



Monthly report on human rights of migrants, refugees and asylum seekers in Serbia and Macedonia

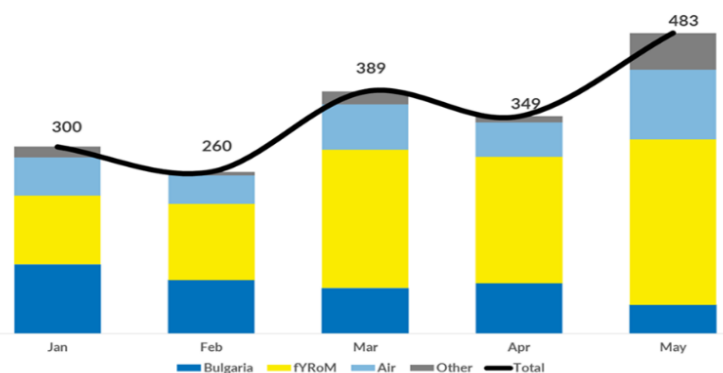
The aim of this Report is to present the current situation regarding the protection of human rights and freedoms of migrants, refugees and asylum seekers passing through, or staying in Serbia and Macedonia. The data in this Report were obtained from 24 civil society organisations from Serbia and Macedonia, within the "Help on the Route" network.

Situation in Serbia

The number of new arrivals of migrants, refugees and asylum seekers, mainly the Afghans, Pakistanis and Iranians, to Serbia continued to increase during the month of May. At the same time, a larger number of departures from Serbia via a new route leading through Bosnia and Herzegovina (BiH) towards Croatia and Slovenia has also been registered.

In the park near the Faculty of Economics and the bus station in Belgrade there is a visibly large number of migrants, both of families and single people. Most of them came from the reception centres in Preševo, Vranje and Principovac with the intention to continue their journey across the territory of BiH with the assistance of smugglers. After a long waiting for a legal crossing of the border with Hungary they decided to choose this new and illegal route because they heard that people were seldom returned back. According to the information of the IOM, from 200 to 300 migrants enter BiH from Serbia a day.

Observed arrivals per month 2018
Total: 1,781



Number of new arrivals of migrants to Serbia from the beginning of 2018
(Source: UNHCR Serbia Update 14-27 May 2018)

There were **3,041** of refugees and migrants in Serbia by the end of May (UNHCR data, May 27th, 2018). Most of them (90%) were accommodated in 18 transit-reception and asylum centres, while around 300 were staying in Belgrade or in the areas close to borders with Croatia and Hungary.

UNHCR noted an increase in new arrivals from the beginning of the year: during May there were 483 registered arrivals, mostly from the direction of Macedonia, by airplane, from the direction of Bulgaria, and from other locations.

A new *Law on Asylum and Temporary Protection* and a new *Law on Foreigners* were adopted in March, 2018. Their enforcement is eagerly awaited because of the changes they bring, which should improve the existing asylum system. A new law anticipates the officers of the Asylum Office to conduct the official action of submitting the asylum application within 15 days from the date of receipt of registration and issuing of the certificate on the expressed intention to seek the asylum. Should they fail to comply with this deadline (which is expected to be the case most frequently) a person concerned is given the possibility to submit the application personally in writing.

The problems referring to access to the asylum procedure, the procedure itself and problems of persons for whom the final decision is negative are still present. A larger number of them have mentioned that *"we all inform them only on how to apply and about the procedure but no one gives them real information about our country – whether it is safe, where they could work, the amount of salaries earned"* and these are actually the information they need the most in order to decide whether they want to stay here.

The situation in this field is expected to improve after the commencement of enforcement of a new Law. It is necessary to invest efforts and find the best solutions that would regulate the status of persons who have already been largely integrated in the Serbian society and whose asylum application has been rejected. In addition, it is necessary to regulate legally the status of the so-called irregular migrants who have been in Serbia for a longer period already without too many opportunities to exercise their basic rights.

Accommodation in the reception and asylum centres

Tens of migrants leave the centres they have been accommodated at voluntarily on a daily basis and they leave to Bosnia and Herzegovina. They initially take the entry permit of 72 hours in order not to have problems with the police outside the camp and after that they go to Belgrade wherefrom they head towards BiH. Those who have the money travel with smugglers and those who have not go alone and use GPS to orient themselves. Most of them reach BiH without any problems. However, according to the statements of the migrants, the smugglers ask for 2,000 Euros per person for crossing into Croatia from BiH. Migrants claim their fellow-compatriots who left the camp in Preševo a few months ago and crossed to Bosnia managed to cross to Croatia and they are already in Germany, Italy, or France.

A large number of residents of the centres decided to leave Serbia and try to cross the border between Bosnia and Croatia. Those who stayed are also getting ready for the trip. The new situation has affected the mood of all migrants, and mostly of the children. People are predominantly sad and worried, trying to figure out how to continue their journey. Children do not want to go to school, especially now when their friends have gone. They feel lonely and demotivated. Obviously, the migrants find it more difficult to cope with the life in centres and live constantly expecting the moment when they will be able to leave Serbia and continue their journey. Almost every day there are various incidents and quarrels between migrants. Since the beneficiaries stay in centres for more than a year, their needs are changing and becoming more complex. A large number of people experience various symptoms of depression on a daily basis, as well as other forms of mental suffering and anxiety. It is necessary to organise constant psychological and social support for adults, as well as to organise the activities that would help them to fulfil their time in the centres. Nevertheless, most civil society organisations, due to the lack of funds for projects, reduce the number of employees working in reception and asylum centres.

Ramadan started by the middle of May, which also reflected on reduction of activities of the residents in the centres.

