

ACTION PLAN OF BOSNIA AND HERZEGOVINA FOR ADDRESSING ROMA ISSUES IN THE FIELD OF:

- EMPLOYMENT**
- HOUSING**
- HEALTH CARE**

INTRODUCTION

1. Basic remarks about Roma in Bosnia and Herzegovina, their social status and need for development of action plans

a) **The Roma are today, i.e. end of 2007, *de facto* the largest national minority in Bosnia and Herzegovina.** Unfortunately, they are not *de iure* such, since **only 8864 persons from BiH declared themselves as members of this national minority in the last census in BiH, held in and at the time of the former SFRY, back in 1991.** Both today and back then, everyone dealing with the Roma issue in BiH is aware that there are a far larger number of Roma men and women living in Bosnia and Herzegovina. The reasons for which most of the members of the Roma national minority did not declare themselves as Roma in the 1991 census (admittedly, **the Roma back then did not have the status of the recognised national minority**, for the simple fact that back then, within the political system of socialist self-management in the political terminology of that time and the system of values, i.e. in theory and practice, the category of national minority was not recognised, but the categories of **minority and ethnic community or group** were instead used as legal and legitimate) or evaded the census are manifold, but they will not be further elaborated on for the purposes of the introductory remarks aimed at understanding the action plans for addressing Roma issues in BiH in the fields of employment, housing and health care.

b) However, all this time, that is, from the last census to the present date, the Roma non-governmental sector and experts in Roma-related problems in BiH have maintained that there are far more Roma in BiH. Those estimates concerning the real number of Roma in BiH ranged between 40 to 100 thousand. The latter has been insisted on by those whose estimates are most extravagant, that is, those most demanding in terms of ensuring the rights which (should) belong to the Roma. In that sense, the 2003 attempt made by the Council of Roma to the BiH Council of Ministers at identifying the exact number of the members of the Roma national minority in BiH bore no fruit because only half of the municipalities where Roma lived before the war responded to the offered survey, and those that did used only the pre-war census data.

c) Still, since mid 2007, the data on the number of Roma in BiH is known and available to everyone. Namely, toward the beginning of 2007, several Roma non-governmental organisations in BiH, led by the BiH Council of Roma, with the financial and expert support and assistance provided by some international organisations and donors, primarily the World Vision, conducted a notable and relevant research on the life of the members of Roma communities in BiH, particularly in relation to housing, employment and some other issues and fields of this national minority's life. One of the most precious results of this research is that of the number of the members of the Roma national minority in BiH. The research showed, better still, confirmed as the fact, that **at**

least 76,000 Roma lived in BiH at the time, i.e. in the first half of 2007. So far and for the time being, this is the most precise data on the actual number of the members of the Roma national minority living in Bosnia and Herzegovina.

This information, which was obtained by applying a methodology that is not quite scientifically founded and applicable, and which will constantly be reviewed through both the implementation of the Action Plans discussed here and the very practice of action applied by the state authorities and institutions, is extremely important, not only for the development of the Action Plans aimed at implementing **the Strategy of Bosnia and Herzegovina for Addressing Roma Issues**, but also for all other researches and for planning and ways to address current Roma problems in BiH. Compared with the total population currently living in BiH – which may only approximately be assessed given the simple fact that since the end of the war and the conclusion of the General Framework Agreement for Peace in BiH, which was ratified in Dayton on 21 November 1995, until the present date, a census of the population has not been conducted – this, according to some credible assessments, **amounts to a bit more than 2 percent.**

d) The mentioned research, dated the first half of 2007, as well as a range of others published before it, unambiguously shows that **although the largest national minority in BiH, the Roma are at the same time socially the most endangered minority according to all parameters measuring and determining the status of any social group.** This unfavourable social status is easiest to be “measured”, that is, recognised as per several following indicators. As compared with members of any other national minority in BiH, **17 of them, as recognised by the 2003 Act on Protection of Rights of Members of National Minorities**, and members of the constituent peoples, Roma children are lowest in number in terms of enrolment in primary and secondary schools and graduation therefrom, let alone colleges. So, **access to education and exercising the fundamental human right to education in BiH** were, for some time after the war, **seriously behind the standards arising from international and legal documents on human rights and fundamental freedoms, that is, the achieved standards in the educational practice of democratic European countries, i.e., these were made difficult** for the members of the Roma national minority in BiH **to achieve**, even when the careless attitude of Roma parents toward the legal obligations pertaining to sending their own children to school and responsibility for their regular attendance at classes school was tolerated by the state authorities. However, **over the past 4-5 years**, significant efforts have been made and good results have been achieved in this field, which has been confirmed by some Roma leaders, as well as by representatives of Roma NGOs, i.e. by international monitoring organisations and institutions, which will be further discussed in the part of the document related to the Action Plan in the field of education.

e) **The percentage of Roma employed within the public sector in BiH is extremely adverse and ranges between 2-3%**, and there are also few enterprises and craft shops owned by Roma. The most common source of income for the members of this national minority has been proven to be self-employment, specifically in the sector of secondary raw materials collection and waste recycling. This means that the largest number of Roma in BiH is in social need, and that they should be cared for by social work centres and other institutions and organisations involved in social welfare and humanitarian activities. However, most often, this is not the case in practice, and many

members of this national minority are consequently at the very bottom of human existence.

f) The fact that there are **a modest number of those who have health insurance and access to health care** on these grounds also arises from the fact that very few Roma are employed, either in public or private sector. Admittedly, there are several differences in relation to this issue relating to the manner of health insurance and the status of insurance beneficiaries in the Republic of Srpska as compared with the BiH Federation. In the Republic of Srpska, all those registered with the employment bureaus have health insurance, while in the BiH Federation, this right is also guaranteed by the law, but under certain, less favourable, i.e. limiting conditions. Besides, the largest number of Roma, including primary school pupils who are provided with health insurance until the age of 15, do not have health insurance booklets, which only makes their access to health care institutions and exercising the right to health care more difficult, but the responsibility for that falls mostly upon the members of the Roma national minority themselves, who even when they have health insurance, fail to provide identification documents, without which this specific right is more difficult to be used. **A particular problem is posed by awareness within the Roma population of the importance of health care and health education, i.e. prevention of some diseases,** just as prejudices against Roma and discrimination against them within BiH society today pose a separate problem. All this indicates the responsibility and need for the society to undertake adequate measures aimed at reducing problems in this field.

