



# BETWEEN CLOSED BORDERS

*Joint agency paper on refugees  
and migrants in Serbia 2017*

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**Between Closed Borders**  
**Joint agency paper on refugees and migrants in Serbia 2017**

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## About

Humanitarian Center for Integration and Tolerance - HCIT was founded in 1997 as a non- governmental organisation, located in Novi Sad. For the past 20 years, HCIT has been working with forcibly displaced persons focusing on refugees from former Yugoslavia, IDPs and asylum seekers in Serbia. HCIT is an implementing partner of UNHCR since 1999, in the area of free legal aid and protection of refugees and asylum seekers.

Crisis Response and Policy Centre – CRPC is a civil society organisation founded in Belgrade in 2016. CRPC is dedicated to providing assistance and support to refugees and asylum seekers. CRPC is committed to the protection of human rights and vulnerable persons and groups. CRPC is an implementing partner of UNHCR in the area of refugees and asylum seekers protection.

Close cooperation of these two organisations in their work with refugees and migrants has contributed to timely and efficient protection of this population, mostly in the field of information provision, interpretation and cultural mediation, work with vulnerable persons and referral to appropriate institutions.



**Dear Reader,**

*Allow me to thank the Humanitarian Centre for Integration and Tolerance (HCIT) and the Crisis Response and Policy Centre (CRPC) for their kind invitation to contribute a short foreword to this publication. I trust that you will be as fascinated by its wealth of data and observations as I was when reading earlier manuscript to think about how to pre-face it. The Representation of the UN High Commissioner for Refugees (UNHCR) in Serbia had the great pleasure to support the refugee protection activities of CRPC and HCIT under its 2017 project. These two excellent partner organisations were (and still are) most active in the City of Belgrade and in the Autonomous Province of Vojvodina, while coordinating with other project partners covering all other locations where persons of concern to the global mandate of UNHCR gathered in Serbia. Though this publication may not tally all your views or recollections (or those of UNHCR), it helped me to remember, sometimes re-live, the dramatic moments of last year, for example of the winter of 2016-2017, when CRPC, UNHCR and others supported authorities in convincing the foreign men and boys who squatted in terrible conditions in the ruined barracks behind Belgrade train station to voluntarily move into better care and accommodation in governmental centres. In such a reading, this publication provides a good source for future historians of the so-called Balkan route and Serbia's response to its challenges. Its another perhaps even more important strength you will find in the great care it takes in letting refugees and migrants speak themselves, in presenting an anonymized sample of the many hundreds of testimonies that HCIT and CRPC collected from those asylum-seekers who were denied access to asylum procedures in neighbouring states but instead collectively expelled into Serbia, sometimes with shocking use of force and denigration. During 2017, CRPC and HCIT under the UNHCR project alone provided over 57,000 translation, counselling and referral services to refugees, asylum seekers and migrants all over Belgrade and Vojvodina. Too modest to highlight it in this publication, the many expert Cultural Mediators of CRPC and HCIT thus played an invaluable role in preserving, often restoring, the dignity, self-esteem, resilience and hope of women, men and children, who traumatized by the events they had to flee back home or they encountered en-route, found themselves in a foreign country, with a foreign language, culture, and customs. As this publication also highlights challenges, allow me to close by thanking all colleagues of CRPC and HCIT for the most constructive, positive and reliable support they thus provided to authorities, UNHCR and others in maintaining an overall humane management of the refugee and migration situation in Serbia during 2017. While our valuable cooperation continues in 2018, we all shall remain committed to improve the plight of displaced persons and their generous host communities by putting people first.*

**Hans Friedrich Schodder**  
**UNHCR Representative in Serbia**



# CONTENT

<b>INTRODUCTION</b> .....	11
<b>ARRIVALS TO BORDER AREAS AND BELGRADE</b> .....	13
<b>SPECIFIC LOCAL/ REGIONAL SITUATION</b> .....	15
BELGRADE OVERVIEW.....	16
Refugee Aid Miksaliste Hub .....	18
VOJVODINA OVERVIEW .....	19
<b>IRREGULAR MOVEMENTS AND RISKS</b> .....	21
BELGRADE AREA INFORMAL SITES.....	21
BARRACKS POPULATION – PROFILING .....	25
IRREGULAR MOVEMENTS IN VOJVODINA .....	29
INFORMAL SITES IN VOJVODINA.....	31
<b>ARBITRARY REMOVAL OF FOREIGN NATIONALS FROM NEIGHBOURING COUNTRIES TO SERBIA</b> .....	39
INTRODUCTION .....	39
NORTHERN BORDER WITH HUNGARY.....	40
NORTH/WESTERN BORDER WITH CROATIA.....	49
NORTH/EAST BORDER WITH ROMANIA .....	56
RETURN OF ASYLUM SEEKERS FROM HUNGARIAN SO-CALLED TRANSIT ZONES TO SERBIA.....	59
EXPULSIONS FROM HUNGARY TO SERBIA OF FOREIGNERS THAT HAVE NOT PASSED THROUGH SERBIA .....	60
<b>VULNERABLE GROUPS</b> .....	63
UNACCOMPANIED AND SEPARATED CHILDREN .....	63
UASC identification in Belgrade .....	64
UASC identification in Vojvodina .....	67
SGBV SURVIVORS .....	71
<b>CONCLUDING REMARKS AND RECOMMENDATIONS</b> .....	75
<b>LIST OF ABBREVIATIONS</b> .....	78
<b>REFERENCES</b> .....	79



## INTRODUCTION

During the massive influx of refugees and migrants in 2015, Serbia was mainly a country of transit on the route to European Union for the several hundreds of thousands fleeing war and persecution. Even after the EU-Turkey Statement in March 2016 and *de facto* closure of the borders along the so-called Balkan route, the perception of those that remained stranded did not change and Serbia was still not considered as a destination country by most refugees and migrants, even though transit became ineffective and drastically prolonged compared to 2015 and early 2016.

Immediately after the closure of the Balkan route, the only safe pathway to EU across Serbia, led through established transit zones on the Hungarian border with Serbia, and a daily admission process. Despite “closed” borders, the influx of refugees and migrants continued throughout 2016 and 2017. According to official statistics, during 2017 the number of refugees, asylum seekers and migrants in Serbia changed and decreased from some 7900 in January, February and March, to 4500 as in early December 2017.<sup>1</sup>

While humanitarian needs were mainly addressed and over 90% of refugee and migrant population was accommodated in 18 governmental facilities across Serbia, issues regarding legal status and access to rights and services became a more urgent problem for many that were living in Serbia for more than one year after the closure of the Balkan route in March 2016. The vast majority of all these foreign nationals remained without any legal status in Serbia, since only a small number submitted an official asylum claim. The Ministry of Interior of the Republic of Serbia issued 6199 certificates of expressed intention to seek asylum, but only 236 official asylum requests (less than 4%) were submitted to the Asylum Office.<sup>2</sup> For the majority of those who obtained these certificates, the “police paper” as they referred to it, was mainly a mean to access accommodation, food, medical aid, psychosocial support and similar services refugees and migrants needed. The issue of registration through obtaining the expressed asylum intention paper came to focus especially in harsh weather conditions, when this population was in dire need of food and shelter.

However, majority of persons likely in need of international protection were generally confused and believed that “registration in Serbia” meant any possible contact with representatives of the Ministry of Interior (police officers) and/or any representative of the Serbian Commissariat for Refugees and Migration (SCRM) at asylum or reception/transit centres. Moreover, they perceived “registration” as any of these three types of procedures:

- Procedure in police stations where they were receiving Intention to Seek Asylum Certificate (ISAC) within the Law on Asylum of the Republic of Serbia, in order to access much needed services

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1 UNHCR Inter-Agency Operational updates 2017, UNHCR data portal, <https://data2.unhcr.org/>

2 Data provided by the Ministry of Interior RS at: UNHCR data portal, <https://data2.unhcr.org/>

- Police processing where they were being issued with Cancellation of Stay paper, in line with the Serbian Law on Foreigners
- Process in which they were providing bio-data in order to be enrolled in the unofficial “waiting lists” for admission into Hungary.

Regarding the registration that is being implemented in line with the Asylum Law, the vast majority of refugees and migrants that HCIT and CRPC have been in contact with, were unaware of the true purpose of the paper they were issued with as the first step in the asylum procedure in Serbia. They mostly perceived this paper as a necessary document for accommodation at one of the existing accommodation facilities in Serbia which was a crucial issue during the extremely cold winter of 2016/2017.

Throughout the year, refugees and migrants in Serbia were in constant need of appropriate and timely counselling and adequate information in languages they could understand, often facing psychological issues, deprivation, sexual and gender-based violence (SGBV), a prolonged and an uncertain stay in Serbia while facing dilemmas regarding future strategies. Such issues influenced the work of CRPC and HCIT with this population on the local level.

Despite the changed situation, Belgrade with two large accommodation centres on its territory – Krnjaca and Obrenovac, continued to be an important location for refugees, migrants and asylum seekers and maintained its role as a junction on the route during 2017. Aside from Belgrade area, many refugees and migrants, single men, but also families and unaccompanied and separated children (UASC), were continuously sleeping rough in the border areas of Serbia, trying to leave this country and reach EU.

Stranded between borders, many refugees and migrants tried to find a way to continue their journey to desired EU countries by any means necessary. The number of reported push-back incidents and sometimes severe violence on borders was undoubtedly on the rise in 2017, affecting even the most vulnerable of all – children. In addition, many were exposed to different types of ill-treatment along the route to Serbia: exploitation, kidnapping, physical violence, SGBV and abuse.

Also, a change in public opinion and attitudes towards refugees and migrants influenced the situation. Fewer citizens donated clothes, food and other assistance. The general attitude toward refugees from the Middle East became less ambivalent in late spring 2017, compared to the same period from the year before and negative attitudes toward refugees increased from 19% to 33.3%. Regarding the improvement of refugee’s situation, public trust in local NGOs has dropped and expectations from EU, UN and similar institutions have risen.<sup>3</sup> These changes reflected on local level as well. Among other things, this resulted in the closure of the Sid Transit Centre in May 2017.<sup>4</sup> Furthermore, media focus started to shift from the humanitarian

3 USAID, ProPositive and Divac Foundation, *The Attitudes of Serbian Citizens Towards Refugees – Key Findings of the Third Wave of Survey*, [http://pdf.usaid.gov/pdf\\_docs/PBAAH588.pdf](http://pdf.usaid.gov/pdf_docs/PBAAH588.pdf)

4 Blic, “Trazimo hitno izmestanje privatnog centra za migrante”, April 25, 2017. See <https://bit.ly/2qIkOPO>

aspect to emphasising “problems caused by migrants” and this population became less publicly visible during this year, including unaccompanied children.

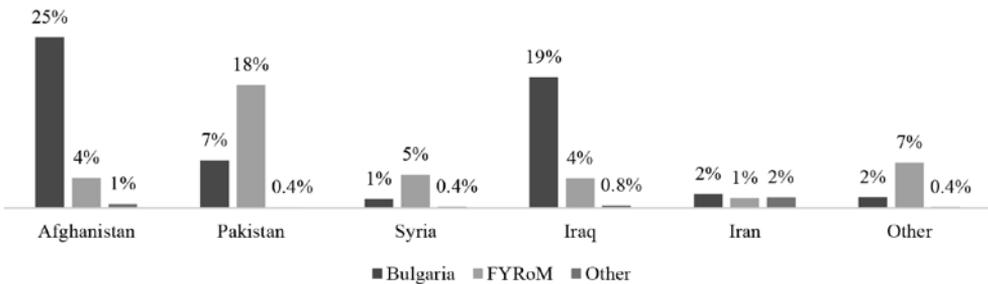
This joint paper provides an overview of refugees and migrants stranded in Serbia after the closure of the Balkan route and depicts problems, circumstances and conditions that shaped HCIT and CRPC work with refugees and migrants during 2017, with a focus on Belgrade and the border areas in Vojvodina.

## ARRIVALS TO BORDER AREAS AND BELGRADE

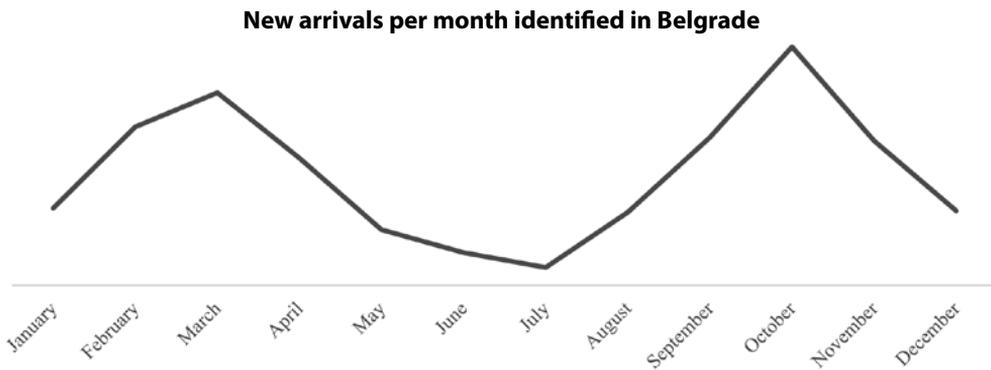
Refugees and migrants mostly approached Serbia from the direction of Bulgaria and the Former Yugoslav Republic of Macedonia (FYROM). In Vojvodina and Belgrade, areas near accommodation centres and regional traffic intersections, were meeting points for refugees, migrants and asylum seekers, so identification of newly arrived persons was mostly done on those locations. Moreover, most of the newly arrived individuals identified in Belgrade continued their journey to border areas of the country, attempting to leave Serbia.

During the year, the vast majority (95%) of refugees and migrants CRPC identified in Belgrade, entered the city from the direction of Bulgaria and FYROM. A total of 4711 newly arrived refugees and migrants were identified in Belgrade, including persons who were returned from Hungary, Croatia or Romania, without having previously crossed through Serbian territory. The Bulgarian route was the most frequent among Afghan and Iraqi nationals, while the Macedonian route was the most common entry point for Pakistanis and Syrians. The rest of newly arrived persons that entered Belgrade mostly through FYROM originated from Algeria, Bangladesh, Morocco, Sri Lanka, India, Somalia and other countries.

**Arrivals to Belgrade area identified by CRPC**



Gathered data showed a steady increase in the number of new arrivals identified in Belgrade central area in the first 3 months of 2017, followed by a decline in the numbers until July, which can be a result of closed borders, the Ramadan fast and the summer work season in Greece that could provide temporary work opportunities for migrants.



However, the number of refugees and migrants coming to Serbia significantly increased in late summer and autumn 2017. In Belgrade, the number of new arrivals identified in August was more than 4 times higher than in July with mostly Pakistan nationals (42%). This trend continued through September and October, which were at the same time months with the largest number of newly arrived refugees/migrants during 2017.

Compared to Belgrade, at the West, North and East border areas, every third person was identified as newly arrived in Serbia from September until the end of the year. However, it is safe to presume that the rest of newly identified persons who did not seek accommodation in one of the government-centres, headed towards border areas, as well.

One of the reasons of the renewed influx of new arrivals was the visa waiver agreement between Serbia and the Islamic Republic of Iran. After its implementation in September, HCIT and CRPC started observing an increase of Iranian citizens arriving in Serbia legally and quickly finding their way to the northern, western and eastern borders in order to cross into the EU irregularly. During 2017, some 1.5% of the total number of identified new arrivals, mainly families, of Iranian nationality, entered Serbia via Belgrade airport.

By the end of the year, Iranians were mostly arriving to Serbia via airplane legally, and were staying in Belgrade's hotels and hostels. In the border areas of Serbia, Iranians often rented private houses or booked hostels in Sid and Berkasovo or turned for legal assistance. After exhausting available options and funds, the majority of them would express their intention to apply for asylum in Serbia in order to be accommodated at one of the state-run centres.

HCIT started receiving reports that Iranian nationals were buying forged visas for the EU in Belgrade and attempting to cross the borders regularly. Soon after, HCIT assisted the police and judiciary in numerous cases with interpretation, where Iranian nationals were caught attempting to cross the border with such visas. Iranian citizens also started being pushed-back from Hungary and during the interviews HCIT would find out they were residing in Serbia legally. Some relatives of Iranian refugees and migrants that entered Serbia irregularly earlier, and have been in Serbia even since

2016, were now able to visit and even join their relatives and family members on the waiting lists for admission into Hungary. Furthermore, HCIT often encountered Iranian nationals arriving to Serbia who were well informed about the admission procedure into Hungary stating this was their main reason for coming to Serbia. The number of Iranians arriving rose in the aftermath of civic unrest in the country that occurred in December. These developments further complicate an already complex situation in terms of legal issues and the constantly changing refugee and migrants flow.

Another trend during last quarter of 2017 was related to the Kurdish referendum which was held in September and after it backfired Iraqi forces moved to reclaim authority in Kurdish cities.<sup>5</sup> In September 2017, CRPC identified a spike in the numbers of Iraqi refugees decidedly of Kurdish origin, when they overcame all other countries combined. Their number gradually declined towards the end of the year. Furthermore, HCIT teams encountered Kurds mostly in the East moving towards Romania and Hungary.

Throughout 2017, newly arrived individuals were in need of food, NFIs, shelter, accommodation, primary and secondary medical care etc. During the year, CRPC and HCIT were focused on identification of such persons, need assessment and referral to appropriate service providers, for the purpose of comprehensive protection. This assistance was particularly important in terms of assistance with “registration” in police stations regarding Intention to Seek Asylum Certificate – ISAC issuance, which helped with further access to accommodation.

Overall, world events and foreign policies affected changes in trends and population in late 2017. Most notably the events in Iraq following the Kurdish referendum, hostilities in Turkey on the border with Syria and Iraq and the escalation of the conflict in northern Syria, the unrest and civic protests in Iran affected the new wave of refugees and migrants in the second part of 2017. Together with Serbian change of foreign policy toward citizens of Iran, each of these events produced a ripple effect that was fairly quickly reflected through the situation in the field both on a local and national level, which in turn affected CRPC and HCIT’s work with migrants, asylum-seekers and refugees throughout 2017.

## **SPECIFIC LOCAL/ REGIONAL SITUATION**

Events in refugee/ migrant producing countries have produced long-term effects on the so-called Balkan route and movement of people. Therefore, Serbia as their destination country or at least transit country on the way to European Union, developed specific issues, problems and characteristics that have been reflected on every location across Serbia.

