

Written statement to UN Human Rights Council 44th session (June/July 2020)¹

Item 3: *Interactive dialogue with the Special Rapporteur on the human rights of migrants*

Statement on Bosnia and Herzegovina

Repression and violence against people on the move²

The visit of the Special Rapporteur on the Human Rights of Migrants (SR) to Bosnia and Herzegovina in September 2019 was timely because of the many concerns relating to the country's response to increasing numbers of *people on the move*,³ concerns on which WILPF has reported to UN human rights mechanisms on several occasions.⁴

The dynamics in the field, and in government policies, are fast changing, and it is with regret that we note that some of the SR's findings⁵ are not fully reflective of the situation in the field, particular in relation to repressiveness of measures, such as police presence and brutality in the camps, which have escalated since the time of visit.

The COVID-19 pandemic and the change of the Minister of Security, significantly increased the vulnerability of people on the move and made them targets of violence and of other human rights violations. Led by the new Minister,⁶ a continuous and aggressive racist media campaign against them started⁷ as well as an increase in repressive measures, and use of violence by regular police,

¹ At the time of writing the dates of the 44th session

(<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Pages/44RegularSession.aspx>) have not been decided and have tentatively been set for 30 June to 21 July.

² This statement is supported by Independent BH volunteers, which is an informal group of human rights defenders who provide assistance to people on the move and document human rights violations and abuses.

³ We are using "people on the move" as a reference to people who flee their countries of birth due to different reasons including but not limited to war, persecution, conflict, natural disaster, climate change, destitution and repression.

⁴ Joint submission to the UPR Working Group 34th session (March 2019,) available at:

<https://www.wilpf.org/portfolio-items/submission-to-the-un-universal-periodic-review-of-bosnia-and-herzegovina/?portfolioCats=650>; Joint submission to the UN Committee on the Elimination of Discrimination against Women, 74th session, review of Bosnia and Herzegovina available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fBIH%2f37356&Lang=en; Submission to the UN Committee on Economic, Social and Cultural Rights, Pre-sessional Working Group, 65th session (October 2019), available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fICO%2fBIH%2f37013&Lang=en

⁵ See Visit to Bosnia and Herzegovina, Report of the Special Rapporteur on the human rights of migrants, A/HRC/44/42/Add.2, available at: https://ap.ohchr.org/Documents/dpage_e.aspx?si=A/HRC/44/42/ADD.2, 12 May 2020.

⁶ Appointed in December 2019.

⁷ See for example Bosnia Security Minister: My job is to return migrants to countries of origin

<http://ba.n1info.com/English/NEWS/a414634/Radoncic-Bosnia-must-discourage-migrants-from-coming-here.html>; Bosnian minister urges migrant deportation in virus crisis

special police and border police. The European Union (EU), which is the largest financial contributor to migration management,⁸ along with its implementing partners,⁹ largely remain silent and show indifference to these violations.¹⁰ EU funding indirectly facilitates the violence committed by the police and private security, through purchase of surveillance and other equipment¹¹ for police forces, as well as through payment of salaries for security personnel in the camps.¹²

Update on the current situation

As noted by the SR, Bosnia and Herzegovina's (BiH) legal framework is largely in line with international human rights treaties.¹³ Nonetheless, during the last two years the management of the situation has been far outside the human rights framework, with violence and inhumane treatment inside official camps as well as outside, as attested by testimonies received by volunteers¹⁴ and other human rights defenders.¹⁵

Most of the EU assistance to BiH has been channelled through international organisations (IOs), primarily the International Organization for Migration (IOM), which have, consequently taken over the management of camps. This has resulted in a *de facto* shifting of the responsibility to protect asylum-seekers and migrants' human rights from the State to IOs. Lacking a mechanism for doing so, activists have been unable to hold the IOM or other IOs accountable for poor management of the camps, despite reports from those hosted in the camps, journalists and activists of, *inter alia*,

<https://apnews.com/c7f0affd2663bb156b0573bfb3de0562>; Bosnian security minister wants thousands of migrants deported

<https://www.aljazeera.com/news/2020/04/bosnian-security-minister-thousands-migrants-deported-200423204158380.html>; Bosnia won't become parking lot for migrants, says security minister

<http://ba.n1info.com/English/NEWS/a407927/Bosnia-won-t-become-parking-lot-for-migrants-says-security-minister.html>.

