

A series of black silhouettes of people walking in a line, moving from left to right, against a solid blue background. The silhouettes are slightly offset from each other, creating a sense of motion.

Migration, Social services, Integration

Policy paper on coherence between stakeholders for better social services

European
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Migrations, Social Services and Integration

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I
Introduction

Running from war towards the Europe *fortress* through the Balkans route

The research “Social Services and Migration: integration and coherence between the actors in the provision of better services for the refugees, migrants and asylum seekers in Macedonia, Serbia and Croatia” was implemented in the period from January to December 2016 in a dramatic turn of events in view of the waves of refugees from the East to the West.

In the course of 2015, the refugee crisis was in the focus of political and media reports. The suffering, the chaos and the pain of the refugees was televised in all homes. It tested the humane and the xenophobic capacities of the local people who were mostly worried about the safety of their homes. What if they stay? This was often heard in the debates and on the sidelines, as if everybody had forgotten about the crises after the collapse of Yugoslavia or the Kosovo crisis and the countries that were major migrant destinations that allowed the naturalization of more than 300,000 refugees therein (in the case of Serbia and Macedonia).

However, let’s look at the numbers. In Macedonia, only in the period from September to November 2015, 428,597 persons went through the borders of the so called Balkans Route which took these persons to their wanted destinations in the Western Europe. Of these, 1,888 persons applied for recognition of their right of asylum, but only 34 decisions have been brought, 13 of which are negative and only 4 are

positive¹. For comparison, in 2014, 1,364 persons applied for asylum and the three persons from Syria have been recognized a refugee status². The conditions they encountered in the reception and transit centres and the talks with locals did not encourage them to stay and seek international protection in Macedonia. The largest percentage of those who filed a request left the country, continuing to their desired destinations.

The situation was no different in Serbia and Croatia. In Serbia, in 2015, 577,995 persons expressed interest in recognizing their right of asylum, as opposed to 16,490 persons in 2014. Of these, only 586 people applied for recognition of the right to asylum. In 2015, 561 decisions were adopted, where only 16 people received a refugee status, 14 people received subsidiary protection, 29 people were issued decisions for dismissal of the request for asylum, 11 people were rejected and the procedure was terminated for 547 people³. The fence building by Hungary, the cruel treatment and the closing of the border for illegal entry diverted the refugees to Croatia on their route to Western Europe. In the period from 16 September to 31 December, 2015, 555,700 persons entered Croatia who were enabled to transit the country, of which only 21 people applied for asylum. In Croatia, in 2015, the right to international protection was used by 177 people, of whom 90 were in the process of integration into the society, and only 13 were

employed. The same trend was also identified in the course of 2016. In contrast, in 2014 only 453 people applied for asylum, all with a high percentage of over 80% of deviation from the procedure, i.e. leaving the country before the asylum decision was taken.

In March 2016, European Union (EU) member-states managed to close the main migration artery. On 9 March, the European Council President, Donald Tusk, announced the closure of the unregulated flow of migrants along the Balkans Route to Western Europe. It seemed that the fortress Europe would be safe after the millions who arrived in its western countries⁴. But, after the closure of the humanitarian corridor, the unregulated transits through Macedonia, Serbia and Croatia continued, assisted by traffickers. The envisaged effects of the closure of the route and the Agreement for relocation between the EU and Turkey did not solve the problems of the transit countries. The migrants who remained in the countries, whose numbers were declining and reached about a hundred in December 2016, were motivated to apply for recognition of their right to asylum as a way to “save” themselves from the inadequate conditions in the temporary housing. In the

period from January to July 2016, 525 persons applied for asylum in Macedonia, five of which were granted subsidiary protection, 23 were rejected and for 401 candidates the procedure was stopped after their leaving from the shelter⁵. The scenarios from the crisis intervention were replaced with structured activities for the people “stuck” in the transit centres, as well as with programs for integration of the “new” potential citizens.

The dynamics of the migration from east to west exposed all the flaws of the system of international protection, which were particularly visible in the lack of coherence of all stakeholders in the field, but also in the time required to initiate and establish a crisis management system. The absence of the refugees in the media does not mean that the crisis has ended and that their suffering is at an end. The uncertainty of the manner in which the agreement for relocation between EU and Turkey is to be implemented suggests that the lessons of the past should be applied in the process of transition of the migrants and the refugees through so called Balkans retour. Therefore, we should remember the crisis and the challenges that it brought.

¹ European Commission, The former Yugoslav Republic of Macedonia 2016 Report. Available at: http://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_the_former_yugoslav_republic_of_macedonia.pdf

² European Commission, The former Yugoslav Republic of Macedonia 2015 Report. Available at: http://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf

³ Ombudsman of the Republic of Serbia, Annual Report for 2015. Available at: <http://zastitnik.rs/attachments/Godisnji%20izvestaj%20Zastitnika%20gradjana%20za%202015.pdf>, accessed on April 11th, 2015

⁴ The Guardian, Tens of thousands migrate through Balkans since route declared shut. Available at: <https://www.theguardian.com/world/2016/aug/30/tens-of-thousands-migrate-through-balkans-since-route-declared-shut>

⁵ European Commission, The former Yugoslav Republic of Macedonia 2016 Report. Available at: http://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_the_former_yugoslav_republic_of_macedonia.pdf

SUMMARY

The focus of this analysis is the coherence between the stakeholders in terms of the dealing with the challenges of the refugee crisis, and not only the evaluation of the capacities of the public institutions to provide safe accommodation, transit and stay, in case of recognition of the right of asylum.

Although the capacities of the public institutions are an important segment, the institutional memory should also enable transfer of some lessons learned from the past to the present situation. Let us also not forget that the civil society organizations provide a wide range of social services, especially in crisis intervention, and thus we arrive to the question about the coherence between the institutions and the civilian actors and the creation of innovative partnerships.

The analysis is based on an overview of the policies and the relevant manuals and documents that regulate the sphere of migrations in Serbia, Macedonia and Croatia, an overview of the institutional setup and mapping of the actors and their activities, as well as interviews with experts, representatives of institutions, civil society organizations and refugees, asylum seekers and migrants,

field visits and monitoring in all three countries. In the period from April to September, 2016, 15 expert interviews and 17 interviews with asylum seekers and migrants were conducted in both reception and transit centers in Macedonia. In Serbia, seven (7) expert interviews were conducted, as well as 46 interviews with migrants in four transit centers and in a park in Belgrade. At the same time, in Croatia, nine (9) expert interviews and eight (8) interviews with asylum seekers and migrants were conducted in the “Porin” Hotel in Zagreb.

The comparative analysis of the policies and the experiences of all stakeholders in the process of migrations will help us assess the coherence and the preparedness of the systems for partnership work in dealing with the challenges arising from the migration policy.

The recommendations encourage all the stakeholders, especially the civil society organizations and the public institutions to continue to defend the human rights of the persons who transit the countries, but also to allow access to the right of asylum and integration into the mainstream society of the asylum seekers, even in a wider contexts of political, economic and social turbulences in the countries.

“Refugees, you are welcome!”

II

OVERVIEW OF THE LEGAL FRAMEWORK AND POLICIES FOR THE PERSONS UNDER INTERNATIONAL PROTECTION IN MACEDONIA, SERBIA AND CROATIA



1. Stuck between the policies and their application

Macedonia, Serbia and Croatia have a relatively good legal framework for the regulation of the migrations and the social services, relatively aligned with the policies at European Union level. The institutions in all three countries do not hide that the size of the refugee crisis took them by surprise. The same opinion is shared by the civil society organizations, which, unlike during the refugee crises after the collapse of Yugoslavia in 1991 or the Kosovo crisis in 1999, have better technical and human capacities to act as a watch-dog for the respect of the human rights by the institutions.

Macedonia, Serbia and Croatia have ratified the Refugee Convention of 1951 and its 1967 Protocol, as well as the Convention relating to the Status of Stateless Persons of 1954 and the International Covenant on Civil and Political Rights (ICCPR) of 1994, i.e. 2001 and 1995⁶. Serbia and Croatia have ratified the 1961 Convention on the reduction of statelessness in 2011 while Macedonia is the only country in the Western Balkans that is yet to ratify it⁷. Macedonia, Serbia and Croatia have also ratified the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), in 1996, i.e. in 2001 and 1992 respectively⁸.

The legal framework in the three countries is defined in a number of laws that clearly define the social rights generally available for three operating categories of persons under international protection, as follows: asylum seekers, persons with recognized refugee status and persons under subsidiary protection.

There are conceptual differences in the definition of the categories of persons who are entitled to the right of international protection between the countries and within

Laws of interest in the field of interest for the area of international protection in Macedonia

Law on Asylum and Temporary Protection (Official Gazette 19/2009, 101/2015)

Law on Social Protection (revised text Official Gazette 148/13)

Law on the Family (revised text Official Gazette of the RM 153/14)

Law on Child Protection (consolidated text)

Law on Free Legal Assistance (Official Gazette 161/09 and 185/11)

Law on Health Protection (Official Gazette of the RM 65/2012, 16/2013 and 91/2013)

Law on Citizenship (Official Gazette of the RM 67/92, 08/04, 98/08)

Law on Employment and Work of Foreigners (Official Gazette 217/2015).

Law on Elementary Education (Official Gazette of the RM 103/08, 33/10, 116/10, 156/10, 18/11, 42/11, 51/11, 12/06, 100/12, 24/13, 41/14, 116/14, 135/14, 10/15 and 98/15),

Law on Secondary Education (44/95, 24/96, 34/96, 35/97, 82/99, 29/2002, 40/2003, 42/2003, 67/2004, 55/2005, 113 / 05, 35/2006, 30/2007, 49/2007, 81/2008, 92/2008, 33/10, 116/10, 156/10, 18/11, 51/11, 12/06, 100/12, 24/13 and 41/2014),

Law on Higher Education (Official Gazette of the RM 35/08)

Law on Citizens' Associations and Foundations (Official Gazette of the RM 52/10),

Law on Public Gatherings (Official Gazette of the RM 55/95)

⁶ <http://indicators.ohchr.org/>

⁷ United Nations Treaty Collection, 4. Convention on the Reduction of Statelessness, New York, 30 August 1961. Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en

⁸ <http://indicators.ohchr.org/>

a country, i.e. a different range of services is available for these operating categories. Right of asylum is protection that is provided for two categories of persons: recognized refugee (as defined in the 1951 Convention on the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees) and a person under subsidiary protection, and that is the case in the three countries: Macedonia, Serbia and Croatia. The legal framework in Croatia uses the term “asylee” instead of “refugee”, but they have the same meaning, i.e. an asylee is a refugee who fulfils the conditions stipulated in the law for granting the right of asylum.

Asylum seeker is an alien seeking protection as of the date when s/he has officially submitted an application to the Ministry of Interior until the date of the final decision in the procedure for recognition of the right of asylum.

Recognized refugee is an alien for whom, after examining the application, it is determined that there is a justified fear of persecution based on race, religion, nationality, membership to a particular social group or political conviction, is outside his/her own country, may not or due to fear does is unwilling to be under the protection of that country or a person who, not having citizenship, is outside the country in which s/he has a habitual residence, but may not, or due to fear, is unwilling to return to it.

Person under subsidiary protection is an alien who does not qualify as a recognized refugee, but is guaranteed the right of asylum and is allowed to remain in the country because there are reasonable grounds to believe that if returned to the country of origin or, if without citizenship, in the country of former habitual residence, would face a real risk of suffering serious harm, such as: death penalty or execution; torture and inhuman or degrading treatment or punishment; or serious

Laws of interest in the field of interest for the area of international protection in Serbia:
The Law on Asylum (Official Gazette of the RS, 2007),
The Law on Migration Management (Official Gazette of the RS, 2012),
The Law on Foreigners (Official Gazette of the RS, 2008),
The decision on issuing confirmation of entry to the territory of the Republic of Serbia for migrants arriving from countries where their lives are in danger (Official Gazette of the RS, 2015),
Constitution of the Republic of Serbia (Official Gazette of the RS, 2006)
General Administrative Procedure Act (GAPA) (Official Gazette of the Federal Republic of Yugoslavia, 1997, 2001 and Official Gazette of the RS 2010)
The Law on Aliens (Official Gazette of the RS, 2008)
The Law on Administrative Disputes (Official Gazette of the RS, 2009)
The Law on Migration Management (Official Gazette of the RS, 2012)
Republic of Serbia Government Decision on Lists of Safe Countries of Origin and Safe Third Countries (Official Gazette of the RS, 2009)
The Law on Misdemeanor (Official Gazette of the RS, 2005, 2008, 2009)
Republic of Serbia Government Decision on the Establishment of the Bogovadja Asylum Centre 05 Ref. No. 02–3732/2011 (Official Gazette of the RS, 2011)
Republic of Serbia Government Ruling Appointing the Asylum Commission Chairperson and Members Ref. No. 119–6141/2012 of 20 September 2012
Rulebook on Accommodation and Basic Living Conditions in Asylum Centres (Official Gazette of the RS, 2008)
Rulebook on Asylum Centre House Rules (Official Gazette of the RS, 2008)
Rulebook on Health Examinations of Asylum Seekers on Admission in the Asylum Centres (Official Gazette of the RS, 2008)
Rulebook on Records of People Accommodated in the Asylum Centres (Official Gazette of the RS, 2008)
Rulebook on Social Assistance to Asylum Seekers and People Granted Asylum (Official Gazette of the RS, 2008)
Rulebook on the Content and Design of the Asylum Application Form and Documents Issued to Asylum Seekers or People Granted Asylum or Temporary Protection (Official Gazette of the RS, 2008)
The Law on State Border Protection (Official Gazette of the RS, 2008)

and individual threats to life, by reason of indiscriminate violence, in situations of international or internal armed conflict.

