Programme Report on the impact of the borders closures on people on the move, with a focus on Women and Children in Serbia and Macedonia, September 2016
This paper provides an analysis of the protection concerns that people on the move, especially women and children, face in Macedonia and Serbia following the closure of the Balkan route and presents recommendations on how to protect and promote their safety, dignity and human rights.

This report was conducted by Oxfam and its partners: the Belgrade Centre for Human Rights (BCHR) and Atina in Serbia, and the Macedonian Young Lawyers Association (MYLA) and Open Gate/ La Strada in Macedonia (see the Annex for more information on the partners). It is based on background research, information gathered by Oxfam partners in the course of their field work, interviews with women and focus group discussions, and meetings with NGO and civil society representatives.

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BACKGROUND AND CURRENT SITUATION

2015 saw a massive increase in the number of migrants, including refugees, arriving in Greece and travelling along the Balkan route on their way to destination countries further North. According to UNHCR, in 2015, over one million refugees and migrants had crossed the Mediterranean. The vast majority of sea crossings, 856,723 were from Turkey to Greece, which was over four times the number of arrivals in 2014. Approximately half of the new arrivals were from Syria, followed by Afghans and Iraqis. Almost all continued from Greece along the Balkan route towards destination countries in Central and Northern Europe.

While in past years the large majority of people on the move were men, the number of women and children has been increasing since 2015. This trend has continued in 2016, with women and children making up over half of the new arrivals in Greece and along the Balkan route. Since 2015, the number of unaccompanied minors (UAM) has also grown substantially.

The increasing numbers of people transiting placed severe pressures on countries along the Western Balkan route. Countries were overwhelmed, with their initial responses being reactive, slow and ad hoc. During the first half of 2015, people transiting Macedonia and Serbia faced being arrested and/or pushed back across the border, having to sleep in the open with no or limited assistance and being subject to abuse and exploitation by smugglers and criminal groups. The situation in Macedonia was particularly dangerous, as migrants were considered illegal and, if apprehended, were detained for long periods in inhuman and degrading conditions. Deaths and accidents occurred as people were travelling along the railroad tracks in an attempt to cross the country as quickly as possible.

In response to widespread criticism, and as Germany announced the opening of its borders to refugees from Syria, Western Balkan countries (including Macedonia, Serbia, Croatia and Slovenia) increased their cooperation along the Balkan route and adopted a more pragmatic policy of allowing people to move through. Whilst much more could have been done, countries did take measures to make more train or bus services available to help facilitate people’s journeys. In August 2015, in Macedonia and Serbia, temporary registration centres were set up at entry points, where asylum seekers and those transiting had their data recorded and were issued with a document which allowed them to legally stay in the country for 72 hours to lodge an asylum application. Although the situation had improved, there continued to be problems with the provision of information and adequate assistance, the identification of vulnerable persons as well as exploitation by smugglers. From September 2015, the migration route shifted to Croatia, as Hungary constructed a fence along its border and, in October 2015, closed its borders with Serbia.

The situation along the Balkan route changed significantly from late October/November 2015 onward, as the main destination countries in the EU (Germany, Sweden and Austria) began to scale back on their welcome policy and the EU began to engage with Turkey in an effort to stem the influx of irregular migrants. ‘Afraid that they would be “tricked” with large numbers of migrants, for which they were ill-prepared as they continued to consider themselves transit countries, the countries along the Balkan route introduced selective entry policies. Thus, from November 19, 2015 onward only Syrians, Iraqis and Afghans were allowed to cross from Greece into Macedonia, which left thousands stuck in the Greek border camp of Idomeni. On February 23, 2016, Macedonia no longer allowed Afghans to enter. By March 2016, the Balkan route was effectively closed for non-EU citizens without requisite documentation, leaving thousands stranded.

Despite the formal closure of the Balkan route, irregular movements along the Balkan route continue, albeit on a smaller scale, as smuggling networks have adapted to new circumstances and are adjusting routes. However, it is impossible to have precise data on new arrivals, as following the closure of the borders, migrants and asylum seekers are no longer registered when entering the country. UNHCR reported an estimated 300 irregular arrivals to Serbia per day in May and June 2016, mainly from Macedonia (83%) but also from Bulgaria (20%).

