

WHAT CHANGES DO WE WANT TO SEE?

Overview of the Situation and Guidelines for Future Action of Institutions and
Civil Society Organisations in the Areas of Gender Equality,
Fight Against Discrimination and Hate Crimes in Bosnia and Herzegovina

SARAJEVO OPEN CENTRE

www.soc.ba

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Sarajevo, September 2015.

ISSN: 2303-6087

Contents

Introduction	2
1. GENDER EQUALITY	4
1.1 The Constitution	4
1.2 Legislation and Public Policies	4
1.3 Political Participation and Decision Making	7
1.4 Gender-based and Domestic Violence	9
1.5 Maternity and Parental Leave	11
1.6 Gender-based Discrimination	12
2. FIGHT AGAINST DISCRIMINATION	14
2.1 Institution of Human Rights Ombudsman of Bosnia and Herzegovina	14
2.2 Anti-discrimination Legislation and Practice	16
3. HATE CRIMES	19
4. OVERVIEW – FREE LEGAL AID	21

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INTRODUCTION

Bosnia and Herzegovina differs from most neighbouring and European countries on its approach to the issues of human rights and the rule of law. Although the most important international human rights protection and promotion documents, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, are included in the BiH Constitution, the situation in the field is far from ideal.¹

In the general view of the human rights situation, three key problems can be emphasised:

- Application of the international human rights and freedom standards is hindered by the asymmetrical and multi-layer federal system. Asymmetry between Republika Srpska, Federation of BiH and Brčko District, and the multi-layer federalism in the Federation obstruct the implementation of the international standards. In many areas, such as the financing of safe houses for the victims of domestic violence or the maternity pay, asymmetrical solutions between the entities, and the division in the Federation result in inequality of citizens, and in some instances in discrimination and complete regards for certain rights. For example, free legal aid system is not harmonized in any way: different federal units regulate this issue in different ways. A significant number of key competences remains at the level of RS, i.e. cantons in FBiH, without the willingness to find common solutions or transfer the competences.
- Instead of strategic and comprehensive approach, Bosnia and Herzegovina has an ad hoc approach to the human rights issues. In the last 20 years, BiH didn't reach a compromise that would result in a comprehensive needs and problems mapping and adoption of public policies. Human rights issues are treated reactively, without clear goals, and the issues that have the strongest support of political parties and/or international community become priority issues, although they are not based in the clear examination of concrete needs.
- Human rights are not a priority for the political elites. There isn't a political party in BiH that has a policy or a program that elaborates the issue of human rights in detail. Most political parties do not treat the issue of human rights at all, and those that do, do it superficially at the level of general principles, without the clear vision of overcoming the current situation. Political parties that take on the issue of human rights base their attitudes on the traditional values (strengthening the family, juggling professional and private life). Obstructions, constantly present in political life, undermine the solution of certain issues in a systematic way at the state, i.e. framework, level (or at least at the level of FBiH, having in mind the obstructions within the Federation itself).

From all this, we can draw *four general conclusions*:

1. **Bosnia and Herzegovina needs to produce and adopt a multi-annual National Action Plan for the Protection and Promotion of Human Rights.² A group consisting of representatives of parliaments and governments at the state and entity levels, as well as the civil society organisations, and intense public consultations should set priorities for the several following years that will be implemented at the different levels of governance. Among priority areas, gender equality, anti-discrimination and fight against hate crimes must find their place.**

¹ The information on current human rights situation can be found in the 2015 Alternative Progress Report, published by the Initiative for Monitoring the European Integration of BiH. For more information, visit www.eu-monitoring.ba

² The obligation to adopt such a document stems from UN Vienna declaration from 1994, when all states have been called upon to establish approach the human rights issues strategically within a strategic framework. Under the last year's UN Universal Periodical Review (UPR), BiH received a set of recommendations that point to the need to produce and implement such a public policy document.

WHAT CHANGES DO WE WANT TO SEE?

2. Protection and promotion of human rights cannot take second place due to ethnopolitical obstructions and obstructions by the political parties. A wide support to the reforms, which aim to improve the minority rights and the rights of the underprivileged groups and individuals, should be secured. In the upcoming period, BiH political elites should carefully examine the situation of human rights within the EU reform agenda.
3. Political parties should produce and adopt internal policies/programs for the protection and promotion of human rights which contain concrete solutions, and proposals for legal regulations and policies, recognizing the importance of this issue.
4. Access to justice is a main factor in the realization of human rights. Free legal aid system must be regulated systemically and principally through a framework state law on free legal aid, and the services that provide free legal aid need to be available in all municipalities and cities in BiH.

These general remarks are important in order to understand *the framework for the advancement of gender equality, anti-discrimination, and fight against hate crime*, issues that are the focus of this study. Progress in the thematic areas will not be possible without the principal resolution for the advancement of human rights.

The document before you offers *the insight in the situation* in these three areas, presenting the legislative and policy framework, its implementation, and the *recommendation for the advancement of human rights situation*. Some of the recommendations are at a general, principal level, while others propose concrete solutions and give precise instructions for the amendments of legal regulations, public policies, or institutional practice. We hope that this document will be useful to all civil society and international community actors, and especially to the BiH institutions.

Sarajevo, September 2015

1. GENDER EQUALITY³

1.1 THE CONSTITUTION

Gender equality is one of the central issues of all democratic political systems. In its *Constitution* (Article II, Paragraph 4), BiH prohibits *discrimination on the grounds of sex and gender*. In the *Annex I of the Constitution*, the implementation of the international conventions, including *Convention on the Elimination of all Forms of Violence against Women* (CEDAW), the central international document on women's rights, is provisioned. However, the *BiH Constitution, unlike numerous other countries*,⁴ doesn't define gender equality as an fundamental constitutional value. *The Constitution* also doesn't envision affirmative measures for achieving gender equality in the public, political and private spheres of life. Generally, a conclusion that the *BiH Constitution* is not gender sensitive can be made.⁵

Recommendations:

5. Gender equality should be defined as a fundamental constitutional value by amending the BiH Constitution.⁶
6. BiH Constitution should be made gender sensitive through amendments.

1.2 LEGISLATION AND PUBLIC POLICIES

Bosnia and Herzegovina was one of the first countries in the Western Balkans to adopt the *Gender Equality Law* (ZoRS)⁷. After its adoption in 2003, the Law was only amended once, and in 2010 the consolidated text of this Law was made public.⁸ BiH Gender Equality Law guarantees equal treatment and gender equality in all areas of life.

BiH Gender Equality Law – a) prohibits (direct and indirect) discrimination and recognizes special forms of discrimination (harassment, sexual harassment, incitement to discrimination)⁹; b) prohibits gender based violence (including domestic violence); c) guarantees equal possibilities in the areas of education, labour and workplace, access to social and health protection, sport, culture, media, and all other areas of life.

