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BETWEEN CLOSED BORDERS

Joint agency paper on refugees and migrants in Serbia 2020 and 2021

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JOINT AGENCY PAPER ON REFUGEES AND MIGRANTS IN SERBIA 2020-2021

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Between Closed Borders 2020-2021
Joint agency paper on refugees and migrants in Serbia 2020-2021

Publisher: Humanitarian Centre for Integration and Tolerance,
Vojvodjanskih brigada 17, 21000
Office@hcit.rs

For publisher:
Ratko Bubalo

Editor:
Vladimir Sjekloća

Authors:
For CRPC – Maja Dragojević, Dejan Đošić, Željko Milikić and Vladimir Sjekloća
For HCIT – Ivana Vukašević Beti, Vanja Buha, Maja Lainović and Nikola Popović

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INTRODUCTION

Years 2020 and 2021 were marked by new challenges that affected migration and refugee protection system not only in Serbia, but on a much larger scale. Outbreak of COVID-19 influenced health, economic, social, psychological and other aspects of every-day life of both host and population of refugees, asylum seekers and migrants.

All the European countries including Serbia closed their borders in March 2020 to prevent spread of the virus onto their territory. According to a UNHCR assessment, 167 countries worldwide closed their borders in April 2020.[1] Despite European Commission's recommendations that any restrictions in the "field of asylum, return and resettlement must be proportional, implemented in a non-discriminatory way and must take into account the principle of non-refoulement and obligations under international law",[2] 57 countries extended movement restriction to asylum seekers as well.[3] Having in mind that migration flow continued in larger numbers after the spring 2020 and throughout 2021, countries all over the world that were receiving displaced populations had to readjust relevant procedures and introduce new modalities for registering and processing asylum applications (including remote work, digital access to services, teleworking and similar).

Furthermore, after the events in Afghanistan in August 2021, the EU and other countries, including Serbia, faced a possible increase in the arrivals of Afghan refugees.[4] Consequently, in September 2021, Afghan nationals lodged more than 17,000 asylum applications in the EU+ countries.[5]

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1 UNHCR press release, "Beware long-term damage to human rights and refugee rights from the coronavirus pandemic", 22.04.2020, available at: https://www.unhcr.org/news/press/2020/4/5ea035ba4/beware-long-term-damage-human-rights-refugee-rights-coronavirus-pandemic.html

2 European Commission, COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement, Brussels, 16.4.2020, available at: https://ec.europa.eu/info/sites/default/files/guidance-implementation-eu-provisions-asylum-retur-procedures-resettlement.pdf

3 UNHCR press release, "Beware long-term damage to human rights and refugee rights from the coronavirus pandemic", 22.04.2020, available at: https://www.unhcr.org/news/press/2020/4/5ea035ba4/beware-long-term-damage-human-rights-refugee-rights-coronavirus-pandemic.html

4 BBC, "Evacuations of population followed the Taliban takeover of Afghanistan in August 2021", 16.08.2021, available at: https://www.bbc.com/news/world-58232525

5 EASO, Latest Asylum Trends – September 2021, available at: https://easo.europa.eu/latest-asylum-trends

Despite the restrictions related to closed borders and the global pandemic, Serbia remains primarily a country of transit for the most of the refugees and migrants that travel through the Western Balkan Route. Two partner organisations, Humanitarian Centre for Integration and Tolerance (HCIT) and Crisis Response and Policy Centre (CRPC) joined forces to present another situation overview focused on challenges that refugees, asylum seekers and migrants faced in the Republic of Serbia in 2020 and 2021.

The following chapters present a situation overview in northern border areas in Autonomous Province Vojvodina and Belgrade, where these two organisations implement protection activities for refugees, asylum seekers and migrants. A part of this paper deals with COVID-19 pandemic outbreak and its impact on refugees and migrants in Serbia. It also reviews the challenges that this population had to face in 2020 and 2021, including the rise of anti-migrant public narrative. The following chapters focus on HCIT and CRPC data on new arrivals, collective expulsions from the neighbouring countries (so-called push-backs), vulnerable groups, such as unaccompanied and separated children (UASC) and LGBTI+ refugees and asylum seekers. One chapter is also dedicated to practice of Misdemeanour Courts in Vojvodina AP[6] with a focus on implementation of non-penalisation principle in regards to access to territory for refugees and asylum seekers.

The information and data presented here are the result of daily field activities and depict protection work of HCIT and CRPC from January 2020 until the end of October 2021. Portrayed cases are authentic, personal testimonies and experiences of interviewed individuals. All personal information has been changed and adapted for protection reasons.

COVID-19 OUTBREAK

COVID-19 global pandemic may have resulted in the worst crisis since the end of World War II, that impacted social, economic and political spheres of everyday life worldwide.[7] “The pandemic has cut off mobility pathways, stranded migrants, destroyed jobs and income, reduced remittances and pushed millions of migrants and vulnerable populations into poverty”[8] and will further affect migration movements, not only in 2021, but also beyond.

6 Autonomous Province of Vojvodina

7 The International Centre for Migration Policy Development (ICMPD), ICMPD Migration Outlook 2021, available at: https://www.icmpd.org/file/download/50555/file/ICMPD0Migration0Outlook020210EN.pdf

8 Ibid.

The pandemic brought changes at a national and local level as well. Based on the President's Decision on declaring the State of Emergency in the Republic of Serbia from March 15, 2020,[9] the Government passed several bylaws (decisions, orders and decrees) aimed at combating the pandemic among which the following were of the outmost importance not only for the local population, but also for the refugees, asylum seekers and migrants in Serbia:

- Order of the Government of the Republic of Serbia on the Prohibition of Indoors Gatherings (Official Gazette RS, No. 39/2020),
- Decree on Organizing the Work of Employers during the State of Emergency (Official Gazette RS, No. 31/2020) of March 16, 2020,
- Decision on Temporary Restriction of Movement of Asylum Seekers and Irregular Migrants Accommodated in Asylum Centres and Reception Centres in the Republic of Serbia, (Official Gazette RS, No. 32/2020), as well as
- Order on Restriction and Prohibition of Movement of Persons on the Territory of the Republic of Serbia (Official Gazette of the RS, No. 34/2020) from March 18, 2020.

These and similar decisions also impacted the *modus operandi* of many state and civil society service providers that were working with asylum seekers, refugees and migrants in Serbia at the time. During more than 50 days of the state of emergency, most of the actors worked remotely or adapted field outreach dynamic and shifts. Communication with beneficiaries relied mostly on the mobile phones and internet, including social networks, websites, communication applications, etc.

Both HCIT and CRPC continued with service provision and regular contact with the beneficiaries. Providing info cards and leaflets with contact detail to persons in need of culture mediation, legal counselling and other services in various languages (Kurdish, Arabic, Urdu, Pashtu, Farsi, French, Spanish etc.) was also one of the innovative ways of information dissemination adapted to the pandemic situation. Additional assistance to partners and state actors through translation of written materials (house rules, prevention measures etc.) was provided in different locations where these two organisations were operational.[10]

As of March 15, army forces reinforced the security of accommodation cen-

9 Official Gazette of the RS, No. 29/2020

10 Also, in coordination with other partners, HCIT and CRPC provided translation and materials (such as texts, video and audio files) in Urdu, Kurdish, Farsi, Pashto, Arabic languages that were regularly on Facebook page - "Information about COVID-19 for refugees in Serbia". https://www.facebook.com/covid19infoforrefugees/

tres in Serbia, and already the following day a complete restriction of movement for the population in the centres was introduced.[11] Furthermore, police patrols across the territory gathered migrants and refugees sleeping rough, or in hostels, apartments and similar accommodation in Belgrade and border areas and transported them to different reception and asylum centres. Due to a larger number of refugees, asylum seekers and migrants on the Serbian territory, some reception facilities reopened (such as Miratovac and Divljana[12]) and some were adapted to accommodate the increasing number of tenants. Among such facilities was a makeshift reception centre near Sid, in a Morovic village,[13] that was initially intended as a quarantine for Serbian citizens arriving from abroad. After the opening of another reception centre in Deliblatska Pescara was publicly announced, local citizens stood up against such initiative, signed a protest petition and blocked the entrance to the village to prevent arrival of refugees and migrants into their municipality.[14] Such protests were criticized for displaying lack of solidarity in times of pandemic, and also as a direct breach of the newly imposed movement restrictions.[15]

The authorities tried to offer dignified accommodation solutions for all under the new circumstances, but at the time of COVID-19 outbreak in the spring of 2020, overcrowded asylum and reception centres, especially those near border areas in Vojvodina, became an additional challenge to refugees and migrants in Serbia.[16] Besides health and risks of exposure to the new virus, restriction of

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11 Decision on temporary restriction of movement of asylum seekers and irregular migrants accommodated in asylum centres and reception centres in the Republic of Serbia, March 16, 020 (Official Gazette RS, No. 32/2020),

12 Južne Vesti, "Divljana opet postala Prihvatni centar za migrante," 01.04.2020, available at: https://www.juznevesti.com/Drushtvo/Divljana-opet-postala-Prihvatni-centar-za-migrante.sr.html

13 Nova RS, "Otvoren Morović: Kako izgleda srpski karantin", 19.05.2020, available at: https://nova.rs/vesti/drustvo/foto-otvoren-morovic-kako-izgleda-srpski-karantin/; Blic, "Trenutno ih je oko 8.800. Migranti pravo s granice u centre za prihvat, povećanje zbog turskog otvaranja granica", 15.04.2020, available at: https://www.blic.rs/vesti/drustvo/trenutno-ih-je-oko-8800-migranti-pravo-s-granice-u-centre-za-prihvat-povecanje-zbog/jkcymkw

14 N1, "Mestani Delibata protestovali protiv smestaja migranata u Delibatskoj pescari", 25.03.2020, available at: https://rs.n1info.com/vesti/a582027-protest-protiv-migranata-u-deliblatu/

15 Danas, "Beogradski centar za ljudska prava osudio protest u Delibatu protiv migranata", 27.03.2020, available at:https://www.danas.rs/drustvo/beogradski-centar-za-ljudska-prava-osudio-protest-u-deliblatu-protiv migranata/

16 While total overcrowding rate in asylum centres were 106%, such percentage was higher in the reception centres. "On the same day, a total of 6,852 people were accommodated in reception centres with a capacity of 3,670 beds, raising the total overcrowding rate to 186%". See: Kovacevic, Nikola, 2020, *Deprivation of liberty of refugees, asylum seekers and migrants in the*

movement and isolation presented some of the most significant challenges of the pandemic outbreak. Lack of internet or limited internet access negatively impacted the ability of refugees, asylum seekers and migrants to communicate with the outside world. In order to buy necessary items for themselves and others, the community representatives were enabled to leave asylum and reception centres for a limited period of time only.

