

THE WALL OF ANTI-GYPSYISM



PHOTO: BAKIR LOJO

ROMA IN BOSNIA AND HERZEGOVINA

CONTENTS

1. Roma in Bosnia and Herzegovina: Overview	3
2. Security and freedom from torture	5
3. Personal documents	7
4. Employment	9
5. Education	12
6. Housing	15
7. Access to justice	17
8. Health	19
9. Asylum and forced return	20
Sources	23

ABBREVIATIONS AND ACRONYMS

BiH _____ Bosnia and Herzegovina

EC _____ European Commission

EU _____ European Union

IOM _____ International Organisation for Migration

RS _____ Republika Srpska

UNDP _____ United Nations Development Programme

UNHCR _____ United Nations High Commissioner for Refugees

UNICEF _____ United Nations International Children's Emergency Fund



PHOTO: MIRA ANDRIC, BOSNIA AND HERZEGOVINA

1. ROMA IN BOSNIA AND HERZEGOVINA: OVERVIEW

1.1. DEMOGRAPHICS

In general, the majority of Roma do not disclose their ethnicity in census-taking. The 2013 census results show that 12,583 persons declared being “Roma”, while another 252 persons used different names such as “Bosniac Roma”, “Gypsies”, “Muslim Roma” “White Gypsies” and others. Twelve persons declared to be Egyptians.¹

Estimates of the size of the Romani population range from 40,000 (UNDP) to 100,000 (Council of Roma), with a state-wide registration of Roma in 2010 yielding a figure of approximately 50,000.

Geographically, the largest numbers of Roma in BiH live in Tuzla Canton, with a community of up to 17,000 members. Other considerable communities live in Sarajevo Canton and Zenica-Doboj Canton (Federation of BiH).

Although evidence on war crimes committed against Roma during the war 1992-1995 in BiH prevails, they are not recognised as victims of war crimes and human rights

violations.² The only trial dealing with war crimes committed against Roma, the killings in the village of Skocic near Zvornik, resulted in acquittal after the second retrial at the War Crimes Chamber in Belgrade.

During the war in BiH many Roma were expelled from their home-towns, in particular from towns which are now in the Republika Srpska (RS) and only a small percentage of them have been able to return. Many Roma fled during the war to Western Europe and were forcibly returned without being able to return to their place of origin and were therefore forced into a secondary displacement. In the direct aftermath of the war, Roma could also not fully benefit from reconstruction assistance provided by the international community and many Roma remained internally displaced within BiH until today.³

Still today, a few thousand Roma (and their descendants) from BiH live in Italy, often in segregated, informal or formal camps and settlements. In the years following 2011, a

¹ *Popis 2013, Etnička/nacionalna pripadnost, vjeroispovijest, maternji jezik*. Retrieved on April 8, 2017 from: <http://www.popis.gov.ba/popis2013/knjige.php?id=2>

² As an example, see the situation of the Roma from Srebrenica. Justice Report, the Forgotten Victims of the Bosnian War. Retrieved on July 20, 2017 from: <http://www.justice-report.com/en/articles/the-forgotten-roma-victims-of-the-bosnian-war>

³ Reconstruction projects financed by the European Union in the first years after the war and which were explicitly for “minorities in BiH” explicitly excluded Roma as beneficiaries. In particular Roma who were expelled from places which are today in the Republika Srpska (Banja Luka or Bijeljina) could hardly return.

considerable share of Roma fled again the country, asking for asylum in Western Europe. However, the claims were in general rejected and the persons concerned have been or will be returned – either voluntarily or by force.

1.2 ANTI-GYPSYISM AND DISCRIMINATION

Anti-Gypsyism, cumulative discrimination, prejudices towards and wrong perceptions of Roma prevail in Bosnia and Herzegovina as in all other countries in Western Balkans and across Europe. Anti-Gypsyism and cumulative and systematic discrimination constitute the root-causes for their social exclusion while high unemployment rates, low education enrolment and attainment rates and the deplorable living conditions of the majority are the symptoms of their situation.⁴ The repercussions of the war 1992-1995 further compound their situation.

1.3. GENERAL LEGAL AND POLICY FRAMEWORK

Bosnia and Herzegovina recognizes two kinds of minorities: constituent people (Bosniaks, Croats, Serbs) in a minority position and 'others', i.e. minorities from non-constituent groups. The Law on the Protection of Rights of Members of National Minorities names 17 national minorities belonging to the category of 'others', including Roma.⁵ Members of the Romani community just as the other non-constituent groups do not enjoy the same rights as members of the three constituent people.⁶

The Council of Ministers of BiH adopted a Strategy for Roma and Action Plans in the field of education, employment, health care and housing.⁷

In 2004, the first Action Plan on the Education Needs of Roma and Members of Other National Minorities in BiH was adopted by the Council of Ministers, and in 2010 it has been revised and renamed into Revised Action Plan on the Educational Needs of Roma.

In 2008, the Council of Ministers adopted the Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Health Care and Housing. This Action Plan was replaced in 2013 by the Revised Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Healthcare 2013-2016.⁸ A draft Action Plan covering these same areas for the period 2017-2020 was under discussion as of early 2017.⁹

In addition, numerous national laws, strategies, policy documents and international obligations determine the situation of and the policy towards Roma in BiH, in particular the Law on Prohibition of Discrimination¹⁰ and the relevant sectoral laws and policies (e.g. in education or employment).

2. SECURITY AND FREEDOM FROM TORTURE

2.1. LEGAL AND POLICY FRAMEWORK

Due to the structure of BiH, the two entities and the Brcko District are responsible for establishing the relevant legal framework. The RS, as well as Brcko District, already adopted some time ago a comprehensive legal framework for

combating hate crimes within the respective Criminal Code. In 2016, the Federation also adopted such a framework. Alike in RS and Brcko District, the amendments introduce the 'discriminatory selection' model in the definition of hate crimes.¹¹

⁴ For a discussion of Anti-Gypsyism and cumulative discrimination see the overview paper Roma in the Western Balkans 2017

⁵ Law on the Protection of Rights of Members of National Minorities, Official Gazette of Bosnia and Herzegovina 12/03

⁶ Members of the "other" are still excluded from running for certain political positions in BiH. See the case of Sejdić and Finci v. Bosnia and Herzegovina and the respective judgement of the European Court of Human Rights.

⁷ Bosnia and Herzegovina, Council of Ministers, Roma Strategy in Bosnia and Herzegovina

⁸ Ministry of Human Rights and Refugees, Revised Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Healthcare 2013-2016 (Sarajevo: Council of Ministers of Bosnia and Herzegovina, 2013).

⁹ See Ministry of Human Rights and Refugees, Draft Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Fields of Employment, Housing and Healthcare 2017-2020 (Sarajevo: Ministry of Human Rights and Refugees, 2017).

¹⁰ Official Gazette of Bosnia and Herzegovina, nos. 59/09, 66/16

¹¹ RS: Criminal Code of the Republika Srpska. Official Gazette of RS 49/03, 108/04. Federation: Law on Amendments to the Criminal Code of FBiH, Official Gazette of the Federation of Bosnia and Herzegovina No.46/16. Brcko District: Criminal Code of the Brcko District of Bosnia and Herzegovina, Official Gazette of the Brcko District of Bosnia and Herzegovina, 10/03, 45/04, 6/05, 21/10.

