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**Stakeholder report on human rights situation for refugee and migrant children in
Serbia**

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1. This Report is prepared by the Balkans Migration and Displacement Hub (BMDH), an initiative working within Save the Children North West Balkans as a main submitting organization and the Centre for Youth Integration (CYI).
2. The report is focused on access to rights for asylum-seeking, refugee and migrant children arriving in Serbia through the Eastern Mediterranean and the Balkan Route.
3. The report is based on the research work, child rights monitoring, as well as the programmatic activities implemented by the BMDH and the CYI as partnering organisations and their experience gained through direct contact and work with refugee and migrant children and families.
4. Aiming to inform the report with children's experiences, opinions and recommendations, the BMDH and the CYI conducted consultations with refugee and migrant children on the topic of education. The consultations were conducted in the Asylum Centre Krnjaca, the centre accommodating children and families, with a group of 7 children – 4 girls and 3 boys, ages 9-15. The countries of origin were Burundi and Syria. The transcript of the workshop is kept in the CYI archive.
5. The Balkans Migration and Displacement Hub (BMDH), formed in 2018, is based in Belgrade, Serbia and operates under the Save the Children North West Balkans Country Office. The BMDH aims to address sustained and systemic protection concerns for refugee and migrant children. The Hub monitors mixed migration trends across the Balkans; carries out targeted, in-depth research; promotes emergency preparedness; develops partnerships in countries along the Balkans route; promotes robust, evidence-based advocacy for children.
6. Since 2015, Save the Children has worked with the Centre for Youth Integration in supporting refugee and migrant children travelling through the Balkan Route. The partnering organisations run programmes with a focus on child protection and education. Currently, they are present in the Asylum Centre Krnjaca and One Stop Point Miksaliste, both in Belgrade.
7. Centre for Youth Integration, a Serbian non-governmental organisation, was established in 2004. The CYI proactively works to address the existing gaps in providing protection and support for hard-to-reach children in Serbia - street-involved children and youth and other groups of children on the move. The CYI is a leading civil society organisation in providing alternative community services such as drop-in centres, outreach programs, support to

education and enrolment in schools.

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1. VIOLENCE AGAINST CHILDREN

Referring to recommendations from the 29th session of the 3rd Cycle of HRC- UPR from Greece (113.53), Kyrgyzstan (114.89) and Mongolia (114.17) about completing efforts in order to effectively protect children from violence and abuse and establishing legislative and other measures to protect children from abuse and violence, including by adopting a comprehensive law on children's rights and establishing an office of the Ombudsman for Children

According to the UPR recommendations from the third cycle, Serbia needs to step up its efforts in order to effectively protect children from violence. Lacking legal pathways to travel and seek asylum in Europe, and travelling with smugglers who facilitate irregular border crossings, refugee and migrant children arriving in Serbia are one of the groups of children most vulnerable to violence. In-depth research about violence against refugee and migrant children arriving in Europe through the Balkans, conducted by Balkans Migration and Displacement Hub, finds that children are exposed to all types of violence – physical, psychological violence, sexual violence, discrimination and exploitation, including sexual exploitation, at all stages of their journey – in the countries of origin, countries of transit, at borders and in the accommodation centres.ⁱ According to the research, as well as other evidence available, the vast majority of refugee and migrant children arriving in Serbia have experienced violence, while the most common perpetrators are border police officers and smugglers.ⁱⁱ Violence significantly affects children's development and can be detrimental to their well-being; at the same time, children who experience violence are more vulnerable to further violence. According to the data collected, children in Serbia might face additional risks. At this point of the journey, they often exhaust their resources for travelling, which makes them more vulnerable to exploitation, including by smugglers who offer them money, privileges and easier continuation of the journey in exchange for sexual services, or use them as helpers.ⁱⁱⁱ

It is, therefore, of utmost importance that refugee and migrant children, victims of violence, are identified, that all children receive adequate protection in Serbia and that the protection risks for them are minimised.

