

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Bosnia and Herzegovina: Widespread discrimination blocking refugee return**

*"During the war we wanted to keep the factory going, even though it was being shelled. But then they [Aluminij's management] fired us, because we were Serbs or Muslims."*

Nebojša Spajic, a former employee of the Aluminij factory

*"This was not a war; this was destruction of Muslims. This is not like any other dead mining town, but because of discrimination it has been killed."*

Beisa Hadžibajramovic, a former employee of the Ljubija mines

Discrimination in employment continues to be one of the most serious obstacles to the return of refugees and internally displaced people to their homes in Bosnia and Herzegovina, Amnesty International said today.

"Ten years after the signing of the Dayton peace agreement, the authorities of the Federation of Bosnia and Herzegovina and of the Republika Srpska have failed to address violations of workers' human rights," Omer Fisher, Amnesty International's researcher on Bosnia and Herzegovina said.

In its latest report, *Bosnia and Herzegovina - Behind closed gates: ethnic discrimination in employment*, Amnesty International highlights the continuing discrimination against workers from ethnic minorities including in equal access to work, compensation and other forms of reparation for unfair dismissal.

The 1992-1995 war between the three major ethnic groups of today's Bosnia and Herzegovina, Bosniaks (Bosnian Muslims), Bosnian Serbs and Bosnian Croats, took the lives of tens of thousands of people while driving millions away from their homes. Tens of thousands of workers in these territories were discriminated against and unfairly dismissed because of their ethnicity. Discriminatory dismissals were in many cases the first step in aggressive campaigns of "ethnic cleansing", which included killings, forcible transfers and deportations.

The Dayton Agreement, and specifically its Annex 7 on refugees and displaced people, explicitly recognized the right to return as both a remedy to the human rights violations of unlawful transfers or deportations and as a means to reverse effects of the "ethnic cleansing". In the ten years after the end of the war, about half of the 2 million people displaced by the conflict have returned to their homes.

"When coming back to their homes, minority returnees often must struggle to overcome persistent and endemic discrimination in accessing employment," Omer Fisher said.

"Without employment many returnees are unable to ensure or maintain an adequate standard of living and, facing destitution, many either decide to go back to their area of displacement, or commute there to continue working. Others emigrate in search of work."

The right to be free from discrimination, including in the enjoyment of the right to work, is enshrined in a number of international human rights standards and treaties to which Bosnia and Herzegovina is party. The Federation of Bosnia and Herzegovina and Republika Srpska labour laws prohibit discrimination in employment. They also contain provisions providing compensation to victims of discriminatory dismissals. However, such provisions remain insufficient. Among other problems, these legal protections do not apply to all workers who lost their jobs as a result of discrimination and compensation, when awarded, is manifestly inadequate and generally regarded as "symbolic". Equally importantly, the mechanisms to consider claims by former workers and to award compensation are not in place or are too limited. The vast majority of claims remain pending.

In those cases where workers were unfairly dismissed on the grounds of their ethnicity from state-owned companies, the state failed to respect the principle of non-discrimination in the enjoyment of the right to work. Where they were dismissed by private companies, the state failed to protect workers from discrimination. In all cases, workers who were dismissed in a discriminatory manner have a right to full reparation for the human rights violations they suffered.

### **Cases**

#### *Aluminij aluminium factory in Mostar (Federation of Bosnia and Herzegovina)*

Before the war *Aluminij* was one of the largest state-owned companies in Yugoslavia. During and after the war, non-Croat workers were unfairly dismissed on the grounds of their ethnicity. In the divided city of Mostar, *Aluminij* has pursued a policy of ethnic discrimination, the effects of which continue to be felt, and elements of which continue to be practised. From being a company with a significant number of employees from each of the three major communities, *Aluminij* has become a company with an overwhelmingly Croat workforce.

#### *Ljubija iron ore mines near Prijedor (Republika Srpska)*

At the beginning of the war the then state-owned company came under the control of the local Bosnian Serb *de facto* authorities. The new management of the *Ljubija mines* systematically discriminated against at least 2,000 non-Serb workers, by dismissing them *en masse* solely because of their ethnicity. Thousands of Bosniaks and Bosnian Croats in the area, reportedly including former workers at the mines, were taken to the Omarska detention camp, which was situated in the Ljubija mines complex. In Omarska, torture and mass killings were carried out. Unfairly dismissed Ljubija workers have not been reinstated in their jobs, nor received other forms of reparation. In 2004 the international corporation LNM Holdings (now part of Mittal Steel) signed a joint-venture agreement to establish a new company, the New Ljubija Mines, 51 per cent of which is owned by the foreign investor.

### **Background**

The General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) established two semi-autonomous entities in the country, the Federation of Bosnia and Herzegovina and the Republika Srpska. Since the end of the war, the international community has continued to exert significant influence over the political process in Bosnia and Herzegovina, as part of the civilian implementation of the Dayton Agreement, led by a High Representative with far-reaching powers.

**See:** *Bosnia and Herzegovina: Behind closed gates: ethnic discrimination in employment*, (AI Index: EUR 63/001/2006) <http://web.amnesty.org/library/index/engeur630012006>

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