



## **DECISION ON ADMISSIBILITY**

**Case no. CH/99/2876**

**Vahida BUŠEVAC**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 July 2000 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Manfred NOWAK  
Mr. Vitomir POPOVIĆ  
Mr. Mato TADIĆ

Mr. Anders MÅNSSON, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Articles VIII(2)(a) and VIII(2)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

### **I. FACTS**

1. The applicant, a citizen of Bosnia and Herzegovina, had been employed with the “Municipal Logistic Centre” in Kladanj since 1993. In August of 1997 the applicant went on maternity leave following which the management allegedly prevented her to return to work. According to the applicant, she has not received any salaries since then although she claims that she is still on the company’s list of employees. She has not obtained a written termination of her employment relationship either.

2. On 21 December 1998 the applicant instituted proceedings before the Municipal Court in Kladanj with a view to be compensated for the period of time she did not receive payments from the company. However, in her action she did not pursue reemployment. No decision has been taken yet.

## II. COMPLAINTS

3. The applicant alleges a violation of her “right to work and to salary”.

## III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 14 September and registered on 16 September 1999.

## IV. OPINION OF THE CHAMBER

5. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(a), the Chamber must consider whether effective remedies exist and whether the applicant has demonstrated that they have been exhausted. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement.

6. As to the applicant’s complaint of non-payment of salaries, the Chamber notes that the applicant has initiated proceedings before the Municipal Court in Kladanj in that respect which are still pending. The applicant has not shown that this remedy is ineffective. Neither is it apparent from the facts of the case that the remedy is ineffective.

7. Concerning the applicant’s complaint that her right to work was violated, the Chamber only has jurisdiction to consider whether there has been alleged or apparent discrimination in relation to the enjoyment of this right as guaranteed by the treaties referred to in the Appendix to the Agreement. The applicant has not alleged that there has been any such discrimination. Neither is it apparent from the facts of the case that the applicant has in fact been the victim of discrimination.

8. Accordingly, the Chamber decides not to accept the application, partly as the applicant has not demonstrated that effective domestic remedies have been exhausted and partly as it is incompatible with the Agreement *ratione materiae*.

## V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Anders MÅNSSON  
Registrar of the Chamber

(signed)  
Viktor MASENKO-MAVI  
Acting President of the Second Panel