



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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**The situation in Bosnia  
and Herzegovina**



# Bosnia and Herzegovina Country Report

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## Overview

### Name of NHRI and mandate:

- Institution of Human Rights Ombudsman of Bosnia and Herzegovina (IHROBiH)
- NHRI, Ombudsman Institution, NPM, equality body.

### Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Bosnia and Herzegovina country report](#)
- Sub-Committee on Accreditation (SCA): [SCA Report November 2017](#)
- CoE Independent Bodies : [ECRI Report on Bosnia and Herzegovina \(2019\)](#) ; [ECRI Conclusions on Bosnia and Herzegovina \(2019\)](#) [CPT report on Bosnia and Herzegovina \(2019\)](#).

### Good practices and improvements:

- **CM Principle 1:** The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (IHROBH) is an A-status institution.
- **CM Principle 9: There is a legal obligation for relevant state authorities to respond to the NHRI's recommendations in a timely and reasoned manner.** However, in practice, a serious lack of follow-up of the NHRIs' recommendations has been found (including by ECRI (2019)). In 2021, the Committee on Human Rights of the Parliamentary Assembly sent a memo to all public bodies that failed to comply with IHROBiH recommendations in 2020 and instructed them to provide a written submission concerning the above. The NHRI reports that this proved to be an efficient mechanism for implementing the IHROBiH recommendations.

## Key areas where improvement is needed:

- **CM Principle 2 & 6: strengthen financial independence and ensure adequate resources:** In line with recommendations of the SCA (2017), ECRI (2019), and the CPT (2019), proposed amendments to the IHROB enabling law should be adopted to ensure the financial independence of the NHRI and to ensure adequate human and financial resources to carry out its mandate, including upcoming NPM functions.
- **CM Principle 4 & 5: on selection / appointment and dismissal:** proposed amendments to the IHROBiH enabling law should be adopted, as recommended by the SCA (2017) to ensure a sufficiently broad, participative and transparent selection and appointment process, and to provide further details on the dismissal process to ensure its independence and objectiveness.
- **CM Principle 8 & 12: enhance awareness of and cooperation with the NHRI:** The NHRI reports further efforts are needed to enhance the awareness and cooperation of relevant state authorities with the NHRI, in particular also increasing the understanding and knowledge of IHROBiH's mandate by judicial authorities.

## Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

### I. Establishment of NHRIs

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| <b>Principle 1</b>  | Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles  |
| <b>Assessment of implementation by the NHRI</b>                                       | <i>Information provided by the NHRI in 2023</i><br>IHROBiH managed to postpone the re-accreditation process in November 2022 by one year.<br>IHROBiH is waiting for the Draft Law on Amendments to the Law on Human Rights Ombudsman of BiH (LHROBiH) to be adopted. |
| <b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b> | <i>SCA report November 2017, p. 9</i><br>Recommendation: The SCA recommends that the Human Rights Ombudsman Institution of Bosnia and Herzegovina (IHROBH) be re-accredited with A Status.   |

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| <p><b>Principle 2</b></p>                              | <p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>   |
| <p><b>Assessment of implementation by the NHRI</b></p> | <p><i>Information provided by the NHRI in 2023</i></p> <p>The establishment of IHROBiH is provided for in the Constitution (Art. 2(1)), and it is derived from an international treaty (Dayton Peace Accord), The mandates, functions and independence guarantees are developed by law.</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>Draft Bill on Amendments to the Law on Human Rights Ombudsman of Bosnia and Herzegovina comprises four amendments and these are as follows: financial independence, cooperation with civil society, appointments and dismissals, and establishment of an NPM-PM.</p> <p>Pursuant to the recommendations made by the Sub-Committee for Accreditation (SCA), IHROBiH initiated amendments to the LHROBiH in order to implement these recommendations.</p> <p>The 2019 European Commission's opinion on this matter was similar to the SCA's. The Law on Amendments to the LHROBiH has not been adopted yet, i.e. it is still tabled.</p> |

