

Children *of* Incarcerated Caregivers

GLOBAL DETENTION PROJECT

SUBMISSION OF INPUTS AND PROPOSED QUESTIONS FOR THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN AND GIRLS FOR ITS COUNTRY VISIT TO BOSNIA AND HERZEGOVINA

REGARDING THE SITUATION OF PREGNANT AND BREASTFEEDING WOMEN, AND MOTHERS WITH YOUNG CHILDREN IN LUKAVICA IMMIGRATION DETENTION CENTER

SUBMITTED BY CHILDREN OF INCARCERATED CAREGIVERS AND THE GLOBAL DETENTION PROJECT

SUBMITTTED: 7 NOVEMBER 2026

ABOUT THE SUBMITTING ORGANISATIONS

CHILDREN OF INCARCERATED CAREGIVERS (CIC)

CIC is a non-governmental organization committed to promoting the rights and well-being of children affected by the incarceration of a parent or caregiver. CIC conducts cross-jurisdictional research, policy analysis, and advocacy to support evidence-based laws, policies, and practices that prioritize the best interests of the child. CIC focuses on parental incarceration during the perinatal period and early childhood, and, in particular, the situation of children born in detention and/or living in detention with an incarcerated parent.

GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

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Submission of Inputs and Proposed Questions for the Special Rapporteur on Violence Against Women and Girls for its Country Visit to Bosnia and Herzegovina

Regarding the Situation of Pregnant and Breastfeeding Women, and Mothers with Young Children in Lukavica Immigration Detention Center

Submitted by Children of Incarcerated Caregivers and the Global Detention Project

7 November 2026

1. Introduction

1.1 Children of Incarcerated Caregivers (CIC) and the Global Detention Project (GDP) are pleased to provide this submission to the Special Rapporteur on Violence Against Women and Girls in response to the call for input ahead of her country visit to Bosnia and Herzegovina, which identifies migrant women and girls as a priority group.

1.2 The submission highlights the particular vulnerabilities of pregnant and postpartum women in immigration detention, including limited access to specialized healthcare and appropriate accommodations. Although women represent a minority of individuals held in immigration detention in Bosnia, many have distinct caregiving responsibilities and gender-specific healthcare needs, especially during pregnancy and the postpartum period.

1.3 The Law on Asylum recognizes pregnant women and single mothers with minor children as vulnerable groups whose asylum applications should receive priority consideration.[1] However, neither the Law on Asylum nor the Law on Foreigners prohibit the detention of vulnerable groups and the application for asylum does not suspend the enforcement of a detention or expulsion order, leaving pregnant and postpartum women vulnerable to harmful enforcement measures.[2]

1.4 Official statistics provided by the Service for Foreigners' Affairs (SFA) confirm that women and children, including minors detained within

[1] Zakon o azilu [Law on Asylum], Službeni glasnik Bosne i Hercegovine [Official Gazette of Bosnia and Herzegovina], No. 11/16, arts. 2(ii), 23(3) (Bosn. & Herz. 2016).
[2] Collective Aid, *Inside Lukavica: Bosnia's Immigration Detention Black Box* 9 (2026), https://static1.squarespace.com/static/5bb60214f4755a2662bea695/t/6a901969878c666ddd8fe1ab/1787828585862/Inside+Lukavica_+Bosnia%27s+Immigration+Detention+Black+Box+%281%29+%281%29.pdf

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biological family units, are detained at the Lukavica Immigration Detention Center.[3] However, the lack of publicly available government data makes it difficult to determine how many pregnant women and mothers with children are detained there. Reports of inadequate sanitation, poor living conditions, and deficiencies in healthcare raise serious concerns about the facility's capacity to meet the needs of pregnant and postpartum women. These concerns warrant further investigation into the treatment and conditions of women detained at Lukavica, including access to appropriate healthcare and safeguards.