According to UNHCR and NISID, the numbers of arrivals in the Balkan countries have continued to increase, with UNHCR observing that the overall estimated number of refugees, migrants and asylum-seekers in Serbia grew from 2,800 in mid-July to approximately 4,000 as of 8 August 2016.

For Macedonia, there is even less statistical information available. According to NISID estimates from July 2016, between 100 – 200 refugees were transiting through Macedonia on a daily basis, while several hundred were in improvised shelters in the mountains at the Macedonian–Serb border waiting to cross clandestinely into Serbia. The number of migrants and asylum seekers staying in the country is relatively low, as they want to move onward as soon as possible and as there have been numerous cases of persons not being allowed to submit an application for asylum at the border and returned to Greece by the Macedonian police (see section on Access to Asylum below).

As was the case with other countries in the region, the Governments of Serbia and Macedonia were initially overwhelmed with the large influx of new arrivals. While Serbia and Macedonia had recently established reception and asylum systems, the implementation of the asylum law has been deficient and services inadequate, the more so as these systems were designed for much smaller numbers. In an effort to better cope with the situation and promptly by international actors and national NGOs, in the autumn of 2015, Serbia and Macedonia have announced the opening of its borders to refugees from Syria, while referring to the need of special assistance for vulnerable persons as well as exploitation by smugglers. From September 2015, the migration route shifted to Croatia, as Hungary constructed a fence along its border and, in October 2015, closed its borders with Serbia.

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CONSEQUENCES OF CLOSED BORDERS

The impact of restrictions, including border closures, on migrants, including refugees, has been drastic. These measures not only violate international refugee and human rights law by severely restricting or denying the right of each individual to seek asylum and have their case examined, they also cause increased hardships and risks, as people have to embark on longer, more dangerous journeys. As it is virtually impossible for migrants to legally reach their destination countries, an increasing number have resorted to smugglers. If they lack the resources to pay the exorbitant fees, they become easy prey for traffickers. Women and children, especially when travelling on their own, are particularly exposed to violence and exploitation and/or trafficking. As the journeys become longer and more costly, migrants, especially women, who have few funds or who lose or run out of money en route face increased risks of exploitation, accompanied by harsh living conditions, lack of access to information on available options, and traffickers.

Others are left stranded at borders or in transit countries, unable to move on. Loss of hope to reach their destination, combined with harsh living conditions, lack of information on available options and how to access the asylum system causes consequences of closed borders, including increased violence and destruction in their home countries and faced many dangers in their long journeys. Many have lost family members and friends because of war and conflict in their home countries or during the journey. A large number has been displaced several times. Although there is a clear need for mental health support, in only very few cases psycho-social counselling services are available.

A 27-year-old Afghan woman travelling with her husband and three children, explained her ordeal as follows: “I grew up in Iran, where I got married when I was 16 years old. A few months ago, we were deported from Iran to Afghanistan. It was the most difficult moment in the life of my family. In Afghanistan, we were welcomed by bombs and suffering. My children could not go to school, and even if they did, I did not know if they would come home alive. Fear for our lives prompted us to move toward Europe. Through Pakistan and Iran, we reached Turkey together with two other families. From Turkey we went to Bulgaria. We were standing for days, without water, wet and exhausted we walked through forests. We paid to be driven to Serbia, and that is when they separated us and said that women must go in one car, and men in the other. We arrived in Serbia but it is hard, because my husband and youngest children are not with me. We did not sleep for nights, we prayed for them just to be alive and call us. My husband called three days ago, he told me that they are all well, and that they are in Bulgaria, in a camp in Sofia. UNHCR will help us to be together again. Now we are here and waiting. We do not know for how long.”

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PROTECTION CONCERNS

FALLING PREY TO SMUGGLERS AND TRAFFICKERS

With borders closed, the vast majority of refugees and migrants have to resort to smugglers to continue their journey, which increases their risk of being exposed to abuse, violence and exploitation. For instance, MLA reported a number of cases where refugees arriving at Tabakove Transit Centre complained of being assaulted and taken advantage of by the smugglers they used to transit through Macedonia, with their money, mobile and personal documentation having been taken.

