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The Federation of BiH abandoned the system of professional civil service?

The abandonment of two-instance system within the public competition procedure actually represents abandoning of the professional civil service system, and it is indicative that it was done only a year prior to the election.

Banjaluka, 15th October, 2018 – Transparency International in BiH (TI BiH) possesses the opinion of the Civil Service Agency of the Federation of Bosnia and Herzegovina (hereinafter: the Agency) which clearly indicates that the Appeals Committee (hereinafter: the Committee) refuses to act upon the complaints filed by candidates who participate in public competition proceedings related to the civil service. As the second-instance organ, the Committee refuses to act upon the complaints of dissatisfied candidates since the end of last year, when a Rulebook, which explicitly prescribed its competences, was put out of force. On the other hand, the Agency believes that the competences of the Committee are prescribed by the Law on Civil Service, and that the Committee is undoubtedly competent to resolve the complaints submitted by the candidates who participate in the procedure of electing and appointing civil servants. While the Agency and the Committee are arguing about the competences, the candidates are left without possibility to invoke legal remedy and are forced to seek the legal protection only through the courts.

TI BiH has been aware of the case in which a complaint filed by a dissatisfied candidate, participating in public competition for a position in one of the Ministries, was rejected since the Committee refused to discuss it despite all indications that the procedure of fair competition was violated. TI BiH informed about it the Federal Ministry of Justice which performs administrative monitoring over the implementation of the Law on Civil Service, warning the relevant Minister that the loss of the right to appeal in the procedure of civil service public competition resulted in the annulment of all reform efforts and principles on which an independent and professional public administration is based. A high-quality selection of civil servants is a precondition for the existence of good governance that is at the service of all citizens.

Public competition procedures in the Federal Civil Service no longer guarantee a minimum chance that the best candidates will be selected. The abandonment of two-instance system within the public competition procedure actually represents abandoning of the professional civil service system, and it is indicative that it was done only a year prior to the election (in a year when a huge number of public competition is announced).

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