

Mandates of the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the right to food; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
UA BIH 4/2021

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the human rights of migrants; Special Rapporteur on the right to food; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 43/6, 32/8, 43/14 and 42/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the situation of some 900 migrants at the provisory camp in Lipa and some 1,600 migrants left without shelter on the territory of Bosnia and Herzegovina. These migrants are denied enjoyment of their basic human rights, namely the rights to an adequate standard of living, including adequate food and housing, safe drinking water and sanitation, electricity supply and heating, both at temporary structures such as the Lipa provisory camp as well as when sleeping rough. There are increasing concerns as to their access to public health care services, as well as protection measures in light of the COVID-19 pandemic.**

In his recent report on his visit to Bosnia and Herzegovina (A/HRC/44/42/Add.2), the Special Rapporteur on the human rights of migrants raised concerns regarding the large discrepancy between the maximum capacity for accommodation in reception centres and the estimated number of migrants, including asylum seekers, in the country. The Special Rapporteur noted in his report that apart from those accommodated in private houses and civil society-run accommodations, a great number of individuals, mainly single men, stayed without shelter, mostly in Una-Sana Canton.

Recent information reinforces these long-standing concerns regarding inadequate reception capacity and conditions at official reception centres for migrants, including asylum seekers, which has led to the dire housing situation of thousands of migrants in winter.

According to the information received:

The Lipa Emergency Tent Camp (Lipa camp), located in Bosnia and Herzegovina near the Croatian border, was initially set up in April 2020 to provide temporary shelter to migrants during the COVID-19 pandemic, in

response to overcrowding and unsuitable conditions elsewhere. Reports from June 2020 denounced that the camp lacked basic infrastructure and facilities such as water and electricity. Since its establishment, the camp was considered unfit for the accommodation of people in winter conditions and the authorities were advised to urgently identify alternative accommodation and sustainable solutions for migrants. On 23 December 2020, IOM announced that it will withdraw its support from the Lipa camp because, in spite of the health and safety risks, the authorities have failed to engage in the winterisation of the site. After this announcement, on 23 December 2020, the Lipa camp was destroyed in a fire. Although no human casualties were reported, an estimated 1,400 migrants, were left without shelter.

Lack of adequate reception conditions and limited access to basic services

Within days following the fire, about 350 migrants were transferred to a camp in Sarajevo at their own expense, while the remaining migrants who resided at the former Lipa camp were stranded at the destroyed camp site. For two weeks after the fire, humanitarian partners distributed vital supplies, including warm clothes, sleeping bags, food and hygiene kits to the affected people, while the authorities were struggling to step up to their international human rights obligations and come with a solution.

According to reports, the migrants could have been transferred to the former Bira Temporary Reception Centre in the city of Bihac, which was closed down by the local authorities in October 2020. Although the Bira center remained unused at the time when the fire destroyed the Lipa Emergency Tent Camp, authorities in Bosnia and Herzegovina failed to reopen it due to the opposition of local authorities and population.

Similarly, an attempt to move a number of migrants to former military barracks in the town of Bradina failed due to the resistance of local authorities, following anti-migrant protests. Reportedly, in the context of COVID-19, a surge in diminishing and discriminative language on migrants and refugees as well as anti-migrant rhetoric has been observed, including statements by high-level political leaders.

Two weeks after the fire and following strong international and national advocacy, the authorities of Bosnia and Herzegovina identified an interim solution and announced plans to build a permanent reception centre at Lipa. During the first days of January 2021, the army has set up 30 tents near the former camp site, each with a capacity for about 30 people. Some 900 people are currently accommodated at this new provisional camp in Lipa for which the Service for Foreigners Affairs has taken the administrative responsibility.

In addition, across Una Sana Canton, as of the date of this urgent appeal, around 1,600 migrants, including women and children, were still homeless, living in squats, abandoned buildings, and forest camps, and continue to be in urgent need

of proper accommodation. The majority of these people are in urgent need of adequate housing, water and sanitation, warm clothes, nutritious food (many have experienced days without eating) and access to healthcare.

Allegations concerning unsanitary reception conditions at the provisional camp in Lipa, inadequate access to healthcare, and lack of necessary protection measures in light of the COVID-19 pandemic

The hygienic conditions at the Lipa camp were already of concern before the fire incident. In 2020, the former camp was not connected to the water and sewage system for several months. At the date of this urgent appeal, the conditions at the provisional camp in Lipa fail to meet the minimum SPHERE Standards and the provision of external humanitarian assistance is hindered. The generator-powered air cannons used to heat the tents are unreliable. Reportedly, some tents are not suitable for winter conditions.

