

REPORT
**BETWEEN BOSNIA AND
HERZEGOVINA AND CROATIA,
REFUGEES AT THE GATES OF
EUROPE**

**The Catalan Commission for Refugee Aid
SOS Racisme Catalunya**

CAMINSDEREFUGI.ORG

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Introduction: Why the Frontier between Bosnia and Herzegovina and Croatia?

Today, the Schengen Area includes most of the countries in the European Union. However, this is still not true of Croatia, which has been a member state since 2013. However, the country is struggling to meet the strict requirements imposed by the EU that require it to eliminate its borders with Hungary and Slovenia by 2020, and these countries require, among others, the ability to safeguard what would become the new EU external border¹. As a result, the policies implemented by Croatia's ultra-conservative government against the arrival of refugees have not only been limited to an anti-immigration discourse but have led to the fortification of their borders with Serbia at all costs, in order to present an image of strength to their European partners.

Thus, when faced with increasingly difficult access into Europe from Serbia, refugees have been forced to choose alternative routes, such as the one crossing the border between Croatia and Bosnia and Herzegovina (BaH). As a result, the number of annual arrivals in BaH has increased considerably. Numbers have grown from almost 800 in 2017 to over 24,000 in 2018². Today, this point has become one of the main transit areas in the region. Given its historical past, the response of local citizens to the new situation has been largely empathic towards refugees³, however the uneven distribution of arrivals between regions has begun to lead to a resurgence of old political tensions in the area.

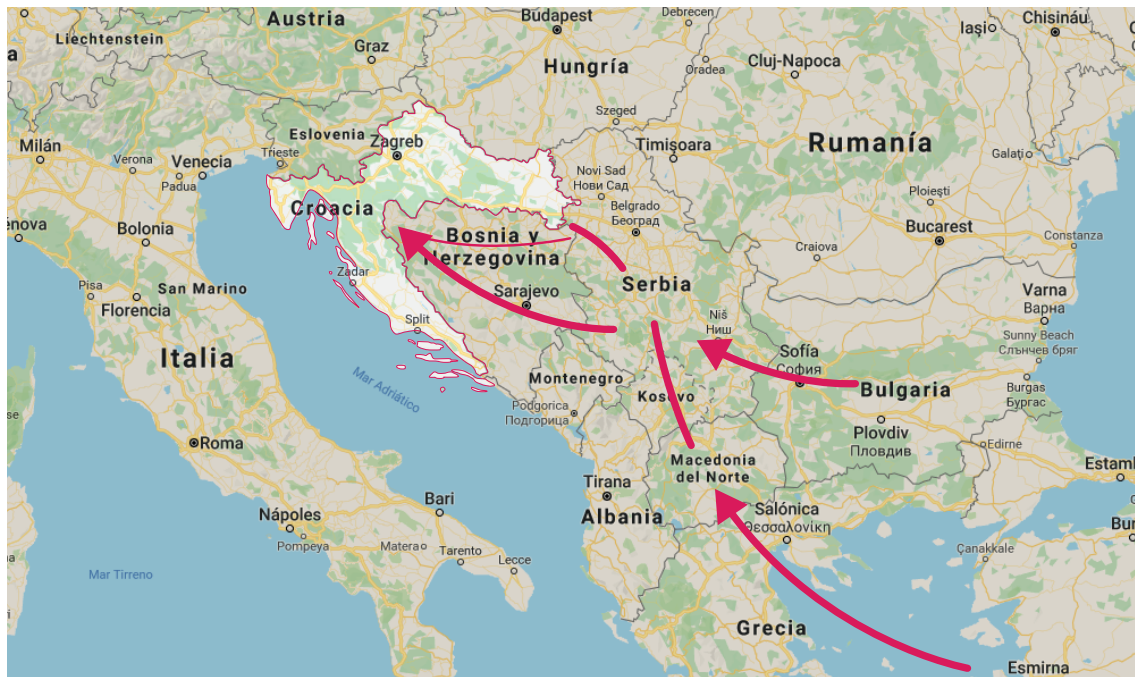
While BaH faces the present with an obvious lack of provision and resources, Croatia is strengthening the area around the future external border of the Schengen Area.

1 Reuters (16/10/2018). Croatia on course for Schengen zone entry in 2020 - government official. Recuperat de <https://www.reuters.com/article/us-croatia-eu-schengen/croatia-on-course-for-schengen-zone-entry-in-2020-government-official-idUSKCN1MQ1F2>

2 UNHCR (01/2019). Interagency operational Update. Recuperat de <https://data2.unhcr.org/en/documents/download/68461>

3 We recommend reading the article 'Solidarity, understanding, humanity' welcome refugees in Bosnia. Publicat per Mershia Gadzo a AlJazeera. Recuperat de <https://www.aljazeera.com/news/europe/2018/10/understanding-humanity-refugees-bosnia-181004100937794.html>

What did the observation mission involve?



Google. (s.f). The Balkan Route

In February 2019, an observation team from the Catalan Commission for Refugee Aid (CCAR) and SOS Racism visited the border of Bosnia and Herzegovina with Croatia. The team visited the main places where refugees travel on their way to the European Union and it interviewed relevant actors in the field of migration and asylum in both countries.

The overall aim of the mission was to make on-site observations of the arrival of refugees both inside and outside the EU. To this end, interviews were held with members of the following entities:

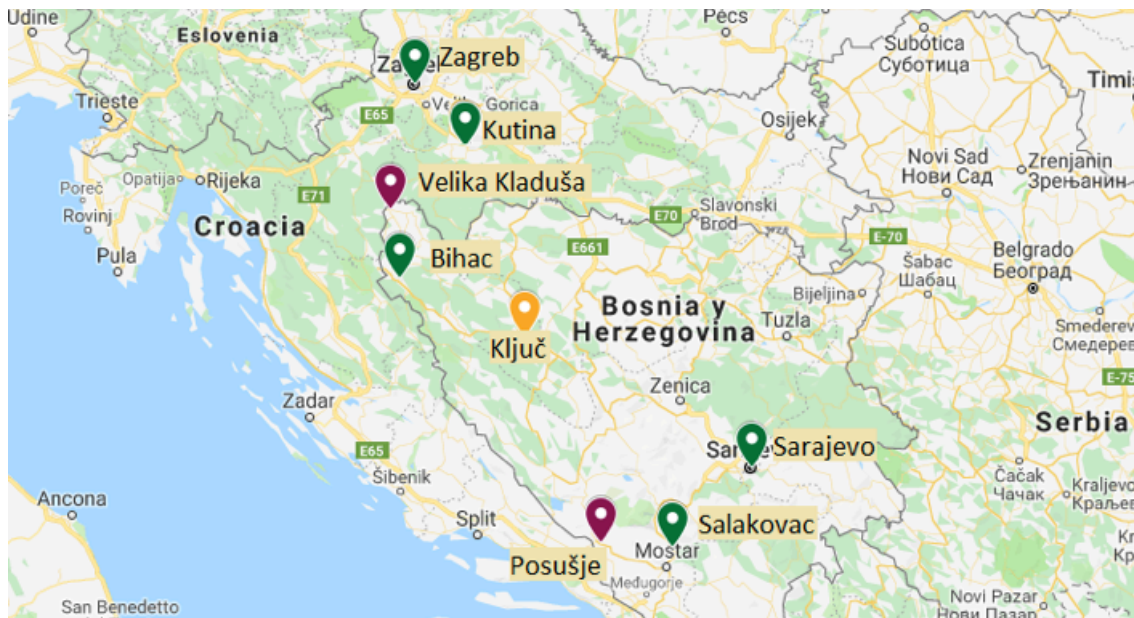
- BaH: Society for Threatened Peoples, Médecins sans Frontières (MSF), Vasa Prava, (NGO partner with the UNHCR in legal matters⁴), the Community Centre of Sarajevo (a reception centre managed by local volunteers), IOM (staff from the Bira Factory and the Borici Refugee Camp in Bihac and the Hotel Sedra de Velika Kladusa) and the Jesuit Refugee Service.
- Croatia: the Centre for Peace Studies and the Jesuit Refugee Service (with the Hotel Porin, which currently acts as a reception centre in Zagreb).

Observations were also made at the border passes at Posušje and Velika Kladusa.

Although permission was requested to access the Salakovac, Borici (Bihac) and the Bira Factory (Bihac) reception centres, the members of the mission was unable to enter them. However they travelled in order to be able to at least observe the conditions there, the situation of people from the outer perimeter and to talk with members of the IOM on an

⁴ For more information, see <https://help.unhcr.org/bosniaandherzegovina/where-to-seek-help/vasa-prava-bih/>

informal basis. Nor were they able to meet with those in charge of the camps, even when meetings were requested. The town of Ključ, where local police have set up checkpoints halfway between Sarajevo and the border between Croatia and BiH was also visited.



In green, the main locations of reception centres for refugees. In dark red, the border passes. In orange, the city where internal checks are made. Google. (s.f).

Contextualisation/Sociodemographic data

Bosnia and Herzegovina is an independent former member of the former state of Yugoslavia. It borders Croatia to the north, west and south, Montenegro and Serbia to the east and the Adriatic to the south.

After its constitution as a federal republic in 1995⁵, it was divided into two major regions, the Federation of Bosnia and Herzegovina (which comprises the communities of Bosnia and Croatian origin) and the Republika Srpska, which is of Serbian origin). In 2000, Brčko was created, which is a territory that belongs to both federations but which is currently governed autonomously. The state capital is Sarajevo.

The country's daily life is marked by its recent history, the brutal 1992–1995 war that caused some 900,000 refugees to flee to neighbouring countries, as well as 1.3 million internal displacements⁶. Some of the towns besieged during the conflict are now municipalities, through which those who want to reach the EU pass through. One example is Bihac, a border city with Croatia, where thousands of migrants have been made to stay over the last few years⁷.

⁵ The Dayton Agreements (1995). From https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf

⁶ UNHCR (1999). The humanitarian operation in Bosnia, 1992–95: dilemmas on negotiating humanitarian access.

Recuperat de <https://www.unhcr.org/3ae6a0c58.pdf>

⁷ As Winter arrives, Thousands of Migrants are Trapped in Bosnia (8/12/2018). The New York Times.

Recuperat de <https://www.nytimes.com/2018/12/08/world/europe/migrants-bihac-bosnia-croatia.html>



The natural frontier between BiH and Croatia (February 2019). Photo: CCAR

BaH signed the 1951 Geneva Convention on the Status of Refugees and the New York protocol of 1967 on 1 September 1993.

BaH, like other Western Balkan countries, has been considered as a potential candidate for EU membership since 2003. Since then, various agreements relating to trade, the provision of visas or the readmission of residents in an irregular situation⁸ (which will be discussed later) have been made. It is currently considered that its entry into the EU is still a long way off, as it still does not meet those requirements established in the Copenhagen Criteria⁹.

There are 5 reception centres for migrants in BaH that are coordinated by the government, or by international organisations. Those coordinated by the Ministry of Security are, Delija (40 km from Sarajevo) and Salakovac (to the south, near the border with Croatia). Those coordinated by the IOM and/or the Red Cross are the Hotel Sedra, “the Bira Factory” (as it is known) and Borici Refugee Camp, which are all close to the central border area of Croatia). During the observation mission, the team was able to check on the status of some camps:

In Salakovac, migrant people (including families) live in an adapted camp, with containers that function as rooms, classrooms or dining rooms, etc. Although it is run on an open schedule, i.e., refugees who have registered can enter and leave, it is located far away from the city. This makes it difficult for travel to Sarajevo. The UNHCR are present here.

⁸ The European Commission (2019). European Neighbourhood Policy And Enlargement Negotiations.

Recuperat de https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/bosnia-herzegovina_en

⁹ Más informació a: EUR-Lex (2019). Criterios de adhesión (Criterios de Copenhague de 1993).

Recuperat de https://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html?locale=es



An outside view of the refugee camp. Photo: CCAR

At the Bira Factory, approximately 2,500 men (it houses men only) live in a large warehouse which has been adapted on the outskirts of Bihac city. The space is coordinated by the IOM, although the UNHCR and the Red Cross are also active there. It has an open entry and leave policy. The members of the IOM who were interviewed suggested that the organisation intends to adapt new spaces for minors and women in the future.

Hotel Sedra hosts women, children and people in a situation of vulnerability. They may also leave this centre. It is located in a small village very close to the border. It is coordinated by the IOM, and the Red Cross and the UNHCR are present.



On the left, the camp in Borici, which has been adapted to accommodate families, women and children. On the right, the camp at Bira, an industrial warehouse prepared to accommodate men. Both camps are in Bihac..

Photo: SOSRacisme



Outside the Hotel Sedra. Photo: CCAR

Although the team was unable to enter the centres, during interviews with refugees, much concern was noted with respect to the conditions and the cohabitation situations in some of these facilities, especially in the Bira Factory.

Croatia is also an independent country and a former part of Yugoslavia. It borders to the west with Slovenia, to the east with Serbia, to the south-east with BaH and Montenegro, to the north with Hungary and to the south with the Adriatic Sea. Its territorial area is divided into 20 counties and the capital, Zagreb.

The country has traditionally had a strong political position in favour of Catholicism, and this has aided the popularity of ultra-conservative currents of thought. Today, the authorities are struggling to demonstrate a European image after EU accession in 2013, although with clear reluctance in some aspects. For example, with regard to the distribution of refugee relocation quotas planned by the EU in 2015, Croatia has not complied with the requested figures. With respect to the initial quota planned for the relocation of people from Italy and Greece (968), Croatia committed itself to the accommodation of 316¹⁰. However, on 13 February 2018, the country had complied with only 82 relocations (22 from Italy and 60 from Greece)¹¹.

Furthermore, in June 2017, the Court of Justice of the European Union ruled that Croatia had acted against the provisions of the Dublin Convention (which defines which EU Member State has the obligation to evaluate asylum requests) by allowing

¹⁰ Friedrich Ebert Stiftung (10/2017). The Relocation of Refugees in the European Union.

From https://www.fes-croatia.org/fileadmin/user_upload/171011_Publikation_Relocation_of_refugees.pdf

¹¹ The European Commission (30/10/2018). Member States Support to Emergency Relocation Mechanism. From https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf

refugees and migrants to travel through the country without international protection requests being examined in 2015¹².

Croatia signed the 1951 Geneva Convention on the Status of Refugees and the New York protocol of 1967 on 12 October 1992.

In Croatia, there are two reception centres for asylum seekers; the Hotel Porin in Zagreb, which is being renovated in order to accommodate some 600 people of all ages (in February 2019, it holds around 200), and Kutina, which is located in the centre of the country, and which can accommodate both 150 people in situations of vulnerability as well as minors (in February 2019 it held 115 people). Future plans are for another centre in Mala Gorica, near Kutina¹³. There are also three detention centres for foreigners (apart from areas reserved for airports). The first, Ježevo (near Zagreb) has a capacity for approximately 100 people. The second, Tovarnik (near the border with Serbia), has a capacity for approximately 60 people. The third, Trilj, to the south of the border between BaH and Croatia, also has a capacity for about 60 people.

In February 2019 the observation team was able to enter the Hotel Porin in Zagreb, along with members of the Jesuit Refugee Council. Part of the centre was under construction in order to adapt it to accommodate more people. At that time, men, women and children lived in the centre, and there were classrooms adapted for small children.



Afores de l'Hotel Porin. Foto: CCAR

¹² Amnesty International (2018). Report 2017/2018.

From <https://www.amnesty.org/download/Documents/POL1067002018SPANISH.PDF>

¹³ AIDA (2019) Types of Accommodation. Croatia.

From <https://www.asylumineurope.org/reports/country/croatia/types-accommodation-0>

Les différents routes

The different routes

The border between BAH and Croatia is divided into two parts. In the centre and north we find the main section, which is 830 km in length, and to the south, the other area, which is 100 km long.

The main route used by refugees to reach Europe from BaH crosses through the centre of the longest border, the site of a canton called Una-Sana. More crossings take place from here on, especially in the area of Velika Kladusa¹⁴. Despite the size of the area, movement through it far from easy, as there are still believed to be some 79,000 mines hidden in Bosnia, from the 1992–95 war¹⁵. There is therefore, much concern in the north, as it is there where the minefields are believed to exist.



A sign warning of minefields in a wooded area near the border with Croatia. Photo: SOS Racisme

In order to avoid these risks (added to which are the region's mountainous terrain, and its extreme temperatures) refugees mostly choose to try to cross the border area near the city of Velika Kladusa. This part of the region is where most of those interviewed report serious rights violations after crossing into Croatia.

¹⁴ See the example of: Radio Free Europe, Radio Liberty (18/06/2018). Bosnia Border Police Stop Dozens Of Migrants From Entering Croatia. From <https://www.rferl.org/a/bosnia-border-police-stop-dozens-of-migrants-from-entering-croatia/29301733.html>

¹⁵ BH MAC (2018). Current Mine Situation. From http://www.bhmac.org/?page_id=747&lang=en



The main crossing areas on the border between BaH and Croatia

It is impossible to obtain any reliable records on the number of crossings that have occurred in the area, as it should be noted that the canton of Una Sana only represents about 200 km of border length. Based on information gathered by the Ministry of the Interior of Croatia, of the 7,388 arrests made between January and November 2018, 26% took place in the Croatian region of Vukovar–Srijem (which shares a border with BaH and Serbia)¹⁶.

¹⁶ DTM (11/2018). Mixed migration flows in the Mediterranean.

From https://reliefweb.int/sites/reliefweb.int/files/resources/Flows_Compilation_Report_November_2018.pdf



Map of the mined areas (marked in red) in BAH. Source: BH MAC¹⁷

The Different Systems of International Protection or Asylum on both Sides of the Border

In **Bosnia and Herzegovina**, the Ministry of Security takes on the main responsibilities with respect to asylum. Its most important functions are¹⁸:

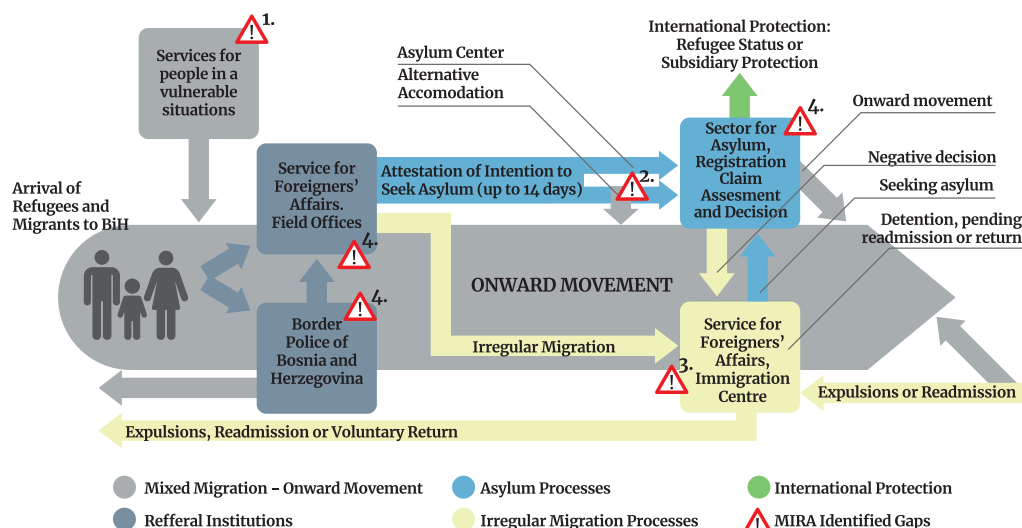
- Evaluating the requests presented to BaH
- Carrying out interviews and take decisions on the granting or withdrawal of international protection.
- Registering the asylum applicants and providing the corresponding documentation.
- Coordinating and providing access to interpreters during interviews.
- Managing reception centres and ensuring suitable conditions.

¹⁷ BH MAC (2018). Current Mine Situation. From http://www.bhmac.org/?page_id=747&lang=en

¹⁸ Ministeri de Seguretat de Bòsnia i Hercegovina.

From <http://www.msb.gov.ba/onama/default.aspx?id=1673&langTag=en-US>

The Service for Foreign Affairs (SFA) and the Asylum Sector are both dependent on the Ministry of Security. Each of them has a role in the asylum procedure. As can be seen in the diagram below, the number of national agents involved create a very complex framework when added to those international organisations and NGOs covering what the state lacks. We have tried to simplify it below.



Procedure related to asylum requests in BaH. Source: UNHCR¹⁹

As a general rule, in order to access the Bosnian asylum system, people must go to any of the offices of the SFA²⁰ and make a declaration of their willingness to apply for asylum. As of that moment, they are given what is known as the “white paper”, which gives them legal authorisation to be in the country and to enter a reception centre for refugees²¹. The document is valid for a period of 14 days, during a “reflection period”.

In 2018, of all the declarations registered (some 20,000), only 6% were formalised (1,569). This low percentage is attributed to the fact that 94% would have continued on their way to Croatia²².

In order to deal with the lack of available vacancies, reception centre staff are responsible for ensuring the registration of the people received. If a person leaves the centre for 48–72 hours, their place is made vacant. This explains why refugees commonly try to cross the border during a limited time and, if they do not manage in under 2–3 days, they return to the centres, where there is no temporary limitation of stay while a person is considered to be an asylum seeker.

¹⁹ ACNUR (05/2018). Refugee and Migrant Situation in Bosnia and Herzegovina.

From <https://data2.unhcr.org/es/documents/download/63869>

²⁰ See a complete list of the offices here: <http://sps.gov.ba/terenski-centri/?lang=en>

²¹ Using their own economic resources, they can rent private accommodation. For more information on the centres and a description of them, go to: <https://blog.refugee.info/bosnia-what-to-know-about-dangers-services-and-where-to-stay/>

²² Data provided by the NGO Vasa Prava. Interview held on 22/02/2019.

During these 14 days²³ in which refugees decide whether to apply for asylum or not, they are sent a citation from the Asylum Sector. If they decide to formalise the application, they will be removed from the documentation and within a period of 6 months they will be requested to attend an interview. From the moment the documentation is withdrawn to the moment in which a response is given, the asylum seeker receives renewable documentation every 3 months that authorizes him/her to reside in the country and to travel through it freely²⁴ (the “yellow card”). The decision process may be delayed by up to 6 months (18 months in exceptional cases).

Finally, one of three decisions may be taken. First, receiving refugee status, if there are fears based on persecution for reasons of ethnicity, religion, nationality, political opinion or belonging to a specific social group (without the protection of the population, state of origin or habitual residence). Second, receiving subsidiary protection, if the requirements for acquiring refugee status are not met, but there are serious risks if the person returns to the country of origin or habitual residence (such as facing the death penalty or torture). The third decision; receiving application denial (an appeal may be submitted within 15 days. However, if the process has been sped up, this will only be 8 days).

Throughout the asylum procedure, refugees are also entitled to primary and secondary education, psycho-social support and, if they have not received a response during 9 months, to work.

Access to free legal assistance to BaH for refugees is a right, but it is a very complicated procedure due to a lack of resources. The Ministry of Justice is also responsible for promoting this access, which is currently delegated to the UNHCR, and which works with the NGO Vasa Prava²⁵. Access to interpreters is not guaranteed in any cases.

No reliable data on the granting of refugee statutes, subsidiary protection or asylum refusals has been available since 2017 due to a lack of official statistics. However, during the observation mission we were told that “generally People from Syria and Turkey are accepted, the latter with subsidiary protection. But those from Afghanistan, Pakistan and Russia are rejected²⁶.”

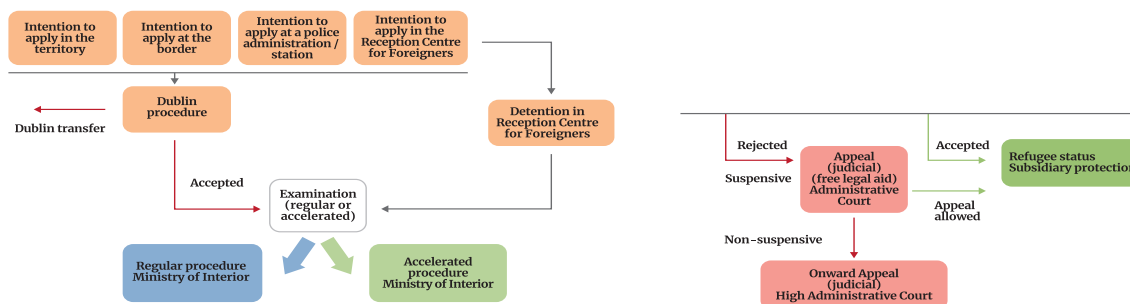
With regard to Croatia, the Ministry of the Interior is the authority in charge of managing the national international protection system. The country has a general procedure through which refugee status or the concession of subsidiary protection may be granted. Although decision-making is limited to a maximum period of 6 months, there are exceptions that may extend this period to an additional year. During the procedure, the individual who has requested international protection has the right to move freely through the area and to reside in a reception centre. If no response is given in less than 9 months, the applicant is entitled to work.