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<sup>5</sup> Washington Post, Loveday Morris, “How the Kurdish referendum backfired spectacularly”, October 20, 2017, <https://wapo.st/2qJohh8>

## BELGRADE OVERVIEW

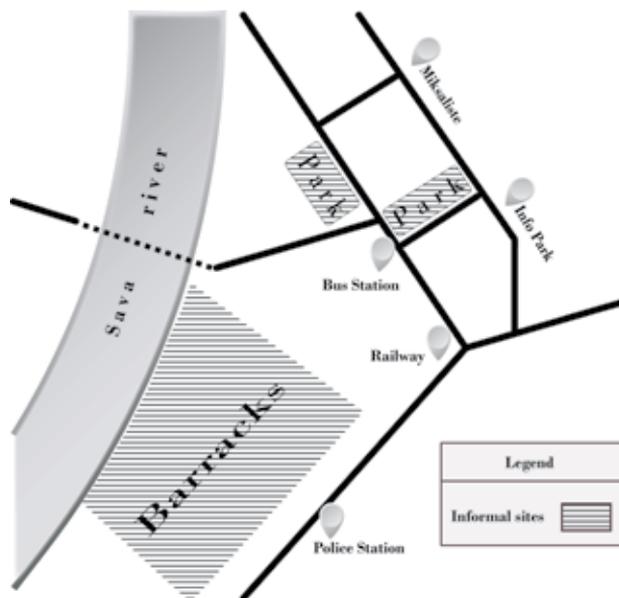
Geographically positioned as a transfer point and well connected to other areas of the country, Belgrade continued its role as a junction, as a service provision zone and an irregular movement point during 2017. Several arrival movement pathways can be identified within the city:

- Persons who tend to reach Belgrade after coming to Serbia
- Persons passing through Serbia (border to border) via discrete smuggling routes, with possible turning for help in the West and North
- Persons who initially don't stop in Belgrade central area but continue from border areas toward Obrenovac RTC, where they establish contacts with "agents"
- Persons accommodated in irregular shelters, hostels etc. who turn for help after some time spent in Serbia
- Persons who leave accommodation centres in order to go "for a game" at the border<sup>6</sup> (with a specific situation regarding the barracks behind the main railway station in Belgrade, which will be discussed further in the text) and persons who return to Belgrade after a long waiting period on the Hungarian border
- "Returnees" from the border - persons who were expelled from Hungary (including "first time" expulsions of those who entered Hungary through other directions), then from Croatia, but also Bulgaria, Romania and Serbia as well as Dublin Agreement' returnees who re-started their journey north irregularly.



*Map of municipalities in Belgrade*

<sup>6</sup> Going on a "game" is a so-called crossing border attempt, where a person usually tries to cross it multiple times, going back and forward between borders, evading border guards, fences etc. like in playing a game.



*Belgrade central area map*

Refugees and migrants mostly approach Belgrade from the direction of Bulgaria, Former Yugoslav Republic of Macedonia, but also from Albania and Montenegro. Also, Belgrade central area is an everyday meeting point for refugees, migrants and asylum seekers at the nearby accommodation centres (Krnjaca at Palilula Municipality and Obrenovac).

Belgrade central area is located near the river bank and is close to the city's transport junction points, main bus and railway station that connect the south of the country with the north. Together with the presence of the Asylum Office and various service providers (as well as two accommodation centres in its reach), hostels, hotels and vast abandoned area near the river that provided space for squats, Belgrade was a location of interest to refugees and migrants.

During 2017, several concerns and needs were identified in Belgrade:

- Access to services (asylum, police registration, information, translation, medical assistance, NFI, etc.) during prolonged stay
- Moving of protection services available in the central city area to accommodation centres (food, medical, NFI...)
- Reduction of service providers in city central area – Miksaliste and Info Park as remaining drop-in points/ hubs
- Need for identification and service provision to vulnerable persons with specific needs including unaccompanied and separated children (UASC), women travelling alone, families with children, especially in the second wave of refugee influx during late summer and autumn 2017
- Risks of ill-treatment, thefts, violence, SGBV, exploitation, abuse (i.e. “dancing boys”) particularly within the barracks and other irregular shelters

- Health and safety concerns in irregular shelters (burning garbage, open fire and smoke hazard, skin and respiratory diseases...)
- Need for functional infrastructure etc. in Obrenovac RTC (water, internet etc.), particularly in the post-opening period
- Need for interpreters and cultural mediators for Pashto, Kurdish, Arabic, Farsi, Urdu within the state system (centres, police...)
- Transport from Belgrade to centres
- Problems with discrimination (refusal to sell bus/train tickets to refugee and migrant population)
- Relation with host communities.



*Garbage and open fire in the barracks. Photo: CRPC*

### *Refugee Aid Miksaliste Hub*

Upon arrival in Belgrade, refugees would usually head to the meeting areas in one of the parks in close proximity of the main railway and bus station or reach one of Belgrade refugee hubs. Refugees and migrants who visit Refugee Aid Miksaliste could receive information concerning the possibility of seeking asylum in Serbia, access different service providers, use the women and child corner, receive NFIs etc. With the help of CRPC staff, refugees and migrants had improved access to information, medical, psychological, legal and other services. CRPC also provided cultural mediation and interpretation in Farsi, Urdu, Arabic, Kurdish and other languages, as well as escort and transport to appropriate facilities and institutions. Moreover, persons accommodated in nearby Krnjaca and Obrenovac accommodation centres, also visited Miksaliste on multiple occasions, in order to seek additional assistance. Therefore, CRPC provided more than 4400 persons with various services on a monthly basis.

Special attention was given to the identification of vulnerable individuals in the central city area and Miksaliste and to addressing their needs. Every 10<sup>th</sup> beneficiary



*Crowd in Refugee Aid Miksaliste, winter 2017. Photo: CRPC*

CRPC teams encountered was a woman and 29% were children (5% girls). Elderly persons were under 1% of the total population. Also, during 2017, CRPC worked with persons from 45 different countries, ranging from Afghanistan (55%), Iraq (14%), Pakistan (12%) Syria and Iran (6% each) to other countries (9% such as Algeria, Palestine,<sup>7</sup> Somalia, Morocco, Libya, Cameroon, Bangladesh etc).

Those who stayed in the city centre or surrounding municipalities, whether they visited Miksaliste occasionally or remained at various irregular shelters, hostels and houses, together with refugee and migrant groups from Obrenovac RTC, Krnjaca AC and other centres, gathered in the city parks and planned to cross the Croatian, Romanian Hungarian or even Bosnian border. Some of them revealed they had made several attempts to cross during 2017.

## **VOJVODINA OVERVIEW**

The Autonomous Northern Province of Serbia, Vojvodina covers all the exit points for the Balkan route. Bordering with Croatia and Bosnia and Herzegovina to the West, Hungary to the North and Romania to the East, the entirety of the refugee and migrant population that left Serbia, either through regular or irregular pathways, passed through Vojvodina. In 2015 these pathways were irregular crossings to Hungary and the somewhat regulated crossing into Croatia first at Berkasovo/Bapska unofficial border crossing and later on through the train-transit route. After the *de facto* closure of the Balkan route, when the train-transit route was dis-

<sup>7</sup> Palestinian Authority Administered Territories. See: UN General Assembly, 67/19. *Status of Palestine in the United Nations*, December 4, 2012; *Israeli-Palestinian Interim Agreement (Oslo II)*, Washington DC, September 28, 1995.

continued, another somewhat regulated option opened on the border with Hungary. Hungarian authorities established so called “transit zones” located in Tompa and Rösztke, on the border with Serbia. “They consist of a series of containers which host actors in a refugee status determination (RSD) procedure (see Border Procedure). The chain of authorities inhabiting the linked containers starts with the police who record the flight route, then, if an asylum application is submitted, a refugee officer to accept it, and finally, a judge (or a court clerk) in a “court hearing room”, who may only be present via an internet link” (Nagy, 2015: Section 2.3).<sup>8</sup>

When the transit zones were first established the admission, quota was set at approximately 60 asylum-seekers per day, every day of the week. The first decrease occurred in November 2016, when approximately 30 asylum-seekers per day were admitted, also every day of the week.

Since January, Hungarian authorities decreased admission rates, at the transit gates, to approximately 10 persons per day and were admitting only on weekdays. Furthermore, new amendments to the Hungarian law were introduced in March that required all asylum-seekers to wait out the decision on the RSD procedure in the transit zones. Additional containers were set up for housing of all asylum-seekers at the transit zones and the only ones exempt from this rule were UASC under 14 years of age.

The significant decrease in the number of asylum-seekers being admitted on a monthly basis triggered an increase in irregular attempts in crossing the border, particularly by single males, that were at a significant disadvantage compared to families and UASC, since only two single males were admitted per week, on average. HCIT collected this information and monitored the situation daily and their staff had permission to access the transit zones on the Serbian side of the border, issued by the Ministry of Interior (MoI).

HCIT also closely monitored arrivals to Subotica, movements, trends and informal sites throughout the North including the development of irregular pathways. Numerous irregular paths appeared along all 3 borders, spreading to the West and the border with Croatia in late March and April, as well as the North/Western area near Sombor, the East and the border with Romania in May and June. Throughout the year HCIT provided assistance to approximately 7150 refugees and migrants. A wide array of services was provided including practical information dissemination and general protection counselling, interpretation, provision of NFIs, documenting of human rights violations and referral to relevant actors and institutions. Of this number approximately 4025 refugees and migrants were provided with legal aid and counselling. Throughout 2017 HCIT also continued providing NFIs and nutritional support to refugee and migrant children in the North and provided a total of 915 children with NFIs and 216 with nutritional support. On the other hand, the refugee/migrant population have been identified into two distinct divisions in Vojvodina:

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8 Nagy, B. “Parallel realities: Refugees seeking asylum in Europe and Hungary’s reaction”, November 4, 2015, available at: <http://bit.ly/1LjTg3S>

- Refugees and migrants moving regularly (i.e. arriving to the North in order to be admitted into Hungary through the transit gates)
- Refugees and migrants moving irregularly (i.e. arriving to the North in order to attempt crossing the borders irregularly).

The regular movement patterns towards North followed the waiting list for admission into Hungary and were mostly in line with weekly admission rates through the transit gates.

Movement is also regulated through ISAC referrals to centres in the West where approximately 1500 PoCs were accommodated throughout 2017.<sup>9</sup>

Several exceptions were also noted, the most important being:

- Refugees and migrants moving regularly, arriving by bus, train or taxi to the North in order to check their status on the waiting list for admission, in the North.
- Refugees and migrants moving to and from the centres that are not on the waiting list for admission and were not referred by Mol, rather are sporadically attempting to cross irregularly into neighboring countries.
- Refugees and migrants that are present at transit zones and are not waiting for admission through the transit gates (this was prominent during the first three months of the year).

## **IRREGULAR MOVEMENTS AND RISKS**

Based on observation and everyday work, trends in irregular movement remained steady throughout the year. CRPC/HCIT would like to stress that the information presented here was obtained through daily field activities and is indicative of certain trends and patterns of irregular movement. It is in no way a statement of facts corroborated by evidence. This information was cross referenced with other patterns such as push-backs, expulsions and information made public by authorities, thus it can be seen fitting in with these reports, as well as field research.

### **BELGRADE AREA INFORMAL SITES**

The number of refugees and migrants sleeping rough in the centre of Belgrade was constantly increasing in winter and spring 2017, as a result of continuous influx of newly arrived individuals and overcrowded state accommodation capacities. On the other hand, refugees and migrants were somewhat reluctant to use available capacities either attempting to leave Serbia in the near future or as part of survival strategies, sleeping rough and/or hotels, hostels and private houses.

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<sup>9</sup> According to information HCIT collected on the field daily and according to official statistics provided by UNHCR in official documents, see <https://data2.unhcr.org/>.

Winter 2016/17 was extremely hard with below zero temperatures (down to -16°C at night) and with the migration flow in winter months, the population at the improvised shelter behind the main bus station reached almost 2000 persons in May 2017, counting other nearby informal shelters (abandoned buildings, car parks etc). Opening of Obrenovac Reception Transit Centre (RTC) in mid-January, reduced the number of persons in irregular shelters and a shuttle from the city centre to Obrenovac was provided from March 2017.

All refugees and migrants willing to get accommodated in the new centre were allowed to do so without previously obtaining Intention to Seek Asylum Certificates (ISACs), which was, at times, a necessary condition for accommodation in all the other centres in Serbia. This solved the problem for all the refugees and migrants who had already left their fingerprints in Serbia but were never issued with an ISAC. Those who were previously admitted in one of the centres but were not allowed to come back, as well as those who never went to their designated centre in time were also allowed accommodation in Obrenovac. Persons who for various reasons did not want to leave their fingerprints in Serbia were also allowed admission in this centre. In coordination with Serbian Commissariat for Refugees and Migration (SCRM), CRPC took part in information dissemination on these issues.

On the other hand, some of the field actors provided food and tents, for the most vulnerable persons in the improvised shelter behind the bus station. In addition, attempts were made to improve living conditions in the area with the appearance of actors that supplied drinking water, electricity and plumbing infrastructure, wood burners and toilets. This situation, together with inconsistencies in registration practices at local police (often delays, insufficient capacities), resulted in a change in attitudes towards seeking accommodation in centres.

Moreover, at the beginning of May, SCRM announced the relocation of refugees and migrants from the barracks, the improvised shelter behind the bus station and other such shelters in the area that were demolished soon after, as a part of a nearby building project. Centre for Social Work (CSW) coordinated the relocation of UASC from the barrack area. On May 7, SCRM started with the voluntary relocation of refugees and migrants, residing in these irregular sites, to state-run centres, such as Krnjaca, Sombor, Adasevci and newly opened Kikinda. Barrack settlement was demolished by the end of the month, together with tents at the car park near Bristol Hotel and other nearby improvised structures.

Also, a number of refugees residing in the area refused the relocation, organizing protests and threatening hunger strike, without further success. Some of them left the city centre, so the number of refugees and migrants in the centre of Belgrade declined. Furthermore, throughout the year, several protests were organised against border closure, alleged discrimination and corruption in admission lists to Hungary.

In order to adjust to a significant decline in the number of refugees and migrants in June 2017, many actors and service providers reduced working hours in the city centre, including CRPC.

During field work, CRPC identified several categories of persons stranded in the barracks area in Belgrade:

- Newly arrived individuals who refused registration and accommodation in centres in order to have better access to channels of irregular movement.

- Individuals who were previously residing in the green areas, car parks and other irregular sites in the centre of Belgrade but were forced to find new solutions after an official ban on camping in the open.

- Individuals who were previously accommodated in government run facilities but left them for various reasons (e.g. discontent with conditions or those who wanted to seek better access to channels of irregular movement).

- Individuals who were returned from the border but were not admitted back to their centres or chose not to return.

- Individuals who already left their fingerprints in Serbia but weren't issued with ISAC, limiting their accommodation access. This includes persons who were issued with such document but refused to go to their designated centres within 72 hours-rule, also affecting their accommodation admission.

Also, several issues and concerns were identified regarding this informal site and its population:

- Overall living conditions combined with limited medical access posed a threat for health and life. Limited access to food and fresh water was also one of the main concerns with insufficient or improvised toilets or other sanitary facilities, electricity and heating, water sources and limited garbage disposals containers or trash cans. Moreover, during winter months, refugees and migrants would collect and use as fuel for fire plastic debris, car tires and other hazardous materials in closed spaces, exposing themselves to chemical fumes and smoke near highly flammable items (clothes, belongings, garbage).

- Conditions susceptible to the spread of infectious and respiratory diseases, as well as parasites such as body lice and scabies.

- While primary medical aid was provided by some of the actors, it was still insufficient and inadequate. In addition, refugees and migrants stranded in the barracks were unable to access secondary medical protection since they were left out of the system by not being accommodated in government run facilities and often did not have any legal documentation.

- Ruinous state of building structures within the barracks area and close proximity of the large nearby construction site brought various safety risks, including a controlled on-site deactivation of an explosive device from World War II found on the spot. Also, municipal authorities had demolition plans in place for the barrack area.

- Depleted funds - most of the people were stranded there for months, sometimes even more than a year, and they were running out of funds because of living expenses and huge amounts of money paid to smugglers for numerous failed attempts at crossing the border. As a result, they faced difficulties in supplying themselves with food, water and basic necessities.

- Availability of the accommodation centres - refugees and migrants still opted to reside in the barracks, stating numerous reasons for not leaving the site. For some, Obrenovac was still far away from their usual channels of supply or access to irregular movement. Others feared that if they leave the centres in order to try to cross the border and if their attempt fails, they would not be accepted back, so they saw no point in leaving barracks at all. It is also possible that many of them were prone to manipulation by smugglers or leaders of criminal networks who believed that their usual "business" was jeopardised by the opening of Obrenovac RTC and the planned relocation.



*Garbage disposal and fuel source between barracks. Photo: CRPC*

- Paradox of the official *open letter* on food and NFI distribution in the city centre to all the actors involved in refugee protection, still in force from autumn 2016, recommending termination of food and non-food items distribution in the area. On the other hand, regular daily food distribution in the form of cooked or canned meals and occasional NFI distribution was provided within the barracks, attracting persons accommodated in the nearby centres as well (Krnjaca and Obrenovac) to find additional food rations. Additionally, settlement of such capacities was in constant need for clothes, shoes, underwear, blankets etc. Mentioned structures (tents, added infrastructure) were also *de facto* raised despite the authorities' formal recommendation.

- In addition to the previous, it was necessary to find common ground for cooperation between various actors, including state institutions, international NGOs, local civil society organisations and independent volunteers. Sometimes different actors were conducting activities separately from each other, at the expense of the best interest of persons of concern.

- Protection risks - refugees and migrants residing in this area were also exposed to potential protection risks including violence, theft, abuse, SGBV and trafficking. Isolated from the local community and invisible to the system, the barracks presented an opportunity to various criminal gangs to carry out their activities. Persons most exposed to these risks were unaccompanied and separated children travelling alone or in groups. It was noted during field work that identified cases of abuse, violence or exploitation were rarely reported, if at all, mainly because victims were concerned that the perpetrators would not face any serious conse-



*Barracks after demolition. Photo: CRPC*

quences and would be returned to the barracks, exposing them to even higher risks. Another reason for this could be the fear of removal from barracks and being introduced into the system (accommodation in centres or at a facility specialised in accommodation of children) which would diminish their chances of having access to channels of irregular movement.

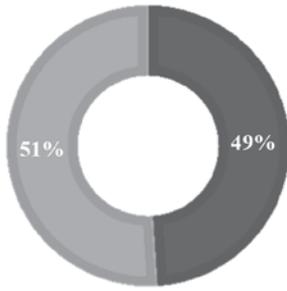
- Psychological burden due to an uncertain future, stress and risk factors – during field interviews persons often complained of their prolonged stay in Serbia, wanting to exit but being uncertain how and when.

In late summer and autumn of 2017, with the new influx of refugees and migrants, several new shelters and squats formed in Belgrade central area, mostly in abandoned buildings and in close proximity to the main railway and bus station, at times counting between 40-100 people sleeping rough, mostly from Algeria, Pakistan and Afghanistan. These individuals were either reluctant to go to accommodation centres or were waiting for registration at the nearby police station.