The laws governing international protection are also adequately adapted to the processes of European integration (particularly in the case of Croatia⁹, as well as the opening of Chapters 23 and 24 of the accession negotiations between the EU and Serbia), as well as the intensity of the refugee crisis in 2015 and 2016.

In Serbia, the new draft law on asylum and temporary protection is a step forward in terms of the existing law. It points to improved mechanisms for managing and dealing with refugees and asylum seekers. Important news is the introduction of a process of recognizing the right of asylum in one instance, as opposed to the existing two, which means that the asylum seekers will no longer be obliged to report to the centre for asylum within 72 hours as of the initial registration, but this would be done immediately, wherein the request for recognition of the right of asylum is to be submitted within 15 days. Furthermore, according to the suggestions of the civil society organizations, in the new draft, the Administrative Court is to rule upon complaints based on the decisions of the Office for Asylum instead of the Commission for Asylum. While this is a European practice in terms of the regulation of this issue, the civil society organizations indicate that these recommendations have not been fully adopted¹⁰. In accordance with the guidance of the United Nations High Commissioner for Refugees (UNHCR), this draft law will need to also improve the regulations regarding the treatment of unaccompanied minors and to harmonize it with the International Convention on the Rights of the Child¹¹. In Serbia, in general, there is no incompatibility of the national legal framework and the international standards. What happens in practice is that some legal institutes are misused, which may be seen as a violation of the national and the international standards. What is even more important is that the international standards for protection and asylum are under serious challenge in terms of their full application.

It is important to note that persons who have illegally entered the three countries are treated as aliens who have committed a crime. The legislative changes in Macedonia in June 2015, as well as the

Laws of interest in the field of interest for the area of international protection in Croatia:
Law on International and Temporary Protection (Official Gazette 70/15)
Law on Foreigners (130/11, 74/13)
Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia (80/2013)
Law on Free Legal Aid (143/13)
Ordinance on Forms and Data Collections in the Asylum Procedure (36/08, 46/08, 10/09, 88/11, 81/13)
Ordinance on the amount of financial assistance provided to asylum seekers, asylees and foreigners under subsidiary protection (39/08)
Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection (36/08, 116/11)
Ordinance on free legal aid in the asylum procedure (32/12)
Ordinance on the content of the medical examination of asylum seekers, asylees and foreigners under subsidiary protection (39/08)
Ordinance on the manner of implementing the programme and tests of knowledge of asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection, for the purpose of joining the education system of the Republic of Croatia (89/08)
Decision on the Programme of Croatian language, history and culture for asylum seekers and asylees (129/09)
Decision on the Programme of Croatian language, history and culture asylees and foreigners under subsidiary protection for inclusion into Croatian Society (154/14)
Decision on establishing the price of passport issued in accordance with the 1951 Convention relating to the Status of Refugees (12/11)
Decision on establishing the price of identity card for asylees, identity cards for foreigners under subsidiary protection and travel documents for asylees (131/08)

ones in Serbia, allow such persons a 72-hour safe and legal stay in the countries, after which they are obliged to submit an application for recognition of the right of asylum or leave the country. If after this period they are intercepted by the police, they are treated as aliens with unregulated residence and the provisions of the law on aliens apply to them, respectively, in both countries. Persons entering Croatia in illegal manners are treated as aliens and the provisions of the law on aliens apply to them. However, it should be noted that although the initially the irregular migrants were returned to the country of previous stay or kept in shelters for aliens, they were not prosecuted criminally.

⁹ Government of Republic of Croatia, Law on Asylum. Available at: http://www.mup.hr/UserDocsImages/engleska%20verzija/2009/Law_Asylum_NN_103_2003.pdf

¹⁰ Belgrade Centre for Human Rights, Novi Zakon o azilu Srbije još uvek nije ušao u skupštinsku procedure. Available at: <http://www.bgcentar.org.rs/novi-zakon-o-azilu-srbije-jos-uvek-nije-usao-u-skupstinsku-proceduru/>

¹¹ The first Draft Law was presented to NGOs and international organizations whose activities focus on refugee rights protection and asylum processes on December 3rd 2015.

2. Policy framework in the area of migrations and international protection

Recognizing the importance of the issue of migration, Macedonia created its own profile migration in 2008, as well as a Resolution on Immigration Policy for the period 2009-2014 and a new one for the period 2015-2020, which were created by the inter-ministerial group on migration policy comprised of representatives of 12 institutions and four international organizations. The migration policy also reflects the position of the Assembly of the RM. Due to the importance of the integration of the refugees, the Ministry of Labour and Social Policy (MLSP) has established an inter-ministerial group for integration of refugees and aliens, where the priorities also included the preparation of a Strategy for integration of refugees and aliens for the period 2008-2015.

The Strategy (2008-2015) is based on a systematic approach, taking into consideration the wider concept of public policies focused on social issues and demographic changes. The Strategy recognizes the right of the individual to self-determination and choice, in the context of fundamental human rights. The Strategy is the foundation based on which national action plans are developed, giving specific measures and activities for achieving the goals of the Strategy. Target groups of the Strategy are: persons with recognized refugee status and persons under subsidiary protection, persons with permanent stay or aliens with temporary stay. The strategy does not include the persons who are in a procedure for determining the right of asylum or those that have been rejected. The asylum seekers enjoy the rights listed in the Law on Asylum and Temporary Protection. The Strategy and the

National Action Plan (NAP) define six main fields of action, as follows: housing; education; employment and vocational training; health care; social services and social protection; integration into the community. The migration policy for the period 2015-2020 is focused on addressing the extensive and permanent emigration from the country, especially the one of the young and highly educated people, using the potentials of the returnees for the development of the country, but also on the effective management of immigration. The policy is based on four strategic areas, as follows: a framework of support; prevention; support and protection of victims and migrants; preliminary investigation and criminal proceedings for human trafficking and migrant smuggling. The institutions and civil society organizations in Macedonia agree that on paper, the institutional setup of the migration policy in terms of the handling of asylum applications is well placed, because the area of asylum is within the civil services of the Ministry of Interior (MoI) and it is conducted under the administrative law. *The experts from the public institutions* consider that the Law on Asylum and Temporary Protection is good and almost completely adjusted to the EU directives. In the meantime, work is done on the changes and the advancement of the articles that have not been harmonized. They agree that the law is generally applicable, clear and practical, but they also detect aspects that are difficult to implement in practice, like the decentralized role of the municipalities to provide local participation in the provision of housing for refugees and asylum seekers.

Serbia adopted the "National Strategy for resolving the issues

of refugees and internally displaced persons" for the period 2015-2020¹² which defines the main objectives and guidelines for action. The two main directions for permanent resolving of the refugee issues are: improving the conditions for return of the refugees to the countries of origin and providing conditions for local integration of the refugees who have applied or acquired citizenship of the Republic of Serbia. The strategy for management of migration¹³ is the major cross-sector document which monitors the problems of the refugees and the displaced persons and provides guidelines for the development of sectoral strategies for solving their problems. Under this strategy, the management of migrations includes an organized system that consists of clear migration policy and planned and organized management of migration flows, with a suitable contribution to the regulation of migrations at regional and global level¹⁴.

In Croatia, the main activities in the migratory policy are the harmonization of the national legislation with the EU acquis; the building of the capacities for implementing the asylum procedure; additional trainings for the staff working in the asylum system; providing accommodation to foreigners with recognized right to asylum

or subsidiary protection; establishing a Center for asylum seekers on adequate location.

The focus of the three countries in the current migration policy is aimed at providing full care for all persons who transit through the countries, with particular emphasis on the provision of health care and protection of vulnerable categories of persons such as unaccompanied minors, pregnant women, victims of violence. The institutions in the three countries state that they work in accordance with prescribed and standard, operating procedures, and nearly all of them have developed strategic plans. However, it is evident that the annual budgets of the MLSP in Macedonia, as an important institution in the provision of social benefits to these target groups have a downward trend despite the height of the refugee crisis¹⁵.

Thus, the policies of the countries in terms of the current crisis are relatively reactive and aimed at the protection of the rights of all persons who transit or are temporarily placed in the countries, with an emphasis on the most vulnerable categories of persons. The aspect of the integration of the persons who have acquired the right to asylum is neglected by the institutions.

¹² Government of Republic of Serbia, National Strategy for Resolving the issue of refugees and internally displaced persons in the period 2015-2020, 05 no. 019-7165/2015-2, July 10th, 2015.

¹³ Government of Republic of Serbia, Strategy for migration management, 2009.

¹⁴ Government of Republic of Serbia, Strategy for migration management, paragraph 1, 2009.

¹⁵ The budget of the MLSP for implementation of the national plans does not have an upward trend, i.e. for 2014, 2015 and 2016 it was MKD 22,000,000, 10,000,000 and 10,000,000, respectively.

3. Social services available to the refugees and asylum seekers

The three countries have a similarly designed system of social rights and services available for these target groups in terms of the legal affairs, social assistance, housing, family support, healthcare, education and employment. For some of the services, difference is made in terms of the status of the person or the application of regulations for foreigners. However, in general, the same arise from the framework of the international conventions that regulate this matter.

In each country, the citizens have certain rights and use certain services. For persons in a vulnerable position, a package of social protection rights and package of services has been stipulated. There is a difference between the so-called hard social rights / within the insurance system / and soft social rights, which are largely arbitrary and depend on the political and economic situation of the respective country. Therefore, one can expect for the volume of the social rights to be different in different countries¹⁶.

3.1 Rights of asylum seekers

Until the adoption of the final decision in the procedure for granting the right of asylum, the asylum seekers in all three countries have the right to:

- stay;
- accommodation and care in a reception centre or another

place for accommodation as determined by a relevant institution

- basic health services;
- the right to social protection;
- work only within the Reception Centre or the other place

of accommodation as determined by the relevant institution, as well as a right to free access to the labor market to those persons whose applications for recognition of the right of asylum have not been resolved within a period of one year (in the case of Macedonia) or work after a period of nine months as of the submission of the application for asylum in Croatia;

- maintain contacts with the UNHCR and the civil society organizations that provide legal assistance.

All expenses for accommodation, subsistence and healthcare during their stay in the Reception Centres or other place of accommodation designated by the relevant institution (in the case of Macedonia) are borne by the state. In Serbia, if the asylum seekers have own financial resources or if they are provided for otherwise, the asylum

seekers shall be obliged to co-finance the costs for accommodation in the asylum centre (Law on Asylum, Section VI, Article 39).

In the three countries, the asylum seekers over the age of 18 are issued an identification document that is valid until the adoption of a final decision in the asylum procedure, or in the case of rejected request, until the expiry of the period within which the person is obliged to leave the country.

The social protection system in Croatia provides financial assistance in the amount of 100 kuna per month¹⁷, and additionally provides a reimbursement of transport costs for the needs of the procedure for granting asylum, as well as freedom of religion and religious upbringing of children (Article 55, Act on International and Temporary Protection). In terms of health care they are provided with emergency medical assistance, as well as basic treatment of illnesses and serious mental disorders, covered by the public budget (Article 57, Act on International and Temporary Protection). In Croatia, the children of asylum seekers are entitled to inclusion in the primary and secondary education under the same conditions as the Croatian citizen, whereas the adult asylum seekers who commenced secondary education, shall be allowed to continue secondary education (Article 58, Act on International and Temporary Protection).

In Macedonia there is one Reception centre for asylum seekers located in the village of Vizbegovo, near Skopje. It has 150 beds.

In Serbia, in 2015, the Commissariat for Refugees and Migrants managed one (1) Reception centre for asylum seekers in Banja Koviljaca and four (4) temporary accommodation centres in Bogovadja, Sjenica,

Tutin and Krnjaca¹⁸. These five centres can accommodate up to 810 persons¹⁹.

