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Fundamental rights assessment of Bosnia and Herzegovina

Accompanying the document

Proposal for a COUNCIL DECISION

on the conclusion, on behalf of the European Union, of the Agreement between the European Union and Bosnia and Herzegovina on operational activities carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina

{COM(2024) 545 final}

Summary

This assessment, prepared pursuant to Recital (88) of Regulation (EU) 2019/1896 ⁽¹⁾ (the ‘Regulation’), reviews the fundamental rights situation in Bosnia and Herzegovina in the context of the status agreement between the European Union and Bosnia and Herzegovina, which allows for the deployment of border management teams of the European Border and Coast Guard Agency standing corps with executive powers through joint operations on the territory of Bosnia and Herzegovina. While challenges exist in access to asylum, reception conditions, and border management practices, these do not preclude operational activities with executive powers by the European Border and Coast Guard Agency (‘Frontex’) in Bosnia and Herzegovina, provided that strong safeguards and systematic monitoring are ensured.

Introduction and legal basis

Pursuant to Article 73(3) of Regulation (EU) 2019/1896, deployments of border management teams from the European Border and Coast Guard standing corps, whose members will exercise executive powers, to a third country, require the conclusion of a status agreement between the Union and that third country. Recital (88) of the Regulation invites the Commission to assess the fundamental rights situation ‘*relevant to the areas covered by the status agreement in that third country*’. This document aims to assess the fundamental rights situation in Bosnia and Herzegovina relevant to the prospective operational activities of Frontex in that country, in particular whether deployments by Frontex in support of the border management authorities of Bosnia and Herzegovina can be feasibly undertaken without contributing to serious or persistent violations of fundamental rights or of international protection obligations. This document is based on publicly available information, data, and reports regarding the protection of human rights in Bosnia and Herzegovina, in particular the international legal framework for the protection of such rights and obligations applicable in its legal order.

Background

Bosnia and Herzegovina remains a country of transit for migrants seeking to reach the European Union via the Western Balkan route. In February 2025, the International Organization for Migration (‘IOM’) reported that most migrants interviewed in Bosnia and Herzegovina entered via Serbia, with 33% reporting reliance on facilitators to enter Bosnia and Herzegovina ⁽²⁾. As of January 2025, temporary reception capacity stood at approximately 4,500 beds; in May 2025, occupancy was recorded at 562 ⁽³⁾. Interviewees’ average length of stay was 36 days, over half of the respondents had already attempted to enter Croatia at least once at the time of their interview

⁽¹⁾ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p.1, ELI: <http://data.europa.eu/eli/reg/2019/1896/oj>).

⁽²⁾ IOM, ‘Migrant Mobility Situation Report – The Western Balkans – February 2025’, 2025, <https://dtm.iom.int/reports/western-balkans-migrant-mobility-situation-report-february-2025>.

⁽³⁾ IOM, ‘Bosnia and Herzegovina migration response – Situation report 5-11 May 2025’, 2025, <https://bih.iom.int/sites/g/files/tmzbdl1076/files/documents/2025-05/sit-rep-5-11-may-2025.pdf>.

(⁴). While the number of unauthorised border crossings via the Western Balkan route has dropped significantly, the sub-route connecting Bosnia and Herzegovina to Croatia remains a significant point of irregular entry to the Union (⁵).

In December 2022, the Commission presented a series of operational measures structured in five pillars to address the challenges posed by irregular migration via the Western Balkan route. The first set of these measures, under the pillar concerning the strengthening of border management, included the conclusion of a status agreement with Bosnia and Herzegovina, followed by the implementation of Instrument for Pre-accession Assistance (IPA)-funded programmes to strengthen the country's border management capacities (⁶).

