heads of police and security agencies at all levels of government in Bosnia and Herzegovina, in addition to having to take into account the best interests and success of the agency/organization they manage, is to ensure the management of human resources in their agencies/ organizations in such a way as to ensure that when hiring, or when promoting employees, as well as exercising rights arising from and based on employment, they take into account both the qualification and professional profile of the staff, as well as the national representation of all constituent peoples and others in the structure of employees of the agency/organization they manage, in accordance with the obligations under the constitution and law.

Ombudspersons continuously point out that it is necessary to review the efficiency and independence of the established mechanisms for supervising the work of police officers. It has been observed that after a complaint filed by citizens against the work of a police officer, a formal legal procedure is carried out, which in most cases results in the competent authority concluding that the complaint is unfounded.

Inspection - In the reporting period, 81 complaints were received due to failure to take actions and measures in accordance with the competences and role of inspection bodies, which is 6 complaints fewer than in 2022, and 17 recommendations were issued. Complaints were filed due to failure to

take actions and measures in accordance with the competences of inspection bodies. In their recommendations, the Ombudspersons pointed out to the competent bodies the obligations prescribed by law, the necessity of carrying out inspection in specific legal matters, the need to adopt administrative acts, the necessity of ensuring the right to legal remedy, the obligation to implement adopted decisions, and violations of the right to access information. Government bodies, but also the inspection bodies themselves, must continuously act with a view to eliminating weaknesses in the functioning of inspection bodies and strengthening their role as a preventive, corrective and repressive body, thus ensuring the implementation of positive legal regulations, the establishment of good governance and the rule of law.

In 2023, the Ombudspersons considered 98 complaints related to government and ministerial appointments, which is 6 complaints fewer than in the previous reporting period, and 28 recommendations were issued. Proceedings before IHROBiH were conducted on complaints due to violations of the basic principles of legality, quality, independent review, openness and transparency, equal representation, as well as violations of the right to a legal remedy, in the procedures for appointing directors of public bodies and institutions, presidents and members of the management and supervisory boards of public institutions and enterprises, and committees operating within legislative bodies. Complaints were also received regarding decisions of the executive branch to dismiss appointed persons in a regulated body, or persons appointed to the supervisory and management boards of public enterprises, contrary to positive legal regulations and bylaws of the regulated body, before the expiration of their mandate, which could potentially lead to proceedings before the competent judicial authorities, resulting in a financial burden for the public entity if the claim is found to be well-founded. In proceedings in which violations of the principles of the law on government, ministerial and other appointments are established, The Ombudspersons, acting within their jurisdiction, may recommend that the election in question be annulled and re-conducted legally.

Given that the law prescribes the way of conducting a public competition, evaluation and scoring, and proposing a ranking list and the most successful candidate, evaluating candidates in terms of creating a ranking list of successful candidates, should represent a guarantee that the best candidates will be appointed to the position. Candidates for whom consent for the appointment was not given should be informed of the reasons, which must be clearly explained, in such a way that they do not provide room for abuses and arbitrary decision-making. In this way, an impartial procedure is ensured, confidence in the activities of the authorities and the principle of transparency are strengthened.

In 2023, 11 cases related to the rights of foreign citizens were registered, 8 cases fewer than in 2022, and one recommendation was made. Complaints from foreign citizens residing in Bosnia and Herzegovina were filed due to the denial of entry to Bosnia and Herzegovina to persons in need of international protection, the treatment of asylum seekers by police officers, dissatisfaction with accommodation and conditions of stay in the Immigration Centre, dissatisfaction with decisions of the competent authority rejecting a request for temporary asylum, temporary residence, etc. The complaints were considered within the scope of IHROBiH competence, and in relation to the application of the provisions of the Foreign Nationals Act of Bosnia and Herzegovina, the Asylum Act of Bosnia and Herzegovina, and international human rights standards that are part of the legal system of Bosnia and Herzegovina. The problem of accommodation of children who are on the

move in the territory of Bosnia and Herzegovina, without parents or guardians, was noted, which is why the Ombudspersons request urgent action by the competent authorities in order to appoint a guardian for the children as soon as possible and thus protect the best interests of the child. The Institution is currently conducting a comprehensive research with a view to drafting a Special Report on the situation of human rights of stateless persons (stateless persons) and persons at risk of statelessness in the territory of Bosnia and Herzegovina.

In 2023, 9 complaints were received related to the actions of competent authorities related to the registration of natural and legal persons in records established in accordance with positive legal regulations.

In 2023, 4 cases related to freedom of assembly were recorded. Following attacks on NGO activists, journalists, members of the LGBTIQ community and citizens in 2023. The Ombudspersons called on all competent institutions, primarily criminal prosecution authorities, to take priority measures within their jurisdiction with a view to ensuring security, the right to work and the exercise of fundamental human rights of all citizens, guaranteed by the Constitution and international conventions that have direct application in the domestic legal system. Respecting the principle of judicial independence, the Ombudspersons expressed the hope that judicial institutions would adequately assess the element of hatred as a qualifying circumstance in the event of establishing criminal liability of any participant in the aforementioned events.

During the reporting period, members of amateur radio associations addressed the Institution, pointing out the issue of relations within the association itself. The Ombudspersons note weaknesses in the legal regulations that regulate the work of the association, the issue of the status of an association of public interest, which is particularly significant due to the fact that an association that is registered can implement programs and projects of public interest and exercise rights to funds from the budget. In the case of complaints related to the issue of problems within the association, the Ombudspersons do not have the authority to act because they are not public bodies.

In 2023, 7 complaints were received in relation to the media, which include: attacks on journalists, damage to journalists' property, actions that journalists consider to be pressure on their work, difficulties faced by journalists when collecting relevant information. The Ombudspersons recall the conclusions, opinions and recommendations from the Special Report on the Situation of Journalists and Cases of Threats Made against Journalists in Bosnia and Herzegovina, and bearing in mind that, regardless of the passage of time, no significant progress can be observed. The competent authorities/bodies were advised that it is necessary to define attacks on journalists in criminal codes as a separate criminal offence or as a more serious form of the criminal offence of attacks on an official in the performance of official duties.

The principles of equality and non-discrimination, which also include the equality of all persons before the law, form the basis of international human rights protection. In order to ensure respect for these principles, it is necessary to ensure effective legal protection for the most vulnerable, socially disadvantaged categories of the population in cases where the interests of justice so require, which includes the provision of free legal aid. In 2023, 9 complaints related to free legal aid were received and two recommendations were issued. The complaints were filed due to the violation of the right to legal aid due to the failure to establish a legal aid system, the dysfunctionality of the legal aid

institute, dissatisfaction with the work of employees employed in the legal aid centre, and violations of the procedure for hiring a senior civil servant in the cantonal institute for providing free legal aid. Ensuring equality before the court and other state administration bodies is enabled by the application of the institute of free legal aid. This implies the establishment of mechanisms that, under certain conditions, should provide legal aid to persons in poor financial circumstances, in order to protect their constitutionally guaranteed rights. A functional and efficient system of free legal aid is a guarantee of equal access to court for vulnerable categories of the population, and the protection of their rights and interests.

During 2023, the Department for Monitoring the Exercise of Rights in the Judiciary and Administration received 709 cases, which is 3.67% fewer than in 2022, when 736 complaints were received.

The area of justice continues to follow the trend of increasing cases, and compared to 2022 (347 complaints registered), there was a slight increase in the number of complaints. In 2023, 367 complaints were received, and the largest number related to the length of the procedure, where 62 complaints were registered, the Enforcement of judgments - 50 complaints, complaints about the work of judges - 23, complaints related to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina - 9, and complaints related to other violations of rights related to the conduct of courts - 223 complaints (failure to issue court decisions in the manner prescribed by law, complaints about the work of prosecutors' offices, lawyers, etc.). 9 recommendations were issued in the area of justice. The plan for resolving old cases continues to be an inadequate mechanism for mitigating the consequences of the inappropriate length of the procedure, because the competent courts mainly provide information related to the dynamics of resolving cases, which is based on the chronological order of resolving old cases. The plan for resolving old cases provides a certain probability of when a case will be considered by the court, as well as that the order of receipt of the initial act will be respected, but it does not solve the essential problem of the length of the procedure, as well as cases that require urgent action. The Ombudspersons recall that in accordance with Article 13 of the European Convention, the right to an effective remedy is one of the fundamental rights guaranteed by the Convention and forms an integral part of the right to a fair trial.

Complaints about the actions of judges often arise as a result of the parties' dissatisfaction with the final outcome of the proceedings and the decision that is not in their favour. In some cases, it has been observed that the parties themselves, through their actions, contribute to causing harmful consequences. If the complaint is addressed to the Ombudspersons of BiH and concerns the work of a judge, the parties are directed to file a complaint with the Disciplinary Prosecutor's Office at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, and if the proceedings are conducted before the Office, the Institution contacts the Office with a view to obtaining information regarding the status of the case. The responses of the Disciplinary Prosecutor's Office to IHROBiH's inquiries are typical and contain information that an investigation into the specific case is ongoing, which the Institution considers inadmissible (unjustified).

One of the mechanisms that the Institution uses in the prevention and realization of human rights protection is monitoring, or rather, following court proceedings. Various factors influence the commitment of IHROBiH to use this mechanism and often depend on the complaint allegations, indications that indicate serious violations of human rights, the special vulnerability of the party (a

person with a disability, a person belonging to a marginalized category of the population, etc., which requires special sensitivity in dealing with such a case), the inappropriate length of the proceedings, etc. In each individual case, the Ombudspersons of BiH make decisions based on the previously presented parameters. An increase in the number of requests for monitoring proceedings before the courts has been observed.

The failure to enforce a court decision is closely linked to the right to a fair trial, and thus to the right to a reasonable length of proceedings. A final court decision has conferred a right on a party to the proceedings, and its failure to enforce it constitutes a continuing violation of that right. The European Court of Human Rights has held that the enforcement of a judgment delivered by any court must be considered an integral part of the “trial” within the meaning of Article 6 of the Convention.

IHROBiH notes that complaints regarding the work of the High Judicial and Prosecutorial Council of BiH mostly related to the appointment procedures of court presidents and judges, complaints related to the work of disciplinary prosecutor, failure to act on party requests, adoption of bylaws that conflict with legal provisions, etc.

The number of registered cases in 2023, related to the work of the prosecutor's office, remained unchanged compared to the previous year (76 cases). The received cases indicate that the grounds for appeal in most cases relate to the untimely action of the authorities upon reports, i.e. failure to make decisions on conducting investigations, the absence of an efficient mechanism against decisions made by prosecutors (decision not to conduct an investigation), considering that chief prosecutors upon appeal in most cases make identical decisions as decided by prosecutor assigned to the case, insufficient reasoning of prosecutorial decisions, etc.

Regarding the conduct of lawyers, a total of 11 cases were registered in 2023, which is 2 cases fewer than in 2022. Communication and insufficient information appear as one of the key problems in the client- lawyer relationship, which is the result of insufficient information about the status of the case and the activities carried out by the lawyer.

In 2023, the Ombudspersons considered 253 complaints against administrative bodies of all levels of government, which represents a decrease compared to 2022 when 292 complaints were received. 41 recommendations were issued. The reasons for the complaints relate to the failure of the authorities to act in accordance with positive legal regulations, the length of the procedure at the request of citizens, the failure to make a decision on the request for correction of the entry in the real estate cadastre, irregularities in the procedures for implementing Land use plans, complaints due to inadequate supervision over the execution of construction works on real estate and illegal construction, omissions made during the construction of roads, failure to implement final court decisions, irregularities in the procedures for leasing state land, but also to inspection bodies as administrative bodies, etc. A more efficient, responsible and transparent public administration, which will be oriented towards citizens and ready to respond to all European requirements, is the vision of the public administration reform outlined in the documents Public Administration Reform Strategy and Action Plan 1 for its implementation.

In the field of economic, social and cultural rights, 743 complaints were received in 2023, which is 66 more than in 2022. Most of the received complaints related to violations of Labour rights - 233, pension rights - 174, communal services - 132, social protection - 97, healthcare - 50, education - 41, ecology and environmental protection - 16.

As for employment rights, 233 complaints were received, and 35 recommendations were issued regarding the adoption or repeal of provisions of internal acts, review of employer decisions on changing jobs and transferring workers, unlawful dismissals, deployment of workers with altered work capacity, procedures for conducting public competitions, appointing candidates to civil servant positions, the length of Labour disputes and the absence of an effective legal remedy in Labour disputes. The purpose of conducting a public competition procedure is to employ the highest quality candidate. IHROBiH points out that everyone should have equal opportunities in accessing jobs and participating in competitions that should be publicly advertised and clear in terms of employment criteria and conditions, which is especially important in the public sector. Competition procedures should be transparent, and ultimately, legal remedies should be available to participants. The civil service has an important role in the process of deciding on rights of citizens, and it is important that elected civil servants are independent and professional. This service is based on the principle of equal access, and every citizen has the right to be employed in the public sector, whereby the selection of the highest quality and best personnel is carried out. The issued recommendations should also be viewed in the context of the activities of the competent inspection. IHROBiH points out that a quality Labour inspection is both a protector and a promoter of Labour legislation and public policy in the field of Labour, whose preventive action should prevent the occurrence of illegal consequences that often result in lengthy court proceedings. IHROBiH would like to draw attention to the problem of taxation and financial burdening of persons engaged in independent work - freelance in the Federation of BiH. The essence of the problem is the obligation of these persons to pay contributions for pension and health insurance, without achieving the status of beneficiaries.

Regarding violations of pension insurance rights, the Ombudspersons received 174 complaints and issued 8 recommendations. Compared to the previous year, an increase in the number of cases was observed, which needs to be put in the context of demographic indicators indicating an aging population. This results in an increase in the number of requests and beneficiaries for the exercise of pension insurance rights, which has an impact on the efficiency of the actions of the competent authorities, which is why citizens most often turn to the Ombudspersons of BiH. The Ombudspersons of BiH are of the opinion that it would be appropriate to make a comprehensive analysis of the capacities of the competent authorities for pension and disability insurance in light of the observed trends. The recommendations referred to the actions of insurance holders in response to requests from parties, the payment of one-time financial assistance to pensioners, the payment of contributions for the purpose of exercising the right to a pension, and amendments to the Pension and Disability Insurance Act of the RS by adding an article regulating that a beneficiary of old-age, survivor's or disability pension who receives a proportional pension in an amount fewer than the minimum pension amount is also entitled to the difference in pension up to the amount of the minimum pension.

Ombudspersons point to good cooperation with the pension and disability funds, which are faced with a large number of cases, many of which require cooperation with funds from neighbouring and other countries. This significantly affects their overall efficiency.

In relation to social rights, 97 complaints were registered and 7 recommendations were issued, which is an increase compared to the previous year, when one recommendation was issued. For comparison, 63 complaints were registered in 2022, and an increase in the number of complaints is noticeable in this area. The recommendations made relate to the payment of financial compensation to unemployed persons, resolving difficulties in the implementation of the Parent Carer Act of the Federation of BiH in terms of completing the review procedure and drafting a proposal by the competent ministry on amendments to the Act, reviewing decisions of competent authorities on the rehabilitation/reconstruction of housing destroyed by the war, recommendations relating to social welfare centres for taking measures within their jurisdiction with a view to legally performing parental duties.

IHROBiH has recognized the problem of care for the elderly in all segments, especially in cases of care in social welfare institutions (nursing homes), whose registration and operation are in some cases questionable. This is particularly important given the fact that there are no social welfare inspectors in the Federation of BiH. This is the reason why IHROBiH has initiated the preparation of the Special Report on the Position and Rights of Elderly Persons Accommodated in Institutions in Bosnia and Herzegovina. This report makes an analysis of the legislative framework and its compliance with international standards; analysis of institutions for the accommodation of the elderly, which includes registration of institutions, supervision of work, analysis of the state and conditions in institutions, capacities in terms of the number and qualifications of employees and the quality of services provided, material and technical equipment, powers of the competent authorities involved in the care of the elderly, and more.

Bosnia and Herzegovina has experienced various negative changes related to climate change in the past few years (floods, earthquakes, landslides, etc.). Registered complaints indicate that despite the efforts made, there are weaknesses in the system that negatively affect the elimination of the consequences of these changes. As a result, citizens affected by these changes, in some cases, have not remedied the harmful consequences.

In the field of education, 41 subjects were registered (six subjects fewer than in 2022), and 12 recommendations were issued. The recommendations referred to reviewing the criteria for awarding scholarships, updating the Register of Accredited Higher Education Institutions in Bosnia and Herzegovina, undertaking activities aimed at applying for full membership in the European Association for Quality Assurance in Higher Education (ENQA), coordinating activities to establish and adopt qualification frameworks in Bosnia and Herzegovina, undertaking activities and measures aimed at finding solutions to the problem of evaluating higher education qualifications acquired in Bosnia and Herzegovina, while establishing communication with the competent institutions of the countries of the region, and procedures for issuing duplicate diplomas.

IHROBiH points out that the insufficiently precisely regulated or inconsistently applied legal framework for the equivalence of grades and exams leaves room for arbitrariness or even the expression of personal or generalized views or stereotypes regarding the quality of education at

various higher education institutions, including the right of students to a scholarship, which leads to a violation of the principle of the rule of law and legal uncertainty. The procedure for selecting or modifying the decision regarding the continuation of students' education should be maximally objective and neutral, because failure to maintain these standards can lead to uneven practice and limiting mobility in the field of higher education.

As for the right to healthcare, 50 cases were registered (9 cases fewer than in 2022), while recommendations were issued in 12 cases. The recommendations referred to the adoption of decisions in procedures for determining the disciplinary liability of doctors, including medicines on the list of medicines, starting the development of procedures with a view to simplifying procedures and more urgently resolving requests for the transfer of patients for treatment abroad, taking necessary actions and ensuring legal, financial, material-technical and personnel conditions so that children and people with difficulties in psycho-physical development are provided with and accessible, unconditional and continuous health services for dental rehabilitation under general anaesthesia, amending the provisions of the statute of the Medical Chamber and by-laws, regulating mutual relations, rights, obligations and responsibilities between the founders of public health institutions. IHROBiH considers it necessary to conduct a comprehensive analysis of the situation in the field of health insurance, protection and services, the capacity of health institutions, the quality and availability of health services, and the protection of the rights of employees in health institutions, which could be an indicator for legislative and executive authorities, founders and managers of health institutions on how to act in order to improve the situation in health.

IHROBiH registered 132 cases related to utility services and issued 13 recommendations, which is 5 more than the previous year. In 2022, 107 complaints were received, which means that there is a noticeable increase in the number of complaints. The registered complaints related to the violation of the right to access drinking water, disconnection of customers from energy networks. Complaints about services in the banking sector, insurance sector and consumer sector (heating, water) are common and are mainly forwarded to the Ombudspersons responsible for these areas. IHROBiH is of the opinion that it is necessary to review the reports of these institutions in order to review the situation in these areas.

In the reporting period, 16 complaints related to ecology and environmental protection issues were received (2 fewer than in 2022), and two recommendations were issued. The Ombudspersons express concern about the so-called SLAPP lawsuits, or strategic lawsuits against public participation, a specific form of pressure on the media and activists. These lawsuits are filed by financially powerful entities against individuals and media outlets who have expressed a critical stance on an issue of public interest. The goal is to financially burden the defendant, so that he or she gives up his or her critical stance.

The Department for Monitoring Rights of Persons Deprived of Liberty received 86 complaints in 2023, which is an increase compared to 2022, when this number was 77. In the same period, 1 recommendation was issued. An analysis of the submitted complaints shows that the largest number related to the exercise of the right to healthcare, conditions of accommodation in the institution, the use of extra-prison benefits, visits to convicted persons and contacts of convicted persons with family members.

In the area of protection of the rights of persons deprived of their liberty, IHROBiH notes progress in the way that the capacities of institutions for the execution of criminal sanctions have been expanded and accommodation conditions have been improved, which has been accompanied by the strengthening of the staff of the institutions. This is the result of significant financial allocations by the founders. In institutions for the execution of criminal sanctions, procedures and rules have been established for the assessment and classification of prisoners and procedures for dealing with convicted persons who are drug addicts, opportunities for the employment of prisoners and their education have been increased, and progress has been made in ensuring the healthcare of prisoners.

IHROBiH notes the efforts of the authorities to ensure the implementation of international standards and at the same time harmonize domestic legislation with international standards.

The Parliamentary Assembly of Bosnia and Herzegovina, acting in accordance with Article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted the Law Amending the Law on Human Rights Ombudsman of Bosnia and Herzegovina, which created a legal framework for the establishment of an independent preventive mechanism. The adoption of the legal framework requires taking measures to establish an independent preventive mechanism, for which the prerequisite is the creation of financial assumptions by planning a budget item for this purpose in the Budget of the institutions of BiH, within the budget of the Institution of IHROBiH. In the last quarter of 2023, extraordinary efforts were made by the Finance Committee of the House of Representatives of the Parliamentary Assembly, IHROBiH and the Ministry of Finance of BiH to secure funds for this purpose, in accordance with the newly adopted procedure for adopting the budget of IHROBiH. According to this procedure, the budget request of IHROBiH is decided on by the Finance Committee of the House of Representatives and the Joint Committee on Human Rights of the Parliamentary Assembly of BiH. Adoption of the budget is a prerequisite for taking further action to establish an independent preventive mechanism.

In the area of children's rights, the Department for Monitoring the Exercise of Children's Rights received 231 complaints in 2023, which is an increase of 12 complaints compared to 2022. Citizen complaints relate to the work of education institutions, educational inspections, pedagogical institutes, social welfare centres, mental health centres, courts, prosecutors' offices, and health institutions. Children rarely address the Ombudspersons, so only two cases were registered in which children were the complainants. In 27 cases, the Ombudspersons of BiH made recommendations (24 recommendations in 2022), of which 10 recommendations were fully implemented, 4 were not implemented, while cooperation was achieved in relation to 4 recommendations, and there was no response from the competent authorities to 9 recommendations. The recommendations related to the realization of the rights of the child in education, health and social protection, as well as the realization of the right of the child to protection from violence and to more efficient procedures by the competent authorities in protecting the rights of the child that are threatened or violated due to high-conflict divorces. The Ombudspersons of BiH believe that it is high time to establish alimony funds in the Republika Srpska and the Federation of BiH, in order to protect the rights of children whose parents do not fulfil their parental obligation and do not contribute to the maintenance of the child. In addition to dealing with individual cases, the role of IHROBiH in the field of child rights enforcement is to monitor the work of competent authorities as much as possible, identify difficulties and obstacles in the protection and enforcement of children's rights, point them out and

call for a systematic solution to the problem. Numerous activities of the Ombudspersons through the work of the Department for Monitoring the Exercise of Children's Rights aim to apply and respect the UN Convention on the Rights of the Child to the greatest extent possible. Appreciating the experiences and practice in the protection of children's rights, IHROBiH notes that the practice regarding the application of the Convention is developing in a positive direction and that courts take the basic principles from the Convention on the Rights of the Child into account and apply them when deciding on specific cases.

Poverty leads to social exclusion of children, which results in lack of access to education, healthcare, significant affirmation of children's potential and inability of their parents to find employment. All this can lead to so-called transgenerational poverty, or the reproduction of poverty within the same family. IHROBiH notes that there is no recent research on child poverty in Bosnia and Herzegovina, but it is undeniable that poverty implies children living and growing up without access to essential resources whose role is crucial for their development. The consequences of growing up in poverty are difficult to repair because they affect the economic, cognitive, health and socio-emotional aspects of children's development.

Social welfare centres are key institutions in the social care system for children. By providing social and family protection measures and services to citizens, in accordance with their capabilities and capacities, direct protection of individuals and families in a state of social need is ensured. This is especially important when it comes to children in need of social, institutional, non-institutional and any other form of protection, which is why the centre's activities must be in accordance with positive legal regulations, continuous and efficient in the best interests of the child. IHROBiH believes that the capacities of social welfare centres in Bosnia and Herzegovina must continue to be strengthened, appreciating their importance in the protection of children's rights.

In terms of the protection of children without parental care, IHROBiH indicates that there are still institutions in Bosnia and Herzegovina that house a large number of children and that it is necessary to accelerate the processes of deinstitutionalization and transformation of institutions. It is necessary to consider all forms of assistance and support to foster parents and to further promote foster care, with a special emphasis on the need for specialized foster families for children with behavioural problems and developmental disabilities. IHROBiH expresses particular concern about the fact that a worryingly small number of children are adopted.

IHROBiH notes that during 2023 they received a larger number of complaints regarding the rights of children with developmental disabilities in exercising their right to education, but also in exercising other rights. For this reason, all authorities should pay greater attention to the problems of these children in all segments of life, especially in the areas of health and social protection and education. Inclusive health and education services play a key role in building a good foundation on which children with disabilities can build quality lives.

When it comes to children's healthcare, IHROBiH continues to insist on free and unconditional healthcare for all children with authorities at all levels of government.

In high-conflict divorces, numerous rights of children are threatened or violated, most often by the parents themselves. For this reason, the competent authorities should take adequate measures and

activities, with a view to protecting the child. Disturbed partner relationships, procedures initiated before social welfare centres, judicial and criminal prosecution authorities represent a denial of a stable family environment for the child and have a negative reflection on the child's emotional and psychological status. Conflicting behaviours of former spouses cause situations that put the child in an extremely unfavourable position.

Any form of violence against children is considered an unacceptable act and represents one of the most serious forms of endangerment and violation of children's rights. The obligation to act is determined by numerous regulations and documents relating to the rights and protection of children, starting from international documents accepted by BiH to domestic legislation regulating the areas of criminal law, family law, social and child protection, education, and healthcare.

Peer violence takes many forms and cases in IHROBiH indicate that both children and parents experience it in different ways, because the boundaries of acceptable behaviour are defined differently. It is time for broader social action that implies the existence of clear policies and guidelines (protocols) of education institutions, in order to protect children from peer violence and ensure constant advisory work with children and supervision over children, while achieving quality cooperation with the children's parents. The school cannot, nor should it, deal with the problems and everyday challenges in working with children alone, but as the institution that first recognizes and notices a worrying circumstance, it has an obligation to include other relevant factors in solving the problem. It is necessary to provide schools with systemic support.

The protection of rights of persons with disabilities is regulated by a series of international standards, which, as an integral part of the Constitution of Bosnia and Herzegovina, have constitutional force and importance. The Convention on the Rights of Persons with Disabilities, as a fundamental international instrument, establishes the fundamental human rights of persons with disabilities with a view to promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms of persons with disabilities, as well as promoting respect for their inherent dignity. The European Commission's 2023 Report on Bosnia and Herzegovina continues to recognize the category of persons with disabilities among the most vulnerable groups, emphasizing that no steps have been taken to address the problems related to the deprivation of legal capacity, discrimination based on status instead of a needs-based approach, and accessibility to facilities. The Department for Monitoring the Exercise of the Rights of Persons with Disabilities received 56 cases. Complaints in the area of the rights of persons with disabilities often include other rights, such as children's rights or economic and social rights, so complaints in this category are also registered in the departments responsible for handling complaints in relation to the aforementioned rights. In their work, the Ombudspersons of BiH strive to develop a method of monitoring the realization of the rights of persons with disabilities, acting on complaints from citizens, through direct insight into the position of persons with disabilities in cities/municipalities, and through cooperation with organizations that represent and advocate for their rights and interests. Recommendations in this area related to the systematic implementation of existing anti-discrimination legislation, in particular ensuring the inclusion of persons with disabilities, the harmonisation of domestic legislation with the Convention on the Rights of Persons with Disabilities, including the adoption of a harmonised concept of disability and legal measures to combat discrimination based on disability. The importance of an inclusive approach towards persons with disabilities, particularly in education and healthcare, has been recognised through

cases considered by IHROBiH. Persons with disabilities face high unemployment rates, lower wages, instability, lower standards in employment conditions, inaccessibility of the working environment, as well as a lower likelihood of being appointed to management positions compared to other employees (the situation is even more serious in the case of women with disabilities).

The obstacles and challenges faced by people with disabilities in everyday life relate to architectural barriers, unadapted infrastructure and transport, and communication barriers that include information and media accessibility of services and public services.

The issue of conflict of jurisdiction between the entity social welfare centres and the Brčko District of BiH has not yet been resolved. IHROBiH continues to monitor the process of appointing the Council for Persons with Disabilities and new initiatives that have been submitted to the parliamentary procedure. The Ombudspersons of BiH are ex officio conducting an investigation with a view to reviewing the general situation regarding the exercise of the right of deaf and hard of hearing persons to hearing aids. The importance of enabling accessibility for persons with disabilities in terms of exercising the right to orthopaedic aids was the basis for sending a recommendation to the FBiH Ministry of Health and the Health Insurance and Reinsurance Institute of the FBiH to amend all necessary legal regulations with a view to prescribing the right to a screen reader for blind and visually impaired persons.

Appreciating the importance of establishing good cooperation with civil society organizations that in their work pay special attention to the position and protection of rights of persons with disabilities, the Ombudspersons of BiH responded to and attended a number of meetings/working groups/conferences during the reporting period. IHROBiH has recognized the role and importance of organizations that carry out activities in working with vulnerable categories such as persons with disabilities, recognizing that their experience and work in the field is an exceptional source of direct experience and an additional source for identifying specific needs and problems faced by members of this category.

In 2023, IHROBiH launched activities to prepare a *Follow-up Report on the Situation in Institutions Accommodating Persons with Intellectual and Mental Disabilities in BiH*. Amendments to the Family Proceedings Act of the Federation of BiH, as well as the Law on Extra-Contentious Procedure of the Federation of Bosnia and Herzegovina, are underway, which implement activities to implement the principles highlighted by the European Court of Human Rights in the judgment *Hadžimejlić and Others v. Bosnia and Herzegovina*.

Summary - Discrimination and protection of rights of national and religious minorities

The Prohibition of Discrimination Act in Bosnia and Herzegovina entrusts the Institution of Human Rights Ombudsman of Bosnia and Herzegovina with the status of “central institution competent for protection against discrimination” and for this purpose provides for the establishment and operation of a special department with the exclusive task of considering cases of discrimination committed by any legal or natural person in any area of life. In the reporting year, 187 cases of discrimination were registered, which generally follows the trends from previous years. In addition to acting on individual complaints, IHROBiH, in accordance with the improved legal framework, has intensively undertaken activities to promote anti-discrimination protection, which are reflected in

international and regional cooperation activities, informing the public, raising awareness, conducting campaigns dedicated to vulnerable categories of citizens and other forms of discrimination prevention.

Complaints in the field of discrimination are becoming increasingly complex because IHROBiH recommendations are given the force of evidence in court proceedings. For this reason, lawyers, non-governmental organizations, researchers or institutes, narrowly specialized in the protection of human rights and protection from discrimination, often turn to IHROBiH in order to achieve a specific request in court and other proceedings. This undoubtedly represents progress in the implementation of the Prohibition of Discrimination Act, because this was the intention of the legislator, but it also raises the question not only of the capacity where separate institutions (equality bodies) have been established for this role, including in the countries of the region, but also of the issue of support for this role of the Human Rights Ombudsman, which is not sufficiently recognized by the authorities. This is particularly evident in the fact that since 2009, when the Prohibition of Discrimination Act in BiH was adopted, which in Article 7 determined that the Ombudspersons of BiH, as an equality body, will be allocated budgetary funds for this purpose, the provision of funds for this function of this body has never occurred. Every year, IHROBiH submit an annex to the Ministry of Finance and Treasury, along with their basic budget request, requesting funds to fulfil this legal obligation. This request was also submitted within the 2024 budget and was not accepted. In the context of the right to protection from discrimination, IHROBiH has been informed that special reports on certain topics or categories of endangered rights are increasingly being used as an argument for the existence of a violation of rights in court proceedings, which also represents a positive development.

The largest number of complaints in the reporting period relates to mobbing, as a special form of discrimination in the workplace - 43, followed by complaints of discrimination based on ethnicity - 12, hate speech - 8, based on national or social origin - 7, based on education - 6, based on sexual orientation - 5, based on association with a national minority - 4 and other - 67, which include cases that could not be categorized at the time of registration based on the complaint allegations. Parties often approach with allegations of discrimination, but in the investigation process determines that it is not discrimination as defined in the Prohibition of Discrimination Act in Bosnia and Herzegovina. In such cases, the investigation continues with regard to the highlighted violations of other rights, and these cases are presented within that framework.

During the reporting period, the Ombudspersons issued 42 recommendations, which represents the highest percentage in relation to the number of complaints compared to other departments/violations of rights, and which confirms the conclusion about the complexity and demanding nature of complaints in discrimination cases. Recommendations were issued most often in cases of mobbing, discrimination ON GROUNDS OF ETHNICITY, gender equality, as well as on other grounds, mostly in the areas of employment and education. The recommendations specifically required harmonization of internal acts with the Prohibition of Discrimination Act in Bosnia and Herzegovina, taking measures to prevent discrimination, taking steps to try to find an amicable solution to the dispute, and establishing other mechanisms for reporting and protection from discrimination within the organization itself. In cases of discrimination based on ethnicity, the recommendations required priority reconstruction of infrastructure in returnee areas, equal opportunities in the use of public resources, timely action in exercising the right to pension before

the competent funds, and equal opportunities when applying for public positions, which includes equal representation of constituent peoples in public authorities.

Even before the tragic events in Gradačac and other places, IHROBiH, by conclusion of the session of May 19, 2023, after recognizing the need for systematic monitoring and improving the framework for combating gender-based violence, decided to proceed with the preparation of a Special Report on Gender-Based Violence against Women in Bosnia and Herzegovina. The starting point for the development of such essential documents should be complete information on the prevalence and presence of this type of crime in our society, as they are often accompanied by a high degree of stigmatization and various obstacles to reporting, including negative gender stereotypes (mainly towards women), public condemnation, minimization of consequences or acceptability of questionable behaviour, including physical violence within the family. It is also necessary to consider the possibility of amending the criminal code, the criminal procedure code and the Act on the Protection from Domestic Violence in order to introduce new criminal offences - aggravated murder of a female.

During 2023, IHROBiH considered cases of discrimination against constituent peoples in terms of representation in public authorities, as well as the right to use language and script.

In terms of the rights of national and religious minorities, 14 cases related to the exercise of the rights of the Roma national minority were registered in 2023, most often relating to the right to language, information and ensuring the enjoyment of economic and social rights. In addition to the identified challenges specific to other transition countries and individual European countries, minorities in Bosnia and Herzegovina are also faced with marginalization due to the specific political context and where relations in government structures are mainly shaped by dominant ethnic groups.

Media

The public is twice as important when it comes to the work of IHROBiH. By writing about IHROBiH activities, the media make his work transparent, efficient and strengthen his authority. On the other hand, when writing about events in society, the media provide the Ombudspersons with information about human rights violations, on the basis of which the Ombudspersons, on their own initiative, launch investigations.

The Ombudspersons have several instruments at their disposal to inform the public about human rights issues. Statements in which Ombudspersons express their position based on international human rights standards inform the public about human rights violations. In addition, the Ombudspersons regularly publish summaries of the recommendations made on their website so that they can serve as guidelines in the work of the competent authorities. Publishing information and organizing press conferences on the occasion of events, such as the presentation of annual and special reports, conferences and round tables, meetings with representatives of civil society are used to animate the media in order to make human rights topics accessible to the public. At the local level, activities were undertaken to establish cooperation with the media in order to bring the work of IHROBiH closer to citizens and to indicate the possibility of addressing this institution as a mechanism for the protection of their rights. In this way, inter alia, guest visits of IHROBiH

representatives were made in Prijedor, Gradiška and Prnjavor. The media were also present during meetings of IHROBiH with non-governmental organizations in several cities of Bosnia and Herzegovina.

In the reporting year, a total of 139 media appearances were made. In addition to audio and video statements (interviews, statements, guest appearances on TV and radio programs), responses to the media were also submitted in writing. IHROBiH activities were reported and written about in print and electronic media. The most frequently used journalistic form of reporting was news, reports and interviews. Thus, information about the work of IHROBiH could be found on BHRT, Federalna televizija, RTRS, N1, Nova TV, Al Jazeera Balkans, Radio Slobodna Europe, Oslobođenje, Nezavisne novine, Glas Srpske, as well as the news agencies SRNA and FENA, portals, and numerous other media outlets. Citizens, and thus the media, could also find information about the activities of IHROBiH on its website. During 2023, more than 474 different pieces of content were published in this way. During that period, the website was visited 48,060 times, during which more than 133,990 pages with the published content were viewed. The most visits were recorded from Bosnia and Herzegovina, the USA, Croatia, Serbia, Germany, the Netherlands and Austria, and in recent years the website has also recorded a significant number of visits from China.

In their statements to the media, the Ombudspersons most often presented the role and function of the institution, specific cases in its work, recommendations, as well as other indicators used to assess the general state of human rights in Bosnia and Herzegovina. By topic, the media's interest was primarily focused on three areas: discrimination, children's rights, and civil and political rights. In the area of discrimination, they discussed the position of the LGBT population, hate speech, and discrimination on various grounds, including gender, age, and other forms of discrimination. In the area of children's rights, the Ombudspersons spoke to the media about education, peer violence, underage marriages, alimony, and the role of social welfare centres in protecting children's rights. In their statements on the exercise of civil and political rights, the Ombudspersons addressed freedom of expression and media freedom, migration, and the right to access information. In their statements to the media, the Ombudspersons or other representatives of the Institution also spoke about other areas of human rights and fundamental freedoms, including topics from the areas of economic, social and cultural rights, the rights of persons with disabilities and the rights of persons deprived of their liberty.

Cooperation with authorities and institutions, NGOs and the civil sector

IHROBiH represents a channel of communication between citizens and the authorities, and the resolution of specific cases depends on the quality of cooperation with the authorities. An important part of IHROBiH mandate is the prevention of human rights violations, primarily the promotion of human rights standards that the member state has ratified and thereby assumed the obligation to implement, which includes the adoption of legislative, administrative and other measures. In 2023, the Ombudspersons of BiH worked towards strengthening cooperation with representatives of legislative and executive authorities at all levels, and cooperation with local communities was particularly intensified.

The most important activities in the promotion of human rights are certainly educational content, conferences, thematic meetings, workshops, media addresses, etc. Cooperation with the academic

community, human rights defenders, the media and other entities dealing with human rights is key to achieving this activity.

In 2023, the Ombudspersons of BiH continued their successful cooperation internationally, as well as with international organizations operating and active in Bosnia and Herzegovina. The focus remains on strengthening human rights in any concept, as a social priority of a democratic society.

Particularly significant cooperation has been achieved in certain activities with the Council of Europe Office in Bosnia and Herzegovina, the OSCE Mission to Bosnia and Herzegovina, the Office of the UN Resident Coordinator in Bosnia and Herzegovina (UNDP, UNICEF, UNFP, UNHCR, IOM, UNWOMEN), as well as other international organizations operating in Bosnia and Herzegovina and dealing with the protection of human rights.

IHROBiH has established cooperation with all international and regional national institutions, equality bodies, ombudspersons for children, ombudspersons for the protection of rights of persons with disabilities, information commissioners, etc.

In 2023, IHROBiH held consultative meetings in Sarajevo, Mostar and Banja Luka, to which all associations actively operating in these communities were invited. The importance of consultative meetings with civil society is multifaceted. In this way, the Ombudspersons receive information on the state of human rights in the community, as well as guidelines on how these issues should be addressed. The meetings also establish a structure for ongoing cooperation and maintaining contacts with local communities. The topic of the meetings was the role and position of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina and civil society organizations in Bosnia and Herzegovina, possible and sustainable concepts of providing mutual support, as well as positive aspects of cooperation in terms of protection and advocacy. 52 non-governmental organizations participated in the consultation process with the Ombudspersons of BiH.

III. INFORMATION ON ACTIONS OF INSTITUTION OF HUMAN RIGHTS OMBUDSMAN OF BOSNIA AND HERZEGOVINA IN 2023

During 2023, IHROBiH received a total of 2,794 complaints. In 2023, a total of 2,831 cases were archived, of which 1,686 cases from 2023 and 1,145 cases from previous years. During the reporting period, a total of 8,366 complaints were addressed to IHROBiH (direct contacts, written contact, telephone calls, e-mails and written complaints).

Diagram 2 shows how citizens approached IHROBiH in 2023.

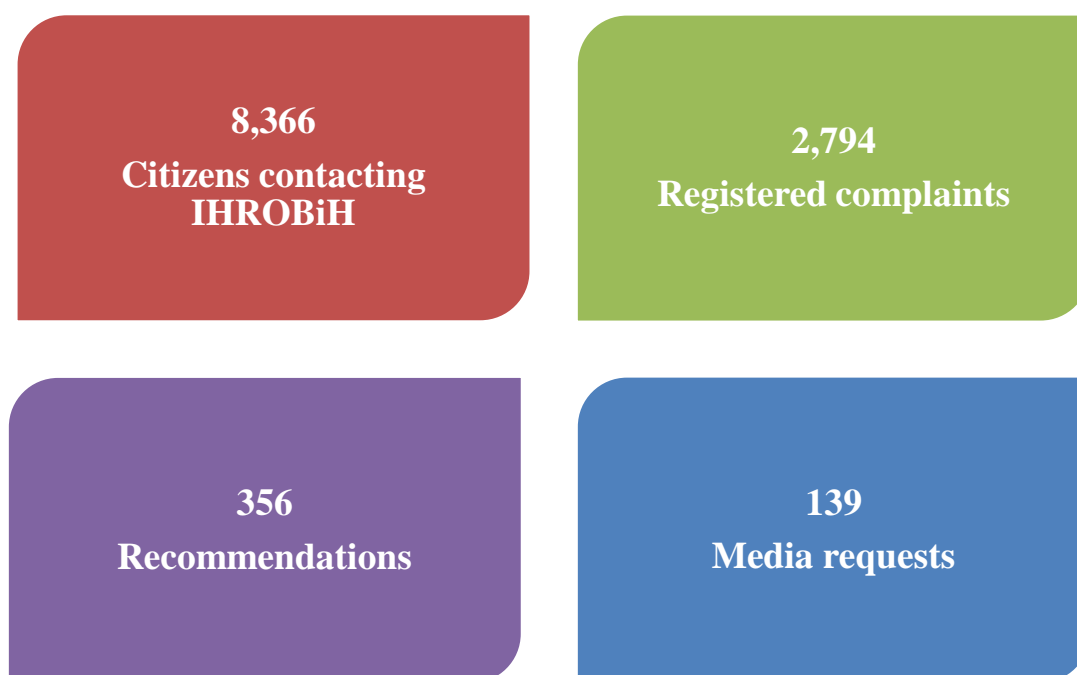
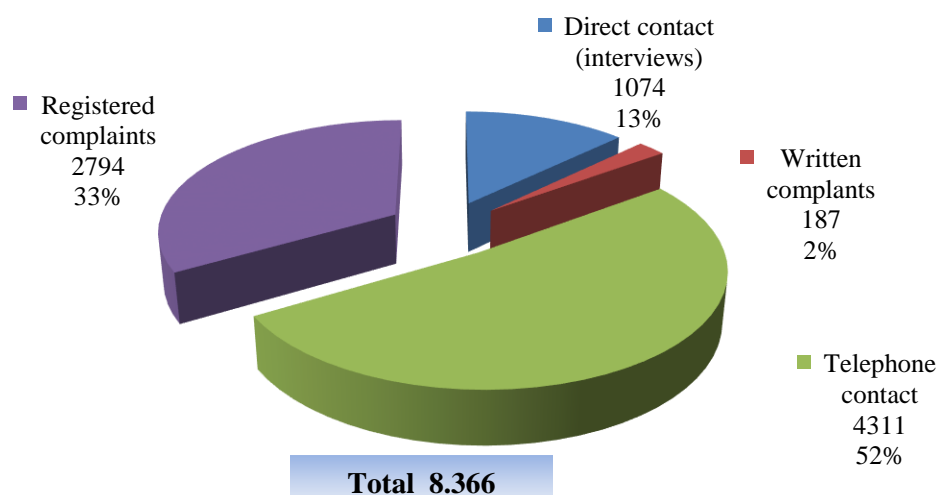


Diagram 1. Overview of basic indicators related to IHROBiH work

Table 1. Structure of filed complaints, by violation type

DEPARTMENT	Received in 2023
01 – Department for Monitoring the Exercise of Children's Rights	231
02 - Department for Monitoring the Exercise of Persons with Disabilities	56
03 - Department for Monitoring the Exercise of National, Religious and Other Minorities	13
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights	741
05 - Department for Monitoring the Exercise of Political and Civil Rights	771
06 – Department for the Elimination of All Forms of Discrimination	187
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty	86
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration	709
TOTAL	2,794



Graph 1. Overview of citizens' appeals to the Ombudsman Institution

In the reporting period, IHROBiH issued 356 recommendations in 488 cases, which represents a slight decrease of 3 recommendations compared to 2022, when 359 recommendations were issued in 428 cases.

Statistical indicators indicate that, although the number of complaints filed decreased in 2023, at the same time, an approximate number of recommendations were issued as in 2022, with an increase in the degree of implementation of recommendations.

In 2023, IHROBiH launched activities to draft a Special Report on the Implementation of Previously Issued Recommendations, with a view to improving the process of drafting and defining recommendations by the Ombudspersons of BiH, in order to facilitate their implementation by government bodies. Authorities were invited to submit explanations as to why the recommendations were not implemented. In this way, direct contacts with the authorities to which the recommendations were addressed were intensified with a view to ensuring their implementation.

Statistical data indicate that in 2023, compared to 2022, there was a decrease in the number of unimplemented recommendations, as well as a decrease in the number of cases in which the authority failed to submit a response after issuing a recommendation. The degree of implementation of recommendations is shown in Table 2.

Table 2. Recommendation implementation level

Recommendation implementation method	No of cases with recommendation issued in 2023	Recommendation issued in 2022
Implemented	242 (49.59%)	129 (30.14%)
Cooperation achieved	63 (12.91%)	75 (17.52%)
Partially implemented	13 (2.66%)	16 (3.74%)
No response	90 (18.44%)	100 (23.36%)
Not implemented	80 (16.39%)	108 (25.23%)
Total no of cases with recommendation issued	488	428

IV. CIVIL AND POLITICAL RIGHTS

4.1. Introduction

The International Covenant on Civil and Political Rights is an integral part of the legal system of Bosnia and Herzegovina.¹ Each State Party to the Covenant undertakes to respect and guarantee the rights recognized in the present Covenant to all individuals within its territory and in territories under its jurisdiction, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Where this is not already provided for by existing laws or other measures, each State Party undertakes, in accordance with its constitutional process and the provisions of the Covenant, to take the necessary steps to adopt the legislative and other measures necessary for the realization of the rights recognized.²

The Department for Monitoring the Exercise of Civil and Political Rights considers complaints regarding violations of the right to free access to information, police work, violations of the provisions of the law on government, ministerial and other appointments, property relations, the work of inspection bodies, the right to free legal aid, public documents, migration and asylum, war damages, media and freedom of information, corruption cases, religious freedom and religion and freedom of assembly.

4.1.1. Statistics

During 2023, within the Department for Monitoring the Exercise of Political and Civil Rights, 771 complaints were registered, which represents a decrease in the number compared to 2022, when 857 complaints were received. 494 cases were transferred from previous years, so that a total of 1,265 cases were in progress. Work was completed in 790 cases, of which 304 cases from previous years and 486 cases from 2023.

According to the violations of rights considered, the number of complaints is as follows: access to information - 275, police - 138, government and ministerial appointments - 98, property relations - 120, inspections - 81, legal aid - 9, public documents - 9, migration and asylum - 11, war damage - 9, media and freedom of information - 7, corruption cases - 4, religious freedom and religion - 2 and freedom of assembly - 4.

During the reporting period, 146 recommendations were issued within the jurisdiction of this Department.

The Ombudspersons issued 70 recommendations for violations of the right to access information, in procedures based on complaints against government and ministerial appointments - 28, to inspection bodies - 20, police authorities - 10, in property law cases - 11, public documents - 1, war damages - 2, migration and asylum - 1, free legal aid - 2, media and freedom of information - 1 recommendation.

¹ Constitution of Bosnia and Herzegovina, Annex I Additional human rights agreements to be applied in Bosnia and Herzegovina;

² International Covenant on Civil and Political Rights, Covenant text
https://www.ombudspersons.gov.ba/documents/obmudsmen_doc2013031901595385cro.pdf

The largest number of recommendations were sent due to the failure of public authorities to act in accordance with the provisions of the Freedom of Information Act, violations of the principles established by the laws on government, ministerial and other appointments, inspection authorities for failing to take actions within the scope of inspection, due to inefficient actions of administrative authorities in property- related procedures, police authorities for failing to take legal actions within the scope of their jurisdiction, and entity and local government authorities for protecting the rights and property of returnees. The recommendations also pointed out to the responsible authorities the obligation to cooperate with the Ombudspersons of Bosnia and Herzegovina, after they ignored the call for a statement and submission of relevant information during the investigation procedures.

4.2. Right to access information

The right to access information is one of the fundamental human rights and an integral part of the right to freedom of expression. This right is based on the fundamental principles underlying the European Convention for the Protection of Human Rights and Fundamental Freedoms³ and the Covenant on Civil and Political Rights⁴. This right is closely linked to the transparency of public authorities, as one of the pillars of democracy, and is one of the tools in the fight against corruption. The state is obliged to ensure unhindered and facilitated access to information. It is particularly important that access to information be proactive in a way that the authorities, by publishing it, make the information available to the public and thus reduce the proactive role of citizens.

In this regard, the UN Human Rights Committee, through General Comment No. 34 on Article 19 of the International Covenant on Civil and Political Rights has provided certain guidelines that constitute the authoritative interpretation of the freedom of opinion and expression guaranteed by Article 19 of the Covenant⁵. The General Comment states that Article 19 paragraph (2) of the Covenant includes the right to access to information held by public authorities, and such information includes records kept by a public authority, regardless of the form in which the data are stored, their source and the date of compilation. In order to exercise the right to access information, Member States should act proactively, make information of public interest public and ensure simple, rapid, efficient and practical access to information. Member States should establish the necessary procedures/procedures by which access to information can be achieved. Public authorities should state the reasons for any Denial of access to information, and in this regard, it is necessary to establish a mechanism for complaints when access to information is refused or when authorities fail to act on requests.

One of Bosnia and Herzegovina's key priorities for joining the European Union relates to fundamental rights, which include, inter alia, the right to freedom of expression and the media⁶. The European Commission's 2023 Report on Bosnia and Herzegovina⁷ states that Bosnia and

³ See Article 10 of the Convention;

⁴ See article 19 of the Covenant;

⁵ <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

⁶ According to the European Commission's opinion dated 29 May 2019, Bosnia and Herzegovina committed to fulfilling 14 key priorities in the area of democracy/functionality, the rule of law, fundamental rights and public administration reform, and as the requisite for the European Commission to recommend opening negotiations with Bosnia and Herzegovina to join the European Union.

⁷ <https://www.eeas.europa.eu/eeas/klju%C4%8Dni-nalazi-iz-izvje%C5%A1tja-za-bosnu-i-hercegovinu-za-2023->

Herzegovina made some progress by adopting the Freedom of Information Act, with a view to encouraging proactive disclosure and transparency. The report, as in previous years, continues to note that the legislation on the right to access information is fragmented, and that with the adoption of a new law at the state level, the independence of the appeals procedure is yet to be brought into line with international and European standards. The rules on data protection and access to information continue to be interpreted in a way that protects private rather than public interests and such rights are inconsistently ensured at all levels of government.

In December 2023, the seventh meeting of the Subcommittee on Justice, Freedom and Security (hereinafter referred to as: the Subcommittee) under the Stabilisation and Association Agreement between the European Union and Bosnia and Herzegovina was held. The outcome of this meeting is that the Commission expects visible progress in the area of justice, freedom and security in line with the 14 key priorities set out in the Opinion, and stressed that reforms to strengthen the rule of law will be of key importance for Bosnia and Herzegovina. The European Commission representatives highlighted the importance of freedom of expression and the media, the protection of journalists and media workers, as well as the financial sustainability and political independence of the public broadcasting system. The Subcommittee's recommendations, stemming from key priority 12 of the Opinion⁸, point to the importance of amending legislation at the state level with a view to establishing an independent and specialised oversight mechanism, including a complaints procedure in matters relating to freedom of information⁹. The recommendations also address the importance of ensuring the proper implementation of the Act on Freedom of Information in the Institutions of Bosnia and Herzegovina and the timely adoption of by-laws, as well as the establishment of a Central Data Portal and proactive publication of information¹⁰. The development of legislation on freedom of access to information at the entity and Brčko District levels should be aligned both across the country and with relevant European standards and the EU acquis, using the SIGMA model law on freedom of access to information as a basis for drafting new laws and fulfilling TAIEX recommendations. The Subcommittee recommends that new draft laws should be submitted to the Commission at an early stage of development before the adoption procedure in order to ensure their compliance with the EU acquis and relevant standards. The recommendations point to the need to prevent any steps that would further undermine freedom of expression and media space.

Similarly, the Universal Periodic Review of the Human Rights Situation in Bosnia and Herzegovina¹¹ made recommendations relating to freedom of opinion and expression and freedom of access to information. One of the recommendations addressed to Bosnia and Herzegovina is to guarantee free and independent media and promote an open democratic media environment with regard to freedom of opinion and expression, and the right to access information. This recommendation is broadly in line with the recommendations of the Subcommittee, and through the prism of a general principle points to the importance of freedom of expression, and the obligation of

year_bs?s=219

⁸ Key Priority 12 of the Opinion - Guarantee freedom of expression and media and the protection of journalists, primarily by

(a) ensuring appropriate judicial outcomes in cases of threats and violence against journalists and media workers, and
(b) ensuring the financial sustainability of the public broadcasting system.

⁹ 3rd quarter of 2024;

¹⁰ 3rd quarter of 2024;

¹¹ <https://www.ohchr.org/en/hr-bodies/upr/ba-index>

Bosnia and Herzegovina to work on the improvement and promotion of human rights in this area.

4.2.1. Statistics

When it comes to statistical data related to access to information, there is a noticeable decrease in the number of complaints received. During 2023, 275 complaints were received (308 complaints in 2022), which is a decrease of 10.71%. In the area of access to information, 70 recommendations were issued.

The most common grounds for appeals, as in the previous period, were complaints that indicated the failure of the authorities to decide on the received requests, or that decisions were made on the requests after the legal deadline had expired - 92 complaints, refusal to provide access to information - 27 complaints, inadequate determination of exceptions and implementation of the public interest test, and violation of the right to review in two instances. What is noticeable in the reporting period is the reduced number of complaints that indicated violations of the law at the state level, where complaints were mostly filed under the old Freedom of Information Act of Bosnia and Herzegovina.¹² Compared to the new law, a smaller number of cases were received, which are considered exclusively under the provisions of the LHROBiH, given that under the new Freedom of Information Act, the Ombudspersons of BiH do not have a mandate to act on them.¹³

4.2.2. Legislation

Freedom of access to information in Bosnia and Herzegovina is regulated by laws at the state and entity levels. The Parliamentary Assembly of Bosnia and Herzegovina adopted the Freedom of Information Act at the Level of Institutions of Bosnia and Herzegovina.¹⁴ This definition of the name of the law establishes that the law applies only to the institutions of Bosnia and Herzegovina, leaving the Brčko District of BiH without a legal basis for ensuring the application of freedom of access to information.

The transitional provisions of the aforementioned law stipulate that all proceedings initiated until the date of entry into force of this law will be concluded in accordance with the regulations that were in force at the time the proceedings were initiated, if this is more favourable for the party in the proceedings.

The General Secretariat of the Council of Ministers of BiH is responsible for managing and maintaining the Central Portal of Public Information (Article 15, paragraph (2)). The Appeals Chamber of the Council of Ministers of BiH decides as a second-instance body (Article 28, paragraph (2)). IHROBiH is provided with information related to the information officer (Article

¹² Freedom of Information Act of Bosnia and Herzegovina (The Official Gazette of Bosnia and Herzegovina, No: 28/00, 45/06, 102/09, 62/11 and 100/13);

¹³ Ž-BL-05-453/2.; Ž-SA-05-1195/23;

¹⁴ The Parliamentary Assembly of Bosnia and Herzegovina, at the 10th session of the House of Representatives, held on 22 August 2023, and at the 8th session of the House of Peoples, held on 30 August 2023, adopted the new Freedom of Information Act at the Level of Institutions of Bosnia and Herzegovina. The Law was published in The Official Gazette of BiH, No. 61/23 and entered into force in September 2023. With the entry into force of this Law, the Freedom of Information Act in Bosnia and Herzegovina, The Official Gazette of BiH, No. 28/00, 45/06, 102/09, 62/11 and 100/13 ceased to be valid.

17, paragraph (1)), as well as records on the number of requests received, the type of information requested, the number of decisions issued, the number of final decisions, etc. (Article 17, paragraphs (5) and (6)). The Ministry of Justice of BiH, through the administrative inspection, carries out inspection over the implementation of the Law (Article 37).

The core value of the adopted law lies in the fact that it contains provisions that oblige the institutions of Bosnia and Herzegovina to proactively publish information¹⁵. The Ombudspersons of BiH have, through their work on cases, pointed out the obligation of public authorities to publish and make available information of public importance, without imposing an obligation on citizens to obtain such information through a request, bearing in mind that proactive transparency is a key prerequisite for ensuring the rule of law and democratic processes. The new law imposed an obligation on the institutions of Bosnia and Herzegovina to regularly publish and update information from their scope of activity on their website or in another appropriate manner in an easily accessible manner whenever possible, in machine-readable form, within 15 days from the date of the information's creation¹⁶. The law went a step further and specifically highlighted information whose publication is particularly important¹⁷. BiH institutions are obliged to publish all other information important for work, organization, decision-making and financing, which includes publishing information in the form of guides, summaries and other understandable forms accessible to information users, publishing important information on the bulletin board of BiH institutions, as well as providing a certain number of copies of important documents¹⁸.

Analyzing the provisions of the new law, it is noticeable that the mandate of has been changed to a greater extent, which is reflected in the inability to comprehensively monitor the situation in this area and prepare information for the public. Under the previously applicable law, the Ombudspersons of BiH had special responsibilities, in the sense that they were an institution that combined reactive action on complaints, but also proactive action in the sense of providing, composing and delivering information, opinions, advice, keeping records of information officers, guides for accessing information, information registers, and other records prescribed by law. According to the new law, the responsibilities of the Ombudspersons of BiH are contained in the following provisions:

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina and the Appeals Chamber shall be provided with official information on the information officer with a contact address, appointed by the institutions of Bosnia and Herzegovina (Article 17, paragraph (1)).

Records on the number of requests received, the type of information requested, the number of decisions made, the number of final decisions, the number of requests for which no decisions were made and the manner of action of the public authority, kept by the information officer,

Ž-BL-05-389/23 – the complaint allegations indicated a violation of transparency as a basic principle of a democratic society, given that the Cantonal Government charged an annual fee for electronic access to the official gazette of the Canton. IHROBiH recalled the case Ž-BL-05-526/20 – recommendation number: P-176/20 of 16 September 2020, which indicated that official gazettes in Bosnia and Herzegovina are established as public enterprises or as public institutions, and that their exclusive activity is of general interest. The general interest is achieved by ensuring that all natural and legal persons, i.e. all citizens, are familiar with laws, other regulations and general acts. Individual official gazettes provide funds for their work from the funds they generate through their business. However, despite this fact, IHROBiH believe that the general interest is of much greater importance in terms of their availability, and that it would be appropriate to find technical possibilities to make electronic editions of official gazettes available on websites.

Article 14, paragraph (1); See also Article 16. 17

Article 14, paragraph (2)

Article 14, paragraph (3)

shall be submitted by the information officer every three months to the head of the BiH institution, the Appeals Council and the Institution of Human Rights Ombudsman of Bosnia and Herzegovina (Article 17, paragraph (5) and (6)).

The Information Officer is obliged to submit to the Institution of Human Rights Ombudsman of Bosnia and Herzegovina an annual report referred to in Article 17, paragraph (8) of this Law, which refers to the annual report on the work of the BiH institution, which is submitted to the Council of Ministers of Bosnia and Herzegovina and the Parliamentary Assembly of Bosnia and Herzegovina in accordance with the legally prescribed procedure and which must include records on the number of requests received, the type of information requested, the number of decisions made, the number of final decisions, the number of requests for which decisions have not been made, and the manner in which the BiH institution acts (Article 47).

IHROBiH prepares an annual report on the situation in the area of freedom of access to information at the level of the institutions of Bosnia and Herzegovina, which it submits to the competent institutions (Article 48).

Thus, IHROBiH has a dual role, on the one hand in accordance with the competencies prescribed by the Act on Freedom of Information at the Level of the Institutions of BiH, and on the other hand as a BiH institution that is obliged to act upon citizens' requests for access to information in its possession.

Article 17, paragraph (8) prescribes the duty of the information officer to prepare an annual report on the work of the BiH institution and submit it to the Ombudspersons of BiH, who, pursuant to Article 48 of the same Act, would be obliged to prepare an annual report on the state of freedom of access to information at the level of the institutions of Bosnia and Herzegovina. IHROBiH expresses concern regarding the implementation of this provision because it means that, in addition to preparing an annual report on the results of its work in accordance with the provisions of the LHROBiH¹⁹, IHROBiH is obliged to prepare an annual report on the state of freedom of access to information at the level of the institutions of BiH, based on data submitted by other institutions, which does not correspond to its mandate. The Ombudspersons consider this to be inappropriate and ineffective.

The competence of IHROBiH under the new law is focused on receiving information (official data of the information officer with contact address, records of the information officer on the number of requests received, type of requested information, number of decisions made, number of final decisions, number of requests for which no decisions were made and the manner of action of public authorities and annual reports on the work of the BiH institution). From the above, it can be concluded that the task of IHROBiH is to be a registry of institutions/collector of information, primarily of statistical data submitted by other institutions, with a view to preparing an annual report at the level of BiH institutions.

The 2023 Annual Report presents only data related to complaints received under the Freedom of Information Act in BiH, which was in force until the new law entered into force (September 13, 2023); data for the situation at the entity level, and information on complaints submitted by citizens in accordance with the provisions of the LHROBiH.

¹⁹ Article 34 of the LHROBiH;

IHROBiH, as a public body, is itself in possession of information that it is obliged to publish, so measures have been taken to develop a Program of Measures for the Implementation of the Act on Freedom of Information at the Level of the Institutions of BiH in IHROBiH, which also contains an action plan for the implementation of the obligations created by the adoption of the new law. One of the significant obstacles in the implementation of the obligations prescribed by the new law is the failure to by-laws, such as the guide for access to information whose deadline for adoption was 12 December 2024.

The institutions of BiH will ensure organizational, material, technical and other conditions for the implementation of the provisions of the law within six months, counting from the date of entry into force of the law, i.e. by March 12, 2024. All by-laws adopted on the basis of the Freedom of Information Act in Bosnia and Herzegovina remain in force until new ones are adopted.²⁰

IHROBiH, as a public body, is required to adopt by-laws, such as the information guide and the information register, within six months of the entry into force of the new law (by mid-March 2024), which is a challenge, given that the competent authorities have not yet fulfilled their obligations prescribed by law. It is important to note that there is a discrepancy in some of the deadlines, which means that IHROBiH will adopt a rulebook based on the content of the Proactive Transparency Policy within six months, and then the Council of Ministers will adopt a rulebook at the level of the institutions of BiH within nine months. This will consequently require subsequent amendments to the Institution's rulebook.

In the reporting period, there were no major changes at the entity level, and the Freedom of Information Act in the Federation of Bosnia and Herzegovina²¹ and the Freedom of Information Act of the Republika Srpska²² are still in force.

In accordance with the provisions of the freedom of information acts, IHROBiH acted on complaints, issued opinions on submitted requests, and actively participated in various gatherings, where issues related to freedom of opinion, expression, and freedom of access to information were discussed.

4.2.3 Handling complaints

For effective action on complaints, cooperation between public authorities and IHROBiH is very important. In 2023, this cooperation, in terms of the application of the Freedom of Information Act, can be assessed as very good. In a large number of cases, a positive step towards resolving the issues in question and acting on the requests is noticeable already upon the first address²³. In certain cases, such cooperation is achieved after issuing a

Article 52 of the Act on Freedom of Information at the Level of the Institutions of BiH;
Freedom of Information Act of the Federation of Bosnia and Herzegovina (The Official Gazette of the FBiH, no.: 32/01 and 48/11);

²² Freedom of Information Act of the Republika Srpska (The Official Gazette of RS, No. 20/2001);

²³ Ž-SA-05-708/23;

recommendation²⁴. However, when considering a case, there are also a certain number of cases where public authorities completely ignore the inquiries of the Ombudspersons of BiH, even after sending a recommendation on non-cooperation²⁵. The reasons why citizens addressed the Ombudspersons of BiH, among others, are: the form of submitting a request, failure to decide within the statutory deadline, the form of the decision-making act, establishing exceptions and conducting a public interest test, the right to an effective legal remedy.

4.2.4. Request submission

The purpose of the Freedom of Information Act is to enable and encourage access to information under the control of a public authority to the greatest extent possible, and the interpretation of legal provisions should be directed towards a more comprehensive application. The Ombudspersons of BiH, as in previous years, noted that certain authorities for processing requests state certain conditions, such as that the request must be signed and that it must be in writing, not via e-mail. Setting these conditions, in most cases, has led the public authority to not act on the request, or to refuse access to information. IHROBiH expressed the view that it is completely irrelevant whether the request for access to information is contained in PDF format or in the e-mail itself, and stated that this cannot be a basis for not considering the request. IHROBiH is of the opinion that requests submitted via e-mail also meet the requirement of being in “written form”²⁶, and that the law does not prescribe the obligation to sign a request for access to information²⁷.

4.2.5. Failure to decide with statutory deadline

IHROBiH has noted a certain number of cases in which parties point to the failure of public authorities to make decisions within the statutory deadline, or the complete absence of any activities upon the submitted request.

The laws regulating access to information at all levels stipulate that a public authority is obliged to act on a request within 15 days of receiving it and to inform the applicant of the decision. There are positive practices where certain authorities, after the first address to IHROBiH, fulfil their obligation, act on the request and make a decision²⁸, while in other cases, the fulfilment of legal obligations occurs only after a recommendation is sent²⁹.

²⁴ Ž-BL-05-439/23, recommendation number: P-209/23 dated August 18, 2023

²⁵ Ž-SA-05-406/23, recommendation number: P-253/23 dated September 13, 2023; Ž-SA-05-561/23, recommendation number: P- 296/23 dated October 12, 2023

²⁶ The new Act on Freedom of Information at the Level of the Institutions of BiH, Article 23, paragraph (4), stipulates: *A written request, within the meaning of paragraph (2) of this Article, is considered a request submitted electronically, provided that it contains all the elements listed in paragraph (3) of this Article* (name and seat of the BiH institution, data that are important for identifying the requested information, name, surname and address of the natural person who is the user of the information, or the name and seat of the legal entity)

²⁷ Ž-SA-05-358/23, recommendation number: P-193/23 dated 08/08/2023 – recommendation implemented; Ž-SA-05-4/23; Ž-SA-05-405/23; Ž-BL-05-7/23; Ž-LI-05-13/22; Ž-SA-05-177/23; Ž-SA-05-345/23; Ž-LI-05-10/23; Ž-BL-05-14/23; Ž-BL-05-44/23; Ž-SA-05-1/23;

²⁹ Ž-SA-05-38/23, recommendation number: P-23/23 dated 07 February 2023. - recommendation implemented; Ž-BR-05-6/23 – recommendation number: 71/23 dated 28 February 2023. - recommendation implemented; Ž-BL-05-292/23, recommendation number: P-206/23 dated 07 July 2023. - Recommendation implemented; Ž-BL-05-109/23, recommendation number: P-115/23 dated 03 May 2023; Similar action in case Ž-LI-05-68/23, recommendation number: P-147/23 dated 25 May 2023;

In a large number of cases considered before IHROBiH, relating to access to information, the applicant failed to participate in the procedure after receiving the act (statement of the competent authority)/decision. Failure to submit the requested comment, or statement on the submitted act of the authority, was considered that the applicant was not interested in further proceedings in the case, and the case was closed³⁰.

4.2.6. Decision format

The new Act on Freedom of Information at the Level of the Institutions of BiH stipulates the obligation for BiH institutions to issue a decision on a request for access to information within 15 days of the date of submission of the proper request³¹. Certain exceptions regarding the form of the decision-making act are specifically regulated by the provision of Article 26, paragraph (2) of the same law.

In the same way, the obligation of public authorities at the level of the Federation of Bosnia and Herzegovina to issue a decision as an administrative act, with all the elements prescribed by the Act, upon a request for access to information, is prescribed³² while the Freedom of Information Act in the Republika Srpska still contains the obligation of public authorities to notify the applicant by letter/notification. IHROBiH has previously pointed out all the shortcomings of this legal arrangement, because the letter by its nature does not have the character of an administrative act, and it calls into question one of the basic principles of administrative procedure, the two-instance procedure, which was also established by the District Court in Banja Luka in its decision.³³

³⁰ Ž-BL-05-186/23; Ž-BR-05-113/23; Ž-BR-05-114/23;

³¹ Article 25.

³² See Article 14 of the Freedom of Information Act in FBiH;

District Court in Banja Luka in judgment number 11 0 U 014027 14 U of 18 February 2015. took the following position:

"Here the court points out that the authority has the possibility, in accordance with the Law, to refuse access to information in whole or in part and to notify the applicant thereof in a letter, because this is stipulated in Article 14, paragraph (3) of the Freedom of Information Act, but such a letter, when this provision is read in its entirety, must contain under a) the legal basis for the exemption status of the information, along with the references to the articles of this law to which it is referred, as well as all material issues that are important for the decision, which includes taking into account the public interest factor, and under b) notification to the applicant of the right to file a complaint, to a specific authority, which includes the necessary contact information for such authority, the deadline for filing a complaint, as well as the costs of filing a complaint, which is not stated at all in the aforementioned letter of the Chief Republic Labour Inspector No. 24.010/054-3-7114 of 21 February 2014. However, although the plaintiff was not given instructions about the right to file a complaint and the authority to which he files a complaint, he files a complaint with the defendant registered by mail on 10 March 2014, which further means that the defendant (who, therefore, does not question his jurisdiction by drafting the 'response to the appeal'), must make an appropriate decision on that same appeal, which must certainly be drafted in the form of a decision, as is clearly stipulated in the provisions of Articles 194, 197, paragraphs (2) and (3) in conjunction with Article 230, paragraph (1) of the ZOUP. Namely, it is not enough to draft a letter and call it a "response to the appeal", as the defendant did, perhaps in an effort to avoid conducting an administrative dispute, which is not possible, because the adopted act is a final administrative act within the meaning of Article 7 of the ZUS, as the court has already stated. Therefore, the letter called the 'response to the appeal' does not decide on the appeal, it is decided exclusively by a decision which, among other mandatory elements, contains the operative part by which the appeal is resolved (it is rejected, refused or accepted), and "an explanation stating the reasons for the decision made upon the appeal, which in this particular case was missing from the contested act, so it can be reasonably said that it contains deficiencies that prevent the assessment of its legality, and in this regard, the plaintiff's interpretation that his appeal was rejected is not significant, since the contested act does not contain a decision on his appeal."