The analysis of the Law shows that it sets a solid foundation for gender equality. However, its implementation in practice is limited due to the fact that other laws are not harmonized with *Gender Equality Law*, and the position of women still remains unequal in BiH society.¹⁰

One of central problems is the fact that BiH budget doesn't have allocated funds to the BiH Gender Equality Agency programs, which hinders a great number of activities of this central institution, including significant advancement in the area of gender equality in all areas of public and private life.

3 General overview of the women's rights situation can be found in the annual reports for 2013 and 2014, produced by Sarajevo Open Centre, and published in cooperation with partner organisations: <http://soc.ba/en/annual-report-on-the-state-of-womens-rights-in-bosnia-and-herzegovina-in-2014/>, <http://soc.ba/en/annual-report-on-the-state-of-womens-rights-in-bosnia-and-herzegovina-in-2013-3/>.

4 See: <http://worldpolicyforum.org/policies/does-the-constitution-take-at-least-one-approach-to-gender-equality>

5 Građanke za ustavne reforme (Women Citizens for Constitutional Changes), an initiative of civil society organisations in BiH, points to these issues with its analysis. Find out more on: <https://gradjankezaustavnepromjene.wordpress.com/>

6 CEDAW Committee invited BiH to include the principles of gender equality in the process of the upcoming constitutional reform, thus regulating this area by the supreme state document, and not only by the BiH Gender Equality Law.

7 The only commentary on the BiH Gender Equality Law is available at: http://www.hcabl.org/wp-content/uploads/2011/06/komentar-prelom_web.pdf

8 The consolidated text of the law is available at: <http://arsbih.gov.ba/?project=zakon-o-ravnopravnosti-spolova-u-bih>

9 Fight against discrimination on the grounds of sex, sadly never worked in practice. Although the discrimination on the grounds of sex is omnipresent, the fact that the BiH Gender Equality Agency and gender centres during 2011 – 2014 investigated only 11 cases of BiH Gender Equality Law violations. This mechanism should be re-evaluated especially in the light of adoption of anti-discrimination law, which gives the BiH Institution of the Human Rights Ombudsman a special role in anti-discrimination on all grounds, including sex and gender.

10 A good overview of the gender equality situation is given in the Progress Report on Beijing Convention: <http://arsbih.gov.ba/project/izvjestaj-pekings-20/>

Recommendation:

7. BiH Gender Equality Law should be harmonized with EU *acquis communautaire* through amendments, or the adoption of new legal text.

BiH Gender Equality Law provisions the *institutional gender equality mechanisms*.

Key gender equality mechanism are the *BiH Gender Equality Agency (ARS BiH)*, at the state level, and entity gender equality bodies: *FBiH Gender Centre, Gender centre – Centre for gender equality of the Government of Republika Srpska* (further on *Gender Centre RS*). These mechanisms have taken on an active role in giving opinions on the harmonization of governmental legal acts with the *BiH Gender Equality Law*, and in initiating policies that aim at improving the position of women and men in BiH society. The understaffing of the existing gender equality mechanisms is worrisome. For example, BiH Gender Equality Agency has only 6 employed staff members, which significantly impedes its scope of action.

At the level of *cantonal executive branch*, there are no *permanent gender equality working bodies*. Having in mind that the cantons have competences over *labour, education and health*, the areas crucial for gender equality, the fact that there is no body or a person responsible for the collection and research of data, recommendation of measures, and monitoring of their implementation in order to advance the lives of women and men is worrisome. Gender equality at the cantonal level is left to cantonal parliamentary committees for gender equality, that rarely (almost never) convene (this will be discussed further on).

At the level of legislative branch, *parliamentary committees on gender equality* were established at state, entity and cantonal levels. These committees show different levels of activity. For example, in several cantonal assemblies, the gender equality committees convene only once per year, while the gender equality committee of FBiH Parliament's House of Peoples was not even formed after the General Elections in 2014. A good example is set by the Committee on Gender Equality of the BiH Parliamentary Assembly's House of Representatives, that orderly communicates with the civil society organisations and submits concrete proposals for the advancement of the position of women and men in our society. The Committee's work resulted in the adoption of obligatory use of gender sensitive language in BiH Parliament, and the increase of gender quota for election lists by amendments to the *Electoral Law*. Both initiatives were submitted by the Committee on Gender Equality of the BiH Parliamentary Assembly's House of Representatives, which is a rare occurrence in our parliamentary practice, having in mind that most initiatives are submitted by governments, party caucuses or members of parliament.

Recommendations:

8. All governmental levels need to strengthen the existing gender equality institutional mechanisms, focusing on building human capacities and financing the programs of these mechanisms.
9. Cantonal governments, as well as the municipal and city administrations should establish and strengthen constant gender equality institutional mechanism, through the appointment of coordinators or coordinating committees for gender equality.
10. Cooperation between civil society organisations and gender equality institutional mechanisms should be strengthened at all governance levels.

In order to achieve the objectives of gender equality set forth in the *BiH Gender Equality Law, Gender Action Plan (GAP)* was adopted in 2006. This public policy document stipulates strategic approach in the realisation of gender equality principles (gender mainstreaming) and the empowerment of women in BiH in 15 areas of public and private life: European integration in the light of gender equality, cooperation and building capacities, macroeconomic and development strategies, gender sensitive budgets, political life and decision making, employment and labour, social inclusion, gender sensitive media, lifelong education, health, prevention and protection, domestic violence, sexual harassment, harassment and human trafficking, role of men, balancing the professional and family life, gender and sustainable environment, and communication and information technologies.

Second periodical *BiH Gender Action Plan for 2013-2017*¹¹ was adopted in 2013, relying the *BiH Gender Action Plan for 2006-2011*, state and entity development strategies, European Union *Strategy for Equality between Women and Men*, and other relevant strategic documents of Council of Europe, European Union and the United Nations. This strategic document still contains all the aforementioned areas of social life. However, priority and cross-cutting areas were set in this new document, as well as areas in connection to strengthening the system, mechanisms and instruments for gender equality, and strengthening the cooperation and partnership. The obligations of gender equality institutional mechanisms are thus clearly defined, as well as the obligations and responsibilities of the competent ministries and institutions in every priority area.