The closed list of protected characteristics corresponds to the list provided in the RS Criminal Code, i.e. race, colour, religious beliefs, nationality or ethnicity, language, disability, sex, sexual orientation and gender identity.¹²

Of further relevance is the Strategy of Bosnia and Herzegovina for Preventing and Combatting Terrorism 2015-2020, adopted in 2015 by the Council of Ministers at state level.¹³

2.2. CURRENT SITUATION

The ethnic division of Bosnia and Herzegovina as a consequence of the war from 1992 to 1995 created a climate in which Roma were an easy target for hate crimes and hate speech, but they were also not in the focus of attention of the respective authority.

According to the available information, cases of hate crimes against Roma are hardly reported in Bosnia and Herzegovina, though Roma face anti-Gypsyism in Bosnia and Herzegovina as in other countries.

The OSCE Mission to Bosnia and Herzegovina reported for 2015 only two hate crime incidents against Roma.¹⁴ However, there might be unreported incidents.

Association for Democratic Initiatives, which also monitors hate crimes, has recently (October 2017) conducted an analysis of all hate crime procedures in Bosnia and Herzegovina, concluding that there have been no cases in the country so far that referred to Roma. Unofficial information from organisations working in the field show different statistics. Violence informally reported to them referred mainly to police violence against Roma individuals. These cases go as unreported since these individuals have no confidence in legal system, and are often found in conflict with the law.

The organisation "Otaharin" from Bijeljina has however reported that they have been involved in monitoring, after the two Roma placed in detention filed a complaint of mistreatment in the closed institutions (detention facilities). In March 2015, two Roma nationals of Bosnia and Herzegovina have brutally harmed a person, with fatal consequences. Following the incident, citizens of Bijeljina have started to protest against the whole Roma community, demanding their exclusion from the city life, and requesting justice for the victim of crime. Two suspects of Roma ethnicity have been detained soon after, and are still in detention with a pending trial. Considering that this is a criminal case, they have acquired *ex-officio* lawyers to represent them at court. Recently however, they have asked for the involvement of a human rights organisation "Otaharin", which they know due to their engagement in promotion of rights of Roma people in Bijeljina. The complaint of the two detainees refers to the mistreatment in prison, including violence and hate speech based on race and ethnicity. The Otaharin has since engaged in conversation with the Prosecutors office and the two detainees. The representatives of the Prosecutors Office report that their rights in detention are being respected, since they have obtained the same cell, legal aid and similar procedural requirements. The representative, however, is reportedly not aware of what constitutes hate speech and hate crime. In a dialogue with the detainees, representative of Otaharin, Mr. Dragan Joković, has noted complaints for violence and hate speech from fellow prisoners. They have refrained from answering whether such violence comes from police officers. The interview between Otaharin and the detainees was reportedly in a controlled environment, with many police officers present in the room during the conversation. This case is still in procedure, while verdict is expected in November 2017. Civil Rights Defenders and Otaharin will further monitor the case and advocate for equal conditions of all inmates within detention facilities and prison in Bijeljina.

12 OSCE Mission to Bosnia and Herzegovina, Hate Crimes and Bias Motivated Incidents in Bosnia and Herzegovina: 2015 Monitoring Findings of the OSCE Mission to Bosnia and Herzegovina, November 16, 2016. Retrieved on June 16, 2017 from <http://www.osce.org/bih/281906?download=true>

13 Bosnia and Herzegovina, Council of Ministers, Strategy of Bosnia and Herzegovina for Preventing and Combatting Terrorism 2015-2020. Retrieved on June 16, 2017 from http://msb.gov.ba/PDF/STRATEGIJA_ZA_BORBU_PROTIV_TERORIZMA_ENG.pdf

14 OSCE Mission to Bosnia and Herzegovina, Hate Crimes and Bias Motivated Incidents in Bosnia and Herzegovina: 2015 Monitoring Findings of the OSCE Mission to Bosnia and Herzegovina, November 16, 2016. Retrieved on June 16, 2017 from <http://www.osce.org/bih/281906?download=true>



PHOTO: BRANISLAV LUKIC, BOSNIA AND HERZEGOVINA

3. PERSONAL DOCUMENTS

3.1. LAW AND POLICY REVIEW¹⁵

As in all other relevant fields, one has to take into account the difficult state structure with the common state, the two entities and the Brcko District and the ten cantons within the Federation of Bosnia and Herzegovina.

The Law on Citizenship at state level regulates procedures and requirements for obtaining citizenship.¹⁶ Of further importance is the Law on Personal Identification Number.¹⁷

Legislation governing registry books is in competence of the entities and Brcko District with a state-level law provides the framework: Law on Central Registers and

Data Exchange.¹⁸ The two entities and Brcko District have separate Laws on Registry Books.¹⁹ Amendments to the respective Law on Registry Books facilitated the possibility of both immediate and subsequent birth registrations. On the one hand, Social Welfare Centres have to ensure that children are registered within the 30-day deadline if their parents fail to do so. Conversely, birth, marriage, citizenship and death certificates do not contain expiry dates anymore.

However, the new 2015 Registration Law (in conjunction with the 2013 Law on Amendments to the Law on permanent and temporary residence) requires residents to

15 For an overview see: Access to Civil Documentation and Registration in South Eastern Europe: Progress and Remaining Challenges since the 2011 Zagreb Declaration. Report based on research conducted by Stephanie Woldenberg. Retrieved on February 17, 2017 from <http://www.refworld.org/pdfid/5280c5ab4.pdf>

16 Law on Citizenship of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, nos. 4/97, 13/99, 41/02, 6/03, 14/03, 82/05, 43/09, 76/09 and 87/13; "Instruction on Subsequent Registration in Birth Registry Book of Persons who Acquired Citizenship of the Republic of Bosnia and Herzegovina in Accordance with the Law on Citizenship of Bosnia and Herzegovina", Official Gazette of Bosnia and Herzegovina, no. 27/00

17 Official Gazette BiH, nos. 32/01, 63/08, 103/11, 87/13

18 Official Gazette of BiH, nos. 32/01, 16/02, 32/07, 44/07

19 Law on Registry Books of the Republika Srpska, Official Gazette of the Republika Srpska, Bosnia and Herzegovina, nos. 20/09, 145/14; Law on Registry Books of the Brcko District, Official Gazette of the Brcko District, Bosnia and Herzegovina, no. 58/11; and Law on Registry Books of the Federation Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, nos. 37/12, 80/14

provide the address of an accommodation which is registered in their name.²⁰ Roma might not be able to fulfil this requirement due to their difficult housing situation, which in turn could prevent them from renewing their identity cards or registering their children's births.

Within the Federation, according to the by-law Forms for Registration of Birth of the Child and Confirmation of Death, children of undocumented parents can get registered based on witness statements.²¹ The legal framework has also been strengthened to provide maternal healthcare, which should promote hospital births and thus reporting of births.

3.2. CURRENT SITUATION

After the break-up of former Yugoslavia, many Roma faced the problem that they didn't obtain necessary documents to acquire the citizenship of one of the new states.²²

Over the past years, due to advocacy and outreach activities of civil society and international organisations, in particular the UNHCR, the process of obtaining personal documents – also in order to avoid statelessness – considerably improved in Bosnia and Herzegovina.