In Croatia, there are two (2) reception centres for asylum seekers in the former hotel Porin in Zagreb with a capacity to accommodate 600 people and in Kutina with a capacity to accommodate 100 people²⁰.

3.2 Rights of persons with recognized refugee status

The person with a recognized refugee status has a right to accommodation in accordance with the principle of local contribution, by providing a suitable apartment to use or financial assistance for the provision of accommodation until they are able to provide own means of subsistence. In Macedonia this right is provided for a period no longer than two years as of the day of delivery of the decision for recognition of the status of recognised refugee, whereas in Serbia it is limited to one year.

In Macedonia the persons with recognized refugee status have the right to ownership of movable and immovable property, in accordance with the Law on Foreigners, and have the right to enter into employment through access to the labour market, by obtaining a personal work permit for a period of one year with a possibility for extension, and to apply for a work permit valid for an indefinite time.

In the three countries, a recognised refugee who has no income or cannot obtain such income from own property has a right to monthly

¹⁶ Group of authors (2007) Glossary of Social Security Terms, Cards Programme, Skopje.

¹⁷ Centar za mirovne studije, Mitovi o azilantima i tražiteljima azila. Available at: <http://cms.hr/hr/azil-i-integracijske-politike/mitovi-o-azilantima-i-traziteljima-azila>

¹⁸ Rulebook on Medical Examinations of Asylum Seekers on Admission in Asylum Centres (Official Gazette of Serbia, 93/08); Rulebook on Accommodation and Basic Living Conditions in Asylum Centres (Official Gazette of Serbia, 31/08); Rulebook on Social Assistance to Asylum Seekers and People Granted Asylum (Official Gazette of Serbia, 44/08); Rulebook on Records of People Accommodated in the Asylum Centres (Official Gazette of Serbia, 31/08) and Rulebook on Asylum Centre House Rules (Official Gazette of Serbia, 31/08).

¹⁹ Petrovic, V. and Pokusevski, D. (2016) Human Rights in Serbia 2015, Belgrade: Belgrade Centre for Human Rights, pp. 261, 269, 270.

²⁰ N1. MUP: Pritužbe azilanata iz hotela Porin su neutemeljene. Available at: <http://hr.n1info.com/a120185/Vijesti/MUP-Prituzbe-azilanata-iz-hotela-Porin-su-neutemeljene.html>

financial assistance, in the form of a basic financial assistance as a bearer of the right and allowance for the other family members who have no means of subsistence (co-beneficiaries of the assistance) until the moment of provision of their own means of subsistence, but not longer than two years from the day of delivery of the decision for recognition of the status of recognised refugee. In Macedonia, the financial assistance is determined at the level of the average monthly net salary paid in the last three months and amounts to:

- Basic financial assistance (recognized refugee - single) - 18%;
- Recognized refugee with one co-beneficiary of the right - 23%;
- Recognized refugee with two or more co-beneficiaries of the right - 30%.

After the expiry of the two-year period the recognised refugees are equalised with the nationals of the country as regards the right to permanent financial assistance and other social welfare rights.

Until the acquisition of the capacity of an insured person pursuant to the Law on Health Insurance, the recognised refugee has the right to basic health services, same as the other nationals of the country. The funds for accommodation, financial assistance and health care are provided from the state budget.

Recognised refugees in Macedonia and Serbia exercise the right to work under the same conditions as prescribed for the aliens under permanent residence permit. In Croatia, refugees can work without a residence permit and work permits or certificate of registration of work (Article 68, Law on International and Temporary Protection). In Macedonia, in the case of application of restrictive measures for employment of aliens, they will not be applicable to the recognised refugees, if they meet one of the following conditions: reside in the county at least three years; are married with a national of the country; and, have one or more children who are nationals of the country. As regards the rights provided for employment, healthcare, pension and disability insurance, the recognised refugees have equal status with the other citizens in the three countries.

In Serbia, persons whose right of asylum (recognized refugee

or person under subsidiary protection) have equal rights as all other citizens of the country - the right to protection of intellectual property rights, free access to courts of law, legal aid, exemption from payment of court fees and other fees payable to state authorities, and the right to freedom of religion. Recognized refugees have rights equal to those of permanently residing aliens with respect to the right to work and rights arising from employment, entrepreneurship, the right to permanent residence and freedom of movement, the right to movable and immovable property, and the right of association (Article 42 and 43 of the Law on Asylum).

In the three countries, persons with recognized refugee status have a **right to education**: primary and secondary educational enrollment under the same conditions as the citizens of these countries and a higher level of education in accordance with the regulation of the higher education institutions in regards to foreigners.

The three countries recognize the right to family reunification of persons with recognized refugee status except in situations when there are legal restrictions for its exercise. In the three countries, persons with recognized refugee status are required to submit a request for issuance of identification documents. In Macedonia and Serbia, identity card for recognized refugee is issued with a validity of five years, whereas for persons under 27 years, with a validity of three years. The recognised refugees are also assigned a personal identification number for an alien. A recognized refugee over 18 years of age may obtain a travel document with a validity of two years, with the possibility of extension. A person under 18 years of age may also obtain a travel document, wherein the application for their travel is submitted by their legal guardian.

3.3 Rights of persons under subsidiary protection

In the three countries, a person who has been granted subsidiary protection has a **right to stay** in the country for a period of one year and the duration will be extended if the reasons giving rise to the

subsidiary protection still exist.

The person granted subsidiary protection has a **right to accommodation** in accordance with the principle of local contribution, by providing a suitable apartment to use or financial assistance for the provision of accommodation until they are able to provide own means of subsistence and for a period no longer than one year as of the day of delivery of the decision for recognition of the subsidiary protections.

In the three countries, a person granted subsidiary protection has a **right to monthly financial assistance**, in the form of a basic financial assistance as a bearer of the right and allowance for the other family members who have no means of subsistence (co-beneficiaries of the assistance) until the moment of provision of their own means of subsistence, but not longer than two years from the day of delivery of the decision for recognition of the subsidiary protections. In Macedonia, the financial assistance is determined at the level of the average monthly net salary paid in the last three months, same as for the recognized refugees. After the expiry of the two-year period the persons are equalised with the nationals of the country as regards the social welfare rights. Serbia and Croatia have adopted regulations of the relevant ministries that regulate the amount of social financial assistance. In Croatia, person with granted subsidiary protection can work without a residence permit and work permits or certificate of registration of work (Article 68, Law on International and Temporary Protection).

Until the acquisition of the capacity of an insured person pursuant to the Law on Health Insurance, a person who has been granted subsidiary protection has the right to basic health services, same as the other nationals of the country. In Macedonia, persons who have been granted subsidiary protection have rights equal to those of temporary residing aliens.

In the three countries, persons under subsidiary protection have a right to education: primary and secondary educational enrollment under the same conditions as the citizens of these countries and a higher level of education in accordance with the regulation of the higher education institutions in regards to foreigners.

After the cessation of right to asylum in all three countries, the

Ministry of Interior in cooperation with UNHCR shall enable organized voluntary repatriation of persons in their country of origin. In the three countries, people under subsidiary protection have the possibility of family reunification in accordance with regulations that regulate the movement and stay of aliens in the countries. In the three countries, persons under subsidiary protection are required to submit a request for issuance of identification documents. In the three countries, the identity card of a person under subsidiary protection is issued with a validity period of one year. Persons under subsidiary protection are issued personal identification number for aliens.

3.4 Rights of persons under temporary protection

The persons under temporary protection in the three countries have the right to:

- residence and care, in accordance with the economic possibilities of the country;
- the rights to work, healthcare, pension and disability insurance, under the same conditions as for aliens under temporary residence permit;
- right to free legal aid;
- humanitarian assistance and basic health services for unemployed persons under temporary protection;
- primary and secondary education, whereas as regards the higher levels of education, the persons under temporary protection have equal rights as the aliens under temporary residence permit.

The exercise of these rights is the responsibility of the ministries of social policy. The ministry of interior issue personal identification document to the persons under temporary protection, which is valid until the termination of temporary protection in the country. Persons under temporary protection have the right to apply for asylum at any time. The person under temporary protection, whose asylum application is in the process of deciding enjoys temporary protection until the end of the period for which it was granted.

3.5 Treatment of irregular migrants

Treatment of persons with irregular entry into the country drew particular attention, especially due to the inappropriate treatment by the institutions. In all three countries these people were accommodated into the reception - transit centres where they were provided with food, primary and emergency health care, but with limited movement within the centre.

By mid-2015, refugees, asylum seekers and migrants faced difficulties in the providing of everyday services, such as: the use of private accommodation, transport which was overcharged or were the subject of smuggling. Before the legal amendment for temporary asylum for a period of 72 hours, many people with irregular entry and stay in Macedonia were arrested and detained in the Reception Centre for Aliens in Gazi Baba. Some had been illegally held as witnesses in proceedings against people accused of smuggling migrants²¹. In Serbia, even though under UN Convention on the Status of Refugees the persons who are considered refugees should not be prosecuted on the account of unregulated entry into the country, in practice, during 2015 several times migrants / refugees were sentenced to imprisonment for illegal entry. According to the 2015 Ombudsman Annual Report, 14,343 requests were submitted for initiation of misdemeanour proceedings for illegal crossing the state border²². Following the report and the recommendations of the Ombudsman, the police and the courts in Serbia stopped these practices. Since Macedonia and Serbia, have made legislative changes for 72-hour legal residence, these people were able to use the usual transport lines, hotels and so on.

With the closing of the Balkan route, most of those who were “stuck” in the territories of three countries voluntarily and with the assistance of the police returned back to Turkey through Croatia, Serbia, Macedonia and Greece. Those who are willing to sacrifice in order to continue to the desired destinations are target to smuggling or returned by the police in the previous transit country²³.



²¹ Amnesty International (2015) BORDERLANDS: Violations against refugees and migrants in Macedonia, Serbia and Hungary.

²² Ombudsman of the Republic of Serbia, Annual Report for 2015.

²³ Helsinki Committee for Human Rights of the Republic of Macedonia, The situation at the border crossings Gevgelija and Kumanovo for the period 14.11.2016– 20.11.2016 C. Available at: http://www.mhc.org.mk/reports/495#.WE8vw_krLIU

4.1 Data and information gaps

In all three countries, the refugees, asylum seekers and migrants are not fully informed about the right of asylum and how to use the respective social services.

The legal frameworks for migration in Macedonia, Serbia and Croatia clearly state the reasons for denial of the right of asylum including a reasonable suspicion that the person has committed a crime against humanity or a war crime, in accordance with the international acts, or has committed a serious criminal offense that is not of a political nature before coming to the country, or has been found guilty of acts contrary to the goals and principles of the United Nations (UN). However, the civil society organizations indicate that often the asylum seekers are „expressly“ denied the right of asylum, although there are no findings for such activities.

Most of the constraints currently faced by the asylum seekers with regard to access to asylum in Macedonia, Serbia and Croatia are of administrative nature. Persons entering the country are not fully informed about their right of asylum, how to get free legal aid and how to use the respective social services. Many asylum seekers point to the slow progress in the registration of the asylum applications and in determining the dates for interviews within the legal deadlines²⁴. In Serbia, the points for submission of asylum applications (police stations) were not close to the locations for accommodation of migrants, but there were also situations when the police did not want to accept the documents, but instructed the asylum seekers to continue towards the EU countries. In Croatia, the Ombudsman, the Centre for Peace Studies and the “Welcome” volunteer initiative indicate that the absence

of information to refugees about their accommodation in camps or centres, the duration of their stay, the itinerary of transportation to the Hungarian border and their status Croatia are the main obstacles to quality information on the social rights of migrants / refugees in their transit through the country.

The three countries, Macedonia, Serbia and Croatia started building a fence along the border line with an aim to ensure physical restriction of access to the country and, accordingly, limited asylum seeking and use of social services. There was evident presence of armed military and police forces at the borders, which in several cases in Macedonia used stun grenades²⁵.

In the current situation, it is important for the countries to respect the principle of non-refoulement and refrain from returning / detention of persons transiting through the countries in the border zone. Instead, the people should be informed about their right to apply for asylum in the country. However, the implementation of these principles is difficult, especially after the closing of the Balkan route when many migrants who did not intend to stay in the countries were „stuck“ in the border zones, and some decided to file an asylum application in order to live in better material conditions. Their fate is uncertain after the signing of the agreement on transfer of migrants between the EU and Turkey.

The civil society c organizations in Macedonia consider that the main reasons for the information gap from and towards these target groups are the lack of democratic political behaviour, the emergence of xenophobia among the local population, language barriers, lack of coordination among the organizations in the field and the donors that repeatedly funded same activities in the same locations, and the administrative procedures in the institutions. Barriers to access to asylum are mainly due to language barriers and lack of qualified translators.

