

L A W
ON DISPLACED PERSONS, RETURNEES AND REFUGEES IN THE REPUBLIKA
SRPSKA
(RS Official Gazette, no. 42/05 of 26 April 2005)

I GENERAL PROVISIONS

Article 1

This Law shall regulate the rights of displaced persons, refugees and returnees in Republika Srpska (hereinafter: RS), refugees from Bosnia and Herzegovina (hereinafter: refugees from BiH), determination and cessation of status of displaced persons and returnees, their social reintegration and return, bodies and organizations responsible for implementing this Law, manner of financing and provision of funds for exercising these rights, as well as other issues relevant for the protection of this category of persons in RS.

Article 2

Displaced persons, under this Law, are citizens of BiH who have been displaced in the territory of RS due to the conflict, war destruction or well-founded fear of being persecuted or having their human rights violated in the territory of BiH and who are not able to return to their former place of permanent residence or to address of their former place of permanent residence.

A returnee, under this Law, is a citizen of BiH, who has, as a refugee from abroad and/or a displaced person in BiH, returned to the territory of RS, to his/her former place of permanent residence, as well as a displaced person who has expressed his/her wish to return to the competent bodies and is in the process of returning.

A refugee from BiH, under this Law, is a citizen of BiH who is outside of BiH, and who has been expelled from his/her place of permanent residence or left his/her place of permanent residence in BiH and escaped abroad after 30 April 1991, due to a well-founded fear of being persecuted for reasons of race, religion, nationality, affiliation with a particular social group or his/her political opinion, and who is neither able to return in safety and with dignity to his/her former place of permanent residence nor has voluntarily decided to settle permanently outside of BiH (hereinafter: refugee).

The status of displaced person shall be recognized to a refugee from BiH who has returned to BiH and who is neither able to return in safety and dignity to his/her former place of permanent residence, nor has decided to settle permanently elsewhere in BiH.

Refugees in RS (hereinafter: refugees) in the sense of Chapter V of this Law are foreign citizens or persons without citizenship who seek protection on the territory of the RS and who has been expelled from their places of permanent residence or left their places of permanent residence due to a well-founded fear of being persecuted for reasons of race, religion, nationality, affiliation with a particular social group or their political opinion, and who are neither able to return in safety and with dignity to their former place of permanent residence nor has voluntarily decided to settle permanently in the territory of RS and/or BiH.

Article 3

Republika Srpska shall regulate the system of protection of displaced persons, refugees and returnees, shall prescribe the manner of and conditions for determining the status of this category of persons, and shall take care of exercising of their rights in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, as well as other international documents on human rights, and shall ensure the full legal protection of those persons in accordance with Annexes 6 and 7 of the General Framework Agreement for Peace in BiH (hereinafter: Dayton Agreement).

A municipality-town shall assist displaced persons and returnees in meeting the basic social welfare needs and in exercising other rights that have not been, by law and other regulations,

placed within the competence of the Republic, and shall create political, economic and social conditions contributing to the protection of those categories of persons, within the consistent realization of the Dayton Agreement.

II DETERMINATION AND CESSATION OF THE STATUS OF DISPLACED PERSON AND RETURNEE

Article 4

To acquire the status of displaced person, these persons shall be obliged to fill out the prescribed forms, thus initiating the procedure for issuing the documentation prescribed by this Law.

A returnee under Article 2, paragraph 2 of this Law shall be obliged to fill out the prescribed forms and to initiate the procedure for issuing the RS identity documents upon the re-establishment in his/her former place of permanent residence.

Article 5

The application for recognizing the status of displaced person shall be filed with a department of the Ministry for Refugees and Displaced Persons (hereinafter: Ministry) responsible for the municipality of the person's temporary displacement.

The responsible department of the Ministry shall issue a decision on the acquisition and/or cessation of the status of displaced person, following the procedure carried out in accordance with this Law.

An appeal against the decision of the responsible department of the Ministry referred to in paragraph 2 of this Article, may be filed with the Minister for Refugees and Displaced Persons, within 15 days from the receipt of the Decision. An administrative dispute may be initiated against the Minister's decision.