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| <p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p> | <p><i>SCA Report November 2017, p. 9</i></p> <p>The enabling law of IHROBH provides for a limited promotion mandate. The SCA acknowledges that the IHROBH has proposed amendments to its Law to more explicitly mandate it with promotional functions. If adopted, the pending amendments would address this concern.</p> <p>[...]p. 11: In accordance with article 39 of the existing Law, the financial appropriation necessary for the functioning of the IHROBH is included in the budget of the Presidency of Bosnia and Herzegovina. The existing Law does not specify the process by which this budget allocation is made, does not specify whether it appears as a separate budget line, and does not provide for the financial autonomy of the IHROBH over the budget allocation. The SCA acknowledges that IHROBH reports that it enjoys financial autonomy and that, in practice, its budget appears in a separate budget line. The SCA notes further that article 3 of the proposed amendments to the Law expands upon the details of the budgetary process and enhances the independence of the IHROBH in respect of this budget.[...] Funds should be allocated to a separate budget line item applicable only to the NHRI. The NHRI should have complete autonomy over the allocation of its budget. Such funding should be regularly released and in a manner that does not impact adversely on its functions, day-to-day management and retention of staff.</p> |
| <p><b>Assessment of implementation by CoE independent bodies</b></p>                         | <p><i>ECRI 2019 Conclusions on Bosnia and Herzegovina, p. 5 (Para. 1)</i></p> <p>Furthermore, the fact that full financial independence of the Ombudsman Institution from decision-making by the executive power is still not guaranteed remains a major concern.</p> <p><i>ECRI report on Bosnia and Herzegovina 2017, p. 13 (Para.11)</i></p>  |

The legislation concerning the mandate and powers of the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina (henceforth: Ombudsman Institution) is generally in line with ECRI's GPR No. 7

*CPT Report on Bosnia and Herzegovina 2019, p. 11 (Para.8)*

Bosnia and Herzegovina ratified the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2008 but to date has yet to set up a National Preventive Mechanism. On 5 September 2017, the Council of Ministers of Bosnia and Herzegovina (BiH), at its 113th Session, endorsed amendments to the State Law on the Ombudsman for Human Rights of Bosnia and Herzegovina and referred them to the State Parliament for adoption. This piece of legislation designating the Human Rights Ombudsman of Bosnia and Herzegovina as the institution to perform the NPM-related tasks is yet to be adopted and there is no clear timeframe for its adoption. [...]

The Department for the Rights of Persons Deprived of their Liberty within the Human Rights Ombudsman Office is the only truly independent mechanism in place in the country to carry out monitoring of places of deprivation of liberty. However, it remains inadequately resourced to carry out such additional tasks effectively.

## II. Strengthening of NHRIs

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| <p><b>Principle 3.1</b></p>                            | <p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is <b>as broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor and analyse</b> the human rights situation in the country, <b>publish reports</b> on these findings and <b>address recommendations</b> to public authorities at national, regional and local levels and, when applicable, to private entities, and present an <b>annual report</b> to the relevant authorities, including before parliament, for its consideration.</li> </ul>   |
| <p><b>Assessment of implementation by the NHRI</b></p> | <p><i>Information provided by the NHRI in 2023</i></p> <p>In accordance with its mandates, IHROBiH publishes several <a href="#">special reports</a> during the calendar year. These reports deal with current and systemic problems. Ultimately, each special report makes recommendations to the competent authorities on the specific issue (all government levels). After a period of time and depending on the need, IHROBiH prepares a follow-up report, which establishes the level of implementation of the recommendations issued.</p> <p>IHROBiH is developing the Follow-Up Report of the Special Report on the Situation in Institutions where Persons with Intellectual and Mental Disabilities are Placed.</p> <p>IHROBiH issues its <a href="#">annual reports</a> by March/April every year for the previous year, and sends them to the Presidency of BiH and all government levels for their information.</p> <p>IHROBiH is only competent to deal with public authorities.</p> |