External connections relied mostly on remote communication, phone calls and social media, that sometimes led to increased frustration and tension among the refugee and migrant population. For example, one migrant tried to jump over the wall in the Adasevci RC when military guards fired several shots into the air to prevent him from leaving the reception premises.[17]

Tensions were noticeable amongst the local polulation as well. Some of the incidents were particularly threatening for refugees and asylum seekers, authorities and civil society organisations working in refugee/migrant protection. On May 6, 2020, the last day of the state of emergency, a young man, member of the far-right group Levijatan, broke through the fence and drove his car into the Obrenovac RC, while live-streaming the whole incident on his Facebook profile. After breaking into the centre, he surrendered to the soldiers of the Serbian Army securing the facility at the time.[18]

Anti-migrant and anti-refugee narrative intensified during the pandemic outbreak as well. Throughout the 2020 state of emergency, many conspiracy theories and fake news regarding the number of refugees and migrants in Serbia circulated in the public space, primarily on social media. They were focused on alleged violence against local citizens, misinformation, hate speech[19] and intol-

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Republic of Serbia through measures of restriction and measures of derogation from human and minority rights made under the auspices of the state of emergency, A11 Initiative, Belgrade, p.7, available at: https://www.a11initiative.org/wp-content/uploads/2020/05/Deprivation-of-liberty-of-refugees.pdf

17 Radio Television of Vojvodina (RTV), "Incidenti u migrantskim centrima: Vojska pucala u vazduh", 21.04.2020, available at: https://www.rtv.rs/sr_lat/drustvo/incidenti-u-migrantskim-centrima-vojska-pucala-u-vazduh_1116131.html

18 Kurir, "Mladić izgubio živce i kolima upao u kasarnu u Obrenovcu: Ne želim da moju devojku napadaju migranti!", 06.05.2020, available at: https://www.kurir.rs/vesti/drustvo/3459707/mladic-izgubio-zivce-i-kolima-upao-u-kasarnu-u-obrenovcu-ne-zelim-da-moju-devojku-napadaju-migranti-video

19 *Hate speech* can be defined as a term that covers all forms of expression which spread, incite, promote, or justify racial hatred, xenophobia, anti-Semitism, or other forms of hatred based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin. Recommendation No. R (97) 20 of the Committee of Ministers to Member States on "hate speech" adopted by the Committee of Ministers on October 30th, 1997 on the 607th meeting of the Deputies of Ministers, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680505d5b

erance. The right-wing groups promoted such discourse through their media pages[20] the content of which warned of "jihadization of Serbia", "secret plans for settling migrants" and identified migrants (and refugees) as criminals, drug dealers, and rapists who attack local women and girls.[21]

Moreover, negative media reporting concerning refugees and migrants in Serbia continued in the second half of 2020 as well. Such context was often characterised by sensationalism in reporting, generalisations, polarisation (*Us* against *Them*) and stereotypes - for example, some of the published headlines were "Migrants set a house on fire, locals in fear".[22] and "New incident with the migrants: (They) harassed bus driver because he asked them for tickets."[23] Such headlines often manipulate with presented information and influence attitudes of the host population negatively toward migrants and refugees.[24] This type of media coverage remained present in 2021 as well.

To explore public attitude toward refugees and migrants and the possible media influence HCIT conducted a survey with the local population in June 2020, soon after the state of emergency had ended.[25] One of the findings showed that about half of the respondents either trusted or partially trusted media content.

On the other hand, the respondents who stated they had changed there atti-

20 Such content can be found in Facebook groups such as *Narodna patrola* (People's Patrol; https://www.facebook.com/narodnapatrola/) and *STOP Cenzuri* (STOP Censorship https://www.facebook.com/groups/512775282720731/). The latter was created as a group named "STOP Migrant Settlement" on March 25, 2020 and changed name in January 2021, while calling for a fight against settling migrants in Serbia from their cover page. According to Sjepic's research, during winter 2021, the group gathered more than 330,000 members. For more details see: Sjepic, D. 2020, *Hate Speech and Stereotyping in Traditional and New Media*, Novi Sad School of Journalism, available at: https://hedayahcenter.org/app/uploads/2021/09/Hate-Speech-and-Stereotyping-in-Traditional-and-New-Media-STRIVE-Serbia.pdf

21 Many posts were endorsed and shared multiple times, also with comments with explicit hate speech elements aimed against migrants and refugees - to "…flood them, and then drown the survivors in the sea, and the problem is solved"; "I personally would kill his whole family and turn him on a spit" and similar. Ibid. p. 12-13

22 Alo, "Migranti zapalili kuću, meštani u strahu", 12.10.2020, available at: https://www.alo.rs/vesti/region/migranti-zapalili-kucu-mestani-u-strahu/347992/vest

23 Telegraf, "Novi incident sa migrantima: Maltretirali vozača autobusa, jer im je tražio karte", 12.10.2020, available at: https://www.telegraf.rs/vesti/jugosfera/3248670-novi-incident-sa-migrantima-maltretirali-vozaca-autobusa-jer-im-je-trazio-karte

24 Vojvodina Research and Analytical Centre (VOICE), "Migranti su sinonim za nasilje – tvrde manipulativni naslovi medija", 27.10.2020, available at: https://voice.org.rs/migranti-su-sinonim-za-nasilje-tvrde-manipulativni-naslovi-medija/

25 Lainovic M. and Buha V, 2020, *Uticaj medija u Republici Srbiji na povećanje ksenofobije prema izbeglicama i migrantima*, HCIT, Novi Sad, available at: https://hcit.rs/uticaj-medija-u-republici-srbiji-na-povecanje-ksenofobije-prema-izbeglicama-i-migrantima/

tudes towards refugees and migrants in 2020, tended to shift to more negative perspective concerning this population.[26]

The COVID-19 outbreak in Serbia had another important impact that correlates with access to asylum and the corresponding procedure. In comparison to the number of detected new entries into the country in 2020,[27] only 2,830 foreign citizens were registered in the Republic of Serbia in accordance with the provisions of the Law on Asylum and Temporary Protection of the Republic of Serbia, thereby receiving a Certificate of Expressed Intention to Seek Asylum.[28] However, only 88 formal asylum requests were submitted in 2020, which is drastically less compared to previous years.[29] In 2020, a total of 29 statuses were granted to persons seeking international protection, 12 subsidiary protections and 17 refugee statuses.[30] This correlates with a somewhat limited working dynamics of Ministry of Interior during the state of emergency, the epidemiological situation, and the related restrictions and prevention measures related to COVID-19.[31]

Finally, as in other parts of Europe, the COVID-19 pandemic had a curbing effect on irregular migration and access to territory and asylum, "but its effect was less pronounced than one might have expected"[32] since the arrival numbers have risen when movement restrictions were lifted and showed only a 7.8% drop in comparison to 2019. Similar to Serbia, a decline in asylum applications within EU Member States (25.6% in 2020) may be explained with delayed admissions and movement restrictions.[33]

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26 Reportedly caused by media coverage, unpleasant personal of experiences of the acquaintances and friends. Some of the statements that can be found in the study refer to that: "My opinion (on refugees/migrants) changed because I simply listened to what the media was saying"; "…They are not refugees, rather an army with a specific goal" or "military capable groups of people who do not want to be integrated into society"; "Most of them are economic migrants"; "They break into other people's property, rob, and steal" and similar. Ibid. p. 24-25.

27 Over 24,000 in 2020 according to UNHCR Serbia Monthly Update for December 2020, available at: https://data2.unhcr.org/en/documents/download/84100

28 The mere expression of the asylum intention does not mean the initiation of the procedure for determining the refugee status, but it is done subsequently, by submitting an official request to the authorized official of the Asylum Office.

29 Asylum Office data

30 Ibid.

31 Belgrade Centre for Human Rights, *Right to Asylum of the Republic of Serbia 2021*, p. 25, available at:http://azil.rs/en/wp-content/uploads/2021/02/Right-to-Asylum-in-Serbia-2020.pdf

32 The International Centre for Migration Policy Development (ICMPD), ICMPD Migration Outlook 2021, https://www.icmpd.org/file/download/50555/file/ICMPD0Migration0Outlook020210EN.pdf

33 Ibid. p. 14

BELGRADE OVERVIEW

Well-connected to other areas of the country with two accommodation centres (Krnjaca and Obrenovac) on its territory, Belgrade is the one of the important junction points for persons arriving in Serbia and those who seek specialised services in the capital. Belgrade central area that stretches around OSP Miksaliste,[34] parks near the main bus station and former main railway station, remained in the focus of arriving refugees and migrants during 2020 and 2021.

In early 2020, some migrants and refugees squatted, in abandoned structures along both banks of the Sava River, usually entering them late at night and leaving early in the morning. However, with the development of nearby residential and commercial district, the whole area was rebuilt and those who had been sleeping rough had to find another solution. Therefore, much smaller number of refugees and migrants could be observed sleeping rough on fewer scattered locations in Belgrade central area throughout 2021. More of them sought accommodation in neighbouring hostels and hotels, often without proper documents and registration with the police. Also, more new arrivals tended to seek assistance within government-run accommodation centres where they were able to be registered as well.

Refugees and migrants sleeping rough in Belgrade central area, November 2020. Photo: CRPC

34 One Stop Point Miksaliste, run by Serbian Commissariat for Refugees and Migration

Following the COVID-19 outbreak in 2020 that continued the following year, more relocations to the state-run centres were organised in the area as well, contributing to the decline of the population sleeping rough.

Finally, the number of persons observed in the area during 2020 and 2021 was also influenced by the COVID-19 pandemic and the preventive measures such as restriction of movement.[35] For example, with some relaxation of measures and lifting of the state of emergency in May 2020, the number of refugees and migrants in Belgrade central area gradually increased, including both those who absconded the centres and new arrivals. Most of those who left the centres (with or without appropriate permission of absence), were determined not to return to their previous accommodation. After unsuccessful border crossing attempts, many of them would stay in hostels or sleeping rough in Belgrade and border areas. On the other hand, some newly arrived persons and groups, fearing renewed restrictions of movement, rushed towards the borders as well, less interested to seek governmental accommodation in Serbia. This led to the number of people sleeping rough and/or outside state accommodation facilities rising, among them some UASC, thus remaining "under the radar" of protection system.

Map of Belgrade central area with locations of concern

35 Separate chapter deals with COVID-19 outbreak and its challenges in Serbia.

Moreover, right-wing activists, organised in so-called "people's patrols", circulated the area intensively as of winter 2020, spreading anti-migrant messages, but also occasionally approaching (sometimes physically engaging with) migrants and refugees they observed in the area, including both beneficiaries of the nearby centres and those coming from other areas in Serbia.[36]

On the other hand, Belgrade was one of the areas where refugees, asylum seekers and migrants could receive various services, seek free legal and medical services, accommodation, but also communicate in their mother tongues and receive relevant information, cultural mediation and orientation. CRPC supported more than 6,000 persons in Belgrade central area and more than 800 persons in different accommodation centres throughout Serbia. Persons from more than 50 different countries, including Afghanistan (53%), Syria (18%), Iraq (8%), Pakistan (4%), Iran (4%), Palestine (2%) and other, were assisted by CRPC during 2020 and 2021.

The importance and need for continuous and comprehensive support for persons in integration process increased during the pandemic outbreak and in the following year as well in Belgrade area. Therefore, extended assistance in formal and non-formal education, finding employment and private accommodation etc. was provided to adult and child beneficiaries and adapted to somewhat changed modalities, that include remote work and access to services. In 2020 and 2021, CRPC, assisted more than 230 refugees and asylum seekers in their integration and inclusion in the Serbian society.

Finally, some of the challenges that the service providers were encountering, were triggered by the pandemic, while others remained similar to previous years:

- Comprehensive and systematic protection of vulnerable persons, including children travelling without parents or caregivers;
- COVID-19 pandemic outbreak and its influence, from health risks to integration challenges such as potential loss of employment;
- Challenge of remote communication, digital access and information provision, especially during COVID-19 outbreak;
- Increase in incidents related to right-wing movements and anti-migrant public narrative.

36 One of the biggest anti-migrant gatherings in Belgrade occurred in March 2020, when 200 people protested. Balkan Insight, "Anti-Migrant Protest Condemned as Disgrace", 09.03.2021, available at: https://balkaninsight.com/2020/03/09/serbian-anti-migrant-protest-condemned-as-disgrace/. Also, hate speech and false news in corelation with the COVID-19 situation are presented in a separate chapter.

Serbian classes at CRPC, May 2021. Photo: CRPC

BORDER AREAS OVERVIEW

The term *border area,* as used in this paper, signifies areas where HCIT teams were operational in 2020 and 2021, within municipalities of Subotica, Horgos, Kanjiza, Sombor, Sid, Kikinda and Loznica, and the villages in close proximity to borders with Hungary, Croatia, Romania and Bosnia and Herzegovina.

As in previous years, refugees and migrants, including families with young children, gathered in border areas. Most of them were sleeping rough in the abandoned factories and buildings (e.g. old factory "Sunce" in Sombor, empty wagons and constructions at main railway stations in Sombor, Subotica, Loznica and Banja Koviljaca), abandoned farms (e.g. near Horgos), squats in forest areas along the Tisa River (e.g. between villages Srpski Krstur and Djala), but also in motels, hotels, hostels and private houses. They spent their time trying to cross the border and continue their journey onward to the EU.

