



HELP ON THE ROUTE

ANNUAL REPORT FOR 2018

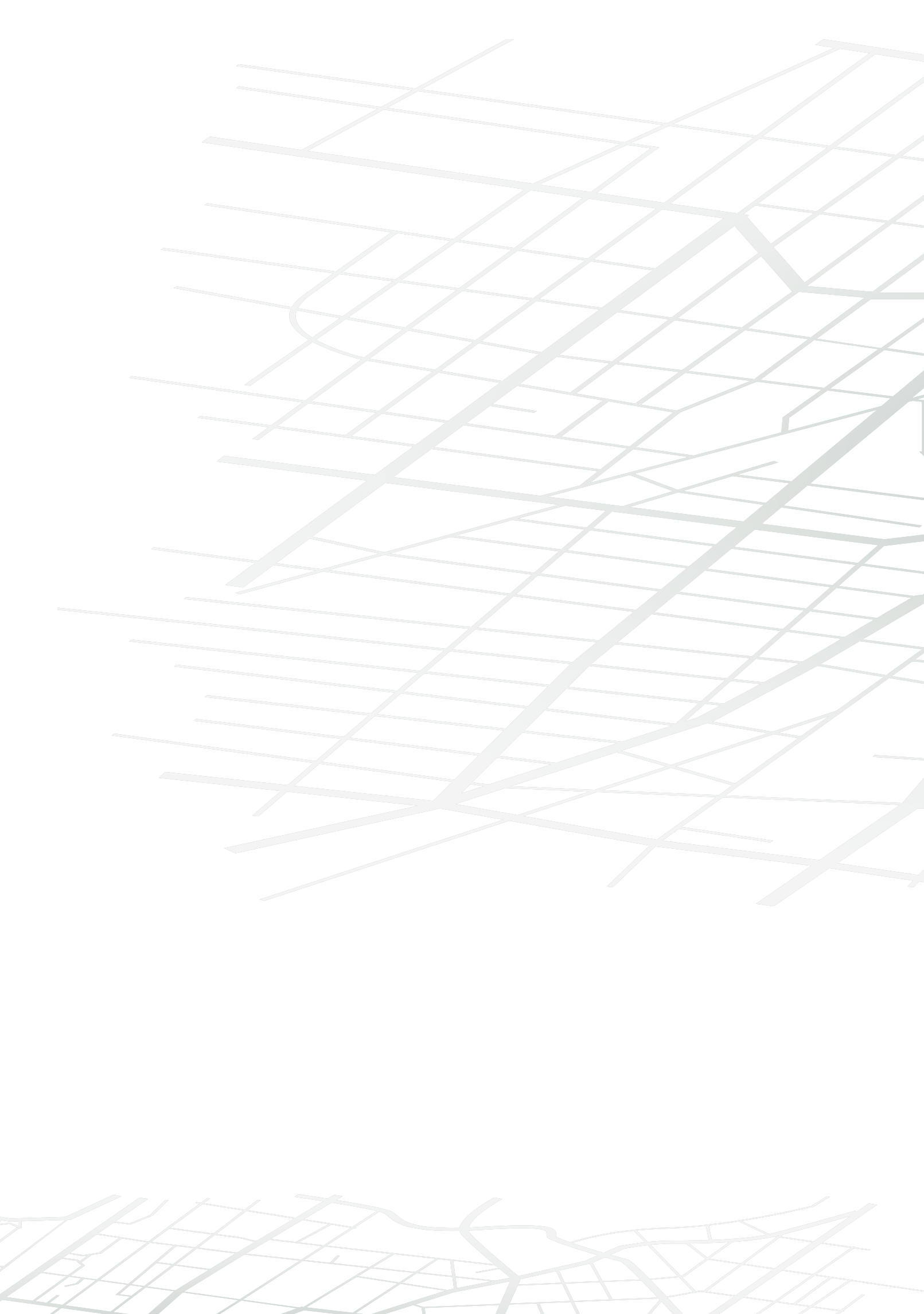
THE RIGHTS OF REFUGEES, MIGRANTS,
AND ASYLUM SEEKERS IN SERBIA



The Project is funded
by the European Union

PROJECT IMPLEMENTED BY:







ANNUAL REPORT FOR 2018

THE RIGHTS OF REFUGEES, MIGRANTS,
AND ASYLUM SEEKERS IN SERBIA

ANNUAL REPORT FOR 2018

The rights of refugees, migrants, and asylum seekers in Serbia

Publisher

Novi Sad Humanitarian Centre
Arse Teodorovića 3
21000 Novi Sad, Serbia

Co-publishers

Ana and Vlade Divac Foundation
Ilije Garašanina 53a/7
11120 Belgrade, Serbia

Arbeiter Samariter Bund Deutschland e.V.
Antifašističke borbe 14/8
11070 Belgrade, Serbia

Helsinki Committee for Human Rights of the Republic of Macedonia
Naum Naumovski Borce 83
1000 Skopje, Macedonia

Print

Stojkov štamparija d.o.o.
Laze Nančića 34-36
21000 Novi Sad

Photographs

Novi Sad Humanitarian Centre

Circulation: 200 copies

Novi Sad, 2018



All rights reserved. The content of this publication is free to use or copy for non-commercial purposes with the strict obligation to indicate the source. This publication has been produced with the assistance of the European Union, within the project „Help on the route – Fostering protection of human rights of migrants passing through Macedonia and Serbia“. The content of this publication are sole responsibility of Novi Sad Humanitarian Centre and can in no way be taken to reflect views of the European Union.

TABLE OF CONTENTS

Introduction	5
The overview of the refugee situation in Serbia in 2018	7
Access to territory and access to the asylum procedure	9
Unaccompanied minors	14
Formal and informal education	17
Accommodation of refugees, asylum seekers and migrants in Serbia	19
Refugees in informal dwellings	22
Forced pushbacks, harassments and torture	25
CONCLUSIONS AND RECOMMENDATIONS	29



INTRODUCTION

The qualitative survey on the current refugee and migrant situation in Serbia was carried out during September and October 2018 within the project “Help on the Route - Protection of human rights of migrants passing through Macedonia and Serbia”.

The survey included organising and holding of two focus groups and conducting of eight in-depth interviews with the relevant stakeholders in the context of mixed migratory movements in Serbia. In addition, the available reports and publications were analysed in order to obtain statistical data and analyses published by the relevant organisations and institutions throughout the year (the reports and publications of UNHCR, Belgrade Human Rights Centre, Praxis, RAS, Athens, as well as monthly reports within the “Help on the Route” Project were used).

In the survey we decided to include in one focus group the members of the refugee/migrant population, more specifically women, while the persons who participated in the second focus group were representatives of the organisations involved in providing of services to migrants in Belgrade. For the interviews we chose representatives from public and civil sector: a representative of the non-government organisation (NGO) involved in providing of legal assistance to persons in the asylum procedure; representatives of the organisation involved in providing of legal assistance, information and protection of refugees in the north of Vojvodina; a representative of the NGO organisation working primarily with women and children in reception centres and representative of the NGO providing services to refugees/migrants in the south of Serbia; representative of one elementary school attended by the refugee children; representatives of an international organisation providing medical services to refugees outside the reception centres; representative from the social protection system responsible for field work with unaccompanied minors and representative of the Commissariat for Refugees and Migrations of the Republic of Serbia.

With such a selection we have tried to cast the light on different aspects of the analysed issues.



THE OVERVIEW OF THE REFUGEE SITUATION IN SERBIA IN 2018

During 2018, the number of refugees, migrants and asylum seekers (hereinafter referred to as: migrants) in Serbia has been relatively stable, with a tendency of a slight decrease to the middle of the year and a new increase in the second half. The total number of migrants ranged from 3,000 to 4,000. At the time of writing the Report, by the middle of October, there were 3,825¹ of migrants. The relatively stable number of migrants in Serbia this year is in contrast to the large number of new arrivals recorded. Since the beginning of the year, when there were about 300 newcomers a month, their number continued to grow with a sharp increase recorded from June to October (around 2,000 new arrivals per month). In September, the number of newly arrived migrants reached 2,523².

Due to activating of the route towards Bosnia and Herzegovina at the beginning of spring, a large increase in the number of new arrivals did not significantly affect the total number of migrants staying in Serbia. The newly arrived migrants pass through Serbia without longer delay, hoping to continue their road towards the western European countries through Bosnia and Herzegovina. The migrants who have spent longer or shorter time in Serbia, in the accommodation centres also embark on the journey to BiH. It can be indirectly concluded that the number of migrants trying to get out of Serbia is growing judging by the growing numbers of forced pushbacks from this country recorded by the UNHCR since March this year.

At the beginning of the year, 95% of migrants were accommodated in reception and asylum centres, but this percentage was gradually and slightly decreasing until May, when it made around 87% and remained unchanged until October. Other migrants (several hundred) stayed in informal and improvised shelters near the borders in the north and west of the country, as well as in Belgrade. No new accommodation capacities were built in 2018, but in August there was a temporary closure of the centres in the south of Serbia - the Reception Centre (RC) Preševo, RC Divljana and RC Dimitrovgrad. After that, 10 reception and 5 asylum centres remained open.

Among significant events in 2018 we should single out the adoption of new laws of relevance for the population of refugees, migrants and asylum seekers in Serbia: the *Law on Asylum and Temporary Protection* (the implementation of which started on June 3rd) and the *Law on Foreigners* (the implementation of which started on October 3rd). Also, the decision of the Serbian Government to lift visas for the citizens of the Islamic Republic of Iran in September 2017 led to an increased inflow of refugees/migrants from this country. They were coming to Serbia by plane, after which they mostly did not return to Iran, but continued their way to Western Europe using illegal routes. In the middle of October, 2018 the visa regime was re-established. There was further reduction of the number of migrants allowed by the Hungarian authorities to enter the territory of Hungary and apply for the asylum to ten persons a day - one person per working day, at each of the two border crossings (Horgoš and Kelebija) from January 23rd, 2018³.

