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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**

**ON OMBUDSMAN FOR HUMAN RIGHTS**

**OF**

**BOSNIA AND HERZEGOVINA**

**Draft**

**LAW**  
**ON OMBUDSMAN FOR HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA**<sup>1234</sup>

**CHAPTER I - GENERAL PROVISIONS**

**Article 1**  
**(Subject of the Law)**

(1) The Ombudsman for Human Rights in Bosnia and Herzegovina shall be an independent institution established with the aim of promoting good governance and the rule of law, protection of the rights and freedom of physical and legal entities, as guaranteed by the Constitution of Bosnia and Herzegovina, particularly by Annex I, and laws and international legal acts on human rights and freedoms recognised by BiH.

(2) The Ombudsman for Human Rights BiH shall promote and safeguard human rights and freedoms and in relation thereto monitor the activities of institutions of Bosnia and Herzegovina, its entities and Brčko District, in compliance with the provisions of this Law.

**Article 2**  
**(Definitions)**

(1) For the purpose of this Law:

a) "Institution" means the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina;

b) "Ombudsman" means a person appointed to the function of Ombudsman for Human Rights of Bosnia and Herzegovina;

c) "BiH authorities" indicates all institutions, bodies, agencies, and all other public institutions in Bosnia and Herzegovina (state, entity, Brčko District BiH, cantonal and municipal authorities as well as private institutions performing public functions).

**Article 3**  
**(Seat and organisation)**

(1) The Seat of the Institution shall be in Banja Luka. The Institution of Ombudsman BiH shall have its offices in Mostar, Sarajevo, and Brčko District BiH, and may establish them in other places in BiH as needed.

(2) The Institution shall organise special organisational units for following up discrimination, and particularly for exercising the rights of children, persons with disability, and rights of national, religious and other minorities and the protection of persons deprived of freedom.

<sup>1</sup> Unofficial translation, done for the Council of Europe Office in Sarajevo

<sup>2</sup> Law on Ombudsman for Human Rights in Bosnia and Herzegovina Official Gazette 19/2002

<sup>3</sup> Law on Amendments to Law on Ombudsman for Human Rights in Bosnia and Herzegovina Official Gazette 32/2006

<sup>4</sup> Law on Amendments to Law on Ombudsman for Human Rights in Bosnia and Herzegovina Official Gazette 35/2004

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(3) The Institution shall stipulate the issues of its organisational units, the seat of the Institution of the Ombudsman BiH and its offices by by-laws.

## **CHAPTER II - POWERS AND JURISDICTIONS**

### **Article 4 (Power)**

- (1) The Institution shall consider cases related to any poor functioning or violation of human rights and freedoms committed by any BiH authorities.
- (2) The Institution shall act upon receipt of a complaint or *ex officio*.
- (3) The Institution may undertake general investigative actions.
- (4) The Institution may recommend appropriate individual and/or general measures.
- (5) The Institution shall not consider any cases related to decisions, facts, or events that had taken place before 15 December 1995.

### **Article 5 (Jurisdiction)**

- (1) The Institution shall be authorised do conduct investigations upon all complaints on any violation of human rights and freedoms allegedly committed by military authorities.
- (2) The Institution shall be authorised to conduct investigations related to any poor functioning of the judicial system or any irregular processing of individual cases, and to recommend appropriate individual or general measures thereof.
- (3) Activities of the Institution shall not be discontinued at the time when the legislative body is not in session, because the legislative body has been dissolved or its mandate has expired.
- (4) No extraordinary situations shall discontinue the Ombudsman's mandate.

### **Article 6 (Powers of the Ombudsman)**

- (1) The Ombudsman shall not interfere with the decision-making process of courts-of-law; however, it may instigate judicial procedures or intervene during a procedure being conducted, whenever he finds that such an activity is necessary while performing his duties. The Ombudsman may also make recommendations to an authority of BiH that is a party to a proceeding or be consulted by a party to a proceeding.
- (2) The Ombudsman may forward cases on alleged violations of human rights to the highest judicial bodies of Bosnia and Herzegovina responsible for the issues of human rights, in compliance with the rules regulating filing a complaint before these authorities, whenever he establishes it is necessary for an efficient performance of his duties.

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**Article 7**  
(Management and co-operation)

(1) The Ombudsmen shall co-operate in the exercise of their duties. An activity of carrying out an investigation and considering individual complaints or considering issues *ex officio* may be performed individually by each Ombudsman, whereby the assignment of duties among them will not depend on ethnicity criteria of the complainant.