The BCHR reported that its lawyers were engaged in several cases where refugees and asylum seekers, including women and children, were victims of smugglers as they tried to reach Serbia via Bulgaria. “Apart from the huge amounts of money they had to pay the smugglers, “the BCHR points out, “they were exposed to inhuman and degrading treatment, and the MOI (Ministry of Interior) officers had to intervene in several cases to liberate them from the smugglers’ hideouts.” The case concerned a group of three Afghan women with four small children. Their husbands were detained in Bulgaria, but the women and children managed to enter Serbia using smugglers. In Serbia, they were held in captivity by smugglers for two weeks, with the smugglers threatening them with the abduction of their children unless they pay a huge amount of money, although they had already paid them for the journey. When the group was released by the police, the women and children were transferred to an asylum centre near Belgrade. Their case was reported to the police and the women actually testified, but were threatened by persons connected with smugglers that their husbands are going to suffer harm in Bulgaria if they cooperate with the police. At the asylum centre, a person was appointed to monitor their situation, but the women did not feel safe as the persons affiliated with the smugglers were allegedly presented in the centre and near them. A few weeks later, they decided to continue their travel westwards, resorting to smugglers once again.

Neither the Serbian nor the Macedonian governments have established specialised facilities that can serve as safe houses for refugees who are victims of smugglers and human traffickers. In Macedonia potential victims of human trafficking are being accommodated in the facility for LH and vulnerable individuals run by Ministry of Labour and Social Policy and financed by the Jordan Refugee Service. In Serbia, Oxfam partner Athra, runs several safe houses. Although two more houses were opened with Oxfam support, there are not enough spaces available. In any case, a system at institutional level has to be developed to ensure that those in need receive the specialized protection and assistance they require.

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As the case described above illustrates if appropriate institutional support is lacking, trafficking survivors may be even more reluctant to report to the authorities and/or may again have to strike deals with smugglers to try to reach their destination country.
**SEXUAL AND GENDER-BASED VIOLENCE (SGBV)**

Over the past months, international governmental and non-governmental organizations have drawn attention to an increased risk of SGBV for women on the move in Europe. Oxfam partners in Macedonia and Serbia have also reported an increasing number of cases of gender-based violence (GBV), including sexual and psychological harassment, sexual violence and exploitation as well as cases of domestic violence.

However, GBV remains underreported for a number of reasons. Apart from reprisals from the perpetrators - who may be abusive husbands, smugglers, fellow refugees, or members of the security forces - women tend not to report the abuse in the country where it occurred. There have been cases where women reported only once they reached their destination country or a different country from where the violence occurred. Also, especially in the past, as the priority for migrants, including refugees, was to move on quickly, they were afraid that if they reported their case they would be caught up in a long process with little or no specialized assistance, or they were afraid that they would not leave their husbands. As the journeys are getting longer and more expensive, there have also been more cases of women being forced to offer sexual services in order to survive. For instance, in Serbia several women reported to the BCHR that they were sexually exploited in the countries they crossed on the way to Serbia, in return for shelter, food, or the continuation of their journey. A 17-year old girl from Syria travelling with her aunt and uncle described to Oxfam partner Alina how the women in her group were threatened, explaining, “In Macedonia, we tried to make contact with the smugglers, but as we did not have enough money, they suggested to take us to Serbia in exchange for sex with women in our group. We were terrified, because they were armed.”

Oxfam partners also reported an increase in violence and harassment of women in transit and reception centres. For instance, in Serbia in reception centres along the Croatian border, women had been verbally harassed and threatened by male refugees and migrants as they were going to the toilets at night. Following these incidents NGOs distributed anti-rape whistles and torches to refugees and migrant women. A number of women reported that they did not dare having to use the same bathroom and shower facilities as men. To address this concern, separate toilet and showering facilities for women in shelters in Serbia and Macedonia have been provided. Other organizations have also documented an increase in GBV. For instance, Amnesty International noted that women travelling alone were constantly scared, as they were not only targeted by smugglers but also felt physically threatened when forced to sleep in facilities with large numbers of single men.26