Frontex has a longstanding cooperation with the relevant authorities of Bosnia and Herzegovina. In 2009, it signed a working arrangement with the Ministry of Security of Bosnia and Herzegovina whose Border Police is Frontex's direct counterpart in the country. Currently, under that arrangement, Frontex's support consists of limited deployments of Advanced Level Document Officers and border guards at Sarajevo Airport and the Zupci – Sitnica border crossing with Montenegro. On 18 November 2022, the Council authorised the Commission to negotiate a status agreement with Bosnia and Herzegovina (⁷). Negotiations were conducted throughout 2024 and preliminary agreement between the negotiating teams was reached in December 2024.

This status agreement allows Bosnia and Herzegovina to request Frontex's operational support, including via tasks requiring executive powers, at its border crossing points and border area (⁸). The agreement's provisional application provision means it enters into force (provisionally) upon signature.

Alignment with European standards and cooperation with Union institutions

The Commission's 2025 enlargement report on Bosnia and Herzegovina notes that 'Bosnia and Herzegovina has some level of preparation to implement the Union *acquis* and European standards in the area of the judiciary and fundamental rights' (⁹). While the 'general framework for

(⁴) IOM, 'Migrant Mobility Situation Report – Bosnia and Herzegovina – January 2025', 2025, <https://bih.iom.int/sites/g/files/tmzbd11076/files/documents/2025-04/eng-migrant-mobility.pdf>.

(⁵) Frontex, 'Irregular border crossings into EU drop sharply in 2024', Frontex website, 2024, <https://www.frontex.europa.eu/media-centre/news/news-release/irregular-border-crossings-into-eu-drop-sharply-in-2024-oqpweX>.

(⁶) European Commission, 'EU Action Plan on the Western Balkans', 5 December 2022, https://home-affairs.ec.europa.eu/document/download/e63e3b92-4f0c-4d95-a7f9-b0aff2dd0efc_en?filename=Western%20Balkans_en.pdf.

(⁷) Council Decision (EU) 2022/2272 of 18 November 2022 authorising the opening of negotiations on a status agreement between the European Union and Bosnia and Herzegovina on operational activities carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina (OJ L 300, 21.11.2022, p. 25–26, ELI: <http://data.europa.eu/eli/dec/2022/2272/oj>).

(⁸) These are defined, respectively, as 'the crossing-points authorised by the competent authorities in Bosnia and Herzegovina for the crossing of Bosnia and Herzegovina's land borders, including river and lake borders, sea borders, airports, river ports, seaports and lake ports' and 'the area extending 10 kilometres from the border line of Bosnia and Herzegovina into the territory of Bosnia and Herzegovina'.

(⁹) SWD(2025) 751 final of 4 November 2025, p. 5.

fundamental rights is largely in place', it 'needs to be improved' ⁽¹⁰⁾. An overarching issue is that legislation is often 'not harmonised across the country, and institutional cooperation and coordination remain weak, leading to uneven implementation' ⁽¹¹⁾. The EU also supports Bosnia and Herzegovina to improve its democratic governance and human rights framework through the Thematic programme on Human Rights and Democracy (900 000 EUR in 2025-2026).

Bosnia and Herzegovina maintains regular border management cooperation with Croatia, including through joint patrols. It participates in the Europol-supported Task Force ZeBRA, which targets migrant smuggling networks ⁽¹²⁾. Since 2010, nationals of Bosnia and Herzegovina have enjoyed visa-free travel to the European Union; however, the country maintains visa-free regimes with ten countries (seven full and three seasonal) that are visa-required to enter the Union (as of June 2025) which contributes to an increased risk of irregular migration ⁽¹³⁾. Moreover, the EU also supports Bosnia and Herzegovina's visa system through the Visa Capacity Building project. The project aims to combat fraudulent applications, minimize visa misuse, and address issues related to human trafficking and irregular migration.

Bosnia and Herzegovina has taken steps to improve migration management and its alignment with the *acquis*. The legal framework on legal and irregular migration, including the Law on Foreigners, is broadly aligned with the *acquis* while legislation on the management of external borders and on trafficking in human beings is not yet aligned ⁽¹⁴⁾. In addition, issues with regard to implementation and resources were also noted. The Commission found, for example, that Bosnia and Herzegovina needs to 'guarantee access to quality and effective asylum procedures' noting that 'practical obstacles remain' to accessing such procedures' ⁽¹⁵⁾.