The COVID -19 outbreak in the spring of 2020 influenced the mixed migration movement across Serbia, both relating to new arrivals but also regarding onward movements. Most of the population identified as sleeping rough in the vicinity of northern borders, after the state of emergency was officially declared, was gathered by police and army forces and taken to one of the available reception centres. At the time, it was necessary to provide all the persons of concern with adequate information regarding COVID-19 pandemic, protection from the virus, but also with timely and efficient dissemination of information specifically regarding the Serbian pandemic situation, mostly focusing on restriction of movement, police curfew and other measures and rules imposed by the Government. Six reception centres that were operational in 2020 in AP Vojvodina, and an *ad hoc* camp in village Morovic, hosted more than 3,500 refugees and migrants for example by the end of April 2020, out of total 8,899.[37]

After the end of state of emergency, many refugees and migrants started leaving reception and asylum centres in greater numbers, heading to the north of the country, mostly to the Romanian border. As a comparison, according to SCRM data, on May 10, there were 8,820 persons accommodated in all available reception centres, while only twenty days later, numbers dropped by three thousand (5,802 on May 30). In the same period, HCIT field teams started gathering testimonies of numerous, often very violent push backs. Simultaneously, the number of persons sleeping rough in northern border areas increased again.

37 Official SCRM data, April 26, 2020

HCIT continued to work from two outreach offices, in Sid and Subotica, including mobile field teams. In addition, HCIT reported protection incidents in border areas, 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 potential legal actions. Furthermore, persons were enabled to access adequate procedures and local institutions (access to accommodation, health care services, documentation, legal representation, etc).

Map of border areas with locations of concern

During 2020 and 2021, HCIT teams continued to provide counselling about the asylum procedure in the Republic of Serbia to foreign nationals likely in need of international protection, as well as about 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 2020 and 2021, HCIT legal team also continued to represent asylum seekers in front of the competent state institutions (Asylum Office, Asylum Commission and Administrative Court) during asylum procedures, including by drafting appeals and lawsuits. Also, those asylum seekers that fulfilled legal cri-

teria were supported in accessing the labour market, obtaining working permits and living in private accommodation.

During 2020 and until October 31, 2021, HCIT teams supported more than 14,000 persons through various activities and with practical information and advice they needed regarding different types of inquiries. Out of this number, HCIT specifically provided information on the asylum procedure and also counselling on the basis of provisions of the Law on Asylum and Temporary Protection of the Republic of Serbia related to the asylum procedure, to more than 1,200 refugees, asylum seekers and potential asylum seekers. Persons were also counselled on their rights and obligations under the integration process in the Republic of Serbia if they are granted protection.

Among the targeted population, HCIT worked with 512 unaccompanied and separated children, who were either pushed-back from neighbouring countries, or had just arrived in Serbia. They were referred to local centres for social work (CSW) for further assistance. Also, HCIT facilitated access, for more than 400 refugees and asylum seekers to local institutions.

Visit to City Museum in Subotica, November 2021. Photo: HCIT

During 2021, within the scope of inclusion activities, in order to bring closer local and refugee population, HCIT organised several social and cultural events. On World Refugee Day, HCIT organized a multimedia event “Their stories have become our stories” in Novi Sad.

In cooperation with the Freedom Has No Price Organization from Novi Sad, refugee photos that depicts their lives and a short film, created by Vojin Ivkov, were displayed. The film consists of numerous short interviews with refugees and deals with a New Year’s Eve in Belgrade, from the perspective of refugees who were rough sleepers in the city at the time. Video materials and photos of HCIT field activities, were presented to audience as well. A couple of asylum seekers, beneficiaries of HCIT legal assistance, shared their struggles, plans and experiences of Serbia. The exhibition was open to the public and attracted a great number of visitors.

Multimedia event “Their stories have become our stories” , June 2021. Photo:HCIT

ARRIVALS TO BORDER AREAS AND BELGRADE

As in previous years, mixed movement[38] continued through Serbia in 2020 and 2021. This term is used to define migration of people travelling together, most likely irregularly and following the same migratory routes and means of transport, for different reasons, needs and may include asylum seekers, refugees, migrants and various vulnerable persons, such as unaccompanied and separated children (UASC), trafficked persons and similar.[39]

COVID-19 pandemic outbreak influenced migration flows, new arrivals and access to asylum worldwide. Frontex reported the lowest number of illegal border crossings since 2013 and a 13% drop in the number of detections of illegal border crossings along the EU's external borders.[40] According to The European Asylum Support Office (EASO), due to COVID-19 restrictions, cross-border and within-country movement limitations implemented in the EU+ and third countries, the number of applications for international protection was at its lowest since 2013.[41] Only in comparison to 2019, approximately 32% less applications were lodged in EU+ countries in 2020.

Although the overall number of newly arrived persons in Serbia declined with the beginning of COVID-19 pandemic, a steadier increase of the arrivals was detected after the lockdown ended in the second part of 2020 and during 2021. During 2020, a total of 24,250 new refugees and migrants were observed to arrive in Serbia.[42]

When looking back at previous years, a slight change in migratory routes occurred during 2020 with persons travelling not only through North Macedonia, but also through Greece and Albania. In 2021, the preferred route trends returned to those from 2019 – mainly through North Macedonia and Bulgaria.

38 *Mixed movement*, *mixed migration* or *mixed flows* are terms that relate to the definition of a movement as explained in the International Organization for Migration (IOM), Glossary on Migration, 2019, p.141-142, available at: https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

39 Ibid.

40 FRONTEX press release, "Irregular migration into EU last year lowest since 2013 due to COVID-19", 08.01.2021, available at: https://frontex.europa.eu/media-centre/news/news-release/irregular-migration-into-eu-last-year-lowest-since-2013-due-to-covid-19-j34zp2

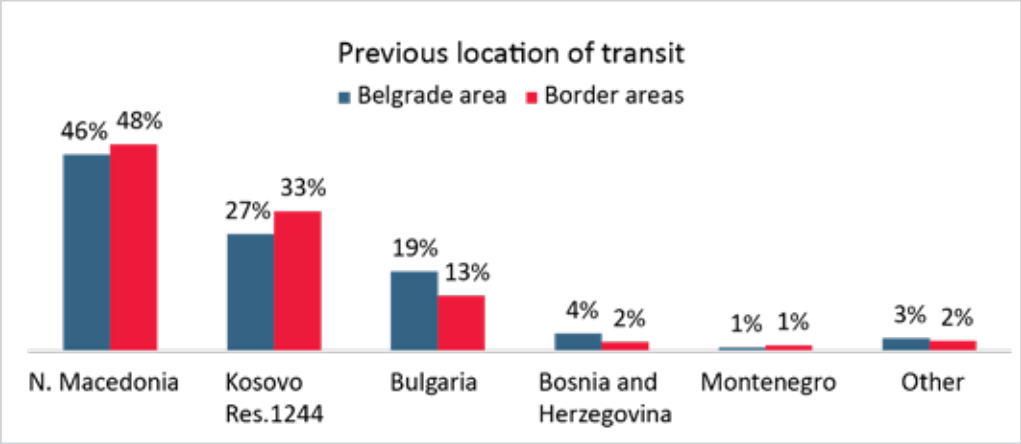
41 EASO Asylum Report 2021, available at: https://op.europa.eu/en/publication-detail/-/publication/b9445e84-d8c3-11eb-895a-01aa75ed71a1

42 UNHCR Serbia Monthly Update for December 2020, available at: https://data2.unhcr.org/en/documents/download/84100

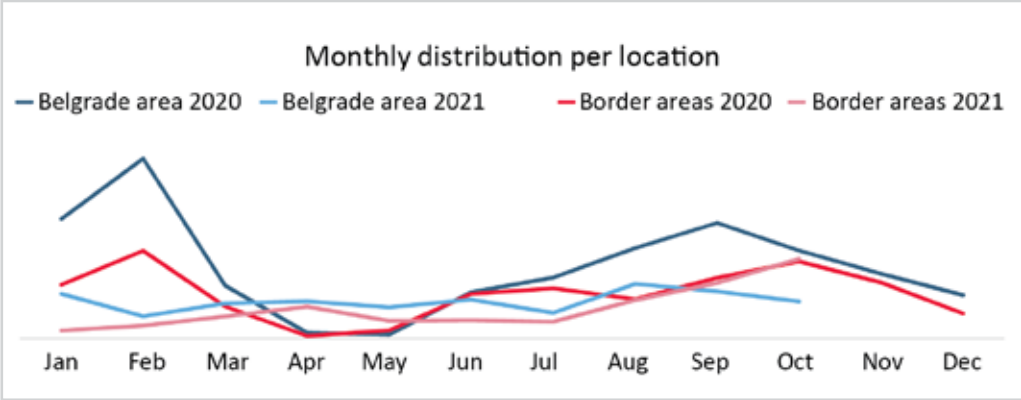
Map of Serbia-main transitory routes

Almost 2% of new arrivals observed in Belgrade and border areas stated they had entered Serbia by plane. Out of those 2% who stated they reached Belgrade by plane in 2020-2021 (until the end of October), 59% were Burundi nationals, followed by persons from Cuba 9%, Tunisia 5%, Syria 4% and other countries, mostly from Asia and Africa. A rise in numbers was identified in Belgrade in autumn 2021, when 8% of the population in mixed migration (mostly persons from Burundi, Cuba, China) reached Serbia via plane.

Upon arrival to the areas covered by HCIT and CRPC, refugees and migrants were counselled, informed and interviewed, assisted and/or referred to specialised service providers in accordance with their needs.

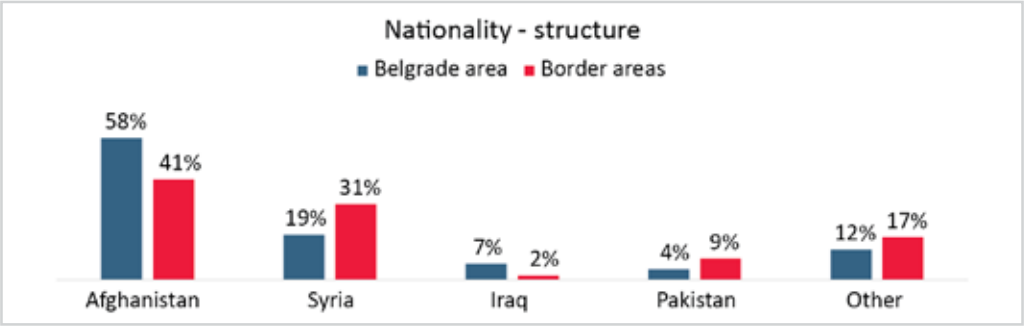


At locations where CRPC and HCIT are operational, 9,300 new arrivals were observed – more than 3,700 by HCIT (out of which 64% in 2020) and 5,500 by CRPC teams (out of which 70% in 2020). The majority of new arrivals were observed in winter months of 2020.

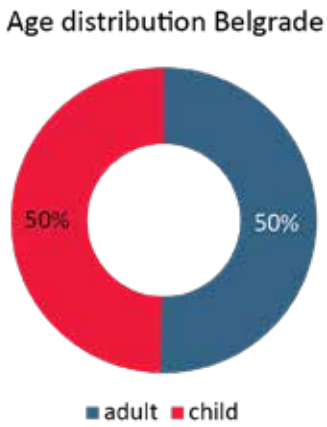


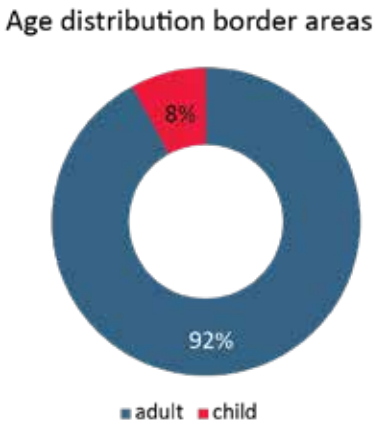
After the emergency restrictions were revoked in May 2020, refugees and migrants continued arriving in Serbia in higher numbers again, but not as in the period prior to the pandemic. For example, in 2019 the average number of new arrivals identified by CRPC and HCIT on a monthly basis exceeded 1,000 persons. However, from May 2020 until October 2021, the monthly average of newly arrived individuals showed a 60% drop and steadier monthly oscillations during 2021. According to HCIT and CRPC data, the national structure of the identified new arrivals changed somewhat in comparison to previous years.

