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Joint Annual Report on Asylum/Migration Practice and Discrimination Challenges in Serbia in 2017



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FIELD PRACTICE OVERVIEW INTRODUCTION

Serbian refugee crisis has become chronic in 2017 with thousands and thousands refugees in need stranded in Serbia with multiple and complex information, legal, psychological, social, interaction/integration, humanitarian needs due to the fact that Serbia has become buffer zone/bottleneck of intercontinental migration over Turkey - Balkan route and last external European frontier before EU zone. Many additional factors set Serbia as purgatory of intercontinental migration to EU, among others especially: EU migratory and border policy restrictive changes as migration treaty with Turkey was giving partial results, de facto functioning of the Balkan migration route to and through Serbia, constant ongoing influx of refugees to Serbia from Serbian southern neighbors -Bulgaria, Macedonia, Kosovo, Montenegro, increase in illegal smuggling in/to Serbia, strong border controls on Serbian northern borders and constant unlawful push backs of refugees to Serbia done by Hungary, Croatia, Romania, deterioration of human rights and position of migrants/asylum seekers and refugees in Serbia, longer stay of irregular migrants/potential asylum seekers/refugees in Serbia measured in many months and even a few years, spreading of disinformation, lack of system capacities, lack of fair asylum/other migrant procedures functioning, human rights violations, raise of xenophobia and prejudices in local communities in Serbia.

Politically in more difficult position as EU candidate country, trying to speed up and fulfil conditions on the EU accession road and not to disrupt fragile relations with Croatia and Hungary, Serbia and its authorities are more and more trying to resolve problem with refugees and migrants by tolerating illegal deportations from EU countries, failing to address them and by negating their existence, rather depriving asylum seekers, refugees, migrants of valid information about their rights, accommodation and access to asylum and other procedures in practice, keeping them in irregular shady position and on the move, invisible officially to the institutions instead of providing assistance and respecting their guaranteed rights while they are in Serbia. The state asylum system and system of support to migrants and refugees is unable and unwilling to provide support to persons seeking asylum or being irregular, often trying to present unrealistic picture of its achievements (conditions for reception and protection, etc.) and hide real situation in the field without local authorities support or interest to be involved. In practice not many refugees/asylum seekers are being allowed to stay in the state accommodation centres, were many faced maltreatment and finally ended outside the system, especially those being pushed back from other neighbouring EU countries to Serbia. Local and border communities are uninformed, conservative, perceiving refugees and migrants as intruders and threat. Migrants/asylum seekers/refugees are lacking interaction and communication with locals, with no integration at all. Fragile media picture and local opinion on asylum/migration issues is dependable on reactions of politicians and local authorities, aggravated with news on terrorist attacks, ISIS threats, security concerns and actual integration problems in EU countries of destination, being fertile soil for raising animosity in local communities and in public in the future.

With border closure, new border restrictions imposed, longer staying of refugees in Serbia, and constant daily illegal and unlawful push-backs of refugees/migrants from Croatia, Hungary and Romania, a lot of migrants/refugees/asylum seekers remained without accurate and valid information, and these circumstances caused rumours, false news and disinformation to start to spread immensely among migrants, refugees and asylum seekers, e.g. information that the border would be opened in a couple of days, that some groups can cross the border and other not, that migrants will not have any rights in Serbia if they seek for asylum in Serbia, that Serbia is not providing any support nor asylum to those fleeing persecution from their countries planning to stay and seek for asylum in Serbia, that migrants/asylum seekers cannot report on any abuse or maltreatment to police, that there is no free health and social assistance to those seeking asylum, that there is no use of reporting crime or abuse done from institution representatives, that seeking asylum automatically means losing options to travel in future, or try to seek refugee somewhere else, etc.

Disoriented and desperate beneficiaries entered in risk to become easy prey of criminals, smugglers, who would misuse them in order to gain favour of their sensitive position. Moreover, overburdened police and other institutions were reluctant to provide assistance and support to the project beneficiaries, choosing rather to ignore their needs and requests than to use their limited capacities to help and assist migrants/asylum seekers/refugees. For the institutions, the issues of migrants and asylum seekers are the last on the list of their priorities. Moreover, restrictive change in Government policies toward migration is supporting such institutional treatment of the project beneficiaries. As a result of such circumstances, increase of criminal activity, abuse, violations of asylum seekers/refugees rights and discrimination are spreading in urban and rural areas where they are gathering or staying.

PUSH BACKS

Numerous migrants testified of being severely beaten and stripped of their belongings when attempted to cross Hungarian, Croatian and Romanian borders or when found deep inside their territory. Numerous photos taken in the field and medical reports testify of these beatings, and subsequently affirm the existence of aggressive border patrols with whom migrants met during their irregular crossings, as reported to APC.

Consequently, while monitoring the Serbian Southern border, numerous migrants also reported being pushed-back by the Serbian police to Macedonia and occasionally to Bulgaria, with rare instances of violence.

Such behavior by the government authorities of the Serbian neighboring countries, including Serbia, testify to the fact that illegal deportations are all too common, and accompanied with serious violations of human rights, especially with regards to women and children asylum seekers/migrants. APC team acquired information on numerous abuses of the border police officers regarding extortion in the sense of seizing and destroying personal property (phones, money, documents, etc.) under the threat of physical violence against asylum seekers, as well as inflicting light and heavy bodily injuries, which have become a regular practice used by Hungarian border police officers over migrants inside the territory of Hungary, after which, as a regular practice, push-back is applied to the territory of Serbia. People most often describe skipping the fence that is separating Serbian and Hungarian territory and falling into the space in between the two border fences at the Hungarian border. At this point the officers would catch them, line them up or forced them to lie on their stomach, or in some cases to kneel. Additionally, migrants say that the Hungarian police officers would in most cases seize or destroy their phones, and torn the documents in their possession. They would ask for 20 to 50 euros in exchange for not smashing their telephone or would ask for payoff under the threat of physical violence. According to migrants, the Hungarian border police would on several occasions spray their eyes with pepper spray and then use batons to hit them on their back, on their feet, strike them with boots, fists and open palms. Individuals also told us that the Hungarian police would unleash police dogs sometimes without a muzzle on them. According to migrants from Afghanistan, the Hungarian border police have the same treatment even in cases where a migrant is an unaccompanied minor. In November 2017, according to the allegations of elderly migrants who were crossing together in a group of about ten, officials of the border police in Hungary punched a 14-year old boy on his head and feet who then fainted for about 30 minutes. When the boy recovered, he was not given medical assistance, but rather sent across the border to Serbia. Additionally, an unaccompanied minors also testified being pepper sprayed by the Hungarian police, who immediately after smashed their phones and continued kicking them on back and legs.

In their attempts to cross into Croatia, migrants confirmed that the Croatian police also uses physical and verbal violence. In the case of physical violence, it involves the use of batons, open palms and fists, phone breaking, seizure of property. After their fingerprints are taken, and they are photographed, migrants are not allowed to seek asylum, but are pushed back to Serbia. According to the migrants who reached Zagreb and were advised by the UNHCR office in Zagreb to go to the police to express intention to seek asylum, ended in them being transported back to the border and pushed back to the territory of Serbia. On November 20th 2017 a group of migrants including an Afghani family with 4 children crossed into Croatia around 8pm when a Croatian police caught them, and instructed them to return back to Serbia. The migrants expressed they wish to seek asylum, but nonetheless the Croatian police pointed out towards Serbia, and instructed to walk back and follow the train tracks to Serbia. In the dark a train approached, everybody jumped except a little six-year-old girl who got hit by train. The incident was followed with intervention from both Croatian and Serbian police, whereby the little girl was taken in an ambulance by the Croatian police, while the Serbian police took the family to Belgrade. After three days spent in Belgrade, it was arranged for the family to go to Sid at the border with Croatia to receive the little girl's body. This particular case is a clear testimony of a lack of disregard for a human life and dignity by the border police, and rather alarming signs of human rights violations which in this case led to death of a six-year-old girl.

There are significantly fewer attempts to illegally cross the Romanian border in comparison with the Croatian and Hungarian border. Nonetheless, illegal crossings into Romania happen regularly, and their intensity varied throughout the year. Most illegal attempts to enter the territory of Romania end with a violent behavior of Romanian border police officers, e.g. use of physical force, coercion, and verbal abuse. Also, at the Romanian border with Hungary, its border police exercises physical violence by using batons, pepper sprays, kicking with boots, fists and open palms with one case of usage of firearms.

As reported by APC southern team, and confirmed by APCs' partner in Macedonia, Serbian police would on a regular basis, and more often by the end of the year illegally deport migrants found on the Serbian highway to Macedonia or those accommodated in RC Preševo. These unlawful practice was happening all of a sudden, in the middle of the night, when usually single man were taken while sleeping, and without any information or explanation driven to the green border, where they would, under the threat of the policeman, go back to Macedonia.

ACCOMMODATION

Over the year, the total number of present asylum seekers and migrants in Serbia varied from 7500 beginning of the year, to around 4000 asylum seekers and migrants by the end of the year. While around 80% of people is accommodated in government held facilities, the rest is sleeping in makeshift camps at the Northern border around Subotica, Horgoš, Sombor and Kanjiža, as well in urban city areas, especially in Belgrade, in abandoned barracks behind the bus station, and other city squats. Following the decreasing trend of asylum seekers and migrants in Serbia, correspondingly the government held facilities ranged from being overcrowded beginning of the first couple of months of the year, to having significantly free capacity at the end of the year. For example, in the first quarter of the year Preševo transit centre was filled to its capacity (1000 people), while by the end of the year the number of accommodated asylum seekers is on average around 300.

Currently, in Serbia are 5 operating asylum centers, and 13 reception/transit centers that were established as a temporary response to "refugee crisis" in 2015. Up to 2017 all of the temporary centers have transformed into a permanent accommodation facilities for migrants and asylum seekers, although they still don't meet criteria for basic living conditions (people are sleeping in the rap holes, lack food and drinking water, humanitarian aid, hot water and heating, etc). Even bigger problem occurred by constantly changing ground rules for admission of people in mentioned camps, i.e. are they registered or not. At the beginning of year people were admitted wherever there was place, no matter if they have police paper (certificate of intention to apply for asylum) for the particular camp, or if they have the paper at all. Then, every 3-4 months Commissariat for refugees and migration, in charge for managing the camps, would change this rule, which resulted in people being kicked out or transferred to other facilities, no matter how long (which could be for months) they would stay in one camp. People were getting confused, frustrated and desperate, felt insecure, scared, and were put in front of another adaptation demand, for which they had little or no capacities at all. Another transfer of migrants and asylum seekers to other camps is happening when they are applying for asylum (for those who are staying in reception centers) or if they are moved to Northern camps in order to be admitted to Hungarian closed camps. In both cases, at the beginning of the year usually UNHCR and Commissariat would provide transport, while by the end migrants and asylum seekers were usually just been directed and left on their own to organize it.

Reoccurring material problems, sporadic lack of electricity, lack of running or hot water, arbitrary expulsions, hostile camp management that is constantly yelling, being rude, humiliating, threatening, blackmailing, throwing people out of the camps, sometimes even attacking migrants and asylum seekers, etc. continue to hamper normal living conditions in the centers. In most asylum centers, the rooms hold capacity from 4 to 20 people, warm and cooked meals are provided and hygiene although problematic, is in general on a much higher level than in reception centers. All asylum centers struggle with humanitarian supplies, which is lacking in continuity and depending on the weather season. The rules of the centers are not standardized – the rule stands that if you leave the center for any reasons and do not return, you cannot go back to the center. However, as noted by APC staff in the field, there are uncounted number of people who have left the center and subsequently been accepted back by the management. In most cases, asylum seekers would leave the center for several days to attempt to cross illegally the border with Hungary, Croatia or Romania, and after several unsuccessful attempts would return to the center. Or, in other cases of individual asylum seekers or families who have been admitted into Hungary through the waiting list, and who have after spending months in Hungarian detention centers been denied asylum and pushed back to Serbia – are subsequently accepted back into the centers. As testified by the returnees, although they were accepted back into the center, they are not registered by the management and live in difficult and substandard conditions, and the question remains as to whether they would be allowed to seek asylum in Serbia after being rejected in Hungary. Reception centers on general have large rooms for dozens of people, and are lacking in humanitarian and hygiene conditions. In general, the situation and dynamic inside the reception centers depends a lot on which NGOs are present and whether there are regular donations of food, hygiene products and other humanitarian supplies. As already noted, the distribution of aid and assistance is asymmetrical and uncoordinated. There is no consistency in provision of food or any other humanities supplies, and it heavily depends on NGOs and project funding.

