



## HUMANITARIAN CRISIS IN BOSNIA AND HERZEGOVINA: MIGRANTS PUSHED BACK BY THE EU REMAIN STRANDED WITH NO ACCESS TO RIGHTS

### SITUATION OVERVIEW

On December 23 2020 the Lipa refugee camp in Bosnia Herzegovina was shut down by the International Organisation for Migration (IOM) because deemed unsafe and unfit for winter. On the same day, the camp was partially destroyed by a [fire](#). Since then, attention was drawn to one of the most serious humanitarian crises that is unfolding at the gates of Europe. According to the IOM, more than 8,000 migrants are currently stranded in Bosnia: while 6,000 of them are in housing centers, nearly 2,000 remain in precarious conditions throughout the country. Reception facilities are overcrowded and inadequate, and they put at risk the life of thousands of migrants who are sleeping in improvised camps. Nicola Bay, the Danish Refugee Council's Bosnia director, said that these people include families, children and unaccompanied minors that have no access to shelter, basic services and no access to proper healthcare. Despite national and international pressure, the mayor of the town of Bihać refused to reopen the Bira camp, a reception facility which has been financed by the European Union and closed in September 2020. Now, humanitarian organisations are struggling to provide relief to the people concerned as temperatures have fallen below 25°C at night.

*“Here is too much cold, you know, the weather is rainy and the weather is very cold, and we can't sleep in here”* one migrant told a BBC correspondent.



*“On the one hand, the central government has tried to reopen the site in Bihac that is meant to accommodate migrants, and on the other, local authorities and populations have refused to let them in. Migrants are caught in the middle of this.”* said Peter Van der Auweraert, the Western Balkans coordinator for the IOM. The worrisome sanitary conditions to which refugees are exposed increase the spread of several diseases, including coronavirus. Furthermore, needless to say, the permanent state of insecurity and violence are placing a heavy strain on the mental health of migrants. In late January, the local NGO "SOS Bihac" [declared](#) they had found corpses in the area. Mr. Van Der Auweraert has further acknowledged that it is not a matter of financial resources, as since early 2018, the EU has been providing more than €88 million to help the country to strengthen its migration management capacities. This amount has been allocated either directly to Bosnia and Herzegovina or through implementing partner organisations to address the immediate needs of migrants.

## EU external borders remain closed

The failed management of the migration crisis in countries bordering the European Union such as Bosnia is partly due to the push-back practices operated by the police at the outskirts of the Union. Since 2015, when many EU countries (e.g. Hungary) closed their borders, more people have been trying to enter Europe via the so-called “Balkan route”, crossing the Bosnian-Croatian border. While reporting on abuse and violent push-backs from the Croatian police dates back to 2016, the Croatian government keeps on [dismissing](#) these allegations. Push-backs, whether violent or not, are illegal, as they violate international law, including the principle of non-refoulement and the right of migrants to claim asylum after they crossed a border. According to [multiple reports](#) from October 2020, Croatia’s push-backs have occasionally involved sexual abuses, beatings, robbery and unlawful detention. The police have rarely, if ever, asked migrants about their personal situation or let them apply for asylum. In so doing, the Croatian border police ignore the rights of the people seeking protection in Europe, acting as if the border area was a legal vacuum. Illegal and unjustified push-backs or forced returns at EU borders represent a flagrant violation of fundamental human rights and refugee laws. In 2019, [three complaints](#) have been filed against Croatia by three Syrian citizens. In these circumstances, the European Court of Human Rights (ECtHR) ruled that Croatia has breached Article 4 Protocol 4 (prohibition of collective expulsions) and Article 13 (right to an effective remedy) of the European Convention on Human Rights (ECHR). In addition to that, given inhumane living conditions of asylum seekers in Bosnia, as well as the country’s inadequate asylum system, border push-backs also violate Article 3 (inhuman or degrading treatment). Furthermore, last year, about 1,300 migrants have been sent back by Italy as they reached the border with Slovenia through the Balkan route. On 18 January 2021 the Court of Rome [declared](#) the illegality of the informal push-backs. Those push-backs have been carried out by Italy on the basis of a bilateral agreement with Slovenia signed in 1996 and never ratified by the Italian Parliament.

## RSF’S POSITION

The situation outlined above sheds light on the lack of a functioning migration management policy in Bosnia-Herzegovina, as well as on the absence of a reception system that protects the life and rights of migrants. Because of its current constitutional structure, Bosnia does not have the ability to address such a crisis, which requires a certain degree of centralisation of the decision-making process. In Bosnia-Herzegovina, both the central government and the cantons, namely the local administrations, are responsible for the enforcement of human rights. However, decision-making in this area is delegated to the regional authorities, which are in charge of regulating the use of local land. This organisational structure, as well as the [ethnic divisions](#) present within the country, make it harder to coordinate a national response to migration.

