



BETWEEN CLOSED BORDERS 2019

*Joint agency paper on refugees
and migrants in Serbia 2019*

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JOINT AGENCY PAPER ON REFUGEES AND MIGRANTS
IN SERBIA 2019



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Between Closed Borders 2019

Joint agency paper on refugees and migrants in Serbia 2019

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INTRODUCTION

For the third consecutive year, two UNHCR partners, Crisis Response and Policy Centre (CRPC) based in Belgrade and Humanitarian Center for Integration and Tolerance (HCIT) based in Novi Sad, had again joined their efforts and decided to prepare and publish a comprehensive paper that aims to depict position of refugees, asylum seekers and migrants in the Republic of Serbia in 2019.

The paper focuses on main challenges identified in Belgrade and border areas – exit points of Serbia, where CRPC and HCIT conduct part of their protection activities with asylum seekers, refugees and migrants. This paper mostly centres on general migration trends, specifically on new arrivals, entry points, cases of collective expulsions from the neighbouring EU countries to Serbia, practice of Misdemeanour Courts in AP Vojvodina,¹ etc.

Additionally, a chapter is dedicated to one of the vulnerable groups among the population – to LGBTI asylum seekers and refugees in Serbia, with whom CRPC and HCIT had worked with in 2019.

During 2019, EU+ countries² encountered 11% more asylum applications compared to 2018. Throughout the year, more than 738,000 individuals seeking international protection submitted asylum requests in these countries. Germany remained destination “number one” with more than 165,000 asylum applications. Also, during the year, 17,730 unaccompanied and separated children had also applied for asylum in EU+ countries.³

Moreover, EU documented 142,000 irregular entries at its external borders in 2019, which is 13 times less compared to 2015 when, for example, EU faced outstanding 1.82 million irregular border crossings. However, every year, on average 370,000 applications for international protection in EU get rejected. On the other hand, only a third of those individuals actually get deported from EU to their country of origin.⁴ Finally, even on the Western Balkan Route their journey remains dangerous and unpredictable.

1 Abbreviation stands for Autonomous Province of Vojvodina.

2 EU+ includes EU27, United Kingdom (an EU Member State in 2019), Iceland, Liechtenstein, Norway and Switzerland.

3 EASO, European Asylum Support Office, Europa Asylum Trends, 2020, available at: <https://www.easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Country-Fiches.pdf>

4 New EU Pact on asylum and migration.

According to Serbian Commissariat for Refugees and Migration (SCRM), during 2019, more than 20 refugees and migrants lost their lives in Serbia, while trying to irregularly continue their journey to EU.⁵

At the same time, the Republic of Serbia undoubtedly remains a country of transit for most asylum seekers, refugees and migrants. According to the data provided by the Ministry of Interior of the Republic of Serbia during 2019, 12,937 foreigners expressed intention to submit asylum application in accordance with the Serbian Law on Asylum and Temporary Protection, while there has been only 252 officially submitted asylum applications. In total, in 2019, 35 persons were granted international protection in Serbia – 18 subsidiary protection and 17 refugee status.

UNHCR and partners documented more than 30,000 arrivals (30,216)⁶ into Serbia in 2019, which is almost a double increase compared to 2018.⁷ If we compare the number of registered potential asylum seekers and the number of new arrivals, it can be concluded that only roughly third of those observed as new arrivals got registered by the official state institutions. Moreover, vast majority was travelling towards the west and the north of the country trying to use newly established route across Bosnia and Herzegovina, but also across Croatia, Hungary and Romania. Nevertheless, throughout the entire 2019, the number of asylum seekers, refugees and migrants accommodated in asylum and reception centres in Serbia did not exceed the average of 3,000-3,500 persons.

On the other hand, the number of those sleeping rough in Belgrade and border areas, as well as in hotels and hostels had increased. Through HCIT's and CRPC's continuous presence in the refugee communities and in daily communi-

5 Some of the tragic events can depict this claim. In May 2019, at the parking lot in Futog, near Novi Sad, four young men were found unconscious in the gas tank of the truck under 60° Celsius! Apparently, they spent several hours in the sealed gas tank which transported dangerous chemical substance. Unfortunately, only one managed to survive (<http://rs.n1info.com/Vesti/a485631/Preminuo-jedan-od-cetvorice-muskaraca-pronadjjenih-u-cisterni-u-Futogu.html>). CRPC and HCIT supported the surviving individual with various services. Also, in December 2019, a boat that was carrying refugees and migrants from Serbian to Croatian coast, capsized on the Danube River near Karavukovo Municipality and six refugees from Syria and Iraq have drowned, two men, two women and two children, aged 2 and 12 (<http://rs.n1info.com/Vesti/a554755/Prevrnuo-se-camac-s-migrantima-kod-Karavukova.html>).

6 UNHCR, Quantitative Snapshot of UNHCR Serbia Achievements in 2019, February 2020, available at: <https://reliefweb.int/report/serbia/quantitative-snapshot-unhcr-serbia-achievements-2019>

7 For comparison see Quantitative Snapshot of the UNHCR Serbia 2018 Programme, February 2019, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/67961.pdf>

cation with persons likely in need of international protection in the field, it can be discerned that potential asylum-seekers know very little to almost nothing about their legal options in Serbia, let alone rules, regulations or obligations. Some of them were not even aware that they would most likely meet the criteria for international protection. Serbia is still perceived as a transit country by many, while lack of knowledge and false information presented by smugglers depict “wealthy and powerful EU countries” as very appealing. Therefore, access to accurate, professional and efficient counselling on asylum in Serbia, rights and mechanisms of protection, including further possibilities relating to integration, have been recognized as a key protection objective.

Finally, we would like to stress that, the same as in previous two years, information and cases presented in this paper are authentic, personal testimonies of interviewed individuals and their experiences. All personal information has been changed/adapted for protection reasons. All information presented in this paper was obtained through daily field activities and depict protective work of two partner organisations.

BELGRADE OVERVIEW

Within this paper, Belgrade area is a term used to describe areas where CRPC teams are operational, mostly in the centre of the city, in the parks near main bus and old railway station, nearby informal gathering and sleeping sites, then in One Stop Point (OSP) Miksaliste where CRPC field office is situated. Beneficiaries of two nearby accommodation centres, Krnjača Asylum Centre (AC) and Obrenovac Reception-Transit Centre (RTC) also visit the area regularly.

Similar to previous years, Belgrade in 2019 remained the main junction point regarding migration flows in Serbia, as the capital and one of the major transportation crossing points. However, some changes in arrival patterns were identified as many refugees and migrants were bypassing Belgrade on their way to the border areas, especially during the second half of the year. Furthermore, many accommodated in Sjenica AC were going west to Bosnia and Herzegovina directly, not following the usual route through Belgrade.

The proximity of two accommodation centres (Krnjača AC and Obrenovac RTC) contributed to Belgrade being of interest for asylum seekers, refugees and migrants. The area around the Belgrade bus station remained the most prominent location where asylum seekers, refugees and migrants gathered and where the outreach staff of institutions and organisations provided medical, legal, police, information, interpretation, transport, referral and other services.



Map of Belgrade central area with locations of concern

During April 2019, a major shift occurred – Miksaliste was reconstructed and became One Stop Point (OSP) centre under full management of SCRM. Field social workers and non-governmental organizations operating at Miksaliste kept their presence through info desks in the main hall.

During 2019, people were gathering in the broader area, and those sleeping rough could be found on the other side of the Sava River in New Belgrade, usually between the area surrounded by bridges. Those who sought shelter in the area were mainly returnees from Bosnia and Herzegovina, the persons pushed back from neighbouring countries, mainly from Hungary, as well as the persons accommodated in one of the state-run centres who tried to cross the border unsuccessfully, including UASC.

In autumn and winter 2019, there was an increase of persons sleeping rough in Belgrade central area, in abandoned buildings and constructions, then in the open, under the bridges, near the Sava and Danube Rivers. With deterioration of weather conditions, many had returned from Bosnia and Herzegovina. For example, there were about 1,000 people outside state-run accommodation centres in November 2019.⁸ Increased number of people in Serbia caused increased occupancy of such centres as well.

Unaccompanied and separated children, usually from Afghanistan and Pakistan, were observed sleeping rough in the area as well. The identification and protection of UASC became somewhat more challenging. Some of the children were previously relocated from Krnjaca to Sjenica AC, but decided to return to Belgrade. Many often presented themselves as adults and tried to find accommodation in Obrenovac RTC or Krnjaca AC or to avoid further relocation to Sjenica AC. On the other hand, the influx of newly arrived UASC in spring and autumn 2019 contributed to numbers as well.

Throughout the year people who came to Belgrade inquired mostly about registration with the police in order to access asylum procedure (more than 7,000 persons were referred to this service by CRPC) and accommodation (more than 2,400 persons). On the other hand, for some, Belgrade remained just a brief stop before continuing towards borders. In order to help those in need, CRPC worked on improving the identification of vulnerable individuals such as UASC, women, families with children, LGBTI persons and other, then provided information on asylum in Serbia, general service information, tried to ease access to hospitals, health centres, legal services, police registration access etc. CRPC also provided cultural mediation and interpretation services in languages native to

⁸ UNHCR Serbia, Annual Quantitative Snapshot 2019, available at: <https://data2.unhcr.org/en/documents/details/74066>

population, such as Arabic, Farsi, Urdu, Pashto, Kurdish and other. During 2019, CRPC supported more than 8,600 persons only in Belgrade central area and almost 800 in different accommodation centres, such as Krnjaca AC, Bogovadja AC, Sjenica AC, Obrenovac RTC, in the specialised institutions for children. Persons from 40 different countries sought CRPC assistance, mostly from Afghanistan (44%), Iraq (15%), Pakistan (13%), Syria (11%), as well as from Iran, Algeria, Bangladesh, Egypt, Somalia, Palestine, Libya, Morocco and many others.

All in all, service providers in Belgrade area faced many challenges similar to those from the previous years:

- ▷ Comprehensive identification and complex service provision to vulnerable persons;
- ▷ Increasing number of newly arriving UASC and other people in need, potentially invisible to the protection system;
- ▷ Dispersion of irregular shelters to wider area, that includes both sides of the riverbanks, as well as the usage of private accommodation, hostels and similar made identification of persons in need more challenging;
- ▷ Improved and/or regular transportation to accommodation centres;
- ▷ Incidents within refugee and migrant population involving thefts, fights, violence, substance abuse; some of them included domicile population;
- ▷ Misinformation and lack of appropriate information, usually given by smugglers.



Rest after arrival, Belgrade, September 2019. Photo: CRPC

BORDER AREAS OVERVIEW

The term *border area* used in this paper signifies areas where HCIT teams were operational, within municipalities of Subotica, Horgos, Kanjiza, Sombor Sid, Kikinda and Loznica, then villages in close proximity to borders with Hungary, Croatia, Romania and Bosnia and Herzegovina where HCIT closely monitored arrivals to these areas, onward movements, trends and informal sites of gatherings. The definition of the term used in this paper also includes uninhabited area between local municipalities and *green borders*.



Map of border areas with locations of concern

During 2019, HCIT teams continued to provide counselling to foreign nationals likely in need of international protection about the asylum procedure in the Republic of Serbia, as well as their rights and obligations under the asylum system and to facilitate their access to asylum procedure with direct support in registration at local police stations. As an implementing partner of UNHCR, during 2019, HCIT legal team also represented asylum seekers before the Asylum Office. Similar to the previous years, a total of six reception and transit

centres were operational in this area – in Kikinda, Subotica, Sombor, Adasevci, Principovac, and Sid.

HCIT teams supported more than 11,600 persons with practical information and advice they needed regarding different types of inquiries. Among this number, HCIT especially provided legal assistance and counselling to 2,998 refugees and potential asylum seekers on the basis of provisions of the Law on Asylum and Temporary Protection of the Republic of Serbia related to the asylum procedure, their rights and obligations and integration process in the Republic of Serbia in case they were granted protection. Furthermore, in the second half of the year, HCIT lawyers represented five asylum seekers in the RSD procedure and officially submitted five asylum applications to the Asylum Office. Also, 50 asylum-seekers were supported with registration, while for seven families, HCIT lawyers obtained birth certificates from municipality offices for their newly born babies.

Among the targeted population, HCIT worked with 883 unaccompanied and separated children, mostly pushed back from neighbouring countries. Majority was referred to a local centre for social work (CSW) for further assistance. HCIT assisted some 695 individuals facilitating access to local institutions and access to fair and efficient procedures before different state institutions, through interpretation support and mediation (including transportation services in many cases) in local general hospitals, health care centres, police stations, misdemeanour courts, basic prosecutes offices, basic and higher local courts, centre for social work, etc. A total of 220 persons with specific needs (PSN), including two cases of gender-based violence, were identified and referred to appropriate services.

HCIT worked from two outreach offices, in Sid and Subotica. In addition, HCIT systematically monitored border areas and reported on protection incidents, cases of human rights violations and push-backs from neighbouring countries – Hungary, Croatia and Romania, but also Bosnia and Herzegovina. Testimonies were meticulously collected for the purposes of possible legal actions. Furthermore, persons were enabled to access adequate procedures and local institutions (access to accommodation, health care services, documentation, legal representation, etc). HCIT teams conducted 1,268 detailed protection interviews with various refugees, asylum seekers and migrants including interviews about collective expulsion and other protection incidents and/or human rights violations, individual interviews, etc.

