

Situation of migrants in Bosnia and Herzegovina

SUMMARY

Bosnia and Herzegovina (BiH) has become a transit route for migrants heading towards western Europe since early 2018. Around 8 000 migrants are currently present in the country, mainly originating from southern Asia and the Middle East. Reception capacities were expanded in 2018, using EU funds, but remain insufficient. In 2019, BiH has been unable to establish additional locations for temporary reception centres, despite EU funds being available. Access to asylum in BiH is also effectively being denied to migrants that seek to claim it.

Recently, local authorities in the Una-Sana Canton (Bihać), which have been shouldering most of the burden of migration management, have resorted to action such as restricting movement and forcibly transferring migrants to the Vučjak site, which is unsuitable for human occupation on account of severe health and safety risks for its residents. The government of Croatia has meanwhile been accused by some non-governmental organisations (NGOs) and international organisations of pushing migrants back into BiH, in violation of international norms on *non-refoulement*. Croatia has committed to investigate allegations of mistreatment of migrants and refugees at its external borders.

The lack of appropriate policy responses in BiH has led to a humanitarian crisis in the Una-Sana Canton. In the absence of timely and serious preparation, and without better internal coordination among state-level and local authorities, BiH may face an even stronger humanitarian emergency this upcoming winter.



The Velika Kladuša refugee and migrant camp in Bosnia and Herzegovina.

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Background

Having remained on the margins of the 'Balkan route' during its peak in 2015-2018, BiH has faced increased migratory pressure since early 2018, following the closure of the borders of Hungary and Croatia with Serbia in 2016 and 2017. According to the [Western Balkans Risk Analysis Network \(WB-RAN\)](#), run by the European Border and Coast Guard Agency (Frontex), the main Serbia-centred route became attractive again in 2018. Around 24 000 persons were detected while making irregular crossings into BiH in 2018, along with 22 200 in the first nine months of 2019, according to the BiH Ministry of Security. The overwhelming majority of these migrants intend to move on towards western Europe. However, the 8 000 irregular migrants estimated to be present in the country are more than double the number in Serbia (3 400). Most (around 6 000) are in the north-west corner of the country, the Una-Sana Canton, and in particular in the towns of Bihać and Velika Kladuša. Around half are staying outside the temporary reception centres.

Bosnia and Herzegovina: Map of key migrant sites and locations



Source: [UNHCR](#).

The main declared countries of origin for migrants are Pakistan (39.6 %), Afghanistan (10.6 %), Bangladesh (8.7 %), Iraq (8.3 %) and Syria (6.3 %). Others (notably from Algeria, Morocco, Iran, Egypt and India) represent 26.5 % of the total. Nearly 20 % of the people on the move in BiH are children, of whom more than a third are unaccompanied minors. The dire situation of migrants and refugees in BiH has caught the attention of international watchdogs, such as the Council of Europe's [special representative on migration and refugees](#) and its [human rights commissioner](#). The [United Nations \(UN\) special rapporteur on migration](#) Felipe González Morales said, at the end of his visit to BiH on 1 October 2019, that 'the increased flow of migrants has exposed the significant institutional and coordination weakness of relevant authorities at different levels of BiH'.

The situation in BiH was also discussed at the UN Security Council on 5 November 2019, where the [EU Delegation to the UN](#) said that: 'In order to prevent a humanitarian crisis in the coming winter, Bosnia and Herzegovina needs to take urgent measures to ensure the management of migration and access to the asylum system, including closing the unsuitable site of Vučjak and increasing reception capacities across the territory', adding that 'coordination between all competent authorities is key in order to make good use of all the resources made available by the European Union'. On 14 October 2019, after a decision of the Ministry of Internal Affairs of the Una-Sana Canton, hundreds of migrants residing in public areas in Bihać were forcibly transferred to Vučjak. In addition, it has been reported by the [UN delegation in BiH](#) that a group of around 1 000 people were escorted to Vučjak on foot by the local police.

Institutional weaknesses

Bosnia and Herzegovina revamped its laws on foreigners and asylum in 2015 and 2016 to bring them into line with European standards, and opened an asylum centre and an immigration detention centre with EU funds. In March 2016, the BiH Council of Ministers adopted a [migration and asylum strategy and action plan for 2016-2020](#). The strategy was prepared in the light of the implementation of the stabilisation and association agreement (SAA) with the EU that had entered into force in June 2015. The SAA created new obligations in the area of migration and asylum;

nevertheless, the authorities proved ill-prepared to face the increased influx of migrants and refugees that occurred at the very beginning of 2018.

