

Project Fiche – IPA National Action Programme 2007 for Bosnia and Herzegovina
Support to the Human Rights Ombudsman of Bosnia and Herzegovina

1. Basic information

1.1 CRIS Number:

1.2 Title: Support to the Human Rights Ombudsman of BiH

1.3 ELARG Statistical Code: 01.34 - Political Requirements, Institutions

1.4 Location: Banja Luka, Sarajevo, Mostar, Brcko District and other field offices

Implementing arrangements:

1.5 Contracting Authority: EC Delegation in Bosnia and Herzegovina

1.6 Implementing Agency: EC Delegation in Bosnia and Herzegovina

1.7 Beneficiary (including details of project manager):

The Human Rights Ombudsman of BiH: Headquarters office in Banja Luka and field offices in Sarajevo, Tuzla, Mostar and Brcko; Almedina Karic SPO, Human Rights Ombudsmen Office in Bosnia and Herzegovina, field office in Sarajevo, phone number 00 387 33 666-006, Marsala Tita Street No.7.

Financing:

1.8 Overall cost: 250,000

1.9 EU contribution: 250,000

1.10 Final date for contracting: N+2

1.11 Final date for execution of contracts: N +4

1.12 Final date for disbursements: N + 5

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To obtain reformed, streamlined, harmonized, effective, transparent and service oriented public administration, capable of leading Bosnia and Herzegovina through the stabilization and Association process to EU accession.

2.2 Project purpose:

The purpose of the project is to build capacity of the newly merged Ombudsman in order to enable it to carry out its mandate.

2.3 Link with AP/NPAA / EP/ SAA:

The European Partnership of 8 November 2005 calls for the adoption of new legislation on the State Ombudsman and to ensure the merger of the State and Entity Ombudsmen. Bosnia and Herzegovina is currently in the process of preparing the NPAA as an action plan for implementation of the SAA. The issues of human rights (HR) were not covered explicitly through provisions of the SAA, but these issues are of vital importance for any country that desires to become full member of the EU, as stated in the Copenhagen criteria. Therefore, the question of HR would be addressed indirectly through other provisions and articles of the SAA such as four freedoms of movement etc, which brings importance and necessity to have functioning institutions in charge of protecting HR at the state level.

2.4 Link with MIPD:

Under the political requirements section, within the subheading of PAR, the importance of implementing the strategy of PAR is highlighted. The Ombudsman office as a key state level institution is seen as a part of the overall reform efforts enforced in the PA and forms an important element in ensuring that the administrative system is operating in line with its own rules and regulations.

Although support to the newly merged office of the Ombudsman in the sense of strengthening its institutional set up and capacities is not explicitly mentioned in the MIPD, its importance is found in the cross-cutting issues. The areas pointed out are equal opportunities and non-discrimination, as well as issues of minorities and vulnerable groups which are the sectors for which the newly merged Ombudsman office is establishing new institutional units, such as those for children protection, support to Roma community, etc.

2.5 Link with National Development Plan:

Bosnia and Herzegovina is in the middle of preparation of the NDP, and its completion is foreseen for early 2008. However, the most recent version of the PRSP strategy stressed the importance to gender equality issues and devoted number of significant priorities in the area of protection of Human rights.

2.6 Link with national/ sectoral investment plans:

N/A

3. Description of project

3.1 Background and justification:

The efficient work of the BiH Ombudsman and the improved protection of human rights are Feasibility Study requirements that stipulated 16 preconditions that BiH had to meet prior opening negotiations on the Stabilization and Association Agreement (SAA). The need to merge the Ombudsmen into one State Institution is also a European Partnership Priority. Finally, Copenhagen criteria as one of the stepping stones for future European membership clearly spells out that the candidate country would not be able to acquire full membership unless it demonstrates that it is capable to assure protection of HR, as well as protection of minority rights.

