CLOSED BORDERS

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

INTRODUCTION AND METHODOLOGY

This paper provides an analysis of the protection concerns that people on the move, especially women and children, face in Macedonia[1] 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 Lawyer 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.[2] 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.[3] 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, persons transiting Macedonia and Serbia risked 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.[4]

In response to wide-spread 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 coordination along the Balkans route and adopted a more pragmatic policy of allowing people to move through. Whilst much more could have been done, countries did take some 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 as the EU began to engage with Turkey in an effort to stem the influx of irregular migrants.[5] Afraid that they would be "stuck" 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 22, 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 (80%) but also from Bulgaria (20%).[6] According to UNHCR and NGOs, 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."[7]

For Macedonia, there is even less statistical information available. According MYLA 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.[8] 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).

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.

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 prompted by international actors and national NGOs, in the autumn of 2015 both Macedonia and Serbia adopted emergency plans in case of mass influx of migrants, with the support of international actors.[9] However, the plans focussed on the immediate priority of increasing accommodation capacity and winterizing shelters and, as UN Women observed, while referring to the need of special assistance for vulnerable groups, they are weak in addressing protection and gender concerns.[10]

Recently, there have been some promising developments at the policy levels in both countries. For instance, in Macedonia, Standard Operating Procedures (SOP) have been developed for processing unaccompanied children (November 2015), and for other categories of vulnerable refugees and migrants, including the elderly, pregnant women, single parents (April/May 2016), while SOP for the prevention and response to SGBV in the refugee crisis are currently under consideration.[11]

The Serbian government adopted the "National Strategy for Gender Equality for the period 2016-2020", which includes women refugees as a vulnerable group at risk of discrimination. A new draft Law on Asylum and Temporary Protection is currently being considered, which should improve the asylum procedure.[12]

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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,[13] 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, with some being forced into prostitution to survive or becoming victims of traffickers.

WOMEN AND CHILDREN, ESPECIALLY WHEN TRAVELLING ON THEIR OWN, ARE PARTICULARLY EXPOSED TO VIOLENCE AND EXPLOITATION AND/OR TRAFFICKING.

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 high levels of anxiety and distress. This is compounded by the fact that many have witnessed or experienced 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 14 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 do 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 starving 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."[14]

PROTECTION CONCERNS

FALLING PREY TO SMUGGLERS AND TRAFFICKERS[15]

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, MLYA reported a number of cases where refugees arriving at Tabanovce 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."[16] One such 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.

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.

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 UAM and vulnerable individuals run by Ministry of Labour and Social Policy and financed by the Jesuit Refugee Service. In Serbia, Oxfam partner Atina, 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.

As the case described above illustrates if appropriate institutional support is lacking, trafficking survivors may even be more reluctant to report to the authorities and/or may again have to strike deals with smugglers to try to reach their destination country.

"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."

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.[17] 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. Afraid of reprisals from the perpetrators - who may be abusive husbands, smugglers, fellow refugees, or members of the security forces - women tend not 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 that 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, unable to move onward. On the other hand, especially during the time of mass influx of people, it was difficult for protection workers to identify survivors of GBV, given the lack of time and privacy as well as communication problems due to the scarcity of interpreters.[18] Another problem was the lack of private spaces for women which provide a more conducive setting for them to raise their concerns.

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.[19] A number of women reported that they felt unsafe having to use the same bathroom and shower facilities as men. To address this concern, separate toilet and shower facilities for women in shelters in Serbia and Macedonia have been provided. Other organizations have also documented an increase in SGBV. 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.[20]

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 want to 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 Atina 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."[21]

Oxfam is working with experienced partners, such as the BCHR and Atina 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 response, and no GBV referral pathways have been established within the respective countries or trans-nationally."[22]

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.[23] 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. Few 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. When 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."[24] 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 Pastho.

NGOs 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. UAM are often not identified and treated in accordance with the best interest of the child (see section on UAM 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 private 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 focus was on attention to 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 multidisciplinary 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. Drawing on existing contacts with NGOs 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 NGO access to migrants at the border crossing villages Lojane and Vaksince in the mountains between Macedonia and Serbia and at Gradina at the border between Serbia and Bulgaria and in Horgos and Kalebija at the border between Serbia and Hungary.