The Ombudsmen shall provide recommendations, resolutions, and reports jointly.

(2) The coordination of tasks in the work of the Institution of the Ombudsman shall be conducted by one of the Ombudsmen for a two-year period, who is the Presiding Ombudsman at the time.

(3) The order of Ombudsmen who co-ordinate the work of the Institution of the Ombudsman shall be established as per the age of the Ombudsmen.

**Article 8**  
(Salary of the Ombudsman)

(1) The Salary of the Ombudsman shall be equal to the salary of a judge of the BiH Constitutional Court.

(2) Salaries of advisors, the Deputies, and other employees of the Institution of the Ombudsman shall be in line with salaries of civil servants and officers employed in the institutions of Bosnia and Herzegovina, in accordance with the approved budgetary funds.

**CHAPTER III - COMPOSITION, APPOINTMENT, AND TERMINATION**

**Article 9**  
(Composition)

(1) The Parliamentary Assembly of BiH shall appoint four persons to the post of the Ombudsman.

(2) Persons from among the constituent peoples and others may be appointed to the post of the Ombudsman.

(3) Any citizen of Bosnia Herzegovina, who is a graduate 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 freedoms of citizens, moral reputation, and no criminal proceedings are being conducted against them nor they have been convicted for any committed offences in accordance with the Roma Statute or the BiH Criminal Code, and are not party members, may be appointed as an Ombudsman.

**Article 10**  
(Appointment procedure)

(1) A separate, provisional /ad hoc/ commission for nomination of the Ombudsman shall be appointed by the Parliamentary Assembly of BiH.

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(2) The ad hoc commission shall initiate the procedure for nomination of the Ombudsman within a 180 day period before his/her term of office expires at the latest, i.e. within a 30 day period after the Ombudsman's duties cease for other reasons.

(3) The ad hoc commission shall adopt the Rules of Procedure of the commission that regulate a transparent and open process of the selection of the Ombudsman.

(4) The provisional /ad hoc/ commission shall publish an open competition for the posts and, after having carried out consultations with international and non-governmental organisations dealing with the protection of human rights and freedoms, and in line with the pre-defined, objective, relevant, and public criteria for ranking the candidates, make a list of candidates qualified under this Law.

(5) The list of candidates that reflects the ranking of the candidates shall be submitted to the House of Representatives and the House of People of Parliamentary Assembly of Bosnia Herzegovina for further procedure. The Parliamentary Assembly of Bosnia Herzegovina may request that the candidates present their concepts of the work of the Institution of the Ombudsman.

(6) The Parliamentary Assembly of BiH shall appoint the Ombudsmen simultaneously for a six year term. The Ombudsmen shall be appointed and dismissed by the House of Representatives and the House of People of Parliamentary Assembly of BiH by majority vote and in line with the Rules of Procedure of each House thereof.

(7) The appointment of the Ombudsman, in compliance with this Law, shall be carried out in a period not longer than 60 days from the day of submitting the nomination of the ad hoc commission to the House of Representatives and the House of People of Parliamentary Assembly of BiH, and within a 90 day period at the latest from the day the post has become vacant or the Ombudsman has ceased to perform his duty for reasons laid down by this Law.

#### **Article 11**

##### **(Term, re-election, and performance of duties after the expiration of the term of office)**

(1) The Ombudsmen shall be appointed for a six-year period and may be re-elected.

(2) An Ombudsman who is appointed after the resignation of the Ombudsman or the termination of duties for reasons laid down by this Law, shall serve for the remainder of the term of office and may be re-elected.

(3) The remainder of the term of office referred to in paragraph 2 of this Article may not be shorter than 180 days.

(4) Where the post of the Ombudsman is vacant because the term of office has expired, the Ombudsman whose term of office has expired shall perform his duties on a provisional basis until the appointment provided for in Article 7 has been carried out.

(5) Where the post of the Ombudsman is vacant for other reasons, and not because the term of office has expired, the Ombudsmen who remain at their posts shall perform their duties on a

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provisional basis until the procedure for appointment of a new Ombudsman has been completed.

