

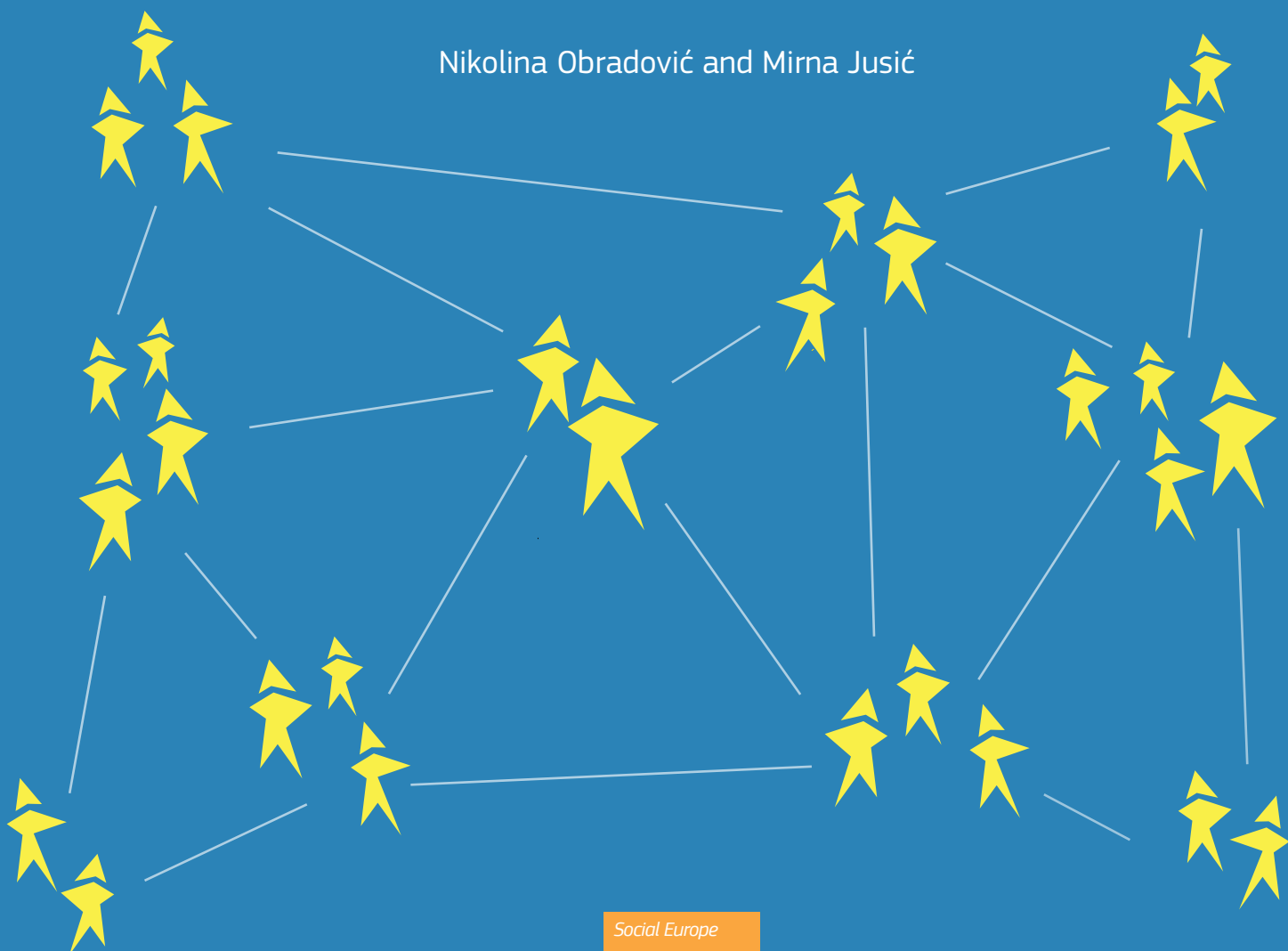


EUROPEAN SOCIAL POLICY NETWORK (ESPN)

National strategies to fight homelessness and housing exclusion

Bosnia and Herzegovina

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**ESPN Thematic Report on
National strategies to fight
homelessness and housing
exclusion**

Bosnia and Herzegovina

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Summary

Bosnia and Herzegovina (BiH) is a post-war country, with still visible signs of housing destruction and human destitution caused by the 1992-1995 war. Although there are indicators that homelessness represents a problem for a number of people, the social protection legislation in the two BiH entities does not define it or recognise it as a social problem. As a result of this, homelessness is not being monitored or addressed in a systematic manner. The only recognised category of homeless persons, although not called homeless, are internally displaced persons (IDPs) and refugees living in collective centres, whose displacement was caused by the war.

The 2013 Census data on 313 persons living rough, which corresponds to ETHOS Light category 1, is the only available data providing the age and education profile of this category of the homeless. Other available information is incomplete and dispersed across the country's different levels of government, depending on the status of homeless persons and government competencies. It has been reported that more than 5,000 IDPs, together with some other vulnerable categories, still live in collective centres (this pertains to the ETHOS Light category 5, living in non-conventional buildings and temporary structures). The only category of persons in need under general social protection legislation whose situation might imply homelessness are 'persons with socially inappropriate behaviour', i.e. people with a tendency to vagrancy, idle persons, beggars and vagabonds. Although this behaviour is penalised in accordance with legislation on public law and order in most parts of the country, these and other recognised categories of persons in need should be assisted by Centres for Social Work (CSW). However, access to CSW services for the homeless is limited. It is deterred not only by complex and lengthy administrative procedures and limited availability of the assistance on offer (financial assistance and placement in institutions of social care, if available), administrative hurdles for obtaining identification documents, etc. Furthermore, only four CSWs in the country have emergency accommodation at their disposal; of these, two are publicly run and have restricted access. Most homeless people find shelter in ruined buildings, damaged during the last war, while during the winter months many migrate to the southern part of the country.