ARRIVALS TO BORDER AREAS AND BELGRADE

As in previous years, mixed movement⁹ continued in 2019. Although Frontex reports that the total number of reported detections of irregular border-crossing “along the EU’s external borders fell in 2019 to the lowest level since 2013”, multiple crossings via Western Balkan Route actually increased in comparison to 2018.¹⁰ This trend progressed towards the end of the year. In comparison to 2018, IOM reports increased number of official multiple registrations and interceptions (per person) by the authorities across the Western Balkan Route, but underlines that some persons in mixed movement travelled undetected.¹¹

Following one of the main migratory routes towards Western Europe, asylum seekers, refugees and migrants reached Serbia from direction of all neighbouring countries – predominately via North Macedonia, and Bulgaria. According to Serbian Commissariat for Refugees and Migration (SCRM), more than 65,000 new arrivals into Serbia were recorded during 2019, including returns from Hungary, Croatia and Bosnia and Herzegovina.¹²

In comparison to the peak of migrant crisis in 2015-2016, when over one million persons travelled through Serbia to the north, some estimates are that about 30,000 to 40,000 people were crossing into Serbia every year, including assessed numbers in 2019.¹³ Following HCIT and CRPC data, route from Greece through Albania-Kosovo¹⁴ or Montenegro intensified in comparison to 2018. Movement into Serbia continued through Greece-North Macedonia and Turkey-Bulgaria as well.

9 The term mixed movement (mixed migration or mixed flows) relates to IOM definition of a movement in which a number of people are travelling together, generally in an irregular manner, using the same routes and means of transport, but for different reasons. People travelling as part of mixed movements have varying needs and profiles and may include asylum seekers, refugees, trafficked persons, unaccompanied/separated children, and migrants in an irregular situation (International Organization for Migration: Glossary on Migration, 2019, p.141-142, available at: https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf)

10 FRONTEx, Risk Analysis for 2020, Warsaw, March 2020, available at: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Annual_Risk_Analysis_2020.pdf

11 International Organization for Migration, DTM Mediterranean – Western Balkans Overview 2019, available at: <https://migration.iom.int/reports/dtm-mediterranean-%E2%80%93-western-balkans-overview-2019>

12 SCRM report, Refugee Protection Working Group, January 2020

13 Info Migrants, “3,500 migrants currently living in Serbia”, 07.09.2019, available at: <https://www.infomigrants.net/en/post/18046/3-500-migrants-currently-living-in-serbia>

14 Reference to Kosovo is used as a destination and without prejudice to position on status and is understood to be in line with United Nations Security Council 1244 (1999).

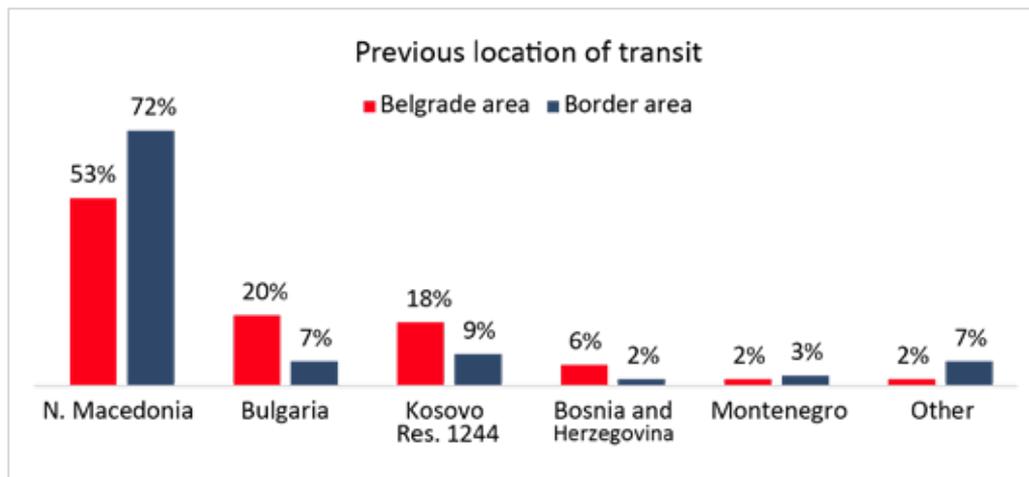
According to UNHCR, new arrivals crossed into Serbia mostly by land during 2019 - vast majority originating from Afghanistan and Pakistan.¹⁵ Those who were observed by CRPC and HCIT teams, arrived mostly by land, in vehicles or on foot. In comparison to 2018, fewer persons entered Serbia by plane – only 1% entered in this way via Belgrade airport, where half of them were Burundi and Tunisia nationals.



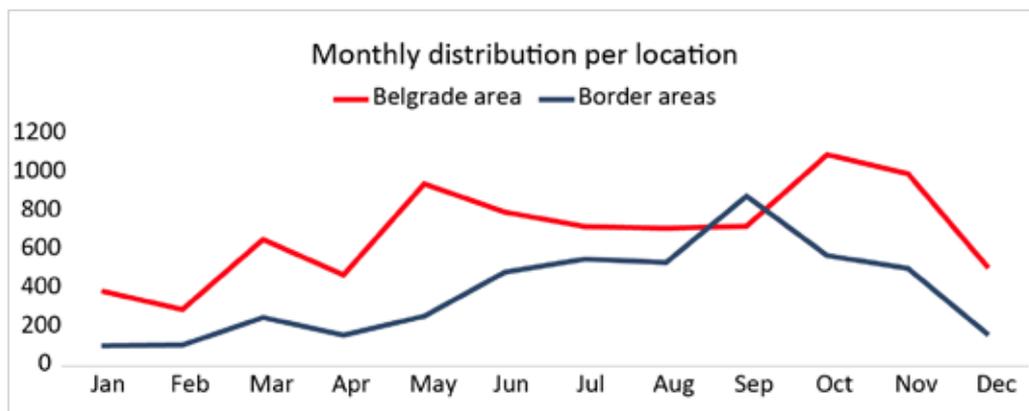
Map of Serbia-main transitory routes

¹⁵ UNHCR, Border Protection Monitoring - South Eastern Europe - Regional Overview, available at: <https://data2.unhcr.org/en/dataviz/96?sv=41&geo=0>

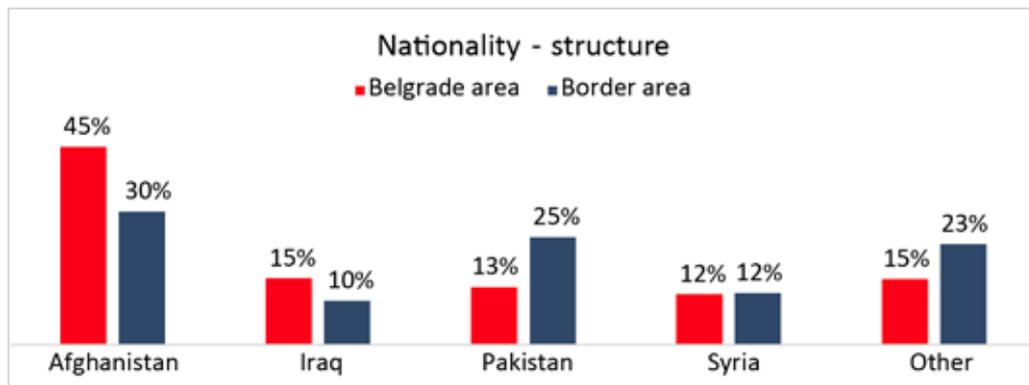
When it comes to the services offered by HCIT and CRPC, throughout the year, new arrivals were counselled, informed and interviewed, assisted and/or referred to specialised service providers in accordance with their needs.



On the locations where CRPC and HCIT were operational, more than 13,000 new arrivals were observed, 4,597 by HCIT and 8,537 by CRPC teams. There were several peaks during the year, but arriving population followed migratory trends on the route and therefore their numbers increased in the second part of the year.

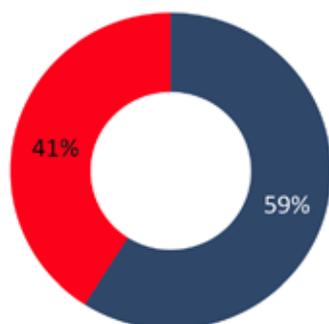


When it comes to the national structure, most of the population comes from Afghanistan, but also from 37 different countries, including Bangladesh, Somalia, Palestine, North African countries and other. Some differences can be seen in the distribution structure depending on location.



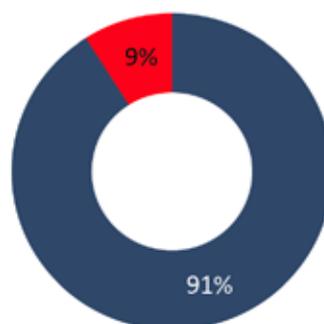
Corresponding to previous years, age and gender structure at both areas remains similar. Most of the population are young male adults. Every 15th new arrival is a woman in Belgrade area and only 2% of newly arrived women are identified at the borders. Similar to previous years, some of the adult female new arrivals remained undetected, presumably, relying only on the family members (if any) or smugglers and thus potentially facing different protection risks.

Age distribution Belgrade



■ adult ■ child

Age distribution border areas



■ adult ■ child

Following the trend from 2018, asylum-seeking, refugee and migrant population identified in Belgrade spend most of their time on the route – 20% of respondents from Afghanistan, Iraq, Pakistan, Syria and other countries spent more than a year travelling, with extended time in Greece and Turkey. Others travelled quickly, spending three to five months on the route – again mostly from said countries of origin. Less than 1% of new arrivals observed in Belgrade stated they had entered Serbia by plane, but with much more diversified national structure than in 2018. Most of the airplane arrivals were citizens of Burundi (35%), then persons from Tunisia (18%), Iran (16%), Afghanistan and Iraq (5% respectively) and other countries.

Two thirds of the respondents stated they were fleeing their countries of origin due to armed conflict and harm. Similar to 2018, half of them (51%) also stated they search for better life opportunities.¹⁶

About a third of the population declared Germany and/or France as their preferred country of destination, and this also follows the trend from previous year. On the other hand, 23% of new arrivals was indecisive regarding their future destination, followed by 5% of those who refused to provide any answer whatsoever.¹⁷

Case No. 1

An Iranian man, Belgrade, January 2019

“I was overseeing many business contracts in my firm, but I have found out some company malversations with my signature and decided to quit, after which company started to threaten and blackmail me. Sometime after that, while driving in the car, my wife and I were intercepted by some masked men who attacked us, beating us heavily. My wife was in the second month of pregnancy and as a result of the attack - she lost the baby. After that, we fled to a village near our hometown, where we stayed for a year, but our family was constantly harassed regarding our whereabouts. After I heard that two of my colleagues who were against the abuse of their signatures disappeared, we decided to leave the country. We gave 4,500 euros to a smuggler, which was half of the price to reach Germany. However, he disappeared, and we are now here, in Serbia.”

Case No. 2

A man from Cuba, Belgrade, winter 2019

“My family was involved in political activism, but I wasn’t. Nevertheless, I faced persecution by authorities since I was 19. I have been arrested and faced police violence several times. When my mother was granted residence in the USA, I tried to join her. I almost completed the procedure when due to current regime policies I was denied entry. Then I went to Russia to seek asylum, but did not receive answer in reasonable period, so I decided to come to Serbia and seek asylum here.”

Case No. 3

A family from Iraq, Belgrade, August 2019

“My wife and I are atheists. Back in Iraq, we were living in Baghdad. We so-

16 Multiple answers data.

17 Ibid.

cialized with other atheists. One day we heard that one of our acquaintances was approached by a religious group. After he refused to join them, he was found dead. When the members of this group approached us, we fled Iraq. We travelled for a year, first went to Turkey and then to Greece. While in Greece, we asked for asylum, but we were denied and left the country afterwards. We arrived in Serbia last year and we are accommodated in one of the centres.”



Assistance to new arrivals in Belgrade, February 2019. Photo: CRPC

UNACCOMPANIED AND SEPARATED CHILDREN

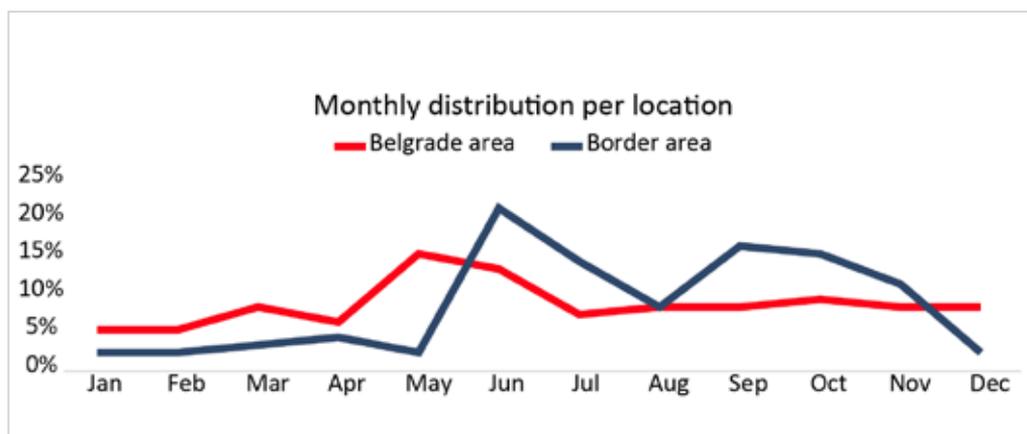
One of the most vulnerable groups in mixed movement in Serbia are children who travel without parents and/or caregivers – so-called *unaccompanied and separated children* (UASC).¹⁸ They use the same channels and routes to reach Serbia as other new arrivals, travelling with smugglers, often with no personal documents and avoiding protection system on the route. Many of them leave their countries due to war, armed conflict, persecution and other life-threatening events.