g) **The situation within Roma minority communities is also no better when it comes to the housing issue. Only few percent of Roma have adequate accommodation,** in their own houses or former socially-owned, now privatised apartments, while most of housing buildings where Roma live now were illegally built, that is, they lack elementary conditions for dwelling, which is, of course, discussed in broader and more detailed terms in the Roma Housing Action Plan itself. Society, i.e. the state authorities at all levels in BiH are, beyond any doubt, obliged to undertake emergency and efficient measures and steps to significantly improve the situation in this field, or to be more specific, in order to ensure that the members of the Roma national minority in BiH live in more humane conditions.

h) **The mentioned four areas of Roma life in BiH,** particularly when it comes to **employment, housing and health care, best reflect all the dramatic gravity and complexity of the difficult social situation they live in. At the same time, these fields, that is, the issues of existence are priorities of the BiH state authorities' action to radically improve the social position of the members of this national minority.**

The way in which the current and some future authorities in BiH intend to accomplish this, what measures to this end they have projected and intend to undertake, who will implement and who will monitor the implementation of these measures, and measure the effects of their implementation, that is, what funds these will require, how to provide them and within what time period to place them, are issues to be further discussed in the tables and the narrative part of the specific Action Plans dealing with Roma employment, housing and health care in BiH, in the second part of this document.

2. BiH authorities' attitude and activities so far in relation to Roma problems and needs, and the organisation of Roma national minority in BiH

a) **When it comes to the Roma in BiH, that is, their organisation and the state authorities' attitude towards them, the year 2001 may be considered a turning point. Namely, the first Assembly Meeting of Romani NGOs in BiH (22 Roma NGOs were active at the time, unlike today, December 2007, when there are 44 registered NGOs) was held that year, with the assistance and support from the OSCE Mission in BiH, and including the involvement of the BiH Ministry of Human Rights and Refugees, where the Platform for BiH Roma NGO Action was adopted and the BiH Council of Roma was elected as sort of an umbrella, representational institution of the Roma non-governmental sector in BiH.**

So, the BiH Council of Roma is a form of organising Roma non-governmental organisations in BiH, and then the body responsible for presenting and advocating the interests and needs of the members of the Roma national minority. It comprises nine (9) members, the elected representatives of Roma NGOs (current, second convocation of the BiH Council of Roma was elected at the second Assembly Meeting or Assembly of Roma NGOs, held in mid 2006 in Sarajevo) from the entire BiH. It is headed by the Coordinator (during the first convocation of the BiH Council of Roma, the duty of the Coordinator was performed by several persons periodically rotating in this office). This body is the main counterpart of the BiH authorities in articulating interests and solving problems the Roma in BiH face. Apart from the mentioned document adopted at the first Roma Assembly Meeting, the BiH Council of Roma has made a significant contribution to the development, contents and form of other significant documents dealing with Roma issues in BiH, such as for instance the Rulebook on BiH Roma Sector Operation, it has been the initiator of numerous actions and initiatives aimed at addressing the specific problems of the members of this national minority, such as the Action Plans before us, and has conducted some researches and established databases on Roma in BiH and their specificities, thereby acquiring the authority of a body, without which it will be impossible to implement the Action Plans and monitor their implementation.

b) The very next year, i.e. 2002, the BiH Ministry of Human Rights and Refugees prepared all legal documents and undertook other necessary preliminary actions in order for the BiH Council of Ministers to issue a decision, based on which the Roma Board to the BiH Council of Ministers was set up as a permanent advisory body to this highest executive authority in BiH, responsible amongst other things for establishing partnership with Roma NGOs and cooperation, assistance and support for Roma communities in the entire BiH, as well as for submitting proposals, suggestions and opinions, relative to Roma issues, to the BiH Council of Ministers. The Board comprises 18 members, half of which are Roma, and the other half are representatives of the relevant Ministries at the entity and state levels in BiH. The Board is run by the President, who is assisted in his work by the Deputy President (so far, the President has both times been elected among the Roma members of the Board, and the Deputy among one of the constituent peoples, as a representatives of one of the competent Ministries). The Roma Board to the BiH Council of Ministers adopted the Framework Work Programme for the four-year mandate period, 2002-2006, and that was the first political document of the authorities, that is, of some advisory body to the authorities in

BiH, where addressing some essential problems the members of the Roma national minority in BiH face, has been systematically projected.

Amongst other things, the Framework **Work Programme** of the Roma Board to the BiH Council of Ministers “mapped out” the activities of the BiH executive authorities at all levels, in the fields such as: **entry into the birth and other records; education; employment; housing; health care and social welfare; strengthening cultural identity and preservation of Roma tradition; information; political representation**, etc., the main aim of which was improving the social status of the Roma in society and reducing discrimination against them, as well as strengthening their internal capacity and equipping them for involvement in the social system where the problems of the Roma national minority are addressed. Some of these objectives, that is, programme topics, have been achieved, attained, some are intensively being worked on, while some lack financial and other resources in order to be attained.