1 UNHCR Serbia Update 1-14 October 2018

2 Serbia Statistical Snapshot, UNHCR, September 2018

3 UNHCR Serbia Update 22/01 – 04/02/2018

ACCESS TO TERRITORY AND ACCESS TO THE ASYLUM PROCEDURE

The most significant changes in this area are related to passing of new laws on asylum and foreigners. The long-awaited **Law on Asylum and Temporary Protection** came into force on April 3rd, and began to be enforced on June 3rd, 2018. Some of the significant changes introduced by this Law include:

- » Merging of the application (issuing of certificates on the expressed intention to apply for the asylum) and registration procedures (fingerprints and photographs taking) into one procedure. According to a new procedure, a registered person is issued the *Certificate of Registration of a foreigner who expressed the intention to apply for the asylum*.
- » New deadlines have been introduced - the deadline for the Asylum Office to allow a potential asylum seeker to submit an application for asylum is 15 days from the moment of registration. If the Office fails to allow the submission of application within that time period, a person may do so himself/herself using the prescribed form, within the additional 8 days. New deadlines for passing of the decision were also introduced, which were extended to 3 months (compared to the previous two), with the possibility to extend the deadline several times if necessary, each time for 3 months, and up to a maximum of 12 months.
- » The list of "safe third countries" that would lead to the automatic rejection of asylum applications will no longer apply. Under the new Law, in each individual case it will be assessed whether the state through which the asylum seeker has passed, is safe for him/her.
- » In addition to a regular asylum procedure, the following options have been introduced: subsequent asylum application, accelerated asylum procedure and submission of an application at a border crossing or in a transit area.
- » Measures have been anticipated for the protection of unaccompanied minors, who must be appointed a temporary guardian to take care of his/her best interest: inform the minor about the asylum procedure, rights and obligations, attend when expressing his/her intention to seek asylum, attend the act of submission of application for asylum and hearings, etc. An unaccompanied minor may not be subjected either to an accelerated procedure or to a procedure at the border or in a transit area. Unaccompanied minors have the priority in asylum procedures and other procedures.
- » The responsibilities of the Commissariat for Refugees and Migration (CRM) are extended - apart from providing shelter, food and clothing, the CRM has the obligation to provide funds for the personal needs of asylum seekers; to implement programmes of voluntary return of foreigners whose asylum application has been rejected, dismissed or suspended, foreigners who have been granted or temporary protection or the same has been terminated and whose right to asylum has ceased. The CRM also has responsibilities in the field of integration, among other things, to supervise the learning of the Serbian language by persons who have been granted the asylum.
- » In terms of integration, the rights of persons who have been granted subsidiary protection and persons granted refuge are equalized. Both individuals have the right to stay, along with the right to accommodation, freedom of movement, health protection, education, access to the labour market, legal aid, social assistance, property, and freedom of religion, family reunification, documents and integration assistance. Family members of persons who have been granted the asylum also have the right to stay in the Republic of Serbia.

» Except for shelter and subsidiary protection, a third type of protection is also provided: temporary protection which is granted in the case of massive inflow of persons if it is not possible to efficiently carry out an individual asylum procedure - for those who left the area of armed conflict or local violence and persons who are in serious danger of human rights violations, or who have been the victims of such violation. Temporary protection is granted on the basis of a decision of the Government of the Republic of Serbia.

A new **Law on Foreigners** introduces the possibility of temporary residence on humanitarian grounds for persons who cannot be granted the right to asylum but cannot leave Serbia. The possibility of a tolerated stay for foreigners who are illegally staying in the territory of the country and who cannot leave it is also introduced.

Since the enforcement of the Law on Asylum started in June, some shortcomings of the Law have already been observed in practice, although some aspects require more time to determine how they function in practice. The opinion of organisations providing legal assistance is that deadlines of 15 + 8 days for submitting the application are very short and reduce the access of potential asylum seekers to the asylum procedure. It is assumed that the capacities of the Asylum Office are not sufficient for frequent visits to the asylum centres, so many potential asylum seekers will be in a position to apply themselves. Organisations visiting the asylum and reception centres, informing migrants about the asylum procedure and helping them apply, also lack sufficient capacity to cover all the centres that are currently active.

Within the first four months of implementation of a new Law, it was noticed that forms for applying for asylum were not available in the centres, and those that existed were in the Serbian language, written in Cyrillic script. Translation of the forms is under way; however, due to the expiry of the deadline for filing, the asylum applications have already been rejected.

“Theoretically, every person is entitled to submit the asylum application. However, taking into account that those forms are neither available nor translated it is merely a fiction.” – a representative of an NGO involved in legal assistance providing

The second reason for automatic rejection of asylum applications is the asylum seeker's departure to another centre, not the one he was sent to during the registration. Civil society organisations have listed examples from practice, that a registered person appears at the centre where he/she was sent to, but the management of the centre say there is no room available, and he/she is directed to another centre; The Asylum Office did not accept such applications.

Since the implementation of a new Law has begun, a positive change is that no applications have been rejected based on the automatic application of the safe third country concept.

“Until now, a huge number of applications have been rejected automatically, by virtue of the safe third country concept from 2009, by which all countries with which Serbia is bordered have been declared as safe countries. The vast majority of applications were previously rejected on the grounds that someone came from Bulgaria or Macedonia and did not prove that there was a reason why he/she did not ask for asylum there. According to a new Law, there is no list that is applied automatically, but each case must individually evaluated - whether that third country was safe...” – a representative of an NGO involved in legal assistance providing



A new Law, just as the previous one, anticipates that a travelling document form is adopted based on a bylaw passed by the Minister.

“A previous law was in force for 10 years and the Minister never adopted a travel document form. Now again we have the Minister adopting the document. We still do not know how the form looks like. The non-issuing of travel documents practically forces those people to address their country of origin, to go to the Embassy. In many countries that may mean threat to their families that stayed in the country of origin. For example, if a Syrian is granted the asylum in Serbia and goes to the Embassy, their departments pass on the information about that person living in Serbia, which can put in danger the members of their families who stayed behind. In addition, for example for Syria, all those who have not served the army can not get passport so easily.” – a representative of an NGO involved in legal assistance providing

At one consultative meeting on the implementation of a new Law, the representatives of organisations providing legal assistance drew attention to the illogicalness of the asylum procedure for unaccompanied minors: the Law stipulates that the presence of a temporary guardian is necessary when expressing the intention for asylum whereas, at the same time, the temporary guardian is assigned only after registration. The current practice is that a representative of the Centre for Social Work goes to the police station when unaccompanied minors are registered ex officio, at the call, because the police should not let a minor go if an official from the Centre for Social Work centre is not present. However, this representative is not a temporary guardian.

“In practice, the certificates are issued to unaccompanied children, without the presence of a guardian. Such certificates are not valid. In addition, the opinion of the Centre for Social Work on a child’s best interest has never been requested in a form of a document.” – a representative of an NGO involved in legal assistance providing

“Temporary guardian is assigned only after a person is placed in an accommodation centre, which does not happen instantly but has to be waited for. Yesterday, I had a medical escort for a minor who has been in the camp for a month now already and has not been assigned a guardian.” – a participant of a focus group with organisations involved in providing services

During 2018 there have been no changes regarding **issuing of certificates on the expressed intention to apply for the asylum** – the application could be submitted in regional police stations having inspectors for foreigners, at border crossings, at the airport, reception centre in Preševo and at the Reception Centre for Foreigners. In practice, the issuing of certificates on the expressed intention to apply for the asylum at the police stations functions better at some places and worse at other. For example, according to observations of some organisations, the police directorates in Subotica and Kanjiža do not conduct registration but they send people to Belgrade. In Belgrade there is still only one police station where registration is possible, the Police Directorate “Savski Venac”. That is why it still happens that people wait up to several days for registration. The dynamics depends on the inflow of new migrants and on the obligations of the MIA staff. Waiting for registration lasting for several days still occurs. However, although the registration process does not function perfectly, the evaluation of organisations providing legal support is that the very process of obtaining the certificate on the expressed intention does not represent larger obstacle and that still, with shorter waiting period, anyone who wishes to register can do so.

On the occasion of registration, if a migrant declare that he/she want to seek the asylum, he/she will get the certificate on registration and expressed intention to seek the asylum. However, if he/she declares that he/she does not want to stay in Serbia and intends to continue the journey, he/she is issued the cancellation of stay. Prior to enforcement of a new law everyone was issued the certificate on the expressed intention to apply for the asylum and now it is the case only with persons who express the intention to apply for the asylum. Persons who are issued the cancellation of stay do not have any other way to leave Serbia legally.

“As far as the police is concerned, according to a new law the registration requires the expressing of the intention to apply for the asylum; if they declare on the occasion of registration at the police station that they intend to continue their journey they will be issued the cancellation of stay irrespective if they reported to a certain police station for the first station. With such a cancellation certificate they can also be accommodated in the camp but the registration itself depends on whether they wish to stay.” – a participant of a focus group with organisations involved in providing services

Certain number of migrants does not want to register mainly because Serbia is not the desired destination for the largest number of people who arrive but they only see it as a country of transit. This depends on passability of borders at a certain point of time – those who can pass further more quickly do not have any motives to register. Some do not want to register because they are not sure whether it will be an obstacle to them to submit the application for an asylum in some other country. Most migrants do register after all in order to legalize their stay in the country and have the possibility to be accommodated in the reception centre.

After the performed registration at the police the migrants are given the option to **submit the application for an asylum**. As it has been mentioned, until June 2018 the submission of application for an asylum was possible only on the occasion of field visits of the officers from the Asylum Office. Since the commencement of enforcement of a new law on asylum it has been possible to submit the asylum application personally. By giving the opportunity to migrants to submit the asylum application themselves the responsibility has been transferred onto the asylum seekers. In addition to the problems regarding unavailability of the forms and non-existing of the forms in their languages (it is expected that this problem will be resolved soon) the challenge remains for the asylum seekers to fill in the forms correctly:

“They often do not know to fill in the form adequately themselves because they write irrelevant things, and it happens that they omit some circumstances that are important for the asylum to be granted to them. It happens that when asked about the reason for leaving the country, they write whatever troubles them, for example, they may write three pages about their love problems and only later in a conversation it gets discovered they failed to mention something they could have been sentenced with death penalty back there. But they are accustomed to it, because they live in very troublesome countries and do not pay attention to it when filling in the form ...” - a representative of an NGO involved in legal assistance providing

The disproportion between the number of the issued certificates on the expressed intention to apply for the asylum and the number of applications submitted in 2018 did not decrease compared to the



previous year, when 6,199 certificates on the expressed intention to apply for the asylum were issued and 236 persons applied for asylum⁴. This year, according to UNHCR data, 6,199 certificates on the expressed intention to apply for the asylum were issued in the first 9 months, and 201 persons applied for asylum⁵. The reasons for the small number of submitted applications are mostly related to the fact that these people started their journey with the idea they want to go to some European Union country that provides good protection to refugees and immigrants; many already have some of their relatives or acquaintances in some countries and want to get there.

“Serbia is not a powerful country with strong economy and it cannot support the refugees as some other countries.”

“I know it is not going to be easy when I get there. I know I will have to stay in the camp, pass through the procedure, but I am certain that patience will be worthwhile.”

“Here I feel I have no life and destiny. I want to have clear destination and destiny, to feel that is my life and that my life is in that country.”

“I’ve heard they have a high quality educational system in Germany and that is why I want to go there. They also have good medical care and I have a sick son.”

“We’ve heard we will get certain amount of funds for one year. After that we have to find job and take care of our subsistence. The money that they give is not sufficient for normal living.” - women migrants, participants of the focus group

It is possible that a small number of applications are affected by the fact that migrants are poorly informed about the possibility of staying in Serbia, as well as the limited capacity of the Asylum Office to go to the field visits for the purpose of completing the applications and conducting a hearing.

The police continue to send migrants to reception and asylum centres on a random basis, according to the available accommodation capacities, without a system of previous screening that would separate those who are potential asylum seekers from those who do not intend to seek asylum. It is difficult to potential asylum seekers accommodated in reception centres to access the asylum procedure, as the Asylum Office officers go only to asylum centres. Those who want to apply for asylum, and are accommodated in a reception centre, instead of at an asylum centre, are left with the option to contact an organisation involved in legal assistance providing. The implementation of a new Law on Asylum requires quick reacting so as not to exceed the deadlines.