¹⁸ UNHCR Global Focus, Glossary, available at: <https://reporting.unhcr.org/glossary>; UN Committee for the Rights of the Child, General Comment No. 6, “Treatment of unaccompanied and separated children outside their country of origin”, 2005, available at: <https://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

Those are usually the oldest boys in the family, originating mostly from rural areas of Afghanistan and Pakistan. They frequently face debt, while their parents or relatives provide some money for the travel, move without family support and are at risk of legal invisibility, violence (including sexual and gender-based violence – SGBV, domestic violence...) exploitation, abuse, mistreatment and other.¹⁹

According to UNHCR Serbia, 20 UASC were represented in the asylum procedure, while one UASC was granted refugee status in 2019. UNHCR estimates that more than 3,800 UASC, including 15 girls, were identified and assisted on the territory of Serbia during the year.²⁰

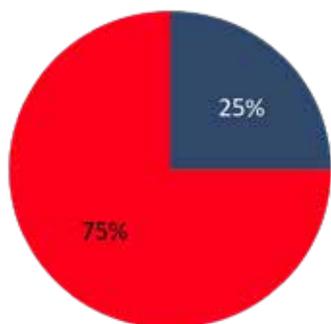
Together with HCIT, CRPC aided and supported 2,800 newly arrived UASC to Belgrade and border areas. Such children were informed, aided and referred to appropriate institutions, such as local centres for social work. Most of the children were observed during spring and summer 2019, as shown in the following graph.



19 For further details on the research of UASC and youth, see Vjestica, S.A. and Dragojevic M, 2019. *Game People: Irregular Migration and Risks*, Crisis Response and Policy Centre, Belgrade, available at: <https://www.crpc.rs/dokument/Game%20People.pdf>

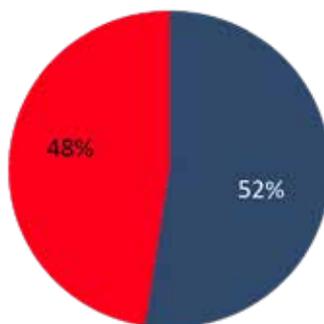
20 UNHCR Serbia Annual Quantitative Snapshot 2019, <https://data2.unhcr.org/en/documents/details/74066>

Children identified in Belgrade



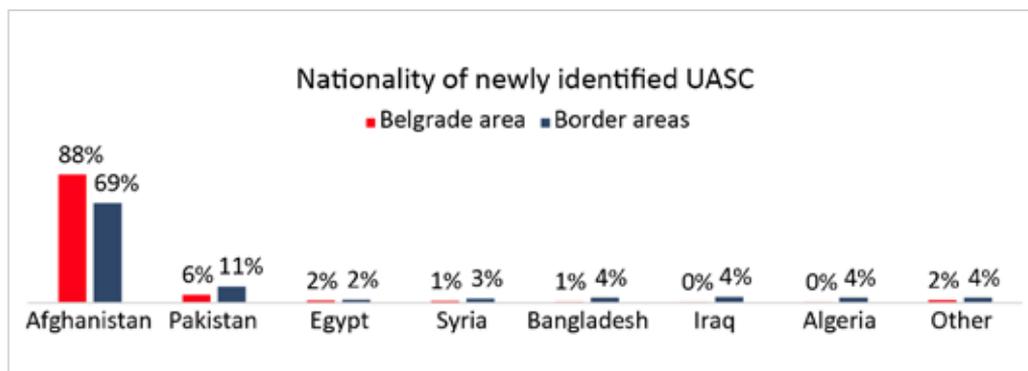
■ Children with parental care ■ UASC

Children identified in border areas



■ Children with parental care ■ UASC

Following the migration flows, unaccompanied and separated children entered Serbia mostly through direction of North Macedonia (more than half of observed UASC in Belgrade area) and Bulgaria (more than a third). Children made 9% of all newly arrived persons identified in border areas, with more than a half children travelling without parents and caregivers (UASC).



The vast majority of UASC on both areas were boys from Afghanistan and Pakistan, but with more diversified structure at border areas, where children who were travelling with their parents and close family members, originated mostly from Iraq and Syria. More than 90% of newly arrived UASC in Belgrade and border areas were between 15 to 17 years old.

CRPC identified 2,606 UASC (including 12 boys that voluntarily returned from Bosnia and Herzegovina), and HCIT – 194 UASC. Such numbers show an increase

in comparison to the previous years.²¹ This also indicates that majority of the population travelled to the capital, where they seek assistance, accommodation referral and similar, but also reconnected with members of their travel group or smugglers.

Only six UASC girls were identified during 2019 – one from Eritrea, two from Somalia, one from Iraq and two from Cameroon, all in Belgrade area. Identification of UASC girls in mixed movement remains a challenge. They usually travel within groups, other families, relatives, village members and similar and are reluctant to seek assistance and help on their own. They are rarely on their own, often are not present during interviews and are accompanied by a group member. Therefore, the number of unaccompanied and separated girls that entered Serbia is presumably higher than identified.

Most of the newly arrived UASC were referred to accommodation in Sjenica AC, while those considered most vulnerable among the population were accommodated in one of the state-run centres for foreign unaccompanied and separated minors (Institute for Children and Youth Education in Nis and Belgrade) and the two shelters run by an NGO.²²

Due to remoteness of Sjenica from Belgrade, some of the UASC tried to be accommodated in Obrenovac RTC by concealing their age and stating they are adults, or quitting accommodation process while waiting for transportation to Sjenica. Others refused state-provided accommodation and were sleeping rough in abandoned structures, hostels, flats and similar, therefore exposing themselves to increased protection risks.

Finally, many UASC tried to reach EU countries during 2019. As in the previous period, the main push factors remained debt and family pressure to continue the journey that is still perceived as “unfinished” at all costs. Although they are informed about the possible risks, counselled on their legal options in Serbia, their key motivation is to proceed forward. Nevertheless, as one of the most vulnerable groups among asylum seekers, refugees and migrants, unaccompanied and separated children need timely and efficient access to protection system while on the territory of Serbia.

21 For comparison see Vukasevic, I. (et.al.) 2018. *Between closed borders, Joint agency paper on refugees and migrants in Serbia*, Belgrade, Crisis Response and Policy Centre, available at: <https://www.crpc.rs/dokument/Between%20Closed%20Borders%20-%20WEB%2017%2007%202018.pdf> and Dragojevic, M. (et. al.) 2019. *Between closed borders, Joint agency paper on refugees and migrants in Serbia 2018*, Novi Sad, Humanitarian Center for Integration and Tolerance, available at: <https://data2.unhcr.org/en/documents/details/70479>

22 In Belgrade and Loznica.

Case No. 1**A boy from Afghanistan (17), Belgrade, February 2019**

“I left Afghanistan half a year ago. My father was a member of a political party and thus we were receiving constant threats from his political opponents, so my father told me to leave Afghanistan. First, I left for Iran and from there to Turkey. While attempting to cross the Greek border, I was robbed by six men from Pakistan. When I reached Greece, I was detained in prison for two months for entering the country irregularly. When I was released, I went to North Macedonia and then came here, to Serbia. I would like to reach Germany where I have an older sister.”

Case No. 2**A girl from Ghana, Belgrade, September 2019**

“I ran away from home after my father sold me to an elderly man. I was to marry him and undergo genital mutilation prior to it. My mother refused to allow it and helped me escape from the house. When I reached another city in Ghana, a woman saw me on an alley and offered to help me. However, the woman locked me in a house and forced me into prostitution. After a while, one man who used my services offered to help me and some other girls. Six of us were given passports to go to Europe. Now I am here and do not know what to do. I do not have any plans for the future.”

Case No. 3**A boy from Guinea (17), border area, September 2019**

“I am a child of mixed marriage and because of that, my father’s side of the family never accepted me. I have never met my mother, I lived with my father, grandfather and 13 other members of the household. My father took care of me, but my grandfather, the esteemed Imam in the city, and other family members did not accept me. Since early childhood, I was harassed and beaten up by my grandfather and uncle. If I dared to report it to my father, my grandfather would become even more violent. After my father passed away, the violence got worse. As the situation at home was unbearable, I started visiting my father’s friend who is a Christian. I visited Orthodox church with him, and soon after that, I decided to accept Christianity. Because of that, my grandfather threatened me and said that I had “betrayed Islam”.

I was afraid and decided to leave my country, because I heard that the rule in my community is that if someone changes their religion, they can even be sentenced to death. I decided to escape and travelled through many countries until

I reached Greece, where I spent almost a year in the shelter for unaccompanied minors. I came to North Macedonia, and then to Serbia, where I want to seek asylum.”



Activities with children, Belgrade, August 2019. Photo: CRPC

LGBTI PERSONS IN MIXED MOVEMENT

One of the vulnerable groups among asylum seeking, refugee and migrant population are LGBTI persons. The accurate number of LGBTI persons in the mixed movement²³ who have either passed through Serbia or decided to stay is hard to define.

When it comes to the term definition, L, G and B in the abbreviation refer to someone's sexuality.

L stands for *lesbians* – a label that describes people who identify as female and are attracted to other females in a romantic, emotional, physical and/or sexual way.

G stands for *gay* – people who identify as men and are romantically, emotionally, physically and sexually attracted to other men.

B stands for *bisexuals* – persons who are romantically, emotionally, physically, and sexually attracted to male and female identifying people.

T stands for *transgender* people – different persons, behaviour and groups that share partial or complete opposition to imposed gender norms.

I stands for *intersex* people - persons born with both male and female sexual characteristics at the same time, or neither male nor female, or partially male or female sexual characteristics.²⁴

Due to hardships they endure, many of the persons who are in need of international protection based on sexual orientation and/or gender identity (SOGI) have to conceal their identity and can be supported only when they *come out* or when they are *outed*. "Voluntary self-disclosure of someone's sexual orientation, gender identity, sexual characteristics is called coming out. The process in which a person first acknowledges, accepts, and appreciates their sexual ori-

23 As mentioned before, mixed movement includes persons of different needs, profiles and vulnerabilities (IOM, 2019), p.141-142, Available at: https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

24 For the purpose of this document, initialism LGBTI will be used for all persons of diverse sex, sexual characteristics, sexual orientation and gender identity and this does not only include these persons but also other persons who are different on those grounds, such as queer, asexual, etc. More on the LGBTI terminology: <http://www.labris.org.rs/sites/default/files/citan-ka-2009.pdf> and <https://kidshelpline.com.au/teens/issues/lgbtqiqa-ultimate-dictionary>. or on intersex people on: http://xyspectrum.org/wp-content/uploads/2019/08/Sta-je-interseks_flajer.pdf

entation, gender identity, sexual characteristics and begins to share that with others. A person can also be outed on the same grounds. Unlike coming out, outing presents exposing someone's lesbian, gay, bisexual, transgender or intersex identity to others without their permission. Outing someone can have serious repercussions on employment, economic stability, personal safety or religious or family situations".²⁵

Ideally, LGBTI persons' coming out is voluntary and under their terms, but, unfortunately in the mixed movement context, many of LGBTI people get outed by others or are imputed as LGBTI by other community members and immediately acquire a need for protection. As LGBTI spectrum encompasses people of diverse sex and sexual characteristics, sexual orientation and gender identity, they are often not easy to identify but, nonetheless, many of them could be survivors, victims and targets of "killings, sexual and gender-based violence, physical attacks, torture, arbitrary detention, accusations of immoral or deviant behaviour, denial of the rights to assembly, expression and information, and discrimination in employment, health and education in all regions around the world",²⁶ both from the state and non-state agents in country of origin or in transit (family, friends, formal and non-formal groups, community members in migrant and asylum reception centres...).

Furthermore, when applying for asylum "not all applicants will self-identify with the LGBTI terminology and constructs... or may be unaware of these labels. Some may only be able to draw upon (derogatory) terms used by the persecutor. Decision makers therefore need to be cautious about inflexibly applying such labels as this could lead to adverse credibility assessments or failure to recognize a valid claim. For example, bisexuals are often categorized in the adjudication of refugee claims as either gay, lesbian or heterosexual, intersex individuals may not identify as LGBTI at all (they may not see their condition as part of their identity, for example) and men who have sex with men do not always identify as gay. It is also important to be clear about the distinction between sexual orientation and gender identity. They are separate concepts and... they present different aspects of the identity of each person".²⁷

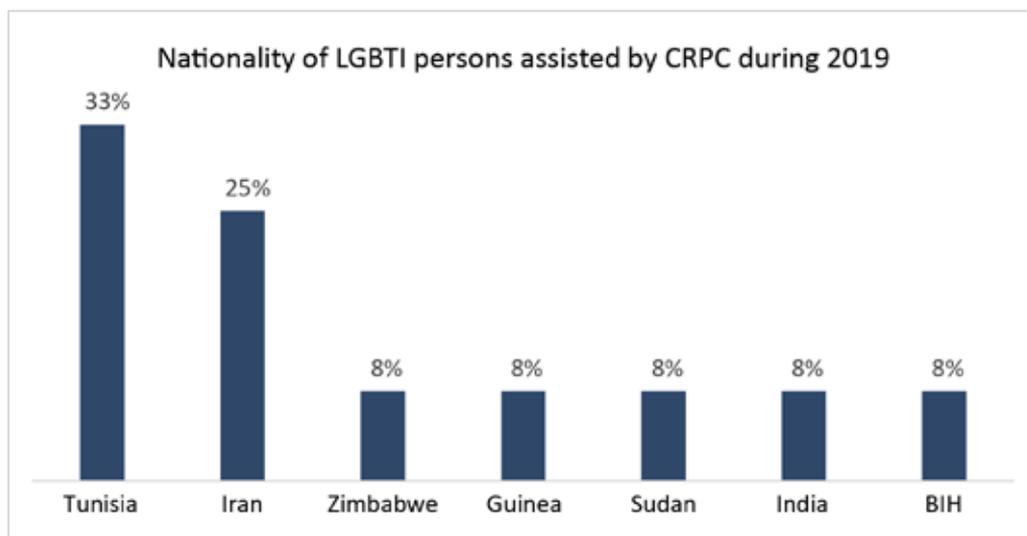
25 The concepts of coming out and outing CRPC uses are pertinent to definitions Human Rights Campaign uses in their glossary with CRPC addition of terms which are related to intersex people such as sexual characteristics and intersex. <https://www.hrc.org/resources/glossary-of-terms>

26 UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, available at: <https://www.refworld.org/docid/50348afc.html>

27 Ibid.

During 2019, through HCIT and CRPC everyday work, LGBTI asylum seekers and refugees were supported with multiple services. Those in direct contact with these two organisations, came from the countries that enforce laws which criminalize LGBTI persons on numerous grounds, such as – Afghanistan, Pakistan, Iran, Sudan, Syria, Tunisia, Russia (the Chechen Republic)...