According to the Dayton Peace Agreement the Ombudsman offices were one of the key institutions that had a mandate to deal with issues of human rights, together with the Ministry for Human Rights and Chamber for Human Rights. The Ombudsman's role was that prior remitting the reported cases of human rights violations to the respective court, they provide opinion of how to deal with this issue and decide upon its merits. In the past period, there were three offices of the Ombudsmen in BiH, one in each entity and one in Brcko District. This created many inconsistencies in the whole process of human rights protection. Chamber for Human rights in 2003 was substituted by the Constitutional Court. The chamber in carrying out its mandate applied the same procedures as the Court for Human Rights in Strasbourg. Its closure completed with the international community proclamation that the process of return in BiH to a great extent was completed and that the remaining cases of rights of refugees to recover their property, would henceforth be performed through Constitutional Court, as well as through basic courts. The issue of HR was all the time on the agenda, and there is a constant need on the part of the Bosnian institutions to do their best to improve the

quality of human rights protection to acceptable international levels, and to have unified procedures and standards throughout the whole of Bosnia and Herzegovina. At this point of time, the state Ombudsman Office receives up to 1,300 complaints on an annual basis.

On 27 March, 2006, the BiH House of Peoples adopted under urgent procedure the Law on changes and amendments to the Law on Ombudsman for Human Rights of BiH. The Law, which was adopted by the BiH House of Representatives on 7 March 2006, is now fully endorsed and provides for the merger of the Entity Ombudsman Offices at the State level. The main office of the Ombudsman BiH will be located in Banja Luka with offices in Sarajevo, Mostar and Brcko and also a certain number of field offices.

The merger was foreseen to be effective as of January 1st, 2007. In order for the newly established and merged institution to properly function, it would need some assistance in setting up new regional offices and in training of its staff.

In terms of ICT equipment, establishment of a comprehensive ICT network that would cover all the offices of the merged Ombudsman institution is necessary. This would enable the entire Institution of Ombudsmen to fulfil its obligation derived from the new Law. More importantly, it will also be in a position to establish a functional computer network / informatics system for its offices throughout the whole territory of BiH. Putting this system in place will have as an effect ability of office to provide equal human rights protection and equal treatment of complains for all BiH citizens throughout its whole territory which was not a case before. This activity would also include establishing one unique database that will contain information on all cases submitted to the Ombudsman of BiH. Previously the three separate Institutions of Ombudsman in BiH had their own databases and followed their own methodologies of work). Technically well-equipped and operational offices will provide improved quality of service to citizens making it possible to know at any point of time what the status of any complaint is and how soon it will be resolved), but also aid the staff to performs its task at a faster rate and to improve the quality of their daily duties.

One of the provisions of thr new Law on unified state Ombudsman Institution is also to establish a number of specialized new departments (for Children Rights, Minority issues, Prison reform, juvenile justice and others). With additional education/training of a staff in these areas, those departments will be able to develop and become key players when it comes to offering expertise and aid Government concerning solving various problems in this area, as well as to increase level of protection of human rights of those vulnerably groups. In addition, measures of general capacity building of the staff of newly merged office would be needed.

As of today, a number of activities took place related to the merging process of ombudsmen offices, mostly coordination meetings of all three current Ombudsman institutions in BiH. In those meetings, all stakeholders (Ombudsman of BiH, Federation Ombudsman and RS Ombudsman) agreed on a framework and priorities of the work, structural changes, and number of employees (between 59 and 70 staff) to be hired in the future Institution of state ombudsman. Taking over of the staff from entity offices to the new state one is already taking place but at rather slow rate. The entity Parliaments' decisions on adopting the new state law and abolishing the entity offices are expected. As soon as this done, recruitment of the new personnel will take place, in addition to the ones which have already been transferred to the state office.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

Assisting in establishing and equipping field offices of a single merged Ombudsman Institution would make citizens' access to ombudsman offices easier. Their submitted complaints, no matter in which offices were submitted will receive the same treatment. With this unification of offices, citizens will avoid confusion which Institution they should approach. It would in turn exclude any possibility of favouring and preferring of addressing to an Ombudsman that is located in the entity where their majority nation resides in lieu of addressing the office that is close to their residing location where they are not a majority. Regardless of where a complaint is filed and the national group the plaintiff belongs to; same treatment would be applied.