The country has never had a strategy for addressing the problem of homelessness among the general population. However, the governments' focus has been on the implementation of Annex VII of the Dayton Peace Accords, which entails, *inter alia*, the right to return, the return of property and housing rights and reconstruction of destroyed housing. So far, governments have adopted two strategies for the implementation of Annex VII (in 2002 and 2010); these were carried through with the financial support of the international community. Much of the housing stock has been reconstructed, enabling many people to return to their properties and have a roof over their heads. Under the Revised Strategy for Implementation of Annex VII, the governments pledged to close down collective centres by 2020 and find housing solutions for these people, by introducing social housing in local communities. As a result of these efforts, in July of this year, the Assembly of Republika Srpska (RS) adopted Law on Social Housing governing the building of social housing units. Although a welcome initiative, this will not be sufficient to tackle homelessness or housing exclusion in a systematic manner.

The country needs a basic framework for housing policy at the state level, which should include relevant definitions of homelessness aligned with ETHOS typology and indicators for monitoring. It would enable authorities at different levels of government to record and monitor homelessness in a systematic and harmonised manner, which is necessary for devising effective policies to cater to the needs of different types of persons without accommodation. What is needed is legislation on homelessness that will ensure that the different types of support are accessible to the different categories of homeless persons, depending on their situation. CSW, together with other service providers at the local level, should have a key role in the provision of coordinated community-based services.

1 The nature and extent of homelessness and housing exclusion

The BiH entities responsible for social policy and social protection have not adopted any official definitions of homelessness, and homelessness as such is not officially monitored. This, however, does not mean that homelessness does not exist. There are several sources indicating that homelessness presents a problem for a number of people in the country. One available source is the Census data. However, since the end of the 1992-1995 war, the country has conducted only one population Census, in 2013. The Census data provides information about people living rough, which is aligned with the ETHOS Light category 1 (see Table A1 in Annex). The Census also enumerated people living in institutions (institutions of social protection, collective centres, etc.), but without classifying the type of institution and without asking the reasons for their institutionalisation. Therefore, the Census data does not provide information about persons who happened to be in an institution because of homelessness.

As Table 1 shows, at the time of the Census (1-15 October 2013), BiH had 313 homeless persons, 102 of them in the Federation of BiH (FBiH), 208 in Republika Srpska (RS) and 3 in Brčko District (BD). There were 111 women, making up 35% of all persons recorded as living rough.

Table 1: Number of people living rough, by entity and gender, 2013

Entity	People living rough		
	Men	Women	Total
Federation BiH	72	30	102
Republika Srpska	127	81	208
Brčko District	3	-	3
Total	202	111	313

Source: BiH Agency for Statistics, 2013 Census data.

Tables 2 and 3 show the diversity of profiles among people sleeping rough. We can see that people living rough are present across all age groups – from small infants to people aged 85 and above – and across all education profiles – from those who had not completed any education level and those with unfinished elementary school right up to people with university education level. The most numerous are persons of working age, from 30 to 65 and those with high-school education. Children and very young persons (age groups 0-19) represent 17.3% of the total rough-sleeping population, while people aged 65 and above represent 19.2%. The youngest and the oldest are in the most vulnerable positions, as living rough will have the most detrimental effect on their health and general well-being.

Table 2: Number of people living rough, by age group and entity, 2013

Entity	0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
FBiH	1	-	9	3	4	4	9	7	4	9	10	8	7	11	10	4	2	-
RS	5	2	6	12	12	12	13	15	22	21	18	17	21	14	7	8	1	2
BD	-	-	-	-	-	-	-	-	-	-	2	-	1	-	-	-	-	-
Total	6	2	15	15	16	16	22	22	26	30	30	25	29	25	17	12	3	3

Source: BiH Agency for Statistics, 2013 Census data.

Table 3: Number of people living rough, aged 15 and above, by level of education completed, 2013

Entity	No education at all	Incomplete elementary school	Elementary school	Secondary education	Post-secondary school vocational specialisation	Post-secondary school diploma	University education
FBiH	10	15	17	41	1	5	3
RS	14	14	66	78	1	10	12
BD	-	-	-	3	-	-	-
Total	24	29	83	122	2	15	15

Source: BiH Agency for Statistics, 2013 Census data.

For other ETHOS Light categories, available data is scarce, and is incomplete when available. The reason is that BiH entity legislation on social protection does not recognise homeless people as a specific category of persons in need.

Entity legislation on social protection stipulates that social care and social work services should be provided to a number of different categories of persons in need (e.g. children without parental care, persons with a disability, older persons without a family, etc.). Under the legislation, the only category of persons in need that could resemble people without housing covers persons in the category of so-called socially inappropriate behaviour, i.e. idle persons, beggars, vagabonds, alcoholics, drug users (Article 17 of FBiH Law on Social Protection, Protection of Civilian Victims of War and Families with Children and Article 18 of the RS Law on Social Protection). The RS law also stipulates additional categories whose situation might imply homelessness, like people who have suffered family violence, illegal trafficking or long-term unemployment and poverty, environmental disaster or war, etc.

On the other hand, it is important to emphasise that the above-mentioned so-called socially inappropriate behaviour is punishable by law. Although the entity laws on misconduct and violation of public order differ to some extent, in both entities, vagrancy and sleeping rough in a public place can be punished by fines. In FBiH, this area is regulated by cantonal laws, while each municipality or town has its own 'decisions' on public order. For instance, according to the Law on Misconduct and Violation of Public Order in the Canton of Sarajevo (Article 8, Canton of Sarajevo Official Gazette No. 18/07), a person engaged in vagrancy or sleeping in a communal part of a building can be fined between 200 and 600 convertible marks (KM) (EUR 102.60 to EUR 307.70). Furthermore, the Decision on Public Order and Peace from January 2018 of the Municipality of Maglaj (Zenica-Doboj Canton) penalises sleeping in the street, on public squares, benches, bridges, in parks, waiting rooms or similar, as well as squatting in abandoned or ruined buildings.