More Syrian nationals sought assistance and protection with these two organisations. Also, the national structure diversified - persons from 49 Asian, African, South American and other countries were identified in Belgrade and border areas during 2020 and 2021.



Similar to previous years, the majority were young male adults, while 10% of the population consisted of females. According to data gathered by the two organisations, one in six new arrivals in Belgrade area, and one in 19 at border areas, was a woman.





Following the trend from previous period, most of the respondents identified in Belgrade stated harm (76%) and armed conflict (63%) as the reasons they have fled their native countries. Only a third stated they have left their homes in search of better life (29%).[43] Finally, Germany and/or France remain preferred destination countries for the most. In comparison to 2019, less new arrivals were indecisive about their final destination – 15% of the respondents haven't developed any future strategy yet.[44]

43 Multiple answers
44 Ibid.

Providing assistance to new arrivals, March 2021. Photo: CRPC

Case No. 1

Woman and her 9-year-old son from Syria, Belgrade, July 2020

"I came to Greece with my son few months back. We applied for asylum and waited for the process to conclude. While in Greece, I met a man from Syria and we started seeing each other. After some time, he said that if we got married and if my son would go with him to Germany, they could get an asylum there and I could join them afterwards. We got engaged and he and my son left Greece. I even gave him 6,000 euros to fund my son's journey. The last time I have heard from my son was when they reached Serbia and were accommodated in some centre. Later on, some friends have told me that this man posed as my son's father but left the centre without him. My son was transferred to some other place by social workers. I managed to reach Serbia and reunite with my son."

Case No. 2

Man from Iran and his son (10), Belgrade, April 2021

"Because I am Sunni and due to my political views, I was imprisoned several times in Iran. After that, my family and I decided to flee Iran. We went to Turkey and were there for some three years. In 2019 my son was abducted by local

criminal organization who demanded ransom. After he was released, we left Turkey. We crossed into Greece and were accommodated in an accommodation centre. We applied for asylum there, but never got any response from authorities. Since the situation in Greek accommodation centres is not that good, and we could not find work in Greece, my family decided that me and my son continue to EU, to Germany, if possible. My wife and other two children stayed in Greece."

Case No. 3

A man from Afghanistan, Hungarian border, October 2021

"I fled Afghanistan three months ago, when the Taliban seized power there. I was in a large group of over 60 persons, and we first went to Iran. The group separated after that, and I reached Turkey on foot. I continued travelling through Turkey on foot and by bus for a month and walked through Greece for about 10 days.

Then I travelled through North Macedonia. When I entered Serbia, I spent a few days in Presevo RC. Now I am planning to continue my journey. I want to go to Germany because my friends live there."

UNACCOMPANIED AND SEPARATED CHILDREN

Of the total number of new arrivals identified in Belgrade and border areas from January 2020 until October 2021, one third were children, with almost 70% unaccompanied and separated ones (UASC).[45] This represents more than 2,100 newly arrived UASC that HCIT and CRPC aided and supported. These children were informed and referred for further assistance and support to either field social workers or local centres for social work. They could find accommodation in one of the accommodation centres,[46] appropriate institutions and shelters.

UASC travel to Serbia through established migratory routes, usually alone or within peer groups and with the help of smugglers. They frequently travel without personal documents and are at risk of legal invisibility.

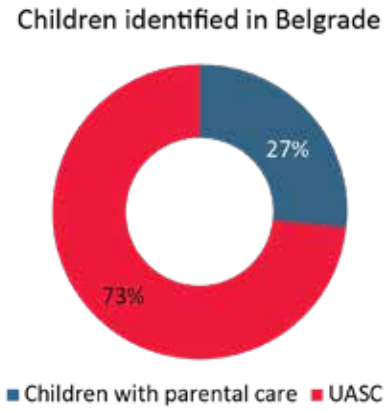
45 For detailed definitions of unaccompanied and separated children see: UNHCR Global Focus - Glossary, available at: https://reporting.unhcr.org/glossary; UN Committee for the Rights of the Child, General Comment No. 6, Treatment of unaccompanied and separated children outside their country of origin,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

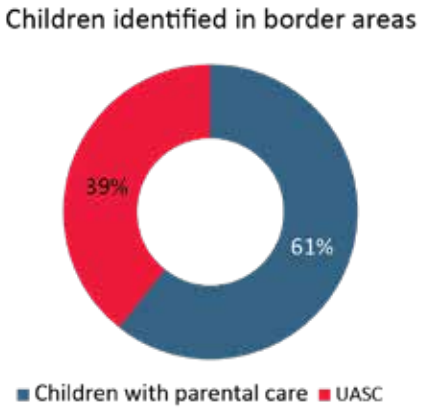
46 Instead of Sjenica Asylum Centre (AC), Bogovadja AC become a designated centre for UASC during 2020 and 2021.

These children are often exposed to various risks, such as violence, including SGBV, abuse, trafficking, labour and other forms of exploitation but motivated to continue their journey toward EU countries.[47]

UASC seeking assistance at Miksaliste, May 2021. Photo: CRPC

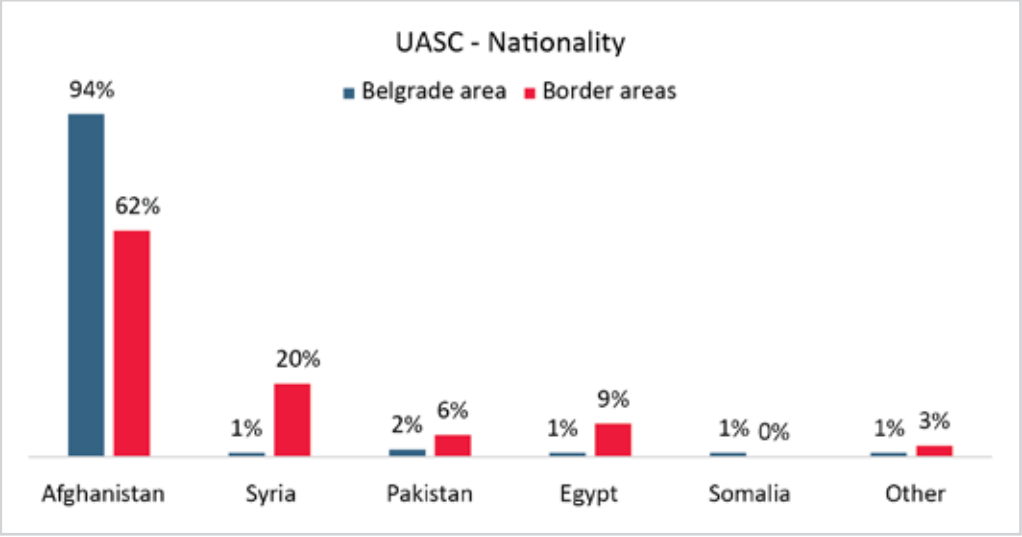
47 For more detailed analysis of risks that UASC and youth face, see Vjestica, S.A. and Dragojevic M, 2019. *Game People: Irregular Migration and Risks*, Crisis Response and Policy Centre, Belgrade, available at: https://www.crpc.rs/dokument/Game%20People.pdf





According to CRPC and HCIT data, more than 20% of the total number of UASC were identified until spring 2020. About 65% UASC were identified during 2020, while 35% from January until October 2021. Majority of UASC entered Serbia through direction of Turkey-Bulgaria and Greece-North Macedonia. According to the available data, during autumn 2021, almost every identified UASC entered Serbia through land route with Bulgaria.

Following the migration flows of the observed new arrivals, boys from Afghanistan were the most represented among UASC with 93%. The rest originated from Pakistan (2%), Syria (2%), Somalia (1%), Egypt (1%), Iran, Eritrea, Algeria, Iraq, Palestine, DRC Congo and Tunisia (under 1% respectively). More than 90% of newly arrived UASC to Belgrade and border areas in 2020 and 2021 aged between 14 and 17.



Following the trend of previous years, identification of unaccompanied and separated girls remained fraught with many challenges in 2020 and 2021. During these two years, not more than six UASC girls were identified only in Belgrade area – two in 2020 and four in 2021. They originated from Syria and Afghanistan (one each), followed by Eritrea and Somalia (two girls respectively).

In comparison to their male companions, women and girls often travel with scarce information about their journey (routes, means of transport, groups composition and similar) and may be exposed to various risks.[48] Unaccompanied and separated girls tend to travel with extended groups, unrelated adults or relatives and often claim to be a part of the family (which they may change during the journey). Therefore, they are much less visible and more exposed to possible trafficking, sexual exploitation, SGBV and other risks. [49]

Case No. 1

Girl from Syria (17), Belgrade, July 2020

"I arrived in Serbia two weeks ago, in a group with eight men from my country. I said to the interviewer that I am an adult and that they are my cousins and neighbours, so I could stay with them. I was badly injured during the trip and was taken to a hospital where I had treatments. We spent some time in the centre. People from my group went to cross the border and left me here. Since I could not walk well, I didn't want to say I am underaged, so I would stay in a current accommodation."

Case No. 2

Boy from Afghanistan (16), Belgrade, August 2021

"I am the youngest child in my family. I had an older brother, and still have two older sisters alive. My father and brother worked as police officers but were killed by the Talibans. After that, some men came to my uncle, and told him that my sisters are to marry Taliban members and I had to join them. My uncle told my mother to send me away and gave me some money for the journey. I left Afghanistan about six months ago. First, I crossed to Iran and then to Turkey,

48 For example, 83% of the researched women and girls (including UASC) stated they faced a life-threatening situation during their journey to Serbia, while two thirds stated the journey affected their health. Ibid. p.32

49 UNICEF, Making the Invisible Visible - The identification of unaccompanied and separated girls in Bulgaria, Greece, Italy and Serbia, March 2020, available at: https://www.unicef.org/eca/media/10676/file/This%20Analysis.pdf

where I worked in a paper factory for a couple of months. When I saved some money, I continued to Greece and Macedonia and arrived to Serbia. I would like to go to France, so I can work and send some money to my family back in Afghanistan. If possible, I would like to go to school as well."

Case No. 3

Boy from Afghanistan (12), Hungarian border, August 2021

"I left Afghanistan around a year and a half ago. I was with a larger group, but no one in the group was my family member or relative. First, we transited through Pakistan and Iran to reach Turkey. I spent more than a year there. After that, I went to Greece, where I spent another two months. I arrived in Serbia through Bulgaria and spent a couple of days in one of the centres. Now I am sleeping in the old wagons in Sombor. I want to go to Hungary and then to Germany."

Activities with children, June 2021. Photo: CRPC

LGBTI+ PERSONS IN MIXED MOVEMENT

The years 2020 and 2021 have been particularly challenging for LGBTI+[50] people in Serbia and, unfortunately these circumstances had a dire impact on LGBTI+ asylum seekers and refugees. As CRPC noted in ILGA LGBTI Enlargement Review 2020[51] "xenophobia is on the rise in Belgrade, and right-wing formal and informal paramilitary groups have stated they will start patrolling other cities and towns in order to 'protect the citizens from migrants'. These groups, either by themselves or associated with other individuals and groups, have made homophobic comments and other acts of hate speech, including spreading misinformation".

Unfortunately, these groups have intensified their activities in 2021 and organized gatherings with the same agenda in other towns, such as Sombor, and continued to intercept anyone who they perceive might be a migrant. The official answer of authorities in charge of security has been insufficient and moreover, the fear from encountering these groups has risen within the PoC population and general public.