This year, the number of approved asylum applications has increased as compared to 2017: a total of 14 requests (3 sanctuaries and 11 subsidiary protection⁶) were approved last year, while in the first nine months of 2018, 26 requests were granted (12 sanctuaries and 14 subsidiary protection)⁷. In the period

4 “Srbija nakon zatvaranja Balkanske rute” (“Serbia after closing down of the Bakan Route”), Humanitarni centar za integraciju i toleranciju (Humanitarian Integration and Tolerance Center), December 2017

5 “Pravo na azil u Republici Srbiji 2017” (“Right to asylum in the Republic of Serbia in 2017”), Beogradski centar za ljudska prava (Belgrade Human Rights Center), Belgrade, 2018

6 Summarized statistical data from: Serbia Statistical Snapshots, UNHCR; January-September 2018

7 “Pravo na azil u Republici Srbiji 2017” (“Right to asylum in the Republic of Serbia in 2017”), Beogradski centar za ljudska prava (Belgrade Human Rights Center), Belgrade, 2018

8 Summarized statistical data from: Serbia Statistical Snapshots, UNHCR for the period from January to September 2018

after the commencement of the implementation of a new Law on Asylum in August and September, there were no approved applications.

To make a decision to seek asylum in Serbia, accurate and precise information is very important, as migrants are largely informed by smugglers who give them information in their own interests, to make them continue their journey. Accurate and precise information is needed on the possibility of asylum seeking in Serbia and how the asylum procedure is being conducted, so that they can make an informed decision on further steps.

“Quite a lot of refugees do not even know that there is the possibility to seek asylum in Serbia. Many of them do not know what continuing further means. Most are not informed well. For example, if they are in the asylum centre some of them think they have been granted asylum in Serbia merely because of that. Many think they are in some kind of transit here. Hungary calls its units at the border the ‘transit zones’ and therefore people think that by going to Hungary they will be in some kind of transit to Germany – that they only need to wait for some time because they are enabled to continue further to Germany. They get confused when they hear that those zones are merely the places where they may apply for asylum or not.” - a representative of an NGO involved in legal assistance providing

The importance of timely and correct information becomes of crucial significance with passing of a new Law on Asylum due to the danger to lose the right to asylum because of expiry of deadlines or going to a wrong centre.



UNACCOMPANIED MINORS

According to statistical data, but also judging by the impression of organisations involved in service providing, by the middle of the year, a significant increase in the number of unaccompanied minors (UMs) was recorded: from around 30 a month at the beginning of the year to over 400 recorded in August and September⁸. This number includes a certain number of persons that are justifiably assumed to be adults, but declares themselves as minors, so it is not possible to estimate how many of them are true minors. The problem poses the circumstance that there is no way of determining age, except for a court order for determining it in a medical institution. Therefore, based on the migrants' statement at registration his/her age is also registered. In practice that poses a problem because, on the one hand, it puts the load on the field workers who conduct identification, and, on the other hand, it represents a security risk for unaccompanied minors, because they are accommodated in the same accommodation. The main reason why adult persons declare themselves to be underage is that they then have the possibility of being accommodated in the only Belgrade centre, in Krnjača. There are also cases in which a minor declares as an adult, although much less often. The reason is mainly the fear that they don't get separated from the group they travel with. Unaccompanied minors are in most cases boys, with rare exceptions.

“At a weekly level we identify around one hundred of unaccompanied minors, for sure... here I have to distance myself – we absolutely observe the declaration a minor issues about his/her age.” – a field worker

“Previously the field workers were also entitled to evaluate whether someone was not a minor despite declaring himself/herself as such and after that the police, and the Commissariat for Refugees and Migration as the third selection level. The problem is that there is no clear criterion – it happens that someone who looks older gets rejected and sometimes not.” – a participant of a focus group with organisations involved in providing services

“Considering that they have no documents at all we can only express doubt about the age they reported to us. We take their statements and there is no other way, but we have the right to talk with them. When it is entirely obvious that someone is older we try to make them agree to register as adults through a conversation.” – a field worker

Compared to last year, the roles of individual stakeholders in the identification and protection of unaccompanied minors have changed. From the middle of this year, the field worker hired by the Ministry for Labour, Employment, Veterans' and Social Affairs are responsible for identification. They are not necessarily social workers by the profession and do not have public authorities provided by the Centre for Social Work. After being accommodated in a reception centre, the Centre for Social Work assigns a temporary guardian to an unaccompanied minor, who does not need to be a social worker

⁸ Serbia Statistical Snapshots, UNHCR; January-September 2018

employed in the Centre for Social Work, but can be a person with experience in working with a refugee population selected according to the prescribed criteria. At the moment, six temporary guardians are hired in Belgrade and six more are planned to be hired. Throughout the whole system of identification and protection, only the case manager is the employee of the Centre for Social Work. Until recently, one case manager was in charge of all unaccompanied minors in Belgrade, and now another one has been hired.

The representatives of organisations that disseminate information and issue referrals to newly arrived migrants are the first who come in contact with an unaccompanied minor in Belgrade. They refer them to report to field workers in the Miksalište. Field workers conduct an interview with them in the presence of an interpreter. After that, they may, if necessary, refer them to a medical examination, take them to Infopark for a meal, schedule appointments for registration at the Department for Foreigners, etc. They take groups of minors to registration at a scheduled appointment; however, they do not enter in with them (because they have no authorization). At the invitation of police officers, a representative of the Centre for Social Work comes ex officio to sign and take over an unaccompanied minor. When a representative takes a minor from the police station, he/she is again taken over by a field worker who organizes accommodation (in Krnjača). After that their health status is checked again in the outpatient clinic at the asylum centre, and Commissariat for Refugees and Migration registers and accommodates them. Only when this is done the Centre for Social Work Centre is alerted that there are minors in the asylum centre who need a guardian.

In places outside Belgrade, identification, assessment of the best interests and child's protection are aggravated. According to the organisations that work in the field in Vojvodina, the system of care for minors by engaging field workers has not improved much in comparison to last year. There is still a problem of the response of the Centre for Social Work and timely responding aimed at protection of unaccompanied minors.

“Two to three weeks ago, a 12 year old boy who stayed in Krnjača for a couple of days was identified in Šid. During that time, he did not get even the so-called ID Card from the Centre, no temporary guardian was appointed, no certificate of the expressed intention was granted to him, and he was staying in Serbia without any papers. He was with a group of adults who probably lured him to go with them to an irregular crossing. He was found at ‘Grafosrem’, in the company of adults, he attempted to cross the border illegally several times, and even the Croatian police officers took and smashed his cell phone and he was exposed to violence. He contacted our office - he asked if we could provide him a new mobile. But the point is that he slept in ‘Grafosrem’ for several days. Our colleagues called the Centre for Social Work several times. A girl who is an intern, who is not a social worker, came in, said she did not know what to do because she had to consult the supervisor. Only after a few days (and all that time the boy sleeps in unhygienic conditions, with adult men) they came with a solution to respect the will of a 12-year-old child, who expressed the intention to try an irregular crossing. He will not be even assigned a temporary guardian, but if he wants he can go to Principovac for a few days, the Commissariat gave permission. He was a little bit reluctant, but since he was in the company of these adult men, they influenced him and he went with them. A few days later he was gone. The bottom line is that although there were a lot of initiatives and the will to improve, enhance and capacitate the system to manage such cases, there is a lot of room for improvement.” - a representative of an NGO involved in legal support providing

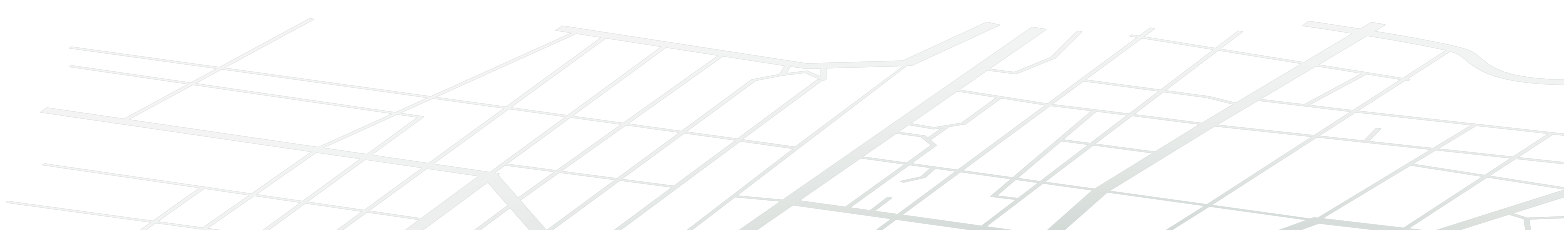


The Commissariat for Refugees and Migration is responsible for accommodation of unaccompanied minors in Serbia. This year, for them, the “Krnjača” Centre at the outskirts of Belgrade was assigned to them. The largest number of minors is accommodated there, and in addition to that there are three more institutions of social protection in Serbia (two in Belgrade and one in Niš), as well as one accommodation managed by the Jesuit Refugee Service organisation. The total capacity of these four accommodation centres is around 60 persons. All three social welfare institutions are either centres for the accommodation of children without parental care, or intended for the accommodation of children with imposed educational correction measures (in conflict with law or behavioural disorders). As a rule, younger minors are accommodated in these centres. Fluctuation of the number of unaccompanied minors in the centres is high – they leave public social institutions because they are either bored or afraid (in centres where they are accommodated together with children in conflict with the law). The number of children also decreased in the JRS accommodation with the occurrence of warmer weather, because they are trying to cross illegally into the EU countries.

“We had a boy, at the fourth grade, who was alone. He attended our school from the safe house and he was later moved to the foster family in Obrenovac. His father called him from Afghanistan every day telling him that someone was waiting for him at that and that place and that he had to move on. Wonderful child, good pupil... and there he is now in Hungary... alone. He has no one. He continues further on his own. Where to?!” – a pedagogue of the school attended by migrant children

Although the aim of accommodating the majority of the unaccompanied minors in one reception centre was to provide better conditions and protection, this was not fully achieved because other categories of beneficiaries are also accommodated in that accommodation. Unaccompanied minors are accommodated in special barracks or in barracks with families. Also, it is not negligible to mention the problem of “false” minors, who are treated as minors based on their own statements, and are therefore accommodated in the same centre with persons who are truly underage.

“Krnjača is the asylum centre where both the asylum seekers and mixed population waiting to enter Hungary are accommodated, where the population of those who are not registered at all also enters and dwells. The fact that they have gathered all of them at one place is a progress compared to a previous situation but it cannot be said that it is an adequate solution. It was only a temporary measure and it is by no means adequate as a long-term solution.” - a representative of an organisation involved in legal support providing



FORMAL AND INFORMAL EDUCATION

All the children from the migrant population are entitled to education, irrespective of their status. The inclusion of migrant children in the school system, which started last year, continued this school year. According to the UNHCR data, 95% of children aged from 7 to 14 are included in elementary schools, while around 12% of children are enrolled in secondary schools⁹. This year a huge progress has been made in the number of children enrolled in secondary school, and pre-school institutions. According to the data of the Commissariat and UNICEF, 420 children in total are enrolled in pre-schools, elementary or secondary schools, including 211 of newly registered¹⁰.