Migrant children at schools

The number of children in regular schools in May was at the current minimum, with around 300 children attending classes. The number of absences from classes has increased due to attempts to cross the border. The heterogeneity and mobility of the population has a great influence on teachers' motivation, and the quality of teaching is not the same in schools where pupils are often changing compared to those where the population is more stable. Schools rely largely on external associates from non-governmental organisations, so it is important to regulate the way the volunteers and mediators are involved and their job descriptions. There is a clear position of the competent Ministry that it will continue to support inclusion in regular education and work on regulating areas that are not clear enough.

In "Branko Pešić" School the incident occurred when six pupils from Afghanistan were less seriously injured. The incident was caused by adults from the nearby settlement who attacked the migrant pupils. The school reacted immediately, called the police, brought pupils into the school and prevented serious injuries from happening. The attackers demolished the school inventories and they were detained because of the attack and destruction of public property.

This month a parent complained his child felt discriminated at school. According to him, the teacher moved him to the last row desk, did not include him in the activities during lessons and did not give him any homework. In addition, he was left the only migrant child in that class and it was a challenge to explain to him he should continue his education. The situation was resolved after they talked with the teacher.

"Our children constantly feel as if they were different, everyone looks at them as if they were in some kind of shop window and that is why I am not happy to see my child sitting at the last row desk, which makes him feel even more isolated from the rest of the group. That is how it seems the difference between children is real." - F.S. (32)

The situation in Macedonia

During May, 2018 the situation in Macedonia remained more or less the same. The number of refugees within the transit camps did not exceed 35. According to the official statistics of the Ministry of Interior, there are not many registered cases of migrants/refugees caught on irregular routes, although, the findings at site show continuous movement.

The largest number of refugees who arrived at the camp in Tabanovce in May, came from Serbia, either voluntarily or were pushed back. There were refugees coming from Greece who succeeded to reach Serbia (Belgrade), but soon after were caught by the Serbian police and pushed back to Macedonia. At the same time, a significant number of families who had stayed in the Preshevo camp for more than a year, decided to return voluntarily with the intention to go back to Greece. For example, during the month there were 98 refugees/migrants in total who arrived at the transit camp in Tabanovce, 35 of whom left the camp immediately or in the following days. In Gevgelija, a total of 115 refugees/migrants were caught by the police or arrived at the camp, out of whom around 93 were immediately “deported” to Greece.¹

On May 10th, three families coming from Afghanistan arrived at the camp in Tabanovce. The group consisted of 11 people, among which one pregnant woman, a single mother and 6 minors, with the youngest being 7 months old and the oldest being 7 years old. They arrived from Serbia after staying in the Preshevo camp for a while. They returned voluntarily with the intention to go back to Greece.

During May, there was one asylum claim submitted by a man from Pakistan. Due to a very bad health condition, he was immediately transferred to the Reception center for asylum seekers in Vizbegovo. All refugees who arrived at the camps were provided with hygiene products, food and medical aid when necessary.

New law on asylum

During the previous month, a new Law on International and Temporary Protection was enacted by the Parliament. This law actually represents a new law on asylum. The purpose of the new law is to incorporate EU Directives on refugees and migrants. For the first time, the law includes and recognizes “sexual orientation” as a basis for persecution and the ground for asylum seeking in Macedonia. It also omits the bad legal changes from 2016 (namely the time limitation for family reunification and the determination of a “third safe country”). However, the problematic part is that it introduces the a possibility for the limitation of freedom of movement of asylum seekers in specific situations, including the existence of the “risk of flight”. Given the nature of the refugee crisis and the situation observed in the field, this opportunity to “detain” asylum seekers in an administrative detention can bring about serious violation of the rights of migrants and refugees, namely the freedom of movement and the right to liberty. Apart from this, the procedure for detaining an asylum seeker is unclear and problematic (the decision is not brought by a judicial body but the Ministry of Interior), which brings into question the constitutionality of this law. During May, the Macedonian Association of Young Lawyers brought an initiative for the constitutionality of the Law before the Constitutional Court.

¹ The numbers provided are unofficial and based solely on the monitoring of partner organizations within the “Help on the Route” Network

RECOMMENDATIONS

For Serbia:

- It is necessary to continue efforts aimed at ensuring the observing of the right to asylum and access to the procedure, as well as efficient asylum procedure and protection of persons who need international protection.
- Adequate protection should be provided to those refugees and migrants who are outside the system, who are not registered or accommodated in the way that will enable them to exercise their basic rights.
- Preventing of smuggling and human trafficking remains high on the list of priorities, with advocating prevention of harassment of refugees and migrants by the authorities or civilians along the refugees' route.
- An efficient providing of comprehensive assistance requires co-ordination of activities between the civil society organisations and service providers from the public sector. The feasibility and impact of activities reach the maximum if they are co-ordinated between all the key stakeholders.
- The activities of information dissemination, linking, learning about and intercultural exchange are of great significance in order to bridge the distance between local and refugee communities. In the context of the beginning of the school year it is important to inform and co-operate with parents of local children and refugee children for the purpose of better preparation and preventing of misunderstanding, prejudice and fear.
- Basic human rights and freedoms of refugees and migrants should be promoted, observed and protected at all times by all the institutions and citizens.
- It is necessary to invest efforts to prevent discrimination towards migrants and to respond adequately to cases of proven discrimination so that they do not repeat.
- There is a large need in the reception and asylum centres to organise free time and provide for occupational, recreational and other activities for migrants.

For Macedonia:

- The practice of illegal deportation to Greece must be immediately terminated and replaced with a lawful procedure of readmission of the refugees who wish to return to Greece.
- Any allegations of police violence or hate crimes against the refugees must be reported and thoroughly investigated by the Ministry of Interior. Refugees who are the victims of smugglers must not be held in detention in the Reception Center for Foreigners in Skopje as witnesses in criminal proceedings.

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