Food is not always available in sufficient quantity, not of satisfying quality or adequate to meet the people's food needs. As the majority of migrants prepare their own food, unsafe water could lead to additional health risks. Almost half of them reported having experienced health issues related to access to clean water such as vomiting, diarrheal, stomach pain and loss of appetite.

According to the information received, some 50 per cent of the migrants at the provisional camp in Lipa have scabies and skin infections, which cannot be treated because of the lacking basic hygiene conditions and overcrowding. Although migrants have access to minimum safe drinking water, the camp lacks sufficient sanitary facilities. Migrants have been washing their clothes in the local spring 2-3 km away or used water melted from snow to wash their personal items.

There are no proper medical facilities on the site and the camp still lacks isolation and quarantine areas, in line with recommendations for the prevention and treatment of COVID-19 cases. Hygiene practices to combat COVID-19 outbreak and transmission are limited because of the scant water supply for personal hygiene purposes. Migrants with health care concerns are referred to other primary health care centres for investigation and treatment. However, on a number of occasions, people with symptoms of respiratory infections and COVID-19 symptoms have been sent back to the camp without testing and adequate medical investigation.

Due to the devastating situation they have been going through and the uncertainty on their future, some migrants need psychological support and assistance for coping with increased anxiety, loss of hope and motivation, in addition to more serious conditions such as post-traumatic stress disorder (PTSD). Many of them have experienced violence during their journey, including pushbacks while attempting to cross the border into Croatia.

Specific impact of the lack of adequate reception conditions and limited access to basic services on unaccompanied or separated migrant children

According to the information received, approximately 500 unaccompanied or separated migrant children currently live in Bosnia-Herzegovina. About 50 unaccompanied or separated migrant children are sleeping rough in Bosnia and Herzegovina without any support or protection, putting their health and wellbeing at risk. At least 33 of them are reportedly in the Una Santa canton. These unaccompanied children are staying outside in the freezing cold or in squats, without access to housing, with limited access to food, water, sanitation, and no access to health, asylum and other protection procedures or education services. They are also exposed to harsh weather, health risks, abuse, and violence.

Before the fire destroyed the former Lipa camp site, there was already a lack of adequate alternative housing provided by the State for unaccompanied or separated children.¹ The existing vulnerabilities of migrant and asylum-seeking children were further exacerbated by the closure and subsequent burning down of Lipa Emergency Tent Camp in Bosnia and Herzegovina. Reportedly, access to critical basic services, including health, mental health and psychosocial support, education, and legal aid, had become increasingly limited. Most migrant and asylum-seeking children outside of formal accommodation have already lost several years of schooling, which further contributes to their marginalization and social exclusion, harming their integration prospects and future opportunities.

Pursuant to the Law on asylum,² unaccompanied minors are to be provided with a guardian; however, without registration, unaccompanied migrant children do not have access to a legal guardian and remain invisible to the protection system. The difficulty in obtaining access to guardians further delays their access to asylum and other protection procedures. In addition, many unaccompanied children are reluctant to leave the Una-Sana Canton region for shelters in other areas, as they want to stay close to the border. Due to the lack of legal pathways and solutions for children and families in Bosnia and Herzegovina, some migrant children continue to attempt to cross the Croatian border into the European Union, despite reports of violent push backs. Most migrant and asylum-seeking children that have made a long and arduous journey to Bosnia-Herzegovina escaped conflict and violence. Migrant children who are separated from their families and caregivers, experiencing psychological distress, or are vulnerable to sexual abuse and violence continue to be in need of support. Reportedly, the lack of a functioning referral system for children to get into adequate reception conditions for minors is forcing them to fend for themselves outside, risking their lives and health.

¹ A/HRC/44/42/Add.2, para 35.

² [Bosnia and Herzegovina: Law on Asylum \[Bosnia and Herzegovina\], 11/2016, 19 February 2016.](#)

While we do not wish to prejudge the accuracy of the information made available to us, we would like to express our utmost concern about the physical and mental integrity of about 3,000 migrants, including children, residing outside of formal accommodation and in dire need of adequate housing, including those residing in and around the former Lipa camp. We are also concerned about the severe negative impact of this situation on their enjoyment of their human rights to adequate housing, food, health, water and sanitation. Homelessness, including failure to provide access to essential life and health protecting housing, services and products such as water and sanitation and food, are prima facie violations of the right to adequate housing and other human rights. These rights are enjoyed by everyone under international law irrespective of nationality or legal status. The situations described above, thus constitute violations of Bosnia and Herzegovina's international obligations under international human rights law.

