



Putting an end to the mistreatment of migrants and refugees in the Balkans

January 25, 2021 – The signatory ACATs and FIACAT condemn the illegal refoulement of migrants and refugees, accompanied by cruel, inhuman or degrading treatment by Croatian border guards, and the reception in conditions unworthy of these migrants, particularly in Bosnia-Herzegovina. These practices are violations of the Convention on the Status of Refugees, the UN Convention against Torture, the European Convention on Human Rights of the Council of Europe and the Charter of Fundamental Rights of the European Union.

This is why the ACATs and FIACAT welcome the positions taken by Mrs Johansson, the European Union Commissioner for Home Affairs, who, in her speech to the European Parliament on 19 January, severely criticised the practices of the Croatian and Bosnian authorities and even called into question those of the European agency Frontex.

In Croatia, these are collective refoulements of migrants outside any legal procedure, without identifying the people concerned or assessing their individual situation. This prevents these people from exercising their right to seek international protection, which also applies to those who cross the border irregularly. The Commissioner has also noted, from numerous consistent and credible reports, widespread ill-treatment by Croatian border guards during these collective pushbacks. She has requested and expedited investigations into this ill-treatment, as well as independent monitoring mechanisms. Frontex has been accused of involvement in these illegal refoulements and the Commission has also opened an investigation into the matter.

In Bosnia and Herzegovina, the Commissioner notes a humanitarian and governance crisis. The local authorities illegally emptied a winterized shelter in Bira: despite interventions by the national authorities, the camp was not reopened at the local level, leaving migrants homeless for the winter in Lipa. The Commissioner stressed that the immediate priority is to save lives and prevent a humanitarian crisis from turning into a disaster. The European Union has released emergency humanitarian aid, bringing its total support to Bosnia and Herzegovina for migrants to €89 million since 2018.

Noting cruel, inhuman or degrading treatment, a disastrous humanitarian situation, aggravated by the COVID 19 pandemic, and therefore the distress of refugees and migrants, the signatory ACATs and FIACAT welcome the positions of the Commissioner for Home Affairs. They encourage her to:

- pursue intensive efforts with the authorities of Bosnia-Herzegovina, both national and local, to ensure that they immediately manage the winter humanitarian crisis, facilitate the interventions of other humanitarian actors such as the United Nations High Commissioner for Refugees and specialised NGOs, and that these same authorities justify the funds received from the European Union for the reception of migrants and refugees with effective relief;

- persevere in the investigations concerning illegal refoulement and acts of violence committed by Croatian border guards, to continue, if necessary, to exert appropriate pressure on this Member State, to continue the investigations concerning the alleged involvement of the Frontex Agency, to publish the results of these investigations and to draw the necessary consequences;
- set up in the Balkan area, including Greece, independent monitoring and evaluation by competent NGOs on the reception and treatment of migrants and refugees;
- and request the CPT, Committee for the Prevention of Torture of the Council of Europe, to visit places where migrants and refugees are kept in order to prevent further ill-treatment.

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