Article 6

A returnee who has returned to his/her former place of permanent residence shall be obliged to fill out the prescribed forms for the registration of his/her return in the responsible department of the Ministry, in accordance with the Instruction on the Method of Organizing the Return of Displaced Persons and Refugees-Returnees in the Territory of RS.

The department of the Ministry shall be obliged, at the request of a returnee himself/herself, to issue a certificate on return to the returnee, based on which the returnee shall initiate, with the responsible bodies in the place of his/her return, the procedure for the issuance of identity documents prescribed by this Law.

The status of returnee starts running from the day when a returnee filed claim with the department of the Ministry competent for issuing a certificate on return.

Article 7

Returnees under Article 2, paragraph 2 of this Law shall, upon the return to the former place of permanent residence, have the right and obligation to be issued a personal identification card and other documents of RS, in accordance with this Law, Law on Personal Identification Cards and other regulations.

Article 8

The provisions of the Law on Permanent and Temporary Residence of Citizens shall be applied in case of the change of temporary residence of displaced persons and returnees.

The responsible department of the Ministry of Interior shall notify the responsible department of the Ministry on the change of temporary residence of persons referred to in the previous paragraph, within 15 days from the residence de-registration.

Article 9

The status of displaced person shall cease:

1. upon the voluntary return to his/her former place of permanent residence, and/or upon re-establishment on the address of the former place of permanent residence;
2. when there is a possibility for the safe and dignified return to his/her former place of permanent residence, but a displaced person has refused to return and if there are no compelling reasons arising out of previous persecution nor other strong humanitarian reasons;
3. when a displaced person has freely and voluntarily decided to permanently settle in another place;
4. when a displaced person has freely disposed of his/her property in his/her former place of permanent residence, thus creating conditions for his/her permanent settlement in a place of his/her free and voluntary choice;
5. in case he/she does not respond to a public call for the status revision, unless there are justified reasons for not appearing.

Displaced person shall not lose the right to renovation and reconstruction of his/her property after the cessation of the status, or the right to participate in the Government's programmes of the social reintegration of displaced persons and returnees.

Article 10

The status of returnee shall cease by the expiration of the 6-month deadline, counting from the day when the competent body issued certificate on returnee status.

Returnees, refugees and displaced persons have the right to health insurance for 6 months after the cessation of the status, if they cannot realize that right on other basis.

A returnee shall not lose the right to renovation and reconstruction of his/her property after the cessation of the status or the right to participate in the Government's programmes of the social reintegration of displaced persons and returnees.

III RIGHTS OF DISPLACED PERSONS, RETURNEES AND REFUGEES FROM BiH

Article 11

Displaced persons and returnees shall have all rights and obligations established by this Law, Annex 7, and international instruments attached to Annexes 4 and 6 of the Dayton Peace Agreement.

Refugees from BiH and displaced persons shall have the right to repossess their property that was taken away from them in the course of hostilities since 30 April 1991. The repossession of immovable property shall imply a possibility for the owner of the immovable property to fully and practically dispose of his/her property in the manner of his/her voluntary choice.

Refugees from BiH and displaced persons shall have the right to repossess apartments to which they had occupancy right on 30 April 1991, in accordance with law.

Article 12

During their stay in the host countries, refugees from BiH shall be objectively and comprehensively informed by the Ministry on the situation in RS and, in particular, on the situation in their former places of permanent residence, so to be able to decide on their voluntary return. The Ministry shall realize its obligations referred to in the previous Article in

cooperation with the Ministry for Human Rights and Refugees and relevant international organizations.

Article 13

Displaced persons and returnees shall enjoy, in full equality, the same rights and freedoms under international and national law as do other citizens of RS.

They may not be discriminated against in the enjoyment of any rights and freedoms on any grounds whatsoever, and particularly not on the ground that they are or were displaced.

Displaced persons and returnees shall have the right to freedom of movement and freedom to choose their place of permanent residence.

Article 14

All displaced persons and returnees shall have the right to an adequate standard of living, the right to basic temporary accommodation, health care, social security, education and vocational training, and the freedom of religious expression and political activity.

In addition to the rights referred to in the previous paragraph, displaced persons and returnees shall, for the duration of their status, be entitled to:

- assistance for basic repair of their own houses and apartments,
- loans for initiating businesses for generating income for themselves and their families,
- appropriate assistance in cash,
- basic health care,
- elementary education,
- social welfare, provided that they are unemployed.