Notwithstanding the above, BiH has a very particular form of homelessness that falls under the ETHOS Light category 5, of people living in non-conventional dwellings due to lack of housing. Those are internally displaced people (IDPs), living in so-called collective centres, usually former schools and garrisons, former workers' barracks or similar accommodation, usually in a run-down state and providing very poor living conditions. There are two types of collective accommodation: those run and financed by the government and those without official government approval, and therefore without financial support. According to the latest accessible data, as presented in Table A2 in the Annex, in 2017 there were 146 families or 297 IDPs in collective centres in the RS, some 5,000 IDPs in the FBiH, and 240 families of IDPs in Brčko District (BiH MHRR, 2018, p. 37). State documents (BiH MHRR, 2008, p. 14) point out that a significant number of IDPs living in collective centres belong to especially vulnerable categories, often people with a physical or mental disability, persons who are chronically ill, single-parent families, orphans, and others without means of living, or simply persons who have objective

reasons for not wanting to return to their pre-war addresses. Collective accommodation is also used by other types of beneficiaries on different grounds, but certainly for the reason that they do not have another type of accommodation (BiH MHRR, 2008, p. 13). Some of them do not qualify for reconstruction or housing aid as part of the return projects, because they did not have housing rights or housing property on their own before the war.

Information about the number of IDPs living in rented accommodation, or staying with relatives or friends in other parts of the country or in improvised, partially repaired accommodation unfit for habitation is not available. We can assume that the number is significant. However, it is known that in the RS, some IDPs have been placed in private accommodation rented on behalf of the entity government for this purpose (BiH MHRR, 2008, p. 14).

The available data presented above does not permit analysis of the trends and main drivers of homelessness in the country. Furthermore, homelessness in BiH is generally not researched, and studies on the subject are rare. The only available study that provided an insight into the nature and extent of homelessness in the country was an assessment, conducted some 10 years ago by Hilfswerk Austria International (HWAI, 2009/2010), of the need for social housing. According to its findings, some 395 families were living in collective centres (families that did not qualify for reconstruction assistance because they did not have a house, or similar, before the war); 553 families were living in temporary dwellings (like barracks that were due for demolition); 359 families were living in improvised accommodation (containers, garages and similar); and 219 families were living rough. That means that the country, at that time, had 1,526 homeless families. This estimate excluded refugees and IDPs, whose numbers were monitored by the responsible ministries, since refugees and IDPs were eligible for housing assistance or housing reconstruction under Annex VII of the Dayton Peace Accords (see the following section).

2 Relevant strategies and policies tackling homelessness and housing exclusion

The country does not have relevant strategies and policies in place to tackle homelessness and housing exclusion. The political transformation that commenced in the early 1990s implied abandonment of the socialist model of governance, which was associated with strategic policy planning. This included abandoning the former socialist government's housing policy, which catered to the housing needs of the employees of government-owned enterprises and institutions. As a result, since the end of the war, the country has not had a housing strategy or policy that addresses the housing needs of the general population.

Annex IV of the Dayton Peace Accords¹ assigned to the state-level government very limited competencies. During the immediate post-war period, state institutions were to be formed, and institutions like the Office of the High Representative, the Organization for Security and Co-operation in Europe (OSCE) and other key international financial institutions were instrumental in this process. Implementation of Annex VII of the Dayton Peace Agreement was also one of the priorities, because the 1992-1995 war resulted in considerable human and housing destruction. According to one estimate, at the end of the war, BiH had 2.2 million refugees and internally displaced persons, which was more than half of its pre-war population (BiH MHRR, 2008, p. 11). Of the 1.1 million housing

¹ The Dayton Peace Agreement (the General Framework Agreement for Peace in BiH) was signed in November 1995 in Dayton, Ohio, the USA, and formally signed in Paris on 14 December 1995. It includes 11 annexes. Annex IV still stands as the constitution for BiH, while Annex VII concerns the rights of refugees and displaced persons to return to their homes of origin and to have restored to them any property of which they were deprived during the war.

units enumerated in the 1991 Census, 453,000 (around 42% of all housing stock) are estimated to have been damaged or destroyed during the 1992-1995 war. For the largest part – some 270,000 units – the extent of destruction ranged from 20% to 70%, while more than 80,000 housing units incurred damage of more than 70% (BiH MHRR, 2008, p. 17).

The return process during the first post-war years did not go smoothly and was not without its problems. Many people were reluctant to return because of attacks on returnees, the slow process of property law implementation (return of property), the amount of housing that had been destroyed, the danger of landmines, etc. The destruction continued after the war – almost 14,000 housing units were lost, of which 80% were in the FBiH (BiH MHRR, 2008, p. 18). The main ethnic parties encouraged the ethnic homogenisation of the territories under their control. This entailed the building of new housing settlements for the internally displaced population (i.e. in the RS for ethnic Serbs displaced from FBiH; in the ethnic Bosniak and Croat-controlled parts of FBiH, for their respective ethnic populations displaced from areas of the FBiH or RS, where they would be minority returnees² if they decided to return). These housing projects were instruments of ethnic homogenisations, and in most cases were financed by local governments. For those who wanted to return and whose houses had been destroyed, the reconstruction was, in most cases, supported by international donors and implemented by international non-governmental organisations (INGOs). However, the most vulnerable groups were those who did not qualify as IDPs or refugees, because they did not have housing rights or housing property from before the war. They had to look for a housing solution on their own, without institutional assistance. Many of them, mainly those unfit to work and earn income, have settled in collective centres (both legal and illegal) in places to where they were displaced. The return programmes that aimed to reconstruct the houses of IDPs and refugees could not address the housing needs of all. There was a significant disparity between the actual needs for reconstruction and the available resources, which also had to be used for infrastructure (roads, electrification, etc.) and communal facilities, like schools, health centres and similar.