Many Roma used to live in BiH before the war without being registered in the republic (and often without any birth registration), whereas they came originally from other parts of Yugoslavia. Therefore, they did not meet this basic requirement to benefit from legal safeguards introduced to avoid statelessness and they often had to undergo first a "subsequent registration" in the respective former republic of Yugoslavia they were originally coming from.²³

In a specific situation were the Roma who originated from Kosovo. In case they were not registered at birth, they had first to complete a "subsequent birth registration" at the registry office in-exile in Serbia, before they could regulate their residence status in BiH.²⁴

According to UNHCR, the number of persons who are at risk of statelessness considerably decreased over the past years. In 2012, a UNHCR mapping exercise determined 4,500 people in BiH with an undetermined nationality and who lacked civil registration and documentation, a significant majority of whom are Roma.²⁵ As of September 30, 2016, UNHCR estimated that only 53 persons were at risk of statelessness.²⁶

A remaining problem is still the fact that hospitals ask for health insurance booklets of mothers at birth, which many Romani women do not possess. In consequence, they often use health booklets of other women which leads to a "wrong registration" of the new-born children that can only be solved later through a cumbersome procedure. Further, children who are borne at home (and not in a hospital) have to be registered within a 30-day period. If the parents fail to meet this deadline, again only a cumbersome procedure can lead to the registration of this child.²⁷

According to UNICEF, in 2014 just below 96% of the Romani children under the age of 5 have been registered. UNICEF also identified a delay in registration, since only 91% of children under the age of 1 have been registered. In addition, 20% of mothers could not produce a birth certificate.²⁸

Thus, it remains imperative to develop a sustainable system to identify and prevent recurrence of cases of persons at risk of statelessness.

20 ECRI, Country Report Bosnia and Herzegovina. Retrieved on June 7, 2017 from: http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bosnia_Herzegovina/BiH-CbC-V-2017-002-ENG.pdf. For the Law on Amendments and Supplements of the Law on Residence and Emplacement of Citizens of Bosnia and Herzegovina see Official Gazette of BiH, no. 58/15

21 Official Gazette of the Federation of Bosnia and Herzegovina, No. 68/12. Quoted after Woldenberg 2013

22 Tatjana Peric, Personal documents and threats to the exercise of fundamental rights of Roma in Europe. Retrieved on February 15, 2017 from <http://www.errc.org/article/personal-documents-and-threats-to-the-exercise-of-fundamental-rights-of-roma-in-europe/1097>

23 See UN High Commissioner for Refugees, Displacement, The New 21st Century Challenge, June 19, 2013. Retrieved on February 23, 2017 from: www.refworld.org/docid/51c169d84.html

24 For an overview see: Access to Civil Documentation and Registration in South Eastern Europe: Progress and Remaining Challenges since the 2011 Zagreb Declaration. Report based on research conducted by Stephanie Woldenberg. Retrieved on February 17, 2017 from <http://www.refworld.org/pdfid/5280c5ab4.pdf>

25 See UN High Commissioner for Refugees, Displacement, The New 21st Century Challenge, June 19, 2013. Retrieved on February 23, 2017 from: www.refworld.org/docid/51c169d84.html

26 UNHCR Sarajevo, Statelessness in Bosnia and Herzegovina, Sarajevo 2016

27 For an overview see: Access to Civil Documentation and Registration in South Eastern Europe: Progress and Remaining Challenges since the 2011 Zagreb Declaration. Report based on research conducted by Stephanie Woldenberg. Retrieved on February 17, 2017 from <http://www.refworld.org/pdfid/5280c5ab4.pdf>

28 UNICEF, Insights: Child rights in Central and Eastern Europe and Central Asia. Realizing the rights of Roma children and women in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia. Retrieved on February 15, 2017 from: https://www.unicef.org/ceecis/Insights2014_2.pdf

4. EMPLOYMENT

4.1. LEGAL AND POLICY REVIEW

The Law on Civil Service in the Institutions of Bosnia and Herzegovina states in Art. 2 “Recruitment and Representativeness” that the “structure of civil servants within the civil service shall generally reflect the ethnic structure of the population of Bosnia and Herzegovina in accordance with the last census.”²⁹ The reference to the census creates an obstacle for equal employment of Roma, since the majority of Roma do not disclose their identity during census taking.

The Strategic Framework for Bosnia and Herzegovina and the Economic Reform Programme 2016-2018 provide guidance and set the framework with regard to social inclusion.³⁰ The Strategic Framework defines Roma as one of the vulnerable groups together with “persons with disabilities (...), returnees and internally displaced persons, families with two or more children, the elderly, unemployed and underqualified, women, youth and children.”³¹ Many Roma face inter-sectional vulnerability as Roma and “returnees and internally displaced persons, families with two or more children, (...) unemployed and underqualified, women, youth and children”.

4.2. CURRENT SITUATION

Comprehensive and current data on the socio-economic situation of Roma in BiH are lacking, however, data from surveys demonstrate the extremely vulnerable position of Roma in BiH. However, all these data do not reflect the scope of discrimination and exclusion Roma face in accessing labour market or in their daily life in general.

Ethnic discrimination is widespread in BiH, affecting all groups in a minority position, but in particular Roma, since they do not constitute a majority and do not exercise political power in any political unit in BiH, which constitutes a relevant factor when it comes to employment in both the public and the private sector.

Unemployment and poverty are an overall problem in BiH. According to the Labour Force Survey, 27.7% of the **economically active** population is unemployed (56.9% men and 43.1% women). The vast majority of the unemployed persons have secondary education (72.1%); 17.5% are persons with primary education or less and 10.4% have finished higher education.³²

Economically inactive adult population makes for 45.5%, meaning they are neither employed nor do they search for jobs. High inactivity rate particularly prevails among women, youth and Roma.³³

An analysis of the social protection system in BiH demonstrates its inefficiency and the system injustice. The poorest quintile received only 18% of non-contributory cash benefits, while the richest quintile received about 20%. Seventeen percent of the population is considered as being at risk (poor), but only 1.5% of the population receives any social benefits.³⁴

Available data on the employment situation of Roma show a deplorable picture. In a country with an overall high unemployment rate, with wide-spread nepotism and

29 Official Gazette of Bosnia and Herzegovina nos. 12/02, 12/02, 19/02, 8/03, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10 and 40/12. For the English translation see <http://www.lexadin.nl/wlg/legis/nofr/eur/lxwebhe.htm> (retrieved on March 29, 2017). Law on Civil Service in the Institutions of Bosnia and Herzegovina retrieved on November 10, 2016 from <http://www.lexadin.nl/wlg/legis/nofr/eur/lxwebhe.htm>

30 Government of Bosnia and Herzegovina, Bosnia and Herzegovina Economic Reform Programme 2016-2018 (ERP BiH 2016-2018), Sarajevo 2016. Retrieved on November 14, 2016 from http://www.dep.gov.ba/Default.aspx?langTag=en-US&template_id=139&pageIndex=1; Government of Bosnia and Herzegovina, Council of Ministers, Directorate for Economic Planning, Strategic Framework for BiH, Sarajevo 2015

31 BiH, Strategic Framework 2015, page 67

32 Agency for Statistics BiH, Labour Force Survey, quoted after Government of Bosnia and Herzegovina, Bosnia and Herzegovina Economic Reform Programme 2016-2018 (ERP BiH 2016-2018), Sarajevo 2016. Retrieved on November 14, 2016 from http://www.dep.gov.ba/Default.aspx?langTag=en-US&template_id=139&pageIndex=1

33 Government of Bosnia and Herzegovina, Bosnia and Herzegovina Economic Reform Programme 2016-2018 (ERP BiH 2016-2018), Sarajevo 2016. Retrieved on November 14, 2016 from http://www.dep.gov.ba/Default.aspx?langTag=en-US&template_id=139&pageIndex=1

34 Government of Bosnia and Herzegovina, Bosnia and Herzegovina Economic Reform Programme 2016-2018 (ERP BiH 2016-2018), Sarajevo 2016. Retrieved on November 14, 2016 from http://www.dep.gov.ba/Default.aspx?langTag=en-US&template_id=139&pageIndex=1

corruption on the one hand and on the other hand a widely accepted informal labour market due to very high tax and social security deductions, it is even more difficult for Roma to find employment or to create legal self-employment opportunities.