Toward the end of 2007, having come to a standstill of several months, **a new, second Roma Board to the BiH Council of Ministers was constituted**, and it was elected in accordance with the same “key” as the first one. The Board is expected to give a significant contribution to the activities of **the implementation** of the Action Programmes, particularly in terms of **monitoring** the implemented measures and results achieved.

c) The Roma Board to the BiH Council of Ministers, just as the BiH Council of Roma, has made a significant contribution to public discussions on the **Bill on Rights of Members of National Minorities, which was finally adopted and published in the “BiH Official Gazette” in mid 2003 – and which was fully harmonised with the Council of Europe Framework Convention for Protection of National Minorities, which BiH accepted and ratified in 2000** – whereby the status of Roma as a national minority was for the first time recognised, after which an obligation was placed on all public institutions and other bodies within the legal and political field to treat them equally to members of any other national minority, out of the 17 that are “recognised” by the Act on the Protection of Rights of Members of National Minorities. This Act has been implemented slowly, inconsistently and differently, depending on the entity concerned.

d) One of the obligations prescribed by this Act, such as for instance, the **establishment of the Council of National Minorities to the BiH Parliamentary Assembly**, was unfortunately implemented **as late as at the end of 2007**. However, regardless of this delay, which did not result only from objective circumstances, but also from the lack of political will and professional capacity within the BiH Parliament (assistance to improve the legislation necessary for a faster establishment of this permanent working body of the House of Representatives of the BiH Parliamentary Assembly, was also provided by the NGO “**Centre for Civil Initiatives**”, an important partner in the work of the BiH authorities), it will also include one representative of the Roma national minority, who will be a relevant **transmitter of the interests and needs of the Roma national minority in BiH**, and the major factor in legislative and other activities of both the Council itself, and the BiH Parliament. The Council of National Minorities to the BiH Parliamentary Assembly is also expected to give a significant contribution to the implementation and evaluation of the measures within the three mentioned Action Plans.

e) Meantime, **toward the end of 2004, the Republic of Srpska also adopted its own Act on Protection of Rights of Members of National Minorities, and in mid 2007 established the Council of National Minorities as a standing working body of the RS National Assembly**, while the BiH Federation is falling significantly behind in this field as compared to the Republic of Srpska and Bosnia and Herzegovina. Also, **the RS Roma Association** has been active in the Republic of Srpska for several years now, as an association of several independent Roma non-governmental organisations in this entity, which as such is a collective member of the **RS Association of National Minorities**, the so-called umbrella representative body of NGOs gathering and representing national minorities in the RS. These bodies will also have an appropriate role in the process of the implementation of the Action Plans and their monitoring.

f) Apart from the Roma non-governmental organisations, associations, their “networks”, advisory and working bodies to the BiH legislative and executive authorities that are mentioned here, it should also be noted that over the past few years, though the support of international donors, **the capacity of the Roma non-governmental sector has been strengthened** by the establishment of **three resource centres**, whose activities are performed through the implementation of specific projects engaging mostly Roma, and **the Roma Information Centre**, which in a way acts as the “branch office” of the BiH Council of Roma.

g) A major step toward addressing the problems of the Roma national minority in the field of education was the adoption of the **Action Plan aimed at Meeting the Educational Needs of the Roma and Members of Other Minorities** (Action Plan), which **was signed in mid February 2004 in Mostar**, through the mediation of the OSCE Mission in BiH, **by all canton and entity Ministers of Education**, as well as by the Minister of Civil Affairs to the BiH Council of Ministers. It was **the first Action Plan** in an important field, aimed at eliminating discrimination against Roma, improving their access to education and the total social inclusion of the members of this national minority.

h) Regardless of **certain vagueness of this Action Plan**, it has been implemented and it has produced notable results, particularly in terms of the number of Roma children enrolled in primary schools, increase in the number of those regularly completing primary education and enrolling in secondary schools, as well as a more significant involvement of local communities and competent educational authorities in funding the provision of textbooks, equipment, school supplies, transportation for students, meal allowances, wages for Roma assistant professors involved in classes, etc.

The obligation of the authorities in BiH remains to **update** the current and efficient education Action Plan until the end of the Decade of Roma Social Inclusion 2005-2015, and to make it additionally **operative** in order for its implementation to produce even better results, especially in studying **the Roma language, history, culture, customs and tradition**, and then to improve the funding of the regular activities related to the education of students who are members of the Roma national minority. This issue must be taken into consideration most seriously, particularly during **the financial engineering for the purpose of the implementation of the Action Plans from the three mentioned fields that are made current here**, all the more so as for now, no separate education Action Plan will be made, nor will the funds be focused strictly on its implementation alone, and on settling some, at this point unknown, costs in this field,

which may arise at the next stage of the implementation of the Action Plan on meeting Roma educational needs and access to their human right to education.

3. Decade of Roma Social Inclusion, commitments and BiH attitude toward it

What is the Decade of Roma Social Inclusion, or, as often simply said, the Roma Decade, or the Decade of Roma, which is constantly mentioned here, and which is the reason for all these Action Plans and all activities of the BiH authorities aimed at their adoption? Here are some background notes on it.

a) **In mid 2003**, an important meeting on the rights and status of the Roma in the countries of South-East Europe was held **in Budapest**. The meeting was initiated and managed by many relevant international governmental and non-governmental organisations dealing with the promotion and protection of human rights, including the rights of Roma, such as: **the Open Society Fund, the World Bank, the South-East Europe Stabilisation Pact, the European Roma Rights Centre**, etc. Unfortunately, this meeting was not attended by anyone representing the BiH authorities, but only by representatives of the Roma NGO sector. The mentioned Budapest conference agreed that an initiative should be launched in all countries of South-East Europe by the respective authorities, to provide more significant funds to address Roma issues in those countries. This is how **the Decade of Roma Social Inclusion was included in all processes and social developments in those countries. Simply put, the Decade is an initiative, and a movement, and a project at the same time, aimed at considerably reducing discrimination against members of the Roma national minority in these countries over a ten-year period, ensuring their equal starting position to members of other national minorities and constituent peoples, guaranteeing and protecting their human rights pertaining to education, employment, housing and health care more efficiently than it has been done so far.**

b) In order to attain this, it is (was) necessary to adopt **systematic and synthetic measures, made concrete by action plans**, which were amongst other things, to define the objectives that were aimed for, i.e. should be achieved by implementing specific action plans pertaining to the mentioned **four priority fields of Roma life: education, employment, health care and housing**, plan for measures and actions to materialise the self-defined objectives, determine indicators to monitor the course of the action plan implementation, **designate the competent authorities, institutions and other bodies** obliged to adopt specific programmes and implement the action plans themselves, designate **bodies to monitor** the activities and achieved results, and in relation to all this, **set reasonable timeframes and deadlines** within which certain activities are to be implemented, and at the end, project the necessary **amounts and sources of funding** to implement the planned measures.