The first strategy for the implementation of Annex VII was developed at the end of 2002 as a framework document at the state level, and defined the objectives and necessary actions and reforms for the realisation of Annex VII. Furthermore, sustainable returns and implementation of property law were also essential parts of the Road Map, which was a reference document with 18 conditions that national bodies had to meet in order to qualify BiH for the feasibility study concerning the opening negotiations for the Stabilisation and Association Agreement with the EU. Although the return process in 2002 was still largely unfinished, the requirements of the Road Map were declared to have been essentially met.³ However, in January 2003, the Peace Implementation Council endorsed the Strategy of Bosnia and Herzegovina for the Implementation of Annex VII (BiH MHRR, 2003), which was later adopted by the BiH Council of Ministers and the Presidency of BiH. The strategy foresaw the reconstruction of 50,000 housing units that had suffered a high level of devastation (between 80% and 100%), which would secure the direct return of some 200,000 internally displaced persons and refugees by the end of 2006 (BiH MHRR, 2003, p. 14). The development and endorsement of this document was instrumental in attracting international financial support for direct reconstruction aid, as well as in directing resources into the state Return Fund and in participating in joint activities with the governments.

The first strategic document developed in the country after the war was the Poverty Reduction Strategy Paper, Mid-Term Development Strategy 2004-2007 (PRSP IMF, 2004), whose development was supported by the World Bank. The development of the strategy took three years and involved state and entity governments. The state strategy

² Minority returnee is a technical term which denotes a person's return to their pre-war place of residence, where the majority of people in the post-war period represent members of another ethnic group.

³ <http://www.dei.gov.ba/dokumenti/default.aspx?id=4727&langTag=bs-BA>

for the implementation of Annex VII was integrated into this document, and housing reconstruction for the purpose of facilitating return was recognised as a problem: the document pointed out that the available funding in the coming years would not suffice to meet the assessed needs, because it was expected that international donations would diminish, while the budgets of the governments in BiH would not be able to fully assume the burden of financing the return process (PRSP, 2004, p. 157). Furthermore, the lack of a database on the activities undertaken, those that were ongoing and those planned (PRSP, 2004, p. 157) made the coordination of return assistance impossible. In fact, the lack of proper coordination has enabled every agency – both local and international – to direct its assistance in accordance with its own agenda, concentrating on certain areas and sometimes facilitating the double-dipping of assistance aid, while neglecting other areas and other returnees. Moreover, PRSP (2004) points to problems of multidimensional poverty and housing deprivation not only of the internally displaced and returnee population, but of the general population as well. However, the priority areas and the action plan envisaged housing reconstruction only as part of the return process (as already planned under the Return Strategy), with steps taken to close collective centres, to provide alternative housing for those individuals legally entitled to it, and to assist in solving the housing issues of the veterans' population.

In 2005, during the re-registration process, there were 125,072 internally displaced persons or 41,013 families (of which 45% were displaced on the territory of FBiH; 54.1% on the territory of the RS; and 0.9% on the territory of Brčko District). Out of the total number of IDPs, almost a quarter of household heads declared that they did not wish to return to their pre-war place of habitation (BiH MHRR, 2008 p. 15). The majority of the IDPs had found housing solutions on their own. According to the Ministry of Human Rights and Refugees (MHRR) (BiH MHRR, 2008), by 2008, some 317,000 housing units had been reconstructed (232,000 in FBiH; 72,000 in the RS; and 12,000 in Brčko District), amounting to 68% of the total stock of damaged housing. It was estimated that approximately two-thirds of houses had been reconstructed with government or international aid, while returnees had reconstructed the rest on their own.

Activities on the development of a Revised Strategy for the Implementation of Annex VII started in 2007, with the endorsement of an action plan for the revision that envisaged 10 consultative working groups for the analysis and development of strategic proposals. The first working group was tasked with conducting an analysis and proposing measures for the reconstruction of housing units for refugees, IDPs and returnees, and with proposing solutions for the closure of collective centres and the resolution of the housing problems of vulnerable categories of returnees. The document of the Revised Strategy was completed in October 2008, and after its approval by the BiH Council of Ministers in January 2009, it was forwarded to the parliamentary procedure. However, at the session of the BiH Parliamentary Assembly held in June 2009, the document was disputed because of the proposed timeframe and parts related to compensation for war damage. The ministry had to revise the document in consultation with the responsible entity ministries, Brčko District and the UNHCR. It subsequently submitted a new version of the Revised Strategy, which was adopted in 2010.

It was envisaged that the Revised Strategy for the Implementation of Annex VII (BiH MHRR, 2010) would be implemented within a ten-year period, at the end of which all collective centres would close. Selected as a government priority, the closure of collective centres entailed restricting the entry of new individuals to existing collective centres and preventing the (formal and informal) establishment of new collective centres (BiH MHRR 2010, p. 30). In parallel with the reconstruction, the strategy envisaged seeking housing solutions for other vulnerable categories, and therefore developing a new strategic approach to housing in BiH, with a particular focus on those most in need. This would entail a non-discriminatory approach to the right to housing, sustainable housing and urban development, with adequate and tailor-made housing solutions for the most vulnerable categories and people in need of social care (BiH MHRR, 2010, p. 31). Hence, the state level provided a strategic framework for the development of ideas to

complement the housing policy of the return programmes and, in the long run, turn them into a housing policy for vulnerable groups.

The Revised Strategy provided the necessary framework for starting the multi-annual Regional Housing Programme (RHP) in 2013, mostly financed by the EU, which has aimed at providing durable housing solutions for refugees and displaced persons following the 1991-1995 conflicts on the territory of former Yugoslavia. Besides BiH, the RHP has also been implemented by Croatia, Montenegro and Serbia. For BiH, the objective is to offer housing solutions (through the provision of construction materials, the construction and reconstruction of housing units, and the provision of housing within the social welfare system⁴) to several categories of vulnerable refugees, IDPs and returnees, and to assist altogether some 5,400 households or 14,000 individuals (BiH RHP, 2018). In BiH, the project is being implemented by the state and entity governments.

Furthermore, in 2013, BiH commenced projects aimed at closing down collective centres and alternative accommodation. These projects were worth EUR 104 million, of which EUR 60 million were secured through a Council of Europe Development Bank (CEB) credit approved on 25 January 2013 (FBiH Parliament, 2014). This project envisaged solving the housing problems of some 7,200 persons living in collective centres and alternative accommodation, by building 2,611 housing units in 82 buildings. This would ultimately result in the closure of 121 collective centres (80% of the total number) by 2020 (all collective centres in RS and BD, and 72% of collective centres in FBiH). Two types of housing units were envisaged: non-profit social apartments (2,436 housing units) and 145 individual housing units (FBiH Parliament, 2014, p. 2). The project documentation states that, in the long term, the project should contribute to the development of housing policy for vulnerable groups and persons on low income at the local level. The implementation of both of the above-mentioned projects is ongoing.

