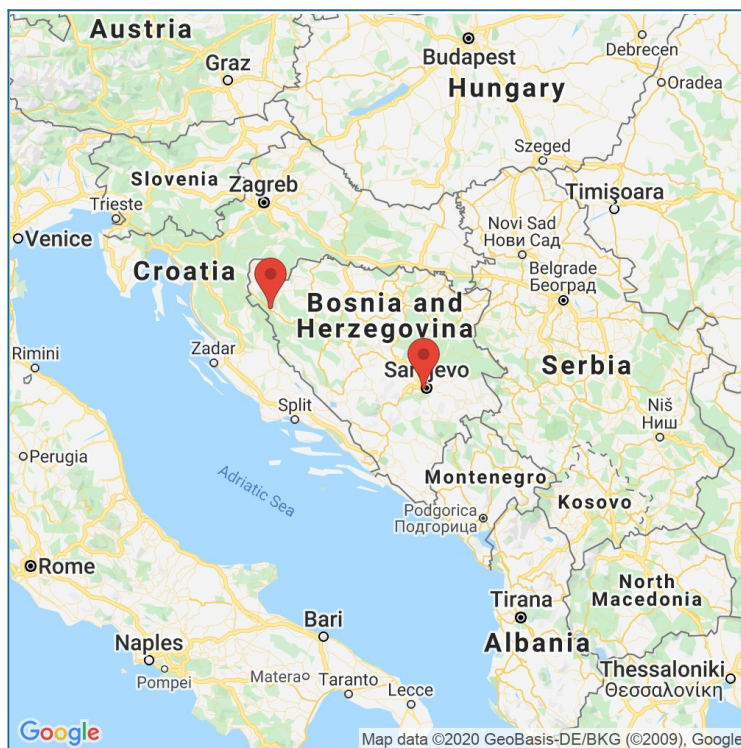


Bosnia and Herzegovina Immigration Detention Data Profile



Quick Facts

Immigration detainees (2019)	Not Available
Detained minors (2017)	38
International migrants (2019)	35,735
New asylum applications (2019)	797

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/europe/bosnia-and-herzegovina>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Total number of detained minors	38	2017
				33	2016
Criminal prison population	1,722	2016	Percentage of foreign prisoners	2	2016
	2,886	2013			
Prison population rate (per 100,000 of national population)	73	2016			
	155	2013			

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	3,300,000	2020	International migrants	35,735	2019
	3,810,000	2015		34,800	2015
	3,700,000	2012		23,200	2013
International migrants as a percentage of the population	0.9	2015	Refugees	5,241	2019
	0.6	2013		5,229	2018
				5,229	2017
				5,256	2016
				6,798	2015
				6,926	2014
Ratio of refugees per 1000 inhabitants	1.39	2016	Total number of new asylum applications	797	2019
	1.8	2014		55	2016
	1.79	2012		44	2014
				53	2012
Refugee recognition rate	17.9	2014	Stateless persons	90	2018
				65	2017
				49	2016
				79	2015
				792	2014

DOMESTIC LAW

LEGAL TRADITION

Legal tradition	Name	Observation Date
	Civil law	2017

LAWs AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Law of 2008 on Movement and Stay of Aliens and Asylum, April 2008		2008	2015
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to appeal the lawfulness of detention	Yes		2016
	Information to detainees		No	2011
	Right to legal counsel		No	2011
	Access to asylum procedures		No	2011
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Designated non-secure housing	Yes	infrequently	2016