From March 15 to May 6 2020, Serbia was under the state of emergency. This implied a lockdown, and migrants, asylum seekers and refugees who were accommodated in government reception centres were under restrictions designated for collective centres and various institutions. "People who were accommodated privately fared better as their movement was limited in line with provisions for the general population. Identification of LGBTI+ persons in mixed migration flow was difficult during the time of lockdown, as most of the activities and services were conducted remotely. When the state of emergency was lifted, the activities continued accordingly."[52]

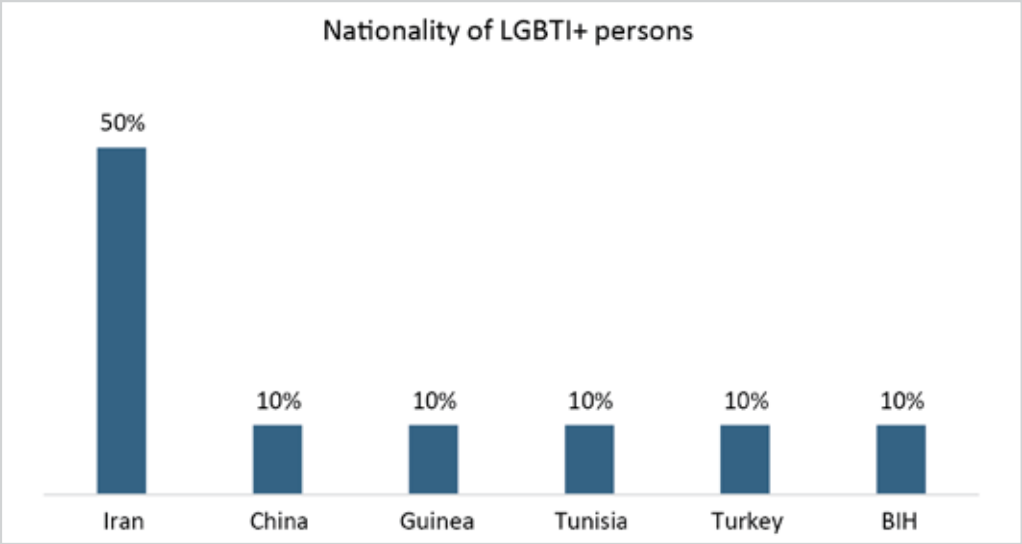
Throughout 2020 and 2021 Serbia has remained a country of transit and a destination for LGBTI+ people coming from Asian, African and European coun-

50 LGBTI+ abbreviation stands for lesbian, gay, bisexual, transgender, intersex and other persons and 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. For more on LGBTI+ terms see: http://www.labris.org.rs/sites/default/files/citanka-2009.pdf

51 ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, (Regional), LGBTI Enlargement Review 2020, available at: https://ilga-europe.org/sites/default/files/LGBTI%20Enlargement%20Review%202020.pdf

52 Ibid.

tries. During that time, HCIT and CRPC assisted 10 LGBTI+ refugees and asylum seekers, including three transgender persons.



Finally, comprehensive support to the authorities related to LGBTI+ sensitive migration management and protection should be one of the focuses as well. Therefore, CRPC organized several trainings and seminars in 2020 and 2021. These activities were supported by ERA, UNHCR, IRIS Network and the state authorities in charge of non-discrimination and protection of citizens – Commissioner for Equality and Protector of Citizens' offices in 2020.

During the following year, CRPC organised *Cultural Norms, Values and Practices in Countries of Origin* seminar with the support of UNHCR and MoLEVSA through IOM and SEM. Main focus was given to Asian and African countries characteristics with a special segment dedicated to LGBTI+ asylum seekers and refugees. It also presented different human rights violations, risks of persecution and death in specific countries of origin or transit countries, this vulnerable population may face.

COLLECTIVE EXPULSIONS OF FOREIGNERS FROM THE NEIGHBOURING COUNTRIES TO THE REPUBLIC OF SERBIA

This chapter deals with the practice of state authorities from the neighbouring countries regarding access to territory and migration flows. After the Balkan Route was closed, the Republic of Serbia remained on the map of migratory routes. Through daily fieldwork, HCIT and CRPC gathered numerous testimonies of collective expulsions of foreign nationals (*push-backs*) from neighbouring EU countries (Hungary, Romania, Croatia) and Bosnia and Herzegovina, with a special focus on collective expulsions of people in need of international protection during 2020 until the end of October 2021.[53] With the introduction of stricter politics toward refugee and migration movement to EU, studying of border practices contributes to better protection of human rights.

Collective expulsion is defined as any measure of the competent authorities compelling aliens as a group to leave the country, except where such a measure is taken after and on a basis of a reasonable and objective examination of the particular cases of each individual alien of the group.[54]

Aside from the fact that access to territory and, hence, access to asylum is being hindered by such unlawful border practices, many other human rights protected by international law may be violated as well, exposing persons to physical abuse, mistreatment, extortion, etc. One of the most tragic events occurred during a push-back from Croatia to Serbia in November 2017.[55] After the family was expelled from Croatia to Serbia in the middle of the night, a five-

53 Article 4 Protocol Number 4 to the European Convention on Human Rights prohibits collective expulsions of aliens. See: European Court of Human Rights, Factsheet-Collective expulsions of Aliens, September 2018, available at: http://www.echr.coe.int/Documents/FS_Collective_expulsions_ENG.pdf

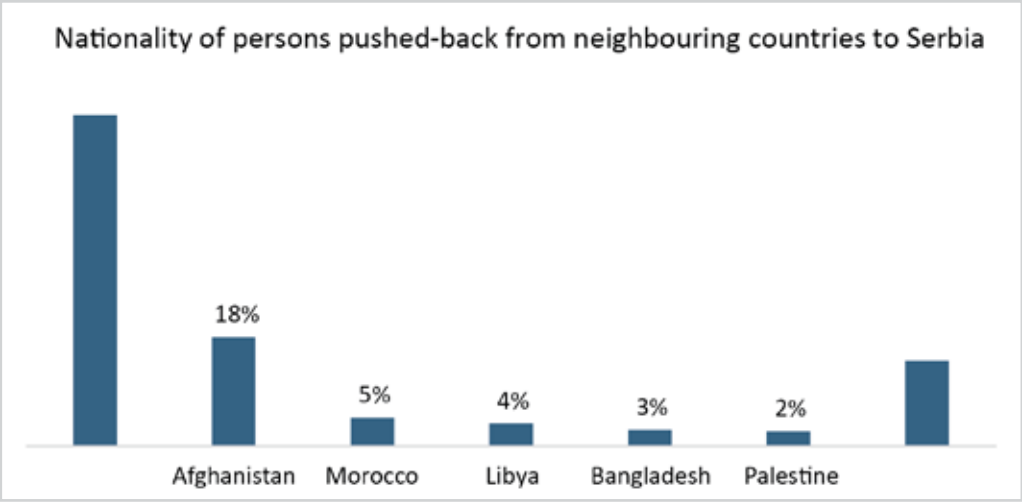
54 Ibid.

55 The Guardian, "Crosses on our heads to 'cure' Covid-19: refugees report abuse by Croatian police", 28.05.2020, available at: https://www.theguardian.com/global-development/2020/may/28/they-made-crosses-on-our-heads-refugees-report-abuse-by-croatian-police; The Guardian, "Blood on the ground at Croatia's borders as brutal policing persists", 22.12.2019, available at: https://www.theguardian.com/global-development/2019/dec/22/blood-on-the-ground-at-croatia-borders-as-brutal-policing-persists; The Guardian, "Inquiry launched into EU commission's protection of migrants at Croatia border", 10.11.2020, available at: https://www.theguardian.com/global-development/2020/nov/10/inquiry-launched-into-eu-commissions-protection-of-migrants-at-croatia-border

year-old girl from Afghanistan was hit by a train and unfortunately succumbed to injuries.[56] Finally, after a four year long process, in November 2021, European Court of Human Rights ruled that Croatia breached the European Convention on Human Rights regarding several Articles.[57]

From the beginning of 2020 until the end of October 2021, HCIT and CRPC documented a total of 3,092 incidents involving 46,475 foreign nationals that were reportedly unlawfully expelled from Hungary, Romania, Croatia, and from Bosnia and Herzegovina. The majority of push-back incidents were documented in border areas in Vojvodina by HCIT field teams (2,939 incidents involving 45,914 persons).

In comparison to previous years, when almost half of the pushed-back population originated from Afghanistan, the majority of those pushed-back to Serbia were Syrian nationals during 2020 and 2021. Also, the national structure of such population became more diverse in this period – persons from 56 different nationalities reported to be unlawfully expelled from neighbouring countries.



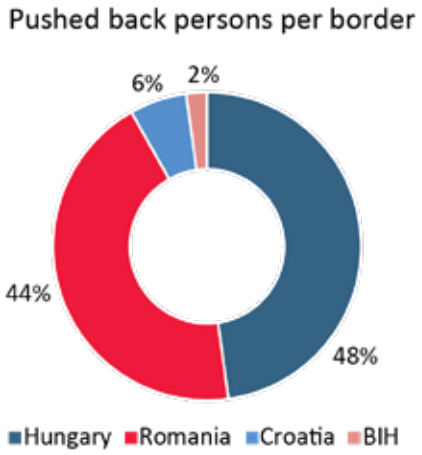
Furthermore, significantly less UASC (371 individuals, mostly from Afghanistan) reported to be pushed-back into Serbia than in previous years. Only 1% of the total pushed-back population during 2020 and 2021 were women from

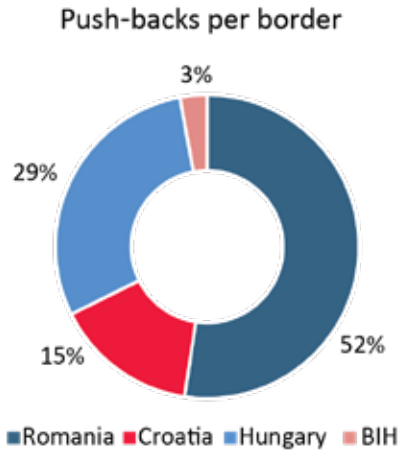
56 Vukasevic, I. (et.al.) 2018. *Between Closed Borders, Joint agency paper on refugees and migrants in Serbia 2017*, Belgrade, Crisis Response and Policy Centre, p. 50, available at: https://data2.unhcr.org/en/documents/details/65535

57 M.H. and others v. Croatia, app. No. 15670/18 and 43115/18, 18.11.2021, available at: https://hudoc.echr.coe.int/eng#{%22tabview%22:[%22document%22],%22itemid%22:[%22001-213213%22]}

Syria, Afghanistan, and Morocco. The rest were mostly adult men (97%). While examining the breakdown of push-back incidents per border, it can be concluded that the majority of such events happened from the direction of Romania, with approximately 3 to 8 persons involved per incident. However, the highest number of persons involved in push-backs was recorded from the direction of Hungary. According to collected data, average group size in push-backs from Hungary consisted of approximately 10 to 15 and often more persons.

Testimonies related to push-backs from all borders reported on various forms of physical abuse, degrading treatment, theft, extortion, destruction of property, gender-based violence, etc.



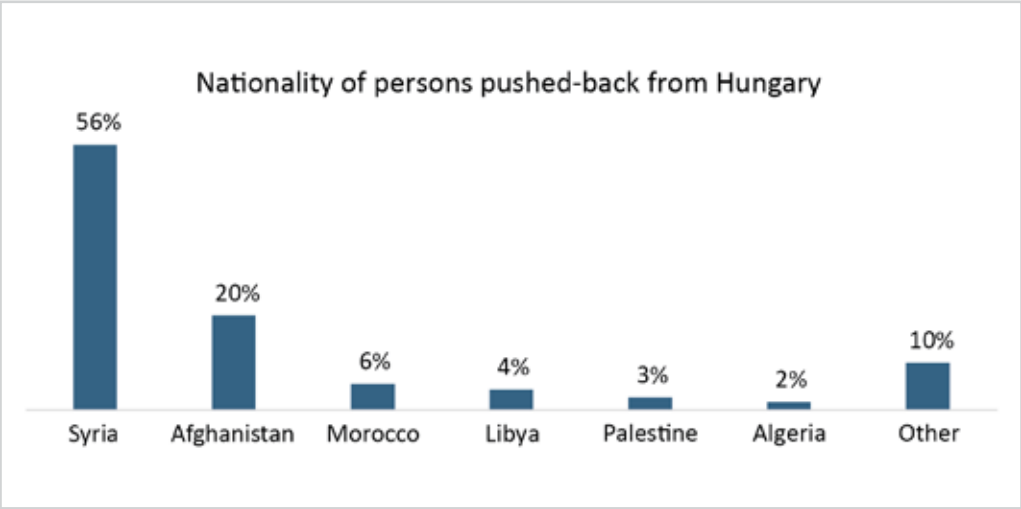


HUNGARY

The majority of the pushed-back foreign nationals entered Serbia from Hungary (48%). During 2020 and 2021, HCIT and CRPC documented a total of 911 cases of expulsion involving 22,203 persons mostly from Syria and Afghanistan. More than a half (60%) were recorded as push-backs from January to October 2021, when 13,000 persons reported being expelled from Hungary.