Data from UNDP (2011) which compare the situation of Roma with the majority population living in close proximity demonstrate the high level of unemployment among Roma in BiH.

Table 4: Participation in labour market

Bosnia and Herzegovina	Men		Women		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Employment rate (15-64)	32%	46%	5%	25%	19%	35%
Employment rate (15-24)	20%	13%	3%	12%	11%	12%
Unemployment rate (15-64)	44%	27%	79%	34%	54%	30%
Unemployment rate (15-24)	59%	63%	88%	48%	69%	56%
Activity rate (15-64)	58%	63%	26%	37%	42%	50%

There are very few reliable data on how many Roma are employed in the civil service, although the Law on Civil Service in the Institutions of Bosnia and Herzegovina requests that the “structure of civil servants within the civil service shall generally reflect the ethnic structure of the population of Bosnia and Herzegovina in accordance with the last census”. The Ombudsperson compiled some data based on information from authorities and civil society, which show a low level of employment of Roma in the civil service.³⁵

In the private sector it is very difficult for Roma to find employment due to several reasons, in particular discrimination of Roma and lack of formal qualification among Roma. The state government provides funds for employment and training of vulnerable groups such as Roma which are transferred to the Employment Institutes of the two entities and the Employment Bureau of Brcko District. The three institutions issue open calls for self-employment or employment projects for Roma. Between EUR 250,000-300,000 are dedicated to these measures annually and 475 persons have participated in these projects.³⁶ Information on the results and the sustainability of these measures are, however, not available.

³⁵ Human Rights Ombudspersons, Special Report on the Situation of Roma in Bosnia and Herzegovina. Retrieved on November 14, 2016 from http://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013121011144464eng.pdf

³⁶ Council of Europe, CAHROM, Thematic Report by the Group of Experts on Vocational Education and Training for Roma. September 2016. Retrieved On March 6, 2017 from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a9332>



PHOTO: DINO MERSNIK, BOSNIA AND HERZEGOVINA

5. EDUCATION

5.1. LEGAL AND POLICY REVIEW

Working on education in BiH creates several challenges. The decentralised political and administrative structure requires to involve up to 14 different ministries or authorities if a country-wide change in education is to be achieved. Overall, there are still an outdated education system and methodologies in place which do not fully meet the needs of a modern society and large parts of the society are not fully aware of the advantages of modern approaches such as inclusive education.

At state level, four framework laws govern the education in BiH: Framework Law on Higher Education in BiH,³⁷ Framework Law on Preschool Upbringing and Education in BiH,³⁸ Framework Law on Vocational Education and Training in BiH³⁹ and Framework Law on Primary and Secondary Education in BiH.⁴⁰

The Law on the Rights of National Minorities stipulates that under certain conditions, the educational authorities in BiH are obliged to “secure the education in the language of that minority” (if a national minority constitutes at least one-third of the students) or to “secure the additional education on the language, literature, history and culture also in the language of the national minority they belong to” (if a national minority constitutes at least one-fifth of the students).⁴¹

5.2. CURRENT SITUATION

The attendance rate of Roma in the education system, in particular in pre-school, secondary and tertiary education is still extremely low as is the school attainment rate. In light of the importance of the pre-school education, in particular for children coming from vulnerable families,

37 Official Gazette of BiH, no. 59/07; no. 59/09

38 Official Gazette of BiH, no. 88/07

39 Official Gazette of BiH, no. 63/08

40 Official Gazette of BiH, no. 18/03

41 Official Gazette of BiH, nos. 12/03, 76/05. For the English translation see website of the Office of the High Representative: http://www.ohr.int/?page_id=68251 (retrieved on March 29, 2017)

the rate of 1.5% of Romani children attending pre-school education is striking, however, this has to be seen also in the overall context of the also very low percentage of the overall participation in pre-school education of only 13%.

Data from UNICEF demonstrate the situation and the gap between non-Roma and Roma in the education system.⁴²

Table 3: Participation in education

Bosnia and Herzegovina	Boys		Girls		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Pre-school education	1.4%	12.2%	1.6%	14%	1.5%	13%
Primary school	70.9%	97.7%	67.8%	97.6%	69.3%	97.6%
Secondary school	26.6%	90.4%	18%	93.1%	22.6%	91.8%

The 2013 Multiple Indicator Cluster Survey found that slightly over 30 percent of Romani children of primary school age in BiH do not attend school. Moreover, fewer than half of Romani children complete primary education on time: 46 percent of boys and 34 percent of girls.⁴³

In the school year 2013/2014, 51 Roma children were enrolled in secondary school, and 29 Roma pupils completed this level of education in the same year. That same year, a total of 92 Roma pupils attended secondary education with no significant differences between Roma girls and boys.⁴⁴

Since the end of the war in 1995, only in Federation BiH 294 Roma children have dropped-out of their primary education, in spite of the existing supportive measures taken by respective ministries.⁴⁵

At local level, several projects promoting school attendance of Roma demonstrated considerable success. However, in order to achieve a systematic and sustainable change, the authorities have to assume their responsibilities and take over and systematise or institutionalise these measures such as Roma Assistants, inclusion of issues such as inclusive education, combatting anti-Gypsyism or discrimination in general into the curriculum of teachers' training at faculties, or involvement of the parents in combatting anti-Gypsyism or discrimination in general.

Improving access to quality education is an important component for facilitating the social inclusion of Roma. Civil society organisations and international donors, assisted by the government, undertook a couple of initiatives in this field. Crucial problems to be addressed include the facilitating of better participation in pre-school programmes, the decrease of the drop-out rates, working in the field of second chance providing early school-leavers with the opportunity to finalise schooling or to receive vocational training, facilitating access to secondary education and universities through the provision of reserved places at universities and scholarships and increasing the number of girls finishing schools. A related issue is the transfer from school or university to the labour market.

In the meantime, more Roma are attending universities or secondary schools. The transition of graduates to the labour market has to be supported, since their successful integration into the labour market would create role models for both the Roma communities and for the majority population; with regard to the latter the purpose is to combat stereotypes and prejudices.

⁴² UNICEF, Bosnia and Herzegovina, Country Programme Document 2015 – 2019

⁴³ Council of Europe, CAHROM, Thematic Report by the Group of Experts on Vocational Education and Training for Roma. September 2016. Retrieved on March 6, 2017 from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a9332>

⁴⁴ Council of Europe, CAHROM, Thematic Report by the Group of Experts on Vocational Education and Training for Roma. September 2016. Retrieved on March 6, 2017 from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a9332>

⁴⁵ Citizen's Association for the promotion of education of Roma "Otaharin", Analysis of the Implementation of the Revised Action Plan on the Educational Needs of Roma in Bosnia and Herzegovina, p. 47

SPECIAL SCHOOLS

In BiH it is not a common praxis to send Romani children in special schools. In the school year 2013/2014, 23 Romani children attended special education institutions.⁴⁶ In the school year 2014/2015, according to ECRI, the number of Romani pupils in special needs schools were 22, which reflects the proportion of Roma in the country (school year 2011/2012: 65 pupils).⁴⁷

SEGREGATED SCHOOLS

Segregated schools or classes with different curricula and textbooks still exist in Bosnia and Herzegovina for the

Croat and Bosniak communities (“two schools under one roof”).⁴⁸ However, there are no segregated schools specifically for Romani children.