COVID-19 UPDATES

	Update Status	Observation Date
Latest Update	<p>Amidst rising xenophobic sentiment in the country (see 29 April update on this platform), in mid-August residents of Velika Kladusa (in the Krajina region, on the Bosnian-Croatian border) staged a protest to denounce purported assaults by foreigners on local civilians. The protestors reportedly blocked a road leading to an asylum seeker reception centre. During the week of 24 August, the first confirmed Covid-19 cases were detected in IOM-operated migrant facilities. In two centres near Bihac, several people suffering mild cases were transferred to the local hospital—prompting anger from local residents. Tensions have been rising within the wider Krajina region, which has essentially become a bottleneck on the route taken by migrants, refugees, and asylum seekers attempting to enter the EU via Croatia. On 26 August, Bosnian special forces were dispatched to the newly-created Lipa camp (near Bihac) to calm a protest following an alleged police beating of a homeless migrant. Media outlets report that IOM staff withdrew from the camp before the special forces arrived. Authorities in the region, frustrated that other parts of the country are not sharing the migrant “burden,” have reportedly begun to prevent all new migrant arrivals by blocking the main highway into the region and turning away all non-nationals. On 19 August, the Coordination Committee on Migration in the Una-Sana Canton (within the Krajina region) adopted measures to restrict the freedom of movement of migrants not accommodated in official reception centres. As part of these measures, authorities banned: the transport of migrants and asylum seekers by public transport and taxis; the gathering of migrants and asylum seekers in public places; and the provision of private accommodation to them. Roadblocks have been set up, and police have also carried out raids on informal settlements and private accommodation, forcibly removing those apprehended while failing to provide them with alternative accommodation. The canton’s health minister justified the measures, claiming that the number of migrants with coronavirus was rising by the day. “We can’t control them because they move in groups of 100. They don’t follow any rules or norms and we have to think about protecting citizens.” According to the Red Cross, growing numbers have found themselves stuck between the canton and neighbouring Republika Srpska—denied entry to Una-Sana and prevented from returning to the Serb Republic. Some of those stranded are living in a hut built by the Red Cross, however others are having to camp outside and no toilet or washing facilities are available. Commenting on the recent restrictions, Amnesty International stated, “These restrictive measures that target an entire group are disproportionate and discriminatory and should be immediately reversed.”</p>	2020
	<p>According to the Bosnia and Herzegovina Institute of Human Rights (Ombudsman), responding to the Global Detention Project’s Covid-19 survey, the country did not establish a moratorium on new immigration detention orders, nor did it consider establishing one. The Ombudsman reported that no immigration detainees were released from detention, except those who were returned to the Republic of Serbia as part of readmission agreements, and placed in temporary reception centres. Prior to their return to Serbia, individuals were tested for Covid-19 and none tested positive. According to the Ombudsman, no alternative to detention programmes were implemented. People detained in the Sarajevo (Lukavica) immigration centre were not tested for Covid-19, except in cases where the person exhibited symptoms of the disease, despite reports that the centre is overcrowded (see 29 April Bosnia and Herzegovina update on this platform). In addition, the management of the centre adopted a number of measures to prevent the spread of the virus, including suspending all visits to the centre, requesting strict compliance with hygiene and epidemiological measures, providing for mandatory quarantine for new arrivals, and other measures as recommended by the crisis staff. The Ombudsman also indicated that deportations of non-citizens were suspended due to border closures and the grounding of flights, save for citizens of the Republic of Serbia who were allowed back into the country if they provided negative Covid-19 tests. In an information request made by the Ombudsman to the Border Police of Bosnia and Herzegovina (BiH), the police indicated that following the first confirmed cases of Covid-19 in BiH, they began implementing measures to detect possible cases of the disease. An action plan was devised and police officers were obligated to wear protective equipment, maintain social distance, measure the body temperature of officers and any other persons entering the official premises of the police, disinfecting official premises and vehicles, as well as maintaining personal hygiene. As previously reported on this platform (29 April 2020), public attitudes towards migrants and refugees have deteriorated. The country’s Security Minister has suggested that non-citizens should be deported from the country as they represent an economic and security threat. Also, other asylum facilities, such as the Lipa camp, have been opened while arrivals to the country decreased in April 2020 compared with the same period in 2019.</p>	2020
	<p>As public attitudes towards migrants and refugees reportedly deteriorate across Bosnia and Herzegovina, the country’s Security Minister suggested on 23 April that non-citizens should be deported from the country. Alleging that they pose too great an economic burden during the pandemic - as well as a security threat - the Minister said that he would submit a proposal to Parliament. “(Migrants) who do not want to show their identity cards will not be allowed any more to use our migrant and refugee camps,” he said. “They will go straight to jail. And we will keep them there for one to five years until we can establish their identity. This is our proposal for a new law.” Although the Minister did not state a date for when his proposal would be ready for debate, the Service for Foreigners’ Affairs has announced that it has already begun preparing a list of persons to be deported. In addition to its dedicated immigration detention centre in Sarajevo, Bosnia’s reception centres, many of which are