

DRAFT

JOINT PLAN OF ACTIVITIES

For Solving Issues of Refugees and Displaced Persons

**(Bosnia and Herzegovina – Republic of Croatia – Serbia and Monte
Negro)**

November 2006

CHAPTER I
STATISTICS AND EXCHANGE OF DATA

A – CURRENT SITUATION

BOSNIA AND HERZEGOVINA Situation as of 1 August 2005

Number of refugees and asylum seekers – according to country of origin and place of residence

	TOTAL BiH	Temporary Admission	Asylum seekers	Refugees
CROATIA*	7533			7533
SCG (Kosovo)	3410	3057	128	225
TOTAL in the region	10943	3057	128	1287758

* Re-registration process of refugees on the territory of RS began on 1 November 2004 and statistics on the number of refugees in relation to the number of filed family claims for re-registration are taken for assessment, as of 1 August 2005. Deadline for submission of re-registration claims in the RS expired on 30 June 2005. According to the Bylaw which during the adoption procedure extended this deadline for additional 3 months, from the day of its entry into force, and it shall envisage all re-registration requests of all refugees from the Republic of Croatia, currently residing on the territory of BiH.

The Ministry for Human Rights and Refugees estimates that the complete number of refugees from Croatia in BiH is approximately 19 000.

REPUBLIC OF CROATIA

Data shall be given by Representatives of the RC

SERBIA AND MONTE NEGRO

Data shall be given by Representatives of SCG

BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina in cooperation with UNHCR Representation is already working for a certain period of time on the establishment and unification of all available data on levels of entities, cantons, municipalities and Brčko District of BiH, international institutions, NGOs and other.

Currently central database contains detailed entries, with a special emphasis on:

- I Number of filed claims for the return into BiH;**
- II Property repossession to owners/occupancy right holders;**
- III Reconstruction beneficiaries/donations in BiH**

I Number of filed claims for the return into BiH

Ministry for Human Rights and Refugees published a CALL for Refugees from BiH, Displaced Persons in BiH and Returnees to register applications of potential reconstruction beneficiaries and returns into BiH on 25 June 2004. A large information campaign was performed with the aim of ensuring prepositions of a comprehensive determination of conditions in this field, identification of needs and priority issues relating to return and planning of activities on the essential finalization of the return process in BiH. The call is open for an indefinite period and indicators shown relate to registered applications for reconstruction assistance and return, as of 31 August 2005.

All applicants signed statements saying *inter alia* that they want to return to BiH, that they are informed with the provisions of the law stipulating cessation of refugee status in the cases of voluntary return to pre-war permanent residence and that they agree with submission of their personal data which aims checking of data given in the application as well as the checking of their statement.

Number of recorded potential beneficiaries, as of 31 August 2005

Category	families	persons
Returnees	16,809	56,131
Displaced Persons	13,711	47,277
Refugees from BiH	4,936	17,943
n/a	54	133
TOTAL	35,510	121,479

Number of filed claims for the reconstruction and the return into BiH – according to country of residence

Country of residence	families	persons
CROATIA	1,704	6,433
SCG	1,999	6,799
TOTAL in the region	3,703	13,232

According to the average expense of making a housing unit habitable we think that financial means amounting 20 millions € are needed which would ensure basic preconditions for return needs in BiH through reconstruction of housing units of applicants whose temporary place of residence is Croatia and SCG.

Database contains the following data:

- Data about the owner/occupancy right holder
- Data on members of returnee family
- Data on the housing unit of the owner/occupancy right holder
- Data on current place of residence of the returnee family
- Data on the type of accommodation/residence
- Data on membership to particular social groups of the owner/occupancy right holder (ORH) and members of the household

II Property repossession to owners/occupancy right holders

PLIP statistics as of 30 July 2005

Socially owned property	Claims	97,149
	Positive decisions	87,583
	Negative decisions	9,153
	Closed cases	8.751
	Implementation ratio	90.08%
Private property	Claims	114,635
	Positive decisions	110,226
	Negative decisions	3,485
	Closed cases	110,168
	Implementation ratio	96.10%
TOTAL	Claims	211,784
	Positive decisions	197,809
	Percentage	94.40%
	Negative decisions	12,638
	Percentage	5.97%
	Closed cases	197,678
	Implementation ratio	93.34%
Implementation ratio	Condition as of 31/12/2003	92.48%
	Condition as of 31/12/2002	68.70%
	Condition as of 31/12/2001	40.51%
	Condition as of 31/12/2000	20.76%

Repossession of property to owners/occupancy right holders whose last known place of residence was in the countries of the region

Country of residence	Reposessed housing units
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CROATIA	15.634
SCG	17.656
TOTAL in the region	33.290

* Above mentioned data base relates to condition in the data base as of 31 December 2003. The process of property repossession continued during 2004 and 2005, meaning that the number of repossessed housing units to refugees from BiH in the region is significantly higher as it is shown above.