23 Normally the process lasts more than 14 days (20 or 30) due to the high volume of registries in the first instance.

24 BIH Official Gazette. Article 10 (19/02/2016). From <https://www.refworld.org/docid/58b575084.html>

25 For more information, got to <https://help.unhcr.org/bosniaandherzegovina/where-to-look-for-help/vasa-prava-bih/>

26 Interview held on 22/02/2019 with members of the NGO Vasa Prava



Procedure relating to the request for international protection in Croatia. Source: Asylum Information Database ²⁷

To summarise, when a person expresses the intention to request international protection, he/she is sent to a reception centre for asylum seekers. They receive a registration certificate that, in addition to personal information, specifies when to complete the petition (they are given a period of no more than 15 days from the day the intention to seek asylum was declared). According to the Ministry of the Interior, of the 1,068 people who expressed their intention to request international protection in 2018, 916 were formalised. A brief interview is held during the formalisation process in order to collect personal data, after which the applicant is called to an in-depth interview with the Department of Asylum, a body that answers to the Ministry of the Interior. Finally, from the moment the application is formalised, the person receives a new card that identifies them as an applicant for international protection within a maximum period of 3 days. With this, he/she has the right to reside in the country during the procedure²⁸. The interviews conducted during the observation mission revealed that procedures lack of transparency regarding the procedure on the border with BaH and the reception conditions in the detention centres for foreigners. In the event of being detained being in an irregular situation, migrants risk being sent to the Tovarnik²⁹ Transit Detention Centre (located near the border with Serbia), to that of Ježev (near Zagreb) or to that of Trilj (south of the border between BaH and Croatia).

In June 2017, the government reformed its Law on Foreigners in order to prohibit the provision of assistance for access to basic needs such as housing, health, sanitation or food for people residing irregularly in the country, except in cases of medical or humanitarian emergencies, or in situations of mortal danger³⁰. This excludes many of the migrants who crossed over from Croatia, as they refuse to register as they consider the country to be a transit territory en route to Slovenia.

In 2018, a total of 1,068 asylum applications were registered in the country (which were finally formalised in 916 cases), mainly from nationals of Afghanistan, Syria, Iran, Iraq and Algeria. The differences in the percentages with respect to the granting of protec-

²⁷ AIDA (2019). Flowchart Croatia. From <https://www.asylumineurope.org/reports/country/croatia/flow-chart-0>

²⁸ Asylum in Europe (2019). Registration of the asylum application. From https://www.asylumineurope.org/reports/country/croatia/registration-asylum-application#footnote14_i4q9qbx

²⁹ Global Detention Project (2019). Tovarnik transit detention centre. From <https://www.globaldetentionproject.org/countries/europe/croatia/detention-centres/1949/tovarnik-transit-detention-centre>

³⁰ Amnesty International (2018). Report 2017/2018. From <https://www.amnesty.org/download/Documents/POL1067002018SPANISH.PDF>

tion in accordance with nationality must be noted; while Iraqis and Syrians had acceptance rates of over 70%, migrants from Algeria, Iran and Afghanistan were rejected in 75-100% of cases.

	Asylum requests in 2018	Pending at the end of 2018	Refugee Status	Subsidiary Protection	Refusal	% Granting of Refugee Status	% Granting of Subsidiary Protection	% of refusal
Total	1.068	150	225	21	186	5,1%	4,9%	43%
Afghanistan	236	28	5	1	18	20,8%	4,2%	75%
Syria	223	28	167	19	2	88,8%	10,1%	1,1%
Iran	149	38	6	0	18	25%	0%	75%
Iraq	91	24	29	0	11	72,5%	0%	17,5%
Algeria	82	10	0	0	42	0%	0%	100%

Source: Ministry of the Interior Croatia ³¹

31 The Croatian Ministry of the Interior (2018). Survey statistics. From <https://mup.gov.hr/UserDocsImages/statistika/2018/Statisticki%20pregled%20temeljnih%20sigurnosnih%20pokazatelja%20i%20rezultata%20rada%20u%202018.%20godini.pdf>

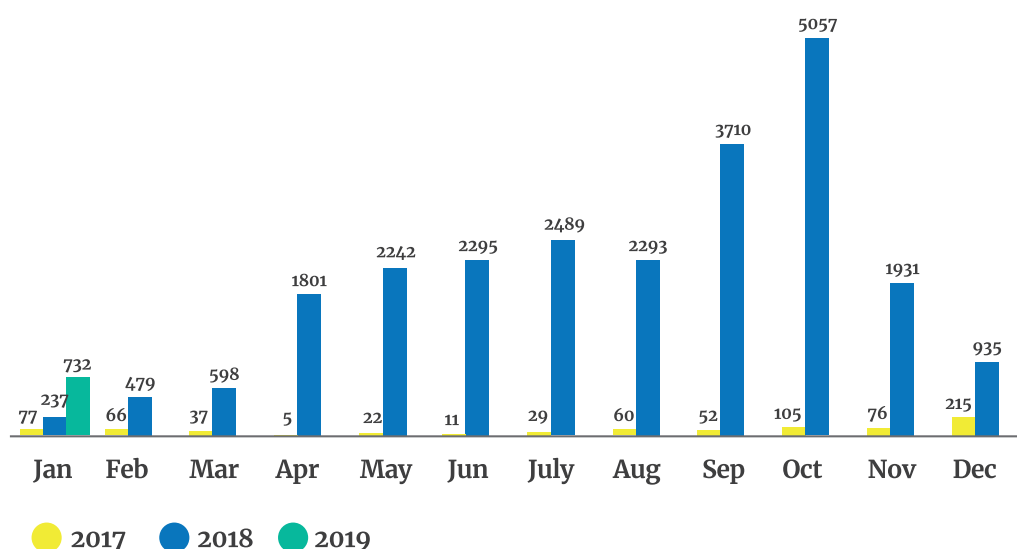
Causes for concern

The Lack of Planning in the Face of Refugee Arrivals in BaH

BaH has certainly experienced dramatic growth in the arrival of refugees and migrants. If the data compiled between 2017 and 2018 is compared, it can be seen how the difference affects over 23,000 people. In terms of monthly rates, this is especially noteworthy in September and October, just when the two main records of arrivals for 2018 occur. The main countries of origin during the first half of 2018 were Pakistan, Iran, Syria, Afghanistan, Iraq and Libya³². Due to the slowness of the procedure and the refugees' unwillingness to remain in the country, in most cases, the asylum application procedures are never finalised. In fact, as explained above, most of those who expressed their intention to apply for asylum in 2018 did not formalise their requests.

