

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
51st Pre-sessional Working Group of the
Committee on Economic, Social and Cultural Rights
(21 - 24 May 2013), Geneva**

BOSNIA AND HERZEGOVINA

29 April 2013

Table of Contents

I. Background to internal displacement in Bosnia and Herzegovina	2
II. Main issues of concern and questions for the Government of Bosnia and Herzegovina	
Article 2 Non-discrimination	2
Article 6 Right to work	3
Article 9 Right to social security	4
Article 11 Right to adequate standard of living	5
Article 13 Right to education	6

Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations. All of the information contained in this submission can be found in the online IDMC database, which can be accessed at www.internal-displacement.org

I. Internal displacement in Bosnia and Herzegovina

1. More than a million people were internally displaced during the 1992 to 1995 war in Bosnia and Herzegovina following the collapse of the Socialist Federal Republic of Yugoslavia. People fled their homes as a result of inter-ethnic generalised violence, human rights violations and armed conflict between Serb, Croatian and Bosnian armed forces and militias.
2. There has been no further large-scale violence since the *General Framework Agreement for Peace in Bosnia and Herzegovina* was signed in 1995. Nevertheless, secessionist and divisive political rhetoric remains intense and the country remains ethnically divided. The underlying causes of instability and displacement are still to be adequately addressed. In the current tense environment further violence and displacement cannot be ruled out.
3. At the end of 2012, the government reported there were still around 103,000 internally displaced persons (IDPs). The figure may be higher since it is based on resolved property repossession cases and IDPs' intentions to return, neither of which has always amounted to a durable solution. As a result of lingering mistrust, IDPs have mostly remained in areas where they are part of the majority ethnic group.
4. The government has in recent years expanded support for IDPs in areas other than their places of origin as reflected in the *Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement* adopted in June 2010, and the *Law on Refugees from Bosnia and Herzegovina, Displaced Persons and Returnees*, drafted in December 2012. However, these policies have yet to be implemented.
5. This submission aims to inform the work of the Country Report Task Force on Bosnia and Herzegovina as it develops a list of issues in connection with the consideration of the second periodic report of Bosnia and Herzegovina (E/C.12/BIH/2).

II. Main issues of concern and questions for the Government of Bosnia and Herzegovina

Article 2 Non-discrimination

6. People who were displaced to areas where they were an ethnic minority or returned to areas where they are an ethnic minority continue to endure discrimination. They often face intimidation and generally struggle to access housing, jobs, education, social benefits and health care. Laws aimed at increasing minority returnee representation in private and public sector employment are not being implemented.
7. Hate crimes in 2012 continued to be manifest particularly in areas where displaced people have returned. These crimes have targeted returned IDPs belonging to an ethnic minority, as well as Roma, Jews and sexual minorities. The Organization for Security and Cooperation in Europe (OSCE) reported in

2012 that such incidents still occur regularly in Srebrenica, Banja Luka and Mostar regions. The OSCE also acknowledged the Government has publicly condemned hate crimes and addressed hate crimes within security forums that bring together local police, mayors, municipal offices, minority and religious leaders and civil society leaders, but that more often than not, the government remains silent on such incidents. Hate crimes are a significant barrier to sustainable IDP return and integration, and detrimental to rebuilding social trust. Continuation of these crimes may instigate further violence and displacement.

8. In its 2nd Periodic State report (E/C.12/BIH/2) submitted to the Committee on 2 November 2012 (para 20), the Government of Bosnia and Herzegovina acknowledges that discrimination of IDPs continues to be an issue and that the “altered social environment” poses difficulties to returned IDPs. However, there is no explanation of the causes of discrimination against IDPs, the measures taken to combat it or the incidence of hate crimes in areas that IDPs have returned to.

Given the continued limitations on IDPs’ enjoyment of Covenant rights due to discrimination and hate crimes, IDMC invites the Committee to pose the

- Please outline the measures the government has taken to prevent, diminish and eliminate formal and substantial discrimination against IDPs who are an ethnic minority in their place of residence.
- Please outline the actions the government has taken to investigate and punish the perpetrators of hate crimes in areas where displaced people have returned, and to ensure that these types of crimes cease from occurring altogether.

