



DECISION ON ADMISSIBILITY

Case no. CH/98/1365

Bekira MIZIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 May 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Anders MÅNSSON Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(2) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, was an employee of D.O.O. "Bosna" in Cazin. This company was responsible for providing housing to its employees. Apparently, the applicant had for some time attempted to secure better housing for herself and her family. In July 1988 she was allocated an apartment for temporary use by Bosna, and the company stated it would attempt to find a permanent solution to the applicant's housing problem within two years.

2. In May 1990 the applicant requested that the company solve her housing problem, but this was refused on 15 June 1990 when Bosna informed her that there were no apartments available. A similar request was made and again refused in 1996.

3. On 29 July 1996 the applicant filed a claim with the Municipal Court in Cazin asking that Bosna be ordered to allocate her a more suitable apartment. On 22 January 1998 the court refused the claim, stating that Bosna was not under an obligation to allocate her an apartment. The applicant states that she appealed against this decision to the Cantonal Court in Bihać and that a decision was made on her appeal on 14 April 1998. The content of the decision, however, has not been communicated to the Chamber.

4. The applicant also filed a request to the Cazin Municipality for allocation of an apartment, but this request was refused in a procedural decision dated 26 July 1996. This decision stated that there were no apartments in the area for allocation. The applicant alleges, however, that at least one other person in the area was allocated an apartment.

5. The applicant also states that she asked the Ombudsmen of the Federation of Bosnia and Herzegovina for assistance, but there is no indication of the result of those efforts.

II. COMPLAINTS

6. The applicant complains that her rights under Article 8 of the European Convention on Human Rights have been violated, and that she has been discriminated against in the enjoyment of those rights because of her social status. The applicant asks that the Chamber assist her in obtaining an apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

7. The application was introduced to and registered with the Chamber on 16 December 1998.

IV. OPINION OF THE CHAMBER

8. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers manifestly ill-founded.

9. In this case the applicant has not established how the decisions taken violate her right to respect for her home or privacy. Further, the Chamber cannot find, *proprio mutuo*, any indication that the actions of the courts or municipal authorities in Cazin, or of D.O.O. Bosna, were in any way irregular. In addition, as the rights under Article 8 of the European Convention on Human Rights do not, generally, include a right to improved housing, the Chamber cannot find her rights have been violated in this regard.

10. The applicant also alleges discrimination in the enjoyment of her right to respect for her home and private life on the basis of her social origin. It would appear that the applicant feels that she has purposefully not been given the same opportunity to gain adequate housing as others who have better connections to the political establishment. However, regardless of the veracity of this claim,

the Chamber considers that it is not substantiated that the applicant has been discriminated against on the basis of her social status or any other status relevant under the Agreement.

11. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

12. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel