

**L A W**  
**ON REFUGEES FROM BiH AND DISPLACED PERSONS IN BiH**  
**(BiH OG, nos 23/99, 21/03 and 33/03)**

**I GENERAL PROVISIONS**

**Article 1**

This Law shall regulate the acquisition and cessation of the status of refugees from Bosnia and Herzegovina (hereinafter: refugees from BiH), displaced persons in Bosnia and Herzegovina (hereinafter: displaced persons), returnees, the rights of refugees from BiH, displaced persons, returnees, the method of exercising their rights and means of support in creating conditions for the return of refugees from BiH and displaced persons, as well as other issues relating to refugees from BH, displaced persons and returnees.

**Article 2**

Refugees from BiH, displaced persons and returnees shall, in addition to the rights they are entitled to under this Law and Entity laws, enjoy in full equality the same rights and freedoms guaranteed by international provisions and BH and Entity laws as do other citizens, and shall not be discriminated against in the enjoyment of any right on any ground whatsoever.

**II ACQUISITION AND CESSATION OF THE STATUS  
OF REFUGEES FROM BiH AND DISPLACED PERSONS**

**Article 3**

For the purpose of this Law, a refugee from BiH is a citizen of Bosnia and Herzegovina who is outside of Bosnia and Herzegovina, and who has been expelled from his/her habitual residence as the result of conflict or left his/her habitual residence in Bosnia and Herzegovina and escaped abroad, after 30 April 1991, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, and who is neither able to return in safety and with dignity to his/her former habitual residence nor has voluntarily decided to settle permanently elsewhere outside of BiH.

**Article 4**

A displaced person is a citizen of Bosnia and Herzegovina, residing within Bosnia and Herzegovina, who has been expelled from his/her habitual residence as the consequence of the conflict, or left her/his habitual residence, after 30 April 1991, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a social group or political opinion, and who is neither able to return in safety and with dignity to his/her former habitual residence nor has voluntarily decided to take up permanent residence elsewhere.

**Article 5**

The status of a refugee from BiH during his/her stay in a host country shall be determined according to rules and regulations of that country.

The status of a displaced person shall be acquired on the basis of this Law and Entity laws.

#### **Article 6**

The status of a refugee from BiH shall cease if a person :

- a) returns to his/her former habitual residence in BiH, in safety and with dignity;
- b) voluntarily decides to take up another permanent residence in BiH or outside of BiH, on the basis of overall and objective information relevant for choice of the place of permanent residence.

A refugee from BiH who has returned to BiH, but has not re-established himself/herself in his/her former habitual residence, nor has chosen to take up permanent residence elsewhere in BiH, shall acquire the status of a displaced person according to the procedure regulated by Entity laws.

#### **Article 7**

The status of a displaced person shall cease if a person:

- a) voluntarily returns to his/her former habitual residence;
- b) refuses to return to his/her former habitual residence, although return to the place of his/her former habitual residence, in safety and with dignity, is possible, and if there are no compelling reasons arising out of previous persecution or other strong humanitarian reasons;
- c) takes up, in safety and with dignity, permanent residence elsewhere in the place of his/her voluntary choice;
- d) and if there are other reasons regulated by Entity laws.

#### **Article 8**

Returnees are refugees from BiH, or displaced persons, who have, to the competent bodies, expressed their wish to return to their former habitual residence, and who are in the process of the return, as well as refugees from BiH and displaced persons who have already returned to their former habitual residence.

The status and cessation of the status of a returnee shall be acquired on the basis of this Law and pursuant to the procedure prescribed by Entity laws.

The status of a returnee shall cease upon the expiration of a six months period, counting from the day of his/her re-establishment in his/her former habitual residence, i.e. of his/her settling permanently elsewhere in BiH.

### **III THE RIGHTS OF REFUGEES FROM BiH, DISPLACED PERSONS AND RETURNEES**

#### **1) The right to return to former habitual residence**

#### **Article 9**

Refugees from BiH and displaced persons shall have the right freely to return to their former habitual residence.

