



Shadow Report 2020

Bosnia and Herzegovina

Chapter 24

Justice, Freedom, and Security (Migration)

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I EXECUTIVE SUMMARY

On the path to membership in the European Union, Bosnia and Herzegovina (B&H) must meet number of preconditions which refer to all aspects of its organization and operation. Bosnia and Herzegovina signed the Stabilization and Association Agreement with the European Union in June 2008 and on February 15th, 2016 submitted a request for membership in the European Union. After submitting the application for EU membership in 2016, B&H received a Questionnaire- formal instrument through which the Commission assesses the situation and readiness of applicant country to move forward in the accession process. Within the Questionnaire and its additional questions, Bosnia and Herzegovina received a total of 3,897 questions covering all EU policies. B&H took 22 months to answer the initial and additional questions received. Despite the established coordination mechanism for EU-related issues, the authorities could not agree to provide answers to 22 questions: one from political criteria, four from regional policy and 17 from education policy. CSO's, citizens and all private parties were also called to provide alternative answers to Questionnaire which were collected, translated and submitted by Directorate of European Integration (DEI) B&H. More, the opinion of the Commission on the application of Bosnia and Herzegovina for membership in the European Union from 2019 contains many tasks and implies harmonization with European standards that must be met in 14 areas. Great emphasis was placed on strengthening institutions and the legislative framework, on increasing prevention measures, strengthening the basic rights of citizens and directing the education process to the market. The Council of European Countries on February 11, 2020 adopted the conclusions on the Opinion of the Commission for Bosnia and Herzegovina's candidacy for membership in the European Parliament, and announced that Bosnia and Herzegovina should make significant efforts to strengthen its institutions in order to guarantee democracy, the rule of law, human rights, respect and protection of minorities.

The Presidency of Bosnia and Herzegovina on its 11th regular session held on April 28, 2020, reaffirming the membership in the European Union as a strategic foreign policy goal and priority of Bosnia and Herzegovina, initiated the process of realization of 14 key priorities, as well as the establishment of ad hoc Political Working Groups. The first meeting of the Working Group was held on May 4, 2020 where it was confirmed that the Presidency of Bosnia and Herzegovina will initiate and lead the reform in order to achieve the necessary levels included in the membership criteria, in 14 key priorities from the Opinion of the European Commissions. The process of European integration is complex and time-consuming, and having in mind the administrative organization of Bosnia and Herzegovina, it takes a lot of patience and good will of all policy makers, in order to create conditions for membership in all aspects. The epidemic of the COVID-19 virus set up many challenges all over the world, primarily in the preservation of human health and life including B&H. The economic crisis is already showing implications for families, there is a loss of jobs, and it is not known how and until when the unfavorable epidemiological situation will last. The differences between the levels of development of countries in this period become greater, precisely because of the un(willingness) of different systems to respond to the sudden changes that current health situation have brought. Solidarity as a precondition for social justice in Bosnia and Herzegovina has been expressed through all social instances, groups and individuals in the urgent solution of new problems.

This Shadow report elaborates goals, progress and obstacles in Chapter 24: Justice, freedom, security. Chapter 24 is divided into several areas: asylum, migration, visa, border control, the fight against organized crime and human trafficking, terrorism, the fight against drugs, police cooperation, judicial and customs cooperation. Given actual migration crisis on the territory of Bosnia and Herzegovina, protection of migrants and especially migrant children came into the spotlight. It emphasized major problems B&H is facing overall: complex political structure of the country, lack of coordination, proper institutional framework, legislation and workforce. Accession process is very important for the status of vulnerable categories of population as it contributes to the enhancement and stabilization of the position of different vulnerable groups. It underlines importance of social protection and development of social policy, employment, justice, freedom and security for the country itself. At the end, Shadow report provides recommendations for future action to be undertaken for improvement of legislation, democratic processes, antidiscrimination, social protection and employment in Bosnia and Herzegovina through accession process for the overall betterment of the status of its entire population with the emphasize on vulnerable children/youth.

II INTRODUCTION

Bosnia and Herzegovina is facing two levels of challenges in migration- internally and externally induced migration. Internally with migrants from the early 1990s (conflicts in ex-Yu Republics) who put heavy burden on the social welfare systems already overwhelmed with high numbers of unemployed and excluded citizens. Due to poverty, lack of jobs and hampered development, citizens are emigrating mostly to the EU. Majority of them are rejected for asylum and returned to their countries of origin under readmission agreements between EU and WB countries. Again, the safety nets and social services within social welfare systems as well as the civil society organizations (CSOs) are unprepared to accept and integrate returnees from the EU (mostly Roma population). Externally, recently an increasing number of migrants and refugees, via the so-called Balkan route, en route to Western Europe, have remained in Bosnia and Herzegovina. Weak national economy combined with lack of political will, failed to connect migration management and social welfare systems and to introduce much needed social services for migrants that will help protect and integrate them into the local communities. Further efforts are needed to promote stronger links between migration policies, social and welfare services and the work of the CSOs providing services focused on inclusion and integration of migrants.

Also, important issue generally in migration process in country is brain drain which continues to be reality of society of Bosnia and Herzegovina. According to data in an infographic published by The Economist, Bosnia and Herzegovina ranks third in the world in terms of emigration and brain drain. In 2019, the authorities of B&H supported the report, presented as part of the Strategy for Cooperation with Emigrants, stated the data for 2017, according to which at least two million people of B&H origin currently live outside the borders of their homeland.¹

¹ <https://www.klix.ba/vijesti/bih/bih-na-trecem-mjestu-u-svijetu-po-odlivu-mozgova/200201076>

There is no perfect crisis management system. Whether faced with natural disaster or mass migration, governments must make difficult choices in terms of mobilizing and allocating resources, and clearly delineating and assigning responsibilities- all in a high pressure environment.² Successful coping and overcoming migrant crises implies joint work of all actors involved in the complexity of the migration crisis with goal to strengthen society and be able to respond to the needs of migrants and to society's needs.

The County Shadow Report monitors the progress in Chapter 24- Justice, Freedom and Security of the Opinion and provides a comprehensive analysis of the current situation, progress and presents recommendations. It focuses on specific issues that have been indicated in the EU Country Report for 2019 and assesses progress and/or regression. More, findings from B&H analytical report and commission on Bosnia and Herzegovina's application for membership of the European Union and progress made in 2020 in the areas of management of migration and asylum will be presented. The Shadow report used Desk Research and Survey/Interviews as methodology and it consists of the following chapters: I Executive Summary; II Introduction, III Chapter Overview: areas covered by the Chapter 24; IV Current situation related to the Chapters (based on Commission Opinion, Analytical report and other available documents) from legislative, institutional and technical (administrative) point of view; V Progress in the Chapter (as assessed by the expert/CSOs and illustrated by concrete/field examples where available), VI Impact of pandemic and state of emergency on migration rights protection- shortcomings, strengths, risks and recommendations, VII Regional cooperation in migration/asylum related issues VII Recommendations and VIII Annex- Bibliography.

Justice, freedom and security of all citizens are a unit of measurement of the degree of development and maturity of a society. Bosnia and Herzegovina faced numerous challenges in all fields in the past, and this experience and will of decision makers can significantly affect the positive outcome of the migrant and health crisis in the country.

III CHAPTER OVERVIEW

Chapter 24: Justice, Freedom and Security

One of the goals set by the European Union is to create a space for justice, freedom and security. Legal developments in this area are rapidly evolving and- with the additional competencies that the EU has in these areas after each change to founding contracts- there is an increasing number of regulations that define common standards. Regarding the requirements of the negotiation process, this chapter is divided into several areas: asylum, migration, visa, border control, the fight against organized crime and

² Elizabeth Collet, Camille Le Coz (2018). After the storm-Learning from the EU response to the migration crisis, Migration policy Institute Europe

human trafficking, terrorism, the fight against drugs, police cooperation, judicial and customs cooperation.

The immigration policy is in the exclusive competence of the institutions of Bosnia and Herzegovina, which is regulated by the Constitution of Bosnia and Herzegovina. In the field of immigration policy, Bosnia and Herzegovina is committed to regulating this area in accordance with the highest international standards and best European practices. The primary objective of controlling migration movements is to establish effective control over the entry, stay and movement of aliens in the state territory, ensuring all guaranteed human rights and freedoms to persons under the jurisdiction of Bosnia and Herzegovina, and ensuring adequate mechanisms for the integration of parties into social, economic and other ambient of the country. The area of immigration in Bosnia and Herzegovina is developing according to two long-term goals: the development of a quality system in the field of immigration and asylum at the national level, harmonized with the standards of the European Union and incomplete international refugee law that will enable the integration of Bosnia and Herzegovina into the European Union and encourage active participation countries in defining the policies and development of the immigrant and asylum system at the regional level in accordance with the European Union standards.

In area of *legal and irregular migration*, huge influx of migrants from the Middle East affected B&H in 2018. Capacities of relevant Ministry of Security of B&H should be strengthened. The strengthened structure should be supported and capacitated to provide direction with regards to irregular migration as well as security, asylum, and economic migration and development. This would allow policy makers to better understand existing issues and challenges; strengths and weaknesses, gaps and external needs, in order to create clearly defined baselines for formulating realistic and reasonable implementation plans for national risk assessments, for the effective functioning of the migration management system.

Bosnia and Herzegovina signed *readmission agreements* with the EU and most neighboring country enabling proper activities to be put in place. However, situation in the field is sometime problematic given violent push backs from Croatia and sometimes unprotected border with Serbia and Montenegro which allows uncontrolled influx of migrants. At its 31st extraordinary telephone session held on October 15, 2020, the Council of Ministers of B&H determined the Proposal of the Readmission Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Islamic Republic of Pakistan and the Proposal of the Protocol between the Ministry of Security of Bosnia and Herzegovina and the Ministry of Interior of the Islamic Republic of Pakistan. By concluding this agreement, B&H and Pakistan reaffirm their readiness to engage in international actions to prevent illegal migration because the agreement regulates the reception of their own nationals, third-country nationals and stateless persons residing in the territory of a contracting party contrary to their laws.³

³ http://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=34034&langTag=hr-HR

The process of implementation of *asylum procedures* is facing significant obstacles due to lack of employees in respective institution, lack of facilities for increased number of asylum seekers while in process and poor coordination amongst the authorities on state, entity and cantonal level. Asylum procedure is under jurisdiction of Ministry of Security. Asylum and Registration from 60,032 detected arrivals between 1 January 2018 and 30 June 2020, 56,132 (93%) formally expressed intention to seek asylum with the Service for Foreigner's Affairs. Of these, 2,519 (less than 5%) chose and were able to formally lodge an asylum claim with the Sector for Asylum (SA). During June 2020, the Service for Foreigners' Affairs registered 1,638 attestations of intention to seek asylum, this is 17 per cent decrease compared to June 2019. The ceasing of movement restrictions in Serbia and B&H, and the resumption of public transport influenced the number of new arrivals. The 1,638 attestations registered intentions to seek asylum in June represents a 243 per cent increase compared to the previous month. Sector for Asylum (MoS) also resumed asylum registrations and interviews as of the first week of June and registered 84 first instance asylum claims during the month. From 1 January to 30 June 2020, a total of 162 first instance asylum claims were registered by MoS. Overall, this is an 18 per cent decrease compared to the same period in 2019. The following are the top five countries of origin of applicants of first instance asylum applications in B&H in 2020: Iraq (41%), Afghanistan (15%), Turkey (13%), Pakistan (6%) and Iran (6%). Together, asylum seekers originating from those five countries account for 81 per cent of all asylum applications made in 2020 thus far. A total of 444 asylum-seekers are awaiting RSD interviews or a decision on their claim. UNHCR is aware of an additional 387 individuals who wish to register their asylum claim and have been unable to do so. Several factors hinder fair and efficient access to asylum for those in need of international protection. Among those factors are: limited capacity of SA to register and process asylum claims; limited visits by the SA to conduct asylum registrations; short notice for asylum interviews preventing proper preparation and attendance; lack of interpretation; restrictions on freedom of movement in B&H; and finally, although there is no legal provision that forbids the expression of intent to seek asylum on multiple occasions, the SFA stopped re-issuing attestations on intention to seek asylum, leaving the SA to assess on an individual basis justified reasons for failure to formally apply for asylum within the fourteen days validity of the first issued attestation. The enjoyment of the rights of asylum seekers is uneven across the country, as access to services varies depending on the location of the centers. It is necessary to strengthen access to asylum procedures and mechanisms to ensure faster processing of requests and provide international protection to persons who need it. Local communities in parts of B&H affected by migrant crisis such is Una Sana Canton are facing difficulties in everyday life due to heavy influx. Numerous migrant population is placed in inadequate accommodation while communal system cannot support it. Part of local population feels insecure and threatened by migrants while the other part offers help.

At the 17th Regular Session of the Council of Ministers of Bosnia and Herzegovina held on October 1, 2020 it was pointed out that among the key challenges in the fight against illegal migration in the coming period are strengthening B&H institutions, primarily the Border Police, preventing illegal entry in areas where the greatest migratory pressure was recorded and staffing and logistical strengthening of all security agencies. Establishing the identity of illegal migrants and abusing the asylum system, as well as prosecuting migrants who have committed misdemeanors and criminal offenses, are key challenges for

the coming period. Bosnia and Herzegovina remain committed to strengthening co-operation with Western Balkan countries, enhancing bilateral co-operation between B&H and EU migration and security institutions and agencies, and continuing co-operation with international agencies.⁴

The European Commission has proposed a new "Pact on Migration and Asylum". The aim of the pact is to establish a new balance between accountability and solidarity, as well as a coordinated border procedure.⁵ Commission proposes new approach to migration: building confidence through more efficient procedures and a new balance between accountability and solidarity.⁶ In addition to the involvement of member states, key are neighboring countries and EU partners, including B&H. The common response should include the EU's relations with third countries, as the internal and external dimensions of migration are inextricably linked, the report stated. It is believed that well-managed legal migration will be supported through the new Talent Partnership program. Increased cooperation and coordination can help ensure that Western Balkan partners are well equipped to respond to common challenges, by developing their capacities and border procedures, as well as their asylum capabilities, to bring them closer to the EU in terms of their integration perspective.⁷

IV CURRENT SITUATION RELATED TO THE CHAPTER 24

As stated in Shadow Report for Bosnia and Herzegovina 2019, situation in 2020 has not changed much due to pandemic of COVID-19, and stated recommendations remain such as ensuring effective coordination of border control and migration management and strengthening of asylum procedures, strengthening of operational coordination mechanisms and focus on vulnerable groups of migrants, more comprehensive and integrated approach to the social inclusion of the Roma population, better promotion of social dialogue, further implementation of recommendations made by Commission on Bosnia and Herzegovina's application for membership of the European Union, dated 29 May 2019, intensification of negotiations within the state on the processes of European integration, actions on accommodation and support to migrants, strengthening the capacities of CSO dealing with migrant issues and definition of mechanism for early warning of the arrival of migrants, defining the referral system for migrants at regional level and coordination of national bodies and institutions at the regional level and the opening of regional funds for the work with migrants.

The recently-proposed new Pact on migration and asylum stresses that in comprehensive partnerships, migration should be built in as a core issue, based on an assessment of the interests of the EU and its partner countries. The legislation on foreigners is broadly in line with the EU acquis; it needs to be further aligned as regards access to rights, notably for vulnerable migrants. A new strategy and action

⁴ http://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=33910&langTag=hr-HR

⁵ <http://rs.n1info.com/Svet/a653139/Evropska-komisija-predlozila-novi-Pakt-o-migracijama-i-azilu.html>

⁶ https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum_hr

⁷ <https://avaz.ba/vijesti/bih/601620/novi-pakt-o-migracijama-i-azilu-eu-evropski-policijci-mogli-bi-doci-na-bh-granicu>

plan on migration and asylum needs to be put in place. The country needs to develop a realistic contingency plan to cope with the additional influx of migrants and refugees. Bosnia and Herzegovina have concluded readmission agreements with the EU and Schengen associated countries, all the Western Balkan countries, Turkey, Russia and Moldova, as well as implementation protocols with 16 EU Member States. The numbers of persons irregularly entering Bosnia and Herzegovina has increased significantly since 2018. In 2019, the authorities detected 29,302 migrants on the border or through in-land activities, compared to 23,977 in 2018. Overall, the top three declared countries of origin were Pakistan, Afghanistan and Iraq. By late August 2020, approximately 10,000 migrants and asylum seekers were present in the country. Some 6,500 are sheltered in 7 EU-funded temporary reception centers in the Una-Sana and Sarajevo cantons. However, facilities remain insufficient to ensure shelter and protection to those in need. As a consequence of the inefficient inter-institutional coordination, since June 2019 the local authorities in Una-Sana Canton have introduced restrictions on the maximum number of migrants in the canton, and have been forcibly deporting migrants and refugees to the unsuitable location of Vučjak. Following constant advocacy, the Vučjak site was closed in December 2019 and the approximately 700 persons present there were relocated to a new facility opened in Blažuj near Sarajevo with EU assistance. The response to migratory flows remains inadequate and shows significant institutional and coordination weaknesses. Most of the responsibilities have fallen upon the Una-Sana Canton and Sarajevo Canton. Political inaction and negative rhetoric, undermine the timely provision of protection and assistance in line with international standards. Bosnia and Herzegovina should take over full responsibility for the management of reception centers and adopt effective contingency plans to cope with possible future increases. Crisis response during the COVID-19 outbreak was overall satisfactory, preventing a larger spread and more severe consequences for the migrant population. An emergency tent camp in Lipa near Bihać was opened in April 2020 as a preventive measure to provide essential hygiene and health services and reduce vulnerability to COVID-19 for around 1,000 persons staying outside accommodation centers in the Una-Sana Canton. By the end of August 2020, it accommodates 1,500 persons. The protection of vulnerable groups of migrants, such as unaccompanied and separated children, pregnant women, single parents, persons with disabilities, sick persons and victims of violence, must reach a more adequate level. They need to be identified and referred to competent bodies to receive assistance and services in line with international standards. Only the authorities of the Una-Sana and Sarajevo cantons are providing access to legal guardianship and facilitating access to education to unaccompanied children- over 570 unaccompanied children were registered and many remain not identified. Adequate accommodation does not suffice to address all the needs. On voluntary and forced return, the return framework for migrants irregularly staying in Bosnia and Herzegovina requires improvements, as it is mostly based on assistance of foreign donors. Both the legal framework and its implementation require additional improvements. There was an improvement in the mechanisms for collecting, sharing and analyzing statistics on migration in the Information System for Migration. Cooperation needs to be improved on identification and return procedures. In 2019, 329 foreigners were returned to neighboring countries following readmission agreements. Bosnia and Herzegovina continued to satisfactorily implement the readmission agreement with the EU and implementing protocols. The legislation on asylum is broadly in line with international standards and the EU acquis. Further alignment is needed in particular on interview techniques, access to rights and legal aid, as well as on the definition of asylum-seekers and refugees.

Inter-agency cooperation needs to be further improved. Serious obstacles remain to ensure an effective access to asylum procedures. The Service for Foreigners' Affairs and the Border Police have insufficient capacity, in terms of staff and facilities, to register asylum intents expressed upon entry in the country. The asylum legislation needs to be better implemented, in particular to ensure the systematic respect of procedural guarantees for asylum seekers. Their rights as asylum seekers are not guaranteed evenly across the country, as their access to services varies depending on the reception centers location. The country still has no agreement with the European Asylum Support Office (EASO). In the coming year, Bosnia and Herzegovina should in particular take full political responsibility for the management of migration and ensure that refugees and migrants receive adequate protection and assistance, improve crisis response capacity and effective coordination and adequate contingency planning, strengthen asylum procedures to provide persons in need with international protection; increase border surveillance, including human resources and equipment and improve the legal framework and implementation capacities for voluntary and forced returns.⁸

The total number of migrants and refugees currently in the country is about 8,500. Most see Bosnia and Herzegovina as a transit country on route to the European Union, and the past two and a half years have seen more than 55,000 migrants and refugees using this route. During October 2020 hundreds of migrants were forcibly removed from the IOM-run accommodation which has been sheltering migrants and refugees for almost two years. IOM Bosnia and Herzegovina took the most vulnerable cases into medical facilities, but hundreds of others had to fend for themselves. Representatives of IOM called the authorities to provide access to shelter for 350 migrant and refugees, as well as the other 2,500 people sleeping outside in forests, abandoned buildings and public spaces.⁹

The United Nations in Bosnia and Herzegovina is concerned about the sudden closure of the Bira Temporary Reception Centre (TRC) in Una-Sana Canton. A total of 87 children, including unaccompanied and separated children, were relocated by the police from Bira to Borici TRC in October 2020. The United Nations calls attention to the fact that the Lipa Emergency tent camp is already full and not outfitted for winter accommodation. Reception capacities in Sarajevo are also full. As winter approaches and temperatures drop, hundreds of refugees, migrants and asylum-seekers in Bosnia and Herzegovina have no access to safe accommodations, even in their most basic form. The United Nations is particularly concerned that these actions will undermine COVID-19 isolation capacities and preventive measures, resulting in increased health risks for refugees, migrants, asylum-seekers and the general public.¹⁰ The EU strongly condemned the unacceptable actions undertaken by the Una Sana Canton authorities, forcibly transferring refugees and migrants from the temporary reception centre "Bira" in Bihać outside the emergency facility in Lipa, which is already at full capacity. As a result, hundreds of persons are left in harsh weather conditions without shelter and access to basic assistance. These actions are contrary to

⁸ European Commission, Bosnia and Herzegovina 2020 Report, 2020 Communication on EU enlargement policy, Brussels, 6.10.2020.