As regards to the group of approximately 900 migrants that have been moved to tents of a provisional nature at the former Lipa site in January 2021, we are concerned about the unhygienic and overcrowding reception conditions in view of the current COVID-19 pandemic. We are also concerned about the lack of protective items allocated to migrants, and the lack of access to adequate healthcare and water at the facility. Migrants hosted in overcrowded places often face higher vulnerabilities as the spread of the virus can expand rapidly in confined spaces, given the restricted access to hygiene and healthcare in some contexts. In addition, due to this limited access to basic services such as water and sanitation, many migrants frequently suffer higher rates of chronic illnesses and underlying health conditions than others, which places them at greater risk of developing severe health complications from COVID-19. International standards highlight that States have an obligation to guarantee the right to health to migrants.

We are gravely concerned about the disproportionate impact that this situation has on unaccompanied or separated migrant children who are sleeping rough in Bosnia and Herzegovina without any support and protection, which puts their health and well-being at risk. Most migrant children outside of official accommodation are not being registered and thus remain invisible to the protection system. The existing vulnerabilities of these migrant and asylum-seeking children were further exacerbated by the closure and subsequent burning down of Lipa Emergency Tent Camp in Bosnia and Herzegovina, leaving at least 33 migrant children in homelessness in the cold during the pandemic. These children are unaccompanied, with limited access to food, water, sanitation and no access to protection, health, asylum or education services. Migrant children sleeping outside are in urgent need of adequate housing and of access to child protection services.

We are also concerned about anti-migrant rhetoric used for political gain, neglecting the negative impact it has on the rights of migrants. We stress that authorities must refrain from discriminatory discourses that may lead to the exclusion of certain groups, such as migrants in irregular situations.

In light of all the above and concerning the allegations of lack of adequate reception conditions, we would like to draw the attention of your Excellency's Government to article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Bosnia and Herzegovina in 1993, which establishes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights (CESCR), noted that the human right to adequate housing includes facilities essential for health, safety, comfort and nutrition, as well as permanent access to, inter alia, heating and lighting, safe drinking water, sanitation and washing facilities, and food storage (para. 8). This is in particular of concern if persons are during wintertime and in the middle of a global pandemic exposed to grossly inadequate housing conditions or homelessness, putting the health and life of the concerned individuals at risk, raising as well concerns about the protection of the right to life, enshrined in Article 6.1 of the International Covenant on Civil and Political Rights. The obligation of States to protect the life of displaced persons and other vulnerable groups, including of persons in situation of homelessness is also underlined by General Comment No. 36 of the Human Rights Committee (see in particular para 23 and 26).

In his report on the COVID-19 pandemic (A/75/148), the Special Rapporteur on the right to adequate housing notes how the current crisis has also starkly illustrated how having a functioning home - with running water, electricity, heating and Internet - is a matter of survival and therefore a key aspect of the right to adequate housing. In light of the global recognition of the importance of housing in protecting life, States must take urgent action to ensure that people have adequate housing, both during and after the current crisis. Moreover, in the context of the COVID-19 pandemic, the UN Special Rapporteur on the right to adequate housing highlighted that “housing has become the front-line defence against the coronavirus. Home has rarely been more of a life-or-death situation.”³ The Expert urged States to take extraordinary measures to secure the right to housing for all to protect against the pandemic. At a minimum, to ensure the protection of those living in homelessness or grossly inadequate housing, States must: inter alia, provide emergency housing with services for those who are affected by the virus and must isolate; ensure that the enforcement of containment measures (e.g.: curfews) does not lead to the punishment of anyone based on their housing status. In this context, States must address the housing needs of homeless people on an urgent and priority basis to ensure their equal protection against the virus and the protection of the broader population. Homelessness, including during a crisis, and irrespective of nationality or legal status, is a prima facie violation of human rights. “The core protections provided by the right to housing, as well as the right to health and the right to food, are so fundamental to human dignity and the preservation of life that they can never be suspended, even in a state of emergency.”⁴

³ [“Housing, the front-line defence against the COVID-19 outbreak,” says UN expert, 18 March 2020.](#)