The developed plans, adopted by the competent authorities, containing the previously mentioned elements, constitute a requirement for joining the Decade by countries, i.e. for meeting the prerequisites for some other international associations and institutions, such as the World Bank, the European Commission, the Roma Education Fund, and others to support and provide financial assistance to the implementation of action plans in some countries.

c) Most of the countries of South-East and Central Europe materialised the 2003 Budapest initiative by developing specific action plans, which unlike BiH, were developed and adopted by those countries' governments until **February 2005, when at the meeting in Sofia, the Prime Ministers of those countries inaugurated and made the Decade of Roma Social Inclusion 2005-2015 official**. The only exceptions are Albania and Bosnia and Herzegovina, which again, for some reasons failed to attend the Sofia conference. The mentioned conference saw the establishment of the **Decade Secretariat as its advisory and coordinating body**. Over the past two years of the Decade, the BiH neighbouring countries and other countries have commenced the implementation of their respective action plans, which, as noted in the published monitoring activity reports, have seen half-achieved results, while using the respectable potentials of international and European donor funds.

d) **So, at this point, Bosnia and Herzegovina has not as yet prepared and adopted its action plans** (except for the already mentioned Education Action Plan) **that would make it a candidate for admission and membership of the Decade**. However, although the action plans, which are a requirement for membership of the Decade for Roma Social Inclusion and access to certain funds, from which certain activities will be sustained for the purpose of their implementation, have not been developed and adopted, this does not mean that measures have not been undertaken in BiH to improve the overall social position of the Roma, eliminate prejudice against them, and equip them for active involvement in making decisions on themselves and their own fate.

It has already been noted that back in February 2004, the Action Plan for Meeting the Educational Needs of Roma and Members of other National Minorities was adopted in BiH. **Then, in 2005, the Strategy of Bosnia and Herzegovina for Addressing Roma Issues was prepared in the BiH Ministry of Human Rights and Refugees, with the active participation of the Roma Board to the BiH Council of Ministers and the BiH Council of Roma, and then adopted by the BiH Council of Ministers**. Apart from the "BiH Official Gazette", this Strategy was also published in a special brochure, in its two editions, in the BiH official languages, as well as in Roma and English languages.

The strategy...highlights **14 key spheres of life of the members of the Roma national minority** and the fields of action for the authorities at all levels in BiH. In that respect, the Strategy... is the most comprehensive document, as compared to any other similar document in the countries in the region, describing the current status of the members of the Roma national minority and outlining the course of action aimed at addressing problems they face, but there are still no sufficiently well organised, synchronised and coordinated activities by institutions, authorities and governmental sector, that have been crowned with major results in terms of its implementation. Of course, according to the applicable requirements in the Roma Decade, the adoption of the Strategy alone..., without the action plans aimed at its implementation, was not sufficient for BiH to join and become/remain a full member of the Decade, and possibly ensure some donor funds to address problems the members of the Roman national minority face here today. It is why the action plans are necessary.

4. BiH Action Plan Development: aims of adoption, development methodology, principles on which they are founded and promoted, specificities in relation to other South-East Europe countries, document structure and implementing agencies

a) The first significant incentive to develop specific action plans in Bosnia and Herzegovina came from the UN High Commissioner for Refugees (UNHCR), Mission in BiH, which for that purpose **organised a big international conference in Mostar in mid 2006**. After that, other parties, financial and expert, donors interested in drafting these documents emerged, such as **the World Vision, Swedish SIDA, European Commission, Spanish Secretariat for Roma**, and others, **with which the Memorandum of Understanding was signed toward the beginning of 2007**. Meanwhile, the Ministry of Human Rights and Refugees **established three cross-sectoral working groups, composed of experts from entity, canton and state authorities and public institutions, as well as representatives of the Roma non-governmental sector (at least seven members of the working groups are from the Roma NGO sector)**, who underwent the necessary training in drafting action plans and – the activities aimed at their preparation could begin!

b) Commitment to work in this manner, i.e. **through expert cross-sectoral working groups comprising several members, which also involve representatives of Roma non-governmental organisations**, eventually the BiH Council of Roma and the Roma Board to the BiH Council of Ministers, **is innovative and unique as compared with all countries in the region**. This is a slower and more complicated way and method, but the guarantees of success are greater. Because, in this way, the very development **involves far more experts from the competent institutions, authorities and public services** at all levels in Bosnia and Herzegovina, meaning the same people, experts and civil servants who will, as early as tomorrow - as soon as the action plans are adopted by the BiH Council of Ministers – be the main **agencies and factors in their implementation**. So, they will be fully aware not only of the difficult current social and economic status of the members of the Roma national minority in BiH and the importance of addressing Roma issues in BiH, but also of all measures necessary to be implemented in order to achieve the expected results and attain objectives ensuring the members of this national minority in BiH society have the starting equality.