One of the outcomes of the above-mentioned projects in the RS was the development of Law on Social Housing, which was finally adopted in July 2019. The law regulates the provision of social housing solutions at the local level for different categories of people in need of affordable housing, prioritising beneficiaries in the following order: 1. young married couples; 2. persons with professions important for the local community; 3. Internally displaced and refugees, demobilised soldiers, war veterans, returnees, victims of war torture, single parents, families with three or more children and young persons without family care; 4. Social assistance beneficiaries like those without means and incapable to work, persons with disabilities, persons without family care, victims of family violence and other categories in accordance with the law⁵. Social housing apartments will be given for use or rented at socially affordable prices. Moreover, the law imposes obligation for the RS government to develop proposal for the RS Strategy on Social Housing for period of ten years, which should be adopted by the RS Assembly and implemented through five year Action Plans at the level of entity and municipalities.

Although the law stipulates different financing options, including the possibility of public-private partnership, the financing of some 200 to 300 social housing apartments a year, due to be constructed over the following three years is to come through the RHP and credit funds from Central Bank of Council of Europe, allocated for the project 'Closing of Collective Centres and Alternative Accommodation by Providing Public Housing Solutions'. Social housing units constructed will remain the property of the local community, with no possibility of beneficiaries passing the property on as inheritance, selling it, or similar.

However, some social housing initiatives have already been implemented in the country, and social housing has been promoted as a solution to the problem of collective centres for some time. Certain international civil society organisations with an established reputation in the sector of refugee return have been particularly active in this area.

⁴ The elderly and extremely vulnerable individuals are to be placed in the care of social welfare institutions.

⁵ Article 12, RS Law on Social Housing, Official Gazette, 54/19

Thanks to donors' support, social housing apartments have been built across the country, primarily as a solution for people living in collective centres, but also including other socially vulnerable categories. For instance, by the end of 2015, Catholic Relief Services (CRS) and Hilfswerk Austria International (HWAI) had built some 360 housing units (HWAI, 2015, p. 49), which are now the property of local communities. Returnees and IDPs make up 89.49%, other socially vulnerable groups 5.66% and the Roma population 2.16% of all social housing beneficiaries (HWAI, 2015, p. 54). During 2009 and 2010, HWAI performed a social housing needs assessment, in collaboration with the MHRR. The document also promoted the social housing model as the most suitable and affordable housing solution for a wide range of beneficiaries – not only the homeless and internally displaced, but also young families, young professionals, the elderly, and others (HWAI, 2009/2010). Such initiatives and advocacy efforts on behalf of these INGOs led the state-level MHRR to include the social housing model in the Revised Strategy for the Implementation of Annex VII, while in 2013, CRS facilitated the process of development and passing of social housing legislation in two cantons in FBiH (Bosnia-Podrinje Canton and Zanja-Doboj Canton). Furthermore, five municipalities (Srebrenica, Prijedor and Banja Luka in the RS, and Gorazde and Mostar in FBiH) have developed social housing strategies. However, as pointed out in an analysis done by HWAI (2015, p. 78), it seems that the primary aim of these initiatives was to provide a minimal regulatory framework for INGOs and donors to continue their work in constructing and providing social housing, in cooperation with local communities, in places where there was both need and interest.

In 2005, BiH adopted the strategy for addressing the issues of Roma people in the context of the Project of the Decade of Roma Inclusion 2005-2015 and the EU Framework for National Roma Integration Strategies up to 2020. The strategy established neither a timeframe for implementation nor monitoring and implementation indicators. However, it contained basic principles for the gradual improvement of the situation of the Roma people in BiH. In the period from 2009 to 2016, some 782 buildings for Roma families were constructed or reconstructed, which means that around 3,900 Roma (or approximately 13% of the total Roma population) were provided with housing (BiH Action Plan, 2017-2020, p. 5). This was achieved using funds from the state budget, Instrument for Pre-Accession Assistance (IPA) funds and funds from INGOs (Caritas Switzerland, Hilfswerk Austria and others). The current BiH Action Plan for Addressing Roma Issues in Employment, Housing and Health Care 2017-2020 envisages, *inter alia*, the construction of 100 housing units (existing social and potential buildings for social housing) and the reconstruction of 40 housing units a year. According to the Action Plan document, the MHRR had earlier signed cooperation agreements with 57 CSWs in local communities with the greatest number of Roma, and put into operation a database of Roma needs. The Action Plan also envisages signing cooperation agreements between the MHRR and the remaining CSWs in the country for the purpose of monitoring the needs of Roma. Although the available documents make use of the terms 'homeless' and 'families without adequate housing', definitions of these terms are not provided. It is possible that a manual for maintaining a database of Roma needs provides definitions, but such information is not publicly available. The success of the activities envisaged will depend on local communities and their willingness and ability to record Roma households without housing, with a special emphasis on homeless Roma, as well as to compile lists of potential users of the social housing programmes on their territories.

3 Analysis of the current patterns of service provision and challenges in implementing Bosnia and Herzegovina's responses to homelessness and housing exclusion

3.1 Current patterns of service provision

Under both entity laws on social protection, persons in social need who are without shelter or housing may be entitled to temporary accommodation or placement in an institution of social care, while the RS law also stipulates placement in a foster family and the right to housing (if living in poverty) under the extended rights that may be granted by local communities. In both entities, the provision of these services is the responsibility of local communities, and this is administrated by the CSWs.

BiH has 118 CSWs in total, of which 72 are in FBiH and 46 in the RS. Municipalities that do not have CSWs (22 municipalities in FBiH and 10 in RS) rely solely on municipal services responsible for social welfare. The approach of CSWs to dealing with social issues on their territories is reactive, rather than active: they respond only if people walk in and seek help, or if they are summoned to intervene, or receive referred cases from other public service providers (i.e. police, schools or health institutions).