**Article 12**  
**(End of duties of the Ombudsman)**

- (1) Duties of the Ombudsmen shall cease for the following reasons:
- a) End of his term of office;
  - b) Resignation;
  - c) Death;
  - d) On the basis of a final judgment rendered for the commitment of a criminal offence;
  - e) If for any reasons he ceases to fulfil the general requirements on the basis of which he was appointed;
  - f) In the event he is prevented from exercising his duties for health reasons.
- (2) In the event where the reasons referred to in points "e" (morality reasons) and "f", the decision on the vacant post shall be made by a two-third majority of the House of Peoples and the House of Representatives of the Parliamentary Assembly of Bosnia Herzegovina, after a discussion and hearing of the concerned Ombudsman thereof.
- (3) The vacant post of the Ombudsman shall be announced by the Speaker of the House of Representatives of the Parliamentary Assembly of Bosnia Herzegovina.
- (4) The appointment procedure on account of reasons referred to in paragraph 3 of this Article shall be initiated in compliance with the procedure stipulated in Article 7 of this Law.

**CHAPTER IV - IMMUNITIES AND INCOMPATIBILITIES**

**Article 13**  
**(Independence in work)**

(1) The Ombudsmen shall be independent and autonomous in their work. The Ombudsmen shall receive no orders. Within the framework of their constitutional and legal authorities, the Ombudsmen shall not be given orders by any authorities of BiH. The Ombudsmen shall act within the framework of constitutional and legal provisions and international legal acts on human rights and freedoms recognised by Bosnia Herzegovina.

The Ombudsmen shall be obliged to adhere to the principles of justice and morality in their work.

**Article 14**  
**(Immunities)**

(1) The Ombudsman shall not be criminally prosecuted, or subjected to investigation, or arrested or be tried for any opinions he expresses or for any decisions he renders in the exercise of his authorities that are in compliance with his duties.

(2) In any other circumstances, the Ombudsmen may not be arrested or detained, unless in the event of *flagrante delicto* for any criminal offence for which a prison sentence may be rendered.

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(3) The decision on criminal prosecution, detainment, or taking the Ombudsman charged for any criminal offence before court-of-law shall only be made for a criminal offence for which a prison sentence may be rendered and only after both the House of Representatives and the House of Peoples of the Parliamentary Assembly of Bosnia Herzegovina has made a decision thereof accordingly. Solely a court at the level of Bosnia and Herzegovina shall be competent to try him/her.

(4) Persons at the service of or those appointed by the Institution shall not be prosecuted, subjected to investigation, arrest, detainment, or trial for any action, opinion, or decision taken while performing their duties upon the Ombudsman's instructions. In all other circumstances, whenever the persons at the service of the Institution are arrested, detained, or taken before a court, the Prosecutor's office authorities shall duly inform the Institution immediately thereof.

### **Article 15 (Incompabilities)**

(1) The position of the Ombudsmen shall be incompatible with the exercise of any representative function; any political activity or duty or responsibility for propaganda; the continuation of his service with any BiH authority; membership in any political party or leadership of any political party, union, association, foundation, or religious organisation or work in any of them; with the exercise of duty of a judge; as well as with any activity as an occupation or profession, in economy or employment service.

(2) The Ombudsman who was a servant shall enjoy guarantees of reintegration in the former service after the expiration of his term of office.

(3) The Ombudsman, within a 10 day period after his appointment, and before he undertakes his office, shall leave his post that is potentially incompatible, and if fails to do so, he shall be deemed to have refused the appointment.

(4) Where incompatibility arises after an Ombudsman has undertaken his duties, it is understood that he shall abandon his duties, within the meaning of Article 12, on the date on which the incompatibility arises.

## **CHAPTER V – INVESTIGATIVE ACTIONS PROCEDURE**

### **Article 16 (Instigating a procedure)**

(1) Any natural or legal person claiming a legitimate interest may complain to the Institution without any restriction. Nationality, citizenship, residence, gender, juvenility, ethnicity, religion, legal incapacity, imprisonment of any kind, and, in general terms, a special relationship with, or dependence on, any BiH authority may not restrict the right to file a complaint with the Institution.

(2) Complaining to the Institution or its intervention shall not entail any criminal, disciplinary, or other sanctions for the complainant or any disadvantage or discrimination against him/her.

**Article 17**  
**(Form of a complaint)**

(1) Any complaint must be signed and submitted by the person concerned in a document stating his/her grounds for the submission thereof, and written on blank paper. A complaint presented in a less formal manner may be accepted where an Ombudsman finds that circumstances so require.

(2) All the work of the Institution shall be free of charge to the person concerned and does not require the assistance of a counsel or a lawyer.

**Article 18**  
**(Confidentiality of communication)**

(1) No correspondence addressed to the Ombudsman or to the Institution from places where individuals are held in detention, imprisonment, or custody may be the subject of any kind of censorship, nor may such correspondence be opened.