There have also been reports of domestic violence by abusive husbands in transit centres, where prolonged stays have increased the levels of frustration, anxiety and aggression. When Oxfam partners assisted the women providing them with information on getting help, the women did not report these incidents, as they did not want to leave their husbands. As the journeys are getting longer and more expensive, there have also been more cases of women being forced to offer sexual services in order to survive. For instance, in Serbia several women reported to the BCHR that they were sexually exploited in the countries they crossed on the way to Serbia, in return for shelter, food, or the continuation of their journey. A 17-year old girl from Syria travelling with her aunt and uncle described to Oxfam partner Alina how the women in her group were threatened, explaining, “In Macedonia, we tried to make contact with the smugglers, but as we did not have enough money, they suggested to take us to Serbia in exchange for sex with women in our group. We were terrified, because they were armed.”

Oxfam is working with experienced partners, such as the BCHR and Alina in Serbia and MYLA and La Strada in Macedonia, who have stepped up their outreach to survivors of GBV and victims of trafficking and also provide assistance and referrals to appropriate services. Oxfam partners have also undertaken informal cross-border referrals and follow-up.

However, as UN Women point out in their Gender Assessment of the Refugee Crisis in FYR Macedonia and Serbia carried out in November 2015, despite efforts by different organizations, "there are no comprehensive services for GBV in the context of the broader crisis and protection response in FYR Macedonia and Serbia, no dedicated GBV expertise on staff, no systemic thematic focus on GBV within the coordinated protection responses, and no GBV referral pathways have been established within the respective countries or trans-nationally.”27

**PROVISION OF INFORMATION AND IDENTIFICATION OF VULNERABLE PERSONS**

The provision of timely information in the respective languages and the identification of vulnerable persons were identified as key protection concerns early on during the refugee influx in 2015. While in the past most migrants and asylum seekers were particularly interested in updates regarding onward travel and conditions and requirements in transit countries, following the closure of the borders, they required more information about the asylum process and available services.28 Not being aware of the procedures and possible next steps not only increases the anxiety of persons on the move but makes them more vulnerable to abuse by smugglers and others taking advantage of their situation.

Reaching out to women and girls is particularly challenging. The majority of women and girls travel with family members or within a group of relatives or friends. Fear travel alone. If they travel with their children on their own, for instance to join their husbands who may already be in their destination country, they usually attempt to join a group to minimize risks. Women travel with their husbands or in a group, information would usually be given to their husbands or the male group leader. As UN Women observed, “Language barriers, as well as cultural factors limited the ability of most women to access information directly (many often relied on their husbands for information) and ... made the ability to communicate directly with women more difficult.”29 While the lack of translators was a problem, especially during the large refugee influx in the summer of 2015, this has improved. However, there is still a need for more translators, if possible female, especially for Farsi and Pashto.

MOLs have raised concerns about the failure of police and asylum staff to identify vulnerable persons and provide adequate protection and support, as qualified civilian staff and interpreters are often not present at first contact. Iom are often not identified and are not in accordance with the best interest of the child (see section on IOM below).

Before the borders were closed, one of the major constraints in identifying vulnerabilities was the limited time available, as the migrants’ main objective was to continue their journey to the destination country. Also, many women subordinated their individual needs - for instance for medical care, even if they were far along in their pregnancy – to the priorities of the group they were travelling with. Another problem was the lack of privacy and spaces where women could rest and where they might feel more at ease to speak about their experiences on the journey. During the mass influx when the Balkan route was still open, several NGOs set up child-friendly spaces for mothers and their children in reception and transit areas. However, it soon became clear that there was a focus on children and not on women. Subsequently, women-only spaces were set up in shelters in Serbia and Macedonia.

Multidisciplinary teams such as the ones established by Oxfam partners have proven particularly effective in providing information and identifying and referring persons in need of special assistance. In December 2015, MYLA and La Strada established and trained mobile referral teams consisting of a lawyer, a social worker and a cultural mediator/interpreter with the support of Oxfam. Since then, the teams have provided general and legal information and psychosocial support, identified vulnerable cases and organized referrals. As the situation and routes of migrants, including refugees, can change quickly, the teams are flexible to intervene depending on needs. Following on establishing contacts with MOLs in Serbia, focal points in Macedonia and Serbia have been established to exchange and update information and refer vulnerable cases.