The CSW capacities (in terms of employed personnel, financial resources at their disposal and accommodation facilities) to provide assistance vary substantially. They depend mainly on the financial support that a CSW receives from its founder (i.e. the municipality) and the available facilities. In both entities, each municipality is free to provide and finance additional rights, apart from those guaranteed by the entity and, in FBiH, by cantonal legislation. Although not clearly defined as a category of persons in need, in practice there is no legal obstacle to CSWs providing assistance to a homeless person; but this entails satisfying complex and lengthy administrative procedures for both the CSW and the potential beneficiary. Because a CSW's territorial responsibility is limited to the municipality, it will provide assistance only to persons with identification documents proving residence in that municipality. This means that CSWs will refer beneficiaries with ID documents from other municipalities to CSWs where the person has a registered residence.

Since the changes to the Law on Residence ('Zakon o izmjenama i dopunama Zakona o prebivalištu i boravištu državljana BiH', Official Gazette no. 58/15), which came into force during 2015, a person needs to submit proof of residence at a given address (i.e. proof of ownership or tenancy/renting agreement or similar) in order to obtain an ID document. This represents a serious obstacle for a homeless person, and we can assume that most homeless persons could not have been issued ID documents since 2015. This additionally aggravates their position, since a person without an ID document cannot be assisted by a CSW. Furthermore, it complicates access to health care – someone without an ID and a health booklet (which cannot be obtained without an ID document) most likely will not be admitted to a health institution.

In general, CSW can provide financial assistance (i.e. means-tested social assistance and means-tested one-off benefits that can be received three times a year at most) and placement in an institution of social care. Most CSWs in the country do not have at their disposal emergency accommodation to which they can refer homeless persons. Exceptions are Sarajevo, Banja Luka, Zenica and Brčko. In Sarajevo and Banja Luka, gerontology centres have units for emergency accommodation. Sarajevo's emergency accommodation can accommodate 25 adults, while in Banja Luka, there is capacity for 10 adults (including sleeping facilities, hot water, meals and basic medical assistance). Homeless families with children are usually separated, with the children placed in children's homes.

The emergency institutions do not have an open-door policy. Only homeless persons referred by the CSW (with prior approval from a medical professional) or the police can use emergency accommodation. Persons whose presence might endanger other people

(e.g. those with infectious diseases, the mentally ill or addicts) are in general not welcome in emergency accommodation. Zenica's CSW cooperates with a homeless shelter run by the local NGO Pomirenje, which is supported financially with KM 1,500 (EUR 780) annually by the municipality (Tntportal.ba, 10.01.2019). The shelter is made up of two containers, with sleeping capacity for 10 persons (including children); thanks to donations, beneficiaries receive more than one meal. During cold winter weather, the shelter is kept open even during the day. Similarly, Brčko has an improvised winter shelter run in cooperation with the local Red Cross (Klix.ba, 10.01.2017). The duration of stay in emergency accommodation is limited to approximately 7 to 10 days, which can be prolonged only in exceptional circumstances.

Although the eligibility criteria for receiving means-tested social assistance vary between the entities (and in FBiH between cantons), generally speaking, in order to receive assistance, one needs to be above the age of 65 or unfit to work, without means and income, and without family members legally obliged to provide support. All stipulated conditions need to be proved in an administrative procedure that usually takes longer than one month. Similarly, placement in institutions of social care (of a closed dormitory type), which are generally suited to the elderly or persons with disability unable to live independently, can be done only if the beneficiary is willing, and after a lengthy administrative procedure. The CSW has to obtain proof that the person has no property, no relatives and no infectious illnesses, among other conditions, if their stay in the institution is to be financed by the CSW. Sometimes, it is very difficult to bridge this waiting period, as most CSWs in the country do not have emergency accommodation at their disposal. Hence, in the meantime, that person remains living on the street. As Table 4 shows, we observe that the number of people staying in institutions because of housing problems changes from year to year. The latest available data (for 2017) reports 164 persons, of whom 77 were men and 87 women. We can observe that women are present in institutions in higher numbers than men. However, from the information provided, we do not know if the number varies because people leave the institution willingly (or perhaps unwillingly) or die.

Table 4: Number of CSW beneficiaries who received aid for solving housing problems and number of adults in institutions due to housing troubles, 2012-2017

		2012	2013	2014	2015	2016	2017
Adults received aid for solving housing problems	total	558	501	491	427	337	789
Minors received assistance in solving housing problems	Total	227	144	26	65	44	69
Adults in institutions because of housing troubles	Total	187	233	138	170	166	164
	Men	70	106	54	69	73	77
	Women	117	127	84	101	93	87

Source: BiH Agency for Statistics (2018a).

Table 4 presents the number of adults and children who have received aid for solving housing problems. We do not know the family status of these people (how many of the beneficiaries are assisted as single persons or as families) or what kind of assistance they have received. Furthermore, as explained in the methodological part of the BiH Agency for Statistics (2018, p. 12) report, the statistical data presented refers to the number of services delivered in the reference period, and not to the number of persons. Hence, one person might be shown as a beneficiary several times, or as many times as they have used some of the measures/services provided.

Table 5 gives an overview of three categories of CSW beneficiaries, by gender and adult/minor category, who are most likely to be homeless and who were assisted by CSWs from 2012 to 2017. These are people categorised as having a tendency to vagrancy under a broader category of persons with socially unacceptable behaviour,⁶ while under the broader category of persons with different social and protective needs, there are persons with severe housing problems and those who have suffered due to a natural disaster. Again, as in the above case, the official statistics do not specify the type of assistance received. The most numerous beneficiaries of these three groups are those with severe housing problems. Assistance provided to this group has been in decline, from 12,311 in 2012 to 9,393 in 2017, unlike the number of registered minors, which has remained at around 5,900. We do not know how many families are affected by these problems.