BiH Gender Action Plan for 2013-2017 contains three strategic goals which present a framework for priority areas of action, i.e. programs and measures necessary for achieving the goals: 1. Development, implementation and monitoring of the programme of measures for improvement of gender equality within governmental institutions, as per priority areas; 2. Establishing and strengthening the system, mechanisms and instruments for realization of gender equality per priority areas; 3. Establishing and strengthening co-operation and partnership per priority areas. The key strategic goal for achieving gender equality and the empowerment of women is the 1st strategic goal, which contains the following priority areas: preventing and combating gender-based violence, including the domestic violence, as well as human trafficking; public life and decision making; work, employment and access to economic resources; education, science, culture and sport; health, prevention and protection: social protection.

Gender Action Plan addresses key problems of women and men in BiH and presents an excellent example of public policy document for the advancement of gender equality in the society. However, the implementation of the *Gender Action Plan for 2013-2017* is significantly late because of the fact that RS has appointed a person to the steering board for the implementation of this public policy document only after two years have passed. The implementation of concrete measures could not have begun without this formal appointment.

While *significant progress has been made* at the state level under the coordination of BiH Gender Equality Agency when it comes to military, judicial and security structures,¹² operational plans for the implementation of *Gender Action Plan* were not defined at the levels of entities and cantons between 2013 and 2015. These operational plans would contain concrete measures for achieving gender equality and the advancement of the situation for women in BiH. Without these documents, concrete measures and concrete budgetary obligations cannot be planned, and the work on the advancement of women's rights and gender equality is rendered impossible.

¹¹ Gender Action Plan for 2013-2017 is available at: <http://arsbih.gov.ba/project/gender-akcioni-plan-bih-2013-2017/>

¹² Learn more in the report: <http://arsbih.gov.ba/project/izvjestaj-pekings-20/>

Significant progress hasn't been made when it comes to gender equality at the local level (municipalities and cities). Although municipalities and cities have the obligation to produce and implement *Local Action Plans* (LGAP) for gender equality, only a few municipalities/cities actually did so.¹³

Research,¹⁴ which covered more than 50% municipalities and cities in BiH, showed that there were almost no municipalities/cities that have an understanding of their competences in the area of gender equality, and, as a result, no measures are being undertaken. Research and public debate on gender equality are not being conducted nor initiated, and local priorities or the specific needs of women are not taken into account in planning and implementation of programs and budgets.

Recommendations:

11. The state, entities and cantons must decisively work on the implementation of Gender Action Plan. Operational plans must be urgently produced, adopted and implemented at entity and cantonal levels, and necessary funds should be planned on an annual basis.
12. Civil society organisations should establish an independent monitoring mechanism to monitor and report on the implementation of the Gender Action Plan in order to put pressure on the governments for their support the implementation of this key document.
13. Municipalities and cities should produce and start with the implementation of multi-annual Local Action Plans, and report on the implementation process to the entity gender centres and the BiH Gender Equality Agency. Cooperation with the civil society organizations is a key factor in the process of production and the implementation of these plans.

The establishing of the *Financial Mechanism for the Implementation of BiH GAP for 2009-2014* (FIGAP) has contributed to the implementation of GAP. Having in mind that FIGAP is an instrument that finances the GAP implementation, the lack of financial support from the state, entities and cantons is worrisome, and this mechanism almost entirely depends on the support of international development agencies.

Recommendation:

14. State, entities and cantons must decisively work on the implementation of the Gender Action Plan through the establishing and financing of the Financial Mechanism for the implementation of the Gender Action Plan for 2015-2018.

1.3 POLITICAL PARTICIPATION AND DECISION MAKING

Article 20 of the *BiH Gender Equality Law* in its first paragraph stipulates the obligation of the (legislative, executive and judicial) governments in BiH at all levels to secure and promote equal gender representation. Paragraph (2) of the same article defines equal gender representation as the situation when one of the genders is represented at least with 40%, establishing a clear threshold for the definition of equal representation, i.e. underrepresentation. Paragraph (3), which stipulates that "the discrimination on the grounds of sex is a situation when there is no equal representation as defined in Paragraph (2)" is somewhat unclear, due to the difference in the meaning of *equality* and *discrimination*, and the lack of stipulation of the underrepresentation (in %) as a form of discrimination.

¹³ The overview of several local action plans is given at the following link: <http://arsbih.gov.ba/oblasti/lokalni-akcion-planovi/>

¹⁴ The research is available on the following link: <http://soc.ba/ravnopravnost-spolova-u-opstinamaopcinama-i-gradovima-u-bosni-i-hercegovini/>

This regulation found in *BiH Gender Equality Law* has been adopted by the *BiH Electoral Law*. Although the *Electoral Law* defines *affirmative measure* in relation to *obligatory participation percentage (40%) of the less represented sex on candidate lists*, traditional views on gender roles manifest as a threat to the higher participation levels in the decision making processes in political, social and economical spheres of life in BiH.

Women are still the underrepresented sex in the legislative branch at all levels. Although the political parties' candidate lists for General Elections 2014 featured the biggest number of female candidates ever, it still didn't cause an increase in the number of women in decision making positions. In the BiH Parliamentary Assembly's House of Representatives, FBiH Parliament's House of Representatives, and the RS National Assembly, women are represented with 20% (of all elected MPs).¹⁵

Recommendations:

15. The amendments to the BiH Electoral Law should strengthen the existing and introduce new affirmative measures, which will result in the minimum representation of both sexes, with at least 40%, in legislative bodies. If it is necessary, the introduction of "reserved seats" model should be considered in order to remove the underrepresentation of women.
16. Every candidate list should have an equal number of male and female candidates (the so called zipper system) to be placed intermittently on the list.
17. Within the legislative bodies at the state, entity and cantonal levels, the staff's capacities should be built and the gender equality committees' role should be strengthened, so that the parliaments could have an active role in the monitoring of the governments' work, as well as in the initiating of the concrete measures which will contribute to the more equal lives of women and men.

Women are traditionally *underrepresented* in BiH governments, and no BiH government out of 14 in total (the BiH Council of Ministers, entity, cantonal and Brčko District governments) has been appointed in a way which would meet the objective from the Article 20 of the *BiH Gender Equality Law*. In the two last BiH Council of Ministers mandates (until 2014), no women were appointed, while there are only two female ministers in the current office (out of nine ministries in total). After the General Elections in 2014, the Prime Minister and the only three other female ministers were appointed in the RS Government (out of 16 ministries in total), while four women were appointed as ministers in the FBiH Government (out of 16). Situation at the cantonal level is not significantly better. The most outlandish example of gender inequality are the governments of Zenica-Doboj and Herzegovina-Neretva cantons, where no female ministers were appointed at all.¹⁶

Through the analysis of the laws which stipulate the makeup of the governments, it can be concluded that none of these laws define any special measure for achieving the equal gender representation of women and men in governments.

