

DEMOCRACY AND HUMAN RIGHTS

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Refugees and migrants in Bosnia and Herzegovina without human rights

Nidžara Ahmetašević
April 2020



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The camp will be supervised by the International Organization for Migration (IOM) and the DRC, and will form a hub where other organizations will actively be involved. The construction and the maintenance of the camp will mostly be financed by donations that have been coming into BiH since June 2018 from the EU to enable BiH to help to manage migration.

Lipa is a village near Bihać that is sparsely inhabited. At the beginning of the war in 1992, Lipa had around 70 inhabitants. In the 2013 census, no one was registered there as having a permanent residence in Lipa, although there is currently a small number of returnees residing there.

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Those who have visited the camp site claim that, under the Law on Asylum of Bosnia and Herzegovina, it does not meet the requirement, which stipulates “humane and dignified” accommodation. The camp is to be located at a distance from any inhabited village or town; where there are no shops or infrastructure, no piped water, and with no clear options for the hygienic management of sewage. Instead of the planned robust containers envisaged as dwellings, the site currently has large white plastic tents, filled with iron bedsteads.

NEW CORRIDOR, OLD PROBLEMS

Before the end of 2017, Bosnia and Herzegovina did not feature as part of the active refugee route on the map of the Balkans. This situation changed in November of 2017, following the violent death of a 6-year-old girl, Madina

Hussayni, a refugee from Afghanistan, who, with her family, tried to enter the EU from Serbia, specifically by entering Croatia. As they tried to cross the green border, they were discovered by the Croatian police and, according to the family, were forced to return to Serbia. On the way back, walking across the railway tracks, as a train approached the little girl Madina slipped and fell, thus meeting her death.

Her body was buried in a cemetery in Šid, and, after several attempts, the family managed to enter the EU and sought asylum.

However, her death revealed the degree of brutality being experienced at the EU borders, which convinced people that they needed to look for alternative routes. From then on, Bosnia and Herzegovina, as a country that shares over 1000 kilometers of its border with the EU, became the sought-after section of the Balkan route.

From the end of 2017 until the end of March 2020, there were more than 50,000 people from over 60 countries registered in BiH (including Palestine, Syria, Pakistan, Kashmir, China, Azerbaijan, Cuba, Afghanistan, Myanmar, India...). Most of them were able to leave the country and move on to the EU. After a series of unsuccessful attempts of border crossing, and having survived brutal violence at EU borders, some of them decided to return to Serbia, or even to Greece. While the majority who are still in this country continue to hope and plan for their next opportunity to move on to the EU, only a few have attempted to remain in BiH.

The coronavirus pandemic has slowed down the speed of the movement of refugees and migrants on the Balkan route, leaving thousands stuck and increasingly subject to extreme and restrictive measures; such as curfews, the military in the streets, police force carrying long-barreled firearms, and enforced confinement in camps not fit for human habitation.

Bosnia and Herzegovina, as a country with an extremely complex state organization, weak rule of law, three levels of government, and a constitution rooted in war-time divisions, whose leaders are tarred with allegations of corruption and nepotism, was completely ill-prepared to accept

the arrival of people in need of protection and special treatment. In the first year alone, tens of thousands of people were de facto abandoned, without entitlement to protection and care, and this trajectory continues.

The existing legislation – drafted by the UNHCR in the aftermath of the war, in line with the EU legislation, and adopted by the local authorities there, as recommended by the international community, which still has a final say in this country – regulates, among other things, a dignified and humane standard of living for all potential asylum seekers. In such a situation, the European Union, as well as some individual member states, have taken a leading role in migration management, and rather than choosing to work through the local authorities, they have opted to collaborate with the International Organization for Migration, choosing a UN Partner Agency, as their main partner on the ground. Another, probably more relevant, explanation of the strong EU presence lies in the fact that the EU borders are closed and that member states do not want more refugees and migrants becoming the responsibility of their systems.

It is important to note that the IOM, like the UNHCR, has had a presence in this country from an earlier time, but it had assessed that there would be no increase in the number of people on the move in Bosnia and Herzegovina. Such an assessment has left the IOM equally as unprepared and in as dire a situation as it did the state of Bosnia and Herzegovina. This combined underestimation has left all the people they were supposed to help in a dire situation. In the spring of 2018, thousands of people in Bosnia and Herzegovina, including victims of war, and families with small children, were left in poor health to roam the streets throughout this country. Temporary camps were established, and in those first days, most assistance came from the locals and subsequent foreign volunteers, who arrived in the country to offer their help.

The EU has been involved actively since June 2018, when funding first came onstream, with the IOM setting up centers to serve as temporary accommodation for people on the move.

From the outset, the EU and its partners, chose to cooperate more with the local and cantonal authorities, rather than with the state-level authorities, even though it is the latter who are responsible for issues concerning people on the move. The Ministry of Security of Bosnia and Herzegovina has branch offices for foreigners and asylum-seekers, while the Ministry of Human Rights and Refugees has the responsibility and the obligation for the welfare of people in the country who have been granted the status. The cantonal authorities must follow the policy of these Ministries. Relying on the local and cantonal authorities, international organizations have diminished the role of the state and encouraged local political elites to carry out actions that have later proved to be have been discriminatory, and very often neither in line with the existing legislation nor with international conventions.