With a single database (project supported by OSCE - providing software and expertise and ensuring hardware is part of this project) Ombudsman Institution will be able to obtain various statistic information that will detect in which part of BiH and in what specific area human rights are violated. Those advanced statistic will help Institution to plan and develop its activities but also will help BiH in developing action plan of improving human rights protection.

3.3 Results and measurable indicators:

Result No. 1: Offices of newly merged Ombudsmen equipped

Objectively Verifiable Indicator: Newly established Ombudsman Field Offices (around 70 people altogether including headquarters Office in Banja Luka, and three field offices in Mostar, Sarajevo and Brcko district, each field office with 3 to 5 employees) refurbished (desks, chairs, conference tables, shelves)

Result No.2: ICT network for the newly merged Ombudsmen established and all three previously separated entity offices' databases connected

Objectively Verifiable Indicator: Hardware and software for the office procured, installed and made operational.

3.4 Activities:

The only activity is to be implemented through a supply contract and consists of delivery, installation and testing of equipment. The equipping of the offices will increase their efficiency.

3.5 Conditionality and sequencing:

In the process of merger of institutions of Ombudsman in Bosnia and Herzegovina all three institutions completed their obligations as it was prescribed by the Law. Coordination meetings between three Institutions in that sense were very successful. Next step is for the Entity Parliaments and the State Parliament to fulfil their obligations within the Law. That means that Entity Parliaments need to transfer authority on a state level, and Parliament of BiH needs to appoint a new state Ombudsman. As process of a constitution of state Parliaments was delayed after the elections, this process has incurred delays. The House of Representatives did establish an ad-hoc-committee responsible for the appointment of the new Ombudsman. The FBiH Government has adopted legislation allowing for the transfer of competences. The RS has not yet done so.

In the process of merging Ombudsman Institutions the OSCE and OHR are also involved. Having them on board, and with their support it is likely that this process is to be completed in spite of minor obstacles.

3.6 Linked activities

Ombudsman Institution was in the past period supported by EC and that help was very meaningful and needed. In the course of time when this Institution was at the development stage, support of EC by donating a vehicle, participating in paying office rent and a part payment of salaries was vital for the functioning of this institution. This support lasted till 2004. After this, the Institution established cooperation with OSCE through a project of creating a new database and a future twinning project is planned with a European Institution of Ombudsman.

3.8 Lessons learned

As one of the requirements for successful functioning of institutions of Ombudsmen, it was highlighted that this Institution should be entirely independent from state influence. Financing from the State budget in a few occasions made this independency difficult to achieve as it was the case when realising Special report in which Council of Ministers was criticized, and an s a reaction to report salaries for Institution of Ombudsman of BaH were blocked for couple of months. This experience made the Ombudsmen office more oriented to EU funds utilization and to cooperate with other Ombudsman Institutions as true partners in strengthening this important Institution for protecting Human Rights of BiH citizens.

4. Indicative Budget (amounts in €)

| Activities | TOTAL COST | SOURCES OF FUNDING | | | | | | | | | | |
|-----------------|---------------|--------------------|-------------|----|-----|------------------------------|-----|---------|----------|---------|-------|-----|
| | | EU CONTRIBUTION | | | | NATIONAL PUBLIC CONTRIBUTION | | | | PRIVATE | | |
| | | Total | % * | IB | INV | Total | % * | Central | Regional | IFIs | Total | % * |
| Activity 1 | Supply | 250,000 | 100% | | | | | | | | | |
| Supply contract | | | | | | | | | | | | |
| Activity 2 | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| TOTAL | Supply | 250,000 | 100% | | | | | | | | | |

