



Submission by the United Nations High Commissioner for Refugees

**for the Office of the High Commissioner for Human Rights' Compilation Report
(Excerpts of Treaty Body Concluding Observations and Special Procedure
Reports) - Universal Periodic Review:**

BOSNIA AND HERZEGOVINA

We would like to bring your attention to the following excerpts of from treaty body Concluding Observations and Special Procedures' reports relating to issues of interest and concern to UNHCR with regards to Bosnia and Herzegovina.

Treaty Body Concluding Observations

**CEDAW/C/BIH/CO/3 35th session
2 June 2006**

37. The Committee is concerned at the situation of victims of sexual violence of the 1992-1995 armed conflict, most of whom are women, who may suffer from additional disadvantages as female heads of household and internally displaced persons. The Committee is concerned that they and their specific type of suffering are not sufficiently recognized in the respective legal frameworks for civilian war victims in both entities. The Committee is also concerned that there is no coherent strategy to support these women and they have only limited or no access to health insurance and financial benefits, as well as to general health services or specific health services relating to their traumatic experiences. The Committee is also concerned at the pending threat of eviction from their accommodations in the Federation of Bosnia and Herzegovina of women who are civilian victims of sexual violence and internally displaced persons.

38. The Committee urges the State party to explicitly recognize and adequately protect women who were civilian victims of sexual violence during the armed conflict through a State law as well as through the allocation of financial resources for adequate social provisions for them, including health insurance and housing, so that their rights and entitlements are guaranteed in the entire State party at a level comparable to that applicable to military victims of war. It also urges the State party to review its current regulations and plans on accommodation issues

for women who are civilian victims of war and displaced persons in order to prevent additional forms of indirect discrimination.

39. While noting the efforts of the Gender Equality Agency in mainstreaming gender perspectives into the midterm development strategy for poverty reduction, the Committee remains concerned that there are groups of women, mainly those who are single heads of household, elderly women, internally displaced women, returnees, disabled women and minority women, including Roma women, who are particularly adversely affected by poverty.

40. The Committee requests the State party to ensure that all national poverty alleviation programmes developed through the midterm development strategy for poverty reduction and implemented by the relevant ministries fully benefit women, in particular marginalized groups of women, according to their needs and circumstances, and to provide in its next periodic report information on the results of the measures taken.

**CCPR/C/BIH/CO/1 88th session
22 November 2006**

20. The Committee notes with concern that, despite the return of housing units to their pre-armed conflict owners and the allocation of significant funds to the reconstruction of demolished housing units, many refugees and internally displaced persons (IDPs) have still not returned to their pre-armed conflict places of residence or have left again after having returned there. (art. 12)

The State party should increase its efforts to create the necessary conditions for sustainable returns, i.e. by combating discrimination against minority returnees, ensuring the social re-integration of returnees and their equal access to employment, education, and social and public services, such as water and electricity, and by further de-mining areas with significant returnee populations.

21. The Committee is concerned about the poor conditions in collective centres housing some 7,000 IDPs, many of whom belong to ethnic minority or other vulnerable groups. (arts. 17 and 26)

The State party should proceed with the phasing-out of collective centres for IDPs and provide adequate alternative housing to the residents of such centres.

22. The Committee is concerned about the frequent failure of health institutions to issue birth certificates for Roma children whose parents have no health insurance or other means to pay hospital fees, although this documentation is necessary for registering a child with the public authorities and for the child's access to basic rights such as health insurance and education. (arts. 16 and 24(2))

The State party should remove administrative obstacles and fees in order to ensure that all Roma are provided with personal documents, including birth certificates, which are necessary for them to have access to health insurance, social security, education and other basic rights.

CERD/C/BIH/CO/6 68th session
11 April 2006

21. The Committee notes that although pension benefits are significantly higher in the Federation than in the Republika Srpska, pensioners who previously received their pensions in the Federation, but who were internally displaced to the Republika Srpska, continue to receive pensions from the Republika Srpska Pension Fund upon their return to the Federation. Furthermore, most internally displaced persons returning to their pre-armed conflict Entity of residence keep their health insurance status in the Entity where they resided while displaced because of complicated registration procedures and fear of discrimination in the places of their pre-armed conflict residence, despite the significant financial burdens imposed on them by virtue of having to commute between Entities to receive treatment or, alternatively, to bear the full costs of health services in the Entity to which they have returned (Art. 5 (e) (iv)).

The Committee requests that the State party ensure that pension and health care benefits are provided on a non-discriminatory basis, without regard to ethnicity, especially where minority returnees are involved. The Committee further recommends that the State party review the deployment of its pension benefits and health care services and, for the time being, implement the Inter-Entity Agreement on health care.