UNCONDITIONAL EU SUPPORT

During this same period of time, in the October of 2018, a general election was held. However, a functioning state-level government was not legally formed until the end of 2019, when another blockade of state institutions, caused by local leaders, emerged. At that point, Fahrudin Radončić is appointed head of the Ministry of Security. He announced, at the very beginning of his term, that he intended to reject the representation of the crisis in the country as a humanitarian crisis, but instead, intended to redefine it as a matter of security. It was not long before such an approach found support in the lower levels of government, followed shortly by the acquiescence of the international officials in Bosnia and Herzegovina.

Restrictive policies and violations of the law, with strong overtones of anti-immigrant rhetoric, seem to have prompted little opposition from the EU and international agencies who are paid to work on migrations in Bosnia and Herzegovina. Minutes of coordination meetings, held once a month in Sarajevo and attended by all actors involved in supporting people on the move, indicate that the international organizations' representatives are aware of the violation of the law and that they have made appeals to certain levels of government, including the courts. They have failed, however, to comment publicly or address criticism directly to the authorities that violate the law. Moreover, the EU is still the partner of these authorities, very often offering explicit support to them in its public addresses. In doing so, its message is one of the denial of human rights to people on the move, endorsing restrictive measures, thus, clearly supporting the aim of stopping the flow of people into its member states.

This is the context in which the state of Bosnia and Herzegovina and no fewer than 7,000 refugees and migrants exist as the coronavirus pandemic impacts on the country. The first pandemic-related measures to be introduced in this country targeted people on the move and restricted their freedoms. Soon, local populations were to face similar restrictions.

With the introduction of these measures, around 6,000 people were forcibly locked up in centers not fit for purpose, with insufficient food, limited access to water, little means of maintaining personal hygiene, and the provision of only the most basic health care. Some of these centers, such as Borići, Sedra, and Salakovac, house only families and those in so-called 'vulnerable' categories; such as victims of violence, torture, and even of human trafficking. Centers where there are no families often house minors, boys who travel alone and who are already easy prey and frequent victims not only of smugglers, but also of other perpetrators of exploitation.

The BiH Ministry of Security took a decision, on March 26, to suspend all visits to and departures from the refugee and migrant centers. Una-Sana Canton is the part of Bosnia and Herzegovina towards which the majority of people

who enter the country gravitate because of that canton's proximity to the EU border. The authorities in Una-Sana Canton imposed visiting bans as early as 18 March. At the same time, they also ordered the emergency relocation of people residing outside of the official centers; imposed a ban on all means of transport for migrants; and prohibited entry into the Canton for those who are on the move by foot. They also imposed a ban on private facilities accommodating migrants and refugees, thereby fueling the crisis by increasing the number of people having to live on the streets, a situation which would potentially increase the chances of the virus spreading still further.

This decision has been exacerbated by further recommendations of the Ministry that legitimize the police's right to use force to send back people who leave the camp. This use of force on the part of the police is being extensively used in some parts of Bosnia and Herzegovina – notably, in Velika Kladuša and Bihać. Volunteers and people on the move testify to this, and such incidents have also been recorded in reports by the Border Violence Monitor network. Cases of police violence have also been reported in Sarajevo, where police take people to the overcrowded camps of Ušivak and Blaža on a daily basis, even in cases when these people have private accommodation in which to spend the advised time in self-isolation. As there are often no available places in overcrowded camps, those who are brought to the campsite gates and left there merely turn back and head again to the city. As a result, this phenomenon has turned into a vicious circle.

As if these measures were not enough, the Council of Ministers met on April 16 to adopt additional measures that also are not in line with the existing laws and conventions to which Bosnia and Herzegovina is a signatory. The ministers decided, following proposals brought by the Ministry of Security, to prevent the movement of all migrants and refugees, even of those who have expressed the intention to seek asylum in BiH, and including those whose asylum applications have already been processed.

INSUFFERABLE LIVING CONDITIONS

There are currently eight centers in Bosnia and Herzegovina that accommodate people on the move, and all eight of these are under lock-down, making them de facto detention centers. Of these eight centers, only two - Delijaš Asylum Center near Sarajevo and the Immigration Center in Lukavica, also near Sarajevo, which already functioned as a detention center – are fully managed by local authorities. Salakovac Centre near Mostar is only partly run by local authorities. Other centers - Sedra, Borići, and Bira in Bihać, Miral in Velika Kladuša, and Ušivak and Blažuj in Sarajevo – are run by the IOM, which manages the funding coming from the EU through the EU Special Representative Office to Bosnia and Herzegovina.

Between June 2018 and the end of 2019, the EU allocated over 36 million Euro for the running of these centres and disbursed the sum thus for such purposes. According to them, most of the funding is to help people on the move. However, the living conditions inside and around

These photos show the living conditions of the Miral and Blažuj camps. Both camps are overcrowded, making the recommended social distancing impossible and allowing for no privacy whatsoever.



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