LGBTI practices' analysis in those countries shows criminalization, restriction, punishment and death of LGBTI persons that can be administered through Penal Code, Sharia Law and other legal acts under various terms of provision. In Syria, such legal terms include, for example, intercourse against the order of nature or crimes against public decency, both punishable with three-year prison sentence. In countries such as Afghanistan, Iran and Pakistan, LGBTI persons can face possible death sentences, imprisonment, life sentence in prison, caning, etc. In Africa there are many countries (32 out of 54) which still punish same sex acts and persons can even be exposed to death penalty in countries such as Mauritania and Sudan. In Tunisia and Zimbabwe, same sex relationships and intercourse are punishable under sodomy terms of provision and LGBTI persons can be imprisoned for up to three years in Tunisia and one in Zimbabwe.²⁸



28 More on position of LGBTI persons and the current implemented legislation on LGBTIQ globally accessible at:

https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2019.pdf

During 2019, CRPC worked with 12 LGBTI persons who identify as gay, lesbian, bisexual and transgender. Based on CRPC observations, access to rights is less challenging for a LGBTI person who is a *bona fides* asylum seeker or a recognized refugee in contrast to just being registered or without any documentation. Jointly with HCIT, one refugee was assisted through multiple services, such as employment assistance, access to healthcare (medical documentation and services), accommodation and acquiring a driver's licence.

The position of LGBTI persons on the move is more vulnerable when they are legally invisible and exposes them to a higher risk of multiple discrimination based on their diverse ethnicity and belonging to LGBTI. This also leaves a possibility that hate crimes and other crimes they might survive stay underreported.²⁹

In order to match the identified needs of LGBTI asylum seekers and refugees with appropriate LGBTI service providers, in 2019 CRPC became a full-time member of ERA-LGBTI Equal Rights Association for Western Balkans and Turkey (in further text ERA).³⁰ CRPC collaborated with ERA member organisations and informed, trained, and empowered LGBTI asylum seekers and refugees on topics related to their position and rights in Serbia, ensured access to rights and services, facilitated their integration to the local population, raised awareness on hate crimes and similar possible crimes committed by local population that LGBTI persons can be exposed to, survive or succumb as victims.³¹

LGBTI asylum seekers and refugees share the faith of local LGBTI persons and face many obstacles as the national legislation in Serbia does not recognize same-sex couples (the Same-sex Partnership Law has not been adopted) and “people of different gender identities in Serbia are subject to discrimination and violence, including physical violence, threats and cyber bullying. Young trans people are at risk of rejection by their families and forced to leave their homes. Poverty affects almost every trans individual in Serbia. If married, before changing legal documents, trans persons have to get divorced. Parental rights can be at least partially retained, but in line with the gender assigned at birth. Intersex persons are invisible socially and legally. There is no accurate information or

29 ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, (Regional), *LGBTI Enlargement Review 2019*, available at: <https://ilga-europe.org/sites/default/files/LGBTIEnlargementReview2019.pdf>

30 More on ERA-LGBTI Equal Rights Association for Western Balkans and Turkey available at: <https://www.lgbti-era.org/>

31 CRPC activities with LGBTI asylum seekers and refugees in 2019 were generously supported by UNHCR and IRIS Networking – CSOs for protection sensitive migration management (IDS, ASBB SEE, LIR CD, Otvorena porta – La Strada, Inicijativa ARSIS, SOS Podgorica). More on IRIS accessible at: <https://iris-see.eu/>

research about their number, experiences or quality of life. There are no laws or bylaws in Serbia that mention intersex people; anti-discrimination provisions do not recognize sex characteristics as grounds for discrimination. An administrative procedure to record name and sex of a baby at the local municipality is obligatory within 30 days of birth. This procedure puts a lot of pressure on medical professionals and parents of intersex babies to choose and to make decision regarding the baby's sex".³²

CRPC stressed in the LGBTI Enlargement Review 2019 that one of the obstacles LGBTI asylum seekers and refugees are exposed to is proper communication. Many of them have the command of their native language(s) but their knowledge of Serbian is usually insufficient, and this creates problems when accessing labour market and other services. Furthermore, "persons outed or imputed as LGBTI in the accommodation centres for asylum seekers and migrants are at risk of persecution from the members of their own community. The authorities have acted accordingly related to identified risks and have offered safer accommodation to such persons, in addition CRPC, supported by UNHCR, helped accommodate several of such persons to a private address".³³

Additionally, while in the asylum procedure, most LGBTI asylum seekers can be accommodated in centres outside Belgrade and as most LGBTI specialized service providers are positioned in Belgrade, it is hard to commute and many of those asylum seekers find it difficult to access specialised services, including those accommodated in border areas.

32 More on the position of LGBTI people in Serbia available at: <https://ilga-europe.org/sites/default/files/LGBTIEnlargementReview2019.pdf>

33 Ibid.

ARBITRARY REMOVALS OF FOREIGN NATIONALS FROM NEIGHBOURING COUNTRIES TO SERBIA

COLLECTIVE EXPULSIONS OF FOREIGNERS

*Article 4 of the Protocol Number 4 to the European Convention on Human Rights: "Collective expulsion of aliens is prohibited"*³⁴

The term push-back includes denial of access to territory of foreign nationals and their return from neighbouring countries to Serbia in informal way outside of the readmission agreements without individual assessment of their international protection needs. Precisely, this paper deals with removal of foreigners that have irregularly entered territory of neighbouring EU member states and Bosnia and Herzegovina and were returned to Serbia in a very short period of time. Such removal is done unlawfully, outside of the official Readmission Procedure, prescribed by the Readmission Agreement between Republic of Serbia and EU Member States³⁵ and bilateral agreements with countries in the region.³⁶ Sometimes, push backed persons have applied for asylum in EU member states.³⁷

In the situation of increase of hate speech and right-wing movements throughout the Europe, as well as harshening migration policies, documenting evidences of push backs and what can be qualified sometimes as collective expulsions is of importance from at least two perspectives – prevention of rule of law violation and protection of human rights, and right to asylum. Refugees

³⁴ European Court of Human Rights, Council of Europe, Strasbourg, European Convention on Human Rights, available at: https://www.echr.coe.int/Documents/Convention_Eng.pdf

³⁵ Law on the Ratification of the Agreement between the Republic of Serbia and the European Union on the readmission of persons who are staying unlawfully ("Official Gazette of the Republic of Serbia - International Treaties", No. 103/2007)

³⁶ Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Council of Ministers of Bosnia and Herzegovina on the surrender and acceptance of a person whose entry and stay is illegal, ("Official Gazette RS - International Treaties ", No. 13/2013)

³⁷ For comparison, see Vukasevic, I. (et.al.) 2018. *Between closed borders, Joint agency paper on refugees and migrants in Serbia*, Belgrade, Crisis Response and Policy Centre, available at: <https://www.crpc.rs/dokument/Between%20Closed%20Borders%20-%20WEB%2017%2007%202018.pdf>; Dragojevic, M. (et. al.) 2019. *Between closed borders, Joint agency paper on refugees and migrants in Serbia 2018*, Novi Sad, Humanitarian Center for Integration and Tolerance, available at: <https://data2.unhcr.org/en/documents/details/70479>

and potential asylum seekers cannot appeal against the practices of border authorities of neighbouring countries legally, as they have no procedural options to challenge such decision.

On the other hand, individual needs are often not assessed properly, including persons with vulnerabilities, such as UASC, survivors of torture, trafficking, sexual and gender-based violence and similar.

Finally, the right to seek refuge and protection is guaranteed by the Universal Declaration of Human Rights³⁸ as an individual right. Those seeking refuge and those who are fleeing persecution in countries they originate from have the right of fair and efficient access to territory and asylum procedure. Only after the final decision is made within all appropriate instances, a person can be denied access to protection.³⁹

During 2019, HCIT and CRPC documented 1,447 cases of collective expulsion and push backs from neighbouring countries to the Republic of Serbia involving 10,626 asylum seekers, refugees and migrants. They were expelled from Hungary, Croatia, Romania and Bosnia and Herzegovina.

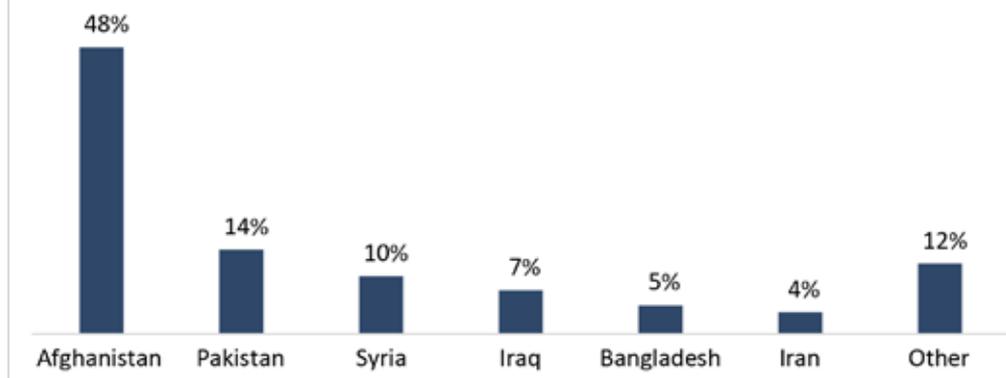
According to gathered data, majority of the pushed-back population were nationals of Afghanistan 48% (4,929). They were followed by nationals of Pakistan 15%, then refugees from Syria 10% and Iraq 7%. Out of the total number, 1,071 children (10% of all persons) were also unlawfully expelled from the neighbouring countries to Serbia.

Among pushed-back population, these two organisations encountered 739 UASC. Similarly to the previous years, majority of them came from Afghanistan.

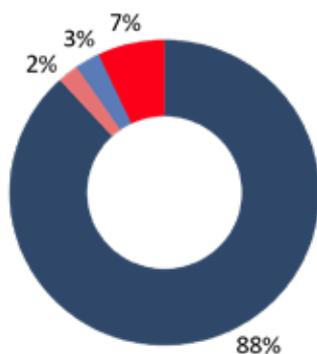
38 UN, Universal Declaration of Human Rights, Article 14, 10.12.1948, available at: <https://www.un.org/en/universal-declaration-human-rights/>

39 Vukasevic, I. (et.al.) 2018. *Between closed borders, Joint agency paper on refugees and migrants in Serbia*, Belgrade, Crisis Response and Policy Centre, available at: <https://www.crpc.rs/dokument/Between%20Closed%20Borders%20-%20WEB%2017%2007%202018.pdf>; Dragojevic, M. (et. al.) 2019. *Between closed borders, Joint agency paper on refugees and migrants in Serbia 2018*, Novi Sad, Humanitarian Center for Integration and Tolerance, available at: <https://data2.unhcr.org/en/documents/details/70479>

Nationality of persons pushed - back from neighbouring countries to Serbia

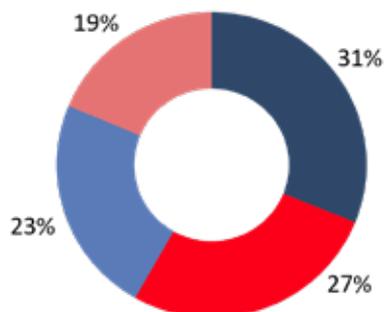


Gender/age of pushed-back persons



■ Men ■ Women ■ Accompanied children ■ UASC

Push-backs per border



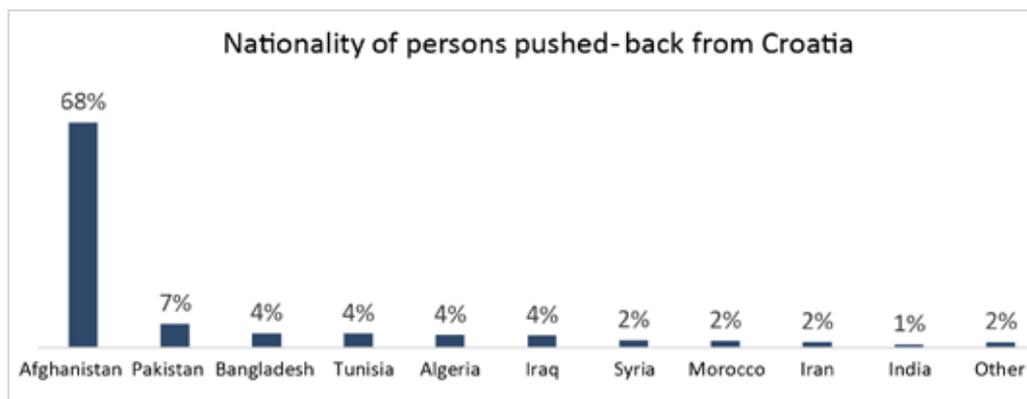
■ Croatia ■ Hungary ■ BIH ■ Romania

Pushed-back persons 2019 - monthly distribution (%)



CROATIA

Majority of foreign nationals that were pushed-back into Serbia was from direction of Croatia – 3,303 persons in 471 documented incidents, which represents approximately 31% of the total push-backed population. Furthermore 89% of persons pushed-back from Croatia reported that they were denied the opportunity to seek asylum, 9% reported being subjected to physical abuse while also 12% reported theft or extortion.



Similar to 2018, the main gathering location on the route to Croatia remained the abandoned and devastated “Grafosrem” factory in Sid. On average, some 50-100 asylum seekers, refugees and migrants were regularly present there, mostly during spring and summer. Different independent volunteers continued to share food and non-food items (NFI) to rough sleepers there.