CESCR E/C.12/BIH/CO/1 35th session
24 January 2006

23. The Committee is deeply concerned about the extent of poverty in the State party, especially in rural areas and among the following individuals and groups, namely internally displaced persons, minority returnees, families headed by single parents, victims of sexual violence suffered during the armed conflict, children without parental care, older persons, pensioners, persons with disabilities, the Roma people and members of other ethnic minorities, whose specific needs are not sufficiently addressed in the Mid-Term Development Strategy for 2004-2007.

24. The Committee is concerned about the absence at the State level of a housing law and of a national housing strategy to address the housing needs of the population. The Committee is also concerned about the lack of social housing units, especially for the low-income and disadvantaged and marginalized groups.

CRC/C/15/Add.260 39th session
21 September 2005

57. The Committee is concerned that there exists extensive discrimination regarding access to education by ethnic and/or national minorities, especially Roma (only 33 per cent of whom attend primary school). Furthermore, the Committee is concerned that other marginalized groups of children, including refugees and returnees and children with disabilities face difficulties of access to schooling.

61. While the Committee welcomes the 1998 Law on Displaced Persons, Refugees and Returnees in the Republika Srpska - regulating the status, rights and duties of displaced persons, refugees and returnees as well as their reintegration in the society - it is concerned that no comprehensive programme has been initiated at the national level in this respect. The Committee is also concerned that refugee and displaced children are accommodated together with adults in "collective centres" and that collective centres often accommodate not only children but also chronically ill persons.

62. The Committee recommends that the State party:

(a) Continue its efforts aimed at the safe return of displaced and refugee children and their parents and prevent, as much as possible, violent attacks against returnees and displaced persons and/or their property;

(b) Address the special needs and rights of displaced and refugee children, and in particular to ensure proper accommodation arrangements for these children as well as social and professional reintegration of their parents;

...

(d) Look into the issue of children whose parents are asylum-seekers, temporarily admitted persons or recognized refugees, when neither the parents, nor the child are in possession of adequate documentation, and ensure them access to the rights prescribed for these categories of persons;

(e) Continue to seek technical cooperation from UNHCR in this regard.

E/CN.4/2006/71/Add.4

29 December 2005

Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin

54. The Representative is concerned about the deplorable living conditions of IDPs, especially those belonging to particularly vulnerable groups, such as the elderly without family support, traumatized victims, disabled or sick persons, female-headed households and families of missing persons, witnesses in war crimes investigations and trials, or members of the Roma and other minorities, who still live in collective centres, irregular settlements and other forms of temporary shelter, often experience multiple discrimination and are unlikely to be able to return to their original homes

55. The Representative urges national and local authorities, in collaboration with international agencies and donors, to seek durable solutions for these persons, including the creation of adequate housing and appropriate institutional arrangements such as foster families, social housing projects or homes. He urges the international community and donors to support such projects.

56. Vulnerable groups of IDPs and returnees are particularly affected by human rights violations. These groups include female-headed households, disabled persons, victims of torture and severely traumatized individuals, elderly persons without family support, unaccompanied children, the Roma and other minorities. Multiple discrimination along ethnic, gender, age, class and other lines results in an accumulation of rights deprivation. The Representative recommends to the authorities

that they mainstream the protection needs of vulnerable groups when formulating all policies and measures affecting them and devise specific measures to find durable solutions. The international community should provide additional durable solutions for vulnerable groups among the displaced and returnees and make sure that their rights are not adversely affected as international aid further diminishes.

57. Sustainable return in Bosnia and Herzegovina is dependent on: (a) ensuring the safety of life and limb of returnees; (b) property repossession and reconstruction of houses; and (c) a political, social and economic environment that respects human rights and addresses the special needs of returnees. While impressive results have already been achieved, many challenges remain. The Representative recommends that all necessary measures be taken to ensure the effective protection of human rights of displaced persons and returnees, including by implementing his recommendations. He calls upon the international community to ensure that assistance programmes entail a transfer of responsibilities and capacities to national and local stakeholders and that during this process the human rights of displaced persons and returnees are mainstreamed into all relevant parts of the administration. The Representative invites the authorities and the international community to establish a mechanism to closely monitor the return situation and its sustainability by using reliable indicators and disaggregated data.

58. Most returnees now enjoy physical security. Concerns remain about the widespread presence of landmines as well as threats against witnesses in war crimes investigations and trials and members of ethnic minority groups. The Representative recommends that the authorities continue, and possibly accelerate, with the support of the international community, the process of mine clearance with a priority on return areas. Law enforcement institutions should take effective measures to ensure that all crimes and acts of violence against IDPs and returnees are properly investigated and prosecuted. A functional witness protection programme should be established.

59. Despite the huge progress made in solving property disputes, restitution of houses and reconstruction of buildings, a considerable number of cases remain to be solved. Vulnerable groups and minorities are disproportionately affected by unsolved cases and deficiencies in infrastructure, and they have difficulties accessing aid for reconstruction and connection to public services. The Representative recommends that the authorities continue, with the support of the international community, the reconstruction process and reconnection of houses to services in a non-discriminatory manner, and examine carefully unsolved cases of property repossession, in particular where members of vulnerable groups are affected.

