



HELP ON THE ROUTE

ANNUAL REPORT FOR 2017

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



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

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INTRODUCTION

The qualitative survey on the current refugee situation and fulfilment of their rights was carried out during the month of October 2017 aiming at compiling the data for this report. The survey included holding of two focus groups and conducting of seven in-depth interviews with the relevant stakeholders in the context of mixed migratory movements in Serbia. The focus of the survey was to provide a broader perspective on the issue of the refugee situation so that participants in focus groups as well as the interviewed persons were targeted so as to obtain the most relevant data as possible.

In the survey we decided to include in one focus group the members of the refugee/migrant population more specifically women refugees, while the persons who participated in the second focus group were representatives of the civil society organisations involved in providing of services.

For the interviews we chose a representative of the organisation involved in legal assistance providing, representative of the organisation working with the children and families in several reception centres in the territory of Serbia, representative of the elementary school where the refugee children are enrolled, representative of the organisation providing protection to refugees outside the reception centres, representative of the centre for social work, representative of the organisation providing medical assistance to the refugees in the reception centres and outside of them, as well as an individual from the refugee/migrant population.

We believe that we were able to cast the light on different aspects of the analysed issue although we were not able to include in our survey all the stakeholders working with the refugees.

THE OVERVIEW OF THE REFUGEE SITUATION IN SERBIA IN 2017

The number of refugees, asylum seekers and migrants has been constantly declining throughout 2017 starting from 7,900 recorded in January to 4,273 recorded in December¹. At the beginning of the year, approximately more than 80% of refugees were placed in 17 reception and asylum centres. The number grew to 96% by end of the year, following the opening of the reception centre in Obrenovac. Several hundred migrants were registered outside the centres, in improvised shelters in the centre of Belgrade or at the borders with Croatia or Hungary.

The winter of 2016/2017 was marked by an extremely cold weather with the temperatures significantly below zero. The extreme weather conditions threatened seriously the health of around 1,000 migrants who were staying in abandoned barracks in the centre of Belgrade at the beginning of the year. The living conditions within the barracks were very bad, unhygienic and unsafe, while the disturbing images of refugees wrapped in blankets along the camp fire as they try to survive the harsh winter conditions in the centre of Belgrade or as they queue up in line for a cooked meal, attracted a significant media attention in the country and abroad. In order to resolve the issue of accommodation of these people the EU and international non-government organisations provided aid to the authorities to renovate the old military facility in Obrenovac in the vicinity of Belgrade. That was where facility the majority of refugees was accommodated following the demolition of the barracks at the beginning of May.

At the beginning of the year, the Hungarian authorities decided to reduce the number of individuals eligible to apply for the asylum in that country, from twenty to ten per day. The practice of their transit via two "transit zones"- Kelebija and Horgoš continued. Since March those asylum seekers have been denied the freedom of movement, unless they wish to return to Serbia, and they have to wait for the outcome of their application for asylum in the transit zone.

By the middle of the year, with a warmer weather, many refugees (individuals as well as the entire families with small children) decided to leave the reception and the asylum centres and cross at their own risk the borders with the Romania, Croatia or Hungary. In case they fail in that process they would usually be sent back to Belgrade from where they would be redirected to one of the reception centres. Several hundreds of refugees started living in the abandoned factory complex in the vicinity of Šid or in abandoned houses alongside the border with Croatia and they were trying to enter Croatia several times. The increase in the number of new refugees - Yazidi families from Iraq who came to Serbia and arrived in Belgrade from the direction of Bulgaria - was recorded during the months of August and September.

In December 2017, there were 4,273 of refugees, asylum seekers and migrants in Serbia, 96% of who were accommodated in one of 18 state centres. At least 68% of refugees in Serbia come from Afghanistan, Iraq and Syria; 34% of them are children, 15% women and 51% men.

¹ UNHCR Operational Updates, January – December 2017.

ACCESS TO THE TERRITORY AND ACCESS TO THE ASYLUM PROCEDURE

The system and the procedure for asylum granting in Serbia are largely defined by the Law on Asylum from 2008. The laws regulating the issue of accommodation and integration of the asylum seekers and refugees that are also relevant include the Law on Foreign Citizens, Law on General Administrative Procedure and Law on Migrations Management. Serbia is expected to harmonise the national legislative system with that of the EU legislation while National Action Plan for Chapter 24 of the negotiations for accession into the European Union anticipates the passing of a new Law on Asylum that is still pending.²

Upon arrival in Serbia, the refugees, asylum seekers and migrants can either verbally or in written form express their intention to seek asylum in front of the police officer of the MIA. They are registered, after which they are issued the certificate on the expressed intention to apply for the asylum and within the next 72 hours they are sent to one of the asylum or reception centres. During the registration process in the police their personal and biometric data and face photographs are taken, after which they are entered into the electronic data base of the MIA– OKS (data base on foreign citizens residing in Serbia) and *Afis* (data base of the MIA on perpetrators of criminal offences and violations in the territory of the Republic of Serbia)³. After that, the asylum seeker should go to the assigned asylum or reception centre, or to notify the Asylum Office if he/she decides to reside in a private accommodation. Upon arriving in a centre or private accommodation, the asylum seeker is waiting for the employees of the Asylum Office to be registered, issued a personal document for an asylum seeker and take over his/her asylum application for further processing. The Asylum Office are legally obliged to decide on the submitted application within two months from submission during which period one or several hearings have to be held in order to determine all the facts and circumstances that are of the relevance for passing of the decision.⁴