Many UASC were regularly observed at this location. Some of them were staying there for many weeks and even months. Due to many speculations that children over there, even below the age of 14, were exposed to different and serious protection risks (sexual exploitation and abuse) from the smugglers and other older single men, in November 2019, police patrol from Sid and social workers from the CSW Sid, jointly, searched the factory and on that location identified 28 UASC, 6 of them below the age of 14 and 22 above. Altogether, more than 150 persons were identified and immediately relocated. The makeshift camp was destroyed by the police in order to prevent any future gatherings on that location.

Testimonies on the violent push-backs from Croatia, were mostly documented in the first half of 2019. Even young boys were reporting violence on the

borders. In June, 16 UASC (the youngest one was only 10 years old), reported to HCIT collective expulsion from Croatia. Many were trying to enter hidden in the train wagons, as in the previous years.

Case No. 1

A group of men from Syria, border area, July 2019

“We entered Croatia from Bosnia. Soon, Croatian police officers caught us. We asked for asylum, but they started beating us with sticks, legs and hands, leaving us in a very bad shape, bruised all over our faces. We could hardly walk. One man had broken nose and broken right ankle. A police officer grabbed a heavy stone from the ground and hit my friend on the back with it. After that, we were expelled to Serbia.”



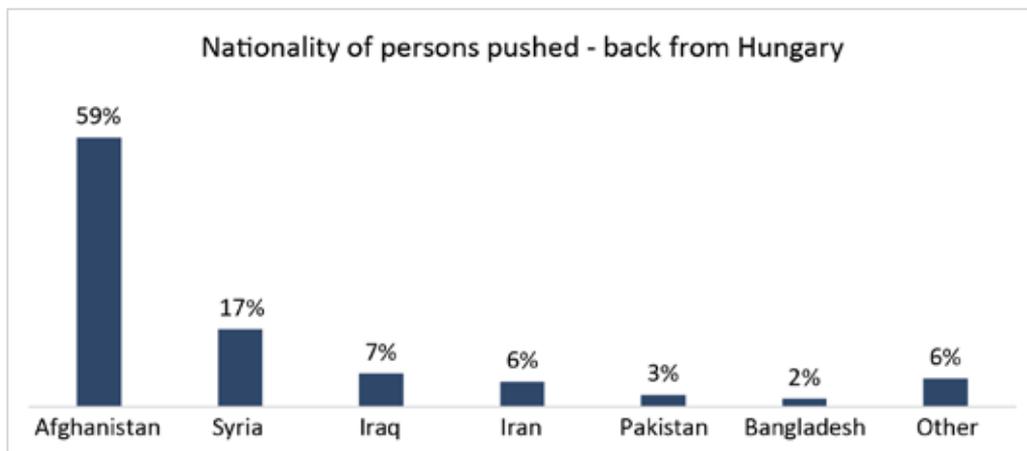
*Border with Croatia, persons coming back to Serbia after a push back, October 2019.
Photo: HCIT*

HUNGARY

Compared to 2018, the number of push-backs from Hungary to Serbia drastically increased in 2019. More than 2,800 persons reported that they were expelled from Hungary to Serbia, (27% of the total number). Most of them were nationals of Afghanistan (59%).

Almost identical as in 2018, three distinctive ways of entering Hungary can be observed within analysis of documented testimonies:

- ▶ *on foot entries*, where people were walking through open fields, away from the official border crossing or cutting/jumping over the wire fence. They would try to cross the border with the help of smugglers or on their own;
- ▶ *hidden entries*, usually within vehicles - train wagons, cargo trucks, private cars and vans through official border crossing or through hidden tunnels within the border area;
- ▶ *circular entries*, that used indirect route to Hungary, on foot or in a vehicle near the triple border (Hungary-Romania-Serbia) on the north, irregularly entering first to Croatia and later on to Hungary.



Case No. 2

A group from Afghanistan and Iran, border area, March 2019

“We entered Hungary in a group of 12 people. Three men were from Iran, five men and four boys from Afghanistan. We entered Hungary near Sombor, but after two hours of walking, Hungarian police intercepted us. They took us to the police station where they held us for five hours. There, they photographed us, and two police officers took money from us, about 380 EUR.

After that we were put in a cage. Like the one for dogs. They kept us there for five hours with no food and water. After that they took us to the border and expelled to Serbia.”



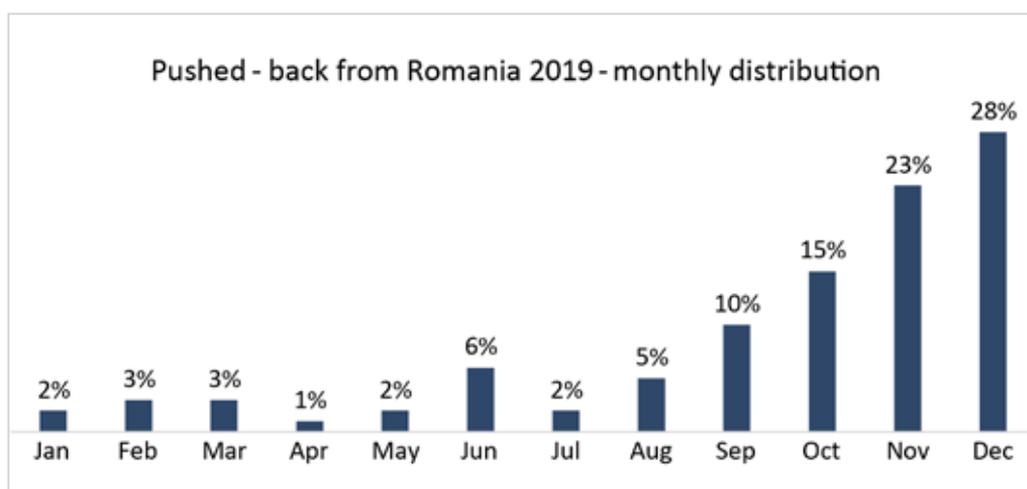
HCIT field team approaching Iraqi families sleeping rough near the Hungarian border, November 2019. Photo: HCIT

ROMANIA

During 2019, a total of 1,982 asylum seekers, refugees and migrants were pushed-back from Romania. A peak in push-backs from Romania occurred during the last four months of the year, as 74% of all reported pushbacks were those from Romania.

Such results may be related to the increase in new arrivals in Serbia during the time from September to December 2019.

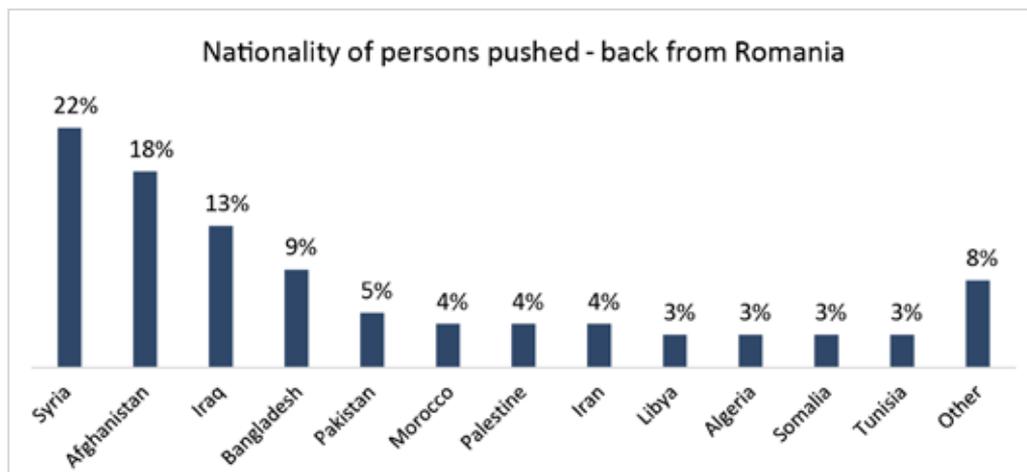
Throughout the year, Romania reported 2,592 asylum applications,⁴⁰ however, the number of those that merely transited Romania remains unknown.



Gender, nationality and age composition of the population pushed-back from Romania is different than of those pushed-back from Croatia and Hungary. Romania pushed-back a much higher number of families (mostly originating from Iraq and Syria) than Croatia or Hungary.

This also indicates that migration routes across Serbia towards the northern borders were often used by the persons of Arab origin, while in most cases, the nationals of Afghanistan and Pakistan were seen traveling towards western border areas of Serbia, most notably to Bosnian and Croatian border.

⁴⁰ European Website on Integration, "2019 statistical data on migrants and refugees in Romania", 18.02.2020, available at: <https://ec.europa.eu/migrant-integration/news/2019-statistical-data-on-migrants-and-refugees-in-romania>



Asylum seekers, refugees and migrants reporting push-backs from Romania claimed that they were deprived of their possessions (such as money and personal belongings) mistreated, beaten and denied of the opportunity to seek asylum.

By the end of 2019, HCIT field teams started observing the trend of increase in the number of families sleeping rough on several locations in the border areas, mostly in abandoned and devastated houses and agricultural properties in Majdan, Rabe, Novi Knezevac, Djala and some others villages, mostly small and poorly populated. Prior to autumn 2019, such individuals would mostly return to Belgrade after being pushed back from Romania. However, starting from September 2019, more and more mostly refugee families were observed occupying empty houses. On many occasions, local population protested,⁴¹ saying that they “feel unsafe” among such a great number of migrants, especially seeing groups of single men, who could have been often seen in the local grocery shops, taking taxis and local buses.

On one occasion, the HCIT team encountered two Syrian families with six small children sleeping in one of the houses, freezing while temperatures were below zero outside. One of the children had chicken pox at the time of the visit. When asked why aren't they accommodated in one of the official reception centres in Serbia, they responded that they needed to be close to the border, due to multiple and frequent attempts to cross the border irregularly.

⁴¹ Dnevnik, „Migranti prezimljavaju u praznim kućama, stariji nerado izlaze na ulicu“, 16.01.2020, available at: <https://www.dnevnik.rs/vojvodina/migranti-prezimljavaju-u-praznim-kucama-stariji-nerado-izlaze-na-ulicu-16-01-2020>

Case No. 3**A family from Afghanistan with a small child (3), border area, May 2019**

“We entered Romania but were quickly caught by Romanian police. They hit me and my wife several times with wooden sticks. They took our phones. We asked for asylum, but they did not want to hear us out. When they took us to the Serbian border to hand us over to the Serbian police, the Romanian police made us sit on the ground for about 45 minutes.”

Case No. 4**A group of five from Syria with 1 UASC (16), border area, October 2019**

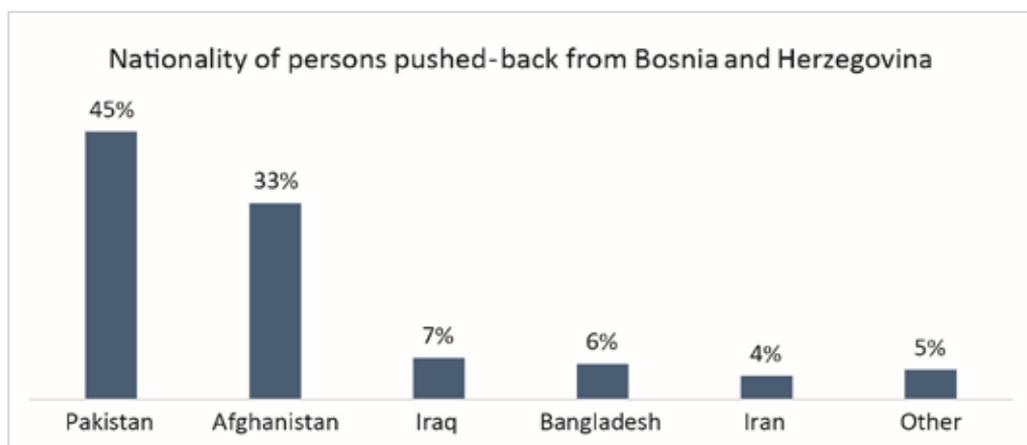
“We entered Romania and walked for three hours when the police intercepted us. There was one police car with two police officers. We were ordered to get on the ground and they started beating us with fists and legs all over. We were photographed and interrogated if we had any weapons. The police asked us about Quran and told us we are thieves and criminals. This all lasted for some hour and a half after which we were handed over to the Serbian police.”



Syrian family sleeping rough in a abandoned and devastated house near the Romanian border, December 2019. Photo: HCIT

BOSNIA AND HERZEGOVINA

Even though most persons pushed-back from neighbouring countries originate from Afghanistan, the profile of those pushed back from Bosnia and Herzegovina in 2019 shows that majority of such population comes from Pakistan.

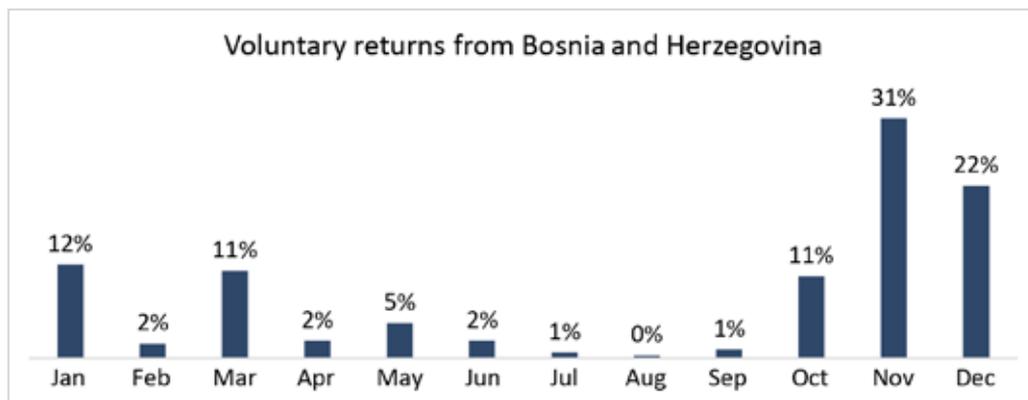


The “Bosnian route” was used mostly by adult single males from Afghanistan and Pakistan who represent 78% of all pushed-back persons from this country in 2019. Also, the UASC travelled in a similar manner. Out of 182 children who had reportedly been pushed back from Bosnia and Herzegovina, almost half were travelling alone, with no parents or caregivers (44%). All of the UASC pushed-backs were boys, predominantly from Afghanistan (59%) and Pakistan (36%).