Table 5: Number of CSW-assisted beneficiaries likely to be homeless, by official category and gender

Official category		2012	2013	2014	2015	2016	2017
Adults with a tendency to vagrancy	Total	1,220	1,106	1,144	1,167	1,218	1,217
	Men	711	642	681	626	660	720
	Women	509	464	463	541	558	497
Minors with a tendency towards vagrancy	Total	1,016	984	935	906	1080	1011
	Men	565	580	462	454	593	494
	Women	451	404	473	452	487	517
Adults + minors with a tendency towards vagrancy	2,236	2,090	2,079	2,073	2,298	2,228	2,236
Adults with serious housing problems	Total	12,311	12,070	10,210	10,265	9,880	9,393
	Men	5,412	5,392	4,547	4,408	4,240	4,123
	Women	6,899	6,678	5,663	5,857	5,640	5,270
Minors with serious housing problems	Total	5,622	5,559	6,362	5,973	5,982	5,762
	Men	3,180	3,134	3,448	3,398	3,336	3,201
	Women	2,442	2,425	2,914	2,575	2,646	2,561
Adults + minors with serious housing problems	Total	17,933	17,629	16,572	16,238	15,862	15,155

⁶ According to existing legislation, persons with socially unacceptable behaviour are those with asocial behaviour (vagrancy, begging, prostitution, a tendency to commit criminal acts and offences, alcohol and drug abuse).

Adults affected by natural disasters	Total	501	495	4,410	5,361	507	398
	Men	276	246	2,149	2,458	336	270
	Women	225	249	2,269	2,903	171	128
Minors affected by natural disasters	Total	94	62	1,895	417	391	344
	Men	58	37	941	212	193	179
	Women	36	25	954	205	198	165
Adults + minors affected by natural disasters	Total	595	557	6,305	5,778	898	742

Source: BiH Agency for Statistics (2018a).

Persons registered as having suffered in a natural disaster in the BiH context are very likely to be without a place to live. The most commonly recurring problems in some parts of BiH are floods and landslides.

We can observe that in 2014, the number of people registered in this category soared. This was because of a major natural disaster that struck BiH in May 2014: heavy rainfall caused several rivers and their tributaries to overflow, which resulted in sudden and extreme flooding affecting 81 municipalities. Besides, the rainfall triggered numerous landslides in areas that had also been affected by land mines from the last conflict. According to the MHRR, more than 43,000 houses and flats were damaged, while landslides destroyed 1,952 houses. More than 83,000 people were displaced.

From Table 5, we can observe that only a small number of these people – altogether 6,305 adults and children in 2014 – were in some way assisted by CSWs. This is a rather small number, considering the scale of the problem and the number of people affected. The major assistance was organised by the state MHRR, which established a coordination body made up of responsible ministries and institutions from all levels of government, the EU delegation in BiH, UN agencies in BiH, the OSCE in BiH, the Regional Housing Programme and non-governmental organisations working on these issues. They agreed on criteria for selecting beneficiaries for housing reconstruction, standards for the reconstruction of housing units and buildings affected by the floods and landslides, and standards for the reconstruction, adaptation and repair of flats in apartment blocks (BiH MHRR, Information from 7 June 2016). The EU supported the recovery efforts through a flood recovery programme worth EUR 43.52 million (the EU contribution was EUR 42.24, and the rest was provided by the UN Development Programme) (EU Floods Recovery Programme, 2015, p. 7), which was implemented in 24 of the worst affected municipalities by UN agencies in BiH.

Table 6 gives an overview of the funds committed by different local and international institutions for the reconstruction of housing units that were damaged in floods and landslides in 2014. According to the table, some 31,573 housing units were rebuilt.

Table 6: Total funds allocated for the reconstruction of housing units under flood recovery projects and total housing units rebuilt, by donor institution

Donor institution	Amount in EUR	Housing units
DEU/IPA 2011/2012/2013	17,440,000.00	4,600
CRS, HWA, Caritas CH, Caritas BKBiH, Embassy Kuwait, ASB, EMMAUS, etc.	3,758,228.57	1,311
Council of Ministers (state government)	5,304,102.56	Transferred to entities
FBiH Government	10,536,008.90	4,442
RS Government	44,661,292	20,448
Brčko District Government	4,955,846.2	772

Source: Ministry of Human Rights and Refugees (7 June 2016).

Although, homelessness is continuously present as a social problem, there have been no innovations in the provision of homelessness services since the 2014 flood recovery response.

3.2 Challenges in implementing responses to homelessness and housing exclusion

In the case of BiH, myriad challenges exist when it comes to implementing adequate responses to homelessness and the exclusion from housing. A very obvious and significant one is the absence of a basic policy framework on homelessness as a precondition for the issue to be addressed in a systematic manner. BiH ratified the Revised European Social Charter in 2008, but not Article 31 related to housing rights. Nevertheless, under the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, there is a fundamental right to housing and shelter in the event of emergency, and thus this is also an obligation for BiH authorities. Moreover, the Sustainable Development Goal 11.1 and principle 19 of the European Pillar of Social Rights urge countries to provide the right to adequate housing.

In relation to a policy framework, a major weakness of current strategies or laws in the social realm that partially relate to the issue is the lack of a clear definition of homelessness and the delineation of the types of homelessness as an underlying basis for policies that would secure access to adequate accommodation. An unclear definition and delineation also make it difficult to monitor the numbers or the profile of persons who are homeless for different reasons, and this also makes it difficult to tackle the underlying reasons for homelessness.

BiH authorities at different levels of government would need to align their existing, rather ambiguous definitions of homelessness with definitions contained in the ETHOS typology, so as to be able to categorise persons in line with their living situation and cater to the needs of different types of persons without accommodation. Most importantly, the current legislation would need to be changed. Homelessness should not be defined as vagrancy or idleness, and should cease to be penalised.

The lack of legislation on this matter also hampers people's access to adequate housing. Homeless persons are not explicitly recognised as a category of persons in need of social assistance or social services. In order to be able to provide them with adequate support, governments would need to legislate on the different types of support that would be available to different categories of homeless people, depending on the nature of their situation. Such legislation and relevant by-laws would also have to tackle the complex administrative hurdles in accessing the services of CSWs that people in need of accommodation currently face. The adoption of special legislation on homelessness that addresses its causes and ameliorates the housing situation of homeless people is needed

in both entities. While the recent adoption of legislation on social housing in the RS is a welcome development in this realm, this is not going to be sufficient to address the issue.