“It is a change compared to last year when we had only a few secondary school pupils- Those were rare examples. Currently, for example, there are around 20 children in Kikinda who are enrolled in secondary school. They all attend the grammar school.” – a representative of NGO that conducts activities in the reception centres

The total number of children enrolled in elementary schools is lower than in 2017, due to the decrease in the number of refugees in Serbia. Among the children who have been enrolled in schools this year there are those who went to school last year, but also those who came to Serbia this year. Due to the large fluctuation in the number of beneficiaries in the centres, the structure of children has changed, which is a challenge for integration into the school system, primarily in terms of the language barrier and the period of adaptation that children need to be accustomed to. This year, NGOs will organize informal education activities and support in the overcoming of materials at the reception centres. In summer, the school preparation activities are organised, and during the school year, assistance is provided in mastering the materials taught in schools.

“In ICT corner our focus this year is the support to formal education. When children come they try to learn mathematics, geography, to obtain the opportunity to analyse the material once again with the educators. If the topics such as safety at internet and social media are processed the workshops are organised, and if it the matter of mastering the programmes – Word, Excel – we follow the level at which we need to proceed. Educational activities are connected with school groups. Smaller children learn better since they are given the contents to learn through play. With school children we follow up everything they do at school.” – a representative of NGO that conducts activities in the reception centres

This year a better organisation in the process of integration of migrant children in schools was noted compared to the last year when there was a great concern of the teaching staff and parents of local children because of cultural differences and fear that inclusion shall have a negative impact on the quality of teaching. This year, migrant children, in particular those who have spent a longer time in Serbia understand Serbian language up to a certain extent and they manage to follow up the teaching process.

⁹ UNHCR Serbia Update, 17-30 September 2018

¹⁰ Inter-Agency Operational Update, UNHCR, July-September 2018



The teaching staff has passed several education courses organised by the Ministry of Education, Science and Technological development but also by non-government organisations in order to adjust their work to new circumstances.

However, quite a lot has been left to schools when it comes to organisation of education of migrant children this school year again. Thus, it depends on the school whether these children attend only certain classes (and which) or they attend all the classes, whether they are evaluated (graded), the quality of work with them, etc.

“We were one of the first schools to accept migrant children. We were concerned as to how we were going to accomplish that. However, there were absolutely no problems. The support of the peer group meant a lot to us. The children played the greatest role. From the very start, during that first year, it was not important to me what they were going to learn. The children do not know the language, they come to a completely new environment. Those cultural differences were huge. It was important to me to see them socialised, accepted by our pupils and accepting our children because the differences were truly there. I do not see those differences any more. When I see them in the corridor I do not see those differences. They behave completely the same.” – a pedagogue of the school attended by migrant children

“They are all entered in class registers, and they were graded at the end of the school year. I do not know if they are graded in other schools... We are one of rare schools that graded migrant children. They were awarded school transcripts, pupils’ booklets. Only in cases when someone left school before the end of a school year we issued the so-called ‘School report’ as a kind of accompanying document.” – a pedagogue of the school attended by migrant children

“Not everyone had adequate previous knowledge. Some did not attend school, some have had informal education background... I have given myself the right to distribute them according to their age because it was only logical to place them together with their peers. In the beginning we also had supplementary classes – the Serbian language teacher worked with them after they finish with their regular lessons, while they wait for transport. That woman, who is also an interpreter, dedicates herself to them. She also helps them with mathematics, English and Serbian, whatever is needed the most.” – a pedagogue of the school attended by migrant children

“The children were assigned to enrol secondary school by the Ministry, to schools with vacancies, but also taking into account their wishes, whenever it was possible. Children who are older and who wish to educate themselves are given the opportunity to enrol in schools for adult education.” – a pedagogue of the school attended by migrant children

According to the opinion of a pedagogue from one of the schools, the co-operation with parents of migrant children should be intensified. Although they send children regularly to school they rarely come, for example, to performances although their children participate in programmes.

Mothers of school children from one reception centre, participants of a focus group, are satisfied because the children have the possibility to get out of the centre, but they think that the school their children attend is not involved sufficiently in work with them.

“They only copy from the blackboard, although the teachers tell them they actually do not need to do even that. They are only supposed to be present at lessons. There is no quality.” – a participant of a focus group

“My child tries very hard to keep up with other children, but the teacher does even see him.” – a participant of a focus group

“Children like to go to school because they have the opportunity to socialise, learn something, and have the impression they are getting educated.” – a participant of a focus group

“It is a great success that children attend school after all. It is exceptionally positive example and means a lot to children. A great challenge for us is the fact that children do not stay too long, because Serbia is not a desired destination and we always have fluctuation.” – a representative of NGO that conducts activities in the reception centres



ACCOMMODATION OF REFUGEES, ASYLUM SEEKERS AND MIGRANTS IN SERBIA

By August 2018, there were 5 active asylum and 13 reception and transit centres in Serbia. The Reception Centre Šid-station has been “on standby” since June 2017. In August, three other reception and transit centres changed their status to “standby” - reception centres in Preševo, Divljani and Dimitrovgrad. The reason is a decrease in the number of migrants and their tendency to avoid reception centres in southern Serbia, with increased interest in centres in the north of the country.

The largest number of migrants was accommodated throughout the year in the Reception Centre “Obrenovac” and Asylum Centre “Krnjača”. The Reception Centre “Preševo”, which was one of the centres that provided care last year for a large number of refugees, slowly emptied this year and was closed in August. In the Reception Centre “Adaševci”, the number of refugees rose sharply in the same month from about 300 to more than 500 persons. The difference compared to last year is that the accommodation of all unaccompanied minors was organised at Krnjača (with few exceptions), so that there are no more unaccompanied minors in other reception centres.

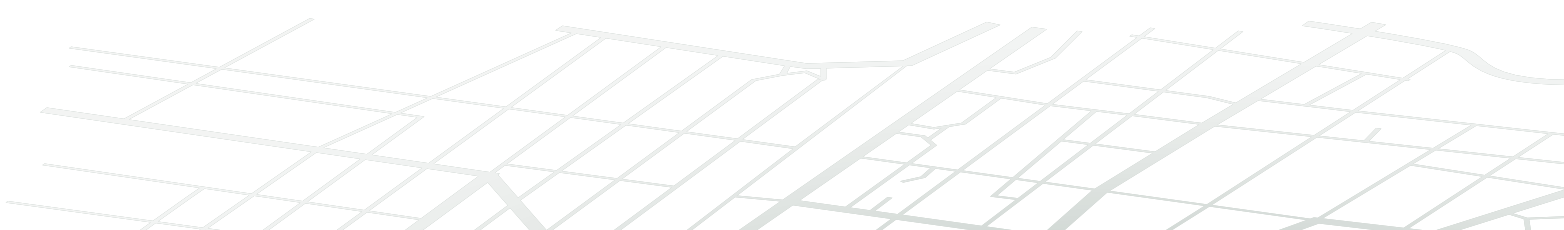
Other aspects of accommodation in the reception and asylum centres have not changed significantly compared to last year. Whenever possible, the principle that families should not be separated and that they should be accommodated in separate rooms is respected. Due to the decrease in the number of beneficiaries, this year it was easier to implement that than last year. Single adult men are accommodated separately from families, mostly several of them in one room. In the Asylum Centre “Krnjača”, unaccompanied minors are accommodated in separate barracks, but part of the minors are accommodated in the barracks where families. Families complain that single men fight with each other, they are noisy, they steal, so they do not feel safe in such circumstances.

In some reception and asylum centres, which used to be motels before, each room has a bathroom. In other centres, sanitary knots for men and women are separated. According to migrants’ impressions, the level of hygiene is not satisfactory and breakdowns are frequent so that most toilets and showers do not work.

“They do not use sanitation means to maintain hygiene in toilettes but only water.” – a participant of a focus group

According to information of the Commissariat for Refugees and Migration, heating, food and accommodation capacities were provided for migrants this year as well and international standards for accommodation were met. In co-operation with international organisations, the Commissariat provides hygienic products and non-food items (clothing, footwear, etc.).

There is general dissatisfaction with food among the tenants of the centres as well as with the distribution system for hygienic and non-food items. They think that food is not of good quality - they say that it is stale, insufficiently cooked, that the specificities in the diet are not respected. In centres where such



a possibility exists, the beneficiaries use the kitchen and sometimes cook themselves, so that situation is better. The beneficiaries consider that they do not get enough hygienic means, and that during the distribution the staff is rude and unjust.

“They gave me the shoes that were too big. I came back to replace them but they did not give me another pair.” – a participant of a focus group

“They do not even talk to us, they only repeat ‘there isn’t anything’, ‘we cannot’.” – a participant of a focus group

“My husband and I are diabetics. I went to the kitchen to ask only for bread because we could not eat anything else but they were so unpleasant that I did not even take bread in the end since I was offended.” – a participant of a focus group

Apart from accommodation and food, health care services are also provided in reception and asylum centres. There is an outpatient clinic in each reception centre with one medical team (a doctor, a nurse and a translator), and two medical team in centres with more than 400 beneficiaries. They provide general medical services and they issue referrals for specialist services. In some centres, there is a dentist, gynaecologist, and psychiatrist. These services are provided by international non-governmental organisations that hire doctors through health centres.

The lack of sensitivity of the representatives of the institutions is still present, but the representatives of organisations that provide assistance to migrants have the impression that the situation is slowly improving in that segment.

“People got used to them... They got used in health centres - but they cannot register them in the system because they do not have a unique personal number although they have notebooks labelled as ‘migrants’ where they are all registered.” – a participant of a focus group with organisations providing services

“We had situations before that we used to take with us the Law on Asylum, which stipulates that migrants are entitled to medical care, so that they could send them to their legal departments. Now the situation has improved but it still depends on a person on duty, and a kind of day they have.” – a participant of a focus group with organisations providing services

“We had the idea to conduct education for representatives of institutions because of cultural differences, but it was not accepted. Due to religion and their culture migrants have entirely different relationship between, for example doctors and patients. Our people make mistakes only because they are not informed. A doctor cannot approach a woman and say “get undressed”. This is an incident for them and a doctor hasn’t got a clue.” – a participant of a focus group with organisations providing services

Apart from absence of sensitivity, the problem is also in the lack of translators during medical examination that may result with diverse misunderstandings.