Database avails with the following information*:

- Surname/name of father/ and name of occupancy right holder (ORH) or owner of sealed or repossessed property;
- Unique identification number of the ORH or owner of sealed or repossessed property;
- Full address of sealed or repossessed property (municipality, place, pre-war name of the street, current name of the street, pre-war number of house or apartment, current number of house or apartment, postal code);
- Type of property (house, social apartment, private apartment, private business premises, social business premises);
- Date of informing the ORH or owner on the fact that the property is vacated and/or sealed;
- Date of sealing the property;
- Date of property repossession by the ORH or owner;
- Number of claims;
- Date of filing the claim with the Administrative Body;
- Number of Decision of the Administrative Body;
- Date of the Decision of the Administrative Body;
- Number of CRPC Decision (if any);
- Condition of property (destroyed, reconstructed, habitable);
- Full address of temporary residence of ORH or owner returning into his property (state, town, address, number of house or apartment);
- Other remarks (should include all available details such as, name and surname, father's name and current address of the pre-war ORH or owner of temporary accommodation)

*** Note**

Above-mentioned list of data relates to information, which the municipal bodies were obliged to submit according to the *Instruction on Exchange of Data on Sealed Property which was repossessed by Occupancy Right Holders or Owners*, but this does not necessarily mean that all registered repossessions avail all mentioned data. Depending on the level of respecting prescribed obligations by the side of competent municipal bodies and the development of capacities in certain municipalities, the extent and quality of submitted data largely varies on the case itself.

III Reconstruction beneficiaries/donations in BiH

The reconstruction process in BiH was following the return process, meaning that from the DPA up to now, 170,000 housing units have been reconstructed by the means of donors.

During the years following the war, the participation of the international community in financing the reconstruction was almost 100%, and gradually local sources slowly became part of the process by way of allocating significant budgetary means at all levels of authorities of BiH.

By the way of handover of the return process from international to local institutions a drastic decrease of support for the return can be expected by the international community.

With the Annex 7 implementation strategy, Bosnia and Herzegovina decided upon reconstructing a part of the housing fund for the needs of refugees and displaced persons as well as ensuring its sustainability from the view of housing needs in accordance with the standards on the minimum housing conditions, which obviously needs engaging large amount of means.

Beneficiaries of reconstruction assistance/donation in BiH, whose last known residence was in the countries of the region

Country of residence	Reconstructed housing units	Number of beneficiaries
CROATIA	3.385	10.952 persons
SCG	2.269	9.171 persons
TOTAL in the region	5.654	20.123 persons

Database available at the Ministry based on the Protocol on Exchange of Data, signed with HVM (Housing Verification Monitoring Unit) and data relating to the verified housing units.

Some 50 000 owners/occupancy right holders who were assisted with reconstruction as returnees are recorded in the data base, but data on their temporary residence does not exist.

The following information is available in the central database of the Ministry for Human Rights and Refugees:

- name, surname, name of father
- unique identification number
- age
- nationality
- status /relationship
- occupation
- employment
- country of residence
- municipality/town
- address
- entity where the reconstructed housing unit is located
- canton
- municipality
- address
- status of the housing unit (occupied, empty, used by someone else, etc.)
- date of reconstruction

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CHAPTER II
ACCESS TO RIGHTS - PLAN OF ACTIVITIES

BOSNIA AND HERZEGOVINA

Br.	Priorities/rights	Legal basis	Obstacles	Recommendations	Implementation level	Time frame
A	B	C	D	E	F	G