By way of illustration, IHROBiH sent a recommendation to the public authority, and proposed issuing a decision in the form of an individual administrative document (decision, conclusion), which should contain, inter alia, an explanation of the decision and instructions on legal remedies, since the request was partially granted³⁴.

IHROBiH recommended that the authority undertake appropriate activities and measures with a view to deciding on the complainant's request in the form of a decision that would indicate whether access to information is denied/allowed in full or in part, the legal basis for exempting the information, which certainly includes the implementation and explanation of the public interest test, as well as all other relevant issues such as instruction on the right to object, indication of the address of the body to which the object is submitted, deadline and costs for submitting an object³⁵.

4.2.7. Information of public importance

In contrast to information that represents a significant public good, that is, information of public importance, in a certain number of cases, requests for access to information are made for information that by its nature does not represent a public, but rather a private interest of an individual. This information is often needed by a party to satisfy private claims, initiate proceedings³⁶, collect evidence in court or administrative proceedings, etc. IHROBiH has taken the position that such information is available to parties to proceedings or to a person with a legal interest equivalent to them, on the basis of special regulations governing such proceedings. Parties to the proceedings, or persons with a legal interest in the case, have broader rights than the rights of the applicant for access to information³⁷, based on procedural laws and rules of evidence.

IHROBiH considered the issue of access to information relating to the provision of certain documentation from a criminal case. In the context of establishing/existence of public interest in providing the requested data, IHROBiH indicated that “public interest” represents some general benefit for the community or a specific group of persons, public health, public safety and the like, and that it is quite clear that in the complainant’s case there is exclusively a private/individual interest in obtaining the requested information³⁸.

4.2.8. Determining exceptions and conducting public interest test

IHROBiH points to key challenges they face when considering complaints, which in many cases are based on inadequate application and understanding of legal provisions by public authorities, primarily in determining exceptions to disclosure and conducting a public interest test. It often happens that it is not clear from the authorities' responses on the basis of which

Ž-LI-05-36/23; recommendation number: P-80/23 of April 27, 2023;

Ž-SA-05-450/23, recommendation number: P-266/23 dated 02 October 2023; Ž-BL-05-229/23, recommendation number: P-292/23 dated 17 October 2023;

³⁶ Ž-SA-05-253/23;

³⁷ Exercise your right to information: A guide for users of the Right to Access Information Act, Zagreb, 2016.

³⁸ Ž-SA-05-140/23;

exception access to the requested information is being denied, and whether the public authority has conducted a public interest test to determine whether, despite the established exception, the denial of information is justified in the public interest³⁹.

The public interest test represents the highest level of decision-making in a public body and a free assessment of whether the public interest prevails in keeping the requested information within the scope of access restrictions, or whether the public interest prevails in removing the requested information from the scope of the existing restriction and making it available to the applicant, and thus to the wider public. Conducting the public interest test involves the following steps: 1. whether access to the information can be restricted in order to protect a protected interest; 2. whether providing access to the information would seriously harm that interest; 3. whether the need to protect the right to restriction or the public interest prevails. In their explanations, a large number of authorities state that a public interest test was conducted, without explaining all the circumstances and facts that were considered and that led the public authority to make a certain decision, including an explanation of the harm and benefits that will arise from disclosing the information. Given that such explanations cannot be used to determine with certainty whether and how a public interest test was conducted, IHROBiH points out to the authorities in their recommendations the shortcomings in the application of the law⁴⁰.

Contrary to the practice where public authorities, acting on requests for access to information, do not conduct the public interest test or conduct it incorrectly, IHROBiH nevertheless encounter cases that indicate the correct application of legal provisions⁴¹.

While handling the case, IHROBiH reviewed the complete documentation from the file and assessed the complaint submitted to IHROBiH as unfounded. Taking into account the reasoning of the second- instance body's decision, IHROBiH concluded that the exception to disclosure within the meaning of Article 6, paragraph (1), item a) of the Act⁴² was properly established, and that the conducted public interest test corresponds to the circumstances of the case in question⁴³.

4.2.9. Information Officer

In the context of the right to access information, the violation of the right to an effective legal remedy most often occurs in situations where the same person in a public body decides on a request for access to information and then on a complaint⁴⁴. This problem is closely correlated with the issue of appointing information officers, and the justification for the violation of the right to review in two instances is justified by the lack of staffing and financial resources for the implementation of this right.

³⁹ Ž-SA-05-46/23, recommendation number: P-45/22 dated 10 February 2023 – recommendation implemented;

⁴⁰ Ž-SA-05-247/23, recommendation number: P-121/23 dated 08 May 2023. - recommendation implemented; Ž-SA-05-327/23, recommendation number: P-120/23 dated 04 May 2023. - recommendation not implemented;

⁴¹ Ž-SA-05-129/23;

⁴² The Official Gazette of Bosnia and Herzegovina, no. 28/00, 45/06, 102/09, 62/11 and 100/13;

⁴³ Ž-SA-05-27/23;

⁴⁴ Ž-SA-05-137/23

The Ombudspersons of BiH, as in the previous period, indicated that the majority of public authorities authorize information officers to, within the framework of performing their duties in terms of the Freedom of Information Act, also issue decisions in the first instance. In such a situation, an objection against the decision is filed with the head of that authority. The practice of IHROBiH shows that information officers in the majority of public authorities are persons who, in addition to their regular tasks, also perform tasks related to processing requests for access to information. The Act on Freedom of Information at the Level of the Institutions of BiH stipulates that the request for access to information is decided on by the BiH institution that is the owner of the requested information (Article 23, paragraph (1)), and that institution is obliged to take all necessary actions to collect the requested information (Article 26, paragraph (1)). The BiH institution is obliged to ensure that each request for freedom of access to information is submitted to the competent organizational unit within the BiH institution that is the owner of the information, in order to carry out the procedure for issuing a decision on the request (Article 17, paragraph (3)).

The application of Article 51 of the Act on Freedom of Information at the Level of the Institutions of BiH results in that the provisions of the Administrative Procedure Act⁴⁵ shall apply to all issues regulating the conduct of proceedings that are not regulated by the aforementioned law.

In some situations, despite pointing out certain omissions of the first-instance body, the parties do not use the possibility of filing a legal remedy⁴⁶. IHROBiH warn the parties that they are obliged to use regular legal remedies in the proceedings in order to exercise their rights. IHROBiH cannot take on the role of the body that acts on a specific administrative matter in terms of changing decisions, given that the parties in the proceedings are given the legal possibility of filing legal remedies that are decided by the competent first-instance and second-instance bodies, and in this specific case the complainant did not use the possibility of filing an objection⁴⁷.

4.2.10. Requests for opinions

During 2023, IHROBiH received a number of requests for opinions on the implementation of the Freedom of Information Act in the FBiH⁴⁸. In their opinions, IHROBiH has pointed out to public authorities that the application of legal provisions depends on the specifics of each individual case, and that the information officer is obliged to examine each request within the limits of the requested request and that a uniform, or pre-determined, pattern of action by public authorities regarding requests for access to information cannot be given⁴⁹.

4.3 Right to property

The right to property is guaranteed by the provisions of the Constitution of BiH and the

⁴⁵ The Official Gazette of Bosnia and Herzegovina, no. 29/02, 12/04, 88/07, 93/09, 41/13 and 53/16;

⁴⁶ Ž-SA-05-268/23;

⁴⁷ Ž-SA-285/23;

⁴⁸ The Official Gazette of the FBiH, no. 32/01 and 48/11;

⁴⁹ Ž-SA-05-120/23;

European Convention, Article 1 of which Protocol 1 guarantees that: "Every natural and legal person has the right to the unhindered enjoyment of his property. No one can be deprived of his property except in the public interest and under the conditions provided by law and general principles of international law." The rights and freedoms provided for in the European Convention and its protocols are directly applied in Bosnia and Herzegovina and have priority over all other laws.⁵⁰

During 2023, 120 property-related complaints were received, which is three more than in 2022. In 11 cases, a recommendation was sent to the designated responsible authorities.

Citizens contact us due to the failure of the competent authorities to act in the following cases:

- violations of the right to peaceful enjoyment of property and home,⁵¹
- violations of the right to access property,⁵²
- disproportionate length of proceedings before competent authorities that did not result in a decision on which the enjoyment of the right to property depends,⁵³
- lack of legal regulation of issues affecting the peaceful enjoyment of property,
- inefficiency of property protection mechanisms, inspection and criminal prosecution bodies.

In their recommendations to the respondent authorities, the Ombudspersons pointed to international human rights standards and provisions of applicable legislation, relevant to the exercise of citizens' property rights, and recommended that they take all legally prescribed actions and measures within their jurisdiction in order to fully ensure the protection and enjoyment of citizens' property rights. This includes making decisions in proceedings before competent authorities, implementing the enforcement of final and executive decisions, ensuring access to and peaceful enjoyment of property, and active and efficient operation of competent inspection authorities.

4.3.1. Property and right to property protection mechanisms

The obligation of the competent authorities at all levels of government is to establish a legal framework, efficient administrative bodies responsible for deciding on property law issues and supervision mechanisms, i.e. inspection bodies that will operationally monitor the implementation and possible violations of legal regulations. At the same time, the actions of judicial and criminal prosecution authorities must be timely and efficient so that citizens can fully exercise, enjoy and protect their property rights.

Considering the complainant's complaint regarding the cutting of privately owned forest, which falls within the scope of criminal proceedings, the Ombudspersons recommended to the police authorities to take all legally prescribed measures, conduct active actions to identify the perpetrator and prevent further violations of the complainant's rights, and stop the problem of illegal cutting of forest and illegal use of land owned and occupied by the complainant. The

⁵⁰ Constitution of BiH, Article II, paragraph (2)

⁵¹ Ž-BR-05-302/23;

⁵² Ž-SA-05-849/23;

⁵³ Ž-MO-05-43/23;

recommendation was implemented.⁵⁴

Ombudspersons are increasingly noticing citizens reporting illegal logging of privately owned forests, which is even more serious if it concerns the property of internally displaced persons and refugees. In these cases, police authorities act on reports, but the perpetrators are mostly unknown. The issue of protecting private property requires broader action by all subjects, where it is especially important to raise awareness and point out the responsibility of the authorities if measures to protect private property are not sufficiently effective.

4.3.2. Protection of right to peaceful enjoyment of property and home

In addition to the right to property, Article II./3.(f) of the Constitution of Bosnia and Herzegovina also guarantees the right to a home, and Article 8 paragraph (1) of the European Convention guarantees the inviolability of the home, which in the context of the European Court's understanding also implies protection from noise⁵⁵. Protection from noise is ensured by the competent authorities of the entities, cantons, cities and municipalities, as well as by the owners of sound sources in accordance with the provisions of the legal regulations regulating this issue.

The Ombudspersons considered complaints from citizens living in the immediate vicinity of catering establishments, whose excessive noise prevents peaceful enjoyment of their property and home, which is why they also sent a recommendation to the competent municipal body to take measures and activities within its jurisdiction to resolve the problem of exceeding working hours and too loud music in the catering facility. The recommendation was not implemented.⁵⁶

IHROBiH is also currently investigating a complaint by condominium owners⁵⁷ regarding the installed LED advertising screen, which simultaneously violates the right to peaceful enjoyment of property and reduces the value of real estate. Acting upon IHROBiH's request, the competent authority submitted a statement stating that: *"In accordance with the applicable legal regulations, the procedure for issuing a decision on approval for the installation of advertising signs does not explicitly prescribe the minimum permitted distance of advertising signs from residential and business buildings, but rather prescribes the minimum distance of an advertising sign outside a populated area and in a populated area in accordance with Articles 3 and 4 of the Rulebook on the Installation of Advertising Signs on Roads."*

The above points to the need to legally regulate the issue in question, to clearly prescribe the minimum permitted distance of LED displays from residential buildings, bearing in mind the right to peaceful enjoyment of property guaranteed by the Constitution of Bosnia and Herzegovina and international documents listed in the appendix to the Constitution.

⁵⁴ Ž-SA-08-1166/22, recommendation number: P-139/23;

⁵⁵ *Oluić v. Croatia*, judgment rendered on May 20, 2010 (application no. 61260/08);

⁵⁶ Ž-LI-05-147/23, recommendation number: P-271/23;

⁵⁷ Ž-BR-05-32/23 and Ž-BR-05-34/23;

4.3.3. Protection of national monuments and exercise of citizens' right to property in parallel

The position of the European Court of Human Rights⁵⁸ is that Article 1 of Protocol No. 1 to the European Convention on Human Rights, which guarantees the right to property, contains three separate rules. The first rule is of a general nature and contains the principle of the peaceful enjoyment of possessions. The second rule concerns the seizure of property and sets out certain conditions for its seizure, while the third recognises the right of the Contracting States, *inter alia*, to control the use of property in accordance with the general interest. The second and third rules, which concern certain circumstances of interference with the right to the peaceful enjoyment of possessions, must be interpreted in the light of the general principle set out in the first rule.⁵⁹

State interference must strike a fair balance between the needs of the general interest of society and the need to protect individual fundamental rights, and there must be a reasonable relationship of proportionality between the measures taken and the aim pursued.⁶⁰

The Institution was conducting proceedings based on a complaint by citizens who drew attention to the issue of a protected public good, i.e. a historical monument, and the right of citizens to access property connected to it by road. In the specific proceedings, there are two rights that are not contradictory by their nature, but are opposed in the circumstances of the case: on the one hand, the right of the complainant to unhindered access to his real estate, and on the other hand, the protection of cultural heritage, i.e. property that has been declared a national monument by a decision of the competent authority. A recommendation has been made to the competent authorities to cooperate with each other, as soon as possible, undertake all legally prescribed measures and activities to find a permanent solution. The recommendation has been implemented⁶¹.

Ombudspersons have noticed an increase in cases related to spatial and urban development plans in cases involving local communities (municipalities and cities) on whose territory there are significant objects that have been registered as monuments of culture, architectural heritage, historical significance or natural heritage by individual decisions of the competent authority. This issue requires the inclusion of all subjects in consultations with a view to finding the best solutions.

4.3.4. Right to access to property

Violation of the right to undisturbed enjoyment of property and access to property The Ombudspersons of Bosnia and Herzegovina considered a case where the complainant, a person with a determined degree of disability of 80%, his wife with a determined permanent disability of 60% and his son, who is a permanent war invalid with a determined disability of 80% (with a leg amputation), were prevented from unhindered access to their property, because the access road to their property was usurped by a neighbour who had placed his fence in the very body of

⁵⁸ *Sporrong and Lönnroth v. Sweden* (September 23, 1982) Series A No. 52;

⁵⁹ *SA Dangeville v. France* (August 16, 2002);

⁶⁰ *Gasus Dosier und Fördertechnik GmbH v. The Netherlands* (February 23, 1995) Series A No. 306-B; paragraph (62)

⁶¹ Ž-SA-08-1207/22, recommendation number: P-25/23

the local road. The Ombudspersons recommended to the competent municipal body to undertake all legally prescribed activities and measures in order to carry out construction and urban development planning inspection, determine the actual situation on the ground, especially in the context of the rights and needs of persons with disabilities and ensuring their right to peaceful enjoyment of property. In the process of monitoring the implementation of the recommendation, cooperation was achieved with the designated responsible body.⁶²

4.4. Police

Police authorities must act in accordance with the provisions of the Constitution of Bosnia and Herzegovina, its entities, cantons, the Statute of the Brčko District of BiH, applicable legal regulations and international standards for the protection of human rights that are part of the legal system of Bosnia and Herzegovina in order to fully fulfil the role of preserving public security, protecting people and property, monitoring and securing state borders, protecting fundamental rights and freedoms of citizens, preventing, detecting and resolving criminal and misdemeanour offenses, fighting crime, maintaining public order and peace, providing assistance and services to citizens, as well as in their work with foreign nationals.

During 2023, the Ombudspersons considered 138 complaints about police work, which is 15 complaints fewer than in 2022. 10 recommendations were issued.

The reasons for the complaints relate to the failure of the police to act upon reports from citizens, unprofessional conduct by police officers, failure to act upon reports from citizens who request a response due to a violation of the right to peaceful enjoyment of property⁶³, failures in the conduct of the police as an administrative body,⁶⁴ failures in the manner of receiving reports, excessive use of force,⁶⁵ violations of the principle of proportional national representation in competition procedures.

In their recommendations to police authorities, the Ombudspersons pointed out the obligation to act in accordance with positive legal regulations with a view to protecting the rights, freedoms and property of citizens, the need to adopt by-laws that would ensure more efficient action when receiving and recording citizen reports and where this proved necessary, the efficient implementation of procedures against police officers for unprofessional and illegal actions was also recommended. In the competitive procedures, it was recommended that the employment of police officers be carried out in a transparent and legal manner, and that the selection process takes into account the qualification and professional profile of the staff, as well as the national representation of all constituent peoples and others⁶⁶.

In a certain number of cases, complaints were filed regarding actions that constitute regular police work⁶⁷, and after establishing the facts, the Ombudspersons assessed them as unfounded.

⁶² 64 Ž-SA-05-516/23, recommendation number: P-185/23;

⁶³ Ž-LI-05-17/23

⁶⁴ Ž-SA-05-516/23, recommendation number: P-185/23

⁶⁵ Ž-SA-05-198/23;

⁶⁶ Ž-SA-06-780/23, recommendation number: P-300/23;

⁶⁷ Ž-SA-05-105/23;

Ombudspersons initiated investigative procedures *ex officio* in situations that have not only misdemeanour or criminal characteristics, but also national connotations, as well as in cases of knowledge of peer violence.

The Ombudspersons of Bosnia and Herzegovina once again point out that it is necessary to conduct continuous education of police officers with a view to familiarizing them with the domestic legislative framework and international standards for the protection of human rights, and to ensure efficient mechanisms for dealing with citizens' complaints.

4.4.1. Unprofessional conduct of police officers

In performing his or her duties, a police officer must act in an impartial and lawful manner, guided by the public interest to serve and assist the public, promoting the development and preservation of democratic practices in accordance with the protection of human rights and fundamental freedoms.

The Ombudspersons consider complaints against police officers, especially those in leadership positions, which indicate unprofessional and unlawful conduct to be particularly worrying. The complaint was considered by a lawyer and eleven citizens who allege that they are being tortured by the commander of a police station, which makes them feel unsafe and threatened. They addressed the competent Ministry of Internal Affairs, as well as the cantonal prosecutor's office, indicating that the latter arbitrarily uses and abuses its powers in terms of violating citizens' rights, Unprofessional behaviour, committing misdemeanours and criminal offences, which is why several procedures are being conducted before the competent prosecutor's office in which investigative actions are being taken, but there has been no effective legal response. The Ombudspersons issued a recommendation, pointing out the need for more serious and prompt engagement of the competent Ministry of Internal Affairs in this specific case, and in particular, to take all actions aimed at completing the procedure upon the request to initiate misdemeanour proceedings, and to the Cantonal Prosecutor's Office of Zenica-Doboj Canton to immediately, upon receipt of the recommendation, take all measures within its jurisdiction with a view to making decisions in the cases conducted pursuant to the same.⁶⁸ The Ombudspersons continue to monitor this case until its merits are resolved.

4.4.2. Receiving reports from citizens

Police officers are authorized and obliged to receive and record reports on committed criminal acts, misdemeanours and other events of interest to public order and security. Addresses from citizens point to omissions when receiving and recording these applications.

Acting on the complaint of the complainant who filed a report with the police by telephone, it was determined that the report was not even recorded in the official records, which meant that no action was taken by the police authorities. The Ombudspersons pointed out to the Ministry of Internal Affairs of the Central Bosnia Canton that it is necessary to ensure a transparent procedure with a view to receiving any report by telephone in a transparent, safe and legal manner, which is why it is

⁶⁸ Ž-BL-05-691/22, recommendation no. P-98/23;

necessary to amend the provisions of the Police Officers Act that regulate this issue.⁶⁹ A response was received stating “We thank you for the suggestion and the recommendation issued and at the same time we inform you that the current Police Officers Act is being amended (...). The above will, in accordance with your recommendation for the introduction of audio recording when receiving any report in order to ensure a transparent, safe and legal manner of receiving reports, be included in the initiated amendment to the Police Officers Act (...).” The Ombudspersons point out that the same procedure should be followed in other regulations on police officers that contain provisions on receiving reports from citizens.

4.4.3 Efficient action for protection of guaranteed rights of citizens

During the reporting period, several complaints were recorded indicating the lack of reaction of police officers in situations where illegal operation of catering establishments and excessive noise were reported, which affects the peaceful enjoyment of citizens' property.

In one of the proceedings, it was stated that the Decision on Working Hours of Legal and Natural Persons in the Field of Trade and Hospitality, adopted by the Glamoč Municipal Council, entrusted the supervision of the implementation of the decision to the Glamoč Police Station and the Service for Economy, Finance and Inspection Affairs. The aforementioned entities did not take appropriate actions and measures upon citizens' reports regarding the exceeding of working hours of catering establishments and the problem of excessively loud music played in these establishments. The Ombudspersons recommended that the police authorities take measures and activities within their jurisdiction to resolve the problem of exceeding working hours and excessively loud music in catering establishments in the territory of this municipality. In their statement on the recommendation, it was stated that they had undertaken certain official activities in the past period, including increased actions and controls of the work of catering establishments, and submitted official notes on the actions of police officers.⁷⁰ Such actions by the competent authorities represent examples of good practice in how to cooperate with IHROBiH, and in the best interests of citizens.

4.4.4. Competition procedures

In 2018, IHROBiH published the *Special Report on the National and Gender Structure of Employees in Police and Security Agencies in BiH*⁷¹, in which the Ombudspersons of Bosnia and Herzegovina pointed out that the laws at the level of all ten cantons that regulate the employment status of police officers stipulate that the national structure of employed police officers should reflect the national structure of the population in the area covered by a particular canton according to the 1991 census.

The task of the heads of police and security agencies at all levels of government in Bosnia and Herzegovina, in addition to having to take into account the best interests and success of the agency/organization they manage, is to manage human resources in their agencies/organizations in such a way as to ensure that when hiring or promoting employees, as well as exercising rights arising from and based on employment, they take into account both the qualification and professional profile of

⁶⁹ Ž-SA-05-777/23, recommendation number: P-321/23;

⁷⁰ Ž-LI-05-17/23, recommendation number: P-102/23;

⁷¹ <https://www.ombudsmen.gov.ba/>

the staff, as well as the national representation of all constituent peoples and others in the structure of employees of the agency/organization they manage, in accordance with the obligations under the constitution and law.

IHROBiH received a complaint from the complainant in which she stated that she considered herself discriminated against because the Commission for the Selection of Police Officers of the Ministry of Internal Affairs of Canton 10, when selecting candidates for the rank of "Junior Inspector", did not follow the provisions of Article 4 of the Police Officers Act⁷², which stipulates that the structure of police officers in this police body reflects the national structure of the population of Bosnia and Herzegovina, according to the 1991 census. The Ombudspersons recommended to the Ministry of Internal Affairs of Canton 10 that they take measures within their jurisdiction with a view to establishing a more balanced ethnic representation of the constituent peoples, as well as members of other peoples, which includes conducting public competitions when a smaller or larger number of candidates is selected, in accordance with the cited constitutional and legal principles.⁷³ The recommendation was not implemented.

The complainant appealed to the Ministry of Internal Affairs of West Herzegovina Canton⁷⁴ regarding alleged discrimination in employment upon admission of candidates for basic police training under the Public Competition. After the procedure was completed, the Ombudspersons recommended to the Ministry of Internal Affairs of West Herzegovina Canton to take measures to ensure that the employment of police officers is carried out in a transparent and lawful manner, taking into account both the qualification and professional profile of the staff, as well as the national representation of all constituent peoples and others in the Ministry, in accordance with the obligations under the Constitution of Bosnia and Herzegovina, the Cantonal Police Officers Act and the Prohibition of Discrimination Act of Bosnia and Herzegovina.⁷⁵ The recommendation was not implemented.

4.4.5. Ex officio investigations

The provisions of the Law on Human Rights Ombudsman of Bosnia and Herzegovina stipulate that: IHROBiH shall consider cases relating to the poor functioning or violations of human rights and freedoms committed by any authority acting upon receipt of a complaint or ex officio.⁷⁶

The Human Rights Ombudspersons of Bosnia and Herzegovina opened several cases ex officio, in which investigations are ongoing.⁷⁷ An ex officio case was also opened in the case of physical injury to two young men from Zemun who were participants in a sports event and were attacked because of the inscription "Zemun" on their T-shirts⁷⁸, where an investigation was opened. After the submitted statement of the Ministry of Internal Affairs, it was determined that the police were

⁷² Police Officers Act (The Official Gazette of the FBiH, No. 27/05, 70/08, 44/11 and 13/18);

⁷³ Ž-LI-06-99/23, recommendation number: P-282/23;

⁷⁴ Ž-SA-06-780/22, recommendation number: P-300/23;

⁷⁵ Ž-LI-06-99/23, recommendation number: P-282/23

Law on Human Rights Ombudsman of Bosnia and Herzegovina (The Official Gazette of BiH, No. 19/2002, 35/2004, 32/2006, 38/2006 - amended, 50/2008 - other law and 61/2023);

Peer violence case: Ž-SA-01-1109/23 and attacks on returnees: Ž-SA-05-1133/23;

⁷⁸ Ž-MO-05-59/23

informed by the on-call medical service that one person had requested assistance due to minor physical injuries in the form of contusions. The police patrol acted upon the received report, took a brief statement from the injured party, who refused further hospitalization and a statement on the circumstances of the event, after which he left the city. The Criminal Police Sector filed a report on the criminal offence committed against an unidentified person, and the competent authorities are continuing further work on the case.

4.4.6. Supervision of work of police officers

The Ombudspersons continuously point out that it is necessary to review the effectiveness and independence of the established mechanisms for supervising the work of police officers. It has been observed that after a complaint filed by citizens against the work of a police officer, a formal legal procedure is carried out, which in most cases results in the competent authority concluding that the complaint is unfounded.

The complainant filed a complaint with the Ministry of Internal Affairs of Canton 10 against the work of a police officer of the police department, which was duly recorded by issuing a certificate of citizen complaint. After a period of time during which she was not informed about the status of the complaint, she turned to IHROBiH. During the procedure conducted before the Institution, the Public Complaints Office informed that it had not even received the complaint in question. As evidence, the Ombudspersons forwarded the Complaint Confirmation Form, which was received and filled out by the police officer on duty. The Office of Public Complaints submitted a copy of the documentation of the Unit for Professional Standards and the Department for the Suppression of General Crime, which acted in the aforementioned case, from which it follows that "the Department for Internal Control conducted an internal procedure, submitted the Report on established responsibility to the head of the Uniformed Police Sector. By the same decision, the authorized direct manager imposed a disciplinary measure on police officer ES for a minor breach of official duty - a fine in the amount of 15% of the basic one-month salary of a police officer."⁷⁹

From the above it is clear that only in the process of IHROBiH's activities was the illegal conduct of a police officer brought to light. Such conduct creates public distrust in police authorities and is the basis for increasing tensions among citizens.

4.5. Inspection

Inspection as a type of administrative supervision has multiple significance, preventive - taking measures and actions to prevent violations of regulations; corrective - issuing decisions to eliminate deficiencies, prohibiting actions that are contrary to laws and other regulations and other administrative measures and actions for which the inspector is authorized by a special law or other regulation and repressive - submitting requests and reports to the competent authority to initiate appropriate proceedings if the violation of regulations constitutes a misdemeanour or criminal offence and imposing a fine by issuing a misdemeanour order. By carrying out actions and measures within the scope of legally prescribed competencies, the implementation of positive legal regulations, good administration and the rule of law are ensured.

⁷⁹ Ž-LI-05-96/23;

Recognizing the importance of the role of inspection bodies, the Ombudspersons previously conducted a comprehensive analysis and prepared a *Special Report on the Role of Inspection Bodies in the Protection of Human Rights in Bosnia and Herzegovina*, which presents the situation in the field of inspection from the aspect of the applicable legislation, material, technical and human resources available to inspection bodies at all levels of government in BiH, the scope of work, cooperation and defined difficulties in the work of inspection bodies. The Ombudspersons sent recommendations to the competent authorities with a view to improving the functioning of inspection as an element of the rule of law and the protection of citizens' rights. The weaknesses observed in the procedures for citizens' complaints during this reporting period lead to the conclusion that there has been no progress in the actions of inspection bodies, which is why the Ombudspersons remain fully committed to the recommendations from this special report.⁸⁰

Public administration reform is one of the prerequisites for the successful integration of Bosnia and Herzegovina into the European Union (EU) and the obligations under the Stabilization and Association Agreement. Public administration plays a key role in the European integration process because it enables the implementation of the necessary reforms for EU accession, which is why the competent authorities must take the necessary measures to eliminate weaknesses in the functioning of inspection bodies and continuously work on their strengthening. This is important because inspection bodies are the “guardians of the legality of action”,

In the reporting period, 81 complaints were received due to failure to take actions and measures in accordance with the jurisdiction and role of inspection bodies, which is six complaints fewer than in 2022.

Seventeen recommendations were made, in which the Ombudspersons pointed out the obligations prescribed by law, the necessity of carrying out inspection in specific legal matters, the need to adopt administrative acts, the obligation to implement the decisions adopted, and violations of the right to access information.

4.5.1. Absence and interruption of inspection

The absence of inspection, untimely action by inspection bodies, failure of inspection bodies to act in accordance with the provisions of positive legislation that prescribe the scope, content and forms of inspection, the rights and duties of inspectors in the field of spatial planning, regulation and implementation of planning documents, calls into question the rule of law, good administration and protection of individual rights. The Ombudspersons not only recommend the immediate implementation of inspection, but also suggest to the executive authorities to consider the issue of developing a strategy or other document that would, in cooperation with local self-government units, aim to analyze procedures that have been conducted in a certain way for years and are caused by illegal construction.⁸¹

There are evident situations where the inspection procedure due to illegal construction is interrupted until the legalization procedure is completed, which can also be lengthy, when the principles of

⁸⁰Special report on the role of inspection bodies in the protection of human rights in Bosnia and Herzegovina
<https://www.ombudsmen.gov.ba/>

⁸¹Ž-LI-05-133/23, recommendation number: P-272/23, Ž-SA-05-66/23, recommendation number: P-245/23;

economy and efficiency, as well as the deadlines stipulated in the laws on administrative procedure, are completely violated. In a specific legal matter, the Ombudspersons, due to the observed violations of the procedure, recommended that legally prescribed actions be taken, that the administrative inspectorate carry out supervision within the scope of its competence, and that the immediately superior authority consider the possibility of conducting disciplinary proceedings against the official who was responsible for handling the case.⁸² The recommendation has been implemented.

4.5.2. Right to legal remedy

The Ombudspersons considered the complaint of the applicant who, in his submission to the local government body, intended to point out a problem that could result in a decrease in the safety of citizens of his local area when using public roads. The competent body acted upon his request, however, not in an appropriate form and with a relatively brief explanation. Such action violates the concept of good governance and the provision of services to citizens who finance the work of public services. The body designated as responsible for the violation of rights should have drawn up an act containing all the elements of a legal act, *inter alia*, an instruction on the legal remedy available to a citizen in case of dissatisfaction with its merits. The Ombudspersons recommended that the violation of the rights of the applicant be eliminated and all measures be taken in order to, in accordance with positive legal regulations and the principles of good administration, adopt an act that has all the elements of an administrative act, according to the initial request of the applicant. Monitoring of the implementation of the recommendation is ongoing.⁸³

4.5.3 Decision enforcement

Although it is necessary for the actions of inspection bodies to be timely and lawful, the principle of efficiency can only be respected by implementing decisions made after the inspection has been carried out. Citizens' complaints indicate an evident problem of non-implementation of decisions made in the legally prescribed procedure, which is why, acting in a specific legal matter, the Ombudspersons recommend that enforcement be initiated without delay.⁸⁴ The recommendation has not been implemented.

4.5.4. Access to information during inspection

After submitting a request for inspection, citizens remain deprived of information about whether the supervision was carried out at all and whether administrative measures were imposed, given that the applicants, in accordance with the regulations governing the work of inspection bodies, are not parties to the proceedings. The Ombudspersons constantly point out that it is necessary to intervene in the legislation in order to ensure that the applicant is informed about the inspection's actions. In this way, citizens would finally be protected from their obligation to obtain information exclusively by using the law on freedom of access to information. The Ombudspersons are of the opinion that procedural laws should be the legal instrument in these cases. The current practice is for parties to address the matter in accordance with the provisions of the law on freedom of access to

⁸²Ž-BL-05-835/22, recommendation number: P-214/23;

⁸³Ž-BL-05-525/23, recommendation number: P-343/23;

⁸⁴Ž-SA-05-1181/22, recommendation number: P-172/23;

information, where in the event of failure to act on these requests, the Ombudspersons issue a recommendation to issue a decision in the form of an administrative act (decision).⁸⁵ The implementation of the recommendation is currently being monitored.

4.6. Government and ministerial appointments

The Law on Ministerial Appointments, Appointments to the Council of Ministers and other appointments of Bosnia and Herzegovina⁸⁶, the Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina⁸⁷ and the Law on Ministerial, Governmental and Other Appointments of the Republika Srpska⁸⁸ (hereinafter referred to as: the Laws) establish an open selection procedure by which final appointments and reappointments to positions in regulated bodies, defined by laws, are made, while respecting clearly established principles.

In cases where there is evidence that the principles or procedures established by law have not been followed, any member of the public may file a complaint against the final appointment in accordance with the provisions of the law. The complaint shall be filed with the responsible public official, with a copy to IHROBiH. IHROBiH is required to prepare findings and conclusions regarding the complaint, and the conclusions may include a recommendation where the evidence indicates, as stated above, that there has been a violation of the provisions of the law.

During 2023, the Ombudspersons considered 98 complaints, six fewer than in the previous reporting period, and 28 recommendations were made.

Violations of the principles of legality, quality, independent verification, openness and transparency, equal representation, as well as violations of the right to legal remedy, constitute grounds for objections to the appointments of directors of public bodies and institutions, presidents and members of the management and supervisory boards of public institutions and enterprises, commissions operating within legislative bodies, etc.

In their findings and conclusions, the Ombudspersons pointed out the observed irregularities, emphasized the obligation to act in accordance with positive legal regulations in appointment procedures, and issued recommendations that the decisions on the appointments in question be annulled and the procedures be conducted in a lawful manner.⁸⁹

In the cases considered, the Ombudspersons pointed out that the laws prescribe the manner of conducting a public competition, assessment and scoring, and proposing a ranking list and the most successful candidate. Evaluating candidates in terms of creating a ranking list of successful candidates should represent a guarantee that the best candidates will be appointed to the position.

⁸⁵Ž-LI-05-125/23, recommendation number: P-254/23;

⁸⁶Law on Ministerial Appointments, Appointments to the Council of Ministers and other appointments of Bosnia and Herzegovina (The Official Gazette of Bosnia and Herzegovina, number 37/03);

⁸⁷Law on Ministerial, Government and Other Appointments of the Federation of Bosnia and Herzegovina (The Official Gazette of the Federation of Bosnia and Herzegovina, No. 12/03, 34/03, 65/13);

⁸⁸Law on Ministerial, Government and Other Appointments of the Republika Srpska (The Official Gazette of the Republika Srpska, No. 41/03);

⁸⁹Ž-SA-05-170/23, recommendation number: P-140/23;

Candidates for whom consent for appointment has not been given should be informed of the reasons, which must be clearly explained, in a way that does not provide room for abuse and arbitrary decision-making. In this way, an impartial procedure is ensured, confidence in the activities of the authorities and the principle of transparency are strengthened.

During the proceedings, it was noted that the directors and deputies of all seven administrative organizations ⁹⁰within the Ministry of Security of BiH are male. The Ombudspersons recalled the provisions of Article 20 of the Law on Gender Equality, which prescribes the obligation of state bodies at all levels of government organization, including legislative, executive and judicial authorities, as well as political parties, to ensure and promote equal representation of the sexes in management, decision-making and representation. Equal representation of the sexes exists in the case when one of the sexes is represented at least 40% in the bodies referred to in paragraph (1) of the article. ⁹¹Paragraph (3) specifies that discrimination on the basis of sex is considered a situation when there is no equal representation in accordance with paragraph (2) of Article 20 of the Law on Gender Equality. In the legal matter in question, it was recommended that the appointment procedure be conducted in accordance with the principles set out in Article 3 of the Law on Ministerial Appointments, Appointments to the Council of Ministers and Other Appointments of Bosnia and Herzegovina, while ensuring full enjoyment of the principle of non-discrimination on the basis of nationality and gender, as well as on any other grounds. ⁹²The recommendation was not implemented.

In the appeal proceedings, the Ombudspersons found that the by-laws prescribed special conditions for appointment without clearly and specifically defined criteria, which gives the commissions for the implementation of the procedure preceding the appointment itself room to violate the principle of quality. In one case, the following special condition was stated: "*that the candidate is a successful businessman-manager or public employee.*" It is not clearly defined what is meant by the term "success" and what the objective indicators are. In the same case, there are also amendments to the provisions of the regulations on the criteria for appointing members of the management and supervisory boards in companies and institutions in such a way that: "*persons who do not possess a certificate of completed training are obliged to obtain one within one year from the date of final appointment. If the candidate does not submit the certificate within the given deadline, the Council will dismiss the candidate.*" It is clear that this has deprived candidates who already have a certificate of completed training of their qualifications. The Ombudspersons of Bosnia and Herzegovina believe that when conducting the candidate selection procedure, the qualifications of the candidate should be taken into account at the time of conducting the procedure, and not those that he should have after one year of work in the regulated body. The recommendation has not been implemented.⁹³

The Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina stipulates that the assessment of the applied candidates is carried out by a previously

⁹⁰Directorate for Coordination of Police Bodies of BiH; Service for Foreigners' Affairs; Police Support Agency; Agency for Forensic Examinations and Expertise; State Investigation and Protection Agency - SIPA; Border Police; Agency for Education and Professional Development of Personnel;

⁹¹ Law on Gender Equality, Article 20 paragraph (2);

⁹²Ž-SA-06-158/23, Ž-SA-05-218/23, Ž-SA-05-261/23, recommendation number: P-103/23;

⁹³Ž-SA-05-170/23, recommendation number: P-140-23;

appointed body (Commission), which interviews the applied candidates and, according to previously established criteria, compiles a ranking list of shortlisted candidates, which is submitted, through a written recommendation, to the responsible public servant, authorized to make the appointment, respecting the order of the ranking list. Article 9 of the Law clearly stipulates that the Selection Commission consists of five members. While considering the complaint regarding the appointment of a member of the Supervisory Board of a public institution, the Ombudspersons concluded that the responsible body did not form the Selection and Appointment Commission in the manner prescribed by the Law, although it conducted a complete selection and appointment procedure. A recommendation was made to take all necessary measures to ensure that the appointments are made in full compliance with the provisions of the Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina. ⁹⁴The recommendation has been implemented.

The complaints of several complainants relate to the procedure for the election and appointment of the director and the board of directors of the Public Health Institution University Clinical Centre Tuzla, as well as to the status of the University Clinical Centre itself. The Ombudspersons conducted separate investigation procedures, and based on the statements, responses and insight into the received contributions, they unified and presented their position and opinion in a single conclusion. They determined that as a result of the fact that an agreement on the mutual regulation of rights, obligations and responsibilities was not concluded between the canton in question and the Federation of Bosnia and Herzegovina, a conflict of jurisdiction for the implementation of management rights over the health institution in question occurred. The Government of the Federation of Bosnia and Herzegovina dismissed the Board of Directors of the Public Health Institution University Clinical Centre Tuzla ⁹⁵and appointed a temporary Board of Directors. The Assembly of the Tuzla Canton also adopted a decision on the temporary appointment of the Board of Directors of the same health institution, until a final agreement with the Federation of Bosnia and Herzegovina regarding co-founder rights, and for a maximum of three months. The simultaneous existence of two management boards constitutes a violation of substantive and procedural law norms, which determine the manner and procedure for the election and appointment of both the president and members of the Management Board, as well as the election and appointment of the management body. In the legal situation of the simultaneous existence of two management boards of a Public Health Institution, we cannot even speak of the legal establishment of the management body, or the appointment of the director of the health institution in question. In addition, considering the allegations of the complaint, the Ombudspersons of Bosnia and Herzegovina concluded that the responsible body did not assess the qualifications, experience and competencies of the candidates with due care in the appointment procedure carried out before the adoption of the disputed status decisions. During each election and appointment, it is necessary to take knowledge and experience in each field as basic criteria, especially since the appointment of candidates whose qualifications do not correspond to the needs of the regulated body may cause a deterioration in the quality of services provided to end users.

The field of healthcare is of immeasurable importance, which is why it is necessary to evaluate the knowledge, academic and specialist qualifications, experience of the candidate, management skills

⁹⁴Ž-SA-05-432/23, recommendation number: P-234/23;

⁹⁵The Official Gazette of the Federation of Bosnia and Herzegovina, number 59/23;

and especially the contribution to the field of medical science when assessing the candidate. The Ombudspersons have recommended to the legislative and executive authorities of the Federation of BiH and the Tuzla Canton that, without delay, within their jurisdiction, take the necessary legal actions in order to regulate the mutual relations, rights, obligations and responsibilities between the founders of the Public Health Institution, and to implement the status and management changes in full accordance with the provisions of the Constitution of the Federation of Bosnia and Herzegovina, the Law on Healthcare of the Federation of Bosnia and Herzegovina and the Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina.⁹⁶ Monitoring of the implementation of the recommendation is ongoing; at the time of writing this report, the designated responsible authorities have not yet submitted a statement.

4.6.1. Dismissals of appointed persons

During the reporting period, complaints were received regarding executive decisions on the dismissal of appointed persons in a regulated body, i.e. persons appointed to the supervisory and management boards of public companies, contrary to positive legal regulations and bylaws of the regulated body, before the expiration of their mandate.⁹⁷

The Ombudspersons of Bosnia and Herzegovina make it indisputable that the provisions of the Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina⁹⁸ stipulate that this Law establishes an open selection procedure for the final appointment and reappointment to positions in regulated bodies defined below, and that it applies to all levels of government in the Federation of Bosnia and Herzegovina, including cantons, municipalities and cities⁹⁹. The provision of Article 11 of the Law on Amendments to the Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina¹⁰⁰ stipulates the deletion of Article 14 of the original Law, namely the provisions relating to the dismissal of an appointed person in a regulated body.

The Ombudspersons reiterate that the procedures for the dismissal of appointed persons before the expiration of their mandate, without legal grounds, potentially lead to proceedings before the competent judicial authorities, which result in a financial burden for the public entity if the claim is found to be well-founded. It is also a fact that in such cases, dismissed persons, without a valid legal basis, also lose their status as employees, which also results in violations of employment rights. IHROBiH actions regarding complaints of this nature are based on the provisions of the Law on Human Rights Ombudsman of Bosnia and Herzegovina¹⁰¹ and the prescribed competencies.

Guided by the above, the Ombudspersons recommended to the executive authority that, when making decisions within its jurisdiction, it should pay due attention not only to the aspect of

⁹⁶Ž-BR-05-268/22, Ž-BR-04-155/23, Ž-SA-05-496/23, recommendation number: P-283/23;

⁹⁷Ž-BL-05-435/23, Ž-BL-05-434/23, Ž-BL-05-436/23;

⁹⁸Law on Ministerial, Government and Other Appointments of the Federation of BiH The Official Gazette of the FBiH, No. 12/03, 34/03 and 65/13);

⁹⁹Article 1 of the law

¹⁰⁰Law on Amendments to the Law on Ministerial, Governmental and Other Appointments of the FBiH (The Official Gazette of the Federation of Bosnia and Herzegovina, No. 65/13)

¹⁰¹Law on Human Rights Ombudsman of Bosnia and Herzegovina ("Official Gazette of BiH", number 32/00, 19/02, 35/04, 32/06, 50/08 and 61/23);

legality, but also to the principle of good public administration and conscientious management of public funds, in order to take into account the interests of all stakeholders to whom the decisions relate, and to minimize the risk of disputes of any kind, and to harmonize the employment status of dismissed members of the company's management until the end of their mandate in a lawful manner.¹⁰² The responsible authority submitted a statement stating its commitment to acting in accordance with positive legal regulations and the IHROBiH opinion.¹⁰³

The Ombudspersons reiterate that it is necessary to review the existing legislative framework regulating the issue of government, ministerial and other appointments, to determine clear criteria that must be respected in the procedures for appointing and dismissing appointed persons, and which will not leave room for any form of abuse, as well as violations of the principles of good governance and the rule of law.

4.7. Migration and asylum

The conditions and procedure for the entry of foreign nationals into Bosnia and Herzegovina, the residence of foreign nationals, the removal of foreign nationals from the country, the admission of foreign nationals and placing foreign nationals under supervision, the exercise of the rights of foreign citizens on the territory of Bosnia and Herzegovina, the principles, conditions and procedure for granting refugee status, subsidiary protection status, the rights and obligations of asylum seekers, refugees and other issues related to the exercise of the rights of foreign citizens are prescribed by the provisions of the Foreign Nationals Act of Bosnia and Herzegovina¹⁰⁴ and the Asylum Act of Bosnia and Herzegovina¹⁰⁵.

According to the Information of the Ministry of Security on the situation in the field of migration in Bosnia and Herzegovina for the period from 01 January to 30 September 2023 submitted to the Council of Ministers of Bosnia and Herzegovina, the Service for Foreign Nationals' Affairs in the field of legal migration granted 8,949 temporary stays to foreign nationals in this period, registered 25,174 illegal migrants, with the characteristic of transit illegal migration in 2023 being that the scope of migration increased, while at the same time migrants were kept briefly on the territory of BiH, so that they could enter the Schengen area as soon as possible. The fight against migrant smuggling has been one of the priorities for judicial institutions and police agencies in BiH since the very beginning of the increased pressure of illegal migration through the territory of BiH.¹⁰⁶

During 2023, the Ombudspersons considered 11 cases related to the rights of foreign citizens, which is 8 cases fewer than in 2022, and one recommendation was made.

¹⁰²Ž-SA-05-817/21, recommendation number: P-138/23;

¹⁰³ "Recognizing the recommendations stated in your letter, the temporarily appointed Supervisory Board states that it is undertaking all legally prescribed activities and measures in order to ensure transparent and efficient implementation of procedures in future proceedings, based on the principles of fairness, and in order to prevent any abuse of the rights of the parties. Also, the temporarily appointed Supervisory Board, when making decisions within its jurisdiction, pays due attention to all principles, including all aspects of legality, the principles of good public administration and conscientious management of public funds, in order to respect the interests of all stakeholders to whom the recommendations apply.

¹⁰⁴Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of BiH", No. 88/15, 34/21);

¹⁰⁵Law on Asylum of Bosnia and Herzegovina (The Official Gazette of Bosnia and Herzegovina, number 11/16; Amendment to the Law on Asylum, The Official Gazette of Bosnia and Herzegovina, number 16/16);

¹⁰⁶Adopted by the Council of Ministers on 28 December 2023;

Complaints were filed regarding the denial of entry to Bosnia and Herzegovina to persons in need of international protection,¹⁰⁷ the treatment of asylum seekers by police officers,¹⁰⁸ dissatisfaction with accommodation in the Immigration Centre and the conditions of stay there¹⁰⁹, dissatisfaction with decisions of the competent authority rejecting a request for temporary asylum, temporary residence or entry into the country.

The Ombudspersons once again highlight the problem of minors who are on the move in the territory of Bosnia and Herzegovina, without parents or guardians. The issue of appointing guardians ex officio, protection and accommodation of children, especially outside the regular working hours of social welfare centres, has not been systematically resolved. Namely, most social welfare centres have regular working hours until 4:00 p.m., which has significant implications in cases of need for protection of rights, after the end of working hours. In cases of this type, the Ombudspersons act in a way that requests urgent action by the authorities in order to appoint a guardian for the children as soon as possible and thus protect the best interests of the child.¹¹⁰

This issue is of great importance, due to the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in Bosnia and Herzegovina, and the recommendations Group of Experts on Action against Trafficking in Human Beings (GRETA).¹¹¹ Children continue to make up a significant percentage of victims of human trafficking in BiH and are subjected to sexual exploitation, Labour exploitation, forced begging and child marriage. In real situations when unaccompanied migrant children remain on the streets at night, without the protection and supervision of the state, not only is the protection prescribed by the provisions of the Convention on the Rights of the Child lacking, but these children are also at risk as potential victims of human trafficking. The Ombudspersons also informed the Ministry of Security of Bosnia and Herzegovina, the Sector for International Cooperation and European Integration, and the Department for Combating Human Trafficking about everything.

The Ombudspersons monitored the issue of marriage in Bosnia and Herzegovina for persons who have a recognized subsidiary protection status in Bosnia and Herzegovina with persons who have a recognized subsidiary protection status/refugee status in other countries. The administrative body of the local self-government unit, acting on the request for marriage, rejected the aforementioned request. The FBiH Ministry of Internal Affairs emphasizes that in this specific case it cannot be considered a second-instance body. After considering the claim in the administrative dispute, the cantonal court returns the case to the second-instance body for re-decision. The complexity and length of the administrative procedure, the administrative dispute, makes the very status of these persons uncertain and indicates the impossibility of resolving their marital status. The Ombudspersons have recommended to the Ministry of Security of Bosnia and Herzegovina, including the competent entity ministries and administrative bodies, as well as other potential partners and interested organizations, to consider the possibility of resolving the issue of marriage

¹⁰⁷Ž-SA-05-240/23, Ž-SA-05-300/23;

¹⁰⁸Ž-SA-05-83/23;

¹⁰⁹Ž-SA-05-5/23;

¹¹⁰Ž-BL-01-412/22;

¹¹¹International body for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings;

for persons who have recognized subsidiary protection status in Bosnia and Herzegovina with persons who have recognized subsidiary protection status/refugee status in other countries.¹¹²

A stateless person is someone who is not considered a citizen by any state under its laws. Statelessness has a real and devastating impact on the lives of individuals, their families and ultimately the community. Despite a certain level of progress achieved in the field of civil registration in Bosnia and Herzegovina in terms of their compliance with international standards, there are still various obstacles and shortcomings in both the content and the implementation of regulations that need to be removed in order to establish an efficient system for the prevention and elimination of the phenomenon of statelessness.

The Ombudspersons have undertaken a comprehensive analysis of this issue with a view to developing *Special report on the situation of human rights of stateless persons (stateless persons) and persons at risk of statelessness in the territory of Bosnia and Herzegovina*.¹¹³

The term "*migrants in an irregular situation*" or "*irregular migrants*"¹¹⁴ refers to individuals who are not citizens of any Member State of the European Union, but reside in one of the Member States of the European Union without a valid visa or residence permit. Bosnia and Herzegovina is a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and regularly reports to the Committee, which consists of 14 independent international experts in the field of human rights protection. In one of the cases, the complainant addressed the Ombudspersons to enable his wife to remain in Bosnia and Herzegovina, specifically referring to the rights of the child¹¹⁵. The wife gave birth, but did not regulate her stay and status in Bosnia and Herzegovina. The complainant points out that it is extremely inhumane to separate a child, who is only one month old and breastfed, from its mother. The Ombudspersons pointed out to the authorities the international and European human rights law that imposes on the member states of the European Union the obligation to guarantee human rights to all individuals within their legal jurisdiction, including irregular migrants, and recommended that the Ministry of Security of Bosnia and Herzegovina¹¹⁶ to undertake further efforts to implement the legislative framework on non-discrimination, relevant to the rights of migrant workers and members of their families regardless of their status, as well as to promote good, just, humane and lawful conditions of international migration of workers and members of their families. The recommendation was not implemented, nor was cooperation established following the issuance of the recommendation.

4.8. Public documents

During 2023, 9 complaints were received and one recommendation was sent due to the non-

¹¹²Ž-SA-05-38/21, recommendation number: P-251/23;

¹¹³Ž-BL-05-455/23;

¹¹⁴When preparing the Special Report on the Situation in the Field of Migration in Bosnia and Herzegovina, the Ombudsmen of Bosnia and Herzegovina adopted the term irregular migrants for the largest number of foreign citizens who were the subject of the analysis because, according to information from the responsible authorities, in most cases these are foreign citizens who have entered or are entering Bosnia and Herzegovina without any identification documents, at places not designated for crossing the state border, which represents a violation of the legal regulations of Bosnia and Herzegovina and is not in accordance with the procedures of the competent authorities in Bosnia and Herzegovina regarding the entry of foreigners into the country.

¹¹⁵Ž-MO-01-85/22;

¹¹⁶Recommendation number: P-349/22 dated 09 December 2022;

cooperation of the designated responsible authority in the investigation procedure with IHROBiH.

The reasons for the complaints are of different nature, and as examples we cite address the complainant regarding the acquisition of citizenship rights by recognized refugees in the context of the request to obtain a birth certificate by the competent authority, and the unjustified length of the procedure for deciding on the application for acquiring citizenship before the FBiH Ministry of Internal Affairs. The Rulebook on Specifying Evidence and Fulfilling the Conditions for Acquiring Citizenship of Bosnia and Herzegovina through naturalization and facilitated naturalization ¹¹⁷ does not prescribe the obligation to obtain a birth certificate as a condition for acquiring citizenship by naturalization for recognized refugees. ¹¹⁸ The proceedings in this case are ongoing.

In another case, the complaint states that the complainant's son is in Erbil, Iraq, and that he cannot get a passport to return to Bosnia and Herzegovina. The Ministry of Foreign Affairs of Bosnia and Herzegovina has provided complete information and relevant documentation on the case in question, from which it undoubtedly follows that the Ministry of Foreign Affairs, together with the Ministry of Security of Bosnia and Herzegovina, the State Investigation and Protection Agency, the Prosecutor's Office of Bosnia and Herzegovina, as well as the International Committee of the Red Cross (ICRC), is continuously working on the case in question, that the issuance of a travel document is not disputable upon completion of the extradition process, which is why the Ombudspersons of Bosnia and Herzegovina, in the legal matter in question, have not found grounds for taking action within the scope of their jurisdiction. ¹¹⁹

4.9. Rights of returnees

All persons on the territory of Bosnia and Herzegovina enjoy human rights and freedoms in accordance with the Constitution of Bosnia and Herzegovina and international documents for the protection of human rights.

Annex VII of the General Framework Agreement for Peace in Bosnia and Herzegovina stipulates that the signatory parties shall ensure that refugees and displaced persons are allowed to return safely, without risk of harassment, intimidation, persecution or discrimination, in particular on the grounds of their ethnic origin, religious affiliation or political opinion. ¹²⁰

The Ombudspersons of Bosnia and Herzegovina, upon all information from the media about the attack on returnees, acted in accordance with their jurisdiction, opened investigations ex officio, established cooperation with the competent authorities, and in a press release called on the police and prosecutors' offices to work quickly and efficiently to resolve each individual incident of this type. ¹²¹

An ex officio investigation was opened after information was published that an attack had been carried out on a returnee family, namely an elderly couple, in the village of Omeragići near

¹¹⁷"Official Gazette of BiH", number: 17/14;

¹¹⁸Ž-SA-05-55/23;

¹¹⁹Ž-SA-05-696/23;

¹²⁰Chapter I, Article 1, paragraph (2)

¹²¹Press release dated December 8, 2023;

Višegrad, who were beaten and robbed. Given that the investigation is being conducted by the District Public Prosecutor's Office in East Sarajevo, Regional Office in Višegrad, the Ombudspersons requested a statement on the procedural actions taken to find the perpetrator of the criminal offence.¹²²

Following the announcement that a sixty-eight-year-old returnee to Brezice near Derventa, attacked while trying to prevent the theft of wood, suffered serious bodily injuries, was sent to hospital for treatment, and died as a result of his injuries, the Ombudspersons requested information from the District Public Prosecutor's Office in Doboj whether an investigation had been launched in connection with the case in question and other relevant information regarding this attack.¹²³

Immediately upon learning that a returnee was attacked in the village of Stošnica near Vozuća, who sustained physical injuries, the Ombudspersons sent a request to the Ministry of Internal Affairs of the Zenica-Doboj Canton and the Zavidovići Police Department to provide information on the activities undertaken in connection with the aforementioned case.¹²⁴

The Ombudspersons particularly emphasize that ensuring the enjoyment of human rights without discrimination is the basis for the development of all local communities in Bosnia and Herzegovina. Returnees represent a particularly vulnerable category, given the fact of being a numerical minority, which is why the authorities should pay more attention to their needs. All competent institutions must take greater active action against hate speech and ensure a higher level of tolerance, in order to prevent situations that may constitute harassment, intimidation or attacks on the physical integrity and property of returnees.

4.9.1. War damage compensation

Annex VII also stipulates that all refugees and displaced persons have the right to freely return to their homes, the right to restitution of property taken from them during hostilities since 1991, and compensation for property that cannot be returned to them (Chapter I, Article 1, paragraph (1)). The reconstruction of damaged housing, the construction of new ones where they have been completely demolished, or fair compensation for damage, is a prerequisite for the implementation of the above provision throughout Bosnia and Herzegovina.

In 2023, nine cases were received related to the issue of war damage to the complainant's property, due to the inability/possibility of restoring damaged buildings and the issue of public invitation procedures, and two recommendations were sent.¹²⁵

In the words of the returnee : *"I have submitted the papers countless times, everything that is required, only to be told that something is missing, that it is out of date, when I complete it, renew it, then they tell me that you have all the conditions, but there is no more money, and so on, year after year."*

The Ombudspersons noted that there are weaknesses in the administrative procedure preceding the decision on the right to financial resources, as well as the passivity of the authorities in determining

¹²²Ž-SA-05-284/23;

¹²³Ž-BL-05-711/23;

¹²⁴Ž-SA-05-1133/23;

¹²⁵Ž-SA-04-585/23, Ž-BL-05-119/23, Ž-BL-144/23;

the factual situation and the real needs of applicants in public calls for proposals relating to the reconstruction and renovation of housing units with the aim of return, which is why complainants encounter difficulties and suffer harmful consequences. Therefore, they sent recommendations to the competent authorities to take all measures and activities within their powers to enable the reconstruction and renovation of housing units destroyed and demolished by the war, as well as to respect the procedures prescribed by law and by-laws when allocating funds for their reconstruction and reconstruction with the aim of return, taking into account the actual factual situation in the area of local communities.¹²⁶

In one of the cases, the designated responsible authorities informed the Ombudspersons that they had acted upon the recommendation, the Municipality of Vitez reported on the measures and activities undertaken with a view to implementing the recommendation and the determination to continue to work continuously on the subject legal matter, and the FBiH Ministry of Displaced Persons and Refugees undertook activities to implement the subject recommendation in such a way that the complainant was granted 10,000.00 KM for the procurement of the necessary construction material and its installation for the reconstruction of the demolished residential building.¹²⁷

Lack of funds continues to hinder the implementation of the project for the construction and reconstruction of returnee housing facilities. According to information received in individual procedures, which relate to the State Housing Project (SHP) :

"At its 18th session held on 13 July 2023, the Council of Ministers confirmed that the obligations assumed by Bosnia and Herzegovina in accordance with the international agreement signed within the framework of the Framework Agreement on the RSP are indisputable. In accordance with the Framework Agreement, the obligation to secure the missing funds for the completion of the project falls on the budget of the institutions of Bosnia and Herzegovina, and the Ministry for Human Rights and Refugees of BiH is tasked, as the lead institution responsible for the overall implementation of the DPSZ, to carry out a cost estimate. In this regard, it has been estimated that approximately 10 million KM needs to be secured to launch tender procedures for the works (3.3 million KM for unfinished individual residential buildings and 6.7 million KM for the reconstruction and construction of family houses on which work has not started). Treating these needs as a priority, the Ministry has included the necessary 10 million KM in its budget request for 2024, which will be considered at the end of the year. In parallel, the Ministry is also leading other initiatives aimed at securing funds, such as the possibility of using revenues from collected penalties, credit debt, financing from the budgets of other levels of government and other sources."

4.10. Freedom of assembly and association

Freedom of peaceful assembly and association is guaranteed by the Universal Declaration of

¹²⁶Ž-BL-05-538/22, recommendation number: P-77/23;

¹²⁷Ž-SA-08-371/22, recommendation number: P-186/23;

Human Rights,¹²⁸ which recognizes the right of everyone to freedom of association, including the right to form and join trade unions for the protection of their interests (Article 22), as well as by the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 11 of the European Convention recognizes the right to peaceful assembly, which in a democratic society may be restricted only by law, in the interests of national or public security, public order or for the protection of public health or morals or the rights and freedoms of others.

During 2023, four cases related to freedom of assembly were registered.

In a press release, the Ombudspersons strongly condemned the attack on NGO activists, journalists, members of the LGBT community, and citizens, which occurred in 2023. They pointed out that the exercise of the right to freedom of assembly imposes positive obligations on the competent authorities, i.e. taking measures to ensure the peaceful enjoyment of the right, which includes, first and foremost, protection and assistance. They called on all competent institutions, including primarily criminal prosecution authorities, to take measures within their jurisdiction as a matter of priority, with a view to ensuring security, the right to work and the exercise of fundamental human rights of all citizens, guaranteed by the Constitution and international conventions that have direct application in the domestic legal system. Respecting the principle of the independence of the judiciary, the Ombudspersons expressed the hope that the judicial institutions will adequately assess the element of hatred as a qualifying circumstance in the event of establishing the criminal responsibility of any participant in the aforementioned events.¹²⁹

Article 11 of the Convention, under the above-mentioned conditions, also guarantees the right of everyone to freedom of association, including the right to establish and join a trade union for the protection of their interests. The Associations and Foundations Acts of Bosnia and Herzegovina,¹³⁰ Republika Srpska,¹³¹ Federation of Bosnia and Herzegovina¹³² and Brčko District of BiH¹³³ regulate the legal status, status changes and other issues relevant to the work of associations and foundations that are registered in accordance with these laws. Complaints registered with IHROBiH relate to internal problems of associations, removal of bodies, exclusion of members from them¹³⁴, where the Ombudspersons do not have the authority to act.

The Ombudspersons note weaknesses in the implementation of the provisions of the regulations on associations, particularly with regard to the issue of the status of associations of public interest. This is particularly significant due to the fact that an association that is registered can implement programs and projects of public interest and exercise rights to funds from the budget.

¹²⁸The Universal Declaration of Human Rights, promulgated by the General Assembly of the United Nations on December 10, 1948;

¹²⁹Press release March 22, 2023;

¹³⁰Law on Associations and Foundations of Bosnia and Herzegovina ("Official Gazette of BiH", No. 32/01, 42/03, 63/08, 76/11 and 94/16);

¹³¹Law on Associations and Foundations of the Republika Srpska ("Official Gazette of the RS", No. 52/2001 and 42/2005);

¹³²Law on Associations and Foundations of the Federation of Bosnia and Herzegovina (The Official Gazette of the Federation of Bosnia and Herzegovina, No. 45/02);

¹³³Law on Associations and Foundations of the Brčko District of BiH (Official Gazette of the Brčko District of BiH, No. 41/20 and 44/22);

¹³⁴Ž-BR-08-234/23, Ž-BR-08-240/23;

4.11. Freedom of the media and safety of journalists

Freedom of the media implies freedom of expression, independence and pluralism of the media, freedom to collect, research, publish and disseminate information for the purpose of informing the public, openness of the media to different opinions, beliefs and content, independence, freedom and safety of journalists, and is inextricably linked to the concept of fundamental human freedoms and rights and a democratic society.

During 2023, seven complaints were received relating to attacks on journalists¹³⁵, damage to journalists' property,¹³⁶ actions that journalists consider to be pressure on their work¹³⁷, difficulties encountered by journalists of public enterprises when collecting relevant information.

One recommendation has been made. in a case in which the complainant points out certain problems he encounters in his work as a journalist of a public company, a reporter, when preparing texts and reports for all three platforms, radio, television and web portal, often in need of clarification or a statement from the competent city administration services for the information he receives from citizens, where he does not find a willingness to cooperate. The Ombudspersons recommended that the competent body, in accordance with its authorities, take the necessary actions in order to adopt an act that more closely and in detail determines the methods of addressing, procedures related to the procedure for submitting media inquiries for the provision of information/contracting/making statements, and making decisions on the same. More detailed procedures would prevent such and similar cases in the future, and eliminate legal uncertainty in the conduct and interpretation of certain practices. The recommendation was partially implemented.¹³⁸

In the previous period, the Ombudspersons compiled *a Special Report on the Position of Journalists and Cases of Threats Made against Journalists in Bosnia and Herzegovina*¹³⁹ clearly emphasizing that the status of journalists in society must be regulated, and journalists guaranteed the enjoyment of fundamental rights and freedoms, which includes the right to safety and dignity.

Regardless of the passage of time, no significant progress can be observed, which is why the Ombudspersons recall the conclusions, opinions and recommendations from the Special Report that were sent to the competent authorities/bodies and the need to define attacks on journalists in criminal codes as a separate criminal offence or as a more serious form of the criminal offence of attacking an official in the performance of official duties.

In the reporting period, the Act on Amendments to the Criminal Code of the Republika Srpska was adopted¹⁴⁰, defining defamation as a criminal offence.

The Ombudspersons point out that Article 10 of the European Convention on Human Rights and Fundamental Freedoms guarantees everyone the right to freedom of expression. Freedom of

¹³⁵Ž-SA-05-616/23;

¹³⁶Ž-SA-05-199/23;

¹³⁷Ž-BL-05-175/23;

¹³⁸Ž-SA-05-162/23, recommendation number: P-181/23;

¹³⁹<https://www.ombudsmen.gov.ba/>

¹⁴⁰Criminal Code of the Republika Srpska ("Official Gazette of the RS", No. 64/2017, 104/2018 - decision of the Constitutional Court, 15/2021, 89/2021 and 73/2023);

expression is a relative right, which means that in certain cases the state may restrict this right provided that the restriction is prescribed by law, necessary in a democratic society, or in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, the reputation or rights of others, for preventing the disclosure of confidential information, or for maintaining the authority and impartiality of the judiciary. Necessity, within the meaning of Article 10, paragraph (2) of the Convention, implies the existence of a “pressing social need”, and any restriction must be proportionate to the aim sought to be achieved. The aim of the restriction is certainly also to prevent the abuse of rights, or to protect the rights of others, which is stated not only in Article 10 of the aforementioned Convention, but also in Article 17, which prohibits the abuse of rights. Therefore, freedom of expression, as a foundation of any democratic society, may only be restricted if the above criteria are met. In this regard, it is necessary to establish an appropriate balance between freedom of expression, on the one hand, and the protection of the rights of others or the public interest, on the other.

4.12. Free legal aid

The principles of equality and non-discrimination, which also include the equality of all persons before the law, form the basis of international human rights protection. In order to ensure respect for these principles, it is necessary to ensure effective legal protection for the most vulnerable, socially disadvantaged categories of the population in cases where the interests of justice so require. Although Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms expressly provides for the right to free legal aid for defendants when the interests of justice and the material status of the defendant so require, the Convention has a wider application, as confirmed by the case law of the European Court of Human Rights.¹⁴¹

The provisions of the Law on Free Legal Aid of Bosnia and Herzegovina¹⁴² stipulate that the competent body for providing free legal aid before the bodies and institutions of Bosnia and Herzegovina is the Office for Providing Free Legal Aid of Bosnia and Herzegovina, which is an internal organizational unit within the Ministry of Justice of Bosnia and Herzegovina. In the Federation of Bosnia and Herzegovina, free legal aid institutes have been established at the level of nine cantons, in the Republika Srpska free legal aid is provided by the Free Legal Aid Centre, with headquarters in Banja Luka, and offices in Doboј, Bijeljina, Trebinje and East Sarajevo, and in the Brčko District of Bosnia and Herzegovina the Legal Aid Office of the Brčko District of Bosnia and Herzegovina operates. Free legal aid is also provided by a certain number of non-governmental organizations for target groups of citizens.

During 2023, nine complaints related to free legal aid were received and 2 recommendations were issued. Complaints were filed due to the violation of the right to legal aid due to the non-establishment of the legal aid system, the dysfunctionality of the legal aid institute, dissatisfaction with the work of the employees of the legal aid centre¹⁴³, and the violation of the procedure for the

¹⁴¹For example, the right to free legal aid in civil proceedings is based on the case of *Airey v. Ireland*, in which the European Court of Human Rights found a violation of the right to a fair trial (Article 6 § 1 of the Convention). There are also other cases in which the Court has found that a state has failed to fulfil its obligation to provide its citizens with free legal aid (*Airey v. Ireland*, 11 September 1979, Series A, No. 32).

¹⁴²Law on Free Legal Aid of Bosnia and Herzegovina, (The Official Gazette of Bosnia and Herzegovina, No. 83/16)

¹⁴³Ž-BL-05-689/23;

admission of a leading civil servant in the cantonal Free Legal Aid Institute.¹⁴⁴

Ensuring equality before the court and other state administration bodies is made possible by implementing the institute of free legal aid, which implies the establishment of such mechanisms that will, under certain conditions, enable persons whose financial circumstances jeopardize the possibility of protecting their rights to exercise those rights. A functional and efficient system of free legal aid is a guarantee of equal access to court for vulnerable categories of the population and the protection of their rights and interests.

