

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration
by the EU Directorate General for Enlargement**

Bosnia and Herzegovina

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples. IDMC is part of the Norwegian Refugee Council (NRC). All of the information contained in this submission can be found online at www.internal-displacement.org. www.internal-displacement.org.

I. Introduction

1. The Norwegian Refugee Council's Internal Displacement Monitoring Centre submits this summary of progress and shortcomings related to internal displacement in Bosnia and Herzegovina (BiH) for the consideration of the Directorate General for Enlargement in advance of its preparation of BiH's Progress Report for 2014. This submission covers the period September 2013 to May 2014 and focuses on developments affecting internally displaced people (IDPs). It does not cover internal displacement as a result of the current floods, but supplementary information on the situation of people displaced by the floods could be provided at a later stage.
2. During the 1992 to 1995 war in BiH, more than a million people were internally displaced by inter-ethnic violence, human rights violations and armed conflict between Serb, Croatian and Bosnian armed forces and militias. At the end of 2013, the government reported there were around 103,000 people registered as IDPs. This includes children born to heads of household registered as IDPs.

II. Main developments relevant to internal displacement

IDP figures

3. The preliminary results of the 2013 Census of the Population, Households and Dwellings in Bosnia and Herzegovina did not contain information on the number of IDPs. However, such information should be contained in the final results to be published from July 2014 to July 2016¹. The collection and publication of credible data on internal displacement is an example of progress since it is essential to designing effective policies and programmes to address IDPs' needs and protect their rights. However, as the census results will focus on the number of IDPs and returnees, data should also be collected on their needs and ability to access their rights which have evolved as displacement has become protracted.

National law and policy on internal displacement

4. The Law on Refugees from BiH, Displaced Persons and Returnees was in parliamentary procedure in February 2013, but has still not been adopted due to political divisions. In an important departure from an exclusive focus on the return of IDPs to their pre-war homes, this draft law ensures support for integration of IDPs in their area of displacement as well as implementation of a compensation scheme for lost property². It remains unclear when the draft law will be brought to parliament³. The delay in its further discussion and adoption prevents IDPs who wish to integrate locally or and settle elsewhere in the country from achieving a durable solution to their displacement.

¹ Bosnia and Herzegovina, [Preliminary Results of the 2013 Census of Population, Households and Dwellings in Bosnia and Herzegovina](#) (5 November 2013); Email correspondence with UNHCR (24 March 2014)

² Bosnia and Herzegovina, [Reply to List of Issues](#), E/C.12/BiH/Q/2/Add.1, UN Committee on Economic, Social and Cultural Rights (30 October 2013)

³ Email correspondence with UNHCR (24 March 2014)

Non-discrimination of Roma

5. Roma are the largest and most vulnerable minority in BiH, and Roma IDPs are doubly vulnerable as a result of being both a minority and displaced⁴. They face a series of difficulties exercising their rights, especially property rights, access to social welfare, education and employment. This is because they often lack documentation such as birth certificates, identity documents and property titles, either because they do not have a stable address, they never had these documents or because they were lost when they fled their homes.⁵ They also struggle to rent private accommodation as a result of poverty or racial discrimination. They therefore mainly live in informal settlements with insecure tenure at risk of eviction.⁶
6. In December 2013, the UN Committee on Economic, Social and Cultural Rights recommended the government of BiH revise the current Action Plan of BiH for addressing issues of Roma to better reflect the needs of Roma, as well as register all Roma and provide them with identity documents. While BiH has adopted Action Plans on Roma Housing, Employment, Health Care and Education and acceded to the 2005-2015 Decade of Roma Inclusion, Roma IDPs still have yet to fully benefit from the related programmes and solve their displacement related issues. As a result, they remain marginalised and unable to achieve durable solutions to their displacement.

Non-discrimination of returned IDPs

7. Hate crimes continue to manifest particularly in areas where IDPs have returned and are members of a post-war minority. Returned minority IDPs have been targeted and murdered for unknown reasons⁷. Politicians also continue to use nationalist rhetoric, often directed against minority returnees. This isolates vulnerable returnee communities further and increases tensions and fear. Many returned IDPs have therefore fled again, while others remained in areas where they were part of the majority ethnic group because they feared discrimination and reprisals upon return.
8. The government of BiH has acknowledged discrimination of returned IDPs⁸. A draft Law on Amendments to the Criminal Law of the Federation of BiH was adopted by the House of Representatives in July 2013, but is yet to be approved by the House of Peoples, a

⁴ Bosnia and Herzegovina, [Summary Record of the 37th Meeting](#), Fifty First Session, Committee on Economic, Social and Cultural Rights (13 November 2013)

⁵ Human Rights Watch, [Second Class Citizens: Discrimination Against Roma, Jews and Other National Minorities in Bosnia and Herzegovina](#) (4 April 2012).