#### **Article 10**

The return of refugees from BiH and displaced persons to their former habitual residence shall be done in a safe, organised and phased manner, with respect for their freedom of movement and full protection of their personal safety and their property.

For the purpose of being efficient when co-ordinating measures and activities which are being taken or are to be taken by competent authorities and organizations to create conditions for the return, the

Ministry for Human Rights and Refugees in co-operation with the competent Entity ministries and UNHCR shall draft the program for the return of refugees from BiH and displaced persons, within a four months deadline from the day of entering into force of this Law.

The Ministry for Human Rights and Refugees shall, in co-operation with the competent Entity ministries, monitor the implementation of this program and inform the BiH Parliament accordingly.

The Programme for the Return of Refugees from BiH and Displaced Persons referred to in previous section shall be adopted by the Council of Ministries.

## **2) The right to choose another permanent residence**

### **Article 11**

Refugees and displaced persons shall have the right to choose another permanent residence.

Another permanent residence has to be chosen voluntarily and based on the objective information with reference to all the facts relevant for making a choice decision.

### **Article 12**

By choosing another place of permanent residence, refugees from BiH and displaced persons shall not confine those refugees from BiH and displaced persons who have decided to return to their former habitual residence, in their right to return.

## **3) The right to have their property returned**

### **Article 13**

Refugees from BiH and displaced persons shall have the right to have restored to them property of which they were deprived in the course of the hostilities since 30 April 1991 as well as to be compensated for any property that cannot be restored to them.

### **Article 14**

The return of real property is presumed to be an absolute lawful and actual possibility of a real property owner to dispose of his/her real property in the manner he/she voluntarily decides upon.

## **4) The right to recover occupancy right**

### **Article 15**

Refugees from BiH and displaced persons in BiH shall have the right to repossess the apartments for which they had occupancy rights on 30 April 1991, in accordance with Entity regulations.

### **Article 16**

In addition to the rights outlined in Articles 9 through 15 of this Law, refugees from BiH shall during their stay in host countries have:

- a) the right to be objectively and comprehensively informed on the situation in BiH, FBiH and RS, and in particular on the situation in their former habitual residence, in order to make a decision on the voluntary return to BiH;
- b) the right to have additional education organised by the competent FBiH and RS services in host countries through the Ministry of Foreign Affairs and the BH Ministry of Human Rights and Refugees;

- c) the right to use consular and other services of BiH in host countries in order to regulate their rights, in particular the right to return to BiH.

Refugees from BiH shall, upon deciding to return to BiH, have the right to enjoy privileges regarding their personal transportation as well as transfer of their belongings from a host country to a transit center in BiH, or to the place of their former habitual residence, in the manner and under the conditions which shall be regulated by this Law and according to by-laws passed on the basis of this Law.

#### **Article 17**

In addition to the rights they are entitled to under Article 9 through 15 of this Law, displaced persons shall, while holding their status, enjoy other rights established and exercised in pursuance with the regulations of the competent Entity, Cantonal or municipal bodies, particularly those relating to economic and social security, health care, as well as freedom of religious expression and of political activity.

#### **Article 18**

Returnees shall, while holding their status, be entitled to:

- a) assistance in the necessary reconstruction of their private houses or apartments
- b) use of credits to start businesses in order to make income for themselves and their families
- c) adequate financial assistance
- d) essential food
- e) necessary clothing
- f) primary health care
- g) primary education and
- h) social welfare providing that they are unemployed.

The method of exercising those rights shall be regulated by BiH and Entity regulations.

### **IV THE METHOD OF EXERCISING THE RIGHTS OF REFUGEES FROM BiH AND DISPLACED PERSONS**

#### **Article 19**

Refugees from BiH and displaced persons shall exercise their rights defined in Chapter III of this Law, under the conditions and according to the procedure stipulated by regulations passed on the basis of Annex 7 of the General Framework Agreement for Peace in BH.