The persons referred to in the previous paragraph shall not be provided with temporary accommodation in case they dispose of sufficient funds, including an income sufficient to cover their accommodation.

Department of the Ministry shall estimate and analyze economic situation of persons from the previous paragraph on the basis of information received from the Council of Local Community, Employment Biro and Center for Social Welfare.

Article 15

The responsible authorities shall issue to displaced persons and returnees all documents necessary for the exercise of their legal rights.

The responsible authorities shall facilitate the procedure of issuing new documents or replacing documents lost or destroyed as the result of displacement.

Article 16

All responsible authorities shall facilitate the reintegration of returnees.

Each person who registered his/her permanent residence in any municipality before the conflict may re-establish his/her permanent residence in that municipality and be issued all necessary documents without being discriminated against. The returnees shall not be obliged to obtain new urban or construction permits for the repair of facilities that were destroyed or damaged by war activities, except where:

- the size of the building has been increased, or
- the purpose of the building has been changed.

Article 17

The responsible bodies shall provide basic temporary accommodation to displaced persons who are, according to the provisions of the Law on the Cessation of Application of the Law on the Use of Abandoned Property, required to vacate houses and apartments in which they currently reside, provided that they do not have any other accommodation or that the right to accommodation is not guaranteed to them based on another, more favorable legal ground. This provision shall also apply to displaced persons for whom it has been determined that they occupy a house or an apartment without a relevant legal ground but who cannot return to the their former place of permanent residence, as verified *ex officio* by a responsible body.

The persons referred to in the paragraph above shall not be entitled to basic temporary accommodation if their household income is higher than the average net salary of the employees in the Republika Srpska for the previous year, for one-member families. This amount shall be increased for 20% for each additional household member.

In cases where a displaced person refuses the offered accommodation, the responsible bodies shall not be obliged to provide to him/her another basic temporary accommodation.

Article 18

Prevention of or unjustified delay in the realization of rights of displaced persons and returnees by persons employed in the Republican or municipal bodies responsible for claims of displaced persons and returnees related to the realization of their rights, as well as by other persons who prevent or delay without justified reasons the realization of those rights, shall imply accountability pursuant to the relevant regulations.

IV SOCIAL REINTEGRATION OF DISPLACED PERSONS, REFUGEES AND RETURNEES IN THE REPUBLIKA SRPSKA

Article 19

The process of social reintegration of displaced persons, refugees and returnees in the Republika Srpska shall be carried out in accordance with individual and freely expressed wish of a refugee from BiH or a displaced person to choose his/her place of permanent residence on the basis of objective and accurate information.

Article 20

The Ministry shall have a policy-making, coordinating and supervisory role ensuring uniform and harmonized realization of objectives identified by Annex VII of the Dayton Peace Agreement throughout the territory of RS and it shall perform its tasks in a manner that guarantees equal opportunities for refugees from BiH, displaced persons and returnees. Within the scope of its authority, defined by the Law on Ministries, the Ministry, in cooperation with the Ministry for Human Rights and Refugees, shall:

1. follow up and analyze issues pertaining to return and repatriation to RS;
2. coordinate the realization of the plans of return and repatriation to RS, prepared by the Entity Governments, BiH Brcko District and governmental and non-governmental organizations, in coordination with the Commission for Refugees and Displaced Persons of Bosnia and Herzegovina (hereinafter: Commission);
3. actively participate in creating an inter-Entity cooperation on the return of refugees from BiH and displaced persons, and ensure, within the Commission for Refugees and Displaced Persons of Bosnia and Herzegovina, the realization of the Strategy for the Implementation of Annex VII of the Dayton Peace Agreement;

4. make assessments and maintain databases and documentation on the number of refugees from BiH, displaced persons and returnees, in cooperation with all relevant bodies and organizations at the BiH level, in accordance with the applicable data protection standards;
5. formulate objectives pertaining to the realization of Annex VII, as well as realize, monitor and oversee their uniform implementation throughout the territory of RS;
6. realize, coordinate and oversee repair and reconstruction projects, as well as projects ensuring sustainability of return;
7. realize, coordinate and oversee repair and reconstruction projects and projects assisting displaced persons within RS whose property was destroyed due to the war activities;
8. inform the public and domestic and international institutions on the realization of Annex VII objectives;
9. submit 6-month report on realization of activities from Article 20 of this Law to the RS Government and National Assembly;
10. undertake any other activity pertaining to the implementation of Annex VI and Annex VII.