An increase in the number of persons involved in push-back incidents from the direction of Hungary can be observed since August 2021. Refugees and migrants also started reporting being expelled from Austria to Hungary, and then from Hungary to Serbia, which can further explain the increase of the number of persons involved in these incidents in comparison to previous period. Reports of expelled refugees and migrants who had never been in Serbia previously

were also documented. The vast majority (99%) of the pushed-back population from the direction of Hungary were adult men. HCIT and CRPC documented only 118 incidents including women. Out of almost 200 pushed-back children, 31% were UASC boys, mostly from Afghanistan.



On the route to Hungary, they crossed the border in various ways, usually in the proximity of several gathering locations:

- The border area between Hungary and Serbia from Sombor to Subotica (close to Rastina, Ridjica, Bajmok, Tavankut, and Kelebija villages) is protected by a barbed wire fence, so refugees and migrants were usually crossing the border by crossing the fence, either using ladders or jumping over it;
- The official border crossings Horgos/Roszke and Kelebija/Tompa were used by the refugees and migrants who crossed mostly hidden in trucks and were usually alone or in small groups;
- The border area between Palic and Horgos villages was used by refugees and migrants who irregularly entered Hungary by jumping over the fence;
- The border area between Srpski Krstur and Djala villages was the area where migrants and refugees used small raft or rubber boats to cross the Tisa River. Also, some of them swam across;
- Tunnels - presumably made by smugglers were discovered throughout the whole border area with Hungary, and were used to cross the border as well.

Case No. 1

A group of 5 men from Egypt, 1 man from Syria, and 1 man from the State of Palestine, Hungarian border, October 2020

"We managed to cross over the fence in order to enter Hungary. While we were doing that, one man from the group injured his back. We carried him for 13 kilometres and since we were tired, we decided to rest in a forest. While resting, we were surrounded by military guards who started beating us. We begged them to stop. One of them broke my leg. The man whose back was injured, asked for medical assistance, but one of the guards released a dog saying - "Here is your doctor!" and the dog started biting us. They threatened to kill us if they catch us irregularly entering Hungary again. We were expelled back to Serbia, somewhere around Horgos."

Case No. 2

7 men from Afghanistan, Hungarian border, February 2021

"We jumped over the fence into Hungary, using the ladders, somewhere around Horgos. Then, we were hiding in the forest where a smuggler was supposed to pick us up and transport to Austria by car. Before the smuggler came to the location, we were intercepted by three men. They did not wear any official uniforms and they were masked. I think they were part of some kind of civil guard or something like that. One of them was armed with a gun. They took all our money and our telephones. Then Hungarian police arrived. The three men were still present. We tried to explain to the police that those men robbed us, but the police didn't want to hear us out. We were put in a van and transported to the border, where we were photographed and ordered to return to Serbia."

Case No. 3

A group of 7 men and 3 UASC from Syria, Hungarian border, October 2021

"We entered Croatia near Bezdan at night. From Croatia we entered Hungary and continued on foot, hiding in forests and vineyards. We walked for the whole day and children were tired, hungry, and thirsty. Sometime around 11 at night, we approached two police officers to seek asylum approximately four kilometres from Baja. The police officers told us we cannot get asylum in Hungary and they put us in a police van and transported near the Serbian border. There they handed us over to a group of Hungarian military members which consisted of two women and four men. As soon as military members took us over, they started insulting us. They called us "filthy Muslims" and our God was ridiculed. We

were then put in a tent where we were continuously degraded for several hours by the group. When we asked for water and food, at least for the children, one of the men started throwing some food on the floor and told us that we should eat from the ground, “like the dogs we are”. Then he asked us mockingly “where is your God now?” We spent roughly six hours in that tent, tied up with a piece of plastic wire around our wrists. During that time, we were photographed. Afterward, the whole group was forced to walk for a couple of kilometres and then expelled to Serbia near the village of Kelebija.”

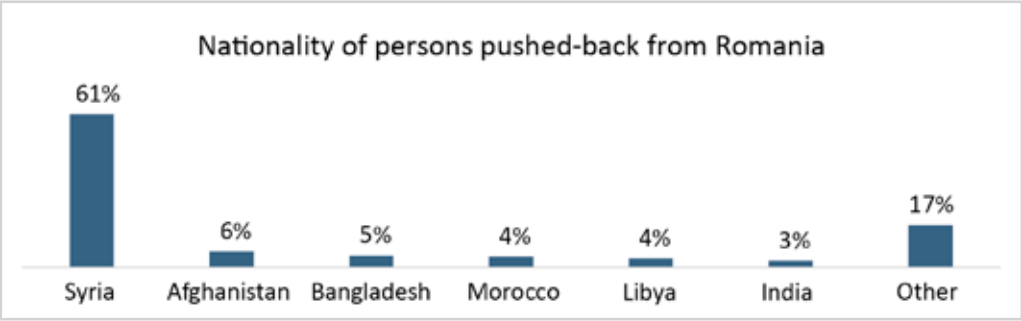
HCIT team talking to Syrian refugees and migrants near Sombor RC, August 2021. Photo: HCIT

ROMANIA

The highest number of push-back incidents was documented from the direction of Romania – 52% reports were gathered from almost 20,500 persons expelled from this country during 2020 and 2021.

For several years now, refugees and migrants have travelled along the Romanian route, usually through the following areas:

- Three-border area (border with Serbia, Hungary and Romania) - Majdan and Rabe villages
- Mokrin area (near Vrbica/Valkanj border crossing)
- Nakovo area (near Nakovo/Lunga border crossing)
- Banatsko Veliko Selo - a village next to Nakovo
- Novi Kozarci (near Srpska Crnja/Jimbolia border crossing).



During 2020 and 2021, most refugees and migrants entered Romania from the three-border area with Serbia and Hungary, especially from the villages of Majdan and Rabe. Abandoned houses in these two villages and an old milk farm between them were the most frequent sites where the pushed-back refugees and migrants were sleeping rough.

In most cases, refugees and migrants travelled through Romania before crossing into Hungary. They usually travelled in small groups, from three to eight persons. In comparison to the previous year when the majority of the population were families,[58] only 1% of persons pushed-back from this border were women, accompanied children and UASC respectively, while 97% were adult men from Syria, Afghanistan, Bangladesh, Morocco etc.

Interview with a group of young men at the abandoned milk farm, October 2021. Photo: HCIT

58 Vukasevic Beti I. (et.al) 2020. *Between Closed Borders 2019, Joint agency paper on refugees and migrants in Serbia 2019*, Belgrade, Crisis Response and Policy Centre, p. 32, available at: https://data2.unhcr.org/en/documents/details/83660

Organised travelling in vehicles or trucks was not a popular method of transport for the population on this route. Most of refugees and migrants were trying to cross the border with Romania without the help of smugglers and outside official border crossings. They often testify of being exposed to physical violence by border police, threats and also denial of access to asylum.

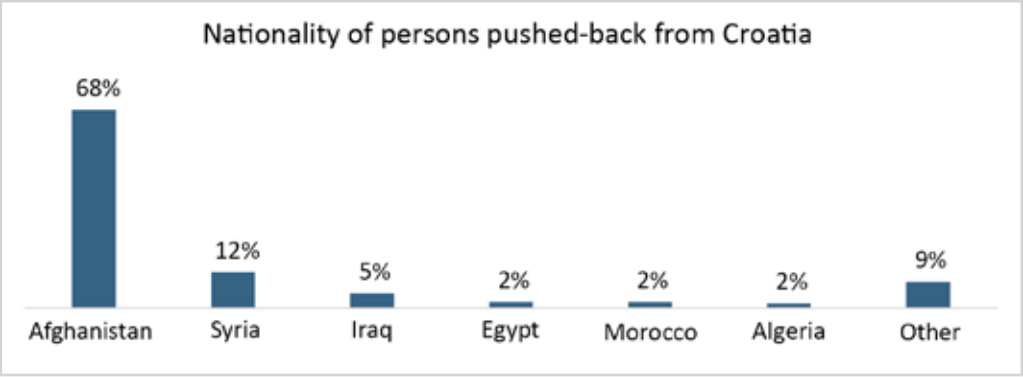
Case No. 4

7 men, 1 woman, and 1 UASC from Syria, Romanian border, October 2020

"We entered Romania the day before. We walked for some time when police spotted us. It was raining that night, so the police officers made us walk in front of the car while hitting us with a whip. At one moment, a police car got stuck in the mud and we were ordered to push the car out of it. While we were trying to push the car out, police continued to hit and kick us. When we arrived at the Serbian border, police ordered us to sit on the ground beating us continuously. A woman refused to sit. Then one of the police officers forced her to the ground by the hair and started whipping her. We were sitting there for some time and then forced to return to Serbia."

CROATIA

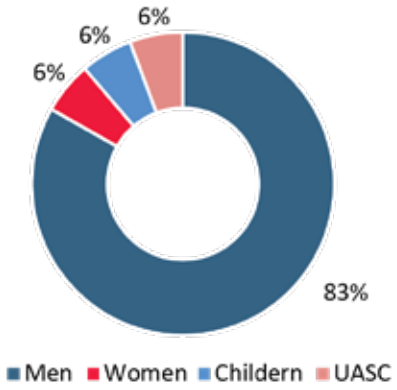
In comparison to 2018 and 2019, when the most pushed-back incidents were related to Croatian border,[59] during 2020 and the most of 2021, HCIT and CRPC documented 472 incidents with 2,790 persons which is almost four times less than in Romania in the same period. More families with children from Iran,



59 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; Vukasevic Beti, I. (et. al.) 2020. *Between Closed Borders, Joint agency paper on refugees and migrants in Serbia 2019*, Belgrade, Crisis Response and Policy Centre, available at: https://data2.unhcr.org/en/documents/details/83660

Syria, Iraq and 159 UASC from Afghanistan and other countries attempted to cross this border. Almost half of all pushed-back UASC (159) during 2020 and 2021 reported being expelled from Croatia.

Gender/age of pushed-back persons from Croatia



Three key locations on the border with Croatia were mostly used for border crossing attempts:

- Official border crossings Batrovci/Bajakovo and Sid/Tovarnik – where refugees and migrants were hiding in trucks, cars, and other cargo vehicles;
- Border area around Batrovci and Ilinci – that was usually crossed on foot through the forest area of a nearby forest park;
- Area around Sid – following the railway toward Croatia on foot.

According to the testimonies, those who attempted to cross near official border crossings, would usually enter the cargo area while the trucks were parked near the border crossing or in Belgrade. In the vast majority of cases, they were discovered by the Croatian police, handed over to Serbian police and later prosecuted for irregular border crossing before the Misdemeanour Court in Serbia.

Case No. 5

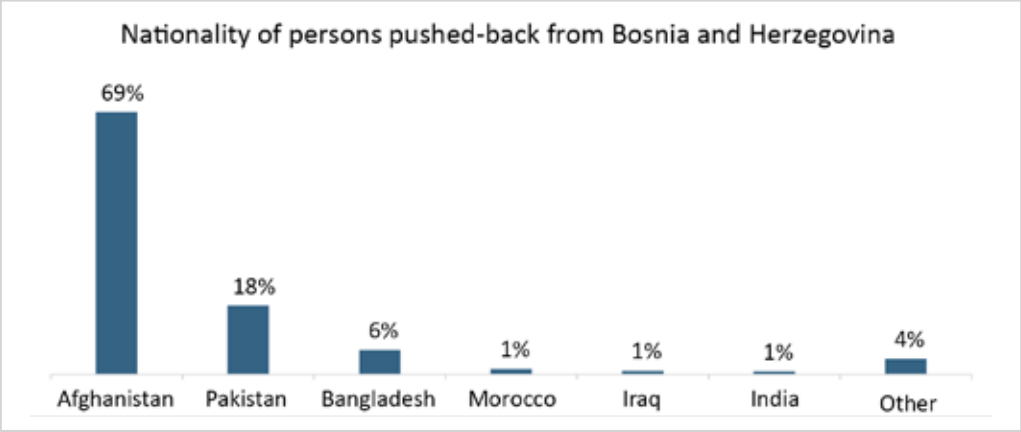
A group of 120 men, women, and children from Iraq, Syria, and Afghanistan, Croatian border, January 2020

"I was part of a larger group of over 120 persons that crossed into Croatia. The group consisted of several families with young children and single adult men, mostly from Iraq, Syria and Afghanistan. We followed the railway which led us

from Sid to Croatia. We were told that if we entered Croatia together, that the Croatian police will have to allow us to stay and seek international protection. We were quickly spotted by a group of Croatian police officers. Although we stated we want to seek asylum in Croatia, police refused to listen to us. They started beating me and other men. After that, they separated us into several smaller groups and they expelled us back to Serbia on different border locations. After we were expelled, one of the men was in severe pain and visited doctor in Sid. The doctor concluded that the man's rib was broken."