#### **Article 20**

Employees of the State, Entity, Cantonal or municipal bodies, in charge of processing requests of refugees from BiH and displaced persons, as regards the exercise of their rights, as well as other persons who prevent or delay the exercise of those rights without any justification, shall be held liable for such actions in accordance with applicable regulations.

#### **Article 21**

The Ministry for Human Rights and Refugees shall have a policy-making, coordinating and supervisory role ensuring uniform and harmonized realization of objectives identified by Annex VII of the general Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter: Annex VII) throughout the territory of BiH and it shall perform its tasks in a manner that guarantees equal opportunities for refugees, displaced persons and returnees.

Within the scope of its authority, defined by the Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina, the Ministry for Human Rights and Refugees shall:

1. follow up and analyse issues pertaining to the conditions in the asylum countries of BiH refugees, as well as the positions of those countries with regard to repatriation to Bosnia and Herzegovina;
2. co-ordinate preparation of return and repatriation plans by the Entity Governments, Brcko District, governmental and non-governmental organizations, as well as monitor and oversee their realization;
3. follow-up on the return of refugees from BiH together with the responsible Entity authorities, in co-operation with the UNHCR, other international organizations, and non-governmental organizations;
4. pertaining to bilateral and multilateral co-operation between BiH and other countries and international organizations, present the status of data relevant for the return of refugees from BiH and displaced persons to their former habitual residence, in accordance with the applicable data protection standards, and, in relation to this, present and promote projects that create conditions for the return of those persons;
5. co-ordinate inter-Entity co-operation, in particular with regard to the return of refugees from BiH, and evaluate, within the Commission for Refugees and Displaced Persons of Bosnia and Herzegovina, the activities of the Entities, Brcko District of BiH, and other levels of authority in the realization of the Strategy for the Implementation of Annex VII of the Dayton Peace Agreement;
6. make assessment on the number of refugees from BiH, in co-operation with the diplomatic and consular offices of BiH, asylum countries of refugees from BiH, UNHCR and other relevant international organizations;
7. maintain documentation on refugees from BiH who have returned to BiH, maintain and manage all relevant databases, and ensure that relevant data are shared with the Entities and Brcko District of BiH through the Ministry for Human Rights and Refugees, through the Commission for Refugees and Displaced Persons of Bosnia and Herzegovina, and in other ways, in accordance with the applicable data protection standards;
8. formulate objective pertaining to the realization of Annex VII, as well as monitor and oversee their uniform implementation throughout the territory of BiH;
9. co-ordinate and oversee the realization of reconstruction projects and projects ensuring sustainability of return;
10. inform the public and domestic and international institutions on the realization of Annex VII objectives;
11. undertake any other activity pertaining to the implementation of Annex VI and Annex VII.

#### **Article 21a**

To implement the tasks referred to in Article 21 of this Law, the Ministry for Human Rights and Refugees shall establish regional centers in Sarajevo, Banja Luka, Tuzla and Mostar.

The regional centers shall be primarily responsible for monitoring and evaluating return-related issues, as well as for monitoring the implementation of agreed projects of integrated return and reconstruction in their respective areas of responsibility, thus ensuring the required level of coordination and harmonization BiH-wide.”

#### **Article 22**

In addition to its duties referred to in Articles 21 and 21a, the Ministry for Human Rights and Refugees shall ensure that the selection of beneficiaries of return and housing reconstruction projects is uniform and transparent throughout the territory of BiH.