ROMANI LANGUAGE AND ROMANI IDENTITY AND CULTURE

The use of minority languages requires the fulfilment of certain conditions (see chapter 5.1.). According to the EC Progress Report 2016, Romani language was not offered as an elective subject in any school in the country, nor was any other alternative provided for learning the language.⁴⁹

6. HOUSING

6.1. LEGAL AND POLICY FRAMEWORK

A number of laws, at entity or at canton level, govern the situation in housing.⁵⁰ In 2016, the Ministry of Human Rights and Refugees developed a new Action Plan on Housing which has not been adopted at the time of writing of this report. The draft version sets as a strategic goal “Improvement of housing conditions of Roma population in Bosnia and Herzegovina” and intends to achieve this goal through three programmes: a. Legalisation of housing units in informal settlements populated by Roma; b. Construction of social housing units for Roma (collective/individual buildings); and c. Improving housing conditions in the housing units occupied by Roma.⁵¹

The Action Plan on Housing adopted in 2008 identified three main issues with regard to housing: urban development of Roma settlements and legalisation of individual housing units and buildings; training and raising society’s and Roma’s awareness of the need to address housing issues; and planning and constructing new housing through social, donor, and credit programmes. The Action Plan set the ambitious goal of providing 6,500 homes to Roma families.⁵² Responsibilities for housing belong primarily to municipalities (planning, financing and monitoring), while higher-level authorities, such as ministries, rely on municipal input and assistance and participate in monitoring.

46 Council of Europe, CAHROM, Thematic Report by the Group of Experts on Vocational Education and Training for Roma. September 2016. Retrieved on March 6, 2017 from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900016806a9332>

47 ECRI Report on Bosnia and Herzegovina (fifth monitoring cycle) Adopted on 6 December 2016, Published on February 28, 2017. Retrieved on March 29, 2017 from: http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bosnia_Herzegovina/BiH-CbC-V-2017-002-ENG.pdf

48 Rodolfo Toe, Bosnia’s Segregated Schools Perpetuate Ethnic Divisions in Balkan Insight, July 15, 2016. Retrieved from <http://www.balkaninsight.com/en/article/bosnia-s-segregated-schools-perpetuate-ethnic-divisions-07-15-2016#sthash.OxH2NNmt.dpuf>

49 EC Progress Report 2016

50 Law on Spatial Planning and Land Utilization: Official Gazette of the FBiH, nos. 02/06, 72/07, 32/08, 4/10, 13/10 and 45/10; Law on Spatial Planning and Construction: Official Gazette of the Republika Srpska, no. 40/13; Law on Expropriation: Official Gazette of the FBiH, nos. 70/07, 36/10 and 25/12; Law on Expropriation Official Gazette of the Republika Srpska, nos. 112/06, 37/07, 66/08, 110/08 and 79/15; Law on Expropriation: Official Gazette of the Brcko District of BiH, nos. 26/04, 19/07, 2/08, 19/10 and 15/11; Law on Construction Land: Official Gazette of the FBiH, nos. 25/03, 16/04 and 67/05; Law on Construction Land: Official Gazette of the Republika Srpska, nos. 112/06 and 38/11; Law on Proprietary Rights: Official Gazette of the FBiH, nos. 66/13 and 100/13; Law on Proprietary Rights: Official Gazette of the Republika Srpska, nos. 124/08, 3/09, 58/09, 95/11 and 60/15; Law on Property and Other Proprietary Rights: Official Gazette of the Brcko District of BiH, nos. 11/01, 8/03, 40/04 and 19/07. At Canton level see inter alia: Law on Non-Profit-Social Housing of Bosnia-Podrinje Canton Goražde; Law on Non-Profit-Social Housing of Zenica-Doboj Canton

51 Draft Action Plan of Bosnia and Herzegovina for addressing Roma issues in the fields of employment, housing and health care for 2017-2020. Retrieved on June 17, 2017 from https://www.google.ba/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwiT-7Thu4jUAhWqC8AKHS6CCAoQFggq-MAA&url=http%3A%2F%2Fwww.rcc.int%2Ffromintegration2020%2Fdownload%2Fdocs%2FAction%2520Plan_English.pdf%2F52cbb5fd76ed48a7eace-947f8889aa90.pdf&usq=AFQjCNHDvHhjtPdRgtl3_poR9zta6Bs3zg

52 Government of Bosnia and Herzegovina, Ministry of Human Rights and Refugees, Action Plan on Housing, Sarajevo 2008

6.2. CURRENT SITUATION

The Government of Bosnia and Herzegovina with the Ministry of Human Rights and Refugees identified the improvement of the housing situation of Roma in the country as a priority and made considerable investments over the past in the construction of houses or apartments for Roma.

In total, more than 700 housing units were constructed or reconstructed and more than 1000 Roma families were beneficiaries of infrastructure projects.⁵³ However, Roma make up only 2.16% of beneficiaries of social housing.⁵⁴

Nevertheless, there is still a great and prevailing need for further housing interventions, not least for the fact that the

returnees and IDPs and many Roma still live in unhealthy, slum-like conditions.⁵⁵

Approximately 22,000 Roma live in 36 informal settlements in BiH which creates obstacles in accessing public services and in registration.⁵⁶

The following table compares the housing situation of Roma with the non-Roma living in close proximity to Roma and demonstrates the differences in the living conditions. Roma do not only live in overcrowded conditions and with poor infrastructure, but also face more insecurity in their overall housing situation.

Table: Housing indicators⁵⁷

Indicator	Roma	Non-Roma
Rooms per HH member	0,62	1,10
Square meters per household member	12,92	27,38
Share of the population not having access to secure housing	35%	5%
Share of the population not having access to improved water source	11%	7%
Share of the population not having access to improved sanitation	22%	9%
Access to electricity	83%	98%

UNICEF provided additional data referring to the segregated settlements of Roma, stating that “between 50 per cent and 70 per cent of the Roma in Bosnia and Herzegovina

live in unsafe residential buildings (huts with only one room without sanitary facilities or even ruins).⁵⁸

53 Decade Progress Report 2014

54 Hilfswerk Austria, Assessment of needs for social housing in Bosnia and Herzegovina, 2015. Retrieved on July 17, 2017 from: <http://www.hwa.com.ba/images/stories/studija2.pdf>

55 Government of Bosnia and Herzegovina, Ministry of Human Rights and Refugees, Strategy for the reception and integration of the BiH nationals who return under readmission agreements and Action plan for the period 2015-2018. Retrieved on June 17, 2017 from <http://www.mhrr.gov.ba/PDF/lzbjeglice/Strategija%20ENG.pdf>

56 Regional Report on Housing Legalization, Settlement Upgrading and Social Housing for Roma in the Western Balkans. Retrieved on July 16, 2017 from: <http://www.osce.org/odihr/115737?download=true>