With regards to informal places/makeshift camps around the Northern border and in Belgrade urban area around the bus station, there are no dignified living conditions – migrants sleep in makeshift tents, on the ground, cook food in DIY pots and pantries. MSF and MDM are regularly present and assists migrants with health issues, wounds and other injuries received during irregular border crossings. These

informal places are usually established in old, abandoned buildings, forests, somewhere far from the public eye, government oversight, but close to the smuggling routes. Migrants tend to change places often due to police raids - sanitary and hygienic conditions are degradable, and skin infections are frequent.

In January 2017, problem with lack of accommodation heated up, since up to 2000 people only in Belgrade were denied access to camp Krnjača, and were sleeping in abandoned barracks around the bus station. Winter was especially harsh, and conditions inhumane. Government didn't respond until media started heavily to report about the situation. Only after that new camp in Obrenovac was open, and migrants were transferred there. Unfortunately, that camp till today stayed very controversial, since it accommodates 1000 people, and only single males in overcrowded rooms. Fluctuation of people is high, since majority of them are staying for a short time and trying to cross the borders and continue their journey, no one is registered, they are usually uninformed or misinformed about their rights and obligations, and a lot of them report on aggressive and violent treatment from Commissariat staff.

Most of the asylum camps respect freedom of movement to some extent – in all camps there is a curfew, one has to check in and check out whilst entering/exiting the camp area. However, RC Presevo is a distinctive case of limited freedom of movement of migrants residing in the center and inside the city zone of Presevo. The rules for entering/exiting the center change from week to week – currently around 64 people are allowed to exit in one day, in two shifts, for a maximum of two hours in comparison with the beginning of the year when only a couple of migrants could leave the camp per day. It is important to note that majority of migrants accommodated in asylum/reception centers across Serbia are in an irregular position. Majority of migrants are invisible to authorities – they are not documented and have no legal status, which further complicates their right to freedom of movement, because nothing is being done to either help them start the asylum procedure or apply the regulations managing the stay of foreigners.

Accommodation of unaccompanied minors (UAMs) remains very problematic. They are mostly being placed together with adults in asylum and reception centers, and the minority of lucky ones get to be placed in only two existing institutions of social protection of children in Serbia (shelters for unaccompanied minors in Belgrade and Niš) and shelter governed by NGO Jesuit refugee service. These shelters all in total are accompanying less than 30 children. Not only that specific needs of UAMs are not being met, but they are also exposed to additional risks of being misused and exploited by adults, by this lack of proper accommodation where they would be supervised by competent professionals. There is also a significant number of boys staying outside of the camps, in already mentioned make-shift camps around the border, as well in Belgrade, where they are lacking safe shelter, food, water, hygiene, medical protection, and are constantly exposed to violence, as witnesses but also victims. Response of centers for social welfare, in charge for taking care of UAMs in Serbia, is slow and often absent, leaving these children on their own. In many cases, when APC would inform relevant center for social welfare about UAMs living outside in the streets or "jungles", and are in existential needs, they would state that there is nothing that can be done, justifying it by saying that "they don't have capacities", "those children can cope with staying outside for one more day", "they are not responsible", etc.

ACCESS TO ASYLUM PROCEDURE

In 2017, the right of access to asylum in Serbia continues to be hampered by the absence of application of the existing asylum legislation in terms of asylum procedure, violations of the principle of non-refoulement for those seeking protection, arbitrary behaviour of camp management, Asylum Office and other institutions, misinformation provided by the official authorities as well as in continuous push-back challenges. A majority of asylum seekers and migrants enter Serbia illegally, through unofficial routes. If they do not express intention to seek asylum, they are treated as irregular migrants, and are at risk of being deported. Nonetheless, even in situations where one has expressed intention to seek asylum, and/or is in the asylum procedure – he or she still runs the risk of being unlawfully pushed-back to Macedonia and Bulgaria, as our data suggests. There is no legal security or a national migration strategy which oversees an integrated institutional handling of asylum cases.

An alien who has expressed an intention to seek asylum will be properly registered and referred to an Asylum Centre, and is under an obligation to report within 72 hours to the prescribed Asylum Centre. Once arrived to an Asylum Centre, an alien is registered by the Asylum Office, which includes establishing ones identity, after which an alien can file the asylum request. Being able to register is of an extreme importance to an asylum seeker, since only after being registered by the Asylum Office, one receives a personal ID card, which represents the only form of document and confirmation of their legal status and the scope of their rights while in Serbia. Nonetheless, the Law on Asylum does not prescribe a timeframe by which the Asylum Office should register newly arrived asylum seekers, thus postponing filing the official asylum request. In that regard, due to a lack of a prescribed timeframe in registering newly arrived asylum seekers, the right of access to asylum continues to be hindered in 2017 year as well. Being registered sets the base for formally entering into the asylum procedure, followed by the 1st interview within 15 days of registration. However, in reality due to lack of presence of the Asylum Office staff in asylum centers across Serbia and other administrative and mechanical barriers, an average wait from expressing one's intention to seek asylum to starting the asylum procedure is four months, while there are cases of eleven month wait for commencing an asylum procedure.

Even from the first step – expressing intention to seek asylum, migrants are faced with obstacles because of unwillingness of police officers to issue them the certificates, and using excuses such as *“the computers are not working”* or *“we are too busy come tomorrow”*, which could last for couple of days. Eventually some of the migrant lose motivation and give up, continuing to be in irregular position. Beside that, these continuous and increasing difficulties are mirrored in several direct and indirect consequences such as the low number of asylum intentions, inability to access full set of rights while in Serbia, illegal deportations and low recognition rate of asylum statuses. Those asylum seekers which managed to express their intention to seek asylum, but fail to report to the prescribed Asylum Centre in 72h, are further incapacitated and constrained in entering into the asylum procedure. It is difficult for asylum seekers to understand what is written on the document since the intention papers are in Serbian Cyrillic. This leads to them omitting to report into the prescribed asylum or reception center in time, and missing out on the relevant legal aspects of the asylum procedure, as well as leading to many of them residing in the streets and other makeshift camps. Additionally, police officers do not provide translators to asylum seekers when issuing the intention paper, thus debilitating their understanding of the document. In several cases, a migrant would go to the police station to express intention to seek asylum, and in return he received a cancelation of residence. For those migrants who do not wish to seek asylum in Serbia but who come from countries such as Syria, Afghanistan and Iraq – once caught and legitimized by the Serbian police, they would receive a cancelation of residence and be instructed to leave the country. Having received such decisions, these potential asylum seekers are left unregistered, hiding from government oversight and living irregularly in makeshift camps under deplorable conditions. In all cases where a migrant or an asylum seeker received a cancelation of the residence, even in some cases while in the asylum the procedure, no translator was provided who would explain the meaning of the received document and its consequences. With regards to the right of access to asylum, in a small number of cases, an asylum seeker would receive two asylum intentions on two separate occasions, which testifies to the arbitrariness and lack of unified asylum and migration strategy of Serbian government authorities.

There were also numerous instances when an asylum seeker arrived to the asylum center within 72h and who was in turn constrained from getting registered and from initiating the asylum procedure. In one particular example, several asylum seekers complained to APC that they are unable to express asylum intention, because of the unresponsiveness of the Asylum office and the police. After numerous filed complaints and requests to obey all procedural steps, APC received the response from the Asylum Office that the asylum seekers informally told the officers, with the presence of a translator, that they do not wish to seek asylum in the Republic of Serbia. Nonetheless, the asylum seekers testified that they never spoke with the police, but were rather given questionnaires, which asked questions about their final destination and their desire to stay in Serbia. As noted by the asylum seekers, they were not informed about the purpose of the questionnaire, or who the responsible institution is behind its implementation. The asylum seekers did however identify that people who distributed these questionnaires were KIRS staff accompanied by a translator. The translator would ask questions and fill in the questionnaire, mostly omitting to ask all the questions, but rather asking only about their reasons for plight and what their final destination is. Based on these informal questionnaires, the Asylum Office decided not to go ahead with the asylum requests of several APC clients. Such questionnaires are problematic for several reasons. Firstly, a questionnaire is not a legally prescribed tool for determining ones asylum status. Next, as testified by our clients, they were not given any explanation on the purpose of the questionnaire or why this data is detrimental to their stay in Serbia. More so, such questionnaires were distributed to asylum seekers without the presence of a legal representative who could explain the legal repercussions of such a document or educate them on their rights as prescribed in article 10 on the Law on Asylum. Furthermore, in some cases the appropriate translator was not present, and the questions were asked in English. Lastly, from the issued questionnaire one cannot conclude who is the responsible official or the institution behind such action. In the reception center in Preševo migrants were confronted with a similar issue. Throughout the year, in RC Presevo, the KIRS along with the police would distribute questionnaires to migrants wishing to express intention to seek asylum. The questions inquired about their satisfaction with the accommodation, with whom they travel, level of education, occupation they had in their country, if they were interested in foreign languages, will they want to stay in Serbia, to continue the journey or to go back to their country of origin. As the interviewees noted, after filling the questionnaires some people would receive the intention to seek asylum, while others would not. Such action concludes that the questionnaires have become an exclusionary (and unregulated) tool for the camp authorities, with regards to providing access to asylum to persons in need of protection.

Overall, unaccompanied minor asylum seekers (UASCs) are most endangered. In many cases reported by APC, UASCs complained about police putting a wrong date of birth on the intention paper in order to ignore the fact that it is a minor in question. Most often, it is intentional due to a lack of capacity, in order to avoid calling the Centre for Social Work (CSR) and the minor's legal guardian, as well as due to limited capacity of the CSR. Majority of children are left unregistered, and thus invisible to the system. Setting guardianship to minors is very slow, and takes up to couple of months for a minor to formally get a guardian, which doesn't guarantee that they will actually meet the person who is in charge for their best interest. Insignificant number of children get a chance to start their asylum procedure, due to the lack of information (sometimes even deliberate), absence of registration, bad accommodation conditions, pressure from smugglers and family to continue their journey.

Additionally, the Asylum Office has in numerous cases been liable for *legal insecurity*, in that the Asylum Office made rulings which run counter to decisions taken on previous cases, which in turn debilitates the workings and provision of legal assistance by NGOs to asylum seekers. One such case took place when the Asylum Office denied issuing the confirmation of asylum intention to the asylum seeker represented by APC, who wished to apply for a working permit, considering that he was in Serbia for more than 9 months which is the

condition for one to seek a working permit. The asylum Office denied issuing the document claiming that the asylum seeker in question was not in the procedure for more than 9 months, and due to him leaving the center, his asylum procedure was withdrawn, even though under the APC investigation it was cleared out that the KIRS wrongfully terminated his asylum procedure due to not having proper database and evidence. APC filed a complaint to the Ombudsman on the Asylum Office for refusing to issue the asylum paper, which in turn disabled the asylum seeker from acquiring the necessary working permit, and sequentially signified a case of *legal insecurity*. The case in question is still under progress.

With regards to those asylum seekers that initiated their asylum procedure in the Republic of Serbia, they are confronted with inconsistent decision-making of the Asylum Office. Given that there is a trend that people who expressed their asylum intention do not wish to stay in Serbia, most of the decisions of the Asylum Office were to suspend the asylum proceedings. However, in those cases where the proceedings were not suspended, most of the decisions of the Asylum Office in proceedings in which APC was present, were decisions to dismiss asylum applications, because asylum seekers went through safe third countries or have previously applied for asylum in a third country, which complies with the Geneva Convention. In doing so, the Asylum Office considers Macedonia, Bulgaria and Turkey to be countries that respect the Geneva Convention, thus automatically applying the decision based on the list of safe third countries adopted by the government in 2009, and rejecting all requests without determining the factual situation and compliance with the rules in practice, which the Asylum Office is obliged to do in accordance with the Constitution and international conventions. APC position on the inconsistencies and inefficient workings of the Asylum Office was reaffirmed in numerous cases led before the Serbian Constitutional Court as well as in the cases brought before the ECHR.

Unaccompanied minor asylum seeker represented by APC received a revoke of his residence permit, due to being absent from the camp for more than three days, without the presence of his legal guardian in the procedure, even though the person in question was a minor and in the asylum procedure. The guardian from CSR was immediately contacted and informed of the person's residence revocation, and about the possibility of filing an appeal. The guardian gave APC the power of attorney to file an appeal, since the acting institution was not sensitive to the fact that the person in question is an unaccompanied minor asylum seeker, who is under the guardianship of the CSR, that the principle of language in use was violated, since the document was in Serbian, and since the document of the revocation of residence did not contain all the legal proceedings elements.