“When it comes to sensitivity... our health care system has a number of omissions but I think that a relationship with patients is not that bad – that it is required for men to examine women, which would be very embarrassing for them. However, the problem arises due to the fact that there is no translator to explain to the patient why he/she should undress or why something has to be done.” – a participant of a focus group with organisations providing services

Non-government organisations in the centres organize various activities for beneficiaries. In most centres, there is a corner for mothers and babies, through which the education of mothers and distribution of food for babies, diapers and other hygienic items is carried out. Various contents are organized in different centres - activities for school children, IT activities for young people, social cafes and various occupational activities for beneficiaries - sewing workshops, sports recreation, hairdressers, creative workshops, etc. These activities are project funded and their length and place of holding depend on the duration of the project and the centre that is the organizer of the activity. The Commissariat advocates as many as possible such activities to be organized for beneficiaries in the centres, but the funds that NGOs have for these purposes are getting smaller. The tendency is to transfer certain activities from the non-government sector to the Commissariat for Refugees and Migration.

Integration activities with the local community are sporadically organized, and the general attitude of representatives of organisations working with migrants is that more of such activities are needed.

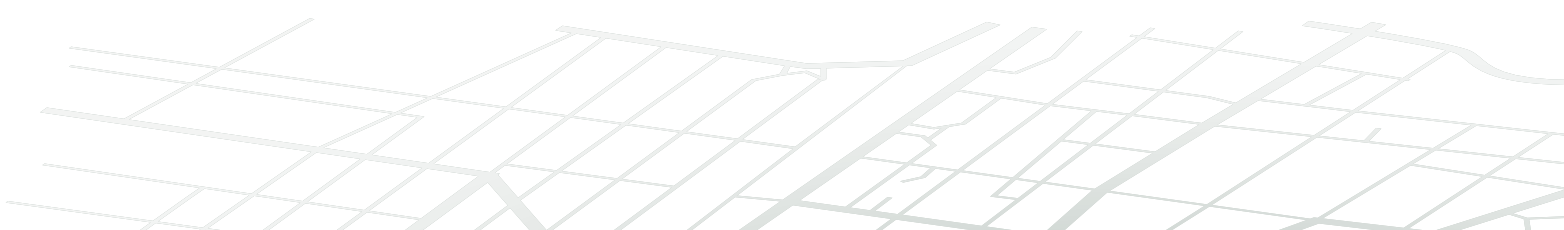
“We had joint cooking activity – women from a local community with women refugees. Once a week we took young people from the camp to young people (in the nearby town) and they had their joint activities. That is something that should be organized. Experiences are very positive. It means a lot to refugees. There were no problems at any moment.” – an NGO representative

However, the activities that are organized in the reception and asylum centres are not sufficient to fill the time and give sense to the time that the migrants spend in Serbia. That is why they have the feeling the time has stopped and the life shall re-commence once they reach the desired destination.

“Migrants want to work. One female migrant, who speaks Serbian quite well, was involved in cosmetics. I tried to find her a job in one of beauty parlours through our programme, but it is not possible according to our law.” – an NGO representative

“With opening of the route towards Bosnia there was a lot of disappointment when people fail to succeed. They hear of an example – they made it, they crossed. And when they return the families get entirely dysfunctional, depressed. Children need certain period to recover physically and they can start going to school again only after that.” – an NGO representative

Apart from a widespread occurrence of depressive reactions to situation in general (overall) migrant population, there is also a certain number of migrants with psychiatrist disorders. They pose a problem to collective accommodation because they disturb other people. Psychiatric hospitals are not designed for long-term accommodation of patients and there is no one to take care about them in the reception centres.



“It is very hard for them out there because no one in the camp is an expert. There are procedures for accommodation in psychiatric institutions. That cannot last for ever – neither for our people nor for refugees. It is well-known how to work with a schizophrenic person - one does as much as possible and then they return to their family, in this case to a camp. People in the camp are not educated on psychiatric illnesses and they are assigned bigger load than they should be: these people can refuse to drink medications, there is no one to persuade or control them. I understand the camp staff - you cannot control that whole mass so easily, know what kind of persons you deal with, what therapy they take, and whether they have taken it on the morning in question, especially if they do not have a family. This is definitely a big problem. Inter-sectoral co-operation should be much more intensive - the co-operation between the Ministry of Health and Ministry of Social Policy.” – a representative of the organisation providing health care services

“No official clinical psychologists are hired yet. If you ask the camp managers they will all tell you that they have a psychologist although it is not a clinical psychologist who can communicate with a psychiatrist and follow up people with mental problems. A person is required who could see what the problems are and refer them to the psychiatrist.” – a representative of the organisation providing health care services



REFUGEES IN INFORMAL DWELLINGS

In 2018, the number of migrants who stayed outside the reception and asylum centres, according to the estimates of the Commissariat for Refugees and Migration and UNHCR, ranged from 200 (at the beginning of the year) to 500 (in October). The increase in the number of migrants outside the centres could be linked with the arrival of warmer weather. The locations they have stayed at have not changed much since the last year (the centre of Belgrade, areas along the border of Serbia with Hungary, Croatia, Romania), with the difference that since spring, with the opening of a new route towards Bosnia and Herzegovina, you can also see migrants in the vicinity of Loznica.

This year there was no higher concentration of migrants who were living outside the reception centres in the centre of Belgrade. In the first half of the year, there were several dozens of them, but during summer it was possible to see from 200 to 450 migrants in the streets of Belgrade. Among them there were plenty of those who were coming from the Asylum Centre "Krnjača" and Reception Centre "Obrenovac" and using the services of various organisations in Belgrade or making the arrangements for the future journey. Most of those who were not accommodated in the centres stayed in the abandoned building of "Simpo", around 160 of them, in the immediate vicinity of the bus station. This area was closed in October, and most of the tenants were transported to Obrenovac, while others left on their own initiative in the direction of Šid.

Some migrants stay in private accommodation, in hostels and motels, in particular from the population of Iranians who were entitled to stay in Serbia on legal grounds for one month after the introduction of visa free regime. The number of persons in private accommodation is not possible to evaluate.

The area of Miksalište in the vicinity of the bus and train station, where services are provided by several organisations that work with this population, was the most important area in the centre of Belgrade for migrants this year again. More intensive co-operation of Miksalište with the institutions is characteristic of this year. The teams of the Commissariat visit Miksalište regularly, several times a day, and they also provide night duty service. The premises of Miksalište are also used by the field workers hired by the Ministry of Labour, Employment, Veterans' and Social Affairs (MADAD project) to identify and initiate interviews with unaccompanied minors. Among non-government organisations the following organise regular activities in Miksalište - CIM/Save the Children (safe space for children); NSHC/UNICEF, TDH (Corner for mothers and babies and workshops for teenagers); CRPC (information and identification of vulnerable ones), while there are also the teams of Praxis (information and registration attendance), IOM (voluntary return to the country of origin), RAS (monitoring of newly arrived refugees, assistance in non-food items) and BCM (medical teams providing assistance in the park). The volunteers of Miksalište provide haircutting and shaving services once a week. In the immediate vicinity of Miksalište there are the premises of MSF (medical assistance for all who do not have this assistance provided otherwise, including persons without documents), APC (services of legal professionals and lawyers regarding the asylum procedure) and Commissariat for Refugees and Migration. A few hundred meters away from Miksalište, in the same street, there are the premises of Infopark where newly arrived refugees, apart from information and other assistance (internet cafe, language classes), can also get one meal a day. Field teams of various organisations disseminate information in the centre of Belgrade and they refer and identify the vulnerable individuals. Other NGOs providing services to refugees, such as ADRA (occupational and educational workshops for women), PIN (psychological support) and JRS (accommodation for

unaccompanied minors), also operate in the territory of Belgrade. NGO Atina can provide support and accommodation to potential victims of human trafficking as needed.

Although it can be seen from the above that there is organized support to migrants in Belgrade, there is also a need for temporary accommodation capacities for newly arrived who are waiting for registration. The most vulnerable among them - unaccompanied minors without families - can sleep over at Miksalište, but due to a limited space, not all of those who are waiting for registration can spend the night there. With the arrival of cold weather some solution will have to be found for them. In addition, it would be good to provide meals and conditions for hygiene maintenance for people who are not yet registered. A big challenge for all project implementing organisations, not only in Belgrade, is to find funds for project sustainability. As time passes, this becomes a growing problem.

As for migrants staying in areas near borders, the gathering points are similar to those last year, only the numbers are smaller. The novelty is the emergence of a new route to BiH, due to which the parks and the surroundings of the bus station in Loznica became places of informal gathering. There are no longer delays towards the border with Bosnia and Herzegovina, but only a short-term gathering lasting for several hours. There are sporadic cases that individuals are staying in the vicinity for several days, but there are no special or permanent places for gathering. In BiH, they cross at many places along the border. Local population generally complains about the disturbed hygiene at public places.

The area near the border with Romania is similar because no larger gathering sites were formed. Migrants sleep at abandoned "salaš" farmsteads in smaller groups. They do not stay longer but they immediately go to the border, and if they are returned, they go back to Belgrade without delay. Several single men dwell in a couple of abandoned buildings.

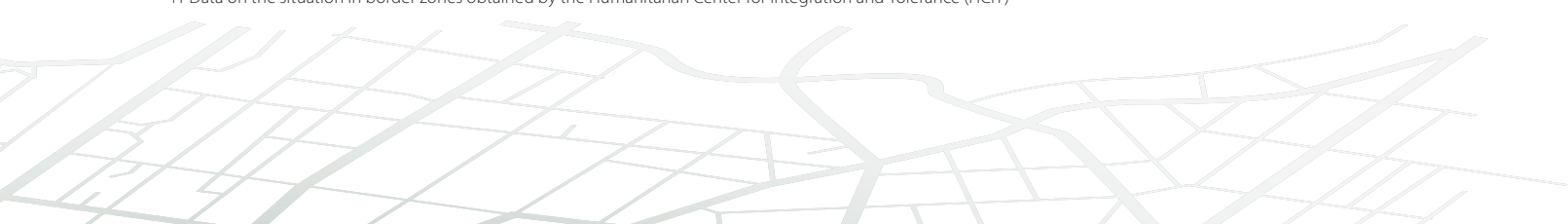
Migrants outside the centres stay in larger numbers in the border areas towards Hungary and Croatia. Near the border with Hungary, the abandoned agricultural estate in Horgoš is still their biggest gathering place, with numbers lower than last year (20-30 people).

Towards the border with Croatia, an informal gathering place for migrants is an abandoned printing facility "Grafosrem"¹¹ - since September there has been a notable increase in the number of refugees in Šid, both in reception centres and outside of them.

Among the refugees outside reception centres there are those who are not reported/registered, and there are also those who are registered and accommodated in one of the reception centres, but they started on the so-called "game" (border crossing attempt). Just as last year, these are mainly adult men, but occasionally one can meet unaccompanied minors who are forcibly returned.