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| <p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p> | <p><i>SCA Report November 2017, p. 11</i></p> <p>In accordance with article 34 of the Law, the annual report of IHROBH is distributed to a number of entities, yet that there is no requirement that the annual report is considered by, or discussed in, the relevant Parliament</p> <p>The SCA recommends that the IHROBH advocate for the inclusion in its enabling law of a process whereby its reports are discussed and considered by the legislature.</p>   |
| <p><b>Principle 3.2</b></p>  | <p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>freely address public opinion, raise public awareness</b> on human rights and <b>carry out education and training</b> programmes;</li> </ul>  |
| <p><b>Assessment of implementation by the NHRI</b></p>                                       | <p><i>Information provided by the NHRI in 2023</i></p> <p>When necessary, IHROBiH announces press releases. It does this through public and printed media, as well as on its website. The latest release concerned the condemnation of LGBTI activists in Banja Luka.s</p> <p>In 2022, IHROBiH conducted <a href="#">discussions for public servants</a> (link in Bosnian) on the topic of hate speech in Sarajevo, Mostar, Trebinje, Tuzla and Banja Luka as part of the Horizontal Facility project in cooperation with the Council of Europe.</p> |

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| <p><b>Principle 3.3</b></p>  | <p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>fully address all alleged human rights violations</b> by all administrative authorities, other relevant State entities and, when applicable, private entities</p>  |
| <p><b>Assessment of implementation by the NHRI</b></p>               | <p><i>Information provided by the NHRI in 2023</i></p> <p>IHROBiH receives individual complaints and handles cases <i>ex officio</i>.</p>   |
| <p><b>Assessment of implementation by CoE independent bodies</b></p> | <p><i>ECRI report Bosnia and Herzegovina 2017, p. 29 (Para.80)</i></p> <p>ECRI notes that the decision-making process within the Ombudsman Institution is often complicated. The three Ombudspersons, one from each of the constituent peoples take all decisions by consensus. This slows down the process, but also means that cases which are deemed too politically sensitive in the current climate of ethnic divisions are in practice not considered. An example is the issue of segregation in schools. While such complaints make up only a very small part of the case load, the European Commission for Democracy through Law (Venice Commission) of the Council of Europe mentions that “this type of ‘denial of justice’ tarnishes the prestige of the Institution, as well as the public confidence in its ability to address more controversial issues impartially.”</p> |

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| <p><b>Principle 3.4</b></p>                            | <p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- have <b>unfettered access to all relevant premises</b>, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;</li> </ul>  |
| <p><b>Assessment of implementation by the NHRI</b></p> | <p><i>Information provided by the NHRI in 2023</i></p> <p>IHROBiH Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty receives complaints and initiates investigations <i>ex officio</i> in cases where it finds violations and problems in exercising the rights provided for in the European Prison Rules, Minimum UN Rights for Prisoners Treatment, European Convention on Prevention of Torture, European Convention on Human Rights.</p> <p>Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty:</p> <ul style="list-style-type: none"> <li>- permanently fights for the protection of fundamental and all other rights and freedoms of prisoners;</li> <li>- within its competences, undertakes measures and activities to investigate justified complaints of convicted persons and in relation to processing of potential human rights violations;</li> <li>- refers to applicable regulations for the status and position of rights and obligations of convicted persons, and examines the actions of employees of the competent services in correctional facilities and urges for consistent application of the applicable regulations;</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>- analyses and points to the key reasons for malfunctioning of the authority structures that deal with issues related to persons deprived of their liberty;</li> <li>- removes obstacles for consistent application of international conventions ratified by BiH.</li> </ul> <p>The Bill on Amendments to the LHROBiH, granting IHROBiH with the mandate of the NPM-PM, has not been adopted yet but is still tabled (read the Bill in <a href="#">Bosnian</a> and <a href="#">English</a>).</p>   |
| <p><b>Assessment of implementation by CoE independent bodies</b></p> | <p><i>CPT Report on Bosnia and Herzegovina 2019, p. 30 (Para.37)</i></p> <p>The Committee recommends that the Institution of the Ombudsmen of BiH, as the body carrying out visits to places of deprivation of liberty in the country, be provided with the necessary resources to monitor effectively police establishments. It should also be entitled to make unannounced visits and to talk with any detained persons in private, as well as to consult all relevant documentation.</p>   |
| <p><b>Principle 3.5</b></p>  | <p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor existing and draft policies and legislation</b> with human rights implications before, during and after their adoption in order to <b>advise</b> the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by <b>making relevant and concrete recommendations</b>.</li> </ul> |
| <p><b>Assessment of implementation by the NHRI</b></p>               | <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 6</i></p> <p>IHROBiH can contribute greatly by guiding the design of the political and legal frameworks that define the exercise of human rights. The policy makers, i.e. legislative bodies should engage with the</p>  |