The right to an interpreter and use of the language of the country of origin of an asylum seeker during the asylum procedure, has been mostly respected in all of cases conducted by APC. However, when it comes to proceedings before the Trial Courts for illegal entry/stay in the country, and before the Aliens Ministry in the procedure of cancellation of residence for migrants, it was almost never respected. APC has almost always recorded a violation of the right to translation, e.g. providing necessary information to asylum seekers and migrants in accordance with the law, ensuring proceedings can be followed and used in the language asylum seekers and migrants can understand. In the majority of cases represented by APC before the Foreigners' Office during procedures of cancellation of residence, the proceedings were conducted in English by the Ministry of Internal Affairs representatives, which is not the language of the proceedings. In most cases, migrants turned to other migrants or to APC for assistance by giving us documents, judgments, or resignation decisions, whose contents migrants were not able to understand. A significant novelty is that the number of arbitrary punishments initiated against migrants and asylum seekers has significantly decreased according to APC observations, given the correct application of the principle of non-criminalization for illegal entry and stay prescribed by the Asylum Act and the Geneva Convention on the Status of Refugees.

To conclude, when considering right to interpreter, it is evident that courts avoid hiring court interpreters or translators for migrants in order not to create high costs (transport of interpreters and fees for higher-order interpreters) to the detriment of their rights. It is similar in the proceedings before the Department of Foreigners of the Ministry of Internal Affairs in the procedures for removal or cancellation of residence, where very rarely there is a presence of an interpreter or translator for the mother tongue of the migrant.

Another significant factor that is still heavily influencing level of awareness of migrants and asylum seekers about their rights in Serbia and is acting as a huge source of misleading and false information, is so called "list for Hungary" and admission to Hungarian closed camps where they are applying for asylum. The list for Hungary plays a role in discouraging migrants from seeking asylum in Serbia – it puts them in a vulnerable and unprotected position, without access to prescribed human rights, as well as lack of information on all the relevant aspects of their irregular position and future prospects. Importantly, the Hungarian list serves as an instrument for Serbian government and Commissariat to impede integration of migrants currently in Serbia, especially children. The continues transfer of families and individuals from one camp to the another, hinders integration prospects, such as children from attending school in local communities, or any other long term or sustainable humanitarian assistance.

HEALTH PROTECTION

One of the basic principles applied in the health care system in Serbia is the principle of inclusiveness, that is, the care and provision of health care to all persons who, regardless of status, found in the territory of the Republic of Serbia, i.e. they are located in asylum, reception or transit centers. However, legislation foresees a different degree of availability of health care in relation to the status of a person, i.e. whether she is only a migrant, a refugee, a person who intends to seek asylum, whether she has sought or obtained asylum. Given the difficulty of adjusting the health system to the newly emerging situation of large inflows and the prolonged stay of migrants in the territory of Serbia, which only complicates their health needs, the impression is that the criteria for differentiation of these groups are becoming increasingly blurred because most migrating people intend to seek asylum or is by its very nature a refugee regardless of the fact that he does not want to remain permanently in Serbia. Such a complex situation in the field and the arbitrary practice in assessing which category persons belongs, leads to both positive but often also negative examples in the provision of health care, and violates the principle of inclusiveness in providing health care. Just one of such cases is case of a baby coming from Afghanistan, born in Serbia, whose parents applied for asylum in Serbia, and who was for weeks treated wrongly by GP in the camp, which refused to refer the baby to the paediatrician. After intervention of APC, the baby was admitted to the hospital and treated properly.

Primary health care since the emergence of the asylum system in 2007, as a rule, was provided in the local health centers, but this is rarely happening today when it comes to the examinations of general practitioners, since from the middle of 2017 there is a strong tendency for such examinations not to be performed in local health centers as it was practice, but in the reception and asylum centers themselves, which is justified by the overload of doctors in local health centers, easier organization, lack of funds, etc. It is happening that local health centers, in charge for providing health protection for all residents in particular municipality, are refusing to admit and examine migrant or asylum seeker, stating that they are “provided with health care in the reception or asylum center”. General practitioners working in the camps are employed through the projects of international NGOs, which leads to conclusion that parallel system of primary health care for migrants is being built, contrary to laws governing this issue.

When there is need for specialist examination, or secondary health protection, there were many obstacles in reaching it, although by law asylum seekers are entitled to it. Most common were avoidance of referral by GPs, misunderstanding of scope of medical insurance and mechanisms for refunding the services, technical obstacles such as transport, etc. One of the illustrative example is case of five year old girl coming from Afghanistan, unfortunately suffering from serious neurodegenerative disease, whose parents complained to the APC staff that they were told that “Serbia cannot provide her with treatment for her disease”, which was not true. She, as asylum seeker, was entitled to full medical protection, which in this case included hospitalization in institution for tertiary health protection. After intervention of APC, both girl and her mother were hospitalized in rehabilitation medical institution, where she received intensive therapy and got orthopaedic aid in order to slow down the progress of her disease.

In addition to status problems, there are also differences in the availability of health services in relation to the center itself and the local community in which migrants, persons intending to seek asylum or asylum seekers, are found. In some places, there is simply a greater capacity of local health institutions, in terms of staff experience, proximity of the institutions, readiness to engage. Unfortunately, in other areas it still lacks. Also, as already mentioned, the functioning of the healthcare system relies heavily on the support of international non-governmental organizations (MSF, MDM, DRC, CRS, IRC), which, for example, take in some centers even the obligation to transport patients, as in other centers, transport depends on the possibility of refugees to pay a taxi or the Commissariat to arrange it, which is not always possible, and there is a delay in the provision of health support. Tertiary health protection is almost never available for asylum seekers and persons granted asylum. Due to lack of technical capacities and attitude of stakeholders in health system toward needs of these people, tertiary health protection is available only in exceptional cases with huge effort of NGOs. APC was involved in such case when 19 year old asylum seeker from Bangladesh was left paralysed as a result of being injured in a heavy traffic accident. After surgeries and interventions in secondary health institutions, he was supposed to be transferred to rehabilitation hospital. Resistance of health system to do so was huge, and only through long-lasting and persistent intervention from APC he was finally admitted to the right institution, where he is still being treated.

When talking about persons who are not accommodated in the centers, whether reception, transit or asylum center, but who are living in the open, in alternative accommodation, they are not provided with any medical examinations, and are left with only emergency health services, as well as sporadic health care services provided by mobile clinics of international non-governmental organizations (eg MDM, MSF, CRS). Same is for specialized, secondary and tertiary health care – those are limited to be provided only in life threatening conditions. Since people who are staying outside in the makeshift camps, jungle, or street, are much more exposed and at risk of getting skin infection, serious cold, stomach flu, due to the conditions in which they are living, or have injuries from the beatings of border guards of neighbouring countries, lack of medical protection continues to be a huge problem.

Beside system itself, it is worth mentioning that lack of interpretation, both during the examination and providing treatment, explanation and advices, specific knowledge of medical staff about cultural, traditional, religious differences, context in which people are living but also technical aspects of evidencing provided services, and skills in working with this specific population, are additionally complicating provision of proper services.

In conclusion, we can say that emergency, short-termed and focused health protection of migrants, asylum seekers and persons which are granted asylum, in the camps (asylum and reception centers) is carried out with more or less problems, while treating more complex and chronic health needs of these people, is getting poorer while the resistance of system is getting stronger.

EDUCATION

Although there is legal framework which is regulating procedures for enrolment of children migrants and asylum seekers into school system, government ignored their right for education, and since 2008 up to 2016, the only children migrants and asylum seekers who enjoyed this right, were the one enrolled into schools by APC. In school year 2016/2017 Ministry of Education got involved, and first "massive enrolment" was organized for 101 student migrants and asylum seekers. Next school year, 2017/2018 503 of children got chance to be included in local schools, while 83 were participating in classes organized in reception/transit camps. It is important to make a clear distinction between terms "enrolled" and "included". In reality, children in reception centers, and those that were going to high schools, were only included in local schools, i.e. were present in some of the classes, without clear and formal school evidence. Although, Ministry claimed that they started "massive enrolment" into local schools, statistics state differently and we see that actually only one six of total number of school aged migrant and asylum seeking children had access to education, up to some extent.

Preparation and first steps in this process came late. There were cases that until the beginning of school year (01. September 2017), school administration and the teachers didn't have complete or any information and documentation about migrant children that will be included, which additionally made process of adjustment and adaptation of schools and local communities more difficult. In Šid, town on border with Croatia, protests against enrolment of refugee children were organized. On the other hand, there were some examples of good practise. In schools with which APC had good cooperation in previous years, such as school in Sjenica and school in Belgrade near camp, much more easily accepted and adapted, and were more motivated to adjust teaching curriculum to refugee children and include them to extracurricular activities.

In May 2017 Ministry of Education issued an instruction for including migrant and asylum seeking children in educational system. It was supposed to guide schools and teachers in process in this process. Unfortunately it showed that it wasn't specific enough, and also that it produced ground for discrimination. For example, it is foreseen, with purpose of fostering adaptation, that refugee and asylum seeking students will attend only 4 lessons a day, out of which 2 will be together with local classmates, and 2 Serbian language classes organized only for refugee kids. Although in instruction it is stated that adaptation period should last between 2 weeks and 2 months, in reality refugee children continued to attend school in this manner for the whole school year. Only in school in Sjenica, where APC encouraged and trained school psychologist and teachers, children were attending lessons in the same manner like local kids, which enabled them to adapt quicker than their peers in other local communities. Further nurture of good practise by APC was done through joint activities in school, in form of various creative, informative and sport activities. Instruction also tried to regulate assessment of students' competencies and planning their progress. The proposed criteria showed as unclear and too broad, and thus in the ground we found huge differences among schools when it comes to this matter. Same is with teachers, who didn't have proper trainings and who lacked information, knowledge and skills for working with children coming from refugee population, so their involvement in adapting their lessons significantly varied. However, majority showed certain level of will to provide refugee students healthy, safe and encouraging environment. Another bad practise, beside mentioned limitation of time that children are spending in schools, are some of the practical and technical solutions. In majority of places where camps are, Commissariat, together with different NGOs, organized special transportation to and from schools, only for refugee students. By this, we see attempt of segregation from local children, but also local communities. They are also denied the opportunity to, through non-formal learning, acquire knowledge and develop skills such as the use of public transport, taking care of time, integrating outside the school into the local community, spending free time with the rest of the students after school and thus further socialize.

In addition, although it was emphasized by many actors, that parents are an important factor in the educational process, there is no effort to actively include them, on the contrary, the aforementioned form of technical organization of the involvement of refugee children in local schools has contributed to their complete isolation. Parents were not able to take their children to school, they were not included in parental meetings, except on the initiative of the APC, even directly rejected by the management of the centers when they showed their desire and motivation to be included.

Finally, as it was explained previously in this annual report, migrants and asylum seekers were frequently moved from one camp to another, during the whole year. This practise affected schooling also. It happened that children start their education in one local community, and just begin to adjust and get used to it, and then Commissariat transfer them to another camp in Vojvodina, where they and their families continue to wait for so-called "Hungarian list" and admission to Hungary. There, in these Northern camps, children were not enrolled into schools, and only informal classes were organized, thus keeping children and their families away from the local communities.

PSYCHOSOCIAL NEEDS

In 2017 psychological state of asylum seekers and migrants has been deteriorating due to the changed characteristics of migration and their prolonged stay in Serbia (often more than 1 year and two months minimum in average) facing insecurity, uncertainty and maltreatment during their stay. Disorientation, frequent illegal push backs from EU bordering countries (Croatia and Hungary), insecurity, language barriers, discrimination, violence, bad behavior of the institutions' representative, denials of entry to the system and procedures, long and uncertain asylum and other migrant procedures, difficult living conditions and existential problems are also triggering and worsening psychological problems are causing asylum seekers and migrants to suffer more than before. Moreover, their previous traumatic experience is heavily influencing their coping mechanisms which is disabling beneficiaries in overcoming difficult situation in which they are entering more often during their stay in Serbia.

Beside asylum seekers, many migrants are staying in reception and transit centers, but in border areas and in suburbs, in the parks around bus and train stations in urban areas across country, currently getting very vulnerable, since they are experiencing existential problems such as lack of safe shelter, food, hygiene, specialized medical assistance, and most important great insecurity about their close future facing with uncertainty, violence, discrimination and absence of assistance provided by the institutions or inability to access the system. As a result they are becoming more frustrated, angry, desperate and depressed. Many other asylum seekers and migrants are caught by the police while entering Serbia through Bulgaria and Macedonia, and brought to the closed centers in the south of the country. At the beginning they are emotionally aroused, confused, frustrated, and demanding, which was blurring their perception of their situation. They don't understand why they can't continue their journey, what will happen with them, and are afraid that they will be pushed back i.e. de facto deported to Bulgaria or Macedonia.