The procedure of expressing of intention to apply for an asylum and registration has been partially improved in 2017. It has been noted that functioning of the system for refugees registration in Belgrade has improved (expressing an intention to apply for an asylum; commonly used term is “registration”). The co-operation has established between the police, the Commissariat for Refugees and Migration (CRM (KIRS) and non-government organisations. The non-government organisations have been identifying at site and directing, and often accompanying the newly arrived refugees to the Police Station Savski Venac where they were registered. That helped avoiding long waiting queues in front of the police station, sometimes under harsh weather conditions (cold, rain, snow), and, on the other hand, relieving the pressure off the police station. At the end of 2017, from 10 to 15 refugees were registered a day, taking into consideration the fact that occasionally there were days without any newly registered refugees or with a significantly lower number of refugees. The refugees usually wait for a day or two to get the certificate on the expressed intention to seek asylum. The certificate on the expressed intention for asylum seeking contains also the name of the asylum or reception centre that the individual should

2 <http://www.asylumineurope.org/reports/country/serbia/short-overview-asylum-procedure>

3 Right to Asylum in the Republic of Serbia 2016, Belgrade Centre for Human Rights, 2017

4 <http://www.asylumineurope.org/reports/country/serbia/short-overview-asylum-procedure>

report to, but it happens sometimes that there is no more vacancies in that centre, so that CRM is prompted to amend the certificates and inscribe the name of the reception/asylum centre with available vacancies. Sometimes the refugees can choose between two or three reception centres although it rarely happens.

“The men were almost not registered at all: when I say men, I also refer to the teenagers and to some very young persons in a group with two or three adults. The police did not want to register them because their main priorities were the families with small children.” - NGO representative involved in providing legal assistance

“These problems have been currently reduced. The families are still being given the priority, although it is far less crowded. The registration takes place much more quickly in particular during unfavourable weather conditions and when we explain them that some men wait for a couple of days to get registered. In the last two months we have regular registrations, up to five times a day.” - NGO representative involved in providing legal assistance



Asylum centre in Krnjaca, January 2017

(Photo: Max GM)

The refugees waiting for registration can spend one to two days in the Refugee Aid Centre “Miksalište” in Belgrade that is managed by non-government organisations. However, the above-mentioned period is extended for up to ten days based on various reasons. The refugees and migrants often do not want to register themselves, but instead they are trying to “buy time” before they find the way to continue their journey, while in the meantime they receive services of the NGO sector.

“The families from Iraq appear to be playing some sort of a game – they say they would register themselves the following day, because they are tired from travelling. The following day one of the family members appears to be absent, the following day some other family member, after which follows the weekend and the whole process is postponed for another day; their stay can stretch up to 10-15 days.” - NGO representative providing services in Belgrade

The issuing of the certificate on the expressed intention for asylum seeking should be possible at any police station (PS) having a department for foreign citizens. However in practice, the majority of cases are processed in the PS Savski Venac, in Belgrade. The representatives of organisations working with refugees mention sporadic cases when they saw the certificates issued by some other police stations (Zrenjanin, Dimitrovgrad, Pirot, Pančevo), although such cases are rare. Some police stations (for example Subotica) send refugees to Belgrade for registration. The above-mentioned practice poses problem to migrants who were pushed back from Hungary and who did not pass through Serbia previously and who have been left without any money and they therefore stay outside for couple of days until someone provides them transport to Belgrade or sends them the money.

The problems related to the procedure of recording and registration include as follows:

- » Great load on the PS Savski Venac. The police inspectors carry out other duties in parallel with the refugees' registration process hence it is necessary to wait.
- » The refugees wishing to apply for the asylum are not all accommodated in the asylum centres, while it is more difficult, or even made impossible for the individuals accommodated in the reception centres to apply for the asylum. The criterion for placement in the asylum or reception centres is the number of vacancies rather than the assessment whether an individual truly intends to apply for the asylum or not.
- » The access to the asylum process is significantly aggravated for individuals that have previously been issued the certificate of the expressed intention to apply for the asylum by the MIA, after which they either did not report to the assigned asylum/reception centre, or they were stopped in their attempt to illegally cross the border of the Republic of Serbia.
- » Long duration of the asylum procedure, including the time elapsing until an onsite visit by an authorised officer of the Asylum Office. People wait from one up to three years for the decision on the asylum granting to be passed.
- » The refugees/migrants who have not submitted the application for the asylum in Serbia do not have a regulated legal status, hence their rights remain unclear, unlike the individuals that have submitted the asylum application who are issued temporary personal ID card and granted certain rights (right to freedom of movement, medical at the state expense, free city transport services and the right to employment or social aid). On the other hand, the refugees and migrants accommodated in the centres are provided basic living conditions, right to freedom of movement, medical aid, right to education etc. although they do not have a regulated legal status.

Upon obtaining the certificate on the expressed intention to apply for the asylum, the refugees go to a designated reception or asylum centre where they can submit their asylum application. The application for the asylum is taken over by the officers of the Asylum Office from Belgrade who, by the rule, go to the asylum centres, and only in special cases to other sites as well. Although the officers of the Asylum Office occasionally visit the reception centres the access to the asylum procedure is aggravated or made impossible for potential asylum seekers accommodated in the reception centres. It may take several

months before the visit of the officers of the Asylum Office since the dynamics of the hearing procedure is very slow. According to the reports of the Belgrade Human Rights Centre⁵ during the first ten months of 2017 there were 5,153 expressed intentions for asylum while only 193 applications were submitted. The Office conducted 87 hearings and at the same time passed only 5 positive decisions (3 approved asylums and 2 decisions on subsidiary protection). The rejections of the applications was based on the fact that before coming to Serbia the asylum seekers resided in countries declared as safe third countries according to the decision of the Government of Serbia from 2009.