⁹ <https://bih.iom.int/pbn/iom-warns-humanitarian-crisis-migrants-evicted-bosnian-camp>

¹⁰ <https://bih.iom.int/pbn/migration-situation-una-sana-canton-requires-urgent-attention-avoid-unnecessary-human-suffering>

domestic legislation and the authority of competent country institutions. They raise very serious concerns with regard to the lack of respect of the rule of law and human rights.¹¹

The COVID-19 pandemic has created extraordinary and unprecedented challenges for the EU, both in Europe and across the world. The EU has demonstrated its leadership and responsibility by putting together a collective, coordinated and coherent global response to the pandemic, bringing together EU institutions and Member States as "Team Europe".¹² The focus of migration in Bosnia and Herzegovina is currently around Bihać, on the border with Croatia, and also on the border with the EU. Peter Van Der Auweraert, Head of the International Organization for Migration in Bosnia and Herzegovina (IOM), said that the most worrying fact was that about 2,500 to 3,000 migrants slept outside official migration centers in Una-Sana County and that if additional accommodation do not open in the country, people can die from the cold, and points out that the number of migrants and refugees sleeping in the open air is much higher compared to last year's figures. Last year, an average of about 1,000 migrants a week entered B&H, and this year it is 500 entries per week. It was pointed out that the problem was not in the sudden increase in arrivals, but in the lack of official accommodation capacities, and that there was a lack of consensus at the country level that it was a national problem and should therefore be treated as a national problem. It is also considered that this is related to the fact that there is no top-down consensus and that Bosnia and Herzegovina is a largely decentralized country.¹³

In June 2020, 1,555 illegal migrants were reported to the Service for Foreigners, which is three times more than in May, when 514 were reported, according to the Information on the situation in the field of migration in B&H for June, which was adopted by the Council of Ministers. Most of the reported illegal migrants came from Afghanistan- 512, followed by Pakistan 348, Bangladesh 255, Morocco 121 and Iraq 93. In the first half of 2020, out of a total of 6,641 illegal migrants registered with the Service for Foreigners, 5,207 expressed their intention to apply for asylum, and 162 applied.¹⁴

When it comes to children, there are currently about 900 migrant children in Bosnia and Herzegovina. Of this number, about 420 children are unaccompanied. Most unaccompanied children in B&H entered from Serbia, some from Montenegro. UNHCR representatives stated that currently one of the burning issues and burning challenges for B&H and all partners involved in assistance is to find safe and adequate accommodation and legal and other assistance for this most vulnerable category, which is very often and very likely potential victim of human trafficking. UNICEF and partners organize daily a series of activities with children of educational and recreational type, with the aim of socialization and protection of children. Migrant children undergo regular health check-ups, almost daily, and so far no infectious diseases have been reported among children. There are eight migrant centers in B&H ("Bira", "Miral", "Sedra", "Lipa", Student Home in Bihać- in the area of Una-Sana Canton, in the west of B&H), "Ušivak",

¹¹ <https://bih.iom.int/pbn/eu-statement-%E2%80%93-transfer-refugees-and-migrants-bira>

¹² <https://bih.iom.int/pbn/press-release-addressing-covid-19-challenges-within-migrant-and-refugee-response-western-balkans>

¹³ <https://bnn.ba/vijesti/iom-u-bih-migranti-su-u-nadleznosti-drzave-bih-medunarodna-zajednica-finansira>

¹⁴ <https://lat.rtrs.tv/vijesti/vijest.php?id=403431>

"Blažuj"- in the area Sarajevo Canton and "Salakovac", near Mostar, in the south of B&H).¹⁵ The migrant crisis is becoming more and more complicated in the area of Una- Sana Canton, and currently the biggest problem is the lack of accommodation capacities for the increased number of migrants coming. Currently, 3,260 migrants are staying in five reception centers in Bihać and Velika Kladuša, while, according to some estimates, about 3,000 of them are unresolved and are located in urban areas.¹⁶ At the 13th regular session of the Council of Ministers of Bosnia and Herzegovina held on July 23, 2020, the Program for Monitoring the Implementation of the Recommendations of the Committee on Social Rights of the Council of Europe for 2019, prepared by the Ministry of Human Rights and Refugees, was adopted. The issues of education of children and inclusion of Roma in the education process, and children of migrants who have sought asylum in B&H are part of the recommendations to which the competent authorities in B&H will prepare answers in a report that will be prepared this year. Representatives of the International Organization for Migration in B&H pointed out that the number of migrants in Bosnia and Herzegovina is increasing after the ban on movement due to coronavirus was lifted in neighboring countries and that there are currently about seven thousand, that there are always about 5.2 thousand migrants in the centers.¹⁷At the extended meeting of the Operational Group for Coordination of Activities and Supervision of the Migrant Crisis in the Una-Sana Canton, held on July 8, 2020 in Bihać, which was attended by representatives of international organizations, analyzed the current situation in the Una-Sana Canton caused by uncontrolled influx of migrants in this area as well as activities carried out to monitor the situation and measures taken to prevent and early detection of possible disease caused by the new coronavirus, and it was found that, in addition to 3086 migrants in organized camps, several thousand migrants are outside organized reception camps.¹⁸