The general criteria for identifying potential beneficiaries of return and housing reconstruction projects shall include:

1. that he/she is a refugee from BiH, displaced person in BiH, or returnee;
2. that he/she has expressed intention to return;
3. that the ownership status or occupancy right on the housing unit that is subject to reconstruction has been established;
4. that the housing unit that is subject to reconstruction was his/her permanent residence on 30 April 1991;
5. that the housing unit that is subject to reconstruction is deemed uninhabitable, pursuant to the applicable standards on the minimum housing conditions;
6. that he/she and his/her household members since 1991 do not have another housing unit on the territory of BiH that is deemed inhabitable, pursuant to the applicable standards on the minimum housing conditions;
7. that he/she has not received reconstruction assistance sufficient to meet the applicable standards on the minimum housing conditions.

The Ministry for Human Rights and Refugees, the Entity Governments, and the BiH Brcko District Government shall, within the Commission for Refugees and Displaced Persons of Bosnia and Herzegovina, mutually agree on the specific criteria for selecting priority beneficiaries and rendering reconstruction and return assistance, as well as on the required standards and procedures ensuring compliance with the general and specific criteria, full transparency of the process, and information for the beneficiaries.

The Ministry for Human Rights and Refugees, the responsible Entity Ministries, and the responsible bodies of the Brcko District of BiH shall, through their by-laws, ensure the application of the specific criteria, standards and procedures referred to in the previous paragraph.

## **V COMMISSION FOR REFUGEES AND DISPLACED PERSONS OF BOSNIA AND HERZEGOVINA**

### **Article 23**

The Commission for Refugees and Displaced Persons of Bosnia and Herzegovina (hereinafter: the Commission) shall, in principle, take decisions by consensus to coordinate efforts of the Entities and the Brcko District of BiH aimed at the full realization of Annex VII. In case a decision cannot be taken by consensus, the decision shall be considered adopted when two members of the Commission from each of the three constituent peoples of Bosnia and Herzegovina vote for it.

The Commission shall, in particular, be responsible for:

- approving return and reconstruction projects collected and forwarded for its consideration by the Ministry for Human Rights and Refugees;
- approving joint projects that shall be implemented through the Return Fund;
- authorizing the financial realization of approved reconstruction and return projects through the Return Fund;
- supervising the financial realization of approved reconstruction and return projects, including the preservation of the Return Fund assets;
- providing guidance in drafting of by-laws regulating the work and organization of the Return Fund;
- reviewing quarterly and interim reports of the Return Fund Director on the management of assets and financial realization of approved reconstruction and return projects.

### **Article 23a**

The Commission shall have nine members, three from each constituent people of Bosnia and Herzegovina.

The Ministry for Human Rights and Refugees shall, in agreement with the Council of Ministers of Bosnia and Herzegovina, nominate four members, the Entity Governments shall nominate two members each, one of which shall be the Minister for Displaced Persons and Refugees from each Entity, and the BiH Brcko District Government shall nominate one member of the Commission. The Minister for Human Rights and Refugees shall mandatorily be one of the members on behalf of the Council of Ministers. The nominated members shall be appointed by the Presidency of Bosnia and Herzegovina within 30 days from the entry into force of this Law.

The Council of Ministers of Bosnia and Herzegovina shall invite the Heads of Mission of the UNHCR, OHR and OSCE to designate their representatives to participate, as observers, in the work of the Commission.

The status of observer in the Commission shall also be given to organizations and associations dealing with the issue of refugees and displaced persons in Bosnia and Herzegovina, the representative of which shall be appointed by the Presidency of Bosnia and Herzegovina at the proposal of the Ministry for Human Rights and Refugees.

#### **Article 23b**

The Commission shall convene its sessions in Sarajevo and, by agreement of the members of the Commission, in other places in Bosnia and Herzegovina.

The Ministry for Human Rights and Refugees shall provide appropriate administrative and technical support to the Commission.

### **VI RETURN FUND**

#### **Article 24**

In support of the return and reintegration of refugees from BiH and displaced persons in BiH, a Return Fund shall be established by this Law, as an autonomous administrative organization.

#### **Article 24a**

The Return Fund shall be managed by a Director, appointed by the Council of Ministers of Bosnia and Herzegovina in accordance with the Law on Civil Service in the Institutions of Bosnia and Herzegovina.