1.5 Bosnia and Herzegovina's treatment of migrant and asylum-seeking women and children has long been a key concern of human rights bodies, including: the UN Subcommittee on Prevention of Torture, which noted the inadequate treatment of families with children at Lukavica during its 2022 visit to the country[4]; the UN Special Rapporteur on the Human Rights of Migrants, during their 2020 visit, expressed concern "that some families with children were accommodated at facilities that were designed for single men"[5]; and the Committee on the Elimination of Discrimination against Women, in 2019 Concluding Observations, reported on the "Limited access to health-care services, including maternal care services, and high levels of sexual violence against refugee and asylum-seeking women and girls in reception centres, as well as the lack of gender-sensitive asylum-seeking procedures."[6]

1.6 In light of these concerns, we respectfully request that the Special Rapporteur consider the information presented in this submission regarding conditions at the Lukavica Immigration Detention Center and conduct a site visit to the facility, with particular attention to the treatment and conditions of women and girls, including pregnant and postpartum women.

2. Domestic Legal Context

2.1 In Bosnia and Herzegovina (BiH), immigration detention is provided for by the Law on Foreigners (updated in 2023).

2.2 Article 106 provides grounds for removal from the country, including illegal entry, the violation of state border regulations when leaving BiH, remaining in the country after a request for asylum is rejected,

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[3] Bos. & Herz. Serv. for Foreigners' Affs., *Rješenje* [Decision], No. UP-1/18.1.1-07.6-156-2/25, and Tabele, *Prilog uz Rješenje* [Tables Accompanying Decision], No. UP-1/18.1.1-07.6-157-3/25 (Jan. 5, 2026) https://drive.google.com/file/d/1Ogf1fzJcI178WRknrNlGpZqZB_U_PvJ8/view

[4] Subcommittee on Prevention of Torture, "Visit to Bosnia and Herzegovina undertaken from 11 to 17 December 2022: recommendations and observations addressed to the State party," CAT/OP/BIH/ROSP/1, 5 December 2024, https://docs.un.org/en/CAT/OP/BIH/ROSP/1

[5] Special Rapporteur on the Human Rights of Migrants, "Visit to Bosnia and Herzegovina," https://docs.un.org/en/A/HRC/44/42/ADD.2

[6] the Committee on the Elimination of Discrimination against Women, "Concluding observations on the sixth periodic report of Bosnia and Herzegovina," 12 November 2019, https://docs.un.org/en/CEDAW/C/BIH/CO/6

representing a threat to public order or security, and when identity cannot be established. To ensure removal, the law permits "placement under supervision" (Article 115(3))–and this can involve the restriction of movement to a certain place with reporting obligations, or placement in a specialised "immigration centre" (Article 118). Foreigners are placed in an immigration centre if there is a risk that their free movement represents a threat to public order, peace, or security; if there are grounds to believe the individual will prevent the execution of their expulsion; and when there is doubt regarding the identity information that the individual provided (Article 118).

2.3 Article 119 provides that a foreigner can be detained in an immigration centre for 90 days, but that this can be extended by additional 90-day periods up to a total of 18 months. If, after this time period, authorities have been unable to expel the foreigner, they should be released from detention and placed under "movement restriction" supervision. Authorities are also to take "all necessary measures to reduce the duration of supervision to the shortest possible time" (Article 119(11)). In 2025, detainees spent an average of 420 days in detention. [7]

2.5 Although the Law on Asylum recognizes pregnant women and single mothers with minor children as vulnerable groups (Article 2(ii)) whose asylum applications should receive priority consideration (Article 29(3)), the Law on Foreigners does not provide any protections for pregnant and breastfeeding women, leaving them vulnerable to detention and removal. Article 123 of the Law on Foreigners in fact provides for the detention of families with minors "as a last resort."

2.6 Article 123(2) of the Law on Foreigners states that "Competent authorities in BiH are obliged to treat minor foreigners with special care and respect and to deal with them in accordance with the Convention on the Rights of the Child and regulations in BiH related to the care of minors and their protection." However, the same article provides that children can be detained with their families in immigration centres: "(3) Families with minors are detained in the immigration centre only as a last resort and for the shortest possible time."