RIGHTS OF REFUGEES IN BOSNIA AND HERZEGOVINA

1	<i>LEGAL REGULATIONS</i>	<p>Law on Movement and Stay of Aliens and Asylum (BiH O.G. no. 29/03, 4/04) regulates status and rights of refugees in BiH. According to Article 81 of that Law, an alien with recognized refugee status shall be entitled to work and shall have access to education, health care and social welfare on the same conditions as BiH citizens.</p> <p>LMSAA also foresees that refugees in BiH shall also be entitled to rights of the 1951 Refugee Convention, stipulated in Articles 3 through 34.</p> <p>Republika Srpska in comparison to the Law on State level by way of the <i>Law on Displaced Persons, Returnees and Refugees</i> (RS O.G. no. 42/05) gave more rights to refugees who reside on the RS territory.</p>	<p>The division of competencies between the competent institutions has not completely been defined.</p> <p>Determination of cessation of refugee status for persons who acquired BiH citizenship.</p> <p>In practice, realization of legal rights is limited with the complex economy and social situation in BiH.</p>	<p>Monitoring of acquisition of rights at all levels of authorities and strengthening coordination between institutions (entity and cantonal bodies). Monitoring of implementation of RS Law. Development strategy for fight against poverty foresees the reduction of poverty rate, while Displaced Persons and Refugees are marked as the most vulnerable category.</p>	<p>Medium-term development strategy adopted. Segments of implementation ongoing.</p>	continuously
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2	<p align="center">BYLAW REGULATIONS</p>	<p><i>Rulebook on Asylum in BiH (O.G. of BiH, no. 26/04)</i> <i>Decision on the Extension of Temporary Admission Status in Bosnia and Herzegovina for Persons from Serbia and Montenegro with the last Permanent Residence in Kosovo (O.G. of BiH, no. 65/5)</i> <i>Instruction on the Extension of Temporary Admission Status in BiH for Persons from Serbia and Montenegro with the Last Permanent Residence in Kosovo (O.G. of BiH, no. 33/04; last changes of this Law, July 2005)</i></p>	<p>Rights granted by the Law on Movement and Stay of Aliens and Asylum in BiH are mainly regulated on entity levels and in the Federation of BiH the competency over this issue is additionally divided between entity and cantonal bodies.</p>	<p>Changes and Amendments to the Law on <i>Council of Ministers of BiH obliged</i> the Ministry for Human Rights and Refugees to amend systematization and adopt a Bylaw defining manner of realization of rights of refugees in BiH.</p>	<p>BiH Instruction on the Registration of Refugees from the Republic of Croatia in BiH (in the process of being adopted by MoS). MHRR's Rulebook on the Manner of Realizing Rights of Refugees in BiH is (in the process of expert defining).</p>	<p align="center">end of 2005</p>
3	<p align="center">ACCOMMODATION</p>	<p><i>Law on Movement and Stay of Aliens and Asylum</i> foresees establishment of specialized facilities for the reception of aliens on the basis of which the BiH CoM adopted a decision stipulating that MoS need to determine categories of persons who in future shall have the right to accommodation in Centers. In the RS <i>the Law on Displaced Persons, Returnees and Refugees</i> regulated the right to basic temporary accommodation of refugees. <i>Instruction on the extension of temporary admission status in BiH for persons from Serbia and Montenegro with the last permanent residence in Kosovo, foresees the right to accommodation.</i></p>	<p>Institutionally insufficiently developed manner of financing the care of refugees – due to the lack of budget.</p> <p>Budgetary means amounting 1,5 millions KM per year – ensured alternative accommodation for 650 families, out of the total number of refugees from the Republic of Croatia in the RS.</p>	<p>Seeking for solutions within the budget, which would enable BiH to take over this responsibility.</p> <p>Coordinate activities of the competent Ministries in the process of determining asylum centers and for the reception of refugees in future.</p>	<p>Partially ensured enjoying of the right to accommodation as in practice some persons under temporary admission status were accommodated in an organized manner.</p> <p>Accommodation of refugees with recognized status in BiH, who were in need for accommodation, was organized by way of a special Agreement with UNHCR.</p>	<p align="center">2006– 2007</p>

4	LABOR	<i>Law on Movement and Stay of Aliens and Asylum.</i>	Hard economic situation in the country and a high percentage of unemployment is an obstacle for employment of BiH citizens, as much as for refugees in BiH. Undeveloped system for acquiring the right to work. Lack of bylaw that in detail regulates the manner of acquiring this right.	This issue shall be regulated by the way of bylaws. Monitoring/coordination/training of lower levels of authorities.	Rulebook on the Manner of Realizing of Rights of Refugees in BiH is in the phase of expert defining.	end of 2005
5	HEALTH INSURANCE	<i>Law on Movement and Stay of Aliens and Asylum.</i> In the RS the <i>Law on Displaced Persons, Returnees and Refugees</i> regulates the right to health care of refugees. <i>Instruction on the Extension of Temporary Admission in Bosnia and Herzegovina for Persons from Serbia and Montenegro with the last Permanent Residence in Kosovo</i> foresees the right to primary health care.	Suitable mechanisms do not exist on BiH level for the reason of complex division of competencies and the lack of capacities. In the RS the legislation foresees suitable mechanisms of health care for refugees, whereas the FedBiH legislation does not. Nonexistence of bylaw regulations and insufficient means for financing of health care of refugees. Persons under TA accommodated in an organized manner partially acquire the right to primary health care, whereas individually accommodated persons have problems with acquisition of rights to primary health care.	The issue of health care of refugees shall be regulated by the way of bylaws on the same conditions as for BiH citizens. Monitor/coordinate acquisition of rights to health care and organize trainings for persons in the filed relevant for access to this right. Seek for solutions within the budget in order for BiH to take over this responsibility in an adequate manner.	Rulebook on the Manner of Realizing of Rights of Refugees in BiH is in the phase of expert defining.	end of 2005