60. The unwillingness of local authorities to sufficiently respect, protect and fulfil the human rights of returnees, in particular their economic and social rights, continues to pose a major obstacle to sustainable return. These obstacles often originate in widespread and persistent discrimination along ethnic lines which still penetrates all spheres of public and private life in many regions of the country. Despite recent efforts, non-harmonized laws and regulations at different levels remain and have also hampered return and integration. The Representative recommends that existing legislation be reviewed at all levels in the light of human rights provisions relevant to IDPs and returnees, with support from the international community. A comprehensive policy of non-discrimination, possibly designed with the assistance of

the international community, should be adopted to address discrimination in all spheres, particularly education, health, social protection, employment, access to justice, public participation and the media. It should include legislative measures as well as effective mechanisms for redress and compensation, a system monitoring the situation of vulnerable groups, codes of conduct and public campaigns. The participation of all sectors of society, including the private sector, would be essential for the successful implementation of the policy. Legislation should be harmonized and simplified, especially in the areas of pensions and employment, access to health, education, the use of symbols in public institutions and the recognition of the status of civilian victim of war. Human rights training, including on the Guiding Principles on Internal Displacement, should be provided to officials of the Ministry for Human Rights and Refugees and their counterparts in the entities and municipalities. At the same time, measures should be taken to better inform IDPs and returnees of their rights and existing mechanisms with which to seek redress. All IDPs and returnees, in particular the Roma, should be provided with the documents necessary to allow them equal access to administrative procedures. Further, the Representative recommends that the authorities make the necessary budget allocations for the implementation of laws affecting the situation of returnees and displaced persons, especially in the areas of social welfare and health. Municipalities should likewise allocate an adequate budget for return. The Representative invites the authorities to consider accepting the competence of the Committee on the Elimination of Racial Discrimination to examine individual communications, by making the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

61. The Representative recommends to the international community that it concentrate its efforts and resources towards the creation of an environment conducive to sustainable return. It could assist with human rights training and human rights-based capacity-building in areas such as administration of justice, employment policies, and the harmonization of the health and education systems.

62. Limited, or lack of, access to the right to education constitutes a major obstacle to return, as IDPs are reluctant to return to areas where their children would face segregation and intolerance and have to attend schools with a curriculum that does not respect the cultural traditions of their own ethnic group. The Representative recommends that the authorities continue the process of harmonization of the educational system and gradually eliminate the system of “two schools under one roof”. Countrywide educational programmes aimed at creating an environment of tolerance, peace and understanding of diversity should be established.

63. The right to health is undermined by inconsistencies in health insurance schemes between entities, which mainly affect IDPs and returnees who suffered the most acute consequences of the war and who are in need of specific physical and psychological assistance. The Representative recommends that the authorities implement the 2001 agreement between the entities and the Brčko District health insurance funds, to ensure that all those insured by one entity can receive health coverage in another. Specific resources need to be allocated to assist persons suffering from post-traumatic stress disorder. State-level legislation recognizing the status of victim of torture, creating specific protection measures and granting victims specific entitlements, should be enacted.

64. *Discriminatory practices in employment, especially prevalent in the public sector of municipalities, discourage minority returns. Returnees excluded from the formal labour market have to resort to the informal economy or other coping mechanisms. The Representative recommends that the authorities closely review and monitor recruitment practices in the public sector with a view to eliminating discrimination. Disproportionate underrepresentation of one ethnic group in a given public company should be taken as an indication of discrimination unless otherwise demonstrated. Programmes and initiatives aimed at creating employment opportunities specifically for IDP and female returnees who are heads of household should be created. Such measures might include vocational training for women as well as training for employers on gender equality. Authorities should also take steps towards creating an environment conducive to economic growth and development in return areas, and ensure that the privatization process is conducted in a transparent and accountable manner. Past incidents of discrimination in employment need to be addressed by providing those unfairly made redundant with re-employment or compensation.*

65. *Mass returns of refugees from abroad, repatriation to areas of unsustainable conditions, evictions of temporary occupants during the property repossession process and the closing of settlements may pose the risk of renewed or multiple displacement.*

66. *The Representative recommends that the authorities avoid depriving IDPs of their current accommodation without offering an adequate alternative solution. The Sarajevo Declaration should be implemented so as to facilitate sustainable return of internally displaced persons and avoid successive displacement. Further dialogue and collaboration on displacement at the regional level could be facilitated by the international community. The Representative calls upon the authorities to raise concerns related to the sustainability of return with the competent authorities of countries of asylum, with a view to avoiding the displacement of deportees and repatriates once they are returned to Bosnia and Herzegovina. The international community is also called upon to alert asylum States concerned of existing risks and to appeal to them to proceed cautiously with returns to Bosnia and Herzegovina, in particular of persons belonging to ethnic minorities.*