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|  | <p>IHROBiH in terms of the latter providing opinions on human rights issues when normative instruments are being adopted. IHROBiH has for a long time cooperated with all competent state bodies in Bosnia and Herzegovina.</p> <p>Policy makers, i.e. legislative bodies, do not cooperate sufficiently with IHROBiH in terms of giving opinions on human rights issues when normative instruments are adopted.</p> <p>IHROBiH periodically submits proposals of amendments to laws to public authorities.</p>   |
| <p><b>Principle 3.6</b></p>                            | <p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>contribute to an effective justice system</b> for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</li> </ul> |
| <p><b>Assessment of implementation by the NHRI</b></p> | <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>IHROBiH has the mandate to contribute to the access to justice for individuals, including through handling complaints, providing legal assistance to individuals and raising public awareness.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>IHROBiH handles individual complaints and issues recommendations and opinions.</p>   |

**Proceedings in cases before courts:**

*Article 4.1. LHROBiH stipulates that IHROBiH has the authority to conduct investigations in all complaints related to the poor functioning of the judicial system or improper processing of individual cases, as well as to recommend individual or general measures.*

*Article 4.2. LHROBiH stipulates: "IHROBiH shall not interfere in the decision-making process of the courts, but may initiate court proceedings or intervene in the course of the proceeding, whenever it finds that such activity is necessary in the performance of its duties." IHROBiH can also issue recommendations to the authority that is a party to the proceedings or be consulted by a party to the proceedings".*

The relationship between IHROBiH and courts is also defined in Article 15.9. of the BiH Prohibition of Discrimination Act, which reads as follows:

*(9) In the event that the court considers a case on which IHROBiH has already issued a recommendation, which is used by a party in the proceedings as evidence, the court is obliged to consider IHROBiH's recommendations in accordance with the rules of the procedure,*

IHROBiH points out that it is indisputable that Article 2 of the Administrative Disputes Act (state, entity) prescribes the possibility of IHROBiH's intervention in ongoing proceedings when, in the performance of tasks falling within its competence, it finds that an administrative document violates human dignity, the rights and freedoms of individuals guaranteed by the FBiH Constitution. However, IHROBiH does not intervene in administrative disputes for the following reasons:

- RS Administrative Disputes Act does not contain the aforementioned provision, and such action could put citizens in an unequal position

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|  | <ul style="list-style-type: none"> <li>- Lack of criteria for IHROBiH actions in administrative disputes, according to which this kind of action would be justified, and with regard to other mechanisms whose primary mandate is that</li> </ul> <p>Factors that negatively affects IHROBiH’s impartiality:</p> <ul style="list-style-type: none"> <li>- Lack of personnel</li> <li>- Excessive workload</li> <li>- Global opening of several issues related to the position of national institutions for the promotion and protection of human rights, especially in the light of the Paris Principles.</li> </ul> <p>IHROBiH has the opportunity to participate in various procedures according to the <i>amicus curiae</i> model, thus contributing to the execution of the second part of the mandate, which is related to promotion, especially when it comes to the direct application of international standards in court proceedings.</p> <p>(The above mentioned is the part of the IHROBiH response letter to the Report of the Temporary Commission of Inquiry to determine the situation in the judicial institutions of BiH).</p> |
| <p><b>Assessment of implementation by CoE independent bodies</b></p> | <p><i>ECRI report on Bosnia and Herzegovina 2017, p. 13 (Para 11-12)</i></p> <p><i>(Para 11)</i> The legislation concerning the mandate and powers of the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina (henceforth: Ombudsman Institution) is generally in line with ECRI’s GPR No. 7. However, the Ombudsman Institution cannot represent victims in proceedings before the courts, as recommended in § 24 of GPR No. 7.9</p> <p><i>(Para. 12)</i> ECRI recommends that the authorities grant the Ombudsman Institution the right and the capacities to represent victims in proceedings before the courts in discrimination cases.</p>   |