## **BARRACKS POPULATION – PROFILING**

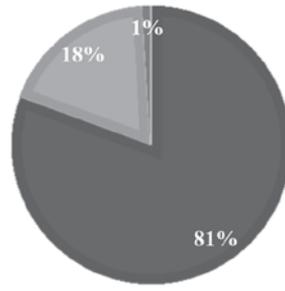
In order to assess the structure and needs of the population situated in the barracks behind main train station in Belgrade, CRPC conducted profiling of the population residing in the barracks behind the main railway station in Belgrade. Data was collected over the course of four months, between January and April 2017, on total sample of 1553 respondents. Respondents were identified during lunch distribution in the central area of the barracks.

**Barracks population - age**



■ Adult ■ Child

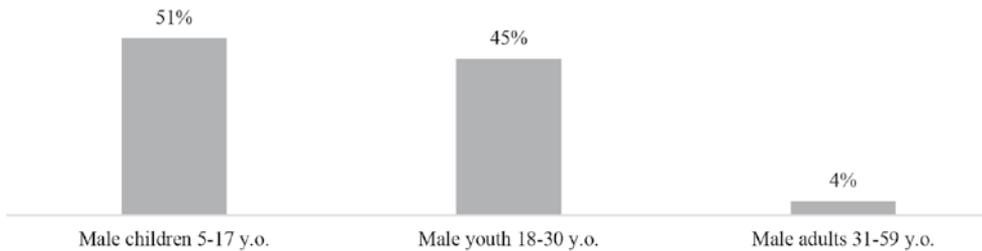
**Barracks population - nationality**



■ Afghanistan ■ Pakistan ■ Other

All respondents were male, as was the entire population residing in the area and ranged from 8 years old (0.25% of all children) to 50 years old. Most of the respondents willing to answer the questionnaire originated from Afghanistan and more than half were under the age of 18 (792 respondents). Most of the sample population was younger than 30 years old.

**Barracks population - age and gender**

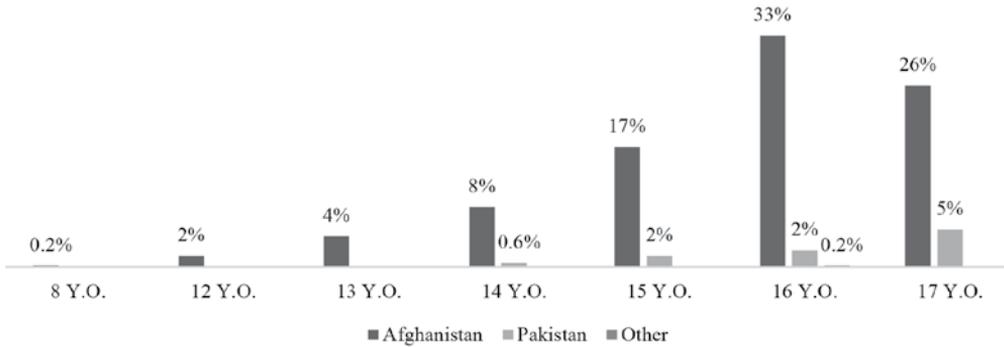


Out of the total number of children, 64% were unaccompanied and separated children (UASC) from Afghanistan Pakistan or other countries (0.20%), traveling alone, without any family member or guardian, between the ages of 15 to 17.

**Children in the barracks - age and nationality**

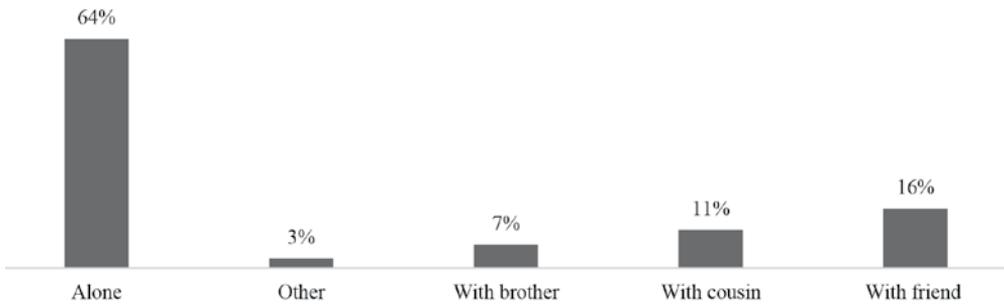


### UASC in the barracks - age and nationality



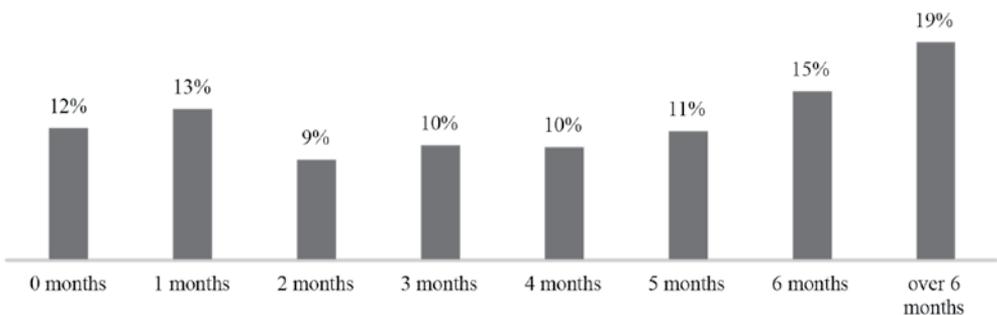
Also, the majority of the respondents, including children, stated they were travelling alone or with friends. The rest of the population reached Serbia accompanied by a family member (brother or cousin mostly).

### Travel group - structure



Respondents stated they stayed in Serbia for a period of less than 30 days to more than a year (over 1%). For almost a third of the sample, this period was six months or longer.

### Months spent in Serbia



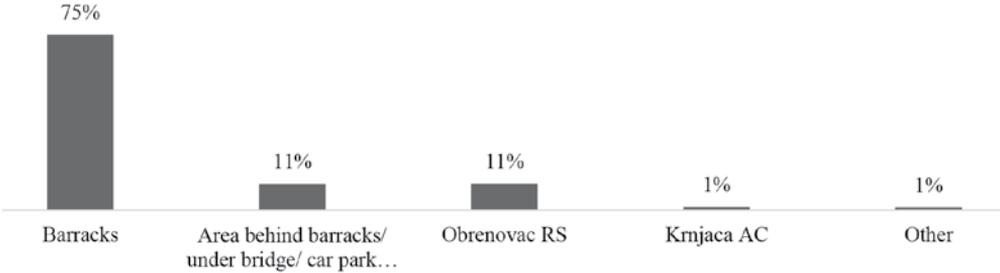
When it comes to accommodation arrangements, not all of the sample population was sleeping in the barracks. Some 12% respondents were accommodated in Krnjaca AC and Obrenovac RTC, expecting additional food rations at the barracks and socialising with friends and smugglers. They would return to the centres later during the day. About 11% of the sample was residing in the surrounding informal shelters (car parks, under a nearby bridge, abandoned buildings and other structures), also visited the barracks to receive food.

Almost 78% of the sample had never been accommodated at one of the state centres and mostly were not willing to be in one in the future (62%). Of those previously accommodated at a state-run centre, 9% respondents had lived at more than one centre, mostly in Sid (40%), Pre-sevo (42%), but also Bujanovac, Ada-sevci, Tutin, Subotica, Obrenovac, Krnjaca etc.

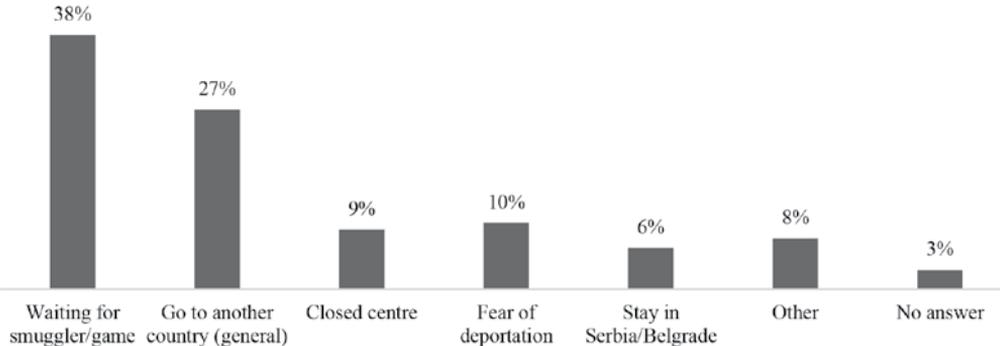
**Attitudes towards future facilitated accommodation**



**Barracks - current accommodation**



**Facilitated accommodation refusal - reasons**





*Inside the barracks. Photo: CRPC*

Those not willing to use state provided accommodation, identified several reasons to support their decision. Two thirds of the sample wished to leave Serbia, either with the help of smugglers or without any particular exit strategy (“just leave”). Others feared of possible detention in the so-called “closed centre” (Presevo), or worried about deportation to another country (Bulgaria, Macedonia) which would reduce their chances for future movement towards EU.

Finally, 8% (Other) expressed their satisfaction with living conditions in the barracks, left accommodation centres due to various reasons such as thefts, violence, hygiene etc. or out of fear that their centre might

become one of the “closed” facilities, that would prevent them from continuing their journey north.

## **IRREGULAR MOVEMENTS IN VOJVODINA**

### *North: border with Hungary*

Throughout the year numerous points of crossing were periodically used more frequently for irregular crossing of the Hungarian border, however these six areas remained crucial. Many of the key points of irregular crossing and subsequent push-backs, that are discussed further in detail, are specific localities of these general areas. These are as follows (from east to west):

- Border area surrounding Djala
- Official border crossing Horgos/Rösztke
- Border belt between Backi Vinogradi and Horgos/Rösztke border crossing
- Border belt between Kelebija/Tompa and Palic
- Border area between Kelebija and Ridjica
- Border area near Kolut (tripoint with Croatia and Hungary)

The trends also remained steady all through 2017. Single males and UASC were mostly crossing in larger groups. They were reportedly paying anywhere between 2000 up to 4000 euros per person. The money was deposited with an “agent” and they were taken on “games” until they successfully reached Austria. Once they confirmed to the “agent” they were in Austria the money was transferred to the main organiser, the smuggler. The price of these “services” depended on the

distance one had to walk or run, once they were inside Hungary. The smugglers were aiding the groups in crossing the Hungarian fence and once they crossed they reached an agreed meeting point with a car and driver that then drove them to Austria. The closer this meeting point was to the fence the more expensive the arrangement was. These methods continue to be used.

From the testimonies of those that were pushed-back we can infer that the highway and roads between Hungary and Austria were closely monitored and this most likely caused the prices of the transportation to go up. We present three cases demonstrating these difficulties:

- The first push-back occurred on September 15 when a smuggler crashed a car and left the scene of the crash and five Pakistanis (4 UASC) were taken to the hospital and later pushed-back.

- The second occurred on September 19 involving six Afghan males. They waited for seven days in the woods for their smuggler to pick them up and no one showed up. Finally, they surrendered to the police and were eventually pushed-back.

- The third occurred on September 28 and involved a group of six Pakistani males. They waited for the driver for 20 days and when he was driving them on the highway police chased them. He stopped and ran away leaving them in the car.

Several informal sites serve as gathering spots and individuals associated with smuggling rings can be found at these spots. These sites are such places as abandoned houses and abandoned freight trains to name a few. The spots are interchangeable, and refugees and migrants often did not wish to share these locations. This is most likely where arrangements are made. The more prominent locations active during 2017, identified during the field work, are mentioned in the section below.

#### *West: border with Croatia*

There were reportedly five key areas on the border with Croatia where refugees and migrants were crossing into Croatia irregularly. They were all sporadically active through the year. Following are the key areas associated with predominant trends of crossing, tied to each location:

- Official border crossing Batrovci/Bajakovo – hiding in truck, vans, cars and other vehicles

- Official border crossing Sid/Tovarnik – also hiding in trucks

- Official border crossing Sid/Tovarnik – hiding in cargo trains

- Border area around village Batrovci – crossing on foot and walking through the wooded area (National Park)

- Border area around village Ilinici - crossing on foot and walking through the wooded area.

Trends of irregular movement in the West showed that the population crossing irregularly consisted mostly of single males and UASC. There were a number of

refugees and migrants reporting that they were not using smugglers in the area, preferring GPS. Those that spent longer periods of time in Sid, knew the area extremely well, so they were able to navigate it easily.

Those that did pay smugglers mostly attempted reaching Italy and were being smuggled in cars or trucks and payments were made once they reached Croatia. Presumably the same pricing system applies as in the North, according to testimonies, the less one has to walk the more expensive it is. However, refugees and migrants in the West were less willing to share information on actual prices with HCIT teams.

From information collected in the field, HCIT found that the smugglers were mostly Romanians and that they would pick the refugees and migrants up in Croatia, drive them to the border with Slovenia then let them cross the border irregularly on foot, while they crossed regularly at the border crossing and picked them up at an agreed spot in Slovenia later. The same procedure would then be applied in Italy as well.

#### East: border with Romania

Two key points of crossing were identified on the border with Romania:

- Border belt between Majdan and Rabe
- Border belt between Nakovo and Banatsko Veliko Selo.

The population crossing irregularly to Romania was more varied and the general estimation is that Syrian, Iraqi, Iranian and Afghan families were most frequently using this route.

The trend seen in irregular crossing and smuggling showed that most arrangements for irregular crossing were made elsewhere and refugees and migrants only passing through this area with not much delay. Towards the second half of the year there were reports of increased cases where a smuggling ring from Serbia was connected with counterparts in Hungary and Romania. If refugees and migrants did cross the border, other “agents” from the bordering country took them over and provided further transportation to another EU country (usually Germany, Austria and France) and charged them for this transportation separately. The rate for crossing irregularly was reportedly 250 to 500 euros per person and for complicated cases it went up to 1000 euros per person.

## **INFORMAL SITES IN VOJVODINA**

Informal or irregular sites where refugees and migrants gathered were more prominent along the Northern border for the first four months of the year, attracted larger numbers of PoCs while sites in the West were more prominent from April towards the end of the year. Population sleeping rough peaked in the North in February when there were several irregular sites, known to HCIT, hosting at the time between 300 to 400 refugees and migrants at any given moment.



*Map of districts in Vojvodina*

Above is a small breakdown of the spots and their characteristics at the time they were most notable. HCIT field teams regularly visited these sites with the aim of reaching the refugee and migrant population gathering there, informing them about their rights, assessing their needs, counselling them on asylum procedure in Serbia and discouraging them on irregular crossing of borders, as well as collecting testimonies on serious human rights violations and other incidents and issues they faced.

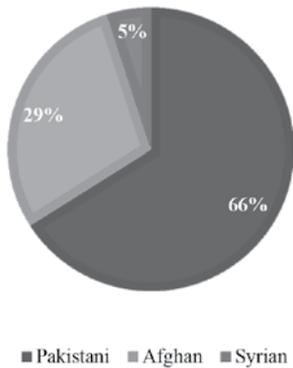
#### Old Brick Factory (OBF)

Formerly “Backa Opeka” brick factory, otherwise abandoned until late 2017. It was a gathering and dwelling site for refugees and migrants since 2011. Organised by smugglers and criminal groups, it was used as a starting point from where refugees and migrants would enter the “game”.

Below are some general characteristics of this informal site gathered through observations made by HCIT field teams that regularly visited the site.

- From 100 to 150 refugees and migrants present on a daily basis
- No toilets, latrines or other sanitary facilities
- No containers or trash bins
- One water source an old well, the water has been tested last time in 2015
- No electricity or heating

## Refugees and migrants at OBF



- Indoor facilities dilapidated (only source of heat are fires being lit inside, chimneys not functional).

The conditions at the site present a health risk from communal diseases, illness from exposure to unsanitary conditions, carbon-monoxide poisoning and poisoning from polluted or contaminated water, to name a few.

From regular presence and conversations conducted with the refugees and migrants HCIT was able to further establish that:

- Humanitarian aid was distributed by independent volunteers on a regular basis. The aid was sometimes distributed on the railway behind “Pionir” factory and refugees and migrants brought it back to OBF.
- Medical aid was available since NGOs visited the site also every other day and further referred the cases to SGH and PHCs per need.

The population consisted entirely of single males ranging from 12 to 35, predominantly of Pakistani and Afghan origin and several Syrians. The age-gender-demographics breakdown is estimation. The number and demographic of refugees and migrants at this location fluctuated. Unaccompanied and separated children HCIT identified at this site reported they were attempting to cross the border with Hungary on a regular basis. They moved in larger groups towards the border where they separated when they managed to cross. HCIT attempted to refer UASC to CSW, however they insisted on coming accompanied by police. UASC were reluctant to speak to CSW to begin with and upon hearing that police might be involved they would leave the site immediately. They reported that they would rather try to cross the border irregularly once again.

### Tavankut (border belt)

A village right at the border between Serbia and Hungary. This village is part of the border belt between Kelebija and Ridjica and was a prominent spot for irregular crossings. In the part of the village closest to the border there were many abandoned or empty houses where refugees and migrants would settle and gather before attempting to cross. HCIT teams visited this village, among others, during border movement monitoring field missions identifying several groups stranded in abandoned houses with no heat, electricity, water or food. Several findings were made:

- From 20 to 40 refugees and migrants in the village depending on the day
- Built in latrines and toilet facilities in the houses
- No water



Map of Tavankut and the border with Hungary

- No electricity or heat
- Indoor facilities mostly dilapidated.

The properties were in private ownership, abandoned or empty, mostly old abandoned or unused private houses in the area. From regular presence and conversations, conducted with refugees and migrants, HCIT was able to further establish that:

- There was no humanitarian aid being delivered anywhere near
- Medical aid was not available
- Refugees and migrants are bringing supplies from nearby local stores when they had money to buy.

From what was observed, the population consisted mostly of males ranging from 18 to 25, predominantly Pakistani and Afghan origin. Among them, HCIT did not identify any UASC.

#### Kelebija (near Kelebija/Tompa border crossing)

Kelebija is also a village on the border with Hungary directly bordering village Tompa on the Hungarian side. It is the location of the second largest official border crossing between Hungary and Serbia, the Kelebija/Tompa border crossing. Refugees and migrants would settle in empty and abandoned houses in this village and attempt to cross the border irregularly. HCIT teams would visit the village during regular monitoring visits to the Kelebija/Tompa transit zone. However, HCIT access to some of the facilities was limited, since it was at times obvious the refugees and migrants were trespassing. Several findings were established during field work at this location:

- From 10 to 20 refugees on average
- Built in latrines and toilet facilities
- No water
- Electricity or heat available at times
- Indoor facilities in good condition

The properties were privately owned and empty. However, since there was working electricity and gas access such houses were most probably not abandoned, but rather unused.

