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Summary of Pressing Concerns: Bosnia and Herzegovina

1. Bosnia and Herzegovina lacks sufficient legal protections against discrimination, including racial discrimination.¹

2. Exclusion of Roma (and others) from the Highest Levels of Political Participation: The Constitution of Bosnia and Herzegovina bars Roma and other persons from the offices of the Presidency and the House of Peoples. Only members of the three constituent peoples – Bosniaks, Croats and Serbs – are eligible to participate in the Presidency and the House of Peoples. Therefore, solely on the basis of their ethnicity, Roma, Jews, persons of mixed descent, and others are prohibited from even participating as candidates in elections for such offices. Such persons are further barred from voting in the election of the representatives to the House of Peoples of the Federation of Bosnia and Herzegovina (an entity-level institution with a very similar name to the national-level House of Peoples), as only Bosniak and Croat delegates of the House of Peoples of the Federation are empowered to vote for representatives to the House of Peoples. Exclusion from political offices at the highest levels serves to reinforce the vulnerability of the Romani community in Bosnia and Herzegovina. The Bosnian Constitutional order must be amended so as to make possible fundamental rights of democratic participation.

3. Obstacles to Accessing Personal Documents and Citizenship: Many Roma in Bosnia and Herzegovina lack personal documents and, in extreme cases, citizenship. Instances of statelessness have been reported among Roma in Bosnia and Herzegovina. Roma have encountered difficulties in accessing documents including but not limited to birth certificates, personal identification cards, documents related to the provision of health insurance and social aid, and passports. Barriers arising from a lack of documents can be daunting, and the lack of one document can lead to the

¹ In its February 2006 review of Bosnia and Herzegovina's Compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The Committee on the Elimination of Racial Discrimination expressed dissatisfaction with the absence of comprehensive anti-discrimination legislation in Bosnia, noting especially the lack of anti-discrimination law "in the civil and administrative fields". In this vein, the CERD "recommends that the State party enact comprehensive administrative, civil and/or criminal anti-discrimination legislation, which prohibits acts of racial discrimination in employment, housing, healthcare, social security (including pensions), education and public accommodations."

inability of a person to access further documents. The lack of access to personal documents and citizenship threatens the ability of Roma in Bosnia and Herzegovina to gain access to services crucial for the realisation of a number of fundamental rights and freedoms, such as the right to vote, the right to adequate housing, the right to social assistance, the right to education and the right to the highest attainable standards of health. The government should adopt a programme to provide Roma in Bosnia and Herzegovina with all relevant documents necessary for the realisation of fundamental social, economic, civil and political rights.

4. Violence against Roma: In the context of persistent ethnic tensions and mistrust in post-war Bosnia and Herzegovina, Roma have found themselves at the mercy of law enforcement agencies in which they have almost no representation. Police officers in Bosnia and Herzegovina have been the perpetrators of violent attacks on Roma; they have specifically targeted Roma through ethnic profiling practices; they have conducted abusive raids on Romani settlements; they have accused Roma of crimes on the basis of little or no evidence; and police officers have failed to adequately investigate crimes committed against Roma. Racially motivated attacks against Roma in Bosnia and Herzegovina have also been documented during and since the end of the 1992-1995 war. Roma have in a number of incidents fallen victim to violent attack by non-Roma, resulting in very serious injuries in some cases. Verbal abuse and threats of violence against Roma are common in Bosnia and Herzegovina. The government should extend in practice to Roma basic legal protections against violence and other degrading treatment.

5. Violations of Housing and Property Rights: Many Roma have experienced difficulties in exercising their property rights and accessing the right to adequate housing in post-war Bosnia and Herzegovina. Indeed, many Roma are still internally displaced within the country for a myriad of reasons. In some cases, Roma have been unable to return to their pre-war homes due to fear and/or impediments to return. The repossession of personal property by Roma has been left to the discretion of local (generally non-Romani) authorities slow to remove temporary occupants from their property. In many of the cases of repossession of personal property by Roma of which the ERRC is aware, temporary occupants have vandalised or looted property before leaving. Many of the informal settlements in which Roma lived prior to the war have been destroyed and no adequate alternative accommodation has been made available to former inhabitants. Roma who have been able to return to informal settlements often find themselves at the mercy of local authorities eager to allocate their land for industrial or other economic development projects, while at the same time making no plans for the provision of alternative accommodation for Roma displaced through forced evictions. Roma living in informal settlements or who lived in social housing before the war are frequently excluded from the benefits of new property laws and are in many cases ineligible for the aid money that has poured into the country under reconstruction schemes. In such settlements, an adequate standard of living is not available. In extreme cases, very substandard conditions in such settlements have led to the death of vulnerable inhabitants. Further, Roma are frequently unable to rent private accommodation due to racial discrimination or poverty or both. The government should act without delay to ensure that all Roma in Bosnia and Herzegovina enjoy the right to adequate housing in practice.

6. Obstacles to Accessing Other Fundamental Rights: Roma in Bosnia and Herzegovina encounter obstacles to the exercise of their fundamental rights to employment, social aid, the highest attainable standard of health, and education. Roma are frequently blocked on arbitrary grounds from having access to the public services crucial for the realisation of a range of social and economic rights. In a number of cases documented by the ERRC and partner organisations, Romani individuals died at least in part of the failure of Bosnian authorities to provide basic services such as rudimentary health care. A very large number of Roma today face serious existential threats because of the extremely poor conditions in which they are forced to live. Efforts to adopt effective policies for Roma inclusion, combating discrimination against Roma, and eliminating poverty among Roma, should be initiated and/or, where relevant, redoubled.

The **European Roma Rights Centre (ERRC)** is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Information about the European Roma Rights Centre is available at <http://www.errc.org>.