* expressed in % of the Total Cost

5. Indicative Implementation Schedule (periods broken down per quarter)

| Contracts | Start of Tendering | Signature of contract | Project Completion |
|-----------------|------------------------------|------------------------------|------------------------------|
| Supply contract | 1 st Quarter 2008 | 2 nd quarter 2008 | 1 st quarter 2009 |
| | | | |

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|--|--|--|--|
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| | | | |
| | | | |

All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the FA

6. Cross cutting issues (where applicable)

6.1 Equal Opportunity:

The very nature of the project whose aim is to assure improved protection for Human Rights throughout across the whole territory of BiH, will have for the result assurance of these principles of protecting minority rights and assuring the principles of equal treatment.

6.2 Environment:

N/A

6.3 Minorities:

The very nature of the project whose aim is to assure improved protection for Human Rights throughout across the whole territory of BiH, will have for the result assurance of these principles of protecting minority rights and assuring the principles of equal treatment.

ANNEXES – I Logical framework matrix in standard format

Project: Support to the Office of Human Rights Ombudsmen

| INTERVENTION LOGIC | OBJECTIVELY VERIFIABLE INDICATORS | MEANS OF VERIFICATION | ASSUMPTIONS |
|---|---|------------------------------|--------------------|
| Overall Objective | | | |
| To obtain reformed, streamlined, harmonized, effective, transparent and service oriented public administration, capable of leading Bosnia and Herzegovina through the stabilization and Association process and EU accession. | Positive opinion of the commission on the Public Administration Reform | | |
| Project purpose | | | |
| To build capacity of the newly merged Ombudsman in order to enable it to carry out its mandate | Positive opinion on the Ombudsman office, Field offices in the RS and Federation, and Brcko district apply equal standards and identical practices in processing the complaints. | EC regular reports, | |
| Results | | | |

| <p>Offices of newly merged Ombudsmen made equipped</p> <p>ICT network for the newly merged Ombudsmen established and all three “used to be separated” entity offices data bases connected</p> | <p>Newly established Ombudsman Field Offices (around 70 people altogether including headquarters Office in Banja Luka, and three field offices in Mostar Sarajevo and Brcko district, each field office from 3 to 5 employees) refurbished (desks/chairs/conference tables, shelves,)</p> <p>Hardware and software for the office procured</p> | <p>Equipment is accepted</p> | <p>Staff is trained in parallel of how to use the software. Software installed.</p> |
|---|---|------------------------------|---|
| Activities | Means | Cost | Pre-condition |
| <p>Delivery, installing and testing of equipment</p> | <p>Supply</p> | <p>250,000 EURO</p> | <p>Acceptance certificate</p> |

ANNEX II: amounts (in €) Contracted and disbursed by quarter for the project

| Contracted | 06/08 | 09/08 | 01/09 | | | | | | | | | |
|-------------------|----------------|----------------|-------|----------------|--|--|--|--|--|--|--|--|
| Supply Contract | 250,000 | | | | | | | | | | | |
| Cumulated | 250,000 | | | | | | | | | | | |
| Disbursed | | | | | | | | | | | | |
| Supply Contract | | 150,000 | | 100,000 | | | | | | | | |
| Cumulated | | 150,000 | | 250,000 | | | | | | | | |

Annex III Reference to laws, regulations and strategic documents:

Reference list of relevant laws and regulations

| | |
|--|----------------------------------|
| Constitution of BiH | |
| Law on Ombudsman for Human Rights | Official Gazette of BiH No 32/06 |
| Feasibility Study for joining BiH to EU | |
| Opinion of Council of Europe and recommendations of Venetian Commission, Paris Principle | |

Annex IV – Details per EU funded contract

Annex IV - The whole project would be consisting of two supply contracts or one contract that may be further separated into three specific lots.

The first lot would contain furniture items that are to be procured for project funds, such as shelves, desks, tables, chairs.

The second lot would include hardware components for a future ICT network for the merged ombudsmen office.

The third lot contain the software component for the ICT network that should connect three different information systems.