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| <p><b>Principle 3.7</b></p>                            | <p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>encourage the signature, ratification of and accession</b> to international human rights treaties and <b>contribute to the effective implementation</b> of such treaties, as well as related judgments, decisions and recommendations as well as to <b>monitor States' compliance with them</b>.</p>   |
| <p><b>Assessment of implementation by the NHRI</b></p> | <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 9</i></p> <p>IHROBiH regularly reports to UN committees via its submissions to UPR, CAT, CCPR, CEDAW, CERD, CESCR, CMW, CRC, CRPD, and ECRI. In 2021, IHROBiH filed an Annex to the Report to the Committee on Economic, Social and Cultural Rights (CESCR), and is planning to prepare a submission to the UN Committee on Civil and Political Rights in the course of this year. Submissions to the UN Committee on the Elimination of Discrimination against Women (CEDAW) and the UN Committee on the Elimination of Racial Discrimination (CERD) are to follow.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>Through its activities, IHROBiH strives to contribute to the effective implementation of ratified international treaties, judgments, decisions and recommendations. IHROBiH, in its segment of work, submits periodic shadow reports and UPR.</p> <p>At the moment, IHROBiH is preparing CEDAW and CESCR reports.</p> |



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| <p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p> | <p><i>SCA Report November 2017, p. 9</i></p> <p>The SCA notes that the IHROBH is not explicitly mandated with responsibility to encourage ratification and implementation of international standards. While acknowledging the activities the IHROBH undertakes in this regard in practice, the SCA encourages the IHROBH to advocate for amendments to its enabling law to make this mandate explicit.</p>  |
| <p><b>Principle 4</b></p>  | <p>The process of <b>selection and appointment of the leadership of a NHRI</b> should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p> |
| <p><b>Assessment of implementation by the NHRI</b></p>                                       | <p><i>See also: CM Recommendation 2</i></p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>IHROBIH continuously works on advocating for new bills and draft laws.</p>  |

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| <p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p> | <p><i>SCA Report November 2017, p. 9</i></p> <p>The SCA is of the view that the selection process currently enshrined in the existing Law is not sufficiently broad and transparent in that it does not specify the process for achieving broad consultation and/or participation in the application, screening, selection and appointment process. The SCA acknowledges that IHROBH reports that, in practice, civil society are involved in the selection and appointment process.</p>  |
| <p><b>Principle 5</b></p>  | <p>To ensure <b>independence</b>, the enabling legislation of a NHRI should contain an <b>objective dismissal process for the NHRI leadership</b>, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>  |
| <p><b>Assessment of implementation by the NHRI</b></p>                                       | <p><i>See also: CM Recommendation 2</i></p>   |
| <p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p> | <p><i>SCA Report November 2017, p. 10</i></p> <p>In accordance with article 12 of the Law, the Ombudspersons can be dismissed on account of their inability to carry out their functions. The SCA is of the view that this provision should be made explicit in the Law to avoid misinterpretation.</p> <p>Further, the Ombudspersons are dismissed by the Parliamentary Assembly. The Law does not provide further details on the dismissal process. The SCA emphasizes that, in order to address the requirement for a stable mandate, which is important in reinforcing independence, the enabling law</p> |

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|   | of an NHRI must contain an independent and objective dismissal process similar to that accorded to members of other independent State agencies.   |
| <b>Principle 6</b>  | Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.   |
| <b>Assessment of implementation by the NHRI</b>                                       | <p><i>See also CM Recommendation 2.</i></p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.8</i></p> <p>IHROBiH recommends to state authorities to ensure an adequate budget to carry out its mandate.</p>   |
| <b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b> | <p><i>See also CM Recommendation 2.</i></p> <p><i>SCA Report November 2017, pp. 10-11</i></p> <p>The SCA encourages the IHROBH to continue to advocate for the passage of the proposed amendments and to advocate for the funding necessary to ensure that it can effectively carry out its mandate, including for its upcoming NPM function.</p> |
| <b>Assessment of implementation by CoE independent bodies</b>                         | <p><i>See also CM Recommendation 2.</i></p> <p><i>CPT Report Bosnia and Herzegovina 2019, p.11 (para.8)</i></p> <p>The Department for the Rights of Persons Deprived of their Liberty within the Human Rights Ombudsman Office is the only truly independent mechanism in place in the country to carry out</p>                                   |