6	SOCIAL WELFARE	<p><i>Law on Movement and Stay of Aliens and Asylum.</i> In the RS the <i>Law on Displaced Persons, Returnees and Refugees, the right to social welfare for refugees is regulated, under the precondition of them being unemployed.</i></p>	Nonexistence of bylaw regulations.	<p>The issue of social welfare for refugees shall be regulated by the way of bylaws on the same conditions as for BiH citizens. Monitor/coordinate acquisition of rights to social welfare and organize trainings for persons in the filed relevant for the acquisition of that right. Seek for solutions within the budget in order for BiH to take over this responsibility in an adequate manner</p>	<p>Rulebook on the Manner of Realizing of Rights of Refugees in BiH is in the phase of expert defining.</p> <p>With reference to guardianship over children, partially the LMSAA is applied directly.</p>	end of 2005
7	EDUCATION	<p>Law on Movement and Stay of Aliens and Asylum.</p>	<p>Diplomas proving primary and secondary education are validated on entity level, whereas diplomas for higher level of education are validated in the frame of certain Universities of BiH. This activity is too complicated, expensive and unfavorable for refugees, as the validation has to be paid.</p>	<p>Simplifying of procedure for validation of diplomas and commence activities on exempting refugees from payment of diploma validation fees, especially for lower education levels.</p>	<p>The proposal to be addressed to institutions implementing the activity of diploma validation is in the phase of expert defining. Rulebook on the Manner of Realizing of Rights of Refugees in BiH is in the phase of expert defining.</p>	end of 2005
8	CITIZENSHIP	<p><i>Law on Citizenship of Bosnia and Herzegovina</i> ("O.G. of BiH", no: 4/97, 13/99, 6/03 and 14/03) and Entity Laws on Citizenship.</p> <p><i>Law on Movement and Stay of Aliens and Asylum.</i></p>	<p>Inexistence of provisions on facilitated acquisition of citizenship by way of naturalization and positive regulations. Non-harmonized legislation/practice which prevents persons holding TA status from accessing the citizenship despite the Agreement on Dual Citizenship.</p>	<p>Continue with the work on the changes and amendments of current regulations from the filed of citizenship by including provisions on facilitated acquisition of citizenship by way of naturalization within positive regulations.</p>	<p>BiH Ministry of Civil Affairs is chairing the working group for amending the Law. Agreement on Dual Citizenship with SCG has been ratified. Agreement with the Republic of Croatia has been</p>	ongoing

					drafted, it needs to be signed and the ratification procedure needs to be conducted.	
9	RIGHT TO IDENTIFICATION DOCUMENTS	<p><i>Law on Movement and Stay of Aliens and Asylum.</i></p> <p><i>Rulebook on Asylum in BiH.</i></p> <p>By way of the <i>Instruction on Extension of the Temporary Admission status in Bosnia and Herzegovina for Persons from Serbia and Montenegro with the last Permanent Residence in Kosovo</i> the right to identification documents was regulated.</p>	<p>Preconditions for determination of status ensuing the right to identification documents have not been created.</p> <p>Last re-registration was performed in 2000. Re-registration of refugees from Croatia living in BiH is ongoing.</p>	Update records, finish re-registration, determined the status and issue identification documents.	ongoing	end of 2005
10	BRIEFING	Freedom of Access to Information Act for Bosnia and Herzegovina ("O.G. of BiH", no. 28/2000).	Insufficiently developed network of NGOs and GOs information centers complicates overall condition in this field and negatively influences adoption of the final decision on the manner of durable solutions of refugee issues. Budgetary means for the implementation of this activity were not ensured.	Continue with making information guidebooks for refugees in the region. Ensure distribution of materials with the goal of exact and transparent briefing and raising the level of information on access to rights. Ensure budgetary means for this activity.	Address-book of NGO locations for providing information on the conditions in the region is in preparation.	continuously

RIGHTS OF RETURNEES IN BOSNIA AND HERZEGOVINA (ALSO INCLUDING RIGHTS OF REFUGEES FROM BIH)