4.2 When the laws are not implemented for humanitarian reasons

In Croatia there were no cases of return of persons to a safe third country or other activities that could constitute a violation of the principle of non-refoulement. There, the lists of safe countries of origin and safe third country have never been adopted, although they are prescribed by the Law on Asylum. Accordingly, these concepts are not applied in practice.

In the three countries, institutions either stopped or did not initiate criminal proceedings against persons who illegally crossed the state borders, and treated them like any other refugees coming through the official border crossings. Institutions in the three countries have not consistently applied the principle of “safe third country” wherein no person was returned to another country. The Ministry of Interior of Croatia revealed several cases of people who facilitated the transfer of refugees and migrants (smuggling) from Croatia to Slovenia, but without financial compensation, therefore they have initiated begun infringement proceedings against these persons only²⁶. In Croatia, the list of safe countries of origin and safe third countries have never been adopted, although they are prescribed by the Law on Asylum. Accordingly, these concepts are not applied in practice²⁷.

Regarding the system for protection from deportation, the institutions have not encountered a case where people from Serbia have been deported to Syria or other countries, but there is a kind of deportation, which refers to the readmission agreement between Serbia

and Bulgaria. This refers to people who have already expressed their intention to obtain asylum in Bulgaria, and Serbia is obliged, under the agreement, to return these people back to Bulgaria. Another institution answered that Serbia has returned to Macedonia only six people.

In Macedonia, the civil society organizations working in the field stated that there are voluntarily expressed requests by migrants who are accommodated in the transit centres in the country longer period of time, to be transferred to the Greek side by the Macedonian police. They also indicated that migrants have been returned from Serbia to Macedonia²⁸.

Although the civil society organizations in the three countries mainly dealt with the humanitarian aspect of the refugee crisis, they were also motivators of the process of harmonization of the activities of the public institutions, coordinating, managing and especially intervening in crisis. Volunteering and demonstrating solidarity even in xenophobic context is the largest capital resulting from this crisis.

Macedonian civil society actors mainly dealt with the humanitarian aspect of the refugee crisis. Distribution of food, medical supplies, hygiene packs, clothing, free legal aid, psychosocial support, working with children, and raising public awareness are some of the activities of the civil society organizations. But the cooperation with the government is not without challenges. Civil society organizations reacted regarding the use of excessive force by the police and the army, the slow creation of a coordinating body composed by the representatives of the Ministry of Interior, Ministry of Health and Ministry of Transport

²⁴ Amnesty International (2015) BORDERLANDS: Violations against refugees and migrants in Macedonia, Serbia and Hungary, pp. 6

²⁵ „Associated Press“: Shock bombs and injured migrants at the border. Available at: <http://meta.mk/asoshijeted-pres-shok-bombi-i-povredeni-migranti-na-granitsata/>

²⁶ European Union Agency for Fundamental Rights, Weekly data collection on the situation of persons in need of international protection (28 September–2 October 2015). Available at: http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-weekly-compilation-1_en.pdf

²⁷ Asylum Information Database, THE SAFE COUNTRY CONCEPTS- Croatia. Available at: <http://www.asylumineurope.org/reports/country/croatia/safe-country-concepts-0>

²⁸ Helsinki Committee for Human Rights of the Republic of Macedonia, The situation at the border crossings Gevgelija and Kumanovo for the period 14.11.2016– 20.11.2016 C. Available at: http://www.mhc.org.mk/reports/495#.WE8vw_krLIU

and Social Policy²⁹, as well as representatives of the most relevant actors in providing social services. Furthermore, the civil society organizations and international organizations were not allowed to monitor and assess the conditions at the reception centres. In migration context, in Macedonia the role of UNHCR is very important. The organization is mainly aimed at helping the government to build and maintain high quality asylum procedures. The Office advocates for durable solutions for around 900 people, mainly Ashkali, Egyptian and Roma, provides direct assistance to some of the most vulnerable families, works on civil registration and documentation, provides technical assistance to the Government and advocate for the country's accession to the 1961 Convention on the reduction of statelessness.³⁰UNHCR is one of the main partners in the implementation of field activities of the Red Cross of the Republic of Macedonia, whose partners include the International Federation of Red Cross and Red Crescent Societies and other NGOs. Legis, La Strada, the Young Lawyers Association, Helsinki Committee for Human Rights, the International Organization for Migration (IOM), UNICEF, are just some of the organizations that were actively involved in supporting the refugees travelling through the country. The organisations working in the field mainly offer humanitarian aid, assistance in reunification of families, assistance to unaccompanied children, work with children and victims of violence and trafficking, work with school children in the centres, support for mothers and babies in terms of providing appropriate places for feeding, resting and playing, as well as in connecting the refugees with other institutions and services that exist and are available in Serbia. The civil society organizations also work on analysis of the existing international and national mechanisms to address the problems of migrants and ways to improve them. There are organizations that provide free legal aid, representing asylum seekers in the entire procedure for granting the right of asylum and work on the integration of these target groups.

In Serbia, the main players dealing with issues related to refugees/

migrants are the following: UNHCR, the International Organization for Migration (IOM), Doctors Without Borders, the Red Cross, the Danish Refugee Council, the Belgrade Centre for Human Rights, Group 484, the Asylum Protection Centre, the Adventist Development and Relief Agency (ADRA). The contribution of the international organizations is primarily reflected in material assistance for providing prefab housing facilities, ensuring the required assets for food, beverages, clothing, footwear, medical assistance, legal assistance, logistic assistance and providing grants to civic organizations. For instance, in August 2015, the Belgrade Centre for Human Rights, UNHCR, ADRA, the municipal authorities of Savski Venec and the organization Klikaktiv opened an Asylum Info Centre at Nemanjina No. 3, in the vicinity of the main bus and train station in Belgrade, where most refugees transited. The Info Centre offered legal and psychological counselling, while it also extended its activities to coordinating the humanitarian assistance to a large number of organizations of the civic society and local community in Belgrade. One room at the Info Centre was adapted for mothers and children. The Asylum Info Centre is comprised of lawyers, interpreters and psychologists, as well as volunteers. The organizations doing field work mainly offer humanitarian assistance, i.e. assistance for providing clothing, footwear, personal hygiene items. Assistance is also provided for family reuniting, helping children without parental care, working with children and victims of violence and human trafficking, working with children of school age at the centres, supporting vulnerable refugee categories. The civic organizations also work on analyzing the existing international and national mechanisms for resolving problems pertaining to migrants and the manners of their improvement. There are also organizations providing free-of-charge legal assistance to the migrants and refugees, medical assistance, first aid, as well as psychological-social support and psychological first aid to victims of torture, including also organizations working on the improvement of the degree of integration of the refugees and the asylum seekers.

The representatives of the non-governmental sector in Croatia provide various levels of services adjusted to the on-site conditions and the needs arising therefrom. A strong capacity has been identified in the civic sector for crisis management, providing humanitarian assistance, protecting the social rights of people, ensuring social protection, assisting in the reuniting of family members, providing psychological support and integrating people under international protection. Most of the organizations performed field activities, while there are some that have been identified whose purpose is to provide support by recruiting volunteers and providing office space and financial support. There are civic organization that offer free-of-charge legal assistance and work on the policies for integration through cooperation with the institutions, as well as through lobbying in the EU and at a national level for the rights of refugees and migrants. The activities of the international and national humanitarian organizations that provide field services are coordinated by the Red Cross, as an officially assigned coordinator. As regards the provision of support in the process of integration of persons under international protection, the organizations, supported by volunteers, organize free-of-charge Croatian language lessons, cultural activities, help in terms of finding an accommodation, issuing documents, enrolling in school and university, looking for a job, issuing health insurance, etc.

The distinctive feature of the civic organizations in Croatia is their capacity to mobilize citizens-volunteers who worked on site for the protection of the rights and dignity of persons under a risk during the major waves of refugees and migrants. The representatives of the non-governmental sector have reported the involvement of hundreds of volunteers who arranged their trips to the crisis regions with their own organization.

4.3 Coherence among the stakeholders – a vaguely understood task

The institutions and the civic organizations in the three countries have contradicting stances regarding their mutual alignment in terms of the provision of social services for the refugees, the asylum seekers and the migrants. They agree that there is room for improvement, especially with a view to building a more coherent integration system.

Why would the public and state institutions turn to the civic organizations for “help” in the management of the refugee crisis? Because half of the public institutions in Macedonia are under-staffed by as much as 50%, while being especially faced with a shortage of professional and highly educated staff. The same situation has also been discerned in Serbia where the Asylum Office filled only 19 job positions out of 29³¹. The insufficient staff in the institutions in this sphere has also been pointed out in several progress reports on Macedonia prepared by the EU. Thus, the cooperation with the civic organizations could substitute some of the competences of the institutions and contribute for a better vertical coherence of the social services offered to persons under international protection.

The international organizations are mainly focused on building infrastructure and facilities, providing technical support and facilitation to the regular refugees.

The civic organizations are focused on providing direct services for persons transiting or being accommodated in the country, such as: *psychological-social assistance, free-of-charge legal assistance* which is aimed at providing information regarding the procedure for seeking asylum and the social rights, minimizing the breach of the

²⁹ Meta Agency, Helsinki: The government does not deal adequately with the migrant crisis, August 21, 2015. Available at: <http://meta.mk>

³⁰ UNHCR, <http://www.unhcr.org/pages/49e48d8f6.html#>

³¹ European Commission, Serbia 2015 Report.

Available at: http://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_serbia.pdf

rights of refugees, reporting on abuse by the police, state institutions and the local population, *mobile health protection, ambulance services and transport to health care institutions, seeking and reuniting family members, serving three meals a day, managing storages of clothing, food and hygiene items, protecting the rights of children, as well as sports-recreational activities*. For the public institutions it is difficult to provide some of these activities. The political inclination and partnerships seem to be an opportunity for both sectors to capitalize their advantages and minimize the effects of their disadvantages. Still, **the civic sector and most international organizations in Macedonia agree that there is a lack of coherence among the various institutions which provide services to refugees, migrants and asylum seekers, as well as that the cooperation among them is at a relatively low level**. They have identified the following reasons: lack of communication, lack of a focus in the provision of services, overlapping of competencies and ambiguously defined responsibilities at an institutional level, the existence of procedures, the appearance of xenophobia among the employees and the lack of standard operating procedures. **All respondents from the state institutions consider that the coherence and cooperation among the institutions are at a high level** and that they occur as such in all stages – from the adoption of documents and operational procedures to their implementation. The representatives of the **international organizations have estimated their cooperation with the public institutions at a high level**, whereas most of the representatives of the **civic sector criticized the productiveness of the cooperation, which they have assessed at a low level due to the reluctance on the part of the state institutions**. On the other hand, the representatives of the **public institutions consider their cooperation with the non-governmental sector as successful**, emphasizing that it constitutes an integral part of their work, while, depending on the available expertise, the civic sector is included in each of the stages within the activities (policies, field work, etc.). Also, the respondents **from the international organizations have assessed that progress has been made in terms of the coordination among the state institutions and the civic organizations in**

the sphere of providing social services and humanitarian assistance. The representatives of the **public institutions have a more positive position as regards the coordination achieved between them and the civic sector in** the sphere of providing social services and humanitarian assistance to refugees and migrants. They agree that the contribution of the civic organizations was significant in the course of the entire crisis. In Macedonia, the institutions have indicated that the entire humanitarian assistance, provided over the recent period of a proclaimed state of crisis, arose from the coordinated approach by over 50 non-governmental organizations, coordinated by the Crisis Management Centre and the MLSP.

The experts from the **international organizations consider that the cooperation between the public institutions and the civic sector in the creation of migration policies is well established and developed**, as a result of the interventions made during the ongoing refugee crisis. Nevertheless, **the representatives of the civic sector in Macedonia have assessed that, despite the fact that cooperation and communication exist, still there is hardly any productiveness in terms of achieving a positive outcome**. Thence, the cooperation needs to be further enhanced. According to the representatives of two public institutions, the institutions have well developed mechanisms for including representatives of the non-governmental organizations in the process of creating migration related policies, while the cooperation with them has also been envisaged in the Resolution on the Migration Policy of Macedonia. In line with the foregoing, the civic sector also participates in the creation and implementation of the migration policy. The mechanisms for including the non-governmental sector comprise matters such as public relations, holding sessions and coordination meetings by special committees, preparing strategic documents and implementation of some of the activities set forth in the action plans.