POPULATION OF CONCERN

Number of detected refugee and migrant arrivals to BiH per month



Refugee and migrant arrivals in BaH (2017-18). Source: UNHCR

The poor conditions in reception centres and their distance from city centres mean that refugees often refuse to spend their nights there. This is more evident outside Sarajevo, where there is a dearth of protected areas for children, women and families³³. As a result, there are people sleeping in open areas or in abandoned buildings. The lack of a national strategy to manage the reception and welcome of noteworthy flows of refugees, which is linked to the complex structure of responsibilities in the field of reception, and which makes it almost impossible to find a short-term solution³⁴. To this day, the Ministry of Security (the body responsible for reception) only manages one

³³ For more information, see: Council of Europe Commissioner for Human Rights (09/05/2018) Open letter to the authorities in BaH on the Situation of Migrants in the Country. From: <https://rm.coe.int/commhdh-2018-12-letter-to-the-authorities-regarding-the-migration-situa/1680870e4d>

³⁴ Opinion expressed by the majority of people interviewed in BaH and Croatia

migrant reception centre near Sarajevo. The other camps are coordinated through the IOM, through different partnerships with the UNHCR (which provides legal assistance through Basa Prava) and the European Union (which provides economic funds)³⁵.

In mid-February 2019, the main shelters for refugees were located in Sarajevo, Salakovac, Bihac and Velika Kladusa³⁶. All these municipalities are located close to the main route that links Sarajevo to Zagreb. According to those witnesses interviewed, the most commonly-used practice involves arriving at Velika Kladusa by bus, or through a local trafficker³⁷, or by following the route on foot.



An Algerian man waiting for a new opportunity to cross the border on foot. Photo: The Catalan Commission

Finally, in order to avoid all internal movements in the direction of the Velika Kladusa border, the local police force have installed checkpoints in the middle of the route, especially in Ključ. This means that intercepted people who have not registered themselves in the country and who are therefore in an irregular situation risk being sent to the detention centre located to the east of Sarajevo.

³⁵ The appropriate request was made to interview representatives of the IOM in BaH, however no reply was received until after our return date.

³⁶ For more information on the centres and their description, go to: <https://blog.refugee.info/bosnia-what-to-know-about-dangers-services-and-where-to-stay/>

³⁷ Prices may vary between 30 and 300 euros with respect to the time of year. Interview with witness made on 24/02/2019.

Agreements on Shortened Procedures signed by Croatia with BaH and Slovenia and Hot Returns

In the legal framework for the management and control of migrations in Croatia, the state claims to act on the basis of a series of agreements with neighbouring countries.

First of all, European Agreement exists on readmission with Bosnia, allowing the return of third-country nationals who have crossed the border and who do not possess legal residence permits³⁸. According to Human Rights Watch, Croatia returned 493 people (265 of whom were Turkish) to BaH between January and November 2018³⁹ under this agreement. However, it should be noted that neither those interviewed by our observation team nor those interviewed by HRW or Amnesty International⁴⁰ had been processed by, or knew of any case that had been processed by any similar legal procedure in any area of the border. In fact, it should be noted that witnesses reported both assaults and robbery by the Croatian police. They also explained how, before forcing them to cross the border towards BaH at night, through remote and wooded areas (without the presence of the Bosnian police), the authorities often took the opportunity to break their mobile phones⁴¹.

The witnesses we interviewed during the observation mission stated that the asylum requests of people entering Croatia through BaH are ignored, as with those who arrive in Slovenia via Croatia⁴².

Secondly, on the western border of Croatia, i.e., that linking Slovenia and Croatia, a similar situation exists. According to Article 2.3 of the Readmission Agreement between Slovenia and Croatia⁴³, the authorities of both countries may carry out returns without any formal procedures (the abbreviated procedure), within 72 hours after an illegal crossing from the border has been made.

It must be taken into account that these procedures cannot be applied to potential refugees, as their informal nature does not guarantee those safeguards that are necessary to carry out returns in compliance with international law. The lack of transparency throughout the procedure means that access to legal assistance cannot be guaranteed by the interested parties. As such, in terms recorded videos of group deportations⁴⁴, it

38 The Agreements between the EC and BaH on the Readmission of Illegal Residents. From [https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:22007A1219\(04\)&from=EN](https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:22007A1219(04)&from=EN)

39 Human Rights Watch (2018). Croatia: Migrants pushed back to Bosnia and Herzegovina. From <https://www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina>

40 Amnesty International(2019). Pushed to the Edge: violence and abuse against refugees and migrant along the Balkans route. From <https://www.amnesty.ch/de/laender/europa-zentralasien/kroatien/2019/eu-duldet-gewalt-gegen-fluechtlinge-und-migranten/report-pushed-to-the-edge-violence-and-abuse-against-refugees-and-migrants-along-the-balkans-route.pdf>

41 See: No name Kitchen (2019). Illegal Pushbacks and Border Violence Reports. January, 2019. From <http://www.nonamekitchen.org/wp-content/uploads/2019/02/January-2019-Violence-Reports.pdf>; The Guardian (2018). Croatia violating EU Law by sending Asylum Seekers back to Bosnia. From <https://www.theguardian.com/world/2018/dec/17/croatia-violating-eu-law-by-sending-back-asylum-seekers-to-bosnia>

42 Amnesty International(2019). Pushed to the Edge: violence and abuse against refugees and migrant along the Balkans route. From <https://www.amnesty.ch/de/laender/europa-zentralasien/kroatien/2019/eu-duldet-gewalt-gegen-fluechtlinge-und-migranten/report-pushed-to-the-edge-violence-and-abuse-against-refugees-and-migrants-along-the-balkans-route.pdf>

43 Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on the Extradition and Readmission of Persons entering the Country illegally. From <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2006-02-0040?sop=2006-02-0040>

44 Eldiario.es (17/12/2018). Cámaras ocultas captan a policías de Croacia expulsando a refugiados de forma 'ilegal' a Bosnia. From https://www.eldiario.es/desalambre/Camaras-Policia-expulsando-solicitantes-Bosnia_0_847265867.html

should be noted that collective returns are contrary to the EU Charter of Fundamental Rights and the 1951 Geneva Convention, which cover the principle of non-return⁴⁵.