From regular presence and conversations conducted with the refugees and migrants, HCIT was able to further establish that:

- There was no humanitarian aid being delivered
- Medical aid was not available

- Refugees were bringing supplies from nearby local stores when they have money
- Refugees and migrants mostly came to Kelebija/Tompa transit zone in order to receive humanitarian and medical aid.

The population were all males ranging from 18 to 25, predominantly Algerian and Moroccan. Among them HCIT did not identify any unaccompanied and separated children.

As the weather and circumstances changed these locations were replaced by other notable locations known for being refugee and migrant hotspots: Martonos, Hajdukovo, Makova Sedmica, Tresetiste, the lake behind Subotica TC and the main train station in Subotica as well as abandoned freight wagons behind the main bus station. However, with each change the locations would be kept secret for a time therefore making them harder to track and monitor, limiting the assistance provided and maximizing risks.

With the coming of April and more favourable weather, two following locations in Kanjiza Municipality became frequently inhabited by smaller groups and they remained prominent to the end of the year. The fluctuation of the groups in these sites was considerably larger than the number of PoCs at any given time. Notably, there was anywhere between 100 to 300 PoCs passing through these locations on a monthly basis, predominantly Afghans and Pakistanis.

*Horgos (less than a kilometre of the highway near Horgos/Rösztke border crossing)*



*Map of informal site behind gas station "Mol" on the highway*

An informal site where refugees and migrants settled amongst the crops and fields of local farmers, approximately 2 km away from the Hungarian border. They established makeshift tents and an informal camp from where they would attempt to cross the border irregularly.

HCIT teams visited this site regularly on the way to Horgos/Rösztke transit zone and provided the refugees and migrants with counselling and advice, as well as assistance and referral in numerous cases. During field work, some prominent characteristics of the

area were concluded:

- From 10 to 30 refugees and migrants present daily
- No latrines or facilities nearby (except two gas stations)
- No water
- No electricity or heat
- Makeshift tents

The population were mostly males between the ages of 15 and 30, of Afghan and Pakistani origin. Those PoCs were previously accommodated in one of the accommodation centres and left due to the long waiting time for admission into Hungary.

At this site HCIT often identified UASC and referred them to CSW Kanjiza. However, since such children often refused assistance and did not wish to be appropriately accommodated, the CSW and outreach field staff rarely visited this site.

Furthermore, the PoCs at this site were frequently attempting to cross the border with Hungary irregularly and used this spot as a meeting and resting point in close proximity to the border and the highway. From this site they were very mobile and could easily reach the Horgos/Rösztke transit zone in case they were in need of urgent aid and assistance.

#### *Backi Vinogradi (Abandoned agricultural farmstead)*

Formerly a part of an agricultural cooperative of local farmers that collapsed since and its facilities left abandoned, the property is vast compared to the other irregular sites and contains many built installations. HCIT teams visited this spot during border movement monitoring missions and had several interventions in the area while helping transport of PoCs to shelters urgently, previously left abandoned by smugglers with no food, water, heat or electricity. Although some aid and regular medical services were provided by NGOs and independent volunteers, the site distinguished with:

- From 30 up to 100 refugees and migrants present at a time
- No latrines
- No water except an old well
- No electricity or heat
- Indoor facilities dilapidated

The population was male in majority, mostly of Pakistani and Afghan origin. During field visits to the site, HCIT identified several Indian and Bangladeshi PoCs, but occasionally also families with small children, when further assistance was provided.

HCIT identified several UASC at this site on any given visit. The site is remote and not easily accessible, therefore there were no successful referrals to CSW. Furthermore, the site is also in close proximity to the border, thus the PoCs present at the site were often interested only in crossing the border irregularly and this made further counselling and assistance difficult.

For the first four months of the year, starting in early January and ending in late April, there was a regular daily aid distribution behind factory "Pionir" in Subotica, organised by independent volunteers from various foreign organisations that otherwise do not operate in Serbia. This aid distribution was organised for the population sleeping rough, however sometimes refugees and migrants from the nearby transit centre in Subotica would also attend these distributions. These two populations often mixed at the time of distribution, as many refugees and

migrants, particularly UASC, stayed for some time in Subotica TC and then moved to one of the informal sites when the time came for them to cross the border irregularly. Schedules of irregular crossing are, more often than not, dictated by the smuggling ring and refugees and migrants would use the “time-off” in between attempts to rest and shower in the TC.

The entire situation was monitored by authorities, since the number of refugees and migrants was high, and there were several police operations at the informal sites, as well as at the bus station during arrivals, where refugees and migrants were apprehended and placed into buses that transported them to available centres (mostly Presevo RC).

The frequency of police presence and actions taken on the Serbian side, coupled with harsh border security measures on the Hungarian side led to a decrease in population sleeping rough in the North and an overall decrease in attempted irregular crossings in April. This can be linked to the lower number of push-backs recorded. The numbers started growing again slightly with favourable weather in June, however they never equalled those from February.

Simultaneously, new routes and with them new informal spots started emerging on western and eastern borders with Croatia and Romania. Again, linked with this occurrence, the number of push-backs also rose on these borders, especially in the period of May and June.

#### *Abandoned warehouses in Sid*

Next to Sid train station there is a garrison of abandoned warehouses that were formerly used for storage and customs. They were prominent in the period of April and May before other spots became more convenient for PoCs. One of the disadvantages of this informal site, from the perspective of refugees and migrants, was the close proximity of the border police station so the site was very exposed. HCIT teams visited this site regularly in an attempt to reach out to the population sleeping rough, providing them with information and assistance if needed, establishing the following:

- From 10 to 50 refugees and migrants depending on the time period
- No toilets, latrines or other sanitary facilities
- No trash bins
- No water sources
- No electricity or heat
- Indoor facilities dilapidated

From what HCIT teams managed to observe, these abandoned warehouses were used as a stop on the way to the Croatian border and were prominent during the transition period, when refugees and migrants would rotate between the northern and western borders attempting to enter both Croatia and Hungary.

The warehouses were also very near the train tracks heading to Croatia and near the freight train station. They were therefore, convenient for those refugees

and migrants planning to be smuggled into Croatia via train; a practice that proved to be extremely dangerous and even fatal for several refugees and migrants.

As it was a transitional site the population residing there was mixed. In the beginning of May these were mostly refugees and migrants from North Africa. Afterwards there were also groups of Afghans and Pakistanis before they moved to the abandoned "Grafosrem" factory.

### Abandoned "Grafosrem" factory

The site is an abandoned printing factory of the bankrupt "Grafosrem" company. It is also a relatively vast property compared to other informal sites, located on the very edge of Sid. It became extremely prominent in late May and continued to be a gathering and settling spot with a make shift camp at the end of the year. HCIT teams regularly visited this informal site to identify vulnerable cases and to provide counselling and assistance, establishing the following:

- From 200 to 250 refugees and migrants depending on the time period
- No toilets, latrines or other sanitary facilities
- No trash bins
- No water sources
- No electricity or heat
- Indoor facilities dilapidated

The property was privately owned and was fenced, while the facilities where the refugees and migrants slept were spread throughout the property, therefore, making it hard to determine the exact number of persons staying at this location.

The majority were found to be of Afghan population with approximately 20% Pakistanis. There was a large number of UASC present at this site, particularly in June. At some points, it was estimated that approximately 30% of the population was either under 18 or borderline 18 years old. Alarmingly, some of the UASC staying at this informal location for a period of several weeks and even months, were as young as 10 years.

In the beginning of May (roughly when aid distribution at an irregular site in Subotica ended) independent volunteers from various foreign organisations not operating in Serbia otherwise, started aid distribution in front of the factory grounds at an abandoned parking lot.

Sporadically there was also medical aid available in this location; however, the regular presence of a licensed medical organisation was not estab-



Inside the "Grafosrem" factory. Photo: HCIT

lished. The population staying at irregular sites in Sid had extremely limited access to medical aid, as municipal medical institutions deemed they would assist only in cases of emergency. This was further complicated by issues with registration and regulations for this population. Due to the overall notoriety of the abandoned “Gr-afosrem” factory and due to its unfavourable position, aid distribution was moved in June to the close by abandoned “Tim Izolirka” factory grounds. This distribution was visited by the same population. During the summer, some makeshift tents sprung near this location as well.

As reflected in the general specification listed above there was a common denominator for all informal sites, both in the North and in Belgrade. Namely they were all hazardous regarding both health and security and the population sleeping rough was exposed to a variety of health, protection security risks without proper access to basic services. The sites were deemed unsafe and inappropriate for living from a humanitarian standpoint as well.

## ARBITRARY REMOVAL OF FOREIGN NATIONALS FROM NEIGHBOURING COUNTRIES TO SERBIA

### INTRODUCTION

#### **Article 4 of the Protocol Number 4 to the European Convention on Human Rights “Collective expulsion of aliens is prohibited”**

*Collective expulsion* is any measure of the competent authorities compelling aliens as a group to leave the country, except where such a measure is taken after and on a basis of a reasonable and objective examination of the particular cases of each individual alien of the group!<sup>10</sup>

In this paper, the term *push-back* will be used as a synonym for collective expulsions of foreign nationals from neighbouring countries to Serbia, precisely for removal of foreigners that have irregularly entered territory of EU Member States and were immediately returned to Serbia, arbitrarily and unlawfully, outside of the official Readmission Procedure, prescribed by the Readmission Agreement signed between Republic of Serbia and EU Member States.<sup>11</sup>

Also, within this chapter, special attention is drawn to the expulsions of foreign nationals from Hungary to Serbia that were never in Serbia before, more precisely that had not transited across Serbia on their way to Hungary. This became

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10 European Court of Human Rights (2018) *Factsheet - Collective expulsions of Aliens*, available at [http://www.echr.coe.int/Documents/FS\\_Collective\\_expulsions\\_ENG.pdf](http://www.echr.coe.int/Documents/FS_Collective_expulsions_ENG.pdf)

11 Law on the Confirmation of the Agreement between the Republic of Serbia and the European Union on the readmission of persons who are staying unlawfully (*Official Gazette of the Republic of Serbia - International Treaties*, No. 103/2007)

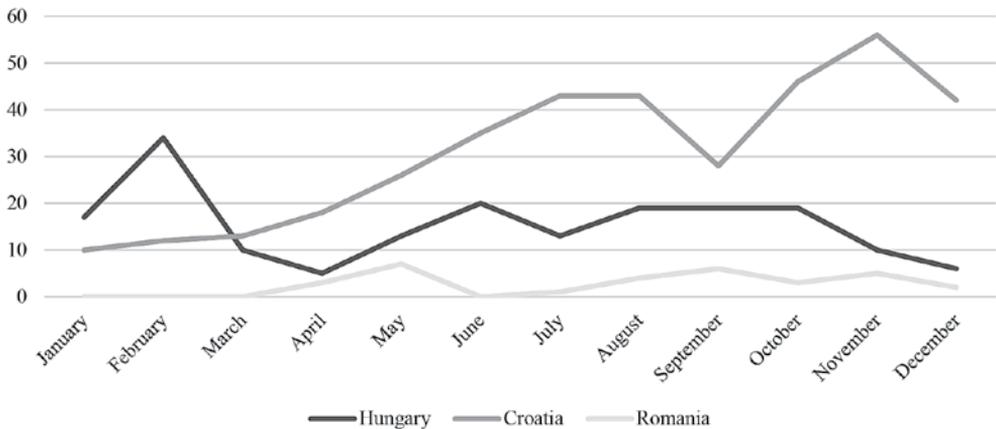


*Despair after expulsion. Photo: HCIT*

the practise after a set of Amendments to the Hungarian Law on Asylum were adopted in March 2017.

Finally, a third special type of returning is covered – returning of asylum seekers after the termination of their asylum procedure in the Hungarian transit zone on the border with Serbia.

**Push-backs from neighbouring countries reported to CRPC/HCIT in 2017**



**NORTHERN BORDER WITH HUNGARY**

As the only country bordering Serbia to be part of the Schengen area, Hungary continued to be the primary choice for irregular crossings through much of 2017. This trend continued despite overwhelmingly heavy border security and ac-  
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companying legislation that together made the Serbian-Hungarian border seemingly impenetrable for those attempting to cross it irregularly.

For the first two months of the year the weather conditions, at the border with Hungary, were extremely unfavourable and ultimately life-threatening for those staying outside regular accommodation. To that effect, Serbian authorities, in cooperation with UN agencies and NGOs, organised for all asylum-seekers waiting for admission into Hungary at the designated transit zones to be accommodated in government centres. The only ones left present at the transit zones, after January 7, were community representatives and some male members of families due for admission. These men were also not staying outside for longer periods of time, due to below zero degrees Celsius temperatures in winter.

Yet there continued to be a steady population of approximately 100 males and UASC sleeping rough at irregular sites, some close to the transit zones and some hidden within the wooded area near the border. This population steadily grew until it peaked in February and March. The goal of the population sleeping rough in these conditions was to enter Hungary irregularly. The majority of them attempted crossing into Hungary every day. There were several prominent routes during the first few months of 2017, most notably:

- Near Horgos/ Rösztke and Kelebija/Tompa official border crossings there were several crossing points where the fence was already cut. These spots were also convenient because they were close to the highway.
- Near Kanjiza over the frozen Tisa River. The area was not covered by the fence and patrols were not as frequent, as reported by refugees and migrants.
- Official border crossings Horgos/ Rösztke and Kelebija/Tompa, hidden in vehicles, cargo, etc.

Refugees and migrants were at times effectively putting their lives in danger using these irregular routes, particularly in harsh weather conditions. In February HCIT received reports that a group attempting to cross the frozen Tisa River fell through the ice and one person went missing. Risks were also related to suffocation in cargo and accidents on the railway.

It is important to note that in the first three months of the year, Hungarian border guards were implementing the so-called *8-km rule*, prescribed by Amendments to the Law on Asylum, adopted in July 2016. According to these provisions of the Law, the entirety of the Hungarian border belt had an 8-km buffer zone, where Hungarian border guards were allowed to effectively apprehend anyone found to be residing irregularly and escort the person to the external side of the border fence. In practice, this resulted in expulsion of persons that entered Hungary irregularly, back to Serbia.<sup>12</sup> This law has been

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12 This law was later dubbed the “push-back law” by civil society organisations and international human rights NGOs

in effect since July 2016,<sup>13</sup> and HCIT have collected numerous reports from refugees and migrants claiming to be pushed-back from far beyond the 8-km area. Therefore, in practice, the 8-km “zone” was not necessarily respected, and it was extremely difficult to prove where the refugees and migrants were apprehended. However, the 8-km distance broadened to the entire territory of Hungary on March 28, when a new set of Amendments to Hungarian Law on Asylum and the Law on Protection of the State Border, came into force. “The amendments will allow the swift return to the external side of the border fence – effectively to Serbia – of anyone in an irregular status apprehended in Hungary, thus broadening the application of the so-called 8-km rule.” (Amnesty International, 2017, p.3).<sup>14</sup> These amendments have been widely criticised by Hungarian national and international NGOs, UN agencies and European institutions.<sup>15</sup> They are in stark contrast with a number of EU and International Laws adopted by Hungary. However, they were continuously implemented throughout 2017.

The overall number of incidents HCIT recorded with persons likely in need of international protection that were pushed-back to Serbia is 155, involving approximately 2200 refugees and migrants. From the reports that HCIT gathered, the process of return to the external side of the fence was often not swift and simple but involved violations of the human rights of refugees and migrants and in many cases a lengthy, degrading and painful procedure.

However, the practice of border guards did vary through the year, as did the numbers. Comparatively, during the first half of the year HCIT recorded 68 incidents that involved approximately 1100 refugees and migrants including 153 UASC. In the second half of the year HCIT recorded 77 incidents involving approximately 1072 refugees and migrants including 196 UASC. From the testimonies collected, HCIT concluded that roughly 48% of the refugees and migrants pushed-back were of Pakistani origin, 39% Afghan, 3% Bangladeshi, 3% Syrian, 2% Iraqi, 1% Nepali and the remaining 4% of other nationalities including Algerians, Iranians, Libyans, Indians and several African countries.

It is interesting to note that the overall percentage of Iraqis and Syrians was much higher during the first three months of the year when Syrians made up 8% of the total persons that were reportedly pushed-back followed by 4% Iraqis. These numbers significantly dropped towards the end of the year.

When it comes to more detailed structure of the incidents, out of total 155 incidents recorded by HCIT, 74 were reportedly violent, when refugees and migrants reported Hungarian border guards used some form of violence. The violence was

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13 AIDA - Asylum Information Database, *Access to the territory and push-backs – Hungary*, available at <http://www.asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push>

14 Amnesty International, “Hungary: Legal amendments to detain all asylum-seekers a deliberate new attack on the rights of refugees and migrants”, 9 March 2017, <https://www.amnesty.org/en/documents/eur27/5855/2017/en/>

15 Hungarian Helsinki Committee: “Latest amendments “legalise “extrajudicial push back of asylum seekers, in violation of EU and international law”, July 5, 2016, <https://www.helsinki.hu/wp-content/uploads/HHC-info-update-push-backs-5-July-2016.pdf>

often accompanied by other forms of mistreatment. During the first three months of the year the most commonly reported practice of Hungarian border guards that refugees and migrants experienced once they were caught included:

- Beating of refugees and migrants with nightsticks by more than one official at a time
- Kicking and punching of refugees and migrants while they were laying on the ground
- Smashing of cell-phones
- Pepper-spraying the eyes of refugees and migrants either right after capture or before expulsion
- Release of attack dogs on refugees and migrants
- Forcing refugees and migrants to march in a straight line before expulsion, with those falling out of line being hit with nightsticks
- Taking blankets and clothes from asylum-seekers and throwing them away (in some cases refugees and migrants were even forced to strip into their underwear and stand in the cold, or in others, to stand barefoot in the snow for hours)
- Pouring water on refugees and migrants, making them stand in the cold for longer periods of time.

During these first three months of the year this type of mistreatment was reported in 26 different instances. In 21 of these instances there were also UASC in the group, while in two of these instances families with young children were present.

The trend of mistreatment continued to be reported through the following months; however, there was a steady decline in violence toward refugees and migrants, as well as in the severity of the violence. Violence was reported in 48 cases, out of a total 114 reported in that period, and in one case refugees and migrants reported being verbally abused. Of these 48 cases, there were 29 cases where UASC were part of the group.

However, the groups that were pushed-back violently were often large; therefore, the number of persons that experienced violence while being pushed-back was high.

The following were the most commonly reported practice of Hungarian border guards that refugees and migrants experienced once they were caught in the period from March to the end of the year:

- Beating of refugees and migrants with nightsticks by more than one official at a time
- Kicking and punching of refugees and migrants while they were lying on the ground
- Release of attack dogs on refugees and migrants
- Verbal abuse
- Spitting on refugees and migrants in several instances wiping shoes on their clothes while they lay on the ground
- Pepper-spraying the eyes of refugees and migrants either right after capture or before expulsion.

