

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Bosnia and Herzegovina: Failure to adopt new legislation on identification numbers is an attack on citizens' basic human rights

Amnesty International believes the delay in adopting a new law in Bosnia and Herzegovina (BiH), assigning personal identification numbers to the new born citizens of BiH constitutes an illegal attack on the country's citizens' basic human rights.

In early February 2013, an old law on identification numbers for citizens of Bosnia and Herzegovina lapsed, leaving all babies born since February 2013 unregistered. As a consequence the newborn babies were prevented from access to passports by which the BiH authorities directly violated international human rights treaties directly applicable in BiH.

The failure to provide citizens with personal identification numbers has a detrimental effect on several human rights, constituting, in effect, unlawful limitations of these rights. At stake are, in particular, the rights of freedom of movement (Article 12 of the International Covenant of Civil and Political Rights – ICCPR) and the right to nationality (Article 24 ICCPR), since those without identification numbers cannot get passports or other documents needed to leave and enter the country at will.

The consequences of these limitations might also have a detrimental impact on other basic rights such as the right to life (Article 2 of the European Convention on Human Rights - ECHR) and the right to health (Article 12 of the International Covenant of Economic, Social and Cultural Rights – ICESCR), since the failure to produce adequate travel documents that result in a denial of medical treatment abroad.

On 5 June, the Council of Ministers of Bosnia and Herzegovina adopted a temporary executive decision, valid for six months, which allows for the allocation of identification numbers until a new law is passed. While the lapsed legislation has been on the agenda for a while, including the instruction from the Constitutional Court of BiH for the Parliament of BiH to act upon it, legislators have so far failed to agree on how to redraw the districts that determine the 13-digit identification number assigned to each citizen of BiH.

The legal void resulting from the lapsed legislation and the legislators' failure to agree on the proposed bill to replace it has prompted a series of peaceful anti-government protests throughout the country demanding a long-term solution.

Amnesty International is additionally concerned at reports that some of the peaceful demonstrators in Sarajevo might be currently under investigation under "anti-terrorism" legal provisions, as well as reports of the announcement that the Ministry of Internal Affairs of the Republic Srpska has called for the investigation and monitoring of individuals' opinions and involvement in the protests through electronic social media and networks, which could have a chilling effect on the right to freedom of expression and assembly in the country, as enshrined in Article 19 of the ICCPR and Article 10 of the ECHR, of which BiH is a signatory.

The death of a three-month old Berina Hamidovic, who was denied timely health care because of the failure to produce an identification number (JMBG), has triggered fresh demonstrations outside the parliament of BiH in Sarajevo and other towns in BiH with thousands protesting over the politicians' failure

to approve the new legislation. Berina was born in Sarajevo on 17 March and was diagnosed with tracheoesophageal fistula at anastomosis because of which she was unable to eat. After a failed surgery in Sarajevo, her parents made an attempt to get a treatment for her in Belgrade, in neighbouring Serbia. Reportedly, Berina failed to get timely surgery in neighbouring Serbia due to the authorities' failure to provide her with an identification number. After being held for hours at BiH-Serbia border she arrived in Belgrade where she died on 13 June after developing sepsis.

Amnesty International urges the government of BiH to, without delay, take the necessary measures to ensure that, in the context of the proposed legislation on identification numbers, the basic human rights of its citizens are adequately protected. Amnesty International urges all BiH authorities to take into account all international obligations pertaining to freedom of expression and freedom of assembly before bringing the recent protests in any connection with the possible charges on terrorism.

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