3. International Guidance Concerning the Immigration Detention of Pregnant and Breastfeeding Women

3.1 Numerous international experts have expressed concerns about the harmful impact of immigration detention on pregnant and breastfeeding

[7] Global Detention Project, "Sarajevo Immigration Detention Centre (Lukavica Detention Centre)," https://www.globaldetentionproject.org/countries/europe/bosnia-and-herzegovina/detention-centres/1708/sarajevo-immigration-detention-centre-lukavica-detention-centre ; *Zakon o strancima* [Law on Foreigners], *Službeni glasnik Bosne i Hercegovine* [Official Gazette of Bosnia and Herzegovina], No. 88/15, art. 119 (Bosn. & Herz. 2015)

women and human rights bodies have issued extensive authoritative guidance explicitly stating that pregnant and breastfeeding women should not be detained for reasons related to their immigration status.[8]

3.2 In its 2026 evidence brief on health in immigration detention, the World Health Organization reports: "Women in immigration detention report higher levels of depression, in particular pregnant women, while young women reported worse physical health impacts compared with other populations in immigration detention."[9]

3.3 The Committee on the Elimination of Discrimination against Women, in its General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, states: "As a general rule, pregnant women and nursing mothers, who both have special needs, should not be detained."[10]

3.4 In their 2026 Joint General Recommendation No. 39 on guidelines for xenophobia towards migrants, the Committee on the Elimination of Racial Discrimination and the Committee on Migrant Workers, concludes that "measures should be taken to cease the detention of other persons in vulnerable circumstances, including pregnant women, asylum-seekers, persons with disabilities and victims of trafficking."[11]

3.5 The Committee on Migrant Workers, in its General Comment No. 5 on migrants' right to liberty and freedom from arbitrary detention and their connection with other human rights, says: "States should avoid detaining migrants who have specific needs or who are particularly at risk of exploitation, abuse, gender-based violence, including sexual violence, or other human rights violations in the context of detention. That includes pregnant and breastfeeding women."[12]

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[8] See: F. Arshad, M. Haith-Cooper, and P. Palloti, "The Experiences of Pregnant Migrant Women in Detention: A Qualitative Study," British Journal of Midwifery, 2018, https://www.magonlinelibrary.com/doi/abs/10.12968/bjom.2018.26.9.591

[9] World Health Organization, "Health in Immigration Detention: Evidence Brief for Policy and Practice," 2026, https://www.globaldetentionproject.org/health-in-immigration-detention-gdp-evidence-brief-for-the-who

[10] Committee on the Elimination of Discrimination against Women, "General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality, and Statelessness of Women," CEDAW/C/GC/32, 14 November 2014, https://www.refworld.org/legal/general/cedaw/2014/102146

[11] Committee on the Elimination of Racial Discrimination and Committee on Migrant Workers, "Joint general recommendation No. 39 (2025) of the Committee on the Elimination of Racial Discrimination and general comment No. 8 (2025) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on thematic guidelines for eradicating xenophobia towards migrants and others perceived as such," CERD/C/GC/39–CMW/C/GC/8, 3 February 2026, https://docs.un.org/en/CMW/C/GC/8

[12] Committee on Migrant Workers, "General comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention and their connection with other human rights," CMW/C/GC/5, 21 July 2022, https://docs.un.org/en/CMW/C/GC/5

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4. Women in Immigration Detention

4.1 Lukavica Detention Center, located in East Sarajevo, is Bosnia's only official immigration detention center. Managed by the SFA, the facility has a reported capacity of 120 people, including 12 designated beds for women and two family suites.[13]

4.2 According to data provided by the SFA, 4,940 persons were detained at Lukavica between 2018 and 2025, including 381 women and 123 minors detained "within biological family units."[14] The data does not indicate whether pregnant women have been detained at the facility or whether information concerning pregnancy status is collected. Additionally, publicly available data regarding detention duration and occupancy levels is limited, making it difficult to assess whether the facility has operated beyond its capacity.[15]

5. Conditions of Detention

5.1 Civil society organizations and human rights monitoring bodies have raised concerns regarding inadequate accommodation, sanitation, nutrition, access to outdoor space, and healthcare at Lukavica. Limited publicly available information and restricted access for civil society and humanitarian organizations further hinder independent monitoring. Lukavica has been described as an "Immigration Detention Black Box" and the "Guantanamo of Bosnia," reflecting concerns about transparency and reported conditions of detention.[16]