Article 6 Right to work

9. The latest data from 2008 suggests that returned IDPs belonging to an ethnic minority were disproportionately affected by unemployment. At the time, national unemployment was between 18 and 22 per cent, while up to 90 per cent of ethnic minority returned IDPs were unemployed. Ethnic minority returned IDPs have complained of discrimination in access to employment and laws aimed at increasing their representation in private and public sector employment are not being implemented.
10. Limited access to employment has deterred many IDPs from returning to their pre-war community. Others who have returned were left to their own devices after some initial assistance and often struggle to make ends meet. Most returned IDPs live in rural areas where they barely make a subsistence living off the land. Many therefore depend on meager pensions and social benefits as their main source of income. As a result, many returned IDPs have moved again to cities where they belong to a majority group to look for job opportunities.

11. There is no current data on the unemployment rates of IDPs or returned IDPs. Apart from situations where lack of livelihood is linked to lack of access to assets or property, it remains difficult to disassociate IDPs' unemployment from general economic precariousness, rural to urban migration, and general increase in poverty levels. As such, it is not clear whether IDPs face particular barriers to employment or livelihood opportunities on the basis of their displacement.
12. In its 2nd Periodic State report (E/C.12/BIH/2) submitted on 2 November 2012 to the Committee (para 20), the Government of Bosnia and Herzegovina reports that young people are leaving return areas to find jobs in larger cities, and acknowledges that the most vulnerable IDPs need additional financial support. The Government also reports that the national unemployment rate is 23.4 per cent (para 24) and that "slow job creation and low labour demand" are the main factors contributing to unemployment (para 42). It also outlines various projects to increase employment of women, youth, people with disabilities and Roma (paras 53-67). However, the government does not provide any figures on unemployment of IDPs, explain the particular barriers IDPs face in accessing jobs or outline measures taken to increase employment opportunities for IDPs.

Given the continued difficulty for IDPs to regain their self-reliance some 20 years following the conflict, and that having a job is a necessary precondition for the realisation of other Covenant rights, IDMC invites the Committee to pose the following questions to the Government of Bosnia and Herzegovina in relation to Article 6:

- Collect and analyse unemployment trends of IDPs as compared to the rest of the population, including disaggregated data by age, sex and location.
- Please indicate the specific measures the government has taken to create employment opportunities for IDPs.

Article 9 Right to social security

13. The lack of harmonised national legislation on social benefits such as health care, pensions, or compensation for civilian victims of war has convinced many IDPs not to return, while some of those who had returned chose to leave again. This is because entitlements can be lower in the area of return. Others who did return have kept their registered residence in areas of displacement, in order to continue profiting from better social services, such as health care, education and pension funds, which are generally more advantageous in the Federation of Bosnia and Herzegovina than in Republika Srpska.
14. In its 2nd Periodic State report (E/C.12/BIH/2) submitted on 2 November 2012 to the Committee (para 101), the Government of Bosnia and Herzegovina reported that "an inter-entity agreement on pensions especially when it comes to returnees from one entity to another has not been adequately solved...A system in which a pension is paid by the insurance carrier on whose territory the last pensionable years were earned has not been established because of obstruction

by the authorities although it was ordered by the Human Rights Chamber and the European Court of Human Rights”.

Given that many IDPs do not receive their full due social benefits at their continuous place of residence, IDMC invites the Committee to consider posing the following questions to the Government of Bosnia and Herzegovina in relation to Article 9:

- Please outline concrete plans to ensure that IDPs receive their social benefits due to them regardless of their place of residence.
- Please outline measures the government has taken to implement the Human Rights Chamber and European Court of Human Rights ruling on pensions.

Article 11 Right to adequate standard of living - housing

1. The Government has made significant efforts to ensure IDPs enjoy access to adequate housing. It reported in its 2nd Periodic State report (E/C.12/BIH/2) submitted to the Committee on 2 November 2012 that it adopted and implemented property restitution laws that allowed pre-war owners and holders of tenancy rights to repossess their housing units. It also allocated more than 50 million euros for the reconstruction, electrification and rehabilitation of infrastructure in returnees' villages, thus creating conditions for many displaced persons to return to their homes.
2. IDPs may also benefit from other government housing policies. The housing component of the Action Plan for Roma, which aims to meet Roma housing needs by 2015, has three basic objectives: legalisation of Roma dwellings and settlements; public awareness raising about housing problems, legal regulations, and housing culture; and planning the construction of new housing units through social housing. The Minister for Human Rights and Refugees has also proposed a National Strategy for Access to Housing.
3. International donors continue to support the government with funding for housing for displaced persons. In 2012, donors partially funded a regional programme under the 2005 Sarajevo Process to provide housing to refugees and IDPs in Bosnia and Herzegovina and other countries in the region. The first projects were approved in April 2013, but will only benefit refugees and not IDPs. Also in 2012, the Council of Europe Development Bank approved a loan for 60 million euros to provide at least 2,600 dwellings for 7,200 displaced persons who have been living in collective centres since the war in the 1990s.
4. Despite these measures, many IDPs still live in sub-standard housing. More than 8,600 IDPs live in dilapidated collective centres, many of them with physical or mental disabilities, chronic illnesses, or no income or family support. In return areas, many IDPs live in partially reconstructed homes without electricity or water supply. The Government reports that around 146,000 housing units, or 30 per