On the other hand, the beginnings and genesis of the development of the Action Plans have, from the very beginning, seen the participation by those to whom the very objectives, as well as measures and actions from the very Action Plans, relate, those who are at the same time the subjects and objects of the Plans, and these are the Roma themselves. Of course, **the legally elected representatives of the Roma non-governmental organisations and associations** who have both the political legitimacy and a certain professional capacity. And who can better than themselves identify the present problems and challenges their fellow Roma face, and suggest actions and courses to articulate and solve them, i.e. work with more enthusiasm on bringing the norms under the Action Plans to life.

c) Because, as emphasized earlier, the Action Plans to address the problems of the members of the Roma national minority in BiH, pertaining to employment, housing and health care, are adopted as a separate set of measures, because they are in **an extremely unfavourable social and economic position, often subject to discrimination and inability to secure their own emancipation and equal status**, i.e. because the Roma need to be additionally assisted, not only treated as any other socially endangered social group, because according to the data from the Roma NGO sector, about 70% of the

members of this national minority are socially endangered in BiH at this time. One should opt for **the principles and values of the so-called positive discrimination** and, without calling into question the field and imperatives of legality, do more for the members of this national minority.

The first **test of the willingness of the BiH authorities** at all levels to implement their commitments and attitudes related to positive discrimination, i.e. **affirmative action**, as it has been called lately, is the very **development and adoption of Roma employment, health care and housing action plans**, which are at this point – end of 2007 – a current issue for Bosnia and Herzegovina, given the prescribed requirements BiH is to meet to join the Decade of Roma Social Inclusion 2005-2015 and the intention of the BiH authorities to join this project and the initiative of South-East European countries.

Understandably, **a greater challenge and test for the BiH authorities is their implementation** following the adoption by the competent BiH authorities – in this specific case: the BiH Council of Ministers. Of course, the adoption of the action plans pertaining to the mentioned priority areas, specifically: their implementation, must not be an alibi for inactivity in addressing the issues of Roma men and women in other areas, such as: information, entry into birth registry, strengthening their cultural identity, social welfare, etc.

d) The starting point of the Action Plans before us is the **BiH Strategy for Addressing Roma Issues, dated 2005**, as a document binding upon the authorities at all levels in BiH and other participants involved in addressing Roma issues, and they also take into consideration the provisions and recommendations under the **Council of Europe Framework Convention for Protection of National Minorities**, then the **European Convention on Human Rights and Fundamental Freedoms**, as well as its protocols, the **European Social Charter (revised)**, the **International Covenant on Economic, Social and Cultural Rights**, the **conventions of the International Labour Organisation (ILO)**, the **European Health for All Policy**, and other, as well as imperatives under the **2003 Act on Protection of Rights of Members of National Minorities**, and other documents and legislation at the entity and BiH levels, as well as professional standards applicable in the areas the Action Plans are adopted for.

On the other hand, **methodologically speaking**, these Action Plans have been developed in line with what has recently been adopted as a common methodology when it comes to the documents of this type. They are in this formal and methodological sense almost the same as the action plans of the BiH neighbouring countries, i.e. the countries that have already joined the Decade, and they have such a form, i.e. tables with objectives, measures, indicators, deadlines, funds, etc., for the sake of an easy and simple layout and reference once they have been adopted and become binding.

So, these Action Plans pertaining to Roma employment, health care and their housing issues, which are to be adopted by the competent BiH authorities, are comprised of **two main parts – tables and narrative or descriptive part**. The table part basically has **eight (8) regular “sections”** (objectives; measures; expected results; indicators; competent institutions; monitoring agencies; implementation timeframes; and necessary funds and resources); they define **objectives**, certain **measures, actions and steps, implementing agencies**, indicate **agencies monitoring** the entire process of **implementing the plans and evaluating results** expected, and project **funds** i.e. –

simply put – they outline everything aimed to be achieved, when and how to achieve it by their implementation, who will do that and who will, on the other hand, be responsible for monitoring, and what sources will be used to fund it all.

e) The descriptive or narrative part of the Action Plans provide somewhat shorter, but more specific **descriptions** of all that should and can be undertaken **in order to attain the objectives “mapped out” and achieve results** that should, by the end of the upcoming eight-year period, i.e. 2015, guarantee the following:

- **first, significant increase in the number of employed Roma**, that is, creating such an social-economic and environment of political values, or raising awareness in BiH society that addressing the unemployment of the members of the Roma national minority needs to be approached without any prejudice and discrimination;

- **second, addressing the problems of Roma housing**, either by building new housing “units” and the related infrastructure, complying with the standards worthy of man and standards of European integration, or by legalising the existing illegally constructed housing buildings, primarily houses;

- **third, optimal health care for all members of the Roma national minority**, regardless of the grounds on which they are or are not insured. Also, the narrative part of the Action Plans identifies the sense and provides explanations to some measures and steps that need to be taken in order to attain the set objectives.

On the other hand, the narrative part gives preference to the explanation of those elements of Action Plans that might seem unclear, insufficiently precise to someone, whether these are objectives, or measures to be undertaken in order to obtain the expected results. So, the point of the narrative part of any of these documents is not to describe each detail in them, but only what may cause misunderstanding in the future implementation.

5. Explanation of some objectives, measures and expected results, implementing agencies, course and challenges of implementation and monitoring action plans

a) The cross-sectoral working groups have held a series of meetings, in its expanded and core composition, then with independent local and international experts, with mayors of municipalities in BiH where the members of the Roma national minority live, with donors providing funds to the development of the Action Plans at present and potential donors to fund their implementation in the future, as well as with a large number of representatives of Roma non-governmental organisations and communities, where all dimensions and challenges pertaining to the development, adoption and implementation of the Action Plans were analysed.