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.

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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.[25] 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.[27]

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 addressing 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 "unified procedures for determination of the best interests of the child, appointment of legal guardians and procedures for age assessment"[28] have not been implemented.

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

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, Ni or Subotica. However, according to the BHCR, these institutions are not specialised for sheltering underage refugees and often lack the capacities to take in all UAM.[29] In addition, the accommodation in the institution in Nis is temporary until the UAM have expressed the intention to seek asylum, after which they are placed in an asylum centre.[30] 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.

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 loss of hope to the 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 move on. Another problem is the lack of official translators at the sites, which means that asylum seekers and migrants are often not informed about 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 people. 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. Accommodation, food and psycho-social counselling is offered, as well as non-formal educational and social activities for teenagers and children, access to medical aid, English language lessons and vocational trainings. There are also two transit centres, Tabanovce at the Northern border with capacity to accommodate 547 individuals and Vinojug in the south with capacity of 134 persons. Both transit centres are equipped with toilet and kitchen facilities, child friendly spaces and medical ambulances.

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 in Shelter and Settlement. In Krnjaca 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.[31] 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.[32]

POOR CONDITIONS AND LACK OF SERVICES, ESPECIALLY FOR VULNERABLE PERSONS IN SOME OF THE CENTRES ARE CONTRIBUTING FACTORS FOR PEOPLE TO TRY MOVE ON.

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.[33] Consequently, NGOs, including Oxfam partners, have stepped up their efforts to provide information to new arrivals about their rights, including the right to seek 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.[34] 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.[35]

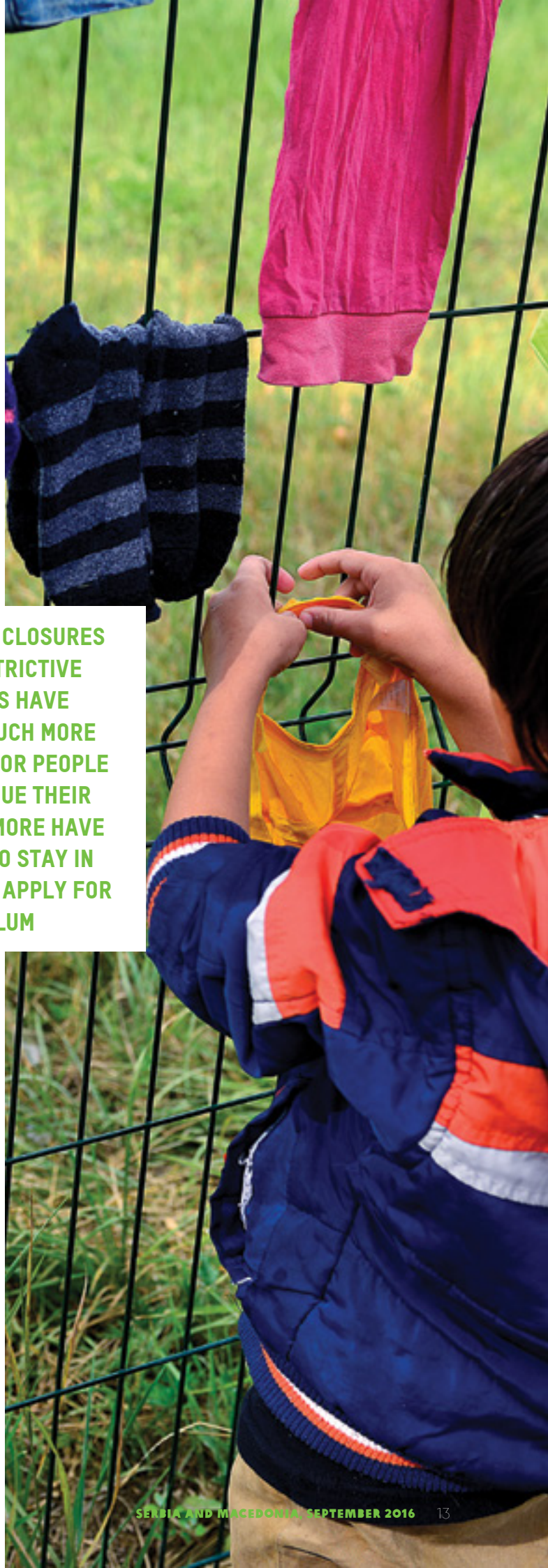
The situation is particularly disconcerting in Macedonia, with MYLA reporting that the authorities allow access to the asylum procedure on a highly selective basis. MYLA identified numerous cases where persons were not allowed to submit an asylum application in transit centres or at the border, noting that sometimes after expressly stating their intention to seek asylum, some have been returned to Greece. According to NGO observers, the intention of the authorities is to deter refugees from applying for asylum in Macedonia thus keeping the number of asylum claims low.