severely overcrowded, are operating as temporary detention sites as a response to the Covid-19 pandemic. According to UNHCR, as of 28 April, “BiH authorities reported 36 new irregular arrivals (for the month) of asylum-seekers and migrants to the country, adding to the total for 2020 at 4,459.” This is a modest decrease compared to the same period in 2019 when, when authorities reported 5,288 arrivals. The agency reported that “The number of asylum-seekers, refugees and migrants accommodated in reception centers and other formal accommodation currently in the country is 6,266, while some 3,000 persons are estimated outside formal accommodation or on route. For the time being, no cases of COVID-19 have been identified affecting asylum-seekers, refugees and migrants.” In addition to the asylum reception facilities, the country has worked with the IOM to open what it terms a “temporary reception facility” in the town of Lipa, called “Lipa Camp.” According to BalkanInsight (21 April): “Despite opposition from Bosnian Serbs, migrants and refugees who were living rough are being resettled to a temporary reception centre near the village of Lipa in the country’s north-west. The authorities in the Una-Sana Canton, in cooperation with the International Organization for Migration, moved a first group of about 120 migrants and refugees to the new reception centre in Lipa, not far from the town of Bihac, on Tuesday. In total, about 1,000 people who have been living on the streets of Bihac and nearby towns in the recent weeks because there is not enough space at existing reception centres will be relocated to the Lipa camp. In mid-March, the Bosnian authorities imposed restrictions on the movement of migrants and refugees and ordered them into temporary reception centres as a part of measures to prevent the spread of the coronavirus.” During a webinar organized by the OSCE’s Office for Democratic Institutions and Human Rights on 23 April, a Senior Regional Protection Officer at UNHCR raised concerns regarding reception sites in Bosnia, more than two-thirds of which are overcrowded. He underscored growing xenophobia in the region, stating that “the number of problems that undocumented migrants and asylum seekers faced historically have increased with the coronavirus crisis.” While pointing out the closing of borders and other security-oriented measures, he called for the necessity to keep providing humanitarian assistance to asylum seekers and refugees. UNHCR also reported in its 28 April update that “COVID-19 related restriction of movement for asylum-seekers and migrants in reception centres continued to be in force. Residents are unable to leave the centres unless exceptionally and with a special permit. Overcrowding in the largest reception centres makes isolation measures incl. physical distancing difficult to implement. Limited freedom of movement creates situations of tension among residents incl. increased risk of gender-based violence.”</p>	2020
	<p>According to the UN, although the number of COVID-19 cases in Bosnia and Herzegovina is still considered manageable (under 500 as of 1 April) “the infection rate is rising fast and is expected to peak in the coming weeks. The authorities have taken measures to prevent the spread of the disease nationwide, such as curfews and school closures, as well as restrictions on movement in and out of the reception centres.” Bosnia and Herzegovina operates one dedicated immigration detention centre, near Sarajevo, which has been criticized for having inadequate conditions, including use of solitary confinement, lack of access to recreation, no provision of legal aide, and failure to undertake age assessments. The country is also notorious for the terrible conditions at its reception centres, which the UN Special Rapporteur on the human rights of migrants called “inhuman” after his visit to the country in October 2019. In Bosnia, authorities ordered the transfer of thousands of migrants to a remote camp in Lipa due to the coronavirus outbreak in the country. A new camp was constructed a few days later, but there is concern over access to water, heat and electricity. Authorities have imposed a complete restriction on the movement of migrants beyond temporary reception facilities. The camp is expected to host at least 2,000 people for the time being, and 50 tents are already being set up. According to some sources, migrants will not be able to leave the camp which will be under surveillance by Bosnian police forces. An estimated 3000 migrants are currently living in cramped conditions in abandoned buildings or disused train stations.</p>	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification		
International treaties	Name	Ratification Year
	OP CRC Communications Procedure	2018
	OP ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	2012
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2012
	OPCRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2010
	CRPD, Convention on the Rights of Persons with Disabilities	2010
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2008
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2002
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2002
	ICRMW, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1996
	ICCPR, International Covenant on Civil and Political Rights	1995
	CRSSP, Convention Relating to the Status of Stateless Persons	1993
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1993
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1993
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1993
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1993
	CRC, Convention on the Rights of the Child	1993
	CRSR, Geneva Convention Relating to the Status of Refugees	1993
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1993
	VCCR, Vienna Convention on Consular Relations	1993
Ratio of relevant international treaties ratified	19/19	
Relevant international treaties and date of ratification		
Individual complaints procedure	Name	Acceptance Year
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1995
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2002
	CAT, declaration under article 22 of the Convention	2003
	ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008	2012
	CRPD, Optional Protocol to o the Convention on the Rights of Persons with Disabilities	2010
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance, declaration under article 31	2012

Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number		Observation Date
	6/9		2017
Relevant international treaties and date of ratification			
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year
	Committee on Migrant Workers	"§ 26. (a) amend the law on movement and stay of aliens and asylum to define the maximum length of administrative detention that is not derogable , with a view to prevent ing prolonged or indefinite detention ; (c) ensure that detention orders against migrant workers , in cluding those in an irregular situation, are only taken as a last resort, on a case-by-case basis , and strictly in compliance with applicable international standards; (d) ensure that migrant workers have access to legal aid and information on available remedies to appeal decisions ordering the ir detention , and p rovide in formation thereon in its next periodic report, including examples of cases where migrant workers in an irregular situati on have received legal aid ; and (e) ensure timely access by detained migrant workers to effective legal remedies ."	2012
Regional treaties, regulations, and directives			
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)
	ECPT, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment		2002
	CATHB, Convention on Action against Trafficking in Human Beings		2008
	CPCSE, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		2012
	ECHRP1, Protocol 1 to the European Convention on Human Rights (amended by protocol 11)		2002
	ECHRP7, Protocol 7 to the European Convention on Human Rights (amended by protocol 11)		2002
	ECHRP12, Protocol 12 to the European Convention on Human Rights		2003
	ECHR, Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as the European Convention on Human Rights		2002

Bilateral/Multilateral agreements linked to readmissions			
Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date
	Belgium	2007	2017
	Bulgaria	2008	2017
	Denmark	2004	2017
	Germany	1997	2017
	Germany	2014	2017
	Italy	2004	2017
	Luxembourg	2007	2017
	Malta	2010	2017
	Netherlands	2007	2017
	Slovakia	2009	2017
	Slovenia	2006	2017
	Sweden	2005	2017
	Switzerland	2005	2017
	Albania	2009	2017
	Russian Federation	2016	2017
	EU	2008	2017
Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recommendation Issued	Year Issued	Observation Date
	No	2010	2017
	No	2014	2017

INSTITUTIONAL INDICATORS			
Detention monitoring institutions			
Authorized monitoring institutions	Institution	Institution Type	Observation Date
	The Human Rights Ombudsmen of Bosnia and Herzegovina	National Human Rights Institution (or Ombudsperson) (NHRI)	2016
Detention monitoring institutions			
Is the national human rights institution (NHRI) recognized as independent?	Is the NHRI recognized as independent by the International Coordinating Committee of National Human Rights Institutions?		Observation Date
	Yes		2016
Foreign sources of funding for detention operations			
Does the country receive external sources of funding?	Benefitted from non-state funding sources?	Observation Date	
	Yes	2011	

More information about immigration detention in Bosnia and Herzegovina is available at the website of the Global Detention Project
(www.globaldetentionproject.org)

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