"People who enter the transit zone at Horgoš and Kelebija, have two options after they submit the asylum application: their application will be accepted and they will enter Hungary at some point, or it will be rejected or denied and at that point they will return to Serbia. Actually, the fence is a few meters inside Hungary. When they return to Serbia, namely, when that gate is opened, they are physically still in Hungary, but considering that the fence stretches along the entire border those people have no other option but to return to Serbia." – a representative of organisation providing legal support

¹¹ Data on the situation in border zones obtained by the Humanitarian Center for Integration and Tolerance (HCIT)



“Since last year all the persons identified as staying in Hungary illegally have only one place where they can apply for asylum according to the Hungarian legislation, and that is the transit zone. Since there is the system of daily admission quota people are escorted to the transit zone but they do not stay longer because there is already some kind of queue of those who will enter that particular week, that day so that they are pushed back to the territory of the Republic of Serbia. As the peak of irony is the fact that people who have never been to Serbia before may find themselves in Serbia in that way.” – a representative of organisation providing legal support

Among those returning from Hungary, we can distinguish are four categories: those who entered transit containers via regular admission, but for some reason they interrupted the procedure and asked to return; those who were refused the asylum application and therefore returned; those whose application was rejected on the basis of a reference to a safe third country and a group of people who were found guilty of illegally staying in the Hungarian territory (crossed illegally from Serbia or some other country), so they are illegally expelled to Serbia (“push back”).

As for the support to persons residing outside the centres near the border crossings, it has been reduced compared to the previous year. Since the spring of this year, MSF medical teams no longer have a regular weekly presence in the field, but their main activity in Serbia is related to the clinic in Belgrade and occasional visits to the areas around the borders. At the field, a mobile unit is composed of doctors, nurses, cultural mediators and psychologists. MDM is no longer present in the field. There are volunteer organisations that have mobile showers and provide simple medical assistance (wound healing, disinfection, etc.). In the vicinity of Šid, an international volunteer organisation provides meals for people outside the reception centre. The work of such voluntary organisations is tolerated, although state institutions do not approve of their activity because they consider that their support actually supports the decision of migrants to stay out of the system.

“For any kind of service that is not an urgent condition, they need to have the registration paper if they want to get it from a public service. Things are a little bit more difficult even with it. For example, in some health institutions some health professionals do not at all recognise that registration paper as the paper based on which they have the right to health protection. It may happen that they are rejected because of that.” - a representative of an organisation providing health protection services

Based on the experience of MSF medical staff, the most frequent health problems that occur among migrants include non-infectious skin diseases (body louse, scabies, skin infections and injuries, etc.), muscle-skeletal symptoms (muscle pain, overtiredness, and dehydration), respiratory infections, injuries, and fractures. Regarding mental health the patients report when they are depressed, or anxious, people who suffered traumas, violence, and sexual abuse. They register 3 to 4 cases of sexual violence a year.



FORCED PUSH BACKS, HARASSMENTS AND TORTURE

Forced push backs and collective expelling of persons who cross the border illegally continue this year by all the countries in the region. That represents not only the violation of basic human rights but also of international obligations:

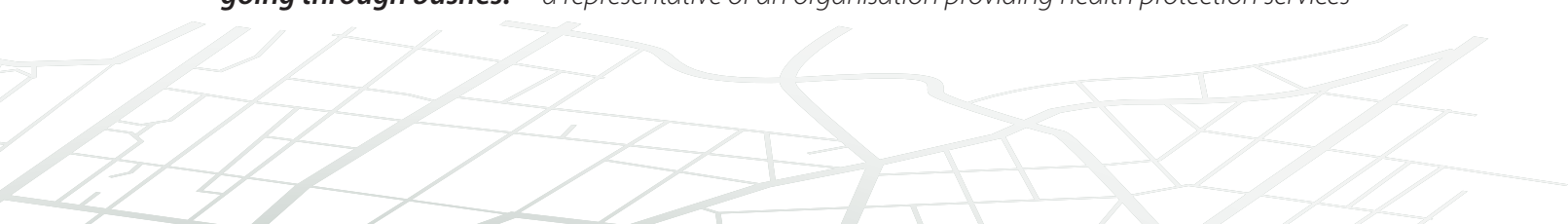
“Serbia has signed a readmission agreement with all EU countries - and it clearly states: a foreign citizen who is found to reside illegally in Hungary, for example, if proven to have entered it from the territory of Serbia, is returned to Serbia, but only under the rules of the readmission agreement. If it is proven that he/she has entered from the territory of the Republic of Serbia, the Hungarian authorities should send a memo to the Ministry of Internal Affairs of Serbia, the Administrative Department dealing with readmission affairs, with a list of persons who allegedly illegally crossed from Serbia to Hungary at that and that time. After that, if our authority responsible for readmission affairs agrees, the handover of people at the border crossing is carried out, and that is all documented - it is known when and who was returned, on what grounds, etc. If a person decides to seek asylum in Hungary, he/she should be allowed to stay and go there through an asylum procedure. This should also work with Croatia, Romania and all other countries. What is happening now is that people are arbitrarily, without any procedure, without determining their needs, without determining whether they want to seek asylum, without any legal procedures and rules, informally pushed back to Serbia. Collective expelling of foreigners is prohibited by the European Convention on Human Rights.” – a representative of organisation providing legal support

Violence continues to be present during forced pushbacks; however, according to the impression of organisations working with migrants, there are fewer cases of extreme brutality that they encountered in previous years. The most frequent are the cases of property seizure and destruction, primarily of mobile phones and money, beating with nightstick, slapping, shouting, etc.

“Policemen in Greece began to beat more, in Macedonia there and there, they reduced it in Croatia a little, and in Hungary it depends where to catch them - they mostly reduced slightly. In Bosnia – it depends who works in which shift. They have reduced it in Bulgaria a little - there are no more dogs, there is no stripping to the naked skin; they take phones and so on. They mainly do not touch minors; they do not pushback, but take them to enclosed camps.” - a participant of a focus group with organisations providing services

According to observations of medical teams, visible injuries inflicted during pushbacks this year indicate lower brutality compared to previous period. Based on testimonies of refugees it can be concluded that violence over them does not leave visible physical marks.

“They are now beating them over clothes, on their feet over sports shoes, they request them to strip and then make them lie on cold ground or in a pond, etc. or they request them to stretch their hands and beat them on their fingers so that injuries resemble to those inflicted during going through bushes.” - a representative of an organisation providing health protection services



Adult men and single males are particularly exposed to violence, but unaccompanied minors are also not being spared. Physical violence against families (women, children) is not expressed, it is rather verbal instead. When everything is taken into account, general opinion is that violence is somewhat less intense than it was in the previous two years.

According to UNHCR reports, there are forced pushbacks by Serbia to Macedonia. Violence sporadically occurs, but it is not dominant - when it happens, it's mostly slapping and kicking, taking away of phones, etc. According to the statements of organisations that provide legal assistance, there are suspicions that police violence is present at the airport with denied access to a doctor, as well as an asylum procedure, however, civil society organisations have been denied access to the airport - lawyers from NGOs providing legal assistance have access to the airport only if they are contacted by a specific person, whereby they can conduct an interview with that person, without access to other persons.

It is assumed that refugees and migrants are exposed to violence by smugglers during their entire journey, but it is not reported and there are no data on frequency. The reasons are most probable connected with illegal nature of arrangements with smugglers and they maybe attribute violence to standard risk of going to a "game".

The situation with gender based violence has not changed compared to previous year. There are cases of family violence and gender based violence but it is not possible to determine up to what extent because identification is insufficient.

"There is a lack of knowledge on rules and procedures and systems by some of employees in state institutions and bodies. It is most emphasised in cases of survivors of gender-based violence, where the system of referrals and standards are not respected at all. A lot of steps are skipped and implemented in a wrong order. That's something that should be done. The essence is that the survivors should be respected, that difficulties they have gone through should be taken into account, as well as traumas, etc. and that care should be taken of gathering evidence for later." – a representative of organisation providing legal support

It is believed that there is a large number of unreported cases of sexual and gender based violence. According to the report of the NGO Atina, gender based violence in migrant population is a widespread phenomenon rather than something connected only with the exceptions. Cases with which the field workers have met this year included light and severe body injuries, family violence, forced and underage marriages, forced prostitution, rape, paedophilia and human trafficking. Violence used to happen in the countries of origin, during the journey but also during their stay in Serbia in the reception/asylum centres and outside of them. The bullies were mainly partners, family members, other refugees/migrants, smugglers and traffickers, and even members of the assisting professions.¹²

The reasons for poor reporting rate of gender based violence are multiple. Inadequate application of mechanisms and failure in protection of persons who suffered violence creates an enchanted circle: if it is known that nothing has been done in most cases, that the surviving person did not get any assistance and that perpetrator was not punished adequately, that is the signal for all the others not to report. The co-operation of stakeholders concerned is not sufficient. There is also the element of shame, as well as the fact that women do not want to report violence because they are afraid it will aggravate

¹² "Violence against women and girls among refugee and migrant population in Serbia" <https://rm.coe.int/report-for-grevio-ngo-atina-30-9-2018-/16808e2f8c>

additionally their stay in Serbia, that they will be harassed by the institutions and that they will not be able to continue the journey alone. Culturological moment can be added to that, namely the fact that the victim experiences violence as a normal phenomenon if he/she comes from the environment where such kind of violence is widespread and socially acceptable.

“The reasons are multifold – from distrust in the system to the fact they feel safer with a bully husband they know, with whom they know where they will go than to stay in Serbia that is unknown to them. Culture is another problem... or they wait to reach the country of destination and resolve the problem there.” - a participant of a focus group with organisations providing services to migrants

“The fact is that Ministry of Internal Affairs has the policemen and policewomen who are trained and specifically sensitized for such cases, but it happened that not all police stations have people trained in such a way or that they were not involved in the case that was assigned to ordinary policemen, inspectors for foreigners, etc. Generally speaking, there is a misapprehension that everything connected with migrant-refugee population has to be directed towards the Directorate for Foreigners, which is not correct, because in cases of such nature it is better to have a policeman trained for such cases, or even better a policewoman.”
- a representative of organisation providing legal support

Usual support that a woman may get when violence is reported is the accommodation in a safe house or separating to some other camp. However, when their order comes on the list for crossing to Hungary, they merge the families again. In many cases when they separated women from violent husbands, women did return. Regarding the violence over women and young girls from the refugee population, the report of the NGO Atina states that the stakeholders in the protection system have not always been able to recognise on time and react adequately to the occurrence of risk of exploitation and violence and the very occurrence of violence and they were dealing primarily with short-term remediation of visible and acute consequences.

Violence within the refugee population is present, but mainly at places where a larger number of men reside at the same time, regardless if it is the matter of the reception/asylum centres or informal places of stay. Consummation of alcohol and psycho-active substances is most frequently connected with violent behaviour. According to the experiences of health professionals from organisations providing assistance, the injuries sustained in mutual conflicts are mainly bruises, fractures and stab wounds inflicted by knives.

Violence is not committed by local population, except in several isolated cases. Discrimination and animosity coming from a part of the population are more present.