For unaccompanied and separated children, access to social workers and legal guardians is a key protection factor. Although Serbia has significantly improved access to protection services and the guardianship system, many challenges remain. Registration with the police is not always available in the centres, so children need to search for the police station to register, on which occasion they are rarely accompanied by social workers or guardians. Therefore, they are rarely motivated to ensure that they are registered, which might prevent them from being visible and accessing their rights. In parallel, establishing the age of children is still conducted in a non-systemic manner, meaning that the asylum seeker's words and the official's personal observations are the only criteria for identifying minors in the greatest number of cases.^{iv} Due to the lack of systemic age assessment procedures, it happens that adult men, who claim to be underage and register with the police as underage in order to access certain services or accommodations, end up accommodated with minors, while children who do not want to separate from their group and claim to be 18 are accommodated with adult men. Unaccompanied and separated children are at great risk of violence from smugglers, including sexual abuse, and the risks are exacerbated when children are accommodated with adult men.^v Due to the lack of systemic response to this challenge, and lack of coordination between actors in the field, bridging the gaps in the identification of children, and particularly vulnerable cases, as well as advocating for adequate accommodation, remain in the domain of work of civil society organisations. Unfortunately, due to the lack of funding, fewer civil society organisations are present in the field. An additional challenge for ensuring protection is that unaccompanied and separated children are often unable to understand the procedures they are involved in,^{vi} while it also remains unclear if the law enforcement officers issuing registration certificates are informing asylum seekers of their rights and obligations, including the right to lodge an asylum application, particularly having in mind the lack of interpreters and cultural mediators. Lack of access to asylum further prevents children from accessing protection.

When it comes to reporting violence and prosecuting perpetrators, child protection experts working with refugee and migrant children note that the social protection system is not sufficiently flexible when it comes to violence against children. The slow pace of the justice system and the mobility of children mean that reported cases are rarely followed through.^{vii} Appropriate accommodation for children and adults (e.g., mothers in cases of family violence) who are identified as victims of violence or at risk of violence is of limited capacity. According to the data available from the field, those at risk and even those who experienced violence are often simply transferred to another

accommodation centre, which is not enough for adequate protection.

Standard Operating Procedures for the protection of refugee and migrant children were introduced in 2016,^{viii} but they have not been revised since their adoption, while the context for children in migration has significantly changed. It is necessary to revise the SOPs, improve monitoring, and conduct continual revision and adaptation to the context, including through regular consultations with children and the CSOs. Regular consultations would also improve building trust in relationships with children, which is necessary to ensure that children report violence.

Looking at the wider framework for the protection of children, including those in a vulnerable situation, from violence, it is important to note that the 2020-2023 Strategy for the Prevention and Protection of Children from Violence and its 2020-2021 Action Plan, adopted by the Serbian Government in May 2020, include actions aimed at the protection of refugee and migrant children but have not yet been implemented. Serbia has not yet adopted the Act on the Rights of the Child, an umbrella law on child rights and there is currently no specialised Ombudsman for Children as an independent institution for the protection of child rights. The Act would ensure the protection, promotion and monitoring of the realisation of child rights in Serbia by the independent mechanism. This would contribute to better protection of refugee and migrant children, particularly keeping in mind the violence that happens at the borders and the need for independent border monitoring mechanisms.^{ix}

Although efforts have been made to ensure better accommodation for refugee and migrant children, most state efforts have focused on institutional care. Foster care system remains unsuitable for the needs of children on the move.

Having said this, it is also important to note that, to ensure protection for refugee and migrant children, children have to have access to asylum and other durable solutions in Serbia in order to be motivated to stay rather than continue travelling through irregular routes, exposed to violence, abuse and exploitation.

Recommendations:

- Step up its efforts to adopt a comprehensive law on children's rights, and take other needed measures, including under consideration establishing an office of the Ombudsman for Children, to ensure legislative and institutional framework to protect all vulnerable children, including refugee and migrant children, from abuse and violence.
- Ensure that all aspects of child protection and migration and refugee systems – including laws, policies, law enforcement agencies and child protection services – take into account the violence experienced by refugee and migrant children.

- Invest in strengthening child protection services, including legal guardianship, ensuring they are well-resourced and inclusive and ensuring that the child protection workforce is trained to acquire specific skills and knowledge, such as providing trauma-informed support and identifying and supporting victims of violence.
- Step up its efforts to ensure durable solutions for refugee and migrant children in Serbia, including by improving access to asylum, education opportunities, accommodation solutions and employability of parents.
- Carry out deinstitutionalisation and ensure that the foster care system is fit for purpose.