cent of the damaged or destroyed housing stock, still need to be rebuilt. Information on the living conditions of IDPs living outside of collective centres and outside of their area of origin is unavailable.

5. Many IDPs who did not own property or hold tenancy rights before the war have not had the opportunity to benefit from any housing assistance. Internally displaced Roma face particular challenges in this regard. They usually do not have documents or other evidence of their pre-war property because they had no title of ownership of land and housing, nor was their property entered in the land registry.

Given that many IDPs continue to live in substandard conditions some 20 years following their displacement despite measures taken by the government and international community, IDMC invites the Committee to consider posing the following questions to the Government of Bosnia and Herzegovina in relation to Article 11:

- Please provide information on the housing situation of IDPs living outside of collective centres, including any specific needs for support and concrete plans for how the government will ensure this group can access adequate housing.
- Please provide information on government plans to improve living conditions for the 1400 IDPs living in collective centres who will not benefit from improved housing funded by the Council of Europe Development Bank loan.
- Please outline measures the government has taken to continuously improve living conditions for internally displaced Roma and the results to date.
- Please provide an update on the status of the Strategy for Access to Housing in Bosnia and Herzegovina (para 164 of E/C.12/BIH/2).

Article 13 Right to education

6. Primary education remains segregated in Bosnia and Herzegovina. “Two schools under one roof” is a phenomenon that emerged after the war and has existed ever since. Children of different ethnicities attend the same school but are taught different curricula at separate times and do not meet during breaks. Teachers and school administration also use separate rooms. Around 50 such schools continue to exist throughout the country.
7. A 2002 *Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children* contributed to increasing the number of minority returnee children attending school in their place of return. However, some parents prefer to send their children out of their catchment area to ensure that they follow a specific curriculum, and the practice of bussing children to majority areas has diminished but by no means disappeared.
8. This division of the education system along ethnic lines perpetuates ethnic separation of the population as well as related prejudices and intolerance. As such it remains an obstacle to achieving inclusiveness in education and society.

It is also a barrier to sustainable returns, since ethnic minority returnees cannot access education in their language in the area of return and send their children miles away to be schooled in their mother tongue.

9. Educational reforms, aiming at a stronger state involvement and a unified, egalitarian system, have met very strong resistance from the different constituent ethnicities. Attempts to harmonise curriculums nationally are still overshadowed by difficulties in implementation, which continue to affect minority and displaced children. In practice, only a limited number of subjects such as maths and sciences are taught similarly throughout the country.
10. In its 2nd Periodic Report to the Committee (E/C.12/BIH/2, paras 209-213) on 2 November 2012, the Government of Bosnia and Herzegovina reported that the issue had been examined since 2008 and in 2010 the parliament of the Federation of Bosnia and Herzegovina obliged the cantons to bring the practice of “two schools under one roof” to an end by the beginning of next school year.
11. Some progress has been made in eliminating this phenomenon of segregation in education. The Education Ministry in the Federation of Bosnia and Herzegovina recently unveiled a two-year plan to start in September 2013 to end the phenomenon of “two schools under one roof” and unite children of different ethnic groups. The plan calls for the formation of multi-ethnic classes, which is already happening in some schools in the District of Brcko.

Given these limitations on internally displaced childrens' Covenant right to education, IDMC invites the Committee to consider posing the following questions to the Government of Bosnia and Herzegovina in relation to Article 13:

- Please provide information on school enrolment and attendance of internally displaced children, measures to promote their attendance, their quality of education, dropout rates and statistics on secondary and tertiary education completion.
- Please outline measures taken by federal, entity and cantonal authorities to offer all children, regardless of their ethnic origin, an acceptable education in particular concerning language, literature, history, geography, nature and society and religious instruction.
- Please outline the involvement of the wider community, parents and school boards to solve the problem of “two schools under one roof”.