The respondents from the civic sector and the international organizations in Macedonia agree that the state institutions do not fully implement practices aimed at quality control as regards the procedure for the recognition of asylum, since the practice has shown that there have even been cases when a police officer has immediately rejected a

submitted request for asylum. Concurrently, some of the respondents have pointed out that, despite the existence of procedures, defined courses of action for conducting a proceeding for the recognition of asylum, especially in terms of conducting gender-sensitive proceedings for victims of domestic violence, exile on account of gender as a social category, as well as work related to children and minors without parental care, these are still not fully complied with by all state officers and they are highly dependent on the individual assessment (capacities, sensitivity) of the officer him/herself. As an independent institution, the Ombudsman considers that in Macedonia there is a practice of controlling the quality of the procedure for obtaining asylum which is in accordance with the Law on Asylum and Temporary Protection – LATP (Article 13 of the LATP), the activities of the non-governmental organizations in the provision of legal assistance and the representation in the procedures for the recognition of the right to asylum, as well as the continuous monitoring of the level of delivering the migrants' rights by the Ombudsman. Even though the institutions consider that the introduction of a quality control system for the services aimed at recognition of the right to asylum are "science fiction", the civic organizations have indicated that it is indispensable to have such an evaluation in order to create good practices in the related sphere and to ensure that the human rights of asylum seekers in the country are being observed.

In Serbia, the organizations have pointed out that as regards the coherence of the services offered by various public institutions, there is a lack of a systematic connectedness. They have witnessed that there is coherence only in isolated cases and therefore the assessment regarding this matter is at a low level. The organizations have also indicated that various bodies of the same institution have a different understanding and interpretation of the legal provisions. *"We have addressed an identical problem in several places, but we have obtained different answers from all parties involved"* - they stated from one civic organization. The organizations have also indicated that there are ambiguities in the distribution of competencies.

All interviewed organizations and institutions have pointed out that the situation is improving and that some kind of cooperation

exists. **The alignment among the various institutions providing services for these people has been improved, but it is still far from ideal**. Some of the organizations have also responded that the institutions sometimes disregard the recommendations and suggestions of the civic sector. Such an example is the filing of reports by the organizations for victims of human trafficking to the relevant institutions, wherein they stated that: *"So far, only one person has been officially identified as a victim by Serbia"*. One organization responded that after the establishment of coordination, the quality of the services provided on site has improved, while the state institutions publicly acknowledged that the **civic sector had a significant role in the mitigation of the migrant crisis**. Unlike the foregoing, another organization has pointed to the problem related to the fact that some institutions do not perceive the civic organizations as a significant factor in terms of the contribution for resolving the problems arising from this crisis. The organizations have emphasized the need for transparency and joint action. As regards the **cooperation in policy creation** in this sphere between the state institutions and the civic sector, one institution responded that the situation is improving, especially in view of the fact that the civic sector is constantly present on site and it is actively working in all spheres. **The alignment between the state institutions and the civic sector** in the provision of social services and humanitarian support in Serbia is improving. In this context, the communication is especially improved, i.e. the provision of guidelines to people so that they could know where to turn to for a certain type of assistance. What the state institutions lack is information regarding the rights of these people, wherein the role of the civic sector is very important, as well as the overcoming of language-related barriers. One institution responded that there is no country that could create policies on its own and it expressed its satisfaction with the fact that numerous civic organizations have proven to be real partners in the entire process.

The position of the organizations is that there is no clear plan for those people who would like to remain in Serbia. The fact that there is a very small number of individuals who have expressed their intention to remain in the country has rendered the institutions passive in terms of the design of integration programmes.

One of the institutions has responded that the migration policies should rely on, i.e. commence by becoming acquainted with the legal norms and rights of the individuals and their possibilities, whereas integration into the Serbian society has been left as a kind of a future process. Therefore, the civic organizations consider that Serbia lacks consistency in the resolution of the challenges arising from this matter. One of the institutions has responded that it is indispensable to enhance the legal framework and that good practices should be adopted in terms of the creation of a single system for international protection of the asylum seekers and refugees. *“It is clear that the reception centres are not the places where these people should remain, a collective exile should certainly be condemned, there is no justification for it whatsoever and an adequate solution has to be found”* - they stated from one public institution. **In terms of what needs to be done in order to provide long-term support for these people, with a view to avoiding the creation of potential charity cases and homeless persons in the future,** the institutions have indicated that the country is incapable of making a significant contribution to social protection, which is one of Serbia’s weaknesses. That is why new creative partnerships with the civic organizations should be considered.

In Croatia, the civic organizations working in this sphere mainly agree that the shortage of resources (both financial and human) is the greatest **difficulty that they are faced with in the provision of services** for refugees, migrants and asylum seekers. Some of them agree that the institutions fail to meet the obligations stipulated in the legal framework. Concurrently, most of the services are being provided by the civic sector, while the institutions are not making any effort to improve their services. On the other hand, the civic sector has no capacity to fully compensate the services that should be provided at an institutional level. The respondents from two public institutions do not agree with the representatives of the non-governmental sector and they think that all services are provided in accordance with the laws and, therefore, they have not identified any difficulties in their provision. The experts from the civic and the public sector share the position regarding the identified **obstacles for exercising the social rights** by the asylum seekers, the refugees and the persons under subsidiary protection in the

country. They have jointly identified the following obstacles: limited access to education, recognition of previously acquired qualifications, language barriers and learning the Croatian language, limited access to the labour market, shortage of information and duration of the procedure for approving international protection, wherein they have also stated that the procedure for approving accommodation lasts too long, which is the reason why the asylum seekers usually stay way too long at the reception centers for asylum seekers. In parallel, the number of persons waiting for accommodation is continuously on the rise. Despite the legally stipulated deadlines for providing housing, still in practice these processes take too long.

All respondents from the civic sector agree that there is a lack of **coherence among the various institutions providing services** to refugees, migrants and asylum seekers and the cooperation among them is at a relatively low level despite the efforts being exerted to that end. In that context, it is especially worth mentioning the efforts of the Ministry of Interior, while the other Ministries have made a relatively limited progress mainly due to the shortage of resources. They have listed the following as the reasons for the above-mentioned: the lack of adequate communication among the competent Ministries and complete implementation of the delegated duties stipulated in the legal framework. One of the experts thinks that the integration of the migrants has not been delegated as a competence to any institution, while this issue should be resolved horizontally, with the simultaneous participation of all Ministries.

4.4 Intervention in crises – a lesson well learned

Strengthening the capacities for field work in crisis situations; providing housing facilities and access to basic services; coherence; multi-sector planning of public policies that would also comprise a strategy for a better response in crises, including an implementation plan in which the civic sector would have the primary role – this is the main lesson learned for an adequate intervention in crises.

The civic organizations in Macedonia have listed the following among the **most critical steps that must be taken** in the course of the ongoing crisis, with a view to a crisis intervention: strengthening the capacities for field work in crisis situations, providing housing capacities and access to basic services, multi-sector planning of public policies that would also comprise a strategy for a better response in crisis, including also an integration strategy that would entail an implementation plan, in which the civic sector would have the primary role. On the other hand, the representatives of the public institutions consider that it is necessary to provide sufficient housing capacities in order to be able to deal with the situations in a humane manner. Furthermore, they also recommend strengthening the capacities in the border regions in order to prevent any illegal migrations. They have also stated that it is indispensable to have active cooperation with the EU member-states, as well as with third countries such as Turkey, for the purposes of returning and transferring the migrants.

In Serbia, when it comes to crisis interventions, the organizations have indicated that it is necessary to have international assistance, to accelerate the procedures for obtaining asylum, to amend the procedures related to the integration of these persons and to ensure their practical implementation.

In Croatia, the coherence and the cooperation among the public institutions and the level of cooperation between the public institutions and the civic sector in the provision of social services and humanitarian

assistance in terms of crisis interventions are at a high level and it is the most important lesson for them to learn for future purposes. At the very beginning of the refugee crisis in Croatia, the Government requested assistance from the national and international non-governmental organizations, primarily because of their on-site experience, but also because of their capacities to deal with humanitarian crises of this type. Despite the fact that some of the experts have also identified room for improvement of the cooperation, still the latter was visible both in the camps and in the reception centres in Croatia.

4.5 Essential critical issue – integration of these people in the mainstream society

The civic organizations consider that the current social protection services must be improved, especially in terms of providing access to education and the labour market. They agree that the state is not prepared for a full integration of the refugees. The housing in general as a public policy is in a very bad condition, the social protection is with relatively reduced capacities, the health protection is insufficient, while in terms of education, the curriculum is incomplete and it is partially implemented in practice. Integration is mainly provided by the civic sector. The public institutions consider that the scope of the existing services is sufficient, concurrently emphasizing that there is room for improvement of the services for persons under international protection.

The respondents have pointed out that in view of the position of Macedonia in the ongoing refugee crisis and its role as a transit country, no need has been identified for introducing additional services. However, at the same time they also emphasized that as regards the persons with a recognized refugee status and the persons under subsidiary protection,

it is necessary to enhance the integration system. If the persons who are currently sheltered in this country decide to stay, the experts recommend the following: registration of the persons (insight into their needs, capacities and intentions), increasing the availability of information on Macedonia, starting Macedonian language lessons, informing the persons about their further options, developing a programme for refugee integration, while in parallel with these activities also options should be developed for education, employment (including training and retraining) and long-term housing.

The civic organizations in Serbia consider that no aspect of the social services is sufficient either in terms of the quality or in terms of the scope (housing, social care, health protection, education and integration, which are offered to these target groups). Special emphasis has been put on the inadequate approach to minor persons without parental care who are accommodated at reception centres adjusted to their needs, yet with insufficient capacities. The organizations have reiterated that there is no free-of-charge programme for learning Serbian language, which is in contravention of the law. *“By the end of this year an integration plan is supposed to be adopted, so the civic organizations are looking forward to seeing how integration of the asylum seekers will be conceptualized”* – they stated from one civic organization. There is almost no **integration**, i.e. the country has not established a plan for those who would wish to remain in Serbia. Even though their number is small (after all, Serbia is not the final destination for most of them), still the country should develop a strategic plan and system for their integration. One of the organizations pointed out the right to housing since the refugees, migrants and asylum seekers who are not in the reception or asylum centres have no living conditions whatsoever, i.e. they live out in the open, public space.

Also in Croatia, civil society organizations believe that it is necessary to further promote the full implementation of the legislative framework, particularly in terms of the integration of beneficiaries

As a part of the project for a conceptual definition and measuring of homelessness, PUBLIC also conducted a research of the needs and problems of persons with a recognized status of refugees and persons under subsidiary protection who have been under international protection in Macedonia after the crisis in Kosovo in 1999. Why have these persons been included? Because ETHOS - European Typology of Homelessness and Housing Exclusion, among the basic forms or concepts of homeless persons, also recognizes persons with an insecure housing.

The MLSP has provided 80 families with housing at social apartments with a lease period of five years. Still, one of their greatest fears is what will happen after the expiry of this period. Even though they have been in the country for 18 years now, some of them applied for a Macedonian citizenship only in 2013. They are not included in the labour market, they live in over-inhabited apartments in multi-member families, with a monetary welfare amount between MKD 2,500-6,000 which is not enough to cover all the needs of the multi-member families, and there are even children that are not included in the regular educational process. Some refugees were included in programmes for subsidized employment, but they were left without a job after the end of the programme. Some of the women have emphasized that they do not work because there is no one to look after their children. Very few of the children attend school. “The uncertainty makes me feel like a homeless person” - said a 32-year-old female refugee. They are faced with negative stereotypes in society, they have no permanent social contacts with other persons beyond their community, which further contributes to the feeling of social isolation and segregation.

We should learn a few lessons from the fight of these people to have a decent life in Macedonia. Above all, it is the lesson of showing greater engagement in the processes aimed at integrating these people in the mainstream society. It is necessary to have political willingness, commitment, as well as creativity and partnerships creation (such as, partnerships between institutions, companies and civic organizations via active measures for employment, social enterprises, other types of service activities, capitalization of the existing working experience, further education/retraining) in order to catalyze the integration of these target groups in an era of economic hardships.

of international protection. They believe that the **current social protection services must be improved**, especially in terms of providing access to education and labour market. They agree that the state is not ready for full integration of the refugees. Housing in general as a public policy is in very poor condition, social protection has relatively reduced capacities, health care is insufficient, while in terms of education, the curriculum is not fully completed and implemented on field. The integration is provided by the non-government sector, however only few citizens' associations are active in this field. Public institutions think that the scope of current services is sufficient, and at the same time they agree that there is room for improvement of the services for persons under international protection. Inter alia, the process of inclusion of children in the education system is too long, and even when they are included, it is not properly done. Institutions still

don't provide Croatian lessons, so asylum seekers in most cases rely on courses provided by the civil sector. Refugees and migrants are faced with numerous challenges in their efforts to continue their education or to find a job. Nostrification of diplomas and recognition of qualifications, as a system are not adequately developed. Additional circumstance is the xenophobia among the local population.