2. INCLUSIVE EDUCATION

Referring to recommendations from the 29th session of the 3rd Cycle of HRC-UPR from Timor-Leste (113.32) and Georgia (113.34) about developing programmes to reduce dropout rates from schools and stepping up efforts towards achieving inclusive education for all children

Access to education is of utmost importance for refugee and migrant children. It ensures stability and normality, which they so often lack, and is an important protection factor as it provides them with the opportunity to build their capacities to navigate the new environment and overcome the challenges of their migration journeys.

Serbia has been one of the first countries in the Balkans to introduce enrolment into formal education for refugee and migrant children. Significant achievements were made, including issuing Professional Guidance for the schools, capacity building of the school staff and establishing cross-sectoral cooperation between governmental and non-governmental actors.^x

Nevertheless, some issues need to be further addressed. While the classes are in Serbian, there is still a notable lack of preparatory Serbian language lessons. In parallel, there is a lack of interpreters and cultural mediators who have a key role in children's adaptation to the new educational and social environment. The children need additional education support, which is, for the most part, provided by civil society organisations. Concurrently, the space for CSOs and their programs is shrinking due to the lack of funding and donors' interest in the Balkan migration route.

According to the data collected in the joint work of the BMDH and CYI, including in consultations with children, it happens that children are waiting to be enrolled until there's a group of 4-5 children who should start attending school; as a result, some children are waiting for weeks before accessing education. This is particularly the case for teenagers. Younger children are most often provided with transportation and,

sometimes, are also accompanied by the staff, while the teenagers are expected to go alone or in groups. According to data collected in consultations with children, for some of the families, this is observed as a risk, particularly for girls. Girls face additional challenges when accessing education, such as peer violence and gender norms.^{xi} As a result, children stay in the reception centres and lose the motivation to attend school. Additionally, according to the information at the disposal of the BMDH and the CYI, the dropout rates among refugee and migrant children are significant. The national authorities monitor the enrolment rate but do not monitor dropout rates among asylum-seeking and refugee children. A systemic and strategic approach to addressing the dropout rates and strengthening the motivation of children and families to enrol and remain in formal education is lacking.

Children's voices

My proposal is for someone from the camp to accompany me for just one week so that I can familiarise myself with the route to school. I think that's better than waiting for a larger group to form because that can obviously take a while.

Girl, 15

I would feel much better and safer if I had at least one person to be with me in class. To have someone else with you who understands your language.

Boy, 15

It would mean a lot to me if I could learn Serbian and English before going to school in Serbia. Without that, I wouldn't be able to understand anything at school.

Boy, 14

It would mean a lot to the children if the child-friendly space^{xii} worked after we returned from school. Then the children could come directly from school to the child-friendly space and ask for help in understanding and clarifying everything that was taught that day at school.

Girl, 15

Recommendations:

- Step up efforts to ensure prompt access to safe education for all refugee and migrant children as an important protective factor.
- Ensure that education is accessible to children, including by ensuring local language classes to prepare for successful school integration, as well as provide translation for children in classes by, inter alia, engaging more cultural mediators who would act as escorts and pedagogic assistants and strengthening cooperation with civil society organisations.

- Support more opportunities for the schooling of children in middle and late adolescence.

3. DISCRIMINATION AND ACCESS TO HEALTH

Referring to recommendations from the 29th session of the 3rd Cycle of HRC- UPR from Italy (113.14) about strengthening efforts to prevent and combat all forms of discrimination, including against women, children, Roma and lesbian, gay, bisexual, transgender and intersex persons.

Experiencing discrimination during childhood can severely affect a child's educational achievement, their development and well-being. Children travelling to Europe through the Balkan route report being aware that they were not welcome in host countries, that they were not safe, that they met people 'who do not like foreigners, and that their access to services accessible to others was sometimes limited because 'refugees cannot do it here (e.g., shop, ride the bus, get a haircut, order food in a restaurant).^{xiii} Children also talked about experiencing ethnic and religious disrespect, verbal abuse and humiliation during pushbacks at borders. When discussing what they need, children emphasised, among other things, a sincerely expressed care and wish to feel welcome and respected.^{xiv}