1	<p align="center">REPOSSESSION OF HOUSING UNTIS IN BIH</p>	<p><i>Annex G of the Succession Agreement of SFRY.</i></p> <p><i>Regulations on BiH level, Entities and Brcko District</i></p>	<p>A low number of requests for repossession has not been solved and a part of requests for a renewed checking by CRPC.</p>	<p>The competent bodies need to finalize the real completion of the application of property laws in the remaining municipalities. All unsolved claims with CRPC have to be recorded and solved as soon as possible.</p>	<p>Activity realized over 99%.</p> <p>Unsolved claims for repossession of occupancy rights remaining and claims for renewed checking are in the final phase of implementation as in accordance with property Laws of Entities and Brčko District of BiH, with regard to the Rulebook of the Commission.</p>	<p align="center">2005-2006</p>
1 a	<p align="center">REPOSSESSION OF REAL PROPERTY</p>	<p>At state level the <i>Law on Refugees from BiH and Displaced Persons in BiH (O.G. of BiH, no. 23/99, 21/03 and 33/03)</i>. The right to repossession of property was confirmed and regulated by way of Entity laws.</p>	<p>Applicants had the right to apply with CRPC during the time of their mandate, which expired on 31 December 2003. A large number of repossessed housing units are destroyed and not habitable.</p>	<p>The competent bodies need to finalize the real completion of the application of property laws in the remaining municipalities. All unsolved claims with CRPC have to be recorded and solved as soon as possible.</p>	<p>Activity realized over 99%.</p> <p>Unsolved claims for repossession of occupancy rights remaining and claims for renewed checking are in the final phase of implementation as in accordance with property Laws of Entities and Brčko District of BiH, with regard to the Rulebook of the Commission.</p>	<p align="center">2005-2006</p>

1 b	<p>REPOSSESSION OF OCCUPANCY RIGHT</p>	<p><i>Law on Refugees from BiH and Displaced Persons in BiH (O.G. of BiH, no. 23/99, 21/03 and 33/03). The right to repossession of occupancy rights was confirmed and regulated by way of Entity Laws.</i></p>	<p>The right to repossession of occupancy rights in BiH has been regulated on Entity level, and /or by the way of the Law on the Cessation of Application of the Law on the Use of Abandoned Property in the Federation of BiH and by way of the Law in RS.</p>	<p>By way of the Agreement on the Transfer of Competencies, the BiH Archive has taken over Decisions made by CRPC, local housing bodies are solving unsolved claims and the Commission for Property Claims of Displaced Persons and Refugees in BiH is solving requests for re-checking of CRPC Decisions.</p>	<p>Activity realized over 99%. Unsolved claims for repossession of occupancy rights remaining and claims for renewed checking are in the final phase of implementation as in accordance with property Laws of Entities and Brčko District of BiH, with regard to the Rulebook of the Commission.</p>	<p>2005-2006</p>
2	<p>RIGHT TO RECONSTRUCTION</p>	<p><i>Law on Refugees from BiH and Displaced Persons in BiH ("O.G. of BiH", no 23/99, 21/03 and 33/03)</i> Right to reconstruction confirmed and regulated by way of entity laws.</p>	<p>Number of reconstruction requests for return purposes received to date exceeds the real possibilities of BiH to ensure the realization of this right in BiH. Still a certain number of persons resides in shapes of collective accommodation or they are spontaneous returnees whose right to reconstruction has not been realized so far.</p>	<p>Ensure additional budgetary means specially for progressive financing of the Return Fund. Mobilize favorable means form international financial institutions (CEB, OPEC, etc.). Keep the attention of the International Donors Community. Focusing activities in the direction of creating joint multilateral (regional) projects, which would be focused in the direction of solving issues of</p>	<p>Approximately 40% of destroyed and devastated housing fund in BiH was reconstructed. Current needs for reconstruction in BiH envisage some 35.000 housing units.</p>	<p>Largest part of these activities are foreseen for 2005 - 2007</p>

				<p>refugee – DP population in the Region.</p> <p>Continue with development of MHRR Capacities in cooperation with Entity Ministries in the filed of reconstruction.</p> <p>Coordinate activities with the competent bodies of the Republic of Croatia in order to ensure that RC reconstruction activities in BiH are jointly directed into real priorities.</p> <p>Additionally improve transparency of the legal framework.</p>	
3	<p><i>LABOR AND EMPLOYMENT</i></p>	<p>Constitutional Amendments on the constituent people, 2002.</p> <p><i>Law on Refugees from BiH and Displaced Persons in BiH</i> grants the returnees the right to use credits for initiating businesses for the creation of income for them and their families.</p> <p>Entity Laws on labor and employment.</p>	<p>Beside the generally poor economic conditions and the high level of unemployment in BiH, the provision from the Constitutional Amendments on constituency has not been fully respected.</p> <p>Insufficient coordination of projects related to sustainable return and initiating of income generation for returnees.</p> <p>Uneven practice of employment and insufficient activity on the</p>	<p>Working on the implementation on amendments on constituency, also with the goal to employ returnees in judicial and administrative bodies, public companies and, etc, in accordance with the structure of citizens from the 1991. census.</p> <p>Promote the [practice of fair and equally legal access to right on labor and</p>	continuous

