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Annual Report 2019 - Bosnia and Herzegovina [EUR 01/2098/2020]

The authorities failed to provide basic reception and support to thousands of refugees, asylum-seekers and migrants stranded in the country. Minorities continued to face widespread discrimination and social exclusion. Threats and attacks against journalists and media freedom persisted. Access to justice and reparations for civilian victims of war remained limited.

Refugees and asylum-seekers

Bosnia and Herzegovina (BiH) failed to provide asylum-seekers with effective access to international protection or adequate reception conditions.^[1] Tens of thousands of people travelled through BiH, most intending to seek asylum in the European Union. By the end of 2019, the authorities had registered almost 29,000 irregular entries.

Numerous bureaucratic obstacles to registration, lack of adequate legal assistance and translation, limited capacity and scarce financial support for potential asylum-seekers prevented effective access to international protection. By the end of the year, less than 5% of the 28,000 people who expressed their intention to apply for asylum had managed to do so.

The authorities at different levels failed to cooperate to meet the needs of over 8,000 refugees and migrants stranded in the country, many as a result of pushbacks from neighbouring Croatia. Temporary reception centres, operated by the International Organization for Migration, housed around 4,000 people in overcrowded and inadequate conditions. Reception centres remained solely located in one of the country's two entities, the Federation BiH, primarily in Una-Sana Canton. The authorities in the other entity, Republika Srpska, refused to set up any camps on their territory.

In May, local authorities forcibly transferred around 800 people, mostly single men, to an informal camp in Vučjak,

a former landfill site without access to drinking water or adequate sanitation and in close proximity to a minefield. The UN Special Rapporteur on the human rights of migrants warned the authorities that the site posed a serious health and safety risk and

was completely unfit for human occupation. The camp was finally dismantled in December and people accommodated there were transferred to formal reception centres elsewhere in the country.

Discrimination

Roma continued to face systemic barriers to education, housing, health services and employment. The inability to register a permanent residence remained an insurmountable obstacle preventing many Roma from accessing basic rights and services, many of which require a legal proof of residence.

LGBTI people faced widespread social exclusion and discrimination. Although LGBTI rights organizations reported improved cooperation with the police and judiciary in the Federation BiH, acts of violence and discrimination against LGBTI people were not thoroughly investigated.

Despite several counter-protests and threats of violence, the country's first Pride event was successfully organized in September in Sarajevo.

The authorities failed to implement multiple rulings of the European Court of Human Rights and the BiH Constitutional Court that found the power-sharing arrangements set out in the constitution to be discriminatory, preventing people who did not belong to one of the constituent peoples (Bosniak, Croat or Serb) from running for legislative and executive office.

Freedom of assembly and expression

The pattern of threats, political pressure and attacks against journalists continued. Journalists were targeted because of their ethnic origin and the content of their work. BiH ranked 63nd out of 180 countries in the Reporters Without Borders World Press Freedom Index.

In January, the authorities in Republika Srpska used excessive force to break up months-long protests demanding the truth over the unexplained death of a youth in 2018 and banned further gatherings in the entity's capital, Banja Luka.

Legal amendments seeking to criminalize unauthorized filming or photographing of public officials during protests in Republika Srpska were withdrawn following pressure from journalists' associations and the international community.

Migrants' rights

The BiH Ministry of Security revoked the residence permits of several Turkish nationals putting them at risk of forcible return to Turkey. The Ministry took the decision shortly after a state visit by Turkey's President during which he requested the deportation of Turkish citizens residing in BiH because of their alleged links with the so-called Gülen movement, which Turkey considered to be a terrorist organization.

Crimes under international law

In March, the appeals chamber of the International Residual Mechanism for Criminal Tribunals in The Hague upheld the original 2016 verdict and sentenced the former Bosnian Serb leader Radovan Karadžić to life imprisonment.

The BiH Council of Ministers failed to adopt the revised War Crimes Strategy. Domestic prosecution of war crimes further slowed with over 550 cases pending before various courts at the end of the year. Systemic deficiencies in the Prosecutor's Office, including a persistent backlog of cases, ineffective case management and a dramatic decline in conviction rates, threatened to leave many victims without justice, truth and reparation.

The Republika Srpska Law on the protection of victims of wartime torture entered into force in January. By the end of the year, 86 people had applied for the status of victims of wartime rape and monthly financial support. Nevertheless, applicants faced numerous obstacles in the process, including lack of information, difficulty in securing adequate documentation, unclear procedures and arbitrary refusals.

Criminal courts continued to grant financial compensation to victims of wartime rape. However, with one exception, such claims could not be enforced as perpetrators lacked sufficient funds. Victims who pursued compensation claims in separate civil proceedings had to do so at their own cost and routinely faced rejection owing to the widespread application of the statute of limitations to reparation claims by all courts in BiH.

In August, the UN Committee against Torture ruled in the case of a victim of wartime rape that the statute of limitations or the inability of perpetrators to pay compensation should not prevent victims from receiving the redress awarded by the courts and ordered BiH to provide all victims of torture with adequate compensation and access to medical and psychological support.

Lack of resources and capacity and poor cooperation between the authorities continued to hamper the search for 7,200 people still missing as a result of the armed conflict.

[i] Bosnia and Herzegovina: Pushed to the edge: Violence and abuse against refugees and migrants along the Balkans Route (EUR 05/9964/2019)

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