Refugee and migrant families report experiencing discrimination in Serbia. According to the data available to the BMDH and the CYI, one of the areas in which discrimination is visible is access to health services. Healthcare Act^{xv} provides that urgent medical assistance is provided to everyone without charges. The law was adopted in 2019 and represents a significant improvement from the previous period as it now contains an entire section dedicated to defining the healthcare of foreign citizens, with clear definitions of the rights that concern refugees and asylum seekers. As one of the main principles of healthcare, protection from all forms of violence, abuse, neglect and exploitation is outlined, along with other principles such as the best interest of the child in all medical procedures,^{xvi} while discrimination based on any grounds is strongly prohibited and sanctioned in line with the Discrimination Prohibition Act.^{xvii} Moreover, Asylum and Temporary Protection Act envisage mandatory medical examination of all asylum seekers entering the official reception facilities by competent medical personnel,^{xviii} whereas this group has the same rights in this regard as other foreigners. The procedure of medical examination when accessing reception is further regulated in the Rulebook on Medical Examinations of Asylum Seekers upon Admission to Asylum Centre or Other Facility for Accommodation of Asylum Seekers.^{xix}

That being said, the situation in practice does not at all times correspond with the above-outlined documents. For example, since March 2022 Save the Children has been

continuously providing support to the Government in health care provision in Bogovađa Asylum Centre where the UASC and other migrants are sheltered. This centre does not have proper access to health care on-site, as the State has been unable to organise service provision.^{xx} This was a serious deficiency concerning the enjoyment of the right to the highest attainable standard of health of this particularly vulnerable group. The gap in the service was overcome by a joint action of Save the Children North West Balkans, which provided the funds, the national CSO Group 484, which facilitated the engagement of the medical staff, in cooperation with the state Commissariat for Refugees and Migration and the Ministry of Health. While highlighting this cooperation as an example of good practice in ensuring urgent assistance to children, it is important to note that structural, durable solutions must be provided to ensure that children's right to health is guaranteed.

In an assessment conducted by the BMDH,^{xxi} refugee and migrant mothers pointed to the gaps in health services. Reportedly, there is a lack of regular check-ups for children, and health care is provided only in case of a child's illness, while mothers reported that they lacked information about vaccinations available for children, as well as information on vaccines that are mandatory for certain ages according to national regulations.^{xxii}

There is also a noticeable difference in terms of exercising the right to health care for pregnant women, women who gave birth and new-born babies. In some cases, women who gave birth in maternity wards were dismissed without any documentation or birth certificate for the new-born. Also, it happened that, due to a lack of information on the part of health workers in healthcare institutions, individuals were denied access to health care because they did not have a health card, but a document issued to asylum seekers. For the same reason, some pregnant women were returned, because the service providers did not know how to record their examination in the system.^{xxiii}

In examples of good practice, asylum seekers, refugee and migrant mothers with new-born children in a particularly vulnerable situation were accommodated in a specialised accommodation where they were provided with the same comprehensive care that is provided to the nationals of Serbia.^{xxiv} Protection staff working with refugees and migrants assess this care as highly efficient and helpful.

Recommendations:

- Ensure that all asylum seekers, refugee and migrant children, as well as their families, are not being discriminated against and have unhindered access to health care and related services regardless of the place of their residence;
- Amend the regulations prescribing the right to health care so that pregnant, birthing women and women with children among asylum seekers are included among the users who belong to a sensitive group of the population and who are

guaranteed complete health care.

ENDNOTES

ⁱ Zegarac N., et al. 2022, "Wherever we go, someone does us harm": Violence against refugee and migrant children travelling to Europe through the Balkans, available at

<https://resourcecentre.savethechildren.net/document/wherever-we-go-someone-does-us-harm-violence-against-refugee-and-migrant-children-arriving-in-europe-through-the-balkans>, p. 87.

ⁱⁱ Ibid, p.11.