The working groups and the BiH Ministry of Human Rights and Refugees are fully aware that it is (will be) far easier and simpler to adopt Action Plans than **implement**

them the next day and in the upcoming eight (8) years. The first year of the implementation of these documents will, for a number of objective reasons, be particularly critical. In order to insure the success of the implementation of the Action Plans addressing the issues of Roma unemployment, health care and housing in BiH, apart from respectable funding that will have to be provided, whether from the budgets of municipalities, cities, cantons, entities or state, or by donations, it will be necessary **to raise public awareness in BiH society in general, awareness to all its citizens, of the need to eliminate discrimination and prejudice against the members of the Roma national minority, that is, their inclusion in all developments, processes, relations and events in society, and of their taking on the responsibility for their own position and prospects in the community** as it is.

b) Raising awareness, or to be more specific: **changing public attitude** and perception of the Roma issue in BiH society does not have the support and assistance from **the media** – hence, all the Action Plans strongly emphasize the need to launch and ensure permanent publication of newspapers and magazines in Romani and one of the languages of the constituent peoples in BiH, i.e. establishment of radio stations owned by Roma or Roma NGOs or, new programmes on the life of the members of the Roma national minority produced by public broadcasting services – without public campaigns, without the education of both the members of the Roma national minority themselves, and all citizens in BiH, regardless of their nationality, religion, social, political or sexual affiliations. For this reason, all three Action Plans, that is, the plans/projects aimed at improving Roma status in terms of health care, housing and employment, insist on raising BiH society awareness of both **the importance of the emancipation of the members of the Roma national minority in BiH**, as well as **the importance and meaning of the Decade of Roma Social Inclusion 2005-2015**.

c) In order to attain this crucial, and for the Roma, so much essential as existential objective, the Action Plans anticipate many **measures**, define **indicators**, based on which it will be possible to measure periodically and at the end of the Decade process, what and how much has been done on their implementation and the improvement of the social status of the Roma; designate **the competent authorities** to implement the measures, design programmes, adopt specific operational documents, and these are most often branch Ministries at the entity and canton levels of the BiH executive authorities, as well as other competent agencies, such as:

- Ministry of **Human Rights** and Refugees, and Ministry of **Civil Affairs** (state level);
- (Entity and canton) Ministries of **Labour and Employment**;
- Ministries of **Health Care and Social Welfare** (at entity and canton levels, or Ministries with different names, but with similar competence);
- Ministries of **Urban Development, Construction and Housing and Utility Affairs and Environment** or related Ministries at entity and canton levels;
- Entity and canton Ministries of **Education**;
- Ministries of **Administration and Local Self-Governance** or Ministries of **Justice** (entity and canton levels);
- **Statistics Agencies and Institutes** (state and entity level);
- **Employment agencies, institutes and services/bureaus** (state, entity, canton, municipal and Brčko District levels);

- **Public Health Institutes**, health care centres, counselling offices, clinics, maternity hospitals, **Health Insurance Funds**, and other health care institutions and organisations at all levels;
- **Education institutions and organisations**, particularly **Pedagogical Institutes**, and various agencies, institutes and services **for additional training and re-training**;
- **Public broadcasting services** (state and entity level), Communications Regulatory Agency;
- Urban Development Institutes, Geodetic Administrations, Property and Legal Administrations and Cadastres, Land Development, Housing and Utility services (entity, canton, municipal, and BiH Brčko District levels);
 - **Social work centres** at canton and municipal levels;
 - Directorates, (e.g. CIPS in MoCA), institutes, secretariats, foundations, institutes, administrations, associations (e.g. of employers), associations (e.g. doctors', bar association, architects', etc.), offices (e.g. OMBUDSMAN and birth registries), bureaus, centres, sectors, media and public relations services to the authorities at all levels, public institutions and agencies which in performing their regular duties have some competence and responsibility for addressing Roma issues (e.g. for local and regional development), courts, inspections (e.g. utility), police (e.g. environmental), banks, etc.;
 - **Governments and other executive authorities** at all levels in BiH;
 - **Parliaments at all legislative levels** in BiH;
 - **Mayors of cities and municipalities**;
 - Roma Board to the BiH Council of Ministers, BiH Roma Council, RS Roma Association, Council of National Minorities to BiH Parliaments, Roma non-governmental sector, particularly resource centres and Roma Information Centre.

d) The Action Plans also list **the bodies responsible for monitoring the implementation of the Action Plans and results achieved** (some are yet to be formed); specify **deadlines** within which certain measures and steps are to be taken, as well as **sources and amount of funding** for certain measures. As clearly seen from the Action Plans, these funds are not insignificant – this is to be further discussed in a separate chapter – and significant political will, economic skill and financial discipline will be required to provide, and transparently and rationally use them.

On the other hand, it is the implementation of the set of measures within this objective, i.e. raising public awareness and raising BiH society awareness in general of the importance of the Roma issues in BiH and the need to address them, which has been accepted in all three Action Plans, that will allow significant **financial savings**, because public campaigns aimed at raising social sensibility and raising public awareness will be conducted in a synchronised, multi-lateral and coordinated manner for the purposes of all Action Plans, and not each of them individually, so the listed amounts may “merge”, and thus be rationalised, i.e. reduced, and part of the activities may be implemented through **public, state/entity electronic media and broadcasting services, i.e. the media**, as well as through information “units” and media owned or given to be used by Roma NGOs and other forms of organisation and action of the Roma NGO sector in BiH.

e) One of the measures mentioned in all three Action Plans is **an analysis and amendments to the current legislation** regulating the issues in these documents made current. It is a serious and long-term challenge, not only for the competent executive authorities in BiH, but also for the legislative authorities at all BiH levels, primarily the entity and BiH Parliaments. There is no doubt that in order to implement these Action Plans, **a range of laws and by-laws** pertaining to the issues addressed by the Plans **will need to be updated**. Of course, laws and by-laws must be based on the BiH Constitution, the entity and canton Constitutions, the BiH Brčko District Statute, but in the course of their implementation, as well as the implementation of the Action Plans, they will have to be **“creatively interpreted” in the best interest of the members of the Roma national minority** in order to integrate them, **during the Decade, in the following systems:** legal, economic, financial, social welfare, construction and urban development, utility and environmental, health, educational, etc. in order to ensure their problems later are addressed within this framework and in accordance with the standards applicable to the members of other constituent peoples and other national minorities.