			<p>process of employment of returnees.</p>	<p>employment in BiH. Coordinate activities of donors and their implementing partners with the goal of rationalization and efficiency of projects focused on the creation of income.</p> <p>Analyze and monitor the implementation of the Agreement on Social Insurance between the countries in the region.</p> <p>Follow guidelines determined by the way of Strategy for the Reduction of Poverty in BiH.</p>	
4	EDUCATION	<p><i>Law on Elementary and Secondary Education</i></p> <p>Entity and Cantonal Laws on Health Insurance and Health Care.</p>	<p>Application of the Temporary Agreement on Meeting Special Needs and Rights of Returnee Children and criteria for names and symbols of schools were not fully implemented.</p> <p>Inexistence of a unique principle during the provision of assistance for socially vulnerable children – returnees, during the provision of school books and stationary,</p>	<p>Ensure full application of the Temporary Agreement and Criteria in accordance with the Report on the Implementation for 2004/2005 school year.</p> <p>Continue with the activity on full cancellation of segregation in the education process in accordance with the</p>	continuous

		transportation to schools.	<p>commitments and obligations of BiH upon admission into the Council of Europe. Also, ensure respect of principles of national, religious and other diversity of students, including solving of segregation, by way of administrative and legal harmonizing of two schools under one roof.</p> <p>MHRR needs to take part in the work of the reorganized Coordination Board, competent over the realization of the Temporary Agreement.</p> <p>Ensure adoption of Guidelines for authors of books of history and geography whose goal is the creation of books with a multiple perspective, that will satisfy the needs of all constituent people and members of national minorities.</p> <p>State or Entity Ministries need to ensure that students</p>	
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				<p>originating from socially vulnerable refugee families receive school books, stationary, clothes and transport to schools, free of charge.</p> <p>Put into function efficient mechanisms that will ensure recognition of school and faculty diplomas to returnee students, at all education levels.</p>		
5	HEALTH CARE	<p><i>Laws on Displaced Persons, Returnees and Refugees, Agreements of Social Insurance between BiH and Croatia and BiH and SCG.</i></p> <p><i>Current Entity and Cantonal Laws on Health Insurance and Health Care.</i></p> <p><i>Bylaws</i></p>	<p>Fragmented, non-harmonized legislation on entity and cantonal levels in the field of health insurance/care and a complicated and non-harmonized practice of acquiring rights to health care.</p> <p>A large number of persons in the past lost the right to health insurance.</p> <p>A slow process during decision making on acquiring rights to health care on the basis of interstate Agreements on social insurance.</p> <p>Uneven level of acquiring health care in BiH and inadequate network of facilities of health care in BiH prevent equal access to health care of same</p>	<p>Continue with activities on regulating issues of health on BiH level by strengthening coordination with numerous parties involved which would enable equal access to health care of equal quality.</p> <p>Strengthening capacities on BiH level. Considering possibilities of improving the condition by way of midterm development strategy and other programs of assistance for the health/social sector in BiH. Monitoring of</p>	<p>Although legislation is offering the possibility of insurance to the returnees, in practice this right is only partially realized. Implementation of the midterm development strategy is ongoing.</p>	continuous

		<p>quality. Lack of institutional solutions and capacities on BiH level. Partially problematic approach to health care of pensioners.</p>	<p>acquisition of rights on the basis of positive regulations with ensuring suitable means and easy inclusion into the system of health insurance/care. Analysis and monitoring of the implementation of the current Agreement on Health Care between BiH and the R of Croatia and BiH and SCG, as well as inter-entity Agreements. Find a solution for the access to health care of returnees who failed to apply according to the previously determined deadlines by the law. Systematic access to health care of persons/families who are registered at employment bureaus and pensioners. Seeking for suitable solutions for returnees into rural regions dealing with agriculture and for the most vulnerable categories of returnees who are hardly included into</p>	
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				the insurance system. Urgently solve cases of returnee children (students) who are not insured.		
6	<i>SOCIAL CARE</i>	Laws on Displaced Persons, Returnees and Refugees. Entity and Cantonal Laws on Social Care and Bylaws	Poor economic situation in BiH, fragmented institutional and legislative system, non-harmonized system of social welfare and uneven practice during the allocation of all shapes of social care in general and assistance for returnees. Inexistence of harmonized legislation to regulate the issue of social care.	Ensure social care to vulnerable returnee families and enable services to them, offered by the competent services and Centers for Social Welfare are providing their services without discrimination. Insure a fair and harmonized system of social care in the whole country, based on the principle of division of obligations, as in accordance with responsibilities. Ensure accommodation to vulnerable and socially vulnerable returnee families.	Implementation of the midterm development strategy is ongoing.	continuous
7	<i>SAFETY - DEMINING</i>		Although decreasing, incidents relating to returnees are still happening. Mined regions are still presented as dangerous for returnees.	Competent Ministries and other bodies of administration at state and entity levels need to specially pay attention to appearances of violence on returnee population. Ensure		continuous