BOSNIA AND HERZEGOVINA

Throughout 2020 and 2021, HCIT and CRPC recorded 89 cases of expulsions from Bosnia and Herzegovina (BIH). These incidents involved 1,010 persons in total, mostly adult men (96%) from Afghanistan, Pakistan, and Bangladesh. Only 18 UASC reported being pushed-back from this border. As the border area is divided by the Drina River, smugglers (in most cases) organised crossing attempts in smaller groups at multiple points between Loznica and Mali Zvornik.



There are four key areas on the border with Bosnia and Herzegovina, where refugees and migrants were crossing into BIH during 2020 and 2021:

- The official border crossing Trbusnica/Sepak – hiding in trucks;
- The official border crossing Sremska Raca/Raca – also hiding in trucks;
- the border area around villages Lesnica, Brasina and Velika Reka– crossing the Drina River in small boats;
- The border area around Donja Borina in Mali Zvornik Municipality – refugees and migrants were entering Bosnia and Herzegovina over the railroad bridge.

Case No. 6

A man from Afghanistan, Bosnian border, September 2020

"I was expelled from Bosnia and Herzegovina with three other men from my country. We were previously accommodated in the centre in Serbia, and crossed into Bosnia and Herzegovina afterwards. In Bosnia, we were accommodated in Bihac. Since we couldn't continue forward and centres in Serbia are better than in Bosnia, we decided to return there. When we arrived at the Serbian border, we were spotted by Bosnian police officers, who forced us to swim across the Drina River. While we were swimming back, two of my friends drowned."

PRACTICE OF MISDEMEANOUR COURTS IN AP VOJVODINA IN 2020, WITH SPECIAL FOCUS ON PERSONS WHO MAY BE IN NEED OF INTERNATIONAL PROTECTION

Having in mind that Serbia has been faced with mixed migration movements, continuously for more than ten years now, it is of utmost importance to distinguish people who have voluntarily left their countries of origin, from people who fled because their lives, liberty, security and rights were at risk. Those people are refugees and they must enjoy highest standards of international protection.

Since mixed migration movements involve movement of refugees and asylum seekers, protection sensitive entry systems must be in place, and those who arrive to the territory in such manner must be appropriately referred and assisted in accordance with their needs. Aside from the members of Ministry of Interior, refugees and asylum seekers are often taken before locally competent Misdemeanour Courts. Therefore, it is significant to examine their practice, having in mind the international and national legal framework.

One of the basic principles of refugee law is the principle of impunity for unlawful entry and/or stay. This principle is guaranteed by the Article 31 of the 1951 UN Convention Relating to the Status of Refugees, as well as Article 8 of the Law on Asylum and Temporary Protection of Republic of Serbia.

> *"The contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."* [60]

> *"A foreigner shall not be punished for unlawful entry or stay in the Republic of Serbia, provided that he/she expresses the intention to submit an asylum application without any delay and offers a reasonable explanation for his/her unlawful entry or stay."* [61]

The principle of impunity does not exclude the existence of misdemeanour. On the contrary, judges are obligated to suspend the already initiated misdemeanour procedures in cases when foreigners seek protection. However, judges are also obligated to suspend the procedure when a person gives a reasonable explanation on the reasons for flight from their countries of origin, even without explicitly saying word "asylum".

The irregular manner of crossing the state border does not exclude the possibility for a foreigner to seek asylum on the territory of the Republic of Serbia. Access to the asylum procedure is a precondition for respecting the rights guaranteed by the 1951 UN Convention and the Law on Asylum and Temporary Protection.

A foreigner who is on the territory of the Republic of Serbia has the right to express intention to seek asylum and the right to submit an asylum application.[62] During the border control at the entrance to the Republic of Serbia or on the territory of the Republic of Serbia, a foreigner may verbally or in writing express intention to seek asylum before the authorized police officer of the Ministry of Interior.[63] Exceptionally, a foreigner may express intention to seek asylum in the asylum centre, in another facility designated for the accommodation of asylum seekers, as well as in the reception centre for foreigners.[64]

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60 1951 UN Convention on the Status of Refugees
61 Law on Asylum and Temporary Protection (Official Gazette, RS, 24/2018), Article 8
62 Ibid. Article 4, Paragraph 1
63 Ibid. Article 35, Paragraph 1
64 Ibid. Article 35 Paragraph 2

Also, a foreigner may seek asylum during the misdemeanour procedure.According to the Serbian Law on Asylum and Temporary Protection, and in accordance with the 1951 UN Convention: "No person shall be returned to a territory where their life or freedom would be threatened for reasons of race, sex, language, religion, nationality, membership of a particular social group, or political opinions."[65] Paragraph 2 of the same Article then stipulates that this principle shall not apply to a person for whom there are reasonable grounds to believe that a person constitutes a security threat to the Republic of Serbia, or who has been convicted by a final judgment of a serious crime punishable in accordance with the legislation of the Republic of Serbia by imprisonment of five years or longer in duration, which is why the person poses a threat to public order.[66] However, no person shall be returned to a territory where there is a risk that they would be subjected to torture, inhumane or degrading treatment, or punishment.[67]

Given that misdemeanour proceedings in the case-law of the European Court of Human Rights are equal to the criminal proceedings, all guarantees of a fair trial prescribed by Article 6 of the European Convention must be provided in misdemeanour proceedings as well. The right to a fair trial means that individuals are informed promptly, in a language they understand and in detail, of the nature and cause of the accusation against them, to defend in person or through legal assistance of their choice, if they don't have sufficient means to pay for legal assistance, to be given it free ex officio when interests of justice so require, to have the free assistance of an interpreter if they cannot understand or speak the language used in court.[68]

Article 94 Paragraph 4 of the Law on Misdemeanours of the Republic of Serbia stipulates that parties who are not citizens of the Republic of Serbia have the right to follow the course of the procedure through an interpreter and to use their native language during the procedure. The party shall be instructed on the right of proceeding to be conducted in the native language or in a language they understand, and may waive that right if understands the language in which the misdemeanour proceedings are conducted (Paragraph 5). The interpretation is performed by an interpreter designated by the court from the official list of court interpreters, and if this is not possible, the interpretation will be performed by another person with the consent of the party (Paragraph 6).

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65 Ibid. Article 6 Paragraph 1
66 Ibid. Article 6 Paragraph 2
67 Ibid. Article 6 Paragraph 3
68 European Convention on Human Rights, Article 6, Paragraph 3, Item 1, 3, and 6

PRACTICE OF CERTAIN MISDEMEANOUR COURTS IN AP VOJVODINA

After an inspection of the statistical data submitted by the misdemeanour courts and direct insight into copies of case records, the HCIT's legal team came to the several conclusions. As in previous years, in 2020, it was noted that the misdemeanour courts did not act in a harmonized manner. The largest number of misdemeanour proceedings was initiated under Article 71 of the Law on the Border Control and Article 74 of the Law on Foreigners. The misdemeanour proceedings were very short. In most cases they lasted approximately 5 to 10 minutes. It is debatable whether all the procedural guarantees can be secured and provided in such a short time. Also, it can be questioned whether that is sufficient time for a defendant to present all the facts and evidence regarding alleged misdemeanour.

Misdemeanour Courts in Senta, Kikinda and Sremska Mitrovica (Department in Sid) had the highest number of initiated misdemeanour procedures, more than 1,100 cases in total during 2020.

In Misdemeanour Court in Kikinda, 337 misdemeanour proceedings were initiated for violations under Article 71 of the Law on the Border Control, while no proceedings were initiated under Articles 14, 74, and 77 on the Law of Foreigners. 164 cases involved adult men from Syria. A total of 315 first instance verdicts were passed, of which only six were acquittals, which was surprising, considering that more than a half of prosecuted persons were from Syria.

Regarding the amount of the fine that was imposed, in most cases it was RSD 10,000. Namely, among the mitigating circumstances, the judge assessed the defendants' personal circumstances, and financial situation (such as their unemployment!), the fact that they were without income, that they had confessed the misdemeanour including previous misdemeanour impunity. The defendants were usually exempted from paying the costs of the misdemeanour procedure.

The Misdemeanour Court in Senta initiated 238 misdemeanour proceedings under the Article 71 of the Law on the Border Control and 30 proceedings under Article 74 Paragraph 1 of the Law on Foreigners. A total of 219 first instance verdicts and decisions were passed. In misdemeanour proceedings for the misdemeanour provided in Article 121 Paragraph 1 Item 1 and 2 and Article 122 Paragraph 1 Item 2 of the Law on Foreigners, 30 misdemeanour sanctions were

imposed and no protective measures were imposed on the removal of foreigners from the territory of the Republic of Serbia. Lastly, based on the provisions of Article 71 of the Law on the Border Control, 37 misdemeanour proceedings were initiated against minors.

In all the cases that we had our insight into, the foreigners were not asked about the reasons why they fled their countries of origin, nor were they informed about the possibility of seeking asylum in the Republic of Serbia. In the cases where the defendants were adults, the sanctions were mostly warnings, but also seven fines were imposed - RSD 20,000 each to four Romanian citizens, RSD 10,000 for a Libyan citizen, and RSD 5,000 each to an Afghan and a Libyan citizen respectively. In two cases where the defendants were the citizens of Libya, fines of RSD 10,000 and RSD 5,000 were altrered to imprisonment of ten and five days. In both cases, the prison sentence was served in the District Prison in Subotica.

The example of Subotica Misdemeanour Court - of all the cases we had access to court records into, only in five cases were the defendants asked about the reasons for leaving their country of origin and told about their right to seek asylum in the Republic of Serbia. However, misdemeanour proceedings weren't suspended because the defendants said they were not interested in staying in Serbia, and that they wanted to reach the countries of Western Europe.

The Misdemeanour Court in Sremska Mitrovica with the Department of the Court in Sid had a total of 486 initiated misdemeanour proceedings due to the violation of Article 71 of the Law on the Border Control. 135 proceedings were initiated before the court in Sremska Mitrovica (of which 120 against adults and 15 against juvenile offenders), while 318 were initiated before the court department in Sid (of which 351 against adults and 33 against juvenile offenders).

We had insight into 10 cases based on the provisions of Article 122 Paragraph 1 Item 2 of the Law on Foreigners. In one case, the request for initiation of the misdemeanour proceeding was rejected "because there were other legal reasons why the procedure cannot be initiated", and in this particular case it was the inability to find an interpreter for Pashto language. The most common sanction was a fine, that in six cases was of RSD 5,000 (of which 5 were changed to five-day long imprisonment), in one case a RSD 6,000 fine was imposed, while in another the fine was as high as RSD 35,000 (to a person from Libya). All the defendants were men aged 18 to 42, and an interpreter for native language or English was present in all proceedings (in two cases the persons stated that

they understood English very well and agreed to have the proceedings conducted in that language). What was extremely positive and commendable was that the persons who were coming from typically refugee-producing countries, having in mind the provisions of the Law on Asylum and Temporary Protection, were asked about the reasons for fleeing. If the answer was that it was due to armed conflict or due to some other forms of persecution, they were asked if they wanted to seek asylum in Serbia. However, all of them had stated that they wanted to go to some of the EU countries. The identities of the defendants were determined either from the request for initiating misdemeanour proceedings (in all cases the defendants were given a questionnaire translated into their native languages at the police stations), based on their documents, from ID cards issued by SCRM, or based on their statements.