As one of the additional elements that was hardening psychosocial conditions of beneficiaries stuck in Serbia for a longer period of time either with allowed or denied accommodation, was behaviour of the centres' management staff, or field staff of KIRS, that were not trained nor willing to understand plight and actual needs of the refugees, their fragile psychosocial conditions, failing to understand different cultural, religious, historical background and to act in supportive manner. Instead, they were even making additional pressures on the beneficiaries undermining their peaceful living in the camps and making their presence additionally insecure and vulnerable.

INTEGRATION

At the very end of 2016, in December, first Integration Decree, i.e. Decree on the Manner of Involving Persons Recognised as Refugees in Social, Cultural and Economic Life was adopted. In 2017 its' implementation started. Within this decree, integration measures such as information on the rights, abilities and obligations of a person recognized as refugee, learning the Serbian language, getting acquainted with Serbian history, culture and constitutional order, assistance in inclusion in the education system, assistance in exercising the right to health and social protection, assistance for inclusion in the labor market, are prescribed. It should be pointed out that this decree applies only on persons granted asylum, and that in reality, integration itself can come after years of waiting and struggling in the asylum procedure. Need for adapting, interacting and eventually integrating in local community and society comes much before the final decision on asylum claim. It was already mentioned how people are staying in Serbia for much longer than before, and by this face many challenges and have additional needs comparing to previous years.

There is serious gap between local and refugee population, although they live close by each other. On both sides there is lack of knowledge about culture, tradition, experience, which is making inclusion and integration even harder. APC recognized these problems, and through integrational activities in 2017 continued to overbridge mentioned gap and bring two communities closer. Integrational events, where locals and migrants and asylum seekers had opportunities to meet and exchange, showed to be very good basis for building mutual understanding and acceptance. Activities done in local communities also raised interest in participating in volunteering Network, which was strengthened in 2017, and which opened new opportunities for both communities.

Another very important turning point for asylum seekers in Serbia is obtaining right to work. 9 months after submitting asylum application, asylum seekers can get working permit. Although it is a long period of waiting time, this opportunity opened much more chances for those who started their asylum procedure and stayed in Serbia for longer time, to build normal everyday life. One of the main challenges was tax exemption, which was finally managed by persistent work of APC lawyers.

Another important legal step toward integration was adopting new systematic Law on the basics of the education system, in which for the first time children migrants and refugees are mentioned, and which stipulates that for those children who do not know the language in which educational work is performed, the institution organizes language learning, school enrolment preparation and supplementary education, according to a special instruction issued by the Minister. In reality we see that these actions are not implemented, that different NGOs are organizing different classes of language, which are available in small number of centers. There is no preparation program or supplementary education for refugee children in schools in which they are enrolled. Additionally, there is a big group of minors that

should by age attend high schools, but their educational level and competences do not meet the necessary criteria and who are left out of educational system. Although in Serbia there are adult primary education schools, they do not represent stimulating environment, and are not taken into consideration by Ministry of education as temporary solution. For now, these children and their educational needs are simply ignored.

On a daily level migrants and asylum seekers experienced discrimination in local communities, when in the most cases they were treated differently or were denied certain service. Mostly people complained that they were not being able to use services such as Moneygram and Western union, that they were not able to open bank account simply because they come from specific country, or use specific service of mobile operator, even for those whose refugee status is recognized in Serbia. One of such cases that included refugee from Syria with approved sanctuary in Serbia that could not open an account in OTP Bank Srbija a.d. Novi Sad. Bank justified this decision with "internal rule" not to open accounts to citizens of Syria. The complaint to the Commissioner for the Protection of Equality has not been forwarded to the response due to the inaccessibility of witnesses to participate in the proceedings. Another case, also included refugee with recognized refugee status, but this time coming from Iraq, who wanted to establish subscription relationship with mobile operator Vip mobile doo Belgrade, and was denied. It was clearly stated by the mobile operator that they will not even consider his request since he is a refugee. APC complained to Commissioner for Equal Rights, and is waiting for the results of the complaint.

DISCRIMINATION AND VIOLENT TREATMENT OF STATE AUTHORITIES

In 2017 in the accommodation centers in Serbia run by Commissariat, APC mobile teams daily saw the prevention of migrants and asylum seekers from getting information about their rights, regulations in Serbia, information about asylum, local context, and how to recognize and report abuse and violation. This was especially present in border zones – Subotica, Sombor, Adaševci, Šid, Preševo, Obrenovac and in one of the biggest accommodation center - asylum center Krnjača. Those were the camps in which most of violations, such as arbitrary expelling migrants from the camp, lack and denial of basic supplies and hygiene, aggressive and abusive behavior of camp staff (shouting, cursing in Serbian and English, humiliating, slapping, threatening with food restrictions) were happening. In these camps, staff of Commissariat tried to control the contact between APC and migrants and asylum seekers. In transit camps – Subotica, Sombor, Adaševci – people stated that camp staff (usually managers of the centers) were banning them to approach APC lawyers and protection officers, not to speak about the present problems and conditions in the camp. They were threatening to the migrants and asylum seekers that they will be transferred to Preševo, reception center with limited freedom of movement and that migrants will be removed from so called „Hungarian list“, thus staying stacked in Serbia. In Sombor and Adaševci in significant number of the visits, APC staff was checked by police officers after the verbal offenses and treats from the camp management. As organization recognized by the National strategy for migration, APC work was always allowed by police. Common were situation where APC lawyers, psychologists, pedagogues were constantly observed and obstructed by representative of camp management and security guards. Not understanding that psychological support and stability are crucial to relax the situation in the local communities and ensure the stability in the camps among different ethnic groups, camp staff perceived psychological support as chance to complain and report. In RC Adaševci which had reputation among migrants as one of the worst camps, it happened that asylum seeker from Guinea in January 2017 was prevented by camp officer to approach psychologist and get support even though he was in the asylum procedure and had appointed interview in front of Asylum office. Two Commissariat officers called the asylum seeker while he was at the counseling, took photo of him and threatened, so he immediately started shaking and asking to stop counseling. Afraid of the consequences, he asked to go back to room. Later, he called psychologist over the phone and appoint counseling in the APC office, where he could disclose in a safe and welcoming place.

Expelling asylum seekers and migrants from the accommodation was also frequently happening. Asylum seekers reported to APC/CZA that they were expelled from the asylum centers in Bogovadja and Krnjaca by the camp managers even they were in asylum procedure. Reasons were arbitrary, mostly violation of house rules, such as being late for control time, drinking in the camp, but also complaining and standing up for their rights. Police was almost never involved in such cases and everything was done by the decision of manager of the camp. APC collected more testimonies about outing migrants from the reception centers as the migrants were in a shady zone, without legal status, not knowing their rights neither ways how to report abuse. One of such cases happened in reception center in Subotica unaccompanied minors were expelled from the camp. APC contacted and assisted social workers from local Center for social to address best interest of children in this situation, and as a result they were taken back in the reception center. Unfortunately, as soon as the social worker left the camp, our team was informed that the manager kicked unaccompanied children out saying – *Go to Belgrade* – without accompaniment or organized transport. The feedback from the social worker was that they cannot do anything as it was decision of Commissariat, whether they will be accommodated or not. Changing the information on the camp cards of unaccompanied minors was happening in RC Obrenovac, RC Adaševci, AC Sjenica. According to the minors who complained to APC the reasons were different – individual perception of Commissariat officer who was issuing camp card, accommodating or denying someone in the camp. In Subotica area APC mobile teams heard testimonies that police was taking migrants from informal settlements to the reception center in order to be in the system of accommodation. According to the migrants, the camp managers were expelling them as soon as the police left. These "raids" by the police were quite often in Sombor area, as well Šid, Horgoš and around border with Hungary. It happened that during these actions, tents, food, water tanks and personal belongings of migrants sleeping outside were destroyed.

During the July and August 2017 APC was organizing the school preparation for children asylum seekers, clients of APC in Krnjača, Sjenica and Tutin. Besides registering them to school, APC translator assisted in Primary school "Zaga Malivuk" in Krnjača in the initial assessment of children. All the asylum children represented by APC got confirmation from school that they were registered. One of them was S.Y. (6 years old girl from Afghanistan) traveling with cousins. After assessment by APC and school team, it was decided that in her best interest would be to be enrolled to school, accompanying her cousins. Security guard, Arabic translator and camp manager for almost the whole week were physically stopping her to go to school. APC volunteer, social worker and family members reacted every day as she was ready to go with other children. Finally, after warning that she will be criminally charged, the camp manager let S.Y. to go to school with other children. Other families were threatened few times to avoid support of APC in school enrolment. Even though very afraid to be expelled from the camp, one of the fathers said – "You are providing me shelter and food, but it is my right to make decision about school for my children and to accompany them every day." In Adaševci community the first five migrant children were enrolled in the local school by APC. APC pedagogue and social worker organized workshops with aim to understand local context, Serbian school, raise positive orientation toward school. APC provided school equipment for five children from this family. When the camp officer saw the migrant children walking with bags, being excited and talking about the school, she was shouting on parents, children and APC staff using inappropriate words such as imbecility, cursing.

More than 80% of all migrant and asylum seeking population faced some aggressive comments, curses, and disrespecting treatment. This was done by Commissariat staff in most of the accommodation centers across the country. The most reports about humiliating comments were in Adaševci, Sombor, Subotica, Krnjača, Bogovađa, Principovac, Kikinda. The incidents were happening in all the occasions – from registering in the camp, asking for humanitarian aid, during "control time" – when the Commissariat staff and security guards are checking the presence, food distribution, etc. Often the message that was told to people was "you are nothing here", even "APC cannot do anything for you as this is not your country". In AC Krnjača asylum seeker reported that security was taking his mobile and checking his chats and communication with lawyer. There were also statements about physical violence of Commissariat staff mainly in Subotica, Krnjača and Adaševci, but also informal settlements. APC team spoke with unaccompanied minors from Pakistan who stated that Commissariat staff beat them with broom stick after they found them sleeping in the camp in Subotica without registration. Another testimony was about violent attack on in Horgoš, in informal settlements. Migrants stated that around 8pm eight Serbian citizens came to terrify migrants. During one hour they were threatening with knives, destroying tents and some clothes, hitting people with fists, threatening to injure them with knives next time. Migrants claimed that they recognized two persons working for Commissariat by the logo on the t-shirt.

APC mobile teams noticed restricted movement in various accommodation centers across Serbia in 2017. The most testimonies are from reception center Preševo which was camp with the worst reputation as there was constant fear to be pushed back to Macedonia. There was limited number of persons who can get permission to go outside of the camp for 3 hours during the day. Permission was given by Commissariat, on arbitrary basis, which was also easily denied. Migrants accommodated in this camp complained that with this rule, every person can get a chance to go outside of the camp once in 10 days. Often they were comparing it with jail. This practice included even persons with ID cards for asylum seekers. In AC Krnjača on few occasions people were not allowed to go outside, without explanation. It culminated on December 31st when Commissariat staff said it was order from the top, not to let people to go out on that day.

Punishing migrants and asylum seekers also became a practice in the camps, and was justified by need for control and security. Commissariat started issuing so-called "camp cards", which were used for identifying residents of certain camps. Unfortunately they also became one of the main instruments for punishing people and denying them access to camp, food, humanitarian aid (by taking away or destroying the camp card). Besides that, people complained that their personal belongings were sometimes taken away from them. Another example of violent and humiliating treatment happened in Adaševci camp, where there are strict rules about keeping food and cooking in the rooms. There, when some women bought biscuits and fruit for their children, Commissariat staff took it away and throw to the garbage in front of them, as sign of power and control.

CONCLUSION

High number of migrants, asylum seekers and refugees staying significantly longer time increased and made more complex their needs for information, legal aid, psychosocial and integration support, due to changed and chronic character of refugee crisis in Serbia, constant push backs, legal uncertainty, disinformation and anti-asylum state policies. High number of asylum seekers and irregular migrants staying in Serbia for a longer period of time, stronger border controls on the northern Serbian-Hungarian and Serbian-Croatian borders, regular illegal push backs of beneficiaries to Serbia, more restrictive institutions' asylum and migration practices and restrictive state policies, contributed to the state inability to cope efficiently with the migratory pressure and to provide protection to people fleeing wars and persecutions in need. Moreover, state institutions are rather choosing reluctant and negative approach toward refugees and asylum seekers, trying to keep them on the move for as much time needed and to prevent them staying in Serbia or setting their ground in Serbia.