5.2 International human rights monitoring bodies have documented concerning conditions at Lukavica in recent years. During its 2024 visit, the European Committee for the Prevention of Torture (CPT) described detention conditions as "poor and carceral." The CPT found sanitary facilities to be "extremely dirty and unhygienic," with some containing mold. Detained persons also reported insufficient access to hot water and

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[13] Bos. & Herz. Serv. for Foreigners' Affs., *Imigracioni Centar* [Immigration Center], https://sps.gov.ba/nadleznosti/imigracioni-centar/; Global Detention Project, "Bosnia and Herzegovina: Reports of Pushbacks, Detention of Children, and Inadequate Conditions in Detention Facilities," https://www.globaldetentionproject.org/bosnia-and-herzegovina-reports-of-pushbacks-detention-of-children-and-inadequate-conditions-in-detention-facilities

[14] Bos. & Herz. Serv. for Foreigners' Affs., Rješenje & Prilog uz Rješenje, supra note 3; Collective Aid, *Inside Lukavica*, supra note 2, at 2.

[15] Collective Aid, *Inside Lukavica*, supra note 2, at 14.

[16] European Council on Refugees and Exiles (ECRE), "Balkan Route: Increasing Numbers of Syrian Migrants Along the Balkan Route – Worrying Conditions in Bosnia and Herzegovina's Reception and Detention Centres," https://ecre.org/balkan-route-increasing-numbers-of-syrian-migrants-along-the-balkan-route-%E2%80%95-worrying-conditions-in-bosnia-and-herzegovinas-reception-and-detention-centres-%E2%80%95-frontex-and-europ/; "Locked In from Above," Altreconomia, https://altreconomia.it/locked-in-from-above/; Collective Aid, *Inside Lukavica*, supra note 2.

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inadequate food quality.[17] Of particular concern, the CPT described conditions in the two units designated for women and families as "even worse." The units reportedly suffer from deteriorating infrastructure, crowded living spaces, and sanitary facilities described by the CPT as being in "an appalling state of hygiene."[18]

5.3 The CPT's findings raise concerns regarding the treatment and conditions of pregnant and breastfeeding women and mothers detained together with children at Lukavica. Inadequate sanitation, nutrition, and living conditions place these populations at a heightened risk. The CPT findings underscore the importance of investigating whether conditions in the women's and family units adequately safeguard the health, dignity, and well-being of women and mothers living with young children, especially during pregnancy and the postpartum period.

5.4 The Committee on the Elimination of Discrimination against Women notes in its General Recommendation No.32 that: "failure to address the specific needs of women in immigration detention and ensure the respectful treatment of detained women asylum seekers could constitute discrimination within the meaning of the convention." [19]

6. Access to Healthcare

6.1 Access to appropriate healthcare is critical for pregnant women in immigration detention, who require regular and specialized medical care. However, limited information is publicly available regarding the provision of gender-specific, reproductive, and perinatal healthcare services to women detained at Lukavica.

6.2 The SFA reports that every individual undergoes a general medical examination upon admission to the facility.[20] However, no information has been provided regarding pregnancy screenings or specialized examinations for women, girls, and children. In a January 2026 response to a Freedom of Information request submitted by the organization Collective Aid, the SFA confirmed that Lukavica has an infirmary staffed by a permanently employed nurse and that health care services for detainees are provided through a contractual agreement with the East Sarajevo Health Center's Lukavica outpatient clinic.[21] Physicians are

[17] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Visit Report: Bosnia and Herzegovina, September 2024, CPT/Inf (2026) 04 (2026), 90, https://rm.coe.int/48802a64a4
[18] *Ibid.*, 90.
[19] Committee on the Elimination of Discrimination against Women, "General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality, and Statelessness of Women," CEDAW/C/GC/32, 14 November 2014, https://www.refworld.org/legal/general/cedaw/2014/102146
[20] Bos. & Herz. Serv. for Foreigners' Affs., *Rješenje* [Decision], No. UP-1/18.1.1-07.6-13-3/26 (Jan. 19, 2026). https://drive.google.com/file/d/1WZ385Ez1jhE44TILJq6BgFRqA6WCsHpw/view; Collective Aid, *Inside Lukavica*, supra note 2, at 18.
[21] *Ibid.*

reported to visit the facility to provide care and determine whether referrals to external healthcare facilities are necessary.[22] However, the response did not identify whether there were specialized reproductive, obstetric, or perinatal healthcare services available to detained women, despite an explicit request for information regarding the types of reproductive and sexual healthcare available.[23]