As migrants have had to move in a clandestine fashion frequently resorting to smugglers since the closure of the Balkan route, they may be more difficult to locate. Also, access for NGOs can be more complicated. For example, local police has limited MOL access to migrants at the border crossing sites (Celje and Vakinci in the mountains between Macedonia and Serbia and at Gradičina at the border between Serbia and Bulgaria and in Horgos and Kalebija at the border between Serbia and Hungary.)
Unaccompanied Minors

The number of UAM has increased substantially. For instance, Eurostat reported that in 2015, 88,300 UAM were seeking asylum in the European Union (EU), which represents a four-fold increase compared to the previous year. There are no statistics available for UAM in Macedonia and Serbia, as systematic registration of new arrivals is no longer taking place and as there is no efficient system of identification and age determination. However, as the BCHR explained, “The Asylum Info Centre noted a large increase in the number of unaccompanied minors among the refugees rallying at informal venues in Belgrade on a daily basis since the beginning of the year, especially in May.” The BCHR expressed particular concern about the status of minors arriving in Serbia from Bulgaria, given the difficult mountain roads they had to travel, being at the mercy of smugglers and because of widespread reports of arrest and ill-treatment by the Bulgarian police and vigilante groups.

The need for an efficient identification system has been stressed repeatedly, as UAM are particularly vulnerable and can easily become victims of trafficking. This poses a challenge, however, since many UAM travel in groups and do not want to leave their group, as they hope to move on. In Serbia, NGOs reported cases of minors being registered as adults, although the minors had given their age as below 18. Although the importance of assuring the protection and assistance needs of UAM has been emphasized, the recommendations of the 2013 round-table of senior officials from governments and agencies in the Region, for standardized procedures for determination of the best interests of the child, appointment of legal guardians and procedures for age assessment, have not been implemented.

In Macedonia, UAM are referred to the central inter-municipal Social Welfare Centre (SWC) in Skopje, and are appointed a special legal guardian. Almost exclusively, UAM identified and referred to the SWC are placed into the asylum procedure, i.e. the guardian submits an asylum application on their behalf. UAM are accommodated at a safe-house for vulnerable asylum seekers. This facility has limited capacity and does not specialize only in UAM, but houses vulnerable families, single mothers and victims of trafficking as well, contrary to international legal standards. While living conditions are significantly higher than in the Reception Centre for Asylum Seekers and psycho-social services are offered, restricted movement outside the safe house and limitations to internet use have been raised as a particular issue in interviews with the UAM. While these measures have been intended to limit the risk of contact with smugglers and traffickers, many UAM have left the facility, and subsequently the country, with the use of smugglers, exposed to the risk of ill-treatment.

In Serbia, UAM are referred to the competent social welfare centres and then accommodated in the institutions caring for minors in the towns of Belgrade, Niš or Subotica. However, according to the BCHR, these institutions are not specialized for sheltering underage refugees and often lack the capacities to take care of all UAM. In addition, the accommodation in the institution in Niš is temporary until the UAM have expressed the intention to seek asylum, after which they are placed in an asylum centre. As not all asylum centres have special facilities for minors, UAM may be housed with adults, which is against international legal standards. Most UAM leave Serbia before applying for asylum, often resorting to smugglers, which exposes them to additional risk of ill-treatment and trafficking.

Particular Concern About the Status of Minors Arriving in Serbia from Bulgaria, Given the Difficult Mountain Roads They Had to Travel, Being at the Mercy of Smugglers and Because of Widespread Reports of Arrest and Ill-Treatment by the Bulgarian Police and Vigilante Groups.
CONDITIONS IN SHELTERS

After the closure of the Balkan route, large numbers of people on the move, among them many women and children, found themselves stranded in reception or transit centres, which were designed for temporary stays of one to two days but not for longer-term accommodation. Conditions in the centres vary considerably, and basic protection and assistance needs were not or inadequately addressed. This, coupled with growing uncertainty and hope of escape to destination countries, caused increasing anxiety and frustration. For instance, Oxfam partners working in Tabanovce Transit Centre in Macedonia at the Serbian border reported that women in the centre presented signs of increased stress and anxiety. Initially they refused to talk to aid workers without being accompanied by their husbands or other male family members. Aid workers then organized occupational activities for women, slowly establishing trust, which allowed the women to open up, with some reporting harassment and violence. Conditions in Tabanovce have improved, as international actors worked together with the camp management to upgrade the facilities.