Chain Refoulement

During 2018 and in early 2019, migrants and refugees in Italy or Slovenia were returned to Croatia and then to BAH within 24 to 48 hours⁴⁶ (even after having had their fingerprints taken). On these journeys they are subjected to degrading treatment, these are people who, as Amnesty International has documented, in some cases do not know the final destination of their journey⁴⁷.

The fact that no sufficient safeguards exist that provide transparency to these procedures undermines the reliability of human rights protection procedures. In this context, returning people to a country to then return them to another, constitutes a chain or indirect refoulement (return) in contrary to the Directive on Asylum Procedures (2013/32 / EU), whose Article 6.2 obliges states to ensure that individuals may access the asylum procedures effectively and as soon as possible⁴⁸. Furthermore, as indicated by the EU Agency for Fundamental Rights and the European Court of Human Rights, to reject an individual, whether on a border or in another part of the jurisdiction of the State, putting them in a situation in which they are at risk of torture or other inhuman or degrading treatment or punishment, is prohibited by Article 3 of the ECHR⁴⁹.

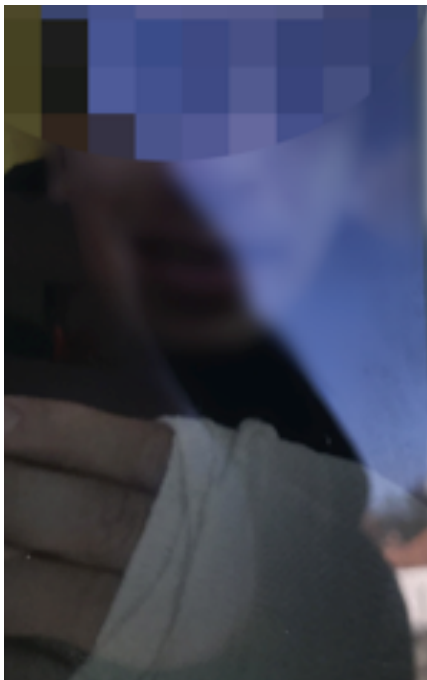
45 See: Council of Europe Commissioner for Human Rights (09/05/2018) Open letter to the authorities in BaH on the Situation of Migrants in the Country From: <https://rm.coe.int/letter-to-mr-andrej-plenkovic-prime-minister-of-croatia-concerning-the/16808d7db3>

46 RAI, Tg3 (07/03/2019). From <https://www.facebook.com/tg3rai/videos/434141940751417/?v=434141940751417>

47 Amnesty International (2019). Pushed to the edge: violence and abuse against refugees and migrant along the Balkans route. From <https://www.amnesty.ch/de/laender/europa-zentralasien/kroatien/2019/eu-duldet-gewalt-gegen-fluechtlinge-und-migranten/report-pushed-to-the-edge-violence-and-abuse-against-refugees-and-migrants-along-the-balkans-route.pdf>

48 OJEU (2013). Directive 2013/32 / eu of the European Parliament and of the Council of June 26, 2013 on Common Procedures for the Granting or Withdrawal of International Protection (consolidated). From <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:32013L0032&from=ES>

49 ECHR (2014) European Law Manual on Asylum, Borders and Immigration. From https://www.echr.coe.int/Documents/Handbook_asylum_SPA.pdf



*A boy showing the bruises, which, he says, were caused by Croatian police violence.
Photo: Catalan Commission for Refugee Aid*

The Interpretation of European Policy with Neighbouring Countries

Since 2007, the EU has provided assistance worth 24.6 million euros to the area of asylum, migration and border control in Bosnia and Herzegovina. Since January 2016, the country has also benefitted from the regional programme called “Support for Migration with Potential Protection Needs⁵⁰” which totals some 8 million euros. Among the conditions needed to access European subsidies, the authorities must demonstrate effective control of migration management in their regions, take over the management of reception centres and identify new areas for the reception of refugees.

As this concerns financial aid focused on the control and management of the reception in Bosnia territory, undertaken within the context of strengthening EU borders towards the EU⁵¹ and the lack of safe and legal routes, the intention outsource the reception of refugees to outside the Union is visible. However, the slow development of adequate conditions at the reception centres and the lack of available places do not meet the minimum requirements to ensure a decent reception for people who, for the most part, do not want to reside in that country. The fact that they are in transit, with most being en route to Central of Europe, means that they are forced to choose less-monitored routes that are unfortunately, more hazardous, either due to the terrain, the control of criminal organisations or the violence of the Croatian police.

⁵¹ EASO (2019). Support to Protection-Sensitive Migration Management. From <https://www.easo.europa.eu/easo-assessment-potential-support-bosnia-herzegovina>

⁵² N1 (13/12/2018). EU border agency Frontex to be deployed on Croatia-Bosnia border. From <http://ba.n1info.com/English/NEWS/a303291/EU-border-agency-Frontex-to-be-deployed-on-Croatia-Bosnia-border.html>



A reception centre funded with EU support in the Una-Sana region, a few kilometres from the border of Velika Kladuša. Foto: CCAR

The Criminalisation of Solidarity

During 2018 and 2019, those organisations directly involved in defending the rights of refugees and migrants have been subject to a great deal of pressure from the Croatian Ministry of Internal Affairs. Statements have been published in the media linking NGOs with the “illegal trafficking” of people across the border, and associating them with the poor reputation that the country was acquiring throughout the EU, all of which were preventing it from making progress in its efforts to become part of the Schengen Area. These criticisms have encouraged a certain degree of resentment by some members of the public, and have led to attacks being made on the headquarters of those NGOs working to defend the rights of asylum-seekers. The main targets of the authorities have been the Centre for Peace Studies (CMS), Are You Syrious? (AYS) and the lawyer Sanja Bezbradica Jelavic.