In other words, the implementation of the planned measures under the Action Plans will be conducted within the law and other legislations, but **by applying the principles and criteria of the so-called affirmative action or positive discrimination** because Roma men and women of today **are falling behind** the members of the constituent peoples and other national minorities **in terms of their starting equality**, and lack capacity to swiftly reach an equal status in BiH society. It is understood that the analysis of the current legislation and drafting new may only be done by experts, be it those working with governmental institutions and bodies, or the so-called independent experts, but they both **need political and financial support and assistance**.

f) Complementary to the previous objective, and measures to reach it, is the objective called **the establishment and maintenance of databases**. Indeed, without setting up a database on the number of the members of the Roma national minority, their social and economic, housing, educational, health and other important determinants of the social status, as well as without the continuous updates on that, and the maintenance of the entire system, it is not possible to coherently plan measures and design projects, the implementation of which more significantly improves the socially marginal position of the Roma men and women of today. And, regardless of the fact that each Action Plan individually plans for the establishment and maintenance of the database, once it is established and the continuous entry is provided, it will **be used multi-laterally, i.e. for the purposes of the implementation of all Action Plans**, as well as for other activities aimed at emancipating the members of the Roma national minority, even after the completion of the process and project of the Decade of Roma Social Inclusion 2005-2015. Therefore, financial savings are possible in relation to this objective as well, that is, the employment of a lesser number of executive officers as the implementation of the Action Plans goes along.

g) However, **the key factor** the course, contents and quality of the implementation of the Employment, Housing and Health Care Action Plans for the members of the Roma national minority in BiH depends/will depend on, especially in the first year, is, or to be more precise, constitutes the answer to the question: following the adoption of the Action Plans by the BiH Council of Ministers and their publication in the “BiH Official Gazette”, **who will directly make sure that the very implementation commences and**

moves along at the expected pace while taking into account the contents of the Action Plans, that all the listed responsible participants and addresses begin with their share of the activities, from programming, to financing and monitoring? There is no doubt that the existing institutional and personnel capacities of the BiH executive authorities – particularly at the state level – can not do that successfully and efficiently. Because, **only one officer** in the competent Ministry at the BiH level, and that is the Ministry of Human Rights and Refugees, **professionally performs** all duties concerning all national minorities, 17 of them, and is also responsible for cooperation with religious communities and reporting to international organisations and institutions on the human rights of national minorities in BiH, as well as for other duties. Therefore, one professional from this Ministry cannot, on his/her own, coordinate numerous activities expected in relation to the implementation of the Action Plans discussed here in the upcoming eight years.

h) For this reason, the working groups have on several occasions proposed – and this is noted as an important measure to be undertaken to ensure the implementation of the Action Plans goes on smoothly and without delays – **that a special organisational unit responsible for the implementation of the Action Plans necessary for the purpose of BiH joining the Decade of Roma Social Inclusion 2005-2015 be established within the highest executive authorities in BiH, that is, the Council of Ministers.** The working groups share the opinion that in compliance with the laws in BiH governing this field, this organisational unit may be established and function in one of the following three manners and forms:

first, as a body directly related to the Office of the Chairperson of the BiH Council of Ministers, which would be headed by Secretary with a special task, and which would employ at least **three–four experts in the fields of education, employment, housing issues and health care;**

second, as a **separate department** – with newly-employed experts, as in the first option – within the Ministry of Human Rights and Refugees, whose current Department for National Minorities’ Rights and Cooperation with Religious Communities would be promoted to the level of the sector headed by the Assistant Minister, and

third, within the existing **Return Fund**, whose competence would be extended by the law to include the fields related to the three mentioned Action Plans.

i) Whatever the option the BiH Council of Ministers may choose, i.e. decide to establish any unit for the implementation of the Action Plans to address Roma issues in BiH in the field of employment, housing and health care, this will need to be done as a matter of urgency, as well as efficiently, **because Bosnia and Herzegovina has no more excuses to delay joining the Decade of Roma Social Inclusion 2005-2015.** Also, in order to ensure a good-quality monitoring and evaluation of the implementation process of the Action Plans and the results to be achieved by them, apart from the agencies indicated in the tables attached to the Action Plans, it should involve **teams of independent experts** who would, by using their knowledge, experience and impartial approach to the course and the pace of the Action Plan implementation, be able to take into consideration all aspects of their application and the effects of the achieved results, **and suggest, in a timely and authoritative manner**, what amendments could possibly be made to the planned objectives, measures and steps by the competent authorities if, of course, their implementation does not produce the expected results, i.e. who should be

designated as the body responsible for the implementation of those new measures. They would, therefore, have some sort of **supervisory** role, and may at the same time perform the duties of the **members of the governing or supervisory bodies** of specialised institutions, if they should be established for those purposes, i.e. for the implementation of the Action Plans.

6. Funds necessary for implementation of Action Plans and sources of funding

a) When all amounts of funds planned as necessary for the implementation of the measures under all three Action Plans before us are added up – meaning, without the costs of the implementation of the Education Action Plan which has been ongoing for quite some time – which is the simplest way and operation to come to a **total amount** of the necessary money for their implementation, the amount obtained is **644,200,000 BAM** or in **letters: six hundred forty-four million two hundred thousand convertible marks**. This, at the very least, is an extravagant figure given the current conditions in BiH. However, one should bear in mind the fact that this is an initiative and project, a multivalent and multilateral process of the social inclusion of the Roma national minority lasting for almost a decade.

In other words, the 644,200,000 BAM relates to the period of **eight years**, and the annual amount of funds to be provided to ensure the smooth implementation of these Action Plans is somewhat over **80 million BAM**. This would be an obligation for all authorities in BiH that have budgets, and not only for the authorities at one level, least of all, for the BiH institutions such as the Ministry of Human Rights and Refugees and the Ministry of Civil Affairs, for example.