The Commission noted that Bosnia and Herzegovina's Border Police remains understaffed 'with a quarter of vacancies still not filled' and that the country needs to improve its border infrastructure and equipment as well as to 'eliminate illegal border crossings, particularly on the border with Montenegro' ⁽¹⁶⁾. The EU supports Bosnia and Herzegovina through the supply of specialised equipment to the country's law enforcement agencies. The regional border security programme implemented by Frontex provides border police agencies with the necessary knowledge, skills and resources.

Cooperation with international partners is steady. Bosnia and Herzegovina cooperates with IOM and the United Nations High Commissioner for Refugees (UNHCR) in managing the Asylum

⁽¹⁰⁾ SWD(2025) 751 final of 4 November 2025, p.6.

⁽¹¹⁾ SWD(2025) 751 final of 4 November 2025, pp.7-8.

⁽¹²⁾ European Commission, 'Report from the Commission to the European Parliament and the Council – Seventh Report under the Visa Suspension Mechanism', 6 December 2024, p. 28. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024DC0571>.

⁽¹³⁾ European Commission, 'Report from the Commission to the European Parliament and the Council – Seventh Report under the Visa Suspension Mechanism', 6 December 2024, p. 27. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024DC0571>.

⁽¹⁴⁾ SWD(2025) 751 final of 4 November 2025, p. 45.

⁽¹⁵⁾ SWD(2025) 751 final of 4 November 2025, p. 51.

⁽¹⁶⁾ SWD(2025) 751 final of 4 November 2025, p. 49.

Centre in Delijaš and temporary reception centres throughout the country ⁽¹⁷⁾. IOM is implementing a Union-funded project to strengthen migration management, including community activities that support social cohesion, in Bosnia and Herzegovina ⁽¹⁸⁾. Bosnia and Herzegovina has been encouraged to seek observer status at the European Union Agency for Fundamental Rights, following the example of other accession candidates in the region ⁽¹⁹⁾.

Migration management and asylum

Bosnia and Herzegovina is currently engaging with the European Union Agency for Asylum (‘EUAA’) on the basis of the EUAA’s second Roadmap for Cooperation (the ‘Roadmap’). Covering 2025-2027, the roadmap aims at ‘strengthening the asylum and reception systems in line with the Common European Asylum System (CEAS) and European Union standards’ ⁽²⁰⁾.

IOM teams screening migrants for vulnerabilities on first contact inside or outside temporary reception centres regularly report on their occupancy rates and the people hosted therein ⁽²¹⁾. Though their findings vary significantly between reporting periods, the situation report covering the period 30 December 2024 – 5 January 2025 identified that 18.3% of individuals hosted in these centres had protection risks and needs, of which 7% were potential unaccompanied, alone and separated children ⁽²²⁾. While Bosnia and Herzegovina has taken steps to assume responsibility of its temporary reception centres from IOM, the ‘competent agencies remain significantly understaffed and only limited funding is available to manage migration’ ⁽²³⁾, which, combined with inadequate coordination in asylum and migration management among different levels of government, impacts effectiveness.

The Union supports Bosnia and Herzegovina in establishing comprehensive reception capacities. The current individual measure on migration (EUR 39.5 million, until March 2025) foresees the

⁽¹⁷⁾ IOM, ‘Bosnia and Herzegovina migration response – Situation report 5-11 May 2025’, 2025, <https://bih.iom.int/sites/g/files/tmzbd11076/files/documents/2025-05/sit-rep-5-11-may-2025.pdf>. IOM provides support in the management and coordination of the temporary reception centres, helps ensure migrants’ access to primary, secondary, and tertiary healthcare, supports BiH authorities to manage the Food and Non-Food Items sector and Water, Safety and Hygiene sectors in the temporary reception centres, supports the provision of return-related counselling, and provides assistance to people on the move in and outside of the centres.

