



BOSNIA AND HERZEGOVINA

A safe country ?

No country can be deemed « safe ». That is the spirit of the Convention relating to the Status of Refugees which provides for the individual examination of each asylum claim: each personal situation is unique. To label a country as a “safe country of origin” suggests that there is no general risk of persecution and that the state of law is respected. A “safe” country can also be categorised as a “safe third country” where asylum-seekers who have transited through the said country may be returned there because their asylum procedures is in line with international and European refugee law standards. Many examples show that human rights standards are often not met.

The notion of safety as an examination tool can have dire consequences on asylum-seekers’ rights (see analysis): accelerated procedures, non suspensive appeals i.e. removal before a final decision is made, claim likely to be rejected if not inadmissible in the case of “safe third” countries.

The European Union is discussing a draft Regulation establishing an EU common list of safe countries of origin comprising, inter alia, Bosnia and Herzegovina, which, to date, is only listed by 9 Member states out of the 13 existing national lists of safe countries of origin (Austria, Belgium, Bulgaria, the Czech Republic, Denmark, France, Germany, Luxembourg and the United-Kingdom). Bosnia and Herzegovina is only a “potential” – i.e. not an official-EU candidate. Thus, claiming that this country is fulfilling the “Copenhagen criteria” seems to be a wishful thinking.

The AEDH, EuroMed Rights and the FIDH are opposed to the notion of « safety » which is usually used as a means to remove people in a country where they, allegedly, would not be at risk: is that really the case?

FREEDOM OF SPEECH AND OF OPINION

- **Hostile environment against the media:** freedom of the press in jeopardy
- **Physical or virtual attacks and judicial harassment** against journalists
- **Lack of follow-up and commitment by the authorities when investigating such crimes:** over the past 10 years, only 15% of the judicial investigation conducted in connection with attacks against journalists have been conclusive, according to Amnesty International

STATE OF LAW AND INDEPENDENCE OF THE JUDICIARY

- **Judiciary lacking independence and efficiency;** et no respect for international standards on access to justice
- **Reports of torture, inhumane treatment and bad conditions of detention** by the UN Committee Against Torture

MINORITIES AND VULNERABLE GROUPS

- **Anti-discrimination legislation not respected**
- **Discrimination against handicapped people**
- **Discrimination against LGBTI people**
- **Insufficient protection of LGBTI rights advocates;** no investigation when they are victims of hate crimes
- **Domestic violence and discrimination against women,** especially in the rural areas or to access health care
- **Discrimination against ethnic minorities, and discrimination referred to as « systematic » against the Roma community:** access to employment, to education, to political representation, to civil registration and public services in general
- **No respect for the European Court of Human Rights’ ruling** (case Sejdić-Finci v. Bosnia and Herzegovina, 2009) on the elimination of discrimination on ethnic and religious ground in relation to power-sharing enshrined in the Constitution.

FURTHER INFORMATION

AEDH, EuroMed Rights, FIDH, « Safe » countries: denying access to asylum, May 2016
[LINK](#)

Human Rights Watch report (2016) [\[ENG\]](#)

Human Rights Watch report on freedom of the press in the Balkans (2015)
[\[ENG\]](#) [\[FR\]](#)

Compilation and summary by the Human Rights High Commissioner, universal Periodic Review, 2014
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/BASession20.aspx>

UN Committee Against Torture report (2011)
[\[ENG\]](#)

Human Rights Watch on discrimination against some national minority groups (2012)
[\[ENG\]](#)

Alternative report by human rights organisations from Bosnia and Herzegovina (2010)
[\[ENG\]](#)



EuroMed Rights
EuroMed Droits
الأورو-متوسطية للحقوق