				<p>accelerated processing of perpetrators and criminal acts in the cases committed against returnees.</p> <p>Increase transparency and public information on activities undertaken in relation to incidents relating to returnees and in the cases of criminal acts against returnees. De-mining plans in BiH need to be harmonized with plans of return priorities. And work on raising awareness on the danger of mines.</p>		
8	<p><i>COMMUNAL INFRASTRUCTURE</i></p>		<p>Difficulties during the implementation of existing MoU between electro-distribution companies, MHRR and entity Ministries of Energy</p> <p>Inexistence of agreements and harmonized practice in relation to connections to the water supply and electric connection for returnees</p>	<p>MHRR, Entity Ministries of Energy and Electro-distribution Companies need to further improve the signed Memorandum of Understanding with the goal of facilitated and full access of returnees to electricity supply. Ensure application of the current MoU on the whole territory of BiH.</p> <p>The competent Ministries and other</p>	<p>Memorandum of Understanding was signed with the goal of facilitated and full access of returnees to electricity supply.</p>	<p>continuous</p>

				bodies of administration on state and Entity levels as a priority need to set a renewed connection of returnees to electric supply by way of quality cooperation with electro-distribution companies and providing of means for the reconstruction of the electro-distribution network.		
9	<i>RIGHT TO EXCERPTS FROM THE OFFICIAL RECORDS IN REGISTRY BOOKS</i>	Laws in the filed of administration and self-administration, criminal codes, etc.	During the war some registry books were taken-stolen from respective municipalities.	Return registry books into registry offices of respective municipalities	Initiated on bilateral basis	immediately

RIGHTS OF REFUGEES FROM BOSNIA AND HERZEGOVINA

1	<i>RIGHT TO RETURN TO PREVIOUS RESIDENCE</i>	<i>Law on Refugees from BiH and Displaced Persons in BiH</i> ("O.G. of BiH", no. 23/99, 21/03 and 33/03). Right to return to previous residence is confirmed in entity laws.	Devastated housing units, insufficiently developed sustainability of return.	Note: the same as for returnees	Note: the same as for returnees	Note: the same as for returnees
2	<i>RIGHT TO CHOOSE OTHER RESIDENCE</i>	<i>Law on Refugees from BiH and Displaced Persons in BiH</i> ("O.G. of BiH", no. 23/99, 21/03 and 33/03). The right of choice of another residence is confirmed in entity laws.	Incomplete process of voluntary return Nonexistence of bylaw regulations determining access to this right. Insufficient financial means and undeveloped housing policy.	Open dialogues on legal modalities and possible solutions. Work on strategic solutions of housing policy and creation of institutional preconditions within MHRR.	undeveloped	continuous
3	<i>RIGHT TO OBJECTIVE INFORMING</i>	<i>By the way of the Law on Refugees from BiH and Displaced Persons in BiH</i> ("O.G. of BiH", no. 23/99, 21/03 and 33/03). Refugees from BiH for the time of duration of their status in the country of displacement are entitled to objective informing on the conditions in BiH, specially on the condition of their previous residence for the reason of making a final decision on voluntary return.	Refugees from BiH, especially vulnerable categories (elderly, bed-ridden persons, children, invalids, etc.) do not have a complete picture on the conditions in BiH in their previous place of residence from the aspects of security, economy, social life and politics.	Improve the distribution of official bulletin to the end user. Strengthening of information campaign on the possibilities to return to previous residence especially emphasizing clear information on possibilities on the access to rights.	Continue with regular publishing of periodic publications on the condition in the filed of possibilities of return. Improve the flow of information material to end users. Conduct an active media campaign in the countries of the region.	continuously

4	<i>RIGHT TO ADDITIONAL CURRICULAR</i>	On the basis of the Law on Refugees from BiH and Displaced Persons in BiH ("O.G. of BiH", no 23/99, 21/03 and 33/03) refugees from BiH for the time of duration of their status in the country of displacement are fully entitled to additional curricular organized by the competent Ministries and other bodies of Administration of BiH and Entities.				continuously
5	<i>RIGHT TO CONSULAR SERVICES</i>	On the basis of the Law on Refugees from BiH and Displaced Persons in BiH ("O.G. of BiH", no 23/99, 21/03 and 33/03) refugees from BiH for the time of duration of their status in the country of displacement are fully entitled to consular and other services through services of Bosnia and Herzegovina in reception countries for the reason of regulating their rights, specially rights to return to BiH.		Check for possibilities of exempting or reducing administrative fees of refugees within the frame of procedure of acquiring rights in BiH. Begin with the initiative for changing the relevant regulations, as in accordance with the findings.		end of 2005

**Regional Ministerial Conference on Refugee Returns
Sarajevo, January 2005**

DECLARATION

We, the ministers responsible for refugees and internally displaced persons in Bosnia and Herzegovina, Croatia, and Serbia and Montenegro, met today in Sarajevo to identify our individual and joint activities that should be undertaken in the forthcoming period with the assistance of the international community in order to ensure a just and durable solution to refugee and IDP situation in our countries;