Among the incidents reported, there were several that stood out as the most severe. It was not established why seemingly some groups were pushed-back non-violently while others endured severe mistreatment. Refugees and migrants reported that it depended on the border guards they encountered. Some reported that once caught beyond the 8-km area they were not mistreated as badly as when caught closer to the border fence. It also seemed to be the case, that the greater the pressure on a particular area of the border, the greater the violence towards the refugees and migrants.

For example, in May a new route became dominant, certain points in the border area near Sombor, between Backi Breg/Bereg Határátkelőhely and Bezdan/Batina border crossings. The increase in refugee and migrant population in the area coincided with the relocation of a larger group of single males from informal sites in Belgrade to Sombor TC (124 single males transferred in May, mostly originating from Pakistan, among them 42 UASC). Furthermore, the route was convenient because of the proximity of the tripoint border with Hungary and Croatia and there were reports among the refugee and migrant population that this route was easier to cross and that the fence on the border between Croatia and Hungary was not as heavily guarded as the one with Serbia. However, in the same manner as was the case with the areas in Kanjiza and Subotica during the first three months of the year, the remaining months from May onward showed that with increase in irregular crossings also comes a spike in push-backs in the area of Sombor. In particular violent push-backs were reported, with severe violence towards UASC.

Apparently, there was quite a large population of single males and UASC that peaked in July, both accommodated in Sombor TC and sleeping rough in the general Sombor area, counting 180 to 200 persons estimated. They were reportedly regularly attempting to cross the border irregularly in high numbers. There were even several police operations, most notably one where more than 40 persons were reportedly apprehended in the end of July. It is estimated that these operations aimed at deterring refugees and migrants from irregularly crossing the border since there was immense pressure on the border in this area. Another large operation was organised in November when approximately 200 men were transported to Presevo RC.

In addition to the testimonies and reports collected in the border area, CRPC in Belgrade collected 30 reports relating to 463 refugees and migrants being collectively expelled from Hungary during 2017. Most push-backs from Hungary were reported in February and this can be explained by the existence of the barracks behind the main Belgrade train station as a massive irregular site. After February reports were constantly received but not in as high a number as during this period of the year. Many refugees and migrants returned to Belgrade, after unsuccessful attempts in crossing the border, to plan further steps, change smugglers, exchange experiences etc. Risks and dangers were often explained to refugees and migrants, but they were resolved to continue the journey.

When it comes to the nationality of identified pushed-back persons in Belgrade, Afghan nationals (60%) were most frequently pushed-back from Hungary during 2017, followed by persons from Pakistan (30%), Syria (5%), Iraq (3%) and other countries (2%).

The majority of persons pushed-back from Hungary, reported in Belgrade, were adult males (70%). Also, male teenagers, unaccompanied and separated children made up a significant part of this statistic since 30% of all pushed-back persons from Hungary were UASC.

Most of the testimonies (88%) gathered by CRPC, highlight violence towards persons being pushed-back from Hungary. Practice of the Hungarian border guards when pushing-back persons reported to HCIT coincides with practice of violence reported to CRPC.

Following incidents were reported directly to HCIT/CRPC teams working daily with refugees and migrant directly in border areas and in Belgrade.

## **Extremely violent cases reported**

### **Case No. 1:**

#### ***Collective unlawful expulsion of a group of 70 young men from Afghanistan and Pakistan (two of them A.A. and C.C testified about the incident)***

*Date of report:* end of February 2017

*Location:* near Horgos/Rösztke transit zone

A group of 70 young men from Afghanistan and Pakistan, including around 15 to 20 UASCs, headed to the Hungarian border during the night and waited by the fence for a good time to cross. The two interviewees testified that they waited until the police patrols left and then crossed the "wire" (fence) and started walking. One of them noted that it had been as if the Hungarian police hid and waited for them to cross so that they could catch them. There were between 30 and 40 police and army officers that caught them, after only 15 minutes of walking inside Hungary. Hungarian authorities then forced them all to sit on the ground and to keep their heads down. One by one they were separated and four or five officers beat each and every one, even the minors, with nightsticks, kicking and punching them for some time (they could not specify for how long). The entire "process" lasted between five and six hours.

*"They beat me with fists and nightstick and when I fell down they kicked me very hard in the stomach, it is still hurting."*

The officers also took phones from some of the group, smashed them on the ground and stepped on them with their heels until they broke. The officers also had attack dogs. The dogs all had muzzles and the officers did not release

them however they did intimidate the refugees with the dogs, bringing the dogs close to the refugees and encouraging the dogs to growl at the refugees. After the beatings, they were forced to walk back to the border with Serbia. Due to the fact that they were all beaten, all of the refugees were walking slowly; some were limping while a number of them could not even walk due to the injuries they had sustained, so they had to be carried by others. All the while the officers were walking alongside them and were yelling at them to walk faster. If someone was walking too slowly they would hit him again on his legs with a nightstick.

One of the men was more severely injured and could not even walk the next day. He was carried by his friends to a mobile medical team to seek medical attention. He refused to speak about the incident, stating that he was in too much pain.

## **Case No. 2**

### ***Collective unlawful expulsion of a group of 16 young men from Afghanistan and Pakistan (three of them B.A. B.B. and B.C. testified about the incident)***

*Date of report:* beginning of June 2017

*Location:* near Horgos/Röszke border crossing

By all accounts the group of 16 males, among which there were at least three UASC, crossed the Hungarian fence on the night of June 8 and they managed to do so, despite the presence of a great number of police patrols, lights, and even a helicopter. However, not long after they crossed the helicopter spotted them and directed a searchlight on them. They ran to the nearby wooded area in the hopes of hiding, but a police car pulled up and they were stopped by men they recognised as Hungarian officers. The group was rounded up and told to sit on the ground. The officers were abusive towards them, spitting on them, insulting them and even wiping their boots on them. One of the interviewees, B.A. recalled:

*"They treated us worse than animals. They were also laughing while the dogs were attacking the men."* The interviewee also highlighted that they understood the officers saying, *"Now we are going to party with you"*. Then the officers beat them with their nightsticks, but also kicked and punched them.

The third interviewee, B.C. recalled the way he was bitten by one of the police attack dogs: *"When they stopped us they first pepper sprayed us and one of the officers wanted to hit me with the nightstick, but the other one said "Stop, I am going to let the dog attack him"; one of the guys in our group was translating what they were saying. Two of the officers had dogs and then released them. They were not wearing muzzles. One of the dogs grabbed my friend by his clothes and*

*the other jumped on me and bit my arm very hard. I was bleeding a lot and the dog would not let go of my hand. I asked for help, but the officer continued encouraging the dogs to bite us."*

The UASC were also beaten, three of them got hit by nightsticks on the back of their head and were bleeding. During the beating, the group was made to sit on the ground. One of the UASC was attacked by the dogs between his legs, close to his genital area. During the interview he stated that he had swelling and pain. However, the dog bite had not caused laceration of the skin.

One of the interviewees, B.B. stated that the officers also beat the ones that were bitten by the dogs and were already injured. He also added that *"Some of the men asked for help and the officers would guide the dog on the leash towards these men and release the dog on them. For instance, one man complained that he didn't feel well and asked for water. They released a dog on him."*

After the beating the group was taken to Rösztke transit zone where there were more officers. Before they were expelled they were questioned and their phones were checked. B.C. was bleeding and he recalled that the following happened before he was expelled:

*"One of these officers asked me "what happened to your hand" and I said that one of the dogs bit me. Then he told me, no you hurt your hand on the fence. Then they beat me. After that they asked me again and I said that I cut it on the fence, and then they beat me again, I continued saying it was the fence, but they told me "no, no you said it was the dog"*

They were expelled, and Serbian police was waiting for them on the other side. B.C. was taken to hospital the next day by representatives of the SCRM. He stated that his arm started hurting very badly in the morning, and when his wound was cleaned, his bone was visibly exposed. Finally, B.C. was hospitalised for the injury he sustained from a dog bite.

### **Case No. 3**

#### ***Case of violent expulsion from Hungary***

Date of report: beginning of September 2017

Location: Sombor area

A group of 40 to 50 refugees and migrants, majority Pakistanis with at least one UASC in the group met in Sombor and were taken to the border with Hungary by a person working for smugglers. The entire group crossed the border and was walking through corn fields inside Hungary. They reported that they must have crossed at least one and a half kilometres. They were stopped by about 20 to 30 Hungarian officers, inside the corn fields. The officers had three police attack dogs with them that were wearing muzzles.

According to the interviewed group, one of the Afghan men ran towards one of the officers with a chain screaming and yelling. The officers pepper sprayed and beat him and proceeded with the whole group, including the UASC. The officers beat them mostly with nightsticks for about half an hour.

UASC was surrounded by a group of six officers and they beat him very hard on his arm. He was unable to move it afterwards and was in a lot of pain. UASC was pushed-back with the rest of the group and was not provided with any medical attention for his arm contusion until he reached Serbia.

#### **Case No. 4**

##### ***Case of a violent collective expulsion from Hungary***

Date of report: February 2017

Location: near Kelebija border area

On February 23, a group of 64 people headed by bus from Subotica towards Kelebija and then, following the railway towards the border with Hungary on foot. At 8 p.m. they reached the fence and cut it. They ran for 30 minutes through a forest and then stopped to rest a bit. Not long after, they were approached by a group of 20 to 25 policemen. They were wearing black uniforms, handguns and batons around their waists and were accompanied by two dogs that wore muzzles. They were told, in English, not to run and to stay where they were. A policeman asked if any in the group spoke English, but no one replied. They were asked about their countries of origin. Afghans and Pakistanis were separated in two lines, and the group was taken to a field in the vicinity. There, they were asked to kneel and put their heads between their knees which they did. Then, the police started kicking and hitting them with batons. Also, two policemen repeatedly stepped on their backs and crushed them underfoot. This lasted for approximately 30 minutes.

Afterwards, they were ordered to make one line, to put their hands up in the air and look down to the ground. They started walking back and reached the entry point after about one hour. The entire way back they were hit with batons and kicked. Upon reaching the gate, which was very close to the point where they had cut the fence, they were stripped and searched and asked about their names and surnames which policemen wrote down. The strip search was video recorded. Their mobile phones and money were taken away from them. Then they were told to lie down, and the beating started again. Some of the refugees and migrants allegedly passed out after a couple of minutes. After the beating, the group headed towards an abandoned house in Serbia and arrived to Palic area later on.

## NORTH/WESTERN BORDER WITH CROATIA

Since early spring 2017, more refugees and migrants started gathering in several informal sites in Sid and its vicinity. Many of them were never registered in line with the Law on Asylum or they had left their designated centres and started sleeping rough, hoping that they would have better chances to cross the border with Croatia if they were constantly near it. Also, many claimed to be unable to register and found accommodation there. In addition, many were prosecuted in local misdemeanour courts and were issued with Cancellation of stay decision.

The most prominent informal place of gathering, the abandoned factory “Grafosrem”, became home to some 200-250 refugees and migrants during spring and summer. The precise number of those that found only short-term refuge in this dilapidated structure remains unclear, since many were passing by, spending few days and moving back and forth. Also, it was observed that many people that were actually accommodated at Sid TC (until it was officially closed in May 2017) were spending time in “Grafosrem” socialising with other refugees and migrants.

All of them were attempting to cross into Croatia and many of them were very violently pushed-back. They were living in extremely dire conditions and a great many of them were facing mistreatment by smugglers that controlled the Croatia routes. During that period, some serious incidents were documented, and refugees and migrants started reporting about so called “road owners”, self-organised groups of migrants that were controlling the movement of refugees and migrants across the Croatian border, extorted money and deciding which groups would cross the border and where and when.

As confirmed by many refugees and migrants, those that were moving towards Croatia on their own, outside of the organised “schedule”, were mistreated, severely harmed and humiliated. One young man from Algeria, robbed and heavily beaten,



*Inside Grafosrem factory, March 2017. Photo: HCIT*



*Distribution of food, done by the volunteers, April 2017. Photo: HCIT*

testified to HCIT about those criminal groups. Reportedly, after he had been expelled from Croatia, deep in the woods, suddenly he was surrounded by a group of six men allegedly from Afghanistan and Pakistan. They robbed and beat him violently. Several similar cases were documented and some refugees and migrants even testified to being harassed and ill-treated more than once by the same group of perpetrators.

All these facts documented over only a period of few months in a small area such as Sid, point to the grave dangers and life-threatening situations refugees and migrants face in their desperate attempts to reach the EU, including young children. Desperate attempts to cross into Croatia by any means available resulted in four fatalities,<sup>16</sup> recorded in 2017. One unaccompanied minor lost his life after he jumped out of a moving cargo truck on the highway leading to Croatia, one young man from Algeria passed away after an explosion of a cargo train carriage transporting fuel, and another single male also from Algeria, passed away after he was hit by a train in the vicinity of Sid.

In addition, an extremely tragic event occurred in the second half of November, relating to an Afghan family that was reportedly pushed-back from Croatia. According to their testimony, the mother with five young children was ordered to return to Serbia after they had crossed the border with Croatia in the middle of the night. One of her children, a five years old girl was hit by a train (on the Serbian side of the border) and passed away due to the severity of her injuries.

The number of refugees and migrants that reported being expelled from Croatia started increasing in the second half of August 2016. In 2017 the number of collective expulsions rose compared to 2016, as did the number of UASC that were being expelled. During 2017, HCIT recorded a total of 359 cases of expulsion inci-

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<sup>16</sup> UNHCR Inter Agency Operational Updates, 2017, <https://data2.unhcr.org/>

dents from Croatia to Serbia involving approximately 3200 refugees and migrants. Of the recorded incidents reportedly 90 or 25% were violent, where refugees and migrants testified that Croatian border guards used some form of violence. Of the 90 violent incidents, in 28 separate cases, it was reported that UASC were part of the group affected.

From the testimonies HCIT collected in the first half of 2017, nationality structure clearly showed that mostly Afghans and Pakistanis were attempting to cross the Croatian border: 61% of the refugees and migrants pushed-back were of Afghan origin, 23% Pakistani, 5% Algerian and the remaining 11% of other nationalities including Iran, Bangladesh, Tunis, Somalia, Eritrea and Cuba.

National structure remained almost the same in the second half of the year. According to the data collected, among 261 documented expulsion incidents from July to December, 44% were nationals of Afghanistan expelled from Croatia (893 out of 2018), 21.5% nationals of Pakistan (433 out of 2018), 10% nationals of Algeria, 5% Iranians and some 20% all other nationalities or persons without clearly established background (such as Bangladesh, Sri Lanka, Iraq, Syria, India, Tunis, Morocco, Somalia, Eritrea, etc.) However, the number of Iranian nationals drastically increased in the second half of the year, more precisely after mid-September and the implementation of the Visa Liberalisation Agreement between Serbia and the Islamic Republic of Iran.<sup>17</sup>

Several single females were also pushed-back, two from Iran, two from Cuba and even two female UASC from Eritrea, and one UASC girl from Nigeria.

Most of the interviewed refugees and migrants reported being irregularly returned either near Sid/Tovarnik border crossing, Batrovci/Bajakovo border crossing or near Principovac Transit Centre, of which one part is located on Croatian soil. However, more than 90% testified being ordered to go back to Serbia "near the railway tracks". The tracks were very frequently used as a tool to find the way back to Sid, especially during the night.

In addition to beatings, many reported that their mobile phones were taken by Croatian police officers. It is important to highlight that even expulsions all the way from Croatian capital Zagreb were recorded, not just from the border area. Communication was always the problem and refugees and migrants were rarely allowed to speak or ask for something, preventing them from seeking asylum in Croatia. Those that did manage to speak up and ask for asylum were allegedly told that "this was not possible". The beatings were harsh in some cases and even UASC were beaten. Women and children were not subjected to any direct mistreatment. It is also important to highlight the fact that the wave of violence increased drastically during spring, especially in May and June where some of the most severe cases were documented. Refugees and migrants were collectively expelled after serious beatings, and boys as young as 13 and 14 were seriously injured.

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17 News article by N1 Info, "Serbia abolishes visas for citizens of India and Iran", August 8, 2017, available at <http://rs.n1info.com/a292560/Vesti/Vesti/Srbija-ukida-vize-za-drzavljanje-Indije-i-Irana.html>

The following are the most prominent practices of border guards as reported by those expelled:

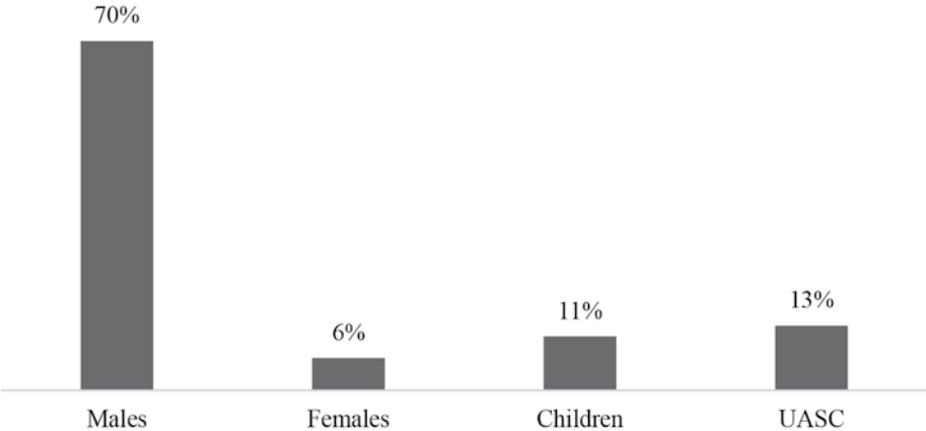
- Beatings with nightsticks, punching and kicking also affecting unaccompanied and separated children
- Allegations of confiscation of mobile phones and cash
- Not facilitating access to the asylum procedure and other services with comments such as “this is not possible”
- Several cases were documented where refugees and migrants were returned from Slovenia to Croatia and immediately to Serbia
- Many were taken to police stations, fingerprinted and afterwards expelled from Croatia back to Serbia
- Majority was identified near highways, not too far from the border area with Serbia
- Families were ordered to go back as well, immediately upon identification
- Expulsion of refugees and migrants after several days spent in Croatia, sometimes even in refugee centres, were recorded.

Having in mind, drastically lower number of push-back incidents documented in Belgrade relating to the Croatian border than the one related to the Hungarian, it can be undoubtedly concluded that the population that was involved in multiple attempts of irregular border crossing in Croatia, tended to remain near the Croatian border, rather than returning to Belgrade or further south

Through the entire year, CRPC received 13 reports involving 93 persons pushed-back from Croatia. The vast majority of persons pushed-back from Croatia, according to the data CRPC gathered, originated from Afghanistan (81%), followed by Iraq (10%), Iran (4%), Syria (3%) and Algeria (2%).