A part of the refugee and migrant population does not wish to register and enter the accommodation system and most frequent reasons for their decisions include:

- » For the sake of fast passage through Serbia, the refugees rely themselves on smugglers and are reluctant to enter the accommodation centres: **“At one period the Romanian border was easily passable and no one wanted to register during that period.”** – a NGO representative providing services in Belgrade
- » Due to a large distances of the centres they are directed to from the borders of the European Union: **“It happens that refugees declare they are willing to register, but they give up after taking a look on the map and seeing where the reception centre they are directed to is located.”** – a NGO representative providing services in Belgrade
- » Favourable weather conditions lead to increase in number of those that are not willing to register.
- » Families decide more often to register themselves and accept the accommodation, especially those with smaller children unlike single men.

The police issue termination of residency, in cases when the refugee fails to go to the centre he/she was assigned to within 72 hours from the expressed intention. In that case they should leave Serbia within the maximum of 30 days. This is problematic since it is the matter of persons without travelling documents so that it remains unclear how they are supposed to leave the country. Their residence permit is also terminated if they are caught trying to illegally cross the border within the border area, mostly in northern parts of the country. In Belgrade they get termination of residence if they are found in a hostel or private accommodation with an expired certificate. The individual caught with terminated residence is fined, and if he/she has no money to pay the fine he/she may be sent to prison. The police do not apply consistently the above-mentioned regulations to all the refugees but more often to single men. The families and certain vulnerable categories are being sent to repeat the application process once their residence permit expires.

“The co-operation with the Commissariat, in the sense that these people need to be accommodated somewhere, resolves the issue of their accommodation, but that still remains beyond all legal frameworks. These people remain illegal and when the police find them, and we have already had couple of such cases, they will be fined – 1,000 RSD per day. If they do not have the money, they will have to serve their punishment in prison. Those cases happen.” – NGO representative

5 Monthly Report of the Belgrade Human Rights Center

“The situation is not the same for single men and families, it is a different thing when you are a “single man”, as it is said ... and there is also the difference if someone comes from Syria or from Pakistan.” – NGO representative

Just as the last year, the cases of denial of access to the asylum procedure and forced push backs from Serbia to Macedonia and Bulgaria were also registered this year.

“The other day we had a family from Afghanistan that was instructed to go to the camp in Dimitrovgrad and they went to Dimitrovgrad, but the police found them, thorn their papers and they ended up in Bulgaria.”– NGO representative

“We know about an example of a registered family that was announced to the camp in Preševo during the night but they never arrived. The problem in that case was (as well as for many other families) that when they arrive late at night and during the weekend, there is no one to wait for them at the station. They are sent by trains but since there is no one to wait for them they miss the station. The family continued their way towards the border where people in official uniforms thorn their papers and sent them back to Macedonia. The family waited for them to go away and came back to Serbia. They ran into the gendarmerie patrol who took them to the camp in Preševo. Later on, when they were interviewed about the incident they claimed they were slapped by the border police.” – NGO representative

UNACCOMPANIED MINORS

According to the Law on Asylum, foreign citizens under the age of 18 and who were left unaccompanied by their parents or legal custodians on the day of entry or after the entering Serbia are to be considered as unaccompanied minors. They usually travel in a group of peers where one of them is the leader (the oldest or the most capable one). The majority of them declare as to be travelling with closer or distant relatives, people from the same village, and there is no way to determine whether it is true. There is also the so-called phenomenon of "children on a mission" - parents sending one of their children with a group from the village or completely alone, with the hope of them reaching the western Europe, from where they are expected to send money to their families or to help them come as well. The minors usually claim that there is a relative waiting for them in Germany or some other country, knowing that this claim cannot be easily confirmed. The risk of human trafficking is very high in situations like that. "Children on mission" are ready to take big risks. The failure represents a big shame for them and they therefore do not give up regardless of what might happen to them. The largest number of attempted border crossing is amongst the unaccompanied minors.



A group of unaccompanied minors near the border between Serbia and Hungary, April 2017 (Photo: Max GM)

The Centre for Social Work is a guardianship authority and only social workers may be appointed as guardians to children. Social worker from the competent centre for social work has to come at site and

conduct an interview with the minor in cases when an individual is identified as an unaccompanied minor. The Joint Report⁶ on the Situation of the Unaccompanied Minors and Separated Children states that the “Assessment of the best interest and the determining of what is in the best interest is often carried out in an *ad hoc* manner, using different criteria, along with the language barriers in cases when we are dealing with poor or no translation. People having the mandate to implement the border identification (BID) are often left without adequate resources and capacities to protect the children in an adequate manner. In Serbia, for an example, the organisations working with unaccompanied minors and separated children report that social workers go to the on-site visits in only half of the cases and that children have to wait for them to arrive for a day or two, leaving them exposed to various risks since they cannot be registered and directed into the reception centre without a social worker. (...) The guardianship procedures are often carried out only to satisfy formal requests or are not implemented at all.”

The situation in Belgrade has improved to a certain extent in relation to the previous year and the workers of the Centre reply regularly during the working days, while during the weekends they have organised passive stand on-duty service. This means that they reply to a call only in emergency cases. UNICEF supports the capacity building of the centres for work with this population, which has improved the overall situation in some of the centres.

“We had an example of a minor that was sent to Bujanovac at broad day light, but the social worker did not wait for him since he arrived at 5:00 p.m., and that was after her regular working hours. The child ended up in Tabanovci and was pushed back to Macedonia.” – NGO representative involved in providing legal aid

“A minor that was accommodated in Krnjača went to the market to buy something he needed. At that moment the police was gathering up the migrants sleeping outside of the camps and he was told to get onto the bus, after which he told to the officers that he is accommodated in Krnjača and showed them the ID card from the centre. The police officers slapped him and sent him to Preševo. The social worker failed to realise that the child was missing for more than six days.” – NGO representative involved in providing legal aid

In practice, one social worker is still in charge of all the minors in a certain reception centre. The individual in question does not work in the reception centre but at the centre for social work and has other duties as well.