In the appeal proceedings for violation of the right to free legal aid, due to the fact that the system of free legal aid has not been established in the Central Bosnia Canton, The Ombudspersons pointed out the above to the authorities and recommended that they proceed with the adoption of a law on free legal aid. The recommendation has been implemented and the legislative procedure has been initiated.¹⁴⁵

The complaint indicated that Herzegovina-Neretva Canton, by adopting the Law on the Provision of Free Legal Aid ¹⁴⁶, ensured the legislative and institutional framework in the field of free legal aid, provided the necessary space and equipment for the work of the Cantonal Free Legal Aid Institute. However, the procedure/procedure for appointing the Director of the Institute has lasted more than 5 (five) months, which is why it is not operational. The Ombudspersons sent a recommendation to the competent authorities to, in accordance with the positive legal regulations, complete the procedure for appointing the Director of the Institute. During the procedure for monitoring the implementation of the recommendation, cooperation was established with the competent authority and further implementation is being monitored.¹⁴⁷

¹⁴⁴Ž-MO-05-171/23;

¹⁴⁵Ž-SA-05-227/23, recommendation number: P-236/23;

¹⁴⁶Law on the provision of free legal aid ("Official Gazette of the HNK", number: 07/13);

¹⁴⁷Ž-SA-05-226/23, recommendation number: P-237/23;

V. JUDICIARY AND ADMINISTRATION

5.1. Introduction

The European Convention for the Protection of Human Rights and Fundamental Freedoms, in proceedings for the determination of civil rights and obligations or the validity of any criminal charge, guarantees the right to a fair trial and a public hearing within a reasonable time, before an independent and impartial tribunal established by law. ¹⁴⁸Article II.2. of the Constitution of Bosnia and Herzegovina stipulates that the rights and freedoms set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols shall be directly applicable in Bosnia and Herzegovina. These acts shall have priority over all other laws.

The guarantee of a fair trial, which also includes the right to proceedings within a reasonable time, applies to all proceedings in which civil rights or obligations are established or exercised, and the guarantee of proceedings within a reasonable time also applies to administrative proceedings, and thus to administrative disputes.

During 2023, the Department for Monitoring the Exercise of Rights in the Judiciary and Administration received 709 cases, which is 3.67% fewer than in 2022 when 736 complaints were received. The largest number of complaints still relates to the judiciary, where compared to 2022 there was an increase of 5.76%, and to administration, where compared to 2022 there was a decrease in the number of complaints by 13.36%.

The Law on Human Rights Ombudsman of Bosnia and Herzegovina stipulates that the competence of IHROBiH shall include the authority to conduct investigations into all complaints regarding the poor functioning of the judicial system or the improper processing of individual cases, as well as to recommend appropriate individual or general measures. IHROBiH shall not interfere in the decision-making process of the courts, but may initiate court proceedings or intervene in the course of proceedings, whenever he or she determines that such action is necessary in the performance of his or her duties. IHROBiH may also make recommendations to a government body that is a party to the proceedings or be consulted by a party to the proceedings. ¹⁴⁹

In cases where a recommendation is sent to a government body, legal or natural person for the elimination of discrimination, failure to act on it opens the possibility of initiating misdemeanour proceedings, i.e. misdemeanour liability ¹⁵⁰. Likewise, in accordance with the provision of Article 15, paragraph (9) of the Prohibition of Discrimination Act, in the event that the court considers a case on which IHROBiH has already issued a recommendation, which the party in the proceedings uses as evidence, the court is obliged to consider the recommendations of IHROBiH in accordance with the rules of procedure.

¹⁴⁸European Convention on Human Rights and Fundamental Freedoms Article 6, paragraph (1);

¹⁴⁹Article 4 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina (The Official Gazette of BiH, No. 32/00, 19/02, 35/04, 32/06, 38/06, 50/08 and 61/23);

¹⁵⁰Article 19, paragraph (4) of the Prohibition of Discrimination Act;

5.2. Judiciary

The right to a fair trial also includes the right to a trial within a reasonable time, and a reasonable time does not always imply urgent action, unless urgent action is prescribed by law, but is reflected in the light of each individual case. In proceedings before IHROBiH, the most common violation of rights relates precisely to the violation of the right to a fair trial.

5.2.1. Statistics

A large number of complaints are still recorded in the field of justice, and compared to 2022 (347 complaints registered), there was a slight increase in the number of complaints. In 2023, 367 complaints were received, and the largest number related to the length of the procedure, where 62 complaints were registered, the Enforcement of judgments - 50 complaints, complaints about the work of judges - 23, complaints related to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina - 9, and complaints related to other violations of rights related to the conduct of courts - 223 complaints (failure to issue court decisions in the manner prescribed by law, complaints about the work of prosecutors' offices, lawyers, etc.). In the field of justice, 9 recommendations were issued.

The growing trend of cases referring to an inappropriate length of proceedings, as well as complaints about the work of judicial officials, indicate that there are still certain shortcomings in the judicial system and general distrust among citizens, although certain efforts have been made in previous years to combat these phenomena.

The cases considered by the Ombudspersons of Bosnia and Herzegovina in the reporting period nevertheless indicate the willingness of judicial authorities, especially courts, to remedy violations during intervention. The most common cases of this type are related to the parties' allegations that the competent court has not issued a decision ¹⁵¹, delivered a judgment ¹⁵², scheduled a hearing or provided information on the status of the case.

In 2023, progress was made in improving the spatial capacities of individual courts. The reconstruction of the Miljacka Correctional Institution building has begun, after the space was officially transferred for use to Sarajevo Cantonal Court and Sarajevo Municipal Court, as well as to the court police. The renovation and conversion of the Miljacka Correctional Institution will solve the long-standing problem of the spatial capacities of Sarajevo Cantonal Court and Sarajevo Municipal Court, and additional premises will be provided for the court police, which will create better working conditions for the courts and the court police.

5.2.2. Length of proceedings

Article 6(1) of the European Convention, *inter alia*, provides that in the determination of civil rights and obligations or of any criminal charge against a person, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. The

¹⁵¹Ž-LI-08-173/23;

¹⁵²Ž-SA-08-879/23;

right to a fair trial, which includes the right to a trial within a reasonable time, continues to cover the majority of cases examined by the Institution in the past period. This includes cases that have been pending before first or second instance courts for a number of years, and often also includes enforcement proceedings. The European Court of Human Rights emphasises that the justification for the length of proceedings must be assessed in the light of the circumstances of the case and in relation to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities, and what was at issue in the case for the applicants ¹⁵³. The Constitutional Court of Bosnia and Herzegovina, supporting the case-law of the European Court, recalls that Article 6(1) of the European Convention imposes on the Contracting States the obligation to organise their judicial systems in such a way that the courts can satisfy the requirements of that Article, including the obligation to act within a reasonable time.¹⁵⁴

The president of the court is obliged to adopt a plan for resolving old cases and ensure its prompt and efficient execution, and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina will define in an instruction which cases are considered old and determine the methodology for taking cases into work. ¹⁵⁵The plan for resolving old cases still represents an inadequate mechanism for mitigating the consequences of the inappropriate length of the procedure, and the competent courts mainly provide information related to the dynamics of resolving cases in the courts, i.e. the chronological order of resolving the backlog. ¹⁵⁶Untimely handling of cases also occurs due to the justified absence of a judge, which ultimately cannot be a justified reason for violating legal provisions and the rights of the parties. ¹⁵⁷Thus, in the specific case, the court responded that *"the aforementioned person made accurate allegations and that the current inactivity in the case is related to the fact that it is a case that is not covered by the 2023 Case Resolution Plan, as well as the fact that the judge who assigned the case is on sick leave."*

The plan for resolving old cases provides a certain probability of when a case will be considered by the court, as well as that the order of receipt of the initial act will be respected, but it does not solve the essential problem of the length of the procedure, as well as cases that require urgent action. In practice, courts most often provide information relating to the planned and expected period of resolution of cases in a given year, ¹⁵⁸however, there are also cases when the court makes a decision during the intervention of IHROBiH. ¹⁵⁹The IHROBiH intervention resulted in a positive outcome in a case where the party requested that the Municipal Court urgently submit the appeal to the second-instance body for decision-making, given the fact that the non-contentious procedure in question has lasted nine years. In the specific case, the acting judge issued an order for the submission of the file to the Cantonal Court for processing the appeal.¹⁶⁰

¹⁵³Žilić v. Bosnia and Herzegovina, application no. 49551/20, judgment of May 25, 2022;

¹⁵⁴Decision on admissibility and merits of the Constitutional Court of Bosnia and Herzegovina, case number: AP 2296/20, resolving the appeal filed by Rašid Mešanović;

¹⁵⁵Article 56 of the Rules of Procedure on Internal Court Operations, "Official Gazette of BiH", No. 66/12, 40/14, 54/17, 60/17 - correction 30/18 and 83/22;

¹⁵⁶Ž-SA-08-45/23;

¹⁵⁷Ž-BL-08-239/23;

¹⁵⁸Ž-LI-08-47/23; Ž-SA-08-98/23 – It follows from the Supreme Court's statement that the case will be taken up in the third month of 2023; Ž-MO-08-36/23 - information received from the Cantonal Court stating that the cases are being resolved according to the plan for resolving old cases, in accordance with the HJPC Decision. As a result, cases from 2020 and 2021 will be resolved by the end of 2023, while cases of "more recent date" are not on this year's list.

¹⁵⁹Ž-BL-08-85/23; Ž-MO-08-27/23; Ž-BR-08-78/23; Ž-BL-08-130/23;

¹⁶⁰Ž-SA-08-600/23;

In the proceedings on complaint filed due to the failure to take procedural actions by the court, after the intervention of IHROBiH in the legal matter in question, a preparatory hearing was scheduled¹⁶¹. In specific legal matters, the courts cited various reasons for not taking action. For example, the reasons that led to the delay in the proceedings referred to bad weather conditions - cold weather, which meant that the expert's recording devices could not work in cold weather, which is why the court was not provided with the findings. The court stated that, taking into account the previous court practice with expert witnesses, the findings would be provided soon and the proceedings continued, which was done.¹⁶² In a similar case, the Court has in the meantime removed the reasons for not taking action and issued a decision to continue the proceedings.¹⁶³

In contrast to cases indicating an unreasonable length of proceedings in which the Institution establishes a violation of Article 6 of the European Convention, there are cases when the parties also have unreasonable expectations regarding the conduct and completion of proceedings. The Ombudspersons of Bosnia and Herzegovina considered the complaint of the applicant who pointed out the length of the proceedings. The competent cantonal court provided information to the Ombudspersons of BiH that the complainant's case was received on 25.04.2023. and that it will be resolved in the order of resolution of cases, i.e. in the chronological order of receipt of complaints.¹⁶⁴

The right to a trial within a reasonable time is of enormous importance in achieving a proper and lawful judicial process, but it is also necessary to achieve a balance that satisfies the criteria of legality and time constraints and the need for faster proceedings.¹⁶⁵

5.2.3. The right to effective remedy

The right to an effective remedy is one of the fundamental rights guaranteed by the European Convention and forms an integral part of the right to a fair trial. Article 13 of the European Convention on Human Rights and Fundamental Freedoms states that “ *everyone whose rights and freedoms as set forth in this Convention are violated shall have the right to an effective remedy before a national authority, notwithstanding that the violation has been committed by a public official* ”. The right to a remedy is closely linked to the concept of human rights in general, especially since the right to an effective remedy itself is a fundamental human right, and the aim of remedies is to correct an incorrect decision of a state or other public authority. Their use eliminates the negative, harmful consequences caused by an incorrect and unlawful decision.¹⁶⁶

The Constitutional Court of Bosnia and Herzegovina has indicated that, in accordance with the case law of the European Court of Human Rights, the right to an effective remedy implies the existence of a remedy in any form in the domestic legal order that can effectively protect the rights and freedoms guaranteed by the European Convention. A remedy, or means, is effective (effective) if it

¹⁶¹Ž-BL-08-441/23;

¹⁶²Ž-LI-08-20/23;

¹⁶³Ž-SA-08-4/23;

¹⁶⁴Ž-LI-08-85/23

¹⁶⁵Ž-SA-08-620/23

¹⁶⁶Bubaločić, T. (2018). The right to a legal remedy against the decisions of state authorities according to domestic and international law. Proceedings of Libertas University, 266.

grants the right in the domestic legal order to annul an act that violates a right under the Convention or if that means can amend the act. Efficiency also implies the possibility of eliminating the violation of rights, as well as for the victim of the violation to receive some satisfaction for the violation suffered.¹⁶⁷

During the proceedings before the Institution, the complainant pointed out numerous proceedings that were conducted before the Municipal Court, Cantonal Court, Supreme Court, and Constitutional Court, but the Ombudspersons of BiH did not consider these cases, bearing in mind that legal remedies were used in a timely manner and court decisions were made in these proceedings.¹⁶⁸

5.2.4. Complaint against work of judges

Complaints about the conduct of judges often arise as a result of the parties' dissatisfaction with the final outcome of the proceedings and the adoption of a decision that is not in their favour.¹⁶⁹ In certain cases, the complainant is not referred to the jurisdiction of IHROBiH, believing that IHROBiH can act as a second-instance court, which is contrary to Article 4, paragraph (2) of the Law on Human Rights Ombudsman of BiH.¹⁷⁰ If the complaint is addressed to IHROBiH and concerns the work of a judge, the parties are directed to file a complaint with the Disciplinary Prosecutor's Office at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina,¹⁷¹ and if the proceedings are conducted before the Disciplinary Prosecutor's Office, the Institution contacts this Office, requesting information regarding the status of the case.

Complaints about the work of the courts are sometimes the result of alleged inadequate delivery of documents, which results in legal consequences. In certain cases, it has been observed that the parties themselves contribute to causing harmful consequences by their actions. In this particular case, the debtor refused to accept the enforcement decision, after which the court delivered it again to the debtor, who did not file an objection within the statutory deadline, and the court, upon the finality of the enforcement decision, delivered it to the bank for enforcement.¹⁷²

The complainant states that a main hearing was held before the municipal court against the accused for the criminal offence of grievous bodily harm, where the complainant is the injured party. The complainant states that after the main hearing, the verdict imposing a suspended sentence on the accused was orally announced, and that he never received a written copy of the verdict, nor did the lawyer who represented him in this criminal case. During the investigation, IHROBiH received a court document, which states, among other things, that after the verdict was drafted, it was delivered to the appellant-injured party, as well as to his attorney, along with the date of its receipt¹⁷³.

¹⁶⁷"Official Gazette", No. 43/21, Decision on Admissibility and Merits, Appeal No. AP 4899/19;

¹⁶⁸Ž-SA-08-940/22;

¹⁶⁹Ž-BR-08-76/23; Ž-SA-08-283/23;

¹⁷⁰Ž-SA-08-36/23; Ž-SA-08-87/23 – the party was informed that the Institution does not assume the role of the body that acts upon appeals against court decisions;

¹⁷¹Ž-SA-08-36/23; Ž-BR-08-42/23;

¹⁷²Ž-LI-08-9/23;

¹⁷³Ž-SA-08-398/23;

The complaint against the judge's work pointed to the untimely action of the court in relation to the cancellation of the suspended sentence. The Ombudspersons of BiH were provided with information from the court stating that the court, acting upon the request of the convicted person, after obtaining information on whether the convicted person had committed a new criminal offence, or whether criminal proceedings were being conducted against him for another criminal offence, made a decision to cancel the suspended sentence, of which the party was informed.¹⁷⁴

5.2.5. Monitoring of court proceedings

IHROBiH monitors the state of human rights in Bosnia and Herzegovina both through conducting investigative procedures in cases based on complaints from parties and initiating procedures ex officio, as well as by drafting various reports, issuing opinions, and performing other activities in accordance with the provisions of the law that determine the competences of IHROBiH. One of the mechanisms that IHROBiH uses in the prevention and exercise of human rights protection is monitoring, or rather, monitoring of court proceedings. It should be noted that various factors influence the commitment of IHROBiH to using this mechanism, and this often depends on the grounds for the complaint itself, indications of serious human rights violations, the special vulnerability of the party (a person with a disability, a person belonging to a marginalized category of the population, etc., which would require special sensitivity in dealing with such a case), the inappropriate length of the procedure, etc. A certain number of requests from parties for monitoring, or rather, monitoring of court proceedings have been noted, believing that the presence of a representative of IHROBiH will increase their chances of success in the case and ensure impartial proceedings. Monitoring of the procedure may be determined for only one part or for the entire procedure until its completion, or until a court decision is made.¹⁷⁵ The Ombudspersons of BiH make decisions in each individual case based on the previously presented parameters.

IHROBiH monitored the proceedings before the Cantonal Court, bearing in mind that the entire proceedings have been ongoing for three years, that the Supreme Court's decision indicated a violation of the basic principles of criminal procedure, and thus Article 6 of the European Convention, as well as the fact that the defendants have been in custody the entire time.¹⁷⁶

5.2.6. Enforcement

The right to a fair trial is guaranteed by the European Convention and the Constitution of Bosnia and Herzegovina and includes the right to enforcement of court decisions immediately after they become final, otherwise this right would have no effect. A final court decision has awarded a party to the proceedings a right, and failure to enforce it constitutes a continuation of the violation of the right. Therefore, failure to enforce a court decision is closely linked to the right to a fair trial, and thus to the right to a reasonable length of proceedings. The European Court of Human Rights has emphasized that enforcement of a judgment rendered by any court must be considered an integral

¹⁷⁴Ž-SA-08-495/23;

¹⁷⁵Ž-BL-08-50/23 – Given that a decision has been made in this specific case, monitoring of the court proceedings has been completed;

¹⁷⁶Ž-BR-08-84/23;

part of the “trial” within the meaning of Article 6 of the Convention ¹⁷⁷. Failure to enforce a court decision in certain cases may be caused by certain procedural obstacles, but these must still be reasonable in the context of the specific case. IHROBiH, when considering cases in this area, also notice certain positive trends when courts, after the intervention of IHROBiH, issue a decision on enforcement.¹⁷⁸

Thus, in the case, the applicant stated “...we filed a complaint with IHROBiH on October 12, 2023, and the court finally issued a Decision on Enforcement on October 18, 2023, so again after the intervention of IHROBiH ¹⁷⁹.”

IHROBiH contacted the municipal court to obtain information on the status of the enforcement case of the complainant, and received a statement stating that the case is being worked on continuously, however, that various objective circumstances have led to a longer duration of this procedure. After the proposed enforcement was permitted, the delivery of the decision to the enforcement agents was irregular, given that, according to IDDEA data, the enforcement agents are of unknown residence, so a temporary representative was appointed, who submitted an objection to the decision on the permission to enforce, which was rejected as unfounded.¹⁸⁰

IHROBiH considered a case in which the complainant expressed dissatisfaction with the length of the enforcement proceedings related to child support. In this regard, the Ombudspersons of BiH recommended to the competent court to take, without delay, the procedural actions prescribed by law for the purpose of conducting the proceedings in the case, in order to fully complete the said enforcement.¹⁸¹ The complainant managed to collect her claim, and based on the recommendation sent by IHROBiH to the municipal court.

5.2.7. High Judicial and Prosecutorial Council of Bosnia and Herzegovina

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina acts as an independent and autonomous body and continuously contributes to strengthening the rule of law in Bosnia and Herzegovina. Its mission is to ensure an independent, impartial and professional judiciary, while at the same time enabling equal access to justice and equality of all citizens before the law. The competences of the High Judicial and Prosecutorial Council, among others, include the appointment of judges, including court presidents, lay judges and additional judges, the appointment of chief prosecutors, deputy chief prosecutors and prosecutors, receiving complaints against judges and prosecutors, conducting disciplinary proceedings, determining disciplinary liability and imposing disciplinary measures on judges, lay judges, additional judges and prosecutors, etc.¹⁸²

IHROBiH, having reviewed the cases that were the subject of consideration before IHROBiH, note that complaints filed against the work of the High Judicial and Prosecutorial Council of BiH mostly

¹⁷⁷Šabanović v. Bosnia and Herzegovina, application no. 24139/20, judgment of 09 June 2022; Bahtić v. Bosnia and Herzegovina, application 4034/22, judgment of 27 October 2022;

¹⁷⁸Ž-BR-08-296/23;

¹⁷⁹Ž-BR-08-257/23;

¹⁸⁰Ž-MO-08-66/23;

¹⁸¹Ž-BR-08-163/23, recommendation number: 260/23 dated September 29, 2023;

¹⁸²Article 17 of the Law on the High Judicial and Prosecutorial Council of BiH, “Official Gazette of BiH”, No. 25/04, 93/05, 48/07 and 63/23;

relate to the procedures for appointing court presidents and judges,¹⁸³ complaints related to the work of the disciplinary prosecutor, failure to act on party requests,¹⁸⁴ adoption of by-laws that conflict with legal provisions, etc.

IHROBiH received a case related to the Rules of Procedure on Amendments to the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, considering that it is not in compliance with Article 28a of the Act on the Rights of Defence Counsel and Members of Their Families of the FBiH, which prevents this category from having an advantage in employment, in a way that these persons are given a certain number of points upon admission¹⁸⁵. The case was closed due to lack of merit.¹⁸⁶

In relation to the High Judicial and Prosecutorial Council of BiH, complaints were also received regarding the actions of the Disciplinary Prosecutor's Office. These complaints relate to the actions of the Disciplinary Prosecutor's Office in response to work-related requests, or unprofessional conduct of judges or prosecutors. The Disciplinary Prosecutor's Office is responsible for assessing the legal validity of complaints, investigating allegations against judges or prosecutors of breach of duty, and for initiating disciplinary proceedings and representing disciplinary offense cases before the disciplinary commissions of the Council. During the investigation, the Ombudspersons of BiH in these cases generally receive a standard response from the Disciplinary Prosecutor's Office that the investigation in the specific case is ongoing, and are reminded that the proceedings before the Disciplinary Prosecutor's Office may last up to two years.

The importance of mutual cooperation and exchange of experiences between IHROBiH and the High Judicial and Prosecutorial Council of BiH resulted in a series of meetings aimed at learning about the activities of these institutions, identifying common areas of activity and considering modalities for future cooperation. One of such meetings was related to the systemic improvement of the fight against domestic violence and violence against women.¹⁸⁷

5.2.8. Prosecutor's offices

When it comes to cases in which prosecutor's offices appear as the responsible authority, a total of 76 cases were registered, which is the same number as in 2022. The received cases that are being handled by IHROBiH indicates that in most cases, the parties addressed the Institution due to the untimely action of the authorities upon reports, i.e. failure to make decisions on conducting investigations¹⁸⁸, the lack of an efficient mechanism against decisions made by prosecutors (decisions on non-conducting investigations), believing that chief prosecutors upon appeals in most cases make identical decisions as decided by the acting prosecutor. One of the problems that arises

¹⁸³Ž-SA-08-429/23;

¹⁸⁴Ž-BL-08-244/23;

¹⁸⁵Article 28a of the Act on the Rights of Veterans and Members of Their Families of the FBiH states: " Federal, cantonal, city authorities and municipal administrative services and administrative organizations, public institutions and public enterprises founded by the Federation, canton, city or municipality, are obliged to provide priority to persons referred to in Article 1 of this Law when hiring them."

¹⁸⁶Ž-SA-08-456/23;

¹⁸⁷Ombudspersons of BiH Nives Jukić and Jasminka Džumhur, PhD held a meeting on December 13, 2023 and December 14, 2023 with Tatjana Petrović Jovanović, Head of the Department for Legal Affairs of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

¹⁸⁸Ž-SA-08-111/23; Ž-LI-08-38/23;

is that the decisions of prosecutors' offices are often not adequately reasoned, which most often occurs with orders on non-conducting investigations.

IHROBiH acted upon a complaint stating that a criminal report was filed with the prosecutor's office on 13.04.2023., but that by the time of addressing IHROBiH (on 25.04.2023.), there was no information about the further course and development of the same. At the request of IHROBiH, information was provided that the competent public prosecutor's office had issued an order not to conduct an investigation, against which decision an appeal was filed within the statutory deadline. Deciding on the applicant's appeal, the Chief Prosecutor issued a decision rejecting the appeal as unfounded.¹⁸⁹

IHROBiH acted on a complaint indicating that the Chief Prosecutor's decision rejected the complainant's appeal as unfounded, because there are no grounds for suspicion that the reported person committed a criminal offence. The complainant indicates that, regardless of everything stated in the appeal in question and the decision thereon, it follows that the prosecution failed to adequately verify, establish and consider the relevant facts and circumstances and did not adequately examine them from a criminal-legal perspective. A request was submitted to the Federal Prosecutor's Office for a review of the Chief Cantonal Prosecutor's decision, as well as a review of the reasons for the delay in a large number of previous proceedings, because unreasonably long deadlines have passed in them. IHROBiH has received information from the Federal Prosecutor's Office stating that the case has been taken into consideration, and that the decision regarding the applicant's appeal will be made in accordance with the deadlines prescribed in point 18 of the Mandatory Instruction of the Chief Federal Prosecutor on the procedure for resolving appeals against orders not to conduct an investigation, orders to suspend an investigation, as well as appeals due to inefficient and/or illegal work of prosecutors in criminal cases.¹⁹⁰

5.2.9. Lawyers

Regarding the conduct of lawyers, a total of 11 cases were registered in 2023, which is two cases fewer than in 2022. Communication and greater information appear as one of the key problems in the client-lawyer relationship. The clients express their dissatisfaction with the work of the lawyer, insufficient information about the status of the case and the activities carried out by the lawyer. During investigative proceedings before IHROBiH, a phenomenon was observed in which the clients point out the length of the proceedings before the court, and the courts submit information to the Ombudspersons of BiH that the case has been concluded and that the decision has been delivered to the attorney.¹⁹¹

Insufficient and inadequate communication led to the client's distrust in the work of her lawyer, and because the lawyer requested payment of costs before taking further action. The complainant was advised that the legal profession is an independent, public profession, and that the relationship between the client and the lawyer is the way in which the latter will arrange payment. She was advised that if she considers the lawyer's work to be unprofessional or incorrect, she can report it to

¹⁸⁹Ž-BL-08-215/23;

¹⁹⁰Ž-SA-08-370-23;

¹⁹¹Ž-LI-08-27/23 - The Constitutional Court submitted Statement No. AP-3526/18, which states: *The decision was delivered to the appellant's attorney, attorney... on April 24, 2020 (photocopy of return receipt attached).*

the Bar Association, which may initiate disciplinary proceedings.¹⁹²

5.3. Management

The duty of administrative bodies is to ensure the efficient exercise of the rights and interests of citizens, acting in accordance with positive legal regulations and international standards for the protection of human rights. This implies good organization of the bodies' work, which ensures quick, complete and high-quality resolution of administrative matters in the legally prescribed procedure, with comprehensive consideration of these matters, respecting the prescribed principles of procedure, the right to appeal, the right to assistance and the prohibition of discrimination. A more efficient, responsible and transparent public administration, which will be oriented towards citizens and ready to respond to all European requirements, is the vision of public administration reform outlined in the documents Public Administration Reform Strategy¹⁹³ and the Strategic Framework for Public Administration Reform and the Action Plan for Public Administration Reform for the period 2018-2022.

During 2023, The Ombudspersons considered 253 complaints against administrative bodies of all levels of government, which represents a decrease compared to 2022, when 292 complaints were received. 41 recommendations were made.

The reasons for filing complaints relate to the failure of the authorities to act in accordance with positive legal regulations, the length of the decision-making procedure upon citizens' requests, the failure to make a decision upon a request for correction of an entry in the real estate cadastre, irregularities in the procedures for implementing Land use plans¹⁹⁴, complaints due to inadequate supervision over the execution of construction works on real estate and illegal construction¹⁹⁵, omissions made during the construction of the road,¹⁹⁶ the failure to implement final court decisions,¹⁹⁷ irregularities in procedures for leasing state land,¹⁹⁸ but also on inspection bodies as administrative bodies, etc.

In their recommendations to the responsible authorities, the Ombudspersons pointed out the obligation to consistently apply positive legal regulations and international human rights standards, called for decisions to be made within an appropriate time frame, a comprehensive consideration of each specific case in order to protect the right to property and access to it, called for efficient and timely action in accordance with the competencies of the relevant administrative authorities, and

¹⁹²Ž-SA-08-598/23;

¹⁹³The reform process in BiH is based on the Strategy for Public Administration Reform in BiH, which was adopted in 2006, together with Action Plan 1 (AP1), by the Council of Ministers of BiH (July 27), the FBiH Government (August 3), the Government of Republika Srpska (August 31) and the Government of the Brčko District of BiH (July 24). The Strategy for Public Administration Reform is a comprehensive and universal document that provides a strategic framework for the aforementioned reform, focused on improving general administrative capacities, i.e. the way in which the state administration is organized, how it creates policies, drafts and executes the budget, employs and trains personnel.

¹⁹⁴Ž-SA-08-144/23;

¹⁹⁵Ž-SA-08-244/23, Ž-SA-08-321/23, Ž-BR-08-86/23;

¹⁹⁶Ž-SA-08-438/23;

¹⁹⁷Ž-SA-08-1208/23 and Ž-SA-08-1209/23;

¹⁹⁸Ž-LI-05-41/23, Ž-LI-45/23, Ž-LI-08-51/23, Ž-LI-08-52/23, Ž-LI-08-53/23, Ž-LI-08-54/23, recommendation number: P-105/23;

pointed out the consequences that citizens suffer due to the unwillingness of the competent authorities to undertake to resolve certain issues, as well as the fact that the principles of good governance require public authorities to respect and meet the justified expectations of citizens.

5 3.1. Length of administrative procedure

The procedure before the administrative body must be conducted quickly and with as little cost and loss of time as possible for the party and other persons participating in the procedure, but in such a way as to obtain everything necessary for the proper determination of the factual situation and for the adoption of a lawful and proper solution. Bearing in mind the provision of Art. 6 of the European Convention, and taking into account the criteria established by the case law of the European Court of Human Rights ¹⁹⁹, it is necessary to emphasize that the reasonableness of the Length of the proceedings can be comprehensively and properly assessed by taking into account the overall characteristics of the case itself. The Ombudspersons of Bosnia and Herzegovina observe untimely and lengthy procedures in all phases of the administrative procedure.

The Ombudspersons, considering the complaint regarding the delay in the administrative procedure before the Expert Commission for the Recognition of Education in Health Management, concluded that the right to a decision within a reasonable time has been violated, taking into account the fact that the procedure has been ongoing for more than a year and a half, and that no decision has been made in this legal matter. A recommendation has been sent to the competent ministry. to act upon the complainant's request without delay. ²⁰⁰The recommendation was not implemented.

Considering the complaint allegations regarding the failure to issue a decision on the citizen's appeal, because the second-instance body does not have the complete case file, the Ombudspersons drew attention to the fact that the failure to fulfil the obligations of the competent authorities results in legal uncertainty, making the legal position of citizens more difficult, and recommended that the competent authorities take specific actions with a view to issuing the decision in question, which was complied with. ²⁰¹

The Ombudspersons also acted in cases where the procedure was completed in the second instance, the decision of the first instance body was annulled and the case was returned for re-determination, but the latter did not act on the instructions of the second instance body. The Ombudspersons recommended that the decision of the competent Ministry of Justice and Administration be acted upon without delay, which was complied with. ²⁰²

5.3.2. Land use plans - violation of principles of protecting citizens' rights and public interest

The Ombudspersons considered the allegations of citizens' complaints regarding the construction of apartment blocks in a part of the city where the Land use plan envisages this area as part of a city park, given that there is a forest in this area that the citizens themselves have afforested. ²⁰³An

¹⁹⁹European Court of Human Rights, Vernillo v. France, judgment of 20 February 1981, Series A No. 198;

²⁰⁰Ž-SA-08-3/23, recommendation number: P-158/23;

²⁰¹Ž-SA-08-574/22, recommendation number: P-24/23;

²⁰²Ž-BL-08-286/23, recommendation number: P-334/23;

²⁰³Ž-SA-08-434/23; Ž-SA-08-475/23, recommendation number: P-194/23;

investigation was conducted, based on which it was concluded that there is a well-founded suspicion indicating a violation of the procedure for amending planning documents, and the inconsistency of a lower-level document with a higher-level planning document, especially in a situation where the public interest does not require it, but rather concerns exclusively the interest of the investor, an individual.

An insight into the currently valid urban development plan, which is in force until a new one is adopted, shows that the disputed land is designated as sports, recreation, parks and protective greenery. An excerpt from the Land use plan also treats the disputed area as a green area, which brings the current Land use plan into line with a higher-level plan. All previous and further amendments to the currently valid Land use plan, which are not in line with the currently valid urban development plan, in the IHROBiH opinion, constitute a violation of mandatory legal norms, until the conditions for this are met.

The Ombudspersons of Bosnia and Herzegovina sent a recommendation to the competent Municipal Council of Centar Sarajevo Municipality to, when reviewing the proposal for amendments of the relevant land use plan, consistently apply the legal provisions, warn of the dangers of their abuse and responsibility in exercising their roles and authorities. It was emphasized that amendments to land use plans should be made only after a test has been conducted, which includes consideration of: 1) whether the proposed amendments to the Land use plan are harmonized with the higher-level plan - the spatial plan and the urban development plan; 2) whether the amendments to the Land use plan are made in a way that changes the basic concept of spatial planning (which would put the amended Land use plan in an inconsistent relationship); 3) whether the amendments to the Land use plan are based on the real and realistic public interest and needs of citizens (emphasizing the public interest over the interest of the individual). The recommendation was complied with.

5.3.3. Discrimination in administrative proceedings

There are situations when complainants point to discrimination in proceedings before an administrative body due to untimely action, improper conduct of proceedings, or lack of cooperation.

Thus, in the case where the complainant addressed the competent administrative body, but also IHROBiH, with a request for protection from discrimination in the procedures conducted upon his request for issuing an urban development planning permit for the construction of an Islamic Centre. It is evident from the submitted documentation that the complainant refers to the fact that the procedure has been conducted by the competent service for 20 years. The designated responsible body did not act upon IHROBiH's requests to submit a statement on the allegations in the complaint, which is why a recommendation was made to immediately take adequate measures and actions to establish cooperation with IHROBiH. The respondent party acted upon the recommendation and submitted, at that moment, the requested statement, and the investigation procedure is still ongoing.²⁰⁴

²⁰⁴ Ž-MO-06-136/22 , Recommendation number: P:131/23;

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

6.1. Introduction

Economic, social and cultural rights include the right to work, the right to education, the right to housing, the right to an adequate standard of living, the right to health, the right to science and culture, and as such are recognized and protected by international instruments.

One of the most important sources of economic, social and cultural rights is the Universal Declaration of Human Rights, while the primary international source of economic, social and cultural rights is the International Covenant on Economic, Social and Cultural Rights (ICESCR). Other international instruments regulate these rights in relation to certain categories that enjoy special protection, such as the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), and the International Convention on the Rights of Persons with Disabilities (CPRD).

The issue of the state's obligation to establish and implement "progressive measures" in cases where the immediate fulfilment of rights is not possible, due to the attachment of rights to state budgets, is a mechanism used as a test of the state's commitment to ensuring these rights, where the economic situation in the country is taken into account. Postponement of proactive action is not permitted and proving proactive action is considered an obligation of the state. Bosnia and Herzegovina is a state with a complex internal organization, in which budgets are adopted at the state level, entity level, lower levels of government, and the above represents an additional aggravating circumstance for the implementation of progressive measures. In this regard, it is necessary to recall the recommendation of the Committee on Economic, Social and Cultural Rights (CESCR Committee), the Office of the United Nations High Commissioner for Human Rights, that the state party bears ultimate responsibility for the implementation of the Covenant at all levels of government, including cantons and municipalities. The state should take all necessary measures to ensure the enjoyment of the rights guaranteed by the Covenant regardless of place of residence. The Committee specifically recommends that the State party harmonize legislative and policy measures, improve monitoring and coordination of activities implemented at all levels of government, and strengthen the administrative and financial capacities of local governments.²⁰⁵

Pursuant to the provisions of Article III.1. of the FBiH Constitution²⁰⁶ and the Amendment to the FBiH Constitution, the following²⁰⁷ are under the exclusive jurisdiction of the FBiH: FBiH citizenship, determination of economic policy, including planning and reconstruction, and land use policy at the federal level, adoption of regulations on finances and financial institutions of the Federation and fiscal policy of the Federation, suppression of terrorism, inter-cantonal crime, illicit drug trafficking and organized crime, allocation of electronic frequencies for radio, TV and other

²⁰⁵<http://www.mhrr.gov.ba/PDF/LjudskaPrava/izvjestaj11032022.pdf>, Concluding observations on the Sixth Periodic Report of Bosnia and Herzegovina, Committee on Economic, Social and Cultural Rights, CESCR /C/BIH/CO/6 15 October 2021, provisions: 7. (a), (b), (c)

²⁰⁶Constitution of the Federation of Bosnia and Herzegovina with amendments (The Official Gazette of the Federation of Bosnia and Herzegovina, No. 1/94, 13/97, 16/02, 22/02, 52/02, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05 and 88/08);

²⁰⁷Amendment to the Constitution of the Federation of Bosnia and Herzegovina CVI (The Official Gazette of the Federation of Bosnia and Herzegovina, No. 71/05);

purposes, in accordance with the Constitution of Bosnia and Herzegovina, determination of energy policy, including distribution between cantons, and provision and maintenance of necessary infrastructure, financing of the activities of federal authorities, institutions and institutions established by federal authorities through taxation, borrowing or other means.

According to the provisions of Article III.2. of the FBiH Constitution, the FBiH Government and the cantons are responsible for: guaranteeing and implementing human rights, healthcare, environmental protection policy, communication and transport infrastructure, in accordance with the Constitution of Bosnia and Herzegovina, social policy, implementation of laws and other regulations on citizenship and travel documents of citizens of Bosnia and Herzegovina from the territory of the FBiH and on the stay and movement of foreign nationals, tourism and the use of natural resources.²⁰⁸

According to the provisions of Article III.4. According to the Constitution of the Federation of Bosnia and Herzegovina, the cantons have all competences that are not expressly entrusted to the FBiH Government.

The prohibition of discrimination in relation to economic, social and cultural rights has immediate effect. States have an obligation to abolish laws, policies and practices that prevent the equal enjoyment of these rights and to take measures to prevent discrimination in public life. Regardless of the country's economic situation or lack of resources, it is necessary to ensure respect for the minimum rights to life for all, and fair access and use of available resources. The decision-making process of authorities on the use of public resources should be transparent and decisions publicly available.

Legislative measures alone are not enough if they are not accompanied by effective implementation and enforcement policies, where administrative and financial measures play a special role. This also raises the issue of the capacity of the competent authorities. It is particularly important to ensure the availability of legal remedies, but also their effectiveness, which must be an integral part of measures adopted in the field of economic, social and cultural rights.

6.1.1. Statistics

In 2023, the Department for Monitoring the Exercise of Economic, Social and Cultural Rights received 743 complaints. Compared to 2022, the Department received 66 more complaints. Most of the complaints received were related to violations of rights from Labour 233, pensions 174, communal services 132, social protection 97, healthcare 50, education 41, ecology and environmental protection 16.

The department issued 89 recommendations, of which 35 refer to violations of rights in Labour.

6.2. Right to work

The right to work is directly related to human dignity and the individual's need to participate in

²⁰⁸http://predstavnickidom-pfbih.gov.ba/upload/file/ustav/ustav_precisceni_tekst.pdf

social life through work. The formulation "right to work" does not imply a guarantee of the right to work, but rather the right to access work under equal conditions. The state is obliged to take concrete steps to enable citizens to exercise this right.

The right to work, as one of the fundamental human rights, is guaranteed by the Universal Declaration of Human Rights (Article 23), the International Covenant on Economic, Social and Cultural Rights (Articles 6 and 7), the FBiH Constitution (Article 2(1)1), the Republika Srpska Constitution (Article 39), and the Statute of the Brčko District of BiH (Article 13). The right to work is not directly guaranteed by the Constitution of Bosnia and Herzegovina, nor by the European Convention, which is directly applicable in Bosnia and Herzegovina (Article II/2). However, Annex I, item 8 of the Constitution of Bosnia and Herzegovina - Additional human rights agreements to be applied in Bosnia and Herzegovina, among other things, lists the International Covenant on Economic, Social and Cultural Rights, where Articles 6 and 7 guarantee the right to work and the right to enjoy favourable working conditions, and Article 9 the right to social security. The right is also regulated by laws at the level of BiH and entity laws.

The FBiH Ministry of Labour and Social Policy announced the reform of the FBiH Employment Agency and employment services in the segment of employment mediation, as a measure that will improve employment and enable better quality records of the unemployed. The first step was taken by preparing the Preliminary Draft of the Act on Recruitment and Placement and Social Security of Unemployed Persons. This law was previously adopted in the Republika Srpska²⁰⁹ and had the effect of ensuring the separation of real job seekers from social categories. These amendments to the Act would also create the prerequisites for keeping separate records of active and passive job seekers in cantonal services and the FBiH Employment Agency. The position of IHROBiH is that it is important to separate job seekers as an economic category from persons who should be ensured the protection of social rights, primarily access to healthcare, in order to ensure that the available statistics related to job seekers are accurate and relevant. This means that in parallel with the reform of the employment mediation system, access to social rights should also be ensured for categories of citizens who are currently registered as unemployed, with the sole aim of ensuring access to this right.

It is almost impossible to achieve absolute employment on the territory of the state, therefore unemployment is a phenomenon that every state deals with. The European Social Charter stipulates that in order to ensure the effective exercise of the right to work, the signatories undertake to accept as one of their primary goals and responsibilities the achievement and maintenance of the highest and most stable possible level of employment, with a view to achieving full employment. According to data from the BiH Labour and Employment Agency, as of 31 October 2023, there were 346,051 unemployed people in BiH. Compared to the previous month, the number of unemployed people is 797 people or 0.23%. Of the total number of people seeking employment, 202,252 or 58.45% are women. Compared to the same period last year, unemployment in BiH is 11,261 people or 3.15% lower. Unemployment decreased in the Federation of BiH by 471 persons (0.17%) and in the Republika Srpska by 347 persons (0.58%), while in the Brčko District of BiH it

²⁰⁹Law on Employment Mediation and Unemployment Rights in the RS (The Official Gazette of the Republika Srpska, No. 30/2010, 102/2012, 94/2019 and 112/2023);

increased by 21 persons (0.16%).²¹⁰ These indicators require a comprehensive survey, taking into account the reasons for the decrease in the number of persons registered in the unemployment records, information on the emigration of BiH citizens, which should also be brought into the context of a slight decrease in the number of complaints registered with IHROBiH.

The recommendations made in the area of Labour related to the adoption or repeal of provisions of internal acts, the review of employer decisions on changing jobs and transferring workers, and illegal dismissals, the deployment of workers with altered work capacity, procedures for conducting public competitions, especially the issue of their annulment, and the appointment of candidates to civil servant positions. The recommendations issued should also be viewed in the context of the activities of the competent inspection. IHROBiH points out that a quality labour inspection is both a protector and a promoter of labour legislation and public policy in the area of labour and should be a strong preventive mechanism.

6.2.1. Competition procedures

The purpose of conducting a public competition procedure is to employ the highest quality candidate. During the reporting year, IHROBiH received complaints related to issues of appointing civil servants, failure to adopt by-laws related to the implementation of public competitions²¹¹, eliminatory conditions set in competitions²¹², including different evaluation of diplomas in relation to the duration of studies²¹³, annulment of competitions²¹⁴, or declaration of competitions as unsuccessful.²¹⁵

IHROBiH points out that everyone should have equal opportunities in accessing jobs and participating in competitions, which should be publicly advertised and clear in terms of criteria and employment conditions, which is especially important in the public sector. Competition procedures should be transparent, and ultimately, legal remedies should be available to participants.

The civil service plays an important role in the decision-making process on citizens' rights, and it is important that elected civil servants are independent and professional. This service is based on the principle of equal access, and every citizen has the right to be employed in the public sector, where the selection of the highest quality and best personnel is carried out. The issue of appointing civil servants is regulated differently in Bosnia and Herzegovina. At the level of state institutions, civil servants are appointed by the Civil Service Agency of BiH, in accordance with the results achieved by it in the election process. In the Republika Srpska, this issue is regulated in such a way that the manager, at the proposal of the Agency, issues a decision on the establishment of an

²¹⁰ www.arz.gov.ba/statistika/mjesečni/default.aspx?id=7920&langTag=hr-HR

²¹¹ Ž-MO-04-50/22, recommendation number: P-123/23;

²¹² Ž-BL-04-1/23, recommendation number: P-116/23; In the implementation of the public procedure for the employment of 57 workers for an indefinite period, a special condition was required to have passed the railway professional exam, in accordance with the Regulation on the professional qualifications of workers directly involved in railway transport 646. The same cannot be fulfilled by unemployed persons, because they are deprived of the opportunity to take the exam, and since the Public Advertisement for performing an internship and taking the professional exam in the Railways was never published. The recommendation made to eliminate discriminatory treatment of certain categories of persons was not implemented.

²¹³ Ž-SA-04-1141/22, recommendation number: P-5/23;

²¹⁴ Ž-SA-04-1308/22, recommendation number: P-59/23;

²¹⁵ Ž-BL-04-408/22, recommendation number: P-219/22;

employment relationship for a civil servant. In the Federation of BiH A civil servant is appointed by the head of the civil service body, after obtaining the opinion of the Agency, from the list of successful candidates who have passed the public competition. IHROBiH points out that in certain cantons in the Federation of BiH, the laws on civil service stipulate that after a competition procedure, the person who is the most successful candidate is appointed to the position.²¹⁶

The issue of selecting a candidate who was not assessed as the most successful, after conducting a competition procedure in the Federation of BiH, is a subject of consideration. After considering the complaint²¹⁷ received on this basis, IHROBiH has sent a letter to the FBiH Parliament and the FBiH Government. In 2021, they submitted an initiative²¹⁸ to amend Article 31, paragraph (1) of the FBiH Civil Service Act, which reads: *"A civil servant shall be appointed by the head of the civil service body, having previously obtained the opinion of the Agency from the list of successful candidates who passed the public competition"* to read: *"The head of the civil service body, having previously obtained the opinion of the Agency, shall appoint the most successful candidate from the list of successful candidates"*. According to the Regulation on the conditions, manner and program for taking the general knowledge exam and the professional exam for candidates for the civil service in the Federation of BiH, Candidates who have achieved at least 70% of the total number of points have successfully passed the professional exam, and who submit evidence that they meet the special conditions of the public announcement, make up the List of Successful Candidates, which, together with a copy of the application form, is submitted to the head of the body at whose request the public competition was conducted. According to Article 15 of the Rulebook on the Rules and Procedure for Conducting Public Competitions and Appointments of Civil Servants in Civil Service Bodies of the Federation of BiH, the head of the civil service body, or the body responsible for appointing civil servants, may, before deciding on the selection, conduct an oral interview with candidates from the list of successful candidates. IHROBiH indicates that the legal and sub-legal solutions set out in this way are subject to abuse, manipulation and lead to legal uncertainty for participants in the competition procedures. By an act of the FBiH Government²¹⁹, IHROBiH were informed that the procedure for drafting the Law on Public Servants of the Federation of BiH has been initiated, within which the issue of civil servants and employees in the civil service bodies of the Federation of BiH will be resolved.

In other registered complaint²²⁰, which relate to the issue of appointing the best candidate after the competition procedure, and in which case the best candidate submitted a complaint to the Civil Service Appeals Board of the Federation of BiH, IHROBiH made a recommendation to the Board to resolve the complaint on the merits, in accordance with Article 240 of the FBiH Administrative Procedure Act. The recommendation was made due to the fact that the process before the second-instance body was repeated three times, and the first-instance body ignored the Board's decisions

²¹⁶Law on Civil Service of the Canton of Sarajevo ("Official Gazette of the Canton of Sarajevo", No. 31/16 and 45/19), Law on Civil Service of the Una-Sana Canton ("Official Gazette of the Una-Sana Canton", No. 14/2017 and 16/2017; "Official Gazette of the FBiH", No.: 96/2018 - decision of the Constitutional Court and "Official Gazette of the Una-Sana Canton", No.: 15/20), Law on Civil Service in the Bosnian-Podrinje Canton ("Official Gazette of the Bosnian-Podrinje Canton", No. 3/18 and 6/20);

²¹⁷"Official Gazette of the FBiH", No. 29/2003, 23/2004, 39/2004, 54/2004, 67/2005, 8/2006, 77/2006 - decision of the Constitutional Court, 34/2010 - decision of the Constitutional Court, 45/2010 - other law, 4/2012, 99/2015 and 9/2017 - decision of the Constitutional Court;

²¹⁸Ž-SA-04-1107/20, recommendation number: P-43/21;

²¹⁹V. number: 727/2021 from 22.04.2021;

²²⁰Ž-BL-04-35/22, reference number: P-350/22; Ž-BL-05-103/23;

each time. This case was also presented in the 2022 IHROBiH Annual Report, but IHROBiH continued to monitor the implementation of the recommendation throughout 2023. IHROBiH has repeatedly indicated in their annual reports:

*"...the complaints registered with the Institution regarding the exercise of rights in administrative proceedings and administrative disputes mostly related to the length of the first-instance administrative proceedings, then the duration of the appeal decision-making procedure, the failure to use the legal possibilities of the second-instance body to decide on the merits of the administrative matter in question, but rather the constant return to the first-instance body for a new procedure and decision-making (ping-pong ball) and the silence of the administration."*²²¹

In this case, the Board took the position that the notification of the Civil Service Agency on the results of the competition, as well as the decision on appointment, which acts decided on the right from the employment relationship, are not administrative acts, because they do not resolve an administrative matter in the administrative procedure, which means that it does not have the possibility of applying the provisions of Article 240 of the FBiH Administrative Procedure Act, which provides for the possibility for the second-instance body to annul the first-instance decision with its decision and resolve the matter itself, but rather makes its decisions in accordance with the rules of procedure, which stipulate that when deciding on an appeal, the body may reject the appeal, annul the decision in whole or in part, or amend it. It follows from the above that the appeal procedure before the Board is not prescribed by law at all, but exclusively by the rules of procedure, which violates one of the basic principles of the rule of law - the principle of legality. The question of access to the mechanism of judicial protection arises.

The legal uncertainty of participants in competitive procedures is also caused by the fact that certain regulations governing employment do not regulate the question of in which cases, as well as at what stage, the competitive procedure can be annulled. IHROBiH points out that failure to prescribe clearly and categorically stated reasons for annulling the advertisement may lead to abuse of the institute of public competition and uneven practice. The Act on Civil Service in the Institutions of Bosnia and Herzegovina²²² defines that the BiH Civil Service Agency may annul the competitive procedure, upon a reasoned request from the institution, at the latest until the results of the selection process, i.e. the list of successful candidates, are submitted to the Agency, whereby the same positions cannot be advertised again for a period of one year from the date of publication of the advertisement.²²³

Acting on the complaint²²⁴ in which the complainant, as the first ranked candidate on the list of successful candidates, indicated that the Civil Service Agency, acting upon the request of the responsible body, annulled the competition, a recommendation was sent to the Government of Sarajevo Canton to amend the Civil Service Act and refer it to further procedure. The Government informed IHROBiH that the Sarajevo Canton Assembly adopted a decision on joint exercise of

²²¹2016 Annual report on the results of the activities of the Institution of Human Rights Ombudsman of BiH for 2016, p. 34, https://www.ombudsmen.gov.ba/documents/obudsmen_doc2017032310003163bos.pdf

²²²The Official Gazette of Bosnia and Herzegovina, no. 12/2002, 19/2002, 8/2003, 35/2003, 4/2004, 17/2004, 26/2004, 37/2004, 48/2005, 2/2006, 50/2008 - dr. law, 43/2009, 8/2010, 40/2012 and 93/2017;

²²³Article 21a;

²²⁴Ž-SA-04-306/23, recommendation number: P-179/23;

competences with the Federation of Bosnia and Herzegovina within the framework of the overall public administration reform ²²⁵, which expresses the commitment of Sarajevo Canton to joint exercise of competences with the Federation of Bosnia and Herzegovina within the framework of the overall public administration reform, as well as the commitment to adopt a single Civil Service Act and the Public Employees Act throughout the territory of the Federation of Bosnia and Herzegovina.

6.2.2. Salaries and allowances and benefits

In exchange for work performed, the worker is paid a salary, a sum of money paid at fixed intervals by the employer, in the manner and under the conditions established by the laws governing the field of Labour. In addition to the amount paid into the worker's account, the salary also includes the amount that the employer pays to the state for taxes and contributions on behalf of the worker.

IHROBiH continues to register complaints ²²⁶related to the issue of violation of employment rights, related to unpaid contributions, which indicate the problem of the lengthy procedure that citizens go through in order to exercise their rights.²²⁷

The principle of the implementation of legality requires all entities covered by the law to exercise their rights and duties to the extent and in the manner prescribed by law. The laws also prescribe the establishment of mechanisms for monitoring the legality of the actions of competent authorities, and taking measures in the event of their violation. The laws on pension and disability insurance previously prescribed that the mechanisms for supervising the implementation of these laws (inspections) are part of the pension and disability insurance system. With the reform, the issue of supervising the implementation of the law, in the part relating to the calculation and payment of pension and disability contributions, was given to the jurisdiction of tax administrations. Since the jurisdiction of tax administrations is, first of all, the supervision of the calculation and payment of direct taxes, the question is to what extent the control of the calculation and payment of contributions is ensured at full capacity, taking into account the limited resources of tax administrations. An additional problem is the fact that the majority of registered complaints in the Institution, related to unpaid contributions, refer to the period when supervision over this area was within the pension and disability insurance services, which raises the question of who is now in charge of supervision. It is particularly worrying that in the current system there are still entities that do not pay contributions, which is reflected in the inability to access healthcare, and in the long term has effects on the exercise of the right to a pension as a property right. ²²⁸It is undeniable that this issue deserves to be the subject of a separate investigation by IHROBiH.

In 2023, IHROBiH would like to draw attention to the problem of taxation and financial burden on individuals engaged in independent work – *freelance*. The essence of the problem is the obligation of these individuals to pay contributions for pension and health insurance, without achieving the status of beneficiaries. For individuals who have concluded service contracts or author's contracts,

²²⁵The Official Gazette of Sarajevo Canton, number 50/21;

²²⁶Ž-SA-04-295/23, recommendation number: P-122/23;

²²⁷Ž-SA-04-805/16; Ž-SA-04-836/18;

²²⁸Ž-BR-04-192/23; Ž-BR-08-190/23;

the Social Contributions Act of the FBiH prescribes the payment of contributions for health insurance at a rate of 4%, while a rate of 6% is prescribed for pension and disability insurance. Despite the aforementioned obligation, *freelancers* in this entity cannot use health insurance, because the Health Insurance Act of the FBiH does not recognize them as insured persons. The contributions paid for pension insurance are not included in their pensionable service either, because the Pension and Disability Insurance Act is not harmonized with the Social Contributions Act of the FBiH.

In the Republika Srpska, the Social Contributions Act stipulates that *freelancers* are obliged to pay contributions for pension and disability insurance at a rate of 18.5%, which is uniform for all types of insurance. Payments based on contributions for pension and disability insurance are converted into seniority.

Freelancers residing in the Brčko District of BiH are required to pay income tax in the amount of 10%, as prescribed by the Law on Income Tax of the Brčko District of BiH. Paying health insurance contributions is not an obligation for *freelancers* in that part of BiH. When it comes to pension and disability insurance, *freelancers* can choose between two entity funds to which they will, on a voluntary basis, pay contributions.

In connection with the above, IHROBiH, in a case ²²⁹where the complaints related to the provisions of the Social Contributions Act, ²³⁰recommended to the competent FBiH institutions to start drafting a proposal for amendments to the Health Insurance Act, which would be harmonized with the draft Social Contributions Act and which would regulate the health insurance rights of the relevant category of persons. Specifically, the existing legal solutions, according to IHROBiH, constitute a violation of the right to property guaranteed by Article 1 of Protocol I to the European Convention on Human Rights.

IHROBiH received the complaint²³¹ Independent trade union of civil servants and employees in civil service bodies, judicial authorities and public institutions, Trade Union Organization of the Privatization Agency, which states that employees of the Privatization Agency of the Federation of BiH have not received a salary for eight months and do not have health insurance, due to the blocking of accounts in the name of a court verdict, although the law has regulated the issue of the position of the Agency and the execution of obligations through the establishment of an eviction fund that serves to cover judgments. With the abolition of that fund by the Government, with the assumption of the obligation that the Government will guarantee these obligations with funds from the budget, this obligation has not been realized, which is why the workers are in the stated position. A recommendation has been sent to the FBiH Government to undertake all activities aimed at urgently resolving the status of the Privatization Agency and its employees. Recommendation not implemented.

²²⁹Ž-SA-04-1271/19;

²³⁰The Official Gazette of the FBiH, no. 35/98, 54/00, 16/01, 37/01, 1/02, 17/06, 14/08, 91/15, 104/16, 34/18 and 99/19;

²³¹Ž-SA-04-850/22, recommendation number: P-340/22;

6.2.3. Benefits and allowances

Labour laws define salary compensation for the time when an employee is not working, such as annual leave allowance, paid leave in certain cases, such as entering into marriage, relocation, maternity allowance, or part-time allowance, etc. Likewise, the employer may pay employees compensation for participation in various committees, or salary benefits in accordance with by-laws.²³²

The complainants²³³ are employed by the Ministry of Education and were appointed as chairpersons of commissions formed to conduct state licence exams, but they were not given decisions on compensation. In this regard, they addressed the employer with a request for a decision on the amount of compensation, to which no response was received. During the investigation, IHROBiH received a response from the Ministry that the exams were held during the complainants' working hours, and that the aforementioned tasks were defined in the job descriptions by the Rulebook on Internal Organization and Classification of Jobs, and that there is no legal basis for the payment of compensation.

6.2.4. Changed work capability

One of the basic general conditions that a worker must meet when recruited is that he or she is medically fit to perform the duties of the job. The health and work capability of the worker is proven by a medical clearance for health and medical clearance for work. The fact is that work capability can change during the period of employment, and it is necessary to protect such categories of workers.²³⁴ One of the rights that a worker with changed work capability has is the right to change his or her job, taking into account the changed/reduced work capability as an important segment, but also the employer's capacities. In this regard, it is sometimes necessary to review decisions on the reassignment of the complainant to a new post.²³⁵

6.2.5. Degradation of working conditions

According to labour laws, an employee who believes that his or her employer has violated an employment right may request from the employer to have them exercise that right, but may also file a lawsuit before a competent court, which should not result in the employee being "punished." IHROBiH received complaints²³⁶ indicating that the complainant has been degraded and placed in an unfavourable position with regard to working conditions and the exercise of employment rights.

The complainant²³⁷ states that the Minister requested the consent of the Civil Service Agency for her transfer to another sector because she, as he himself states, holds an MLB and has excellent communication skills, which she has proven through many years of service, and the transfer will benefit both the complainant and the Ministry, all without her consent. At the same time, on the

²³²Ž-SA-04-1064/21;

²³³Ž-BL-04-551/22, recommendation number: P-49/23;

²³⁴Ž-SA-04-708/22, recommendation number: P-85/23;

²³⁵Ž-BR-04-112/22, recommendation number: P-19/23;

²³⁶Ž-MO-04-143/22, Ž-MO-04-19/23, recommendation number: P-126/23, Ž-BL-04-725/22;

²³⁷Ž-SA-04-1198/22, recommendation number: P-68/23;

same day, the complainant was relieved of her duties as commission secretary, where the complainant's communication skills and professionalism were irreparably called into question. Given that during the proceedings before IHROBiH, the Ministry failed to respond to IHROBiH documents, a recommendation was issued, instructing to establish cooperation with the Ombudspersons of BiH. In its response to the recommendation, the Ministry stated that the Civil Service Appeals Board accepted the complainant's appeal, and that she was reinstated to her previous position. After a positive outcome, the case was closed.

A complaint²³⁸ filed by a group of employees of the special unit of the Border Police of Bosnia and Herzegovina was filed regarding the relocation of the unit to substandard working premises. The response of the authority states that in order to improve the conditions in the said premises, the Border Police of Bosnia and Herzegovina has reinforced the central air conditioning system, given that the employees complained about insufficient cooling and ventilation in the premises, and work is underway to install openings (windows) in the wall, given that the premises only receive daylight from the entrance glass door. During the proceedings before IHROBiH, the violation of rights was eliminated, and the case was closed.

6.2.6. Professional development

Education, training and specialization are the obligation of the employee in accordance with his/her abilities and work needs, and the obligation of the employer to ensure this right during the work process, and especially when changing or introducing a new method or organization of work. The conditions and method are regulated by collective agreements and by-laws. In some cases, complainants ²³⁹indicate that they do not have the opportunity to be promoted, based on their professional qualifications. IHROBiH indicates that if an employee has independently acquired a higher professional qualification compared to the professional title he/she previously held, that does not create an obligation for the employer to promote, unless the employer assesses that there is a need for it and has sufficient funds for that. In cases where the employer promoted employees who had independently educated themselves, while later denying it to others, IHROBiH reminds that discrimination in any stage of the work process is prohibited, and the described conduct leads to discrimination.

6.2.7. Termination of employment

In the reporting period, the Ombudspersons of BiH also received complaints about termination of employment and illegal dismissals, in which cases the Ombudspersons of BiH acted positively to reinstate the employees. ²⁴⁰In some cases, the complainants did not exercise their right to a regular legal remedy, and were instructed by the Ombudspersons of Bosnia and Herzegovina to apply for it. ²⁴¹

The complaint²⁴² identified the Ministry of Defence of Bosnia and Herzegovina as the responsible

²³⁸Ž-SA-04-543/23;

²³⁹Ž-SA-04-431/23, Ž-SA-04-821/22;

²⁴⁰Ž-LI-04-83/23, recommendation number: P-155/23;

²⁴¹Ž-LI-04-7/23;

²⁴²Ž-SA-04-352/23, recommendation number: P-265/23;

authority, in relation to the order on termination of military service, due to the expiration of the employment contract. The complainant filed an appeal against the said order, in accordance with the legal remedy, to the Appeals Council of the Council of Ministers of Bosnia and Herzegovina. By supplementing the complaint, the complainant gave IHROBiH consent to forward his case to the Parliamentary Military Commissioner of Bosnia and Herzegovina, who informed IHROBiH that he was not competent, because he was a civilian, or a person whose military service in the Armed Forces of Bosnia and Herzegovina had ended. Given that the Appeals Council declared itself not competent, IHROBiH recommended that the Ministry of Defence of Bosnia and Herzegovina provide the complainant with adequate legal instruction and designate a second-instance authority that would consider the merits of the termination of military service. The complaint of the named person was submitted to the Appeals Council of the Council of Ministers of Bosnia and Herzegovina on the basis of the recommendation. The conclusion of the Appeals Council at the Council of Ministers rejects the appeal filed against the order of the Ministry of Defence of BiH, where the instruction on legal remedy states that the Conclusion is final in the administrative procedure and no appeal is allowed against it, but an administrative dispute can be initiated. Article 179, paragraph (3) of the Law on Service in the Armed Forces of Bosnia and Herzegovina²⁴³ stipulates that no administrative dispute may be filed against acts related to: transfer, promotion, appointment and termination of service of a professional military person, while Article 214, paragraph (6) of the Administrative Procedure Act of Bosnia and Herzegovina²⁴⁴ stipulates that an appeal must be allowed against all first-instance decisions in which administrative disputes are excluded by law. Pursuant to the aforementioned legal provisions, taking into account that this is an act regulating the termination of service of a professional military person, against whom no administrative dispute can be conducted, the Ministry of Defence of Bosnia and Herzegovina is obliged to ensure the right to appeal. The second-instance body in relation to first-instance decisions and other administrative acts of the Ministry of Defence of Bosnia and Herzegovina is the Appeals Council of the Council of Ministers of BiH, and based on the above, the party in the legal instruction is directed to file an appeal with that body. Taking into account that the Ombudspersons of BiH sent a recommendation to the Ministry of Defence of BiH, on which the Ministry responded and designated the Appeals Council of the Council of Ministers of BiH as the second-instance body that should consider the merits of the termination of military service, the case is closed.

6.2.8. Supervision over application of labour regulations

The field of work, labour and occupational safety is one of the most important areas of social life, and supervision over the implementation of regulations that regulate it is carried out exclusively or for the most part by the Labour Inspection, which should be a strong and high-quality instrument for the efficient implementation of labour policies, and has the authority to inform the competent administrative authorities about shortcomings that are not specifically defined by existing legal regulations. A high-quality labour inspection is at the same time a protector²⁴⁵, but also a promoter of labour legislation and public policy in the field of Labour, and should be an efficient mechanism for preventing violations of the law. In accordance with practice, the Labour inspection is of the opinion that it has the authority to act only if a person is employed, and declares itself incompetent to supervise the implementation of the legality of the competition, considering that a person is not a

²⁴³The Official Gazette of Bosnia and Herzegovina, number: 88/05, 53/07, 59/09, 74/10, 42/12, 41/16 and 38/18;

²⁴⁴The Official Gazette of Bosnia and Herzegovina, number: 29/02, 12/04, 88/07, 93/09, 41/13 and 53/16;

²⁴⁵Ž-LI-05-214/22;

worker until the moment of concluding an employment contract. This position results in the conclusion that a mechanism for controlling the competition procedure has not been established, and it can only be implemented in court proceedings. Since the length of court proceedings is an obvious problem, in some cases several years may pass before a specific case is considered, although by law all employment disputes are considered disputes of an urgent nature. During this time, the employee receives benefits, and if the legal proceedings establish that the procedure is unlawful, the issue of compensation for the person who initiated the procedure arises. The Labour Inspectorate should be a preventive mechanism to prevent legal proceedings, as it is within its jurisdiction to provide instructions to employers and workers on the most efficient way to apply legal regulations.

The Inspectorate is also declared incompetent in cases of mobbing and discrimination in general, and the Prohibition of Discrimination Act at the entity level is not applied by inspection bodies. Conflicts of jurisdiction between inspection bodies are common in situations where an entity is registered in one canton and performs its business in another canton, as well as conflicts of jurisdiction between the Administrative Inspection and the Labour Inspection.²⁴⁶ IHROBiH believes that it is necessary to conduct a comprehensive analysis of the state of inspection bodies, and call on the competent authorities to urgently resolve the described situations.

6.3.Pensions

In order to discuss a pension and for a person to be able to discuss it, they must acquire the status of an insured person. An insured person is a natural person who, based on their work activity (employment, performance of a business, voluntary insurance, etc.), is compulsorily insured for pension and disability insurance on the basis of generational solidarity.

A pension is defined as a monthly monetary remuneration to which an individual is entitled based on age, disability and death insurance, under the conditions established by law.²⁴⁷ Pensions are also paid posthumously in cases where heirs and other financially dependent persons are unable to support themselves. Depending on the conditions under which it was acquired, the pension may be old-age, disability or survivor's. The minimum pension is the minimum income granted based on pension and disability insurance, which is not incurred by a person residing in the territory of BiH. The minimum pension is paid with a view to ensuring a minimum standard of living in Bosnia and Herzegovina²⁴⁸ IHROBiH has opened an ex officio procedure, in connection with the provisions of the Enforcement Procedure Act of the Federation of Bosnia and Herzegovina and the Republika Srpska and the implementation of the compulsory enforcement procedure on one half of the pension, and have sent the Initiative to the FBiH Ministry of Justice and the RS Ministry of Justice to amend the law²⁴⁹ in such a way that enforcement can be carried out up to the amount of one quarter of the pension. IHROBiH consider that the withholding of one half of the pension from the debtor/pensioner on the one hand represents a violation of the right to property, as guaranteed by

²⁴⁶Ž-BR-04-224/20, recommendation number: P-183/21;

²⁴⁷Law on Pension and Disability Insurance of the Federation of Bosnia and Herzegovina (The Official Gazette of the Federation of Bosnia and Herzegovina, No. 13/18, 93/19-decision of the Constitutional Court, 90/21, 19/22) and Law on Pension and Disability Insurance of the Republic of Serbia ("Official Gazette of the Republic of Serbia", No. 134/11, 82/13, 96/13-decision of the Constitutional Court, 103/15, 111/21, 15/22 and 132/22);

²⁴⁸Ž-SA-04-756/22, recommendation number: P-308/22;

²⁴⁹Ž-BR-08-117/21, recommendation number: P-21/23;

the Constitution of Bosnia and Herzegovina and Article 1 of Protocol 1 to the European Convention on Human Rights, and on the other hand puts him in a position where he cannot meet his basic necessities of life with the remaining part of the pension. The respondent parties informed IHROBiH that they would take the initiative into consideration when amending the aforementioned laws.

In 2023, the Ombudspersons received 174 complaints regarding violations of pension insurance rights and issued 8 recommendations. Compared to the previous year, when 127 complaints were received, an increase in the number of cases was observed, which needs to be put in the context of demographic indicators indicating an aging population. This results in an increase in the number of beneficiaries and requests for exercising pension insurance rights and reflects on the efficiency of the actions of the competent authorities, which is why citizens most often turn to the Ombudspersons of BiH. The Ombudspersons of BiH are of the opinion that it would be useful to make a comprehensive analysis of the capacities of the competent authorities for pension and disability insurance.

The recommendations referred to the actions of insurance holders regarding requests from parties for the payment of one-off financial assistance to pensioners, payment of contributions for the purpose of exercising the right to a pension, and amendments to the Pension and Disability Insurance Act of the RS.²⁵⁰

The Ombudspersons point to good cooperation with pension funds/disability funds, which are faced with a large number of cases, many of which require cooperation with funds from neighbouring and other countries. This significantly affects their overall efficiency.²⁵¹

6.3.1. Qualifying for pension

In order for the insured person to enjoy the right to a pension, it is necessary to meet the conditions set out in the law, such as payment of contributions by the employer,²⁵² age, disability, etc. The complainant ²⁵³ addressed IHROBiH with a complaint stating that he had repeatedly addressed the respondent party regarding the payment of contributions in order to be able to exercise his right to pension and disability insurance. He was informed that the obligations towards the insurance holder would be paid upon the inflow of funds. The respondent party informed IHROBiH that it would make the payment when the complainant meets the conditions for an old-age pension.

Analyzing the case²⁵⁴, IHROBiH determined that the insurance holder did not take into account the evidence submitted by the complainant, which undoubtedly shows how long the complainant was employed. After the intervention of IHROBiH, the complainant expressed her gratitude because she received a decision determining the amount of her pension, in accordance with the actual length of pensionable service in Bosnia and Herzegovina.

²⁵⁰Ž-BL-04-556/23;

²⁵¹Ž-BL-04-556/23;

²⁵²Ž-SA-04-387/23, recommendation number: P-135/23;

²⁵³Ž-BL-04-228/23;

²⁵⁴Ž-MO-04-13/23;

The complainant²⁵⁵ addressed IHROBiH due to a violation of the right to a family pension. IHROBiH issued a recommendation²⁵⁶, which the insurance holder does not want to act on, despite numerous contacts made by IHROBiH. IHROBiH also appealed to the Social Welfare Centre regarding the complainant's health insurance. The Social Welfare Centre submitted a decision recognizing the complainant's right to a Group II personal disability allowance and a care and assistance allowance.

