



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

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

**AGREED CONCLUSIONS**  
**OF THE WORKING MEETING ON**  
**“RESTRUCTURING OMBUDSMAN INSTITUTIONS**  
**IN BOSNIA AND HERZEGOVINA”**

**(Council of Europe, Strasbourg, 19 April 2004)**

In November 2003, Mr Dragan Covic, Chairman of the Presidency of Bosnia and Herzegovina, requested the assistance of the Venice Commission as regards the reform of the Ombudsman institutions in Bosnia and Herzegovina.

At the beginning of 2004, a working group was set up by the BiH Minister of Human Rights and Refugees with a view to preparing the reform. Such group is currently composed of a representative of the Minister of Human Rights and Refugees, by the three Human Rights Ombudsmen of Bosnia and Herzegovina, by the three Ombudsmen of the Federation of Bosnia and Herzegovina, by the two Ombudsmen of the Republika Srpska and by representatives of the Ministries of Justice of the State and the two Entities.

The Venice Commission organised a working meeting with representatives of the working group in order for them to identify and agree upon the main aims and an agenda of the reform. This meeting was held in Strasbourg, on the premises of the Council of Europe, on 19 April 2004.

The participants in the meeting (see list of participants attached) reached the following

## CONCLUSIONS

### As to the principles:

- There is a need to “restructure” the ombudsman institutions in Bosnia and Herzegovina within a reasonable time;
- The current level of human rights protection must be preserved;
- The final merger of the institutions will be accomplished through a transitional period during which the three institutions will co-exist;
- The number of ombudsmen must be gradually reduced first from 9 to 3 and then from 3 to 1;
- The principle of multi-ethnicity of the institution will be preserved through the appointment of deputy ombudsmen (possibly rotating on the post of ombudsman);
- During the transitional period there will be three institutions, each with one ombudsman and two deputies;
- It is necessary to reduce the staff, including during the transitional period;
- The existing infrastructures, including those of the entities’ institutions, must be preserved, while rationalised;
- The best practices of the current three institutions must be identified and preserved;
- Co-ordination and non-hierarchical interrelationships amongst the existing Ombudsman institutions are essential and must be ensured during the transitional period.

### As to the procedure and time-frame:

- The working group is to meet as soon as possible and create a sub-working group charged with the preparation of the restructuring plan;

- The concept of the future ombudsman institution of BiH has to be decided at the outset; the manner of achieving it is to be decided next;
- An outline plan will be prepared and submitted to the BiH Council of Ministers and subsequently, notably to the Venice Commission and the OSCE mission in BiH, by 15 May 2004;
- A detailed plan of the restructuring will be finalised and submitted to the BiH Council of Ministers and subsequently, notably to the Venice Commission and the OSCE mission in BiH, by 30 May 2004.

## **LIST OF PARTICIPANTS**

### **VENICE COMMISSION**

Mr Kaarlo TUORI, Expert, Member of the Venice Commission in respect of Finland  
Mr Dimitris CHRISTOPOULOS, Expert, Greece

### **BOSNIA AND HERZEGOVINA**

Mr Slobodan NAGRADIĆ, Assistant BiH Minister of Human Rights and Refugees  
Mr Safet PASIĆ, Human Rights Ombudsman of Bosnia and Herzegovina  
Ms Branka RAGUZ, Ombudsman of the Federation of Bosnia and Herzegovina  
Ms Branka KOLAR-MIJATOVIĆ, Ombudsman of the Republika Srpska

### **COMMISSIONER FOR HUMAN RIGHTS**

Mr Alvaro GIL-ROBLES, Commissioner

### **OSCE MISSION IN BOSNIA AND HERZEGOVINA**

Ms Alison JOLLY, Director of the Human Rights Department

### **SECRETARIAT OF THE VENICE COMMISSION**

Ms Simona GRANATA-MENGHINI, Head of the Constitutional Co-operation Division  
Ms Dubravka BOJIĆ, Administrative Officer  
Ms Brigitte AUBRY, Assistant

### **OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS**

Mr Christos GIAKOUMOPOULOS, Director

### **OFFICE OF THE COUNCIL OF EUROPE IN SARAJEVO**

Ms Tanja RAKUSIC-HADZIĆ, Legal Adviser

### **INTERPRETERS**

Ms Dvina SUBASIĆ, Interpreter  
Mr Goran DAPIĆ, Interpreter