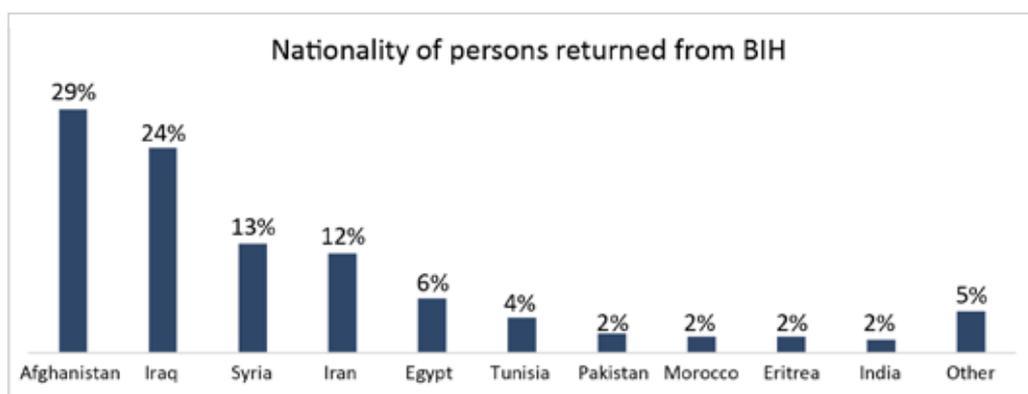
As in the previous years, physical abuse and mistreatment have been rarely reported by persons pushed back from Bosnia and Herzegovina. On the other hand, interviewed persons reported they were denied the opportunity to seek asylum (78%). Also, almost half of the persons pushed back from Bosnia reported that they were robbed or that the money was extorted from them while they were being pushed back.

VOLUNTARY RETURNS FROM BOSNIA AND HERZEGOVINA

Similarly to the previous year, in 2019 persons continued to return voluntarily to Serbia from Bosnia and Herzegovina (BiH). Reportedly, they were usually dissatisfied with the accommodation conditions and overcrowding of the accommodation centres there, so the number of persons returning to Serbia increased especially during the cold months. Many of them found shelter in Obrenovac RTC in Belgrade.



According to gathered data from CRPC and HCIT during 2019, 266 persons returned from Bosnia and Herzegovina voluntarily. Majority of the population were adult males, but families with children were also observed as well. A total of 18% of those who returned from BiH were UASC.



EXPULSION OF FOREIGN NATIONALS FROM HUNGARY THAT HAVE NEVER BEEN IN SERBIA BEFORE

Unsafe practice of the Hungarian authorities that was regulated by the set of different regulations⁴² continued throughout 2019. Harmful effects of this border procedure toward asylum seekers, refugees and migrants continued to additionally burden many vulnerable individuals in 2019, despite the fact that many of them had already fled unsafety, persecution and human rights violations from their countries of origin. HCIT and CRPC have been concerned about

42 For detailed information see Vukašević (et.al.) 2018, *Between closed borders*, p. 60, available at: <https://www.crpc.rs/dokument/Between%20Closed%20Borders%20-%20WEB%2017%2007%202018.pdf>

such measures and have taken actions since its beginning in January 2017. This has been the continuation of violation of fundamental human rights where asylum seekers and refugees, as well as migrants can be additionally exposed to danger and remain without international protection. Such practice has direct consequences to Serbia. Once expelled from Hungary to Serbia, the Republic of Serbia has an obligation to provide protection and access to asylum for those individuals. Only by meticulous documentation of such cases and collected testimonies directly from refugees and migrants we can get a clear overview of a negative practice of pushing people over the border unlawfully.

For a third year in a row, the Republic of Serbia found itself in a situation of “accepting” foreigners who had previously never been in the territory of the RS and who had not crossed the border of Serbia or Hungary. The official readmission among the Republic of Serbia and the EU could not be even implemented to this category of foreigners because it refers to the persons who entered the territory of an EU Member State (in this case Hungary) from the territory of the Republic of Serbia, which did not happen in these cases. HCIT documented 30 individuals who had never been to Serbia before being expelled from Hungary in 2019 out of which 18 adult men, 4 women, and 8 children, but no UASC were identified throughout the year. The national structure is represented in the following table.

Unlawful expulsions from Hungary 2019 - breakdown	
Nationality	# of persons
Yemen	8
Cuba	1
Democratic Republic of Congo	3
Somalia	2
Senegal	1
Algeria	6
Jordan	1
State of Palestine	2
Pakistan	1
Uzbekistan	1
Iran	1
Guinea	1
Ghana	1
Morocco	1

None of the above persons expelled from Hungary had ever previously stayed nor transited across Serbia and HCIT was the first organization they encountered after the expulsion. Many of them were unaware of their current location, in which country they were and what will happen to them. Some of them, after a detailed counselling took place by an HCIT lawyer, were referred to CRPC in Belgrade, for further assistance.

Here are some of the most relevant examples documented directly with foreigners who were interviewed by HCIT teams after Hungarian authorities expelled them to the Republic of Serbia:

One man from Cuba was expelled from Hungary to Serbia at Kelebija/Tompa transit zone in mid-April. According to his statement, he left Cuba by an airplane and went to Moscow. From Moscow he went to Budapest by airplane, but after he landed, Hungarian police found out that he didn't have a valid Schengen visa. They photographed him, fingerprinted and transported to Hungarian/Serbian border and expelled to Serbia through the transit gate. He was not informed about his rights in Serbia and HCIT was the first organization he talked to. After he was informed and counselled, he was referred to CRPC for further assistance and referral to registration with the police.

In April, **a family from Yemen, a single mother with 6 children**, was expelled to Serbia from Hungary. They fled across Oman, took a plane to Istanbul and from there landed at Budapest international airport in April. Reportedly, the mother had worked in Ministry for Education and had a diplomatic passport. The Hungarian border guards reportedly established that their passports were forged and arrested them. According to the family, they sought asylum in Hungary immediately. They were explained that "they need to go to Serbia, and wait for admission if they wanted asylum". In addition, they reported that, on the same day after they were expelled to Serbia, they were scammed by the smugglers in Subotica and robbed. HCIT assisted them in the police station, advised and counselled. They were accommodated to RTC Vranje after HCIT coordinated with CRPC and SCRM. Having in mind an ongoing armed conflict in Yemen, one of the poorest Arab countries that has been totally devastated by the civil war, this is an example of a case which would otherwise have a high recognition rate in the EU.

In May, **a man from Somalia** came to Subotica HCIT office, where he reported to have been expelled from Hungary to Serbia, even though he had never previously passed through Serbia. According to his statement, he left Somalia back in 2018 and from there departed for Libya, from where he managed to reach

Italy by boat. After three weeks that he spent in Italy, he bought a train ticket for Germany, but in Vienna, Austrian police asked to see his IDs and reportedly had established that his visa and ticket were forged. They photographed and fingerprinted him and afterwards transported him to Austria/Hungary border and handed him over to the Hungarian police who expelled him to Serbia through the transit gate in May.

A man from DR Congo was expelled from Hungary to Serbia. According to his statement, he managed to reach Budapest by airplane from Dubai in July 2019. At the airport, Hungarian police established that his visa was not valid. They photographed him and fingerprinted, transported to Hungarian/Serbian border and expelled him to Serbia through the transit gate.

In November, **a man from Jordan** was expelled from Hungary to Serbia where he has never been before, nor he entered Hungary from Serbian direction. He landed at Budapest airport but without visa, where he was photographed, fingerprinted and detained at the airport for three days. Reportedly, once he got apprehended at the airport, he sought asylum in Hungary, but instead, police transported him to Hungary/Serbia border and expelled to Serbia through the transit gate at Kelebia/Tompa after three days.

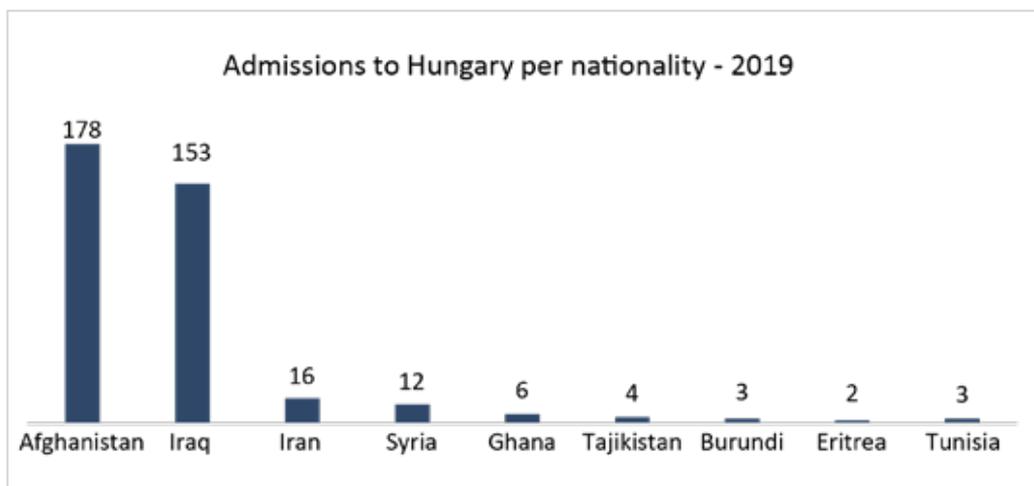
A single woman from Uzbekistan was expelled from Hungary into Serbia at Horgos/Roszke transit zone despite the fact that she had never been in Serbia before. Reportedly, she had lived in the Netherlands for about a year-and-a-half. She left Netherlands after her residency permit expired and went towards Romania via Hungary. In Hungary, police stopped and expelled her to Serbia.

ADMISSION AND RETURNS FROM HUNGARIAN TRANZIT ZONE TO SERBIA

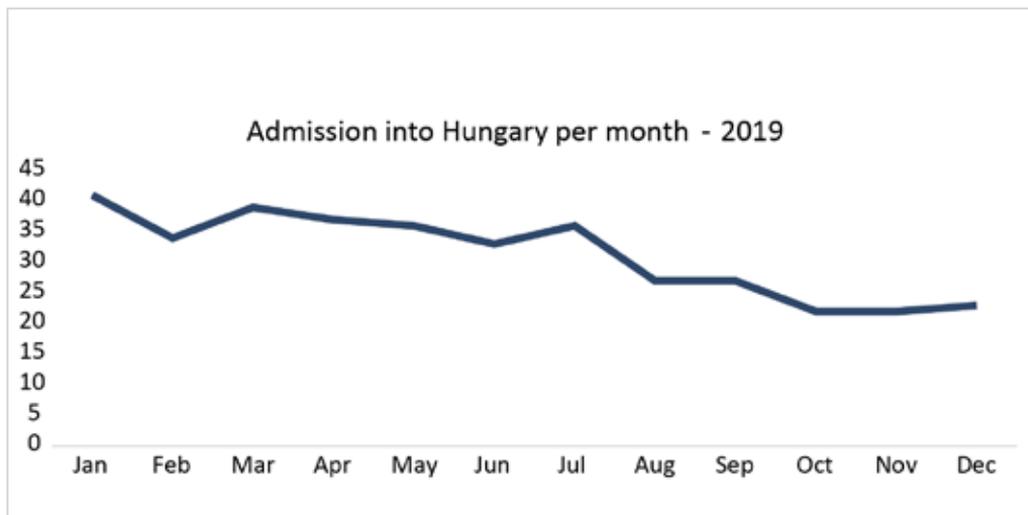
Despite being heavily criticized by international community and many (I) NGOs, including HCIT and CRPC, admission through Hungarian border via so called “transit zones” continued in 2019.⁴³

According to the data from HCIT, 377 asylum seekers had entered Hungary from Serbia through the so called “transit zone” expecting to lodge an asylum claim in this EU country.

On the other hand, HCIT documented only 25 persons being returned from the transit zone to the Republic of Serbia, after they received either negative decision or decided to quit procedure and come back to Serbia voluntarily.



⁴³ In mid May 2020, after the decision of the EU Court of Justice that ruled that „placement in the transit zone constitutes unlawful detention“, Hungarian authorities closed both transit zones on the Serbian northern border (Horgos/Roske, and Kelebia/Tompa) and moved all asylum seekers to different reception centres across Hungary. After almost five years, transit zones were closed and thus, waiting lists and admission process from Serbia to Hungary has finally ended. According to official statement by the Hungarian officials, „asylum requests can only be submitted at Hungarian embassies and consulates“ (<https://www.dw.com/en/hungary-to-close-transit-zone-camps-for-asylum-seekers/a-53524417>).



Example

A family from Afghanistan, border areas, May 2019

At the beginning of the month, an eleven-member family from Afghanistan (two men, two women and 7 children) were returned to Serbia from Hungarian transit zones after their asylum claims were rejected in the first instance due to the safe third country principle.

Hungarian authorities, without examining their claim based on merit, tried to forcibly return them to Afghanistan where their lives could be in jeopardy. “We were deprived of food for five days”, family said. “Only the children received meals”. Then, they were returned to Serbia.⁴⁴

⁴⁴ UN High Commissioner for Refugees condemned actions, harsh treatment and practice of removals from Hungarian territory, including this particular case. “The treatment of these families, including their removal from Hungarian territory with no serious effort to look at their claims to refugee status, is deeply regrettable”. More at: <https://www.unhcr.org/news/press/2019/5/5cd3167a4/hungarys-coerced-removal-afghan-families-deeply-shocking.html>

PRACTICE OF MISDEMEANOUR COURTS IN AP VOJVODINA IN 2019

The right to a fair and efficient judiciary procedure is one of the key human rights. Over the last couple of years, the number of misdemeanour proceedings involving foreigners that may be in need of international protection, or coming directly from refugee producing countries, is on the rise in Serbia.