6.3.2. Decision-making procedure for right to pension

The right to a pension is ensured after the termination of insurance. The pension and disability insurance rights, as well as the determination of pensionable service, are decided by the insurance holder. Complaints received by IHROBiH often indicate the length of the procedure, which puts the person, the pension applicant, in an unfavourable economic position. Often, after citizens address the Ombudspersons of BiH due to failure to act on requests for exercising rights in this area, the competent authorities eliminate the violation.²⁵⁷

The Ombudspersons point out the need for continuous training of employees employed in first-instance bodies. The complaint²⁵⁸ indicates that the complainant is a former police officer who was wounded in the line of duty and is 100-percent disabled. The decision of the competent institution determined his pension in the minimum amount, although the law²⁵⁹ stipulates that an insured person whose disability was caused by an injury at work or an occupational disease shall be granted 40 years of pensionable service by way of their disability pension. The complainant was instructed to appeal against the decision received with the second-instance body, which in turn reversed and remanded the decision, with an explanation provided to the first-instance body on how to resolve the case.

Acting on the basis of the document of the Ombudsman of the Republic of Croatia, which requires that the insurance holder in BiH be reminded, the Ombudspersons requested information from the respondent party as to whose beneficiary the complainant is, with regard to his 37 years of pensionable service in the territory of the former Yugoslavia, up to and including 1993, of the Republic of Croatia or of Bosnia and Herzegovina. In its response, the insurance holder states that neither of these two states disputes the obligation to pay a pension for the length of service that it has determined in its decision, but the procedure is regulated by the Agreement on Social Insurance between the Republic of Croatia and Bosnia and Herzegovina, and that this procedure has not been fully completed in the case of the specific complainant. The calculation procedures of pensions take longer due to their complexity, but that the beneficiary regularly receives a pension from the first contracting state during that time, which means that he has not and cannot be harmed in any way.²⁶⁰

²⁵⁵Ž-MO-04-129/22;

²⁵⁶Ž-MO-04-63/21, recommendation number: P-134/22;

²⁵⁷Ž-BL-04-282/23, Ž-BR-04-311/23;

²⁵⁸Ž-LI-04-172/23;

²⁵⁹Article 62 of the Law on Pension and Disability Insurance of the FBiH ("Official Gazette of the FBiH", No. 13/18, 93/19-decision of the Constitutional Court, 90/21, 19/22);

²⁶⁰Ž-BL-04-417/21;

6.4. Social rights

Social rights are the so-called applicable rights that ensure the standard of living in a society. They include various services and benefits in the areas of health, education, social protection, etc. According to the Universal Declaration of Human Rights and the Covenant on Economic, Social and Cultural Rights, social rights are treated as an element of the standard of living. According to such an orientation, everyone has the right to a standard of living that ensures the health and well-being of the individual and his family. This includes: food, clothing, housing, medical care, social services, as well as the right to insurance in the event of unemployment and sickness. The state is called upon to intervene to support individuals and social groups in achieving basic conditions and social integration.

During 2023, the Department registered 97 complaints and issued 7 recommendations, which is an increase compared to the previous reporting year, when 1 recommendation was issued. For comparison, in 2022, 63 complaints were registered, so an increase in the number of complaints is noticeable in this area.

The recommendations made relate to the payment of financial compensation to unemployed persons, resolving difficulties in the implementation of the Parent Carer Act of the FBiH in terms of completing the review process and drafting a proposal by the competent ministry on amendments to the Act, reviewing decisions of competent authorities on the rehabilitation/reconstruction of housing facilities destroyed by the war, and recommendations relating to social welfare centres for taking measures within their jurisdiction with a view to legally performing parental duties.

6.4.1. Accommodation for elderly

IHROBiH has recognized the problem of care for the elderly in all segments, and especially in cases of care in social care institutions (nursing homes), whose registration and operation are in some cases questionable. This is particularly important given the fact that there are no social care inspectors in the FBiH. This is the reason why IHROBiH has begun drafting *the Special Report on the Position and Rights of Elderly Persons Placed in Institutions in Bosnia and Herzegovina*. This special report analyses the legislative framework and its compliance with international standards; analyses institutions for the accommodation of the elderly, which includes registering institutions, supervision of their work, analysis of the state and conditions in institutions, capacities in terms of the number and qualifications of employees and the quality of services provided, material and technical equipment, the powers of the competent authorities involved in the procedures for the care of the elderly, and more.²⁶¹

The reasons why citizens turn to the Ombudspersons of BiH regarding the care of the elderly are the placement of the elderly by relatives without their consent²⁶², the use or possible misuse of the property of the elderly²⁶³.

²⁶¹In order to determine the situation, letters were sent to 15 ministries, 15 social work centres, 62 homes for the elderly in the RS, 48 in the FBiH, and 13 homes in the Brčko District of BiH.

²⁶²Ž-BL-04-592/22;

²⁶³Ž-BL-04-575/23;

Social welfare centres should be involved in the issue of placement of elderly people in institutions, including the care of property.

6.4.2. Parent carer

With the adoption of the Parent Carer Act in the Federation of BiH ²⁶⁴, the parent of a person with 100% disability caused by an illness or developmental disorder, as well as a blind person whose remaining vision in both eyes is below 0.05 with correction, or the parent of a person who, according to the findings of the Institute for Forensic Medical Examinations, cannot be trained for independent living or cannot independently meet basic necessities of life, is guaranteed the minimum wage in the Federation of BiH, with the payment of contributions. Since the Act entered into force, IHROBiH has received complaints related to problems in practice. The main problem that was already presented in the 2022 Annual Report related to the issue of review, where IHROBiH pointed out to the FBiH Ministry of Labour and Social Policy to illogical issues arising from Article 16 of the Act, which stipulates that the decision made in the first instance is subject to review, which is carried out by the Ministry, but no deadline is prescribed within which the review procedure must be completed. This legal solution puts citizens in a state of uncertainty as to whether and when the right will be recognized, which is the main purpose of the Act. After the intervention of IHROBiH, and in particular the efforts of the Ministry of Labour and Social Policy, the process of eliminating the bottlenecks in this process began ²⁶⁵, but complaints are still being received. ²⁶⁶At the end of 2023, IHROBiH registered a case ²⁶⁷ in which the complainants stated that the parents who had the status of foster parents were orally informed that they had to restart the procedure for acquiring the status of foster parents, including completing and submitting the necessary documentation again, including a certificate of unemployment, which cannot be submitted because they have already been introduced into the right. The investigation procedure is underway.

6.4.3. Social welfare benefits

Social protection or care implies a financial or other contribution from the community to ensure the fulfilment of basic human needs, as well as administrative, professional and other assistance to persons who are unable to take care of their own interests and ensure the satisfaction of basic life needs.

IHROBiH has received complaints²⁶⁸ indicating that the existing Enforcement Procedure Act of the Federation of BiH does not exempt social welfare payments from enforcement, which defeats the purpose of this assistance granted under special conditions to the most vulnerable category of the population. IHROBiH has sent an initiative to the FBiH Ministry of Justice to amend the Enforcement Procedure Act of the Federation of Bosnia and Herzegovina, with a view to *...exempting social welfare payments from enforcement...* The FBiH Ministry of Justice stated that

²⁶⁴The Official Gazette of the FBiH, number: 75/21;

²⁶⁵Ž-SA-04-54/23 - After initiating the investigation procedure, the responsible party eliminated the alleged violation of the rights and freedoms indicated in the complaint. The complainant submitted a comment stating that the problem was resolved thanks to the intervention of the Ombudsman of BiH.

²⁶⁶Ž-BR-04-22/23, recommendation number: P-150/23;

²⁶⁷Ž-BR-04-352/23;

²⁶⁸Ž-BL-05-20/23, recommendation number: P-50/23;

the Draft Act on Amendments to the Act is tabled and that Article 138 of the Act does not exempt "*social welfare payments*" from enforcement. It is also stated that it is up to the court to decide on the amount of seizure depending on the specific case. They thank you for the initiative, and state that they will take it into consideration when drafting the next Act on Amendments to the Enforcement Procedure Act, given that it concerns the domain of social protection and persons who have no other sources of income, and protection from bringing them to existential threat.

IHROBiH has established that a certain number of unemployed citizens in the Federation of BiH were denied one-time financial assistance in accordance with the Rulebook on Assistance to the Population due to the increase in the Consumer Price Index. It was recommended that the FBiH Government allocate additional funds from the budget of the Federation of BiH and pay one-time financial assistance to all unemployed citizens who submitted the requested data to the competent employment services in the territory of the FBiH in a timely manner. The FBiH Government, acting on the recommendations of IHROBiH, concluded by ordering all cantonal employment services to act in cooperation with the FBiH Employment Agency as recommended. Regardless of the measures taken, the complainants who contacted IHROBiH did not achieve protection of their rights and were not paid one-time financial assistance.²⁶⁹

IHROBiH also considered the issue of the complainant's fulfilment of the conditions²⁷⁰ for exercising the right to assistance to pensioners with the minimum pension, in accordance with the program of measures aimed at protecting the most vulnerable categories of the population due to the increase in energy prices. By issuing a recommendation, the case was resolved positively.

Requests for one-time financial assistance and support in purchasing firewood are still being registered, which is mainly the responsibility of local communities, which also depends on the economic power of the local community itself.

6.4.4. Maternity allowance

The protection of mothers and maternity is one of the key obligations of Bosnia and Herzegovina when it comes to international standards, and in particular equal rights and opportunities for women throughout the country, without discrimination and unequal treatment on any grounds, including place of residence. There have been no changes in legislation at the entity level compared to the report from the previous year, where in the Republika Srpska the basis for receiving maternity allowances is the employer's seat, and in the Federation of BiH the place of residence of the mother. IHROBiH has initiated an initiative to harmonize this issue, but this has not been implemented, which means that there is still a problem in obtaining benefits for mothers who live in the territory of the Republika Srpska and work in the territory of the Federation of BiH.²⁷¹

The amount of maternity allowances in the territory of the Federation of BiH is uneven, so

²⁶⁹Ž-BL-08-112/23; recommendation number: P-226/23; Ž-SA-04-24/23; recommendation number: P-124/23;

²⁷⁰Ž-SA-04-15/23, recommendation number: P-157/23;

²⁷¹Ž-SA-04-112/22, recommendation number: P-156/22 - The Ombudspersons of BiH have recommended to the RS Government and the FBiH Government to find, in cooperation with the competent ministries, an efficient mechanism with a view to overcoming difficulties in exercising the right to maternity benefit in a situation where the place of work and residence of the employee are located in different entities. The Ombudsmen are monitoring the implementation of the recommendation.

unemployed mothers in some cantons receive benefits ranging from 100 to 1,000 KM. Problems are also present in cases where a pregnant woman changes her residence from one canton to another during pregnancy, because in most cantonal regulations this right is regulated in such a way that its exercise is linked to the length of stay in the territory of the canton, which is usually longer than the duration of pregnancy (most often one year). The issue of exercising the right to maternity leave, or the right to financial compensation during the same period, must be considered both from the aspect of protecting the rights and non-discrimination of mothers, and from the aspect of protecting the rights of the child, taking into account that preventing the exercise of rights on this basis directly violates the principle of the best interests of the child.

IHROBiH recall the recommendation of the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) on the importance of harmonizing regulations on maternity allowances and ensuring equal compensation for mothers and benefits during maternity leave in all parts of the member state. ²⁷²The Gender Equality Act of BiH ²⁷³prohibits any form of discrimination and unequal treatment based on sex in the conditions of pregnancy, childbirth, the use of maternity leave for men and women employed, as well as access to health services and economic planning for both sexes.

In practice, problems arise ²⁷⁴when a woman who has given birth was employed for a fixed term and gave birth immediately before the contract expired. In this specific case, the woman who gave birth was not allowed to exercise her rights by the employer because the employment contract had expired, and the public fund for child protection rejected the request for maternity allowance because she did not have the status of an unemployed person at the time of childbirth. Although from a legal point of view there was no violation of rights, the best interests of the child who was born, as well as the woman who had paid contributions to the fund while she was employed, were neglected, which gave the competent authority the basis to make a different decision based on these principles. At the same time, such cases from practice indicate the importance of applying legislation in order to respond to the challenges that arise as a need of citizens.

6.5. Education

The right to education in Bosnia and Herzegovina is recognized by the Constitution of Bosnia and Herzegovina (Article II 3.1.), the Constitution of the Republika Srpska (Article 38) , the Constitution of the Federation of Bosnia and Herzegovina (Article 2 (1) m) , the Statute of the Brčko District of Bosnia and Herzegovina (Article 15) , as well as the relevant legal regulations governing this area.

In the field of education, in 2023, 41 subjects were registered (six subjects fewer than in 2022), and 12 recommendations were issued. The recommendations referred to reviewing the criteria for awarding scholarships, updating the Register of Accredited Higher Education Institutions in Bosnia and Herzegovina, undertaking activities aimed at applying for full membership in the European Association for Quality Assurance in Higher Education (ENQA), coordinating activities to establish

²⁷²Concluding observations on the Sixth Periodic Report of Bosnia and Herzegovina, Committee on the Elimination of Discrimination against Women, CEDAW/C/BIH/CO/6 8 November 2019, provisions: 24 (a), 46 (a, b) 36 (e),

²⁷³The Official Gazette of Bosnia and Herzegovina, no. 32/10;

²⁷⁴Ž-BL-04-427/23;

and adopt qualification frameworks in Bosnia and Herzegovina, undertaking activities and measures aimed at finding solutions to the problem of evaluating higher education qualifications acquired in Bosnia and Herzegovina, while establishing communication with the competent institutions of the countries of the region ²⁷⁵, and procedures for issuing duplicate diplomas.

6.5.1. Transition to Bologna system of study

The Bologna system of studies in Bosnia and Herzegovina has been in effect since 2005/2006. This reform of the education system was intended to bring Bosnia and Herzegovina closer to other European countries and their standards. As a candidate for membership in the European Union, Bosnia and Herzegovina ²⁷⁶has undertaken, through the Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part – the SAA, to align its current and future legislation with the *acquis communautaire*, in accordance with Article 70 (Title VI. approximation of laws, implementation of laws and rules of market competition), and within a transitional period of no more than six years from the date of entry into force of the Agreement. Accordingly, the systematization of job positions must be aligned with the degrees obtained. Given the above, the deadline for fulfilling this obligation has passed.²⁷⁷

6.5.2. Equivalence of grades/exams

The Ombudspersons point out that the insufficiently precisely regulated or inconsistently applied legal framework for the equivalence of grades and exams leaves room for arbitrariness or even the manifestation of personal or generalized views or stereotypes regarding the quality of education at different higher education institutions, including the right of students to a scholarship ²⁷⁸, which leads to a violation of the principle of the rule of law and legal uncertainty. The procedure for selecting or modifying the decision regarding the continuation of students' education should be as objective and neutral as possible, because failure to maintain these standards can lead to uneven practice and limiting mobility in the field of higher education.

IHROBiH underline that the student is the purpose and reason for the existence of every higher education institution. In the specific case, ²⁷⁹the complainant was forced to submit a request to be expelled from the school, due to the attitude of the faculty administration towards her, which is not in the public interest, nor in the interest of any of the parties in these proceedings.

²⁷⁵Ž-SA-04-37/23 and Ž-SA-04-84/23, recommendation number: P-159/23;

²⁷⁶The Official Gazette of Bosnia and Herzegovina, number: 10/08 - International agreements;

²⁷⁷Ž-SA-04-741/23, recommendation number P-348/23; The complainant, a doctor of biological sciences, states that a vacancy has been announced for the position of "Genetician", which can only be filled by biologists who have completed their education according to the Bologna system, and whose diplomas state "Genetician". A recommendation has been made to undertake activities aimed at harmonizing the Rules of Procedure, Internal Organization and Systematization of Job Positions with the diplomas obtained, and the implementation of which is being monitored.

²⁷⁸Ž-BL-06-304/22, recommendation number: P-28/23;

²⁷⁹Ž-BL-06-545/23, recommendation number: P-342/23; A recommendation was made to the faculty to eliminate the described violations in accordance with the Rules on the Equivalence of Passed Exams, to take appropriate measures and actions aimed at increasing transparency and objectivity in the exam equivalence procedure and informing students about their obligations and rights, which includes the right to adequate explanation and effective legal remedy.

6.5.3. Exercising right to scholarship

Scholarships, as a form of financial assistance to individuals for the purposes of their education, professional development or research, are awarded on the basis of academic achievement, special talents (sports, performing arts), social status or belonging to a particular social or ethnic group. By enabling the financing of education, scholarships open up access to education for all according to their abilities, thus contributing to the respect of the human right to education. At the same time, scholarships pave the way for mobility of both students, researchers and teaching staff within the European area and beyond. Scholarships are awarded through a scholarship competition, and candidates must meet the conditions in terms of the criteria that have been set, which must not be discriminatory.

IHROBiH are increasingly encountering requests from students enrolled in private schools, as well as from private schools themselves, for the exercise of certain rights, which include the right to public transport privileges, free textbooks, access to scholarships upon invitation from the relevant ministry, teaching assistants for children with developmental disabilities, etc. The Framework Law on Primary Education, as well as the laws of the entities and cantons in the Federation of BiH, prescribe who and under what circumstances can register an education institution and how enrolment in these institutions is carried out. The laws provide freedom of choice to parents of children, with the proviso that access to public education institutions is unlimited for all children, and the parents' decision to enrol in a private school also implies payment for this service. When considering appeals, it is necessary to take into account that certain children's rights are general rights, for example, the right to a privilege in public transport because it is not only a means of going to school, but also enables access to other rights (healthcare) and the inclusion of children in other spheres of life, such as sports, art, culture, extracurricular activities, which is why the position of IHROBiH is that this right should be ensured to every child, regardless of the type of school he attends.

Regarding the exercise of the right to a scholarship, it should be noted that private education institutions generally link enrolment to the success achieved in the entrance exam, so they provide children with a percentage scholarship if they have shown outstanding results in that exam. With this method, private education institutions have determined themselves according to the system of rewarding talented students. On this issue, IHROBiH registered a complaint ²⁸⁰from a private high school, which was responsible for the marked Ministry of Education, and the reason for the address is related to scholarships for students of private schools, namely the Decision on the Conditions, Procedure and Criteria for Awarding Scholarships to Talented/Gifted Freshmen and Sophomore Students in Public Institutions in the 2022/2023 School Year. In this case, a recommendation was made to the Ministry that review the aforementioned decision, in accordance with the Prohibition of Discrimination Act in BiH. Acting on the recommendation, the Ministry informed the Ombudspersons that it would be taken into consideration in the event of a possible amendment to the Decision, noting that private schools provide scholarships to students upon enrolment in accordance with the school's criteria, but on the other hand, public institutions founded by the Cantonal Assembly do not have the opportunity to offer scholarships to students upon enrolment on their own initiative, and the Ministry, whose budget includes the operation and financing of schools

²⁸⁰Ž-SA-04-1182/22, recommendation number: P-60/23;

as public institutions, provides the opportunity to provide scholarships to excellent, or talented and gifted students, in this way as the only possible way of providing scholarships to students. It is completely justified to expect that the founder has the priority right to interest and attract the most excellent students to enrol in schools as public institutions, so as not to increase the economic and social gap between families that have the ability to pay for education in private institutions and families that do not have that ability. Providing scholarships to the most excellent students increases the quality of work in public institutions, because the most excellent students contribute to improving the overall climate and environment in the school.

6.5.4. Obligation to adopt and harmonize legal documents

The BiH authorities are striving for progress in the European integration process, and appropriate drafting of regulations will help achieve this goal. Regulations must be in accordance with constitutional principles and applicable laws, therefore it is necessary to pay attention to the legal hierarchy of regulations²⁸¹. Not all regulations are equal in importance, but they do not exist independently of each other, but are, each according to its hierarchical importance, included in the legal system of a country.²⁸²

Analyzing the complaints received, IHROBiH indicates that certain cantonal laws on higher education were adopted in 2012, and the competent ministry failed to adopt the bylaws necessary for the implementation of the law. IHROBiH opened an *ex officio* case on this issue, in which they recommended to the competent ministry to proceed, without delay, with the adoption of the bylaws that it was obliged to adopt.²⁸³ The ministry failed to fulfil its legal obligation and adopt the bylaws, and the recommendation of IHROBiH was not implemented.

6.6. Healthcare

The European Social Charter (Revised) guarantees the right to healthcare.²⁸⁴

In 2023, the Department for Monitoring Economic, Social and Cultural Rights registered 50 cases in the field of healthcare (9 cases fewer than in 2022), while recommendations were issued in 12 cases. The recommendations referred to making decisions in procedures for determining the disciplinary liability of doctors, including medicines on the list of medicines, starting to develop procedures with a view to simplifying procedures and more urgently resolving requests for the transfer of patients for treatment abroad, taking necessary actions and ensuring legal, financial, material-technical and personnel conditions so that children and people with difficulties in psycho-physical development are provided with and accessible, unconditional and continuous healthcare services for dental rehabilitation under general anaesthesia²⁸⁵, and amending the provisions of the

²⁸¹Ž-SA-04-136/23;

²⁸²Ž-MO-04-176/21, recommendation number: P-260/22;

²⁸³Ž-MO-04-14/22, recommendation number: P-324/22;

²⁸⁴European Social Charter, Article 11. "*With a view to ensuring the effective use of the right to health protection, the signatory countries undertake to, either directly or in cooperation with public or private organizations, take appropriate measures designed to, among other things: eliminate cases of ill health to the greatest extent possible, provide advisory or educational opportunities to promote health and encourage individual responsibility in health matters, prevent, to the greatest extent possible, epidemics, endemic and other diseases, as well as accidents.*"

²⁸⁵Ž-BR-04-20/23, recommendation number: P-198/23;

statute of the Medical Chamber and by-laws, regulating mutual relations, rights, obligations and responsibilities between the founders of public health institutions.²⁸⁶

In order to ensure healthcare in the Federation of BiH, cantonal health insurance institutes have been established, as well as the FBiH Solidarity Fund, with a view to financing the treatment of the most serious illnesses for all insured persons in the Federation of BiH under the same conditions, regardless of the cantonal affiliation of the patients and the financial power of the cantonal health insurance institutes. The funds of the FBiH solidarity fund are provided from contributions for mandatory health insurance and partly from the funds of the Budget of the Federation of BiH through transfers from the FBiH Ministry of Health. The decision on granting consent for treatment at the expense of the funds of the Solidarity Fund is within the competence of the cantonal commissions located in all cantons. For a number of diseases, Expert Medical Commissions for Specific Diseases have been established with a special regime for issuing consent, the composition of which is based on the type of disease.

Complaints received by IHROBiH indicate that there are problems in financing rights under the jurisdiction of the FBiH Solidarity Fund, especially when it comes to access to certain therapies, primarily for oncology patients, treatment of rare diseases and relocation to other countries, when the service cannot be provided by health institutions in the FBiH and BiH, due to inadequate information of patients about the status of their requests and uncertainty about exercising the right to healthcare. Often, the members of the commission are doctors who initiated the therapy/treatment abroad, as well as employees of the Fund itself.

In order to resolve the situation, IHROBiH held²⁸⁷ several meetings with the Director of the Health Insurance and Reinsurance Institute of the Federation of BiH, as well as the FBiH Minister of Health,²⁸⁸ where the central topic of the discussion was access to treatment from the Solidarity Fund funds. The Fund's representatives cite the lack of financial resources as the main problem for this situation, caused by the fact that the FBiH Government has undertaken the obligation to allocate additional funds from the budget to the Fund on an annual basis. The Director of the Institute pointed out that the FBiH Government last adopted a list of medicines from the Solidarity Fund of the Federation of Bosnia and Herzegovina in 2019 and that a new one is needed. She also pointed out that it is necessary to increase the funds allocated to the Solidarity Fund in view of the needs. A proposal for amendments to the Rules on the conditions and procedure for sending insured persons for treatment abroad was sent to the competent ministry. The importance of the Solidarity Fund for all insured persons in the Federation of BiH and the need to achieve equal conditions for the implementation of mandatory health insurance in all cantons, as well as for the provision of priority, most complex forms of healthcare in certain specific activities, was emphasized. What represents a constant problem are the principles of the Fund's operations, which must guarantee greater transparency and openness, as well as patient information about the possibility of exercising their rights.

²⁸⁶Ž-BR-05-268/22, Ž-BR-04-155/23 and Ž-SA-05-496/23, recommendation number: P-283/23;

²⁸⁷Ombudswomen of BiH, Nives Jukić and Jasminka Džumhur, PhD, meeting held on June 8, 2023;

²⁸⁸Ombudswoman of BiH Jasminka Džumhur, PhD, meeting held on September 6, 2023; ²⁸⁸Ž-BR-04-20/23, recommendation number: P-198/23;

²⁸⁸Ž-BR-05-268/22, Ž-BR-04-155/23 and Ž-SA-05-496/23, recommendation number: P-283/23;

²⁸⁸Ombudswomen Nives Jukić and Jasminka Džumhur, PhD, meeting held on June 8, 2023;

²⁸⁸Ombudswoman of BiH Jasminka Džumhur, PhD, meeting held on September 6, 2023;

In accordance with the conclusions of the meeting held on 8.6.2023., the Health Insurance and Reinsurance Institute of the Federation of BiH submitted to IHROBiH an Initiative to amend the Law on Public Procurement in order to exempt "medicines that are on the lists and are financed by mandatory health insurance funds from the application of public procurement", which the Institute sent to the BiH Public Procurement Agency and the FBiH Ministry of Health for information. Upon receipt of the initiative, a case was formed ²⁸⁹and IHROBiH are conducting an investigation.

IHROBiH consider it necessary to conduct a comprehensive analysis of the legal framework in the field of health insurance, protection and services, the capacity of health institutions, the quality and availability of health services, and the protection of the rights of employees in health institutions, which could be an indicator for the legislative and executive authorities, founders and managers of health institutions on how to act in order to improve the situation in healthcare.

6.6.1. Complaints of patients about services provided

Through the complaints received, IHROBiH notes that patients complain about the services provided, and several complaints have been received ²⁹⁰expressing dissatisfaction with the actions of the competent institutions and medical and dental chambers in the event of the death of a child during a surgical procedure. The recommendations made in the above cases have been partially implemented. Complaints have ²⁹¹also been received relating to the issue of *biomedically assisted fertilization (hereinafter referred to as: BMPO)*, where the issue of decision-making competence has been raised. With the entry into force of the Act on Amendments to the Act on Treatment for Infertility by Medically Assisted Fertilization²⁹², the cantonal health insurance institutes cease to be competent to resolve requests in the aforementioned area, because the aforementioned has been placed under the competence of the Health Insurance and Reinsurance Institute of the FBiH. During the investigation, it was determined that the Institute, within its competence, prepared the Instructions for the work of the commissions, formed commissions for biologically assisted fertilization consisting of experts, defined the Criteria for the waiting list, in consultation with the Commission for the Application of Biomedically Assisted Fertilization Procedures of the FBiH Ministry of Health, prepared software for the work of the Commissions, held a preparatory meeting with members of the Commissions for BMPO of the Institute, prepared contracts for the ZU for BMPO. The FBiH Ministry of Health, in accordance with its competences, carried out all actions for the start of work of the appointed Commission for Biomedically Assisted Fertilization and the use of the planned software solution for this purpose. The Government of the Federation of Bosnia and Herzegovina adopted the Decision on the adoption of the program for the expenditure of funds with the criteria for the allocation of funds "Current transfer to other levels of government and funds - Transfer for biomedically assisted fertilization" established by the Budget of the Federation of Bosnia and Herzegovina for 2023 to the FBiH Ministry of Health.

²⁸⁹Ž-SA-04-247/24;

²⁹⁰Ž-SA-04-966/22, Ž-SA-04-1000/22, recommendation number: P-57/23, Ž-SA-04-967/22, recommendation number: P-56/23;

²⁹¹Ž-SA-04-224/23;

²⁹²" Official Gazette of FBiH", no. 59/18, 44/22;

6.6.2. Treatment abroad

Under mandatory health insurance, in cases and under conditions specified in the laws on health insurance, insured persons are provided with: healthcare, salary compensation and reimbursement of travel expenses related to the use of healthcare, and the possibility of treatment abroad.

The complainant ²⁹³ points to a violation of health insurance rights. Due to complications during pregnancy, the complainant's wife was hospitalized due to a fetal disease, and due to the impossibility of adequate therapeutic treatment in BiH, she was recommended to continue treatment in a specialized institution in another country. The health insurance holder suspended the procedure regarding the complainant's initial request for referral for treatment abroad, on the grounds that the patient had received treatment, personally paid the costs, and continued to treat the same request as a request for reimbursement or co-financing of treatment costs, which was negatively resolved. IHROBiH in this case illustrate the insufficient sensitivity of health service providers, who in such cases should be particularly conscientious and inform the insured of the rights they may possibly exercise, and to relieve patients who are about to undergo treatment to the greatest extent possible, and not shift responsibility onto them if they were not familiar with the administrative procedure. IHROBiH believes that the consequences cannot be borne by citizens who regularly pay contributions for health insurance, especially patients with serious illnesses, as in some cases. Of particular concern is the fact that the competent insurance holder, in the process of resolving a request for reimbursement of medical expenses abroad, requested information from the complainant whether he had received financial funds based on donations/humanitarian aid, with an indication of the amount of funds.

6.6.3 Reimbursement lists

The reimbursement lists contain drugs that meet the priority health needs of the population. Patients should have access to medicines from the list at all times in sufficient quantities, and the prices should be at an affordable level. Medication lists are also subject to change, and procedures for placing and removing medications are prescribed. ²⁹⁴In some cases, patients suffer from rare diseases, the drugs of which are not on the reimbursement lists, and their treatment is many times more expensive. Republika Srpska has about 800 patients in the database of rare diseases, and the Health Insurance Fund of the Republika Srpska allocates about 70 million KM per year for treatment that requires expensive and unregistered medicines with special procedures.

IHROBiH opened a case²⁹⁵ ex officio based on a newspaper article. The patient suffers from a rare type of disease that affects a total of five people worldwide. After receiving chemotherapy, the tumour did not shrink. One of the health clinics prescribed the patient treatment with a "smart" drug that would try to keep her disease under control and which costs around 6,700 KM per month. Interestingly, the aforementioned drug is on the list of drugs financed by the Health Insurance Fund of the Republika Srpska for the treatment of patients suffering from kidney cancer, while it is not specifically for her type of disease and she is in a situation where she has to finance it herself. A

²⁹³Ž-SA-04-255/23, recommendation number: P-134/23;

²⁹⁴Ž-BL-04-362/23;

²⁹⁵Ž-BL-04-231/23, recommendation number: P-156/23;

recommendation was sent to the Board of Directors of the Health Insurance Fund of the Republika Srpska, taking into account the specifics and all circumstances of the specific case, to find a possibility to include the disputed drug on the list of drugs financed through the Drug Program, which would allow the patient to exercise the right to healthcare in accordance with the law. Since the Board of Directors of the Republika Srpska Health Insurance Fund did not submit a response to the recommendation within the deadline set for it, IHROBiH informed the RS Ministry of Health and Social Welfare about the fact that the recommendation had been issued. Despite this fact, IHROBiH did not receive a response to the issued recommendation. The patient has since died.

6.6.4. Cost refunding

In the event that the insured person cannot exercise the right to services in health institutions that have concluded a contract with health insurance holders, they have the right to a refund of the funds spent²⁹⁶, in accordance with the prescribed procedures.

The complainant ²⁹⁷states that the Health Insurance Institute issued a decision rejecting his son's request for a refund of funds in the total amount of 7,220.00 KM spent on providing medical services in a private clinic. The complainant filed an appeal against the aforementioned decision with the Commission for Resolution on Rights from Mandatory Health Insurance in the Second Instance, which issued a decision annulling the decision of the Director of the Health Insurance Institute. IHROBiH requested information from the Institute whether a new decision had been issued, to which the respondent party submitted a response that a decision had been issued approving financial assistance in the amount of 6,900.63 KM to cover the costs of medical services. The complainant thanked IHROBiH for help, and the case is closed.

6.6.5. Rights of employees in healthcare

The shortage of some professions, such as the shortage of doctors, raises the issue of extending working life, taking into account the decline in the birth rate, or the fact that the number of those who contribute to the funds and retirees is changing. Acting on a complaint²⁹⁸, IHROBiH sent a recommendation to the competent assembly of doctors on the possibility of amending the provisions that determine the age limit of 75 years of age up to which a license can be issued to a doctor who is a beneficiary of an old-age pension, which was respected, and the age limit was abolished, with the obligation to obtain a medical certificate prescribed by the Health Insurance Act.

During the reporting period, IHROBiH considered the issue of refunding compensation for specializations of healthcare employees, which is addressed in the section of this report relating to discrimination in subheading 10 March 4.2. Obliging doctors to refund salaries due to interruption of specialization constitutes a violation of the right to work.

²⁹⁶Ž-SA-04-281/23;

²⁹⁷Ž-SA-04-415/23;

²⁹⁸Ž-SA-04-687/23, recommendation number: P-223/23;

6.7. Public utility services

IHROBiH register a significant number of cases related to utility services. In 2023, 132 complaints were received, 13 recommendations were issued, which is 5 more than the previous year. In 2022, 107 complaints were received, which means that there is a noticeable increase in the number of complaints.

The registered complaints related to the violation of the right to access drinking water, disconnection of customers from energy networks, and frequent complaints about services in the banking sector, insurance sector and consumer sector (heating, water) which are mainly forwarded to the competent ombudsmen. IHROBiH are of the opinion that it is necessary to review the reports of these institutions in order to assess the situation in these areas.

When addressing citizens, they often seek advice regarding lawsuits filed by utility companies for non-payment of due claims. They point out that they are threatened with disconnection of households from the water supply network. IHROBiH emphasize that such actions are contrary to Article 11 of the International Covenant on Economic, Social and Cultural Rights, which guarantees everyone the right to an adequate standard of living and its continuous improvement. Disconnecting households from the water supply network is a form of coercion that has elements of punishment. Instead of filing lawsuits with the court, with a prior warning, disconnection from the water supply network sends a message to the public that the collection of claims is more important than the difficult situation in which citizens find themselves. The complainants state in their complaints that they are being sued even though the claims are time-barred. Given that the courts do not take into account the statute of limitations *ex officio*, this obligation is left to the parties to the proceedings, which results in legal uncertainty for legally ignorant parties.

6.7.1. Right to access to drinking water

According to the authoritative interpretation of the UN Committee on Economic, Social and Cultural Rights, in General Comment No. 15: The Right to Water, the human right to water is essential for a life in human dignity. It is a prerequisite for the enjoyment of other human rights. Continued pollution, depletion and unequal distribution of water increase existing poverty. States parties must adopt effective measures to recognize, without discrimination, the right to water, as defined in the General Comment. The human right to water entitles everyone to sufficient, safe, acceptable, physically available and accessible water for personal and domestic use. An adequate quantity of safe water is necessary to prevent death from dehydration, reduce the risk of water-related diseases and ensure hygienic requirements for consumption, cooking, personal and domestic hygiene. States have a permanent and continuing obligation to guarantee that the human right to water and sanitation will be respected without any discrimination, The so-called positive discrimination, i.e. the need to pay special attention to individuals and groups of people who traditionally have problems with the enjoyment of this human right, including women, children, minority groups, refugees, asylum seekers, internally displaced persons, foreign workers, prisoners, detainees, the elderly, people with disabilities, victims of natural disasters, people living in vulnerable areas.

IHROBiH receive complaints²⁹⁹ regarding violations of the right to access water, but their jurisdiction to act is limited, as these are local “private” waterworks that local communities or groups of citizens have built themselves. Individuals defend access to water, while the local community that does not manage the said water sources fences itself off. This raises the issue of maintenance, connection, and hygienic safety of water. IHROBiH points out that water is a public good and the state is obliged to regulate how this public good is used. It is important to create policies that will empower local communities to resolve these issues.

6.7.2. Vulnerable energy consumer

The provisions of the Electricity Act of the Republika Srpska³⁰⁰ recognize as a relatively new concept the term "vulnerable energy consumer" as a customer who is a socially vulnerable end customer from the category of households who has been recognized with this status based on the state of social need, while the Act on Energy and Regulation of Energy Activities in the Federation of BiH³⁰¹ defines a "vulnerable customer" as a customer from the category of households who has been recognized with this status based on the state of social need, i.e. the amount of income or the share of energy costs within available income, and a "protected customer" who is a customer from the category of households who has been recognized with this status based on the needs of protecting life and health, for which reason he/she may not be disconnected from the electricity network.³⁰²

IHROBiH were contacted by a resident of Rogatica by telephone with a view to helping a large family. The complainant³⁰³ claims that this is a large family, whose electricity has been cut off and who is in a difficult financial situation, and the aim is to help the family, at least with regard to reconnecting the electricity. Given the above, the competent social work centre was asked to provide the family's social history, as well as information on whether the family is a beneficiary of social protection rights. It was established that the family is not a beneficiary of social protection rights, that it has four minor children, that the father is employed and the mother is unemployed (has benefits in accordance with the law), and that the electricity was reconnected after they paid the debt.

6.7.3 Municipal waste disposal

IHROBiH opened two cases ex officio³⁰⁴ following multiple media reports of dissatisfaction among local residents and the general public with the condition of certain municipal waste landfills. This dissatisfaction has resulted in citizens blocking the entrance to the landfill on several occasions. It is notable that local communities cannot address these problems on their own, and therefore it is necessary to create policies at higher levels of government to empower local communities to address these issues, taking into account that, according to Article III.2, the FBiH Government and the cantons are responsible, among other things, for environmental protection policies.

²⁹⁹Ž-SA-04-860/23;

³⁰⁰The Official Gazette of the RS, no. 68/2020;

³⁰¹The Official Gazette of the FBiH, No. 60/23;

³⁰²Ž-BL-04-123/23;

³⁰³Ž-BL-04-277/23;

³⁰⁴Ž-SA-04-687/19 and Ž-SA-04-124/20;

6.8. Ecology and environmental protection

The Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters³⁰⁵ is part of the international legal framework in the field of environmental protection. This document establishes rights related to the environment and creates a link between the responsibilities of public authorities and environmental protection. It is aimed at democratic cooperation of the public with public authorities and the introduction of a new procedure for public participation in the negotiation and implementation of international agreements. Within the framework of the Convention, access to information is, along with public participation in decision-making in environmental matters and access to justice in the same matters, an integral part of environmental governance. An analysis of the Convention, in the part that defines access to information relating to the environment, as well as successive directives related to the implementation of the Convention (Directive 90/313, Directive 2003/4), indicates the great importance of information in the field of environmental rights.

Bosnia and Herzegovina has become a signatory to the United Nations Framework Convention on Climate Change (UNFCCC).³⁰⁶ The First National Communication prepared in early 2008, in direct coordination with UNDP BiH and in accordance with the guidelines provided in the document "Instructions for the preparation of national communications by Parties not included in Annex I to the Convention" (17/CP.8), the corresponding GEF Operational Program and relevant documents from Bosnia and Herzegovina, represents a significant document for BiH, involving the work of more than 45 experts from all over BiH and various academic disciplines, and is not only a contribution to the obligations as a party to the UNFCCC, but also an important strategic document for the sustainable development of Bosnia and Herzegovina.

Since the Dayton Agreement, environmental issues in BiH have been the responsibility of the entity governments. The relevant authorities are the Ministry of Environment and Tourism of the Federation of BiH, the Ministry of Physical Planning, Construction and Ecology of the RS and the Department for Communal Affairs of the Brčko District of BiH. The work of both entity ministries and the Department of the Brčko District of BiH is based on the following environmental laws:

- Environmental Protection Act;
- Air Protection Act;
- Nature Protection Act;
- Waste Management Act;
- Waters Act;
- Environmental Protection Fund Act.

This set of laws was prepared with the financial and technical assistance of the European Commission and the PHARE program, with the intention of developing laws that would be in line with the relevant European Union directives and that would be harmonized for both entities and the Brčko District of BiH. The laws were adopted in the RS in 2002³⁰⁷, in the FBiH in 2003 and 2006,

³⁰⁵Bosnia and Herzegovina is a signatory to the Convention of 15 September 2008, The Official Gazette of BiH-MU, No. 8/08;

³⁰⁶December 6, 2000;

³⁰⁷The Official Gazette of the RS, number 50, 51 and 53/02;

³⁰⁸and in the Brčko District of BiH in 2004. ³⁰⁹By adopting the set of laws, BiH unified all legal aspects of environmental protection. Previously, environmental regulations were found throughout various acts, laws, rules, regulations, and decisions. Environmental laws prescribe the adoption of a certain number of by-laws and define the responsibilities of various bodies.

The general observation of IHROBiH is that there is a lack of necessary communication with environmentalists, and that the area of ecology and environmental protection needs to be given greater attention and conditions created for improving environmental protection, supporting sustainable development, implementing international obligations in the field of environmental protection, and strengthening competent institutions in implementing the law.

The Environmental Protection Act of the Federation of Bosnia and Herzegovina ³¹⁰and the Environmental Protection Act of the Republika Srpska ³¹¹define that every person has the right to a healthy and ecologically acceptable environment as a fundamental constitutional right. Every human being has the right to live in an environment suitable for health and well-being, therefore it is an individual and collective duty to protect and improve the environment for the benefit of present and future generations.

In the reporting year, the Ombudspersons received 16 complaints related to ecology and environmental protection issues (two fewer than in 2022), and two recommendations were made. The complaints, among other things, indicate the problem of building mini-hydropower plants on certain rivers, in which cases concession contracts were terminated, which suspended construction activities ³¹², or the competent ministries ignored the acts of the Ombudspersons of BiH. ³¹³

Given that we live in an era of very rapid dissemination of information and social networks, the public very often gains an idea of certain issues, and all public authorities have an obligation to act as quickly and transparently as possible, in order to avoid disinformation or erroneous conclusions. Following information in the media about the pollution of the Neretva River, publicly linked to the construction of a hydro power plant, located upstream on the inter-entity line, IHROBiH opened a case ³¹⁴ *ex officio*. A recommendation was issued, instructing the entity inspection services to consider and, in accordance with their legal responsibilities, draft a protocol to agree on cooperation in the field of environmental and watercourse protection. There is an undeniable will for cooperation and exchange of data between the two inspections, which is a very good basis for further cooperation. The Ombudspersons are monitoring the implementation of the recommendation.

Activists in the field of ecology encounter the so-called SLAPP lawsuits, strategic lawsuits against public participation. SLAPP lawsuits are civil lawsuits filed by a financially powerful entity, corporation, or entrepreneur against individuals, organizations that speak publicly about issues of public interest, such as the use of natural resources, and the media. The claim in such cases is often

³⁰⁸The Official Gazette of the FBiH, 33/03 and 70/06;

³⁰⁹The Official Gazette of the Brčko District of Bosnia and Herzegovina, no. 24/04;

³¹⁰The Official Gazette of the FBiH, number: 15/21;

³¹¹The Official Gazette of the Republika Srpska, no. 71/2012, 79/2015 and 70/2020;

³¹²Ž-SA-04-595/21;

³¹³Ž-SA-04-1285/21, recommendation number: P-77/22;

³¹⁴Ž-SA-04-913/23, recommendation number: P-345/23;

unfounded, excessive, which makes it malicious. The plaintiff has been aware of these facts since the beginning of filing the SLAPP lawsuit. The goal of filing a SLAPP lawsuit is to burden the defendant with the process and the costs of the procedure, so that they give up their activist engagement or critical stance. The Ombudspersons of Bosnia and Herzegovina opened an *ex officio* case ³¹⁵on the occasion of the information about the proceedings initiated by the UN special rapporteurs against the authorities in Bosnia and Herzegovina, in connection with the defamation lawsuits against two environmental activists. The procedures of the competent authorities are being monitored.

³¹⁵Ž-BL-04-155/23;

VII. DEPARTMENT FOR MONITORING RIGHTS OF PERSONS DEPRIVED OF LIBERTY

7.1. Introduction

The Department for Monitoring Rights of Persons Deprived of Liberty received 86 complaints in 2023, which is an increase compared to 2022, when that number was 77. During the same period, one recommendation was issued.

Analysis of the submitted complaints shows that the largest number related to the exercise of the right to healthcare, accommodation conditions in the institution, use of extra-prison benefits, visits to convicted persons and contacts between convicted persons and family members. Statistical data show that the largest number of complaints were submitted by convicted persons from the Zenica Correctional Institution.

During 2023, IHROBiH monitored the state of human rights related to the prevention and control of torture through the actions of three departments, namely: the Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty, the Department for Monitoring the Exercise of the Rights of Persons with Disabilities, in the case of persons placed in institutions for the accommodation of persons with intellectual and mental disabilities, and the Department for Monitoring the Exercise of the Rights of Children, in the case of children placed in institutions. Visits to places where persons whose freedom of movement is restricted in any way are located are an effective way to prevent and combat torture. Places where persons deprived of their liberty are held, due to their nature, are suitable places for torture, and regular monitoring of these places, i.e. public presentation of the current situation, is a prerequisite for the prevention of torture and other forms of degrading treatment of these persons.

Persons deprived of their liberty are in a vulnerable position, and the authorities are obliged to protect their rights, regardless of whether these persons are in a penal institution or in some other institution where their freedom of movement is restricted (police stations, educational or disciplinary centres for minors, immigration centres, nursing homes, asylum centres, psychiatric institutions, etc.). Experience shows that the greatest risk of abuse exists in the first hours and days after arrest, because during this period police officers are tempted to use force and threats to extract a confession or other information, but the conditions of stay in the police station itself can lead to humiliating and inhumane treatment. Persons with mental disorders are particularly vulnerable, due to their position of subordination and powerlessness, which is typical of patients forcibly placed in psychiatric hospitals.

Preventing and deterring torture requires a negative approach by authorities to refrain from any action that could violate the rights of citizens, or a positive approach to taking action when citizens' rights are threatened by third parties. Since the possibilities for torture are increased in places where persons are restricted in their freedom of movement, such as prisons, institutions for the accommodation of persons with mental disabilities, immigration centres, etc., there is a need to examine, through visits to persons deprived of their liberty, how they are treated with the aim of, if necessary, increasing the protection of these persons from torture and inhuman or degrading punishments or procedures. Places that are particularly exposed to the possibilities of torture are

places where persons are deprived of their liberty, such as institutions for the execution of criminal sanctions (prisons and detention centres), police stations, immigration centres, institutions for the accommodation of persons with intellectual and mental disabilities who have committed criminal offences (psychiatric hospitals and the Sokolac Institute for Forensic Psychiatry).

In 2023, the Ombudspersons of BiH visited the above-mentioned places, both at the request of the complainant, mainly to institutions for the execution of criminal sanctions ³¹⁶, but also through proactive action with a view to reviewing the situation in these institutions.

7.2. Establishing preventive mechanism

Bosnia and Herzegovina, acting in accordance with Article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ³¹⁷, adopted the Law amending the Law on Human Rights Ombudsman of Bosnia and Herzegovina, Article 4a), ³¹⁸which created the legal framework for the establishment of an independent preventive mechanism.

Unfortunately, the failure to adopt the budget of the institutions of Bosnia and Herzegovina for 2024 has slowed down the implementation of the aforementioned legal provision. In the process of determining the budget of IHROBiH for 2024, the Ombudspersons of Bosnia and Herzegovina encountered a number of difficulties in order to secure a budget item for financing the newly established mechanism. According to the provisions of Article 5, paragraph (1) and paragraph (2) of the Law on Amendments to the Law on Human Rights Ombudsman of Bosnia and Herzegovina, and in accordance with the provisions of the Law on Financing the Institutions of Bosnia and Herzegovina, ³¹⁹which regulate the procedures for preparing medium-term planning, preparing and drafting framework budget documents and the draft annual budget, the Institution prepares a budget request, which it submits in draft form to the Ministry of Finance and Treasury of Bosnia and Herzegovina by 1 August of the current year for the following year. The Ministry of Finance and Treasury of Bosnia and Herzegovina is obliged to prepare an opinion on the submitted request of the Institution by 20 August of the current year, which submits its budget request with the opinion of the Ministry of Finance and Treasury of Bosnia and Herzegovina to the Finance and Budget Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and the Joint Committee on Human Rights of the Parliamentary Assembly of Bosnia and Herzegovina. As the Law on Amendments to the Law on Human Rights Ombudsman was adopted during the process of preparing the budget request, this was reflected in the procedure for determining the budget for IHROBiH, which should include funds for the establishment of an independent preventive mechanism.

³¹⁶During 2023, the Institute for the Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina, Mostar Semi-Open Penitentiary, Foča Penitentiary, East Sarajevo Semi-Open Penitentiary - Department for Women, Mostar Semi-Open Penitentiary, Zenica Penitentiary, Doboj Penitentiary, Tuzla Penitentiary and Penal and Correctional Institution Bijeljina.

³¹⁷Article 17 “Each State Party shall have, designate or establish, no later than one year after the entry into force of the present Protocol or after its ratification of or accession to the present Protocol, one or more independent national mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol, if they are in accordance with its provisions.”

³¹⁸The Official Gazette of Bosnia and Herzegovina, no. 61/23;

³¹⁹The Official Gazette of Bosnia and Herzegovina, no. 61/04, 49/09, 42/12, 87/12 and 32/13;

The challenge facing IHROBiH is to operationalize the adopted legal provision after creating financial assumptions.

In September 2023, IHROBiH submitted a request for periodic five-year re-accreditation to the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI SCA), with a one-year delay. This request will be considered at the Subcommittee's session in March-May 2024. One of the Subcommittee's recommendations from the previous accreditation process specifically related to the obligation to establish and ensure the functioning of a preventive mechanism.

7.3. Situation in institutions for execution of criminal sanctions in Bosnia and Herzegovina

In 2009 and 2012, IHROBiH prepared special reports on the state of human rights in institutions for the execution of criminal sanctions in Bosnia and Herzegovina and, within the framework of the work of the Department for the Rights of Persons Deprived of Liberty, have continuously monitored the situation in these institutions since 2009.

IHROBiH notes progress as a result of significant financial allocations, including allocations from IPA and other donor funds, to expand the capacities of institutions, carry out certain reconstructions and necessary additional works. There has also been a structural and organizational change in the institutions, with certain departments established as independent penal and correctional institutions, which has been accompanied by the strengthening of the institutions' staff. The Institute for the Execution of Criminal Sanctions, Detention and Other Measures of BiH has been established. Efforts by the authorities to increase capacities and improve the quality of accommodation for convicted persons, as well as to ensure the application of international standards and at the same time harmonize domestic legislation with international standards, have been noted.

It is certain that progress has been made in this area of human rights in the period from 2009 to the present. In institutions for the execution of criminal sanctions, procedures and rules have been established for the assessment and classification of prisoners and procedures for dealing with convicted persons who are drug addicts, opportunities for prisoners to work and their education have been increased, and progress has been made in ensuring the healthcare of prisoners.

Education and continuous professional development of prison staff in the field of human rights has been ensured, a systematic approach is being taken to regulating the area of execution of criminal sanctions, and security in these institutions has been improved (modern technical means of security - video surveillance, laser systems, special locks and/or modern technical means for drug detection, etc.).

Conditions for better use of free time have been created in institutions, the issue of premises for meeting religious needs has been resolved, and the system for filing complaints by persons deprived of their liberty has been formalized.

Significant progress in accommodation capacities was made with the construction of the Institution for the Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina. All persons convicted by the Court of BiH were transferred to the Institution, which created the

conditions for better organization and use of the capacities of institutions for the execution of criminal sanctions at the entity levels, as confirmed by some of the directors of these institutions during the visit.

When it comes to accommodation capacities, taking into account the registered cases in the Department for Monitoring Rights of Persons Deprived of Liberty, problems exist in the Tuzla Penitentiary, which requires further analysis, but also increased action by the Ministry of Justice of the Federation of BiH as the competent authority. At the same time, this is also a challenge for the newly established independent preventive mechanism.

7.4. Cases in the Department for Monitoring Rights of Persons Deprived of Liberty

7.4.1. Complaints about work of institution

An efficient and reliable system of execution of criminal sanctions ensures respect for the individual rights of persons serving their sentences, public safety, and increases citizens' trust in the institutions of the system. The basis of any humane prison system will always be properly employed and trained prison staff, who know how to take an appropriate stance in their relationship with prisoners.

The detainee contacted IHROBiH, dissatisfied that in the summer months, staying in detention becomes almost impossible due to the summer heat ³²⁰. The detainee also added that he lost consciousness due to the lack of sufficient air flow, because the windows do not open or open only a little. After contacting the Ombudspersons, the prison administration ensured the installation of air conditioning, and as for the other complaints regarding insufficient air flow and loss of consciousness, the prison administration denies this and states that everything can be determined by reviewing the health records of persons deprived of their liberty, which are regularly kept in the prison's health service.

IHROBiH acted on a complaint from prisoners who were dissatisfied with the high prices in the prison canteen . They also add that they do not have TV programs with the national frequency of Bosnia and Herzegovina, i.e. Federalna televizija and BHT, but only programs from Croatia and Serbia ³²¹. The institution explains that television channels in the departments are located in all living rooms and that the institution allows prisoners to use multiple TV programs with multiple channels, while the rooms allow the use of private TV receivers. As for the prices of products in the institution canteen, the institution explains that products are purchased through a public procurement commission formed by the entity ministry of justice and products are ordered for all institutions and the criterion is always the lowest price of the product.

The wife of the convict states in her complaint ³²²that she experienced discomfort and humiliation at the hands of the prison officers during a visit to her husband, because during the search she was stripped naked, and then after the visit both she and her husband were searched again without any explanation. The institution denies the allegations in the complaint, and states that in this specific

³²⁰Ž-SA-07-637/23;

³²¹Ž-SA-07-1318/22;

³²²Ž-SA-07-470/23;

case the search was carried out by a person of the same sex, about which a record of the search was drawn up and signed by the complainant herself. The wife was informed of the reasons for the search and everything was carried out in accordance with the by-laws, especially taking into account the knowledge of the possibility of the convict's wife re-entering psychoactive substances during a free visit.

7.4.2. Healthcare

The most common complaints relate to the inadequacy of the healthcare provided in the form of preventing health examinations, especially specialist or diagnostic examinations. The reasons for dissatisfaction also concern health examinations by prison doctors and the prescription of inadequate therapy ³²³. A significant number of these are convicted persons who have already arrived at the institution with diagnoses and prescribed therapies.

In their cases, The Ombudspersons always insist on ensuring the optimal level of healthcare for prisoners and detainees and on ensuring the general principle of equality of healthcare in prison with that provided in the wider community, taking into account that these are persons who are deprived of freedom of movement and do not have the possibility of accessing healthcare of their own free choice and without using the prison system.

7.4.3. Establishing contacts with family members and outside world

When one of the parents is serving a prison sentence, the maintenance of family ties can be disrupted. Cases registered with IHROBiH indicate that many prisoners are unable to have contact with their children, even though they have not committed a crime against the child. The reasons are related to the lack of interest of the convicted persons themselves, but also the unwillingness of the other parent to bring the child to the institution, as well as the child's lack of interest. Such situations require greater involvement of social protection services and special cooperation in cases where the place of residence of the child and the institution for the execution of criminal sanctions are not the same. Establishing contact with the child can contribute to the well-being of the prisoner and more successful re-socialization.

Ombudspersons of Bosnia and Herzegovina acted on the complaint of the convict for not having contact with the child.³²⁴ The Social Welfare Centre, at the request of IHROBiH, intervened and mediated in such a way that the professionals spoke with the child's mother, who stated in front of the centre that she would allow the child's father regular contact. The mother took the child to another country without the father's consent, and the father filed a criminal complaint against the child's mother with the competent prosecutor's office.

In another case, a prisoner addresses the Ombudspersons of BiH, stating that he has repeatedly addressed the competent social work centre, requesting that he be provided with the execution of the court verdict and visitation of his child. ³²⁵The child's mother took the child out of Bosnia and Herzegovina without his consent. The court invited the child's father to submit a proposal for the

³²³Ž-SA-07-64/23, Ž-SA-07-907/23 and ŽA-SA-07-1038/23;

³²⁴Ž-SA-07-1261/22;

³²⁵Ž-SA-07-299/23;

execution of the verdict.

7.4.4. Prisoners' right to personal documents

A prisoner who has been serving a prison sentence for a long time is trying to obtain a new ID card,³²⁶ because he has lost his old ID card, and he submits a new request to the competent police department. After the involvement of IHROBiH, the mobile team of the nearest police department performs all necessary actions to issue the prisoner a new ID card.

7.4.5. House arrest

IHROBiH opened cases ex officio to determine whether persons convicted of criminal offences in the Republika Srpska and the Federation of Bosnia and Herzegovina are subject to house arrest, and in what manner and how this legal provision is implemented in practice.³²⁷

The Act on the Execution of Criminal and Misdemeanour Sanctions of the Republika Srpska,³²⁸ in Articles 229 and 230, regulates the execution of house arrest in the Republika Srpska. This legal provision is not applied in practice. The Ministry of Justice of the Republika Srpska has undertaken activities to find ways and modalities for the implementation of this provision in practice, but the activities undertaken have not resulted in the implementation of the provision. Additional funds need to be secured in the budget of the Republika Srpska to meet all technical and logistical conditions for its implementation, and the Rulebook on the Manner of execution of house arrest has not yet been adopted. IHROBiH has sent a recommendation to the Ministry of Justice of the Republika Srpska³²⁹, requesting that it continue with all necessary activities and plan the necessary budgetary funds so that the legal provisions prescribing house arrest begin to be implemented in the Republika Srpska. The implementation of the recommendation will be monitored during 2024.

IHROBiH, acting ex officio, established that the measure of house arrest is being implemented in the Federation of Bosnia and Herzegovina and that the Rulebook on the criteria for sending convicted persons to serve their prison sentence³³⁰ and the Rulebook on the method of implementing electronic monitoring have been adopted.³³¹ The Rulebook on the method of implementing electronic monitoring prescribes the method of implementing electronic monitoring for convicted persons who are sent to serve their house arrest with electronic monitoring. The procedure for installing and removing the equipment, as well as checking any changes in the field, is carried out by authorized persons in accordance with the aforementioned Rulebook, in such a way that the convicted person is fitted with an electronic bracelet and is informed of his or her rights and obligations. After the electronic bracelet is installed, a range test is performed and the movement limits are determined. The electronic monitoring device has a SIM card and the convicted person can be contacted at any time, and the institution is immediately alerted about any unauthorized exit. The institution approves exits for medical purposes. As it was concluded, this is about the execution of a prison sentence through electronic monitoring, which is carried out according to the principle

³²⁶Ž-SA-07-820/23;

³²⁷Ž-BL-07-527/23 and Ž-BL-07-826/23;

³²⁸The Official Gazette of the Republika Srpska, no. 63/2018 and 55/2023;

³²⁹Recommendation number: P-288/23 dated 10 October 2023;

³³⁰The Official Gazette of the Federation of Bosnia and Herzegovina, number: 29/21;

³³¹The Official Gazette of the Federation of Bosnia and Herzegovina, number 92/21;

of limited movement in the zone covered by electronic monitoring, and not about GPS monitoring of the convicted person, which has a different nature of supervision.

7.4.6. Incentives and earned privileges

Convicts contact IHROBiH because they are unable to obtain benefits outside prison, due to negative opinions from the police.³³² The convicts believe that negative opinions are based on blanket and inaccurate claims and subjective opinions of individual police officers.

As authorities indicate, a negative opinion for the use of incentives and earned privileges is formed after field checks by police officers. In the process of considering the approval of the use of incentives and earned privileges, and with a view to analyzing the risk of possible abuse of benefits as qualitatively as possible, the position of authorities from the institution management is that it is necessary to obtain an opinion from the field.

In the decision-making process on the approval of incentives and earned privileges, the authorities analyze all aspects of institutional re-educational treatment: meeting the legal requirements for submitting an application, attitude towards the sentence, behaviour and conduct while serving the sentence, work engagement, participation in leisure activities, attitude towards officials. A joint assessment is made by the treatment service and the security service on the level of risk of whether the person will abuse extra-custody benefits. Often, the positions are contradictory, i.e. the institution gives a positive opinion for the convicted person to use incentives and earned privileges, but the position of the police is negative and often unclear and insufficiently explained. The question arises as to how much the resocialization process is ensured during the execution of the criminal sanction, which, among other things, includes preparing the convicted person for return to the community. This issue needs to be further investigated, especially taking into account a comparative analysis of procedures in other countries, in order to ensure the application of good practices.

7.4.7. Conditional release

Conditional release of a convicted person is an important criminal law, criminal policy and penological institute applicable in almost all modern criminal systems, which has a significant role for the convicted person in terms of his further resocialization. It is an institute that reduces repression in society and significantly humanizes the imposed criminal sanctions. The criminal legislation clearly prescribes the procedures and conditions for the conditional release of a convicted person, but IHROBiH particularly emphasize that conditional release is always optional. Acting on an individual complaint³³³, IHROBiH established that the convicted person expressed dissatisfaction with the fact that the decision of the competent commission for conditional release was not explained, because the request for conditional release was rejected on three occasions, and the convicted person remained unclear about the reasons for such a decision. In the specific case, during the investigation procedure, the competent commission issued a decision and adopted the request of the convicted person. As in previous years, IHROBiH receive complaints from convicted

³³²Ž-SA-07-1219/22 and Ž-SA-07-280/23;

³³³Case number: Ž-SA-07-82/23;

persons on the grounds that decisions rejecting their requests for conditional release are not sufficiently reasoned, and they cite the lack of opportunity to participate in the decision-making process on conditional release in any way and at any stage as a problem.

7.4.8. Visits to penitentiaries

During 2023, the Ombudspersons of BiH ³³⁴visited the following penitentiaries as part of their regular activities: Institution for the Execution of Criminal Sanctions, Custody and Other Measures of Bosnia and Herzegovina, Mostar Semi-Open Penitentiary, Foča Penitentiary, East Sarajevo Semi-Open Penitentiary - Women's Department, Mostar Semi-Open Penitentiary, Zenica Penitentiary, Doboj Penitentiary, Institute for Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina, Tuzla Penitentiary and Bijeljina Penitentiary.

IHROBiH indicates that representatives of IHROBiH visited the police departments in Zenica, Travnik, Sarajevo, Mostar, Tuzla, Prijedor, Banja Luka, the Brčko District of Bosnia and Herzegovina and Bijeljina in order to prepare³³⁵ a *Special Report on the Situation in Certain Police Departments in Bosnia and Herzegovina*³³⁶ Special attention was paid to the premises where persons deprived of their liberty are accommodated, and based on discussions with the management, review of documentation, as well as direct observation of the premises for the detention of persons, they will determine the current situation and observe whether and to what extent the recommendations of IHROBiH from *the Special Report on the Situation in Detention Facilities in Certain Police Departments in Bosnia and Herzegovina* from 2019 have been taken into account .

³³⁴Ombudsmen develop an annual plan of visits to penal institutions, in addition to dealing with individual complaints and conducting direct interviews with detainees/prisoners;

³³⁵Visits carried out in the period from 04 October 2023. until 14 December 2023;

³³⁶Employees of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina, noting that the Special Report will be finalized during 2024;

VIII. RIGHTS OF THE CHILD

8.1. Introduction

The Department for Monitoring the Exercise of Children's Rights received 231 complaints in 2023³³⁷, which is an increase of 12 complaints compared to 2022.

Citizens' complaints relate to the work of education institutions, education inspectorates, pedagogical institutes, social welfare centres, mental health centres, courts, prosecutors' offices and health institutions. Children rarely address IHROBiH, so only two cases have been registered in which children are the complainants.³³⁸

IHROBiH issued 26 recommendations in 27 cases (24 recommendations in 2022), of which 10 recommendations (38%) were fully implemented, 4 were not implemented (14%), while cooperation was achieved on 4 recommendations (14%), and there was no response from the authorities to 9 of the recommendations sent (34%). The recommendations related to the realization of the rights of the child in education, health and social protection, as well as the realization of the right of the child to protection from violence and to more efficient actions by the authorities in protecting the rights of the child that are threatened or violated due to high-conflict divorces.

Individual examples of violations of children's rights are an important source of information for the Ombudspersons of BiH about areas in which children are not adequately protected and enable an overview of the functioning of the system for the protection of children's rights as a whole, and provide a basis for proactive and preventive action and proposing measures. The work of the Ombudspersons of BiH also includes providing information, instructions and advice in direct contact with parties, by telephone or in other ways. Institutions, especially social welfare centres, local communities and non-governmental organizations, are approached for advice, assistance and support in individual cases.

In addition to dealing with individual cases, the role of IHROBiH in the field of exercising children's rights is to monitor the work of competent authorities to the greatest extent possible, to identify difficulties and obstacles in the protection and exercise of children's rights, to point them out and to call for systemic problem-solving. Numerous activities of IHROBiH through the work of the Department for Monitoring the Exercise of Children's Rights aim to ensure that the UN Convention on the Rights of the Child is applied and respected to the greatest extent possible. Appreciating the experience and practice in the protection of children's rights, the Ombudspersons of BiH note that the practice regarding the application of the Convention is developing in a positive direction and that courts take the basic principles from the Convention on the Rights of the Child into account and apply them when deciding on specific cases.

IHROBiH has been advocating for the establishment of alimony funds in the Republika Srpska and the Federation of Bosnia and Herzegovina for years. Appreciating the importance of alimony funds for the realization of children's rights, IHROBiH expected that the new legislative bodies would

³³⁷Out of the total number of complaints, 107 complaints were received in Sarajevo, 94 in Banja Luka, 17 in Mostar, 10 in Brčko and 10 in Livno;

³³⁸Ž-BL-04-677/23 and Ž-BR-04-133/23;

prioritize resolving this problem, but this did not happen.

A new Family Proceedings Act has come into force in the Republika Srpska.³³⁹ IHROBiH are still unable to draw conclusions based on their work regarding the consequences of the application of some new institutes or changed jurisdictions of courts or social welfare centres. They note that the new law defines special child protection in such a way that in all matters concerning children, everyone is obliged to act in accordance with the best interests of the child, the age limit for full adoption has been increased from five to ten years and only a child up to the age of ten can be fully adopted. With a view to better protecting adoptees, the establishment of a Single Personal Adoption Registry is envisaged, which contains records of data on future adopters who have been determined to be suitable to adopt a child and on children who have been determined to be suitable to be adopted. The regulation of the exercise of parental rights and the maintenance of personal relationships has been given to the court, in contrast to the previous regulation. Some of the changes in the Family Proceedings Act of the Republika Srpska have been previously proposed by IHROBiH themselves for years.

During 2023, in accordance with the Social Protection Act of the Republika Srpska, the Government of the Republika Srpska adopted the Social Protection Strategy of the Republika Srpska for the period 2023-2029.³⁴⁰

When it comes to protecting the rights of the child from sexual exploitation and abuse and harmonizing criminal legislation with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), the Federation of BiH has not yet adopted the Act on Special Register of Persons Convicted by Final and Binding Judgements for Criminal Offences of Sexual Abuse and Sexual Exploitation of Children.³⁴¹

8.2. Children and poverty

Poverty leads to social exclusion of children, which results in lack of access to education, healthcare, significant affirmation of children's potential and inability of their parents to find employment. All this can lead to so-called transgenerational poverty, or the reproduction of poverty within the same family. IHROBiH notes that there is no recent research on child poverty in Bosnia and Herzegovina, but it is undeniable that poverty implies the life and upbringing of children without access to essential resources whose role is crucial for their development. The consequences of growing up in poverty are difficult to repair because they affect the economic, cognitive, health and social-emotional aspects of children's development .

Social welfare centres are key institutions in the social care system for children. By providing measures and services of social and family legal protection to citizens, in accordance with their capabilities and capacities, direct protection of individuals and families who are in a state of social need is ensured. This is especially important when it comes to children in need of social,

³³⁹Application started on September 1, 2023, published in The Official Gazette of the Republika Srpska, no. 17/23;

³⁴⁰The Official Gazette of the Republika Srpska, number 108/23;

³⁴¹At the time of writing this report, the draft Law received full support in the House of Representatives of the Parliament of the Federation of BiH and needs to be confirmed in the House of Peoples of the Parliament of the Federation of BiH;

institutional, non-institutional and any other form of protection, which is why the centre's operations must be in accordance with positive legal regulations, continuous and efficient in the best interests of the child.

During 2023, IHROBiH recorded a certain number of cases related to child support.

IHROBiH believes that the adoption of the Act on Financial Support to Families with Children in the Federation of Bosnia and Herzegovina ³⁴²(hereinafter referred to as: the Law on Material Support) has made a significant step forward in improving the position of families with children. A certain number of complaints received indicate that there is still room for improvement of this law. Namely, one of the conditions for exercising the right to child allowance, in terms of Article 13 of the Act on Financial Support to Families with Children in the Federation of BiH, is that the total monthly income per member of a joint household does not exceed 40% (forty percent) of the lowest wage in the Federation determined in accordance with the provisions of the Labour Law. The Law on Material Support does not provide for exceptions in relation to children with disabilities, to whose members of a joint household an income census is also applied. Having in mind the above, IHROBiH opened a case ex officio in order to establish the application of the Law on and recognition of the right to child allowance in the Federation of BiH ³⁴³. Following the investigation, IHROBiH recommended to the FBiH Minister of Labour and Social Policy and the ministers of the cantonal ministries in the field of social protection to take measures aimed at eliminating the means test for exercising the right to child allowance for children with disabilities and children suffering from serious/rare diseases. The FBiH Minister of Labour and Social Policy was recommended to amend the provision of Article 4, paragraph (1), item e) of the Law on Material Support to Families with Children in the Federation of BiH in such a way that income under the regulations on veterans' and disabled persons' protection, protection of civilian victims of war and protection of persons with disabilities, as well as unemployment benefits, are not included in household income ³⁴⁴. Following the recommendation, the Ombudspersons conclude that the means test is not a condition for exercising the right to child allowance for particularly vulnerable categories of children in the Sarajevo Canton, Posavina Canton and Tuzla Canton. From the responses of several cantonal ministries, it can be concluded that the amendments should be defined primarily through the FBiH law, and not through cantonal regulations, because it concerns the exercise of the right to child allowance, which is regulated by FBiH regulation. The FBiH Ministry of Labour and Social Policy informs IHROBiH ³⁴⁵that it will take into account the recommended measures when amending the Law, which is being prepared in the near future.