⁶ Council of Europe, Framework Convention for the Protection of National Minorities, [Third Opinion on Bosnia and Herzegovina](#) (7 April 2014); Human Rights Watch, [Bosnia and Herzegovina: Country Summary](#) (January 2014); US Department of State, [2013 Human Rights Reports: Bosnia and Herzegovina](#) (27 February 2014).

⁷ OSCE, November 2012, "Tackling Hate Crimes," available at http://www.oscebih.org/documents/osce_bih_doc_2012111310235235eng.pdf, accessed 11 March 2014; ECRI, 8 February 2011, "ECRI Report on Bosnia and Herzegovina," available at http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/bosnia_herzegovina/BIH-CBC-IV-2011-002-ENG.pdf, accessed 11 March 2014.

⁸ Bosnia and Herzegovina, [Summary Record of the 37th Meeting](#), Fifty First Session, Committee on Economic, Social and Cultural Rights (13 November 2013).

precondition for it to enter force⁹. It expanded the definition of perpetrators of hate crimes as proposed by civil society to include “persons who, publicly incite or make publicly available pamphlets, photos, texts and other materials which advocates, urges or incites hatred, towards any person or group of persons because of their race, religion, national or ethnic origin, color, sex, sexual orientation, gender identity, disability, health status or other personal property”.

9. At the beginning of 2014, a new state-level residency law was blocked by Bosnian members of parliament who claimed it would violate the rights of returnees¹⁰. In April 2014, Republika Srpska introduced new residency requirements that oblige residents to provide more proof to register their residence than elsewhere. The authorities say it is aimed to suppress the practice of registering fictitious permanent places of residence. Bosnian returnees report that they are being singled out since they will have particular difficult in fulfilling these requirements¹¹. In May 2014, the Chairman of Bosnia’s tripartite presidency sent an appeal to the Constitutional Court of Bosnia and Herzegovina regarding Republika Srpska’s decision on residency requirements¹².

Right to adequate housing

10. Inadequate housing remains an ongoing issue for IDPs more than twenty years after the conflict. Around 92 per cent of IDPs live in private accommodation that they share, rent or own, while the remainder, around 8,500 IDPs (2,700 families), continue to live in collective centres¹³. Comprehensive information on the living conditions of IDPs in private accommodation is unavailable. Many IDPs in collective centres live in crowded, substandard conditions with dilapidated collective kitchens, bathrooms and plumbing systems. About half of all families in collective centres are female-headed and one-fifth is chronically ill, physically or mentally disabled.
11. The BiH authorities reported in November 2013 that 80 per cent of collective centres (121 centres) were scheduled to close and there were plans to build 2,000 dwellings for collective centre residents. Costs will be borne by BiH, the United Nations Refugee Agency and the Development Bank of the Council of Europe, as well as the Organization of Petroleum Exporting Countries and the Saudi Fund for Development¹⁴. Twenty four IDP families were moved from collective centres to social housing in Splavište and Goražde in September 2013¹⁵. This has helped IDPs access their right to adequate housing, a key component of durable solutions to their displacement.

⁹ Amnesty International, 3 February 2014, “Failure to Protect LGBTI Festival ‘Merlinka’ in Sarajevo,” available at: <http://www.amnesty.org/en/library/asset/EUR63/001/2014/en/7657aea2-7147-4a22-bf1e-d179c80a9aca/eur630012014en.html>, accessed 11 March 2014

¹⁰ Balkan Insight, [Bosnia Urged to Resolve Residence Rules](#) (9 May 2014)

¹¹ Balkan Insight, [Bosnian Serb Residence Checks Alarm Returnees](#) (7 May 2014)

¹² Balkan Insight, [Inzko Raises Bosnian Serb Residence Checks](#) (14 May 2014)

¹³ Bosnia and Herzegovina, Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement, (June 2010); Bosnia and Herzegovina, [Summary Record of the 37th Meeting](#), Fifty First Session, Committee on Economic, Social and Cultural Rights (13 November 2013)

¹⁴ Bosnia and Herzegovina, [Summary Record of the 37th Meeting](#), Fifty First Session, Committee on Economic, Social and Cultural Rights (13 November 2013)

¹⁵ UNHCR, [United Nations High Commissioner for Refugees \(UNHCR\) and Catholic Relief Services \(CRS\) open new social housing buildings in Splavište, Goražde](#) (18 September 2013)

12. In December 2013, the UN Committee for Economic, Social and Cultural Rights expressed concern about the continued existence of temporary collective housing of IDPs and that many displaced persons and returnees were still living away from their pre-war homes¹⁶. It urged the government of BiH to implement the Joint Declaration on Resolving Protracted Displacement in BiH signed by BiH, the UN Development Programme, the UN Refugee Agency and the EU in July 2013, which aims to close collective centres by the end of 2014 and relocate residents to improved housing.

Right to education

13. The policy commonly known as “two schools under one roof” persists in BiH. Pupils of different ethnicities attend the same school, but learn separate curricula in separate classrooms. Some schools have separate entrances and classtimes, preventing children of different ethnicities from meeting each other. Originally conceived to facilitate the return of minority IDPs and refugees to their areas of origin and protect their language, culture and identity, this temporary solution has over time led to segregation of pupils based on ethnicity. This challenges the reintegration of IDP returnees and their children.