Recommendation:

18. Amend the laws on governments at the state, entity and cantonal levels to introduce the affirmative measures (quota) for gender equality in governments, in accordance

¹⁵ Find out more about political participation of women in the report published by BiH Women's Network: <http://zenskamreza.ba/en/political-participation-of-women-in-bosnia-and-herzegovina-analysis-of-the-participation-of-women-on-party-lists-and-the-final-results-of-the-general-elections-2014/>

¹⁶ Overview of women's representation in governments: <http://radiosarajevo.ba/novost/191127/izvjestajinfografika-gdje-su-zene-u-vlastima-i-kako-rijesiti-problem-podzastupljenosti>

with the Article 20 of the BiH Gender Equality Law.

Gender equality at the level of political parties is not a priority. None of the relevant political parties have a female party president. None of the political parties have a gender equality program or policy.¹⁷

Recommendations:

19. Amend the statutes and other party documents in order to introduce the affirmative measures (quota) for gender equality in all party bodies.
20. Continue with the programs for the empowerment of women in politics, and introduce the education for all politicians on gender equality. The role of men is equally important for gender equality.
21. Institute party programs and/policies on gender equality, in order to inform voters as well as party members on gender equality and women's rights party position.

Affirmative measures, in accordance with the *BiH Gender Equality Law*, should be introduced in the *Law on Political Parties Financing*. This Law stipulates that extra 10% of the available financial resources should be allocated to the parliamentary political parties who have women elected.

Unfortunately, the inequality and discrimination of women in the political life were not significantly challenged by the female politicians themselves either. There haven't been any known court cases. The only struggles taking place are those within the political parties.

1.4 GENDER-BASED AND DOMESTIC VIOLENCE

According to the results of the research¹⁸ conducted by the BiH Gender Equality Agency almost half of the women respondents have been subjected to at least one form of violence after the age of fifteen. In the year before the research was conducted, 11.9% women in BiH said that they have suffered some form of violence. The most common form of violence is psychological, with the frequency of 41.9% during their life spans and 10.8% during the previous year. The second most common form is physical violence, with the frequency of 24.3% during their life spans and 2.4% during the previous year. 6% of women were subjected to sexual violence during their adult life, while 1.3% of women were subjected to sexual violence during the previous year.

To adequately respond to this problem, the *entity laws on the protection from domestic violence* and *strategies at the level of state and entities* were adopted. State *Strategy for prevention and combating of domestic violence in Bosnia and Herzegovina for period of 2009 – 2011* includes activities that were implemented at the state level, as well as the coordination of the activities within entity strategic and action plans, which were successfully carried out. In this way, the public interest and social engagement regarding the recognition, prevention and combating of violence against women has grown, which led to certain encouragement of the victims to report the violence to the competent institutions, and to seek help from civil society organisations which deal with the issues of domestic violence and offer protection and support. However, according to the findings of the *Study of prevalence of violence against women in Bosnia and Herzegovina*, women often lack clear perception that they have been subjected to violence, and that – as victims – they have different set of rights and possibilities to ask for the support from relevant institutions and organisations, in the light of their protection. On the other hand, the lenient penal policy still points to the impunity for violence, as well as the social and institutional insensitivity to the issue. The lack of efficient mechanism for the reparations

¹⁷ Analysis of the political parties programs is available at: <http://zenskamreza.ba/en/in-search-of-the-lost-time-the-story-of-gender-equality-through-the-prism-of-party-documents/>

¹⁸ Research is available at: <http://arsbih.gov.ba/project/rasprostranjenost-i-karakteristike-nasilja-nad-zenama-u-bosni-i-hercegovini/>

for the victims can be viewed in the same light.

Bosnia and Herzegovina has signed the *Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. BiH was the 6th member of the Council of Europe to ratify the Convention, which obliges the state to undertake legislative and other measures in order to secure the legal, institutional, and organisational framework for the prevention of violence against women, protection of the victims of violence and the punishment for the perpetrators. In accordance with this, BiH Gender Equality Agency developed the *Framework Strategy for the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence in BiH for 2014-2018*, which was adopted in 2015. Thus, BiH became the first country in South-Eastern Europe that has started the process of the *Istanbul Convention* implementation.

Recommendations:

22. Implement the Strategy for the Implementation of (Istanbul) Convention on preventing and combating violence against women and domestic violence in BiH for 2014-2018 at all levels of government.
23. Harmonize entity and cantonal legislations in the accordance with the provisions of Istanbul Convention.
24. Strengthen human resources and the understanding of key actors and institutions (centres for social work, police, judiciary) on the issues of domestic violence.

Funding of the safe houses¹⁹ still remains a challenge. While this issue has been solved in RS, funding of the safe houses in FBiH is divided between the entities and cantons. In reality, safe houses in both entities are completely dependent on international donors. The lack of international support could possibly endanger the whole system of safe houses.

Recommendation:

25. Regulate the funding and functioning of safe houses in BiH, in a systematic, sustainable and just manner, within the implementation of Strategy for the implementation of Convention on preventing and combating violence against women and domestic violence in BiH for 2014-2018.

Results of the research²⁰ on monitored criminal cases of gender-based violence in Bosnia and Herzegovina showed that, in spite of the intensive work in the last 15 years, additional efforts are needed in order to actively suppress domestic and gender-based violence. *Continuous education* and *professional specialization* of prosecutors/judges and other officials working in the social welfare bodies should provide a solid ground for systematic and sensitized approach to cases of gender-based violence. The first step should be securing the optimal environment in which the victims (both underage and adult) feel secure to *report the perpetrated violence*, achieved in the first line by urgent action of competent prosecutors, and – after the indictment – urgent actions of the competent courts by ascertaining the adequate measures of protection and implementation of consistent and efficient penal policy.

Having in mind the undiminished number of violence cases, the *penal policy* should be implemented to make criminal sanctions proportionate to the severity and the circumstances of the committed criminal act. Careful and detailed explanation of the mitigating circumstances, with cautious estimate of the effects of lenient penalties for the perpetrator, taking into

¹⁹ More on safe houses, as well as their financing is available at this link: <http://soc.ba/sigurne-kuce-u-bosni-i-hercegovini/>

²⁰ The research was conducted by two associations: Udružene žene from Banja Luka and Centar za pravnu pomoć ženama from Zenica, and it is available at: http://www.cenpz.org.ba/images/Monitoring_sudjenja_2014.pdf

account the special and general prevention, must be delivered. This treatment is especially important in domestic violence cases where, principally, keeping the family whole and care for the children should not be regarded as mitigating circumstances. Courts take these circumstances into account too often and unduly deliver lenient penalties for the perpetrators, as shown by the high rate of relapse of perpetrators who received lenient sentences.