Representatives of the civil sector in Macedonia believe that the level and the scope of social services in the country do not create long-term beneficiaries in the social protection system. Some of them refer to the crisis with the Kosovo refugees as an example, where after the expiry of the subsidiary protection from 2014 onwards, these persons are still with unregulated stay. Consequently, they cannot exercise any right, neither social protection nor health care. The civil sector emphasizes that Macedonia is not a country that automatically provides the rights of all persons, but it does so when it has a certain benefit of it or if it is forced to do so. Representatives of public institutions think that in terms of the rights arising from the Law on Social Protection and creating long-term beneficiaries, there are measures for education, additional training and active measures for employment whereby these people are motivated to have a proactive attitude in the society.

The partnership between civil society organizations and public institutions in all three countries seem necessary in this segment. The capacities, creativity and flexibility of the civil sector are positive aspects that can supplement the cumbersome, bureaucratic system of public services.

4.6 And what about the needs of the refugees, asylum seekers and migrants?

Public institutions, civil society organizations, as well as the refugees, asylum seekers and migrants agree that at the beginning of 2015 the conditions and the readiness on field were unsatisfactory for providing adequate reception and stay. During the year they were improved and adapted, although there is still room for improvement. The capacities for stay and housing, the food quality, the access to information and free legal aid, the care for the vulnerable groups, the social and recreational activities still remain as the biggest problems.

Refugees, asylum seekers and migrants, who were included in the survey, left their homes on their way to Western Europe from late 2013 to early 2016. For many of them it was difficult to decide to leave their country, but the war, the violence and the everyday killings forced them to leave. *„I watched as they cut the heads of innocent children. You can get outside and be killed or someone can knock on your door and kill you”* (22 year old Iraqi woman in Macedonia).

Their journey from the war zones in the Near East to Macedonia, Serbia or Croatia lasted for two to five months. They passed most of their journey to the Balkan countries on foot, but they also used plane, bus, train, ferry boats and boats that were overloaded with passengers. The hardest part of their journey was walking on foot through the mountains and the uncertainty of the transport by boats from Turkey to Greece. The transport from their countries to Macedonia, Serbia or Croatia cost them EUR 4,000 to EUR 15,000 for those who travelled with their families, wherein some of them state that only in Macedonia they spent EUR 1,000 for taxi.

Most of the people on their way to the Balkan countries were not exposed to violence, but they felt carelessness. *“Nobody cared that I was pregnant, no one came to ask me how I feel and if I need something. I*

walked 25 kilometres in the ninth month of my pregnancy” (31 year old Iraqi woman in Macedonia). *“In Turkey everything was fine, but in Greece and Macedonia no one was friendly. Nobody tried to help us survive the terror. We were left amid unrest for 19 days in winter, on the border with Serbia. For me that is violence”* (24 year old Syrian man in Macedonia). One person witnessed that their child got lost but the police in Macedonia did nothing to help them. Those who have experienced violence, witness about the cruel treatment of the police in Bulgaria. *“In Bulgaria I was beaten up and the police took my documents. They took everything from me. I don’t know if I was in prison, but I was confined. In Macedonia I had problems with smuggling and I was held captive in a house”* (16 old Iraqi man in Serbia). Some of the persons interviewed in Serbia state that they had horrific stay in Bulgaria where they were imprisoned, robbed, beaten, burned with cigarettes, threatened with dogs that were released on them in closed premises. Some of them state that they also had serious problems with the smugglers who threatened them.

At their entry in Macedonia, respondents were asked for personal information - name, surname country of origin, what is their final destination. Some of them state that they were not required to show any personal identification documents. Most people possess some identification document or just identity card, passport, but others have both documents: identity card and passport. Some people stated that their personal documents were seized from them, mostly in Bulgaria. One asylum seeker in Macedonia said that his identity card was kept by the police when he received identification document for an applicant who is requesting recognition of his right of asylum. Often they keep their personal documents as a digital file in their mobile phones, but sometimes people don’t have identity documents or copies of them or lose the documents on their way. Some of the persons were registered in Serbia with their finger prints.

Most of the persons were registered in at least one of the transit countries.

Target destinations of the refugees and migrants are Germany, Sweden, England, Italy, Switzerland, Netherlands. Most of them have relatives in these countries. With the closing of the so-called Balkan

route, their hopes to continue their journey are diminished. *“It no longer matters where I will be. Everything is chaotic and hopeless. I don’t think that we have a chance to go to Europe. Now we have two options – to go to Turkey or to stay in Macedonia”* (24 year old Syrian man in Macedonia).

All respondents in Macedonia complained about the poor food they receive in the transit centres, especially they consider the quality of the food to be inappropriate for sick persons, diabetics, children and pregnant women. In Macedonia, the material conditions in the transit centre “Vinojug” in Gevgelija are considered as better than those in the transit centre “Tabanovce” in terms of sanitation, the possibility to use hot water, number of beds, available medical care. They often describe the stay in the transit centre as a stay in prison. Most people are satisfied with the volunteers and employees of the transit centres, but complained of the attitude of individuals and organizations.

The migrants in Serbia share similar experience where most of them refer to poor hygiene in the transit centres, especially in the toilets, inadequate health care and insufficient medicines for the sick, but for the most part they are satisfied with the treatment by the people who provide help in these centres.

The experience of the migrants in Croatia is similar and they report similar problems with the material conditions. *“People in the centre are trying to do their best for us. They particularly care for the families. No, they don’t have capacities”* (33 year old Syrian men in Croatia).

Most of the people in Macedonia, Serbia and Croatia have not received any information about their social rights as refugees / migrants, and only small number of them have been informed by civil society organizations (La Strada in Macedonia, the Belgrade Centre for Human Rights), the Red Cross or UNHCR. A small part of them have obtained information on how they can achieve free legal aid in case they seek asylum, and they were informed about this by the civil society organizations (Association of Young Lawyers in Macedonia, the Belgrade Centre for Human Rights, the Red Cross in Croatia) and UNHCR. They also had available interpreters. None of the interviewed migrants in Macedonia was interested to apply for asylum in our country because of the deteriorating political and economic situation. The refugees/ migrants in Serbia share the similar position and most of them are not

interested in applying for asylum.

They biggest difficulties they have faced with are the uncertainty, instability, loss of hope, absence of freedom and normal life. Those who have almost spent all of their funds on their way to Europe feel even more insecure and more uncertain. *“To be honest, the problem is not in the centre itself. We need hope. We need someone to explain us what will happen to us and what are our options. And the people? People who work here are nice”* (24 year old Syrian accommodated in the Transit Centre in Gevgelija).

In the transit centres they luck freedom and normal life, better food, better distribution of the goods that arrive in the centre, clothes, shoes, toys, dippers and personal hygiene products for children, and also activities and books. *“Our whole life is one small room. We need a flat. And communication, not speaking the language is a problem”* (31 year old Syrian in Croatia). They all wish better future at a safe and secure place where they will continue their education, where they will find a job, where they can adequately look after their children. Some of them emphasize that it is important for them to be reunited with their brothers, sisters, relatives with whom they were separated during the unrests in their birth countries.

Most of them applied for asylum in Macedonia as they saw it as an only option at the moment, however their goal is leaving the country at the first given opportunity and heading to the Western European countries. Few of them see Macedonia as a potential place for living for themselves and for their families, and one of them came in this country with a hope to find a job. *“We wanted to go to Germany, but we don’t have big dreams. We only wish to leave in peace and to feel safe. When my father saw how nice are people here, he said: “This is it”. Now he says that even if someone sends us a bus to Germany, he wouldn’t like to leave”* (20 year old Iraqi women, asylum seeker in Macedonia). None of the asylum seekers has relatives in Macedonia or prior information about the social situation in the country, about the economic power of the citizens or any such other data. The persons involved in the survey have submitted the asylum applications in the period from January to August 2016 and they were staying in the country and in the centre from several days to nine months. They obtained the information on

the procedure and the process for preparation and submission of the asylum application from the Macedonian Association of Young Lawyers and they also received help from the police departments, UNHCR and UNICEF. Also they received help in the process of preparation and submission of the asylum application from the Macedonian Association of Young Lawyers and UNHCR. Only one of the interviewed persons stated that he/she is not sure if all social rights have been explained to him/her, and two respondents stated that they were not informed that they are entitled to an appeal against the decision on asylum. They all agree that they were treated in a fair and humane manner in the process of preparation and submission of the application for recognition of the right of asylum.

With regards to the services they receive in the centre, most of the persons are not satisfied with the food which they receive once a day, they don’t have enough clothes and shoes and there are no activities for children, however they are satisfied with the treatment by the employees in the centre and they think that asylum seekers get along very well because “their joint distress brings them together”. Despite the possibility for work engagement in the centre, only one person is engaged with remuneration and one person is a volunteer in the Red Cross. None of the interviewed persons has used psychosocial support, and only one of them stated that such help was offered to him. One of the respondents stated that his wife is suffering from depression and that she needs help from a psychologist. In terms of the social relations outside the centre, most of the respondents stated they had the opportunity to have a walk through the City of Skopje, but only one person has daily walks in the wider area. They state that the reason for such social isolation is the lack of funds. The uncertainty, the lack of funds, work engagement, quality food, not speaking the language, not attending school regularly, are the biggest difficulties for asylum seekers in Macedonia. If their asylum application is rejected, half of the persons agreed that they would appeal and would reapply because they have no other plan, whereas the other half stated their plan is not to stay in Macedonia but to go to a Western European country. The respondents that plan to stay in the country stated that they have no bigger plans, and the most important thing for them is to be safe, to

have a job and their children to attend school. Their initial plan was also to go to Western Europe, but with the closing of the borders, this possibility seems remote. *“We don’t have big dreams, we don’t expect to have a lot of money. We only want to have a small flat, to be together my family and I, and to live in peace. I would like to work in the Red Cross or in some other organisation, and I would also like my father to find a job. I would like my brother and sister to start to go to school”* (20 year old Iraqi women, asylum seeker in Macedonia). *“We accepted the Macedonia, now they should accept us”* (24 year old Iraqi men, asylum seeker in Macedonia).

Also in Croatia, the interviewed asylum seekers stated that they received information on the procedure and the process for preparation and submission of asylum application from the Transit Centre in Zagreb, UNHCR or the police officers. None of them obtained any information on the social rights and only few of them were informed that they have the right to appeal against the decision on asylum. Most of the persons used free legal aid and an interpreter was provided to everyone who needed one. Almost all of them think that they are treated in a fair and humane manner in the process of preparation and submission of the asylum application; however one person pointed to the need to be informed about the duration of the procedure which is often postponed. Mainly, the persons are satisfied with the conditions in the institution and with the treatment they receive from the employees. *“They are doing their job, more or less successfully”* (35 year old man from Congo, asylum seeker in Croatia). However, they complain about the quality of the food and the lack of a doctor. As in Macedonia, no one has work engagement in the Centre and no one was offered psychosocial help. The Red Cross and the Centre for Peace Studies were pointed out as organisations who helped these persons. The asylum seekers had no continuous contact with the wider area of Zagreb, but they had the opportunity to have a walk throughout the city. One of them attends language course. They assessed the relationship with the other asylum seekers as good, but that there are also “trouble makers”. *“Some of the people accommodated in “Porin” became my friends, but there are also people who cause problems to others accommodated in this centre”* (35 year old man from Congo, asylum seeker in Croatia). As we have seen

through the problems of asylum seekers in Macedonia and in Croatia, they emphasize the uncertainty and the unemployment as their biggest problems. One person stated that if he gets positive decision on asylum, he will try to bring his family in Croatia. They lack funds, safe housing, friends, language courses in order to improve the quality of life in this environment. In the future, the respondents would like to become real citizens and to contribute to the society, to be happy and to have normal life together with their families. Only one of them stated that he is not thinking about the future because he doesn’t have documents.

4.7 Citizens’ associations as apologists for protection of the human rights

The representatives of the civil sector from Macedonia, Serbia and Croatia agree that the scope of social services that are available to the refugees and migrants is at acceptable level. However, it is important to emphasize that mainly the quality of the service and not only the existence of the service itself, is an important segment in the ensuring of the social rights. The civil society organizations in the three countries agree that the tendency of the asylum seekers to leave the procedure while it is still in progress is an aggravating factor in their work, but they indicate that the social system is still obliged to guarantee and enable exercising of the social rights. Many institutions don’t see the main civil society organizations as an equal partner that can contribute to the problem solving.