⁸ Thus far the EU has contributed EUR 50.5 million for migration management, including EUR 10.3 million in humanitarian assistance,

<https://reliefweb.int/report/bosnia-and-herzegovina/bosnia-and-herzegovina-update-situation-refugees-and-migrants-dg-echo?fbclid=IwAR0jUNRiNMeykOVLqXA74JFgiXitym9TgIyInMIO1bTvXGEZ1Coq8BAi2k>

⁹ Primarily the International Organization for Migration (IOM), but also UNFPA, UNHCR, UNICEF and other international and humanitarian organizations such as the Danish Refugee Council.

¹⁰ Only very recently has the EU voiced concern regarding the situation in Una Sana Canton. On 16 June 2020, the European Commission sent a letter to the prime minister of Una Sana Canton expressing, among other things, concern over the handling of migration in the Canton, including the obstruction of humanitarian work and forced placement of people in camp Lipa. https://cazin.ba/iz-brisela-odgovorili-ruznicu-preispitat-cemo-svoju-podrsku-od-koje-je-bih-i-uskimala-koristi/?fbclid=IwAR1fWRbH5ZP6islyWyB3tdXngHAWsn16_4F2aUwBmG5XZzf6mSuEg8CP9II

¹¹ See, for example, <http://css.ba/ajb-gdje-su-otisli-novci-iz-eu-za-migrante-u-bih/>;

<https://www.klix.ba/vijesti/bih/granicna-policija-bih-dobila-pet-terenaca-vrijednih-124-000-eura/191213112>

¹² Local activists have tried to draw attention to the facilitation of the militarisation of the police by EU funding in an open letter addressed to the Head of the EU Delegation in the country https://www.change.org/p/head-of-eu-delegation-to-bih-and-eu-special-representative-in-bih-zaustavite-dalju-militarizaciju-sigurnosnih-agencija-u-bih?recruiter=192636786&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=share_petition

¹³ A/HRC/44/42/Add.2, paragraph 13.

¹⁴ The term "volunteers" in this statement refers to people who are volunteering on the streets to provide items such as food, cloths, tents, blankets to people on the move. As such, they maintain regular contacts with people on the move and receive information on violations and abuses.

¹⁵ Testimonies received come either through direct messages sent to the volunteers and human rights defenders or by people on the move putting up their own posts on social media with pictures and explanations. A collection of these testimonies, social media and private messages are regularly published on the Facebook page Help for refugees in Bosnia and Herzegovina <https://www.facebook.com/groups/144469886266984/>.

inadequate living conditions, violence, poor and insufficient access to food and poor hygiene facilities.¹⁶

In addition to the violations reported by the SR, WILPF informs the HRC of the following latest developments:

Opening of the Lipa camp

A welcomed development since the SR's visit was the closure of camp Vučjak.¹⁷ However, the new tent camp in Una-Sana Canton,¹⁸ camp Lipa,¹⁹ jointly managed by the IOM and the Danish Refugee Council,²⁰ is only marginally better and still below human decency.²¹ It was hastily put together at the outset of the COVID-19 outbreak and is built out of tents, with no running water or sewerage, and is essentially set up on a meadow. Its "opening" resulted in cantonal authorities forcefully relocating to camp Lipa people on the move not accommodated in any of the official camps.²²

Those residing in camp Lipa are unable to go to urban centres, since people on the move's usage of public transport is prohibited as per decisions of the Task Force in the Canton.²³ Reportedly, those who decide to leave the camp are caught and beaten by the police, before being returned back to it. Camp Lipa is not fitted for any prolonged stay, even less so by people who are already in stressful and precarious positions. The remoteness of the area adds to their sense of isolation.

Violation of the freedom of movement and criminalisation of solidarity

The restrictions to freedom of movement reported by the SR²⁴ have increased since the time of his visit. The violation of freedom of movement was first introduced by the Una-Sana Canton's

¹⁶ In his report the SR calls on the State level government to assume responsibility "and engage with authorities at all levels with a view to working towards a State-led response to the migration situation in the country," A/HRC/44/42/Add.2, paragraph 70.

¹⁷ The SR called for its immediate closure, see A/HRC/44/42/Add.2, 12 May 2020, paragraphs 40-44. The camp Vucjak was closed in December 2019.

¹⁸ Una Sana Canton is one of 10 Cantons in the Federation of Bosnia and Herzegovina, and is, due to it bordering with Croatia, the biggest hotspot in the country.