ⁱⁱⁱ Ibid, p. 49

^{iv} ECRE, Country Report: Serbia - 2021 Update, AIDA, pp. 105-106, available at

<https://asylumineurope.org/reports/country/serbia>

^v Ibid, p. 90

^{vi} Unaccompanied and separated children reported that the asylum procedure, among other procedures, is difficult to comprehend. They often misinterpreted the related information, potentially to their detriment. Furthermore, certain children reported that they were at times discouraged by the police officers from seeking asylum. See Jovanovic K. Besedic J., 2019, Struggling to Survive: Unaccompanied and Separated Children Travelling the Balkans Route, 2019, p. 48. This study was informed via 36 interviews with unaccompanied and separated boys ages 13-17, available at

<https://resourcecentre.savethechildren.net/document/struggling-survive-unaccompanied-and-separated-children-travelling-western-balkans-route>

^{vii} Op. cit. "Wherever we go, someone does us harm": Violence against refugee and migrant children travelling to Europe through the Balkans, p. 93

^{viii} Ideas, 2016, Standard Operating Procedures for Protection of Refugee and Migrant Children, available at

<https://www.unicef.org/serbia/media/1151/file/Standard%20operating%20procedures%20publication.pdf>

^{ix} UN agencies, CSOs and the Ombudsman office reported numerous instances in which refugees, migrants and asylum seekers were collectively expelled from Serbia to North Macedonia and Bulgaria. Expulsions were very often of violent nature and included different instances of ill-treatment such as slaps, kicks, hits with rubber truncheons, insults, and threats. In December 2021, the United Nations Committee against Torture criticized Serbia again for practices which undermine refugees' and asylum seekers' right to access territory and asylum procedures recommending once again the establishment of an independent border monitoring mechanism. ECRE, Country Report: Serbia - 2021 Update, AIDA, p. 13, available at <https://asylumineurope.org/reports/country/serbia>

^x Education of migrant students in Serbia 2018/2019, Ministry of Education, Science and Technological Development, available at: <https://www.mpn.gov.rs/wp-content/uploads/2019/05/2019-Education-of-migrants-in-Serbia.pdf>. See also: Inclusion of Refugee and Migrant Children into the National School System, UNICEF Serbia, 2019, available at: <https://www.unicef.org/serbia/en/reports/enrollment-refugee-and-migrant-children-school-system>

^{xi} Save the Children International, Girls on the Move in the Balkans, p. 49-50, available at

<https://resourcecentre.savethechildren.net/document/girls-move-research-series>

^{xii} A child-friendly space is run by Balkans Migration and Displacement Hub and the Centre for Youth Integration in Asylum Centre Krnjaca. In the child-friendly space, child protection staff provides non-formal education activities complementary to the official education curriculum and supports children with homework and other school tasks.

^{xiii} Op. cit. "Wherever we go, someone does us harm": Violence against refugee and migrant children travelling to Europe through the Balkans, p. 57

^{xiv} Ibid, p. 83

^{xv} Zakon o zdravstvenoj zaštiti, *Official Gazette of the Republic of Serbia*, no. 25/2019.

^{xvi} Article 20, Healthcare Act.

^{xvii} Zakon o zabrani diskriminacije, *Official Gazette of the Republic of Serbia*, nos. 22/2009 and 52/2021.

^{xviii} Article 54, Asylum and Temporary Protection Act

^{xix} Pravilnik o zdravstvenim pregledima tražilaca azila prilikom prijema u Centar za azil ili drugi objekat za smeštaj tražilaca azila, *Official Gazette of the Republic of Serbia*, no. 57/2018, available in an unofficial translation in English at <https://www.refworld.org/docid/6050e60e4.html>

^{xx} In the incident that took place in December 2020, three UASCs accommodated in Bogovadja Asylum Centre forced the official of the Serbian Commissariat for Refugees and Migrants to kiss the prayer rug which she stepped on while walking through the hallway. Since then, the healthcare staff of the Lajkovac Community Health Centre (the competent healthcare institution for the Bogovađa Asylum Centre) have not been present in the Asylum Centre, and the State has been unable to provide access to healthcare services.

^{xxi} Balkans Migration and Displacement Hub, 2022, Kako do efikasnije zaštite trudnica i majki sa decom među ženama u pokretu, available in Serbian at: <https://nwb.savethechildren.net/resources>

^{xxii} Ibid. p. 26-27

^{xxiii} Ibid. p 24-25

^{xxiv} Maternal home in Belgrade hosted refugee and migrant mothers who were separated or alone, or were facing particular risks such as trafficking etc. Maternal home operates within the Centre for Protection of Babies, Children and Youth in Belgrade aiming to prevent abandoning and neglecting children, and provides support to mothers with babies up to one year old who do not have support of their partners and families. Ibid, p. 24