The representatives of the civil sector from the three countries agree that the scope of social services that are available to the refugees and migrants is at acceptable level. However, it is important to emphasize that mainly the quality of the service and not only the

existence of the service itself, is an important segment in the ensuring of the social rights. They emphasize that the improvement of the services is obvious, but it is for the needs for temporary stay. And in direction of longer stay of the migrants and refugees in the countries, it is necessary to improve the institutional capacities.

The three countries emphasized their position that most of the persons who transited or are accommodated in Macedonia, Serbia and Croatia, consider them as transit countries and not as desired final destinations. The situation has changed with the closing of the so-called Balkan route which forced the people from the reception and transit centres to apply for asylum.

The representatives of the civil sector from the three countries agree that the scope of social services that are available to the asylum seekers is also at acceptable level. The conditions in the institutions for accommodation of asylum seekers are assessed as good, with an accent that they should be continuously improved. They should work on the quality of the food and the maintenance of the hygiene in accordance with the house rules. They agree that the lack of programmes for social and work engagement and a space to work with children, are the main disadvantages of these institutions in the three countries.

The representatives of civil sector, but also of the public institutions in Macedonia emphasize that, given the position of Macedonia in the current refugee crisis and its role as a transit country, the need for introduction of additional services is not identified. However, at the same time, they agree that regarding the persons with recognized refugee status and persons under subsidiary protection, the system integration needs to be improved. If the persons who are currently accommodated in the country decide to stay, the experts recommend the following: registration of the persons (insight in their needs, capacities and intentions), increasing the availability of information for Macedonia, starting to learn the Macedonian language, informing the persons about further options, developing a program for integration of refugees, and in parallel with these activities, developing options for education and employment (including qualification and requalification) and long-term housing.

The representatives of the civil sector and the public institutions

in Serbia state the registration as one of the main obstacles faced by the refugees and the migrants in the exercise of their social rights in the country, because there is no unique registration system, nor reliable data on continuous registration of these people, nor precise guidelines where and how it will be conducted. It is stated that although the police are responsible for this, the registration points change frequently, and the camps do not have precisely defined registration points.

In Serbia and Croatia, the civil sector points to the insufficient institutional capacities to accommodate unaccompanied minor refugees/migrants, who receive guardianship automatically and insufficient and inadequate support. Women victims of violence and human trafficking are in a similar marginalized role.

The Civic organizations in Macedonia, Serbia and Croatia agree that the tendency of the asylum seekers to abandon the procedure while it is still in progress is a hindering factor in their work, however, they indicate that the social system is still obliged to guarantee and provide them with practicing the social rights. Many institutions do not see the main NGOs as equal partners who can contribute to the resolution of the problems. The civil society organizations point out to frequent problems with the police who do not take civil society organisations’ representatives seriously and very often exceed their powers, interrogating the migrants and making their own judgement whether someone has the right of asylum or not.

4.8 Regional cooperation in the area of migration!?

The regional cooperation is necessary to tackle the challenges of the migration, especially due to the fact that the countries of the Balkans are usually transit countries, but also poor in their economy in order to ensure full compliance with the international standards.

For the purpose of creating a comprehensive and consistent approach to the migration management, Macedonia, Serbia and Croatia participate in numerous international and regional organisations and initiatives, such as: The South-East Europe Cooperation Process- SEECP), informal meetings of the ministries of justice and internal affairs of EU, the Regional Council for Cooperation- RCC, the Regional Initiative on Migration, Asylum and Refugees-MARRI, SECI Budapest Process. SEECP is a regional non-institutionalized process coordinated by the president of the country that lasts one year and rotates among the members of the network. The main goals of the SEECP pertain to strengthening of security, intensifying the economic relations and cooperation in the area of human resources, democracy, justice and the fight against illegal activities. MARRI was established in 2003 and its member states are Albania, Bosnia and Herzegovina, Croatia, Montenegro, Macedonia and Serbia. MARRI allows the states to independently cooperate and align their policies with very important segments of the European integration, migration, asylum and refugees. The highest authority is the Regional Forum which provides political support for the work of the initiative. It includes ministers and senior representatives responsible for the issues related to asylum, migration, border management, visa regime and return of displaced persons. The forum serves for exchange of information, experiences and decision making of common interest to the Member States.

It is important to note that the trends in the policies for dealing

with migration are set by the more powerful countries and the EU (one example is the highly criticized EU-Turkey Refugee Deal) and rarely by countries like Macedonia, Serbia, Croatia.

V

**CONCLUSIONS –
THE MOST
FREQUENT
BARRIERS FOR
THE REFUGEES
AND THE ASYLUM
SEEKERS TO
EXERCISE THEIR
SOCIAL RIGHTS**



● **Lack of data on the persons who transit the country, seek asylum or have recognized refugee status or under subsidiary protection:**

- Registration, collection and processing of data: The registration system in Macedonia, Serbia and Croatia is not based on individual interviews with the persons who transit the countries, but they are based on a copy of recorded data from the registration documents from the previous country of transit. A large percentage (UNHCR estimates that 2/3 of the cases) of the asylum seekers are not registered, which indicates the limited capacity of the registration system. In Macedonia, there is also lack of publicly available data on the persons who have the recognized refugee status or are under subsidiary protection that does not provide an analysis of the success of the national action plans and the strategic documents. There are weak procedures for registration and documentation which means that the data needed to provide the basis for accurate planning of programs, assistance and protection are limited - including the critical data on the characteristics of the population, including: gender, age, qualifications, as well as the number and type of groups with special needs.

● **Gender and migration:**

- Lack of segregated data on the gender, age, data on the country of origin and established vulnerability criteria;

- Lack of information on the manners of conducting gender-sensitive procedures for seeking asylum, or when it comes to vulnerable categories of persons, what remedies are offered to the victims of gender-based violence.

● **Housing:**

- The conditions in the reception and transit centers, in a broader economic and social context, discourage initiation of procedures and endurance in the process of determining the right of asylum;

- Risk of homelessness or risk of living in substandard conditions among the persons with recognized refugee status and persons under subsidiary protection in Macedonia due to the wider scope of limited

capacities for exercising the social rights.

- The role of the local self-government, especially in the provision of available social apartments and its role in the facilitation of the integration between the “new population” and the local population are underutilized;

- Insufficiently developed climate for social housing (legal framework) in Macedonia.

● **Preparedness and access to the labor market:**

- Insufficient access to vocational training and further education;

- Discrimination in the access to the labor market;

- Lack of regular and long-term employment;

- Unfair working conditions - exploitation, gray economy and undeclared work among refugees;

- Insufficiently innovative models of economic inclusion of these target groups, such as social enterprises, employment stimulation, etc.

● **Social integration:**

- Insufficient number of programs aimed at the promotion of the social integration at the local level, in everyday life;

Insufficient partnership between the civic organizations and the public institutions in providing a wide range of social services.

● **Inadequate policies and implementation of the existing legislation:**

- A challenge for the refugees is to be independent from social welfare after the legally prescribed period for support;

- Creation of “pockets” of poverty among persons with recognized refugee status or persons under subsidiary protection;

- Limited access to justice for all refugees and asylum seekers (translators, lack of information in the target groups for the system of social rights);

- Human resources of the institutions - insufficient staffing;

- Inability to control the quality of the procedure for establishing the right of asylum, of first level and impossibility to create positive practice;

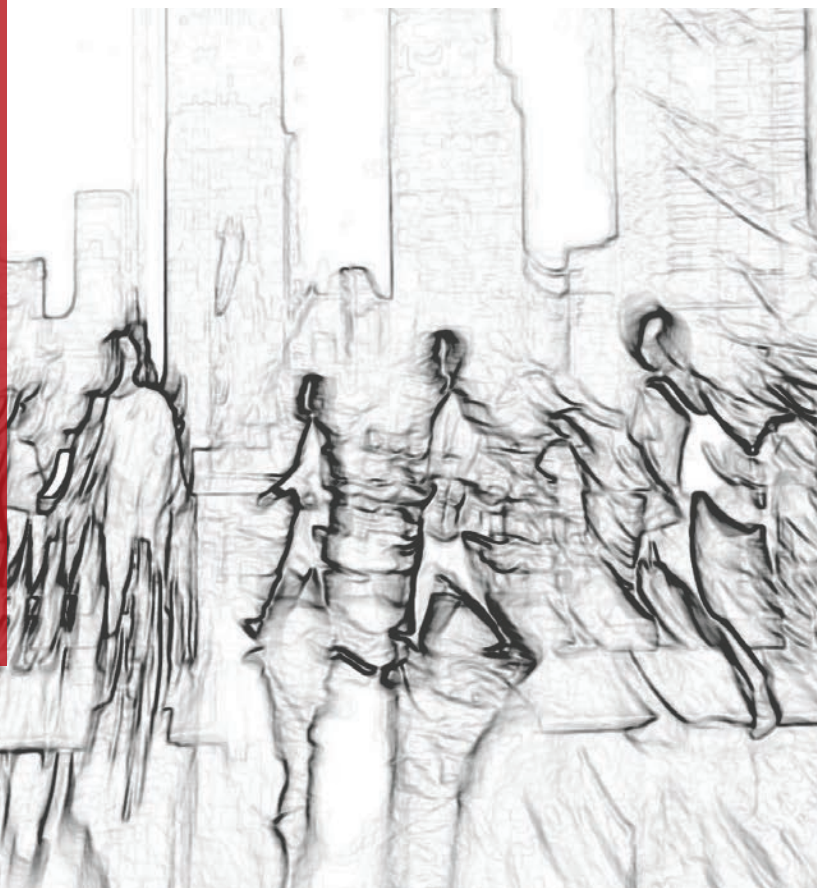
- Lack of a system for monitoring and evaluation of the strategic documents and national action plans;

- Insufficient division of roles with the civil sector, especially in their limited participation in the creation of the migration policies;

- Insufficient vertical (among sectors, for example, civil and public sector) and horizontal (within the sector) coordination of projects, programs, humanitarian aid, services and lack of coordination of donors, which overlaps the activities, programs without a clear picture of the whole range of actors.

VI

FUTURE SCENARIOS FOR BETTER SOCIAL SERVICES



6.1 Scenario 1: Status quo and Balkan re-route

Migration policies should be seen in the wider social and political context in the three countries. Macedonia has been in a deep institutional crisis for a longer period, which brought into question the capacities of the institutions for ensuring and respecting the human rights. Thus, the intensity and the duration of the crisis, affected the interest the institutions showed for the current refugee crisis, as well as for investing in the process of exercising the social rights of persons under international protection. It must be emphasized that the civil society and international organizations served as a “buffer” element that dampened deeper tremors in the position of the migration policy and the actors in the country, and supplemented the “lack of focus” of the state in this field.

The implementation of the policies for international protection should be seen as part of Chapter 23 and 24 that are opened in the accession negotiations between Serbia and the EU. This process is motivating both for adopting a new Draft Law on Asylum and Temporary Protection in a broad consultative process, and for the field work in building the capacities to tackle the crisis.

In Croatia, on the other hand, according to the Ombudsman of the Republic of Croatia, the refugee crisis in 2015 showed numerous deficiencies of the European Asylum System, and therefore the deficiencies at the national level of the EU Member States that have transited towards the developed system at the EU level for years. In the last several decades, the EU started imposing common rules on the migration flows, which are binding not only for the Member States, but also for the candidate countries. Its main components are defined in the Asylum Procedures Directive, the Reception Conditions Directive (providing humane material conditions and respecting fundamental human rights), Qualification Directive, Temporary Protection Directive, the Dublin Regulation and the EURODAC Regulation. Furthermore, these directives are complemented by the Directive on the Return to the Country of Origin and the Directive on Long-Term Stay. However, all the

aforesaid Directives did not prove fully functional on the field, especially during the periods of great waves of illegal migrants in the southern countries, Greece and Italy. As a result of the illegal migrations, the EU took immediate preventive measures, however, the return of persons to their countries of origin takes place with low success rate, i.e., in 2013, only 39.2% of the decisions for return were implemented, because most of the third countries did not fulfill their obligations to undertake their citizens. Given the numerous risks of the illegal migrations, the EU insists on the adoption of good and functioning asylum policy which will ensure, above all, protection of the interests of the citizens of European countries.

Recent comparative data at the EU level, which date from 2012, indicate that in a total of 14 countries, there is an increase of the number of identified homeless persons with immigrant background. The effects of the latest refugee crisis in terms of the protection of the right to housing and the emergence of homelessness are yet to be felt and defined.