6.3 The SFA further acknowledged that Lukavica does not maintain aggregated statistical reports concerning the healthcare data of detainees, and did not provide information on the number, reasons, or timeliness of medical referrals to external healthcare facilities.[24] This gap in information is concerning given reports of inadequate medical care by detained individuals, and raises questions about the facility's capacity to respond to pregnancy-related complications and obstetric emergencies.[25] We therefore respectfully encourage the Special Rapporteur to investigate the availability and accessibility of reproductive, perinatal, and obstetric care at Lukavica, including procedures for pregnancy screening, arranging specialized medical services, and ensuring timely transfers.

7. Restricted Access

7.1 Access to Lukavica by civil society organizations remains restricted. Vaša Prava is currently the only non-governmental organization permitted regular access to the facility to provide free legal assistance to detainees.[26] However, lawyers with the organization have reported that access is minimal, and that they have been denied entry by management when attempting to meet with clients.[27] Following a complaint submitted in 2024, Bosnia's Ombudsperson reportedly attempted to enter Lukavica but was denied entry.[28] In April of 2025, Human Rights Watch visited the center amid concerns regarding detention conditions but was reportedly unable to conduct private interviews with detainees as the visit was supervised by facility staff.[29]

7.2 The Bosnia and Herzegovina Women's Initiative Foundation (BHWI) previously entered Lukavica regularly to provide psychosocial support to

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[22] Bos. & Herz. Serv. for Foreigners' Affs., *Rješenje*, supra note 11.
[23] *Ibid.*
[24] *Ibid.*
[25] Collective Aid, *Inside Lukavica*, supra note 2, at 20.
[26] Collective Aid, *Inside Lukavica*, supra note 2, at 15; United Nations High Commissioner for Refugees (UNHCR), "Free Legal Aid," UNHCR Bosnia and Herzegovina Help, https://help.unhcr.org/bosniaandherzegovina/where-to-seek-help/free-legal-aid/
[27] Collective Aid, *Inside Lukavica*, supra note 2, at 15.
[28] "Report Slams Secretive, Prisonlike Conditions in Bosnia's Migrant Centre," Balkan Insight, 2026, https://balkaninsight.com/2026/05/12/report-slams-secretive-prisonlike-conditions-in-bosnias-migrant-centre/bi/
[29] Human Rights Watch, "Bosnia and Herzegovina: Rights of Detained Migrants at Risk," https://www.hrw.org/news/2025/05/26/bosnia-and-herzegovina-rights-detained-migrants-risk

detainees.[30] However, funding constraints have limited its activities, and it remains unclear whether BHWI continues to access the facility.[31]

8. Recommended Questions

8.1 In light of the concerns and information gaps documented above, we respectfully encourage the Special Rapporteur to conduct a site visit to Lukavica Detention Center and raise the following questions with the Service for Foreigner's Affairs and other relevant authorities:

- What efforts are underway to amend the Law on Foreigners to ensure the protection of pregnant and breastfeeding women from immigration detention, in line with international authoritative guidance?
- What safeguards are in place for the health and safety of migrant women, including pregnant women and mothers with children, in immigration detention? Are alternatives to detention available, and under what circumstances are they applied?
- What data do authorities collect about pregnant women and mothers with children being held in immigration detention facilities?
- What procedures are in place to identify pregnancy and other vulnerabilities upon admission to Lukavica?
- What specific provisions are in place to meet the health and nutritional needs of pregnant and breastfeeding women in Lukavica, including access to appropriate food, as well as reproductive, maternal, and perinatal healthcare services?
- What mechanisms exist for independent monitoring of detention conditions and healthcare provision at Lukavica?

[30] Collective Aid, "Inside Lukavica Detention Center: Bosnia's Immigration Rules and Stakeholders Explained," 2026, https://www.collectiveaidngo.org/blog/2026/4/13/inside-lukavica-detention-center-bosnias-immigration-rules-and-stakeholders-explained; Collective Aid, *Inside Lukavica*, supra note 2, at 12.
[31] *Ibid.*