The Minister for Refugees and Displaced Persons (hereinafter: Minister) shall pass By-law, which shall determine the specific criteria, standards and procedures referred to in the previous paragraph.

Article 21

To implement the tasks referred to in the previous Article of this Law, the Ministry shall establish an appropriate number of its departments, taking into account an equal territorial presence in all parts of the territory of RS. The departments of the Ministry shall, in addition to their regular activities, be responsible for monitoring and evaluating return-related issues, as well as for monitoring the implementation of agreed projects of integrated return and reconstruction in their respective areas of responsibility, thus ensuring the required level of coordination and harmonization RS-wide. The departments of the Ministry shall be obliged to closely cooperate with the Ministry for Human Rights and Refugees, in order to exchange information and to coordinate activities in the field of return and reconstruction. Municipal commissions for reconstruction and return shall be obliged to closely cooperate with the departments of the Ministry and with the Ministry for Human Rights and Refugees.

Article 22

In accordance with the Law on Amendments to the Law on Refugees from BiH and Displaced Persons in BiH (BiH Official Gazette, no. 33/03) which regulates the competence, method of work, deciding and composition of the Commission, the Ministry shall be obliged to provide appropriate expert and technical assistance to the Commission and to actively participate in its work.

The RS Government shall propose its members for the Commission.

Article 23

The Ministry shall ensure that the selection of beneficiaries of return and housing reconstruction projects is uniform and transparent throughout the territory of RS.

The general criteria for identifying potential beneficiaries of return and housing reconstruction projects shall include:

1. that he/she is displaced person, refugee from BiH or returnee;
2. that he/she has expressed intention to return;

3. that the ownership status or occupancy right on the housing unit that is subject to reconstruction has been established;
4. that the housing unit that is subject to reconstruction was his/her permanent residence on 30 April 1991;
5. that the housing unit that is subject to reconstruction is deemed uninhabitable, pursuant to the applicable standards on the minimum housing conditions;
6. that he/she and his/her spouse since 1991 do not have another housing unit on the territory of BiH that is deemed inhabitable, pursuant to the applicable standards on the minimum housing conditions;
7. that he/she has not received reconstruction assistance sufficient to meet the applicable standards on the minimum housing conditions. The Ministry shall, within the Commission, seek mutual agreement with the other participants regarding the specific criteria for selecting priority beneficiaries and rendering reconstruction and return assistance, as well as regarding the required standards and procedures ensuring compliance with the general and specific criteria, full transparency of the process and information for the beneficiaries.

The Minister shall pass By-law which shall determine specific criteria, standards and procedures for development of the general criteria referred to in the previous paragraph.

Article 24

Republika Srpska shall participate in the Return Fund in addition to BiH, BiH Federation and BiH Brcko District funds intended for return and reconstruction, pursuant to the establishment of the Return Fund, as an autonomous administrative organization within the Council of Ministers of Bosnia and Herzegovina, and its primary sources of financing. The assets at the disposal of the Return Fund or allocated via the Return Fund shall only be used for the realization of return and reconstruction projects approved by a decision of the Commission. Specific terms of funds management ensuring transparency and accountability shall be regulated by a Rule Book on Funds Management of the Return Fund.

V RIGHTS OF REFUGEES IN RS

Article 25

Persons with recognized status of refugees in BiH before 14 October 2003 as the day of entering into force of the Law on Movement and Stay of Aliens and Asylum (Official Gazette BiH, no. 29/03) by the competent state body, and who live in the territory of the RS, shall be considered as refugees in RS and shall enjoy full protection and rights determined by this Law, as well as rights determined by other BiH laws in case they are more favorable.

The rights of refugees in RS, in addition to the rights regulated by this Law, shall be regulated by separate regulation in co-operation with the Ministry for Human Rights and Refugees of Bosnia and Herzegovina.