“It happened that a particular man from a local community, meaning one person, harassed male refugees. It happened that someone was beaten in the town out of nothing. And discrimination, for example – entrance into the gym is not allowed; although people have money to pay they are not allowed to enter and exercise.” - a participant of a focus group with organisations providing services to migrants



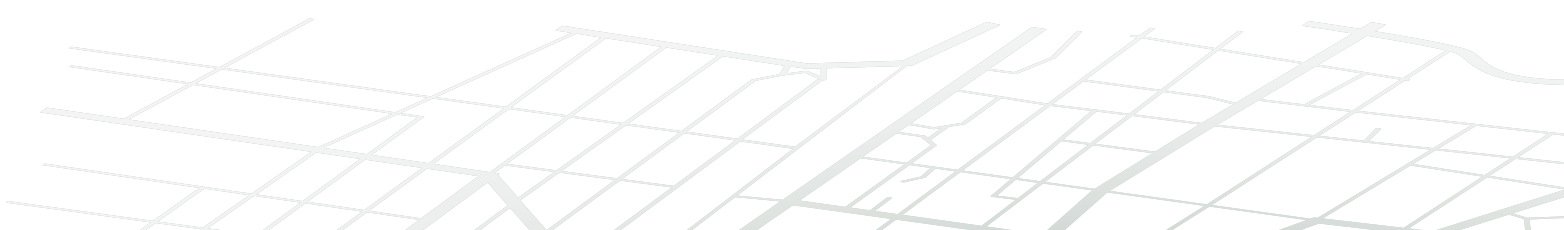
Some forms of discrimination that used to happen during the previous years, such as, for example, the refusal to sell them tickets for public transport at railway and bus stations, have not occurred this year. Organisations providing assistance believe that people got used to the presence of migrants.

Hate speech towards the migrant population can be found at social networks and through the media the news are presented containing incorrect or incomplete information based on which the general population may draw wrong conclusions, for example, that migrants are granted certain benefits from the state that they actually do not. Motivated by those disinformation or half-truths the fear and hostility towards them emerges on social networks.

“In some media there is the tendency to use the word ‘migrant’ or even ‘economic migrant’ in a pejorative way giving a pejorative connotation to it in order to justify some measures that are implemented. The word ‘refugee’ was used all the time before and that was when empathy, humanitarian actions, and solidarity were targeted much more...” – a representative of organisation providing legal support

In our media a mixed use of the terms refugees and migrants is present – if they report about something that includes, for example, UNHCR, they talk about refugees and in other cases they more often use the term migrant, illegal migrant, false asylum seekers, irregular migrants, etc.

“Among some public institutions and newspapers there is a huge ignorance and lack of information. It is therefore important to have general differentiating on who is a refugee and who is a migrant, the steps in the application procedure, decision makers in that process, their rights and obligations, etc. at least among civil society organisations.” – a representative of organisation providing legal support



CONCLUSIONS AND RECOMMENDATIONS

The majority of refugees and migrants still perceive Serbia as transit country on their way to the EU countries instead of their destination. A new Law on Asylum and Temporary Protection, the implementation of which started by the middle of the year, brought changes with effects that are still too early to evaluate. Among other things, the conditions for some opportunities stipulated by the Law to be implemented have not been created yet. Currently, a particularly worrying is the probability for potential asylum seekers to remain without the opportunity to apply for the asylum due to unavailability of application forms, namely unavailability of assistance during filling the forms, exceeded deadlines for submission of the asylum applications, departure to a wrong reception/asylum centre or handing of cancellation of stay because they declared they wanted to depart to another country. Previously there was a possibility to submit the asylum application at any moment, which enabled the submission of asylum applications to persons who realised in time that there was no possibility for them to leave Serbia, or those who decided they wanted to stay in Serbia.

On the other hand, a different concept of safe third country has already shown some positive changes. In addition, the options are opened introduced by a new Law on Foreigners, such as the option for the Government of Serbia to pass a decree regulating tolerant presence of foreigners (in case that a larger number of foreigners is found in the territory of Serbia without any legal grounds for staying but without the possibility to return them to their country of origin due to changes in the principle of prohibition to return, or those who cannot leave the Republic of Serbia due to circumstances not depending on them). The time will show the effects of these changes in practice.

The largest part of refugee-migrant population in Serbia has not got a regulated legal status yet. Out of 6,199 persons who have got the certificate on the expressed intention until October, only 201 of them submitted the asylum application (around 3%). The Law on Asylum regulates the rights practically of only 3% of the refugee/migrant population who asked for the asylum. The provisions of the Law on Foreigners, according to which each person failing to go to a designated asylum/reception centre within 72h from registration shall be treated as a person who is staying in Serbia illegally, apply to all others. However, they do not have the status – they only have expired certificates on the expressed intention to apply for the asylum. Persons with unregulated stay/residence do have a certain set of rights that are guaranteed to everyone irrespective of their migration status – the right to live, right to freedom, safety, prohibition of slavery, forced labour, right to emergency medical assistance, right to education of children, right to freedom from discrimination, etc. Their stay/residence has been tolerated within the previous period; they had the right to stay in the reception centres where they were provided the basic living conditions, health protection and education for children. It remains to be seen whether the implementation of a new Law will result with changes in practice. The decree on tolerated stay would regulate their status up to a certain extent although, since the decree cannot regulate new rights and obligations, the issue of their actual rights has still remained open.

The following problems have been noted and following recommendations have been given:

- » The possibility for potential asylum seekers to submit the asylum application independently and short deadlines within in which this application can be submitted (strictly observed by the Asylum Office) in practice, make it currently difficult for asylum seekers to apply. While former responsibility

for filing a claim was at the Asylum Office, now this responsibility has been transferred to refugees, while at the same time there are a number of aggravating circumstances for potential applicants. Elementary prerequisites for timely submission of requests are timely and precise information and support to asylum seekers in completing asylum applications.

Some of the possible measures for elimination of this obstacle could include giving information on the possibility of applying for asylum in Serbia and deadlines before registration, when registering or at the latest on the occasion of admission to the reception/asylum centre; provision of brochures in the languages of potential asylum seekers with detailed information on what is the asylum, who meets the requirements, how the procedure is conducted, what rights are provided to the person submitting the application and who is granted the asylum; strengthen the capacities of NGOs that provide legal support or involving more NGOs dealing with legal support providing and thus providing frequent presence in all reception and asylum centres so that potential asylum seekers could have assistance in filling out forms and support in other aspects of the asylum procedure; posters with key information and phone numbers should be displayed at all reception/asylum centres and other places where refugees/migrants gather, etc.

- » Absence of a screening/triage system that would differentiate persons who have no intention to apply for asylum from those who think about that option leads to referring of persons who are potential asylum seekers to the reception centres (instead of asylum ones), which complicates the application procedure.

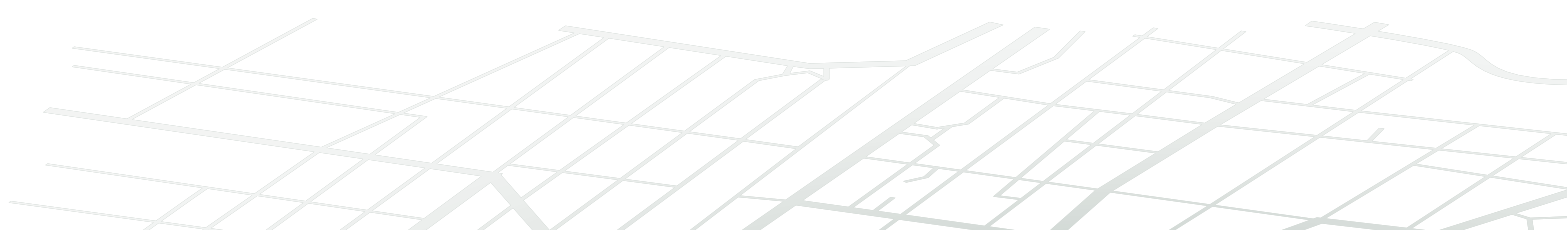
It would be useful to establish a screening/triage mechanism in order to identify potential asylum seekers and direct them to an asylum centre, while persons who do not show any intention to seek asylum in Serbia would be sent to reception centres.

- » According to a new Law on Asylum and Temporary Protection, the observing of the principles of protection of the best interest should be provided to unaccompanied minors, and, accordingly, they should be provided the escort and support of the temporary guardian both during registration and when applying for asylum. In practice, a temporary guardian is assigned only after completed accommodation in an asylum centre. The formal presence of social work centre staff is being provided, but the question arises as to whether such an approach provides for the principle of respecting the best interests of the child.

It is necessary to avoid the risk of exceeding the time limits for applying for asylum and thereby deprive the unaccompanied minor of his/her rights by timely assigning a temporary guardian.

- » Absence of adequate methodology for assessing age leads to the phenomenon that many persons who are not underage declare themselves as such for the purpose of achieving certain benefits that this status brings. Because of that, a large number of unaccompanied minors are recorded, which burdens the work of professional services in charge of their identification and protection, and leads to security risks for true minors.

It is necessary to deal with finding the means to more effectively separate unaccompanied minors from adult males. In view of the fact that currently there is no practical way to adequately assess the age of persons without documents, one could think about changing the location for accommodation of unaccompanied minors in order to make this option less appealing to those who are not underage, or to provide two separate accommodation facilities for unaccompanied minors in order to distinguish those who are obviously adult.



- » The segment of socialization has been most successfully implemented in integration of refugee children into the school system, while the question of quality of knowledge that refugee children receive remains a challenge. The extent to which and method of work with refugee children differ from school to school, from teacher to teacher.

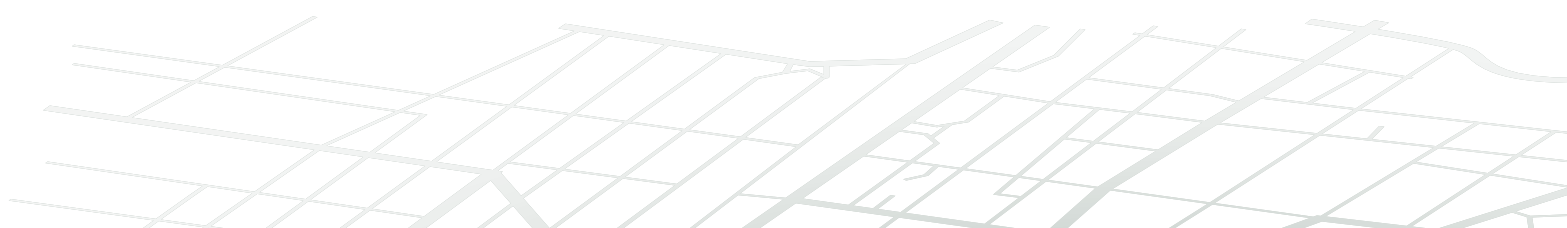
Organizing of additional classes for refugee children that would include additional Serbian language classes, with the presence of a pedagogical assistant from the refugee/migrant population (at extra hours), would help children to more easily follow up the lessons and master the material. Motivating the parents of refugee children to connect with the school could lead to positive shifts in parents' satisfaction with the education of children (inviting parents to individual conversations, events, etc.)