Gender structure of persons pushed-back from Croatia, shows that the majority of pushed-back persons were adult males, but also families alongside UASC.

**Age and gender of persons returned to Serbia from Croatia interviewed in Belgrade**



This data matches completely with the information collected by HCIT, directly at the border areas.

This is also true regarding the practise of Hungarian border guards during push-backs, which were recorded as more violent than those from Croatia. Reports documented by HCIT are the same as recorded by CRPC side. The ratio of violent push-backs compared to non-violent ones is almost even.

CRPC also received testimonies from persons pushed-back from Bosnia and Herzegovina, involving a total of 11 persons (in two reports) when refugees and migrants were trying to reach Croatia and then Slovenia through Bosnia and Herzegovina presuming that police presence would be lower at these borders. After being caught and informed on the asylum procedure, those persons decided to seek asylum in Bosnia and Herzegovina but were refused or changed their mind due to the lengthy procedure and escorted back to Serbia. Reported push-backs from Bosnia and Herzegovina showed a novelty practice of push-backs compared to surrounding countries as no violence was reported and an interpreter was present during the event.

### **Vulnerable cases in push-backs:**

#### **Case No. 1:**

*Case of S, single mother travelling with two small children, age 6 and 10, boy and a girl*

Date of report: January 2017

S. fled from Iraq after her husband passed away. She travelled more than seven months before she arrived in Serbia. She and her children travelled with smugglers across Turkey and Bulgaria. After quickly passing through Serbia, they managed to irregularly cross Croatian border. On the Croatian side, a taxi driver (as it was already paid and arranged) waited for them and drove them to an abandoned house near the highway. Since it was January, it was very cold and S. and the children were very scared. The next morning, as S. recalls, they managed to reach "a refugee camp" near Zagreb.

S. conveyed very clearly that she wanted to apply for asylum in Croatia, but after a short conversation, she was sent to the police station where it was explained to her that "she didn't have the right to seek asylum in Croatia". S. and the children were placed in the police van that drove them near "Tovarnik border crossing". It was 10 p.m. when S. and her children were ordered to "go back to Serbia". They walked for almost three hours until they managed to reach the transit centre in Sid where they finally found shelter.

## **Case No. 2:**

### ***Case of M. 16 years old from Afghanistan, UASC -travelling without parents or legal guardian***

Date of report: March 2017

M. and his friends tried to cross the border irregularly into Croatia at night in February 2017. They were travelling alone, without the help of smugglers. They expected it to be difficult and were scared but still, they decided to try. They used GPS to locate the nearest way to cross the border. They followed the railway tracks from Sid towards Croatia. They had walked for 30 km, when four policemen intercepted them, ordered them to stop and handcuffed them. They were ordered to enter the police car immediately. M. tried to explain that he was underage but according to his testimony, policemen didn't listen to him at all. *"I told them I was a minor, a child, but they did not listen to me and they beat me anyway".*

Their pockets and bags were searched and even M. was hit with nightsticks, mostly on his legs and back. After 20 minutes of driving, they were ordered to get out of the car and to "go back to Serbia".



*Walking towards Croatian border, May 2017 Photo: HCIT*

### **Case No. 3:**

#### ***Case of M.A. from Tunisia, 25 years old, person with specific needs***

Date of report: May 2017

M.A. and his friends tried to enter Croatia hidden in a train. At the first stop in Tovarnik, they were immediately apprehended by the police. They were photographed and ordered to enter the police van parked nearby. They tried to ask for asylum, but policemen ordered them to be silent. M.A. reported they were driven to near the border with Serbia, ordered to get out of the van and a few of them were hit several times with nightsticks and fists. Some of the refugees and migrants in the group fell on the ground and policemen continued to mistreat them. M.A. tried to show to policemen that he had a problem with his hand, but one of them allegedly pushed him into a small lake nearby. When he fell in the water he started to drown. Due to his disability, he wasn't able to swim. He started to yell for help, but policemen kept laughing. His friends pulled him out of the water and saved him.

### **Case No. 4:**

#### ***Case of a group expelled from Croatia***

Date of report: April 2017

On April 23, at 20:30, a group of four men left Principovac TC and headed for Sid where they managed to cross the Croatian border on foot without any problems. They used GPS on their mobile phones to navigate across open ground and managed to stay unseen until they reached a point nearly 20 km from Vinkovci town. They were resting next to a village road when two police officers spotted them at 1 p.m. They rushed towards them and hit them a couple of times with flashlights and batons. Reportedly, one of the PoCs tried to explain that they were refugees and that they wanted to seek asylum in Croatia but, the police officers started swearing in English. After around 15 minutes, a police van came, and the group was forced inside. The van was escorted by a police car. After around an hour, the van stopped, and nine more persons were put inside including a family from Afghanistan, four Pashto speakers and two persons who introduced themselves as citizens of Kosovo. After 40 minutes, the van stopped again next to the railway tracks. First, they let out the family from Afghanistan to whom no one did any harm. Two female police officers brought the group from Principovac TC next. They saw six police officers outside forming a line. When they came out the police officers from the line started beating them with batons and some kind of cable. In their own words, the worst hits were on the head and thighs. After the beatings, they forced them back on the Serbian side of the border.

## NORTH/EAST BORDER WITH ROMANIA

The Romanian border became an active route for many refugees and migrants in spring 2017. Both single males and families used it for irregular crossing. Contrary to some other countries in the region, Romania is seen as a country with high recognition rate and quick RSD<sup>18</sup> procedure (about two months on average). There could be a link between the “opening” of this new route and the drastic decrease in the number of refugees and migrants present in Serbia, that occurred in spring and early summer of 2017. From March to June 2017, the number of refugees and migrants accommodated in governmental facilities and those that were sleeping rough in Serbia dropped from 7900 to some 5500.<sup>19</sup>

The number of push-backs recorded in the first months when the route started to be active was very small since reception facilities in Romania were almost empty and authorities were granting the right to claim asylum to the majority of apprehended individuals. Another reason was the reportedly high success rate of crossing through Romania. HCIT had begun recording push-backs from Hungary where refugees and migrants reported they had crossed through Romania and entered Hungary from Romanian territory. They reported that it was easier to enter Hungary from Romania than from Serbia, at the time (no fence erected between Romania and Hungary).

However, the situation and the border regime changed in the second half of the year, and even though some families were also collectively expelled, it can be undoubtedly concluded that for single men, it was almost impossible to cross into Romania.

A significant increase in irregular movement to Romania was observed in September. Majority were families attempting to cross the border, and HCIT managed to document cases of families that were either expelled from Romania or were unable to connect with their smuggler and left stranded in the area of Kikinda. Out of five individual testimonies of push-backs received from Romania in September three involved use of force (including violence against children in two instances). At the end of September 19 PoCs were pushed-back from Romania to Serbia. According to their testimonies, the PoCs were robbed, and their phones were confiscated. Some of them suffered serious beatings (bruises, swellings, broken arms). Also, HCIT recorded one violent push-back where a Syrian male was kicked and slapped, his nose injured and once in Serbia, he was provided with medical assistance.

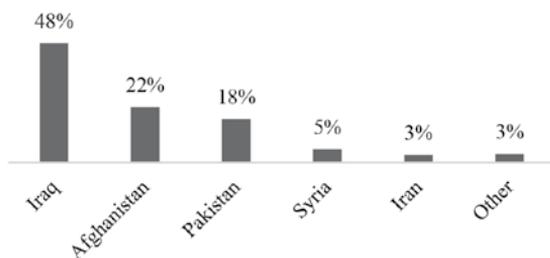
In total, HCIT documented 21 cases of collective expulsion incidents from Romania to Serbia, relating to more than 200 persons. The main exit points for irregular crossings were formed in the border areas around Kikinda, to be precise in the area near villages Nakovo and Mokrin, but also near the town Vrsac.

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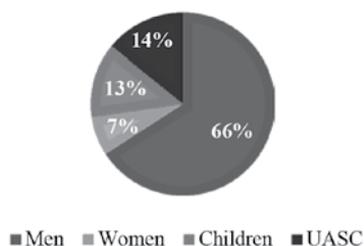
18 Refugee status determination

19 UNHCR Serbia Response Mid-term update 2017, <https://data2.unhcr.org/en/documents/download/58649>

**National breakdown of pushed-back persons from Romania gathered in Vojvodina**



**Gender breakdown of persons pushed-back from Romania gathered in Vojvodina**



The population that was pushed-back was diverse. There were single men mostly from Afghanistan and Pakistan, but also from Iraq, Syria, Iran, etc. Since early September, families from Iraq (mostly Kurdish families with small children and many other vulnerable individuals), Iran and even Syria were reportedly pushed-back. Additionally, multiple push-back cases were recorded in the area of Kikinda Reception Centre<sup>20</sup> where the PoCs returned after unsuccessful attempts to cross.

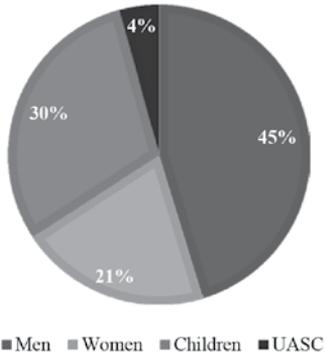
With regard to smuggling, an increasing number of Afghan families were reportedly using the Romanian route in the second half of the year, mostly after September; a route that earlier in the year was mostly used by Syrian and Iraqi families. According to reports, the price of crossing into Romania varied from 500 to 700 euros per person depending on nationality. Allegedly, a sum of 2800 euro was added for reaching Austria. Many people were reportedly passing through Serbia without being detected by authorities. One Iraqi Kurdish family reported that they entered from Turkey to Serbia in a truck without being intercepted by Bulgarian authorities, and that they stayed in a house in a city in Romania. Some PoCs reportedly paid up to 7500 euros per person to reach Germany from Turkey.

Contrary to the trends on the Croatian and Hungarian border, most of the refugees and migrants, both families and single men, after having been expelled from Romania, did not stay long in the vicinity of the border rather instantly headed back to Belgrade. Therefore, throughout the year, not even one informal campsite was erected and there weren't any makeshift tents and camps in the area. In a few cases, in some abandoned houses, mostly young Afghans and Pakistanis were found sleeping rough but not in significant numbers.

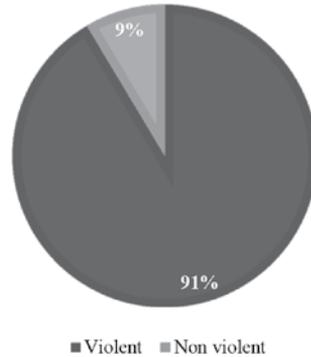
CRPC collected 10 reports in Belgrade relating to 117 persons pushed-back from Romania. The first push-back was reported in April but the number of pushed-back persons from Romania reached its peak in September when CRPC received four reports involving 82 persons. About 80% returned from Romania were Iraqi nationals, followed by 9% Afghans, 6% Syrians and 4% Pakistanis.

<sup>20</sup> Kikinda Reception/Transit Centre was open in April 2017.

**Age and gender of persons pushed-back from Romania interviewed in Belgrade**



**Presence of violence in push-backs from Romania interviewed in Belgrade**



The national structure of persons pushed-back from Romania differs from the structure of pushed-back persons from other countries surrounding Serbia since, according to data gathered by both CRPC and HCIT, mostly families from Iraq decided to use the Romanian route, especially in the second half of the year.

As mentioned, the Romanian route was mainly the choice of Iraqi families (Kurds, Yazidis) but again adult men were most frequently pushed-back, then children, women and UASC at the end. UASC involved in this statistic were all identified in one non-violent push-back report and one of the first reports CRPC received from persons pushed-back from Romania. Violence, according to the data collected by CRPC, was often present in push-backs from Romania, in fact only one more report, besides the above mentioned, did not contain violence and it involved five adult males from Pakistan who reached Timisoara. Violence in Romanian push-backs was severe and taking into account that many of persons pushed-back were women and children - particularly cruel.

***Case of a group expelled from Romania***

Date of report: summer 2017

A group of 20 people (four families with women and children) from Iraq crossed the Romanian border with the help of a smuggler from Pakistan. The group stated that they didn't know near which town (from the Serbian side) they crossed the border, since the smuggler was the one who bought bus tickets from Belgrade. At around 11 p.m. they arrived at the town where taxi vehicles were waiting for them. Taxies drove them for some two kilometres, until they reached a town. They walked in the woods for 4.5 hours afterwards and finally reached a small asphalt road around 4 a.m. where was their next transport meeting point. They waited until 8 a.m. and finally gave up on waiting.

They stopped a random passing car and asked the driver to let the children warm up and to contact the police. Eight police cars showed up immediately, with around 30 men (police and army). Once the police arrived they gathered the group in one circle, including children, women or elderly people and started beating them using their hands, batons and electroshock guns. The beating lasted for 20 minutes. There were no serious injuries, except for one man whose head was bleeding. One of the police officers even put a gun to the forehead of one of the men from the group and said that if they tried again to cross the border, they would be shot.

After the beating, the whole group was transported in three military jeeps to a point at 30 minutes of driving distance from the place where the beating took place. There, the PoCs were told to go back to Serbia. The group stated that they had to walk for about 10 hours to reach the same Serbian town, from which they had started their journey. Their fingerprints were not taken, neither were they asked if they wished to seek asylum in Romania. The group was only photographed by one of the police officers.

## **RETURN OF ASYLUM SEEKERS FROM HUNGARIAN SO-CALLED TRANSIT ZONES TO SERBIA**

Field teams of HCIT have been present since March 2016 regularly at the border crossings Horgos I and Kelebija, in improvised camps in front of the transit zone on the Hungarian border since the implementation of the admission procedure began. In practice, a certain number of asylum seekers was allowed to apply for asylum in Hungary.

The daily quota has been changed and since mid-January 2017, 10 asylum seekers were allowed to lodge their asylum claims. Every working day, approximately ten asylum seekers had the possibility of entering the transit zone, five at each border crossing, excluding weekends and national holidays. At Horgos transit zone, asylum seekers from Afghanistan (also Iran, Pakistan and other countries) were generally accepted, and Kelebija transit zone was designated for Arabic speaking asylum seekers, mostly Syrians and Iraqis. Since the beginning of the admission procedure, families had priority over single men. Also, at Horgos/ Röske transit zone there was a regular practice of admitting UASC at least once a week.

Monitoring the border situation with Hungary is of great importance for several reasons. Primarily, these persons (once their asylum claims were rejected or dismissed in Hungary) were returned to Serbia in an informal way, where the officials of the Ministry of Interior of Republic of Serbia were not informed of the rejection of such persons and their return to Serbian territory, since it was not conducted in line with the official legal procedure for the readmission of foreign

citizens.<sup>21</sup> The applied dynamics of “returns” did not exist. It happened that in a few weeks no one was “returned” and in just one day, more than 25 people were returned to both transit zones. It is especially important to emphasise that the border fence and, therefore, the gate of the transit zone are situated several metres in the interior of the Hungarian territory.

After the transit gate opened and refugees and migrants passed through it, they were still, only a few metres, on the Hungarian territory, but after the gates closed, in principle, the only option they had was to “cross” to Serbia. Anyone who returns to Serbia after a certain period of time has the need for adequate and effective counselling on their rights, obligations and available options in Serbia, as well as for their needs to be assessed and to be referred to adequate state institutions.

Amendments to the Hungarian Law on Asylum, which entered into force at the end of March 2017, stipulate that after entering the transit zone, asylum seekers will be placed in transit containers, where they have to wait for the outcome of the refugee status determination procedure, which can last up to several months. This also applies to appeal proceedings. Until the latest amendments to the Law which entered into force, asylum seekers could have been relocated from the transit zone to some of the open reception centres in the interior of the country.

HCIT documented cases of a total of 90 individuals in 2017 that were returned from the Hungarian transit zone after the asylum procedure was finalised or after they decided to withdraw their asylum claims. This relates to both dismissal of an asylum request or rejection of the claim. Population involved in these cases consisted of 15 single men from Afghanistan, Pakistan, Morocco, Iraq, Syria and Eritrea, seven Iraqi families and two Afghani families. All individuals spent only a short period of time in the North (those that needed urgent accommodation were admitted in Subotica TC). Every identified single man and families were referred (except few that departed on their own) to CRPC in Belgrade in order to be assisted and further referred to appropriate institutions in accordance to their needs.

## **EXPULSIONS FROM HUNGARY TO SERBIA OF FOREIGNERS THAT HAVE NOT PASSED THROUGH SERBIA**

Latest amendments to the Law on Asylum in Hungary, which entered into force at the end of March 2017, clearly emphasise that the asylum application is to be submitted to the official representative of the state body (in charge of refugee affairs), exclusively in the transit zone, except in three cases, which are: <sup>22</sup>

- if an asylum seeker is a subject to a measure restricting personal freedom or a measure or a punishment;

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21 Law on the Confirmation of the Agreement between the Republic of Serbia and the European Union on the readmission of persons who are staying unlawfully (Official Gazette of the Republic of Serbia - International Treaties, No. 103/2007)

22 Hungarian Act LXXX of 2007 on Asylum. An unofficial translation of the Hungarian Helsinki Committee is available at [www.helsinki.hu](http://www.helsinki.hu)

- is subject to refugee detention ordered by the refugee authority, or
- the applicant is lawfully residing in Hungary and does not request placement at an accommodation centre.

In all other cases, the asylum application is submitted in a transit zone located on the border with the Republic of Serbia. This is a very important provision concerning the Republic of Serbia since it instructs police officers to conduct a person illegally residing on the territory of Hungary that wishes to apply for asylum in Hungary, to the gate on a fence set up to protect the state border and to instruct him to request asylum in accordance with the paragraph 1, i.e. in the transit zone (as already explained).<sup>23</sup>

In this way, all foreigners who have been caught staying on the territory of the Republic of Hungary without the proper documents and permits, and even those who have never been previously in Serbia can be found on Serbian side of the fence since they can be expelled to the territory of the Republic of Serbia through the implementation of this provision of the Law. As the protective fence is positioned several metres inside the Hungarian territory, these persons are not expelled directly into the territory of the Republic of Serbia, but actually remain in Hungarian territory. However, for foreigners who find themselves in such a situation, there is absolutely no other choice but to take a few steps and enter the territory of Serbia, since the border fence extends along the entire border line with Serbia.

In this way, the Republic of Serbia found itself in a situation of “accepting” foreigners who had never previously been in the territory of the RS and who did not cross the border of Serbia and Hungary. The readmission of foreign nationals could not be implemented to this category of foreigners because it refers to persons who entered the territory of an EU Member State (in this case Hungary) from the territory of the Republic of Serbia, which in these cases did not happen. Many of them had actual protection needs therefore it was crucial to have access to asylum procedure.