¹⁹ Financed by EU and USAID, opened in April 2020.

<https://bih.iom.int/pbn/press-releases-covid-19-emergency-shelter-provided-homeless-migrants-bosnia-and-herzegovina>

²⁰ <https://bih.iom.int/pbn/press-releases-covid-19-emergency-shelter-provided-homeless-migrants-bosnia-and-herzegovina>

²¹ The poor conditions in the Lipa camp were also raised by Amnesty International.

See <https://www.amnesty.org/en/latest/news/2020/03/bosnia-decision-to-confine-thousands-of-migrants-into-camp-inhumane-and-puts-lives-at-risk/>

²² People are rounded up from areas where they squat or reside in paid, private accommodation; the limited things they possess (e.g. sleeping bags, blankets and food) is often taken away and burnt by the police (see <https://www.facebook.com/watch/?v=242268693854882>); those rounded up are then driven to Lipa, which is set up in a remote area, with no access to, for example, food stores. Even though food is provided at the camp, the volunteers often receive complaints via messages from inside camps on the insufficiency of the food served and are being asked to bring additional food. In one incident, camp residents reported being sick (vomiting) after eating the food served. Reportedly, the camp management did not call for medical assistance. Subsequently, the residents protested, which resulted in them being beaten up by the police.

²³ Full name of the Task Force is Task Force for Coordination of Activities and Supervision of the Migrant Crisis in the Una-Sana Canton. The Task Force conclusions can be found at http://www.uskinfo.ba/vijest/zasjedala-operativna-grupa-od-iom-se-zahitjeva-da-pripremi-lokaciju-lipa-za-prihvat-preostalih-migranata-iz-kampa-bira/76128?fbclid=IwAR20V3S9tce6hBW8sjcDjr-6sAdSV150tsiQf3LckHERnFEwd_GvJs3AVkY

²⁴ A/HRC/44/42/Add.2, 12 May 2020, section VII, paragraphs 61 and 62.

authorities, with a ban on movement outside of camps for people residing in camps Bira and Miral. In parallel, a police curfew was enforced for those residing outside the official camps.²⁵ During the COVID-19 outbreak, a “lockdown” of people on the move was further introduced in whole of BiH,²⁶ with police rounding them up from squats, paid accommodation, and streets, and placing them in the already overcrowded camps Ušivak and Blažuj, near Sarajevo.²⁷ The full lockdown of people on the move was not in line with measures introduced for the rest of the population,²⁸ a clear act of discrimination. Moreover, it was coupled with media narrative of people on the move being a risk for spreading COVID-19. Placing, by force, people in overcrowded camps with poor sanitation infrastructure and violating their freedom of movement not only put them in harm’s way but also served no purpose in containing the outbreak.

After the official end of COVID-19-related measures, the BiH authorities have not removed that ban on movement. The Una-Sana Canton authorities have even stepped up repressive measures, with a new set of Task Force conclusions in 18 May 2020.²⁹ These, *inter alia*, state that the restriction of movement for the Miral and Bira camps remains in place; residential and abandoned buildings’ owners are required to physically protect the buildings, making it impossible for people on the move to seek shelter. Moreover, any assistance, such as in food or cloth, by volunteers in Una-Sana Canton is prohibited,³⁰ effectively criminalising solidarity, without any legal grounds.

People are only allowed to leave Bira, and Miral based on a list compiled by the authorities,³¹ which states who is given “permission” that day to try the “game” i.e. attempt to cross the border.³² This is

²⁵ <https://www.bbc.com/serbian/lat/balkan-50433784>

²⁶ http://vijeceministara.gov.ba/saopstenja/sjednice/zakljucci_sa_sjednica/default.aspx?id=32899&langTag=hr

²⁷ <http://ba.n1info.com/Vijesti/a423697/Migrantima-zabranjeno-kretanje.html>

²⁸ The lockdown for the BiH citizens applied only for those aged below 18 or above 65, something that, in itself, the BiH Constitutional Court found to be in the breach of the Constitution (see decision AP 1217/20 http://www.ustavnisud.ba/dokumenti/_en/AP-1217-20-1234093.pdf)

²⁹ http://www.uskinfo.ba/vijest/zasjedala-operativna-grupa-od-iom-se-zahtijeva-da-pripremi-lokaciju-lipa-za-prihvat-preostalih-migranata-iz-kampa-bira/76128?fbclid=IwAR20V3S9tce6hBW8sjcDjr-6sAdSV150tsiQf3LckHERnFEwd_GvJs3AVkY. Although state authorities, in particular the Ministry of Security, have a mandate to oversee migration management, the State has failed to respond to unilateral measures taken by the authorities in Una Sana Canton.