Given the limited capacities of the official centres, five temporary reception centres were set up in 2018 by the [International Organization for Migration \(IOM\)](#) with EU funds, providing accommodation for up to 4 000 people hosted in the 'Sedra' (Cazin) and 'Borići' (Bihać) centres, as well as in Salakovac (Mostar). Single men are mainly accommodated in the 'Bira' (Bihać) and 'Miral' (Velika Kladuša) centres, as well as in Ušivak (Sarajevo). The BiH Ministry of Security is committed to taking responsibility for these temporary reception centres, in line with its March 2019 decision. Despite these efforts, reception capacities remain insufficient in view of the number of people currently present in the country. The border police force remains severely under-staffed. According to the BiH Ministry of Security and the European Commission, last year, 22 500 refugees expressed an intention to apply for asylum in BiH and received 14-day permits of stay, but only 1 567 (7 %) chose or managed to file an asylum application. There are serious obstacles to effective access to asylum, as competent institutions are under-resourced. As the authorities have not yet taken over legal responsibility for the reception centres in the Una-Sana Canton, these are not recognised as valid residential addresses for asylum applications. Consequently, applicants fall into a legal limbo with significant protection risks. BiH has not granted any person refugee status since 2014, and has given subsidiary protection to only a few.

At a [high-level meeting in July 2019](#), BiH committed to strengthen internal coordination; the European Commission also agreed to provide further technical and policy support to the BiH Ministry of Security. The Commission made additional funds available ([€10 million](#) allocated in August 2019) to set up additional temporary reception centres and to relocate people from the unsuitable site of Vučjak. To this end, the Commission encouraged BiH to identify publicly owned buildings across the country, in order to ensure more equitable geographical distribution of accommodation facilities for migrants and refugees. BiH state-level and local authorities have as yet been unable to jointly identify locations for additional reception facilities. Several locations scouted by the Ministry of Security have been opposed by local authorities. The government of the Republika Srpska entity (49 % of BiH) has also denied any possibility for reception centres to be established on its territory. This [refusal](#) to provide additional accommodation sites worsens the critical situation of migrants in existing camps. It is also a symptom of the weak constitutional set-up of BiH, where several levels of government overlap, and increases the possibility of a humanitarian crisis this winter.

Territorial incursions and migrant pushbacks

As most of the migrants in BiH have attempted to cross the Croatian 'green border' (the forested area in which there are no official crossing points), international organisations and bodies such as the UN, the European Commission, but also NGOs and media have raised the issue of mistreatment of migrants and refugees, including pushbacks. A report published in September 2019 by the [Border Violence Monitoring Network \(BVMN\)](#) said that territorial incursions and pushbacks are not isolated cases on the 'Balkan route', and [Amnesty International](#) and [Human Rights Watch](#) have also reported on the issue. Felipe González Morales, the [UN Special Rapporteur on the human rights of migrants](#), said that pushbacks 'violate the human rights of these individuals. In reality, this approach has not deterred people on the move from advancing towards the European Union territory. Instead, it has led to a flourishing network of smugglers and organised criminal activities, which require immediate attention and action by all countries in the region'. As noted in the [European Commission report on the verification of the full application of the Schengen acquis by Croatia](#), published on 22 October 2019, Croatia has committed to investigate allegations of mistreatment of migrants and refugees at its external borders, to monitor this situation closely and to keep the Commission informed on progress made.

EU support and the European Parliament

Bosnia and Herzegovina applied for EU accession in February 2016. In May 2019, the European Commission published its [opinion](#) on Bosnia's EU membership application, in a communication to the European Parliament and the Council, including among the key priorities for the country to move towards opening EU accession negotiations, the need to ensure 'effective coordination, at all levels, of border management and migration management capacity, as well as ensuring the functioning of the asylum system'. Since early 2018, the Commission has provided [up to €36 million](#) either directly or through humanitarian partners to address the immediate needs of refugees, asylum-seekers and migrants in BiH and to help the country strengthen its migration management capacities. This financial assistance has enabled the authorities to provide basic services and protection, including food and accommodation, access to water, sanitation, hygiene, and health assistance. As a result of the increased number of people forced to sleep outside, EU funds are also supporting dedicated outreach assistance in several key locations.

The European Parliament has been monitoring the internal political situation in BiH and the migration crisis, mainly through the work of the Foreign Affairs (AFET) and Civil Liberties, Justice and Home Affairs (LIBE) Committees, as well as through the [Delegation for Bosnia and Herzegovina and Kosovo](#). (The EU-BiH joint parliamentary committee (SAPC) has, however, held only one meeting so far, in 2015, owing to a disagreement between the two sides on procedural questions.) In its February 2019 [resolution](#) on the [2018 Commission report on BiH](#), Parliament noted with concern the increasing number of migrants arriving in BiH and the lack of coordination between the various tiers of government responding to the situation. It called for border management to be improved and the specialised human trafficking investigation units to be strengthened in order to combat smugglers effectively. In April 2019, some 30 MEPs from a number of political groups addressed a [letter](#) to the European Commission referring to the critical situation in Bihać. In October 2019, 27 MEPs addressed a new [letter](#) to the Commission, urging it to take immediate measures to improve the situation in the improvised centres for migrants near Bihać. On 14 November, Parliament heard [statements](#) from the Council and Commission, before debating the situation of migrants in Bosnia and Herzegovina.

MAIN REFERENCES

Anghel S.-E., [Western Balkans: State of play in the European Council](#), EPRS, European Parliament, October 2019.

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