“An unaccompanied minor who was in a group with adult refugees was 12 years old. In the beginning, he did not want to talk to us, with the explanation that he is travelling with his uncle, although, later on in the conversation it turned out that it was not his uncle. After a while, he accepted to go to the camp. Young boys who were with him in the group were passing angry remarks to him in their language telling him he should not talk to us and give out any secrets. The boy got upset after hearing them shouting, but despite what was being said to him he decided to go the camp which showed that there were problems within that group. We contacted the

6 “Out of Sight, Exploited and Alone”, Save the Children, International Rescue Committee, March 2017

Centre for Social Work to make an on-site visit. They responded that the boy was not within their jurisdiction. We lost contact with the boy in that bureaucracy because other young boys from the group quickly convinced the boy to stay with them. We had a boy with a problem and the institutions did not react. We guess the child crossed the border, because we did not see him again". – NGO representative

When it comes to age assessing there is no way to determine the exact age of an individual, therefore they are usually registered as minors by the police based on their statement. People working with them have noticed that adults often had the document issued by the police stating that they were minors.

"In the beginning it was difficult for the minors to comprehend why there was a problem being made over a fact that they are travelling alone at the age of 13, but in time they realised that minors enjoyed certain benefits (accommodation, better treatment, more services), so that many of them started to declare themselves as minors." – NGO representative

The unaccompanied minors are accommodated in the reception centres, mostly in the reception centre Obrenovac. There are also alternative options for accommodation of younger minors such as the Institute for Education of Children and Youth "Vasa Stajić " in Belgrade with accommodation capacity for 12 persons, the Integration House for unaccompanied minors under the age of 14 in Belgrade (managed by JRS) with a limited capacity of up to 20 individuals. Apart from that, there is a possibility of accommodation within the foster families. According to the opinions of the survey participants, the experiences with the foster families are excellent. There are foster families that have undergone a special training programme for these children. There aren't such families everywhere - there are a few of them in Belgrade as well as in Šid, Kikinda, Bujanovac, etc.

The unaccompanied minors are exposed to various risks some of which are connected with the country of origin, culture and customs. Young boys from Afghanistan come from a society that still practices blood revenge (vendetta) and sexual exploitation of boys. Afghanistan is known for the phenomenon of "bacha bazi" boys who dance dressed as women and who are sexually exploited. The custom is prohibited by the law but is practised nevertheless. The minors are also exposed to risks connected with various forms of violence, between themselves in peer groups, by smugglers during an attempt of illegal border crossing, etc.

"The phenomenon of self-destruction was noticed among them after the demolition of the barracks. The barracks were the only source of security in this entire chaos. They had to get into the system, they were separated and left without their group members, forced to wander into the unknown." - NGO representative

"They claim that self-hurting, inflicting of physical pain helps them overcome the psychological" – NGO representative

"They bear remarkable markings (they have traces of self-mutilation). This summer and the one before it seemed as an outbreak of epidemics amongst them. In 2016, there was a boy that used to extinguish the cigarette on his arm every time he failed to cross the border."- NGO representative

“They receive messages from their parents, such as little Abdullah is already in Germany and you are still stuck in Serbia. And then you have a child with a broken arm that hangs himself under the train” – an NGO representative

“However, no matter what they have been through, they remain children in their hearts. Children with injuries come to the Children’s Corner and afterwards watch a cartoon or play some video games” – an NGO representative



FORMAL AND INFORMAL EDUCATION

The Law on Asylum grants the right to free elementary and secondary education, while the Law on the Bases of the Educational System sets forth that the foreign citizens and individuals without citizenship are enrolled in elementary and secondary schools and exercise the right to education under the same conditions and in the same manner as well as the citizens of Serbia. The schools have the obligation to organise language lessons, preparatory and supplementary lessons for foreign pupils, including the individuals without citizenship and refugees who do not speak the language used in schools or need special classes in order to continue with their education⁷.

By March 2017, only 80 refugee children aged from 7 to 18 attended eight elementary and one secondary school in Belgrade⁸. The figures changed significantly in 2017. Elementary schools in places where the reception and asylum centres are located were sent the information by the Ministry of Education, Science and Technological Development that the refugee children should be included in the school system at the beginning of the school year 2017/18. That was followed up by organising of workshops for the teaching staff so as to train them for the work with refugee children titled "Challenges of intercultural teaching and education" and "Support to education of refugee children". The schools were presented with the list of children enrolled in a particular school and their distribution per classes by the competent school administrations. The systematic health check-up was organised for all children prior to enrolment in schools. The non-government organisations provided children with school backpacks, notebooks and school supplies.

The inclusion of the refugee children in the education system of Serbia started in September 2017. The access to education was made possible to all refugee and migrant children of elementary school age accommodated in the reception centres, regardless of whether they have submitted the asylum application or not. According to the UNHCR Report, around 85% of children aged from 7 to 14 have been included in the school system⁹. Only in three transit-reception centres (those in Subotica, Sombor and Kikinda, where children stay for a short time before crossing into Hungary) the children are not enrolled in schools, and education programme is organised within the centres instead.

The schools have the liberty to organise teaching in accordance with the specific local context: number and type of classes attended by the children, how to engage in communication with parents of local children, how to involve the children in extracurricular activities, etc. School principals and the teaching staff perceived a new situation as a great challenge because children do not speak Serbian; knowledge fund of children varies, coupled with the fact that interpreters are not included in the teaching process. Class teachers and teachers of specific subjects are expected to evaluate the success rate of children every two week in order to monitor the improvement. When the time comes for the family with a child to leave the country the school has to issue the report in Serbian and English language. The document should contain the information on classes attended by the children and during which period, the achieved success and description of interests, talents, communication skills, etc.