⁴ [COVID-19 Guidance Note, Protecting those living in homelessness, Leilani Farha Special Rapporteur on the right to adequate housing, Updated 28 April 2020.](#)

Regarding the allegations of unsanitary reception conditions for migrants and lack of necessary protection measures in light of the COVID-19 pandemic, we would like to refer your Excellency's Government to the Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants, of the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and UN Special Rapporteur on the human rights of migrants.⁵ The Experts called on States to establish protocols and create adequate conditions in shelters and other structures designed for the reception or stay of migrants, considering the health requirements for protection against the spread of COVID-19 and particular vulnerabilities of people affected by humanitarian crises, such as those displaced and/or living in camps, in readiness and response operations. They also called States to integrate migrants into national COVID-19 prevention and response plans and policies, including by ensuring that the provision of tests, essential medicines, prevention measures, and treatment are provided in a non-discriminatory manner.

We also wish to draw the attention of your Excellency's Government to the World Health Organisation's recommendations to governments to control the spread of the virus and avoid a catastrophe, which calls on States to take all necessary measures to include migrants in the national response to counter the COVID-19 pandemic, ensuring equal access of migrants to COVID-19-related measures, including prevention, testing and treatment, in order to protect the rights of refugees and migrants, protect public health and stop the global spread of COVID-19.⁶ As well as to the Joint Statement issued by the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health calling on States to ensure migrants are included in national COVID-19 vaccination programmes. The Experts said the prioritisation of vaccines within countries should include all those who qualify under a priority group, regardless of who they are. Migrants should be granted access to vaccines on an equal basis with provisions for nationals. The Experts recalled that the full inclusion of migrants is a vital issue for both the migrant population and the host community.⁷

In this connection, we would also like to draw the attention of your Excellency's Government to objective 7 of the Global Compact for Safe, Orderly and Regular Migration, which establishes the commitment of States to “respond to the needs of migrants who face situations of vulnerability, which may arise from the circumstances in which they travel or the conditions they face in countries of origin, transit and destination, by assisting them and protecting their human rights, in accordance with our obligations under international law”. In addition, Objective 15 establishes the commitment of States to provide migrants, regardless of their migration status, with access to basic services. In this regard, States noted their commitment to “ensure that all migrants, regardless of their migration status, are able to exercise their human rights by accessing basic services in safety. We further commit to strengthen systems that

⁵ [Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants.](#)

⁶ <https://www.who.int/news/item/31-03-2020-ohchr-iom-unhcr-and-who-joint-press-release-the-rights-and-health-of-refugees-migrants-and-stateless-must-be-protected-in-covid-19-response>.

⁷ [UN Special Rapporteurs, COVID-19: Equitable vaccine access for all, including migrants, is crucial, say UN Special Rapporteurs, 22 January 2021.](#)

provide inclusive services to migrants, without prejudice to the eligibility of nationals and migrants in regular situations for more comprehensive services, while ensuring that any differential treatment is based on law, proportionate and pursues a legitimate aim, in accordance with international human rights law” (para.31).

Concerning the allegations of lack of adequate access to drinking water and sanitation for migrants, we wish to reiterate the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, *inter alia*, article 25 of the Universal Declaration of Human Rights and article 11 of the ICESCR. In addition, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall the explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living.”

In its General Comment No. 15, the Committee on Economic, Social and Cultural Rights (CESCR) clarified that the right to water means that everyone has the right to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Similarly, in its Statement on the right to sanitation, the Committee on Economic, Social and Cultural Rights reaffirms that the right to sanitation is an essential component of the right to an adequate standard of living, as enshrined in article 11 of the International Covenant on Economic, Social and Cultural Rights. In this connection, we also recall that in his recent report on the human rights to water and sanitation of forcibly displaced persons (A/HRC/39/55), the former Special Rapporteur on the human rights to water and sanitation called on States to guarantee these rights to migrants in transit or at their destination with the same conditions as those granted to nationals, regardless of their legal status and documentation.

We would like to draw the attention of your Excellency's Government to the norms of the before mentioned International Covenant on Economic, Social and Cultural Rights (ICESCR), and more specifically, articles 11.1 and 12, which recognise the rights to an adequate standard of living and the right to health. These articles must be read in conjunction with article 2.2 of the Covenant, which establishes that the States parties undertake to guarantee the exercise of the rights enunciated in the Covenant, without discrimination of any kind.