V PROGRESS IN THE CHAPTER 24

Through a partnership with UNICEF and with the financial support of the European Union Health Program, Médecins du Monde Belgium (MdM) provides psychosocial support to refugee and migrant children in four centers in Una-Sana Canton through the project "Providing mental health support and psychosocial support for unaccompanied children and children in families". Young people (children and minors) make up approximately 10-15% of the migrant population registered in reception centers. According to data from reception centers, there are currently about 460 unaccompanied children and about 430 children in families in Bosnia and Herzegovina.¹⁹ As part of the work of the Border Police of Bosnia and Herzegovina, during October 2020, seven migrants were saved from drowning in the Drina. Migrants, who remained in the middle of the Drina due to high water levels, were found during regular surveillance of the Bosnia and Herzegovina border.²⁰

¹⁵ <https://www.slobodnaevropa.org/a/djeca-migranti-bosna-i-hercegovina/30878560.html>

¹⁶ <https://www.cazin.net/vijesti/novi-migrantski-val-sve-je-vise-djece-koja-putuju-sama>

¹⁷ <https://www.vijesti.me/svijet/balkan/455423/povecan-broj-migranata-u-bih>

¹⁸ <http://vladausk.ba/v4/novost/operativna-grupa-grupe-za-koordiniranje-aktivnosti-i-nadzora-nad-migrantskom-krizom-na-podrucju-unsko-sanskog-kantona/2466>

¹⁹ <https://www.unicef.org/bih/pri%C4%8De/bit-migrant-sa-17-godina>

²⁰ <https://lat.rtrs.tv/vijesti/vijest.php?id=404997>

The International Organization for Migration, together with partner agencies, has established structures and mechanisms to promote the participation of migrants in the daily life and operations of the centers, and has established migrant/joint structures and community representatives/facilitators for dialogue between migrant groups and between migrants and center management that migrants can also express concerns and emerging needs.²¹ According to the organization's reports, no cases of COVID-19 have been found among thousands of migrants and refugees housed in centers in Bosnia and Herzegovina, although several hundred recent arrivals have been isolated as a precautionary measure.²²

Key identified gaps are unavailability of safe and dignified accommodation especially for vulnerable groups, lack of capacity to provide legal guardianship for increased numbers of UASC in B&H and increased need of registration and identification of needs of new arrivals. Key achievement was deployment of six new legal guardians in USC, ensuring the expansion of capacity to provide protection to unaccompanied children, development of vulnerability criteria for prioritization of referral of UASCs to accommodation and UNHCR managed to obtain the agreement of the Sector for Asylum to initiate the development of criteria and Standard Operating Procedures for prioritization of individuals who are seeking asylum. During July 2020, the Service for Foreigners' Affairs registered 2,150 attestations of intention to seek asylum (AISA), this is a 50% decrease compared to July 2019, however a 30% increase compared to the previous month, June 2020. A total of 1,036 children on the move (143 girls, 893 boys, including 704 UASC) benefited from on-site 24/7 protection support (case management, MHPSS, legal aid) as well as non-formal and recreational activities. A total of 81 guardianships were assigned to unaccompanied children by CSW, directly and in partnership with SCI, through UNICEF support in USC and SC. Through UNHCR/BHWI, psychosocial assistance was provided in cooperation with various agencies to 193 UASC in TRC Ušivak, of which 75 are under the care of UNHCR/BHWI guardians. Key recommendations include an urgent need to address the issue of UASC sleeping rough and the lack of accommodation capacities and protection risks children face without appropriate protection and available services. In order to provide protection to the unaccompanied children on the move, additional reception capacities are needed in USC, as well as other formal alternative care options such as family-based care. It is necessary to address the lack of systemic solutions in the process of assessing family compositions of potentially fake male headed households, often seen as a cover for human trafficking or smuggling. UNHCR/BHWI provided 919 psychosocial counselling and interventions to a total of 906 beneficiaries from vulnerable categories (families, single women, UASC, SGBV victims, etc.) in three reception centres, Immigration Centre Lukavica, private accommodation and Tuzla border area (outreach team) in July 2020. UNFPA supported vulnerable women through provision of psychological and psychosocial services with a focus on support to identified GBV survivors and women and girls exposed to other risks.²³

²¹ <https://bih.iom.int/iom-migration-response>

²² <https://balkaninsight.com/2020/04/06/no-coronavirus-cases-found-yet-among-migrants-refugees-in-bosnia/>

²³ Bosnia and Herzegovina: Interagency Response to Mixed Movement, Monthly Situation Report, July 2020.

In relation to the recommendations identified in the Annual Shadow Report 2019, the situation in the field of protection of vulnerable categories, in 2020 is as follows:²⁴

<i>Recommendations - Annual Shadow report 2019</i>	<i>The situation in 2020</i>	<i>Recommendations for further progress</i>
Bosnia and Herzegovina should ensure effective coordination of border control and migration management and strengthen asylum procedures in order to provide international protection to persons who need it	In accordance with the epidemiological situation in Bosnia and Herzegovina from March 2020 and international guidelines in the field of public health, the Council of Ministers of Bosnia and Herzegovina adopted Decisions on prescribing additional conditions for entry of foreigners into Bosnia and Herzegovina ("Official Gazette of B&H ", no. 18/20, 20/20, 27/20, 29/20, 32/20, 34/20), in order to prevent the spread and control of infectious diseases COVID-19.	Start / continue activities as soon as the epidemiological situation in the country is regulated, and until then work on plans and strategies for future actions.
The operational coordination mechanisms need to be significantly strengthened, and special attention should be paid to vulnerable groups of migrants, such as unaccompanied and separated children, pregnant women, single parents, persons with disabilities, ill persons and victims of violence. They need to be identified and directed to the competent authorities to obtain assistance and services in	Significant support to vulnerable groups of migrants in 2020 is constantly provided by international organizations- UNICEF, Save the Children and IOM. Protection of all people in country is realized in accordance with national laws. Currently, about 1,100 children are stranded in the country, more than a third of whom are unaccompanied and separated children. ²⁵ The Ministry of Security of Bosnia and Herzegovina has made a new step in the control and possible readmission of illegal	Start / continue activities as soon as the epidemiological situation in the country is regulated, and until then work on plans and strategies for future actions.

