Pursuant to the article IV a) of the Constitution of Bosnia and Herzegovina, at the session of the House of Representatives held on 7 March 2006 and at the session of the House of Peoples held on 27 March 2006, the Parliamentary Assembly of Bosnia and Herzegovina adopted the

**LAW ON AMENDMENTS TO THE LAW ON OMBUDSMAN FOR HUMAN RIGHTS OF BOSNIA AND HERZEGOVINA**

Article 1(2)(2) of the Law on Ombudsman for Human Rights in Bosnia and Herzegovina (BiH Official Gazette, no. 19/02) shall be amended so that it reads:

“d ‘BiH authorities’ are all institutions, organs, agencies and all other authorities in Bosnia and Herzegovina (state, entity, Brčko District, cantonal and municipal authorities as well as private institutions performing public services).

Item “e” shall be deleted.

New paragraphs 3 and 4 shall be added after paragraph 2:

“(3) The Headquarters of the BiH Ombudsman for Human Rights shall be in Banja Luka. The Ombudsman Institution shall have offices in Mostar, Sarajevo and Brcko District of BiH and if needed, may establish offices in other places in BiH.”

“(4) The Ombudsman Institution shall organize special organizational units to monitor rights of children, rights of people with disabilities and rights of national, religious and other minorities.”

Article 8 shall be amended so that it reads:

1. The Ombudsman Institution shall consist of three persons.
2. The Ombudsmen shall co-operate in the exercise of their functions. Investigating activities and addressing of either individual complaints or matters considered *ex officio* may be carried out individually by any Ombudsmen, but the distribution of tasks among them shall not rely on the criterion of ethnic origin of the complainant. In their suggestions, resolutions and reports, the Ombudsmen shall act jointly.
3. Co-ordination of work in the Institution shall be done by one of the Ombudsmen, the one who chairs the Institution for the period of two years.
4. A separate ad hoc commission within the Parliamentary Assembly of Bosnia and Herzegovina shall be formed to appoint the Ombudsmen. The commission shall publish a public invitation for the posts and, after the prescribed proceedings, it shall make a list of candidates that fulfil the requirements determined by this law.
5. The list of candidates shall be submitted to the House of Representatives and House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina for further
proceeding. The Parliamentary Assembly of Bosnia and Herzegovina may ask the candidates to present their concept of work of the Institution.

6. Three Ombudsmen shall be appointed in the Ombudsman Institution at the same time with majority votes by the Parliamentary Assembly of Bosnia and Herzegovina for the period of 6 years. The Ombudsmen shall be appointed and dismissed by the House of Representatives and House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina and in accordance with the Rules of Procedure of each House. The post of Ombudsman who coordinates the work of the Institution shall rotate among the Ombudsmen in alphabetical order. The Rulebook shall determine in details the schedule of rotation and other issues related to the application of this principle.

7. The Ombudsmen shall be appointed from the ranks of the three constituent peoples (Bosniaks, Serbs and Croats), which does not preclude the possibility of appointing an ombudsman from the ranks of “others”.

Article 4

Paragraph 1 of article 9 shall be deleted:
Paragraph 2 of the same article shall be amended so that it reads: “Appointment of the Ombudsmen in accordance of this law shall be carried on 60 days after the nomination was sent to the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina or, at the latest, three months after the post became vacant or after the Ombudsman ceased performing functions for the reasons prescribed by this Law, except in the cases where less then six months remained until expiry of the term of office.”

Article 5

Article 10 shall be amended so that it reads:

1. The Ombudsmen shall be appointed for the period of six years and may be reelected.
2. Any Ombudsman, who is appointed after a resignation of Ombudsman or after the Ombudsman ceased performing functions for the reasons prescribed by this Law, shall serve the remaining part of the term of office and may be reelected.
3. The salary of the Ombudsman shall be equal to the salary of judge of the Constitutional Court of Bosnia and Herzegovina.
4. Salaries of advisors, assistant ombudsmen and other employees of the Institution shall be determined at the level of salaries received by civil servants employed in the Institutions of Bosnia and Herzegovina, with the approval by the Ministry of Finance and Treasury and in accordance with the approved budget.

Article 6

Article 11 shall be amended so that it reads:

“Any citizen of Bosnia and Herzegovina, who is a graduated lawyer, who has passed the Bar examination, who has at least ten (10) years of experience and distinguished career in the legal profession, who has a demonstrated experience in the field of human rights and is of recognized high moral stature, may be appointed an Ombudsman.

Article 7

Paragraphs 3 and 5 of article 12 shall be amended so that they read:

“3. Once a post of Ombudsman is vacant, the procedure for appointing a new Ombudsman shall be started within one month.”
5. Where a post of Ombudsman becomes vacant for a reason other than the expiration of his/her term of office, the remaining Ombudsman shall provisionally perform his/her duties until the appointment of a new Ombudsman has been completed.”

Article 8
Chapter “IV – COOPERATION WITH ENTITY INSTITUTIONS OF OMBUDSMAN” and articles 13 and 14 shall be deleted.”

Chapter V shall become Chapter IV, Chapter VI shall become Chapter V, Chapter VII shall become Chapter VI, Chapter VIII shall become Chapter VII, Chapter IX shall become Chapter VIII, Chapter X shall become Chapter IX, Chapter XI shall become Chapter X, Chapter XII shall become Chapter XI, Chapter XIII shall become Chapter XII, Chapter XIV shall become Chapter XIII, Chapter XV shall become Chapter XIV.