We see that violence became normality and part of almost everyday life for many migrants and asylum seekers. Starting from desperate attempts to regulate their status, where they are faced with confusion, misinformation, rejection, aggressive and humiliating treatment from those who are responsible for first reception and accommodation, misuse, intimidation and blackmail from Commissariat staff, slow and inefficient asylum system and other system for protection, to ever-present obstacles in local communities while obtaining right such as right to health care, education, it is obvious that migrants, asylum seekers and refugees are unwanted in Serbia, and that there is intention from institutions to keep them in insecure state.

On the other hand, not only that people are staying for a longer time in Serbia than before, but also newcomers are entering its' territory on a daily level. To be able to provide them protection and support in accordance with their rights, there is much to be done. Unfortunately, in the ground, improvements are missing, while the violation of human rights is on rise. What is expected in the forthcoming year is that problems and needs of migrants, asylum seekers and refugees will increase, and that need for complex and professional support and protection will be much needed.

ASYLUM AND MIGRATION POLICY MONITORING BACKGROUND AND CONTEXT

Mass migration flows that affected Serbia as of 2015 raised questions whether the Serbian migration policy framework is able to address new migration setting including the capacity of institutions to respond to new challenges in the domain of asylum and migration. In 2015 the number of migrants passing through or residing in Serbia has peaked to approximately 800.000 people. According to available statistical data of the Asylum Office of the Ministry of the Internal Affairs of the Republic of Serbia (APC, 2015), comparing to 2013 the number of asylum seekers in 2015 raised 35 times, from 5000 persons seeking asylum in 2013 to nearly 580.000 asylum seekers in 2015. In that period the vastest number of migrants and refugees who expressed intention to seek asylum was from the countries that produce refugees: Syria, Afghanistan, Iraq, Pakistan, Somalia and Eritrea (APC, 2015).

However, during the first half of the 2016, at the time 'Balkan route' was closed, the migration flow changed its character which affected de facto policies in domains of refugees and migrants' rights and integration processes in Serbia. Although the number of migrants and refugees in Serbia in 2016 has plummeted comparing to 2015, it still has reached considerable levels: 12,811 persons expressed intention for asylum mostly coming from Afghanistan (43%), Iraq (21%) and Syria (17%) (APC, 2016). By the end of 2016 number of migrants and refugees in Serbia came down to approximately 6400 (UNHCR, 2017). Therefore, the agreement reached between EU and Turkey that amongst others has aimed at the closure of the 'Balkan route' has only partly been achieved. Migrants and refugees continued to pass and stay for shorter or longer periods in Serbia in 2016 and 2017.

During 2017 the number of migrants in Serbia decreased, yet has remained significant - between 10,000 and 15,000 persons (APC, 2017). The vastest number of migrants has come from Afghanistan, Iraq, Pakistan and Syria. In total 6,199 persons expressed intention to seek asylum in the 2017. Still, these numbers are not definite as they relate only to those who are registered by the Serbian authorities while those who reside in Serbia having irregular status usually not being accommodated in 18 asylum, transit or reception centres are in the shadows of statistics. According to some estimates in September 2017 there has been between 2000 and 3000 persons with no status at all in Serbia (APC, 2017).

Moreover, expressed intention to seek asylum does not imply that migrants have entered asylum procedure. Namely, according to available statistics in 2017, 236 migrants applied for asylum and 106 were interviewed (BCHR, 2018), while 3 persons were granted refugee protection and 11 persons were granted subsidiary protection (BCHR, 2018; APC, 2017). This indicates that most of the migrants who have expressed intention to seek asylum have never got to enter the asylum procedure, demonstrating fast flows of this population through Serbia towards EU borders on the one hand, while on the other, implying weak features of asylum and migration system in Serbia that evidently lacks adequate policy framework and institutional capacities to respond to migration challenges it faces in the past few years.

Among total number of regular and irregular migrants residing in Serbia there is a bulk of minors. According to APC statistics (2017), around 45% of total migrants registered in 2017 were minors. This extremely vulnerable migrants' population is exposed to many risks in Serbia including different abuses, violence and human trafficking risks in the asylum/transit/reception centres (Sokolović, 2017: 2). Additionally, available data shows that considerable number of unaccompanied children reside outside of asylum or reception centers often being in irregular status having no possibilities to be involved in any kind of social structures.

Although officially 'Balkan route' is closed it still makes one of the main routes on the migrants' and refugees' way to the EU. During 2017, in majority of cases migrants and refugees have been entering Serbia from Macedonia and Bulgaria trying to reach borders of Hungary and Croatia. At the same time, new migration routes are emerging, specifically via Romania and Bosnia and Herzegovina. Besides, during 2017 a number of the cases of *push-backs*, from, but much more to Serbia was reported. Illegal practice of pushing people back was evident from Hungary, Romania, Croatia to Serbia (APC, 2017). These practices seriously undermined the principle of non-refoulement notably when migrants and refugees are summarily, without examination of individual circumstances, returned back to Serbia, or from Serbia to bordering countries such as Bulgaria or FYROM (BCHR, 2017). This situation particularly makes Serbia a 'tampon zone' of migration flows towards EU, a place of those who have been not succeeded in crossing EU border on the way to desired destination. According to APC (2017), those who have been pushed back to Serbia reside in the grey zone of the Serbian asylum system, having no possibilities to be accommodated in one of the asylum centers or exercising any rights that enable involvement in the system.

Available data shows that influx of migrants and refugees will remain considerable in Serbia in coming years. These facts call for strengthening policy framework and systematic response in order to enable all conditions for adequate treatment of migrants and refugees with the aim to allow effective processes of getting the status and enable meaningful integration of this population in Serbia.

ASYLUM AND MIGRATION POLICY IN 2017

Policy monitoring as a means to reflect on asylum and migration management interventions, policy implementation practices and accountability, is highly challenging in the context of Serbia, notably considering that migration and asylum policy is still in its juvenile stages of development and is not responding adequately to the contextual circumstances of mass-migration flows taking place in Serbia as of 2015. Likewise, policy development and its change is a highly complex process shaped by a multitude of interacting forces and actors which in 2017 in the domain of migration and asylum was highly apparent. Having said this, the recent migration and refugee crisis has thrown into sharp relief the inadequacies of Serbian asylum and migration policies and has highlighted the need for reform notably in the domain of the migrants and refugees integration policies, integration processes and actual practices. The need for reform thus was particularly evident in the existing Law on Asylum from 2008 as a fundamental legal act to address asylum and migration area. Yet, 2017 was a year of revision of the existing asylum and migration laws. The new draft Law on Asylum and Temporary Protection entered the Parliamentary procedure on 12 September 2017, while the new draft Law on Foreigners entered the Parliamentary procedure on 2 December 2017. However, none of these two laws have been adopted in 2017. Moreover, the Strategy and Action Plan to counter irregular migration including the Law on Border Control have not been adopted during the course of 2017. In addition, in March 2017 the Government of the Republic of Serbia appointed new members of the Asylum Commission, the second instance authority in the asylum procedure. The mandates of the previous members of the Commission expired in September 2016 meaning that there was no second instance asylum authority in place until March 2017. In 2017, the asylum system in Serbia was primarily based on automatic application of the safe third country concept which was assessed as problematic.

The year 2017 was marked by the launch of implementation of a Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia and was an initial step in creating integration system for this population groups in Serbia. Moreover, processes of inclusion of migrant children in education regardless of their legal status have been further supported notably due to enormous efforts invested by the Asylum Protection Centre in that area of migrants' integration. However, there is no practice of the State that pertains to the procedures for naturalisation, permanent residence and family reunification, as well as for issuance of travel documents as yet. This means that the development of an integration system in Serbia for the persons awarded international protection is still at its early stages.

OUTLOOK TO INTEGRATION ASPECTS OF THE ASYLUM AND MIGRATION POLICY IN 2017

The Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia (Integration Decree) based on the Article 16 of the Migration Management Law and Article 46 of the Law on Asylum, was adopted on 24 December 2016, while the enforcement of which began in 2017. However, according to existing Law on Asylum, the right to integration is granted only to those granted asylum, i.e. refugee status but not to those granted subsidiary protection (Law on Asylum, Official Gazette, no. 109/2007, Article 46). However, the draft Law on Asylum and Temporary Protection provides for equal rights of persons granted asylum and subsidiary protection. Should this draft Law be adopted, the Integration Decree will need to be amended to include also the persons granted subsidiary protection.

While the Law on Asylum (ibid.) addressed integration in a general and vague manner, the aim of the Integration Decree was to specify the integration processes and its elements in detail. Still, this aim remained mostly unanswered. This is mainly due to the fact that the concept of integration is not considered as sustainable one based on the premises that integration is logical continuation of the asylum procedure for those who have got the status and will remain in Serbia. Nonetheless the Integration Decree defines, although in modest manner, the following integration elements: timely provision of information about rights and obligations to people granted asylum; learning Serbian language and provision of information about Serbian history, culture and constitution, assistance in inclusion in education, assistance in exercising rights to health care and social protection, assistance in inclusion to the labour market (Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia, Official Gazette, no. 101/2016). However, the Decree misses to further elaborate on the ways the assistance and the services with regards to different spheres of integration will be provided, the roles and responsibilities of all institutional and non-institutional actors involved in integration processes support, the ways in which the integration of the particular persons and families is monitored, including the ways in which communication, coordination and cooperation of different actors involved in integration assistance is established.

First, timely and relevant information provision about rights, possibilities and responsibilities of the persons who have been granted asylum/refugee protection represents initial step in evoking integration processes. This step should be realized via provision of different printed or electronic documents in a language that person who was granted asylum can understand. The information package is prepared by the Commissariat for Refugees and Migration of the Republic of Serbia (CRM) in cooperation with the relevant institutions mandated to exercise integration processes of this population category. The content of information package should cover information about rights and responsibilities in the domains of integration into education and work, health care and social protection, including information about initiatives aimed at integration of persons granted asylum into social, cultural and economic spheres. In addition, the CRM is mandated to provide the information relevant to the processes of integration verbally if it is requested from the client (Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia, Official Gazette, no. 101/2016, Article 3). Yet in practice verbal information sharing is mostly lacking while dissemination of printed or electronic information packages is still not systematized in the way that all persons granted asylum and those seeking one can access the information about rights and obligation fully.

Serbian language classes should be provided to the persons granted asylum who are not involved in the education system of a country, but also to those who are involved into education system including the persons aged 65 and above. Language classes should be organized by the CRM in cooperation with the foreign language schools or civil society organizations no later than two months after the refugee status was granted. Each language school participant is entitled to 300 language classes during a school year. However, this service provision is not without issues as relevant institutions in some cases fail to provide it. Namely, CRM indicates that clients often miss classes for no obvious reasons which leads to classes' postponement or abolishment of provision. These issues should be further resolved as in the interest of the clients and the institutions is integration process to start with the learning language activities. On the other hand it should be defined in which circumstances is missing language classes is justifiable which the current Integration Decree does not define (Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia, Official Gazette, no. 101/2016, Article 4). Successful asylum-seekers who can perform jobs requiring university education may be provided with additional 100 Serbian language lessons per school year in foreign language teaching schools with certified Serbian language programmes. The Decree is positive also in that it provides for covering transportation costs of successful asylum-seekers who have to attend Serbian language classes in other towns, because such classes cannot be organized in their places of residence.

Induction programme for learning Serbian culture, history and constitutional arrangements should be organized by the civil society organization and funded by the CRM. The programme consists of 30 classes per year and its content is defined by the CRM and in cooperation with the relevant ministries mandated for the culture affairs and the ministry mandated for the public administration affairs. In policy implementation practice this segment of integration is weakly covered by the mandated institutions.

The Decree defines integration in education system via enabling financial and other assistance in learning to the children that are included in the pre-school, primary and secondary schools. The CRM is in charge of provision of financial and other assistance including the assistance in initiating the translation and nostrification of foreign diplomas in cooperation with schools and civil society organizations. In addition, the Decree envisages the assistance in inclusion of illiterate adults in education too (Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia, Official Gazette, no. 101/2016, Article 6). Yet with respect to validation of diplomas acquired abroad, no procedure was conducted for refugees currently in Serbia, as they are unable to supply the required documents due to the situation in their countries of origin. Moreover, no state support was provided to refugees who cannot afford the diploma-validation related taxes while no procedure is in place in case they cannot supply the requested documents for justified reasons. In addition, while there is a need for testing of the previously acquired professional competencies of the people granted asylum that would allow for better integration into labour, such practice is still not in place.