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

Since the closure of the Balkan route, both Serbia and Macedonia have resumed push-backs across their borders.[36] 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 3763.[37] 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.[38]



CONCLUSIONS AND RECOMMENDATIONS

RESTRICTIVE POLICES 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.

ANNEXES

ACRONYMS

AI	Amnesty International
BCHR	Belgrade Centre for Human Rights
EU	European Union
fYR	Former Yugoslav Republic
GBV	Gender-based violence
HRW	Human Rights Watch
INGO	international non-governmental organization
IOM	International Organization for Migration
MoI	Ministry of the Interior
MYLA	Macedonian Young Lawyers Association
NGO	Non-governmental organization
SGBV	Sexual and gender-based violence
SOP	Standard Operating Procedures
SWC	Social Welfare Centre
UAM	unaccompanied minors
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

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NOTES

[1] The terms FYR Macedonia and Macedonia are being used interchangeably in the document to mean the Former Yugoslav Republic of Macedonia.

[2] UNHCR, "Europe's Refugee Emergency Response Update #16", 18–31 December 2015, https://www.ecoi.net/file_upload/1930_1455616590_56bda0bd4.pdf

[3] UNHCR reported that, as of September 15, 2016, 21% of the new arrivals in Greece were women and 38% children, see UNHCR, "Refugees/Migrants Emergency Response – Mediterranean," http://data.unhcr.org/mediterranean/country.php?id=83. UNICEF, in its Operational Updates Nr 9 and 10 of 20 March and 12 April 2016 respectively, refers to 40% children among "refugees and migrants arriving in Greece and those stranded along the Western Balkans" and to 22% women.

[4] The Guardian, "14 Migrants killed by train while walking on tracks in Macedonia," 24 April, 2015, retrieved from https://www.theguardian.com/world/2015/apr/24/several-migrants-hit-by-train-killed-central-macedonia; Human Rights Watch (HRW), "As Though We Are Not Human Beings": Police Brutality against Migrants and Asylum Seekers, September 2015 https://www.hrw.org/report/2015/09/21/though-we-are-not-human-beings/police-brutality-against-migrants-and-asylum; Amnesty International, Europe's Borderlands: Violations against Refugees and Migrants in Macedonia, Serbia and Hungary, July 2015 http://www.amnesty.eu/content/assets/Reports/Europes_Borderlands__Balkans.pdf.

[5] http://www.bbc.com/news/world-europe-34546482 and EU press release following the EU-Turkey meeting of November 29 2015: http://www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/

[6] UNHCR, Serbia: Inter-Agency Operational Updates, May and June 2016. In August, UNHCR noted that 59% came via Macedonia, while 35% came via Bulgaria and the rest from Albania and Montenegro. See UNHCR, Serbia: Inter-Agency Operational Updates, August 2016.

[7] UNHCR, "Europe's Refugee Emergency Response Update #29, "19 July – 8 August 2016". http://data2.unhcr.org/en/documents/details/51145. By the end of August, UNHCR reported that the number of refugees and migrants in Serbia had increased to 4,700, see UNHCR, "Inter-agency Operational Update August 2016".

[8] MYLA, "Field Report July 2016", p. 2, http://myla.org.mk/wp-content/uploads/2016/09/Field-report-July-final-za-pechatenje.pdf

[9] Serbia is currently developing a new Plan for the period October 2016-March 2017.