(2) No conversations between a complainant and the Ombudsman or persons delegated by the Ombudsman may ever be monitored or interfered with.

**Article 19**  
**(Consideration of a complaint)**

(1) The Institution shall register and acknowledge receipt of the complaints submitted, whether it considers that they should be considered or not. When an Ombudsman decides not to consider a complaint, he shall do so in writing, explaining the grounds and informing the person concerned of the most appropriate means of taking action, if any, leaving it to the complainant to use those means that he considers most suitable.

(2) The Ombudsman may refuse to consider anonymous complaints and complaints which he considers to have been made in bad faith, which are ill founded, which include no claim, which entail damage to the legitimate rights of a third party, or which were filed with the Institution more than 24 months after the facts, events, or decisions complained of.

(3) The decisions of the Ombudsman or the Institution may not be appealed against.

**Article 20**  
**(Instigating a procedure)**

(1) When the Ombudsman decides that a complaint or a matter considered *ex officio* offers sufficient grounds for investigation, he shall inform the concerned BiH authority on the material elements of the case, so that the person in charge can submit a written statement within the time limit indicated by the Ombudsman.

(2) The Ombudsman may request at any time any document he deems necessary for any investigative actions.



**Article 21**  
**(Temporary measure)**

(1) Where, during an investigation, an Ombudsman finds that the execution of an administrative decision may result in irreparable damage for the rights of the complainant, he may propose to the competent BiH authority to suspend the execution of the challenged measure within a maximum 10 day period. The authority concerned may refuse to comply with the proposal, explaining, in a written document addressed to the Institution, within a three day period from the receipt of the proposal, and in any case before executing the challenged measure, the reasons thereof, and if it fails to do so, the proposal shall become binding for the authority.

**CHAPTER VI - OBLIGATION TO CO-OPERATE WITH THE OMBUDSMAN**

**Article 22**  
**(Ensuring the access)**

(1) BiH authorities shall be obliged to provide the Institution with adequate assistance in its investigations and inspections.

(2) During an investigation, the Ombudsman may present himself at any BiH authority in order to check all the requested information, conduct personal interviews, or study the necessary files and documents.

(3) The Ombudsman may not be denied access to any file or administrative document or to any document related to the activity or service under investigation, without prejudice to the provisions of Article 25 of this Law.

**Article 23**  
**(Obligation to notify and inform)**

(1) When the case under investigation concerns the conduct of public servants and is connected with the duties they perform, the Institution shall inform the person concerned and his superior or the authority he works for and may also request a written declaration.

(2) The servant concerned shall reply in writing and submit all the documents and evidence which he considers relevant, within the time limit given. Upon request, the time limit may be extended.

(3) The Ombudsman may check the veracity of the elements submitted and propose a hearing of the civil servant involved in order to obtain additional information. A civil servant who refuses such a hearing may be required by the Ombudsman to give a written explanation of the reasons for his/her refusal.

(4) The information or personal evidence provided by a civil servant during an investigation shall be strictly confidential, without prejudice to the provisions of the Criminal Code on the disclosure of acts, which may constitute a criminal offence.

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**Article 24**  
**(Obligation to respond)**

(1) Senior servants or BiH authorities that prohibit any servants subordinate to them or in their service to respond to a request from an Ombudsman or to the hearing scheduled by him, shall declare that they have done so in a writing, stating their grounds thereof. This document shall be communicated to the servant and to the Ombudsman. The Ombudsman shall then approach the said superior in relation to all the operations necessary for the investigation.

**CHAPTER VII - CONFIDENTIAL AND SECRET DOCUMENTS AND OBLIGATION OF DISCRETION**

**Article 25**  
**(Access to confidential and secret documents)**

(1) The Ombudsman may require BiH authorities to hand over any documents he considers necessary to perform his duties, including those classified as confidential or secret in accordance with law. In such cases, the Ombudsman shall apply the requisite discretion in regard thereto and shall not make them available to the public.

(2) Investigations conducted by the Ombudsman and his staff, including procedural measures, shall be conducted with the greatest discretion, without prejudice to the considerations which the Ombudsman finds it appropriate to be included in the reports accordingly. Special protective measures shall be taken in respect of any documents classified as confidential or secret.

(3) Where an Ombudsman believes that a document classified as confidential or secret and not handed over by BiH authorities could be crucial to the proper conduct of the investigation, he shall advise the Presidency of Bosnia and Herzegovina of this fact.