Furthermore, we would like to draw the attention of your Excellency's Government to Article 11 (1) of the International Covenant on Economic Social and Cultural Rights, recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” In interpreting this provision, the Committee on Economic Social and Cultural Rights (CESCR) stressed in its General

Comment No. 12 that the core content of the right to adequate food implies, inter alia, both economic and physical accessibility of food (para. 7). The Committee considers that the core content of the right to adequate food implies, inter alia, availability of food which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand, and accessibility of food which encompasses both economic and physical accessibility.

The obligation to respect access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.

We would also like to refer to article 12(2)(c) of the Covenant, which obliges States to take the necessary measures for the prevention, treatment, and control of epidemic diseases (see also General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, para. 16). The Committee on Economic, Social and Cultural Rights in its General Comment No. 14 indicates that States have an obligation to respect the right to health, in particular by refraining from denying or limiting equal access for all persons, including asylum-seekers or migrants, to preventive, curative and palliative health services (para. 34). Furthermore, in its Statement on the COVID-19 pandemic (E/C.12/2020/1), the Committee states that States should take special and specific measures to protect and mitigate the effects of the pandemic on vulnerable groups, such as migrants and residents of informal settlements or other areas where adequate access to water, soap or sanitizer is lacking. Such measures include, inter alia, providing water, soap and disinfectant; ensuring food security; and adopting specially tailored measures to protect the health and livelihoods of vulnerable groups (para. 5 and 15).

Concerning the specific impact of all the above allegations on unaccompanied or separated migrant children, we wish to respectfully recall that the particular rights applicable to children under the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols, that Bosnia and Herzegovina ratified in 1993, 2002, 2003 and 2018 (communications procedures) respectively, state that children must always be treated primarily as children and the best interest of the child must always be a primary consideration. The human rights of children have neither nationality nor borders. All children, without distinction, discrimination or exception, are entitled to child rights. Under the UNCRC, *all* children, regardless of their national origin or migration status, have the right to life (article 6); physical and mental wellbeing, care and protection, and to prevent the abduction of, the sale or trafficking in children for any purpose or in any form (articles 3, 19, 36 and 35); birth registration, name and nationality (article 7); identity (article 8); play, leisure and culture (article 31); and an adequate standard of

living (article 27); all of which are severely impaired in the situation of homelessness and lack of adequate protection and care that many migrant children are facing while sleeping rough in Bosnia and Herzegovina, further exacerbated by the closure and subsequent burning down of Lipa Emergency Tent Camp. We wish to stress, in particular, the right to health (24(2)), notably through the provision of adequate nutritious foods and clean drinking water and the right to a standard of living adequate for the child's development. States must ensure that the rights provided in the CRC are respected and that appropriate measures are taken to protect and care for the child (article 3), to the maximum extent of the available resources and, where needed, within the framework of international cooperation (article 4). States have an obligation to take all appropriate legislative and administrative measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, mistreatment or exploitation, including sexual abuse (article 19).

Finally, we would like to also refer your Excellency's Government to the Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants, of the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and UN Special Rapporteur on the human rights of migrants. In this Note, the Experts called on States to pro-actively prevent discrimination and scapegoating of individuals or groups of migrants. The Experts noted with concern xenophobic speeches or expressions associating the disease of COVID-19 with migrants or based on their ethnicity or if they are identified as nationals of a particular country. Minority communities, in particular, have faced attacks on individuals linked to fears about COVID-19.

We recognize the numerous challenges faced by Bosnia and Herzegovina in providing adequate reception and care to migrants, asylum seekers, and refugees, as well as the efforts of your Excellency's Government to address some of the concerns highlighted in this letter, partially improving the living conditions of migrants at the former Lipa camp site including by providing heated tents to some of them and starting to rebuild the camp site. Nonetheless, we are concerned that the lack of immediate action by responsible authorities risks grave consequences to human safety and lives. The plight of migrants left in homelessness in freezing conditions deepens day after day. There is a serious risk that without immediate actions to protect all migrants sleeping rough in winter in Bosnia and Herzegovina; and provide them with adequate housing and access to basic services, many of them will be more vulnerable to suffering from multiple health issues as well as to the potential loss of life; in addition, in the absence of COVID-19 related measures, including prevention, testing, and treatment, migrants would be facing an increased risk of COVID-19 infections.