The competent centres for social work are obliged to offer timely and professional help in the rehabilitation of the victims of violence and offer support in empowering the victims before, during and after the end of the criminal procedure. Wider support to the victims should be secured through the establishment of *the specialized help services for the women victims of domestic violence*, including psychological counselling, safe houses, legal counselling and social services.

1.5 MATERNITY AND PARENTAL LEAVE

Protection of mothers and motherhood is one of the key responsibilities of BiH in relation to the international human rights standards, especially equal rights and opportunities for women. It represents a fundamental human right, guaranteed by all the key universal human rights documents BiH ratified. Failing to ensure any of these rights constitutes discrimination of women on the grounds of sex, and as such, this discrimination is prohibited by all the international documents, as well as BiH *Law on Prohibition of Discrimination*. In accordance with the standards stipulated by the international documents, working mothers should have paid maternity leave or leave covered by the adequate social security funds.

Documents that set *two standards* for the minimal maternity pay were adopted by the International Labour Organisation and European Union. Maternity Protection Convention from 2000, number 183, of the International Labor Organisation defines that the maternity pay cannot be lower than the two thirds (66%) of previous women's income or of the income that is taken into account for the benefits. European Union Directive 92/85/EEZ stipulates the need for regular income payment and/or the right to adequate allowance. If the states decide for the allowance, it will be considered adequate if it guarantees the income at least equal to the income that the worker would have in the case of termination of work activity for health reasons. The rights of unemployed mothers are regulated by stipulations which concern social welfare protection and payments, and are generally connected to the social support and protection adequate for the unobstructed recovery of the mother and the development of the child, relative to their real needs. Employed mothers, who don't fulfil any special conditions for the allowance, have this right as well.

Speaking about the *rights of new mothers on the territory of FBiH*, it is important to note the inequality of new mothers in the private and public sector. The payment of income difference in the private sector is left to the discretion of the employer, while in public sector this responsibility is defined by special collective agreements, and is funded through budgets and public funds. Discrimination is evident in the length of the necessary working period before the maternity leave, as a precondition for realization of this right (ranging from 6 months in Canton Sarajevo and West Herzegovina Canton, up to 9 months in Canton 10), the ratio of the allowance/maternity pay in relation to previous income (50% in Una-Sana and Central Bosnia Canton, 60% in Canton Sarajevo, 70% in West Herzegovina Canton, 80% in Zenica-Doboj and Bosnia-Podrinje Canton, 90% in Tuzla Canton, and 100% in Canton 10). Posavina Canton doesn't pay the allowance for the maternity leave, and in Herzegovina-Neretva Canton all new mothers receive a single payment amounting to BAM 400). Nine cantons have adopted the cantonal laws on basis of social protection, protection of civilian victims of war and families with children, and out of nine of these laws, eight stipulate payments for the maternity pay. Canton Sarajevo decreased the

maternity pay for BAM 100 for all the employed mother in June 2014, while it slightly increased the maternity pay for the unemployed mothers. As the comparison shows, the legal solutions have an effect on the disproportion between cantons in the amount of maternity pay.

The unemployed new mothers are in a particularly hard situation, because the maternity pay amount they receive is very low (Una-Sana Canton pays out one-time allowance in the amount of BAM 100, Central Bosnia Canton pays out 70% of the average income in the Canton, total of BAM 495 on the basis of two allowances, Herzegovina-Neretva Canton pays out one-time allowance in the amount of BAM 400 (the same as for employed new mothers), Tuzla Canton pays out a one-time allowance in the amount of 20% of average income in Canton, Posavina Canton pays out the allowance in the amount of BAM 150 during the six months period, Zenica-Doboj Canton pays out the allowance in the amount of BAM 49 during the first six months, and if the income census is reached, the one-time allowance in the amount of BAM 135 is paid out, Bosnia-Podrinje Canton pays out the allowance during 12 months in the amount of BAM 150, and if the income census is reached, the allowance in the amount of BAM 120, during 6 months. West Herzegovina Canton pays out the one-time allowance in the amount of BAM 500, and during the period of 6 months pays out BAM 100, Canton Sarajevo pays out the one-time allowance in the amount of BAM 210, and in the period of 12 months pays out BAM 120 BAM month, and if the income census is reached, pays out 48 BAM during 6 months). The practical experience of the unemployed new mothers shows that they can hardly realize this right, and many of them give up because of the complicated administrative procedures. In most cantons, this right is realized as one-time allowance or during the period of 6 months, while the maternity pay for the unemployed mothers is paid out during 12 months in only two cantons.

Recommendations:

26. Government of Federation of BiH should form an inter-agency group (formed out of representatives of the Government, the Parliament of FBiH and civil society organisations, as well as legal experts) to perform a detailed analysis of the current legislation and the payment of maternity benefits. This group should take into account the existing research conducted by civil society organisations as well as The Institution of Ombudsperson for Human Rights' Special report.
27. Based on the findings of the research, the Government of Federation of BiH should propose amendments to the Labour Law which would regulate right to maternity leave as the exclusive right of the mother, and parental leave as a right of both parents.
28. In order to abolish the existing practice of discrimination on the ground of residence and to achieve the balancing of the compensations for the paid maternity leave within the Federation of BiH, the Federal Government should initiate Public fund for child/family support founding. This initiative should also be based on the findings of the research. This fund would enable equal rights to all of the new mothers, as well as the harmonisation of BH legislation since there already is a similar fund in Republika Srpska.

1.6 GENDER BASED DISCRIMINATION

It's a well known fact that women in all areas of life are more often exposed to violence, discrimination and inequality. However, the official statistical data recognizes this problem either partially or not at all.

A large part of the issue lies in the scarce use of the *Gender Equality Law* as a basis for citizens' complaints. Gender Equality Agency and gender centres of both Republika Srpska and Federation of BiH have received only 11 complaints for discrimination on the ground of sex in

the period from 2011 until 2014, which indicates that the Agency and gender centres are not recognized as adequate mechanisms for protection from discrimination. This information does not come as a surprise since these bodies are founded by the government and as such they cannot be expected to actively engage in combating discrimination potentially committed by other governmental bodies.

Although this issue has not been previously raised in Bosnia and Herzegovina, forming an independent body of the ombudsperson type which would be in charge of gender equality and gender based discrimination should be considered.

When we analyse the cases the Institution of Ombudsperson for Human Rights of BiH dealt with, we can notice that the situation is not any better. Only *20 cases of gender (and social status) based discrimination* were documented by this Institution in 2014.

Unfortunately, there are neither analyses nor overviews of the number of discrimination cases processed in BiH courts. Having in mind that access to justice, unlike access to the Institution of Ombudsperson for Human Rights, requires hiring an attorney at law, we could not expect the number of discrimination court cases to be higher than the number of complaints to the Institution of Ombudsperson.