The following is a brief description of asylum centres and shelters and whether they include special accommodation for vulnerable groups, as it is beyond the scope of this paper to discuss accommodation and services in detail. In both Macedonia and Serbia, laws on asylum and implementation plans provide that particular care should be given to vulnerable asylum seekers. The larger asylum centres in the countries now have special premises for families and single women with children. However, poor conditions and lack of services, especially for vulnerable persons in some of the centres are contributing factors for people to try to move on. Another problem is the lack of official translators at the sites, which means that asylum seekers and migrants are often not informed of their rights and the services available to them.

The only Reception Centre for Asylum Seekers in Macedonia is in Vizbegovo about 3 km from the centre of Skopje. It is managed by the Ministry of Labour and Social Policy and has a capacity to accommodate a maximum of 150 persons. Since the buildings were renovated in 2014, living conditions improved and separate dormitories for men and women, as well as for families, are available. A facility for the accommodation of UAM and vulnerable asylum seekers was established in Skopje in August 2015. It has a capacity of 13 persons and houses UAM, single mothers with children and potential victims of human trafficking.

Access to Asylum

As border closures and restrictive policies have made it much more difficult for people to continue their journey, more have decided to stay in Serbia and apply for asylum.31 Consequently, NGOs, including Oxfam partners, have stepped up their efforts to provide information to new arrivals about their rights, including their right to asylum.

However, shortcomings in the implementation of the asylum laws and weak institutional capacities in both Macedonia and Serbia make access to protection extremely difficult. The main concerns include difficult access to the asylum procedure, delays in issuing adequate identification documents and problems regarding the processing and the quality of decision-making when assessing asylum claims.32 Recognition rates are extremely low across the region, i.e. very few asylum seekers are granted refugee status, despite the fact that many asylum seekers originate from refugee-producing countries, such as Syria, Afghanistan and Iraq.

Both in Macedonia and Serbia cases have been reported where new arrivals who wanted to seek asylum were unable to do so. In Serbia, frequently, there were no translators available to inform asylum seekers of their rights and the procedures on how to apply for asylum. Also, in some cases where they could make their claim understood, the Serbian police refused to accept it.33

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In Serbia, the Government has opened new provisional shelters in an attempt to cope with the increasing number of arrivals and to decongest border areas. There are currently five asylum centres in Serbia, with a total capacity of about 1500 beds. The facilities, which include old factories or hotels that have been converted into Asylum Centres, vary greatly in quality and do not all satisfy the Sphere standards on shelter and settlement. In Kricea asylum centre near Belgrade, where the majority of asylum seekers are accommodated, separate housing for single men, single women and families is provided. In addition to the asylum centres, there are four Refugee Aid Points (Sid, Principovac, Adasevci, and Subotica) with a total capacity of around 2000 and a reception centre in Presevo with a capacity of around 1000.

Although the majority of migrants and asylum seekers are accommodated in governmental facilities in Serbia, several hundred are usually reported in and around Belgrade city centre and at the border with Hungary. While more and more people are seeking asylum in Serbia since the beginning of 2016, a considerable number still want to move on and thus might not access official shelters.33 For instance, when in late April 2016 a Refugee Aid Point in Subotica near the border with Hungary was established to host vulnerable persons, many women and children refused to go there because they wanted to cross the border and chose to wait outside the Hungarian transit zones instead.

Health care, including assistance for pregnant women and referrals to hospitals if needed, is available in Serbia and Macedonia. As many people experienced or witnessed violence in their home countries and/or during their journey and as their anxiety has increased as many are unable to move on, many need psycho-social support, which is, however, usually not available. Thus there is a need for more psycho-social counsellors especially to provide support to women.