The Director, the Chair of the Commission and the Minister for Human Rights and Refugees shall be representatives of all three constituent peoples.

The Director shall be responsible for the financial realization of return and reconstruction projects approved by a decision of the Commission, as well as for proposing a Rule Book on Internal Organization of the Return Fund, a Rule Book on Funds Management of the Return Fund, and other by-laws that may be required by the Commission.

For the financial realization of the decisions referred to in the previous paragraph, the Director shall be responsible to the Commission.

Besides the Director, the Return Fund shall have, in the initial phase, up to three employees, of whom at least two shall be financial experts of proven skills and experience pertaining to financial contracts and project implementation.

#### **Article 24b**

The internal organization of the Return Fund shall be governed by a Rule Book on Internal Organization of the Return Fund.

The Rule Book on Internal Organization of the Return Fund shall be drafted in agreement with the Commission.

Prior to its adoption, the Draft Rule Book on Internal Organization of the Return Fund shall be submitted to the Minister of Justice for an opinion.

The Rule Book on Internal Organization of the Return Fund shall be passed by the Council of Ministers of Bosnia and Herzegovina.

#### **Article 24c**

The Return Fund shall be financed from primary and secondary sources.

The primary sources of financing the Return Fund shall include State, Federation of BiH, Republika Srpska and BiH Brcko District budgetary funds intended for return and reconstruction purposes.

The secondary sources of financing the Return Fund may include budgets of the Cantons in need of reconstruction, international sources, donations, voluntary contributions, and other available sources.

The assets at the disposal of the Return Fund or allocated via the Return Fund shall only be used for the realization of return and reconstruction projects approved by a decision of the Commission.

#### **Article 24d**

The Return Fund shall be a budget beneficiary, and it shall operate under the Treasury Law of the Institutions of Bosnia and Herzegovina.

The Return Fund shall have a separate sub-account for the collection of funds intended for the realization of return and reconstruction projects.

Specific terms of funds management ensuring transparency and accountability shall be governed by a Rule Book on Funds Management of the Return Fund.

The Rule Book on Funds Management of the Return Fund shall be drafted in consultations with the Commission.

Prior to its adoption, the Draft Rule Book on Funds Management of the Return Fund shall be submitted to the Minister of Finance and Treasury for an opinion.

The Rule Book on Funds Management of the Return Fund shall be passed by the Council of Ministers of Bosnia and Herzegovina.

Supervision of the financial affairs of the Return Fund shall be carried out by the Ministry of Finance and Treasury of Bosnia and Herzegovina and the Office of the Supreme Auditor of the financial affairs of the institutions of Bosnia and Herzegovina.

### **VII RESOURCES FOR EXERCISING THE RIGHTS OF REFUGEES FROM BiH, DISPLACED PERSONS AND RETURNEES**

#### **Article 25**



Resources for exercising the rights of refugees from BiH, displaced persons in BiH and returnees shall be provided:

- from the return Fund,
- from the BiH budget,
- from Entity and BiH Brcko District budgets,
- from Cantonal and municipal budgets,
- from financial and other assistance of host countries of refugees from BiH,
- by relevant international organizations,
- from donations and credits received from international financial institutions for these purposes, and
- from donations from the private sector.

## **VI TRANSITIONAL AND FINAL PROVISIONS**

### **Article 26**

The Entity authorities shall, within 60 days from the day of entering into force of this Law, harmonise their laws and by-laws with this Law.

### **Article 30**

This Law shall enter into force on the eighth day from the day of its publishing in the “Official Gazette of BiH” and shall also be published in the Official Gazettes of the Entities and of the Brcko District of Bosnia and Herzegovina.

PRESIDING  
of the House of Peoples  
of BiH Parliamentary Assembly

PRESIDING  
of the House of Representatives  
of BiH Parliamentary Assembly