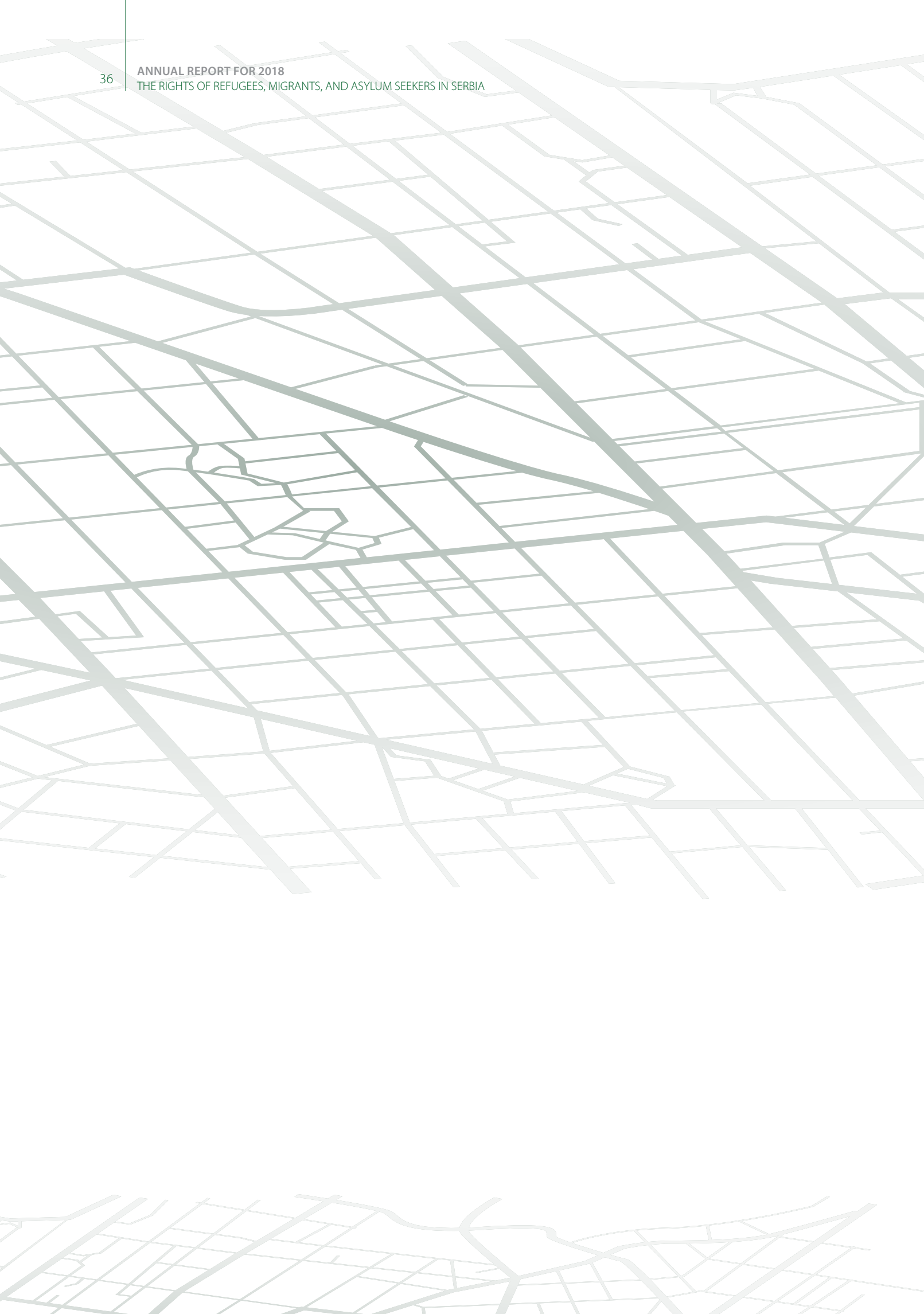
- » In the reception/asylum centres migrants mostly complain about the hygiene level, food quality and relationship of employees towards them. The situation connected with satisfaction with food could be improved through providing of conditions to accommodated persons to be provided the possibility to cook something on their own from time to time in addition to food they are getting.
- » The need to organize the largest possible number of recreational, occupational and other activities in the reception/asylum centres is still present. The beneficiaries themselves could get included in realization of diverse contents for other beneficiaries.
- » Adequate conditions need to be provided in the reception/asylum centres for the work of psychologists (special rooms) so that they can deal not only with psychological-consultative work but also with psychotherapy, if necessary. It is also necessary to establish the supervision over persons suffering from psychological disorders – to make sure they take their therapy regularly, follow up potential signs of impairment and report the psychiatrist about that.
- » The newly arrived refugees/migrants do not have where to stay while they are waiting for the registration appointment in Belgrade, which may last for several days. During the night Miksalište can accept certain number of persons from vulnerable categories (families with children, unaccompanied minors, etc.) while others do not have where to spend the night. Occasional transport of such persons to the reception/asylum centre is organized without registration so that they are registered subsequently. It would be useful if emergency centre could be organized in Belgrade for accommodation of newly arrived refugees waiting for registration where they would have basic conditions for sleeping, dwelling, hygiene maintenance and food.
- » There is still the lack of information among some employees of health care institutions about whether they can provide health care to refugees/migrants and what kind of document they have to carry with them. In institutions that are closer to reception/asylum centres and in specific departments, this rarely occurs because they already have experience in working with this population, however, this is still happening in institutions or departments that rarely come into contact with refugees/migrants. Efforts need to be continued to raise the awareness of all the employees in state institutions. Apart from that, the employees in institutions also need culture specific instructions in order to avoid misunderstandings and establish co-operation with the patient. In order to enable communication between the healthcare professionals and the patient, the presence of an interpreter is required. Some organisations have the so-called "medical escort", but this is not sufficiently widespread.
- » In treatment of identified cases of gender-based violence, there is a degree of lack of information on some of the relevant stakeholders in protection, on procedures and mechanisms of protection, as well as the lack of awareness of the importance of providing adequate protection. Therefore, there are

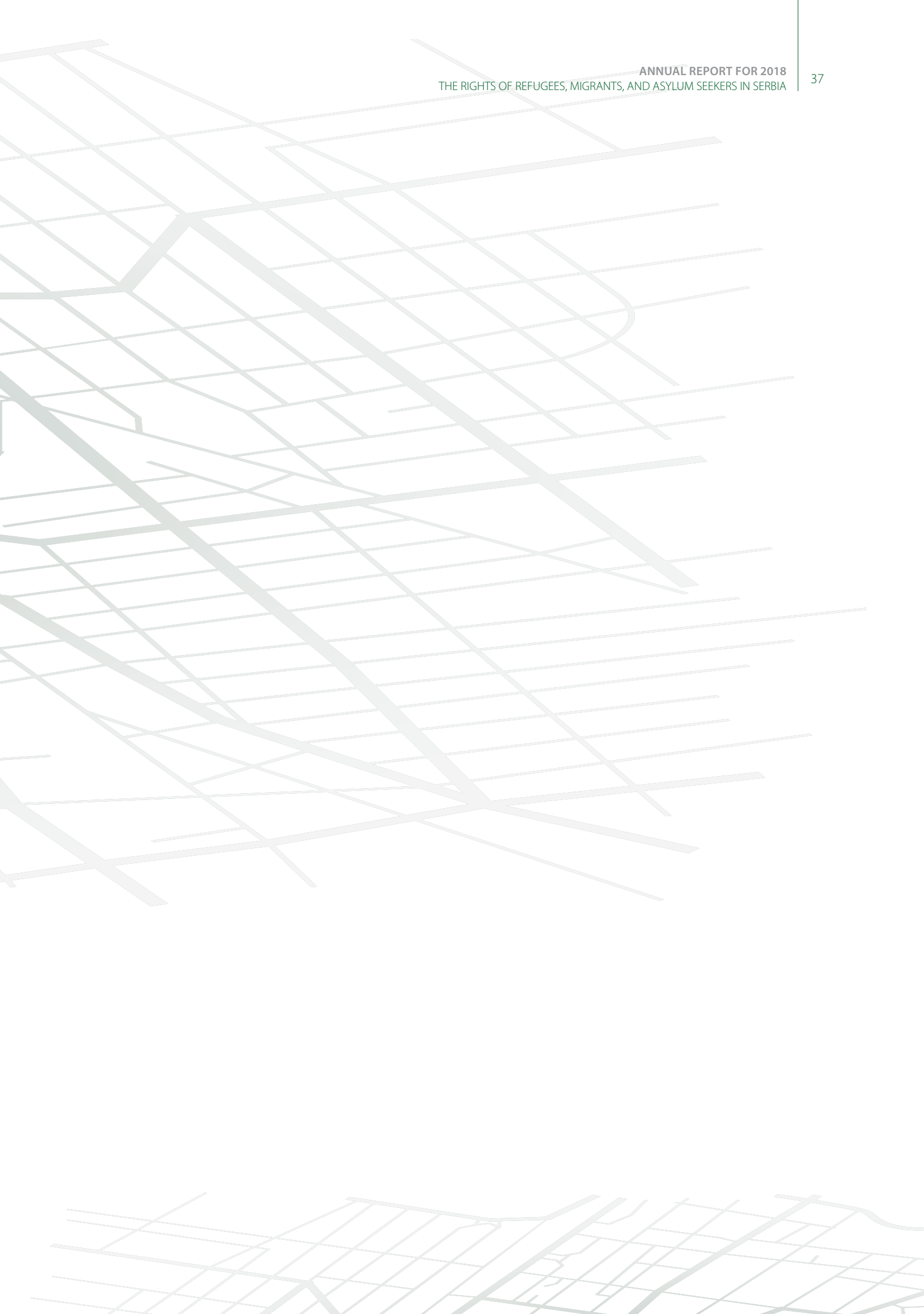


various failures: in the identification, in collecting of evidence, in remedying the consequences, not all the stakeholders are required to ensure adequate protection of the victim and punish the perpetrator adequately. The lack of adequate protection of the person who suffered the violence leads to distrust in the system and poor reporting of violence. Although that is not the only reason for poor reporting, that is something that could be improved - providing a sufficient number of sets to deal with the consequences of sexual violence (tests, contraception, prophylaxis, therapy), simultaneous involving of all relevant stakeholders (from the health care system, social protection, police, prosecutors, NGOs providing support to victims of violence), include in teams the persons who have been educated for the work with victims of violence, punishment the perpetrator more strictly, provide a safe location for victims of violence, provide psycho-social support to victims, facilitate the asylum granting, etc.

- » Inaccurate or incomplete information is often presented through the media, which leads to delusions in the general public regarding the rights and benefits of refugees/migrants. Also, in media reports, there is often a sensationalist approach and presentation of negative phenomena related to the migrant population, while neglecting the aspects that could cause empathy among the readers. Such media information causes the concern, fear and hostility of general public towards this population, which is noticeable in the comments on texts and on social networks. It is necessary for the media to suggest publishing of information showing the problems that refugees face and information about the situation in the countries of origin of people coming to Serbia as refugees/migrants; local self-government bodies, representatives of institutions and organisations should urgently respond to wrong or incomplete information in the media; it is necessary to organize as many events as possible for the local population to get acquainted with the refugee-migrant population - events of an integrative character or cultural events that bring closer cultures those persons come from and problems they face.









HELP ON THE ROUTE

Contact us and keep in touch with our activities



helpontheroute@divac.com



www.divac.com/helpontheroute



[HelpOnTheRoute](#)