Asylum seekers in the Balkan route

Asylum seekers in the Balkan route, both Serbia and Macedonia have resumed push-backs across their borders.33 Both countries have stepped up border controls and are returning large numbers of irregular migrants without any formal procedure

Push-backs from Macedonia to Greece were particularly high in the months immediately following the closure of the Balkan route, ranging in the thousands. Thus, for April an estimated 1579 irregular migrants were apprehended by the Macedonian police and returned to Greece without the possibility to submit an asylum application, while in May it was reported that the figure was 1763.34 In the following months, fewer people have been apprehended and deported, but such cases still number several hundred per month. However, these are approximate figures and there is concern that total number of push backs to Greece may be significantly higher.

Push-backs by the Serbian police into Macedonia have also been reported, although in smaller numbers. Serbia is also cooperating with Bulgarian security forces to stop and push-back irregular migrants entering through the Gradina border crossing near Dimitrovgrad. This is particularly disconcerting, given the reports of widespread abuse and ill-treatment by police and smugglers in Bulgaria.35
CONCLUSIONS AND RECOMMENDATIONS

Restrictive Policies Including Border Closures Along the Balkan Route Have Had Drastic Consequences for Migrants, Including Refugees Especially for Women and Children Who Now Account for Over Half of the People on the Move. These People Demonstrate Great Resilience to Embark on and Carry Out Their Long and Perilous Journeys. Having to Travel in an Irregular Fashion, and Often Depending on Smugglers, Exposes Them to Increased Risks of Violence and Exploitation. This, Together with Harsh Conditions, Limited Access to Services and Difficulties to Access the Asylum System, Affects Their Physical and Mental Health. It Is Crucial They Are Provided With Dignified and Safe Reception Conditions and That Their Protection Needs Are Addressed as Stipulated in International Law.

Recommendations

Governments of European Union Countries Should:

- Prioritize the safety, dignity and rights of asylum seekers and migrants over restrictive policies, including border closures, which force people to undertake dangerous and clandestine journeys;
- Create safer, more transparent regular options for temporary and permanent movement and as a matter of immediate urgency improve access to international protection in Europe for those fleeing conflict and persecution, including access to a fair, transparent and efficient asylum process, more flexible family reunification policies, and resettlement.

The Serbian and Macedonian Governments Should:

- Provide access to a fair and efficient asylum process, including individual assessment of each claim, legal advice and the right to appeal;
- Stop push-backs across state borders, as according to international and national law, persons fleeing persecution have the right to seek asylum;
- Together with other actors, develop and implement a comprehensive coordinated response to survivors of GBV and human trafficking, including the provision of safe houses or where they exist, increasing their capacities, and employment of trained staff;
- Enhance the capacity of officials to identify and respond to vulnerable individuals, including victims of trafficking and to prevent and respond to GBV;
- Taking into account the special protection and assistance needs of UAM, develop and implement unified procedures for determination of the best interests of the child, for the appointment of legal guardians and effective procedures for age assessment and provide appropriate accommodation for them;
- Designate specific asylum centres solely for the accommodation of vulnerable persons to enhance their safety;
- Employ more translators, with a specific attention to employ more female translators for transit and asylum centres.

The Serbian and Macedonian Governments, NGOs and UN Agencies Should:

- Improve dissemination of information to asylum seekers and migrants and ensure that also women and children have access to information about protection and assistance;
- Take measures to improve the identification of vulnerable persons and referral systems, building on successful existing initiatives such as multi-disciplinary mobile teams;
- Develop or increase targeted services for women and girls, including GBV information and response services, designated spaces for women and girls in shelters, and psycho-social support and other assistance;
- Strengthen regional cooperation and NGOs networking in order to enhance information sharing so to provide adequate support to women refugees and cross border referral;
- The regional meetings especially of police chiefs should not focus just on border security but also on how to provide protection to vulnerable groups of refugees such as women, children and SGBV and trafficking victims. NGOs should have a presents at these meetings;
- Develop and support occupational and recreational activities for asylum seekers and migrants in transit and asylum centres, involving them in the design of such programmes.