Article 9
Article 15 shall be amended so that it reads:
“1. The Ombudsmen shall perform duties independently and self-reliantly. They shall be under no specific orders. The Ombudsmen shall work within the framework of constitutional and legal provisions and international human rights instruments ratified by Bosnia and Herzegovina. The Ombudsman shall comply with principles of justice and ethics in their work.”

Article 10
The full stop in paragraph 1 of article 34 shall be deleted and the following words shall be added: “to the Parliament of the Federation of Bosnia and Herzegovina and to the National Assembly of the Republika Srpska.”

Article 11
Article 36 shall be amended so that it reads:
“1. The Institution of Ombudsman shall enact by-laws that will determine, in pursuance of this law, rules of administration of cases and applicants, rules on structure and job descriptions, rules on salaries, rules on labor relations and disciplinary responsibility and other by-laws as required.
2. The Ombudsman shall enact Rules on Structure and Job Descriptions within one month after the appointment.”

Article 12
The title of Chapter “XIV – STAFF AND EQUIPMENT” shall be amended so that it reads “XIII – STAFF, EQUIPMENT AND FUNDING OF THE INSTITUTION”.

Article 13
Article 37 shall be amended so that it reads:
“The selection of staff of the Institution of Ombudsman shall be carried on in an open competition by publishing vacancies in accordance with the Law and in pursuance of the Rules on Structure and Job Descriptions.”

Article 14
Article 38 (2) shall be changed in a way that words ”members of the staff” shall be replaced by word “staff”.

Article 15
Article 39 shall be amended so that it reads:
“1. Financial resources for the operation of the Institution of Ombudsman shall be provided in the Budget of Institutions of BiH.”
2. Every year the Institution of Ombudsman shall submit to the relevant Ministry of Finance and Treasury a proposal for its budget that will be the basis for approval of resources in the Budget of Institutions of BiH.

3. While determining the amount of financial resources needed for the operation of the Institution of Ombudsman, the need to secure full, independent and effective discharge of responsibilities, the nature and extent of the functions and other requirements provided for in specific laws shall be taken as the starting point.”

Article 16

Article 41 shall be amended so that it reads:

“1. The present BiH and entity Ombudsmen shall have the status of Ombudsmen and Deputy Ombudsmen in the transitional period.


3. During the transitional period of time under paragraph 2 above, the transition of the Ombudsman functions shall be carried on in the following manner:

a) The position of Ombudsman of BiH in the transitional period until the mentioned date shall be held by an Ombudsman belonging to one of the constituent peoples and the position of Deputy Ombudsmen shall be held by the present Ombudsmen belonging to the other two constituent peoples.

b) The position of the Ombudsman of RS in the transitional period shall be held by the present Ombudsman belonging to one of the constituent peoples and the position of Deputy Ombudsmen shall be held by the present Ombudsmen belonging to the other two constituent peoples.

c) The position of the Ombudsman of the Federation in the transitional period shall be held by the present Ombudsman belonging to one of the constituent peoples and the position of Deputy Ombudsmen shall be held by the present Ombudsmen belonging to the other two constituent peoples.”

4. The House of Representatives of Parliamentary Assembly of BiH and entity Parliaments shall issue a decision on the criteria and the schedule of rotation of the Ombudsman and Deputy Ombudsmen in transitional period within 30 days after the effective date of this Law.

5. While issuing the decision under the preceding paragraphs, the House of Representatives of Parliamentary Assembly of BiH and entity parliaments shall take care that the ombudsman of Bosnia and Herzegovina and entities’ ombudsman should not belong to the same people.

Article 17

Article 42 shall be amended so that it reads:

“1. The appointment of Ombudsman shall be carried out within the deadline set forth in article 17(2) of this Law.

2. Exceptionally, in pursuance of this Law, the first Ombudsman may be appointed among the Ombudsmen who perform these functions in the transitional period.”
Article 18
Article 43 shall be amended so that it reads:
1. The Ombudsman Institution shall take over from the entity Ombudsmen the staff, equipment and assets. Special regulations, determining the manner of the handover shall be enacted within the deadline from the preceding article.
2. The Ombudsman Institution shall assign the staff to the appropriate posts in accordance with their by-laws.
3. The BiH and entity Ombudsman Institutions shall carry out reduction of staff up to 30% and field offices up to 50% in the transitional period, paying special attention that the achieved level of human rights and freedoms will not be jeopardized by this reduction.
4. The staff who will not be reappointed in accordance with the preceding paragraph, shall be treated in accordance with provisions of appropriate laws which prescribe rights of employees in case of redundancy.

Article 19
Article 44 shall be amended so that it reads:
“1. Financial resources for the operation of the Institution of Ombudsman in the transitional period shall be provided in the Budget of Joint Institutions of BiH and entity Budgets until the restructuring under this Law has been completed.
2. The Ombudsman of BiH and entity Ombudsmen shall cooperate on a regular basis as long as the latter exists and the cooperation shall include a six-month preparation of coordinated plans of action, exchanging the experience, bringing the practice in line and drafting the initial framework of future operation of the Institution of Ombudsman of BiH.
3. Within the deadline set forth in article 16(2) of this Law, entity authorities shall enact relevant laws governing the cessation of operation of entity Institutions of Ombudsman and the transfer of their responsibilities to the Institution of Ombudsman.

Article 20
“Words “organs and bodies of the BiH government” shall be replaced by words “authorities of BiH” in appropriate cases throughout the text of the law.”

Article 21
This Law shall come into force on the eighth day from the date of its publishing in the “Official Gazette of Bosnia and Herzegovina”.

PS BiH n. 284/06
27 March 2006
Sarajevo

Chairman of HoR
Parliamentary Assembly BiH
dr. Nikola Špirić