From the cases submitted for inspection, it can be concluded that the Misdemeanour Court in Sremska Mitrovica (Department in Sid included), respected the right to use the native language during the procedure when it comes to foreigners. Consequently, in all cases involving persons convicted of misdemeanours under the provisions of the Law on the Border Control or the Law on Foreigners, the interpreters for their native language or English (if the defendants explicitly agreed) were present. In cases where it was not possible to provide an adequate interpreter, requests to initiate misdemeanour proceedings were rejected.

As for fines, which were most often sanctions, the majority was closer to the legal minimum, especially for people who stated, during the procedure, that they fled their countries of origin due to the armed conflict. However, we wonder why in such cases, the procedure was not fully suspended instead, or why no acquittal was passed. However, it is very commendable that, following the Law on Asylum and Temporary Protection, almost all persons were asked why they had left their countries of origin and whether they wanted to seek asylum in the Republic of Serbia.

POSITION OF FOREIGN UNACCOMPANIED AND SEPARATED CHILDREN IN MISDEMEANOUR PROCEDURES

During the analysis of the verdicts of misdemeanour courts where the defendants were minors, we especially took into account whether the provisions of the Law on Misdemeanours relating to minors were respected, the type of sanctions imposed, and whether representative of the Centre for Social Work was present, as well as how the age of minors who entered the Republic of Serbia without documents was determined.

Law on Misdemeanours [69] in Article 71 Paragraph 1 stipulates: "Misdemeanour proceedings may not be conducted against a minor who, at the time when committed a misdemeanour, was not fourteen yet (a child)." Article 73 stipulates that only correctional measures (reprimand, special obligations and measure of intense supervision) may be imposed on a minor who, at the time of committing a misdemeanour has reached fourteen, and has not reached sixteen years of age (a younger minor). On a minor who, at the time of committing a misdemeanour, has reached sixteen, and has not reached eighteen years of age (an older minor) the court may impose correctional measures, penalty points, or a punishment.

- The Misdemeanour Court in Kikinda had eight initiated misdemeanour proceedings against minors based on provisions of Article 71 of the Law on the Border Control and seven correctional measures - reprimands were imposed. We were provided with two decisions, both of which imposed a correctional measure - a reprimand. In both cases, the defendants were unaccompanied older minors aged 17, and an employee of the Centre for Social Work was present during the misdemeanour procedure.

- The Misdemeanour Court in Senta had 37 requests for initiating misdemeanour proceedings against minors, based on provisions of Article 71 of the Law on the Border Control, while based on provisions of Articles 14 and 74 of the Law on Foreigners, no misdemeanour proceedings were initiated. The identity of minors was determined by the Misdemeanour Court in Senta based on a request to initiate misdemeanour proceedings provided by the police.

- The Misdemeanour Court in Subotica had one initiated misdemeanour procedure against a minor based on provisions of Article 71 of the Law on the Border Control.

- The Misdemeanour Court in Vrsac had four initiated misdemeanour proceedings against minors based on provisions of Article 71 of the Law on the Border Control. In all four cases, a correctional measure - reprimand - was imposed as a sanction. There were no appeals against the decision of the Court. The identity of all minors was determined through their travel documents (passports). A representative of the Centre for Social Work was present during the procedure.

69 Official Gazette RS No. 65/2013, 13/2016 I 98/ 2016-decision, 91/2919 and 91/2019 - other laws

- The Misdemeanour Court in Loznica did not initiate misdemeanour proceedings against minors based on provisions of Articles 14 and 74 of the Law on Foreigners. Based on the provisions of Article 71 of the Law on the Border Control, two proceedings were initiated. The court submitted both verdicts for review. In both cases, the minors were citizens of Afghanistan and were questioned in English in the presence of a certified court interpreter for English after declaring that they fully understood English. Both minors were asked why they fled their country of origin. One minor was unaccompanied and, in his case, a representative of the Centre for Social Work in Loznica was present during the entire duration of the misdemeanour procedure. The fact that he admitted a misdemeanour, that he was a minor who had no material means of subsistence, and that he left his country due to armed conflicts and a difficult financial situation was taken into account as a mitigating circumstance.

- The Misdemeanour Court in Sremska Mitrovica (with the Department in Sid) had a total of 48 initiated misdemeanour proceedings against minors based on the provisions of Article 71 of the Law on the Border Control, of which 33 were in the department of the Misdemeanour Court in Sid and 15 in the Misdemeanour Court in Sremska Mitrovica. In 41 cases, a decision was made to reject the request to initiate misdemeanour proceedings, and correctional measure was imposed in six cases.

- In the Department of the Misdemeanour Court in Sid, we had a direct insight into 12 cases where the defendants were minors. In all cases, requests for initiation of a misdemeanour procedure were rejected, since all minors stated that their native language was Pashto and that they did not understand another language. Court was unable to provide them with the Pashto interpretation. As a consequence, all requests to initiate misdemeanour proceedings were rejected. Cases referred to a total of 15 minors from Afghanistan.

Based on the analysis of all cases of misdemeanour courts which we had an insight into, a total of 100 misdemeanour proceedings were initiated against minors, mostly due to the violation of Article 71 of the Law on Border Control.

The manner of committing the misdemeanour in most cases was hiding into the cargo part of motor vehicles, avoiding control at official border crossings. In the misdemeanour procedure, the minors were not questioned in what way they managed to get into the motor vehicle, nor whether they had been assisted.

Some courts, such as the Misdemeanour Court in Sremska Mitrovica and the Misdemeanour Court in Loznica, asked the minors about the reasons for leaving their countries of origin, which was extremely important considering that they were coming from typically refugee producing countries such as Afghanistan and Iraq. As for the sanctions, correctional measures - most often the reprimands imposed.

As for the age determination of minors who had no personal documents with themselves, Courts acted differently. Namely, it was done either:

- based on the information provided by the police, from the request to initiate misdemeanour proceedings (the police administration determines the identity either based on a questionnaire printed in the native language or based on a personal statement of the minor);

- based on the ID cards issued by the Commissariat for Refugees and Migration (SCRM), whose main purpose is internal registration within the reception centres;

- based on the statements of the minors before the court given in the presence of the representatives of the Centre for Social Work.

A group near Subotica, February 2021. Photo: HCIT

CONCLUDING REMARKS AND RECOMMENDATIONS

As a result of persecution, conflict, violence, human rights violations or events seriously disturbing public order, according to UNHCR data, 84 million of people were forcibly displaced in 2021.[70] More than two thirds of refugees and internally displaced persons originated from only five countries in 2020: Syrian Arab Republic 6.7 million, Venezuela 4 million, Afghanistan 2.6 million, South Sudan 2.2 and Myanmar 1.1 million. [71] This trend continued during 2021, when number of person of concern exceeded 20.8 million in the first six months of the year.[72] The most of displaced person originated from Syria, Venezuela and Afghanistan.[73]

Consequently, from January until mid-December 2021, 114,000 Mediterranean water and land arrivals to Europe were detected, mainly to Italy, Spain and Greece.[74] As for Serbia, for vast majority of refugees and migrants, this country remained only a territory of transit towards EU, situated on the Balkan Route. The migratory routes remained similar to those in previous years, following movement from the south of the country to the northern borders.

However, due to inability to continue towards desired EU countries, many refugees and migrants stayed in Serbia for a longer period of time, especially during the first few months of the pandemic. For example, in April and May 2020, more than 9,000 persons were estimated to be present on the Serbian soil, in official reception centres and irregular shelters and squats.[75]

Thousands of documented testimonies from refugees and migrants that were pushed-back to Serbia from the neighbouring countries in 2020 and 2021, indicate how strong their intention to continue journey is, despite the violence they often face during the border crossing attempts. Having in mind such practice, it is important to call upon the key standards of international law of human rights, rights guaranteed by the UN 1951 Refugee Convention and domestic laws.

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70 UNHCR, Mid-year trends 2021, available at: https://www.unhcr.org/statistics/unhcrstats/618ae4694/mid-year-trends-2021.html. This number exceeds estimations for 2020, when 82.4 million people were forcibly displaced around the globe. For details see: UNHCR, "Figures at Glance", available at: https://www.unhcr.org/figures-at-a-glance.html

71 UNHCR, Figures at Glance

72 UNHCR, Mid-year trends 2021

73 UNHCR operational data portal – Refugee situations, http://data2.unhcr.org/en/dataviz/103?sv=41&geo=0

74 Ibid. https://data2.unhcr.org/en/situations/mediterranean

75 Official data of SCRM shared by UNHCR

In comparison to previous years, the situation in Serbia in 2020 and 2021 changed mostly due to the consequences of the COVID-19 pandemic. However, the challenges regarding refugee protection identified in Serbia do not differ significanlty from those observed at a global level, especially with respect to the pandemic response and identified needs.

One of the major successes in Serbia was the fact that refugees, asylum seekers and migrants accommodated in reception centres and the ones in private accommodation were included into the state vaccination strategy.[76] However, the population on the move, including the most vulnerable groups such as UASC, women with children, elderly and persons with disabilities, has always been exposed to different health and protection risks, that are now enhanced with potential exposure to COVID-19.

In terms of the COVID-19 pandemic challenge, it is important to continue with inclusion of population of concern in immunisation campaign, but also to endorse continuous access to timely and efficient information provision on COVID-19 prevention and protection in languages this population can understand.

Remote communication and digital access availability challenged everyday protection of population of concern in Serbia. Although the service providers adjusted their working dynamics in order to meet newly arisen pandemic requirements, many refugees, asylum seekers and migrants in Serbia, faced numerous technical difficulties - not only in internet communication (lack of sustainable internet access), but also in accessing the available services such as remote education and difficulties regarding a possibility of working remotely, which was not accessible to the majority of population. Therefore, continuous efforts, both from refugee and migrant population and service providers, should be invested in further development of digital capacities.

Moreover, generalisation and politization of refugee and migrant issues in Serbia can contribute to further development to negative public attitudes, social polarisation and intolerance, as well as to hamper comprehensive protection of this population. Hence, it should be invested into further social exchange, joint initiatives and mutual dialogue between local community and refugees.

For those who see Serbia as a destination country, local community support plays an important role in their integration into the society. Also, effective ac-

76 UNHCR Regional Bureau for Europe, COVID- 19 Emergency Response, Update #34, November 2021, available at: https://data2.unhcr.org/en/documents/details/90134

cess to employment, education, including language learning, then housing possibilities,[77] are essential to successful integration into Serbian society. Finally, this process should lead to a citizenship in the host country. According to current legislation, Serbia still does not have such a possibility as yet. However, all the other aspects of successful legal, social and economic integration should be strengthened, and further developed for those granted international protection.

Young man walking towards the border with Croatia, Sid area, January 2021.
Photo: HCIT

77 UNHCR, A New Beginning - Refugee integration in Europe, September 2013, available at: https://www.refworld.org/pdfid/522980604.pdf#page=11&zoom=100,0,0

LIST OF ABBREVIATIONS

AC – Asylum Centre

AP – Autonomous Province

BIH – Bosnia and Herzegovina

COVID-19 – Coronavirus disease 2019

CRPC – Crisis Response and Policy Centre

CSO – Civil Society Organisation

CSW – Centre for Social Work

EASO – The European Asylum Support Office

ERA – Equal Rights Association

EU – European Union

HCIT – Humanitarian Center for Integration and Tolerance

ID – Identification Document(s)

ILGA – International Lesbian, Gay, Bisexual, Trans and Intersex Association

IOM – International Organization for Migration

IRIS Network – Regional network for Improving the provision of Social Service Delivery in SE Europe

LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex persons

MoLEVSA - Ministry of Labour, Employment, Veteran and Social Affairs

OSP – One Stop Point

RC – Reception Centre

RS – Republic of Serbia

RSD – Serbian Dinar

SCRM – Serbian Commissariat for Refugees and Migration

SEM – Swiss State Secretariat for Migration

SGBV – Sexual and Gender-Based Violence

UASC – Unaccompanied and Separated Child/Children

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations Children's Fund

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This HCIT and CRPC joint paper provides and overview of asylum seekers, refugees and migrants in Serbia in 2020 and 2021, with a focus on border areas and Belgrade.

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