**CHAPTER VIII - RESPONSIBILITY OF AUTHORITIES AND PUBLIC SERVANTS**

**Article 26**  
**(Delivering recommendations)**

(1) When an investigation reveals that an abuse, an arbitrary procedure, discrimination, an error, negligence or an omission complained of was perpetrated by a servant of BiH authorities, the Ombudsman may communicate this finding to the servant concerned. Simultaneously, the Ombudsman shall transmit the same document to the servant's superior and make a recommendation he considers necessary.

**Article 27**  
**(Acting *ex officio*)**

(1) When an Ombudsman in the exercise of his duties becomes aware of any conduct or acts which appear to be offences, he may advise the competent prosecuting authority.

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**Article 28**  
**(Obstruction of investigative actions)**

(1) In the situation where an investigation procedure has been obstructed by BiH authorities or their servants, it may be the subject of a special report to be included into a special part of the annual report.

(2) Where an official of a BiH authority impedes an investigation by refusing to send documents required by an Ombudsman, or through negligence in sending such documents or by refusing an Ombudsman access to administrative files or documents necessary to the investigation, the Ombudsman shall send the relevant file to the official's superior or to the competent prosecuting authorities for the appropriate disciplinary or penal action to be taken, in accordance with the law.

(3) Where the competent BiH authority fails to take action, the Ombudsman may, in substitution for this authority, institute disciplinary proceedings against the official responsible or, where appropriate, bring the case before a criminal court.

**CHAPTER IX- RECOMMENDATIONS**

**Article 29**  
**(Giving/acting upon recommendations)**

(1) The Ombudsman may give recommendations to the authorities with a view to the adoption of new measures.

(2) BiH authorities that receive such recommendations are obliged to reply in writing and to inform the Ombudsman of the effect given to the recommendations within a period indicated by the Ombudsman.

(3) If, once recommendations have been made, the authority concerned does not take appropriate measures within the time indicated by the Ombudsman, or if it does not inform the Ombudsman of the reasons for not doing so, the Ombudsman may draw the attention of the Minister responsible for the authority concerned, or of the highest authority of the authority concerned, to the course of the case and the recommendations made.

(4) Should the Ombudsman, following this, obtain no satisfaction in a case in which he considers that it would have been possible to find a positive solution, the matter should be included in the annual report or in a special report, mentioning the names of the authorities or servants who have taken this attitude.

(5) The Ombudsmen has no jurisdiction to amend or annul government measures or orders, but may propose the amendment of the criteria used in their adoption.

(6) When, following the consideration of a case, the Ombudsman finds that the manner in which a rule is implemented leads to unfair results, he may address the competent authority with any recommendation that may lead to a fair solution to the situation of the concerned individual.

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The Ombudsman may propose to the competent authority the measures likely to remedy the complainant's situation, including payment of damages, and may propose such amendments to laws and regulations he finds appropriate in the Institution's annual or special report.

(8) If the activities complained of have been carried out through the services provided by private persons under a public service concession, the Ombudsman may ask the competent administrative authorities to exercise their powers of inspection and sanctioning.

## **CHAPTER X - NOTIFICATION AND PUBLICITY OF RECOMMENDATIONS AND CO-OPERATION WITH NGOS**

### **Article 30 (Notification and publicity of recommendations)**

(1) The Ombudsman shall inform the person concerned of the result of his investigations and activities and of the reply given by the authority concerned, unless the reply, by its nature, is to be considered as confidential or secret.

(2) The Ombudsman shall communicate the positive or negative findings of the investigations to the authority, official, or administrative department concerned.

(3) The Institution may decide to publish its general recommendations in the BiH Official Gazette.

(4) All other recommendations of the Ombudsman or of the Institution shall be accessible to the public, except in cases in which they relate to matters which are confidential or secret, or where the complainant has expressly requested that his/her name and the circumstances of the complaint should not be revealed.

### **Article 31 (Co-operation with NGOs)**

(1) In the area of the promotion of human rights and freedoms, the Institution of the Ombudsman shall conduct investigations and analyses, actively promote education on human rights and on raising awareness programmes at various levels, promote and maintain co-operation with civil society organisations, international organisations and scientific and research institutions, and promote harmonisation of laws with international and European standards as well as their consistent application.

(2) Recognising the role of civil society in the protection of human rights, the Institution of the Ombudsman shall establish co-operation with non-governmental organisations based on the principles of transparency, openness and partnership. To this end, the Ombudsmen shall make a platform and annual action plan for co-operation with non-governmental organisations.