Article 26

Refugees in the RS shall enjoy, without discrimination, the same rights and freedoms stipulated by international and national legislation equally as displaced persons and returnees.

Refugees in the RS shall have the right of freedom of movement and freedom to choose their own permanent residence.

Article 27

Refugees in the RS shall have the right of adequate living standard, the right of basic temporary accommodation, the right of health care, social protection, education and vocational training, freedom of religious manifestations and political actions.

In addition to the rights referred to in the paragraph above, refugees in the RS, as long as their status is valid, shall also be entitled to:

- adequate financial assistance;

- food supplies;
- necessary clothing;
- primary health care;
- primary education;
- social welfare on condition that they are unemployed;

Persons referred to in the paragraph above shall not be provided with temporary accommodation if they have sufficient funds, including all allowances that are adequate for their accommodation needs.

Article 28

Determination and cessation of status of refugees in RS shall be confirmed and recognized by the Ministry of Security, on the basis of documentation at the disposal of the Ministry.

After the status is confirmed and recognized, each person with recognized status shall be issued refugee card by the Ministry of Security which shall be considered as identity document.

VI BODIES AND ORGANIZATIONS RESPONSIBLE FOR IMPLEMENTING THE LAW

Article 29

Supervision of the implementation of this Law, which falls within the competence of the RS, shall be done by the Ministry.

Article 30

The assignments and professional tasks within the competence of a town or a municipality shall be carried out by the respective town or municipal bodies, in accordance with law and by-law regulations.

Article 31

The Ministry shall keep the relevant databases relating to the implementation of this Law, shall draft analytical reports, and shall inform displaced persons, refugees, returnees and other relevant participants in the process of implementing the Annex VII (GFAP) Strategy.

In realization of the tasks referred to in the previous paragraph, the Ministry shall share databases with the Central Database kept by the Ministry for Human Rights and Refugees.

VII FINANCING AND PROVISION OF CAPITAL ASSETS

Article 32

Resources for assisting displaced persons, refugees and returnees shall be provided from the Republika Srpska budget and other sources:

- from the Return Fund,
- from the BiH budget,
- from FBiH and Brcko District budgets,
- from RS municipalities and cities budgets,
- from financial and other assistance of host countries of refugees from BiH,
- by relevant international organizations,
- from donations and credits received from international financial organizations for these purposes, and
- from donations from the private sector.

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 33

The Minister shall, within 60 days from the entry into force of this Law, pass Rule Books from Articles 20 and 23 that shall define in more detail the application of provisions of this Law.

Article 34

The Ministry shall carry out a revision of the status of displaced persons and returnees in RS and continuously update their status, in coordination with the Ministry for Human Rights and Refugees, Ministry for Displaced Persons and Refugees of the Federation of Bosnia and Herzegovina, and Brcko District Government, and in consultation with the UNHCR.

Article 35

The RS Ministry for Refugees and Displaced Persons shall, in co-operation with the BiH Ministry of Security and in consultations with UNHCR, conduct the revision of the status of refugees in the RS in accordance with the *Protocol between the Ministry of Security, the RS Ministry for Refugees and Displaced Persons and UNHCR on Re-registration of Refugees from Croatia Residing in the Republika Srpska*, of 1 November 2004.

Article 36

Republika Srpska shall provide the system for the protection of BiH citizens residing in the RS territory who lived and worked on the territories of the former SFRY and who abandoned their homes after 30 April 1991 for the same reasons as other persons referred to in Article 2 of this Law.

Republika Srpska shall, through the competent BiH State authorities, provide assistance to persons referred to in paragraph 1 of this Article, for realization of their property rights and labour-related rights acquired in the countries where they had their permanent and/or temporary residence.

Article 37

The Law on Displaced Persons, Refugees and Returnees in Republika Srpska (“Official Gazette of Republika Srpska” no. 33/99 and 65/01) shall cease to be valid on the day of the entry into force of this Law.

Article 38

This Law shall enter into force on the eighth day from the date of its publishing in the “Official Gazette of Republika Srpska”.

Number: 01-202/05
6 April 2005
Banja Luka

President
of the National Assembly
Dusan Stojcic