³⁰ The Task Force for Coordination of Activities and Supervision of the Migrant Crisis in the Una-Sana Canton area concluded the following: “Strict supervision of the activities of all organizations, individuals and NGOs that implement programs aimed at supporting the migrant population in partnership with UN agencies and the Red Cross of Una-Sana Canton is required. Activities in unofficial camps are prohibited to all unauthorized organizations and individuals, not approved by UN agencies and their partners or the USC Red Cross. The Ministry of Internal Affairs of Una-Sana Canton is in charge of implementation.” (*Unofficial translation*) http://www.uskinfo.ba/vijest/zasjedala-operativna-grupa-od-iom-se-zahtijeva-da-pripremi-lokaciju-lipa-za-prihvat-preostalih-migranata-iz-kampa-bira/76128?fbclid=IwAR20V3S9tce6hBW8sjcDjr-6sAdSV150tsiQf3LckHERnFEwd_GvJs3AVkY

³¹ The picture of the list stating the names of those given “permission” to leave and try the “game” was sent from inside the camp to local human rights defenders. It has not been published due to security considerations for those who took it. However, this practice must be well known to the management of the camp, as the list was put up on a wall in plain sight.

³² “The game” is what people on the move call their attempts at crossing the border. The reference to game is due to violent pushbacks by the Croatian police leaving many of those that do not succeed with physical harms. See pictures and videos posted by people on the move on Facebook

<https://www.facebook.com/photo.php?fbid=2517156305203662&set=pcb.573518046695497&type=3&theater&ifg=1>;
<https://www.facebook.com/SOSBalkanroute/videos/1124899841221696/UzpfSTewMjY3MTI5MTM0OTg2MTpWSzo1Njk4NzY2MzcwNTk2Mzg/>. See also a documentary The Game - Migrants on the Balkan Route:

an extremely disturbing and inhumane practice, as those who leave these camps are not allowed to re-enter them if they get pushed back by the Croatian police. Instead, they are rounded up by the police and driven to camp Lipa,³³ which among people on the move, is regarded as punishment because of its conditions.

Overcrowded accommodation sites

While the SR notes that the capacities of the all temporary camps are already at their limits,³⁴ the rounding up of people both in Una Sana Canton and Canton Sarajevo have continued, putting pressure on already dire circumstances in the camps, in particular Lipa, Ušivak and Blažuj.³⁵ Crowded like that, without proper access to health, sanitation facilities, and possibilities for isolation, the mental and physical well-being of people on the move is put at great risk. The United Nations High Commissioner for Refugees (UNHCR) has indicated that the prolonged violation of freedom of movement and forcible transportation to the Lipa camp lack both legal grounds and are affecting the mental health of people on the move.³⁶

Police and private security brutality

On several occasions, volunteers have received complaints of police and private security-related violence inside camps. During one incident recorded secretly on video, police accompanied by private security guards violently brutalised a person inside Miral.³⁷ According to an official police statement, the police presence was requested by IOM employees, allegedly due to violent behaviour of people in the camp.³⁸ The claim that the police only responded to violent behaviour stands in striking contrast to what camp residents claim, which is that random beating by the police and security personnel takes place regularly.

In addition to police violent interventions, private security personnel is, according to reports from camp residents, unlawfully carrying Tasers. In one recent incident, a security personnel inside camp Ušivak was accused of beating a father of four children to death.³⁹ Investigation into the incident is pending but persistent accusations of violent and inhumane behaviour against people residing in IOM-run camps is alarming.

https://www.youtube.com/watch?v=OPIpp--4zAE&list=PL31D4YU4iAoQ_MBxBnvkv2VsT2dZE2mHW&index=4&t=0s&app=desktop

³³ This malevolent relocation of the people from Miral and Bira to Lipa, once they fail border-crossing, is very much in line with the conclusion of the Task Force for Coordination of Activities and Supervision of the Migrant Crisis in the Una-Sana Canton and its request to close down Miral and Bira. This way they “empty” these camps without officially “emptying” them. Recently, Bosnian police has started actively entering Bira and Miral and randomly taking groups of people from within the camps and transporting them to Lipa, which is now overcrowded and lacks capacities, while Bira and Miral are slowly being emptied. See tweet from Head of EU Delegation in the country <https://twitter.com/josattler/status/1270372165205086209?s=20>.