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|  | <p>monitoring of places of deprivation of liberty. However, it remains inadequately resourced to carry out such additional tasks effectively.</p> <p><i>ECRI Report on Bosnia and Herzegovina 2019 conclusions, p. 5 (para.1)</i></p> <p>With regard to the budgetary situation of the Ombudsman Institution, ECRI notes that while the approved budget for 2018 amounted to 2,678,000 BAM (approximately 1,370,000 Euros), which was an increase compared to previous years, this amount was still below the Institution’s budget of 2010 when its mandate was extended following the adoption of the Law on the Prohibition of Discrimination. A lack of adequate resourcing of the Ombudsman Institution obviously affects its capacity to increase the level of protection of human rights in Bosnia and Herzegovina. Furthermore, the fact that full financial independence of the Ombudsman Institution from decision-making by the executive power is still not guaranteed remains a major concern.</p> |
| <p><b>Principle 7</b></p>  | <p>NHRIs should have the <b>authority to determine their staffing profile and recruit their own staff</b>, as well as <b>sufficient resources</b> available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>  |
| <p><b>Assessment of implementation by the NHRI</b></p>               | <p><i>See also CM Recommendation 6.</i></p>  |
| <p><b>Assessment of implementation by CoE independent bodies</b></p> | <p><i>See also CM Recommendation 6.</i></p> <p><i>CPT Report on Bosnia and Herzegovina 2019, p. 11 (Para.8)</i></p> <p>Further, the Department for the Rights of Persons Deprived of their Liberty within the Human Rights Ombudsman Office should be provided with the necessary staff and financial resources to conduct</p>   |

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|                              | <p>visits to places of deprivation of liberty at frequent and regular intervals and subsequently to draw up detailed public reports containing its findings and recommendations.</p> <p><i>ECRI report on Bosnia and Herzegovina 2017, p. 29 (Para.81)</i></p> <p>The Ombudsman Institution, which combines the functions of a typical Ombudsman with those of a specialised anti-discrimination body, is understaffed. Out of 90 positions, including administrative staff, only 54 are currently filled, with the rest remaining vacant due to budgetary constraints and related recruitment restrictions. The department in charge of investigating alleged cases of discrimination on any of the grounds listed in the Law on Prohibition of Discrimination has currently only two staff members, which severely affects the Institution’s ability to carry out its mandate effectively. There are also insufficient financial resources to conduct awareness-raising activities among the general public about the Ombudsman Institution and the possibility of lodging complaints.</p> |
| <p><b>Principle 8</b></p>    | <p>Member States should ensure that NHRIs enjoy <b>adequate access to information and to policy makers and legislators</b>, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>  |
| <p><i>No information</i></p> |  |

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| <p><b>Principle 9</b></p>  | <p>Member States should <b>implement the recommendations of NHRIs</b> and are encouraged:</p> <ul style="list-style-type: none"> <li>- to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame,</li> <li>- to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and</li> <li>- include information thereon in their relevant documents and reports.</li> </ul>   |
| <p><b>Assessment of implementation by the NHRI</b></p>               | <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, pp. 6-7</i></p> <p>The bodies receiving IHROBiH recommendations are legally obliged to provide a timely and reasoned response. With regard to whether authorities ensure timely and reasoned response to IHROBiH recommendations, IHROBiH expresses particular concern over the fact that certain representatives of the state authorities, courts and public institutions breach provisions of the LHROBiH, despite their recommendations. In addition to active breaches, passive attitude towards IHROBiH, failure to cooperate with IHROBiH (such as failure to comply with IHROBiH recommendations or to respond to the NHRI) and state administration bodies' failure to undertake activities aimed at fully implementing IHROBiH recommendations, all result in further violations of citizens' human rights and fundamental freedoms.</p> |
| <p><b>Assessment of implementation by CoE independent bodies</b></p> | <p><i>ECRI Conclusions on Bosnia and Herzegovina 2019 p. 5 (Para.1)</i></p> <p>Moreover, ECRI has not received any information indicating that the authorities have intensified their efforts to promote compliance with the recommendations of the Ombudsman Institution</p>   |