Understandably, most of the funds are planned and will be required for the implementation of the **Roma Housing Action Plan – 439,500,000 BAM**. The next are the necessary funds for the implementation of the **Employment Action Plan – 170,000,000 BAM**, and at the end, the implementation of the Action Plan pertaining to the **health care** for the members of the Roma national minority will require only **34,700,000 BAM**.

b) The answer to the question as to which sources the mentioned sum necessary for the implementation of the three mentioned Action Plans will be provided, is as follows. The funding of the implementation of the Action Plans will be provided from two main sources:

1. **from the budgets of the authorities**, those at the **state, entity and BiH Brčko District levels, canton and municipal levels, in the amount of 70% of the total sum** necessary and planned for the implementation of the Action Plans and
2. **from donor funds** of international organisations and institutions of various nature and purpose, in the amount of **30% of the total planned funds**.

When it comes to the budgetary funds, they will be provided by taking as the starting point the criterion concerning the number of Roma and their families actually living in the entities and Brčko District, stated at the beginning of this document, which resulted

from a research conducted in 2007 by Roma non-governmental organisations, which is about 76,000 members of the Roma national minority.*

Pursuant to that criterion, the financial obligations of the state, entities and the District would be met in the following proportions:

- **Republika Srpska - 30%;**
- **Federation of Bosnia and Herzegovina – 55%;**
- **BiH Brčko District – 5% and**
- **Bosnia and Herzegovina – 10%,** which amounts to 100% of the 70% of the total funds to be provided by the BiH authorities.

The funds to be set aside for the implementation of the Action Plans by the entities will also include funds from the budgets of **cantons**, at least eight of those where members of the Roma national minority live, **cities** (Sarajevo, Banja Luka, Mostar and Istočno Sarajevo) and **municipalities**, some of which are extremely developed in economic and financial terms, and have considerable budgets, such as: Bijeljina, Centar-Sarajevo, Novi Grad Sarajevo, Prijedor, Vitez, Ilidža, Tuzla, Prnjavor, Visoko, Zenica, Kakanj, and others. The competent entity authorities would be obliged to agree on the proportional share of the implementing agency with the cantons and cities, that is, municipalities.

Funds from these sources would not be concentrated in one account, but would be used for both the regular servicing of the needs of Roma communities at the local level, as well as for the **solidary** fulfilment of some specific Roma needs in BiH. **The Coordination Board of the BiH Council of Ministers for the Action Plan Implementation** would adopt criteria on this, and it would ensure the mechanisms of collection and distribution of solidarity funds.

Regular funds to be used by Funds, such as health Insurance Funds, Pension Funds, Housing Funds, Solidarity Funds, as well as the funds of employment agencies and institutes, etc., should be added to this amount of budgetary funds.

v) As previously mentioned, apart from budget resources and line items, funds for the implementation of the Action Plans will be provided, **in the amount of 30%, from donor funds**, and the **earmarked funds for the Roma Decade member countries**. These funds are to be provided by **the World Bank, the Soros Foundation – Open Society Fund, Roma Education Fund**, as well as the already declared donors involved in addressing Roma issues in BiH (**World Vision, Swedish SIDA, European Commission**, and others). Given the fact that almost all countries of South-East and Central Europe that have joined the Roma decade, have received certain funds from the aforementioned institutions and for the mentioned purposes, it may realistically be expected that BiH will receive them too as soon as it meets the requirements for joining the Roma Decade, and the most important of those is the adoption of the Action Plans for addressing the issues within the mentioned fields.

There are also **funds from the European Union pre-accession funds**, which will become operational as soon as BiH signs the Stabilisation and Association Agreement, which is expected by mid 2008. On the other hand, Bosnia and Herzegovina also has the

* Given the fact that the Action Plan anticipates certain researches to obtain the exact data on the number of Roma in Bosnia and Herzegovina, corrections in terms of obligations are possible, depending on the census results.

possibility for **favourable credit arrangements** for addressing Roma Issues, particularly from **the Council of Europe Development Bank**, as has already been used in some other cases for some other needs.

When the amount of about 80 million BAM, which will be spent annually on the implementation of the Action Plans, is allocated proportionally to their financial power to those disposing of the budgets, it will be clear that these figures are not big at all. Few agencies will be spending more than a million BAM for these purposes per year. Together with donor funds, this will be even lesser, and it is therefore realistic to expect that the most undeveloped municipalities will be able to fulfil their obligations in relation to this issue.

b) **Possible savings**, i.e. reduction of spending public money for the purposes of addressing the issues of the Roma national minority, in accordance with these plans, have already been noted. In relation to this, it should also be added that it is realistic to expect that **the planned funds will permanently and successively be reduced as the implementation of the Action Plans moves along**, but this was difficult to precisely plan and reflect in figures. Also, as reforms in certain sectors move along, such as health care, pension and disability insurance, employment, education, allocation of construction land, civil service/public administration, etc. the **need for funds intended for the Roma population will increasingly drop**. Apart from this, if the implementation of some measures produces the desired results, e.g. in the field of employment, it will be possible to finance parts of some projects by profit made in business, small business or crafts industry, etc. All this indicates that the total amount of funds necessary for the implementation of the Action Plans will be less than anticipated here, especially if the implementation of each measure is handled rationally, and money spent transparently.

c) The way in which the planned and necessary funds will be collected and allocated, i.e. who will be servicing the obligations taken over and the implemented projects, will to a largest extent depend on the commitment and decision of the BiH Council of Ministers in relation to the establishment of the Action Plan **Implementation Unit**. If this should be an independent administrative organisation to the BiH Council of Ministers, than it will be easier for it to perform financial operations, there will be a larger flow of money and it will be easier to service financial obligations for services performed. This aspect should be taken into account when deciding on the nature and status of the future Action Plan Implementation Unit. This is also important in relation to **potential donors**, who prefer a simpler, yet efficient institution and financial transaction mechanism, to complicated procedures requiring consent of a larger number of competent authorities.