Recommendation:

29. The necessity to form an independent body of the ombudsperson type or other possible regulation of combating gender based discrimination area should be considered, since Gender Equality Agency and entities' gender centres are not recognized as adequate mechanism for protection from discrimination.

2. FIGHT AGAINST DISCRIMINATION

2.1 Institution of Ombudsperson for Human Rights of Bosnia and Herzegovina

Legal framework

Institution of Ombudsperson for Human Rights of BiH is the *central institution for protection against discrimination* and protection of human rights guaranteed by the international documents, the *Constitution* and the laws of Bosnia and Herzegovina. Taking into consideration the broad mandate of this Institutions as well as its previous work, we can state that to this date conditions for its free, independent and effective operation have not been secured, although they would further contribute to the protection of human rights, particularly in regards to vulnerable and marginalized groups; have direct implications on the speed and way of dealing with complaints; make the Institution accessible to all citizens through a permanent presence in the field; introduce mechanisms for the implementation of recommendations issued by the Institution; ensure that the functioning of the Institution of the Ombudsperson does not mean solely ad hoc reactions in individual cases and which would ensure a range of activities to promote human rights and to initiate amendments to laws and by-laws and so on, were not provided.

During 2015, the Ministry of Human Rights and Refugees has begun *drafting the new Ombudsperson for Human Rights Law*, which should enter the parliamentary procedure by the end of the year. Civil society organisations monitoring this process expressed concerns about the current deviations from the recommendations of the UN International Coordinating Committee (ICC) for the accreditation of National Institutions for the Protection of Human Rights, the Venice Commission, the Universal Periodic Review (UPR) and other mechanisms and bodies. The Ministry of Human Rights and Refugees responded to the request of civil society organizations to enable them access to the working group of the Ministry at the very end of the process. Bearing in mind that the *Ombudsperson for Human Rights Law* regulates the structure of this Institution and its scope and methods of work, as the central anti-discrimination body, the adoption of the new *Ombudsperson for Human Rights Law* will significantly determine the future institutional framework for anti-discrimination.

Since the current Ombudsperson for Human Rights Law has been adopted in 2009 to this date, no advancement in the implementation and the protection of the human rights regulated by this Law has been made. Equal access to rights is still disrupted for people belonging to marginalized and vulnerable groups in society. Although the Law predicts the obligatory existence of a *separate budget line* for the Department for elimination of all forms of discrimination within the Institution of Ombudsperson for Human Rights, these funds were never provided. *Limiting financial and personnel capacities* of the Department significantly limits the exercise of the jurisdiction established by the Law, and especially the implementation of research and initiating legal solutions which would raise human rights standards in the country to a higher level. In terms of autonomy in the work of this Institution, the fact that its budget is the integral part of the BiH budget, and that in the period between 2009 and 2014 budget was curtailed, until 2015 when it was increased by a negligible amount of BAM 91,000 is concerning. This financial situation prevents the undisturbed and unlimited functioning of the Institution. Due to the orientation of BiH towards the EU accession, it is essential to make new amendments to the *Anti-Discrimination Law of BiH* in order to harmonize it with anti-discrimination provisions stemming from the founding treaties of the European Union, *Charter of Fundamental Rights of the European Union* and the anti-discrimination directives.

Current situation

In December of 2014, three ombudspersons' mandate have expired, therefore an election for new ombudspersons, or the eventual re-election of the current ones, should be held as soon as possible. Since we waited for the government formation until the end of March 2015, the process of the appointment of ombudspersons by an *ad hoc body* of the Parliamentary Assembly of Bosnia and Herzegovina has started in May 2015.

Civil society organizations have expressed their concerns regarding the process of three ombudspersons' appointment in the ad hoc committee of both Houses of the BiH Parliamentary Assembly, because the rules of procedure of the Commission were not adopted due to the disagreement of views and insistence of the Croatian members of the committee that the candidates who applied on vacancy call prove their nationality. It was also concerning that the ad hoc committee consisted only of the representatives of the ruling parties, that there was an absence of the opposition, representatives of the profession and civil society.

In this regard, members of the Initiative, led by the highest standards of democratization of society, the European acquis, the *Paris Principles* relating to the status of national/state institutions for the promotion and protection of human rights, and specific recommendations of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human rights (ICC) and its subcommittees, demanded to be *actively and formally involved* in the entire process of appointment of the ombudspersons.

Ad hoc committee continued its work but they have not appointed new ombudspersons, leaving the current ombudspersons in the mandate, although their mandate expired more than six months ago. It should be noted that the appointment will be made in line with the existing rules, which will result in an indirect discrimination of Others, keeping in mind that the House of People of BiH PA will only confirm candidates if they come from the three constituent people.

Institution of the Ombudsperson has been operating without *institutional strategy* since 2015, because the previous strategy expired in 2014. In December 2014, the Institution has organized one-day consultations with the civil society, but the outcome of these consultations is not known. The Institution never submitted the report and conclusions of the consultations to the participants although they were asked to do so on several occasions. Consultations with the civil society organizations since then are held *ad hoc*, without a structure of a permanent advisory body at the Institution itself which would allow better cooperation between the civil society and the ombudspersons.

It should be noted that the issue of the *Special Report on the state of human rights of LGBT people*, which was requested by 20 civil society organizations from the Institution of the Ombudsperson for Human Rights, could not be resolved without the intervention of the Parliamentary Assembly of BiH. This request was made in September 2013, but it was only after the initiative of the Joint Commission on Human Rights of the Parliamentary Assembly's both houses, which ensued in May 2015, that the Institution of the Ombudsperson for human rights has accepted the appeal and pledged to make this report. Addressing certain politically undesirable issues in the field of human rights, such as the rights of LGBT people, should not depend on external interventions and initiatives, but the Institution of the Ombudsperson for Human Rights should, in the future, independently and proactively work on all human rights issues, particularly on those that are considered a social taboo.

The Institution of the Ombudsperson for Human Rights' Annual Report for 2014 was published in May and has never been presented to the civil society. The Report points out the statistics on the overall activities of the Institution; as the activities in certain fields of human rights; the results of the

activities undertaken due to citizens' complaints; recommendations for the elimination of violations of human rights and civil liberties; as well as the observations, conclusions and recommendations. This Institution of the Ombudsperson for Human Rights' Report was rejected on its first reading in the House of Representatives of the Parliamentary Assembly of BiH.