Besides, the right to education of asylum seekers is governed by a number of laws, the Law on Basic of Education System being the primary one. In May 2017 the Ministry of Education, Science and Technological Development adopted the *Professional Instruction for Integration in Education of Migrant Students* (Ministry of Education, Science and Technological Development, 2017) with the main aim to support schools in their efforts to integrate migrant students. Professional Instruction defines the ways in which migrant students should

be enrolled in school, student support plan at the school level and at the individual level, assessment and evaluation, and administrative procedures with regard to compiling and issuance of relevant documents. After validation of diplomas of students who possess relevant documents about previous educational level they are entitled to proceed with enrolment in relevant class year, while those that do not possess the proof of a former education credentials need to be tested on the level of knowledge from different subjects. After the completion of the tests and/or submitted documents for the enrolment the Expert Team for Inclusive Education compiles an individual support plan for inclusion of migrants' students in education. Support plan is consisted of the following segments: programme of adaptation and stress relief, intensive language learning programme, individualization of learning activities and inclusion in extracurricular activities with the support of other students. Monitoring of student's progress is done on a daily basis being revised on a two weeks or a monthly basis, depending on the process of adaptation of a student and realization of the set goals. The school is tasked with filling all necessary documentation about a student in line with the respective legislation. Portfolio of a student contains reports on the student's progress, reports about implementation of the student support plan, special interest of a student, level of a language knowledge, correspondence with the parents/guardians and other institutions. In case of a leaving school during the school year, a school report in Serbian and English is being handed out in order to enable schooling process in other countries of a student's destination.

Although abovementioned is provided by Instruction, its implementation is poor, and in some aspects non-existing. Enrolment of children into schools presumes a number of steps that in fact precedes the actual integration into schools which are not without issues. These are: recognition of the former educational levels; ability to assess and properly evaluate the needed level of education for migrant and refugees children with the former education history and particularly in situations of missing proofs of the education history and degrees; inability to conform to the practice of creating individual plans of support that are based mostly on the teachers ability to involve migrant children in the learning process, methods of knowledge evaluations, etc. However, the most pressing issue in the processes of integration of children into schools is the language barrier which is not supported by the mechanisms of learning Serbian as a foreign language in schools which adds to the set of missing or fussy procedures in the processes of integration and the role of policy interventions and opportunity structure.

Furthermore, a significant barrier for the processes of integration represent the practices in allocation of migrant children across classes and organized transport in schools that as it may be concluded support strategies for separating these children from the local school environment including local community. Likewise, the role of parents in supporting children's integration is not stimulated by the local schools and is additionally prevented with the practices of organized transport to schools.

The Decree on Integration further tackles integration in the labour market. People granted asylum are entitled to the support during the integration into the labour market by means of collecting all necessary documents needed to register with the National Employment Service (NES) and employment agencies; support in the process of diploma nostrification while inclusion in the additional training courses in line with the needs of the labour market is done in cooperation with the NES and involvement in active employment policy measures. Requalification and additional qualification trainings shall be extended by service providers implementing certified training programmes (Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia, Official Gazette, no. 101/2016, Article 7).

While in the literature the most prominence was given to employment as a mean and marker of integration, in the case of Serbia integration in the labour market is in a very nascent phase manifesting a number of malfunctioning when it comes to policy implementation. Firstly, the integration into the labour market of asylum seekers waiting for the resolution of the protection status more than 9 months is impacted by the lack of awareness of the local institutions of this measure for integration at the labour market. Moreover, as evidence suggested there is a general lack of the interventions and initiatives to cultivate the positive environment for migrants inclusion at the labour market by means of developing the activation measures for this group of population in Serbia. Finally, and in line with the discussions in the relevant literature (OECD, 2018; Ager and Strang, 2008), in Serbia the common barrier to integration in employment is the issue of lengthy and expensive procedures of the recognition of the former formal education degrees.

Moreover, under the Decree on Integration, CRM is entitled to enable one-off money assistance in cases of special social or health need and in line with the relevant Law. This kind of assistance is available to the persons granted asylum after the request for the assistance is filled by the relevant persons or institution for social and/or health protection. The Commissioner for Refugees is entitled to allot the range of the money allowances for one-off social and/or health protection (Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia, Official Gazette, no. 101/2016, Article 8).

Based on the Integration Decree, the Commissariat is ought to develop individual integration plan for persons granted asylum or in case of families joint integration plan for the period of a year. The assessment of the Commissariat refers to the integration-related needs of each individual/family (which has been a challenge thus far), basic information and an opportunity to attend Serbian language classes free of charge. In addition the integration plan involves information on the type of assistance needed and other information relevant to decision on the type and form of an assistance. The CRM is entitled to monitor the integration plan implementation and suggest modification if needed. The integration plan is jointly created by the relevant centre for social work, school, the NES, health institutions and other local institutions and local self-government if need be. In addition, CSOs that are experienced in legal and psycho-social support to different categories of migrant population are entitled to assist CRM in creation of an integration plan. In order to take up on assisting

CRM in delivering integration plans, CSOs should apply to the CRM's public call. Criteria for selection of CSO defines CRM with prior consent given by the Asylum Office and the Office for the Cooperation with the Civil Society (Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia, Official Gazette, no. 101/2016, Article 9).

Still, integration plan is not created in consultation with the persons granted asylum, while the information on the final integration plan are provided in the language believed the person understand, which in practice is disputable because each time the interpreter cannot be engaged it is stated that the person understands the language the plan is written in. Likewise, asking the consent of the Asylum Office for the selection of CSOs to support integration processes is controversial as the Asylum Office is responsible for the procedure of asylum granting, relevant CSOs that provide legal and psycho-social support and other relevant services that tackle integration processes, often fill the complains for the work of the Asylum Office. In addition, the Decree does not cover persons granted subsidiary protection albeit they are entitled to rights to education, social and health protection, and right to work during their stay in Serbia.

CONCLUSIONS

Policy monitoring exercise showed that despite the need for rampant policy alternation to adequately respond to the asylum and migration context in Serbia in 2017, there was a lack of prompt reaction of policy and decision makers reflected in the modest number of policies that have been introduced in the Serbian asylum and migration system including largely irrelevant implementation practices. Yet, this is not to indicate that no action was in place. The year 2017 was a year of revision of existing and drafting of a new set of legislation in the domain of asylum and migration, the Law on Asylum and Temporary Protection and the Law on Foreigners being the key laws drafted and entered the Parliamentary procedure during the second half of the year. Still none of these two laws have been adopted by the end of the year. However, although at initial stages the 2017 was a starting year for launching integration measures to support the processes of integration of the persons granted asylum. This was done by the adoption and enforcement of the Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia for which implementation the Commissariat for Refugees and Migration of the Republic of Serbia is responsible. While the aim of the Integration Decree was to specify in detail the elements of the integration processes and adjust them to each individual based on their specified needs by creating Individual Integration Plans, this aim remained scarcely met. Moreover, the Decree on Integration leaves wide space open for its interpretation. This is notably reflected in types of support that should be provided in the integration process, tools to be used, ways in which the aims of the integration for each person granted asylum are defined including steps to be followed. Moreover, the Decree on Integration vaguely delineates the roles and responsibilities of institutional and non-institutional actors, their communication and coordination dynamics, including monitoring the processes of integration for each person and/or family granted asylum. It is also noteworthy that the persons granted asylum are the least consulted party in the processes of integration.

Although some policy modifications in the domain of integration of persons granted asylum have been in place, it is evident that 2017 was a year of modest asylum and migration policy change year but rather an introduction to forming the basis for the relevant policy in this domain.

References

- Asylum Protection Centre (APC), (2015), *APC Statistical Database*, Belgrade: APC.
- Asylum Protection Centre (APC), (2016), *APC Statistical Database*, Belgrade: APC.
- Asylum Protection Centre (APC), (2017), *APC Statistical Database*, Belgrade: APC.
- Belgrade Center for Human Rights (BCHR) (2017), *Access to the Territory and Push Backs: Serbia*, Belgrade: BCHR. Available at: <http://www.asylumineurope.org/reports/country/serbia/access-territory-and-push-backs>, accessed on 15 May 2018
- Belgrade Centre for Human Rights (BCHR), (2018), *Right to Asylum in the Republic of Serbia*, 2017. Belgrade: BCHR. Available at: <http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2018/04/Right-to-Asylum-in-the-Republic-of-Serbia-2017.pdf>, accessed on 25 April 2018.
- Ministry of Education, Science and Technological Development (2017), *Professional Instruction for Integration in Education of Migrant Students*, Belgrade: Ministry of Education, Science and Technological Development. Available at: <http://www.mpn.gov.rs/strucno-uputstvo-za-ukljucivanje-ucenika-izbeglicatrizilaca-azila-u-sistem-obrazovanja-i-vaspitanja/>
- Official Gazette of the Republic of Serbia (2007), *Law on Asylum*, Belgrade: Official Gazette no. 109/2007.
- Official Gazette of the Republic of Serbia (2016), *Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia*, Belgrade: Official Gazette no. 101/2016)
- Sokolović, E. (2017), *Maloletni migranti bez pratnje u Srbiji*. Belgrade: Novinska agencija Beta.
- UNHCR (2017), *Regionalni plan za reagovanje na izbegličku i migrantsku krizu za Evropu*, januar-decembar, 2017. Available at: <http://www.unhcr.rs/media/docs/2017/januar/RMRPSerbiaSRP.pdf>

MEDIA REPORTING ON MIGRANTS CONDITIONS AND CONTEXT

When it comes to its negotiations on EU membership Serbia has made “a small concrete progress” in implementing reforms in the areas governed by Chapters 23 and 24, says the third non-paper document published in December 2017 by the European Commission¹. Implementation of many activities envisioned by the action plans is behind schedule, the negotiating process is characterized by non-transparency and discontinuity, and Serbia is expected to up its efforts in the areas of finance-related investigations, fight against money laundering, property seizure and confiscation and adopt an effective asylum processing procedure in accordance with the European acquis.²

At the end of 2016 the Republic of Serbia revised the “response plan to an increased number of migrants” in its territory, which was implemented in 2017 and which was supposed to serve as the basis for a human resources strategy and the preparation of an action plan to contain irregular immigration. A technical working group³ set up earlier was active in implementing the regulations in this area, but has not made any big steps forward in ensuring coordination of the institutions involved and donors at the strategic policies level.

In 2017 Serbia prepared a draft law on asylum and temporary protection and a draft law on foreigners, but the documents have yet to be forwarded to the Parliament. The European Commission’s internal document from December 2017 concludes that “Serbia is again running late” in passing a new law on asylum and accompanying laws that should ensure further alignment with the acquis and serve as a basis for introducing an asylum procedure in line with European standards.

Thanks to the European Union and aid from other international sources, in 2017 Serbia provided for the basic humanitarian needs of the nationals of third countries in accordance with international and European standards. It is estimated that last year Serbia managed to accommodate 85% of migrants in 18 collective centers that can together house some 6,500 people.

During 2017 the agreement on readmission between Serbia and 16 EU member countries (including Croatia and Hungary) was being implemented, and Serbia has bilateral readmission agreements with nine third countries, among them Serbia’s neighbors – Bosnia and Herzegovina, Montenegro, and FYR Macedonia. Non-government organizations dealing with migrants, however, warn that the readmission agreements are not being implemented and that practice violating international regulations and agreements is being applied on the ground.

Practice shows that dozens of migrants have been illegally and inhumanly deported from Croatia and Hungary to Serbia, with the state bodies not making any visible moves to respond to that.⁴

A part of the December 2017 non-paper document pertaining to Chapter 24 (justice, freedom and security) in negotiations with the EU, says that Serbia has adopted the strategies and action plans for fighting human trafficking and terrorism and that it continues to invest efforts in the areas of migrations, asylum, border management and cooperation. The new strategy for the prevention and suppression of human trafficking, especially women and children, and protection of victims for the 2017-2020 period with the accompanying action plan is in accordance with the EU strategy and based on it Serbia should implement measures for a proactive identification and protection of human trafficking victims. Also passed are the 2017-2021 national strategy and action plan for the prevention of and fight against terrorism, which focuses on the prevention of radicalization, violent extremism and terrorism, as well as the prosecution of terrorists and protection against terrorist attacks.

At the same time Serbia is cooperating with the European Asylum Support Office (EASO) in order to complete a national road map for the asylum system in accordance with European standards and acquis.

In the area of migrations, according to the European Commission, Serbia has greatly contributed to the management of the migrant inflow, has played an active and constructive role, and has efficiently cooperated with neighboring countries and EU member states.

When it comes to money laundering and financing terrorism, Serbia is running late in strengthening the capacities of the Administration for the Prevention of Money Laundering as well as with the adoption of a new law on the prevention of money laundering and financing terrorism.

1 Since July 2016, when the negotiations on Serbia’s EU accession opened, the European Commission has been preparing reports on the country’s progress in negotiations with the EU twice a year.

2 Based on the European Commission’s report on the progress in the area of the rule of law, the EU member states decide how many chapters in negotiations with the EU Serbia will open on the intergovernmental conference in Brussels.