57 UNDP, Data on Vulnerability of Roma (2011). Retrieved on June 17, 2017 from: <http://www.eurasia.undp.org/content/rbec/en/home/ourwork/sustainable-development/development-planning-and-inclusive-sustainable-growth/roma-in-central-and-southeast-europe/roma-data.html>

58 UNICEF, The Status of Roma Children and Families in Bosnia and Herzegovina (2013). Retrieved on June 17, 2017 from: https://www.unicef.org/bih/roma_families-en-final.pdf



PHOTO: LEJLA SAMARDZIC, BOSNIA AND HERZEGOVINA

7. ACCESS TO JUSTICE

7.1. LEGAL AND POLICY REVIEW

The Law on Prohibition of Discrimination and the Law on Free Legal Aid are the most relevant laws where access to justice is concerned.⁵⁹ According to the Law on Free Legal Aid, the Ministry of Justice of Bosnia and Herzegovina is responsible for providing free legal aid, if a person meets one of the following requirements: receiving social assistance; a child; declared mentally incapable; receives a pension lower than the average wage; unemployed with no regular source of income; victim of domestic violence or gender-based violence; an asylum seeker, stateless person, or victim of human trafficking.

The most relevant institution is the Human Rights Ombudsman of BiH, which is an independent institution dealing with protection of rights of natural persons and legal entities.⁶⁰ The Human Rights Ombudsman deals

with complaints related to poor functioning or to human rights violations committed by any organ of Bosnia and Herzegovina, the two entities and Brcko District. The cases are opened upon individual complaints filed by natural persons or legal entities, or *ex officio*.

7.2. CURRENT SITUATION

In general, the trust in judiciary system is very low in Bosnia and Herzegovina (39%). Only in the parliament (32%), prosecutors (36%), commercial inspectorates (36%) and the anti-corruption agency (38%), people showed a lower level of trust.⁶¹

There are no ethnically disaggregated data available on Roma and access to justice. An important case with

59 Law on Prohibition of Discrimination: Official Gazette of Bosnia and Herzegovina, nos. 59/09, 66/16. Law on Free Legal Aid: Official Gazette of Bosnia and Herzegovina, no. 83/11

60 Website of the Human Rights Ombudsman: <http://www.ombudsmen.gov.ba/Default.aspx?id=10&lang=EN>

61 See pointpulse at <http://pointpulse.net/pulse/bosnia-and-herzegovina/>. Retrieved on August 12, 2017

regard to access to justice is the famous “Finci/Sejdic case”.⁶²

The 1995 Constitution of Bosnia and Herzegovina stipulated that posts in the Presidency of BiH or in the House of People (second chamber of the Parliament) are reserved for ethnic Bosniaks, Serbs and Croats, thus excluding Roma and other ethnic minorities. Finci, a Jew, and Sejdic, a Rom, filed a complaint against this provision. According to a judgement passed in 2009 by the Grand Chamber of the European Court of Human Rights this constitutes discrimination and requires amendments to the Constitution. However, until today, the amendment has not taken place.

Only two anti-discrimination verdicts have been processed under the Law on discrimination since its adoption in 2009. None of these refer to Roma. The main challenges detected in relation to the lack of implementation of Anti-Discrimination Law in BiH are related to the fact that there is no established judicial procedure that can process such cases. The Ministry of Human Rights and Refugees in BiH does not have an established database of discrimination cases in BiH,⁶³ mainly due to the lack of capacities to qualify cases as discrimination, as well as lack of resources to collect such data.

In 2013, the Institution of Ombudsmen issued a Report on Special Position of Roma in BiH, providing 43 conclusions

and recommendations for the BiH institutions.⁶⁴ The conclusions and recommendations referred to different aspects of life of Roma community in Bosnia and Herzegovina, mainly housing, employment, education and health. This Report had its follow-up report, analysing the steps taken in these field.⁶⁵ None of these reports has analysed access to justice, nor the level of discrimination against Roma in judicial institutions of Bosnia and Herzegovina.

The Law on Free Legal Aid has been adopted at the end of 2016, and came into force in 2017. Since then, several challenges that impede access to justice for Roma have been detected. The Law does not prescribe free legal aid in cases of administrative or criminal procedures. In all other procedures, the Ministry offers a choice to the victim, either to receive legal advice from them or from the local associations. In return, local associations do not receive subsidies for the legal aid they provide. According to the Association “Otaharin”, most of the legal aid requests coming from Roma community in Bijeljina refer to administrative cases, thus the Ministry for Human Rights has no mechanisms to address the needs of Roma. They additionally report that mechanism for representation at court by the Ministry of Human Rights is not functioning, except in criminal cases when *ex officio* lawyers are appointed, leaving representations to local associations and, when that is not possible, to private lawyers.

8. HEALTH

8.1. LAW AND POLICY REVIEW

The health care system and access to health care in BiH is regulated by separate laws of the two entities and Brcko District (Law on Health Care and Law on Health Insurance, respectively).⁶⁶ Still, many Roma do not obtain health insurance due to several reasons. Many Roma do not register with the National Employment Service or they fail to report regularly, which makes both them and

their minor, dependent children not eligible for health insurance.

In 2016, the Ministry of Human Rights and Refugees developed a new Action Plan on Health which has not been adopted at the time of writing of this report. The draft version sets as a strategic goal “Improvement of

62 European Court of Human Rights, Grand Chamber, Case of Seidic and Finci v. Bosnia and Herzegovina (Applications nos. 27996/06 and 34836/06). JUDGMENT STRASBOURG, 22 December 2009

63 Interview with a Minister for Human Rights and Refugees in BiH <http://www.diskriminacija.ba/teme/mali-broj-sudskih-predmeta-i-presuda-za-diskriminaciju>

64 Institution of Human Rights Ombudsmen in Bosnia and Herzegovina, Special report on the status of Roma, pp. 39-43. http://www.ombudsmen.gov.ba/documents/ombudsmen_doc2013121011144464bos.pdf, English version found at <https://www.osce.org/bih/110495?download=true>

65 Report on the recommendations from the Special report on the status of Roma of Human Rights Ombudsmen in Bosnia and Herzegovina, http://www.ombudsmen.gov.ba/documents/ombudsmen_doc2017070515172836bos.pdf

66 FBiH: Law on Health Insurance: FBiH Official Gazette, nos. 30/97, 7/02, 70/08; Law on Health Care: FBiH Official Gazette nos. 29/97, 46/10). RS: Law on Health Insurance (RS Official Gazette, nos. 18/99, 51/01, 70/01; Law on Health Care: RS Official Gazette no. 18/99. BD: Law on Health Insurance: BD Official Gazette, nos. 2/01, 19/07, 2/08; Law on Health Care: BD Official Gazette, nos. 1/02, 7/02, 19/07, 2/08, 34/08.

availability and quality of health care for the members of Roma national minority” and intends to achieve this goal with four programmes: a. Roma health mediators; b. Ensuring access to health care; c. Preventive health care and d. Health education and awareness raising.⁶⁷

8.2. CURRENT SITUATION

It is difficult to determine how many Roma in BiH have health insurance. The Ministry of Human Rights and Refugees states in the Updated Action Plan (2013-2016) that cca. 30% of Roma do not have health insurance, which creates serious obstacles for accessing health care. Out of them, somewhat more than a third are children under the age of fifteen. However, if children under the age of eighteen are not insured through their parents, they are covered by state health insurance. Parents seem to be unaware of this fact and of the possibility of accessing health care for their children.⁶⁸

Though progress has been reported, not all children are registered at birth which also deprives them of health insurance. Another group at risk are the returning refugees who are not automatically included in the health insurance.