Judges of misdemeanour courts had been, therefore, faced with additional challenges in securing the legality of imposed misdemeanour sanctions, having in mind, on one hand, protection of the basic rights of persons in need of international protection, and on the other, implementation of the misdemeanour sanctions in accordance with the applicable laws. Namely, in misdemeanour proceedings in which a refugee or an asylum seeker appears as a defendant, certain principles and procedural rights must be respected, and above all, the principle of impunity for unlawful entry or stay in the territory of the Republic of Serbia, prohibition of refoulement, the right to communicate in a native language (or the presence of an interpreter) and to grant access to the asylum procedure to those who request it, or for whom it is evident from their statement, that they have left countries of origin due to persecution or justified fear of persecution.

States are obliged to abide by these principles, regardless of whether a person has been formally recognized as a refugee. Therefore, those core principles are applicable to both asylum seekers and persons for whom reasonably, given the available information on the state of origin in terms of security and respect for human rights, may assume that they are in need of international protection. It is therefore important to ensure the right to use the native language in the process, as one of the key procedural rights, which must be respected in each individual case, so that the presiding judge from the defendant's presentation can understand that a foreigner fears for his / her life if and when gets return to a country of origin.

Considering the long-standing work of the HCIT lawyers with asylum seekers, refugees and migrants, it was believed that it was important to, for the second year in a row, look back on the practice of misdemeanour courts in 2019, since local judges, in addition to the members of the Ministry of Interior, most often come into contact with these foreigners.

In accordance with the right of free access to information of public importance, HCIT addressed the following misdemeanour courts in the AP Vojvodina - Novi Sad, Subotica, Sombor, Apatin, Senta, Kikinda, Sremska Mitrovica and the Court Departments in Sid and Kanjiza, and reviewed the cases in the premises of certain misdemeanour courts, while focusing on the principles of the refugee law in misdemeanour proceedings, mostly to application on the Law on Foreigners and the Law on Protection of the State Border on irregular entry and residence in the territory of the Republic of Serbia.

As an example of good practice, it is important to emphasize in particular one case from Sremska Mitrovica Misdemeanour Court – Sid Department, *that got suspended after a Syrian refugee from Aleppo expressed his intention to seek asylum in the Republic of Serbia*. He was recognized by the judge as a person originating from a refugee producing country, and it was reasonably assumed that he is in need of international protection. He was asked about the reasons for flight, as well as how he entered the Republic of Serbia, after which, the judge made a decision to suspend the proceedings, referring to Article 8 of the Law on Asylum and Temporary Protection. Also, by reviewing the court records, it has been determined that the Misdemeanour Court in Sremska Mitrovica, also Department in Sid, acted in a harmonized manner relating majority cases we reviewed. Namely, persons, defendants, *were asked why they had left their countries of origin* and whether they wanted to seek asylum in the Republic of Serbia. The example from Sid Misdemeanour Court was actually the only one, from those examined by the HCIT, where the procedure was suspended in accordance with the Article 8 of the Asylum Law.

First and foremost, it has to be highlighted that the practice of the misdemeanour courts hasn't been harmonized, including the legal grounds for sanctions. Some courts have treated irregular entry as violations of articles of the Law on Foreigners, while others have defined it as violations of provisions of the Law on the Border Control. The largest number of misdemeanour proceedings were initiated under Article 71 of the Law on Protection of State Border and Articles 121 and 122 of the Law on Foreigners. A small number of proceedings have also been initiated under Articles 14, 74 and 77 of the Law on Foreigners,⁴⁵ primarily before the Misdemeanour Courts in Senta and Novi Sad. Considering that the sample for analysis was taken mostly from the courts located in border areas of AP Vojvodina, (Kikinda, Sremska Mitrovica, Subotica and Senta), in the structure of the offenses committed by foreigners the greatest number refers

45 Law on Border Control, (Official Gazette RS, No. 24/2018), Law on Foreigners, (Official Gazette RS, No. 24/2018)

to the offences prescribed by the Law on Protection of State Border, which is quite logical.

Reviewing the misdemeanour rulings, it was found that majority of courts adhered to the legal minimum and imposed similar fines, mostly in the amount of 15,000 RSD and 20,000 RSD.⁴⁶ In one case we found that the defendant was penalized in the amount of 60,000 RSD and that case referred to the person who did not act in accordance with previously issued cancellation of stay, and, for that reason, the second verdict was more severe. Also, in two cases before the Court in Senta – Kanjiza Department, where the defendants were fined with 50,000 RSD, the sentence was changed to 50 days of imprisonment, but in both cases, prison sentence was suspended because the defendants subsequently paid the fines. Furthermore, only the Misdemeanour Court in Novi Sad imposed two protective measures on the removal of a foreigner from the territory of the Republic of Serbia for the duration of two and three years. One of them was issued to an Iranian citizen, after his failing to comply with the decision of the Police Department in Novi Sad, which ordered him to leave the territory of the Republic of Serbia within 20 days from the day the decision was served.

One of the biggest identified problems was the court's inability to provide in each case an adequate interpreter for the defendant's mother tongue (this situation mainly concerned Pashto speakers, but also Bengali and Kurdish). In mid-2019, the President of the Senta Misdemeanour Court informed us that some rulings were suspended because interpreters were not present in person, but the interpretation was done by telephone, so the problem of interpretation became even greater as there were no interpreters for the languages in question in all cities, and their arrival from other cities was not always possible for practical reasons.

It has been observed, as an example of good practice, the actions of the judges of the Misdemeanour Court in Sremska Mitrovica – Sid Department, who rejected requests for initiation of the misdemeanour proceedings when it was determined that there was no interpreter they could hire, or when the defendants did not understand English language, which was often taken as a substitute.

An example of the poor practice of the Senta Misdemeanour Court was encountered, where in misdemeanour proceedings against a defendant from Ecuador, due to the inability to hire a Spanish interpreter, the translation was improvised through a Google translator as stated in the hearing record.

46 In 2019.

Finally, in all reviewed cases, the verdicts were communicated verbally, defendants did not request a written copy of the verdicts and all of them waived the right to appeal.

UASC IN MISDEMEANOUR'S PROCEEDINGS

Regarding the position of most vulnerable asylum seekers, refugees and migrants, such as UASC, Kikinda Misdemeanour Court had 29 misdemeanour proceedings initiated against minors under section 71 of the Border Control Law. A total of 29 correctional measures were passed. Also, in one case, concerning a minor who at the time of the offence was 15 years of age, a disciplinary measure of enhanced supervision by the guardianship authority and placement in the Kikinda Transit Reception Centre, was imposed. An employee of the Centre for Social Work was present during the misdemeanour proceeding.

Misdemeanour Court in Sremska Mitrovica (with a department in Sid) had a total of 169 misdemeanour proceedings against a minor based on the provisions of Art. 71 of the Law on Protection of State Border; of these, 2 were convictions, 16 were decisions imposing an correctional measure, 1 decision to suspend proceedings (applies to an unaccompanied minor from Bangladesh who pleaded to speak English, but his knowledge was not sufficient to conduct proceedings against him in English and the judge issued a decision suspending the proceedings) and 150 decisions rejecting the request. The most common correctional measure was reprimand.

With regard to minors, the most common reason for rejection is the inability to provide an interpreter. In one case involving a Tunisian boy, the request for misdemeanour proceedings was rejected because the boy was younger than 14-year-old at the time of the offence. In 138 cases, misdemeanour proceedings were initiated against unaccompanied minors who came from Afghanistan.

In cases where misdemeanour proceedings were initiated, the presence of the social work centre employees was observed, and in these cases the interpretation into mother tongue was provided. The Misdemeanour Court in Sremska Mitrovica determined the juvenile's age based on the information from the request for initiating misdemeanour proceedings. In several cases, the boys had ID cards issued by the SCRМ to persons accommodated in reception and asylum centres. Such card is not officially prescribed by any regulation, and therefore it shouldn't have been used as an identification document in misdemeanour procedure.

What is common to all the cases we have analysed, is that the *age of juvenile offenders was often determined on the basis of a misdemeanour request filed by the police. Most often, at that stage of police procedures, staff of local CSW were usually not present, which potentially could have caused multiple problems.*

In several cases, the age was determined on the basis of the registration card issued by the SCRM. It can be concluded that the most commonly imposed sanction against the minors who have committed offences under the Law on Foreigners and Law on Protection of State Border was a correctional measure. In all cases where it was not possible to provide an interpreter, a decision was made to reject the request for misdemeanour proceedings.

Statistical overviews of rulings/decisions per court are presented in the following table.

Rulings / Decisions per court	
Court	Rulings / Decisions
Senta - Kanjiza	308 convictions - found guilty 6 dismissed 208 correctional measures
Subotica	10 fines 1 reprimand 1 imprisonment 1 correctional measures
Kikinda	285 convictions 1 dismissed 29 correctional measures
Sremska Mitrovica- Sid	349 convictions 5 acquittals 1 dismissed 424 rejected requests 16 correctional measures 2 convictions for minors 1 dismissed for minors 150 rejected requests for minors

CONCLUDING REMARKS AND RECOMMENDATIONS

In 2019 worldwide, the proportion of displaced population reached its peak – one per cent of the world’s population (1 in 97 people) was forced to leave their homes and countries and seek protection elsewhere.⁴⁷ According to UNHCR, during the last decade, at least 100 million people were forced to leave their homes and seek refuge in some other country. At the end of 2019, almost 80 million people were forcibly displaced worldwide, including almost 40% children.⁴⁸ Persecution, armed conflict and violence, rights violations and major disturbances to public order were the key reasons for displacement. Refugees and asylum seekers from Syrian Arab Republic, Afghanistan and South Sudan were among the most numerous, mirrored in the structure of countries of origin of persons entering Serbia in 2019.

In comparison to the previous year, situation in Serbia has not changed significantly. Apart from continuous flow of new arrivals, intensification of mixed movement through Albania and collective expulsions from neighbouring countries, one of the takeaways from 2019 was the issue of increased anti-migrant rhetoric and populist movements’ engagement. Similar trends of increasing populism and right-wing extremism have been noted in the EU countries too, beginning in 2015.⁴⁹ Turn to the “right” in the case of Serbian society is quite worrying as well. Gradually, public narrative has shifted from humanitarian to much harsher rhetoric, without any proper reason and explanation. Term “migrant” was dominantly used to describe both asylum seekers, refugees and all other foreigners arriving to Serbia. Elements of hate speech, xenophobia and fake news could be found in printed and other media,⁵⁰ as well as organised actions of different anti-migrant movements that sporadically occurred in Belgrade and small municipalities mostly in border areas. During 2019, false in-

47 UNHCR - Global Trends, Forced Displacement in 2019, p.6, available at: <https://www.unhcr.org/5ee200e37.pdf>

48 Ibid. p.2

49 Bermudez Sandra, “Refugees welcome? Cross-European public opinion on asylum seekers following the 2015 crisis”, ARI 119/2020-27/10/2020, available at: <http://www.realinstitutoelcano.org/wps/wcm/connect/a1246cdd-37b8-4747-aa41-c81fe0013d32/ARI119-2020-Bermudez-Refugees-welcome-Cross-European-public-opinion-on-asylum-seekers-following-2015-crisis.pdf?MOD=AJPERES&CACHEID=a1246cdd-37b8-4747-aa41-c81fe0013d32>

50 For example, such fake news was that Serbia will receive back 600,000 migrants that “Europe will not accept”. At the same time, according to SCRM data from December 2019, about 4,400 persons was accommodated in 17 government-run centres. For more info: SCRM, Medjunarodni dan migranata: Human i odgovoran odnos Srbije, available at: <http://www.kirs.gov.rs/cir/aktuelno/medunarodni-dan-migranata-human-i-odgovoran-odnos-srbije/16631>

formation was shared via social and other media with descriptions of events that did not happen and where the main protagonists were migrants who are “dangerous”, who “steal” or “attack locals” or who will “accommodate Serbia in large numbers”.⁵¹

Statistics also doesn't support claims of thousands of migrants planning to settle in Serbia – out of almost 13,000 expressed intentions to submit asylum application in the Republic of Serbia, only 252 persons submitted an official asylum application during 2019. Out of that, 162 persons did not receive the decision of the Asylum Office since they left Serbia during the process, and only 35 were granted asylum in Serbia.⁵² This is a trend that has not marked only 2019. Since 2008 and the adoption of the first Law on Asylum of the Republic of Serbia, only 165 people have been granted asylum in the Republic of Serbia.

On the other hand, Serbia has always been perceived mainly as a transit country by refugees and migrants. In 2017, HCIT conducted a research, where one of the topics of interest was precisely the question of where refugees and potential asylum seekers intend to go and the reasons why they are leaving Serbia. Over 75% of them stated that they wanted to connect with their family members and friends who had already settled in some of the EU countries. More than 200 respondents believed they had a better chance of continuing their lives, both in terms of better education, employment, access to medical care, etc. in developed countries of the EU.⁵³ Similar answers on future strategies were received in 2019 with CRPC interviews, where most of the respondents claimed they wanted to reach Germany and/or France as their final destinations.⁵⁴

However, a number of refugees and migrants who are “only in transit” stay much longer in Serbia than they have planned (“not of their own free will”, as they say), and therefore, there is a need for the humanitarian care but also for making sure they enjoy basic human rights, guaranteed regardless of their status. Among such population, the vulnerable ones are in need of protection the most – UASC, elderly persons, women, LGBTI persons and similar. While on the route, they can face violations of their human rights, encounter practice of collective expulsions, without being given the opportunity to access the terri-

51 BBC News na srpskom, „Migranti i Srbija: Mitovi i zablude o migrantima i izbeglicama”, 18.12.2019, available at: <https://www.bbc.com/serbian/lat/srbija-50834778>

52 Ministry of Interior statistics.

53 Vukasevic, I. and Majlat, B, 2017. *Srbija nakon zatvaranja Balkanske rute*, Novi Sad, Humanitarian Center for Integration and Tolerance, available at: <http://hcrit.rs/wp-content/uploads/2018/02/Srbija-godinu-dana-posle-zatvaranja-Balkanske-rute.pdf>

54 For more detailed analysis, see chapter on new arrivals.

tory and seek asylum. During their stay in Serbia, it is vital that refugees and migrants have access to timely and adequate information and counselling on available options and services, and more importantly about their rights and responsibilities, then asylum and integration procedures.