The first such case was documented immediately after new Amendments came into effect. One asylum seeker from Somalia was expelled to Serbia on March 28. He reported that a month ago his asylum application in Sweden had been rejected. He had lived in Sweden for almost two years. He said that he travelled to Budapest and approached the Immigration and Asylum Office in the capital of Hungary to apply for asylum. According to his testimony, Hungarian authorities, took him to the border with Serbia, opened the gate and expelled him after only few hours.

HCIT documented 23 cases of so called “first time” expulsion to Serbia, from Hungary to Serbia, relating to 31 men, four women and two children. Aside from the Somali asylum seekers, Hungarian authorities have also expelled two Algerians, four Pakistanis (including one female in the ninth month of pregnancy) one Bangladeshi, one citizen of Ukraine, two Indians, four Vietnamese (one woman), a

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23 Ibid. 80/ J (3)

man and a woman from Iraq, two men from Moldavia, three men from Iran, one man from Chad, two Syrians, four Nigerians, one Libyan, one Palestinian and one man from Cameroon. Also, one family of four from Azerbaijan (two children) was collectively expelled in the middle of the night in October.

These cases mostly involved foreigners that had entered Hungary irregularly from other countries, mostly from Ukraine, or asylum-seeker from other EU countries that had unresolved status and travelled through Hungary with inappropriate documents. Majority reported that they expressed willingness to seek asylum in Hungary but within a few hours, they were driven to the border with Serbia and expelled.

### ***Case of family from Azerbaijan:***

This case most adequately describes to which extent implementation of the new Hungarian Law can be harmful and how easily the status of foreigners can change from “regular to irregular” making them undocumented migrants. Namely, a family, mother, father and two sons, were travelling from Azerbaijan to Italy via Ukraine and Hungary. According to the father’s testimony, they had valid Schengen visas in their passports. However, after they had landed at Budapest international airport, they were prevented from moving on, due to suspicion that they might be potential asylum seekers in the EU. They were questioned by the immigration office and, according to the testimony of the family, they did state that they were thinking of applying for asylum and maybe even proceed later on to Germany. Their Schengen visas were cancelled by Hungarian immigration officials and the entire family was placed in a van and driven to the fence on the Serbian border, to be precise near Horgos border crossing around midnight, without any explanation and guidelines to whom to address or seek assistance etc.

The family in question had a rough time after the expulsion from Hungary. They were counselled by both HCIT and CRPC (upon referral to Belgrade) about their legal options in Serbia, access to shelter and other services. They approached both Italian and Azerbaijan Embassy, and finally they were issued with ISAC in police station in Sid after they were identified in irregular border crossing and finally accommodated in one of the reception centres, while waiting to return to their country via AVR procedure.

Additionally, during the several specific cases of expulsions to Serbia from Croatia were documented. Namely, refugees and migrants mostly reported they entered Croatia via Albania, Montenegro and Bosnia and Herzegovina, meaning they were expelled from Croatia even though they had never previously passed through Serbia. In some cases, they even managed to reach Slovenia, but Slovenian border guards allegedly caught them near the border and immediately re-

turned to Croatia. Croatian police transported refugees and migrants to the border with Serbia. Unlike in Hungary, there was no legal framework to support this type of expulsions in Croatia. These events could be considered as a starting point of a new trend on the Balkan route. In total four such cases were documented by HCIT in Sid, relating to nine persons, all men.

## VULNERABLE GROUPS

### UNACCOMPANIED AND SEPARATED CHILDREN

While travelling irregularly, refugees and migrants (especially vulnerable groups among them) are often being exposed to various protection risks, such as violence, trafficking, extortion, abuse etc. by smugglers, police, border guards, other persons and groups. *Unaccompanied and separated children* (often referred interchangeably to as 'UASC' or 'UAM/SC') form one of the most vulnerable groups within humanitarian action globally. The agreed upon terminology surrounding unaccompanied and separated children sets out specific distinctions to be made as follows:

- First, a **child** means *any* person under the age of 18, unless under the (national) law applicable to the child, maturity is attained earlier (Convention on the Rights of the Child, Article1).

- **Separated children** are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

- **Unaccompanied children** (also called unaccompanied minors) are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

- **Orphans** are children, both of whose parents are known to be dead. In some countries, however, a child who has lost one parent is called an orphan.

UASC have been significantly present in the refugee and migrant population entering Serbia from 2015 until today and can present complementary protection concerns including LGBTI, those with specific needs (i.e. a mental disability, physical disability, or chronic illness) and those who were victims of violence (including SGBV), neglect or abuse prior to their arrival in Serbia.

It has been well observed that many UASC identified in Serbia suffered some form of abuse and trauma in their country of origin (CoO), as well as in flight. In a large number of cases recorded, this is part of the reason they left their CoO and subsequent countries they passed through. It is unfortunately, common place for

UASC - both male and female - to be victims of human traffickers and to participate in forms of sexual servitude, with many cases going unreported and thus unidentified.

A very peculiar phenomenon, for UASC population originating from South/West Asia, is one of the “dancing boys” or colloquially known as *bacha bazi*, which is overwhelmingly present in Afghanistan and to some extent Pakistan.<sup>24</sup> According to UNHCR “Young boys continue to be at risk of *bacha bazi*, a practice in which boys are kept by powerful figures, who make them dance in female clothes for male audiences, and who use them for sexual exploitation. The practice is reported to be on the rise.” (UNHCR, 2016, p. 69).<sup>25</sup> The social-cultural taboos surrounding this particular practice means it is severely underreported and survivors are hard to identify.

The risks UASC face in Serbia grow greater the longer their period of stay, particularly within informal accommodation sites. Therefore, it continues to be a high priority to identify, properly refer and monitor cases of UASC from a social work perspective.

### *UASC identification in Belgrade*

Several issues that unaccompanied and separated refugee children faced in Belgrade in 2017 included:

- Field outreach and accommodation capacities of institutions capable of addressing the needs of unaccompanied and separated children. While outreach was supported by predominantly civil society organisations, insufficient accommodation capacities meant that many UASC were accommodated in asylum and other centres throughout Serbia and appointed a threadbare number of legal guardians who were responsible for their wellbeing (for example, in Krnjaca only two guardians were allocated until October 2017, when one additional guardian was appointed to this centre).

- Cultural self-identification factors were especially prominent with older minors, who often didn't perceive themselves as children and refused accommodation in a so-called “children's house” (i.e. the Centre for Foreign Unaccompanied Minors).

- Family pressure – especially if a child (boy) is the eldest and therefore perceived as the head of a household. If a family send their child to migrate, there is significant pressure on that child to reach the EU at any cost. In 2017, CRPC encountered few cases of UASC who returned to Belgrade after an unsuccessful “game” (border crossing attempt) and had fallen ill along the way. Immediately after their

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24 See: Afghanistan Independent Human Rights Commission “Playing with Boys”, in United Nations High Commissioner for Human Rights (2015) *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2014*, p. 15, [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A\\_HRC\\_28\\_48\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A_HRC_28_48_en.doc)

25 *UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, UNHCR, 19 April 2016, HCR/EG/AFG/16/02, p.69 see <http://www.refworld.org/pdfid/570f96564.pdf>

return they called their parents/caregivers who instructed them to return to the border right away and try again. Also, during field work UASC stated that they put little trust in smugglers, but they contact them nevertheless because they thought they have better chances of entering an EU country with their help.

- Problems with documentation – “registration” as adults, lost or no Intention to Seek Asylum Certificate (ISAC), sometimes followed by challenges in the reissuance of certificates in a timely manner (if at all).

- Problems with durable solutions – access to asylum and possible integration, limitations of resettlement process and assisted voluntary return to the country of origin (AVR) when no embassy of their CoO exists in Serbia (for example Afghanistan).

- Status as a visible minority within the wider refugee/migrant population after leaving an accommodation centre or child facility (i.e. without systematic protection).

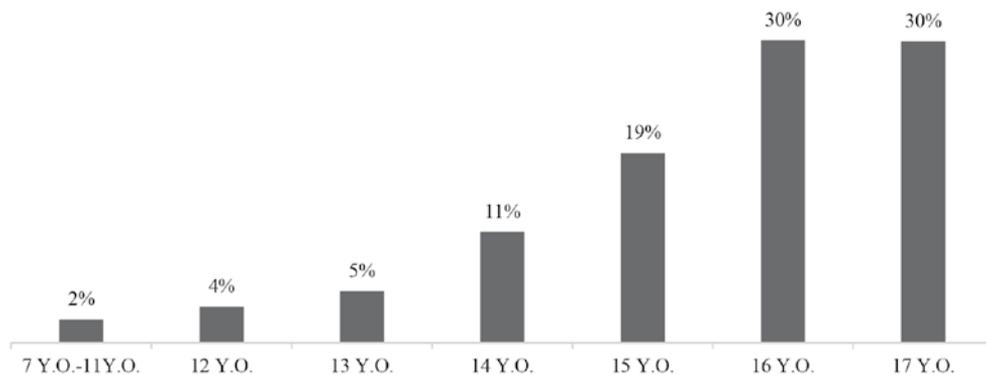
- Obrenovac centre concept – The first beneficiaries at the Obrenovac accommodation centre were UASC from the barracks who were referred there by the Centre for Social Work (CSW). NGOs working in the field helped the authorities with identification and referral. But when the centre opened in January 2017, the concept of Obrenovac centre being a safe place for children collapsed with the transfer of the first 200 adult men from the barracks, who were accommodated there together with UASC. This created protection issues for children accommodated there but authorities saw this as a possibility to provide a solution for the children who were either unregistered or had expired ISACs. Also, to assess immediate risks and possible solutions, UNHCR and partners supported national authorities in carrying out best interest assessments (BIA) for UASC at Obrenovac accommodation centre. During 2017, CRPC assisted these assessments providing cultural mediation, technical equipment and internet access.

From January to December 2017, a total of 1044 UASC were identified by CRPC in the Belgrade area. Out of the total number of children, approximately 7% were UASC (about 87 per month). In other words, about one child of every 15 was identified as an unaccompanied or separated child, provided with necessary assistance and referred to the Centre for Social Work (CSW).

Most of UASC identified in the Belgrade area originated from Afghanistan (76%), Pakistan (16%) Iraq (3%), Syria (2%) other (4%) and were predominantly male.

Only five UASC girls were identified in 2017 by CRPC in the Belgrade area (or one in approximately every 209 boys). Such a big difference between the number of male and female UASC can be explained by the fact that in the majority of cases, boys will potentially be travelling alone or in peer groups, sent by their parents out of harm’s way. On the other hand, when parents send their daughters to migrate they are usually travelling with other families so the girls often present themselves as family members, which makes their identification practically impossible. In most cases, female UASC can be identified as such only in case they are travelling alone.

### Age dispersion of UASC identified in Belgrade by CRPC in 2017

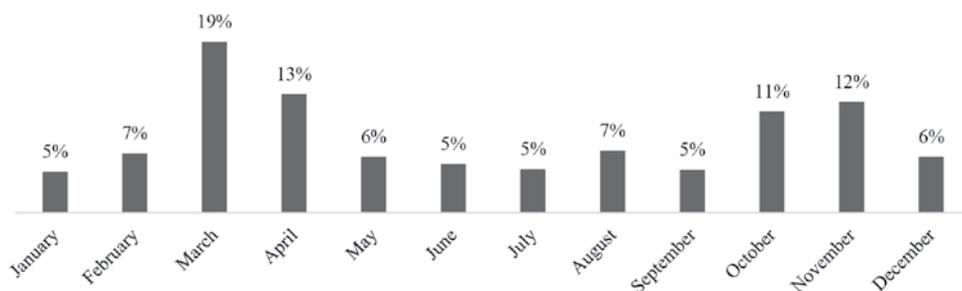


Out of identified population, the majority of unaccompanied and separated children were teenagers, mostly between 16 and 17 years old.

Most of UASC in Belgrade were identified between March and April 2017. This was the time when authorities were working on the relocation of the Belgrade barrack population before the demolition of the barracks. As estimated, one third of the population “sleeping rough” in the city central area were UASC. When word about the relocation spread, unaccompanied and separated children approaching CRPC began to search for possible accommodation.

CRPC noticed an increase in the number of identified UASC between October and November. This can be explained by a large influx of new arrivals in the same period. Temporary legal guardianship capacities became stretched to cover the needs of this increasing number of UASC.

### UASC identified by month in Belgrade by CRPC



The most problematic issue related to UASC is proper accommodation. For example, extremely vulnerable children such as survivors of sexual violence, children hiding from smugglers and other perpetrators, and children in need of special care (medical, psychological) could not be accommodated in appropriate facilities and safe houses but were left to face possible risky situations in accommodation centres. Also, children accommodated at “Vasa Stajic” Centre for Foreign Unaccompanied Mi-

nors were accommodated alongside national children in conflict with law and those children sometimes showed animosity or open aggression towards foreign UASC.

At the beginning of October 2017 Centre for Foreign Unaccompanied Minors was relocated to Vodovodska Street, however this did not last for long. All the children from this centre were relocated again, this time to Krnjaca AC. Moreover, children's legal guardians in the accommodation centres often had a large number of beneficiaries under their care. Finally, illegal entries to Krnjaca AC and Obrenovac RTC by UASC and adults alike who did not possess ISACs in autumn-winter 2017 often interfered with keeping track of the exact number of UASC, increasing protection and safety risks with rising number of incidents in this period, such as fights, arguments, and thefts. Authorities and the civil sector were making efforts to improve the situation but considering the lack of capacities this was a challenging task.

### *UASC identification in Vojvodina*

In 2017 HCIT identified a total of 882 UASC during field activities, of that 605 UASC were identified in the North and 277 in the West. This includes UASC that arrived to transit zones for admission into Hungary, meaning they were accommodated in government centres and chose to enter Hungary through the only regulated procedure. Regarding this particular group of UASC, it was the first time they were identified in the North and are by no means to be confused with new arrivals to the country. Some of these UASC may have had temporary legal guardians and stayed in Serbia – from several months up to a year and a half.

These numbers, however, also include UASC sleeping rough and moving irregularly, attempting to enter neighbouring countries. A total of 239 of these UASC were identified during interviews after they were pushed-back from neighbouring countries.

It is important to note that the vast majority of UASC identified were males. A total of eight female UASC were identified in 2017, of these five were identified in the North and three in the West.

As for the nationality of the UASC, the vast majority reportedly originated from Afghanistan, 68%, while 18% originated from Pakistan and 5 % from Algeria. The remaining 9 % originated from African countries including Libya, Morocco, Egypt, Ghana and Nigeria as well as Syria, Iraq and Yemen. Only 12 UASC were reportedly from Syria and Iraq and they were all males.

Among UASC from West and East African countries such as Nigeria, Somalia and Ghana were seven female UASC identified, the one remaining female UASC identified was from Yemen. These cases were few but extremely sensitive as the risk of trafficking was higher in these cases. They were often travelling without a group and with no notable ties to the rest of the refugee and migrant population. Furthermore, the accounts of their experience in transit differed significantly from other such accounts given by male UASC from other countries. They often men-

Push-backs from Hungary										
2017 HUN	Undefined	Afghanistan	Pakistan	Iran	Morocco	Algeria	Bangladesh	Yemen	Syria	Total
UASC	76	178	78	3	3	1	6	1	3	349

Violent 50

**2 violent cases involving families with children (from 11 months old to 15 years old).**  
In 15 cases minors report the incident.  
**The Yemenite UASC is female.**

Push-backs from Croatia										
2017 CRO	Undefined	Afghanistan	Pakistan	Algeria	Morocco	Libya	Eritrea	Tunisia	Nigeria	Total
UASC	55	252	31	17	5	1	2	4	1	368

Violent 28

**In 10 cases families with children were pushed back. In total 28 children reportedly pushed back with their families.**  
In 50 cases minors reported the incident.  
**The 2 UASC from Eritrea and 1 from Nigeria are females.**

Push-backs from Romania					
2017 ROM	Undefined	Afghanistan	Pakistan	Iraq	Total
UASC	2	9	3	4	18

Violent 3

**In 5 cases families with children were pushed back. In total 10 children reportedly pushed back with their families.**  
In 3 cases minors reported the incident.

tioned being smuggled across countries without knowing the route, and often being closed or hidden in vehicles for days on end. Of these eight cases, only three entered regular procedure and were admitted into Hungary, unfortunately, the remaining five disappeared from centres.

Apart from the 239 UASC identified after being pushed-back from neighbouring countries, UASC were reportedly regularly present in groups that were pushed-back. Above is HCIT statistical data focusing only on UASC and children in push-backs throughout 2017.

It is possible that UASC were present in multiple push-backs across all three borders. Highlighted in the statistics are a number of reports UASC made about push-backs. In total UASC reported these incidents in 68 instances.

Besides the high number of UASC being present in push-backs, particularly violent ones, the overall situation was at its most dire during the months of January and February 2017, when temperatures were extremely low and accommodation, particularly suitable accommodation was lacking.

Since the majority of UASC sleeping rough and moving irregularly at the time were in the North, the following gaps were identified that presented obstacles in effective protection of UASC at the time:

- Lack of presence of social workers (SWs) in the field
- Problems with mobility of SWs (lack of vehicles, lack of fuel)
- Lack of accommodation – in particular appropriate accommodation<sup>26</sup>

26 See: Save the Children, the International Rescue Committee (2017), *Out of sight, exploited and alone - A Joint Brief on The Situation for Unaccompanied and Separated Children in Bulgaria, The Former Yugoslav Republic of Macedonia, Serbia And Croatia*, <https://www.savethechildren.net/sites/default/files/Out%20of%20Sight.pdf>

- Transportation for UASC
- Access to registration – contradictions in regard to need of registration.

Notably, all of these gaps and issues were identified by HCIT teams in the field at the time and by other actors regularly present in the North. Certain steps were taken by authorities to ensure emergency accommodation was provided during dire weather conditions, however durable solutions were not found. These gaps and issues largely remained in both the North and the West, throughout the year.

In December of 2016, CSW Subotica was supported by UNICEF that deployed four field outreach workers that could effectively provide monitoring and interventions in the municipality and serve as a link between UASC, field actors and SWs. Under the guidance of SWs, they were able to take steps other actors had no mandate for and their field presence was intended to extend to the Kelebija/Tompa transit zone as well as other informal sites. UNICEF support also extended to provision of appropriate training for outreach field staff. In practice the outreach field staff was present at the Kelebija/Tompa transit zone daily until April, after which they monitored this site occasionally, and were effectively monitoring informal sites and responding to calls to informal sites only in the first two months of their engagement. They were also often having issues with transportation, not having access to their own vehicle, which hindered their ability to respond quickly to the needs of UASC. The program from UNICEF was discontinued with CSW Subotica at the end of July 2017.