[10] UN Women, Gender Assessment of the Refugee and Migration in Serbia and fYR Macedonia, January 2016, p 17, (hereafter cited as UN Women). http://www2.unwomen.org/~/media/field%20office%20eca/attachments/publications/country/serbia/gender%20assessment%20of%20the%20refugee%20and%20migration%20crisis%20in%20serbia.pdf?v=1&d=20160112T163308 .

[11] There are also SOP for Processing victims of Human Trafficking adopted in 2010. Oxfam partners La Strada and MYLA are involved in the consultation process regarding the SOP for the prevention and response to SGBV.

[12] The Belgrade Centre for Human Rights is taking part in the consultations and will provide input into the drafting process, including recommendations regarding gender equality .

[13] These include, inter alia, the right to seek asylum, the principles of non-discrimination and of non-refoulement, principles which are enshrined in the 1951 Convention relating to the Status of Refugees, and in the International Bill of Human Rights.

[14] Testimony gathered during a workshop entitled "Open Letters," organized by Oxfam partner ATINA during which 74 refugee women and girls temporarily staying Krnjaca and Presevo centres in Serbia conveyed their experiences (hereafter referred to as Atina, "Open Letters").

[15] According to Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, human trafficking is defined as follows: "(a) Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, 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 person 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, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this practice shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in subparagraph (a) of this article;" Smuggling is defined in Article 3 of the UN Protocol Against the Smuggling of Migrants by Land, Sea and Air as: "The procurement in order to obtain direct or indirectly, a financial or other material benefit of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident."

[16] Belgrade Centre for Human Rights (BCHR), The Right to Asylum in Serbia: Periodic Report April – June 2016, p 11. http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2016/07/ENG-FINAL.pdf (hereafter "BCHR Periodic report").

[17] Amnesty International (AI), "Female refugees face physical assault, exploitation and sexual harassment on their journey through Europe;" 18 January 2016, https://www.amnesty.org/en/latest/news/2016/01/female-refugees-face-physical-assault-exploitation-and-sexual-harassment-on-their-journey-through-europe/; UN Women.

[18] UN Women, p. 27.

[19] UNHCR, "Serbia Interagency Operational Update," April 2016.

[20] AI, "Female refugees face physical assault, exploitation and sexual harassment on their journey through Europe;" 18 January 2016. The report is based on interviews with 40 refugee women and girls in northern Europe who travelled from Turkey to Greece and then across the Balkans.

[21] Atina, "Open Letters."

[22] UN Women, p. 30.

[23] Initiatives included written information on different languages on boards and flyers, information points at places where many refugees gather, applications providing cross-border information, mobile teams.

[24] UN Women, p. 34.

[25] EUROSTAT, "Four-fold rise in the number of unaccompanied children seeking asylum in the EU in 2015, 2nd May 2016. http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf/19cfd8d1-330b-4080-8ff3-72ac7b7b67f6.

[26] BCHR, April – June 2016 report p. 10.

[27] See for instance, BCHR, "Safe Passage: Testimony of people arriving in Dimitrovgrad, Serbia, from Bulgaria, 20-22 October 2015," http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2015/12/Safe-Passage.pdf. Amnesty International,"Bulgaria: It is time to address the allegations of abuse of refugees and migrants by the police," 11 December 2015 https://www.amnesty.org/en/documents/eur15/3058/2015/en/

[28] UNHCR, "Roundtable on Refugee Protection and International Migration in the Western Balkans: Suggestions for a Comprehensive Regional Approach (10-11 December 2013, Vienna, Austria): Summary Report," March 2014, p. 8. http://www.unhcr.org/531d8ad29.html

[29] BCHR, April – June 2016 Periodic Report, p. 27.

[30] BCHR, April – June 2016 Periodic Report, pp. 27, 28.

[31] Asylum seekers are accommodated in the asylum centres regardless of their actual plans to leave Serbia. Others are being sent to the Refugee Aid Point while waiting to be admitted to the Hungarian border or leave irregularly.

[32] UN Women, p. 32.