In general, the health status of Roma is considerably worse than the health status of non-Roma in Bosnia and Herzegovina, with lower life expectancy and higher child and infant mortality rates.

In Bosnia and Herzegovina, a significantly larger share of Roma households (66%) than non-Roma households (37%) cannot afford to buy prescribed medicine. A considerable share of Romani men and women have to deal with anxiety and depression (Romani women: 20%; Romani men: 10% vs. non-Romani women: 12% and non-Romani men: 7%). Further, vaccination rates among Romani children in BiH are low in comparison to the majority population, as well to Roma in neighbouring countries.⁶⁹

Romani Health Mediators work in a couple of municipalities, generally facilitated through projects and assisted by governmental institutions. They are primarily involved in outreach and awareness raising activities and facilitation of better contacts between health institutions and communities, but they also assist in obtaining health cards or in identifying health problems in communities.⁷⁰

67 Draft Action Plan of Bosnia and Herzegovina for addressing Roma issues in the fields of employment, housing and health care for 2017-2020. Retrieved on June 17, 2017 from https://www.google.ba/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewiT-7Thu4jUAhWqC8AKHS6CCAoQFggq-MAA&url=http%3A%2F%2Fwww.rcc.int%2Ffromintegration2020%2Fdownload%2Fdocs%2FAction%2520Plan_English.pdf%2F52cbb5fd76ed48a7eace-947f8889aa90.pdf&usg=AFQjCNHDvHhjtPdRgtI3_poR9zta6Bs3zg

68 Updated Action Plan of Bosnia and Herzegovina for addressing the issues of Roma in the areas of employment, housing and healthcare 2013-2016. Retrieved on June 17, 2017 from <http://www.mhrr.gov.ba/PDF/LjudskaPrava/hrv-rom-eng.pdf>

69 UNDP Housing 2012

70 CAHROM, Thematic report of the group of experts on Roma health mediators, 2016. Retrieved on August 12, 2017, from <http://coe-romed.org/sites/default/files/articles/files/CAHROM%20%282016%297%20EN%20Thematic%20report%20on%20Roma%20health%20mediators.pdf>



PHOTO: ALAUDIN FAFULOVIC, BOSNIA AND HERZEGOVINA

9. ASYLUM AND FORCED RETURN

9.1. LEGAL AND POLICY REVIEW

A number of laws and by-laws are relevant for the issues of asylum and forced return. The Law on Border Police or the Law on Border Control or the Rulebook on registration of nationals of Bosnia and Herzegovina returning under readmission agreements and the Instruction on the manner of temporary accommodation of nationals of Bosnia and Herzegovina under readmission agreements.⁷¹

In January 2008, the Readmission Agreement between the European Union and BiH entered into force. The guiding policy document is the “Strategy for the Reception and Integration of the BiH Nationals Who Returned under Readmission Agreements and Action Plan for the Period 2015-2018” of the Ministry of Human Rights and Refugees (MHRR).⁷²

Another relevant policy document is the Strategy in the Area of Migrations and Asylum and Action Plan for the Period 2016-2020 of the Ministry of Security.⁷³

9.2. CURRENT SITUATION

During the period 2008-2016, more than 44,000 persons from Bosnia and Herzegovina claimed asylum in the European Union. According to sources such as the European Asylum Support Office (EASO), the majority of the applicants were Roma (European Asylum Support Office 2013) which would mean that at least 20,000 Roma from BiH asked for asylum in Western Europe. However, only in very rare cases, the citizens of Bosnia

71 Law on Border Police: Official Gazette of BiH, nos. 50/04, 27/07, 59/09 and 47/14; Law on Border Control: Official Gazette of BiH, nos. 53/09, 54/10 and 47/14; Rulebook on registration of nationals of Bosnia and Herzegovina returning under readmission agreements: Official Gazette of BiH, no. 63/11; Instruction on the manner of temporary accommodation of nationals of Bosnia and Herzegovina under readmission agreements: Official Gazette of BiH, no.39/13.

72 Government of Bosnia and Herzegovina, Ministry of Human Rights and Refugees, Strategy for the Reception and Integration of the BiH Nationals Who Returned under Readmission Agreements and Action Plan for the Period 2015-2018. Retrieved on June 12, 2017 from: <http://www.mhrr.gov.ba/PDF/Izbjeglice/Strategija%20ENG.pdf>

73 Bosnia and Herzegovina, Ministry of Security, Strategy in the Area of Migrations and Asylum and Action Plan for the Period 2016-2020. Retrieved on July 20, 2017 from: <https://bih.iom.int/sites/default/files/Strategy/Strategija%20ENG%202016.pdf>

and Herzegovina, irrespective of their ethnicity, receive asylum in Western Europe. In general, asylum applications are rejected and people returned. Between 2008 and 2016, around 22,000 rejected asylum seekers returned to BiH. It is difficult to determine how many Roma are among them, not least because only a very small number thereof registers with the authorities in BiH upon return.

School attendance demonstrates the scope of migration of Roma from Bosnia and Herzegovina in the following years: in the school year 2011/2012, according to authorities cca. 4000 Romani children attended primary education which dropped to 1247 in 2012/2013, meaning that cca. two-thirds of the children have left the country. In 2014/2015, 2051 Romani children were registered in primary education.⁷⁴

The large-scale migration seems to have stopped for the moment, but there are still smaller numbers of families leaving BiH. However, the pattern seems to have changed so that they leave only for a three-month period to Western Europe and then return to BiH.⁷⁵

READMISSION

BiH signed Readmission Agreements with the European Union and a number of countries in Western Europe. Based on these agreements, BiH is obliged to receive citizens whose identity and BiH citizenship has been identified. In 2015, in total 860 persons were admitted, 626 of them were returned from Germany. An additional 114 persons were returned without prior request for confirmation. In addition, between 2006 and 2015, 927 persons returned with IOM assistance.⁷⁶

In 2016, the number of readmitted persons drastically increased to 1589 persons and 424 persons were not accepted since, according to the BiH authorities, they were not citizens of BiH. Of the readmitted persons, 78.35% were returning from Germany.⁷⁷

The Strategy for the Reception and Integration of the BiH Nationals Who Returned under Readmission Agreements identified a number of obstacles, in particular for Roma who are returned, such as possible lack of accommodation, lack of documents, difficulties accessing labour market and difficulties for children accessing education.

The MHRR is at the state level responsible for the reception and provision of care for a period of 30 days for nationals of Bosnia and Herzegovina returned under readmission agreements; the reception and care are provided in the Readmission Centre, established in Mostar.

On the other hand, at entity level, the competences of the relevant authorities still have to be further defined, in particular within the Federation. In addition, the coordination among all involved authorities and organisations still has to be ensured.⁷⁸

74 Data taken from: ECRI Report on Bosnia and Herzegovina (fifth monitoring cycle) Adopted on 6 December 2016, Published on February 28, 2017. Retrieved on March 29, 2017 from: http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bosnia_Herzegovina/BIH-CbC-V-2017-002-ENG.pdf

75 Information received through informal communication with Romani representatives, school teachers and representatives of Social Welfare Offices in Sarajevo, Bijeljina and Kakanj.