²⁴ Since March 2020, an emergency situation caused by the COVID-19 virus has been going on in Bosnia and Herzegovina, and the current epidemiological situation certainly affects the implementation of existing and the creation of new activities in all spheres of society.

²⁵ <https://www.unicef.org/bih/en/stories/unaccompanied-children-move-far-home-far-their-destination>

<p>accordance with international standards</p>	<p>migrants residing in B&H to their countries of origin. Given that the largest number of migrants in B&H come from Pakistan, the importance of signing the Readmission Agreement between B&H and Pakistan, which was launched in 2010, was pointed out, after which the B&H Ministry of Security was informed by the B&H Ministry of Foreign Affairs that the government in Islamabad expressed understanding and readiness to sign this important agreement for B&H. This first positive response came as a result of the new approach of the B&H Ministry of Security, to solve the migrant crisis through the use of international mechanisms and strengthening partnerships with countries that are a source of migration.</p>	
<p>Start working as soon as possible on recommendations made by the Commission on Bosnia and Herzegovina's application for membership of the European Union, dated 29 May 2019</p>	<p>Authorities in Bosnia and Herzegovina, at all levels, have begun work on these recommendations.</p>	<p>Continue to work on recommendations made by the Commission on Bosnia and Herzegovina's application for membership of the European Union, dated 29 May 2019.</p>
<p>Intensify the negotiations within the state on the processes of European integration</p>	<p>The processes of European integration within the country are taking place in accordance with the structure of the country and the strong commitment of the entities to integrate into the EU and increase the fulfillment of obligations.</p>	<p>Continue with activities within the process of European integration.</p>

Strengthening the capacities of CSO dealing with these issues and define mechanism for early warning of the arrival of migrants	New mechanisms for early warning of the arrival of migrants are not yet defined.	Start planning activities as soon as the epidemiological situation in the country is regulated, and until then work on plans and strategies for future actions.
Defining the referral system for migrants at regional level	There were no activities.	Start planning activities as soon as the epidemiological situation in the country is regulated, and until then work on plans and strategies for future actions
Coordination of national bodies and institutions at the regional level and the opening of regional funds for the work with migrants.	There were no activities.	Start planning activities as soon as the epidemiological situation in the country is regulated, and until then work on plans and strategies for future actions.
Find solutions to keep migrants in isolation areas and prevent them from absconding	Opened ETC Lipa on 21 April, increasing the overall accommodation capacity by 1,000 persons.	Achieve adequate communication and coordination with local and national authorities .

VI IMPACT OF PANDEMIC AND STATE OF EMERGENCY ON VULNERABLE GROUP-MIGRANTS

The corona virus pandemic is a global problem that has posed numerous challenges on the world stage, especially for vulnerable groups. The B&H Council of Ministers decision on State of Natural or Other Disaster (B&H's equivalent of „State of Emergency“) remains in place. At the entity levels, however, the previously declared State of Emergency in the RS was terminated on 20 May, and the State of Natural Disaster in FBiH was, likewise, lifted on 29 May 2020. The corona virus emergency is still ongoing. According to the latest relevant data²⁶, there are a total of 7262 active positive persons for coronavirus in Bosnia and Herzegovina, 272,139 persons were tested, 980 persons died and 24,603 persons recovered.

The preventive measures were taken by IOM that manage TRCs/ETC to support migrants and asylum-seekers for exhibiting COVID-19 symptoms in the reception centres. In all IOM managed TRCs/ETC, preventive measures were continued during May 2020. Based on the reporting inputs provided by DRC, Ministry of Health, Labour and Social Policy and relevant health care institutions conducted regular weekly testing of migrants and asylum-seekers exhibiting COVID-19 symptoms in the reception centres. IOM

²⁶ <http://mcp.gov.ba/publication/read/epidemioloska-slika-covid-19?pageId=3>

constantly worked on improvements in the isolation areas throughout May. In TRC Sedra and TRC Bira, dining areas were set up, for which the Red Cross provided tables and benches. Additionally, mobile charging stations were installed in the isolation areas. As the weather conditions improved, it was noticed that more migrants were leaving for onward movement. This presented an additional need to extend isolation capacities in some TRCs, hence, the capacity in TRC Bira was increased from 122 to 291 beds. At the end of the reporting month, the COVID-19 quarantine areas for newly asymptomatic admitted migrants and asylum seekers were closed in all reception centres as per the 27 May decision of the Crisis Headquarters of the federal and cantonal ministries of health and DRC, overseeing the application of given directives. All reception centres continued to operate isolation areas for all symptomatic cases with the following capacities: in Una Sana Canton 91 (Bira 6, Lipa 45, Borići 22, Miral 18) and 50 in Sarajevo Canton (Blažuj 50).