7 <http://www.asylumineurope.org/reports/country/serbia/access-education>

8 Serbia Inter-Agency Operational Update, UNHCR, March 2017

9 UNHCR Serbia Update 09-15 October 2017

“The class teachers have been given the task to inform the parents during the parents’ meetings on progress of inclusion of refugee children in the school system and they were expected to fulfil it.”- A pedagogue of the school attended by refugee children

“The teacher of mathematics had to hold a pre-class for the local children every time to explain them what will be taught at a class and give them extra explanations (for which he would not have enough time at a regular class) so that he could devote his attention to explaining the material to the refugee children as well. “- A pedagogue of the school attended by refugee children

“It was very difficult to integrate the children in classes from a logistical point of view, due to the fact that they had only one organised bus line, while their teachers taught in three more schools where they needed to fulfil the needs set by the syllabus and curriculum, it was necessary to coordinate the arrivals of children with the schedules of teachers working in parallel in three additional schools.”- A pedagogue of the school attended by refugee children

At the beginning of the school year there were protests of local children parents who were against the inclusion of refugee children in local schools. The elementary school in the village Višnjićevo, municipality of Šid, was excluded from the programme due to the threats against the refugee children. The hate speech was extremely present in this municipality, while principals of elementary schools were urged not to accept the refugee/migrant children, and pressure was exerted on parents who did not want to sign the petition. The situation calmed down as the children started to attend schools.



Refugee children in elementary school in Šid, autumn 2017

“The parents were coming to school and talked nonsense related to the refugee children they have overheard being revolted because their children will have to adapt to a foreign culture ...” – principal of the school attended by refugee children

The bus transport from school to school (including six schools in total) was organised in the municipality of Šid for two reception centres in that territory. The children attend classes in two shifts, and they go to school and return from it accompanied by one adult (NGO associate). The refugee children mostly attend two classes at times that depend on the schedule of classes and bus transport. Local children have mainly accepted the refugee children well, and refugee children and their parents are very happy because they have the opportunity to attend school.

***“Children sometimes feel sorry because the refugee children attend only two classes a day and they wonder whether it would be possible for them to stay longer.”
(school pedagogue)***

***“I like the school very much, I like to draw, play, I love sports classes, have new friends who help me understand what is being taught and learn Serbian language”.
(A girl from Afghanistan aged 11)***

The inclusion into the secondary school system has not been carried out systematically, and there are only sporadic known cases of inclusion of refugee children in secondary schools. It could be said that formal education has not been made available for the majority of children of secondary school age.

“I would also like to be able to go to school, so that I could learn better your language, learn English, and get to know people living outside the camp so that they are not afraid of me any more. Even the language workshops are not organised in the camp any more. Every day is the same to us.” (A young girl from Iraq aged 17)



ACCOMMODATION OF REFUGEES, ASYLUM SEEKERS AND MIGRANTS IN SERBIA

The accommodation of individuals who have expressed the intention to seek the asylum in Serbia is organised in 18 centres in total - five centres for asylum seekers and 13 reception centres. The reception centre in Šid was closed in 2017 while new reception centres were opened in Obrenovac, Kikinda and Vranje. The Asylum Centre in Sjenica moved to a new facility. The construction of a new asylum centre in Tutin with the capacity for 248 individuals was completed. It will be officially opened in 2018. With those changes the accommodation capacities in the reception and asylum centres in Serbia makes 5,930 individuals¹⁰.

The Commissariat for Refugees and Migration acts is responsible to provide accommodation and food to migrants in all reception and the asylum centres. The reception and asylum centres are of open type. The services within the centres are provided by the Commissariat, Red Cross, local centre for social work, local health institutions, as well as international non-government organisations. In addition to the refugees are provided with three meals per day, health services, specific services for children within designated safety areas for children, and other services.

At the beginning of the year, the number of accommodated persons exceeded far the capacities of certain centres while the centres with the highest number of refugees in 2017 were those in Adaševo, Obrenovac, Krnjača, and Preševo. That was why the large housing tents ("rub-halls") that are difficult to heat in winter and cool in summer were used in some centres all until the end of October. Based on the CRM's decision from October 2017, the tents were no longer used for accommodation and some beneficiaries were transferred to centres with more available space. Some people did not want to move and faced with the inability to choose they decided to abandon the centres and attempt to illegally cross the border or continue to stay in informal accommodation, in the open. Closing down of large tents was possible primarily due to reduction in number of refugees in Serbia that was smaller than the overall capacities in state centres during the final quarter of the year. The accommodation standards have therefore improved in comparison with the previous year.

A lot has been done in 2017 in terms of improvement of the accommodation quality, which is backed up by the UNHCR¹¹ reports on conditions in the centres at the beginning and end of the year. As far as the accommodation conditions in the asylum and reception centres are concerned they differ from one centre to another. The sanitation facilities are mainly a form of combination of mobile and in-built sanitation units. Mobile facilities are mainly used by men, while toilettes and showers within the buildings are used by families. This, along with the level of hygiene, dilapidation grade of facilities and equipment (broken door handles, corked toilets, leaking cisterns, doors that cannot be closed, etc.) varies also from one centre to another. The beneficiaries of certain reception centres complained during the winter of 2016/2017 about poor heating that was provided for only couple of hours during the day. The same can

10 Quarterly report of the Belgrade Human Rights Center, second quarter

11 <https://data2.unhcr.org/en/documents/details/55034>

be said about the availability of hot water – in one reception centre hot water is released only twice a day in duration of up to one hour. The overall conclusion is that the hygiene depends primarily on people’s attitude, including both the employees and beneficiaries.



Lunch distribution in Principovac reception centre, March 2017

(Photo: Max GM)

“When it comes to hygiene maintaining, it varies from one centre to another - in some of them it is better maintained, and in some it is worse, at some places the beneficiaries take active participation while in some they do not. They simply still do not perceive the centres as their own living area in order to act as good hosts.” – NGO representative

“As far as the sanitation facilities are concerned, from the aspect of emergency standard, Serbia is ranked ahead of some other countries, while the regulations prescribe one toilette per 40 individuals. When we were to sum them all up we would be probably above that.” – NGO representative

Personal privacy has still not been provided mainly because several families are accommodated within the same room and there are also collective dormitories with several dozen beds. The families are not separated.