Acting on the complaint, IHROBiH notes that the request for the right to child allowance was rejected, because the income per household member in the last three months before submitting the request exceeds the legally permitted threshold by only 0.02 KM / two pfennigs ³⁴⁶. This raises the question that the authorities did not act in the best interests of the child and that it was necessary to recognize the child's right to child allowance, regardless of the established threshold, because this is a deviation of only 0.02 KM. IHROBiH has sent a recommendation to the competent ministry

³⁴²The Official Gazette of the FBiH, number: 52/22;

³⁴³Ž-SA-02-1121/22, Recommendation No. P-119/23 dated May 10, 2023;

³⁴⁴The problem observed in case number Ž-SA-02-1008/23 acting on an individual citizen's complaint;

³⁴⁵Act No. UPII-05-31/13-1962/23 dated September 7, 2023;

³⁴⁶Ž-SA-01-951/23;

³⁴⁷that in this case, but also in other similar cases, when the deviations from the prescribed threshold for the right to child allowance are minor, they recognize the right, considering the best interests of the child. The authorities responded that they are obliged to act in accordance with the law and within the limits of their authority and that any deviation would mean disrespect for the right and a violation of the principle of legality, and they did not take into account the IHROBiH opinion. Article II of the Constitution of BiH points out the importance of applying international standards, and Annex I of the Constitution contains a list of these standards, which also includes the UN Convention on the Rights of the Child. The principles of this Convention, among other things, oblige everyone to protect the best interests of the child and the right to child development, which raises the question of whether in this specific case the guaranteed principles and guaranteed rights are irrelevant in relation to 0.02 KM. The authorities did not directly apply the Convention, as an international standard.

In the second case, the authorities rejected the request for recognition of the right to child allowance by a decision, because the third child was born in the mother's second marriage, without conducting the procedure and presenting evidence concerning the child whose rights are being decided, as stated in the appeal ³⁴⁸. The second-instance authority annuls the decision and returns the case to the first-instance authority for a new procedure and decision. In the new procedure, the first-instance authority will establish all facts that are important for making a legal and correct decision.

The problems faced by children are also indicated by a complaint from parents that in one elementary school, students were not allowed to regularly and freely perform basic physiological needs and use the school toilet. ³⁴⁹The activities of all authorities resulted in the case being successfully concluded.

8.3. Children without parental care in Bosnia and Herzegovina

During 2023, IHROBiH produced a *Special Report on the Care of Children Without Parental Care with a Special Focus on the Situation in Institutions* and made recommendations to the competent executive authorities at all levels.³⁵⁰

After the visit, it was concluded that all institutions have strategic documents – action plans for the transformation or deinstitutionalization of institutions, but the problem is their non-implementation.

In Bosnia and Herzegovina, there are still institutions that house a large number of children, and it is necessary to accelerate the processes of deinstitutionalization and transformation of institutions. The foster care institution has not been fully operationalized and there is a lack of foster families, especially specialized foster parents for children with behavioural problems and developmental disabilities³⁵¹. A certain number of foster parents have not received appropriate training, and there is an evident number of kinship families that do not have foster status in terms of rights and obligations. The competent authorities must consider all forms of assistance and support for foster

³⁴⁷Recommendation number: P-311/23 dated 11/13/2023;

³⁴⁸Ž-SA-01-214/23;

³⁴⁹Ž-SA-01-1228/22;

³⁵⁰The complete report is available at www.ombudsmen.gov.ba;

³⁵¹Mental illnesses and children with psychiatric diagnoses;

parents and further promote fostering.

Those in charge must find appropriate solutions that would include appropriate treatment with quality health, psychological and educational care and support. Although adoption is the most desirable and adequate form of protection for children without parents or without proper parental care, given that adoption establishes a parental or kinship relationship between the child and the person who adopts him, according to the available data, a worryingly small number of children are adopted.

As the focus of this report is on the situation in institutions for children without parental care, representatives of IHROBiH visited all public institutions in Bosnia and Herzegovina and several non-governmental organizations – institutions in the Federation of Bosnia and Herzegovina. After the visits to the institutions, it is clear that the problems of the institutions are almost identical.

Representatives of the institutions believe that there is a need for greater engagement of social welfare centres in the everyday lives of children in institutions and for them to visit these children regularly, while clearly indicating that all these activities largely depend on the person, or rather the employee, who has or does not have sensitivity for their job.

The common position of the representatives of the institutions is that new services should be promoted more intensively in the process of transformation and deinstitutionalization of institutions. One of the new services that they consider important is the program of providing support to families and children, because it is necessary for parents to immediately get involved in the work through support services for children and families, that is, to work with families who are at risk of separation, because preventive work is of key importance. They consider it especially important to create an individual support plan for each child.

Representatives of the institutions highlighted the problem of supply obligations through the public procurement system, which represents an aggravating circumstance in everyday work with children and providing for their various needs.

There is an evident problem of healthcare for children from different cantons/entities and the problem of accommodation and work with children who have certain developmental difficulties and/or behavioural disorders. There are also evident problems of children addicted to psychoactive substances, the problem of children who are victims of violence and Roma children, because working with these children is extremely complex and demanding.

The institutions emphasize that it is necessary to hire a larger number of professional staff, but also to allocate more financial resources for the work of the institutions in order to respond to the numerous challenges they face. Representatives of the institutions also pointed out the problem of the lack of systemic support for children after the age of 18.

After summarizing all the research results in *the Special Report on the Care of Children Without Parental Care With a special focus on the situation in institutions*, IHROBiH has sent recommendations to the competent executive authorities at all levels and will monitor the implementation of their recommendations during 2024.

8.4. Right to education

Complaints concerning the rights of the child and the right to education most often relate to the work of education institutions and educational workers (imposing disciplinary sanctions, organizing transportation and extended stay classes, dissatisfaction with the grades or behaviour of teachers, professors, etc.).

High school students contacted the Ombudspersons of BiH due to the unprofessional behaviour of a teacher who addressed them with a sneer and treated them inappropriately³⁵². The school and the supervisory educational authorities (the ministry and the pedagogical institute) were recommended³⁵³ to consider all complaints, to take the necessary actions and measures for the sake of a quality teaching process and professional relations between teachers and students, and to establish continuous pedagogical supervision over the work of the teacher. The implementation of the issued recommendation will be monitored throughout 2024, especially considering the statements of the students after the issued recommendation: "*... After the first complaint to you, the situation worsened... She continues to belittle us in class... every class with her is stressful...*"

During 2023, IHROBiH acted on a complaint from parents because their child was prevented from using extended stay services in a private primary school³⁵⁴. The position of the authorities during the investigation procedure is that the conclusion of a contract on attending classes, as well as the use of extended stay services in private schools, is left to the discretion of the contracting parties. IHROBiH partially agree with the statement of the authorities, but regardless of the existence of the private sector in education, it is the obligation of the authorities to decide on the conditions for the establishment and start of work of all education institutions, as well as to supervise their work, regardless of who is the founder. The rights of the child related to education, proper protection for the benefit of his physical and mental health and safety, in schools and in all places where he is educated, have priority over all other rights, and in the event of a conflict of rights, priority will be given to the rights of the child, or to the interpretation or action that will most benefit the interests of the child.³⁵⁵

In cases of this type, IHROBiH insist on both the parents and the school that the situation be resolved peacefully, with the cooperation of all relevant stakeholders and always in the best interests of the child.

Acting on the complaint of a parent who was dissatisfied with the organization of transportation and the behaviour of the school bus driver, the school and parents cooperated and after some time, the misunderstandings were resolved³⁵⁶. In another case,³⁵⁷ it was established that children do not attend school due to the parents' decision, until the authorities organize transportation and reimbursement of transportation costs. After the referral, the resulting situation was resolved in the interest of the child and the children attend classes regularly³⁵⁸.

³⁵²Ž-BR-04-133/23;

³⁵³Recommendation number: P-267/23 dated August 16, 2023;

³⁵⁴Ž-SA-01-1135/22;

³⁵⁵Framework Law on Primary and Secondary Education in BiH, Article 5.

³⁵⁶Ž-BL-01-700/22;

³⁵⁷Ž-LI-01-160/23;

³⁵⁸Recommendation number: P-280/23 dated 05 October 2023;

The mother of the child filed a complaint against the work of the high school, due to the imposition of disciplinary measures and the reduction of the grade in the administration.³⁵⁹ She states that she is aware of all the difficulties and requires professional help from the school, because she believes that only by working together and taking concrete steps can she help her child, who is lost and angry because of the death of his father. The case was concluded in the best interest of the child by cancelling the imposed educational and disciplinary measure and correcting the assessment in governance. The professors, together with the professional service, provided professional support to the child.

Ombudspersons of Bosnia and Herzegovina received a complaint from parents about the work of the preschool institution, considering that the problems have culminated and that there is a possibility of expelling the child from the institution³⁶⁰. After the involvement of all authorities in solving the problem and the cooperation of the parents with the institution, the child continued to attend preschool education, i.e. the child's parents and the institution concluded a new contract.

The child's mother appealed to IHROBiH because the child, when going to school, has to cross three busy city streets, which puts the child's safety in traffic into question.³⁶¹ Taking into account all the highlighted complaints (traffic lights for pedestrians are short-lived, there is no video surveillance, cars move quickly), after the research procedure, a recommendation was sent³⁶² to the competent city administration to, in cooperation with the competent cantonal ministry of transport and the school, take measures that will result in the creation of adequate traffic infrastructure for children on the way to school. The authorities undertook certain activities, but the recommendation was not implemented. This case raises the issue of endangerment of children in traffic.

IHROBiH notes that at the beginning of the new school year (September, October) they receive complaints from parents regarding dissatisfaction with the work of schools and competent ministries regarding enrolment in schools, or transfers or subsequent enrolment in other schools, especially secondary schools. In these cases,³⁶³ it was determined that children do not meet the conditions for a subsequent change of school/major in accordance with laws and by-laws, and the competent ministry rejected the parents' requests. IHROBiH did not find any violation of the child's right to education by competent education institutions in these cases.

The school has the responsibility to contribute to the creation of a culture in its own environment that respects human rights and fundamental freedoms of all citizens. If there is a problem in the relationship between teachers and students or in the relationships between students, this requires urgent action by management, teaching staff, and parents of students, in order to prevent unwanted consequences. IHROBiH consider the existence of any external influences that would question the professionalism, independence and integrity of teaching staff unacceptable. At the same time, they point out an important aspect of mutual, human relationships, teaching staff and management within an education institution. Any weakness in these relationships calls into question the quality of the work of the education institution, which is why the assistance of the competent supervisory

³⁵⁹Ž-SA-01-571/23;

³⁶⁰Ž-SA-01-9/23;

³⁶¹Ž-SA-01-441/22;

³⁶²Recommendation No. P-117/23 dated May 12, 2023;

³⁶³Subjects no. Ž-SA-01-923/2, Ž-SA-01-909/23;

authorities should be sought ³⁶⁴.

8.5. Children with developmental disabilities

IHROBiH notes that during 2023 they received a large number of complaints concerning the rights of children with developmental disabilities in exercising their right to education, but also in exercising other rights.

All authorities must pay greater attention to the problems of these children in all segments of life, especially in the areas of health and social protection and education. Inclusive health and education services play a key role in building a good foundation on which children with disabilities can build quality lives.

IHROBiH notes that, despite minor improvements, citizens and authorities do not sufficiently understand persons with disabilities. The Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities require the recognition of every child as a full member of their family, community and society. This includes investing in removing physical, cultural, economic, communication barriers to movement and barriers in attitudes that prevent the exercise of children's rights and the right to active participation in decision-making that affects children's everyday lives.

IHROBiH consider it necessary to normatively regulate and define the issues of engaging teaching assistants, which children and under what conditions can receive assistance and support from educational assistants, as well as the issue of which persons, under what conditions and with what authority, can provide such assistance and support.³⁶⁵

The child's parents filed a complaint with IHROBiH, due to the impossibility of the child continuing to attend preschool education in a private preschool institution that did not offer to extend the contract due to the fact that the child does not speak and has difficulty participating in activities.³⁶⁶ After all the measures taken, the child was enrolled in a public institution of pre-school upbringing and education, because there is no legal possibility for additional financing of assistants by the competent cantonal ministry of education for private ones. This type of support is only available in the public sector.

Acting on a complaint from a private secondary school, it was determined that the competent Ministry of Education did not respond to the school's request to assign a first-grade student a teaching assistant.³⁶⁷ In accordance with positive regulations, the process of educating and training students with disabilities in secondary schools is implemented with the professional support of a defectologist of the appropriate profile and other experts as needed, as well as the support of an assistant for students with disabilities in accordance with pedagogical standards and norms. A student who works according to an individual plan and program attended classes in secondary

³⁶⁴Ž-BR-05-5/23; Recommendation No. P-109/23 of April 27, 2023;

³⁶⁵In case number Ž-SA-01-343/22 and in recommendation P-336/22 of 19 December 2022, the Ombudsman's stated opinion was pointed out;

³⁶⁶Ž-SA-01-1319/22;

³⁶⁷Ž-SA-01-995/22;

school as a regular student and is entitled to the support of an assistant. The competent Ministry referred to the decision by which a mobile expert team was formed for the entire canton to provide support for inclusive education, which is obliged to provide support to all public and private primary and secondary schools. In accordance with pedagogical standards, the founder of the school is obliged to provide funds for the operation of the school, which also includes ensuring funds for the salaries of teaching assistants.

IHROBiH received a complaint from a group of parents of children with speech difficulties ³⁶⁸, regarding the interruption of the provision of speech therapy treatments due to the expiration of the fixed-term employment contract at the health centre. The parents requested the continuous provision of speech therapy services. A recommendation was made ³⁶⁹requesting that the authorities consider the possibility of concluding fixed-term contracts with speech therapists, so that until the completion of the competition procedure for hiring speech therapists in permanent employment, children would be provided with speech therapy services. IHROBiH's recommendation was accepted.

The mother of a child with Down syndrome, whose health condition does not allow continuing education, addressed the Ombudspersons of Bosnia and Herzegovina. ³⁷⁰After addressing The Ombudspersons, the competent Ministry of Education pointed out to the mother the possibility of implementing "distance learning" in accordance with positive regulations.

Acting on a complaint from the parents of a child with Down syndrome, IHROBiH established that the child was provided with an assistant in the preschool institution for four hours a day, taking into account the assessments of experts. ³⁷¹The parents unregistered the child on their own initiative, and as a reason for contacting IHROBiH, they stated that their child has the right to an assistant for eight hours a day. In their statements, the competent authorities referred to the by-laws regulating the issue of fees for kindergarten services, and the competent supervisory authorities (inspection, pedagogical institute) did not establish any shortcomings. IHROBiH in this case did not establish any violation of the rights of the child or discrimination against the child on any grounds.

A mother addresses the BiH Ombudspersons with a complaint about the work of an elementary school because her child with developmental disabilities needs a teaching assistant. ³⁷²As the school concludes, the education system is unable to provide an assistant to every child with developmental disabilities. The school requests the BiH Ombudspersons to find a way, in accordance with their authority, and influence the education system so that every child, if necessary, has a teaching assistant in regular education.

The mother of a three-year-old girl with autism ³⁷³asked IHROBiH for help in securing funds for the work of an assistant in a kindergarten for her children. The complaint alleges that she is addressing IHROBiH on behalf of a group of parents of children with special needs who have

³⁶⁸ Ž-SA-01-1320/22 ;

³⁶⁹Recommendation number: P-351/22 dated 23 December 2022;

³⁷⁰Case number: Ž-SA-01-850/23;

³⁷¹Ž-SA-01-123/23;

³⁷²Ž-BL-01-454/23;

³⁷³Ž-LI-01-121/23, the Ombudsmen sent a recommendation number: P-231/23 dated 28 August 2023 to establish cooperation with IHROBiH, but cooperation was not achieved;

repeatedly addressed the cantonal government for the allocation of funds for the work of an assistant for kindergarten-age children, but their requests have not been responded to. The competent authorities have completely ignored IHROBiH's address and requests and the children have not exercised their rights.

IHROBiH opened a case ex officio regarding the implementation of the by-law on children with special educational needs in primary and secondary schools.³⁷⁴ In this way, the aim was to contribute to raising awareness among public authorities about the importance of respecting the integrity, dignity and equality of children in education. When analyzing the by-law, special attention was paid to Art. 6 of the Rulebook, which states: *"Programs for children with special educational needs are implemented by defectologists of certain specialties and teachers of class and subject classes, for whom appropriate professional training will be organized."* During the investigation process IHROBiH has established that the competent cantonal ministry of education, in cooperation with UNICEF, implements training in the field of inclusive education, and that training and professional development are regularly organized with a view to creating better and higher quality programs for children with special educational needs.

8.6. Right to healthcare

For years, IHROBiH has been advocating for the only solution that would be fully in line with the UN Convention on the Rights of the Child – free and unconditional healthcare for all children.

IHROBiH acted on the complaint that the costs of healthcare for children in the Republika Srpska are borne by parents in all cases where the parents have not been paid health insurance contributions by their employers.³⁷⁵ A recommendation was sent to the authorities³⁷⁶ to ensure unconditional and free healthcare for children in the Republika Srpska. After issuing the recommendation, the Health Insurance Fund of the Republika Srpska submitted a copy of the initiative sent to the Ministry of Health and Social Welfare of the Republika Srpska. The initiative indicates the opinion that it is necessary to pass a *lex specialis law* in relation to the Law on Mandatory Health Insurance, in order to ensure free and unconditional healthcare for children. The Tax Administration of the Republika Srpska was also involved in the investigation process,³⁷⁷ informing the Ombudspersons that in 2023 they submitted a total of 19 reports to the competent prosecutor's offices, as well as nine notifications due to grounds for suspicion that the criminal offence of Tax and Contribution Evasion was committed against employers who did not pay contributions for their employees. Summarizing all the results of the investigation process, IHROBiH called on the Government of the Republika Srpska to take more efficient measures so that all employers in Republika Srpska pay contributions and fulfil the legal obligation to pay contributions, because the number of reports filed with prosecutors' offices by the Tax Administration of the Republika Srpska indicates that there is room for more efficient action.

Acting on the complaint, IHROBiH established that students of the third and fourth grades of medical high schools must obtain a sanitary booklet and undergo a sanitary examination in order to

³⁷⁴ Ž-MO-01-23/23;

³⁷⁵ Ž-BL-01-471/23;

³⁷⁶ Recommendation number: P-256/23 dated September 25, 2023;

³⁷⁷ Act number: 06/1.01/0103-052.2-13002/2023 dated 25 October 2023;

perform practical classes. Children must pay 48.00 KM for the required analyses.³⁷⁸ IHROBiH recommended ³⁷⁹that the authorities consider all possibilities to ensure that sanitary examination services for students of medical high schools, for the purposes of performing practical classes, are free of charge. The implementation of the recommendation will be monitored during 2024.

IHROBiH were contacted by the parents of the child, because the child was provided with health services at the health centre only after they had paid for them.³⁸⁰ During the investigation, it was established that there was an error in the so-called IZIS system³⁸¹ and the child was recorded as an uninsured person in the system during the health examination and the health services provided were charged. The error was corrected the next day and the parents were informed about the possibility of reimbursement of costs. IHROBiH recommended that³⁸² the Health Insurance Fund of the Republika Srpska take additional efforts and measures to establish a more efficient IZIS system in order to avoid difficulties in delivering information to the competent health institutions in the Republika Srpska, as well as to enable the elimination of errors in the system during the entire working hours of the competent health institutions. The implementation of the recommendation will be monitored during 2024.

8.7. Games of chance/sports betting advertising

Acting on the complaint, IHROBiH found that the children's sports school had signed a sponsorship agreement with a company - a sports betting company.³⁸³ The parents believe that this is a direct violation of the legal provisions according to which advertisements and commercials related to games of chance may not be published in radio and television programs for children and youth, nor in printed materials and internet portals intended for children and youth. After a comprehensive investigation, IHROBiH concluded that the competent supervisory authorities did not establish a violation of legal provisions and the liability of the sports betting company was not established.³⁸⁴

This case raises very important questions, such as whether the prescribed ban on access to gambling by persons under 18 years of age is being respected in Bosnia and Herzegovina and whether casinos and betting shops are located near schools, kindergartens and other education institutions.

IHROBiH believes that the authorities should establish a normative regulation in the field of games of chance and the practical application of legal provisions, from the aspect of protecting the rights of the child. At the same time, and if necessary, to initiate amendments to the by-laws on spatial and technical conditions for organizing games of chance in casinos, on slot machines and betting points, as well as the law on games of chance, in the part of advertising games of chance, starting from the best interests of the child.

³⁷⁸Ž-BL-01-586/23;

³⁷⁹Recommendation number: P-344/23 dated 15 December 2023;

³⁸⁰Ž-BL-01-538/23;

³⁸¹Integrated health information system;

³⁸²Recommendation No. P-347/23 of 12/21/2023;

³⁸³Ž-SA-01-1288/21 (children wore T-shirts, jerseys with the names of sports betting shops);

³⁸⁴Parents are directed to court protection of their rights;

8.8. High-conflict divorces

A significant number of complaints in the Department for Monitoring the Exercise of Children's Rights refer to the so-called high conflict divorces. Ombudspersons of Bosnia and Herzegovina observe multiple violations of the rights of the child in the proceedings of divorce or termination of cohabitation, entrusting the child to one of the parents, arranging visits between the child and the parent with whom he does not live, securing the child's right to maintenance, etc.

Numerous problems that parents encounter in their communication are directly reflected on children and the exercise of their rights. Violation and threat to the rights of the child continue even after the termination of the marriage or extramarital union, and there is often a lack of effective and timely response from the competent authorities, which would actually lead to the elimination of negative consequences for children. Manipulation of children in divorce proceedings is a common occurrence, and existing legal and professional solutions do not ensure sufficient protection of the child and his or her rights, e.g. when one parent is persistent in the intention to exclude the other parent from the child's life or interferes with the performance of parental duties, etc.

In high-conflict divorces, numerous children's rights are threatened or violated, most often by the parents themselves. For this reason, the competent authorities should take adequate measures and activities, with a view to protecting the child.

Disturbed partner relationships, proceedings initiated before social welfare centres, judicial and criminal prosecution bodies represent a denial of a stable family environment for the child, and in addition, they undoubtedly have a negative reflection on the child's emotional and psychological status. Conflicting behaviours of former spouses cause situations that put the child in an extremely unfavourable position.

In their cases, IHROBiH draw attention to the obligation to respect final court decisions and the necessity of establishing parental communication.³⁸⁵ The actions of social welfare centres are of great importance, as they must act urgently to care for and protect the life and safety of a child. In cases of urgency and prompt protection of the rights of a child, the role and assessment of the social work centre is of utmost importance, but after taking measures, cooperation and coordination of all competent authorities (courts, prosecutors' offices, police, schools, health institutions) is necessary.³⁸⁶

IHROBiH notice that after initiating numerous court and administrative proceedings, parental conflicts only deepen³⁸⁷ and in cases of this type, they call on parents to cooperate with social welfare centres and advise marriage counselling with a view to overcoming mutual conflict for the benefit of their common child.³⁸⁸

Social welfare centres are recommended to take actions and measures, in order to ensure the legal

³⁸⁵Ž-MO-01-108/22;

³⁸⁶Guidelines for handling cases of violence against children, The Official Gazette of Bosnia and Herzegovina, number 56/13;

³⁸⁷Ž-BL-01-107/22, Ž-BL-01-94/23, Ž-SA-01-1285/22, Ž-BL-01-420/22;

³⁸⁸Ž-SA-01-1295/22, Ž-SA-01-453/23;

performance of parental duties and establish correct relations of former spouses and prevent any form of illegal behaviour, primarily valuing the best interest of the child.³⁸⁹

IHROBiH also note that during the duration of marital or extramarital relationships, children were exposed to domestic violence and thus became victims of violence themselves.³⁹⁰

Through work on individual cases, it is concluded that things are further complicated when it comes to divorce with international elements.³⁹¹ Complications are reflected in the lack of knowledge of the domestic competent authorities about the application of the Convention on the Civil Aspects of International Child Abduction,³⁹² which is applied in all cases when one parent takes the child to another country without the consent of the other parent and when the parent does not establish contact with the child who is abroad with the other parent. Threats and violations of children's rights also occur during the application of the Convention on the Enforcement of Alimony Claims Abroad from 1995,³⁹³ when the parent who does not fulfil his legal obligation to provide maintenance lives and receives income in another country. Cases before IHROBiH indicate that the procedures under the aforementioned conventions take a long time, involve complex diplomatic procedures and are largely independent of domestic competent authorities.³⁹⁴

In proceedings before the competent authorities, the child does not have the status of a party, but the child has the right to express his opinion in accordance with his age, age and maturity, which the competent authorities will appreciate in each specific case. Lawyers in civil cases, in representing married spouses, should make more efforts to answer the parties from unreasonable demands, motions for presentation of evidence and the like, pointing out to them how much harm they are causing to their children. The child's feelings are manipulated, the child is blackmailed, he is given roles that are not up to him, one parent is taken away from the children in different ways, contacts with the family are denied, and all of this represents a violation and endangerment of the child's rights. Without timely intervention, the child is alienated from the other parent, and procedures aimed at protecting the child's rights can last for years.

The courts are reminded of the necessity of a quick and efficient court procedure, and until a final court decision is made, social welfare centres are obliged to plan activities aimed at protecting the child during the divorce proceedings. An efficient enforcement procedure would prevent parents from intending to disobey the court decision. It is recommended to the competent authorities (social welfare centres, schools, police, health institutions as needed) to reach a solution that will be in the best interest of the child through coordinated joint measures and activities, and to find the role of IHROBiH in this way. The child should always be the focus of the actions and work of all competent authorities.³⁹⁵

³⁸⁹Ž-BR-04-214/22 (recommendation number P-199/23 dated 28 July 2023), Ž-BR-01-99/23 (recommendation number P-201/23 dated 28 July 2023), Ž-LI-49/23 (recommendation number P-106/23 dated 11.4.2023), Ž-BR-01-2/23 (recommendation number P-110/23 of April 27, 2023);

³⁹⁰Ž-BL-01-650/22, Ž-BL-01-17/23, Ž-BL-06-248/23, Ž-BL-01-625/23;

³⁹¹Ž-BL-01-205/21, Ž-BL-01-707/22, Ž-BL-01-129/23, Ž-BL-01-181/23;

³⁹²Signed on 25 October 1980 in The Hague, ratified by the SFRY – “Official Gazette of the SFRY”, No. 7/91;

³⁹³Convention adopted by notification on succession of international treaties of the SFRY;

³⁹⁴The Ministry of Justice of Bosnia and Herzegovina performs the function of the central body of Bosnia and Herzegovina for the implementation of these conventions, with the mediation of the competent entity ministries for social protection;

³⁹⁵Ž-BL-01-17/23;

8.9. Violence against children

Any form of violence against children is considered an unacceptable act and represents one of the most serious forms of endangerment and violation of children's rights. The obligation to act is determined by numerous regulations and documents relating to the rights and protection of children, starting from international documents³⁹⁶ accepted by BiH to domestic legislation regulating the areas of criminal law, family law, social and child protection, education, and healthcare.

During 2023, the Ombudspersons received several reports of violence through the Association "Nova generacija" Banja Luka, which they receive through the SOS Blue or Brave Phone³⁹⁷. The reports are simultaneously forwarded to the competent authorities - social welfare centres, police and prosecutors' offices, as well as the Ombudspersons of BiH³⁹⁸. Acting on reports of violence, the Ombudspersons of BiH, in accordance with their mandate and competencies, monitor the actions of the authorities and, if necessary, react and request action.

Acting on a complaint about an increased number of suicidal thoughts among citizens and children who call the SOS Blue or Courage telephone, the opinion of the Ombudspersons of Bosnia and Herzegovina was requested for the purposes of developing guidelines for dealing with such situations.³⁹⁹ It is significant that, without exception, every received report of violence is forwarded to the authorities for further action (police, Social Welfare Centre, prosecutor's office) because it is a criminal offence and there is an obligation to report it. The nature of reporting a possible suicide is different and there is not even a minimal degree of doubt that a suicide will happen, and the Association emphasizes that it is extremely important to ensure anonymity and confidentiality when working with users. Ombudspersons of Bosnia and Herzegovina indicated the opinion that priority must be given to the right to life and health in relation to the protection of personal data and/or the guarantee of confidentiality and anonymity.

The mother of the child addressed the Ombudspersons of BiH stating that her ex-husband beat the child and the child ended up in the hospital.⁴⁰⁰ As the child was entrusted to the father by court decision, the mother filed a lawsuit to change the court decision in the part concerning entrustment. After addressing the authorities - the Social Welfare Centre and the court, the authorities acted and the court scheduled a preliminary hearing as soon as the conditions were met.

The child's mother addressed the Ombudspersons of BiH stating that her child is being physically abused by her ex-husband (the child's father) and his new wife (the child's stepmother), "*and the authorities are not taking any action* ." ⁴⁰¹ A recommendation was sent to the competent Social Welfare Centre⁴⁰² to take all actions and measures to ensure the legal performance of parental duties

³⁹⁶Convention on the Rights of the Child, Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse (Abuse), 2007; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2013.

³⁹⁷Ž-BL-01-556/22, Ž-BL-01-164/23;

³⁹⁸Reports sent to the Ombudsmen of Bosnia and Herzegovina concern the work and actions of authorities in the Federation of Bosnia and Herzegovina, because reports concerning the work and actions of Republika Srpska are sent, according to the representatives of this association, to the Ombudsman for Children of Republika Srpska;

³⁹⁹Ž-BL-01-64/23;

⁴⁰⁰Ž-SA-01-447/23;

⁴⁰¹Ž-SA-01-672/23;

⁴⁰²Recommendation No. P-298/23 dated 11 October 2023;

and rights and to establish correct relations between parents and their children and to prevent any form of illegal behaviour.

8.10. Peer violence – violence among children in education institutions

The entire society must be involved in preventing and stopping peer violence, and only professional teachers and educated parents and children can ensure that peer violence does not occur. Schools should do more to prevent peer violence, but schools need to be provided with systemic support.

A broader social action is needed, which implies the existence of clear policies and guidelines (protocols) of education institutions, in order to protect children from peer violence, and constant counselling and supervision of children, along with the establishment of quality cooperation with the children's parents. The school cannot, nor should it, deal with the problems and everyday challenges in working with children alone, but as the institution that first recognizes and notices a worrying circumstance, it has an obligation to include other relevant factors in solving the problem.⁴⁰³

Peer violence takes many forms, and cases before IHROBiH indicates that both children and parents experience it in different ways, **as** the boundaries of acceptable behaviour are defined differently. The most important and difficult task of the school is to assess when the situation is worrying or out of control. In the case of peer violence, there must be an intention to injure another child and to cause him some form of damage. There must always be an inequality - an inequality of power between the victim and the perpetrator of violence and the violence must last for some time and/or the victim lives with the threat of it happening again.

IHROBiH acts on complaints from parents who believe their children are victims of peer violence.

A group of parents from an elementary school informs IHROBiH about ongoing peer violence, which the school, with the help of other authorities, tried to resolve, but were unsuccessful.⁴⁰⁴ In this specific case, the parents turned to the media, stating that they did not thereby jeopardize the rights of the child (the perpetrator of the violence) who continued his education in another school. IHROBiH points out that the media is not a place where peer violence is successfully resolved because after the publication of inappropriate articles, the situation can become even more complex and parents endanger children by providing various information. The parents assessed that the actions of the authorities did not yield results and they used the media as a last resort to resolve the situation in the interests of their children.

The mother of the child addressed the Ombudspersons of Bosnia and Herzegovina stating that her child is a victim of peer violence at school and that the school is not taking adequate action⁴⁰⁵. The Ombudspersons of BiH found that the school had undertaken a series of activities and measures to shed light on the case and was working on solving the problem. The school established the need to provide professional-advisory help to children, which entails working with the school's professional service to establish work habits, greater self-control and behaviour towards peers, with a view to

⁴⁰³Ž-BL-01-533/23;

⁴⁰⁴Ž-SA-01-945/23;

⁴⁰⁵Ž-SA-01-179/23;

ensuring the best interests of the child.

IHROBiH initiated the opening of a case and an investigation ex officio and established that peer violence was recorded in primary and secondary schools in the Brčko District of BiH.⁴⁰⁶ It was recommended to the competent educational authorities of the Brčko District of Bosnia and Herzegovina to organize professional development of educators, teachers, professional associates and associates in education institutions, with a view to preventing the possible occurrence of any form of violence, to *strengthen and expand awareness-raising about all forms of violence and through educational programs, including campaigns, with a view to promoting positive and alternative forms of discipline and respect for children's rights, with the participation of children, while also raising awareness about the harmful consequences caused by peer violence. The implementation of the recommendation will be monitored during 2024.*

⁴⁰⁶Ž-BR-06-266/23, recommendation number: P-350/23 dated 15 December 2023;

IX. RIGHTS OF PERSONS WITH DISABILITIES

9.1. Introduction

The protection of rights of persons with disabilities is regulated by a series of international standards which, as an integral part of the Constitution of Bosnia and Herzegovina, have constitutional force and importance. The Convention on the Rights of Persons with Disabilities ⁴⁰⁷, as a fundamental international instrument, establishes the fundamental human rights of persons with disabilities with a view to promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, as well as promoting respect for their inherent dignity (Article 2).

The European Commission's 2023 Report on Bosnia and Herzegovina ⁴⁰⁸ continues to recognize the category of persons with disabilities among the most vulnerable groups ⁴⁰⁹, and indicates that persons with disabilities continue to face obstacles in accessing education, healthcare and social assistance, in which the Council for Persons with Disabilities should be further engaged. There is no database of persons with disabilities in Bosnia and Herzegovina, with parameters on the basis of which the exact number of persons with disabilities and their structure would be determined, and one of the obligations highlighted in the Report is to improve data collection, including data disaggregated by gender. Many persons are still placed in residential institutions, which represents a serious violation of their rights and international conventions, and there is a need to urgently address this problem, develop and adopt a deinstitutionalization strategy.

UN bodies monitoring the implementation of conventions ratified by Bosnia and Herzegovina, in particular the UN Committee on the Rights of Persons with Disabilities and the Universal Periodic Report (UPR), have considered the issues of persons with disabilities and have provided a special overview of the situation - general comments/recommendations through their activities. When it comes to the Universal Periodic Review on the situation of human rights in Bosnia and Herzegovina, ⁴¹⁰ recommendations were issued specifically in the areas of protection of rights, non-discrimination of persons with disabilities, healthcare and education. The recommendations are aimed at undertaking further efforts to ensure the enjoyment of all rights of vulnerable persons, especially persons with disabilities, by taking measures to implement strategies for the improvement of the rights and status of persons with disabilities, and developing a national action plan on the rights of persons with disabilities, with a clear timeframe and budget for its implementation. With a view to strengthening the rights of persons with disabilities, the need for

⁴⁰⁷ Adopted in New York on 13 December 2006. and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, which the Minister for Human Rights of Bosnia and Herzegovina signed in New York on 30 July 2009., and the House of Representatives of the Parliamentary Assembly of BiH, at its 65th session, held on 07 December 2009., gave its consent to the ratification of the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol.

⁴⁰⁸ European Commission Report on Bosnia and Herzegovina 2023 - Commission Staff Working Document, Report on Bosnia and Herzegovina 2023, Brussels 08 November 2023 SWD (2023) 691 https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf

⁴⁰⁹ The assessment of the implementation of the 14 key priorities for opening EU accession negotiations and recommendations for candidate status identifies improving the protection and inclusion of particularly vulnerable groups such as people with disabilities as key priority 13. Children with disabilities continue to represent one of the most marginalized and excluded groups.

⁴¹⁰ <https://www.ohchr.org/en/hr-bodies/upr/ba-index>

harmonization of all laws and regulations has been expressed in order to ensure that persons with disabilities are treated equally, regardless of the cause of disability.

In their work, IHROBiH strive to develop a method of monitoring the exercise of the rights of persons with disabilities by acting on citizens' complaints, through direct insight into the position of persons with disabilities in cities/municipalities, and through cooperation with organizations that represent and advocate for their rights and interests.

Recommendations in this area related to the systematic implementation of existing anti-discrimination legislation, in particular ensuring the inclusion of persons with disabilities, harmonization of domestic legislation with the Convention on the Rights of Persons with Disabilities, including the adoption of a harmonized concept of disability and legal measures to combat discrimination based on disability.

Appreciating the importance of establishing good cooperation with civil society organizations that pay special attention to the position and protection of rights of persons with disabilities in their work, IHROBiH responded to and attended a number of meetings/working groups/conferences during the reporting period. IHROBiH recognized the role and importance of organizations that carry out activities in working with vulnerable categories such as persons with disabilities, recognizing that their experience and work in the field is an exceptional source of direct experience of this category and an additional source for identifying specific needs and problems they encounter.

9.1.1. Statistics

During 2023, the Department for Monitoring the Exercise of the Rights of Persons with Disabilities received 56 cases. Compared to 2022 (66 complaints received), there was a slight decrease in the number of complaints, which is still a higher number compared to 2021 when 43 complaints were registered. It should be noted that when it comes to the rights of persons with disabilities, these complaints often include other rights, such as children's rights or economic and social rights, which is why the actual number of complaints from persons with disabilities may be significantly higher. Recommendations were issued in ten cases. The recommendations relate to the establishment of a protocol on handling cases of violence against persons with disabilities, the removal of architectural barriers, the adaptation and use of dental services for persons with disabilities, the right to inclusive education, the exercise of the right to personal disability allowance, the removal of the means test as a condition for exercising the right to child allowance for children with disabilities, etc.

An analysis of the complaints received that IHROBiH considered during 2023 indicates violations of rights in the field of social protection, exercising the right to child allowance, providing health services, education, accessibility for persons with disabilities, etc.

9.2. Legislation

In the area of social protection and exercising the rights of persons with disabilities, there were no major developments compared to the previous year, and IHROBiH continued to monitor the implementation of the law in practice.

The Draft Act on Uniform Principles and Framework of Financial Support for Persons with Disabilities has been adopted by both houses of the Parliament of the Federation of Bosnia and Herzegovina, and the Government of the Federation of Bosnia and Herzegovina is tasked with organizing and conducting a public debate lasting 90 days. The adoption of this law would establish, among other things, the definition of persons with disabilities and the definition of disability, uniform principles, fundamental rights, financing, the procedure for exercising fundamental rights, and other issues of importance for the exercise of fundamental rights by persons with disabilities in the territory of the Federation of Bosnia and Herzegovina. The Ombudspersons of BiH will continue to monitor the process of adopting this law.

With the adoption of the Social Welfare Institutions Act in the Federation of Bosnia and Herzegovina⁴¹¹, in the process of which the Ombudspersons of BiH participated, by submitting comments on the Preliminary Draft Act, the subject area was resolved in a systematic manner.

During the reporting period, IHROBiH monitored the implementation of legal provisions, acting on complaints, participating in working meetings and visiting institutions, and working on a special report.

IHROBiH indicates that the Board of Directors of the Institute for Forensic Medical Examinations Conditions in the Federation of Bosnia and Herzegovina adopted the Rulebook on uniform criteria and rules for the medical assessment procedure of health conditions,⁴¹² which regulates the uniform criteria and rules for the medical assessment procedure of health conditions carried out at the Institute in procedures for exercising rights in the areas of: pension and disability insurance; social protection, child and disability protection, protection of civilian victims of war, veterans' and disabled protection; defence; as well as medical assessment in other areas. The Rulebook also contains the List of Disabilities, and with its adoption, the application of the Instructions that were previously applied with the List of Invalidities ceased. The 2022 IHROBiH Report noted progress in this area and the fulfilment of the long-standing efforts of IHROBiH to return the assessment of disability to the legal framework and to cease the application of the Instructions based on the discretionary assessment of the medical commission. In 2023, as in the previous year, these activities contributed to the reduction of the number of cases related to the work of the Institute for Medical Expertise in the Federation of Bosnia and Herzegovina, so only four complaints were received in 2023 in which the Institute was designated as the responsible authority.

In one of the cases, IHROBiH established that it is indisputable that the Rulebook on Uniform Criteria and Rules for the Procedure of Institute for Forensic Medical Examinations Conditions regulates uniform criteria and rules for the procedure of Institute for Forensic Medical Examinations conditions, which is carried out at the Institute for Forensic Medical Examinations Conditions in procedures for exercising rights in the field of veterans' and disabled persons' protection, and that the second-instance medical commission acted in accordance with its internal capacities. The fact is that the expert/specialists in neurosurgery, neurology, or orthopaedics did not give their opinion on the complainant's health condition and changes in disability. The

⁴¹¹The Official Gazette of the FBiH, number: 64/22;

⁴¹²The Official Gazette of the FBiH, number: 63/21;

Ministry did not evaluate the findings and opinions of specialist doctors, and accepted the findings and opinions of doctors who are not specialized in the medical field relevant to the legal matter in question, which calls into question legal certainty and at the same time devalues the institution of specialization of doctors. IHROBiH sent a recommendation to the Ministry for Veterans' and Disabled Persons' Affairs of the Defence and Liberation War and the Institute for Forensic Medical Examinations Conditions to, in accordance with their competences, review their actions/opinions/decisions made in proceedings initiated at the request of the appellant.⁴¹³

9.3. Placement of persons with intellectual and mental disabilities in social protection institutions

The UN Convention on the Rights of Persons with Disabilities defines disability as long-term physical, mental, intellectual or sensory impairments that, in interaction with various obstacles, can hinder a person's full and effective participation in society on an equal basis with others⁴¹⁴.

Although people with disabilities generally face the consequences of inadequate state care, people with intellectual and mental disabilities are often neglected due to their particularly vulnerable position and inability to influence government bodies that change policies aimed at them.

In this context, IHROBiH has established in previous years that there is a high risk of abuse of the rights of these persons. In 2018, the Ombudspersons of BiH prepared a *Special Report on the Status of the Rights of Persons with Intellectual and Mental Disabilities*, within which a tour of all social protection institutions and health institutions where persons with intellectual and mental disabilities are accommodated was carried out, and conclusions were drawn based on the data collected, on the basis of which recommendations were issued to the competent authorities. In 2023, the Ombudspersons of BiH continued to monitor the situation in this area through received complaints, but an additional step was taken, and activities were initiated to prepare a *Follow-up Report on the Status of Institutions Where Persons with Intellectual and Mental Disabilities Are Accommodated in BiH*. The main objective of this report is to review the current situation in the context of the implementation of previously issued recommendations, but also to identify areas in which progress has been made, or in which the situation has remained unchanged. This is of utmost importance, considering that five years have passed since the previous Report was prepared. More detailed results will be published as part of the aforementioned Report in 2024.

It is important to emphasize that the European Court of Human Rights in Strasbourg issued a judgment in the case of Hadžimejlić and others v. Bosnia and Herzegovina⁴¹⁵, in which it found that Bosnia and Herzegovina violated Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and violated the rights of persons who have been deprived of their legal capacity and who are placed in social care institutions, without a valid legal basis, that is, without a court decision. Amendments to the Family Proceedings Act of the Federation of BiH, as well as the Law on Extra-Contentious Procedure of the Federation of Bosnia and Herzegovina, are

⁴¹³Ž-BR-04-197/23 recommendation number: P-268/23 dated 14 August 2023 - recommendation not implemented;

⁴¹⁴Article 1 of the UN Convention on the Rights of Persons with Disabilities;

⁴¹⁵Judgment Hadžimejlić and Others v. Bosnia and Herzegovina, available at http://www.mhrr.gov.ba/ured_zastupnika/odluke/PRESUDA%20HADZIMEJLIC%20I%20DRUGI%20protiv%20BIH.pdf

underway, which implement activities to implement the principles indicated by the European Court of Human Rights in the aforementioned judgment.⁴¹⁶

IHROBiH also consider the problems of placing people with mental disorders in social care institutions through individual cases. In one of the cases, the practice was observed where social welfare centres initiate non-contentious proceedings with municipal courts, which then issue decisions ordering social welfare centres to forcibly place the user in a social and healthcare institution, although there is no legal basis for this, nor have the prerequisites been created for the implementation of the judgment of the European Court of Human Rights in the case of *Hadžimejlić et al. v. Bosnia and Herzegovina* from 2015.⁴¹⁷

The complainant spoke stating that her daughter was placed in a social protection institution for no reason and that they were *"deceived because they did not know what they had signed"*. The complainant points out that she does not want her daughter to be placed in an institution, and that she has two houses where she can live. From the response of the competent centre, it follows that the expert team of the Social Protection Service, after conducting the procedure, determined that the previous guardian of the aforementioned person had passed away, and that none of the living relatives wanted to be appointed as a new guardian, and it was in the best interest to appoint a new guardian for her, an employee of the Service. It was also stated that, if the competent service establishes through the review of the procedure that the same in the biological family can satisfy and receive the necessary help, support and adequate socio-medical supervision, the release of the same from the institution is not in question.⁴¹⁸

9.4. Access to education

Access to education is recognized as one of the fundamental human rights and is regulated by a number of international standards and domestic legislation. This right is a prerequisite for the realization of a number of other rights, which is why exceptional emphasis is placed on the obligations of the state to provide conditions for its realization. When it comes to persons with disabilities, a large number of challenges faced by this category have been recognized, which are reflected in unequal opportunities, stigmatization, prejudice, discrimination of this category, and a general lack of sensitivity and misunderstanding of society for the needs of persons with disabilities.

General Comment No. 4 on Article 24 of the UN Convention on the Rights of Persons with Disabilities refers to the right to inclusive education, and focuses on the full and effective participation, access, attendance and achievement of all learners, in particular those who, for various reasons, are excluded or at risk of marginalization. The right to education should be inclusive at all levels, including pre-school, primary, secondary and higher education (college, university, vocational training, adult education, etc.). This implies the obligations of education

⁴¹⁶ The conclusions of both houses of the Parliament of the Federation of Bosnia and Herzegovina stated that the above-mentioned draft laws can serve as the basis for the preparation of the Proposal for a Law on Amendments and Supplements to the Family Law of the Federation of BiH, and the Proposal for a Law on Amendments and Supplements to the Law on Extra-Contentious Procedure, and at the same time, the Federal Ministry of Justice is responsible for organizing and conducting a public hearing.

⁴¹⁷ Ž-SA-02-101/23 – Activities in this case are still ongoing;

⁴¹⁸ Ž-SA-02-35/23 - The Ombudsmen of Bosnia and Herzegovina are continuing to conduct activities in this specific case.

institutions to advocate, encourage and implement active and affirmative measures aimed at the inclusive education of persons with disabilities.

IHROBiH, acting in the case of enrolling a person with a disability in a higher education institution, emphasized that the education system must be adapted to the needs of persons with disabilities, and that education institutions must take all available measures to integrate persons with disabilities into the conventional education system. In this specific case, the Ombudspersons of Bosnia and Herzegovina noted a very positive, affirmative and, above all, concrete attitude of the competent authorities when considering the issue at hand. Specifically, the recommendation was implemented and the right to enrol in a higher education institution was exercised ⁴¹⁹.

Despite the positive developments in the area of the right to inclusive education, the cases reviewed by IHROBiH also indicate different practices and understandings of this right, depending on the type of institution and the territory where it is applied. According to the applicant in the case of the enrolment of a minor child with developmental disabilities (sensory integration disorder) in an elementary music school, the application for enrolment was rejected because the child allegedly failed the test (although he had successfully completed preparatory classes) and was not on the list of students who passed the test, as well as because the school's teaching staff was not educated or trained to work with students with developmental disabilities. The complainants believe that the competent cantonal authority does not accept the need for inclusive education, unlike the practice in other cantons, and because of such uneven policies, children with developmental disabilities are discriminated against. ⁴²⁰

9.5. Healthcare

Inclusion in healthcare is of particular importance and represents the creation of an environment that enables access for all patients, regardless of their difficulties.

In this context, IHROBiH considered the issue of finding a solution for the provision of dental services within the health system, given that children with developmental disabilities in the canton do not have access to adequate dental services. A recommendation was made to the Prime Minister of the Zenica-Doboj Canton, the Ministry of Health of the Zenica-Doboj Canton and the Health Insurance Institute of the Zenica-Doboj Canton to take specific and effective measures regarding the provision of dental services to adapt the procedure for exercising the right to dental services to persons with developmental disabilities in order to exercise their rights in the easiest possible way ⁴²¹. The allegations in the recommendation were acknowledged, and the competent authority took all steps to enable the exercise of rights. In the same way, IHROBiH made a recommendation To the Government of Tuzla Canton, the Ministry of Health of Tuzla Canton, Health Insurance Institute of Tuzla Canton , Public Health Institution University Clinical Centre Tuzla to , within their jurisdiction, take all necessary actions and ensure legal, financial, material-technical and personnel conditions so that children and people with disabilities in psycho-physical development can be provided with an unconditional and continuous health service for dental rehabilitation under

⁴¹⁹Ž-SA-02-846/23 recommendation number: P-247/23 dated September 18, 2023;

⁴²⁰Ž-SA-01-713/23 recommendation number: P-269/23 dated 10 October 2023. – recommendation not implemented;

⁴²¹Ž-SA-02-109/23 recommendation number: P-188/23 dated 07 August 2023;

general anaesthesia.⁴²²

9.6. Work and employment of persons with disabilities

IHROBiH has been witnessing for many years to the problems in employment faced by a large number of citizens, which relate to illegal competition procedures and unequal opportunities. The unemployment rate in Bosnia and Herzegovina is generally high, and is even higher and more pronounced in relation to vulnerable categories, such as people with disabilities.

General Comment No. 8 on Article 27 of the Convention on the Right of Persons with Disabilities to Work and Employment recognizes the obstacles to access and exercise of the right to work and employment in an open labour market, on an equal basis with others. Persons with disabilities face high unemployment rates, lower wages, instability, lower standards in employment conditions, inaccessible working environments, and a lower likelihood of being appointed to management positions compared to other employees (the situation is even more serious in the case of women with disabilities).

In 2021, IHROBiH conducted research in this area and published the document *Special Report on the Efficiency of Legal Solutions on Professional Rehabilitation and Employment of Persons with Disabilities*, which also issued specific recommendations to the competent authorities, the implementation of which should result in the unconditional application of international standards and the establishment of an efficient legislative and institutional system for the exercise and protection of the right to work of persons with disabilities.

Problems related to the employment of persons with disabilities were also considered during 2023, and in one of the cases the complainant pointed out that the advantage in employment is valued by points that ultimately do not have a major impact on the result of the competition itself. In addition, the insufficient care of the state for the needs of this category of population was highlighted as a problem, the small number of projects in which persons with disabilities can participate, which is why everything comes down to individual coping. The complainant was provided with all information and instructions on the possibilities when it comes to employment (the Fund for Professional Rehabilitation, Employment and Training of Persons with Disabilities regularly publishes calls for various programs for the employment of persons with disabilities), and by the same act he was invited to contact IHROBiH, if during a certain competition procedure for employment in public bodies he was dissatisfied with the manner of implementation and the outcome of the same, and in the context of the rights he has as a war invalid.⁴²³

9.7. Accessibility

The UN Convention on the Rights of Persons with Disabilities obliges States Parties to take appropriate measures to ensure access, on an equal basis with others, to the developed environment, transport, information and communications, and other facilities, spaces and services available to the public, both in urban and rural areas. Article 9 of the Convention specifically defines measures to

⁴²²Ž-BR-04-20/23 recommendation number: P-198/23 dated September 15, 2023;

⁴²³Ž-SA-02-223/23;

identify and remove obstacles and barriers to accessibility, which relate to buildings, roads, transport and other indoor and outdoor spaces, including schools, housing, health facilities and workplaces; information, communications and other services, including electronic services and emergency response services.

Insufficient accessibility and physical barriers in Bosnia and Herzegovina are still present, despite IHROBiH's emphasis on the obligations of public institutions, especially at the local level, through which most rights are exercised, as well as other institutions that provide services, to remove architectural barriers, provide additional assistance to persons with disabilities, and adjust the way information is provided. In 2022, IHROBiH drafted a document entitled *Guidelines for Improving Everyday Communication with Persons with Disabilities*⁴²⁴ which aims to contribute to raising awareness among the public, public authorities and legal entities about the importance of respecting the integrity, dignity and equality of persons with disabilities.

In order to raise awareness of the problems faced by persons with disabilities, in the context of accessibility, the Convention imposed an obligation on states to provide training to all relevant entities and actors on accessibility issues faced by persons with disabilities. In this context, IHROBiH, acting on a complaint from a complainant whose wife is a person with a 100% disability, drew attention to the legal advantage of these persons in many situations in order to ensure their equality and access to various services and resources, including access to public spaces, employment, education and other aspects of social life. A recommendation was made to the Ministry of Internal Affairs and the Police Administration to assess the need for and organize training for police officers, in order to ensure that officers act in accordance with applicable international standards and domestic legislation, and all in order to develop awareness of persons with disabilities in the future.⁴²⁵ Monitoring of the implementation of the recommendation is ongoing.

Article 28 of the UN Convention on the Rights of Persons with Disabilities recognizes the right of persons with disabilities and their families to an adequate standard of living, including adequate food, clothing, housing, and the right to the continuous improvement of living conditions.

This issue was considered in the case of the complainant, who suffers from multiple sclerosis with a disability percentage of 90% and lives in a shared household with her daughter, who is 100% disabled. The complaint alleges the need to be allocated a second apartment, which is on a lower floor and larger in size, so that the complainant could move around more easily and have better access to the exit from the building. The responsible authority provided information that they do not have any vacant housing units intended for social housing. The investigation procedure is ongoing, and further activities will be carried out in accordance with the prescribed authorities and the principles of the UN Convention on the Rights of Persons with Disabilities.⁴²⁶

The subject of⁴²⁷ the complaint by the complainant, who is a retired disabled person, with impaired

⁴²⁴Available at:

https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2022120108585014bos.pdf;

⁴²⁵Ž-SA-02-1015/23 Recommendation number: P-351/23 dated 27 December 2023.

⁴²⁶Ž-SA-02-303/23;

⁴²⁷Ž-BL-02-797/22, recommendation number: P-128/23 dated 24 May 2023 - recommendation not implemented.

health and poor financial status, was the work on the staircase of the house that was agreed upon and financed by the municipality, and which, according to the complainant, was not done in accordance with the project documentation (a slope was made in the opposite direction, insulation, baseboards, drip edges were not done). The reasons for the repair of the staircase were precisely with a view to enabling the complainant to move around. IHROBiH issued a recommendation to the municipality to immediately establish cooperation with IHROBiH and to urgently take all actions to determine whether the works stipulated in the contract were carried out in accordance with the contract.

IHROBiH has initiated ex officio proceedings⁴²⁸ to monitor whether persons with disabilities have unhindered access to the cantonal employment service and the health insurance service, with a view to determining whether persons with disabilities have unhindered access. In both cases, activities are being carried out in accordance with the competences of IHROBiH. Accessibility of premises was also considered before IHROBiH in the context of physical accessibility to the health clinic in order to facilitate patients' entry and movement around the premises.⁴²⁹

In the case of the reconstruction of the road, or rut, before the roundabout in the pedestrian zone, it is stated that this part is quite rough, which when getting off the wheelchair used by people with disabilities leads to the wheels falling in and the instability of the user, and therefore puts them at risk when moving. The competent authority provided information that the work has been completed and all irregularities have been repaired.⁴³⁰

A positive outcome was observed in the case of the applicant, a person with a disability whose house became uninhabitable due to the electricity being cut off. IHROBiH pointed out the priority of ensuring that every person, especially a person with a confirmed disability, is able to live a dignified life, which is unimaginable today without electricity. The Elektro distribucija branch office provided information that after considering the application and all other circumstances, a new connection was made and the application was granted.⁴³¹

In the upcoming period, IHROBiH will monitor two procedures initiated ex officio related to the topic of taking the driving test for people with disabilities, namely the adaptation of cars with upper and lower controls for driving by people with disabilities⁴³², and the issue of the Office for Students with Disabilities, whose main task would be to provide assistance, support and develop an inclusive approach towards this category of students.⁴³³

9.8. Conflict of jurisdiction of social welfare centres

IHROBiH is continuously dealing with the issue of conflict of jurisdiction between social welfare centres. The problem arises when a person with a disability, more precisely a person deprived of legal capacity whose guardian is the social welfare centre of one entity, changes his or her place of

⁴²⁸ Ž-MO-02-153/23; Ž-MO-02-154/23;

⁴²⁹ Ž-SA-02-109/23;

⁴³⁰ Ž-BL-02-203/23;

⁴³¹ Ž-BL-02-516/23;

⁴³² Ž-MO-02-192/23;

⁴³³ Ž-MO-02-191/23 - According to the information received, the University of Mostar has an Office for students with disabilities, while the Džemal Bijedić University does not.

residence to another entity. In the past, IHROBiH has stated that the Ministry of Civil Affairs of Bosnia and Herzegovina is aware of this problem, that in order to overcome the problem of conflict of jurisdiction, they have initiated working and consultative meetings with representatives of the entity ministries with responsibility for social welfare on several occasions, in order to reach a solution that would mean establishing a clear mechanism for resolving conflict of jurisdiction in the field of social welfare, primarily in relations between social welfare centres, but that the solution has not been accepted.⁴³⁴ The Ministry of Civil Affairs informed the Institution that an act was sent to the entity ministries in which it was proposed that, as a first step in seeking a solution, a joint, working proposal for a solution be preliminarily agreed upon, which would then be defined in more detail with the involvement of other stakeholders. The following working proposal was delegated: "*Launch the Initiative for the adoption of the Act on Amendments to the Administrative Procedure Act of BiH, which would define that the Court of Bosnia and Herzegovina shall decide on the conflict of jurisdiction between social welfare centres in the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District of Bosnia and Herzegovina.*" In relation to the above proposal, the competent entity ministries were requested to provide their opinion, or rather, their consent. The FBiH Ministry of Labour and Social Policy has provided its consent to the proposed initiative, while no response has been received from the Ministry of Health and Social Protection of the Republika Srpska. The Institution will continue to monitor the implementation of the recommendation.

The issue of conflict of jurisdiction between the entity Social welfare centres and the Brčko District of BiH has not yet been resolved.

In dealing with this specific case, IHROBiH clearly indicated the need to take action to resolve the issue of conflicting jurisdictions of social welfare centres located in different entities, namely the Brčko District of BiH.⁴³⁵ The institution will continue to monitor the implementation of the recommendation.

9.9. Appointment of Council for Persons with Disabilities

In 2023, IHROBiH continued to monitor activities aimed at appointing the Council for Persons with Disabilities. The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, considering *the Special Report on the Efficiency of Legal Solutions in the Field of Professional Rehabilitation and Employment of Persons with Disabilities in Bosnia and Herzegovina*⁴³⁶, adopted a Conclusion⁴³⁷ ordering the Council of Ministers of Bosnia and Herzegovina to initiate the procedure for electing a new Council for Persons with Disabilities within 30 days, as required by the recommendation. IHROBiH registered the case ex officio and decided to monitor the implementation of the aforementioned Conclusion of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina.⁴³⁸ IHROBiH monitor the appointment process itself and new initiatives that have been submitted to the parliamentary procedure.

⁴³⁴Ž-BL-02-176/22;

⁴³⁵Ž-BL-02-176/22 recommendation number: P-223/22;

⁴³⁶https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2021072208592983bos.pdf

⁴³⁷Conclusion of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, number: 01-50-1-15-28/22 of 27.04.2022, adopted at the 28th session, held on 27.04.2022;

⁴³⁸Ž-SA-02-508/22;

9.10. The right of deaf and hard of hearing persons to hearing aids

IHROBiH are conducting an investigation ex officio⁴³⁹ with a view to reviewing the general situation regarding the exercise of the right of deaf and hard of hearing persons to hearing aids. IHROBiH received information from persons with disabilities that deaf and hard of hearing persons face the problem of maintaining hearing aids, after exercising their right to this orthopaedic aid. Deaf and hard of hearing persons must independently purchase batteries for their hearing aids and bear the maintenance costs themselves. IHROBiH has decided to investigate whether the current by-laws provide for the possibility of purchasing a “baby alarm” in a situation where both parents are hearing impaired/deaf. During the reporting period, activities continued in monitoring the specific case.

9.11. Right of blind and partially sighted people to a screen reader

The UN Committee on the Rights of Persons with Disabilities, in its Concluding Observations of 12 April 2017,⁴⁴⁰ expressed concern about the lack of a transparent and non-discriminatory system for the provision of orthopaedic and other aids, and recommended that Bosnia and Herzegovina:

“...improve transparent access to aids and technologies. Recommends that the State enact legislation and take all other appropriate measures to provide funding for a transparent system of services to support personal mobility, including universal access to appropriate orthopaedic, typhoid and other aids, as well as appropriate training in their use.”

The importance of providing accessibility to persons with disabilities in terms of exercising the right to orthopaedic aids was the basis for consideration in the case⁴⁴¹, in which it was indicated that only at the level of one canton, by a by-law the right to a screen reader is provided for in the group of typhlotechnical medical devices (*Speech software for the blind - screen reader with speech unit*), and the prescribed conditions and manner of exercising the right. By recommendation in the specific case, the FBiH Ministry of Health and the Health Insurance and Reinsurance Institute of the Federation of BiH are invited to amend all necessary legal regulations, with a view to prescribing the right to a screen reader for blind and visually impaired persons, and to draft Instructions on the method and use of orthopaedic and other aids, in accordance with Article III. paragraph (2) of the Decision on Determining the Basic Package of Health Services. A recommendation was issued to cantonal health insurance institutes, instructing them to take measures within their jurisdiction with a view to amending by-laws in a way that would enable blind and visually impaired persons to exercise their right to a screen reader. The implementation of the recommendation is being monitored.

9.12. Sign Language Act in Federation of Bosnia and Herzegovina

During 2023, the Sign Language Act was not adopted in the Federation of BiH, and this was

⁴³⁹Ž-SA-02-593/22;

⁴⁴⁰Concluding 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

⁴⁴¹Ž-SA-02-503/22 Recommendation number: P-301/22 dated 28 October 2022;

previously done at the state level ⁴⁴²and in the Republika Srpska⁴⁴³ Activities related to the adoption of the aforementioned Act will be monitored in the coming period.

9.13. Establishment of Protocol on Handling Cases of Violence against Persons with Disabilities

IHROBiH, acting ex officio, opened a case related to the adoption of the Protocol on Procedure in Cases of Violence against Persons with Disabilities, with special reference to sexual and gender-based violence⁴⁴⁴ Individual complaints concerning sexual and gender-based violence against persons with disabilities mainly came from associations that bring together persons with disabilities, with a view to establishing professional support that should be quick and victim-oriented. With this initiative, IHROBiH are trying to point out to the competent public authorities the importance and necessity of establishing clear procedures when it comes to any form of sexual and gender-based violence, which is why they sent a recommendation to the competent ministries to undertake activities to establish the Protocol on Procedure in Cases of Sexual and Gender-Based Violence against Persons with Disabilities.⁴⁴⁵ The recommendation has been partially implemented.

⁴⁴²The Official Gazette of Bosnia and Herzegovina, number 75/09;

⁴⁴³The Official Gazette of the RS, number 62/18;

⁴⁴⁴Ž-BL-02-581/22;

⁴⁴⁵Ž-BL-02-581/22 recommendation number: P-54/23 dated February 16, 2023;

X. DISCRIMINATION AND PROTECTION OF THE RIGHTS OF NATIONAL AND RELIGIOUS MINORITIES

10.1. General considerations

The Prohibition of Discrimination Act in Bosnia and Herzegovina ⁴⁴⁶entrusts the Institution of Human Rights Ombudsman of Bosnia and Herzegovina with the status of “central institution competent for protection against discrimination” and for this purpose provides for the establishment and operation of a special department with the exclusive task of considering cases of discrimination committed by any legal or natural person in any area of life. In 2023, the Ombudspersons implemented the Prohibition of Discrimination Act in Bosnia and Herzegovina in accordance with the improved legal framework for protection against discrimination, which includes an expanded scope of competence of IHROBiH and the Department for the Elimination of All Forms of Discrimination.

In the reporting year, 187 cases of discrimination were registered, which generally follows trends from previous years, although a slight decrease in the number of complaints was noted compared to 2022, when 208 cases were registered.

Since the adoption of the Amendments to the Prohibition of Discrimination Act in 2016, complaints in the field of discrimination have become increasingly complex, as IHROBiH's recommendations have been given the force of evidence in court proceedings. For this reason, IHROBiH is often approached by lawyers, non-governmental organizations, researchers or institutes, narrowly specialized in the protection of human rights and protection from discrimination, seeking a meritorious and competent position of the Human Rights Ombudsman in order to achieve a specific request in formal proceedings they conduct before the competent authorities. This undoubtedly represents progress in the implementation of the Prohibition of Discrimination Act, as this was the intention of the legislator according to the amendments from 2016. However, this raises the question not only of the capacity where separate institutions (equality bodies) have been established for this role, including in the countries of the region, but also of the support for this role of the Human Rights Ombudsman, which is not sufficiently recognized by the authorities. This is particularly evident in the fact that since 2009, when the Prohibition of Discrimination Act in BiH was adopted, which established in Article 7 that the Ombudspersons are an equality body, it has also been determined that budgetary funds will be allocated for this purpose. Funds for this function of this body have never been provided. Every year, the Ombudspersons submit an annex to the Ministry of Finance and Treasury, along with their basic budget request, requesting funds to fulfil this legal obligation.

In the context of the right to protection from discrimination, IHROBiH has been informed that special reports on certain topics or categories of rights are increasingly being used as an argument for the existence of a violation of rights in court proceedings, which also represents a positive development. As another positive development, the Ombudspersons highlight the employment of two new lawyers in the Department for the Elimination of All Forms of Discrimination in the reporting year, which has increased the total number of lawyers in this Department to five. At the same time, statistical indicators, as well as the structure of complaints, indicate that this area requires constant capacity building, where the focus should be more on proactive action, in order to reduce the number of complaints filed. Furthermore, the Prohibition of Discrimination Act also provides for other mechanisms for resolving discrimination cases, which are insufficiently used in practice due to undeveloped capacities, such as mediation. Ultimately, in many cases, especially when we are talking about mobbing, cases end up in court, which requires a review of the actions of the courts in relation to the obligations arising from the Prohibition of Discrimination Act, according to

⁴⁴⁶ Prohibition of Discrimination Act of Bosnia and Herzegovina , The Official Gazette of Bosnia and Herzegovina, No. 59/09 and 66/16;

which the courts are obliged to take into account the recommendations of the Human Rights Ombudsman in discrimination cases.

In democratic societies, sanctions should always be the last resort. Bearing in mind the persistence of human rights violations, through various acts of discrimination, including hate speech, it is necessary to point out the provisions of the Prohibition of Discrimination Act, which obviously and not without reason, prescribes penal provisions.

Failure to comply with IHROBiH's recommendations regarding violations of the Prohibition of Discrimination Act entails the misdemeanour liability of natural and legal persons, as well as their fine of up to 10,000 KM, the imposition of a security measure of prohibition of performing activities, as well as other sanctions provided for in Articles 19 and 20 of the aforementioned law. The implementation of the aforementioned legal provision implies the strengthening of the human resources of the Department, but also the willingness of the courts to implement the aforementioned legal provisions and accept the mandate of IHROBiH as the central institution for protection against discrimination. In this regard, it is necessary for the centres for the education of judges and prosecutors to include this topic in their training plans. This issue represents one of the key challenges for the further development of IHROBiH, as an equality body, which is conditioned by resources, especially considering that it is a mandatory mandate.

However, the primary function of the Ombudsperson is to prevent human rights violations and not to be a repressive body, which is why initiating legal proceedings should be a last resort, and greater efforts should be made to implement recommendations, given that such a solution is in the interest of all parties to the proceedings.

In cases where IHROBiH could not establish discrimination or specific responsibility for its harmful consequences with sufficient certainty or on the basis of the presented facts, the parties were referred to the possibility of judicial protection with a detailed explanation of the procedures defined by law, with the note that IHROBiH can also offer monitoring of the court proceedings in such cases in accordance with the available capacities. The Ombudspersons remind of the very high-quality and unique legal solution in the Prohibition of Discrimination Act, according to which, if a recommendation is issued in a case of dispute before the court, the court is obliged to take the recommendation into consideration. Practice has shown the unevenness of judicial proceedings in the application of this provision, which is an indicator of the need for education of judges on this issue. In cases where the designated responsible body does not implement the recommendations of IHROBiH even after the urgency, the party is instructed that the recommendation, urgency, as well as all other acts resulting from the proceedings, can be used as the official and meritorious position of IHROBiH in other proceedings conducted on the same occasion.

Likewise, when the circumstances of the case warrant it, IHROBiH has referred parties to the possibility of protecting their rights before international bodies, including the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee).

The Prohibition of Discrimination Act stipulates that the burden of proof lies with the entity that is identified in the complaint as the violator of rights. Submitted complaints sometimes do not contain facts that support the allegations in the complaint, which does not meet the basic legal requirement that the victim of discrimination should make the discrimination probable. At the same time, the awareness of the power of this legal provision is not developed on the part of the responsible authorities, which reduces its application in practice, so that IHROBiH often receives partial and generalized answers in its communication, which makes it difficult to make a decision that can unambiguously and conclusively encompass, investigate and evaluate all allegations in the complaint. This indicates the need to raise awareness among all entities about the procedure for proving in discrimination cases, the standards of proof set by authoritative public bodies, and in particular the European Court of Human Rights, in order to raise the level of protection against

discrimination in society to a higher level.

10.2. Assessment of complaints

The procedure for individual complaints of citizens represents the most important form of human rights protection. In 2023, IHROBiH registered a total of 187 cases in which the complaint allegations related to discrimination. The Ombudspersons point out that certain cases were resolved positively even before issuing a recommendation, through mediation, encouraging a friendly solution or by agreement, and sometimes the responsible public authority only corrects its actions after IHROBiH's first address, which will be illustrated with specific examples in the following chapters.

In 2023, compared to 2022, there was a 10% decrease in the number of cases registered in the Department for the Elimination of All Forms of Discrimination, but also a 20% increase in the Department for Monitoring the Exercise of the Rights of Persons with Disabilities and the Department for Monitoring the Exercise of Rights of National, Religious and Other Minorities. It should be noted that cases of discrimination against persons with disabilities, as well as discrimination against national and religious minorities, are registered in the relevant departments, and not in the Department for the Elimination of All Forms of Discrimination. This is also the case in other departments, where the complaint allegations indicate discriminatory treatment, but are registered as complaints related to the police, Labour, education or social rights.

The largest number of complaints in the reporting period relates to mobbing, as a special form of discrimination in the workplace - 43, followed by complaints of discrimination based on ethnicity - 12, hate speech - 8, based on national or social origin - 7, based on education - 6, based on sexual orientation - 5, based on association with a national minority - 4 and other - 67, which include cases that could not be categorized at the time of registration based on the complaint allegations.