Considering that a just solution to this important issue must primarily be in the interest of safety, dignity and well-being of individuals and peoples, and should also contribute to peace and stability in Southeastern Europe, as well as to the efforts our countries are making to join the EU;

Aware of the fact that getting over the legacy of the war falls within the full normalization of relations between our countries;

Confirming our commitment to implement international conventions on refugee protection, notably the 1951 Refugee Convention and its 1967 Protocol, along with the 1995 General Framework Agreement for Peace in Bosnia-Herzegovina and especially its Annex VII as well as the existing bilateral agreements;

Taking into consideration the Programme for returns of and care for refugees and internally displaced person - Republic of Croatia, 1998; the Agreement on Cooperation between the future Government of the Republic of Croatia and the Independent Democratic Serb Party delegates to the Parliament of Croatia, 2003, the Strategy of Bosnia and Herzegovina for the implementation of Annex 7 to the Dayton Peace Agreement (BiH, 2002), the National Strategy on solving the issues of Refugees and Internally Displaced Persons (Serbia, 2002) and the National Strategy for Durable Solutions of Refugees and Internally Displaced Persons (Montenegro, 2005-2007);

Taking into consideration the progress made over the years in returns between our countries, and aware that outstanding challenges in refugee returns require our cooperation; and fully aware that all refugees have the right to return in safety and dignity;

Reaffirming that all refugees have an undeniable right to opt for their permanent residence, and fully resolved to undertake all the necessary national and administrative actions to allow the implementation of their decisions and to ensure a just solution to refugee situations in our countries,

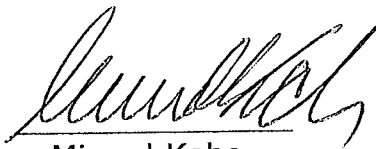
We have agreed as follows:

1. Pursuant to our country programmes, we are committed to solving the remaining population displacement by the end of 2006, to facilitating returns or local integration of refugees and internally displaced persons in our countries, depending on their individual decisions, without any discrimination, and providing assistance and support to refugees and internally displaced persons in cooperation with UNHCR, the EU and OSCE;
2. Access to all rights and entitlements, including the right to accommodation, shall be ensured in a fair and transparent manner, while all social, legal, procedural or any other requirement for the implementation of the above-said shall be met in the spirit of the present Declaration.
3. Without prejudice to the precedence of the right to return, refugees who have chosen not to return will be assisted by their new host countries to locally integrate in accordance with their national legislation.
4. UNHCR, as well as the EU and OSCE are invited to assist our governments in the return process and local integration and to raise financial and other support and assistance from the international community;
5. Upon return or local integration, all refugees shall enjoy the same rights and shall have the same responsibilities as all other citizens, without any discrimination;
6. The above mentioned principles and goals shall serve as a basis for the development of individual action plans ("Road Map") in our countries, including a comprehensive list of all the tasks that must be undertaken and each country shall bear the individual responsibility for the implementation. Those individual plans of activities shall be unified in a joint implementation matrix;
7. Each country shall prepare its own action plan within the next three months. During the same timeframe UNHCR is invited to assist in creating the necessary databases.
8. We commit ourselves to appointing the representatives of the responsible ministries and other relevant bodies, and we invite UNHCR, as well as the European Union and OSCE to appoint their representatives to the Task Force. The Task Force shall meet at least four times a year to:
 - unite individual action plans in a joint implementation matrix;
 - review the data base referred to in paragraph 7 herein;
 - review the remaining challenges from (i) repatriation programmes and access to the rights, (ii) economic development in the areas of returns and integration, (iii) exchange of data on durable solutions, and (iv) possible issues of local integration, including, *inter alia*, issues related to social protection of vulnerable groups, such as the elderly, patients and single mothers;


- monitor the implementation of the joint implementation matrix;
- prepare ministerial meetings which will take place at least once a year.

This Declaration is done in three original copies in the official languages of Bosnia and Herzegovina, the Republic of Croatia, and Serbia and Montenegro.

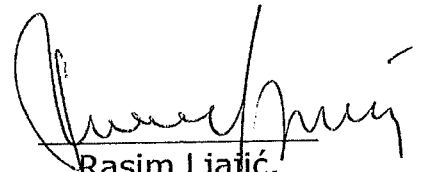
Done at Sarajevo, on January 31, 2005



Mirsad Kebo,
Minister for Human Rights
and Refugees of
Bosnia and Herzegovina



Božidar Kalmeta,
Minister of Maritime
Affairs, Tourism,
Transport and
Development of
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Rasim Ljajić,
Minister for Human and
Minority Rights of
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