The mandate of the Institution is not clearly defined by Law, especially when it comes to *promoting human rights*. Although it is recommended, the Institution is unable to appeal to the Constitutional Court and its financial independence is at risk, due to the way the budget is developed and adopted. As in the previous period, which was covered by the *Alternative Report on the progress of Bosnia and Herzegovina in 2014*, we can state that there have not been adequate efforts for the promotion and protection of human rights (especially those of the marginalized groups), and that the presence of the Institution of the Ombudsperson for Human Rights has not been ensured in the field, in the local communities, which is necessary in order to provide all citizens, especially those who live in small and isolated environments, with protection and access to their rights. It should be noted that there is a problem with decision making process, since they must be made by consensus, which unfortunately, in some cases means that the decision cannot be made because of the blockage by one of the ombudspersons.

Recommendations:

30. The procedure for the selection of new Ombudspersons, in line with the Paris Principles and with the active participation of civil society, should be conducted as soon as possible.
31. Through the amendments to the Ombudsperson for Human Rights Law, the Institution of the Ombudsperson for Human Rights in BiH should be given a clearer and more effective role and structure, with a special emphasis on strengthening the financial and personnel stability of the Department for elimination of all forms of discrimination.
32. Through the amendments to the Ombudsperson for Human Rights Law, the Institution of the Ombudsperson for Human Rights should be given the role of the National Preventive Mechanism.
33. The Institution of the Ombudsperson for Human Rights should initiate, on the basis of their expertise, strategic litigation cases in front of BiH courts and thus affect the creation of highly needed judicial practice.
34. The Institution of the Ombudsperson for Human Rights needs to develop a structured and continuous dialogue with the civil society, rather than act in an ad hoc manner.

2.2 Anti-discrimination legislation and practice

The legal framework

Due to the pressure from the international community and with the aim of visa liberalization, Bosnia and Herzegovina adopted an *Anti-Discrimination Law* in 2009. A large number of the obligations stemming from the Law which should have been fulfilled within a few months after the adoption of the Law, were never fulfilled. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina began preparations for the amendment to the *Anti-Discrimination Law of BiH* and the development of *Anti-discrimination Strategy* was announced. It is necessary to harmonize the existing Law with the legal legacy of the EU, which Bosnia and Herzegovina was invited to do within the framework of the Structured Dialogue on Justice in May of 2014, as well as to ensure that the process of development of *Anti-discrimination Strategy* is started immediately without further delay.

Current Situation

Bosnia and Herzegovina reports the widespread incidence of discrimination, despite the existence of the *Anti-Discrimination Law* and policies in specific areas which aim to eliminate discrimination through a systematic approach. Discrimination is especially documented in the fields of education (two schools under one roof), employment (on the grounds of political beliefs, returnee status, etc.) and labour (mobbing and sexual harassment), social support and healthcare (people with disabilities, Roma people). Certain social categories such as people with disabilities, Roma people, LGBT people, returnees or even constituent people when they represent a minority on a certain territory can be victims of multiple discrimination.

There has been *a number of problems in the Law implementation*, such as short deadlines for initiation of protection against discrimination cases, ineffective protection against retaliation for reporting discrimination or for being a witness in a case of discrimination.

Anti-Discrimination Law of BiH is not harmonized with the anti-discrimination directives of the European Union. The Law does not list certain traits, namely age and disability, as *protected characteristics*, and some of the existing characteristics such as sexual expression and orientation are not precisely defined, thus it fails to demonstrate the intent of the legislator to prohibit discrimination of LGBT people. The law has the wrong definition of *exemptions from the principle of equal treatment*.

Recommendation:

35. Bosnia and Herzegovina should harmonize its Anti-Discrimination Law with the EU *acquis* and correct the lapses noticed through the previous implementation of the Law with a new set of amendments. In order to ensure the widest parliamentary support, these amendments should be made through the close cooperation with and equal participation of the Ministry of Human Rights and Refugees, the Joint Commission for Human Rights and civil society organizations working in the field of anti-discrimination.

At the practice levels, institutions, especially those which the citizens address daily demanding their rights, *lack institutional policies, and rules of procedure for cases of discrimination*.

Adequate education regarding the *Anti-Discrimination Law* is not provided in the institutions and the courts in BiH. In practice, this lack of education results in a problem in implementation of the legal institute of burden of proof transfer as it is established by the European Court for Human Rights' practice. Institution of Ombudsperson for Human Rights, a central anti-discrimination institution, emphasises the *lack of personnel and financial resources* as one of the major obstacles in *Anti-Discrimination Law* implementation.

Recommendation:

36. Establish continuous educational programmes for judiciary and the governmental officials and employees on anti-discrimination.

Citizens are not properly informed on the subject of Anti-Discrimination Law in BiH and protection mechanisms established by this Law. During 2014 and 2015, no large-scale public campaigns were conducted with the aim of providing the citizens with this information. Civil society organisations provide assistance and support to the citizens through legal aid and informative services, especially in strategic litigation cases such as *two schools under one roof*.

Although the *Anti-Discrimination Law de jure* prohibits discrimination, particular groups such as Roma and LGBT people lack the opportunity to seek the protection of their human rights due

to the economic or social (illiteracy, poverty and fear of further stigmatization in xenophobic/homophobic institutions) inaccessibility of the legal system. BiH institutions have never tried to address this issue, therefore the adoption and implementation of *Anti-Discrimination Strategy* should be made a priority.

Recommendations:

37. To establish the practice of regular reporting on all forms of discrimination with a proposal of measures for discrimination trends elimination and prevention.
38. A multi-year Anti-Discrimination Strategy should be developed through the active engagement of the Parliamentary Assembly, civil society and the governments of the entities.

Unfortunately, no institution in BiH has ever published an *overview of the court cases* conducted under the *Anti-Discrimination Law* which is precisely why it is impossible to present key observations deriving from jurisprudence.

It is obvious that the majority of publicly visible court cases are the ones conducted with the involvement of non-governmental organizations, especially the organisation *Vaša Prava BiH*. This organisation is active across the country representing the parties in a large number of anti-discrimination cases. The insight into the limited case law has shown that there are numerous problems in how the courts proceedings and decision-making are conducted in anti-discrimination cases.²¹

Recommendation:

39. Courts should make sure that adequate and suitable case proceedings are in place, in the best interest of all involved parties, especially victims of discrimination.

²¹ Center for Social Research Analytics developed a series of analyses related to this issue: <http://www.analitika.ba/en/projects/equality-all-civil-society-coalition-against-discrimination>

3. HATE CRIMES

In 2010, BiH Ministry of Security and the Organization for Security and Co-operation in Europe (OSCE) called upon the entities and Brčko District to amend their criminal codes and to regulate *hate crimes*. Republika Srpska and Brčko District did so in 2010.