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## **CHAPTER XI - REPORTS**

### **Article 32 (Obligation of reporting)**

(1) The Institution of the Ombudsman shall prepare a general annual report on its work and findings on the respect of human rights and fundamental freedoms in Bosnia Herzegovina for the previous year and this by 30 May of the current year at the latest.

(2) The Institution shall submit the annual report to the Presidency of Bosnia and Herzegovina, the House of Representatives of Bosnia and Herzegovina and the House of Peoples of Bosnia and Herzegovina, to the Parliament of the Federation of Bosnia Herzegovina and the National Assembly of the Republic of Srpska.

(4) Where the public significance or urgency of the facts so require, the Institution may submit a special report.

(5) Annual reports and any special reports shall be published.

### **Article 33 (Contents of the annual report)**

(1) An annual report shall include the findings on the level of respect of human rights and fundamental freedoms and the legal security of citizens of Bosnia Herzegovina; a description of the basic issues; a statistical review of the received and processed applications; a description of typical individual cases of violations or misadministration; recommendations for improvement of citizens' status in relation to administrative authorities, and a report on other activities of the Institution of the Ombudsman.

(2) The report shall contain no personal data enabling the persons involved in the investigation procedure to be publicly identified.

3. The report shall also contain an appendix intended for the Presidency of Bosnia and Herzegovina, which shall show the expenditure of the institution's budget during the period covered.

## **CHAPTER XII - RULES AND PROCEDURES**

### **Article 34 (By-laws)**

1. The Institution of the Ombudsman shall enact by-laws that will stipulate, in compliance with this Law, the rules of procedure for treating cases and applicants, the rules on structure and job descriptions, the rules on salaries, the rules on labour relations and disciplinary responsibility and other by-laws, as applicable.

2. The Ombudsman shall enact the Rules on Structure and Job Descriptions within one month after the appointment.

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## **CHAPTER XIII- EMPLOYMENT AND LEGAL STATUS OF THE STAFF OF THE INSTITUTION**

### **Article 35 (Employment)**

(1) Employment of the staff with the Institution of the Ombudsman shall be conducted through an open competition for the posts, in compliance with the Law on Labour of Bosnia Herzegovina and which is regulated with the act on structure and job descriptions of the Institution.

(2) The Institution advisors shall be automatically dismissed when three new Ombudsmen, appointed by the House of Representatives of Bosnia and Herzegovina and the House of Peoples of Bosnia and Herzegovina in accordance with Article 10 of this Law, take up their respective duties. These advisors may be re-appointed.

(3) The advisors who come from the Institution of the Ombudsman shall enjoy the guarantees of reintegration with the Institution of the Ombudsman or any other posts in public service in BiH authorities.

## **CHAPTER XIV- FUNDING OF THE INSTITUTION**

### **Article 36 (Funding)**

(1) The Presiding Ombudsman, in compliance with the Law on Financing the Institutions of BiH, shall draw up the annual budget draft proposal and submit it to the competent commission for adoption thereof.

(2) After the approval of the competent parliamentary commission has been granted, in compliance with the Law on Financing the Institutions of BiH, the Ombudsman shall submit a request to the Ministry of Finance and Treasury of BiH to make the budget of the Institution of the Ombudsman an integral part of the budget of the Institutions of BiH.

(3) The Ministry of Finance and Treasury of BiH, the Council of Ministers of BiH, the Presidency of BiH may give opinion on the draft budget of the Institution of the Ombudsman, having no option to amend the draft budget that has been already approved by the parliamentary commission, unless the draft budget is in contravention of the liabilities or limitations of spending in line with international agreements or if the draft budget causes imbalance within the budget whereby such an imbalance would cause the reduction of the draft budget of some other budgetary beneficiary, or when the draft budget is not in line with the provisions of the Law on Fiscal Council of BiH.

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**CHAPTER XIV -TRANSITORY PROVISIONS**

**Article 37**

As of the date this law enters into force, the Law on the Ombudsman of Bosnia Herzegovina Official Gazette 19/2002, Law on Amendments to the Law on the Ombudsman in Bosnia and Herzegovina Official Gazette 32/2006, and the Law on Amendments to the Law on the Ombudsman in Bosnia and Herzegovina Official Gazette 35/2004 shall cease to be effective.

**Article 38**

This Law shall come into force eight days following its publication in the Official Gazette of Bosnia and Herzegovina.