Given the urgency of the situation and to avoid further deterioration of the vulnerable situation of the affected migrants facing harsh conditions in the open in winter months, including those residing in and around the former Lipa camp, we call on your Excellency's Government to take the necessary measures to urgently identify alternative locations to accommodate those migrants, prioritizing minors. We also call your Excellency's Government to take all necessary measures and establish protocols to ensure that these migrants can be housed during the winter months in reception

facilities fit for winter, with heating, electricity, access to water and sanitation, and basic services. The authorities must ensure early identification, registration, referral, and accommodation for all migrant children, including unaccompanied or separated children. Access to a guardian is also vital in protecting the most vulnerable children. All children have the right to be safe and protected, and to be treated humanely and with dignity.

We reiterate the recommendation made by the Special Rapporteur on the human rights of migrants in his visit to Bosnia and Herzegovina, in which he recommended to the Government to take all the measures necessary to take the lead in the development of both short-term and long-term migration strategies that place the human rights of migrants at their centre. An assessment of the total number of migrants in the country, as well as in the region, would be helpful first steps.

We would like to appeal to your Excellency's Government to establish protocols and create adequate conditions in shelters and other structures designed for the reception or stay of migrants, including for those in and around the former Lipa camp site, considering the health requirements for protection against the spread of COVID-19. We also call your Excellency's Government to take all necessary measures to include migrants in the national response to counter the COVID-19 pandemic in line with the World Health Organization's advice to Governments to control the spread of the virus and avert a catastrophe by ensuring migrants' equal access to COVID-19 related measures including prevention, testing, and treatment in order to protect the rights of refugees and migrants and the public health and stem the global spread of COVID-19.⁸ Ensuring that reception facilities for migrants allow for physical distancing, self-isolation, quarantine, and any other health recommendations issued by the World Health Organization to stop the spread of COVID-19.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the measures taken by your Excellency's Government to urgently address the inadequate living conditions at the provisional camp in Lipa and to ensure that migrants

⁸ <https://www.who.int/news/item/31-03-2020-ohchr-iom-unhcr-and-who-joint-press-release-the-rights-and-health-of-refugees-migrants-and-stateless-must-be-protected-in-covid-19-response>.

and asylum seekers at the premises have access to the core minimum standards of housing, food, water and sanitation, health care and social protection services. In this context, we would like to know more about your Excellency's Government plans to establish a permanent reception center in Lipa and how such plans are consistent with international human rights standards and commitments under the Global Compact for Safe, Orderly and Regular Migration (GCM).

3. Please provide detailed information on any ongoing efforts to identify sustainable solutions for the relocation of migrants and asylum seekers that are homeless and are facing harsh winter conditions in makeshift forest camps, abandoned building or on the streets, as well as those that are currently at the provisional camp in Lipa, to adequate housing facilities that ensure conditions consistent with human dignity, and are in a location which allows access to health-care services, schools, childcare centres and other social support services.
4. Please provide detailed information on the measures taken by your Excellency's Government to urgently guarantee at minimum the rights to adequate food, housing, health, water and sanitation for the homeless migrants and asylum seekers on the territory of Bosnia and Herzegovina
5. Please provide information on any measures taken to specifically protect and prioritize access to adequate housing for migrant children, women, older persons, persons with disabilities, and any other vulnerable groups.
6. Please describe any specific actions taken to protect the health and the lives of migrants in the context of the Covid-19 pandemic. Please explain any protocols in place to ensure the implementation of preventive measures to stop the spread of COVID-19 and ensure access to health care and follow-up of patients in formal and informal reception facilities for migrants in Bosnia and Herzegovina.
7. Please indicate the steps that your Excellency's Government has taken, or is considering taking, to ensuring migrant children's access to child-appropriate reception, health care, education, and other essential services. In particular, indicate any specific actions taken to ensure the early identification, registration, referral, and accommodation of all migrant children, as well as the provision of a guardian for unaccompanied or separated or migrant children.
8. Please provide detailed information about progress your Excellency's Government has achieved in developing a comprehensive strategy and plan directed at promoting and protecting the human rights of migrants and asylum seekers and to enhance joint decision making and coordination of efforts at all levels as per Bosnia and Herzegovina's international obligations. In this respect, please include information

about steps taken to request international assistance and cooperation with a view to achieving progressively the full realization of the rights of migrants and asylum seekers in Bosnia and Herzegovina.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Felipe González Morales
Special Rapporteur on the human rights of migrants

Michael Fakhri
Special Rapporteur on the right to food

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

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