“It happens that there are three families in one room that are not able to communicate with each other due to the language barrier. The beneficiaries make visual barriers using the blankets” – an NGO representative

The refugees pray in their own rooms in a majority of centres, while some centres provide special areas for prayers (for example, the reception centre in Obrenovac has two rooms for prayers, while in Preševo one tent is used for that purposes and in Principovac one part of the corridor at the first floor is used as a praying area).

The services in accommodation centres are provided by the Commissariat, Red Cross, local centres for social work, local health institutions, and non-government organisations with the permission of the CRM. The basic services provided by all the centres include accommodation, three meals (one cooked) a day, basic medical services and specific services for children within areas designated for them. The availability of other services varies from one centre to another. The occupational activities have been introduced this year primarily for women while only in some centres they are also organised for adult male population. The situation is similar when it comes to informal education – it mainly comes down to an ICT corner for the young and an occasional foreign language course or creative workshops but not in all reception centres. Women from the refugee population have expressed the wish to attend workshops in cooking, hairdressing and make-up.



REFUGEES IN INFORMAL DWELLINGS

Humanitarian situation related to refugees staying in improvised shelters (the barracks behind the main bus station) in the centre of Belgrade was alarming during the first couple of months of 2017. The period was marked by extremely low temperatures, very bad hygienic conditions, outbreak of skin diseases (lice and scabies), as well as with violence and various forms of criminal activities. The barracks were mainly occupied by men with a high percentage of unaccompanied minors among them.



Migrants in an improvised shelter in downtown Belgrade, February 2017

In May 2017, the competent authorities demolished the barracks and relocated more than 1,000 refugees from the centre of Belgrade into the reception centres. Several dozens of them have remained in the streets of Belgrade at different hidden places, while couple of hundred of them remained in border areas with Hungary, Croatia and Romania despite the fact that the number of individuals residing outside the state accommodation facilities has significantly decreased. The increase in number of individuals residing outside the accommodation facilities was recorded during autumn in Belgrade. Compared to the beginning of the year when they were mostly concentrated at one place, they can now be seen at different places, within an area wider than before.

“...The refugees have once again started to sleep at places in the vicinity of Mostar loop, by the Fair, Church of Saint Marko, at Karaburma, Tašmajdan Park, etc.

... It was noticed that families tend to sleep at well lit areas. As much as 100 refugees sleep outside during the night. This has been noticed recently”– an NGO representative

Furthermore, some refugees/migrants sleep in various private accommodation facilities such as cheap accommodation for workers, hostels, private accommodation, etc. However, it is difficult estimate the exact number of such individuals.

Several hundreds of refugees/migrants are hiding and sleeping in improvised shelters in the vicinity of the borders with Croatia and Hungary. The majority of individuals are adult men and unaccompanied minors; however one can also encounter women and families. The estimates of NGOs working at site with this population state that unaccompanied minors make up around 30% of the overall number. The main reason some refugees reside outside the camps is that they attempt to cross the border, and the reception centres they are assigned to upon registration are far away from the borders with Croatia or Hungary. The refugees outside the camps are entitled only to primary medical aid provided by health organisations present at site. If there is a need for specialised examination, they need to be registered under emergency procedure. Several volunteers' associations (primarily foreign ones) provide these refugees with food at some places - somewhere on a daily basis, while somewhere every second or third day. These organisations sometimes provide mobile showers. The attempts of food distribution and providing of other types of aid outside of the camp are judged by the state institutions that are insisting on all refugees being orderly registered and accommodated in the accommodation centres.



Migrants in an improvised shelter near Subotica, February 2017

Most frequent medical problems reported by the medical staff working with this population include skin changes, muscles and foot pains due to long term walking, open wounds from dog bites, deep hand cuts caused by barbed wire, foot breaks (when they jump over the fence), respiratory infections and diarrhea.

FORCED PUSH BACKS, HARASSMENT AND TORTURE

Forced push backs from one country to another along the refugee route have continued: from Serbia to Macedonia or Bulgaria, from Hungary to Bulgaria, from Bulgaria to Turkey, from Croatia to Serbia, from Macedonia to Greece, and from Romania to Serbia.

All stakeholders providing aid to the refugees/migrants agree that forced push backs to Serbia in cases of "illegal" attempts of border crossing happen on a daily basis as well as that cases of reported violence often very brutal in nature are not rare. According to the testimonies of refugees, the most brutal treatment takes place in Bulgaria, and is often not limited only to the actions of the police but also of the local population. The police authorities of Hungary, Croatia and most recently of Romania resort more and more to physical violence towards the refugees/migrants they find in their territories, before returning them back to Serbia, without the possibility of access to the asylum procedure in the given country. The testimonies about prevention of entry and forced push backs from Serbia to Macedonia and Bulgaria have been also recorded, but they were mainly not accompanied by acts of violence.

"Forced push backs happen on a daily basis and at any given moment. Earlier, it was only Hungary but currently they also happen in Croatia, Bosnia and Romania."- NGO representative

The examples of brutality during forced push backs are numerous, including dog bites, hitting by nightsticks, pepper spraying, taking of clothes and shoes, soaking in cold water at low temperatures, stripping off and confiscation of clothes and shoes, etc. Acts of physical violence are accompanied by confiscating and breaking of mobile phones, harassment, etc.