3 The technical working group brings together the Commissariat for Refugees and Migrations, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Labor, Employment, Veteran and Social Affairs, the Ministry of Health and the Office for EU Integrations of Serbia.

4 According to the Asylum Protection Center (APC), during 10 months of 2017 over 1,000 migrants were illegally deported from Hungary to Serbia and over 500 from Croatia. According to the Interior Ministry, 72 people were returned from Croatia and 16 from Hungary by October 2017.

MEDIA SITUATION

Freedom of the media is globally at the lowest point in ten years, censorship on the Internet is on the rise, and private communications are being monitored more than ever before, say the results of a survey conducted by Article 19.⁵ The analysis shows that Serbia is among the countries in which freedom of the media has seriously declined as a result of the overall decline in democracy in the past decade. This organization defending freedom of the media and freedom of expression adds that the freedom of expression is equally targeted in democracies and in authoritarian regimes.

When freedom of the media and freedom of expression, as well as the establishing of adequate conditions for a pluralistic media scene are in question, Serbia is still facing major challenges, says the European Commission's non-paper document on action plans for the chapters pertaining to the rule of law Serbia is implementing in negotiations on EU membership.⁶ The document says that the media laws are not fully implemented, and that "the insight into ownership and financing of the private media" should be upgraded, as well as should be transparency of "the state financing of the media" and media content in accordance with the applicable laws. "Reports on attack against and intimidation of journalists are still a concern," the European Commission warns and adds that "the strengthening of self-regulation, advancement of professional standards and implementation of the journalistic code of ethics are of essential importance."

It can frequently be heard in the public discourse that freedom of the media in Serbia is "seriously jeopardized," that there are only small islands of freedom on the media scene, i.e. that the ruling Serbian Progressive Party had done its best to turn most of the traditional media, especially TV stations, but also the daily newspapers, into its mouthpieces. This has been accomplished mostly through control over their sources of income, but the high degree of readiness of the media owners to consciously accept a "clientist position" in relations with the ruling structures should not be neglected either.⁷

A consequence of such a state of affairs is the increased citizens' mistrust of the media: "Five of ten citizens do not trust them at all, three trust them to an extent, and only two believe in what they hear or read." Simultaneously, their interest in politics and social trends is declining: Only four of ten people are interested in politics and are following various events via the media," while the middle-aged generation is the least active, not having the time for following political and social events.⁸

The Institute's survey shows that "Serbia is again becoming an increasingly polarized society, with the authorities on one side and the opposition on the other," which increasingly limits the room for public debates.⁹

In the region, Serbia is among the countries where television is widely watched: an average viewer spends five hours watching the programs every day. The importance of television in informing the people but also in taking much of their free time is directly due to a widespread poverty on one hand, and the age of the viewers, which mostly consist of pensioners, on the other.¹⁰

All national TV stations tend to improve their information contents, but not through prime time news programs. Instead, they deal with important political topics in entertainment and talk shows.

It is interesting to note that certain TV stations that used to have strong information programs have reduced them to a minimum.¹¹

An analysis of reports of TV stations with national coverage – RTS public service, Pink TV, O2, Prva, Happy, and N1 (a cable TV station with a strong information program) shows that the focus of their information programs has shifted from the Serbian Government to the Serbian President, because Aleksandar Vučić changed his office of prime minister for that of the country's president.¹²

Their programs have no room for public debates, analyses or any criticism of the current state of affairs; they mostly host politicians in power, who, generally, promote and propagate their stances. A great portion of their information programs is dedicated to advocacy of certain solutions and priorities.

⁵ The Article 19 analysis was published on Nov. 30, 2017.

⁶ A non-paper document from December 2017. Jovanka Matić, a survey of the Institute of Social Sciences.

⁷ Media that are not a part of the ruling party's propaganda machine are rare in Serbia and, as a rule, their audience is limited. A lack of routine, daily reports abiding by the basic standards of journalism, i.e. of unbiased, balanced and relevant reports, is ever more conspicuous.

⁸ Jovanka Matić, a survey of the Institute of Social Sciences.

⁹ Jovanka Matić, Institute of Social Sciences.

¹⁰ The average age in Serbia is close to 43 years, making the country the sixth oldest in Europe – the conference "Toward Serbia's better demographic future," organized by the Serbian Academy of Sciences and Arts in February 2017.

¹¹ B92 TV station, which for long had been perceived as a synonym of independent and professional informing have reduced its information programs to a minimum after its ownership structure changed, and in 2017 it changed its name to O2.

¹² An analysis of the Bureau for Social Research BIRODI, October 2017. The Serbian president takes 16,7% of all air time of all TV stations, with Pink TV devoting one-half of its airtime to him.

The print media share the fate of the media industry globally – their circulation is declining and they are trying to make the Internet their source of income. The print media market in Serbia has been dropping 7% annually. Currently, eight daily newspapers are being published in Belgrade, and their total circulation is below 400,000 (sold copies).¹³ There is a clear division of them into tabloids and classical daily papers. News is disappearing from them, especially from the front pages, which is directly owed to the Internet. In the tabloids news reports serve to set the tone and express opinions, while the classical newspapers for that purpose use commentaries and features. Of all texts published in Serbia's daily newspapers, one-fourth goes to pieces produced in the office, the articles which have no direct cause or event behind them to report on. Most numerous among them are texts on the political life in Serbia, relations with Kosovo, the economy and regional relations, international events... Another frequent occurrence is the quoting of unnamed sources, especially when dealing with topics from politics, crime, the justice system, show business...

An analysis of the daily newspapers' front pages shows that most space is taken by news reports, followed by interviews and features, then commentaries and other forms (feuilletons, for example). News and stories are the forms least present there.¹⁴ Informer is the paper publishing most news reports on its front pages and Politika the one that publishes the least. Danas publishes most interviews and Informer has the least. Politika has most features, while Alo has almost none.

Informer publishes most news reports on its front pages, followed by Alo, Blic, Vecernje Novosti, Kurir and Danas, and Politika publishes the least. All seven daily newspapers publish reports in which the opinions and positions of their authors feature prominently.

SERBIAN MEDIA AND THE MIGRANT CRISIS – PUBLICATION ANALYSIS

During 10 months of 2017 (from March to December) the Beta News Agency has monitored news reports on migrants aired on national TV stations, published in national daily newspapers, the leading political magazines and local media from the border regions. The survey of reports, based on the key words established in advance and covering 38 outlets, was delivered every day by the Ebart research center.¹⁵

The analysis shows that the topic of migrants is unavoidable in Serbian media, that 11.8 pieces concerning them are published on average every day, and that on one occasion there were as many as 40 news reports in a single day. Most reports were registered in March – 511, and the least in November – 230.

Of the total 511 items in March, 52 were posted on the Internet, 195 were aired by TV stations and 256 published in newspapers. The highest number of reports in a single day was 36, and most items were aired on TV stations, which released one and the same report in several shows (morning, news and afternoon programs). The topics that were aired several times in the same day concerned a Hungarian military base on the border with Serbia, the start of the school year for migrant children and the opening of a medical office for migrant children. The average number of items in March was 16.5.

The number of items in April was lower than in March – a total of 351, of which 40 were posted on websites, 129 aired by TV stations and 182 published in newspapers. The arrest of a group of human traffickers carried by the Service for the Fight against Organized Crime resulted in 39 reports in a single day, the highest in April. A police operation in the town of Sid in which 200 illegal migrants were taken into custody also caused the increase in the number of reports on April 12 (a total of 24), and on April 13 (29). The average number of items in April was 11.7.

There were 451 reports in May: 52 on websites, 151 on TV stations and 248 in newspapers. The highest number of reports in a single day was 40 (on May 12) and 32 (on May 13), when the media, and especially TV stations, covered the operation of transferring migrants from downtown Belgrade to collective centers. On this occasion TV stations aired the same reports several times on the same day. The average number of items in May was 14.5.

The number of reports in June was somewhat down – 353. Of them, 26 were on websites, 98 on TV stations and 229 in newspapers. The highest number of reports – 25 – was on the occasion of World Refugee Day on June 20, and on the operation of dislocation of illegal migrants from Sid municipality – 29. The average number of items in June was 11.8.

13 From February 1, 2017 to April 1, 2017 the number of sold copies of these newspapers was as follows: Informer 95,787 copies; Vecernje Novosti 67,128; Blic 61,454; Kurir 58,322; Srpski Telegraf 46,829; Alo 44,311; Politika 33,916, and Danas 5,754. Source DST.

14 Mediametar, quarterly analyses of the press, the Ebart media archive. The analyses cover the following dailies: Danas, Politika, Blic, Kurir, Vecernje Novosti, Informer and Alo.

15 The clipping involved the following outlets: Vecernje Novosti, Politika, Danas, Blic, Kurir, Informer, Alo, Srpski Telegraf, Dnevnik, Narodne Novine Nis; weeklies: Nin, Vreme, Novi Magazin, Ekspres, Nedeljnik; national TV stations: RTS, Prva, O2, Pink, Happy and KCN (Kopernikus), Studio B, local TV Subotica, regional TV Novi Pazar; websites: Telegraf, Srbija Danas, Mondo, Južne Vesti.

A total of 303 items appeared in July – 29 on the Internet, 59 on TV stations and 215 in newspapers. Most reports appeared on July 7 and when a number of media covered a session of the Subotica city assembly, which concerned the issue of houses for migrants. Among these media were two local TV stations – Yu Eco and TV Subotica. The average number of reports was 9.8.

There were 373 reports in August – 30 on the Internet, 122 on TV stations and 221 in newspapers. The highest number – 31 – was on Aug. 8. Most items were formal in nature and concerned a meeting of Serbian President Aleksandar Vucic and Undersecretary of the Turkish Intelligence Service Hakan Fiden dedicated to migrants. On Aug. 26 there were 26 reports announcing that migrant children will begin attending local schools. The average number of reports in August was 10.9.

In September there was a total of 396 reports – 38 on the Internet, 89 on TV stations and 269 in newspapers. The highest number appeared on September 7 (37), of which most concerned the polarization among EU countries over the distribution of migrant quotas. Migrants were mentioned in a formal report on Serbia taking over the OSCE Presidency. On Sept. 14, 26 reports appeared, most of them concerning the attendance of migrant children of local schools and protests of parents in that communities against that decision. The average number of reports in September was 13.2.

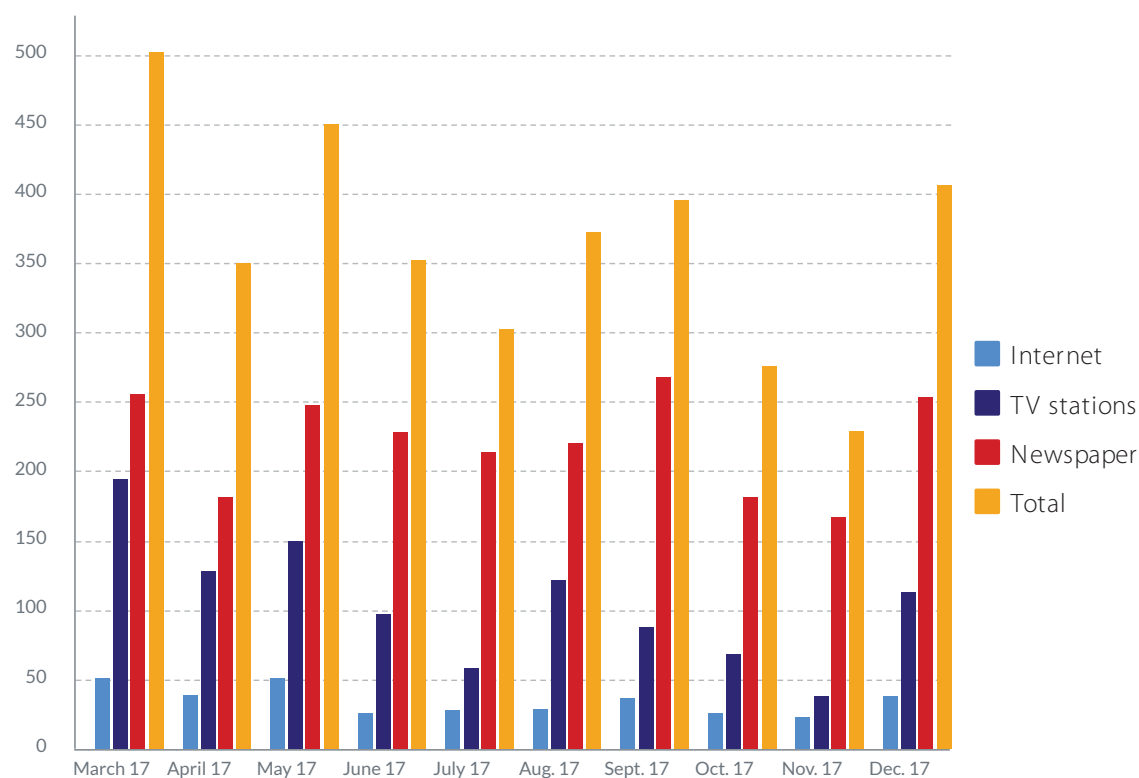
Migrants were mentioned in 277 reports in October – 26 on websites, 69 on TV stations and 182 in newspapers. The highest number appeared on Oct. 10 – 32 – one on the Internet, 20 on TV stations and 11 in newspapers. These were prompted by the visit of the EU commissioner for humanitarian aid and crisis management, Christos Stylianides, and his meetings with President Vucic and Defense Minister Aleksandar Vulin, who is also president of the working group for resolving migrant issues. The average number of daily reports in October was 8.9.