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|  | <p><i>ECRI Report on Bosnia and Herzegovina 2017, p.29 (Para. 83)</i></p> <p>ECRI's delegation was also informed by the Ombudspersons it met with that in recent years only about 50% of the Ombudsman Institution's recommendations were fully implemented. This demonstrates the limited importance that is accorded to these decisions, including by public institutions and the authorities.</p>  |
| <p><b>Principle 10</b></p>                             | <p>When member States grant NHRIs <b>additional competences</b> to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should <b>have access to sufficient resources to develop the capacity to effectively discharge its functions</b>, including having appropriately qualified and trained staff.</p> |
| <p><b>Assessment of implementation by the NHRI</b></p> | <p><i>Information provided by the NHRI in 2023</i></p> <p>In the case in which the NHRI is entrusted with an additional mandate, as in its function as NPM, IHROBiH should be able to hire new staff members with the funds allocated from the adopted budget, as envisaged.</p>  |

### III. Safe and Enabling Environment

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| <p><b>Principle 11</b></p>   | <p>Member States should ensure that NHRIs can <b>operate independently</b>, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of <b>impartiality, integrity, transparency and fairness</b>.</p>   |
| <p><b>Assessment of implementation by CoE independent bodies</b></p> | <p><i>ECRI report on Bosnia and Herzegovina 2017, p. 33 (Interim follow-up recommendations)</i></p> <p>The authorities should also ensure that in the context of planned amendments to the Ombudsman Law, the Ombudsman Institution maintains its full financial independence from the government.</p>  |
| <p><b>Principle 12</b></p>   | <p>Member States should <b>foster awareness</b> and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>  |
| <p><b>Assessment of implementation by the NHRI</b></p>               | <p><i>See also CM Recommendation 9</i></p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 6</i></p> <p>The relevant authorities have to a certain extent developed awareness and knowledge of IHROBiH’s mandate, independence and role. It is indisputable that there should be a continued process to raise this awareness by training civil servants on human rights (IHROBiH held similar trainings in the past), by increasing the understanding and knowledge of IHROBiH’s mandate (in particular work on training judicial authorities), by increasing IHROBiH’s visibility and its outreach to different groups in</p> |



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|   | society, by informing the public on IHROBiH's role, by raising the level of awareness, cooperation and exchange of good practices with judicial bodies, legislative and executive bodies, police bodies, etc.   |
| <b>Principle 13</b>                             | Member States should take all measures necessary <b>to protect and support NHRIs</b> against threats and harassment and any other forms of intimidation, including through ensuring <b>functional immunity</b> . Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice. |
| <b>Assessment of implementation by the NHRI</b> | <i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i><br>Measures necessary to protect and support IHROBiH, IHROBiH heads and staff against threats and harassment and any other forms of intimidation (including SLAPPs) are not in place.   |
| <b>Principle 14</b>                             | Member States should ensure that <b>confidential information collected</b> by NHRIs in the context of their mandate is <b>privileged and is not unduly made public</b> .  |
| <i>No information</i>                           |   |

## IV. Co-operation and Support

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| <p><b>Principle 15</b></p>                             | <p>Member States should <b>take effective measures to enable NHRIs to communicate and co-operate</b> with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> <li>a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI;</li> <li>b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment;</li> <li>c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities;</li> <li>d. international and regional organisations working in related or similar fields.</li> </ul> |
| <p><b>Assessment of implementation by the NHRI</b></p> | <p><i>Information Provided by the NHRI in 2023</i></p> <p>IHROBIH, as a full member, participates in GANHRI and ENNHRI activities throughout the year. We also <a href="#">maintain cooperation</a> with civil society organizations, responding to their invitations to</p>  |

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|  | <p>participate. During this year, we are holding three consultation meetings in Sarajevo, Mostar and Banja Luka with all civil society organizations in Bosnia and Herzegovina.</p>  |
| <p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p> | <p><i>SCA Report December 2017, p. 12</i></p> <p>The SCA acknowledges the IHROBH has improved engagement and cooperation with civil society organizations. The SCA further acknowledges that proposed amendments to the law would include a new Article 36 (a) providing for “regular and thematic consultations with civil society organizations, international organizations and bodies of the profession and the academic community”.</p> |