Federation of BiH, however, has not yet amended its *Criminal Code*. An informal coalition (Coalition for combat against hate speech and hate crime²²) has been advocating for these amendments since December 2012. In 2013, the FBiH Parliament House of Representatives adopted the amendments to the FBiH's Criminal Code regulating hate crime, however, they were rejected in the House of Peoples. In 2014, after the post-election formation of the governments, the civil society organisations advocated once again for this regulation in hope that the initiative will be supported in both of the parliamentary houses.

Recommendation:

40. Amend the Criminal code of Federation of BiH in order to adequately regulate hate crimes.

In addition, provisions on *hate speech* are not included in the criminal codes of Federation of BiH, Republika Srpska and Brčko District, and no attempts to introduce such regulation were made. Bearing in mind that hate speech is ubiquitous, that it comes from political leaders and that it is especially prevalent on the Internet, it is of the utmost importance to adequately regulate this issue.

Recommendation:

41. Amend the criminal codes of Republika Srpska, Federation of BiH and Brčko District in order to adequately regulate hate speech.

The police and the judiciary do not systematically collect or track information on hate crimes. However, the police agencies in BiH work on specific hate crime cases, and some of these cases are at the prosecution level. Unfortunately, in the past three years only two BiH civil society organisations, submitted information presenting documented cases to the OSCE's Annual Hate Crime Report²³ which is indicative of the lack of interest the civil society organisations pay to this issue.

Canton Sarajevo Police cooperates with the civil society organisations working on LGBT rights since 2012. During 2014, through their permanent education programme, more than 1300 police officers were trained on the topic of hate crimes motivated by sexual orientation and gender identity. In 2015, education and trainings on hate crimes are provided for the police officers in all other cantons of Federation of BiH as well, with a specific focus on marginalized and vulnerable social groups. Unfortunately, these trainings depend on the capacity and involvement of the civil society organisations and international organisations. Education on hate crime is still not included in the police academies' curricula.

There is also almost no education on hate crimes for judiciary. Violent crimes committed towards vulnerable groups (returnees, Roma and LGBT people) occur frequently and are regularly reported on by the media. However, the BiH public institutions almost never react to these incidents.

²² You can learn more about the Coalition at the following link: <http://www.diskriminacija.ba/koalicija-za-borbu-protiv-govora-mr%C5%BEnje-i-zlo%C4%8Dina-iz-mr%C5%BEnje>

²³ <http://hatecrime.osce.org/bosnia-and-herzegovina>

WHAT CHANGES DO WE WANT TO SEE?

Recommendations:

42. In order to adequately combat hate crimes it is necessary to provide the education and information on these types of crimes to judiciary, law enforcement and state officials.
43. Hate crime education and modules should be introduced into curricula of law schools and police academies, into permanent education of the police and exams for civil servants.
44. Contact people for hate crimes and related incidents should be trained and appointed in every police precinct.
45. Public campaigns, art and public space need to be used to raise the awareness of the citizens on the issues of hate crime and hate speech.
46. Data on documented and processed cases of hate crime should be gathered and analysed, and annually reported to the relevant governmental and international institutions and organisations (OSCE-ODIHR). Ministry of Security of BiH should coordinate this process.

4. OVERVIEW: FREE LEGAL AID²⁴

The realization of human rights in Bosnia and Herzegovina, whether it comes to gender equality and women's rights, prohibition and elimination of discrimination or the fight against hate crimes, largely depends on *access to justice and legal aid*.

So far, no solution has been presented for the challenge of establishing an efficient and sustainable free legal aid system in BiH, which derives from the growing number of socially vulnerable people who are denied access to justice due to the lack of funding. Although various documents at the state level envisaged the adoption of the state law, such as the *Strategy for Justice Sector Reform in Bosnia and Herzegovina* for the periods 2008-2012 and 2014-2018, to this day it has not occurred.

Laws on free legal aid have been adopted in Republika Srpska, Brčko District and eight cantons in Federation of BiH (only Central Bosnia and Livno Canton do not have these laws). Unfortunately, *these laws are largely inconsistent* with one another, especially if we are discussing - a) forms of exercising free legal aid; b) the users of free legal aid; c) providers of free legal aid; d) procedures. In order to eliminate these disadvantages, it is necessary to re-initiate the process of adopting the law on free legal aid at the state level, and if that proves impossible, then at least at the level of the Federation of BiH.

In this process it is necessary to clearly regulate the position of non-governmental organizations which offer free legal aid and provide them with financial support from the government.

Recommendations:

47. Adopt the Framework Law on Free Legal Aid in Bosnia and Herzegovina at the state level, and harmonize the entity, cantonal and the law in Brčko District with it, in order to harmonize the access to justice throughout the country.
48. Clearly regulate the position of civil society organizations which offer free legal aid and provide them with financial support from the state.
49. Consider the possibility of regulating the issue of free legal aid through the laws on local self-government, so this institute would be available in every local government administrative unit in BiH.
50. Provide adequate education to people who provide the legal aid, with the aim of improving their services in the best interests of citizens.

It should be noted that there are *no official statistics or analyses* on the performance of the existing public institutions/offices for the free legal aid, which have been established in recent years by Republika Srpska, Brčko District and the cantons of the Federation of Bosnia and Herzegovina.

²⁴ A detailed analysis of this issue is offered by Association Vaša Prava BiH, an organization that provides free legal aid throughout the country. Their analysis is available at: <http://www.vasaprava.org/wp-content/uploads/downloads/2015/06/Policy-brief-bpp-bih-VPBIH.pdf>

This publication is issued within the HUMAN RIGHTS PAPERS edition, published by the Sarajevo Open Centre. The Human Rights Papers edition also includes general and topical reports, analyses and studies, and other relevant publications about the situation with human rights in Bosnia and Herzegovina. These reports and publications constitute the basis for further advocacy activities with the state and international bodies.

The Human Rights Papers is edited by Saša Gavrić.

So far, we published 16 publications in this edition, which are available at: <http://soc.ba/en/publications/human-rights-papers/>

Saša Gavrić/Adrijana Hanušić (August 2015):

Model Law on the Institution of Human Rights Ombudsman of BiH.

Sarajevo: Sarajevo Open Centre, on the behalf of the Initiative for Monitoring the European Integration of Bosnia and Herzegovina.

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Proposed Amendments to the BiH Law on Prohibition of Discrimination.

Sarajevo: Sarajevo Open Centre/Agency for Gender Equality of BiH.

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Alternative Progress Report 2015: Political Criteria. Sarajevo: Sarajevo Open Centre, on the behalf of the Initiative for Monitoring the European Integration of Bosnia and Herzegovina.

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Sarajevo: Sarajevo Open Centre.

This publication was printed with the support of the Heinrich Böll Foundation, Office in BiH. Opinions and contents are the responsibility of the author and do not necessarily reflect the views of the Heinrich Böll Foundation, Office in BiH.