[33] The BCHR reported that from April-June 2016, a total of 2,665 people initiated the asylum procedure by expressing the intention to seek asylum in Serbia, which is a marked increase vis-a-vis the previous quarter when 1,886 had expressed their intention to seek asylum. BCHR, April – June report, pp 4, 5.

[34] UNHCR, The Former Yugoslav Republic of Macedonia as a Country of Asylum: Observations on the Situation of Asylum-Seekers and Refugees in the Former Yugoslav Republic of Macedonia, August 2015. http://www.refworld.org/docid/55c9c70e4.html; BCHR, Right to Asylum in the Republic of Serbia 2014, published 2015. http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2015/04/Right-to-Asylum-in-the-Republic-of-Serbia-2014.pdf

[35] BCHR, April – June 2016 Report, p. 14.

[36] Amnesty International, Europe's Borderlands: Violations against Refugees and Migrants in Macedonia, Serbia and Hungary. July 2015, https://www.amnesty.org/en/documents/eur70/1579/2015/en/ ; Human Rights Watch, "Serbia: Police Abusing Migrants, Asylum Seekers," April 15, 2015, https://www.hrw.org/news/2015/04/15/serbia-police-abusing-migrants-asylum-seekers; UNHCR, Serbia as a Country of Asylum: Observations on the Situation of Asylum-Seekers and Beneficiaries of International Protection in Serbia, August 2015. http://www.refworld.org/docid/50471f7e2.html

[37] MYLA, "Field Report: April – May – June 2016, p. 2. Retrieved from http://myla.org.mk/wp-content/uploads/2016/09/Field-report-040506-za-pecatenje.pdf

[38] Amnesty International, "Bulgaria: It's time to address the allegations of abuse of refugees and migrants by the police," 11 December 2015, https://www.amnesty.org/en/documents/eur15/3058/2015/en/; BCHR, "Safe Passage: Testimony of people arriving in Dimitrovgrad, Serbia, from Bulgaria, 20-22 October 2015". http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2015/12/Safe-Passage.pdf.

THIS REPORT WAS CONDUCTED BY:

OXFAM

www.oxfam.org

Oxfam is an international confederation of 17 organizations working together with partners and local communities in more than 90 countries. One person in three in the world lives in poverty. Oxfam is determined to change that world by mobilizing the power of people against poverty. Around the globe, Oxfam works to find practical, innovative ways for people to lift themselves out of poverty and thrive. We save lives and help rebuild livelihoods when crisis strikes. And we campaign so that the voices of the poor influence the local and global decisions that affect them. In all we do, Oxfam works with partner organizations and alongside vulnerable women and men to end the injustices that cause poverty.

Description of Oxfam partners and protection activities. Oxfam is delivering protection services to people on the move along Macedonia and Serbia with the following partners:

IN SERBIA:

ATINA

www.atina.org.rs

ATINA is a citizens' association combating trafficking in human beings and all forms of gender-based violence;

BCHR

www.bgcentar.org.rs

The Belgrade Centre for Human Rights (BCHR) was founded in 1995 and is a non-partisan, non-political and non-profit association of citizens concerned with the advancement of theory and practice of human rights and humanitarian law and the strengthening of the rule of law.

IN MACEDONIA:

MYLA

www.myla.org.mk

MACEDONIAN YOUNG LAWYERS ASSOCIATION - MYLA is a non-governmental, non-profit and non-political professional organisation of lawyers founded in 2004 with the aim to promote human rights and the rule of law and develop the legal profession in Macedonia;

OPEN GATE/LASTRADA

www.lastrada.org.mk

OPEN GATE/LASTRADA is a civil society organization that promotes human rights and represents the needs of high-risk people and victims of abuse and human trafficking.

THIS REPORT HAS BEEN FUNDED BY:

UN WOMEN

www.unwomen.org

UN Women is the global champion for gender equality, working to develop and uphold standards and create an environment in which every woman and girl can exercise her human rights and live up to her full potential. We are trusted partners for advocates and decision-makers from all walks of life, and a leader in the effort to achieve gender equality.

Photos by: Ana Lazarevska and Nemanja Pancic

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.