



The aim of this Report is to present the current situation regarding the protection of human rights and freedoms of migrants, refugees and asylum seekers passing through, or staying in Serbia and Macedonia. The data in this Report were obtained from 24 civil society organisations from Serbia and Macedonia, within the "Help on the Route" network.

Situation in Serbia

The structure of migrants who were coming to Belgrade during November and December changed – the number of single individuals from Pakistan and Kurds increased and the number of families decreased. Migrants are mainly entering via Bulgaria and they do not stay long in Belgrade. A higher of inflow of Iranians who have personal documents (passports and identity cards) and return airplane tickets and who come by plane from Turkey was also registered.

From 180 to 250 migrants pass through Miksalište on a daily basis: they charge their phones there, use the Internet, take a shower and wash clothes, collect information and make arrangements on what to do next. In the vicinity of Miksalište there is the building called "Staklenac" where around one hundred migrants spend their evenings. They leave the building in the morning. During the day, around 120 migrants can be found in the park and the number increases after 4 p.m. The majority of them are Pakistanis and Kurds and there are also Afghans, Iranians, Syrians, Algerians, Libyans, and Moroccans.

There is dissatisfaction among refugees in the reception and asylum centres because of the long waiting and lack of information regarding their departure to the border. An increasing number is deciding to leave the accommodation in order to go to Belgrade. Some families have been waiting for a year and 2-3 months and nothing new about their departure is happening. In one of the centres, dissatisfaction escalated into a strike, because "only the Syrians pass on" so that all the activities were boycotted, and the children did not go to school. December was a turbulent month for camp residents in the south of the country, as several larger groups of new migrants arrived in all three camps, which required adjustment. In the course of November, the transfer of all unaccompanied minors and separated children began, so that all those under the age of 14 were transferred to the AC Krnjača in order to be more easily included in the educational system, and those older than 14 were transferred to the reception centre in Obrenovac.



Children from the reception center at the south of Serbia enjoy in the first snow (Photo: Centar Inventiva)

There were **4,273** of refugees and migrants in Serbia in December (UNCHR data on December 23rd, 2017). The majority of them (96%) are accommodated in 18 transit-reception and asylum centres, while others are in Belgrade or in the areas close to the borders with Croatia and Hungary.

The Asylum Office has announced that, in agreement with KIRS (Commissariat for Refugees of the Republic of Serbia), they will transfer the asylum seekers from the reception centres to the asylum centres, where they should be staying according to the law. The problem that is still present is the long duration of the procedure. The legal deadlines for conducting official procedures, primarily for the submission of applications for the asylum are often exceeded, so that many beneficiaries are waiting for a few months to submit the application. It is also a long wait for documents that require simple issuing procedure: for example, assigning of the registration number for foreigners, necessary for a bank account opening, which prevents granting of financial assistance from the Centre for Social Work.

It happens that some of the beneficiaries, who are initially uninterested, change their decision and decide to apply for asylum in Serbia. It is important to emphasize that everyone has the right to access the asylum procedure at any time, while the application itself and the credibility of the same are solely considered in the procedure itself.

When it comes to accommodation conditions, the situation is different in each of the centres. Regardless of the fact that many facilities have been renovated and the capacities are expanding, it still happens that in some centres many people stay in small rooms, privacy is not fully respected, and different nationalities are often placed in the same rooms. This often leads to a conflict between the migrants themselves. Unaccompanied minors are found mostly in the same barracks or the same rooms within the centres. They are often exposed to harassment and abuse by some older beneficiaries, to which there is still no adequate response.

The security in the centres is a question that is increasingly being posed. During November, there were three incidents in which migrants received stab wounds during a fight. Two cases of attacks on unaccompanied minors were recorded in the park in Belgrade. There were several reports of attempts of sexual harassment of unaccompanied minors, while in the reception centre in Obrenovac there was a massive fight between migrants on December 9th, 2017.

Migrant children start going to school

In December, some 460 of migrant children regularly attended 34 primary and 10 secondary schools in Serbia. Workshops are organized for children in centres in Subotica and Kikinda three times a week, given the short stay before the border crossing. The practice of relocating families to centres continues, so that schools get new groups of children while some leave. It is encouraging that there are no protests or complaints of the local community, schools and parents, so that the involvement of children is now considerably facilitated.