14. The Ministry of Education of the Federation of BiH (FBiH) in 2012 presented a two-year plan to end the practice of “two schools under one roof” that would unite children and teaching administrations and create multi-ethnic classes in three cantons where this phenomenon persisted. However, in September 2013 the Minister of Education of the Federation of BiH reported that it remained committed to its two-year plan, but the cantonal ministries of education, responsible for the area of education, had not yet agreed to implement the plan¹⁷. The Canton of Central Bosnia and Herzegovina-Neretva

15. Ministers of Education from the cantons with “two schools under one roof” strongly denied that it produces any form of segregation and argued that it protects the fundamental right of children to education in their mother tongue¹⁸. Some parents are also in favour of the practice since it allows their children to study in their native language. In September 2013 in Republika Srpska, some Bosniak IDP returnees withdrew their children from the schools since they teach only in Serbian and offer a Serbian version of history, geography and literature, among other subjects¹⁹.

Freedom of movement and choice of residence

16. Returnees face conditions that threaten their ability to remain in the place of return. Economic opportunities are scarce, often there is no infrastructure, including electricity, and their access to rights and services, such as health care, education, social protection and pensions, is limited.²⁰. The government acknowledged in November 2013 that returnees face a dire housing situation, and this affects their re-integration into the broader

¹⁶ UN Committee on Economic, Social and Cultural Rights, [Concluding Observations](#), E/C.12/BiH/CO2 (16 December 2013).

¹⁷ Independent Balkan News Agency, [Interview: Damir Masic, FB&H Minister of Education and Science](#) (18 September 2013)

¹⁸ Bosnia and Herzegovina, [Ninth to Eleventh State Party Periodic Report](#), UN Committee on the Elimination of Racial Discrimination (18 November 2013).

¹⁹ Balkan Insight, [Bosniaks Boycott School Alleging Serb 'Discrimination'](#) (17 September 2013)

²⁰ Bosnia and Herzegovina, [Ninth to Eleventh State Party Periodic Report](#), UN Committee on the Elimination of Racial Discrimination (18 November 2013).

community²¹. The government also acknowledged that there is more work to do to ensure IDP returns are sustainable, in particular concerning employment, health care, roads and electricity²². It hoped to reach this goal in 2014 with the support of the international community and donors.

17. The number of returns of IDPs decreased in 2013 due to concerns about conditions in pre-war communities²³. The majority of displaced persons still cannot return because their pre-war houses are on the list of 45,000 housing units awaiting reconstruction, or those who never had property before the war have not had the opportunity to benefit from any housing project that would help them achieve a durable solution through return. The government of BiH acknowledged in November 2013 that some 160,000 people were still awaiting resettlement and do not enjoy the social benefits provided by the Dayton Agreement.
18. Landmines also remain an obstacle to return of IDPs. At the end of 2013, over 1400 communities were still contaminated with land mines and UXOs and the safety of 540,000 citizens was at risk. Incidents with injuries and casualties continued in 2013 and three people were killed in 2014²⁴. Mine action plans were developed for 26 mine/UXO contaminated municipalities in 2013²⁵. Previous mine-clearing has mostly been done in urban areas, leaving many rural areas vulnerable. With job opportunities scarce in rural communities, people venture into unsafe zones to collect firewood to sell or conduct agricultural activities.
19. In 2014, the government still had not fully implemented the 2007 ECtHR decision *Karanovic v. BiH*.²⁶ This decision upheld a 2003 binding decision of the BiH Human Rights Chamber that FBiH should remedy differential treatment of returned IDPs from RS to FBiH and from within FBiH. Following this, FBiH amended its Law on Pension and Disability Insurance. Article 4 now provides that returnees from RS to FBiH, who were beneficiaries of the Sarajevo fund and who received pensions in what is now FBiH territory until 30 April 1992, are eligible for pensions from FBiH. However, there is still no single pension and disability fund for the entire country. The result is that entitlements vary according to IDPs' place of residence. IDPs gain or lose entitlements upon return, which affects their decision to return.

²¹ Bosnia and Herzegovina, [Summary Record of the 37th Meeting](#), Fifty First Session, Committee on Economic, Social and Cultural Rights (13 November 2013).

²² Bosnia and Herzegovina, [Summary Record of the 37th Meeting](#), Fifty First Session, Committee on Economic, Social and Cultural Rights (13 November 2013).

²³ Human Rights Watch, [Bosnia and Herzegovina: Country Summary](#) (January 2014)

²⁴ Al Jazeera, [Bosnia Demining Efforts Under Threat](#), (21 January 2014)

²⁵ Bosnia and Herzegovina Mine Action Centre, [Report for 2013](#), (2013)

²⁶ See *Karanovic vs Bosnia and Herzegovina*, 2007: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83372>