As we have been informed, as a result of allegations made about the Madina case (see the section below), in September 2018 the Ministry of the Interior denied the CPS access to the country’s reception centres, arguing that they (supposedly) lacked specialisation with respect to reception procedures. However, this explanation does not conform to reality, as the NGO has been working for more than a decade on legal defence and political advocacy in the area of asylum and migration⁵².

With regard to the AYS, in April 2018 the Ministry of Interior accused it of aiding “illegal migration”. A volunteer from the organisation was accused of helping the Hussiny fa-

⁵² For more information, see: Centre for Peace Studies (2019): Legal aid (asylum and status rights). From <https://www.cms.hr/en/pravna-pomoc-azil-i-statusna-pitanja>

mily to cross the border into Croatia. The Ministry of the Interior made an official demand for the imprisonment of the volunteer, a fine of 43,000 euros and the banning of the organisation. However the volunteer was finally made to pay a fine of 8,000 euros. As this is not the only case involving government pressure, some AYS volunteers and partners have had to stop their work due to fear of reprisals – to both themselves and their families⁵³.

The Case of Madina Hussiny

In February 2018, a six-year-old girl named Madina Hussiny was killed by a train when she tried to cross the border between Bosnia and Croatia. The tragedy occurred when her family was being forced out in a hot return to Serbia by the Croatian police. The GPS data on her cell phone showed that at that time she and her family were more than a kilometre inside Croatian territory.⁵⁴

This case dramatically revealed the existence of hot returns to the border that involved no guarantees for refugees. According to the Hussiny family, both they and the group of people they were with had expressed their intention to seek asylum through the Croatian police before the tragedy, but this was ignored, forcing them back to Serbia.

Finally, in April 2018, the lawyer Sanja Bezbradica reported that the National Police for the Suppression of Organized Corruption and Crime (PN USKOK) had visited her offices. She was denied the chance to contact the Hussiny⁵⁵ family in the Tovarnik detention centre in the east of the country.

With respect to public support on the Bosnian side of the border, there are no known solidarity initiatives. However, specific cases of support have been reported by inhabitants of those towns near Croatia. In the capital, Sarajevo, small volunteer groups try to cover the lack of available reception places, which is how the reception centre operates, however a certain degree of anonymity is required, given the volunteers' fears of attacks.

53 Amnesty International (2019). Pushed to the edge: violence and abuse against refugees and migrant along the Balkans route. From <https://www.amnesty.ch/de/laender/europa-zentralasien/kroatien/2019/eu-duldet-gewalt-gegen-fluechtlinge-und-migranten/report-pushed-to-the-edge-violence-and-abuse-against-refugees-and-migrants-along-the-balkans-route.pdf>

54 Balkan Insight (23/11/2017). Migrant Child reported killed on Croatia-Serbia Border. From <https://balkaninsight.com/2017/11/23/migrant-child-killed-on-the-border-between-serbia-and-croatia-msf-11-23-2017/>

55 Centre for Peace Studies (18/04/2018). Police pressure on human rights activists and lawyers protecting the refugees in Croatia. From <https://www.cms.hr/en/azil-i-integracijske-politike/sabor-mora-oformiti-istravno-povjerenstvo-nad-mup-om>



A group of volunteers preparing a meal for refugees at the Sarajevo Reception Centre. Photo: SOS Racisme

Conclusions

Within the structure of what is known as “fortress Europe”, the EU continues to ignore the serious human rights violations that have been arising as a result of its outsourcing policies. Leaving aside the lamentable agreement signed between the EU and Turkey on 18 March 2016 to hinder the arrival of refugees on the Greek coast, the gradual creation of bottlenecks along the Balkan route must be noted. In the case of the Croatian border, the Schenguen States have prioritized (a theoretical) immigration control policy rather than the defence of human rights, and this has led to the opening up of new, far more hazardous, even mortally-dangerous routes, for those in search of a haven.

At the time of writing, the EU is subjecting Croatia’s entry into the Schengen area to the control its own borders, regardless of the cost, and provided that the visible consequences take place outside the Union. In addition to not guaranteeing basic rights as well as the principle of non-return included in Article 33.1 of the Geneva Convention of 1951, or the prohibition of inhuman or degrading treatment, as established in Article 3 of the European Convention for The Protection of Human Rights and Fundamental Freedoms (ECHR), the EU is risking the stability of non-member States that also form part of the Balkan route. Bosnia and Herzegovina is not prepared to manage large flows of people and their arrival and long-term stays in specific areas of the country may well be detrimental to the country’s delicate regional and political stability. Europe must wake up to the risk of not offering safe or legal

routes, as the closure of its borders at any price has consequences for neighbouring countries that contradict the principles of Europe's own neighbourhood policy.

During the first months of 2019, 7,800 people reached Europe via Greece, followed by Spain, with 7,202⁵⁶. In view of these new figures, Croatia, as a member state that is responsible for managing its borders and which is on the Balkan route, should provide sufficient guarantees to create safe spaces with Serbia and BaH, where no serious violations of Human rights may occur, as has been happening to date. Furthermore Croatia should review the readmission agreements it has signed with its neighbouring countries, as these have been shown to not provide sufficient safeguards in terms of guaranteeing refugee safety.

Finally, the Croatian authorities must put a stop to those actions aimed at defaming NGOs and those who defend human rights, as they endanger the character and respect with which the work of these organisations has been carried out so far by the majority of the Croatian population. For example, in late 2018, the AYS reported threats and attacks on their offices⁵⁷. By using headlines that link migration to danger, a climate that is conducive to the resurgence of far-right forces is being generated, and arguments are being put forward that justify attacks against peaceful organisations that share the values of the Lisbon Treaty, in other words, respect for human dignity, freedom, equality and human rights, including the rights of minorities.

56 Greek Reporter (11/05/2019). Greece First in EU in New Migrant Arrivals for 2019, UN Confirms. From <https://greece.greekreporter.com/2019/05/11/greece-first-in-eu-in-new-migrant-arrivals-for-2019-un-confirms/>

57 Medium.com (30/12/2018). AYS SPECIAL: When governments turn against volunteers - the case of AYS. From <https://medium.com/are-you-syrious/ay-s-special-when-governments-turn-against-volunteers-the-case-of-ays-81fcfe0e80e7>

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