"One young boy was kicked in the ribs so strong that his mobile phone he was holding there was broken." (NGO representative providing legal aid)

"Several police officers separate a group, the officers form a circle and force one person at a time to enter the circle, after which they start hitting them with nightsticks for up to half an hour and laugh at that. They have even taken pictures while they were harassing them. They pour down liquor in refugees' mouths as a sign of welcome into Europe." (NGO representative providing of legal aid)

"Romania seems to be the country of choice for the Kurds and Arabs, while people from Afghanistan go to Croatia. Only fools and desperate people go illegally to Hungary." (Aid provider focus group participant)

The experiences of organisations working with refugees show that unaccompanied minors make most attempts of illegal border crossing, and they are most often faced with violence exerted by the police. More and more refugees/migrants rely on the help from smugglers in their attempts to leave Serbia despite the above-mentioned risks and experiences because the chances for a legal crossing into the EU countries are minimal. Single men are at the bottom of the list for entry into Hungary.

"If families wait for one year, how long should us men wait?!... As soon as I recuperate I will try again to cross the border, cold weather is coming and we are waiting for the fog as they say the visibility is poor then and we can cross. I have no conditions to stay in Serbia, I cannot work." (Aziz, the refugee from Afghanistan aged 27)

The acts of violence are rarely reported. On the one hand, they are used to it and on other hand they are not confident that they would benefit from reporting the violence. Health organisations encounter that most frequently because they treat the wounds. The election of a new Ombudsman was preceded by the mechanism that included the Ombudsman, UNCHR, certain non-government organisations such as Doctors Without Borders and the Institute of Forensic Medicine. The UNCHR was a part of the mechanism while it was functioning advocated that if an individual was pushed back from some of the EU countries it should not be the country where it had suffered torture. According to statements of organisations working with the refugees such practice is no longer implemented.

"The Belgrade Human Rights Centre filed the initiative to report each such case to the Ombudsman. It was reported and registered for a certain period. At that time Miloš Janković was the acting Ombudsman. When a new Ombudsman was appointed all processes were put on halt." – NGO representative

"People do not even report that. They think there is no use. The whole thing remains at the level of the report. However, there are moments when people, in particular when it comes to minors, feel that as practice - a slap, he hit me, that's... My God, it happens like that. Regretfully, they are simply used to such violence." – NGO representative

Cases were registered of smugglers committing violence: it happens that they are lock them up, demand additional money, and even take away their mobile phones, jewellery, and commit violence against women and children. It is a common impression that a number of incidences involving such form of violence has recently decreased. Money extortion is the main reason for violence exerted by smugglers - the fact that the "clients" do not have it in the agreed amount or the smugglers ask for more later on.

"I had the case of a young boy in Obrenovac with really severe injuries that were allegedly inflicted to him by smugglers in Greece, but all that remained ... it used to happen very frequently before, but now..." – an NGO representative

"...that they kept two years old children in a hole in the ground, threatened to rape female children if not given more money, force boys to walk bare foot across live coal, and extinguish cigarettes on them. There were also signs of sexual abuse..." – NGO representative

“A three year old girl was seriously traumatised; she was present when the kindergarten was under bombardment, she saw the decapitated children which all left traumas making her cry at every louder sound. When they tried to cross the border the smugglers told her mother they would leave her and the child if she was to cry one more time. Since they were in the group with young boys the mother had to run with them. In the end she had to give sedatives to her little girl to calm her down. She cannot even remember how many pills she gave her child and she reported that when she came here.” – NGO representative

“I spent one year in Greece. I worked there for low wages at a plantation. The boss was not paying me regularly. I have collected enough money to pay the smugglers to get me to Germany, to my family. A group of some 10 people made its way to Europe in a truck. In Macedonia we were left in the forest and they told us to wait. We slept outside, just like we do here. From Macedonia we went to Hungary, and the next stop was supposed to be one of the EU countries. The smuggler left us on our own in a forest and told us “You are in Hungary now”. It turned out to be some forest in the vicinity of Belgrade. I decided to continue on my own because I do not trust anybody anymore.” – A refugee from Afghanistan aged 27

The violence happens within the refugee/migrant population: the violence is present in all the camps and is continuing to grow as nervousness and feeling of uncertainty grow. There is domestic violence, although interethnic violence is more frequent or at least it has become more visible. Domestic violence is present, but it is widely accepted and women are not aware that certain acts mean violence. Women are not familiar with the notion of marital rape. They will not report rape by smugglers either. A woman living on her own is unprotected, she does not trust the state and she suffers.



*The migrant wearing improvised footwear made of thermal foil and duct tape. He lost his shoes during a failed attempt to cross the border with Hungary.
Subotica, winter 2017*

“Gang violence, fear of bartering, the girls reporting the father of another family accommodated with them in the same room, etc. The fear prevents violence reporting. There is currently a verbal agreement in place that it is possible to report violence outside the camps and efforts are made to bring it to more official level.” (NGO representative involved in providing legal services)

“We have an example of a woman from Afghanistan. Her husband was killed and since then she worked in a rich people’s house. The owner of the house raped her and she decided to report it. The next thing she experienced was the rejection from her own family, with the explanation that she has brought it on herself and that was when she decided to embark on a journey.” (Aid provider focus group participant)

“The rape is considered to be an act performed by a bandit in the forest making it a probable reason to report it. However, if an act of raping has been carried out by an owner of the house or if it happens to be a member of the same clan, in her mind it is not considered to be raping.” (A member of FG aid providers)

“A husband hit the wife and beaten up a child, so severely that the woman’s ear drums were ruptured. The incident was reported to the police, Centre for Social Work and the CRM. Such incidents also happened in Afghanistan. In addition to treatment she was also provided psychological assistance. The woman withdrew the charges within several days and left to Hungary with her husband. ”

“In Afghanistan it is a common thing for a husband to hit his wife; we have been warned that this is not the case here or in Europe. How come it is not forbidden to others to beat us?” – A woman from Afghanistan aged 26

Non-government organisations present in the camps and working with children and families also work on prevention of violence and they provide support to families in cases of violence. The representatives of medical teams operating within the centres report that depressiveness occurs among women in camps, along with lack of sleep, loss of appetite, exhibiting hysterical reactions and suicidal ideas. They say that such condition has been brought about by the sense of hopelessness, uncertainty when they will continue their journey; some of them find the separation from their children as a very difficult one; they have the feeling that no one is taking care about them. The phenomenon of auto-destructive behaviour has been noted amongst the young population:

“The children injure themselves with cigarettes, razors and cans. For example, we saw one 11 year old girl cutting her arm with the blade”.