⁽¹⁸⁾ IOM, ‘Bosnia and Herzegovina migration response – Situation report 5-11 May 2025’, 2025, <https://bih.iom.int/sites/g/files/tmzbd11076/files/documents/2025-05/sit-rep-5-11-may-2025.pdf>.

⁽¹⁹⁾ FRA, ‘Member States of the EU’, FRA website, <https://fra.europa.eu/en/cooperation/eu-member-states>.

⁽²⁰⁾ EUAA, ‘Roadmap for Cooperation between the EUAA and Bosnia and Herzegovina (2025-2027)’, 2025, <https://euaa.europa.eu/publications/roadmap-cooperation-between-euaa-and-bosnia-and-herzegovina-2025-2027>, p. 5.

⁽²¹⁾ All IOM Bosnia and Herzegovina Migration Response “Situation Reports” can be accessed at: <https://bih.iom.int/situation-reports>.

⁽²²⁾ Between 30.12.2024 and 05.01.2025, IOM reported a total of 610 migrants in the country’s temporary reception centres. Of these, 7% qualified as ‘potential unaccompanied, alone and separated children’, 5.5% as belonging to ‘ethnic or religious minorities’, 1.8% as being persons with a medical condition, 3% persons with medical conditions and 1% pregnant or lactating women. (Source: IOM, ‘Bosnia and Herzegovina Migration Response’, Situation Report 30 December 2024 – 5 January 2025. Available at: <https://bih.iom.int/sites/g/files/tmzbd11076/files/documents/2025-01/bosnia-and-herzegovina-migration-response-situation-report-30-december-2024-5-january-2025.pdf>).

⁽²³⁾ SWD SWD(2025) 751 final of 4 November 2025, p. 50.

provision of basic accommodation, protection services, capacity building, additional staff and equipment in the four temporary reception centres. Further support is provided through the EU Regional Support to Protection-Sensitive Migration Management Systems in the Western Balkans programme which is now in phase III (2021-2025).

With regard to migrant smuggling and trafficking in human beings, Bosnia and Herzegovina takes part in the Global Alliance to Counter Migrant Smuggling, and its task force for fighting trafficking in human beings has been instrumental in coordinating efforts between law enforcement and prosecution.

Nonetheless, an evaluation of the Roadmap found the authorities in Bosnia and Herzegovina to be very receptive to legislative support and capacity-building activities, including on age assessments, trafficking in human beings, fundamental rights, and interviewing vulnerable persons and children ⁽²⁴⁾.

Protection of vulnerable groups and trafficking in human beings

Civil society reports indicate persistent challenges in identifying and protecting vulnerable persons, including children and victims of trafficking. Save the Children notes that Bosnia and Herzegovina has experienced a growth in organised smuggling groups that provide fast transfer across Bosnia and Herzegovina, especially at borders, indicating that not all migrants are appropriately registered upon entry ⁽²⁵⁾. Interviewed children reported widespread sexual abuse by smugglers all along the Balkan route, particularly in Serbia and Bosnia and Herzegovina ⁽²⁶⁾. The presence of organised crime groups has also led to security incidents in the reception centres ⁽²⁷⁾. The European Commission consistently invites Bosnia and Herzegovina to cooperate with Europol and participate in EMPACT to dismantle criminal groups, including through support to projects such as EU4FAST.

Oversight and Monitoring Mechanisms

The Human Rights Ombudsman of Bosnia and Herzegovina was designated as the country's national preventive mechanism against torture and ill-treatment in 2023, in line with the Optional Protocol to the Convention Against Torture ⁽²⁸⁾. However, the institution's 'ethnic composition and

⁽²⁴⁾ EUAA, 'External evaluation of Roadmap', October 2022, p. 26.