The highest number of children per school is registered in Preševo (42) and in Zemun (52). On average, there are 5 to 15 children in other primary schools, but in some municipalities the groups often change because of relocations from camps. The schools received financial support for teaching means and adapting of the teaching process to migrant students. Trainings for diversity titled "Teachers as holders of quality education for all children" were held for around 120 participants.

The education programme for migrant children is not standardised and there are great differences between schools. There is still a lack of staff to work with migrant children in an intercultural environment. There are no standardised teaching means for these children due to language barriers. On the other hand, attending classes is regular in 90% of cases. The resistance to learning the Serbian language has also decreased. Participation of migrant students in extracurricular activities has become regular (sports, events, excursions). Teachers and associates are trying to find the right measure and programme that they can follow; special materials are being made and progress is being monitored. Parents communicate with schools and participate as needed and even hold classes on a volunteer basis.

Access to asylum and forced push backs

There is an interesting case of an unaccompanied minor who had previously been in Austria, where he also joined the asylum procedure. However, the Austrian authorities deported him back to Hungary, from where he was sent to Serbia, through which he never passed. In Serbia, he was given free legal assistance and information on the asylum procedure, which he joined with the assistance of the assigned guardian, and through the legal representative he hired. At the same time, judicial mechanisms have been instituted for violating of rights in Austria and Hungary concerning persons in need for international protection.

BCM has continued the research on informing the migrants on their rights in Serbia. Until the end of December the survey included 81 migrants from Afghanistan, Iraq, Syria, Iran, Pakistan, and from Cuba (57% of men and 43% of women) in the reception centres. **The majority of them (60%) are of the opinion they are familiar with the rights they have in the Republic of Serbia while 67% of them declare their rights are observed.**

The examples of non-observing of the rights, according to the opinion of the survey participants, include the following: "They keep us for months without any information"; "I am not getting information, I am not getting things, clothes"; "The accommodation in the camp is bad, rooms are flooded because of the damaged roof, I have a small baby and conditions for babies in the camp are very bad"; "I am not satisfied with medical care"; "I am not satisfied with inappropriate clothes for children"; "Basic living conditions are the problem, and so are inadequate clothes for certain seasons, heating and poor meals"; "Living conditions in the camp are inappropriate, with too large dormitories, shared toilets and sleeping areas"; "Information are being kept secret, those with money pass via connections, one cannot get anything in the camps".

Situation in Macedonia

During November and December, the situation in Macedonia remained more or less the same. The numbers of refugees and migrants present in both transit camps did not exceed 40. During November there were 125 refugees originating from Pakistan, Algeria, Libya, Tunisia and Syria who were brought within the transit camp in Gevgelija and were eventually “deported” to Greece. During December there were 103 refugees who were deported back to Greece, most of them originating from Afghanistan, Iraq, Syria and Pakistan. In rare cases there are refugees or migrants coming from India and Morocco. Most came from Serbia, either by being sent back by the Serbian police or voluntarily returning to Greece. Although most groups are composed of men, it is not rare to see families, women and children.

On November 25th, 17 refugees originating from Afghanistan and Pakistan were brought to Vinojug, Gevgelija transit camp. They were victims of a smuggler who misled them, took their money and left them at an open field. All 17 of them were transported in one police van. This constitutes inhuman and degrading treatment by the police.

There is an increased number of groups (counting 5 to 15 members) arriving to the camps, on the account of smaller number of refugees travelling alone.

It is interesting to note that during these two months, on four different occasions, Turkish refugees were brought to the Gevgelija camp, claiming that they were the victims of political prosecution in their country. Some of them submitted asylum applications, while others were being sent back to Greece.

In Gevgelija, mixed police patrols are still present being composed of police officials coming from the Czech Republic, Slovakia and Austria.

All refugees within the transit camps are provided with adequate warm clothes and footwear. The hygiene is satisfactory and they are provided with medical care, either by teams of the Red Cross or whenever necessary by the local hospital. The refugees have slight complains about the food that is served in the camps, which is mostly canned food. Most of the time, they provide their own food from the city.

All refugees who have expressed their intention to seek asylum are being immediately informed about the procedure. During both months, 14 refugees originating from Pakistan (2), Libya (2), Turkey and Iraq (10) have submitted asylum applications and were transferred

to the Reception Centre for asylum seekers in Vizbegovo, Skopje where they will be interviewed by the Asylum Sector.