76 Bosnia and Herzegovina, Ministry of Security, Bosnia and Herzegovina, Migration Profile for the year 2015. Retrieved on February 27, 2017 from: http://msb.gov.ba/PDF/MIGRATION%20PROFILE_2015_ENG.pdf

77 Bosnia and Herzegovina, Ministry of Security, Bosnia and Herzegovina, Migration Profile Bosnia and Herzegovina 2016. Retrieved on July 7, 2017 from: http://www.msb.gov.ba/PDF/MIGRACIJSKI_PROFIL_2016_2HRV.pdf

78 Government of Bosnia and Herzegovina, Ministry of Human Rights and Refugees, Strategy for the Reception and Integration of the BiH Nationals Who Returned under Readmission Agreements and Action Plan for the Period 2015-2018. Retrieved on June 12, 2017 from: <http://www.mhrr.gov.ba/PDF/Izbjeglice/Strategija%20ENG.pdf>

SOURCES

- Agency for Statistics BiH, Labour Force Survey (Agency for Statistics 2016)
- Alliance against Anti-Gypsyism, Anti-Gypsyism – a reference paper. Retrieved on July 27, 2016 from: <http://anti-gypsyism.eu/> (Alliance against Anti-Gypsyism 2016)
- Blank, Rebecca M., Dabady, Marilyn and Citro Constance F., Measuring Racial Discrimination, 2004. Central Intelligence Agency, *The World Fact Book*, Retrieved on July 18, 2016, from <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>; (Blank/Dabady/Citro 2004)
- ECRI Report on Bosnia and Herzegovina (fifth monitoring cycle) Adopted on December 6, 2016, Published on February 28, 2017. Retrieved on March 29, 2017 from: http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bosnia_Herzegovina/BIH-CbC-V-2017-002-ENG.pdf
- ERRC, Written Comments by the European Roma Rights Centre, For Consideration by the European Commission concerning Roma Inclusion in the Western Balkans Progress Reports 2016. Retrieved on February 27, 2017 from <http://www.errc.org/cms/upload/file/ec-submission-on-roma-inclusion-in-the-western-balkans-july-2016.pdf> (ERRC 2016)
- Europe 2020 Strategy retrieved on November 9, 2016 from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF> (Europe 2020)
- European Asylum Support Office (2013), *Asylum Applications from the Western Balkans*, Brussels Retrieved on July 18, 2016, from <https://www.easo.europa.eu/sites/default/files/public/BZ0213708ENC.pdf>;
- European Commission, Commission Staff Working Document, Bosnia and Herzegovina 2015 Report, SWD (2015) 214 final, Brussels, November 10, 2015
- Fraczek, Susanne/Huszka, Beáta/Körtvélyesi, Zsolt FRAME, The role of human rights in the EU's external action in the Western Balkans and Turkey, 2016. Retrieved on October 25, 2016 from http://bim.lbg.ac.at/sites/files/bim/attachments/deliverable-6.2_the_role_of_human_rights_in_the_eus_external_action_in_the_western_balkans_and_turkey.pdf (Fraczek/Huszka/Körtvélyesi 2016)
- Government of Bosnia and Herzegovina, Bosnia and Herzegovina Economic Reform Programme 2016-2018 (ERP BiH 2016-2018), Sarajevo 2016, retrieved on November 14, 2016 from http://www.dep.gov.ba/Default.aspx?langTag=en-US&template_id=139&pageIndex=1 (BiH ERP 2016)
- Government of Bosnia and Herzegovina, Council of Ministers, Directorate for Economic Planning, Strategic Framework for BiH, Sarajevo 2015 (BiH Strategic Framework 2015)
- Government of Bosnia and Herzegovina, Council of Ministers, Directorate for Economic Planning, Social Inclusion Strategy of Bosnia And Herzegovina (Draft), 2009 (BiH, Draft Social Inclusion Strategy 2009).
- Government of Bosnia and Herzegovina, Law on Civil Service in the Institutions of Bosnia and Herzegovina, retrieved on November 10, 2016 from <http://www.lexadin.nl/wlg/legis/nofr/eur/lxwebhe.htm> (BiH, Law on Civil Service)
- Guild Elspeth, Zwaan, Karin, Does Europe still create refugees? Examining the situation of the Roma. Retrieved on July 18, 2016 from http://www.queensu.ca/lawjournal/sites/webpublish.queensu.ca.qljwww/files/files/issues/06-Guild_and_Zwaan.pdf (Guild, Zwaan, 2014)
- Human Rights Ombudspersons, Special Report on the Situation of Roma in Bosnia and Herzegovina, retrieved on November 14, 2016 from http://www.ombudsmen.gov.ba/documents/obudsmen_doc2013121011144464eng.pdf (BiH Ombudsperson 2013)
- Knežiček, Tihomir, Nedžad Jusić, Boris Pupić, and Anamarija Miraščić. 2014. Civil Society Monitoring on the Implementation of the National Roma Integration Strategy and Decade Action Plan in Bosnia and Herzegovina in 2012 and 2013. Budapest: Decade of Roma Inclusion Secretariat Foundation (Knežiček et al. 2014)
- Müller Stephan, National Policies towards Roma Women – Country Paper on Bosnia and Herzegovina, Sarajevo 2011. Retrieved on January 5, 2017 from http://www.romadecade.org/cms/upload/file/9376_file2_country-paper-on-bosnia-and-herzegovina--national-policies-towards-romani-women-in-the-western-balkans.pdf (Müller 2011)
- Müller, Stephan, Roma aus dem Westlichen Balkan: Ursachen ihrer Flucht. Retrieved on December 12, 2016 from <http://fluechtlingsforschung.net/roma-aus-dem-westlichen-balkan-ursachen-ihrer-flucht/> (Müller 2016)
- Müller, Stephan/Mattli, Angela, Trapped in a vicious circle: Repatriation and Re-Migration of Roma, Ashkali and Balkan-Egyptians from Kosovo in: International journal of migration studies (IJMS) No. 204 (Müller/Mattli 2016).
- O'Higgins, Niall, Brüggemann Christian, The Consequences of Cumulative Discrimination: How Special Schooling Influences Employment and Wages of Roma in the Czech Republic, Bonn 2013. Retrieved on July 26, 2016 from <http://ftp.iza.org/dp7668.pdf>

(O'Higgins, Brüggemann 2013)

- Popis Stanovništva, Domacinstava i Stanova u Bosni i Hercegovini, 2013. Rezultati Popisa, retrieved on November 10, 2016 from <http://www.popis2013.ba/popis2013/doc/Popis2013prvolzdanje.pdf> (Popis 2013)
- UNICEF, Bosnia and Herzegovina, Country Programme Document 2015 – 2019 (UNICEF 2015)
- UNICEF, the Status of Roma Children and Families, Sarajevo 2013 (UNICEF 2013)
- Website of the European Commission, DG Enlargement, Retrieved on November 18, 2016, from http://ec.europa.eu/enlargement/instruments/overview/index_en.htm. (DG Enlargement website)
- Website of the Regional Cooperation Council. Retrieved on November 18, 2016, from <http://www.rcc.int/news/165/roma-decade-ends-roma-integration-2020-picks-up> (RCC website)



WE EMPOWER PEOPLE

Sergels torg 12
111 57 Stockholm, Sweden
Phone: +46 8 545 277 30
info@crd.org
www.crd.org