CSW Kanjiza received the same form of support from UNICEF in September, when they hired two outreach field workers that visited the Horgos/Röszke transit zone daily and cooperated with HCIT and other actors successfully, even regarding interventions at informal sites, from August until the end of the year. They often had access to their own vehicle which improved the efficiency of their assistance.

However, field staff and SWs were significantly limited in their response due to the fact that throughout 2017, Subotica TC remained the only available accommodation option for both UASC and all other refugees and migrants in the entire Municipality of Subotica and was effectively the only available accommodation in three municipalities, until the opening of TC Kikinda in April.<sup>27</sup> In the first months of 2017, due to harsh weather conditions, Subotica TC often had no capacity to admit more beneficiaries and the only other viable option was transporting UASC to another municipality where accommodation was available. This brings us further to the fourth gap.

Transportation for UASC, particularly outside of Kanjiza and Subotica municipalities was difficult to provide, not only due to lack of resources, but also due to limitations actors other than CSW had in assisting UASC. Many organisations, including HCIT, have strict policies that align with applicable laws and regulations,

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<sup>27</sup> UNHCR, *Centre Profiling Serbia*, <https://data2.unhcr.org/en/documents/download/55034>

prohibiting the transportation of UASC without the presence of their legal guardian or a competent SW. Thus, these issues are closely tied to the issue of presence and overall availability of SWs in the field. Even when vehicles and fuel were available the availability of SW<sup>28</sup> to accompany UASC to a distant accommodation was rare and reserved for emergency cases. Later on, in the year this gap was bridged by SWs issuing an authorisation, delegating transportation duties to a certain organisation and granting them authority to conduct transportation from point A to B without the physical presence of SW. This measure was taken for practical reasons and for humanitarian purposes, but it became a long-term solution in some cases.

The legalities involving UASC bring us to the final gap and issue, which is access to registration and the contradictions involved in the need for registration. The issue of accommodation for UASC is a social protection issue, since UASC are entitled to protection from the state under the Family Law<sup>29</sup> and are additionally entitled to rights under the Asylum Law<sup>30</sup> in the event that they seek asylum in Serbia.

If they are being accommodated as a result of a BIA/BID by their appointed legal guardian or as an urgent measure by SW, they should not be required to register their intention to seek asylum prior, as the referral from CSW should be sufficient for accommodation and does not necessarily coincide with the intention to seek asylum. However, due to the lack of suitable accommodation in institutions within the social welfare network, UASC are, as noted, placed in centres for refugees and migrants that require such registration and referral from Mol prior to accommodation. Thus, UASC in the North and West were subject to the same issues with registration that all refugees and migrants faced, and that is described in more detail in previous chapters.

Once weather conditions changed and the population somewhat shifted to the Western border, most of the gaps and issues appeared in Sid Municipality as well. CSW Sid was one of the first centres that received support from UNICEF for outreach field staff back in 2015. They were extremely effective in emergency response, however in 2017 the population became more disperse prolific and CSW Sid seemed to be plagued with similar issues as centres in the North. Both the outreach staff and SWs were frequently unable to visit informal sites and reported they had issues with transportation and lack of capacity of the full-time SWs when their assistance was needed. Thus, the five gaps and issues identified by HCIT teams in the North, were identified as gaps and issues by our teams in the West towards the end of the year.

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28 Both the Family Law and the Law on Asylum of the Republic of Serbia prescribe that a foreign UASC should be referred to CSW and appointed a temporary legal guardian who will then further refer the UASC to appropriate accommodation and organise the transportation, accompanying the UASC. Temporary legal guardians are SWs, thus their availability is important. Allowing UASC to leave the country on their own accord or organise transportation without the involvement of CSW is considered to be a departure from applicable standards.

29 *Official Gazette RS*, No. 18/2005, 72/2011, 6/2015

30 *Official Gazette RS*, No. 109/2007

To conclude, a special attention should be paid to the protection of this vulnerable population and aimed to act as a bridge between UASC and relevant institutions. One of the main obstacles remained providing adequate accommodation solutions for UASC,<sup>31</sup> since UASC were exposed to a variety of risks both at government centres and at informal sites where they were not separated from adult male population. This unfortunately resulted in a rise of SGBV cases and different forms of physical abuse. At informal sites and during irregular crossings UASC were also exposed to criminal elements, a danger many of them often failed to recognise.

## **SGBV SURVIVORS**

A particularly vulnerable group among refugee and migrant population are SGBV survivors. SGBV refers to *sexual and gender-based violence and may be defined as any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a person based on their sex or gender, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life.*<sup>32</sup> The identification of SGBV survivors, psychosocial aid, mediation and improving access to specialised assistance providers can be an important form of first help. SGBV incidents may occur in the country of origin, during flight and in the country of asylum/current residence. Due to the delicate nature of the issue, it is very difficult to identify survivors during initial interviews. Therefore, a cultural and gender sensitised approach is crucial while working with possible SGBV survivors within the refugee and migrant population.

Out of the 14 SGBV cases CRPC identified during 2017, more than 90% involved women and only one case involved an unaccompanied boy. More than  $\frac{3}{4}$  survivors originated from Afghanistan and the rest from Syria, Iraq and Iran (one person for each country respectively).

The majority of incidents occurred in the country of origin, due to domestic violence (36%), forced marriage or marriage with a minor and under the threat of honour killings (23% each). If such incidents occurred during flight from the country of origin, survivors reported they were compelled to have sex in order to survive and victims of rape/attempted rape (18%). Most of the women who survived SGBV were travelling alone, with children and/or without the company and protection of a male relative. Majority of them were underage (36%), between the age 18-30 (29%), 31-40 (21%) or older (14%). The eldest identified survivor was 55 years old. Perpetrators were both smugglers and other refugees. Cases of rape of mothers and daughters at the same time were also identified.

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31 UNHCR, IOM and UNICEF are advocating for sustainable accommodation and protective services for UASC.

32 UNHCR (2003) *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*, <http://www.unhcr.org/3f696bcc4.pdf>

HCIT recognised or assisted 13 SGBV cases. These cases included five adult women, one LGBTI, five UASC (of which three were female and two males) and two were children with families. There were four persons originating from Afghanistan, five from African countries, two from Iraq, one from Syria and one from Cuba.

From the data HCIT gathered pertaining the cases where they provided assistance, there was a prevalence of cases involving harassment and sexual assault; only a few cases involved domestic violence and there was one case of threatened honour killing. Additionally, in the majority of the cases, HCIT was involved with, SGBV incidents occurred in Serbia.

In cases of domestic violence, women are often reluctant to leave their abusive husbands and violence continues. Most of the survivors stay in such marriages, because they are afraid of what might happen to them if they choose to leave their spouse. They postpone that decision until they reach country of destination and this puts them in an elevated risk situation. Those who decide to leave their husbands often lack appropriate institutional or family support and may be subjected to honour killing threats.

#### **Case No. 1:**

*K.K. from Afghanistan arrived to Serbia with her daughter. When asked where her husband was, she stated: "I don't know where my husband is for the last 6 years. We got married 13 years ago. Besides a daughter we have a son, too. My husband used to work for the army and he received constant threats from the Taliban. Six years ago, he just left and has not contacted me since." When asked what happened to her after that K.K. said: "I went to live with my husband's parents, they found me a job. I was cleaning the household of a rich man. One day that man assaulted me, so I immediately reported the assault to the police and told my husband's parents what happened. Hearing what happened, his parents immediately started insulting me and beating me, so I left the house with my children and went to Jalalabad. My husband's cousin found out where I was, and started threatening me because, as he said, I had insulted his family. This was when we moved to Kabul where my mother was living. I was still feeling unsafe, so I decided to flee from Afghanistan. My mother and son stayed in Kabul because I didn't have enough money for all of us to travel."*

#### **Case No. 2:**

R.Q. visibly disturbed and scared, carrying her luggage, together with her 2-year-old son left the centre where they were accommodated with her

husband. When asked what happened, she stated: *"I had an argument with my husband today. He yelled so loud that SCRM called the police. When they came, my husband stopped yelling but after that, things got even worse. You see, we have all been accommodated at the centre for the last six months. My husband was not violent towards our son but argued with me regularly. We left Afghanistan 15 months ago but while we lived there, he often beat me so bad that I had serious wounds and bruises afterwards, you see".* R.Q. stopped speaking so that she could show photos of her injuries, then continued: *"We started our relationship six years ago and he has been beating me since the beginning. He often uses drugs, you know."*

### **Case No. 3:**

F.X. together with her sister. arrived to Serbia from Afghanistan. When asked why she fled her country, she said: *"We left Afghanistan because we were really scared that we would be killed if we stayed there."* F.X. continued: *"Talibans kidnapped me some 20 years ago and forced me into marrying one of their members. When word spread that my brothers live and work in the UK, Talibans started accusing me of being an unbeliever and I was punished every day because of this... they used to torture me. On one occasion I managed to escape them. I left my baby..."* She arrived at Kabul where her mother and sister lived and found out that Talibans had started searching for her. *"We moved a lot because we constantly received threats from the Talibans. Eventually we decided to flee Afghanistan. Finally, we reached Greece where my sister and I got separated from our mother. We are here now (in Serbia) but I am really afraid that the man Talibans married me to is going to find me even here."*

Reportedly, minor girls are often pressured to marry adult men and their parents are also subdued to threats in order to give their daughters away. In most cases this was the primary reason why the family had left their country. Minor girls were also targeted during their journey, especially if they were unaccompanied or accompanied only by their mothers.

As mentioned previously, cases of "dancing boys" are extremely difficult to identify and the majority remain unreported. The sexual assault that this particular group endures is often committed by persons who have a strong and influential role in the community or group. Therefore, the survivors, even those that manage to flee the country, do not report the abuse out fear of retribution, and incidents similar to this practice may continue during the flight and even in the country of final destination.

#### Case No. 4:

Q. A. a 16-year-old boy from Afghanistan arrived to Serbia. When asked where his parents were he stated: *"They are in Afghanistan. I left them 4 years ago and went with my cousin to Iran where we found a job in a market. The market owner was also from Afghanistan, but he did not pay us regularly for our work. Whenever we complained, he threatened us that he would report us to the authorities and we could be deported back to Afghanistan."* When asked if this was the reason he left Iran and came to Serbia he said: *"No, after some 11 months spent working in that market, a man from Afghanistan who was a regular customer attacked and raped me. The next day my cousin and me left Iran and reached Turkey. Since we were not satisfied with our lives there, we decided to travel on. We reached Greece eventually. My cousin stayed there, but I decided to continue the journey."*

It is important to note that, while they were few, cases of SGBV against UASC were usually extremely brutal, with multiple perpetrators and accompanied by severe physical violence. The severe physical injuries or amounting trauma prompted survivors to seek medical attention and this is how the incidents were uncovered and reported. The stories of survivors indicate that this occurrence is much more prevalent than the number of reported cases. CRPC and HCIT also noted various instances of third person reports of SGBV that were usually unsubstantial and insufficient for further action, however they do point to the need for further support in this area.

During 2017 in Serbia, the need for strengthening an appropriate structure for the identification and management of SGBV cases arose and along with are many obstacles in resolving these issues, such as a lack of safe houses, not only for girls and women, but for boys and men as well. Somewhat crowded accommodation facilities that cannot provide appropriate protection in such cases, insufficient gender-sensitive interpreters and frontline staff are also issues to be addressed in the future. Empowering front-line workers and persons from the refugee and migrant population to better recognise indicators and concerns related to SGBV can be a way to deal with these cases, but this is a long-term process. Continuous support to the social welfare system is also key, since they are part of the front-line response and have a key role in the management of cases.

The empowerment of survivors and front-line staff in identifying and reporting SGBV goes hand in hand with the strengthening of the criminal justice system and enabling swift prosecution of perpetrators. Even though the Criminal Code<sup>33</sup> and measures on prevention of gender-based violence<sup>34</sup> prescribe effective procedures for cases of SGBV, implementation of such regulations in situations involving

33 Official Gazette RS, No. 85/2005, 88/2005 - reform, 107/2005 - reform, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016

34 Law on Prevention of Domestic Violence, Official Gazette RS, No. 94/2016

refugees and migrants face various challenges, including initial disclosure and referral. Therefore, a joint response of all actors involved and effective referral to the legal system is key in reducing this issue, as we move forward.

## CONCLUDING REMARKS AND RECOMMENDATIONS

Refugees and migrants in Serbia in 2017 have been faced with a so-called “post-emergency” situation. Located throughout Serbia, between closed borders, ambition and reality, determinedly striving to continue their journey at any cost but lacking the means and legal pathways to do so, many found themselves in a very difficult situation, desperately seeking help from different state institutions and non-governmental organisations.

Some of the refugees and migrants in Serbia in 2017 were returned from EU Member States, where they had officially applied for asylum, and decided to try to reach Western Europe again, assisted by smugglers and criminal groups. Some of them lived in different squats and informal sites, sometimes turning to different civil society organisations and state institutions for occasional medical aid and help in food and clothes, some moved back and forth from one centre to another and from the border and back. Others spent an entire year in government-run accommodation centres or entered Serbia for the first time during 2017. All of them were facing increasingly strict national policies, not only on a national level, but in neighbouring countries as well, and a much more complex legal, social and economic situation than before.

Since the “closure” of the Balkan route in March 2016, Serbia faced the issue of hosting a number of foreigners of mixed population, where it was somewhat difficult for the State to determine, who were refugees and who were migrants among the hundreds of those residing in the country, except for persons fleeing from so-called “refugee producing countries” such as Syria, Iraq, Afghanistan, Eritrea, Somalia. A proper Refugee Status Determination (RSD) procedure is an inevitable part of processing both *de facto* and *de jure* refugees so they might exercise their legal rights and to legalise their stay in the country of refuge.

During 2017, a total of 6199 foreign nationals were registered in accordance with the provisions of the Law on Asylum of the Republic of Serbia. In other words, they received a Certificate of the Expressed Intention to Seek Asylum in Serbia. Expression of an asylum intention does not necessarily mean that the procedure for determining refugee status was initiated. On the contrary, only by submitting an official request to an authorised officer of an Asylum Office, RSD procedure is considered to be launched. Throughout 2017, only 236 persons submitted an asylum request, in other words only 4% of those that expressed intention to seek asylum. Furthermore, during 2017, refugee status was granted only in two cases and sub-

subsidiary protection in 11. In practice, the explanation for such a drastic disproportion between the number of ISACs and formally submitted requests lies in the fact that this mixed, refugee and migrant population in Serbia, needed ISAC in order to temporarily legalise their stay, gain access to most of the available services and be accommodated in one of the 18 reception centres in Serbia.

In the coming period, a new Law on Asylum and Temporary Protection, as well as the new Law on Foreigners are expected to bring some improvement in general national migration policy. Currently, aside from international obligations and rights that Serbia guarantees to all foreigners, regardless of their migration status, lack of clear distinction, in terms of who is a refugee and who is a migrant, is only demeaning the rights and position of those that are entitled to the full package of international refugee protection guaranteed by UN 1951 Refugee Convention and domestic laws. Therefore, one of the key challenges in 2018 will be regulation of the legal status of this mixed population that has been living in Serbia after 2016 closure of the Balkan route.

Hand in hand with regulating their legal status in Serbia, integration of recognised refugees is one of the long-term goals and it includes provision of literacy and language classes, as well as a sustainable formal schooling program, nation-wide medical policy, socio-cultural integration, access to the work market, etc. Even though some steps were taken successfully during 2017, this issue should be addressed more comprehensively through joint efforts by state institutions, international organisations and civil society organisations as equal partners in order to improve the refugee protection system in the future. However, it cannot be disregarded that, while integration of recognised refugees is an important long-term goal, there is a need for immediate access to certain inclusion programs for the mixed population currently in Serbia. For instance, great strides were made in 2017 on the inclusion of school aged children, accommodated at centres, in schools and school programs. To that end, the capacity of the civil sector must exceed basic humanitarian assistance – food, clothing, access to basic medical services and accommodation – and provide valuable support to the national refugee protection system.

From both HCIT and CRPC daily field experience, protection of vulnerable individuals, then protection of UASC and SGBV survivors as some of the most vulnerable groups, presents the biggest gap and needs urgent improvement. The issue of UASC protection proved to be the most fragile and without any doubt, this is the most delicate area not just in Serbia but on the larger European level. Even though continuous efforts are being made by state actors and other organisations in Serbia, there is a great need for further comprehensive capacity building and overall empowerment of both service providers and refugees themselves.

On the other hand, it is to be expected that Serbia will continue to be a transit country in the following period. Insufficient or misleading information, often disseminated by smuggling groups, exposure to violence, abuse, extortion, threats

and push-backs will continue to be the greatest challenges for mixed population fleeing either war, persecution or in desperate attempts to find a “better life” for themselves and their families.

The number of incidents that occurred not only on their journey to Serbia, but throughout Europe as well, showed how uncertain the fate of refugees and migrants can be. They remain caught between the harsh rule of European border guards and exceedingly more rigorous asylum systems, on one hand, and criminal groups that pressure and coerce them to continue their journey, on the other.

As the old Afghan proverb says: “Tree doesn’t move unless there is a wind”, it needs to be well understood that these men, women and families were forced to flee their homes for various reasons. Therefore, along with safe and dignified pathways for refugees, persons of all nationalities must be able to exercise their right to request asylum and to receive adequate international protection in line with key national and international laws and standards in Europe.

## LIST OF ABBREVIATIONS

AC – Asylum Centre  
AVR – Assisted Voluntary Return  
BIA – Best Interests Assessment  
BID – Best Interests Determination  
CoO – Country of Origin  
CRPC – Crisis Response and Policy Centre  
CSW – Centre for Social Work  
EU – European Union  
FYROM – Former Yugoslav Republic of Macedonia  
SGBV – Sexual and Gender-Based Violence  
GPS – Global Positioning System  
HCIT – Humanitarian Center for Integration and Tolerance  
IOM – International Organization for Migration  
ISAC – Intention to Seek Asylum Certificate  
LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex Persons  
Mol – Ministry of Interior  
NFI – Non-Food Items  
NGO – Non-Governmental Organisation  
OBF – Old Brick Factory  
PHC – Primary Health Care Centre  
PoC – Person of Concern  
RC – Reception Centre  
RS – Republic of Serbia  
RSD – Refugee Status Determination  
RTC – Reception and Transits Centre  
SCRM – Serbian Commissariat for Refugees and Migrations  
SGBV – Sexual and Gender-Based Violence  
SGH – Subotica General Hospital  
SW – Social Worker  
TC – Transit Centre  
UAM – Unaccompanied Minor  
UASC – Unaccompanied and Separated Child/Children  
UN – United Nations  
UNHCR – United Nations High Commissioner for Refugees  
UNICEF – United Nations Children's Fund

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