Incidents and irregular migration

During November and December, the police registered five criminal acts connected with refugees, migrants and smugglers. The first two were cases of car chase of smugglers in vehicles by the police. In the first case, police officers from Macedonia and Croatia noticed two suspicious cars which did not stop at the police warning. After a while, the driver switched into the other car, leaving the primary car on the road. There were 10 refugees inside and 3 more were found in the surrounding area. The drivers were not found. In the second case the police officials attempted to pull over a vehicle which would not stop on a warning sign. At one point, the car stopped and the driver tried to escape. He was however caught by the police and 9 refugees from Pakistan were found in his car. Two of them were transferred to the Reception Centre for Foreigners in Skopje and the rest were taken to Vinojug transit camp.

At the beginning of December, the police faced a similar situation. After the smuggler was stopped and caught, there were 10 refugees originating from Pakistan and Afghanistan found in his vehicle. The police found 14 refugees within a truck at the border crossing Bogorodica (Macedonian- Greek border), during a regular border control. The group was composed of 5 women, 7 men and a child with his father, originating from Syria, Iraq and Iran. According to their statements, the truck was supposed to take them from Greece to Italy, for which they paid 2,000 to 3,000 euro. However, one of the women in the group noted on her GPS device that they were not moving according to the agreed route so she started to make noise, which was heard by the police officers. The refugees were transferred to the transit camp in Vinojug, Gevgelija.

A refugee coming from Afghanistan who was sent back by the Serbian authorities, was accommodated at the Tabanovce transit camp. He had documents of being treated for a psychological condition in Serbia. One day, he came into the camp drunk and started a fight with other refugees and later on, staff from the camp. He threatened to hurt people with stones. The police did not react. He then started inflicting injuries to himself. Again, the police did not react, fearing that they might be caught on cameras. The person was finally overpowered by staff from the camp and sent to the hospital treatment.

The last registered incident took place on December 23rd, 2017, when 8 Pakistani refugees were hurt in a car accident. Namely, the smuggler lost control of the vehicle and drove off the road near Kumanovo. The refugees were immediately taken to the hospital, suffering from broken bones and bruises. They were afterwards accommodated at the transit camp in Tabanovce.

The Helsinki Human Rights Committee warns that refugees - victims of smugglers must not be held as witnesses in the procedure against the smugglers. This constitutes the violation of their rights and illegitimate limitation of their freedom of movement.

RECOMMENDATIONS

For Serbia:

- It is necessary to continue efforts aimed at ensuring the observing of the right to asylum and access to the procedure, as well as efficient asylum procedure and protection of persons who need international protection.
- Adequate protection should be provided to those refugees and migrants who are outside the system, who are not registered or accommodated in the way that will enable them to exercise their basic rights.
- Preventing of smuggling and human trafficking remains high on the list of priorities, with advocating prevention of harassment of refugees and migrants by the authorities or civilians along the refugees' route.
- An efficient providing of comprehensive assistance requires co-ordination of activities between the civil society organisations and service providers from the public sector. The feasibility and impact of activities reach the maximum if they are co-ordinated between all the key stakeholders.
- The activities of information dissemination, linking, learning about and intercultural exchange are of great significance in order to bridge the distance between local and refugee communities. In the context of the beginning of the school year it is important to inform and co-operate with parents of local children and refugee children for the purpose of better preparation and preventing of misunderstanding, prejudice and fear.
- Basic human rights and freedoms of refugees and migrants should be promoted, observed and protected at all times by all the institutions and citizens.
- It is necessary to invest efforts to prevent discrimination towards migrants and to respond adequately to cases of proven discrimination so that they do not repeat.
- There is large need in the reception and asylum centres to organise free time and provide for occupational, recreational and other activities for migrants.

For Macedonia:

- The police must be careful during transport of refugees and migrants. The practice of transport of larger groups in small vehicles has to be terminated since it may result with inhumane and degrading treatment.
- The continuing practice of illegal deportation must be terminated and refugees must be transferred from one country to another in lawful procedure in co-operation with officials from the neighbouring country.
- Police officers present in transit camps must be responsible for the security of all the present persons. They have to act in accordance with the law and exercise their authorizations whenever the situation so requires.

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