### Stop degrading treatment in Bosnia

Rede Sem Fronteiras (RSF) highlights that Bosnia and Herzegovina’s political system has failed to provide the migrants with basic humanitarian assistance as required by international law, and that the national and local governments continue to violate human rights treaties. We consider this situation unacceptable. Bosnia and Herzegovina, as a party to international human rights instruments, must live up to its obligations. In this regard, RSF endorses the calls made by the [Human Rights Watch](#) and by [Festival Sabir](#) in urging Bosnian authorities to act to save lives, to identify suitable accommodation facilities and respect the fundamental rights of migrants. RSF calls on the EU institutions, as well as on Bosnian local, federal and national administrations to immediately deploy the necessary resources and actions, even making use of bilateral agreements. Concerted action has to be taken to adequately address the humanitarian crisis and ensure that asylum-seekers currently stranded in freezing temperatures have access to winterised accommodation and to medical assistance. For this purpose, Rede Sem Fronteiras advocates for the reopening of the Bira camp, which appears as necessary to ensure that migrants previously hosted in Lipa can be accommodated during the hard Bosnian winter months. In addition to that, we advocate that the ten cantons of the Federation of Bosnia and Herzegovina implement a system of shared responsibility in accommodating

asylum-seekers more evenly, since the reception facilities that host people today are only located in the north-west of the country. Finally, we call on European institutions to ensure that the EU funding granted to Bosnia-Herzegovina in December 2020 ([€25 million](#)) and in January 2021 ([€3.5 million](#)) is allocated for the right purpose, namely that of providing assistance to asylum-seekers and managing migration flows.

### **Stop illegal push-backs at EU external borders**

Rede Sem Fronteiras believes that illegal and violent push-backs happening on the Balkan route are a direct consequence of the European migration policies aiming to transfer responsibility outside the borders of the Union, denying human rights and refusing to apply the universal principles on which the European project was founded. Instead, the EU has the responsibility of supporting the victims of large-scale tragedies occurring just outside its borders. We believe that in addition to allocating funds, the EU should frame long-term strategies for the management of migration flows together with the Bosnian authorities, with the aim of shaping humanitarian policies and a well-functioning asylum-system, ensuring fair access to asylum and humane reception conditions. The EU institutions and national member state governments should ensure an urgent evacuation of people currently hosted in the Bosnian refugee camps towards the European Union. For a safe evacuation to take place, the EU has to put an end to the infliction of severe physical and psychological suffering on asylum-seekers at European external borders, as well as to the refusal of the police to examine their migratory status and to recognise their right to ask for international protection. The competence of member states to maintain the integrity of their borders and the need to control migration should never be seen as an excuse to circumvent international law or violate human rights. In this view, Rede Sem Fronteiras warmly welcomes the decisions of the of the Strasbourg Court and of the Court of Rome which confirmed the illegality of push-backs. However, we demand that concerted legal action be triggered at the European level in combatting such practices, with the European Commission stepping in and holding the governments in question to account for breaching EU law. In addition to that, an independent border monitoring mechanism should be put in place to prevent these abuses. While we support the Commission's recently developed [New Pact on](#)

[Migration and Asylum](#) in proposing the establishment of such a mechanism, we also hold that legal and political remedies against member states breaching EU law are not sufficiently provided for by the Pact, which might lead the latter to be non-effective in this regard.

### **CONCLUDING REMARKS**

Rede Sem Fronteiras (RSF) has been closely monitoring the unfolding of events and can no longer tolerate the inhumane conditions in which migrants and asylum-seekers are forced to live in the Bosnian reception facilities. Thousands of people, including children and unaccompanied minors, are living through a daily nightmare within a context of general indifference, at the EU's external borders. In this regard, RSF calls for the deploying of sustainable solutions and pushes authorities to take charge of accommodating migrants in an adequate, right-based manner. Furthermore, it is necessary that the violent push-back practices taking place on the Bosnian-Croatian border cease immediately, and that migratory policies and procedures are reshaped, both at the statal and regional level, with the aim of implementing a system which is capable of protecting the life and the rights of asylum-seekers. What still remains to be seen is whether the proposed New Pact will manage to ensure that migrants are given the opportunity to seek international protection through safe and legal paths.