

BOSNIA AND HERZEGOVINA 2020

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ANNUAL REPORT BOSNIA AND HERZEGOVINA

[Back to Bosnia and Herzegovina](#)

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The authorities failed to provide support to thousands of refugees, asylum-seekers and migrants stranded in the country. The Constitutional Court declared that movement restrictions imposed on older people and children due to COVID-19 were disproportionate. State of emergency measures further limited the rights to freedom of peaceful assembly and expression. Unlawful disclosures of personal data of COVID-19 patients violated the right to privacy. Prosecution of war crimes was further delayed.

Refugees, asylum-seekers and migrants

Bosnia and Herzegovina (BiH) failed to provide effective access to asylum and adequate reception conditions for thousands of migrants and asylum-seekers travelling through the country on their way to the EU. Despite reduced numbers in March and April due to COVID-19 movement restrictions, close to 10,000 people were stranded in BiH at the end of the year, the majority in Una-Sana Canton on the border with Croatia.

The asylum system remained largely ineffective due to persisting institutional gaps, including limited capacity in the Ministry of Security, resulting in a significant backlog of pending cases and people awaiting registration.

Political inaction from the Council of Ministers, and the reluctance of authorities at all levels to cooperate, led to failures in identifying additional suitable accommodation and prevented the transfer of existing reception centres from the International Organization for Migration (IOM) to BiH authorities.

In August, citing the lack of support from the national government, Una-Sana Canton authorities prohibited new arrivals on their territory and imposed strict measures targeting migrants and asylum-seekers living outside official accommodation centres. The measures included severe restrictions on freedom of movement, prohibition on gatherings in public places and using public transport, and a ban on letting accommodation to migrants.¹

In September, the Una-Sana Canton authorities forcibly evicted residents from the official reception centre operated by the IOM in Bihac, leaving close to 400 people without shelter and assistance in deteriorating weather conditions.² In the last days of December, around 900 migrants and asylum-seekers were stranded in inhumane conditions and without access to food, water or electricity in the temporary camp Lipa after the authorities failed to agree to their relocation to more suitable facilities in other parts of the country. The European Commission strongly condemned the actions saying they “undermined the rule of law and put lives at risk”.

At the end of the year, around 3,000 asylum-seekers and migrants were living in squats, abandoned houses and forests across Una-Sana Canton.

Freedom of movement

As a part of the COVID-19 emergency measures in March, the authorities imposed a blanket 24-hour curfew on children and people aged 65 and older. The curfew was eased after several weeks but over 300 people found in violation of the order received fines that could exceed the average monthly pension. In April, the Constitutional Court ruled the measures were disproportionate and breached the right to freedom of movement enshrined in the Constitution and the European Convention on Human Rights.

Freedom of expression

The BiH Association of Journalists recorded nearly 30 cases of serious violations of media freedom, including physical assault and death threats against journalists and other media workers.

Journalists and others criticizing the government's COVID-19 response faced backlash and censorship. In several cantons, independent journalists were denied access to government briefings on the COVID-19 crisis. In March, the Republika Srpska government issued a decree prohibiting the "incitement of panic and disorder" and imposed heavy fines for violations. At least 18 people were charged under the decree before it was repealed in late April, including a medical doctor who expressed concern on social media about the lack of equipment and capacities in local hospitals. Federation BiH authorities actively monitored private social media accounts and criminally charged at least five people for "spreading false information and panic" in March. At the end of the year, there was no credible information on whether any of the charges were dropped. The Council of Europe Commissioner for Human Rights warned that the measures limited the right to freedom of expression.

Freedom of assembly

According to the European Commission, laws regulating assemblies were contrary to international law as they severely restricted public places for protests and placed a disproportionate burden on organizers, who had to cover the costs for additional security and emergency measures during events.

Right to privacy

In March, authorities in several parts of the country cited public health grounds in disclosing personal data of individuals, including minors, who were diagnosed with COVID-19 and of those with orders to self-isolate. The BiH Data Protection Agency warned that it breached national data protection legislation and prohibited further public disclosure of personal data by the authorities.

Right to truth, justice and reparation

In September, the BiH Council of Ministers adopted the long-delayed revised War Crimes Strategy, which set new deadlines for completion of backlog cases. By the end of 2020, over 600 cases were pending before various courts in BiH.

Prosecution of war crimes continued to be delayed due to systemic deficiencies in the Prosecutor's Office.

In March, a survivor of wartime rape in Novi Travnik received financial compensation, the first such award in criminal proceedings.

In August, the UN Committee for Elimination of Discrimination against Women (CEDAW) ruled in a wartime rape case that BiH failed to ensure an impartial and effective investigation and

adequate reparation to the victim. The Committee called on BiH to provide immediate and comprehensive support to survivors of wartime sexual violence.

In July, the country marked the 25th anniversary of the Srebrenica genocide when more than 8,000 Bosnian Muslim men and boys were killed; survivors continued to face insurmountable obstacles to obtaining truth, justice and remedy.³

Over 7,200 people remained missing as a result of the armed conflict. Political pressure and lack of resources continued to impede the work of the BiH Missing Persons Institute.

1. [Bosnia and Herzegovina: Reckless restrictions of movement leave refugees and migrants stranded without protection \(News story, 25 August\)](#)
2. [Bosnia and Herzegovina: Authorities create gratuitous suffering for hundreds left without shelter \(News story, 1 October\)](#)
3. [Bosnia and Herzegovina: 25th anniversary of Srebrenica massacre is a sombre warning from history \(News story, 9 July\)](#)

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