During the reporting period, the Ombudspersons issued 42 recommendations (75 recommendations in 2022), which still represents the highest percentage in relation to the number of complaints compared to other departments/violations of rights, and which confirms the above-mentioned statement about the complexity and degree of merit of complaints in discrimination cases. Recommendations were made most often in cases of mobbing, discrimination based on ethnicity, gender equality, as well as on other grounds, mostly in the field of employment and education. The recommendations specifically requested the harmonization of internal acts with Article 24 of the Prohibition of Discrimination Act in Bosnia and Herzegovina, taking measures to prevent discrimination in general, taking steps to try to find an amicable solution to the dispute, and establishing other mechanisms for reporting and protection from discrimination within the organization itself. The Ombudspersons recall that Article 24 stipulates that all public authorities and other legal entities are obliged to regulate the principles of equal treatment in their general legal acts, or special legal acts, and to ensure efficient internal procedures for protection from discrimination. The same article sets a deadline of one year for all laws and general regulations to be brought into line with the provisions of this law, from the date of its entry into force, which has not been fully and systematically implemented. It is obvious that this legal provision should be the subject of a comprehensive public campaign to remind the competent institutions of their legal obligation.

In cases of discrimination based on ethnicity, the recommendations required priority reconstruction of infrastructure in returnee communities, equal opportunities in the use of public resources, timely action in exercising the right to pension before competent funds, and equal opportunities when applying for public positions, which includes equal representation of constituent peoples in public authorities.

In terms of the gender structure of complainants in the Department for Protection from Discrimination, in

2023, 83 complaints from men, 74 complaints from women and 30 others were registered. Of the total number of complaints received in 2023, 1545 were filed by men, 935 by women, and in 314 cases the gender was not defined.

10.3. Discrimination grounds

10.3.1. Gender-based violence

Even before the tragic events in Gradačac and other places, IHROBiH, by conclusion of the session of May 19, 2023, after recognizing the need for systematic monitoring and improving the framework for combating gender-based violence, decided to proceed with the preparation of *a Special Report on Gender-Based Violence against Women in Bosnia and Herzegovina*.

The starting point for the development of such essential documents should be complete information on the prevalence and presence of this type of crime in our society, as they are often accompanied by a high degree of stigmatization and various obstacles to reporting, which includes negative gender stereotypes (mainly towards women), public condemnation, minimization of consequences or acceptability of questionable behaviour, which includes physical violence within the family. Likewise, it is necessary to consider the possibility of amending criminal laws, criminal procedure laws and laws on protection from domestic violence in order to introduce new criminal offences - aggravated murder of a female. At the same time, it is necessary to consider the application and adequacy of the provided protective measures, such as a ban on approaching the victim, sanctions for violating these measures, sanctioning repeat offenders in committing the crime, and the like. In some legal systems, a facilitated position and support for victims during criminal proceedings is also provided for, which includes the right to be accompanied by a trusted person, but also stricter misdemeanour and criminal sanctions, the abolition of the statute of limitations for sexual abuse of a child, and the like. In any case, the goal of the legal amendments and proposed measures should be to eliminate violence against women and empower women victims of violence, including through stricter sanctions for all forms of gender-based violence. This includes, as one of the first or key steps, the specialization of judges and prosecutors, as well as mandatory education on gender-based violence and the expansion of the support system for victims and witnesses.

Unfortunately, the serious crime in Gradačac that took place on 11 August 2023 pointed to the need for preventive action, the issue of imposing security measures as well as criminal policy, which would have, among other things, an adequate deterrent role. It is necessary to note that it is necessary to consider the application of criminal laws in the light of the Istanbul Convention, which BiH ratified in 2013. The Istanbul Convention does not require that a separate criminal offence of femicide be prescribed, but the state has a free assessment of how it will provide protection from gender-based violence. This means that states can also achieve this purpose by prescribing qualified forms of criminal offences when the victim is female. It is necessary to assess the application of criminal sanctions for such violent crimes, especially in relation to the huge number of suspended sentences imposed and the fact that there has been a complete lack of pronouncing such sentences with protective supervision, which supervision in itself consumes measures of assistance, care, supervision through judicial protection of women and family members, as victims of violence. Courts and prosecutors' offices often justify their actions by the victim's refusal to report, testify and prosecute. The Ombudspersons remind that the victim's opinion cannot be decisive in making a decision to discontinue criminal prosecution and remind that there is another set of evidentiary mechanisms that can establish the existence of a criminal offence and criminal liability. This points to the importance of ensuring the application of the Istanbul Convention but also of referring to the Directive on Victims of Violence (*EU Directive 2012/29*) in order to establish a mechanism for assessing the needs of the victim at the very moment of reporting the crime, including the issue of her safety, because it is precisely these factors,

including economic dependence on the perpetrator, that play a significant role in the victim's decision to report the crime and participate in the proceedings. The need for a strategic approach to gender-based violence against women is caused, among other things, by the increased, primarily negative, sensitivity of citizens regarding the adequacy of the judicial response to the aforementioned criminal acts that protect women and family members from violent acts. Respecting the constitutional principles of the separation of powers, but also the legal provision according to which IHROBiH does not have the authority to interfere in the work of judicial bodies, it is necessary to provide an overview and a general assessment of the work of police and prosecutorial bodies, which cannot be reduced only to an assessment of institutional and formal productivity, but also of the proactive approach and prevention of serious criminal acts, which is a norm from the criminal law. This would put the essential problems of timely detection and prosecution of the perpetrators of the aforementioned crimes in the foreground, while ensuring other requirements of the Istanbul Convention.⁴⁴⁷ All of the above would certainly have an impact on the overall trust of citizens in government institutions and could restore the impression of success in the work of the judiciary in BiH.

10.3.2. Discrimination on grounds of sexual orientation

The Human Rights Ombudsman of Bosnia and Herzegovina was involved in monitoring the implementation of the Action Plan for the Protection of the Rights of LGBTIQ Persons 2021-2024 during 2023, having previously participated in its development, adoption and promotion. According to research by civil society organizations⁴⁴⁸ Bosnia and Herzegovina has made significant progress in protecting and supporting the human rights of LGBTIQ people over the past twenty years of LGBTIQ activism, resulting in the continuous holding of pride parades, *queer* culture and art festivals, and the adoption of an Action Plan for the Advancement of Human Rights of LGBTIQ people. Some of the problems that are rooted in society, including the lack of social support, economic opportunities, and shortcomings in legislation that do not provide them with adequate protection. Although the research findings indicate the need for broader education of society, but also of the community itself, on LGBTIQ issues in order to reduce stigma and increase acceptance, they also indicate some positive developments. Data presented to IHROBiH show that in 9.38% of cases when respondents decided to report discrimination, they mainly decided to seek support from civil society organizations (35% of them) and IHROBiH (15%), which indicates a low level of trust in judicial institutions, and the circumvention of civil proceedings as a mechanism for proving and combating discrimination.⁴⁴⁹ Of the 20 reported cases of discrimination, only six were considered in court. Of these, one process was completed, and five are still ongoing, which indicates the inefficiency and sluggishness of the judicial system in BiH in implementing anti-discrimination legislation and ensuring protection for LGBTIQ persons. What is positive is the media reporting that is professional and positive on LGBTIQ issues. All of the above points to the need to improve the education and sensitization program for judicial representatives, by introducing innovative education formats that further connect the LGBTIQ community with judicial representatives, and work to build relationships of trust. By adopting and implementing the LGBTIQ Action Plan, Bosnia and Herzegovina is fulfilling one of the key priorities in the pre-accession process of BiH joining the European Union, but also the obligations arising from international conventions. It is also one of the ways to combat prejudices and stereotypes present in society.

10.3.3. Discrimination on grounds of ethnicity

During 2023, IHROBiH considered cases of discrimination against constituent peoples in terms of representation in public authorities, as well as the right to use language and script.

⁴⁴⁷The Istanbul Convention recalls the obligations of the state, which are based on four pillars: prevention, protection, prosecution and coordinated *policies*.

⁴⁴⁸“Numbers that mean equality: Analysis of the results of a survey of the needs of LGBT people in Bosnia and Herzegovina”, Sarajevo Open Center, 2013 and 2017;

⁴⁴⁹Ibid.

The selection of members of the Appeals Commission violated the principle of equal representation of the constituent peoples :

The complainant addressed IHROBiH regarding the fact that the National Assembly of the Republika Srpska appointed a person from the Serbian people as a member of the Complaints Commission, regardless of the fact that the previous member of the Commission was a member of the Bosniak people. Article 14, paragraph (6) of the Law on the Prevention of Conflict of Interest stipulates that the Commission shall be composed of persons from all three constituent peoples, provided that candidates who meet the conditions stipulated in the public competition apply for the public competition. In this specific case, eight candidates applied for the competition, of whom seven were members of the Serbian people and one was a member of the Bosniak people. Given that all other members of the Commission are members of one of the constituent peoples, that the complainant met the formal and legal requirements for participation in the competition, and that she declared herself a member of the Bosniak people when applying for the competition, it was determined that the National Assembly of the Republika Srpska did not take into account the legal provision related to the establishment of ethnic equality when electing members of the Complaints Commission. This resulted in a violation of Article 14 of the European Convention on Human Rights, Article 1 of Protocol No. 12 to the European Convention, Article II/4 of the Constitution of Bosnia and Herzegovina, Article 2 of the Prohibition of Discrimination Act and Article 14 of the Law on Prevention of Conflict of Interest in Government Bodies of the Republika Srpska. The Ombudspersons made a recommendation⁴⁵⁰ The National Assembly of the Republika Srpska to eliminate the described violations and take measures within its jurisdiction with a view to establishing a more balanced ethnic representation of the constituent peoples when conducting the election procedure.

Constituent peoples are not evenly represented in the Government of Posavina Canton:

On 23 March 2023, IHROBiH received a complaint from the Serbian Civic Association – Posavina, represented by the President – I.D., regarding the exercise of rights guaranteed by the Constitution and laws of Bosnia and Herzegovina, as well as international instruments and standards for the protection of human rights and fundamental freedoms. The investigation process determined that, despite the clear legal framework that provides for the composition of the cantonal Government in accordance with the ethnic composition of the population, the constituent peoples are not represented in the prescribed manner in public authorities as provided for by the Constitution of Bosnia and Herzegovina, the Constitution of the Federation of Bosnia and Herzegovina, and the Constitution of Posavina Canton. For this reason, the Ombudspersons of Bosnia and Herzegovina sent a recommendation⁴⁵¹ to the Assembly of Posavina Canton and the Government of Posavina Canton to eliminate the established violations of rights and to take all measures within their jurisdiction without delay so that the Government of the Posavina Canton is established in accordance with the above-mentioned constitutional principles. The Assembly of Posavina Canton responded that as of 28.04.2023. The Government of the Posavina County is not fully constituted, namely the position of Minister of Internal Affairs is vacant and that discussions about filling the vacant position are ongoing.

The problem of destroying traffic signs in Cyrillic script:

IHROBiH was contacted by a party regarding the protection of the right to the language and script of the citizens of Bosnia and Herzegovina, and the essence of the complaint is the allegation that there is no adequate mechanism for sanctioning the destruction of traffic signs containing the names of settlements written in Cyrillic script on the territory of the Federation of Bosnia and Herzegovina. After conducting an

⁴⁵⁰ P-219/23;

⁴⁵¹ P-258/23;

investigation IHROBiH sent a recommendation to the Ministry of Communications and Transport of Bosnia and Herzegovina ⁴⁵²to take measures within its jurisdiction with a view to protecting the right of citizens to equal use of language and script, guaranteed by the Constitution and laws of Bosnia and Herzegovina. According to the information of IHROBiH, the Council of Ministers of Bosnia and Herzegovina has adopted a draft amendment to the Road Traffic Safety Act that adequately regulates this issue.

10.3.4. Other cases registered with Department

Often, parties come forward with allegations of discrimination, but during the investigation process it is determined that this is not discrimination as defined in the Prohibition of Discrimination Act in Bosnia and Herzegovina. In such cases, the investigation continues with regard to the highlighted violations of other rights, and these cases are presented within that framework.

10.3.4.1. Personal income taxation must adhere to principle of proportionality

IHROBiH was contacted by JS regarding the determination of the contribution rate that notaries are required to pay in order to finance the Notary Chamber of the Federation of Bosnia and Herzegovina. The subject of the appeal was the Decision on the Amount of the Mandatory Contribution for Financing the Notary Chamber of the Federation from 2018, which established a differentiated contribution rate ranging from 1.5% to 30% of the generated income, for financing the work of the Chamber. IHROBiH sent a recommendation (P-29/23) to the Notary Chamber of the Federation of BiH, which determined that the percentages determined in this way do not meet the principle of proportionality according to the presented case law of the European Court of Human Rights. The President of the Notary Chamber of the Federation of BiH submitted a response stating that the decision of the Notary Chamber on contributions from 2018 has been repealed, that a new Decision on the Amount of the Mandatory Contribution for Funding the Notary Chamber has been adopted, which determines the contribution rate in the range of 1%, 2% and 3%, which is currently in force. Given the fact that IHROBiH's recommendation referred to a decision that had been repealed even before the intervention of IHROBiH, the fact that the current Decision fully respects the principles explained in the recommendation and the Prohibition of Discrimination Act in Bosnia and Herzegovina, and that IHROBiH's recommendation expressed a principled position regarding the amount of contributions for financing any institution with public authority, the case is closed.

10.3.4.2. Requirement for medical doctors to refund salaries due to termination of specialization is violation of right to work

On 26 September 2023, the Association of Medical Residencies and Subspecialists "STAY" addressed IHROBiH through an attorney, regarding the practice of the competent authorities, mainly courts and employers in the health sector, according to which doctors are required to sign a contract stating that they will stay with the same employer for double (or equal) time after completing their specialization, and otherwise that they will return not only the costs, but also the amount of the gross salary they received and would have received if they had stayed. The complaint is based on the position that such a provision of the contract is contrary to the constitution because it takes away the right to paid work and compensation for work, and in the event of leaving the employer after specialization, the complainants are obliged to pay the gross salary, which includes contributions, the payments of which are usually late. During the investigation, the Ombudspersons determined that in the Federation of BiH in 2020 a regulation came into force that specifies what is included in the costs of specialization, whereby the aforementioned costs do not include the return of gross salaries received. Given the fact that this is a well-known problem that represents a systematic violation of citizens' rights, which the Ombudspersons are obliged to point out in accordance with their

⁴⁵² P-144/23;

mandate, the Ombudspersons of Bosnia and Herzegovina have issued a recommendation⁴⁵³ on October 9, 2023. to the Ministry of Health and Social Welfare of the Republika Srpska and the Ministry of Health of the Federation of Bosnia and Herzegovina to take measures within their jurisdiction with a view to systematically regulating the issue of compensation for specialization costs in the event of early termination of employment, in accordance with the general constitutional principles that guarantee everyone fair compensation for work, freedom of will when entering into obligations and equality of parties when concluding contracts. The Minister of Health and Social Protection of the Republika Srpska submitted a response ⁴⁵⁴stating that the law clearly stipulates "that individual rights and obligations are determined by contract based on free will between the candidate and the health institution" ...and that "specialization costs include the costs of performing a specialist or subspecialist internship, which are borne by the applicant... and consist of: mentor costs, index costs, university enrolment costs, costs of performing an internship abroad and other costs for the purposes of performing a specialist or subspecialist internship." This issue was also put on the agenda of the meeting of the Human Rights Ombudsman and representatives of the Ministry of Health and Social Protection of the Republika Srpska, held on 09 February 2024., with a view to implementing the aforementioned recommendation.

10.3.4.3. Management of collective bodies

The Ombudspersons of Bosnia and Herzegovina believe that the essence of the job of managing a state institution, as well as the responsibilities that this job entails, should include the possibility of giving an assessment of work or influencing the work process in general. By prescribing such an opportunity, judicial or other legal protection in the event of disagreement over the results of the aforementioned process would certainly not be omitted. The complainant addressed the Institution of Human Rights Ombudsman of Bosnia and Herzegovina regarding the work of the Commission for the Preservation of National Monuments of Bosnia and Herzegovina, because as a member of a collective body she does not have the opportunity to participate in the process of assessing civil servants and employees in this institution. According to the secondary legislation of the Commission, it is stipulated that a member of the Commission is not an immediate superior, nor a superior in the process of assessing civil servants and employees in the Commission. Taking into account the fact that the management of the institution is a collective body, the Ombudspersons of Bosnia and Herzegovina believe that each member of that body may individually request the necessary support or assistance from employees in order to carry out their mandate, which especially refers to access to documents. It was determined that such situations are not regulated by laws or bylaws sufficiently precisely to avoid disagreements regarding the relationship of superiority between members of the Commission and civil servants and employees. A recommendation was made ⁴⁵⁵to the Commission for the Preservation of National Monuments of Bosnia and Herzegovina to harmonize its internal legal regulations with the principles of good governance, in order to regulate hierarchical relations within the Commission, with a view to performing the work process as qualitatively as possible. Given the fact that no response to the recommendation was submitted within the given deadline, the Human Rights Ombudspersons of Bosnia and Herzegovina urgently requested the Commission for the Preservation of National Monuments of Bosnia and Herzegovina to take measures within its jurisdiction to fully implement the recommendation of the Human Rights Ombudspersons in accordance with the findings contained therein and the cited legal norms.

10.3.4.4. Protection of party's rights before administration bodies

Several citizens have contacted IHROBiH regarding the actions of the Ministry of Labour, War Veterans and

⁴⁵³ P-249/23;

⁴⁵⁴Number 11/04-500-731/23 from 30 October 2023;

⁴⁵⁵ P-220/23;

Disabled Person's Protection of the Republika Srpska and the Commission for the Implementation of Article 152 of the Labour Act, in connection with the exercise of rights due to unlawful termination of employment after 31 December 1991. The essence of the complaint is the allegation that the aforementioned ministry is requesting citizens to provide proof that they have submitted a request for severance pay, contrary to previous practice, although by the nature of things, the Ministry can only determine these facts by reviewing its records. IHROBiH sent a recommendation to the Ministry of Labour, War Veterans and Disabled Person's Protection of the Republika Srpska ⁴⁵⁶to facilitate the implementation of the principles contained in Articles 6 and 7 of the General Administrative Procedure Act in acting on the complainants' requests, which includes providing information from records and databases in the possession of the Ministry. On 26 April 2023. The Institution of Human Rights Ombudsman of Bosnia and Herzegovina received a letter from the Ministry of Labour, War Veterans and Disabled Person's Protection stating that the recommendation was fully accepted, given that the Banja Luka District Court also took the same position on this issue.

10.3.4.5. Disputes over political party representation and lobbying

In certain cases, IHROBiH seek to prevent possible damage that could result from unilateral actions by decision-making bodies, by requesting that they refrain from taking further actions that are the subject of the appeal, until the court issues a final decision.

Such case⁴⁵⁷ concerned a dispute over the use of the seal of the Municipal Council between political parties. Guided by the principle of judicial control over the work of administrative bodies, IHROBiH sent a recommendation⁴⁵⁸ to the Ministry of Justice and Administration of USC, instructing it to review the decision on the use of seal pursuant to the Municipal Court order. IHROBiH based its opinion in the case on the position that the use of seal before the final and binding court decision in this legal matter would cause damage or create legal uncertainty at the very least when it comes to adopting documents falling within the competence of the Municipal Council. The response from the Ministry of Justice and Administration of USC states that the decision of the Cantonal Court in Bihać would determine the legality of actions of this Ministry and the legality of decisions adopted in the given administrative procedure.

10.4. Procedural aspects of protection against discrimination

In contrast to the above-presented substantive considerations regarding individual grounds of discrimination, IHROBiH would like to point out very important procedural aspects of protection against discrimination, which relate to the probative strength of recommendations, the obligation to harmonize all acts with the Prohibition of Discrimination Act, and the competence of IHROBiH to mediate between the parties with the aim of a consensual resolution of the dispute.

10.4.1. Probative strength of recommendations

IHROBiH has a special status in the anti-discrimination legal framework of BiH. This is also indicated by the fact that IHROBiH is assigned the role of the central institution for protection against discrimination in BiH, as stated in the Prohibition of Discrimination Act (Article 7). In this regard, IHROBiH has a number of competencies, including the ability to receive individual and group complaints and issue recommendations, as well as the competence to prepare annual and special reports on the occurrence of discrimination. One of the previously mentioned challenges is the clear obligations arising from the Prohibition of Discrimination Act, namely the obligation of courts to “consider the recommendations of IHROBiH” in accordance with the

⁴⁵⁶ P-100/23;

⁴⁵⁷ Ž-BL-08-149/23;

⁴⁵⁸ P-218/23;

rules of procedure when a party uses them as evidence in the proceedings. This would at least require courts to directly take into account recommendations that relate to the substance of the case, which, according to the position of the Human Rights Ombudsman, implies respect for IHROBiH's substantive position on the existence of a violation of rights, in the absence of convincing and decisive counterarguments. In the event that a court decision does not follow the findings, opinion and recommendations of IHROBiH, courts would be required to state the reasons for the rejection in the reasoning of the court decision. On the procedural side, there are strong grounds for believing – taking into account the systemic interpretation of the Prohibition of Discrimination Act and the important role explicitly given to IHROBiH – that the recommendations should be taken as decisive for shifting the burden of proof in discrimination cases. In order not to affect the final outcome of the proceedings, such interference in the independence of the judiciary in decision-making would be proportional to the objectives of the Prohibition of Discrimination Act and the establishment of an anti-discrimination regime. However, shifting the burden of proof based on such recommendations is rarely seen in practice. On the contrary, since the adoption of the amendments to the Prohibition of Discrimination Act from 2016, IHROBiH was aware of at least one judgment which expressly challenged the competence of IHROBiH to make a decision on the violation of rights in cases of discrimination.⁴⁵⁹ This legal conclusion is clearly wrong from the point of view of the Prohibition of Discrimination Act, which must certainly be taken as *lex specialis* in this case. Given the significant position of IHROBiH in the comprehensive system of protection against discrimination in Bosnia and Herzegovina, an important factor to consider is the extent to which victims of violations of rights (most often plaintiffs in the procedural status) have used this mechanism – before or during court proceedings – and what the effect of using this mechanism is. It is important to note that addressing IHROBiH is not a prerequisite for initiating court proceedings in cases for protection against discrimination. However, given the relatively long timeframes for initiating court proceedings, it would be ideal to initiate proceedings before IHROBiH without delay, and to attach any issued recommendation to the complaint for protection against discrimination, which certainly does not reduce its subsequent evidentiary value, including during the appeal procedure. It should be particularly noted that the procedure before IHROBiH is free of charge and does not generate any financial or other costs for the party.

According to the OSCE Mission to Bosnia and Herzegovina,⁴⁶⁰ in the period 2018-2021, a total of 69 judgments were issued mentioning the decisions of IHROBiH⁴⁶¹ out of a total of 220 court judgments on claims for protection from discrimination. The lack of reference to IHROBiH's recommendations may indicate that prosecutors did not consider it necessary to use this type of protection in addition to (or prior to) the judicial protection mechanism, or that they used it unsuccessfully and therefore had no incentive to point it out in subsequent court proceedings. It is evident that in cases where IHROBiH's recommendations were used, the courts recognized their obligation to take them into account in the proceedings. Most importantly, by analyzing all judgments that refer to IHROBiH's mechanisms, a correlation is noticeable between referring to IHROBiH's recommendations and positive outcomes of proceedings (93%)⁴⁶²

10.4.2. Establishment of internal mechanisms for protection against discrimination

The Ombudspersons often resolve complaints of discrimination by issuing recommendations with a view to implementing Article 24, paragraph (4) of the Prohibition of Discrimination Act. According to this provision, all public authorities and other legal entities are obliged to regulate the principles of equal treatment in their general legal acts or special legal acts and to ensure that the provisions of the Prohibition of Discrimination Act of BiH and the principles of equal treatment are respected in employment relations with employees.

⁴⁵⁹Court of Bosnia and Herzegovina, S1 3 P 031618 19 P;

⁴⁶⁰Analysis of case law in discrimination cases in Bosnia and Herzegovina for the period 2018 to 2021.

⁴⁶¹OSCE Mission analysis of court proceedings for protection against discrimination from 2018 to 2021.

⁴⁶²Ibid.

Complaint allegations⁴⁶³ point to discrimination and violation of the right to work in connection with the election of a member of the School Board from among the teachers of the Drvar High School. In the investigation, the Ombudspersons established that the complainant, as an employee of the Drvar High School, was proposed as a member of the School Board from among the teachers, to which some of the teacher colleagues expressed their disapproval, and referred to Article 61, paragraph (3) of the Law on Secondary Education,⁴⁶⁴ which states: "The composition of the school board must maintain the national composition of the community in which the school operates", while alluding that the complainant is a Bosniak, and lives in Bosanski Petrovac, not in Drvar. The Ombudspersons sent a recommendation to the Ministry of Science, Education, Culture and Sports of Canton 10, and to the Drvar High School⁴⁶⁵ to take all measures and activities in order to eliminate discrimination of Drvar High School employees on the basis of national and territorial affiliation. The Ministry of Science, Education, Culture and Sports of Canton 10 informed the Ombudspersons of BiH that it fully accepts the recommendation.

10.4.3. Encouraging consensual dispute resolution

When it is not possible to determine with certainty the validity of allegations of discrimination, IHROBiH suggests that efforts be made within the institution to overcome misunderstandings and improve interpersonal relations. The legal basis for such a mandate is contained in the provision of Article 32 of the Rules of Procedure of IHROBiH (The Official Gazette of BiH, No. 104/11), which states:

"During the proceedings, IHROBiH will, through mediation between the parties, strive for an amicable resolution of the case."

IHROBiH will try to finish the case efficiently and with quality at every stage of the procedure.

In this regard, IHROBiH will strive for mediation between the parties with the aim of a consensual resolution of the disputed situation indicated in the complaint.

An example of such a complaint⁴⁶⁶ concerns two complaints by employees of the Public Procurement Agency of BiH regarding impaired interpersonal relationships. A recommendation was made⁴⁶⁷ to undertake all activities aimed at overcoming impaired interpersonal relationships and the lack of communication between the Director of the Agency and the complainant, by attempting to find the causes, consequences and common solutions to the situation, and to establish a mechanism for the prevention and protection from all forms of discrimination in the future in accordance with Article 24, paragraph (4) of the Prohibition of Discrimination Act, and to ensure that the provisions of the Prohibition of Discrimination Act of BiH and the principles of equal treatment are respected in employment relations with employees, with a view to ensuring efficient internal procedures for protection against discrimination. The recommendation was complied with within the given deadline.

10.5. Rights of national and religious minorities

Bosnia and Herzegovina, following the obligations undertaken by ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, has adopted the Act on the Protection of Rights of Members of National Minorities of BiH, which stipulates a number of rights that the authorities in BiH should ensure to minorities, including the right to language⁴⁶⁸, information, ensuring the enjoyment of

⁴⁶³Ž-LI-06-46/23;

⁴⁶⁴The Official Gazette of Canton 10 number 12/04, 12/08;

⁴⁶⁵P-97/23;

⁴⁶⁶Ž-MO-06-119/22;

⁴⁶⁷P-86/23;

⁴⁶⁸ Article 12 - In cities, municipalities and local communities (or populated areas) where members of a national minority constitute an absolute or relative majority of the population, the authorities shall ensure the use of the minority

economic and social rights⁴⁶⁹, and participation in government bodies.⁴⁷⁰ In addition to the identified challenges specific to other transition countries and individual European countries, minorities in Bosnia and Herzegovina are also faced with marginalization due to the specific political context and where relations in government structures are mainly shaped by dominant ethnic groups. In 2023, 14 cases were registered in the field of rights of national, religious and other minorities and two recommendations were issued. In 2022, 12 cases were registered in this Department and two recommendations were made, one of which was complied with, and the other had not been responded to by the date of preparation of this report.

10.5.1. Position of members of Roma national minority

The Ombudspersons point out that Bosnia and Herzegovina, by accepting international human rights standards, which establish the obligation of the state to ensure the protection of the rights of Roma with full respect for the principle of non-discrimination, as well as by harmonizing national legislation, has significantly established a framework within which institutional mechanisms and procedures should be developed that will ensure real access to accepted rights. In the past few years, significant progress has been made in institutional and legislative terms in all areas, when it comes to the problems of the Roma population in Bosnia and Herzegovina.

As a positive development, the Ombudspersons highlight the adoption of the Action Plan for the Social Inclusion of Roma in Bosnia and Herzegovina 2021-2025, which envisages work on collecting data on situations of discrimination and antigypsyism, drafting special reports and/or part of the Annual Report on Discrimination against Roma, as well as organizing training and other activities to promote Roma rights for the purpose of combating discrimination and statelessness. At the regional level, the Ombudspersons would like to recall the Declaration of the Western Balkans Partners on the Integration of Roma in the EU Accession Process (Poznań Declaration 2019) which envisages strengthening institutional capacities for the protection of Roma from discrimination. Taking into account the existing legal framework, the Ombudspersons point out that it is necessary to intensify efforts to integrate Roma into mainstream society, which includes recognizing and addressing antigypsyism as a specific form of racial discrimination through relevant policies, communication tools and institutions, as well as through preventive action and adequate response to discrimination against Roma.

As one of the positive examples of cooperation with the authorities, we can point to the complaint of the European Roma Rights Centre against the work of the FBiH Ministry of Education and Science,⁴⁷¹ namely against controversial statements in one of the textbooks for the third grade of primary school.⁴⁷² Immediately after receiving the letter, the Ministry fully accepted all suggestions,

language between those members and the authorities: that the signs of institutions are written in the minority language, and that local names, street names and other topographical signs intended for the public are also written and displayed in the language of the minority that so requests.

⁴⁶⁹Article 18.

⁴⁷⁰Articles 19 and 20

⁴⁷¹Ž-SA-03-522/23;

⁴⁷²The allegations in the complaint relate to a lesson that discusses religious holidays, which lists Muslim, Catholic, Orthodox and Jewish religious holidays, and where the holidays of Djurdjevdan and Alidun/Ilindan are also included and presented as Roma religious holidays. The complainants consider the lesson that discusses religious holidays to be good and commendable, but consider the inclusion of Roma holidays in such a way to be questionable for several reasons. The first reason is that the Roma religion does not exist. Roma in BiH, as in all of Europe, are Muslims, Catholics and Orthodox. It is unclear why the aforementioned holidays are presented as religious, and are not characteristic of all Roma. Furthermore, they are drawn to the part "they bathe in water with flowers", for which it is

and the publisher also removed all controversial parts and accepted all suggestions of the complainant. The complainant expressed satisfaction with such a level of cooperation and the case was closed.

Unfortunately, there are still numerous problems that they face today: lack of personal documents, low level of education and inclusion in the education system, poverty and poor economic and social living conditions. The Ombudspersons point out that the competent institutions must act with a view to providing identification documents to all persons of the Roma national minority, which is a prerequisite for exercising any other right. It is necessary to actively and systematically act with a view to improving the position of Roma in the areas of employment, housing, healthcare, education and all forms of inclusion in social, cultural and political life. It is necessary to promote in all spheres of public opinion the basic values of acceptance of diversity, tolerance, but also empathy in relation to those who do not have the same affiliation, status, or origin.

Roma associations address IHROBiH with complaints that indicate the real position of the Roma national minority and the direction in which the authorities must take intensive action. Therefore, it is extremely important to strengthen these associations, as well as their cooperation with the authorities.

It is also necessary to further strengthen efforts in order to comply with the recommendations of international bodies addressed to Bosnia and Herzegovina, as well as the recommendations of IHROBiH from *the Special Report on the situation of Roma in Bosnia and Herzegovina*.⁴⁷³

During 2023, 14 complaints were received related to violations of rights related to the position of members of the Roma national minority. Complaints refer to violations of the right to housing, the right to running water, a clean environment, adequate accommodation,⁴⁷⁴ infrastructural weaknesses of residential buildings where people in a state of social need live, including members of the Roma national minority,⁴⁷⁵ violations of the right to personal documents due to administrative obstacles.⁴⁷⁶ A certain number of cases were opened *ex officio*⁴⁷⁷, such as those related to the problems faced by a family from Stolac, a large family that was deported from the Federal Republic of Germany after the death of the husband father of the children. During communication with the local activist and coordinator⁴⁷⁸, as well as with the competent services, information was collected on the actions of the authorities. This specific case showed the importance of a strong local civil society to initiate and take steps towards resolving status and other issues, as well as the willingness of local authorities or local self-government units to support them. In a relatively short period of time, a number of problems faced by the aforementioned family were successfully resolved, and the local administration took a whole series of proactive measures. Local activists, however, pointed out that

questionable whether there is any basis other than popular culture such as the film "Hanging House". They believe that through this depiction of Roma, children could get the impression that they are "pagans who bathe in water in the spring". They also point out that Alidun, or Ilindan (August 2), mentioned in the lesson for the Roma, is much more significant than Porajmos or Samudaripen, as a day of remembrance for the victims of the genocide against the Roma. The complainants suggest that this lesson be corrected in consultation with historians and experts in Roma culture so that it is not presented in this form in the literature in the next school year.

⁴⁷³Special report on the situation of Roma in BiH <https://www.ombudsmen.gov.ba/>

⁴⁷⁴Ž-SA-03-238/23, Ž-SA-03-239/23;

⁴⁷⁵Ž-SA-03-184/23;

⁴⁷⁶Ž-BR-03-344/23;

⁴⁷⁷Ž-SA-03-355/23 and Ž-SA-03-356/23;

⁴⁷⁸Demir Mahmutćehajić from Stolac;

a large number, and even today a larger part of the Roma population, need assistance in initiating any administrative procedure and that it is much more difficult for them than for ordinary citizens to find solutions to certain issues that are difficult even for the average citizen.

The majority of complaints were received by the European Roma Rights Centre in Brussels, Kingdom of Belgium, and their regional office in Skopje, Republic of North Macedonia. In a large number of complaints, they pointed to a whole range of issues, from stereotyping of Roma in textbooks, controversial statements, education, and infrastructure. In a large number of cases, IHROBiH is still acting, while in some cases it has issued recommendations. For example, in a recommendation,⁴⁷⁹ IHROBiH recommended that the competent authority take measures regarding the issue of water supply to the settlement of Prutače in Brčko. The recommendation had not been implemented by the date of the report.

10.5.2. Minority languages

The European Charter for Regional or Minority Languages, which entered into force in Bosnia and Herzegovina in 2011, applies to 15 languages. The Framework Law on Primary and Secondary Education in BiH⁴⁸⁰ stipulates that “the language and culture of any significant minority living in BiH shall be respected and integrated into the school to the greatest extent feasible, in accordance with the Framework Convention for the Protection of the Rights of National Minorities.”⁴⁸¹ Minority languages are largely absent from public media, education, and administrative procedures. The Ombudspersons emphasize that learning minority languages raises awareness of their existence within the country by accepting a model of coexistence, in which linguistic diversity helps to combat all types of prejudice and all forms of discrimination on the one hand, while emphasizing their value and richness on the other. Schools have a key role in promoting and learning minority languages. The Ombudspersons point to an example of good practice, namely, the Romani language with elements of national culture has been introduced into primary schools in the Tuzla Canton. In cooperation with the Ministry of Education and Science of the Tuzla Canton and Roma non-governmental organizations, a proposed curriculum for the subject Romani language with elements of national culture has been created, which will be used in elementary schools in the Tuzla Canton area.⁴⁸²

10.6. Promotion activities of anti-discrimination protection

Regardless of the number of complaints, IHROBiH, in accordance with the improved legal framework, has intensively undertaken activities to promote anti-discrimination protection, which are reflected in informing the public, raising awareness, conducting campaigns and other forms of discrimination prevention.⁴⁸³

Thus, in 2023 alone, in addition to working on cases, representatives of the Department for the Elimination of All Forms of Discrimination participated in:

- Drafting submissions to bodies of the United Nations, the Council of Europe, the European Union and other international organizations:
- submission to the Committee on the Elimination of Discrimination against Women CEDAW *interim follow-up* ;

⁴⁷⁹Recommendation number P-252/23 in case Ž-SA-03-436/23;

⁴⁸⁰"Official Gazette of BiH", number: 18/03; 01 July 2003 and entered into force on the day of publication;

⁴⁸¹Article 8.

⁴⁸²<https://www.newipe.net/2023/10/05/zvanicno-uvaden-romski-jezik-u-osnovne-skole-tuzlanskog-kantona/>

⁴⁸³Article 7, paragraph (2), point I);

- submission to the Secretary-General of the United Nations regarding the Resolution on Racism and Intolerance of the United Nations General Assembly - *General Assembly resolution A/77/205*;
- submission to the Commission against Racism and Intolerance (ECRI) regarding the preparation of a report on Bosnia and Herzegovina;
- submission to the European Network of Equality Bodies (EQUINET) within the Standards Working Group.
- Developing and implementing action plans within the framework of national strategies for the protection of the rights of vulnerable categories:
 - Action Plan for the Promotion of Human Rights and Fundamental Freedoms of LGBTIQ Persons in Bosnia and Herzegovina (2021 – 2024);
 - TAIEX) document based on individual cases in the field of independent supervisory or regulatory bodies;
 - Action Plan for the Implementation of the Freedom of Access to Information Act.
- Projects of international and regional organizations:
 - EU4HR Project - Improving the database with a view to collecting statistical data on discrimination cases;
 - Centre for European Security Studies - Project on Democratic Oversight of Security Services;
 - HERJustice Project - Roundtable dedicated to empowering women and girls for inclusive governance and rights.
- Preparing special reports as a special mandate, stipulated by law, of the Institution of the Human Rights Ombudsman of BiH:
 - Special report on the implementation of the recommendations of the Human Rights Ombudsman of BiH;
 - Accompanying the report on the situation in institutions housing persons with intellectual and mental disabilities;
 - Following the report on the situation in detention facilities in certain police departments in Bosnia and Herzegovina;
 - Strategy of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina 2023-2028.
- Human rights promotion activities:
 - Conference within the framework of the ENNHRI/ODIHR Working Group on Artificial Intelligence (AI), Ljubljana, Slovenia;
 - Workshop of the Office of the United Nations Resident Coordinator in BiH dedicated to collecting statistical data on discrimination against vulnerable groups (*Human Rights-Based Approach to Data To Leave No-one Behind*);
 - Conference of Local Ombudsmen and Scientific Conference, School of Law, Kragujevac;
 - Scientific conference dedicated to current issues of interpretation and application of law, School of Law, University of East Sarajevo;
 - Roundtable with women human rights defenders, organized by UN Women and the Office of the UN High Commissioner for Human Rights with the support of the Embassy of Austria in Bosnia and Herzegovina;
 - Training dedicated to the reversal of the burden of proof in discrimination cases organized by the OSCE Mission to Bosnia and Herzegovina;
 - Training dedicated to international standards on freedom of expression and access to information;
 - Press releases, providing information to the media, guest appearances on shows (K3, ATV).

XI. COOPERATION WITH MEDIA

In order for a society to be characterized as democratic and committed to the rule of law, it must guarantee and protect freedom of thought and expression, and in this context ensure media freedoms. In this context, the media perform an important social role because they point out and investigate abuses of power, violations of individual rights and freedoms, unethical behaviour or abuse of authority. Through their work, journalists inform the public and enable citizens to influence the creation and implementation of public policies. They update the issues and problems facing a society, contribute to opening debate, and create opportunities for all interested parties to express their views and thus inform the public, contributing to the level of democracy in a society, building a society that tolerates and accepts other views and beliefs, and strives for full equality of all individuals and groups. Journalists cannot perform the above tasks and professional obligations if they are not protected from attacks, pressures and threats in a society.

Similarly, national human rights institutions point to violations of rights and freedoms in a country, informing the competent authorities and informing the public with a view to strengthening and promoting good governance and the rule of law. In this sense, cooperation with the media, i.e. journalists, is important for the overall work of national human rights institutions⁴⁸⁴. Likewise, national human rights institutions, through their work, provide assistance to journalists in their work, starting from the implementation of the law on free access to information to the protection of journalists' rights. Of course, this does not relieve journalists of the need to verify information and, in accordance with their professional obligations, to enable the persons to whom the information relates to express themselves and provide their answers⁴⁸⁵.

IHROBiH firmly maintains that the media is an important partner in the promotion of human rights and creating awareness of the need to prevent their violations, and expresses his willingness to further strengthen mutual cooperation. The public is doubly important when it comes to the work of IHROBiH: firstly, its work is public and, secondly, the public is a precious ally of IHROBiH in fulfilling its function as a protector of human rights. Finally, if the media does not recognize the importance of IHROBiH, the question arises whether the activities of this institution represent topics of public interest.

11.1. The importance of the media for the public

The media are by nature allies of IHROBiH, but given the problems faced by the media themselves, which affect the way they report, which often depends on the editorial policy of the media outlet in question. By writing about the activities of IHROBiH, the media, as a rule, make his work transparent, efficient and strengthen his authority. On the other hand, by writing about events in society, the media provide IHROBiH with information on human rights violations, on the basis of which IHROBiH, on its own initiative, initiates investigations.

The media, therefore, play a high and significant role in the work of IHROBiH – they can affirm him, but also inform about cases of human rights violations, influence the formation of public opinion and mobilize support. Through media articles, IHROBiH obtains information about specific examples of human rights violations, as well as information and data necessary to gain a broader insight into the state of human rights. At the same time, through the media, IHROBiH informs citizens about the results of his research and the recommendations he has formulated with a view to more fully realizing and more efficiently protecting human rights.

⁴⁸⁴*Ex officio* cases each year based on information from the media.

⁴⁸⁵Judgment of the European Court of Human Rights in the case of *Ion Carstea v. Romania*, of 28 October 2014, application number 20531/06, paragraph 35.

IHROBiH has several instruments through which he informs the public on human rights issues. Statements in which the Ombudspersons express their position based on international human rights standards and legislation in BiH inform the public on human rights violations. In addition, the Ombudspersons regularly publish summaries of the recommendations they have made on their website so that they can serve as guidelines in the work of the competent authorities.

Publishing information and organizing press conferences on the occasion of events such as the presentation of annual and special reports, conferences and round tables, and meetings with civil society representatives are used to animate the media in order to make human rights topics accessible to the public.⁴⁸⁶

At the local level, activities were undertaken to establish cooperation with the media in order to bring the work of IHROBiH closer to citizens and to indicate the possibility of addressing this institution as a mechanism for the protection of their rights. In this way, among other things, guest visits of IHROBiH's representatives took place in Prijedor, Gradiška and Prnjavor. The media were also present during meetings of IHROBiH with non-governmental organizations in several cities of Bosnia and Herzegovina.

Continuous cooperation with representatives of the media also took place through coordination, planning, organization and implementation of activities within established deadlines. In the reporting year, a total of 139 appearances in the media were made. In addition to audio and video statements (interviews, statements, guest appearances on TV and radio programs, etc.), responses to the media were also submitted in writing. When it comes to cooperation with the media, the deadlines were fully respected, which were mostly set in advance and defined by current events and the nature of the work of the media themselves.

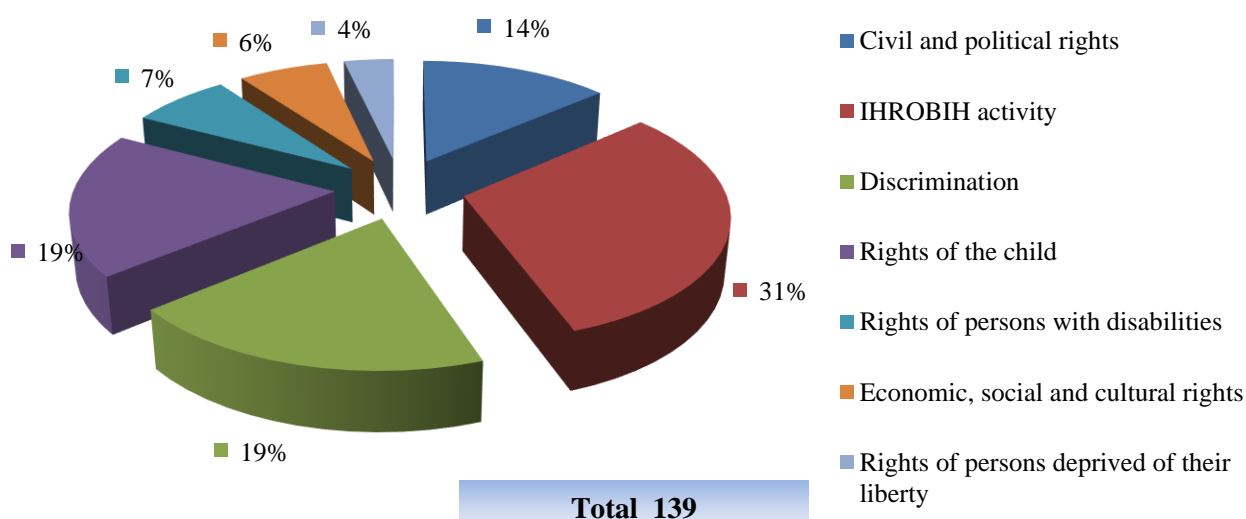


Diagram 3. Media appearances by department

The activities of IHROBiH were reported and written about by print and electronic media. The most frequently used journalistic form of reporting was news, reports and interviews. Thus, information about the work of IHROBiH could be found on BHRT, Federalna televizija, RTRS, N1, Nova TV, Al Jazeera Balkans, Radio Free Europe, Oslobođenje, Nezavisne novine, Glas Srpske, as well as the news agencies SRNA and FENA, portals, and numerous other media outlets.

In line with contemporary trends, the largest percentage share is occupied by electronic media, while a small number of cases involved print media.

⁴⁸⁶Among other things, a conference on human rights in Bosnia and Herzegovina entitled: "Assessment of the Human Rights Situation in BiH: Challenges and Expectations", jointly organized by IHROBiH and the United Nations in BiH, attracted significant media attention.

In their statements to the media, the Ombudspersons most often presented the role and function of the Institution, the cases that are in its work, as well as other indicators used to assess the state of human rights in Bosnia and Herzegovina . Herzegovina.

In addition to topics within the general jurisdiction of the institution, which occupy a dominant share in the total number of media appearances by representatives of the institution, media interest was primarily focused on three areas: discrimination, children's rights, and civil and political rights.

In the area of discrimination, there was talk about the position of the LGBTIQ population, hate speech, and discrimination on various grounds, including gender and other forms of discrimination.

In the domain of children's rights, the Ombudspersons spoke to the media about education, peer violence, underage marriages, alimony, the role of social welfare centres in protecting children's rights, and numerous other topics.

In statements on the exercise of civil and political rights, the Ombudspersons referred to freedom of expression and media freedom, migration, the right to access information, etc. In statements to the media, the Ombudspersons or other representatives of the Institution also spoke about other areas of human rights and fundamental freedoms, including topics from the field of economic, social and cultural rights, the rights of persons with disabilities, the rights of persons deprived of their liberty, etc.

Citizens, and thus the media, could also find information about IHROBiH's activities on the website of this institution. During 2023, more than 474 different pieces of content were published in this way. During that period, the website was visited 48,060 times, during which more than 133,990 pages with published content were viewed. The most visits were recorded from Bosnia and Herzegovina, the USA, Croatia, Serbia, Germany, the Netherlands and Austria, and the website has also recorded a significant number of visits from China in recent years.

XII. COOPERATION WITH AUTHORITIES AND INSTITUTIONS, CIVIL SOCIETY ORGANIZATIONS AND CIVIL SECTOR

12.1. Cooperation with organizations and institutions in Bosnia and Herzegovina

Government institutions in Bosnia and Herzegovina are obliged to ensure the implementation and protection of human rights and fundamental freedoms for citizens. Failure to implement this constitutional provision makes them responsible for human rights violations. Bosnia and Herzegovina's commitment to the European path requires strengthening the role of IHROBiH, democratic institutions and building standards of good governance. Accordingly, government institutions should provide them with full support, especially in the domain of acceptance and action by competent authorities on recommendations (the first mandate of the Institution - protection of human rights) and other protection mechanisms, and by strengthening cooperation. Of additional importance is the fact that the Institution is a channel of communication between citizens and the authorities, and the resolution of specific cases depends on the quality of cooperation with government institutions. Another important part of the Institution's mandate is the prevention of human rights violations, primarily the promotion of human rights standards that the member state has ratified and thereby assumed the obligation to implement, which includes the adoption of legislative, administrative and other measures.

In 2023, IHROBiH worked towards strengthening cooperation with institutions in BiH. Thus, cooperation with legislative bodies was two-way, in that the Ombudspersons, in accordance with the provisions of the Law, submitted their annual and special reports on the situation and sent several legislative initiatives in cases where registered complaints indicated that the cause of human rights violations was contained in the law itself. At the same time, legislative bodies, especially the Commissions for Human Rights and Citizens' Petitions, forwarded complaints or submitted inquiries on human rights issues to IHROBiH.

Participation in certain human rights-related gatherings and events, organized by both the Ombudspersons and legislative bodies and other entities, were used for constructive consultations on certain human rights issues.

During 2023, the Ombudspersons of BiH presented to the Parliamentary Assembly of Bosnia and Herzegovina, the FBiH Parliament, the National Assembly of the Republika Srpska, and the Assembly of the Brčko District of BiH at their initiative: Annual Report on the Results of the Institution's Activities; *Special Report on the Care of Children Without Parental Care with Special Focus on the Situation in Institutions*; participated in the work of the committees of the Parliamentary Assembly of Bosnia and Herzegovina regarding the establishment of an independent preventive mechanism, determining the Institution's budget for 2024 and adopting a new Law on Freedom of Access to Information in the Institutions of Bosnia and Herzegovina, and the committees of the Parliament of the Federation of Bosnia and Herzegovina regarding health and issues of legislative regulation of gender-based violence in the Federation of Bosnia and Herzegovina. The Ombudspersons of BiH also submitted answers to parliamentary questions.

In addition to cooperation with legislative bodies, IHROBiH has intensified cooperation with the executive branch. Meetings were held with: the Minister of Justice of Bosnia and Herzegovina and the Minister of Justice of the Federation of BiH on the topic of analysis and improvement of the Act on the Protection from Domestic Violence and consistent application of the law; the Minister of Internal Affairs of the Sarajevo Canton regarding the draft Public Order Act; the Minister of Internal Affairs of the Federation of BiH; the Deputy Minister of Finance and Treasury of BiH; the Prime Minister of the Sarajevo Canton; the Minister of Education and Training of the Sarajevo Canton; the Minister of Scientific and Technological Development, Higher Education and Information Society of the Republika Srpska; the Minister of Labour and Social Policy of the Federation of BiH; the Minister of Health of the Federation of BiH and the Minister of Justice of the Republika Srpska. The meetings and sessions are used to assess the current situation, analyze previous

achievements, plan future steps, exchange opinions, etc.

IHROBiH held meetings with representatives of all relevant authorities and institutions regarding the issue of placement of persons with mental disabilities in the Institution for the Care of Mentally Disabled Persons Bakovići. The goals of the meetings were to exchange current practices regarding the placement of persons with mental disabilities and to provide an opportunity for constructive discussion between the competent authorities in this area and topic. IHROBiH also visited the Institution for the Care of Persons with Disabilities in Prijedor, the Private Institution for the Care of Persons with Disabilities in Modriča, the Reception Centre "Duje" Doboj Istok, the Private Institution for the Care of Persons with Disabilities in Sokolac, the Institution for the Care of Persons with Disabilities and Others in Stolac, the Institution for the Care of Children and Youth with Mental Disabilities in Pazarić, the Institution for the Special Education and Upbringing of Children "Mjedenica", the Institution for the Care of Persons with Disabilities and Others in Nahorevo, the Institution for the Care of Persons with Disabilities in Višegrad and the Institution for the Care of Persons with Mental Disabilities in Drin.

Cooperation with local communities has been intensified and meetings have been held with mayors and heads of cities and municipalities throughout Bosnia and Herzegovina, heads of institutions and organizations, associations, etc.

The cooperation of the Institution's employees with the bodies designated as respondent parties has been particularly intensified. This practice has proven to be very good because through direct contact, ambiguities that may have an impact on the elimination of violations of citizens' rights are resolved, and institutional networking is also carried out. In this way, the procedure itself is shortened.

12.2. Human rights promotion activities

The most important activities in the promotion of human rights are certainly educational content, conferences, thematic meetings, workshops, media addresses, etc. Cooperation with the academic community, human rights defenders, the media and other entities dealing with human rights is key to achieving this activity.

By signing the Agreement on Cooperation with the University of Mostar, IHROBiH has completed the normative process of establishing cooperation with all public universities in Bosnia and Herzegovina. Earlier, agreements were signed with the University of Mostar, the University of Sarajevo and the University of Banja Luka. The purpose of these agreements is to establish mutual cooperation in all areas of educational and research activities and promote the development of the highest level of quality of teaching and practice in higher education. Each year, IHROBiH visit higher education institutions. Thus, in 2023, a visit was made to the University "Džemal Bijedić" in Mostar and the University of Mostar and several guest lectures were held with a view to educating students in the field of protection and promotion of human rights and the role and competences of the Institution. These activities include guest lectures at: the School of Law of the University of Sarajevo; the School of Philosophy of the University of Mostar; the School of Law of the University of Banja Luka; the School of Law in East Sarajevo. IHROBiH participated in the jury of student debates and simulated competitions in Sarajevo and Mostar, received visiting student delegations, as well as students for the purpose of student internships. The institution participates in all activities organized with a view to disseminating information and knowledge about human rights, both within formal education at all levels, and in non-formal forms of education, recognizing the importance of lifelong learning, and in all other activities organized by education institutions, professional associations and organizations, and other entities actively involved in the protection of human rights and freedoms.

Cooperation with judicial and legal authorities continued in 2023. Given the mandate of the Institution, the

topics were related to eliminating the causes that lead citizens to address the Ombudspersons with complaints about the actions of judicial institutions, as well as issues related to certain systemic problems (e.g. the issue of gender-based violence). Thus, meetings were held with representatives of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina; participation in training for judges and prosecutors on the topic "*Reverse Burden of Proof in Discrimination Cases: Theoretical and Practical Issues*"; participation in the Judicial Forum jointly organized by the Constitutional Court of Bosnia and Herzegovina, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the AIRE Centre on the topic "*Independence and Impartiality of the Judiciary*", as well as at a meeting organized by the joint coordination body of the Association of Judges and Prosecutors in Bosnia and Herzegovina on the topic "*Dialogue of Professional Associations in judiciary with the holders of legislative and executive power in Bosnia and Herzegovina: European integration and judicial reform in Bosnia and Herzegovina - status and perspectives*". A meeting was also held with the Chief Prosecutor of the Sarajevo Canton and the Chief Prosecutor of Herzegovina-Neretva Canton Prosecutor's Office, and issues within the competence and scope of the functioning of both institutions were discussed. The Ombudspersons also actively participated in the conference on media freedom and civil society on the topic of media freedom and defamation, civil society and the announcement of the law on a special register and transparency of the work of non-profit organizations.

12.3. EU accession

The progress in the process of accession of Bosnia and Herzegovina, as well as other countries in the region, to the European Union has also initiated a discussion within the European Network of Human Rights Institutions (ENNHRI) on the role of national institutions. Past practice has shown that these institutions are mainly involved in participating in various subcommittees and other bodies established for the accession process. IHROBiH also attended the seventh meeting⁴⁸⁷ of the Subcommittee on Justice, Freedom and Security, organized by the Directorate for European Integration, and cooperation was also established with the Coordinator for Public Administration Reform in Bosnia and Herzegovina.

12.4. Cooperation with international organizations and institutions and submissions to UN committees

In 2023, successful cooperation continues on an international level, but also with international organizations that work and operate in Bosnia and Herzegovina. The focus remains on strengthening human rights in any concept, as a social priority of a democratic society. This cooperation is reflected through participation in activism, education and promotions related to violence against women, victims of torture, the position of Roma in society, the implementation of the Aarhus Convention, political participation of young people belonging to national minorities in the member states of the Council of Europe, environmental protection issues, climate change, the situation in social welfare institutions, the law on freedom of access to information, the status of migrants and migration in Bosnia and Herzegovina, the situation regarding human rights defenders, the situation in prisons and detention units, the fight against corruption, the protection of personal data, the rights of the (un)vaccinated, freedom of assembly, pension and disability insurance, gender-based violence, hate speech and all other forms of discrimination.

Particularly significant cooperation has been achieved in certain activities with the Council of Europe Office in Bosnia and Herzegovina, the OSCE Mission in Bosnia and Herzegovina, the Office of the UN Resident Coordinator in Bosnia and Herzegovina (UNDP, UNICEF, UNFP, UNHCR, IOM, UNWOMEN), as well as other international organizations operating in Bosnia and Herzegovina and dealing with the protection of human rights.

⁴⁸⁷December 6, 2023;

Cooperation with the Council of Europe is primarily taking place within the third phase of Horizontal Facility III, on the project entitled: " *Towards an equal, inclusive and tolerant Bosnia and Herzegovina* " , but also on the second project on the topic: " *Further improvement of the treatment of persons deprived of their liberty and persons sentenced or sanctioned in BiH, in accordance with European standards* " . The Council of Europe Office in Bosnia and Herzegovina provided financial support to the Institution, enabling it to participate in the Seventh Regional Conference of Equality Institutions of South-Eastern Europe and the regional meeting for representatives of equality bodies from the Western Balkans and Eastern Partnership regions.

Activities with the Office of the UN Resident Coordinator in Bosnia and Herzegovina were carried out with the support of the High Commissioner for Human Rights. Several times during 2023, IHROBiH held meetings with the Resident Coordinator and/or her team and discussed cooperation. Sometimes these were just consultative meetings, planning institutional participation in a thematic conference (Human Rights 75 initiative: " *Improving the protection of human rights, participation and inclusion in Bosnia and Herzegovina* " in Sarajevo on December 5, 2023) or the issue of " *shadow reporting* " (reports to UN committees that the Institution regularly submits in its capacity), planning joint trainings, trainings (UPR training), forming group teams to solve a systemic problem or visits, etc. The Institution also participated in the workshop " *Human Rights-Based Access to Data* " on Jahorina and organized by the United Nations in Bosnia and Herzegovina. The workshop also included a session on the topic " *Presentation and discussion of the human rights situation in BiH with a focus on population groups that are potentially neglected and/or at risk of discrimination, drawing on observations of international human rights bodies* " .

The United Nations in BiH and the Institution of Human Rights Ombudsman of Bosnia and Herzegovina held a joint conference on the topic " *Assessment of the Human Rights Situation in Bosnia and Herzegovina: Challenges and Expectations* " on 21.6.2023. in Sarajevo at the Parliamentary Assembly of Bosnia and Herzegovina . This event was organized in the context of the 75th anniversary of the Universal Declaration of Human Rights and the 30th anniversary of the Paris Principles, which guide national institutions for the promotion and protection of human rights around the world in their work. In the context of these anniversaries and the initiative " *Human Rights 75* " of the United Nations High Commissioner for Human Rights, ⁴⁸⁸ the conference was an opportunity to review the human rights situation in Bosnia and Herzegovina, based on the recommendations of various United Nations human rights mechanisms, including the Universal Periodic Review. The event was also an occasion for specific recommendations, including promises that the authorities and other actors would make to reaffirm their commitment to the promotion and protection of human rights. The pledges were presented at a high-profile event organized by the Office of the United Nations High Commissioner for Human Rights in Geneva in December 2023. The conference topics were: addressing inequality and discrimination on all grounds, promoting and protecting economic, social and cultural rights, promoting and protecting the space for civil society, promoting truth, justice, reparations and guarantees of non-repetition of crimes. The conference brought together a total of 109 human rights experts and practitioners, lawyers, judges, representatives of the executive and legislative branches, civil society organizations, international organizations, representatives of the academic and diplomatic communities.

Numerous Institutional activities were implemented, in addition to the Office of the Resident Coordinator in Bosnia and Herzegovina, with other international actors in Bosnia and Herzegovina (the OSCE Mission to Bosnia and Herzegovina and many others). The OSCE Mission to BiH supported the Institution through the organization of office days, as well as the participation of representatives of the Institution in activities outside the Institution's office. The Ombudspersons met with the Ambassador of the OSCE Mission. Representatives of the Institution also attended the training on the topic " *Integrating Issues of Sexual and*

⁴⁸⁸ <https://www.ohchr.org/en/human-rights-75>

Gender-Based Violence in the Supervision of Deprivation of Liberty" organized by the OSCE ODIHR from Warsaw and the OSCE Mission to Bosnia and Herzegovina, organized with a view to strengthening the capacity of monitoring mechanisms in integrating sexual and gender-based violence into the supervision of detention.

In addition to international human rights organizations, in 2023 the Institution also cooperated on a bilateral basis with the embassies of the United States of America, Great Britain, the Kingdom of the Netherlands, the Republic of Austria, the Kingdom of Sweden, the Kingdom of Norway, the Swiss Confederation and other embassies accredited in Bosnia and Herzegovina.

In 2023, the Ombudspersons met with the Head of the European Union Delegation and the European Union Special Representative in Bosnia and Herzegovina, Johann Sattler, and the Heads of Mission of the European Union countries in Bosnia and Herzegovina, presenting them with the human rights situation based on the complaints received and the Institution's statistical data on this issue. At the invitation of the ambassadors of the member states of the Peace Implementation Council Steering Board (SBA PIC), the Ombudspersons⁴⁸⁹ presented the human rights situation in Bosnia and Herzegovina. The Ombudspersons of Bosnia and Herzegovina addressed the Office of the High Representative, the Board of Heads of Leading International Organizations and Bilateral Donors of Bosnia and Herzegovina with the same topic.

The Ombudspersons respond to every invitation to meet with special rapporteurs and repeatedly report on this on the Institution's website. Among other things, they spoke with the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while combating terrorism. During the meeting, the importance of the Institution's role was emphasized, and the members of the delegation showed particular interest in IHROBiH's opinion on the human rights situation in Bosnia and Herzegovina. A meeting was also held with a delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities (AC-FCNM) on the topic of respect for the rights of national minorities in Bosnia and Herzegovina; with rapporteurs of the European Commission against Racism and Intolerance (ECRI) of the Council of Europe on the topic of the human rights situation of minorities in Bosnia and Herzegovina.

The institution regularly submits independent reports to the following UN committees: CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), CERD (Convention on the Elimination of All Forms of Racial Discrimination), CESCR (Convention on Economic, Social and Cultural Rights), CMW (Convention on the Rights of Migrant Workers), CRC (Convention on the Rights of the Child), CRPD (Convention on the Rights of Persons with Disabilities) and UPR (Universal Periodic Report of a State). The Ombudspersons of Bosnia and Herzegovina also participate in the sessions of the UN committees as needed.

The reports submitted by the Institution to UN committees in 2023 are: CEDAW, CERD and CESCR. In 2024, the Institution is preparing the UPR report for the next reporting cycle.

12.5. Celebrating international days

During the reporting period, the Institution marked most of the international days related to human rights, and special attention was paid to marking the 75th anniversary of the Universal Declaration of Human Rights and the 20th anniversary of the Paris Principles. Ceremonial conferences were held in Sarajevo on 21.6.2023. and 5 December 2023. With appropriate activities in 2023, we also marked International Children's Day, International Human Rights Day, International Women's Day, International Whistleblower's Day, International Day for the Eradication of Poverty and Social Exclusion, and others. In marking international

⁴⁸⁹Ombudswomen Jasminka Džumhur, PhD and Nives Jukić

days, the calendar provided by the Ministry for Human Rights and Refugees of Bosnia and Herzegovina is also followed.

12.6. Participation in NHRI networks

IHROBiH successfully cooperates with networks of national human rights institutions and is a member of various networks (GANHRI - network, ENHRI network, European Network of Ombudsmen for Children of Europe, International Ombudsman Institute, European Ombudsman Institute, etc.). Ombudspersons of BiH or representatives of IHROBiH attend conferences and annual meetings of various networks, which is important for the promotion of human rights and advocacy for the implementation of international standards in BiH. National human rights institutions, through the secretariats of joint networks, seek advice from network members on how to act in a particular situation, how colleagues have resolved a legal issue or interpreted legislation, and in such cases the Institution reports on our laws and good practices.

The institution has established cooperation with all international and regional national institutions, equality bodies, ombudsmen for children, ombudsmen for the protection of rights of persons with disabilities, information commissioners and others. With regional and international human rights institutions, the Ombudspersons of BiH exchange reports and publications, discuss current cases and topics in the field of human rights. Thus, meetings were held with IHROBiH on the topic of preserving a healthy environment, specifically issues related to the disposal of radioactive waste and spent nuclear fuel on Trgovska Gora, with the Protector of Citizens of the Republic of Serbia, discussing issues within the competence of both institutions and agreeing on modalities of future cooperation; information was exchanged on the topic of caring for women at risk of self-harm in prison, organized by the National Preventive Mechanism of the United Kingdom, and the challenges of ageism in the 21st century were discussed at the Seventh Regional Conference of Equality Institutions of South-East Europe, organized by the Equality Body of the Republic of Serbia. Also, IHROBiH participated in the International Conference of Ombudsmen organized by the President of the National Coordination of Italian Ombudsmen and the Ombudspersons of the Lazio Region on the topic " *The Role of Ombudsmen in the World: Between Reality and Possibilities*". The cooperation that is being established with human rights institutions in the region is particularly important, given that in certain cases there is a need for international legal assistance in the field of human rights protection. Institutions are often visited or attend meetings of regional networks (Environmental Protection Network; Information Commissioners Network " *Initiative*"). The reasons are usually consultations regarding observed systemic problems, registered complaints, agreements on the exchange of staff for education, training, and other purposes.

12.7. Cooperation with civil society

Article 36a of the Law on Human Rights Ombudsman of Bosnia and Herzegovina stipulates that IHROBiH, with a view to protecting and promoting human rights and freedoms, shall hold regular and thematic consultations with civil society organizations, international organizations, and independent experts as well as academic bodies. This provision was adopted with the entry into force of the Law on Amendments to the Law on Human Rights Ombudsman of Bosnia and Herzegovina on 15 September 2023. It is one of the recommendations of the GANHRI Subcommittee on Accreditation from 2017, which requested the formalization of relations between IHROBiH and civil society organizations in Bosnia and Herzegovina. It should be noted that the Institution had an established practice of cooperation with civil society and adopted by-laws, including the Platform for Cooperation with Non-Governmental Organizations, but the Subcommittee's position is that this practice must also be prescribed by law.

The importance of consultative meetings with civil society is multifaceted. In this way, Ombudsmen receive information about the state of human rights in the community, but also guidelines in which direction these

issues should be resolved. The meetings also establish a structure for ongoing cooperation and maintaining contacts with local communities. In 2023, three consultative meetings were held in Sarajevo (on 13 April 2023, a total of 24 organizations participated), Mostar (on 5 May 2023, a total of 14 organizations participated) and Banja Luka (on 18 May 2023, a total of 14 organizations participated), to which all associations actively operating in these communities were invited. The topics of the meetings were: the role and position of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina and civil society organizations in Bosnia and Herzegovina, possible and sustainable concepts of providing mutual support, as well as positive aspects of cooperation in terms of protection and advocacy.

Another form of cooperation with civil society organizations and the non-governmental sector is achieved in a way that, depending on the topic, the actors agree on further dynamics and form of cooperation and then proceed to the implementation of specific activities. Sometimes these are visits to Social welfare centres, clinics, associations, institutions, humanitarian and public organizations, etc. After fieldwork, and depending on what has been agreed, further implementation is carried out (advocacy, promotion of values, protection of rights, etc.).

Representatives of the Institution participated in the fourth Pride Parade, advocating for the sustainability of the progress achieved in the realization and protection of the rights of LGBTIQ persons in Bosnia and Herzegovina. The previously held meeting with members of the Organizing Committee of the BH Pride Parade was an occasion to discuss progress in the realization and protection of the rights of LGBTIQ persons in Bosnia and Herzegovina.

Cooperation with citizens' associations takes place in several ways, depending on the issues and/or activities planned to be implemented. This cooperation includes participation in round tables, conferences, education, training, and sometimes it is related to a specific issue in the field of human rights. Ombudsmen often initiate meetings with representatives of non-governmental organizations themselves in order to discuss current problems that organizations and associations are facing. Thus, we were part of the celebration of the 45th anniversary of the Association of Paraplegics and Paralytics of the Federation of Bosnia and Herzegovina, participated in the conference *"Civil Society and the Media: Critical Voices Under Pressure"* ; organized by SOS Children's Villages of Bosnia and Herzegovina, participated in the expert conference *"Protection of the Safety of Children and Youth in Institutions in the Federation of Bosnia and Herzegovina"*, as well as in the online conference on the topic *"Gender Equality in the Constitution - Obstacles and Opportunities"* organized by the Citizens' Initiative for Constitutional Changes and in cooperation with the Agency for Gender Equality of Bosnia and Herzegovina, the House of Human Rights Banja Luka and the Heinrich Böll Foundation ; discussed the topic *"Historical revisionism, denial of genocide and war crimes and hate speech online"* within the framework of the Internet Governance Forum of Bosnia and Herzegovina (BH IGF); interviewed representatives of the Alliance of Civilian Victims of War; interviewed representatives of the association "Lara" from Bijeljina, United Women from Banja Luka and Trial International; met with the director of the Public Institution Fund for Professional Rehabilitation and Employment of Disabled Persons of the Republika Srpska; carried out an activity with the director of the Westminster Foundation for Democracy on the topic *"Hate Speech in Political Discourse"* ; were part of the conference on media freedom and civil society organized by the European Union Office in Bosnia and Herzegovina; also took part online in the Round Table *"Challenges of Journalism in BiH – Can They Silence Us"* organized by the Journalists Association of Bosnia and Herzegovina on the occasion of World Press Freedom Day; held a round table on the topic of the position of deaf and hard of hearing people in everyday life organized by the Association of Associations of the Deaf and Hard of Hearing of the Federation of Bosnia and Herzegovina; participated in the panel discussion *"Nothing about us without us"* organized by the Association of Families of Children and People with Developmental Disabilities *"Give Us a Chance"*.