Beyond legislation, the lack of capacity and resources to provide support for persons who are homeless for various reasons is clearly an issue. As mentioned in earlier sections, while some of the measures – especially initial ones that catered to IDPs and refugees – were suitable responses to the crisis of war, governments have generally not been able to deliver more permanent solutions for a substantial share of the persons affected. In the absence of sufficient government support being allocated to this end, the lack of accommodation has been addressed in an *ad hoc* manner, and largely with the support of international NGOs and donors. Formulating and adopting special legislation on homelessness would certainly require greater support being provided to local government units and their CSWs by higher levels of government, especially if they are to implement housing-led strategies towards homelessness that require greater investment in housing and the development of adequate community-based services. Importantly, governments still need to find a solution for people living in collective centres who are not going to be covered by the ongoing projects. Furthermore, an adequate prevention policy is needed for the population living in areas at very significant risk of flooding and landslides (estimated to be 283,777 persons and 260,731 persons, respectively). According to the EU Floods Recovery Programme (2015, p. 7), the overall housing area that is at very significant risk of flooding amounts to 8,103,602 square metres, while the housing area at very significant risk of landslides is 7,407,020 square metres.

The current lack of coordination – not only between different levels of government and different entities, but also between sectors – is clearly an issue, given the multi-dimensional causes of homelessness, which are not limited to poverty or exclusion from the labour market, displacement due to wars, migration or natural disasters, ageing and health issues, the cost of housing, etc. Due to the weak coordination between sectors – and subsequently between the actors involved in service provision – the issue of homelessness is being tackled in a piecemeal manner. Strategies to tackle homelessness would need to take an inter-sectoral approach, not limited to social protection and health care, housing policy, employment policy, migration, human rights, minority policies, *inter alia*. Furthermore, while the type of support will clearly depend on the type of housing exclusion concerned, CSWs, the police and other service providers (municipal departments, health facilities, shelters, etc.) would profit from closer cooperation – especially when providing emergency services.

Last, but not least, as repeatedly illustrated in previous sections, the issue is aggravated by a lack of data that would enable the measurement and monitoring of homelessness in the country, and which would allow for evidence-based policy responses in this realm. To develop an effective strategy for the prevention of homelessness, the entities should have much more information at their disposal than is available at the moment. As pointed out by Busch-Geertsema (2010, p. 28), it is important to develop measures that provide not just the number and profile of homeless people at a given point in time (the stock figure), but also the number of people who have become homeless and who have ceased to be homeless over a given time period (the flow figure), as well as the number of people who have experienced homelessness at some point during a given time period. The causes and the effects, the duration, whether or not it is long-term or repeated homelessness – all these are important questions for understanding the reality of homelessness and housing exclusion. The governments need to allocate resources towards systematic data collection and monitoring efforts, in order to be able to develop adequate responses to homelessness in the country.

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Annex

Table A1: ETHOS Light categories defined as homeless in Bosnia and Herzegovina

Operational category		Living situation		Definition	Defined as homeless in BiH
1	People living rough	1	Public space/ external space	Living in the streets or public spaces without a shelter that can be defined as living quarters	NO, but the population Census captures it
2	People in emergency accommodation	2	Overnight shelters	People with no place of usual residence who move frequently between various types of accommodation	NO
3	People living in accommodation for the homeless	3	Homeless hostels	Where the period of stay is time limited and no long-term housing is provided	NO
		4	Temporary accommodation		NO
		5	Transitional supported accommodation		NO
		6	Women's shelter or refuge accommodation		NO
4	People living in institutions	7	Healthcare institutions	Stay longer than needed due to lack of housing	NO
		8	Penal institutions	No housing available prior to release	NO
5	People living in non-conventional dwellings due to lack of housing	9	Mobile homes	Where the accommodation is used due to a lack of housing and is not the person's usual place of residence	9 NO
		10	Non-conventional building		10 & 11 YES (it applies to internally displaced persons in collective centres)
		11	Temporary structures		
6	Homeless people living temporarily in conventional housing with family and friends (due to lack of housing)	12	Conventional housing, but not the person's usual place of residence	Where the accommodation is used due to a lack of housing and is not the person's usual place of residence	YES, but relevant only to internally displaced persons

Table A2: Latest available data on the number of homeless in Bosnia and Herzegovina

Operational category		Living situation		Most recent numbers	Period covered	Source
1	People living rough	1	Public space/ external space	313	01–15 October 2013	BiH Agency for Statistics, 2013 Census data.
2	People in emergency accommodation	2	Overnight shelters	Not available		Municipalities that have shelters should have information on this
3	People living in accommodation for the homeless	3	Homeless hostels	Not available		Municipalities that have temporary accommodation (4) and women’s shelters (6) should have information on this.
		4	Temporary accommodation			
		5	Transitional supported accommodation			
		6	Women’s shelter or refuge accommodation			
4	People living in institutions	7	Healthcare institutions	Not available		
		8	Penal institutions			
5	People living in non- conventional dwellings due to lack of housing	9	Mobile homes	9: Not available	December 2017	10 & 11 This pertains to internally displaced people living in collective centres. Source: BiH MHRR, The Third Periodic Report of Bosnia and Herzegovina on the International Covenant on Economic, Social and Cultural Rights, available at: http://www.mhrr.gov.ba/PDF/LjudskaPrava/THRE%20THIRD%20PERIODIC%20REPORT%20OF%20BOSNIA%20AND%20HERZEGOVINA%20%20ESK.pdf Also available upon request from relevant ministries
		10	Non- conventional building	10 & 11 RS – 146 families or 297 persons FBiH – about 5,000 persons BD – 240 families		
		11	Temporary structures			
6	Homeless people living temporarily in conventional housing with family and friends (due to lack of housing)	12	Conventional housing, but not the person’s usual place of residence	Not available		Municipalities that provide this accommodation should have information on this