The number of refugees and migrants in Serbia ranges from 1,000 to 6,000 since 2015, mostly within government-run accommodation centres. Therefore, a system of long-term and continuous support for refugees and migrants has to be maintained. This includes further development and constant improvement of standard operating procedures for identification, case work, vulnerable and marginalised groups, child protection, persons in need of psychiatric support, healthcare and similar. This also includes support to frontline responders, such as field workers, cultural mediators and other specialised staff, with constant education and knowledge improvement, then further development of open and comprehensive communication and networking among national institutions, civil society and the local community.

Furthermore, without the support of the local community, integration of refugees in the country of asylum will be much more difficult. If local municipalities and cities are less tolerant, if locals do not want their children to share a classroom with a child from Syria or Iraq, if they do not want a different language to be heard in their cafes, shops, sporting events, etc., the inclusion and long-term integration of refugees and asylum-seekers could be a challenge. Integration consists of three inter-related and interactive processes of adapting into the host society (with respect of one's cultural identity)⁵⁵ – *legal*, which includes a set of rights such as access to education, labour market, public services and similar, the *economic process*, which aims at one's sustainable livelihood and contribution to the economy of the host country and finally, integration is a *socio-cultural process* of adaptation into the local community, regardless of the differences. Therefore, better education on displacement and international protection, improved cooperation between local stakeholders and asylum-seekers, refugees and migrants, also culture-sensitive communication between refugee and local community, as well as development of programmes and activities that lead to reduction of social distance, prejudices, intolerance, discrimination, xenophobia, speech and acts of hate, are proposed as the way forward.

55 UNHCR, 2019, Integration - A Fundamental Component in Supporting Diverse Societies, <https://www.unhcr.org/56a9decf5.pdf>

LIST OF ABBREVIATIONS

- AC** — Asylum Centre
- AP** — Autonomous Province
- AVR** — Assisted Voluntary Return
- BIA** — Best Interests Assessment
- BID** — Best Interests Determination
- BIH** — Bosnia and Herzegovina
- CoO** — Country of Origin
- CRPC** — Crisis Response and Policy Centre
- CSW** — Centre for Social Work
- EU** — European Union
- GPS** — Global Positioning System
- HCIT** — Humanitarian Center for Integration and Tolerance
- INGO** — International Non-Governmental Organisation
- IOM** — International Organization for Migration
- LGBTI** — Lesbian, Gay, Bisexual, Transgender and Intersex Persons
- MoI** — Ministry of Interior
- MoLEVSA** — Ministry of Labour, Employment, Veteran and Social Affairs
- NFI** — Non-Food Item(s)
- NGO** — Non-Governmental Organisation
- OSP** — One Stop Point
- PSN** — Person(s) with Special Need
- RS** — Republic of Serbia
- RSD** — Serbian Dinar
- RTC** — Reception and Transit Centre
- SCRMM** — Serbian Commissariat for Refugees and Migration
- SGBV** — Sexual and Gender-Based Violence
- SW** — Social Worker
- UASC** — Unaccompanied and Separated Child/Children
- UN** — United Nations
- UNHCR** — United Nations High Commissioner for Refugees
- UNICEF** — United Nations Children’s Fund

REFERENCES

BBC News na srpskom, „Migranti i Srbija: Mitovi i zablude o migrantima i izbeglicama”, 18.12.2019, <https://www.bbc.com/serbian/lat/srbija-50834778>

Bermudez Sandra, “Refugees welcome? Cross-European public opinion on asylum seekers following the 2015 crisis”, ARI 119/2020-27/10/2020, <http://www.realinstitutoelcano.org/wps/wcm/connect/a1246cdd-37b8-4747-aa41-c81fe0013d32/ARI119-2020-Bermudez-Refugees-welcome-Cross-European-public-opinion-on-asylum-seekers-following-2015-crisis.pdf?MOD=AJPERES&CACHEID=a1246cdd-37b8-4747-aa41-c81fe0013d32>

Deutsche Welle (DW), “Hungary to close transit zone camps for asylum-seekers”, 21.05.2020, <https://www.dw.com/en/hungary-to-close-transit-zone-camps-for-asylum-seekers/a-53524417>

Dnevnik, „Migranti prezimljavaju u praznim kućama, stariji nerado izlaze na ulicu“, 16.01.2020, <https://www.dnevnik.rs/vojvodina/migranti-prezimljavaju-u-praznim-kucama-stariji-nerado-izlaze-na-ulicu-16-01-2020>

Dragojevic, M. (et. al.) 2019. *Between closed borders, Joint agency paper on refugees and migrants in Serbia 2018*, Novi Sad, Humanitarian Center for Integration and Tolerance, <https://data2.unhcr.org/en/documents/details/70479>

EASO, European Asylum Support Office, Europa Asylum Trends, 2020, <https://www.easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Country-Fiches.pdf>

European Court of Human Rights, Council of Europe, Strasbourg, European Convention on Human Rights, https://www.echr.coe.int/Documents/Convention_Eng.pdf

European Web Site on Integration, “2019 statistical data on migrants and refugees in Romania”, 18.02.2020, <https://ec.europa.eu/migrant-integration/news/2019-statistical-data-on-migrants-and-refugees-in-romania>

FRONTEX, Risk Analysis for 2020, Warsaw, March 2020, https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Annual_Risk_Analysis_2020.pdf

Human Rights Campaign, Glossary of Terms, <https://www.hrc.org/resources/glossary-of-terms>

ILGA World: Lucas Ramon Mendos, *State-Sponsored Homophobia 2019: Global Legislation Overview Update* (Geneva; ILGA, December 2019), https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2019.pdf

ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (Regional), *LGBTI Enlargement Review 2019*, <https://ilga-europe.org/sites/default/files/LGBTIEnlargementReview2019.pdf>

Info Migrants, “3,500 migrants currently living in Serbia”, 07.09.2019, <https://www.infomigrants.net/en/post/18046/3-500-migrants-currently-living-in-serbia>

International Organization for Migration, DTM Mediterranean – Western Balkans Overview 2019, <https://migration.iom.int/reports/dtm-mediterranean-%E2%80%93-western-balkans-overview-2019>

International Organization for Migration, Glossary on Migration, 2019, https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

Kids Helpline, LGBTIQ+: The Ultimate Dictionary, <https://kidshelpline.com.au/teens/issues/lgbtiqa-ultimate-dictionary>

KIRS, “Medjunarodni dan migranata: Human i odgovoran odnos Srbije”, <http://www.kirs.gov.rs/cir/aktuelno/medunarodni-dan-migranata-human-i-odgovoran-odnos-srbije/16631>

LABRIS, “Čitanka – od A do Š o lezbejskim i gej ljudskim pravima”, Belgrade 2009, <http://www.labris.org.rs/sites/default/files/citanka-2009.pdf>

Law on Border Control, (Official Gazette RS, No. 24/2018)

Law on Foreigners, (Official Gazette RS, No. 24/2018)

Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Council of Ministers of Bosnia and Herzegovina on the surrender and acceptance of a person whose entry and stay is illegal, (“Official Gazette RS - International Treaties “, No. 13/2013)

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

N1 Info, "Preminuo jedan od četvorice muškaraca pronađenih u cisterni u Futogu", 22.05.2019, <http://rs.n1info.com/Vesti/a485631/Preminuo-jedan-od-cetvorice-muskaraca-pronadjjenih-u-cisterni-u-Futogu.html>

N1 Info, "Prevrnuo se čamac s migrantima kod Karavukova, među šestoro nestalih dvoje dece", 23.12.2019, <http://rs.n1info.com/Vesti/a554755/Prevrnuo-se-camac-s-migrantima-kod-Karavukova.html>

SCRM, Report, Refugee Protection Working Group, January 2020

UN Committee for the Rights of the Child, General Comment No. 6, "Treatment of unaccompanied and separated children outside their country of origin", 2005, <https://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

UN, Universal Declaration of Human Rights, 10.12.1948, <https://www.un.org/en/universal-declaration-human-rights/>

UNHCR-Global Focus, Glossary, <https://reporting.unhcr.org/glossary>

UNHCR, "Hungary's coerced removal of Afghan families deeply shocking", 08.05.2019, <https://www.unhcr.org/news/press/2019/5/5cd3167a4/hungarys-coerced-removal-afghan-families-deeply-shocking.html>

UNHCR Serbia, Annual Quantitative Snapshot 2019, <https://data2.unhcr.org/en/documents/details/74066>

UNHCR, Border Protection Monitoring - South Eastern Europe - Regional Overview <https://data2.unhcr.org/en/dataviz/96?sv=41&geo=0>

UNHCR- Global Trends, Forced Displacement in 2019, <https://www.unhcr.org/5ee200e37.pdf>

UNHCR, Quantitative Snapshot of the UNHCR Serbia 2018 Programme, February 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/67961.pdf>

UNHCR, Quantitative Snapshot of UNHCR Serbia Achievements in 2019, February 2020, <https://reliefweb.int/report/serbia/quantitative-snapshot-unhcr-serbia-achievements-2019>

UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, <https://www.refworld.org/docid/50348afc2.html>

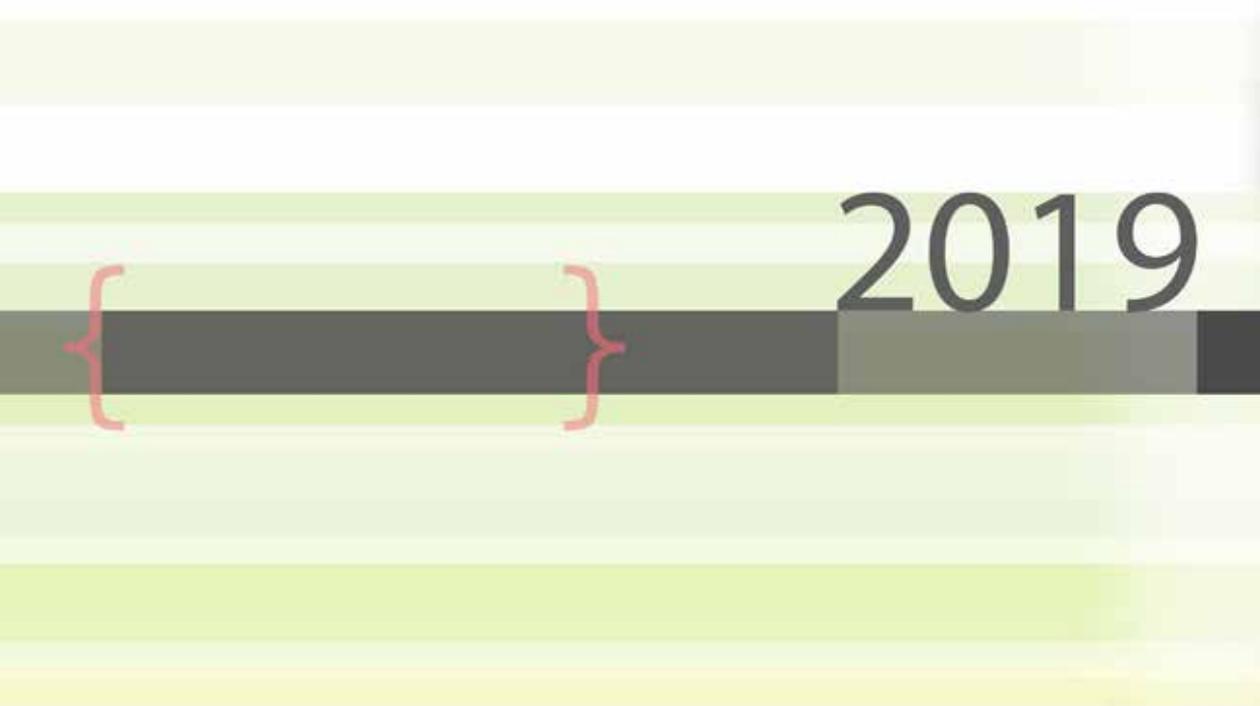
Vjestica, S.A. and Dragojevic M, 2019. *Game People: Irregular Migration and Risks*, Belgrade, Crisis Response and Policy Centre, <https://www.crpc.rs/dokument/Game%20People.pdf>

Vukasevic, I. (et.al.) 2018. *Between closed borders, Joint agency paper on refugees and migrants in Serbia*, Belgrade, Crisis Response and Policy Centre, <https://www.crpc.rs/dokument/Between%20Closed%20Borders%20-%20WEB%2017%2007%202018.pdf>

Vukasevic, I. and Majlat, B, 2017. *Srbija nakon zatvaranja Balkanske rute*, Novi Sad Humanitarian Center for Integration and Tolerance, <http://hcrit.rs/wp-content/uploads/2018/02/Srbija-godinu-dana-posle-zatvaranja-Balkanske-rute.pdf>

XY Spektrum, "Šta je intersex", http://xyspectrum.org/wp-content/uploads/2019/08/Sta-je-interseks_flajer.pdf

This CRPC and HCIT joint paper provides an overview of asylum seekers, refugees and migrants in Serbia in 2019, with a focus on border areas and Belgrade.



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