12.8. Overview of IHROBiH activities

TYPE OF ACTIVITY	MEETING HELD WITH	DATE AND VENUE	RESPONSIBLE PERSON	MEETING TOPIC
Cooperation with organizations and institutions in Bosnia and Herzegovina	Minister of Justice of Bosnia and Herzegovina	May 25, 2023, Sarajevo	Ombudswoman Nives Jukić	Analysis and improvement of the Act on the Protection from Domestic Violence and consistent implementation of the Act
	Minister of Justice of the Federation of Bosnia and Herzegovina	September 20, 2023, Sarajevo	Ombudswomen Jasminka Džumhur, PhD, Nives Jukić	Analysis and improvement of the Act on the Protection from Domestic Violence and consistent implementation of the Act
	Minister of Internal Affairs of Sarajevo Canton	May 15, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Draft Public Order Act
	Minister of Internal Affairs of the Federation of Bosnia and Herzegovina	September 13, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	The state of human rights in BiH with a focus on the need for legal regulation of gender-based violence, violence through information and communication technologies, including digital media, and issues of civil registration
	Deputy Minister of Finance and Treasury of Bosnia and Herzegovina	September 6, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Adoption of the Law on Amendments to the Law on Human Rights Ombudsman of BiH, which prescribes the obligation to establish a preventive mechanism and ensure financial resources for the implementation of this legal obligation
	Minister of Justice of the Republika Srpska	10 February 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	Cases registered with IHROBiH and phenomena observed through the work of IHROBiH (exchange of opinions, analysis of previous achievements and current situation, planning of future steps)
	Prime Minister of Sarajevo Canton	July 24, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Cooperation with the Institution of Human Rights Ombudsman of BiH, the level of respect for human rights in BiH and the general state of human rights in the territory

				of the Sarajevo Canton, as well as cases currently being processed by IHROBiH and concerning complaints from citizens from the territory of the Sarajevo Canton
	Minister of Education of Sarajevo Canton	February 3, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Cases registered with IHROBiH and phenomena observed through the work of IHROBiH (exchange of opinions, analysis of previous achievements and current situation, planning of future steps)
	Minister of Scientific and Technological Development, Higher Education and Information Society of the Republika Srpska	09 June 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	The state of human rights in the field of higher education and mutual cooperation
	FBiH Minister of Labour and Social Policy	May 23, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Cases registered with IHROBiH and phenomena observed through the work of IHROBiH
	FBiH Minister of Health	September 6, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Cases registered with IHROBiH and phenomena observed through the work of IHROBiH
	Mayor of Gračanica	11 December 2023, Gračanica	Ombudswoman Jasminka Džumhur, PhD	Participation in the panel discussion "Human Rights and 16 Days of Activism against Gender-Based Violence"
	Director of the Public Institution Fund for Professional Rehabilitation and Employment	June 27, 2023, Prijedor	Ombudsman Nevenko Vranješ, PhD	Implementation of IHROBiH's recommendations from the Special Report on the Efficiency of Legal Solutions on Professional Rehabilitation and Employment of Persons with Disabilities in Bosnia and Herzegovina, with special emphasis on support for families of persons with severe disabilities.
	Director of the Institution for the Care of Mentally Disabled Children and Youth Pazarić	August 17, 2023, Pazarić	Ombudswoman Jasminka Džumhur, PhD	Case registered ex officio
	Secretary General of the Association of Cities and Municipalities of the Republika	January 27, 2023, Bijeljina	Ombudsman Nevenko Vranješ,	Future joint cooperation

	Srpska		PhD	
Cooperation with judicial institutions	Meetings with representatives of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina	13 and 14 December 2023, Sarajevo	Ombudswomen Jasminka Džumhur, PhD, Nives Jukić	Systematic improvement of the fight against domestic violence and violence against women, consideration of modalities of future cooperation regarding the above issues
	Meetings with representatives of all relevant authorities and institutions regarding the issue of placing persons with mental disorders in the Bakovići Institution	3 February 2023 and 13 April 2023, Sarajevo	Ombudspersons of Bosnia and Herzegovina	The procedure for placing persons in social welfare institutions, i.e. procedures initiated by certain social welfare centres and decisions issued by certain courts, relating to the measure of forced placement (specifically in this case in the Institute for the Care of Mentally Disabled Persons Bakovići); consideration of modalities of future cooperation between all competent institutions
	Chief Cantonal Prosecutor of the Sarajevo Canton	March 27, 2023, Sarajevo	Ombudswoman Nives Jukić	Cases registered with IHROBiH and establishing better cooperation
	Chief Cantonal Prosecutor of the Prosecutor's Office of Herzegovina-Neretva Canton	September 15, 2023, Mostar	Ombudswoman Nives Jukić	On all issues within the jurisdiction and scope of IHROBiH and the Prosecutor's Office; on cases registered with IHROBiH

TYPE OF ACTIVITY	MEETING HELD WITH	DATE AND VENUE	IMPLEMENTED BY	MEETING TOPIC
Activities for the promotion of human rights	Visit to the University "Džemal Bijedić" Mostar	May 3, 2023, Mostar	Ombudswoman Jasminka Džumhur, PhD	Promotion of human rights and the work of IHROBiH
	Visit to the University in Mostar	March 22, 2023, Mostar	Ombudswoman Nives Jukić	Promotion of human rights and the work of IHROBiH
	Visit to the Law School of the University of Sarajevo	15 May 2023 and 04 December 2023, Sarajevo	Ombudspersons Nives Jukić, Nevenko Vranješ, PhD	Workshop, promotion of human rights and the work of IHROBiH
	Visit to the School of Philosophy of the University of Mostar	May 31, 2023, Mostar	Ombudswoman Nives Jukić	The state of human rights in Bosnia and Herzegovina and the role of civil society
	Visit to the School of Law in Banja Luka	13 December 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	Promotion of human rights and the work of IHROBiH
	Visit to the School of Law in East Sarajevo	28 October 2023, East Sarajevo	Ombudsman Nevenko Vranješ, PhD	Promotion of human rights and the work of IHROBiH
	Participation in the jury in a simulated oral argument at the School of Law, University of Sarajevo	May 10, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Participation as a judge in the panel of judges of one of the simulations of an oral hearing before the European Court of Human Rights as part of preparations for the XVII " <i>Regional moot court competition in human rights</i> "
	Participation in the jury in a simulated trial at the School of Law of the University of Mostar	June 3, 2023, Mostar	Ombudswoman Jasminka Džumhur, PhD	State competition in mock trial before the European Court of Human Rights " <i>Ius versus iustitia</i> "
	Cooperation with the European Regional Master's Program for Democracy and Human Rights in South Eastern Europe, admission of students for internships in Sarajevo	June/July, Sarajevo	Department for monitoring the exercise of children's rights	Promotion of human rights and the work of IHROBiH
	Cooperation with the School of Political Sciences, University of Banja Luka, admission	September, Banja Luka	IHROBiH HQ	Promotion of human rights and the work of IHROBiH

	of students for internships in Banja Luka			
	Meeting with student representatives of the University of Banja Luka	31 May 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	Promotion of human rights and the work of IHROBiH
	A meeting with a student at the French Institute of Geopolitics by Quentin Ballade	23 February 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	Promotion of human rights and the work of IHROBiH
	Meeting with Professor of the School of Law in Kilec, Poland, Prof. Dr. Krzysztof Siselski	02 June 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	Promotion of human rights and the work of IHROBiH
	International scientific university project "Bosnia and Herzegovina - Constitution and European Integration"	April 12, 2023, Sarajevo	Ombudsman Nevenko Vranješ, PhD	Participation as a member of the project team
	Visit to the School of Law in Banja Luka on the occasion of celebrating its 48th anniversary	06 February 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	Cooperation and promotion of human rights and the work of IHROBiH
	Meeting with representatives of the High Judicial and Prosecutorial Council of BiH	13 and 14 December 2023, Sarajevo	Ombudswomen Jasminka Džumhur, PhD, and Nives Jukić	Improving cooperation in the protection of human rights
	Participation of representatives of IHROBiH in the training of judges and prosecutors on the topic: Reversed burden of proof in discrimination cases: theoretical and practical issues	September 25, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Improving cooperation in the protection of human rights; training on theoretical and practical issues in discrimination cases: "Means and methods used by prosecutors in discrimination cases: recommendations and special reports of the Institution of Human Rights Ombudsman of BiH"
	Judicial Forum organized by the Constitutional Court of BiH, the High Judicial and Prosecutorial Council and the AIRE Centre on the topic: Independence and Impartiality of the Judiciary	November 9, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Improving cooperation in the protection of human rights; independence and impartiality of the judiciary in light of amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

	Participation in a conference organized by the joint coordination body of the Association of Judges and Prosecutors in BiH on the topic "Dialogue of professional associations in the judiciary with the holders of legislative and executive power in BiH: European integration and judicial reform in BiH - status and perspectives"	June 7, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	More active involvement of professional associations in the process of creating legislative solutions; joint finding of the best solutions that would enable the Bosnian and Herzegovina judiciary to perform the duties entrusted to them in a more qualitative, efficient and responsible manner and to respond more effectively to the justified requests of citizens and business entities; fulfilment of the 14 priorities set out in the Opinion of the European Commission for BiH's membership in the EU
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TYPE OF ACTIVITY	MEETING HELD WITH	DATE AND VENUE	IMPLEMENTED BY	MEETING TOPIC
Cooperation with international organizations and institutions and submissions to UN committees	Meetings with the Office of the UN Resident Coordinator in Bosnia and Herzegovina	<i>online</i> meeting 10 March 2023, 22 February 2023, 29 September 2023 and 20 October 2023 in Sarajevo, and in Banja Luka on February 2, 2023	Ombudspersons of Bosnia and Herzegovina	Joint cooperation in the protection and promotion of human rights
	UPR trainings	21. and 22 November 2023, Sarajevo	Employees of IHROBiH	Education and capacity building of employees in IHROBiH
	Workshop "Human Rights-Based Access to Data" organized by the UN in BiH	24 and 25 May 2023, Jahorina	Ombudswoman Nives Jukić, employees of IHROBiH	The importance of data and indicators as tools for effectively assessing progress and challenges in the realization of human rights
	Thematic conference organized by the UN in	December 5,	Ombudspersons	"Advancing Human Rights Protection,

	BiH entitled "Advancing the protection of human rights, participation and inclusion in BiH"	2023, Sarajevo	Nives Jukić, Nevenko Vranješ, PhD, employees of IHROBiH	Participation and Inclusion in Bosnia and Herzegovina"; Presentation of Pledges as part of the " Human Rights 75" Initiative
	Joint Conference of the Ombudspersons and the UN in BiH "Assessment of the Human Rights Situation in BiH: Challenges and Expectations"	June 21, 2023, Sarajevo	The UN in BiH and IHROBiH	The promotion of human rights in BiH, the celebration of the 75th anniversary of the adoption of the Universal Declaration of Human Rights and the 30th anniversary of the Paris Principles, and all the conclusions and recommendations from the conference were presented at a high-profile event organized by the Office of the UN High Commissioner for Human Rights in Geneva in December 2023
	Meeting with the head of the OSCE Mission in Bosnia and Herzegovina	January 30, 2023, Sarajevo	Ombudspersons of Bosnia and Herzegovina	Current topics in the field of the rule of law and the protection of human rights and fundamental freedoms
	Training of IHROBiH employees organized by the OSCE ODIHR from Warsaw and the OSCE Mission to BiH on strengthening the capacity of oversight mechanisms in integrating sexual and gender-based violence in detention oversight activities	13-15 November 2023, Sarajevo	Employees of IHROBiH	Capacity building and education of IHROBiH staff
	Meeting with the Head of the EU Delegation and EU Special Representative in BiH (Johann Sattler) and the Heads of Missions of EU countries in BiH	April 19, 2023, Sarajevo	Ombudspersons of Bosnia and Herzegovina	Presentation of the human rights situation in BiH from the perspective of IHROBiH's activities
	Meeting with the peace implementation council PIK	November 21, 2023, Sarajevo	Ombudsmen Nives Jukić and others. Jasminka Džumhur	Presentation of the human rights situation in BiH from the perspective of IHROBiH's activities
	Meeting with the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	16 January 2023, Banja Luka	Ombudspersons of Bosnia and Herzegovina	The state of human rights in BiH; other issues of importance for the functioning of IHROBiH of BiH

	Meeting with the delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities	24 April 2023, Banja Luka	Ombudspersons of Bosnia and Herzegovina	Respect for the rights of national minorities in Bosnia and Herzegovina; identification of challenges in the daily work of IHROBiH and issues related to discrimination with a special focus on the situation in BiH
	Meeting with Rapporteurs of the European Commission against Racism and Intolerance (ECRI)	May 25, 2023	Ombudswoman Nives Jukić, assistant dr. Predrag Raosavljević	Sixth cycle of monitoring the work of BiH with a view to collecting information and data for the next Monitoring Report; comments on the implementation of recommendations from the previous cycle
	Meeting with the Project for Support to the Improvement of Governance and Management in Central and Eastern European Countries, a joint EU/OECD initiative (SIGMA)	June 7, 2023, Sarajevo	Ombudswomen Jasminka Džumhur, PhD, Nives Jukić	Collecting additional information on the functioning of administrative courts in the Western Balkans and their impact on public administration (participation of administrative authorities in the administrative court process, enforcement of court judgments)

TYPE OF ACTIVITY	MEETING HELD WITH	DATE AND VENUE	IMPLEMENTED BY	MEETING TOPIC
Participation in NHRI networks	GANHRI Annual Conference	March 10, 2023, Geneva	Ombudspersons of Bosnia and Herzegovina	Commemorating the 75th anniversary of the Universal Declaration of Human Rights; marking the 30th anniversary of the Paris Principles; reflecting on the current global state of human rights; identifying global challenges and opportunities
	International conference organized by GANHRI/UPCHR/DIHR/OHCHR entitled "Torture and other ill-treatment: The role of national human rights institutions"	6-8 November 2023, Copenhagen	Ombudspersons Nives Jukić, Nevenko Vranješ, PhD	Exploring various practical and effective ways in which NHRIs can use their mandates to support the right of all persons to human dignity and freedom from torture and other ill-treatment
	ENHRI General Assembly	March 10, 2023, Geneva	Ombudspersons of Bosnia and Herzegovina	ENNHRI Membership and Challenges; consideration of NHRI membership of the Russian Federation
	ENHRI Annual Assembly and Conference	October 11, 2023, Brussels	Ombudswoman Jasminka	Celebrating the 10th anniversary of the ENNHRI: "Promoting human rights, democracy

			Džumhur, PhD	and the rule of law at a critical time in Europe: the role of the ENNHRI and NHRI2; overview of ENNHRI's achievements and future challenges
	ENHRI consultative session on the rule of law	October 24, 2023, Brussels	Ombudsmen dr. Jasminka Džumhur, Ph.D. Nevenko Vranješ	Consultative session on the rule of law for NHRIs from enlargement countries (rule of law issue for NHRIs, exchange of views on strengthening the promotion and protection of human rights through active contribution, use of EU enlargement negotiations – further steps and initiatives)
	ENHRI meeting - capacity building in the field of new technologies	22-25 May 2023, Athens	Ombudsman Nevenko Vranješ, PhD	Training for capacity building in the area of impact of new technologies in the field of migration on human rights; NHRI challenges and opportunities in this area
	ENHRI conference "The right to good governance - myth, aspiration or reality"	31.10-01 November 2023, Malta	Ombudsman Nevenko Vranješ, PhD and Ombudswoman Jasminka Džumhur, PhD	Experiences and exchange of good practices of NHRIs on approaches to improving good governance
	AOM meeting on the topic "Integrity and independence of ombudsman institutions - resilience to challenges"	24-25 May 2023, Priština	Ombudswoman Jasminka Džumhur, PhD	Discussions on the integrity and independence of ombudsman institutions – resilience to challenges; creating opportunities to map the types of threats that institutions face to their independence; necessary next steps to preserve the independence of ombudsman institutions
	Meeting with the Ombudsman of the Republic of Croatia	18.04.2023, Banja Luka	Ombudspersons of Bosnia and Herzegovina	Discussions on the disposal of radioactive waste and spent nuclear waste on Trgovska Gora in the Republic of Croatia, on the border with Bosnia and Herzegovina
	Meeting with the Ombudsman of Serbia	November 17, 2023, Belgrade	Ombudspersons of Bosnia and Herzegovina	Continuation of cooperation between the two institutions

	Meeting organized by the National Preventive Mechanism of the United Kingdom	online meeting on 13 December 2023	Ombudspersons of Bosnia and Herzegovina	Caring for women in prison who are at risk of self-harm
	Regional meeting for representatives of equality bodies from the Western Balkans and Eastern Partnership region	13.-14.6.2023, Vlora, Republic of Albania	Ombudsman Nevenko Vranješ, PhD and Ombudswoman Jasminka Džumhur, PhD	Workshop on solving issues of racism
	A meeting organized by the Equality Body of the Republic of Serbia at the seventh regional conference for equality institutions in Southeast Europe	November 15, 2023, Belgrade	Ombudspersons of Bosnia and Herzegovina	Discrimination of the elderly - ageism
	International Conference of Ombudsmen on the topic "The Role of Ombudsmen in the World. Between Reality and Possibilities"	September 21, 2023, Rome	Ombudsmen dr. Jasminka Džumhur, Ph.D. Nevenko Vranješ	International Conference of Ombudsmen - common issues, exchange of best practices and experiences, promotion of cooperation between human rights institutions

TYPE OF ACTIVITY	MEETING HELD WITH	DATE AND VENUE	IMPLEMENTED BY	MEETING TOPIC
Cooperation with civil society	Federation of Paraplegics and Polio Patients - Celebrating 45 Years of the Federation's Existence	December 15, 2023, Sarajevo	Ombudswoman Nives Jukić	Challenges for women with disabilities; mutual support; open issues of mutual cooperation in the best interests of this population category
	Conference "Civil Society and the Media. Critical Voices Under Pressure"	22 November 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	Assessment of the state of fundamental freedoms in the Republika Srpska in light of legislative initiatives (Draft Law on a Special Register and Transparency of the Work of Non-Profit Organizations); possible directions for ensuring a favourable environment for the functioning of civil society
	Expert conference organized by SOS	November 28,	Ombudswoman	Presentation of good practices and mechanisms

	Children's Villages BiH entitled "Protecting the safety of children and youth in institutions in the Federation of BiH"	2023, Sarajevo	Nives Jukić	for protecting the safety of children and youth in the social, educational and health sectors
	Conference "Gender Equality in the Constitution - Obstacles and Opportunities" organized by the Citizens' Initiative for Constitutional Changes in cooperation with the Agency for Gender Equality of Bosnia and Herzegovina	online 20 November 2023	Ombudswoman Jasminka Džumhur, PhD	Gender equality as a constitutional category; application in practice; concrete proposals for the advancement of gender equality and women's human rights through the constitution
	House of Human Rights Banja Luka and Heinrich Böll Foundation - discussion on "Historical revisionism, denial of genocide and war crimes and <i>online hate speech</i> "	October 2, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Issues of <i>cyber security</i> , freedom of speech, freedom of the media, hate speech in <i>the online</i> space, violence on the Internet (especially against women and marginalized groups)
	Alliance of Civilian Victims of War	September 18, 2023, Sarajevo	Ombudswomen Jasminka Džumhur, PhD, and Nives Jukić	The position of civilian victims of the war in Bosnia and Herzegovina
	Meeting with representatives of the "Lara" Association from Bijeljina, United Women Banja Luka and Trial International	16 August 2023, Banja Luka	Ombudsman Nevenko Vranješ, PhD	Issues related to the Law on the Protection of Victims of War Torture in the Republika Srpska (Article 7, item 4); consideration of specific activities for future cooperation
	Meeting with the Director of the Westminster Foundation for Democracy on the topic "Hate Speech in Political Discourse"	June 20, 2023, Sarajevo	Ombudswoman Jasminka Džumhur, PhD	Discussion on shortcomings, taking future steps in combating hate speech; the issue of establishing standards of acceptable political communication; the issue of improving cooperation between political parties in legislative bodies with a view to establishing constructive political dialogue on important issues
	Participation in the conference on media freedom and civil society organized by the European Union Office in BiH	01 June 2023, Banja Luka	Ombudsmen dr. Jasminka Džumhur, Ph.D. Nevenko Vranješ	Freedom of the media and defamation, civil society and the announcement of the law on a special register and transparency of the work of non-profit organizations; challenges in the work of civil society organizations in BiH

	A round table organized by the Society of Journalists of Bosnia and Herzegovina on the topic "Challenges of journalism in Bosnia and Herzegovina - Can we be silenced?"	<i>online</i> 03 May 2023	Ombudswoman Jasminka Džumhur, PhD	Celebrating World Media Freedom Day in Bosnia and Herzegovina; position of the media in Bosnia and Herzegovina
	Meeting with members of the Organizing Committee of the BH Pride Parade	April 19, 2023, Sarajevo	Ombudsmen of BiH	Advances in the realization and protection of the rights of LGBTIQ persons in Bosnia and Herzegovina
	Panel discussion "Nothing about us without us" organized by the Association of Families of Children and People with Developmental Disabilities "Give Us a Chance"	April 26, 2023, Sarajevo	Ombudswoman Nives Jukić	Starting a discussion and raising awareness about the needs of families of children and adults with developmental disabilities

XIII. IHROBiH RECOMMENDATIONS

Pursuant to Article 32 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina, the Ombudspersons may, having conducted an investigation procedure, issue recommendations to the responsible authority with a view to eliminating the identified human rights violations. Bodies that receive such recommendations are required to respond in writing and inform the Ombudspersons about the impact of the recommendations within the deadline set by the Ombudspersons.

If the responsible authority fails to take measures referred to in the recommendation or if it fails to inform the Ombudspersons about the reasons for not complying, the Ombudspersons shall inform the senior authority how the case is progressing and provide follow-up recommendations. The following is the table with recommendations sent last year and their respective implementation status:

TABLE OF RECOMMENDATIONS

RECOMME NDATION NO.	COMPLAINT NO.	SENT TO	RIGHT VIOLATION	RECOMMEND ATION ISSUANCE DATE	IMPLEMENTATI ON	RESPONSE RECEIVED
P-1/23	Ž-SA-05-616/22	GOVERNMENT OF SARAJEVO CANTON	03 - ACCESS TO INFORMATION	12 January 2023	NOT IMPLEMENTED	NO
P-2/23	Ž-SA-02-994/22	MINISTRY OF LABOUR, SOCIAL POLICY, DISPLACED PERSONS AND REFUGEES OF SARAJEVO CANTON - TO THE MINISTER; FOR THE ATTENTION: FBIHMINISTRY OF LABOUR AND SOCIAL POLICY SARAJEVO - TO THE MINISTER	12 - PERSONS WITH DISABILITIES	12 January 2023	NOT IMPLEMENTED	YES
P-3/23	Ž-SA-02-897/22	JP ELEKTROPRIVREDA BIH DD – SARAJEVO, SUBSIDIARY COMPANY RUDNCI "KREKA" DOO TUZLA, MINE "MRAMOR" IN MRAMOR, TUZLA - DIRECTOR'S ASSIGNMENT	12 - PERSONS WITH DISABILITIES	12 January 2023	NOT IMPLEMENTED	YES
P-4/23	Ž-SA-05-578/21	MINISTRY FOR HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA SARAJEVO - N/A MINISTER; ATTENTION: RETURN FUND OF BOSNIA AND HERZEGOVINA SARAJEVO - N/A DIRECTOR; REPUBLIC SECRETARIAT FOR DISPLACED PERSONS AND MIGRATION BANJA LUKA -	03 - ACCESS TO INFORMATION	12 January 2023	NOT IMPLEMENTED	YES

		N/A ACTING DIRECTOR				
P-5/23	Ž-SA-04-1141/22	ZENICA-DOBOJ CANTON, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS; DEPARTMENT FOR PRE-SCHOOL EDUCATION AND UPBRINGING UMIHANA ČUVIDINA BREZA	10 - LABOUR	12 January 2023	IMPLEMENTED	YES
P-6/23	Ž-SA-05-192/22	CITY OF SARAJEVO, JP "OLYMPIC SWIMMING POOL ISLAND" LLC SARAJEVO - N/A OF THE SUPERVISORY BOARD	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	13 January 2023	IMPLEMENTED	YES
P-7/23	Ž-BL-05-333/22	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY LAW AFFAIRS, REGIONAL UNIT ŠIPOVO	15 – PROPERTY RELATIONS	16 January 2023	IMPLEMENTED	YES
P-8/23	Ž-BL-05-811/22	CITY OF BANJA LUKA, CITY ADMINISTRATION, DEPARTMENT FOR INSPECTION AFFAIRS AND MUNICIPAL POLICE, MUNICIPAL POLICE DEPARTMENT	15 – PROPERTY RELATIONS	16 January 2023	NOT IMPLEMENTED	YES
P-9/23	Ž-BL-05-587/22	MUNICIPALITY OF SREBRENICA, FINANCE DEPARTMENT	03 - ACCESS TO INFORMATION	17 January 2023	NOT IMPLEMENTED	YES
P-10/23	Ž-BL-08-471/22	MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA; FBH MINISTRY OF FINANCE; TAX ADMINISTRATION OF THE REPUBLIKA SRPSKA; TAX ADMINISTRATION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	19 - MANAGEMENT	17 January 2023	NO RESPONSE	NO
P-11/23	Ž-BL-05-376/22	BANJA LUKA POLICE DIRECTORATE, BANJA LUKA POLICE STATION – LAZAREVO; CITY OF BANJA LUKA, DEPARTMENT FOR MUNICIPAL AND HOUSING AFFAIRS AND TRANSPORT AFFAIRS; CITY OF BANJA LUKA, DEPARTMENT FOR INSPECTION AFFAIRS AND MUNICIPAL POLICE, PARKING CONTROL DEPARTMENT	05 - POLICE	17 January 2023	IMPLEMENTED	YES
P-12/23	Ž-BL-05-645/22 Ž-BL-05-646/22	PUBLIC ENTERPRISE "RAD" AD BRATUNAC	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	17 January 2023	NOT IMPLEMENTED	NO
P-13/23	Ž-SA-08-1053/22	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	19 - MANAGEMENT	18 January 2023	NO RESPONSE	NO

P-14/23	Ž-BL-06-611/22	RADIO-TELEVISION OF THE REPUBLIKA SRPSKA	01 - DISCRIMINATION -- 01-03 - MOBING	19 January 2023	NOT IMPLEMENTED	YES
P-15/23	Ž-BL-04-641/22	MINISTRY OF FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA	10 - LABOUR	19 January 2023	IMPLEMENTED	YES
P-16/23	Ž-LI-08-173/22	MON-FBIHMINISTRY OF HEALTH	19 - MANAGEMENT	24 January 2023	NO RESPONSE	NO
P-17/23	Ž-BL-05-680/21	CITY OF BANJA LUKA; REPUBLIC ADMINISTRATION FOR INSPECTION AFFAIRS	32 - INSPECTIONS	31 January 2023	NOT IMPLEMENTED	YES
P-18/23	Ž-LI-05-218/22	TRAVNIK PUBLIC INSTITUTION HOSPITAL	03 - ACCESS TO INFORMATION	22 February 2023	IMPLEMENTED	YES
P-19/23	Ž-BR-04-112/22	PUBLIC UTILITY COMPANY KOMUNALAC DOO, HUSINSKIH RUDARA BB 75000 TUZLA	10 - LABOUR	3 February 2023	COOPERATION ACHIEVED	YES
P-20/23	Ž-MO-05-100/22	CITY OF KONJIC - ATTN. OF THE MAYOR; JP ELEKTROPRIVREDA BIH ED MOSTAR - ATTN. OF THE MOSTAR DIRECTOR	15 - PROPERTY RELATIONS	3 February 2023	PARTIALLY IMPLEMENTED	YES
P-21/23	Ž-BR-08-117/21	FBIHMINISTRY OF JUSTICE; MINISTRY OF JUSTICE OF THE REPUBLIKA SRPSKA	09 - JUDICIARY	14 February 2023	COOPERATION ACHIEVED	NO
P-22/23	Ž-LI-08-171/22	MON-GOVERNMENT OF CANTON 10, LIVNO	19 - MANAGEMENT	22 February 2023	NO RESPONSE	NO
P-23/23	Ž-SA-05-38/23	CITY OF GORAŽDE - ATTN. OF THE MAYOR	03 - ACCESS TO INFORMATION	7 February 2023	IMPLEMENTED	YES
P-24/23	Ž-SA-08-574/22	COMMISSION FOR THE PRESERVATION OF NATIONAL MONUMENTS OF BOSNIA AND HERZEGOVINA SARAJEVO - N/A CHAIRMAN; MUNICIPALITY OF OLD TOWN SARAJEVO - N/A MAYOR	19 - MANAGEMENT	13 February 2023	IMPLEMENTED	YES
P-25/23	Ž-SA-08-1207/22	MUNICIPALITY OF OLD TOWN SARAJEVO - MAYOR'S NAME; CANTONAL PUBLIC INSTITUTION FOR PROTECTED NATURAL AREAS SARAJEVO - DIRECTOR'S NAME	19 - MANAGEMENT	8 February 2023	IMPLEMENTED	YES
P-26/23	Ž-SA-04-1084/22	MINISTRY OF EDUCATION OF SARAJEVO CANTON - MINISTER'S NAME; SECONDARY CIVIL ENGINEERING AND GEODETIC SCHOOL OF SARAJEVO - DIRECTOR'S NAME; CANTONAL ADMINISTRATION FOR INSPECTION AFFAIRS OF SARAJEVO CANTON - DIRECTOR'S NAME	10 - LABOUR	8 February 2023	NOT IMPLEMENTED	YES
P-27/23	Ž-BL-05-688/22	SANSKI MOST MUNICIPALITY, MUNICIPAL COUNCIL	22 - GOVERNMENT AND MINISTERIAL	9 February 2023	IMPLEMENTED	YES

			APPOINTMENTS			
P-28/23	Ž-BL-06-304/22	CENTER FOR INFORMATION AND RECOGNITION OF DOCUMENTS IN THE FIELD OF HIGHER EDUCATION	01 - DISCRIMINATION -- 01-17 - ON GROUNDS OF EDUCATION	10 February 2023	NOT IMPLEMENTED	YES
P-29/23	Ž-BL-06-236/22	NOTARY CHAMBER OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION	10 February 2023	IMPLEMENTED	YES
P-30/23	Ž-BL-08-348/22	MON- CITY OF BANJA LUKA, CITY ASSEMBLY	19 - MANAGEMENT	10 February 2023	NOT IMPLEMENTED	NO
P-31/23	Ž-BL-05-684/22	PHI "HEALTH CENTER BRCKO"	03 - ACCESS TO INFORMATION	10 February 2023	NOT IMPLEMENTED	NO
P-32/23	Ž-BL-04-702/22	MON-MINISTRY OF HEALTH OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	23 - HEALTH	10 February 2023	IMPLEMENTED	YES
P-33/23	Ž-SA-06-464/22	FBIHMINISTRY OF SPATIAL PLANNING SARAJEVO	01 - DISCRIMINATION	14 February 2023	IMPLEMENTED	YES
P-34/23	Ž-SA-04-1279/22	PUBLIC ENTERPRISE FOR MANAGEMENT, PROTECTION AND MAINTENANCE OF FACILITIES OWNED BY THE MUNICIPALITY OF NOVI GRAD SARAJEVO "LOKOM" DOO SARAJEVO	21 - PUBLIC UTILITY SERVICES	14 February 2023	NOT IMPLEMENTED	YES
P-35/23	Ž-SA-06-1156/22	PON-BROWN COAL MINE "BREZA" DOO - DIRECTOR'S ASSIGNMENT	01 - DISCRIMINATION -- 01-03 - MOBING	14 February 2023	COOPERATION ACHIEVED	YES
P-36/23	Ž-LI-06-204/22	GOVERNMENT OF CANTON 10, MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY OF CANTON 10	01 - DISCRIMINATION	22 February 2023	IMPLEMENTED	NO
P-37/23	Ž-LI-05-223/22	CITY OF LIVNO - MAYOR'S OFFICE; COMMISSION FOR SELECTION AND APPOINTMENT OF THE LIVNO SOCIAL PROTECTION CENTER; MINISTRY OF LABOUR, HEALTH, SOCIAL PROTECTION AND EXILE CANTONS 10	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	10 March 2023	NOT IMPLEMENTED	YES
P-38/23	Ž-SA-05-1058/22	FBIHMINISTRY OF JUSTICE SARAJEVO	03 - ACCESS TO INFORMATION	17 February 2023	NOT IMPLEMENTED	YES
P-39/23	Ž-SA-08-800/22	MUNICIPALITY OF BUGOJNO, MUNICIPAL COUNCIL - N/A OF THE CHAIRMAN	19 - MANAGEMENT	22 February 2023	COOPERATION ACHIEVED	YES
P-40/23	Ž-BL-05-699/22	MON-AIRPORTS OF THE REPUBLIKA SRPSKA	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	23 February 2023	IMPLEMENTED	YES

P-41/23	Ž-BL-05-438/22	GOVERNMENT OF THE REPUBLIKA SRPSKA, GENERAL SECRETARIAT	03 - ACCESS TO INFORMATION	23 February 2023	IMPLEMENTED	YES
P-42/23	Ž-BL-05-578/22	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS, BANJA LUKA REGIONAL UNIT	15 – PROPERTY RELATIONS	23 February 2023	NOT IMPLEMENTED	YES
P-43/23	Ž-BL-04-597/22	JP "VODOVOD" AD ČELINAC	21 - PUBLIC UTILITY SERVICES	23 February 2023	IMPLEMENTED	YES
P-44/23	In cases of Ž-BL-06-106/20 to Ž-BL-06-218/20 (total 113 complaints)	PRIJEDOR CITY ASSEMBLY	01 - DISCRIMINATION	23 February 2023	IMPLEMENTED	YES
P-45/23	Ž-SA-05-46/23	MUNICIPALITY OF PALE	03 - ACCESS TO INFORMATION	27 February 2023	IMPLEMENTED	YES
P-46/23	Ž-SA-05-1046/22	MINISTRY OF INTERNAL AFFAIRS OF UNA-SANA CANTON BIHAĆ - MINISTER'S OFFICE	03 - ACCESS TO INFORMATION	27 February 2023	IMPLEMENTED	YES
P-47/23	Ž-SA-05-1317/22	CANTONAL PROSECUTOR'S OFFICE OF SARAJEVO CANTON - CHIEF CANTONAL PROSECUTOR	03 - ACCESS TO INFORMATION	27 February 2023	NOT IMPLEMENTED	YES
P-48/23	Ž-SA-05-1097/22	GAD BIHAĆ, SERVICE FOR URBAN DEVELOPMENT PLANNING, CONSTRUCTION, PROPERTY LAW AND GEODETIC AFFAIRS BIHAĆ - N/A INFORMATION OFFICER, N/A MAYOR	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	27 February 2023	NOT IMPLEMENTED	YES
P-49/23	Ž-BL-04-551/22	CENTRAL BOSNIA CANTON, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS	10 - LABOUR	6 March 2023	IMPLEMENTED	YES
P-50/23	Z-BL-05-20/23	FBIHMINISTRY OF JUSTICE	15 – PROPERTY RELATIONS	6 March 2023	NOT IMPLEMENTED	YES
P-51/23	Ž-BL-05-747/22	PON-INSTITUTE OF PUBLIC HEALTH OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	6 March 2023	NOT IMPLEMENTED	NO
P-52/23	Ž-BL-04-429/21	UNIVERSITY OF BIHAĆ, SCHOOL OF ISLAMIC PEDAGOGY	10 - LABOUR	6 March 2023	IMPLEMENTED	YES
P-53/23	Ž-BL-05-664/22	JU HOME OF HEALTH CANTON SARAJEVO	03 - ACCESS TO INFORMATION	6 March 2023	NOT IMPLEMENTED	YES

P-54/23	Ž-BL-02-581/22	1. MINISTRY OF HEALTH AND SOCIAL WELFARE OF THE REPUBLIKA SRPSKA; 2. FBHMINISTRY OF LABOUR AND SOCIAL POLICY; 3. MINISTRY OF HEALTH AND SOCIAL POLICY OF UNA-SANA CANTON; 4. MINISTRY OF HEALTH, LABOUR AND SOCIAL POLICY OF POSAVJA CANTON; 5. MINISTRY OF LABOUR, SOCIAL POLICY AND RETURN OF TUZLA CANTON; 6. MINISTRY OF LABOUR, SOCIAL POLICY AND REFUGEES OF ZENICA-DOBOJ CANTON; 7. MINISTRY OF SOCIAL POLICY, HEALTH, DISPLACED PERSONS AND REFUGEES OF THE BOSNIAN-PODRINJ CANTON; 8. MINISTRY OF HEALTH AND SOCIAL POLICY OF CENTRAL BOSNIA CANTON; 9. MINISTRY OF HEALTH, LABOUR AND SOCIAL PROTECTION OF HERZEGOVINA-NERETVA CANTON; 10. MINISTRY OF HEALTH, LABOUR AND SOCIAL PROTECTION OF THE WESTERN HERZEGOVINA CANTON; 11. MINISTRY OF LABOUR, SOCIAL POLICY, DISPLACED PERSONS AND REFUGEES OF THE SARAJEVO CANTON; 12. MINISTRY OF LABOUR, HEALTH, SOCIAL WELFARE AND EXILE CANTONS 10	12 - PERSONS WITH DISABILITIES	7 March 2023	COOPERATION ACHIEVED	YES
P-55/23	Ž-SA-05-916/22	GOVERNMENT OF SARAJEVO CANTON, MINISTRY OF HEALTH SARAJEVO - MINISTER'S NAME	03 - ACCESS TO INFORMATION	7 March 2023	PARTIALLY IMPLEMENTED	YES
P-56/23	Ž-SA-03-967/22	DENTAL CHAMBER OF THE FEDERATION OF BIH SARAJEVO - ATTN. PRESIDENT	23 - HEALTH	7 March 2023	PARTIALLY IMPLEMENTED	YES
P-57/23	Ž-SA-04-1000/22 Ž-SA-04-1001/22 Ž-SA-04-966/22	MEDICAL CHAMBER OF THE FEDERATION OF BIH TUZLA - N/A OF THE CHAMBER PRESIDENT; MEDICAL CHAMBER OF ZENICA-DOBOJ CANTONZENICA - N/A OF THE CHAMBER PRESIDENT; MEDICAL CHAMBER OF SARAJEVO CANTON - N/A OF THE CHAMBER PRESIDENT	23 - HEALTH	7 March 2023	PARTIALLY IMPLEMENTED	YES

P-58/23	Ž-SA-04-20/23	PON-ELECTRICAL ENGINEERING SCHOOL FOR POWER ENGINEERING SARAJEVO- ATTN. DIRECTOR; SCHOOL BOARD SARAJEVO	10 - LABOUR	7 March 2023	IMPLEMENTED	YES
P-59/23	Ž-SA-04-1308/22	MUNICIPALITY OF ILIDŽA - MAYOR'S ASSIGNMENT; CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA - DIRECTOR'S ASSIGNMENT SARAJEVO	10 - LABOUR	7 March 2023	IMPLEMENTED	YES
P-60/23	Ž-SA-04-1182/22	SARAJEVO CANTON, MINISTRY OF EDUCATION AND EDUCATION OF SARAJEVO CANTON - ATTN. MINISTER SARAJEVO	11 - EDUCATION	7 March 2023	COOPERATION ACHIEVED	YES
P-61/23	Ž-SA-08-512/22	MON-MUNICIPALITY OF ILIDŽA ILIDŽA	19 - MANAGEMENT	7 March 2023	IMPLEMENTED	YES
P-62/23	Ž-SA-04-40/23	MUNICIPALITY OF NOVO SARAJEVO – MAYOR'S OFFICE SARAJEVO; STATE APPEALS SERVICE BOARD OF THE FBIH SARAJEVO	10 - LABOUR	7 March 2023	IMPLEMENTED	YES
P-63/23	Ž-MO-01-126/22	JU PRIMARY SCHOOL "BIJELO POLJE" POTOCI - N/A OF THE PRINCIPAL BIJELO POLJE/MOSTAR	13 - RIGHTS OF THE CHILD	7 March 2023	IMPLEMENTED	YES
P-64/23	Ž-MO-05-135/22	GOVERNMENT OF THE WEST HERZEGOVINA CANTON, CIVIL SERVICE COMMISSION ŠIROKI BRIJEG	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	7 March 2023	IMPLEMENTED	YES
P-65/23	Ž-SA-06-47/23	MUNICIPALITY OF FOČA – USTIKOLINA, MUNICIPAL COUNCIL OF USTIKOLINA	01 - DISCRIMINATION	7 March 2023	IMPLEMENTED	YES
P-66/23	Ž-SA-05-417/21	MON-MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS USK BIHAĆ	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	7 March 2023	IMPLEMENTED	YES
P-67/23	Ž-SA-06-277/20	JU CENTER FOR SOCIAL WORK BREZ	01 - DISCRIMINATION -- 01-03 - MOBING	13 April 2023	COOPERATION ACHIEVED	YES
P-68/23	Ž-SA-04-1198/22	MON- MINISTRY OF JUSTICE OF BOSNIA AND HERZEGOVINA SARAJEVO	10 - LABOUR	7 March 2023	IMPLEMENTED	YES
P-69/23	Ž-SA-04-892/22 Ž-SA-04-894/22	PON-CANTONAL PROSECUTOR'S OFFICE OF TUZLA CANTON TUZLA	11 - EDUCATION -- 11-4 - HIGHER EDUCATION	7 March 2023	IMPLEMENTED	YES
P-70/23	Ž-BR-04-106/22	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO; GOVERNMENT OF THE TUZLA CANTON TUZLA; CITY OF TUZLA, CIVIL PROTECTION SERVICE TUZLA - FOR INFORMATION	21 - PUBLIC UTILITY SERVICES	14 March 2023	NOT IMPLEMENTED	YES
P-71/23	Ž-BR-05-6/23	MUNICIPAL COURT IN ŽIVINICE	03 - ACCESS TO	14 March 2023	IMPLEMENTED	YES

			INFORMATION			
P-72/23	Ž-BL-08-783/22	PON- REPUBLICAN ADMINISTRATION FOR GEODETIC AND PROPERTY LAW AFFAIRS	19 - MANAGEMENT	13 March 2023	IMPLEMENTED	YES
P-73/23	Ž-BL-05-685/17	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY LAKTAŠI	15 – PROPERTY RELATIONS	13 March 2023	IMPLEMENTED	YES
P-74/23	Ž-BL-05-782/22	MUNICIPALITY OF EAST NOVO SARAJEVO	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	13 March 2023	NOT IMPLEMENTED	YES
P-75/23	Ž-BL-01-672/22	MINISTRY OF HEALTH AND SOCIAL WELFARE OF THE REPUBLIKA SRPSKA	13 - RIGHTS OF THE CHILD	13 March 2023	COOPERATION ACHIEVED	YES
P-76/23	Ž-BL-08-800/22	MON-MUNICIPALITY OF THE GORNJI VAKUF - USKOPLJE	19 - MANAGEMENT	13 March 2023	IMPLEMENTED	YES
P-77/23	Ž-BL-05-538/22	FBIHMINISTRY OF DISPLACED PERSONS AND REFUGEES; MUNICIPALITY OF BOSANSKO GRAHOVO	20 - WAR DAMAGES	14 March 2023	NOT IMPLEMENTED	YES
P-78/23	Ž-BL-04-788/22	CITY OF TREBINJE, PUC "PARKING SERVIS" DOO TREBINJE	21 - PUBLIC UTILITY SERVICES	14 March 2023	COOPERATION ACHIEVED	YES
P-79/23	Ž-BR-05-204/22	DEPARTMENT FOR ECONOMIC DEVELOPMENT, SPORTS AND CULTURE OF THE GOVERNMENT OF BRČKO DISTRICT OF BIH	03 - ACCESS TO INFORMATION	14 March 2023	NOT IMPLEMENTED	YES
P-80/23	Ž-LI-05-36/23	MON-MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	27 April 2023	IMPLEMENTED	YES
P-81/23	Ž-BL-05-784/22	CENTRAL ELECTION COMMISSION OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION	22 March 2023	IMPLEMENTED	YES
P-82/23	Ž-BL-04-792/22	MON-TOWN BIHAĆ	21 - PUBLIC UTILITY SERVICES	22 March 2023	IMPLEMENTED	YES
P-83/23	Ž-BL-06-785/21	PUC "ČISTOĆA" DOO CAZIN	01 - DISCRIMINATION	22 March 2023	NOT IMPLEMENTED	YES
P-84/23	Ž-BL-01-804/22	"FIRST ELEMENTARY SCHOOL" DONJI VAKUF; CENTRAL BOSNIA CANTON MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS - INSPECTORATE	13 - RIGHTS OF THE CHILD	22 March 2023	NOT IMPLEMENTED	YES
P-85/23	Ž-SA-04-708/22	ELEKTROPRENOS-ELEKTROPRIJENOS AD	10 - LABOUR	24 March 2023	COOPERATION	YES

		BANJA LUKA - N/A GENERAL DIRECTOR BANJA LUKA			ACHIEVED	
P-86/23	Ž-MO-06-119/22 Ž-SA-06-1095/22	PUBLIC PROCUREMENT AGENCY OF BOSNIA AND HERZEGOVINA SARAJEVO	01 - DISCRIMINATION -- 01- 03 - MOBING	24 March 2023	IMPLEMENTED	YES
P-87/23	Ž-SA-08-268/22	MON-MUNICIPALITY OF SREBRENICA	09 - JUDICIARY	24 March 2023	NO RESPONSE	NO
P-88/23	Ž-SA-08-303/22	PON-REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY LAW AFFAIRS, REGIONAL UNIT ŠIPOVO	19 - MANAGEMENT	24 March 2023	NO RESPONSE	NO
P-89/23	Ž-SA-06-243/23	JU INSTITUTE FOR THE CARE OF MENTALLY DISABLED CHILDREN AND YOUTH PAZARIĆ - N/A OF THE BOARD OF DIRECTORS, N/A OF THE DIRECTOR	01 - DISCRIMINATION -- 01- 03 - MOBING	27 March 2023	NOT IMPLEMENTED	YES
P-90/23	Ž-SA-05-1299/22	SARAJEVO CANTON, SARAJEVO CANTON FUND FOR APARTMENT CONSTRUCTION	03 - ACCESS TO INFORMATION	27 March 2023	IMPLEMENTED	YES
P-91/23	Ž-SA-05-606/21	PON-JU CENTER FOR SOCIAL WORK JAJCE	05 - POLICE	27 March 2023	IMPLEMENTED	YES
P-92/23	Ž-SA-05-993/20	MON-MUNICIPALITY OF ILIDŽA	03 - ACCESS TO INFORMATION	27 March 2023	IMPLEMENTED	YES
P-93/23	Ž-MO-02-147/22	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY LAW AFFAIRS, TREBINJE REGIONAL UNIT	12 - PERSONS WITH DISABILITIES	29 March 2023	NOT IMPLEMENTED	YES
P-94/23	Ž-MO-08-137/22	CANTONAL PROSECUTOR'S OFFICE OF THE HNK MOSTAR	26 - PROSECUTOR'S OFFICE	29 March 2023	PARTIALLY IMPLEMENTED	YES
P-95/23	Ž-MO-04-4/23	MINISTRY OF ECONOMY HNK MOSTAR	06 - PUBLIC REVENUES	29 March 2023	PARTIALLY IMPLEMENTED	YES
P-96/23	Ž-SA-06-810/22	MINISTRY OF INTERIOR AFFAIRS CANTON SARAJEVO	01 - DISCRIMINATION -- 01- 12 - ON THE BASIS OF NATIONAL OR SOCIAL ORIGIN	10 April 2023	COOPERATION ACHIEVED	YES
P-97/23	Ž-LI-06-46/23	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10; DRVAR HIGH SCHOOL	01 - DISCRIMINATION -- 01- 12 - ON THE BASIS OF NATIONAL OR SOCIAL ORIGIN	11 April 2023	IMPLEMENTED	YES
P-98/23	Ž-BL-05-691/22	MINISTRY OF INTERNAL AFFAIRS, GOVERNMENT OF ZENICA-DOBOJ CANTON; CANTONAL PROSECUTOR'S OFFICE OF ZENICA-DOBOJ CANTON	05 - POLICE	18 April 2023	COOPERATION ACHIEVED	YES
P-99/23	Ž-BL-04-320/22	ASSEMBLY OF UNA-SANA CANTON; UNIVERSITY OF BIHAĆ	10 - LABOUR	18 April 2023	NOT IMPLEMENTED	YES
P-100/23	Ž-BL-04-830/22	MINISTRY OF LABOUR AND VETERANS' AND DISABLED PROTECTION OF THE REPUBLIKA	24 - SOCIAL PROTECTION	14 April 2023	IMPLEMENTED	YES

		SRPSKA				
P-101/23	Ž-SA-05-862/22	CANTONAL ADMINISTRATION FOR INSPECTION AFFAIRS OF ZENICA-DOBOJ CANTON- D/R DIRECTOR ZENICA; CITY OF VISOKO - D/R MAYOR VISOKO	32 - INSPECTIONS	17 April 2023	NOT IMPLEMENTED	YES
P-102/23	Ž-LI-05-16/23 Ž-LI-05-17/23	MUNICIPALITY OF GLAMOČ, DEPARTMENT FOR ECONOMY, FINANCE AND INSPECTION AFFAIRS; POLICE STATION GLAMOČ	05 - POLICE, 32 - INSPECTIONS	24 April 2023	COOPERATION ACHIEVED	YES
P-103/23	Ž-SA-05-218/23 Ž-SA-05-261/23 Ž-SA-06-158/23	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA SARAJEVO	01 - DISCRIMINATION, 22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	26 April 2023	NOT IMPLEMENTED	YES
P-104/23	Ž-BL-05-382/22	MUNICIPALITY OF ŽEPČE	15 – PROPERTY RELATIONS	26 April 2023	NOT IMPLEMENTED	NO
P-105/23	Ž-LI-05-41/23 Ž-LI-08-45/23 Ž-LI-08-51/23 Ž-LI-08-52/23 Ž-LI-08-53/23 Ž-LI-08-54/23	1. MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY OF CANTON 10; 2. ADMINISTRATION FOR INSPECTION AFFAIRS LIVNO; 3. MUNICIPAL PUBLIC ADVOCATE'S OFFICE; 4. MUNICIPALITY OF GLAMOC; 5. GLAMOČ MUNICIPAL COUNCIL; 6. COMMISSION FOR THE ALLOCATION OF AGRICULTURAL LAND IN THE GLAMOČ LEASE	19 - ADMINISTRATION, 32 - INSPECTIONS	26 April 2023	COOPERATION ACHIEVED	YES
P-106/23	Ž-LI-01-49/23	DRVAR MUNICIPALITY, SERVICE FOR GENERAL ADMINISTRATION AND SOCIAL ACTIVITIES	13 - RIGHTS OF THE CHILD	27 April 2023	IMPLEMENTED	YES
P-107/23	Ž-SA-08-857/22	PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA SARAJEVO	26 - PROSECUTOR'S OFFICE	3 May 2023	IMPLEMENTED	YES
P-108/23	Ž-BL-05-90/23	CITY OF BANJA LUKA	32 - INSPECTIONS	10 May 2023	PARTIALLY IMPLEMENTED	YES
P-109/23	Ž-BR-05-5/23	PEDAGOGICAL INSTITUTE OF TUZLA CANTON; JU GYMNAZIJA "MEŠA SELIMOVIĆ" TUZLA	03 - ACCESS TO INFORMATION	16 May 2023	COOPERATION ACHIEVED	YES
P-110/23	Ž-BR-01-2/23	PUBLIC INSTITUTION "CENTER FOR SOCIAL WORK" ZIVINICE	13 - RIGHTS OF THE CHILD	16 May 2023	COOPERATION ACHIEVED	YES
P-111/23	Ž-LI-08-60/23	MON-MUNICIPAL COUNCIL OF BOSNIAN GRAHOVO MON-MUNICIPALITY OF BOSNIAN GRAHOVO	19 - MANAGEMENT	17 May 2023	COOPERATION ACHIEVED	YES

P-112/23	Ž-BL-05-86/23	LOTTERY OF THE REPUBLIKA SRPSKA AD	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	17 May 2023	NOT IMPLEMENTED	NO
P-113/23	Ž-BL-05-66/23	CITY OF BANJA LUKA	32 - INSPECTIONS	17 May 2023	IMPLEMENTED	YES
P-114/23	Ž-BL-05-812/22	PHI HEALTHCARE HOME TENANTS	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	17 May 2023	NOT IMPLEMENTED	YES
P-115/23	Ž-BL-05-109/23	PUBLIC ENTERPRISE FOR WATER SUPPLY AND SEWERAGE "15. APRIL" AD VIŠEGRAD	03 - ACCESS TO INFORMATION	17 May 2023	IMPLEMENTED	YES
P-116/23	Z-BL-04-1/23	GOVERNMENT OF THE REPUBLIKA SRPSKA, MINISTRY OF TRANSPORT AND COMMUNICATIONS OF THE REPUBLIKA SRPSKA	10 - LABOUR	18 May 2023	NOT IMPLEMENTED	YES
P-117/23	Ž-SA-01-441/22	MUNICIPALITY OF NOVI GRAD SARAJEVO - MAYOR'S REPRESENTATION; MINISTRY OF TRANSPORT OF SARAJEVO CANTON - MINISTER ADNAN ŠTETE'S REPRESENTATION; ATTENTION: PRIMARY SCHOOL "OSMAN NAKAŠ" SARAJEVO; MINISTRY OF INTERNAL AFFAIRS OF THE CANTON OF NOVI GRAD SARAJEVO	13 - RIGHTS OF THE CHILD	19 May 2023	IMPLEMENTED	YES
P-118/23	Ž-SA-08-115/23	MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY OF THE CENTRAL BOSNIA CANTON TRAVNIK; FBIHADMINISTRATION FOR INSPECTION AFFAIRS SARAJEVO; ATTENTION: FBIHMINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY SARAJEVO	19 - MANAGEMENT	19 May 2023	IMPLEMENTED	YES
P-119/23	Ž-SA-02-1121/22	1. FBIHMINISTRY OF LABOUR AND SOCIAL POLICY SARAJEVO - MINISTER'S OFFICE 2. MINISTRY OF HEALTH, LABOUR AND SOCIAL POLICY OF UNA-SANA CANTON BIHAĆ - MINISTER'S NAME 3. MINISTRY OF SOCIAL POLICY, HEALTH, DISPLACED PERSONS AND REFUGEES OF THE BOSNIAN-PODRINJE CANTON OF GORAŽDE - MINISTER'S OFFICE 4. MINISTRY OF HEALTH, LABOUR AND	12 - PERSONS WITH DISABILITIES	19 May 2023	PARTIALLY IMPLEMENTED	YES

		SOCIAL PROTECTION OF HERZEGOVINA- NERETVA CANTON MOSTAR - MINISTER'S OFFICE 5. MINISTRY OF HEALTH, LABOUR AND SOCIAL PROTECTION OF THE WESTERN HERZEGOVINA CANTON GRUDE - MINISTER'S NAME 6. MINISTRY OF LABOUR, HEALTH, SOCIAL PROTECTION AND EXPELLED CANTONS 10 TOMISLAVGRAD - MINISTER'S OFFICE 7. MINISTRY OF HEALTH AND SOCIAL POLICY OF THE CENTRAL BOSNIA CANTON TRAVNIK - MINISTER'S NAME 8. MINISTRY OF LABOUR, SOCIAL POLICY AND REFUGEES OF THE ZENICA-DOBOJ CANTONZENICA- ATTN. MINISTER 9. MINISTRY OF LABOUR, SOCIAL POLICY AND RETURN OF TUZLA CANTON TUZLA - ATTN. MINISTER 10. MINISTRY OF LABOUR, SOCIAL POLICY, DISPLACED PERSONS AND REFUGEES OF THE SARAJEVO CANTON - MINISTER'S OFFICE 11. MINISTRY OF HEALTH AND SOCIAL POLICY OF THE POSAVJA CANTON ORAŠJE - MINISTER'S OFFICE				
.P-120/23	Ž-SA-05-327/23	FBIH MINISTRY OF INTERIOR AFFAIRS SARAJEVO - MINISTER'S OFFICE	03 - ACCESS TO INFORMATION	19 May 2023	NOT IMPLEMENTED	NO
.P-121/23	Ž-SA-05-247/23	SCHOOL OF ECONOMICS, UNIVERSITY OF SARAJEVO - DEAN'S OFFICE	03 - ACCESS TO INFORMATION	19 May 2023	IMPLEMENTED	YES
.P-122/23	Ž-SA-04-295/23	MINISTRY OF TRANSPORT OF SARAJEVO CANTON; KJKP "GRAS" DOO SARAJEVO	10 - LABOUR	19 May 2023	NOT IMPLEMENTED	NO
.P-123/23	Ž-MO-04-50/22	GOVERNMENT OF HERZEGOVINA-NERETVA CANTON - N/A PRIME MINISTER MOSTAR; MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF THE HNK - N/A MINISTER MOSTAR	11 - EDUCATION	22 May 2023	NO RESPONSE	NO
P-124/23	Ž-SA-04-24/23	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO, FBIH MINISTRY OF LABOUR AND SOCIAL POLICY SARAJEVO; FBIH EMPLOYMENT OFFICE SARAJEVO; PUBLIC INSTITUTION	24 - SOCIAL PROTECTION	26 May 2023	PARTIALLY IMPLEMENTED	YES

		"EMPLOYMENT SERVICE OF SARAJEVO CANTON"				
P-125/23	Ž-SA-06-118/23	PON-ELECTRICAL ENGINEERING SCHOOL FOR POWER ENGINEERING - DIRECTOR'S OFFICE SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBING	26 May 2023	COOPERATION ACHIEVED	YES
P-126/23	Ž-MO-04-143/22 Ž-MO-04-19/23	CITY OF TREBINJE - ATTN. OF THE MAYOR	10 - LABOUR	26 May 2023	NOT IMPLEMENTED	YES
P-127/23	Ž-SA-06-290/23	MON - ASSEMBLY OF CANTON SARAJEVO - ATTN. OF THE PRESIDING ASSEMBLY; SARAJEVO CANTON GOVERNMENT - ATTN. PRIME MINISTER; MINISTRY OF EDUCATION AND EDUCATION OF CANTON SARAJEVO - ATTN. MINISTER	01 - DISCRIMINATION -- 01-10 - ON GROUNDS OF RELIGION	29 June 2023	IMPLEMENTED	YES
P-128/23	Ž-BL-02-797/22	PON-MUNICIPALITY OF SREBRENICA; MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNMENT OF RS	12 - PERSONS WITH DISABILITIES	1 June 2023	NOT IMPLEMENTED	NO
P-129/23	Ž-BL-05-745/22	CITY OF BANJA LUKA, DEPARTMENT OF TRANSPORT AND ROADS	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	2 June 2023	IMPLEMENTED	YES
P-130/23	Ž-BL-08-585/22	GOVERNMENT OF CANTON 10, MINISTRY OF ECONOMY	09 - JUDICIARY	1 June 2023	NOT IMPLEMENTED	NO
P-131/23	Ž-MO-06-136/22	MON- CITY OF MOSTAR, DEPARTMENT OF URBAN DEVELOPMENT PLANNING AND CONSTRUCTION MOSTAR	01 - DISCRIMINATION -- 01-11 - ON GROUNDS OF ETHNICITY	2 June 2023	IMPLEMENTED	YES
P-132/23	Ž-SA-06-8/23	MINISTRY OF EDUCATION AND EDUCATION OF SARAJEVO CANTON	01 - DISCRIMINATION	2 June 2023	IMPLEMENTED	YES
P-133/23	Ž-SA-04-88/23	PON-FBIH INSTITUTE FOR PENSION/RETIREMENT AND DISABILITY INSURANCE MOSTAR; CANTONAL ADMINISTRATIVE SERVICE SARAJEVO	25 - PENSIONS	2 June 2023	IMPLEMENTED	YES
P-134/23	Ž-SA-04-255/23	HEALTH INSURANCE AND REINSURANCE INSTITUTE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO	23 - HEALTH	2 June 2023	PARTIALLY IMPLEMENTED	YES
P-135/23	Ž-SA-04-387/23	"BINAS" DD BUGOJNO	25 - PENSIONS	2 June 2023	IMPLEMENTED	YES

P-136/23	Ž-SA-04-103/23	CIVIL SERVICE AGENCY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA - DIRECTOR'S OFFICE; CIVIL SERVICE APPEALS BOARD OF THE FEDERATION OF BOSNIA AND HERZEGOVINA - PRESIDENT'S OFFICE SARAJEVO	10 - LABOUR	2 June 2023	IMPLEMENTED	YES
P-137/23	Ž-SA-01-422/23	MINISTRY OF EDUCATION AND EDUCATION OF SARAJEVO CANTON - ATTN. MINISTER SARAJEVO	13 - RIGHTS OF THE CHILD	2 June 2023	IMPLEMENTED	YES
P-138/23	Ž-SA-05-817/21	TUZLA CANTON, MINISTRY OF CULTURE, SPORTS AND YOUTH TUZLA; PE RADIOTELEVIZIJA TUZLA KANTON DOO TUZLA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	2 June 2023	COOPERATION ACHIEVED	YES
P-139/23	Ž-SA-08-1166/22	FIRST POLICE DIRECTORATE, BIHAĆ POLICE STATION; ATTENTION: CANTONAL DIRECTORATE FOR INSPECTION AFFAIRS OF UNA-SANA CANTON BIHAĆ	19 - MANAGEMENT	6 June 2023	IMPLEMENTED	YES
P-140/23	Ž-SA-05-170/23	MUNICIPALITY OF VITEZ, MUNICIPAL COUNCIL OF VITEZ - N/A CHAIRMAN	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	6 June 2023	NOT IMPLEMENTED	YES
P-141/23	Ž-SA-05-254/23	MON-FBIH MINISTRY OF HEALTH SARAJEVO- MINISTER'S NAME	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	6 June 2023	NOT IMPLEMENTED	YES
P-142/23	Ž-SA-04-89/23	MON-MUNICIPAL COURT IN BANOVIĆI	10 - LABOUR	5 June 2023	IMPLEMENTED	YES
P-143/23	Ž-BL-05-652/22	CITY DISTRICT AD DOBOJ	03 - ACCESS TO INFORMATION	5 June 2023	IMPLEMENTED	YES
P-144/23	Ž-BL-06-58/23	MINISTRY OF COMMUNICATIONS AND TRANSPORT OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION -- 01- 09 - ON THE BASIS OF LANGUAGE	6 June 2023	IMPLEMENTED	NO
P-145/23	Ž-LI-05-37/23	MON-MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY OF CANTON 10 GLAMOC	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	7 June 2023	NO RESPONSE	NO
P-146/23	Ž-LI-05-48/23	PON-ADMINISTRATION FOR INSPECTION AFFAIRS OF CANTON 10 LIVNO	03 - ACCESS TO INFORMATION	7 June 2023	NO RESPONSE	NO
P-147/23	Ž-LI-05-68/23	MON-MINISTRY OF EDUCATION, SCIENCE, YOUTH, CULTURE AND SPORTS SBK/KSB TRAVNIK	03 - ACCESS TO INFORMATION	7 June 2023	IMPLEMENTED	YES

P-148/23	Ž-BR-08-269/22	PON-BASIC COURT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	09 - JUDICIARY	8 June 2023	IMPLEMENTED	YES
P-149/23	Ž-BR-04-288/22	PON-FBIH INSTITUTE FOR PENSION AND DISABILITY INSURANCE, CANTONAL ADMINISTRATIVE SERVICE IN TUZLA	25 - PENSIONS	8 June 2023	IMPLEMENTED	YES
P-150/23	Ž-BR-04-22/23	FBIH MINISTER OF LABOUR AND SOCIAL POLICY	24 - SOCIAL PROTECTION	12 June 2023	COOPERATION ACHIEVED	YES
P-151/23	Ž-BR-05-93/20	POLICE DEPARTMENT LUKAVAC – MON	03 - ACCESS TO INFORMATION	12 June 2023	IMPLEMENTED	YES
P-152/23	Ž-BR-08-68/20	BAR ASSOCIATION OF THE FEDERATION OF BIH - MON	31 - LAWYERS	12 June 2023	IMPLEMENTED	YES
P-153/23	Ž-BL-05-134/23	MUNICIPALITY OF NOVI GRAD	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	13 June 2023	IMPLEMENTED	YES
P-154/23	Ž-SA-01-993/22	MINISTRY OF EDUCATION AND EDUCATION OF SARAJEVO CANTON	13 - RIGHTS OF THE CHILD	13 June 2023	NOT IMPLEMENTED	YES
P-155/23	Ž-LI-04-83/23	TOMISLAVGRAD VOCATIONAL HIGH SCHOOL; MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10	10 - LABOUR	18 July 2023	IMPLEMENTED	YES
P-156/23	Ž-BL-04-231/23	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA	23 - HEALTH	4 July 2023	NOT IMPLEMENTED	NO
P-157/23	Ž-SA-04-15/23	FBIH INSTITUTE FOR PENSION AND DISABILITY INSURANCE; CANTONAL ADMINISTRATIVE SERVICE FOR SARAJEVO CANTON - N/A DIRECTOR; MINISTRY OF LABOUR, SOCIAL POLICY, DISPLACED PERSONS AND REFUGEES OF SARAJEVO CANTON - N/A MINISTER; MINISTRY OF FINANCE OF SARAJEVO CANTON - N/A MINISTER	25 - PENSIONS	5 July 2023	IMPLEMENTED	YES
P-158/23	Ž-SA-08-3/23	MINISTRY OF HEALTH OF THE FEDERATION OF BOSNIA AND HERZEGOVINA - MINISTER'S NAME	19 - MANAGEMENT	5 July 2023	NOT IMPLEMENTED	NO

P-159/23	Ž-SA-04-37/23 Ž-SA-04-84/23	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA SARAJEVO - N/A CHAIRMAN; MINISTRY OF CIVIL AFFAIRS OF BOSNIA AND HERZEGOVINA SARAJEVO - N/A MINISTER; AGENCY FOR DEVELOPMENT OF HIGHER EDUCATION AND QUALITY ASSURANCE OF BOSNIA AND HERZEGOVINA BANJA LUKA - N/A DIRECTOR; GOVERNMENT OF THE FEDERATION OF BIH SARAJEVO - N/A PRIME MINISTER; GOVERNMENT OF THE REPUBLIKA SRPSKA BANJA LUKA - N/A PRESIDENT OF THE GOVERNMENT; GOVERNMENT OF THE BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA BRČKO - N/A MAYOR	11 - EDUCATION -- 11-4 - HIGHER EDUCATION	5 July 2023	COOPERATION ACHIEVED	YES
P-160/23	Ž-SA-05-735/21	PON-CANTONAL PROSECUTOR'S OFFICE OF TUZLA CANTON TUZLA - CHIEF PROSECUTOR'S OFFICE	03 - ACCESS TO INFORMATION	6 July 2023	IMPLEMENTED	YES
P-161/23	Ž-SA-06-172/23	MON-SENATE OF THE UNIVERSITY OF SARAJEVO	01 - DISCRIMINATION -- 01-17 - ON GROUNDS OF EDUCATION	7 July 2023	IMPLEMENTED	YES
P-162/23	Ž-BL-05-125/23	CENTRAL HEATING DD TUZLA	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	7 July 2023	NOT IMPLEMENTED	YES
P-163/23	Ž-BL-06-749/22	JP ELEKTROPRIVREDA BIH DD SARAJEVO, COAL MINE "KREKA" DOO TUZLA	01 - DISCRIMINATION -- 01-17 - ON GROUNDS OF EDUCATION	7 July 2023	NOT IMPLEMENTED	NO
P-164/23	Ž-BL-04-174/23	MON-GOVERNMENT OF UNO-SANA CANTON, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT USK, JU GENERAL GYMNAZIJA BOSANSKA KRUPA	10 - LABOUR	7 July 2023	IMPLEMENTED	YES
P-165/23	Ž-BL-05-689/22	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY-LEGAL AFFAIRS BANJA LUKA, REGIONAL UNIT UGLJEVIK	03 - ACCESS TO INFORMATION	7 July 2023	IMPLEMENTED	YES
P-166/23	Ž-BL-08-695/22	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA; GOVERNMENT OF THE REPUBLIKA SRPSKA	19 - MANAGEMENT	7 July 2023	NOT IMPLEMENTED	YES
P-167/23	Ž-BL-05-170/23	ENERGOINVEST DD SARAJEVO	32 - INSPECTIONS	7 July 2023	NOT IMPLEMENTED	NO

P-168/23	Ž-SA-05-208/23	MUNICIPALITY OF OLD TOWN SARAJEVO	03 - ACCESS TO INFORMATION	13 July 2023	NOT IMPLEMENTED	YES
P-169/23	Ž-LI-06-89/23	DRVAR HIGH SCHOOL	01 - DISCRIMINATION	18 July 2023	NOT IMPLEMENTED	YES
P-170/23	Ž-SA-04-557/21	NOVO SARAJEVO MUNICIPALITY - ATTN. OF THE CHIEF	21 - PUBLIC UTILITY SERVICES	13 July 2023	COOPERATION ACHIEVED	YES
P-171/23	Ž-SA-06-183/23	HIGH SCHOOL OF APPLIED ARTS SARAJEVO - N/A OF THE DIRECTOR, N/A OF THE PRESIDENT OF THE SCHOOL BOARD	01 - DISCRIMINATION -- 01-03 - MOBING	13 July 2023	COOPERATION ACHIEVED	YES
P-172/23	Ž-SA-05-1181/22	NOVI GRAD SARAJEVO MUNICIPALITY, SERVICE FOR INSPECTION AFFAIRS SARAJEVO	32 - INSPECTIONS	13 July 2023	NOT IMPLEMENTED	YES
P-173/23	Ž-SA-05-137/23	MUNICIPALITY OF TEŠANJ	03 - ACCESS TO INFORMATION	13 July 2023	IMPLEMENTED	YES
P-174/23	Ž-BL-08-340/23	MON-TOWN OF BANJA LUKA - MAYOR	19 - MANAGEMENT	14 July 2023	COOPERATION ACHIEVED	YES
P-175/23	Ž-SA-06-470/21	MON-MUNICIPAL COURT SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBING	14 July 2023	COOPERATION ACHIEVED	YES
P-176/23	Ž-BL-04-616/22	MINISTRY OF LABOUR AND VETERANS' AND DISABLED PROTECTION OF THE REPUBLIKA SRPSKA	10 - LABOUR	14 July 2023	NOT IMPLEMENTED	YES
P-177/23	Ž-BL-01-775/22	FBIH MINISTRY OF INTERIOR, FBIH POLICE ADMINISTRATION; PROSECUTOR'S OFFICE OF THE FEDERATION OF BIH; CANTONAL PROSECUTOR'S OFFICE OF UNA-SANA CANTON; MINISTRY OF INTERIOR OF UNA-SANA CANTON; CENTER FOR SOCIAL WORK SANSKI MOST	13 - RIGHTS OF THE CHILD	14 July 2023	IMPLEMENTED	YES
P-178/23	Ž-SA-06-241/22	PUBLIC HEALTH FACILITY GENERAL HOSPITAL "DR. MUSTAFA BEGANOVIĆ" GRAČANICA - N/A OF THE DIRECTOR, N/A OF THE CHAIRMAN OF THE BOARD	01 - DISCRIMINATION -- 01-03 - MOBING	17 July 2023	PARTIALLY IMPLEMENTED	YES
P-179/23	Ž-SA-04-306/23	GOVERNMENT OF SARAJEVO CANTON	10 - LABOUR	17 July 2023	NOT IMPLEMENTED	YES
P-180/23	Ž-SA-05-564/23	SCHOOL OF ECONOMICS, UNIVERSITY OF SARAJEVO - DEAN'S OFFICE; FOR INSPECTION: UNIVERSITY OF SARAJEVO, RECTOR'S OFFICE	03 - ACCESS TO INFORMATION	14 July 2023	NOT IMPLEMENTED	YES
P-181/23	Ž-SA-05-162/23	CITY OF ZENICA, CITY ADMINISTRATION OF ZENICA	02 - MEDIA AND FREEDOM OF INFORMATION	13 July 2023 .	PARTIALLY IMPLEMENTED	YES