“The self-inflicting of injuries is the result of stress relieving. ”

The representatives of organisation working with refugees complain about general insensitivity from representatives of institutions towards the refugees, which is particularly noticeable among medical workers. There were cases when ambulance crews refused to reply to a call or wore full protective equipment upon entering into the camp.

“There were cases when the doctors were talking behind the patients’ backs, make comments, gossip about patients, ask unnecessary questions... People felt simply uncomfortable because for example they are being observed with pity which can be very unpleasant. All in all, they notice that. You do not need to know Serbian to understand what is said ... “What is she doing here? ... Oh, and how did she travel?... How did she come to Europe when she cannot speak English?” – NGO representative

“A physician decided to send a 21 year old girl to a scanner and then she said – “We do not have any confirmation she is not pregnant!” I came pointed to her stomach and asked “Baby?” She showed me her hand and I saw she had no wedding ring on it. The physician commented – “My goodness! As if that has anything to do with being pregnant!” I added that probably meant she still did not have any sexual intercourse. The physician replied: “How can that be possible when she is 21 years old?!” – NGO representative

“It happens that the ambulance takes the beneficiary and releases him/her after the check up leaving us to looking for them around Belgrade for half a day”– an NGO representative

Violence committed by the local population: Cases were reported when local population robbed the refugees. Social networks show the examples of negative relationship of local population towards the refugees, fear, prejudices and quite harsh hate speech, which is particularly intensive after an incident involving a refugee/migrant or inclusion of the children in the school system.

“Out of some 100 comments posted on the official website of Miksalište, you could maybe find two positive ones. The comments are usually of a type: Do you know that you are feeding wild beasts?...” – an NGO representative



CONCLUSIONS AND RECOMMENDATIONS

The majority of refugees and migrants residing in Serbia still perceive it as transit country on their way to Western Europe. The flow of refugees and migrants continues through Serbia despite the fact that the borders are closed and that the entry into the European Union countries has become increasingly difficult. During the first 10 months, 5,153 individuals were recorded and they expressed the intention to apply for an asylum in Serbia. At the same time, the number of refugees and migrants in Serbia continued to decrease from 7,900 recorded in January to 4,273 recorded in December. The number of submitted asylum applications made 193, while only 5 positive decisions have been passed.

Legal status of foreign citizens residing illegally in Serbia and not wanting to seek the asylum but who need international protection has still remained unresolved. Despite that fact, the majority of refugees and migrants in Serbia are accommodated in reception and asylum centres. The centres are the places where they are provided with basic accommodation and living conditions, given access to medical protection and the right to education. The refugee children have been attending regular classes in elementary schools since September 2017.

The main recommendations for improvement of the status and rights of refugees, asylum seekers and migrants in Serbia are as follows:

- » The basic human rights and liberties of refugees and migrants need to be promoted, observed and protected at any time by all institutions and citizens.
- » It is necessary to improve the asylum and migrations policy in order to provide long-term solutions regarding the status and position of refugees and migrants in Serbia.
- » Adequate access to the asylum procedure should be provided, including hiring of interpreters and providing of adequate and timely information to the refugees, in order for them to be able to make an informed decision, accommodation of individuals who wish to apply for the asylum in the asylum centres, etc.
- » The asylum procedure and protection of individuals who need international protection have to be improved in order to make them more with the effective screening and profiling mechanism of individuals coming to Serbia.
- » The number of police stations issuing the certificate on the expressed intention to apply for the asylum and directing individual to designated accommodation should be increased. The possibility to issue the certificates and register refugees in the reception centres would be of help.
- » The individuals waiting to be registered and sent to the reception centres should be provided with accommodation in Belgrade.
- » Adequate protection should be provided to refugees and migrants who do not wish to apply for the asylum in Serbia during their stay in the country, in the manner that will enable them to exercise their basic rights including access to available services and freedom of movement.
- » Protection of children affected by the refugee crisis, including unaccompanied children and those separated from their parents should be continuously improved, which includes timely and efficient

assessment of the child's best interest by social workers, providing of adequate accommodation, efficient asylum granting procedure, accurate determination of age and recognising of particularly vulnerable individuals, etc.

- » It is necessary to plan and implement the activities of intercultural exchange so as to reduce and bridge the gap between the local and refugee community.
- » Efforts need to be increased in combating smuggling and human trafficking, with special emphasis on preventing the harassment of refugees and migrants by representatives of the authorities or civilians along the refugee route.
- » It is necessary to secure the presence of professionals from the centres for social work in the reception centres.
- » Local population in places where the reception and asylum centres are located need to be sensitized informed and involved in decision making processes, especially when it comes to including the refugee children in schools.
- » The activities of better informing and sensitizing the health workers providing medical services to the refugee, asylum seeker and migrant population should be carried out.
- » It is necessary to continue providing support to the professional and teaching staff, in schools attended by refugee children. The refugee children of pre-school age should be prepared for formal educational programme.
- » The inclusion in the secondary school system has not been carried out in systematically so that formal education is not available to majority of secondary school age children. Better preparation and access to the educational system should be provided for this group of children and young people in the forthcoming period.
- » The refugees in informal dwellings should be provided with basic humanitarian aid and motivated to register themselves and get accommodated in the reception and asylum centres, as well as with the legal resolving of their status with observing of human rights.







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