The lowest number of reports concerning migrants was registered in November, a total of 230, of which 23 appeared on websites, 39 on TV stations and 168 in newspapers. The highest number of reports in a single day was 19, and this was prompted by an accident in which a migrant girl was killed by a train on a railway near Sid, close to the border with Croatia. The average number of reports in November was 7.7.

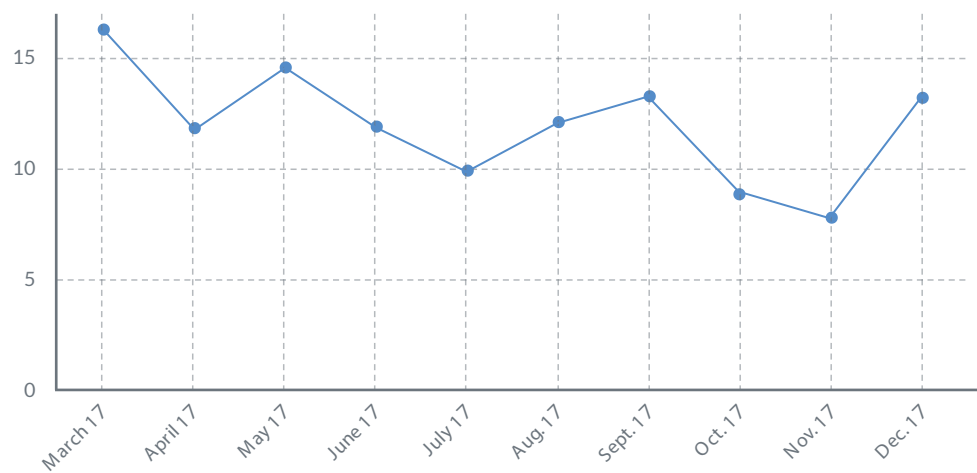
In December 407 reports appeared – 39 on websites, 114 on TV stations and 254 in newspapers. Most – a total of 40 – occurred on Dec. 18, which was only logical given that this is International Migrants Day. Dec. 28 followed with 33 reports which concerned events on the border of Serbia and Croatia and relations between the two countries which involve migrant-related issues. The average number of reports in December was 13.1.

OVERVIEW OF REPORTS

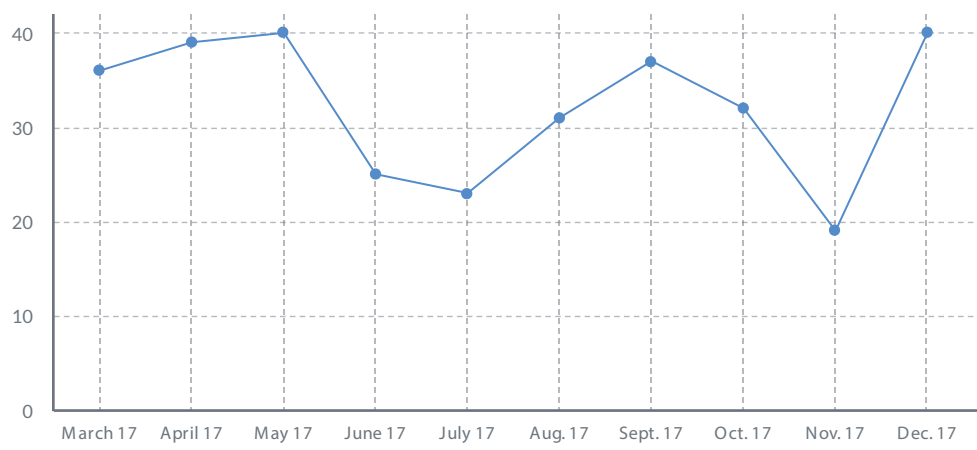
REPORTS	INTERNET	TV STATIONS	NEWSPAPERS	TOTAL	AVERAGE NUMBER	HIGHEST NUMBER OF REPORTS IN ONE DAY
Mar-17	52	195	256	503	16,2	36
Apr-17	40	129	182	351	11,7	39
May-17	52	151	218	451	14,5	40
Jun-17	26	98	229	353	11,8	25
Jul-17	29	59	215	303	9,8	23
Aug-17	30	122	221	373	12,0	31
Sep-17	38	89	269	396	13,2	37
Oct-17	26	69	182	277	8,9	32
Nov-17	23	39	168	230	7,7	19
Dec-17	39	114	254	407	13,1	40



AVERAGE MONTHLY NEWS REPORTS



HIGHEST NUMBER OF REPORTS IN ONE DAY



SERBIAN MEDIA AND THE MIGRANT CRISIS – ANALYSIS OF CONTENT

The Serbian media are covering the migrant crisis mostly through formal reports and in accordance with the picture presented by the official state bodies, while their attention goes up or down depending on the inflow of migrants entering the country from Macedonia and Bulgaria on their way to the EU. As opposed to the approach they have when some other dominant issues are concerned while reporting on the official policies they also take into account what the public has to say, too, when it comes to the issue of migrants and asylum seekers almost the entire media production is modeled after the dominant positions espoused by state organs and institutions.

The bulk of the media production focuses on registered migrants, their accommodation and inclusion into Serbia's everyday life, as well as the activities of the joint military and police forces on the sensitive border crossings of the so-called "Balkan Route." The majority of reports consists of statements by politicians and representative of various state institutions about what the state is doing to ensure the welfare of this social group in the country, which is almost exclusively mentioned as a transit point. The impression is that the authorities are trying to underline their protective and caring role in dealing with migrants and asylum seekers, especially compared with the attitude of neighboring countries, which are closing their borders and preventing the migrants to pass over their territories.

Only a few outlets, if any, are mentioning socio-psychological challenges from the area of security, inclusion, assimilation, or possible conflicts Serbian citizens or migrants are facing or may face. Reports rarely mention that migrants are coming from war-affected countries, with no conditions for a decent or safe life, or that their presence in Serbia represents no direct threat to local security or Serbia's citizens, although it represents an important security challenge. Migrants that are outside the system are almost invisible for Serbian media, they are not in collective centers either because the centers are full, or because they do not want to go there fearing registration or the possibility of being returned to the border with Macedonia. As a rule, this group is in a grave position and its members are frequently involved in incidents.

When the structure of items is taken into account, what is noticeable is the small number of commentaries or features; over 90 percent concerns official announcements or statements by officials in charge of the issue, or, to a much smaller extent, by non-government organizations.

The migrant-related topics published in or aired by Serbian outlets in 2017 can be classified in the following way:

1. Traveling of migrants through the country and in border regions and activities of the army and police;
2. Position of migrants in Serbia, activities to shelter them and on their inclusion;
3. Incidents in which migrants are involved;
4. Position of migrants in Europe;
5. Causes of migration, events in the countries from which they come;
6. Migrant-related activities of the Serbian civil sector.

The first two topics are the most present in Serbian media and are based on announcements and statements of relevant officials. They are frequently promotional and propagandistic in nature and account for over 60 percent of all reports.

The third topic, as a rule, is the favorite one for the yellow press, it is dealt with in a sensationalistic manner, with pompous, eye-catching headlines. These reports mostly reveal a deep ignorance of its authors about the migrants' attitude and culture, the historical context of the situation as well as the opposition and fears of citizens, mostly in local communities.

The fourth topic is covered through news on incidents involving migrants in other European countries or statements concerning migrants by high European officials.

The fifth and sixth topics are rarely present in the Serbian media. The Asylum protection Center (APC) is the most visible such organization, possibly thanks to this project as well.

Causes of migrations and events in the countries the migrants come from are reported mostly based on foreign reports (foreign news agencies, European newspapers).

When the tone of reporting is in question, the Serbian media mostly continue with the initial, positive tone adopted and employed in 2015, and even back in 2010, when the local media for the first time began reporting on mass migrations.

What is the cause for concern, however, is the fact that an increasing number of outlets is resorting to sensationalism when reporting on the subject. Some 1,000 migrant children were enrolled in Serbian schools at the beginning of September 2017, and are attending classes in Serbia together with children from Serbia. Although this was a major novelty, the media reported on that briefly, paying instead much greater attention to an incident when in a small town close to the border with Croatia the local population protested not wanting their children to share classrooms with migrant children.

Despite all that the position of media and journalists is still dominantly positive or neutral when the fate of migrants and asylum seekers is concerned. It is not easy to clearly say why that is so. This is probably a result of a combination of influence from official state positions which, as a rule, is positive, and of non-government organizations such as the Asylum Protection Center (APC), which are working to eliminate possible prejudices, especially in local communities. The fact that some twenty years ago Serbia faced a high inflow of refugees during the wars in former Yugoslavia should not be overlooked either. The people still strongly feel for those who were forced to leave their homes.

The generally positive trend in reports by the Serbian media does have exceptions, but they are mostly owed to incidents provoked by migrants. Statistics shows that incidents are rare, that clashes mostly occur between migrants themselves, and that negative interactions with local population are quite rare.

OUTLOOK AND CONCLUSIONS

It can undoubtedly be concluded that the interest of the Serbian media in 2017 in the topics pertaining to migrants and asylum seekers was quite big, although not that big as in 2015, when the migrant crisis was at its peak. In most cases, media reports suffer from a lack of substance, as the right topics and the true problems are rarely tackled. Practice shows that a single warning by NGOs that concrete plans, institution capacities and a long-term strategy for the reception of refugees are missing is countered by a dozen or so statements by state officials about a humane and positive attitude of citizens and institutions toward the members of this vulnerable group.

The Serbian media lack a critical attitude toward the actions by state bodies in the matter. Although certain representatives of state institutions and organizations have somewhat deviated from their initial statements and positions and the state itself has changed its practice, these modifications passed almost unnoticed by the media in Serbia. The reason for that lies in the media themselves, as their staffs are decimated and journalists well-versed in the issue are quite rare. Newspapers are dealing much more thoroughly and comprehensively with a wider body of migrant-related themes, which implies the expansion of their knowledge and experience (despite the fact that newspapers are the most affected by the general media crisis), while websites and TV stations do not practice that at all.

What is also of interest is the fact that the Serbian media mostly focus on local situations with migrants, paying very little attention to a wider picture, the causes, projections and prospects of the migrant crisis. In Serbian newspapers fears occasionally appear that the country may eventually be turned into a buffer zone toward the EU, a camp for sheltering the people hoping to enter the EU. These fears, however, are not prompted by xenophobia, but by a justified concern as to whether the state would be able to sustain that financially.

At the end it should be noted that the Serbian public is not fully aware of the fact that the borders with the EU are practically closed and that it should realistically be expected that a certain number of migrants currently waiting to cross that borders will actually remain in Serbia. The official position of Serbia is that the migrants are in the country temporarily and that very soon they will leave for their desired destinations in Europe, and that because of that the issue should not be dealt with too deeply. It remains to be seen and monitor, however, whether and how the attitude of the media, but also of the Serbian public, toward the migrants and asylum seekers will change in the coming years once it becomes obvious that some of those people will stay in Serbia for good.



The European Union is made up of 28 Member States who have decided to gradually link together their know-how, resources and destinies. Together, during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders. The European Commission is the EU's executive body.

Delegacija Evropske unije u Srbiji - <http://europa.rs/>
EuropeAid Cooperation Office - https://ec.europa.eu/europeaid/index_en.htm
Civil Society Facility Programme 2015
<https://webgate.ec.europa.eu/europeaid/online-services/index-.cfm?ADSSChck=1472572570252&do=publi.detPUB&nbPubliList=15&page=1&orderby=upd&se>

Partneri na projektu

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<http://apc-cza.org>
BETA novinska agencija - <https://beta.rs/>
Centar za istraživanje javnih politika - <http://www.publicpolicy.rs/>

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Smartphone Application
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