P-182/23	Ž-SA-05-715/22	MINISTRY OF FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA SARAJEVO	17 - PUBLIC DOCUMENTS	17 July 2023	IMPLEMENTED	YES
P-183/23	Ž-LI-08-50/22	MUNICIPAL COURT IN LIVNA DEPARTMENT OF THE COURT IN TOMISLAVGRAD	09 - JUDICIARY	20 July 2023	IMPLEMENTED	YES
P-184/23	Ž-LI-04-100/23	FBIH ADMINISTRATION OF CIVIL PROTECTION SARAJEVO	10 - LABOUR	20 July 2023	NO RESPONSE	NO
P-185/23	Ž-SA-05-516/23	MINISTRY OF INTERNAL AFFAIRS OF THE ZENICA-DOBOJ CANTONZENICA - MINISTER'S OFFICE	05 - POLICE	4 August 2023	IMPLEMENTED	YES
P-186/23	Ž-SA-08-371/22	FBIH MINISTRY OF DISPLACED PERSONS AND REFUGEES SARAJEVO; MUNICIPALITY OF VITEZ	20 - WAR DAMAGES	4 August 2023	IMPLEMENTED	YES
P-187/23	Ž-SA-06-85/23	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA SARAJEVO	01 - DISCRIMINATION	4 August 2023	NOT IMPLEMENTED	YES
P-188/23	Ž-SA-02-109/23	GOVERNMENT OF ZENICA-DOBOJ CANTON- N/A PRIME MINISTER; MINISTRY OF HEALTH OF ZENICA-DOBOJ CANTON- N/A MINISTER; HEALTH INSURANCE INSTITUTE OF ZENICA-DOBOJ CANTON- N/A DIRECTOR	12 - PERSONS WITH DISABILITIES	7 August 2023	NOT IMPLEMENTED	YES
P-189/23	Ž-MO-05-94/23	MINISTRY OF INTERNAL AFFAIRS OF THE WESTERN HERZEGOVINA CANTON LJUBUŠKI	03 - ACCESS TO INFORMATION	7 August 2023	NOT IMPLEMENTED	YES
P-190/23	Ž-MO-04-128/22	MINISTRY OF HEALTH, LABOUR AND SOCIAL WELFARE HNK - ATTN. MINISTER OF MOSTAR	10 - LABOUR	7 August 2023	COOPERATION ACHIEVED	YES
P-191/23	Ž-SA-08-423/23	MON-CANTONAL COURT IN SARAJEVO	09 - JUDICIARY	8 August 2023	NOT IMPLEMENTED	NO
P-192/23	Ž-SA-05-479/22	PON-BAS CHAMBER OF BAR OF FBIH SARAJEVO	05 - POLICE	8 August 2023	NOT IMPLEMENTED	NO
P-193/23	Ž-SA-05-358/23	PUBLIC ENTERPRISE RAILWAYS OF THE FEDERATION OF BOSNIA AND HERZEGOVINA LIMITED LIABILITY COMPANY SARAJEVO	03 - ACCESS TO INFORMATION	8 August 2023	IMPLEMENTED	YES

P-194/23	Ž-SA-08-434/23 Ž-SA-08-475/23	1. CENTER SARAJEVO MUNICIPALITY - ATTN. OF THE PRESIDENT OF THE MUNICIPAL COUNCIL AND THE MUNICIPAL HEAD 2. CITY OF SARAJEVO - N/A OF THE CHAIRMAN OF THE CITY COUNCIL AND THE MAYOR 3. DEVELOPMENT PLANNING INSTITUTE OF SARAJEVO CANTON - DIRECTOR'S ASSIGNMENT 4. CANTONAL INSTITUTE FOR THE PROTECTION OF CULTURAL, HISTORICAL AND NATURAL HERITAGE SARAJEVO - DIRECTOR'S OFFICE	19 - MANAGEMENT	9 August 2023	IMPLEMENTED	YES
P-195/23	Ž-LI-05-101/23	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS OF CANTON 10 LIVNO - ATTN. MINISTER	32 - INSPECTIONS	17 August 2023	IMPLEMENTED	YES
P-196/23	Ž-SA-05-751/22	TAX OFFICE BANOVIĆI, CANTONAL TAX OFFICE TUZLA - N/A OF THE HEAD OF THE TAX OFFICE	03 - ACCESS TO INFORMATION	21 August 2023	IMPLEMENTED	YES
P-197 /23	Ž-BR-05-143/22	MON-TOWN OF ŽIVINICE; CITY ADVOCATE'S OFFICE	32 - INSPECTIONS	22 August 2023	NO RESPONSE	NO
P-198/23	Ž-BR-04-20/23	GOVERNMENT OF TUZLA CANTON, MINISTRY OF HEALTH OF TUZLA CANTON; INSTITUTE OF HEALTH INSURANCE OF TUZLA CANTON STR. FRANJEVAČKA 36. TUZLA; JZU UNIVERSITY CLINICAL CENTER TUZLA - N/A OF THE DIRECTOR	23 - HEALTH	22 August 2023	COOPERATION ACHIEVED	YES
P-199/23	Ž-BR-04-214/22	JU CENTER FOR SOCIAL WORK BIJE LJINA; JU CENTER FOR SOCIAL WORK UGLJEVIK	24 - SOCIAL PROTECTION	22 August 2023	IMPLEMENTED	YES
P-200/23	Ž-BR-08-250/22	MINISTRY FOR HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA; REPUBLIC SECRETARIAT FOR DISPLACED PERSONS AND MIGRATION; CITY OF ZVORNIK, CITY ADMINISTRATION	19 - MANAGEMENT	22 August 2023	COOPERATION ACHIEVED	YES
P-201/23	Ž-BR-01-99/23	PUBLIC INSTITUTION "CENTER FOR SOCIAL WORK" ZIVINICE	13 - RIGHTS OF THE CHILD	22 August 2023	COOPERATION ACHIEVED	YES
P-202/23	Ž-BR-04-257/22	MINISTRY OF EDUCATION AND SCIENCE OF TUZLA CANTON	11 - EDUCATION	22 August 2023	IMPLEMENTED	YES
P-203/23	Ž-SA-04-1277/22	MINISTRY OF CIVIL AFFAIRS OF BOSNIA AND HERZEGOVINA - MINISTER'S OFFICE SARAJEVO	10 - LABOUR	23 August 2023	COOPERATION ACHIEVED	YES

P-204/23	Ž-BL-04-816/22	JU SECONDARY MUSIC SCHOOL "ČESTMIR MIRKO DUŠEK" TUZLA	10 - LABOUR	23 August 2023	IMPLEMENTED	YES
P-205/23	Ž-BL-05-40/23	CENTRAL BANK OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	23 August 2023	NOT IMPLEMENTED	YES
P-206/23	Ž-BL-05-292/23	HIGHER COMMERCIAL COURT IN BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	23 August 2023	IMPLEMENTED	YES
P-207/23	Ž-BL-04-56/23	"VODOVOD" AD BANJA LUKA	21 - PUBLIC UTILITY SERVICES	23 August 2023	NOT IMPLEMENTED	NO
P-208/23	Ž-BL-04-218/23	PON-REPUBLIC ADMINISTRATION FOR INSPECTION AFFAIRS, INSPECTORATE OF THE REPUBLIKA SRPSKA, REPUBLIC FORESTRY INSPECTION	14 - ECOLOGY OF ENVIRONMENTAL PROTECTION	23 August 2023	IMPLEMENTED	YES
P-209/23	Ž-BL-05-439/23	MINISTRY OF INTERIOR AFFAIRS OF THE REPUBLIC OF SERBIA, EAST SARAJEVO POLICE DEPARTMENT, JAHORINA POLICE STATION	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	23 August 2023	IMPLEMENTED	YES
P-210/23	Ž-BL-05-222/23	MON- DISTRICT PUBLIC PROSECUTOR'S OFFICE IN DOBOJ	05 - POLICE	23 August 2023	NOT IMPLEMENTED	NO
P-211/23	Ž-BL-01-650/22	MON- DISTRICT PUBLIC PROSECUTOR'S OFFICE PRIJEDOR	13 - RIGHTS OF THE CHILD	23 August 2023	IMPLEMENTED	YES
P-212/23	Ž-BL-05-744/22	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	23 August 2023	NO RESPONSE	NO
P-213/23	Ž-BL-05-588/22	PON- AGENCY FOR QUALITY AND ACCREDITATION IN HEALTHCARE IN THE FEDERATION OF BIH	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	23 August 2023	NO RESPONSE	NO
P-214/23	Ž-BL-05-835/22	1. CITY OF BANJA LUKA - MAYOR'S OFFICE 2. CITY ADMINISTRATION: - DEPARTMENT FOR INSPECTION AFFAIRS - URBAN AND BUILDING INSPECTION - DEPARTMENT FOR SPATIAL DEVELOPMENT - ATTN. CHIEF 3. MINISTRY OF ADMINISTRATION AND	32 - INSPECTIONS	23 August 2023	IMPLEMENTED	YES

		LOCAL SELF-GOVERNMENT OF THE REPUBLIKA SRPSKA - ADMINISTRATIVE INSPECTION				
P-215/23	Ž-BL-08-27/23	FBIH MINISTRY OF DISPLACED PERSONS AND REFUGEES	19 - MANAGEMENT	23 August 2023	IMPLEMENTED	YES
P-216/23	Ž-BL-01-17/21	CENTER FOR SOCIAL WORK BANOVIĆI; MUNICIPAL COURT IN ŽIVINICE; CANTONAL PROSECUTOR'S OFFICE OF TUZLA CANTON	13 - RIGHTS OF THE CHILD	23 August 2023	COOPERATION ACHIEVED	YES
P-217/23	Ž-LI-06-130/23	VRANIĆ PRIMARY SCHOOL - POSUŠJE - N/A OF THE DIRECTOR; SCHOOL BOARD	01 - DISCRIMINATION	24 August 2023	COOPERATION ACHIEVED	YES
P-218/23	Ž-BL-08-149/23	UNA-SANA CANTON MINISTRY OF JUSTICE AND ADMINISTRATION	26 - PROSECUTOR'S OFFICE	28 August 2023	IMPLEMENTED	YES
P-219/23	Ž-BL-05-360/23	NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	28 August 2023	NOT IMPLEMENTED	YES
P-220/23	Ž-BL-04-350/23	COMMISSION FOR THE PRESERVATION OF NATIONAL MONUMENTS OF BOSNIA AND HERZEGOVINA, SECRETARIAT OF THE COMMISSION	10 - LABOUR	28 August 2023	NOT IMPLEMENTED	NO
P-221/23	Ž-SA-04-163/23	MON-FBIH MINISTRY OF HEALTH SARAJEVO; MINISTRY OF HEALTH AND SOCIAL WELFARE RS BANJA LUKA	23 - HEALTH	30 August 2023	NOT IMPLEMENTED	NO
P-222/23	Ž-SA-04-310/21	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, FBIH MINISTRY OF LABOUR AND SOCIAL POLICY SARAJEVO - MINISTER ADNAN DELIĆ	10 - LABOUR	31 August 2023	COOPERATION ACHIEVED	YES
P-223/23	Ž-SA-04-687/23	MEDICAL CHAMBER OF THE FEDERATION OF BIH; ASSEMBLY OF THE MEDICAL CHAMBER OF TUZLA; FOR THE ATTENTION: MINISTRY OF HEALTH OF THE FEDERATION OF BOSNIA AND HERZEGOVINA - MINISTER'S REPRESENTATIVE	23 - HEALTH	31 August 2023	IMPLEMENTED	YES
P-224/23	Ž-SA-05-63/23	PON-FBIH ADMINISTRATION FOR INSPECTION AFFAIRS SARAJEVO - DIRECTOR'S ASSIGNMENT	32 - INSPECTIONS	31 August 2023	IMPLEMENTED	YES

P-225/23	Ž-SA-05-612/23	MINISTRY OF INTERIOR AFFAIRS OF CENTRAL BOSNIA CANTON TRAVNIK; ATTENTION: TRAVNIK POLICE STATION	05 - POLICE	31 August 2023	IMPLEMENTED	YES
P-226/23	Ž-BL-08-112/23	GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	19 - MANAGEMENT	1 September 2023	NOT IMPLEMENTED	YES
P-227/23	Ž-BL-05-41/23	MON- RED CROSS OF THE REPUBLIKA SRPSKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	1 September 2023	NOT IMPLEMENTED	NO
P-228/23	Ž-BR-04-143/23	GOVERNMENT OF BRČKO DISTRICT OF BIH, DEPARTMENT FOR DISPLACED PERSONS, REFUGEES AND HOUSING ISSUES BRČKO	24 - SOCIAL PROTECTION	4 September 2023	NOT IMPLEMENTED	YES
P-229/23	Ž-BR-05-83/22	MON - MINISTRY OF INTERIOR OF TUZLA CANTON	05 - POLICE	4 September 2023	IMPLEMENTED	YES
P-230/23	Ž-LI-08-111/23	GOVERNMENT OF CANTON 10 - PRESIDENT'S NAME LIVNO	19 - MANAGEMENT	4 September 2023	NO RESPONSE	NO
P-231/23	Ž-LI-01-121/23	MON-GOVERNMENT OF CANTON 10 - PRESIDENT'S NAME LIVNO	13 - RIGHTS OF THE CHILD	4 September 2023	NO RESPONSE	NO
P-232/23	Ž-MO-05-109/23	GOVERNMENT OF HERZEGOVINA-NERETVA CANTON MOSTAR	03 - ACCESS TO INFORMATION	5 September 2023	IMPLEMENTED	YES
P-233/23	Ž-SA-06-305/23	PON-ELECTRICAL ENGINEERING SCHOOL FOR POWER ENGINEERING SARAJEVO - DIRECTOR'S ASSIGNMENT; SCHOOL BOARD'S ASSIGNMENT	01 - DISCRIMINATION -- 01-03 - MOBING	7 September 2023	NO RESPONSE	NO
P-234/23	Ž-SA-05-432/23	GOVERNMENT OF SARAJEVO CANTON - N/A PRIME MINISTER; CANTON OF SARAJEVO, MINISTRY OF HEALTH - N/A MINISTER	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	6 September 2023	IMPLEMENTED	YES
P-235/23	Ž-SA-05-21/23	MON-CENTRAL ELECTION COMMISSION OF BOSNIA AND HERZEGOVINA SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	11 September 2023	COOPERATION ACHIEVED	YES
P-236/23	Ž-SA-05-227/23	CENTRAL BOSNIA CANTON, GOVERNMENT OF CENTRAL BOSNIA CANTON - N/A PRIME MINISTER TRAVNIK; ASSEMBLY OF CENTRAL BOSNIA CANTON - N/A PRESIDENT TRAVNIK;	33 - FREE LEGAL AID	11 September 2023	COOPERATION ACHIEVED	YES
P-237/23	Ž-SA-05-226/23	HERZEGOVÁN-NERETVA CANTON, GOVERNMENT OF HERZEGOVÁN-NERETVA CANTON - ATTN. PRIME MINISTER OF MOSTAR	33 - FREE LEGAL AID	11 September 2023	COOPERATION ACHIEVED	YES

P-238/23	Ž-SA-01-453/23	PUBLIC INSTITUTION CENTER FOR SOCIAL WORK CAZIN; FOR INFORMATION: PUBLIC INSTITUTION CENTER FOR SOCIAL WORK BIHAĆ	13 - CHILD RIGHTS -- 13-1 - SOCIAL WELFARE CENTRES	13 September 2023	IMPLEMENTED	YES
P-239/23	Ž-SA-04-608/23	PON-KJKP "WATER AND SEWERAGE" DOO SARAJEVO - DIRECTOR'S OFFICE SARAJEVO	21 - PUBLIC UTILITY SERVICES	13 September 2023	IMPLEMENTED	YES
P-240/23	Ž-SA-06-152/23	PON-FBIH MINISTRY OF JUSTICE, ADMINISTRATIVE INSPECTORATE SARAJEVO	01 - DISCRIMINATION	13 September 2023	IMPLEMENTED	YES
P-241/23	Ž-BL-05-512/23	MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY OF UNA-SANA CANTON	03 - ACCESS TO INFORMATION	15 September 2023	NOT IMPLEMENTED	YES
P-242/23	Ž-BL-04-135/23	MUNICIPALITY OF TRAVNIK	21 - PUBLIC UTILITY SERVICES	18 September 2023	IMPLEMENTED	YES
P-243/23	Ž-BL-08-321/23	PON-BASTRY CHAMBER OF THE REPUBLIKA SRPSKA	31 - LAWYERS	18 September 2023	IMPLEMENTED	YES
P-244/23	Ž-SA-05-1255/22	GOVERNMENT OF HERZEGOVINA-NERETVA CANTON, MINISTRY OF CONSTRUCTION AND SPATIAL PLANNING MOSTAR	32 - INSPECTIONS	15 September 2023	COOPERATION ACHIEVED	YES
P-245/23	Ž-SA-05-66/23	GOVERNMENT OF SARAJEVO CANTON, MINISTRY OF JUSTICE AND ADMINISTRATION SARAJEVO	32 - INSPECTIONS	15 September 2023	COOPERATION ACHIEVED	YES
P-246/23	Ž-SA-08-1232/22	PON-GOVERNMENT OF THE REPUBLIKA SRPSKA, MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT BANJA LUKA	19 - MANAGEMENT	15 September 2023	NO RESPONSE	NO
P-247/23	Ž-SA-02-846/23	ACADEMY OF FINE ARTS SARAJEVO; FOR INSPECTION: UNIVERSITY OF SARAJEVO; MINISTRY OF EDUCATION AND EDUCATION OF SARAJEVO CANTON	12 - PERSONS WITH DISABILITIES	21 September 2023	IMPLEMENTED	YES
P-248/23	Ž-MO-05-85/23	JP VODOVOD DD NEVESINJE	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	21 September 2023	IMPLEMENTED	YES
P-249/23	Ž-MO-05-90/23	INSTITUTE OF EDUCATION OF HERZEGOVINA-NERETVA CANTON MOSTAR	03 - ACCESS TO INFORMATION	21 September 2023	IMPLEMENTED	YES
P-250/23	Ž-MO-05-143/23	JP "KOMUS" AD NEVESINJE	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	21 September 2023	IMPLEMENTED	YES

P-251/23	Ž-SA-05-38/21	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA, MINISTRY OF SECURITY SARAJEVO	29 - MIGRATION AND ASYLUM	21 September 2023	IMPLEMENTED	NO
P-252/23	Ž-SA-03-436/23	BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA, GOVERNMENT OF BRČKO DISTRICT, DEPARTMENT – DEPARTMENT FOR MUNICIPAL AFFAIRS OF BRČKO DISTRICT OF BIH	18 - MINORITIES	4 October 2023	NO RESPONSE	NO
P-253/23	Ž-SA-05-406/23	PON-ENERGOINVEST DD SARAJEVO	03 - ACCESS TO INFORMATION	4 October 2023	IMPLEMENTED	YES
P-254/23	Ž-LI-05-125/23	PON-ADMINISTRATION FOR INSPECTION AFFAIRS OF CANTON 10	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	5 October 2023	COOPERATION ACHIEVED	YES
P-255/23	Ž-BL-01-17/23	MUNICIPAL COURT IN GRAČANICA; CENTER FOR SOCIAL WORK GRAČANICA	13 - RIGHTS OF THE CHILD	9 October 2023	COOPERATION ACHIEVED	YES
P-256/23	Ž-BL-01-471/23	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA; MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA; MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA, TAX ADMINISTRATION OF THE REPUBLIKA SRPSKA	13 - RIGHTS OF THE CHILD	6 October 2023	IMPLEMENTED	YES
P-257/23	Ž-BL-05-394/23	SECURITIES COMMISSION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION	6 October 2023	NOT IMPLEMENTED	YES
P-258/23	Ž-BL-06-139/23	POSAVNI CANTON: ASSEMBLY OF POSAVNI CANTON; GOVERNMENT OF POSAVNI CANTON	01 - DISCRIMINATION -- 01-11 - ON GROUNDS OF ETHNICITY	6 October 2023	NOT IMPLEMENTED	YES
P-259/23	Ž-BR-08-86/23	MON-MUNICIPALITY OF UGLJEVIK	19 - MANAGEMENT	10 October 2023	IMPLEMENTED	YES
P-260/23	Ž-BR-08-163/23	MUNICIPAL COURT IN TUZLA	09 - JUDICIARY	10 October 2023	IMPLEMENTED	YES
P-261/23	Ž-BR-01-262/22	JU CENTER FOR SOCIAL WORK TUZLA	13 - RIGHTS OF THE CHILD	10 October 2023	IMPLEMENTED	YES
P-262/23	Ž-BR-05-103/21	CITY OF GRADAČAC, CITY SERVICE FOR ECONOMY AND INSPECTION - INSPECTION DEPARTMENT	32 - INSPECTIONS	10 October 2023	NO RESPONSE	NO
P-263/23	Ž-BR-01-263/22 Ž-BR-01-264/22	MINISTRY OF INTERIOR OF TUZLA CANTON, POLICE DIRECTORATE, POLICE STATION EAST OF TUZLA; CANTONAL PROSECUTOR'S OFFICE OF TUZLA CANTON	13 - RIGHTS OF THE CHILD	10 October 2023	IMPLEMENTED	NO

P-264/23	Ž-SA-04-1155/22	FBIH MINISTRY OF INTERIOR AFFAIRS SARAJEVO; MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNMENT OF THE REPUBLIKA SRPSKA	11 - EDUCATION	9 October 2023	COOPERATION ACHIEVED	YES
P-265/23	Ž-SA-04-352/23	BOSNIA AND HERZEGOVINA, MINISTRY OF DEFENCE/DEFENCE - MINISTER'S OFFICE SARAJEVO	10 - LABOUR	10 October 2023	COOPERATION ACHIEVED	YES
P-266/23	Ž-SA-05-450/23	REGIONAL BAR ASSOCIATION SARAJEVO	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	10 October 2023	NO RESPONSE	NO
P-267/23	Ž-BR-04-133/23	PUBLIC INSTITUTION SECONDARY VOCATIONAL SCHOOL "JANJA"; MINISTRY OF EDUCATION AND CULTURE OF THE REPUBLIKA SRPSKA; REPUBLIC PEDAGOGICAL INSTITUTE	11 - EDUCATION	11 October 2023	IMPLEMENTED	YES
P-268/23	Ž-BR-02-197/23	FBIH MINISTRY FOR VETERANS AND DISABLED PEOPLE OF THE DEFENSE AND LIBERATION WAR; INSTITUTE FOR INSTITUTE FOR FORENSIC MEDICAL EXAMINATIONS STATE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	12 - PERSONS WITH DISABILITIES	11 October 2023	NOT IMPLEMENTED	YES
P-269/23	Ž-SA-01-713/23	JU ELEMENTARY MUSIC SCHOOL "AVDO SMAILOVIĆ" GORAŽDE; FOR INSPECTION: MINISTRY OF EDUCATION OF THE BOSNIAN-PODRINJ CANTON OF GORAŽDE; PEDAGOGICAL INSTITUTE OF THE BOSNIAN-PODRINJ CANTON OF GORAŽDE	13 - RIGHTS OF THE CHILD	10 October 2023	NOT IMPLEMENTED	YES
P-270/23	Ž-LI-04-143/23 Ž-LI-05-144/23	SERVICE FOR ECONOMY AND INSPECTION AFFAIRS TOMISLAVGRAD	21 - UTILITY SERVICES, 32 - INSPECTIONS	10 October 2023	NO RESPONSE	NO
P-271/23	Ž-LI-05-147/23	MUNICIPALITY OF KUPRES	15 – PROPERTY RELATIONS	10 October 2023	NOT IMPLEMENTED	YES
P-272/23	Ž-LI-05-133/23	MON - SERVICE FOR ECONOMY, INSPECTION WORKS, LOCAL DEVELOPMENT AND INVESTMENTS LIVNO	32 - INSPECTIONS	11 October 2023	COOPERATION ACHIEVED	YES
P-273/23	Ž-BL-08-366/23	PON-REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY LAW AFFAIRS, REGIONAL UNIT ŠIPOVO	09 - JUDICIARY	16 October 2023	COOPERATION ACHIEVED	YES
P-274/23	Ž-SA-05-1233/22	MON-DISTRICT PUBLIC PROSECUTOR'S OFFICE PRIJEDOR	03 - ACCESS TO INFORMATION	17 October 2023	IMPLEMENTED	YES

P-275/23	Ž-SA-08-787/23	MUNICIPALITY OF NOVI GRAD SARAJEVO	09 - JUDICIARY	17 October 2023	NOT IMPLEMENTED	YES
P-276/23	Ž-SA-05-819/23	CANTONAL ADMINISTRATION FOR INSPECTION AFFAIRS OF SARAJEVO CANTON	03 - ACCESS TO INFORMATION	17 October 2023	NOT IMPLEMENTED	YES
P-277/23	Ž-SA-04-298/23	ZENICA-DOBOJ CANTON, GOVERNMENT OF ZE-DO CANTON - OFFICE OF THE PRIME MINISTER OF ZENICA	10 - LABOUR	17 October 2023	COOPERATION ACHIEVED	YES
P-278/23	Ž-SA-06-927/23	CHAMBER OF COMMERCE OF UNA-SANA CANTON BIHAĆ	01 - DISCRIMINATION	17 October 2023	COOPERATION ACHIEVED	YES
P-279/23	Ž-SA-08-767/23	MON-MUNITY OF ILIDŽA, SERVICE FOR INSPECTION OF ILIDŽA	19 - MANAGEMENT	17 October 2023	IMPLEMENTED	YES
P-280/23	Ž-LI-01-160/23	MUNICIPALITY OF KUPRES, SERVICE FOR SOCIAL ACTIVITIES, GENERAL ADMINISTRATION, PROPERTY-LEGAL AFFAIRS, VETERAN ISSUES AND CIVIL PROTECTION; CENTER FOR SOCIAL WORK KUPRES	13 - RIGHTS OF THE CHILD	20 October 2023	IMPLEMENTED	YES
P-281/23	Ž-LI-04-155/23	PON-JP MUNICIPALITY DOO LIVNO	21 - PUBLIC UTILITY SERVICES	20 October 2023	IMPLEMENTED	YES
P-282/23	Ž-LI-06-99/23	MINISTRY OF INTERIOR AFFAIRS CANTON 10	01 - DISCRIMINATION -- 01-12 - ON THE BASIS OF NATIONAL OR SOCIAL ORIGIN	20 October 2023	IMPLEMENTED	YES
P-283/23	Ž-BR-04-155/23 Ž-BR-05-268/22 Ž-SA-05-496/23	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA; GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA; ASSEMBLY OF TUZLA CANTON; GOVERNMENT OF TUZLA CANTON; FBIH MINISTRY OF HEALTH; MINISTRY OF HEALTH OF TUZLA CANTON; PUBLIC HEALTH INSTITUTION UNIVERSITY CLINICAL CENTER TUZLA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS, 23 - HEALTH	20 October 2023	COOPERATION ACHIEVED	YES
P-284/23	Ž-SA-06-744/22	BOSNA BANK INTERNATIONAL (BBI) DD SARAJEVO - EXECUTIVE OFFICER OF THE BOARD OF DIRECTORS SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBING	20 October 2023	COOPERATION ACHIEVED	YES
P-285/23	Ž-SA-05-849/23	MUNICIPALITY KEY - ATTN. CHIEF	15 – PROPERTY RELATIONS	20 October 2023	NOT IMPLEMENTED	YES
P-286/23	Ž-SA-08-760/21	MUNICIPALITY OF TRNOVO	19 - MANAGEMENT	23 October 2023	IMPLEMENTED	YES
P-287/23	Ž-BL-05-588/23	MUNICIPALITY OF BRATUNAC	22 - GOVERNMENT AND MINISTERIAL	23 October 2023	IMPLEMENTED	YES

			APPOINTMENTS			
P-288/23	Ž-BL-07-527/23	MINISTRY OF JUSTICE OF THE REPUBLIKA SRPSKA	07 - CLOSE	23 October 2023	NO RESPONSE	NO
P-289/23	Ž-BL-04-392/23	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA, ZVORNIK BRANCH	23 - HEALTH	23 October 2023	COOPERATION ACHIEVED	YES
P-290/23	Ž-BL-08-284/23	CITY OF GRAČANICA	19 - MANAGEMENT	23 October 2023	NO RESPONSE	NO
P-291/23	Ž-BL-05-279/23	MINISTRY OF INTERIOR AFFAIRS OF THE REPUBLIC OF SERBIA	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	23 October 2023	NO RESPONSE	NO
P-292/23	Ž-BL-05-229/23	GOVERNMENT OF TUZLA CANTON	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	23 October 2023	NOT IMPLEMENTED	YES
P-293/23	Ž-BL-08-467/23	MINISTRY OF LABOUR AND VETERANS' AND DISABLED PROTECTION OF THE REPUBLIKA SRPSKA	19 - MANAGEMENT	23 October 2023	NO RESPONSE	NO
P-294/23	Ž-BL-06-569/23	MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA; MINISTRY OF HEALTH OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION -- 01-17 - ON GROUNDS OF EDUCATION	23 October 2023	COOPERATION ACHIEVED	YES
P-295/23	Ž-BL-08-382/23	MON-CITY OF BANJA LUKA	26 - PROSECUTOR'S OFFICE	23 October 2023	NOT IMPLEMENTED	NO
P-296/23	Ž-SA-05-561/23	PON-INDEPENDENT UNION OF MUNICIPALITY WORKERS IN THE FEDERATION OF BIH, UNION BRANCH KJKP GRAS SARAJEVO	03 - ACCESS TO INFORMATION	23 October 2023	NO RESPONSE	NO
P-297/23	Ž-SA-05-267/22	MON-GOVERNMENT OF CENTRAL BOSNIA CANTON - N/A PRIME MINISTER; MINISTRY OF EDUCATION, SCIENCE, YOUTH, CULTURE AND SPORTS - N/A MINISTER TRAVNIK	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	23 October 2023	COOPERATION ACHIEVED	YES
P-298/23	Ž-SA-01-672/23	JU CENTER FOR SOCIAL WORK TEŠANJ	13 - RIGHTS OF THE CHILD	23 October 2023	IMPLEMENTED	YES
P-299/23	Ž-SA-08-438/23	MON-VOGOŠĆA MUNICIPALITY, HEAD OF VOGOŠĆA MUNICIPALITY	19 - MANAGEMENT	23 October 2023	NO RESPONSE	NO
P-300/23	Ž-SA-06-780/22	MINISTRY OF INTERNAL AFFAIRS OF THE WESTERN HERZEGOVINA CANTON LJUBUŠKI	01 - DISCRIMINATION -- 01-11 - ON GROUNDS OF ETHNICITY	23 October 2023	NOT IMPLEMENTED	YES
P-301/23	Ž-BL-05-400/23	MON-MINISTRY OF EDUCATION, SCIENCE,	22 - GOVERNMENT AND	23 October 2023	NO RESPONSE	NO

		CULTURE AND SPORTS OF UNA-SANA CANTON	MINISTERIAL APPOINTMENTS			
P-302/23	Ž-BL-05-434/23	MON-GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	23 October 2023	NOT IMPLEMENTED	NO
P-303/23	Ž-SA-06-217/22	PON-METAL WORKERS' UNION OF THE FEDERATION OF BIH SARAJEVO	01 - DISCRIMINATION -- 01-16 - ON GROUNDS OF MEMBERSHIP OF TRADE UNION OR ANOTHER ASSOCIATION	23 October 2023	NO RESPONSE	NO
P-304/23	Ž-BR-05-108/20	JAJCE MUNICIPALITY, MUNICIPAL MAYOR	19 - MANAGEMENT	3 November 2023	IMPLEMENTED	YES
P-305/23	Ž-BL-05-445/23	JU ELEMENTARY SCHOOL "5. OKTOBAR" SANSKI MOST; MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	7 November 2023	NOT IMPLEMENTED	YES
P-306/23	Ž-BL-04-424/23	TAX ADMINISTRATION OF THE REPUBLIKA SRPSKA; N/A MINISTRY OF LABOUR AND VETERANS' AND DISABLED PROTECTION OF THE REPUBLIKA SRPSKA; N/A MINISTRY OF FINANCE OF THE REPUBLIKA SRPSKA	25 - PENSIONS	7 November 2023	COOPERATION ACHIEVED	YES
P-307/23	Ž-BL-05-425/23	MON-MUNICIPALITY OF KOTOR-VAROŠ	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	7 November 2023	IMPLEMENTED	YES
P-308/23	Ž-BL-05-436/23	MON-GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	10 November 2023	IMPLEMENTED	YES
P-309/23	Ž-BL-05-435/23	MON-GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	10 November 2023	COOPERATION ACHIEVED	YES
P-310/23	Ž-SA-01-645/22	SERVICE OF SOCIAL PROTECTION OF THE MUNICIPALITY CENTER	13 - RIGHTS OF THE CHILD	13 November 2023	IMPLEMENTED	YES
P-311/23	Ž-SA-01-951/23	FBIH MINISTRY OF LABOUR AND SOCIAL POLICY SARAJEVO	13 - RIGHTS OF THE CHILD	13 November 2023	COOPERATION ACHIEVED	YES
P-312/23	Ž-MO-04-87/23	MON-TOWN OF STOLAC - ATTN. OF THE MAYOR OF STOLAC	24 - SOCIAL PROTECTION	14 November 2023	COOPERATION ACHIEVED	YES

P-313/23	Ž-MO-05-43/23	MON- CITY OF MOSTAR - N/A OF THE MAYOR, DEPARTMENT OF URBAN DEVELOPMENT PLANNING AND CONSTRUCTION MOSTAR	15 – PROPERTY RELATIONS	14 November 2023	NO RESPONSE	NO
P-314/23	Ž-BR-06-135/22	DIRECTOR OF THE INSTITUTE OF CHEMICAL ENGINEERING DOO TUZLA	01 - DISCRIMINATION -- 01- 03 - MOBING	14 November 2023	NO RESPONSE	NO
P-315/23	Ž-BR-04-107/23	FBIH MINISTRY OF FINANCE, TAX ADMINISTRATION OF THE FEDERATION OF BIH, CANTONAL TAX OFFICE TUZLA, SREBRENİK BRANCH; FBIH INSTITUTE FOR PENSION AND DISABILITY INSURANCE OF TUZLA CANTON	25 - PENSIONS	14 November 2023	IMPLEMENTED	YES
P-316/23	Ž-BR-06-189/21	POLICE OF THE BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	01 - DISCRIMINATION	14 November 2023	COOPERATION ACHIEVED	YES
P-317/23	Ž-BL-04-556/23	MINISTRY OF LABOUR AND VETERANS' AND DISABLED PROTECTION OF THE REPUBLIKA SRPSKA	25 - PENSIONS	14 November 2023	COOPERATION ACHIEVED	YES
P-318/23	Ž-BL-05-457/22	CITY ADMINISTRATION OF BANJA LUKA, DEPARTMENT FOR INSPECTION AFFAIRS, URBAN DEVELOPMENT PLANNING AND CONSTRUCTION INSPECTION; CITY ADMINISTRATION OF BANJA LUKA, DEPARTMENT FOR SPATIAL PLANNING; MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNMENT OF THE REPUBLIKA SRPSKA	32 - INSPECTIONS	14 November 2023	COOPERATION ACHIEVED	YES
P-319/23	Ž-SA-08-694/22	MON-VOGOŠĆA MUNICIPALITY, VOGOŠĆA MUNICIPALITY INSPECTORATE	19 - MANAGEMENT	16 November 2023	NOT IMPLEMENTED	YES
P-320/23	Ž-SA-01-806/23	MON-MINISTRY OF EDUCATION AND EDUCATION OF CANTON SARAJEVO - ATTN. MINISTER	13 - RIGHTS OF THE CHILD	16 November 2023	NO RESPONSE	NO
P-321/23	Ž-SA-05-777/23	MINISTRY OF INTERIOR AFFAIRS OF CENTRAL BOSNIA CANTON TRAVNIK, TRAVNIK POLICE STATION	05 - POLICE	23 November 2023	IMPLEMENTED	YES
P-322/23	Ž-SA-05-192/22	CITY OF SARAJEVO, JP "OLYMPIC SWIMMING POOL ISLAND" DOO SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	24 November 2023	IMPLEMENTED	YES
P-323/23	Ž-BL-04-493/23	ZU HEALTH CENTER BIHAĆ	10 - LABOUR	24 November 2023	COOPERATION ACHIEVED	YES
P-324/23	Ž-SA-04-828/23	PON-FBIH MINISTRY OF JUSTICE, ADMINISTRATIVE INSPECTORATE SARAJEVO	10 - LABOUR	27 November 2023	COOPERATION ACHIEVED	YES

P-325/23	Ž-SA-04-920/23	FEDERATION OF BOSNIA AND HERZEGOVINA, FBH MINISTRY OF ENERGY, MINING AND INDUSTRY - MINISTER'S OFFICE SARAJEVO	10 - LABOUR	27 November 2023	IMPLEMENTED	YES
P-326/23	Ž-SA-08-702/19	CANTONAL PROSECUTOR'S OFFICE OF THE ZENICA-DOBOJ CANTON; MINISTRY OF INTERIOR OF THE ZENICA-DOBOJ CANTON; POLICE DIRECTORATE PU IV –PS TEŠANJ	26 - PROSECUTOR'S OFFICE	4 December 2023	COOPERATION ACHIEVED	YES
P-327/23	Ž-SA-05-986/23	GOVERNMENT OF HERZEGOVINA-NERETVA CANTON MOSTAR	03 - ACCESS TO INFORMATION	30 November 2023	COOPERATION ACHIEVED	NO
P-328/23	Ž-BL-05-458/23	PON- JP RTV USK DOO BIHAĆ	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	4 December 2023	IMPLEMENTED	YES
P-329/23	Ž-BL-05-479/23	COURT POLICE IN THE FEDERATION OF BIH	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY DEADLINE	4 December 2023	IMPLEMENTED	YES
P-330/23	Ž-BL-05-411/23	MON- MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON	03 - ACCESS TO INFORMATION	6 December 2023	NO RESPONSE	NO
P-331/23	Ž-BL-05-521/23	MON- CITY OF DOBOJ	15 – PROPERTY RELATIONS	7 December 2023	COOPERATION ACHIEVED	YES
P-332/23	Ž-SA-04-473/23	MINISTRY OF SPATIAL PLANNING, CONSTRUCTION AND ECOLOGY BANJA LUKA; CITY OF BANJA LUKA	21 - PUBLIC UTILITY SERVICES	8 December 2023	IMPLEMENTED	YES
P-333/23	Ž-BL-05-579/23	JU POLYTECHNIC SCHOOL BANJA LUKA	03 - ACCESS TO INFORMATION	12 December 2023	NOT IMPLEMENTED	NO
P-334/23	Ž-BL-08-286/23	MUNICIPALITY GORNJI VAKUF - USKOPLJE	19 - MANAGEMENT	13 December 2023	IMPLEMENTED	YES
P-335/23	Ž-BL-04-483/23	MON- MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON	11 - EDUCATION -- 11-2 - PRIMARY EDUCATION	13 December 2023	COOPERATION ACHIEVED	YES
P-336/23	Ž-BL-04-502/23	MON- MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON	11 - EDUCATION	13 December 2023	NO RESPONSE	NO
P-337/23	Ž-BL-05-597/23	MINISTRY OF JUSTICE OF BOSNIA AND HERZEGOVINA	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY	13 December 2023	IMPLEMENTED	YES

			DEADLINE			
P-338/23	Ž-BL-04-622/23	JU ELEMENTARY SCHOOL "BRANKO ĆOPIĆ" BANJA LUKA	10 - LABOUR	13 December 2023	NOT IMPLEMENTED	YES
P-339/23	Ž-SA-08-494/23	PUBLIC MUNICIPAL ENTERPRISE "BAŠBUNAR" TRAVNIK	19 - MANAGEMENT	13 December 2023	NOT IMPLEMENTED	YES
P-340/23	Ž-SA-08-494/23	VETERINARY CHAMBER OF THE FEDERATION OF BOSNIA AND HERZEGOVINA SARAJEVO	19 - MANAGEMENT	13 December 2023	PARTIALLY IMPLEMENTED	YES
P-341/23	Ž-SA-05-329/20	MUNICIPALITY OF VELIKA KLADUŠA, OFFICE FOR ADMINISTRATION, SOCIAL ACTIVITIES AND COMMUNITY AFFAIRS VELIKA KLADUŠA	32 - INSPECTIONS	14 December 2023	COOPERATION ACHIEVED	YES
P-342/23	Ž-BL-06-545/23	UNIVERSITY OF SARAJEVO, SCHOOL OF ECONOMICS IN SARAJEVO	01 - DISCRIMINATION -- 01- 17 - ON GROUNDS OF EDUCATION	15 December 2023	IMPLEMENTED	YES
P-343/23	Ž-BL-05-525/23	CITY OF BANJA LUKA	32 - INSPECTIONS	15 December 2023	COOPERATION ACHIEVED	YES
P-344/23	Ž-BL-01-586/23	PUBLIC HEALTH INSTITUTE OF THE REPUBLIKA SRPSKA; MINISTRY OF HEALTH AND SOCIAL PROTECTION OF THE REPUBLIKA SRPSKA; HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA	13 - RIGHTS OF THE CHILD	15 December 2023	COOPERATION ACHIEVED	YES
P-345/23	Ž-SA-04-913/23	FBIH ADMINISTRATION FOR INSPECTION AFFAIRS SARAJEVO; REPUBLICAN ADMINISTRATION FOR INSPECTION AFFAIRS, TRG REPUBLIKE SRPSKE NUMBER 8 78 000 BANJA LUKA	14 - ECOLOGY OF ENVIRONMENTAL PROTECTION	19 December 2023	NOT IMPLEMENTED	YES
P-346/23	Ž-BL-04-540/23	PON-FBIH INSTITUTE FOR RETIREMENT INSURANCE/DISABILITY; CANTONAL ADMINISTRATIVE SERVICE FOR UNA-SANA CANTON	25 - PENSIONS	21 December 2023	IMPLEMENTED	YES
P-347/23	Ž-BL-01-538/23	HEALTH INSURANCE FUND OF THE REPUBLIKA SRPSKA; PHI HEALTH CENTER BANJA LUKA	13 - RIGHTS OF THE CHILD	20 December 2023	IMPLEMENTED	YES

P-348/23	Ž-SA-04-741/23	JU GENERAL HOSPITAL "PRIM. DR. ABDULAH NAKAŠ" SARAJEVO - N/A OF THE DIRECTOR; ATTN. OF THE BOARD OF DIRECTORS; ATTENTION: CANTON SARAJEVO, MINISTRY OF HEALTH SARAJEVO - ATTN. MINISTER; SARAJEVO CANTON MINISTRY OF SCIENCE, HIGHER EDUCATION AND YOUTH SARAJEVO - ATTN. MINISTER	11 - EDUCATION	25 December 2023	COOPERATION ACHIEVED	YES
P-349/23	Ž-SA-04-1183/23	BOARD OF COMPLAINTS OF THE STATE SERVICE FBIH SARAJEVO	10 - LABOUR	26 December 2023	COOPERATION ACHIEVED	YES
P-350/23	Ž-BR-06-266/22	GOVERNMENT OF THE BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA, DEPARTMENT OF EDUCATION - PEDAGOGICAL INSTITUTION OF THE BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA - POLICE OF THE BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	16 - VIOLENCE -- 16-2 - PEER VIOLENCE	26 December 2023	COOPERATION ACHIEVED	YES
P-351/23	Ž-SA-02-1015/23	MINISTRY OF INTERIOR OF ZE-DO CANTON - ATTN. MINISTER; POLICE STATION I ZENICA - ATTN. COMMANDER	12 - PERSONS WITH DISABILITIES	27 December 2023	NO RESPONSE	NO
P-352/23	Ž-SA-06-1156/22	BROWN COAL MINE "BREZA" LLC - BREZA - DIRECTOR'S NAME	01 - DISCRIMINATION -- 01-03 - MOBING	27 December 2023	NO RESPONSE	NO
P-353/23	Ž-SA-06-148/23	PUBLIC INSTITUTION "DOM ZDRAVLJA" ZENICA - N/A DIRECTOR; TO THE BOARD OF DIRECTORS "DOM ZDRAVLJA" ZENICA	01 - DISCRIMINATION -- 01-03 - MOBING	27 December 2023	IMPLEMENTED	YES
P-354/23	Ž-SA-04-77/21	MON-MUNICIPALITY OF ILIJAŠ - ATTN. OF THE CHIEF	21 - PUBLIC UTILITY SERVICES	27 December 2023	NO RESPONSE	NO
P-355/23	Ž-SA-05-351/22	"EDHEM MULABDIĆ" ELEMENTARY SCHOOL OPARA, NOVI TRAVNIK	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	27 December 2023	NO RESPONSE	NO
P-356/23	Ž-SA-04-236/23	ZENICA-DOBOJ CANTON, MINISTRY OF LABOUR, SOCIAL POLICY AND REFUGEES - N/A MINISTER; CITY OF ZENICA - N/A MAYOR; JU CENTER FOR SOCIAL WORK ZENICA - N/A DIRECTOR	24 - SOCIAL PROTECTION	28 December 2023	COOPERATION ACHIEVED	YES

ANNEX I. 2023 BUDGET BREAKDOWN

BOSNIA AND HERZEGOVINA

Institution: Institution of Human Rights Ombudsman of Bosnia and Herzegovina

Headquarters: Banja Luka

ID: 4403087410007

Activity code: 69.10

Form 2

Organisation code: 0304

Fund: General fund (10)

Project code: 0

Summary form: x

Breakdown of expenditures and expenses by economic category

Reporting period: 01/01/2023– 31/12/2023

BUDGET

No.	Description	Economic code	Budget	Amendments (revision, restructuring, reallocation, provisions, earmarked funds, etc.)	Adjusted budget	Realised accumulated amount of total expenditures and expenses	Realised accumulated amount in the same period of the previous year	Percentage 7/6 x 100	Percentage 7/8 x 100
1	2	3	4	5	6 (4+5)	7	8	9	10
1	Total expenditures and expenses (2+16)		3,241,000	8,224	3,249,224	3,055,014	2,507,480	94	122
2	Total current expenditures (3+6)	610000	3,166,000	23,624	3,189,624	2,996,861	2,456,880	94	122
3	Employee salaries and expenses reimb. (4+5)	611000	2,896,000	-10,376	2,885,624	2,736,277	2,218,407	95	123
4	Gross salaries and allowances and benefits	611100	2,554,000	-10,376	2,543,624	2,425,364	1,956,292	95	124
5	Employee expenses reimbursement	611200	342,000		342,000	310,913	262,115	91	119
6	Expenses for material, small business inventory and services (7+.....+15)	613000	270,000	34,000	304,000	260,584	238,473	86	109
7	Travel expenses	613100	55,000	29,000	84,000	78,760	56,872	94	138
8	Telephone and postal services expenses	613200	49,000		49,000	44,679	39,988	91	112
9	Energy and utilities expenses	613300	7,000		7,000	3,679	4,616	53	80
10	Procurement of material and small business inventory	613400	33,000	5,000	38,000	36,566	31,607	96	116
11	Transportation and fuel expenses	613500	23,000		23,000	16,537	15,662	72	106
12	Property and equipment rental	613600	13,000		13,000	12,800	12,800	98	100
13	Maintenance expenses	613700	19,000		19,000	18,922	11,441	100	165
14	Insurance, banking and payment services	613800	6,000		6,000	4,932	4,516	82	109
15	Contracted and other special services	613900	65,000		65,000	43,709	60,971	67	72
16	Total capital expenses		75,000	-15,400	59,600	58,153	50,600	98	115
17	Fixed asset acquisition costs	821000	75,000	-15,400	59,600	58,153	50,600	98	115
18	Procurement of equipment	821300	75,000	-15,400	59,600	58,153	50,600	98	115

ANNEX II. 2023 OVERVIEW OF OBLIGATIONS UNDER FREEDOM OF INFORMATION ACT

1. Public authorities at the level of Bosnia and Herzegovina that complied with the obligation to appoint information officers and provided the Information Access Guide and Index Register pursuant to Articles 19 and 20 of the FOIA:

1. Directorate of Civil Aviation of Bosnia and Herzegovina;
2. Directorate for European Integration of Bosnia and Herzegovina;
3. Public attorney's office of Bosnia and Herzegovina;
4. Prosecutor's Office of Bosnia and Herzegovina;
5. Office of the Coordinator for Public Administration Reform of Bosnia and Herzegovina;
6. Ministry for Human Rights and Refugees of Bosnia and Herzegovina;
7. Institute for Intellectual Property of Bosnia and Herzegovina;
8. Competition Council of Bosnia and Herzegovina;
9. Fund for the return of Bosnia and Herzegovina;
10. Institute for the Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina;
11. Ministry of Finance and Treasury of Bosnia and Herzegovina;
12. Public health institution "Health Centre Brčko" Brčko District of BiH.

2. Public authorities at the level of Bosnia and Herzegovina that provided statistical data in 2023 in accordance with Article 20 of the FOIA:

1. Agency for Identification Documents, Records and Data Exchange of BiH;
2. Market Surveillance Agency of Bosnia and Herzegovina;
3. Insurance Agency in BiH;
4. BiH Labour and Employment Agency;
5. Personal Data Protection Agency in BiH;
6. BiH Public Procurement Agency;
7. BiH Food Safety Agency;
8. BiH Civil Service Agency;
9. Agency for Prevention of Corruption and Coordination of the Fight against Corruption of BiH;
10. Central Bank of Bosnia and Herzegovina;
11. Directorate of Civil Aviation of Bosnia and Herzegovina;
12. Directorate for Economic Planning of BiH;
13. Directorate for European Integration of BiH;
14. State Regulatory Commission for Electricity;
15. Elektroprivreda BiH;
16. BiH Return Fund;
17. BiH Border Police;
18. Institute for Intellectual Property of Bosnia and Herzegovina;
19. Competition Council of BiH;
20. Commission for the Preservation of National Monuments of Bosnia and Herzegovina;
21. Ministry for Human Rights and Refugees of BiH;
22. Ministry of Communications and Transport of BiH;
23. Ministry of Foreign Affairs of BiH;
24. Ministry of Security of BiH;
25. Ministry of Foreign Trade and Economic Relations of BiH/BiH Veterinary Office, BiH Administration for Plant Health Protection, Office for Harmonization and Coordination of Payment Systems in Agriculture, Nutrition and Rural Development of BiH;
26. Ministry of Civil Affairs of BiH;
27. Ministry of Finance and Treasury of BiH;
28. Presidency of BiH – Secretariat;
29. Prosecutor's Office of BiH;
30. Office of the Coordinator for Public Administration Reform of BiH;

31. Constitutional Court of BiH;
32. Council of Ministers of BiH – General Secretariat; January-March 2023;
33. High Judicial and Prosecutorial Council of BiH;

With regard to submission of statistical data by state-level public authorities, the Institution of Human Rights Ombudsman of Bosnia and Herzegovina notes that 33 public authorities complied with their obligation in the reporting year.

3. Public authorities at the level of the Federation of Bosnia and Herzegovina that provided statistical data in 2023, pursuant to the FOIA, are as follows:

1. Banking Agency of the Federation of Bosnia and Herzegovina;
2. Centre for Education of Judges and Prosecutors in the Federation of BiH;
3. Federal Hydrometeorological Institute;
4. FBiH Ministry of Health;
5. FBiH Ministry of Interior;
6. FBiH Ministry of Culture and Sports;
7. FBiH Ministry of Physical Planning;
8. Federal Administration for Inspection Affairs;
9. Sarajevo Canton Memorial Fund;
10. Federal Institute for Pension and Disability Insurance;
11. City of Goražde;
12. City of Mostar;
13. City of Gračanica;
14. City of Gradačac;
15. Public Company "Sarajevo" International Airport;
16. JP Olympic Swimming Pool Otoka;
17. Cantonal Court in Zenica;
18. Cantonal Court in Tuzla;
19. Cantonal Civil Protection Administration of the Sarajevo Canton;
20. Cantonal Administration for Inspection Affairs of the Sarajevo Canton;
21. Cantonal Prosecutor's Office of the Zenica-Doboj Canton;
22. Cantonal Prosecutor's Office of the Sarajevo Canton;
23. Securities Commission of the Federation of Bosnia and Herzegovina;
24. Ministry of Internal Affairs of Tuzla Canton;
25. Ministry of Internal Affairs of Sarajevo Canton;
26. Ministry of Construction, Physical Planning and Environmental Protection of Una-Sana Canton;
27. Municipality of Sanski Most;
28. Municipality of Ključ;
29. Municipality of Hadžići;
30. Municipality of Novo Sarajevo;
31. Municipality of Tešanj;
32. Municipality of Fojnica;
33. Municipality of Čitluk;
34. Municipality of Ilijaš;
35. Municipality of Travnik;
36. Municipality of Novi Travnik;
37. Municipality of Busovača;
38. Municipality of Foča, Ustikolina;
39. Municipality of Maglaj;
40. Municipal Court in Visoko;
41. Municipal Court in Kakanj;
42. Energy Regulatory Commission of the Federation of Bosnia and Herzegovina (FERK);
43. University of Sarajevo;
44. Government of the Federation of Bosnia and Herzegovina;

In the reporting year, 45 public authorities in the Federation of Bosnia and Herzegovina complied with the obligation to provide statistical data pursuant to the FOIA.

4. Public authorities at the level of the Republika Srpska that provided statistical data in 2023, pursuant to the FOIA, are as follows:

1. Pension and Disability Insurance Fund of the Republika Srpska;
2. City of Gradiška;
3. Public institution "Voda Srpska" Bijeljina;
4. District Public Prosecutor's Office Banja Luka;
5. District Commercial Court Doboj;
6. District Court in Doboj;
7. Basic Court in Teslić;

In 2023, 7 public authorities at the level of the Republika Srpska complied with the obligation to provide statistical data.

5. In 2023, the following public authorities complied with their obligation to provide information officer decisions, Information Access Guide and Index Register, pursuant to the FOIA:

1. Agency for Quality and Accreditation in Healthcare in the Federation of Bosnia and Herzegovina;
2. FBiH Banking Agency;
3. FBiH Ministry of Physical Planning;
4. Public Institution Centre for Education of Judges and Prosecutors in the Federation of BiH;
5. FBiH Ministry of Labour and Social Policy;
6. FBiH Ministry of Interior;
7. Federal Police Administration;
8. Government of Sarajevo Canton;
9. Office for Combating Corruption and Quality Management of Sarajevo Canton;
10. Sarajevo Canton Memorial Fund;
11. Sarajevo Canton Public attorney's office;
12. Ministry of Veterans Affairs of Sarajevo Canton;
13. Office of the Chairman and Deputy Chairman of the Sarajevo Canton;
14. JU Institute for Emergency Medical Assistance of Sarajevo Canton;
15. University of Sarajevo;
16. Professional service of the Sarajevo Canton Government;
17. Sarajevo Canton Health Insurance Institute;
18. JU Elementary Music School "Mladen Pozajić" Sarajevo;
19. Semi-open penitentiary institution Tuzla;
20. PI Service for employment TK;
21. **Srebrenica Memorial Centre;**
22. Secretariat for Legislation of the Government of Zenica-Doboj Canton;
23. Expert Service for Development and International Projects of the Zenica-Doboj Canton;
24. Ministry for Veterans and War Invalids of the Una-Sana Canton;
25. Cantonal Prosecutor's Office of the Una-Sana Canton;
26. Ministry of Economy of the Central Bosnia Canton;
27. Office of the Government of the West Herzegovina Canton for European Integration;
28. Institute of Health Insurance of Herzegovina-Neretva County/Canton;
29. Public institution Social Welfare Centre Sapna;
30. Municipality of Odžak;
31. Municipality of Busovača;
32. Municipality of Maglaj;
33. Municipal Court in Živinice;
34. District Court in Doboj

ANNEX III. TABLE OF STATISTICAL INDICATORS

DEPARTMENT	2023 Caseload	Carryover from previous years	Total cases handled in 2023	Total cases completed in 2023	2024 carryover
01 - Department for Monitoring the Exercise of Children's Rights	231	128	359	207	152
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities	56	29	85	47	38
03 - Department for Monitoring the Exercise of Rights of National, Religious and Other Minorities	13	9	22	13	9
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights	741	382	1123	686	437
05 - Department for Monitoring the Exercise of Political and Civil Rights	771	494	1265	790	475
06 - Department for the Elimination of All Forms of Discrimination	187	300	487	278	209
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty	86	56	142	83	59
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration	709	371	1080	727	353
TOTAL	2794	1769	4563	2831	1732

Work on complaints in 2023 by department

Department	Number of cases
01 - Department for Monitoring the Exercise of Children's Rights // Sarajevo	107
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Sarajevo	30
03 - Department for Monitoring the Exercise of Rights of National, Religious and Other Minorities // Sarajevo	11
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Sarajevo	352
05 - Department for Monitoring the Exercise of Political and Civil Rights // Sarajevo	278
06 - Department for the Elimination of All Forms of Discrimination // Sarajevo	98
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty // Sarajevo	69
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Sarajevo	270
Total number of cases Sarajevo	1215
01 - Department for Monitoring the Exercise of Children's Rights // Banja Luka	94
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Banja Luka	17
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Banja Luka	164
05 - Department for Monitoring the Exercise of Political and Civil Rights // Banja Luka	265
06 - Department for the Elimination of All Forms of Discrimination // Banja Luka	65
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty // Banja Luka	15
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Banja Luka	187
Total number of cases Banja Luka	807
01 - Department for monitoring the exercise of children's rights // Brčko	10
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Brčko	1
03 - Department for Monitoring the Exercise of Rights of National, Religious and Other Minorities // Brčko	1
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Brčko	140
05 - Department for Monitoring the Exercise of Political and Civil Rights // Brčko	86
06 - Department for the Elimination of All Forms of Discrimination // Brčko	10
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Brčko	108
Total number of cases Brčko	356
01 - Department for Monitoring the Exercise of Children's Rights // Mostar	17
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Mostar	6
03 - Department for Monitoring the Exercise of Rights of National, Religious and Other Minorities // Mostar	1
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Mostar	52
05 - Department for Monitoring the Exercise of Political and Civil Rights // Mostar	70
06 - Department for the Elimination of All Forms of Discrimination // Mostar	8
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty // Mostar	2
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Mostar	54
Total number of cases Mostar	210

01 - Department for Monitoring the Exercise of Children's Rights // Livno	3
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Livno	2
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Livno	33
05 - Department for Monitoring the Exercise of political and civil rights // Livno	72
06 - Department for the Elimination of All Forms of Discrimination // Livno	6
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Livno	90
Total number of cases Livno	206
Total number of cases IHROBiH	2794

Number of complaints in 2023 by office

Violation of right	Subcategory	Number of cases
01 – Discrimination	00 – Other	67
01 – Discrimination	01-01 – Harassment	2
01 – Discrimination	01-03 – Mobbing	43
01 – Discrimination	01-09 – On grounds of language	3
01 – Discrimination	01-10 - On grounds of religion	1
01 – Discrimination	01-11 - On grounds of ethnicity	12
01 – Discrimination	01-12 - On grounds of national or social origin	7
01 – Discrimination	01-13 - On grounds of affiliation with national minority	4
01 - Discrimination	01-14 - On grounds of political or other convictions	2
01 - Discrimination	01-15 - On grounds of financial status	2
01 - Discrimination	01-16 - On grounds of membership of trade union or another association	2
01 - Discrimination	01-17 - On grounds of education	6
01 - Discrimination	01-18 - On grounds of social status and gender	2
01 - Discrimination	01-19 - On grounds of sexual orientation	5
01 - Discrimination	01-22 - On grounds of age	1
01 - Discrimination	01-23 - On grounds of disability	2
01 - Discrimination	01-24 - Hate speech	8
01 - Discrimination	16-1 - Domestic violence	1
01 - Discrimination	TOTAL	170
02 - Media and freedom of information	TOTAL	7
03 - Access to information	00 - Other	155
03 - Access to information	03-1 - Failure to decide within the statutory deadline	92
03 - Access to information	03-2 - Denial of access to information	27
03 - Access to information	03-3 - Right to review in two instances	1
03 - Access to information	TOTAL	275
04 - Religious freedoms / religion	TOTAL	2
05 - Police	00 - Other	99
05 - Police	05-1 – Complaints about police work	38
05 - Police	05-2 - Complaints of police officers	1
05 - Police	TOTAL	138
06 - Public Revenue	TOTAL	2
07 - Prisons	00 - Other	72
07 - Prisons	07-1 - Use of Incentives and earned privileges	6
07 - Prisons	07-2 - Healthcare and hygienic conditions	9
07 - Close	TOTAL	87
08 - Gender equality	TOTAL	1
09 – Judiciary	00 - Other	223
09 – Judiciary	09-1 - Complaints about the work of judges	23
09 – Judiciary	09-2 - Length of the proceedings (Article 6)	62
09 – Judiciary	09-3 - Enforcement of judgments	50
09 – Judiciary	09-4 - HJPC	9
09 – Judiciary	TOTAL	367
10 - Labour	TOTAL	233

11 - Education	00 - Other	16
11 - Education	11-2 - Primary education	8
11 - Education	11-3 - Secondary education	6
11 - Education	11-4 - Higher education	10
11 - Education	11-5 - Adult education	1
11 - Education	TOTAL	41
12 - People with disabilities	TOTAL	56
13 - Rights of the child	00 – Other	213
13 - Rights of the child	13-1 - Social welfare centres	19
13 - Rights of the child	TOTAL	232
14 - Ecology, environmental protection	TOTAL	16
15 – Property	TOTAL	120
16 – Violence	00 – Other	6
16 – Violence	16-1 - Domestic violence	6
16 – Violence	TOTAL	12
17 - Public documents	TOTAL	9
18 – Minorities	TOTAL	14
19 - Management	TOTAL	253
20 - War damages	TOTAL	9
21 - Public utility services	TOTAL	132
22 - Government and ministerial appointments	TOTAL	98
23 - Healthcare	TOTAL	50
24 - Social protection	TOTAL	97
25 - Pensions	TOTAL	174
26 - Prosecutor's offices	TOTAL	76
27 - Public attorney's offices	TOTAL	3
28 - Corruption cases	TOTAL	4
29 - Migration and asylum	TOTAL	11
30 - Freedom of assembly	TOTAL	4
31 - Lawyers	TOTAL	11
32 - Inspections	TOTAL	81
33 - Free legal aid	TOTAL	9
FOREST	TOTAL	2794

Number of complaints received in 2023 by subcategory

No.	Case resolution	2023 caseload	Caseload carryover from previous years	Total
1	During IHROBiH intervention	451	257	708
2	IHROBiH recommendation	104	324	428
3	Disinterest of the party in further proceedings	252	134	386
4	Inadmissible complaint	410	115	525
5	Otherwise resolved	394	298	692
6	Lack of jurisdiction and transfer to the competent authority	53	11	64
7	Referred to another Ombudsman's office	10	1	11
8	Special report	2	3	5
9	Renewed proceedings	10	2	12
10	Total	1686	1145	2831

FOR INADMISSIBLE COMPLAINTS ONLY - SUB-CATEGORIZATION

00 – Other	96	34	130
01 - Anonymous complaint	0	0	0
02 - Malicious complaint	0	0	0
03 - Unfounded complaint	234	66	300
04 - Complaint contains no claim	3	2	5
05 - Violation of the legitimate rights of a third party	0	0	0
06 - One-year delay in filing the complaint after the facts, events or decisions	9	0	9
07 - Non-exhaustion of legal remedies	30	7	37
08 - Incomplete or incomprehensible complaint (not subsequently supplemented)	13	3	16
09 - Withdrawal of complaint by complainant	6	1	7
10 - Complaint containing facts already discussed (duplication of complaint)	18	2	20
11 - State of facts before 14 December 1995	1	0	1
Total	410	115	525

Number of completed complaints//Completion method in 2023

No.	Violation of rights	Number of recommendations
1	01 – Discrimination	155
2	02 - Media and freedom of information	1
3	03 - Access to information	70
4	05 – Police	10
5	06 - Public revenues	1
6	07 – Prisons	1
7	09 – Judiciary	9
8	10 – Labour relations	35
9	11 – Education	12
10	12 - People with disabilities	10
11	13 - Rights of the child	27
12	14 - Ecology, environmental protection	2
13	15 – Property	11
14	16 – Violence	1
15	17 - Public documents	1
16	18 – Minorities	1
17	19 – Management	41
18	20 - War damages	2
19	21 – Public utility services	13
20	22 - Government and ministerial appointments	28
21	23 – Healthcare	12
22	24 - Social protection	7
23	25 – Pensions	8
24	26 – Prosecutor's offices	5
25	29 - Migration and asylum	1
26	31 – Lawyers	2
27	32 – Inspections	20
28	33 - Free legal aid	2
29	TOTAL	488

Method of implementation	Number of cases
Partially implemented	13
No response	90
Not implemented	80
Cooperation achieved	63
Implemented	242
Total	488

Number of complaints with recommendations issued in 2023 by rights violation category and implementation

Department	Number of cases with issued recommendations in 2023
01 - Department for Monitoring the Exercise of Children's Rights	27
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities	10
03 - Department for Monitoring the Exercise of Rights of National, Religious and Other Minorities	2
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights	89
05 - Department for Monitoring the Exercise of Political and Civil Rights	146
06 - Department for the Elimination of All Forms of Discrimination	156
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty	1
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration	57
Total number of recommendations in cases	488

Number of complaints with issued recommendations in 2022 by department

Department	Number of recommendations
01 - Department for Monitoring the Exercise of Children's Rights	26
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities	10
03 - Department for Monitoring the Exercise of Rights of National, Religious and Other Minorities	2
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights	84
05 - Department for Monitoring the Exercise of Political and Civil Rights	140
06 - Department for the Elimination of All Forms of Discrimination	42
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty	1
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration	51
Total number of recommendations	356

Number of recommendations in 2023 by department

Office	Number of recommendations
Sarajevo Office	162
Banja Luka Office	236
Brčko Office	35
Mostar Office	19
Livno Office	36
Total number of recommendations in cases	488

Number of complaints with issued recommendations in 2023 by office

Office	Number of recommendations
Sarajevo Office	153
Banja Luka Office	123
Brčko Office	33
Mostar Office	18
Livno Office	29
Total number of recommendations	356

Number of recommendations in 2023 by office

20 most common judicial respondent parties

No.	Authority	Number of cases	Authority HQ
1	MUNICIPAL COURT SARAJEVO	59	SARAJEVO
2	CANTONAL COURT SARAJEVO	33	SARAJEVO
3	BASIC COURT BANJA LUKA	32	BANJA LUKA
4	MUNICIPAL COURT LIVNO	25	LIVNO
5	CANTONAL PROSECUTOR'S OFFICE SARAJEVO	24	SARAJEVO
6	CANTONAL PROSECUTOR'S OFFICE OF TUZLA CANTON	24	TUZLA
7	MUNICIPAL COURT BIHAĆ	20	BIHAC
8	CANTONAL COURT LIVNO	17	LIVNO
9	MUNICIPAL COURT OF TUZLA	15	TUZLA
10	MUNICIPAL COURT MOSTAR	13	MOSTAR
11	DISTRICT COURT BANJA LUKA	12	BANJA LUKA
12	HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BIH	11	SARAJEVO
13	SUPREME COURT OF THE REPUBLIKA SRPSKA	10	BANJA LUKA
14	MUNICIPAL COURT CAZIN	9	CAZIN
15	DISTRICT PUBLIC PROSECUTOR'S OFFICE BANJA LUKA	8	BANJA LUKA
16	CONSTITUTIONAL COURT OF BIH	8	SARAJEVO
17	CANTONAL PROSECUTOR'S OFFICE OF THE ZENICA-DOBOJ CANTON	7	ZENICA
18	CANTONAL COURT BIHAĆ	6	BIHAC
19	PRIJEDOR DISTRICT PROSECUTOR'S OFFICE	6	PRIJEDOR
20	MUNICIPAL COURT ZENICA	6	ZENICA

20 most common non-judicial respondent parties

No.	Authority	Number of cases	Authority HQ
1	MUNICIPAL COURT OF TUZLA	55	TUZLA
2	MUNICIPAL COURT IN SARAJEVO	41	SARAJEVO
3	BASIC COURT BANJA LUKA	30	BANJA LUKA
4	CANTONAL COURT SARAJEVO	27	SARAJEVO
5	CANTONAL PROSECUTOR'S OFFICE OF TUZLA CANTON	23	TUZLA
6	MUNICIPAL COURT MOSTAR	18	MOSTAR
7	MUNICIPAL COURT LIVNO	16	LIVNO
8	HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BIH	16	SARAJEVO
9	DISTRICT PUBLIC PROSECUTOR'S OFFICE BANJA LUKA	15	BANJA LUKA
10	DISTRICT COURT BANJA LUKA	11	BANJA LUKA
11	COURT OF BIH	10	SARAJEVO
12	CANTONAL PROSECUTOR'S OFFICE SARAJEVO	10	SARAJEVO
13	SUPREME COURT OF FBiH	9	SARAJEVO
14	PROSECUTOR'S OFFICE OF BIH	8	SARAJEVO
15	BASIC COURT OF BRCKO DISTRICT OF BIH	8	BRCKO DISTRICT
16	CANTONAL COURT LIVNO	7	LIVNO
17	CANTONAL/COUNTY COURT IN MOSTAR	7	MOSTAR
18	SUPREME COURT OF THE REPUBLIKA SRPSKA	7	BANJA LUKA
19	TUZLA CANTONAL COURT	7	TUZLA
20	CONSTITUTIONAL COURT OF BIH	5	SARAJEVO