⁽²⁵⁾ Save the Children, 'Refugees and migrants at the Balkans route – Regional overview January-August 2024', 2024, https://resourcecentre.savethechildren.net/pdf/Refugees-and-Migrants-Balkans-Regional-Overview_Jan-Aug-2024_SC-BMDH-DATA.pdf, p. 13.

⁽²⁶⁾ Save the Children, 'Wherever we go, someone does us harm: Violence against refugee and migrant children arriving in Europe through the Balkans', August 2022, <https://resourcecentre.savethechildren.net/pdf/Wherever-we-go-someone-does-us-harm-WEB.pdf>, p. 13.

⁽²⁷⁾ Save the Children, 'Refugees and migrants at the Balkans route, 2024'.

⁽²⁸⁾ Association for the Prevention of Torture, 'Bosnia and Herzegovina', APT website, <https://www.ap.t.ch/knowledge-hub/opcat/bosnia-and-herzegovina>.

consensual decision making [...] need reform to ensure effective functioning.’⁽²⁹⁾. In 2024, the Ombudsman reviewed 23 cases related to the rights of foreign nationals, 12 more than in 2023⁽³⁰⁾.

Bosnia and Herzegovina lacks an independent border monitoring mechanism. The OSCE found that ‘non-governmental organizations have taken over recording human rights concerns related to border police actions at the Bosnia and Herzegovina-Croatia land border’⁽³¹⁾. Frontex has organised numerous trainings for the Border Police of Bosnia and Herzegovina on various fundamental rights-related topics funded by the Instrument for Pre-accession Assistance.

Capacity Constraints

A chronic constraint remains the understaffing of the Border Police, with a ‘quarter of vacancies not filled’ as of 2025⁽³²⁾. Limited resources hinder the systematic identification of persons with vulnerabilities and impede efforts to counter organised smuggling and trafficking networks. Union support in this regard is ongoing. In April 2025, 142 Border Police cadets completed seven months of training financed in part by over EUR 500 000 in European Union assistance. The European Union previously funded the training of 150 cadets and has provided over EUR 8 million for specialised equipment, vehicles, communication and IT systems for the Border Police⁽³³⁾.

Commitments under international law

Bosnia and Herzegovina has ratified all major European and international human rights instruments. It has been a Member State of the Council of Europe since 2002 and has ratified the European Convention on Human Rights, making it subject to the jurisdiction of the European Court of Human Rights. Bosnia and Herzegovina is a party to the revised European Social Charter, the Council of Europe Convention on Action against Trafficking in Human Beings, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the Framework Convention for the Protection of National Minorities⁽³⁴⁾.

Bosnia and Herzegovina is a party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and its Optional Protocol and Second Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol. Bosnia and

⁽²⁹⁾ SWD(2025) 751 final of 4 November 2025, p.37.

⁽³⁰⁾ Human Rights Ombudsman of Bosnia and Herzegovina, ‘Godišnji izvještaj o rezultatima aktivnosti Institucije ombudsmana za ljudska prava Bosne i Hercegovine za 2024. Godinu’, p. 13, March 2025, https://www.ombudsmen.gov.ba/documents/obudsmen_doc2025042115250331bos.pdf.

⁽³¹⁾ OSCE, ‘Border police monitoring in South-Eastern Europe: New Opportunities’, 23 October 2023, https://www.osce.org/files/f/documents/0/5/556554_0.pdf, p. 19.

⁽³²⁾ SWD(2025) 751 final of 4 November 2025, p. 53.

⁽³³⁾ IOM, ‘BiH Border Police reinforced with 142 new officers thanks to EU support’, IOM website, 28 April 2025, <https://bih.iom.int/news/bih-border-police-reinforced-142-new-officers-thanks-eu-support>.

⁽³⁴⁾ Council of Europe, ‘Treaty Office – by member States of the Council of Europe’, Council of Europe website, <https://www.coe.int/en/web/conventions/by-member-states-of-the-council-of-europe?module=treaties-full-list-signature&CodePays=BOS&CodeSignatureEnum=&DateStatus=&CodeMatiere=>.