³⁴ A/HRC/44/42/Add.2, paragraph 26. See also recommendation 77.

³⁵ In Canton Sarajevo, people on the move are arbitrarily arrested and driven to Ušivak or Blažuj, where they are often not admitted due to lack of space.

³⁶ See https://reliefweb.int/sites/reliefweb.int/files/resources/76250.pdf?fbclid=IwAR17F2YEIICJ-zWV1QIMzI9RGVYj2N_fzikyzj1AjrTjs_GDnROM8smwJoY

³⁷ <https://www.youtube.com/watch?v=0L8p4h6WNVE>

³⁸ <https://www.klix.ba/vijesti/bih/ministar-o-nasilju-policije-nad-migrantima-u-miralu-morali-smo-upotrijebiti-silu-jer-su-bili-agresivni/200522119?fbclid=IwAR0MvsiG-Ofel1VW-UFwYoWg10qROiDmtFDP4d4ghJzYToM9uxXhB2ElmdME> .

³⁹ <http://ba.n1info.com/English/NEWS/a430812/Migrant-dies-at-Sarajevo-hospital-family-blames-camp-security-for-his-death.html>

Recommendations

WILPF urges the BiH government to:

- Regain state control and responsibility over the management of migration in the country, ensuring that human rights are at the core of all responses;
- Ensure access to asylum, including by implementing the Law on Asylum and the recommendations in paragraph 74 of the SR's report;⁴⁰
- Hold entity, cantonal and municipal-level institutions, governing bodies, police and specialised bodies, such as task forces, accountable for violence and other violations of people on the move's human rights, in line with domestic and international legal frameworks, and end the practice of arbitrary arrests;
- Immediately stop hate speech against people on the move;
- Secure access to services such as free legal aid and healthcare within and outside camps;
- Immediately remove restrictions on people on the move's freedom of movement, both between entity and cantonal lines as well as in relation to leaving and entering camps;
- Stop investing in militarization of borders and police, and redirect funds into humanitarian management of migration;
- Improve protection mechanisms for gender-based violence and trafficking.

WILPF urges the EU and the IOM and other implementing partners to:

- Increase the capacities of the camps and improve the decency of accommodation, including in relation to hygiene, food, and healthcare;
- Immediately stop funding the militarization of the police and border police and, instead, increase funding for humanitarian and human-rights based responses;
- Ensure the end of the outsourcing of camp security to private security actors and demand from the authorities a swift and transparent investigation into any allegation of violence and rights violations committed by private security personnel.

⁴⁰ "74. The Special Rapporteur urges Bosnia and Herzegovina to improve access to asylum and enhance the efficiency of the asylum procedure. To that end, he recommends that the Government:

(a) Set up outreach teams to conduct individual assessments, determine protection needs and register asylum seekers at the border areas and within the country, including in Republika Srpska;

(b) Undertake age assessments to identify children, especially unaccompanied or separated children, to ensure that protection measures are in place and that, in all actions concerning children, the best interests of the child are a primary consideration;

(c) Allocate additional resources to the authorities in charge of asylum procedures to enhance their capacity and efficiency in registering and processing asylum claims and address the delay in the asylum procedure, with a view to ensuring that asylum seekers are registered and that applications for asylum are assessed within a reasonable time frame;

(d) Consider technical cooperation with the relevant United Nations agencies, in particular UNHCR, to identify and favourably prioritize applications from individuals with manifestly well-founded claims or vulnerabilities warranting prioritized attention to meet their protection needs;

(e) Provide necessary identification and other administrative documents, without undue delay, for asylum seekers whose claims are pending for evaluation to enable their access to work and other services;

(f) Provide free legal aid and interpretation services, throughout the procedure, as recognized in domestic legislation, for asylum seekers;

(g) Take the steps necessary to remove all administrative obstacles faced by asylum seekers in registering their claims, including facilitating the registration of addresses and waiving any administrative fees;

(h) Improve the working methods of the centres for social assistance and welfare to avoid unnecessary delays in providing unaccompanied or separated children with a guardian and other necessary protection."

A/HRC/44/42/Add.2, paragraph 74.