Thus, in the three countries, it is expected that substantial changes in terms of understanding and drafting of policies on asylum and international protection will not take place, i.e. that the countries will continue to rely on the capacities of the civil society and international organizations and established facilities, mechanisms and procedures that have been proven successful, but also unsuccessful at the height of the refugee crisis. The focus of the policies will remain to be reactive rather than proactive and directed at persons who are transiting the country, with a particular emphasis on the provision of health care and decreasing the security threats to the countries. This is a particularly important issue when dealing with the persons in the so-called Balkan re-route, when, on their way from the EU countries to Turkey, the migrants and refugees will pass through the Balkan countries again.

6.2 Scenario 2: The civil society organizations as strategic partners of the public institutions – preferred scenario

The contribution of the civil society organizations in addressing the challenges of the refugee crisis in all three countries was significant. However, the lack of coherence among the different institutions that provide services to refugees, migrants and asylum seekers, on the one hand, and coherence with the civil society organizations, on the other hand is relatively low. Lack of communication, lack of focus in the provision of services, overlapping of authorities, the existence of prejudice and the emergence of xenophobia among the staff and lack of standard operating procedures are just some of the reasons for lack of harmonization among the actors from the public and civil sector.

The civil society organizations have the human resources and knowledge for equal inclusion in the processes for creation of policies for asylum, policies for integration and intervention during crisis. Therefore, they should be seen as a credible partner that can take two functions: (a) substitute for public services formerly provided by the country by signing social contracts (for example giving psychosocial support to refugees migrants and asylum seekers or providing free legal aid); (b) complement (match) to the work of the institutions.

The inclusion of the civil society organizations in the processes of integration of these people into mainstream society is especially important. Trainings for further qualification or requalification in order for them to be active on the labour market, assistance in the administrative procedures for obtaining work permits, citizenship and exercising other social rights, inclusion in the education process, motivation to progress to higher levels of education, learning the local languages, programs for reducing their discrimination and negative stereotyping in the society, sensitisation of the public, are just some of the ways in which the work of the civil society organizations can be

aligned with that of the public institutions.

A necessary aspect is retaining the autonomy in their work. The civil society organizations foster a proactive, but also reactive approach to the problem. The participation in the political processes is actively searching for solutions for the problems. This does not only mean having a proposal, but also its timely submission, in the stage of consultation and negotiation. The proposals should not only dispute the institutional authority, but also to insist on dialogue and cooperation among the sectors. This requires active and informed civil society sector, so the civil society organizations may also be an important model for the general public and encourage the sense of solidarity.

The realization of this scenario requires great political will and commitment from the public sector and civil society organizations.

6.3 Scenario 3: Hard core institutional changes - legislative changes and greater fiscal allocations for migration issues

In Macedonia, according to the Ombudsman, the decentralized competences of the Law on Asylum and Temporary Protection were not implemented in practice, which creates the need for new legislative changes aimed at better realization of the system of social rights of persons under international protection. Although the process of decentralization in Macedonia is completed, the responsibilities of the local self-government for implementation of the provisions of the Law on Asylum and Temporary Protection, cannot be realized in practice. As a result, a great number of recognized refugees and persons under subsidiary protection cannot exercise their right to housing. Additionally, regulation of the issue of the lack of monitoring and practices of quality control should be considered in terms of the

procedure for recognition of asylum which is often attributed by the civil society organisations to the individual assessment (capacities, sensitivity) of the official, and not the prescribed rules. The civil society organisations in Macedonia indicate the need for revocation of the new amendments to the Law on Asylum, according to which the right to claim asylum is disabled if the person-refugee comes from a EU member state, the North Atlantic Treaty Organization (NATO) or the Central European Free Trade Agreement (CEFTA), as well as providing family reunion and relocation from Macedonia of those migrants who are “stuck” in the country and who have families in some EU Member State. The current regulations allow for reunion and relocation only from countries which are members of the EU.

The realization of this scenario requires great political will and reform capacities by the public sector, especially due to entering the area of independent decision-making of the public institutions which is strained by the need for participation in the political processes. The role of the international organisations may be facilitating and motivating for starting such structural changes.

VII

RECOMMENDATIONS



THE PUBLIC INSTITUTIONS AND THE PUBLIC SECTOR IN MACEDONIA

- Improvement of the databases for the target groups (registration system) and creation of policies based on evidence;
- Improvement of the horizontal coordination in the sphere of migration, especially to better sharing of information among the ministries, agencies and centres, removal of institutional barriers when exercising the social rights, strengthening the human resources in the institutions;
- Openness and transparency in the processes of creation of policies for migration, inclusion of the civil sector, the academic community;
- Improvement of the vertical coordination in the sphere of migration, abandoning the perception of demonizing the civil sector, using the mechanism of “social agreement”;
- Political will to tackle the challenges of the human dimension of migration and the integration of the “new population”;
- Encouraging innovative models of working and social integration of the target groups, new models of housing, encouraging new social services (such as financial compensation for the persons who are in the process of evaluation of the right of asylum), encouraging the cooperation between the target groups with the local population;
- Encouraging the proactive role of the local self-government – undertaking the delegated responsibilities in providing housing for the target groups, especially in the protection of vulnerable categories of persons, such as unaccompanied children;
- Transfer of “lessons learned” from the process of (failed) integration of the persons under international protection in Bosnia and Kosovo, in particular for avoiding the risk of homelessness and deep poverty among the target groups;
- Creating positive climate environment for development of legal framework for social housing.

THE CIVIL SECTOR AND THE MEDIA IN MACEDONIA

- Improvement of the horizontal coordination among the organizations;
- Continuing the activities for research, lobbying and advocacy for the rights of the target groups;
- Development of solidarity and empathy among people, wide public campaigns to raise the public awareness of the human dimension of migration;
- Development of programs for social integration (starting from stimulating pre-school integration and inclusion in the regular education process), tackling discrimination and negative stereotyping of the target groups;
- Piloting of innovative models of working and social integration of the target groups and new models of housing;
- Sharing information about refugee crises and migrations of peoples in a historic dimension.



PUBLIC INSTITUTIONS IN CROATIA

- Establishing a clear mechanism for migration management in which development all relevant ministries and other institutions would be included, including also establishing of cooperation with UNHCR, the Bar Chamber, the Red Cross and other civil society organizations;
- Improvement of the coordination between the civil and the public sector, by providing two-way communication;
- Providing access of the civil sector to all refugees/migrants, regardless of their legal status;
- Mapping all civil society actors who have helped and volunteered in the current crisis, in order to achieve better efficiency in case of a new refugee wave;
- Ensuring safe and legal migrations in Europe, including relocation, humanitarian visa, reunion of families and other measures designed for the current situation;
- The reunion of the families should be implemented in accordance with the provisions of the Dublin system;
- Particular attention is needed regarding the care of unaccompanied minors and to use the positive experiences from projects such as “The Big Brother”;
- Improvement of the access to certain health services, such as: paediatric, psychiatric and other specialist examinations for the asylum seekers and refugees, as well as reducing the bureaucratic obstacles in the preparation of health records for the children who are accommodated in special institutions;
- Establishing a base of translators and database of native speakers who can be engaged in an intervention in a crisis or in procedures for recognition of the right of asylum.

THE CIVIL SECTOR AND THE MEDIA IN CROATIA

- Providing personalized social services for the vulnerable categories of refugees/migrants and asylum seekers;
- Development of migration as a public policy, participatory created with the participation of all stakeholders, including the migrants, refugees and persons under international protection;
- Continuous volunteer programs for support of the social integration and inclusion;
- Promotion of integration policies that recognize the cultural diversity and the concept of interculturality;
- Change of the crisis management concept from management of migration flows to management and meeting the needs of the migrants and refugees, with a focus on the fundamental human rights;
- The media are an important channel for sensitisation of the public and transmission of objective information. It should be noted that the images we receive through the media were extremely dramatic, but those in the field were even more dramatic. Barefoot and hungry children entered Croatia, and the youngest child was only three days old and was born on the Balkan route.



PUBLIC INSTITUTIONS IN SERBIA

- The state authorities should adopt the new law on asylum with all the necessary legal changes in order to ensure proper treatment and services for the refugees. The state takes into account some of the suggestions and comments of the civil sector, however, there are no adequate regulations for protection of the children, victims of violence and human trafficking in terms of identification and recognition of the victim;
- The state authorities should develop a sustainable plan for integration of the refugees that will not lead to ghettoization of this marginalized population;
- The state authorities should provide accommodation facilities with adequate capacity, hygiene products and services;
- The state authorities should be flexible and provide immediate solutions regarding the daily changes of the situation of the refugees in Serbia;
- The relevant ministries should establish better cooperation for the important and urgent issues regarding the refugee crisis.

THE CIVIL SECTOR AND THE MEDIA IN SERBIA

- Bigger involvement of the civil sector in the creation of policies, intervention during crisis and plans for integration which with its experiences and proposals contributes to the quality of the services;
- Inclusion of the civil sector in the preparation of standard operating procedures (SOP) for social services for these target groups. Some already exist, such as those for human trafficking or violence against women and protection of children. These procedures should give guidance to the people for working with refugees, asylum seekers and migrants. Special attention should be paid to the creation of SOPs on providing psychological support;
- The civil sector should be involved in the resolution of the problem of inconsistency of the information, i.e. lack of information of these target groups about their social rights and services that they can use;
- To improve the coherence between the civil society and the public institutions in the provision of services in the field of integration of these persons;
- To be a constant watch-dog for respecting the human rights along the entire migrant route.

RECOMMENDATIONS FOR REGIONAL COOPERATION

- ✓ Better networking and data exchange among the public institutions in the three countries regarding the persons who migrate across the countries, exchange of the best practices in case of intervention in crisis and policies for integration of refugees;
- ✓ Using the principles of networking of the civil society organizations on the Balkan and Greece, as a model that would be followed by the public institutions in these countries, i.e. they would use these capacities for to strengthen their positions in the system;
- ✓ Utilization of all existing networks for networking, lobbying and exchanges, such as the Ombudsman network in the region;
- ✓ Joint representation of the countries before the international organizations;
- ✓ Joint cooperation in some key areas that need improvement, such as: raising the awareness of the refugees regarding the protection and the risks of gender-based violence and human trafficking, reunion of families and protection of unaccompanied children - refugees;
- ✓ Monitoring the current situation in the field in the countries, the movement of the groups of refugees, receiving data on the new trends of the routes, recording the incidents related to child protection and assistance for children, especially the unaccompanied children - asylum seekers;
- ✓ Promotion of the researches, studies before the institutions and the networks at regional level, in order for a greater visibility of the activities of the civil society organizations to be achieved, as well as contribution to the evidence based policies;
- ✓ Joint cooperation for overcoming bureaucratic procedures for registration and obtaining access to personal documents faced by the persons with recognized refugee status or persons under subsidiary protection.



“**PUBLIC**” is an independent, policy oriented-research and advocacy organization. The main pillar of work of “Public” is social inclusion, comprehending issues like poverty, housing deprivation, employability and employment of vulnerable groups, migrations (including migrants’ employment gap), long term unemployment and effects of social transfers. What makes us different that other organizations, is that we bring into public debate the insights of marginalized people. Public started as Lice v lice (Face to face), a street paper in Macedonia in September, 2012. Insight into the real problems of the marginalized, put us in the position to look deeper into it through scientific research. Today, each of these groups diversifies our research field and also helps us focus on the real problems and its origins. Moreover, we work to empower various stakeholders and the audience, which we carefully segment, by putting strong emphasis on the way we communicate our findings.



MOST ASSOCIATION is a non-profit organisation from Split, founded in 1995 on the initiative of professionals working in the humanitarian activities with the aim of helping young people and other age groups to improve quality of life. We are continuously working on the 3 main programs: 1. POP-PROGRAM affirms the counterpart’s assistance to young people with behavioural problems. 2. PROMOTING YOUNG PEOPLE’S VOLUNTARY WORK PROGRAM - educations, trainings, actions and interactive workshops to systematically affirm voluntarism in the community. 3. PROGRAM FOR THE HOMELESS PEOPLE- Shelter initiated in October 2000, providing a roof over head for socially endangered citizens. 4. REINTEGRATION AND POVERTY PREVENTION- activities focused on psychosocial support, assistance and reintegration of shelters beneficiaries, through a variety of humanitarian actions that encourage a community on solidarity and provide concrete assistance for low-income citizens.



The Lawyers’ Committee for Human Rights (Committee) **YUCOM** is a professional, voluntary, non-governmental association of citizens, founded in 1997, with the goal to protect and promote human rights in accordance with universally accepted civilized standards, international conventions and national law, as well as to establish and develop institutions of the rule of law, practice of the legal state and transitional justice. YUCOM has become renowned for its efforts to publicly address the question of access to justice and fair trials, as well as advocating changes in these areas. YUCOM is actively involved in development of new legislation and a favorable environment for the definition and provision of legal aid and promotion of right to access to justice in Serbia.