Herzegovina is also a party to the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to its Optional Protocol. The country has also concluded the Convention on the Rights of the Child and its Optional Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography. It is also a party to the Convention against Transnational Organized Crime, including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air. Bosnia and Herzegovina has also acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Convention on the Rights of Persons with Disabilities, and its Optional Protocol. Bosnia and Herzegovina has also signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families⁽³⁵⁾.

As such, the legal framework to ensure that fundamental rights obligations are respected, and possible violations can be legally redressed, exists in Bosnia and Herzegovina. What the country currently lacks, however, is a comprehensive policy for the enforcement of human rights, which remains uneven across the country.

Conclusion

This assessment concludes that the challenges described in this assessment do not, at this stage, present a risk that Frontex operations would contribute to or become complicit in serious or persistent violations of fundamental rights or obligations concerning international protection. As such, the fundamental rights situation relevant to the status agreement with Bosnia and Herzegovina does not preclude the deployment of the standing corps, provided such activities are conducted with appropriate safeguards. The legislative framework is broadly in place, strengthened by the country's accession trajectory, though there are some deficiencies in resourcing, coordination, and the consistent application of law. These weaknesses are recognised and can be addressed, in part, through sustained Union support and closer cooperation with European Union agencies, particularly Frontex and the EUAA.

Most reported human rights-related concerns appear to stem from limited capacity, inadequate infrastructure and the practices of organised crime. This underlines the importance of continued investment in the Border Police of Bosnia and Herzegovina and the establishment of transparent national mechanisms to investigate alleged violations and to implement effective safeguards.

Frontex's activities in Bosnia and Herzegovina to date have not led to any allegations of fundamental rights violations. On the contrary, a stronger mandate for Frontex in Bosnia and Herzegovina would reinforce transparency and accountability, given the Agency's established monitoring tools, including Serious Incident Reports, the Complaints Mechanism, whistleblower

⁽³⁵⁾ OHCHR, 'Status of ratification – interactive dashboard', OHCHR website, <https://indicators.ohchr.org/>.

protections and especially the deployment of fundamental rights monitors ⁽³⁶⁾. Deployments by Frontex, with the close involvement of its Fundamental Rights Office, offer an opportunity to embed international standards in daily practice and to support the identification and protection of victims of trafficking in human beings.

The status agreement is therefore both a symbol of the Union's commitment to Bosnia and Herzegovina and a practical vehicle for alignment with European integrated border management. Operational activities should be designed with full regard to relevant international and Union law, in particular the Charter of Fundamental Rights and the Regulation, ensuring systematic monitoring, effective safeguards, and robust training for all deployed personnel.

Finally, this assessment does not affect the overarching obligation under the Regulation of Frontex and its Executive Director to assess whether there are, or are likely to be, serious or persistent violations of fundamental rights or international protection obligations related to specific activities that are to take place on the basis of this status agreement, and to then respond accordingly. Should the Executive Director consider that launching an activity in Bosnia and Herzegovina could lead to serious or persistent violations of fundamental rights or international protection obligations, it is his or her responsibility not to launch that activity. Similarly, where the Executive Director determines that such serious or persistent violations are occurring, it is solely his or her responsibility to withdraw the financing for the activity in question or suspend or terminate it in whole or in part as deemed appropriate to address the situation⁽³⁷⁾.

⁽³⁶⁾ Article 110 of the Regulation provides for the deployment of fundamental rights monitors, under the supervision of the Fundamental Rights Officer, tasked with continuously assessing fundamental-rights compliance in all Frontex operational activities, advising during their planning, conduct and evaluation and contributing to training. They operate independently and enjoy access to all operational areas and relevant documents, and report concerns about possible violations to the FRO. This ensures systematic, professional and independent fundamental-rights oversight of all Frontex activities in third countries.

⁽³⁷⁾ Regulation (EU) 2019/1896, Article 46.