As per the 27 May Decision Act of the Crisis Headquarters of the federal and cantonal ministries of health and DRC and IOM overseeing that the directive was applied to TRC residents, the COVID-19 asymptomatic quarantine areas in TRCs for newly admitted migrants and asylum-seekers were closed in all reception centres. However, they continued to operate isolation areas for all symptomatic cases. In May, 6,442 migrants and asylum-seekers were screened, 3,582 were referred to preventive isolation, 101 were tested for COVID-19 and zero tested positive. Improved weather conditions, gradual relaxation of COVID-19 measures relevant to public transportation, overcrowding in some accommodation locations, and perceptions among migrants and asylum-seekers of potential deportations by B&H authorities, caused a large increase of onward movement (internal and towards the EU).

COVID-19 activities and measures undertaken Mandatory entry screening for service providers is implemented on a daily basis in every TRC in Federation of B&H. All such persons are asked to check their body temperatures twice a day through DRC. Site Assessment of TRCs for Asylum-seekers, Refugees and Migrants in B&H has been regularly updated by DRC. The total capacity of isolation areas for those expressing symptoms has been preserved, through a total of 225 beds in all TRCs. Stocks of personal protective equipment (PPE) were secured to be used primarily by PHC Medical Teams and humanitarian organizations directly working with asylum-seekers and migrants in isolation areas. Every week DRC provided testing priority lists of asylum-seekers and migrants to Cantonal health authorities in USC, mostly from symptomatic isolation. MOH and IPH provided tests and implemented testing at TRCs every Wednesday. A total of 37 individuals took COVID-19 tests in June 2020, all of the results were confirmed to be negative. In the coming period, it is necessary to carefully follow the instructions of the competent health institutions, perform regular tests, provide adequate access to health care if there are positive cases (or due to some other health problems), inform about symptoms in a way and language understandable (cultural mediators), enable the exchange of information and cooperation of different systems, and make additional efforts to ensure the health and social security of all groups at risk, especially the most vulnerable.

VII CONCLUSIONS AND RECOMMENDATIONS

In the coming period, the authorities in Bosnia and Herzegovina should make efforts to stabilize the migrant situation in the country, to respond to the needs of vulnerable categories, to ensure respect for human rights and to emphasize activities to prevent bad outcomes for people's lives- both migrants and the local population. Experience has shown that in the field of migration, Bosnia and Herzegovina has received significant support from the European Union, which shows the readiness of the European Community to approach these issues holistically, respecting the principles of social justice and social peace. Despite the complex structure and political situation in the country, the social security of all human beings residing in Bosnia and Herzegovina should and must remain imperative.

Identified *recommendations* from the Shadow report 2019 that are not fulfilled and recommendations based on current situation in country and in Bosnia and Herzegovina 2020 Report are:

- Bosnia and Herzegovina should ensure effective coordination of border control and migration management and strengthen asylum procedures in order to provide international protection to persons who need it;
- The operational coordination mechanisms need to be significantly strengthened, and special attention should be paid to vulnerable groups of migrants, such as unaccompanied and separated children, pregnant women, single parents, persons with disabilities, ill persons and victims of violence. They need to be identified and directed to the competent authorities to obtain assistance and services in accordance with international standards;
- Start/continue working as soon as possible on recommendations made by the Commission on Bosnia and Herzegovina's application for membership of the European Union, dated 29 May 2019;
- Strengthen the capacities of CSO dealing with these issues and define mechanism for early warning of the arrival of migrants;
- Define the referral system for migrants at regional level and ensure coordination of national bodies and institutions at the regional level;
- Create regional funds for the work with migrants and migration processes;
- Strengthen social dialogue and democracy between institutions and continue/initiate awareness-raising activities of the domicile population in relation to the migrant population;
- Develop action plans that will define ways to support migrants in Bosnia and Herzegovina, but also support the local population;
- Remediate the consequences of the corona virus pandemic on vulnerable categories and provide an adequate response to crisis situations and adequate contingency planning;
- Additionally sensitize and ensure trainings for members of the Border Service of Bosnia and Herzegovina, but also for professionals who work directly affected in this area- centers for social work, representatives of non-governmental organizations, journalists (especially for them because of the importance of media) and the like;

- Improve registration and identification of needs of new arrivals and create safe and dignified accommodation and continue to provide psychosocial assistance to vulnerable groups;
- Create clear procedures and short-term and long-term solutions in cases where children are left without protection and guardianship by their parents/caregiver;
- A new strategy and action plan on migration and asylum needs to be put in place and social protection available for all without discrimination;
- Develop a realistic contingency plan to cope with the additional influx of migrants and refugees;
- Strengthen institutions and improve coordination in order to better respond to migratory flows and more frequent data exchange between local authorities and international organizations in Bosnia and Herzegovina;
- Improve further inter-agency cooperation and take full responsibility for the management of reception centres and adoption of effective contingency plans to cope with possible future increases;
- Further alignment is needed in particular on interview techniques, access to rights and legal aid, as well as on the definition of asylum-seekers and refugees;
- Ensure an effective access to asylum procedures, improvement of identification and return procedures.
- Take full political responsibility for the management of migration and ensure that refugees and migrants receive adequate protection and assistance;
- Strengthen asylum procedures to provide persons in need with international protection and increase border surveillance, including human resources and equipment;
- Improve legal framework and implementation capacities for voluntary and forced returns;
- Ensure joint cooperation of governmental and non- governmental sector in Bosnia and Herzegovina on drafting and implementing policies in the area of migrant management and protection of vulnerable categories;
- Initiate consultative local and national level meetings and learn from experience from other countries dealing with migration processes;
- Involve CSO's in regional cooperation and advocating more inclusive migration policies;
- Perceive connection of various areas such as migration policy and social protection, health, education and justice and focus on social inclusion activities and prevention of marginalization.

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