Leaders Agree on 17-point plan of action
on the Western Balkans Migration Route:
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BCHR. “Safe Passage: Testimony of people
Balkan Migrant Crisis: Why People Flee, What the EU Should Do” 2015.
HRW. “As Though We Are Not Human Beings”: Police Brutality against,
Refugees: Focus on Outsourcing Asylum, Border
HRW. “The Mediterranean Migration Crisis: Why
Migrants and Asylum Seekers in Macedonia” September 2015.
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Asylum Seekers, Migrants, and Refugees in
ACAPS. “Refugee/Migrant Crisis Response: Scenarios, Possible Developments in Transit Countries over the Next Six Months” 24 March 2016.
Amnesty International (AI). “Female refugees face physical assault, exploitation and sexual
harassment on their journey through Europe” 18 January 2016.
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Refugees: Focus on Outsourcing Asylum, Border
Human Rights Watch (HRW). “As Though We Are Not Human Beings”: Police Brutality against,
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Refugees: Focus on Outsourcing Asylum, Border
HRW. “EU: Leaders Duck Responsibilities on
People Flee, What the EU Should Do” 2015.
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Migrants and Asylum Seekers in Macedonia” September 2015.
BCHR. “Safe Passage: Testimony of people
desiring to travel through the region
of South-eastern Europe/Balkans, 20-20 October 2015.
ECRE. “Weekly Bulletins”, issues covering
November up to August 2016.
ECRE. “Situation Overview: Rapid Assessment of the Humanitarian Impact of New Border
Polices in the West Balkans” 4 March 2016.
REACH “European Migration Crisis Rapid Situation Update” 5 April 2016.
UNHCR. “Europe’s Refugee Emergency Response” Updates #1 – #30, covering the period from June, 2015 to August, 2016.
UNCR. “Testa – Inter-agency Operational Updates” October 2015 – August 2016.
UNCR. “TYOSM – Inter-agency Operational Updates” October 2015 – March 2016.
UNCR. “Serbia is a Country of Asylum: Observations on the Situation of Asylum-Seekers and Beneficiaries of International Protection in Serbia” August 2012.
UNCR. Zhanmara, Kristina. “Refugee Protection and
International Migration in the West Balkans” March 2014.
UNCR. Operational Update #9 of 20 March 2016 and #10 of 12 April 2016
August, UNHCR noted that 56% came via Macedonia, while 35% came via Turkey.


Amnesty International (AI), “Smuggling is defined in Article 3 of the UN Protocol Against the Smuggling of Migrants to kter by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a parent having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, serfdom or the removal of children from their parents. The concept of a victim of trafficking in persons to the international exploitation set forth in subparagraph (a) of this article shall be interpreted so as to be applicable, inter alia, to situations of human trafficking in the context of armed conflict or other situations of armed conflict ( civilians and military personnel)”. In Serbia: BCHR, April – June 2016 Periodic Report, p. 27.

BCHR, April – June 2016 Periodic Report, p. 27.


BCHR, April – June 2016 Periodic Report, p. 27.

BCHR, April – June 2016 Periodic Report, p. 27.

BCHR, April – June 2016 report p. 4.

The overall aim of Oxfam and partners’ protection activities is to enhance the safety, dignity and human rights of migrants, including refugees, who are stranded or transiting through Macedonia and Serbia by:

- Providing essential information to people about rights and available services through outreach teams (cultural mediators/ translators, social workers, lawyers and protection officers) and identifying vulnerable people;
- Strengthening the referral system with relevant institutions;
- Monitoring and reporting protection concerns;
- Referring victims of violence and trafficking to safe houses;
- Building skills and knowledge and increase personal resilience of refugees and migrants by organising empowerment and creative workshops for women and girls;
- Providing training to social workers, asylum centre staff and border police to adopt a gender-sensitive approach;
- Sensitising international and local audiences about the situation of migrants, including refugees, by producing multimedia material;
- Reviewing the current national legal frameworks from a gender perspective; identifying gaps and providing recommendations;
- Awareness raising with relevant national stakeholders and campaigning.