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Reception and treatment of asylum seekers and undocumented migrants: Croatia, Former Yugoslav Republic of Macedonia, Serbia and Slovenia

ABOUT THE PROJECT

This study was commissioned by the International Federation of Red Cross and Red Crescent Societies (IFRC). The work was conducted and recognized in partial fulfillment for the “Policy Labs” course within the School of Public Policy at Central European University.

Policy Labs are part of the MA curriculum and give an opportunity for small teams to work for external clients producing and presenting policy relevant research that will be used for advocacy, assessment and development. Clients are civic organizations, donors, research centers and international organizations. The Policy Lab focusing on this project for IFRC was mentored by Andrew Cartwright from the Center for Policy Studies.

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Abstract

Since the beginning of 2015, the number of migrants on the Western Balkan Migratory Route has increased sharply, creating various challenges for both state actors and non-governmental institutions. The objective of this paper is to increase the understanding about the legislative framework of reception and treatment of asylum-seekers and undocumented migrants transiting along the Western Balkan migration route, particularly, Croatia, Slovenia, Serbia, and the Former Yugoslav Republic of Macedonia. In addition, this paper seeks to share information about the practical set-up and arrangements of the reception and treatment of asylum-seekers in the target countries. A special focus is paid to the legislative/practical challenges facing each country. The report concludes with recommendations for the National Societies on key issues for advocacy action.

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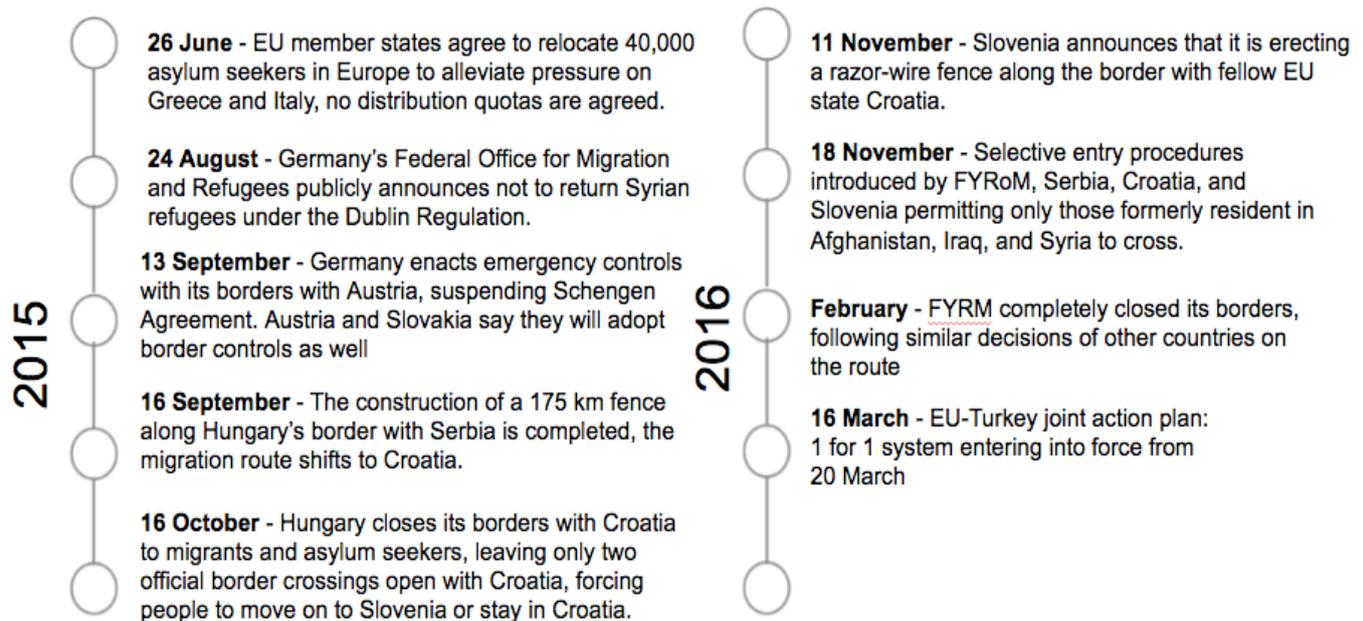
Introduction

The year 2015 saw a record number of migrants enter into Europe, with over a million sea arrivals in 2015 into Europe alone (Clayton & Holland, 2015). The United Nations High Commissioner for Refugees (UNHCR) acknowledged that the migration wave of 2014 had already pushed the world's refugee population beyond 50 million for the first time since World War II (Clayton & Holland, 2015). UNHCR's Global Trend 2015 report indicated that generally, "24 people worldwide were displaced from their homes every minute of every day during 2015." (2015, 2). More specifically for the European context, UNHCR figures showed that there were roughly 856,000 sea arrivals into Greece in 2015, with another 158,311 more during the beginning of 2016—and most of these arrivals were from three countries: Syria, Afghanistan, and Somalia (UNHCR Global Trends 2015, 3).

This sea route into Greece represented a major focus of UNHCR's attention. UNHCR's Regional Refugee and Migrant Response Plan for Europe emphasized that most migrants used a route through Greece and into the Former Yugoslav Republic of Macedonia, Serbia, Croatia, and Slovenia, dubbed the Western Balkans (WB) route, as the main transit route into the European Union (EU) (2015, 10). These numbers represent an unprecedented population movement, one that has and will continue to require a response from a range of actors on all aspects of this unfolding crisis. Indeed, the challenges faced by international and non-governmental organizations and the national and local governments of those countries on the WB route were and remain complex and numerous.

Moreover, this crisis has been prolonged and intensified by the unpredictability and ever changing nature of the situation on the ground both outside and inside Europe. For the past several years, the main route into Europe for a growing number of migrants and asylum seekers went through Greece, then into the Former Yugoslav Republic of Macedonia, to Serbia and

finally into Hungary to go onwards to Austria, Germany and potentially other Western European countries. Starting, however, with the Hungarian border closure on the 15th of September 2015, the route began to rapidly shift, and flows soon moved into neighboring Croatia and Slovenia (see timeline below)



With scarce resources, limited capacity, and a general inexperience with such massive migratory flows, these former Yugoslav Republics often struggled with the practical challenges of this major migration. These countries' ability to meet those challenges and the policies they increasingly relied upon detention, criminalization and the adoption of even harsher asylum policies. In looking at these countries and their responses to the 2015 inflows on the WB route, organizations, specifically the International Federation of Red Cross and Red Crescent Societies (IFRC), can learn greatly from (1) what worked and did not work in terms of establishing reception centers and in treating migrants, before the next crisis, and (2) being up-to-date on the legislative measures and policies that were adopted in these countries regarding migrants and refugees.

Therefore, this report will examine four of the countries along this WB route: The Former Yugoslav Republic of Macedonia (FYRM), Serbia, Croatia, and Slovenia, and will outline their responses, the challenges they have faced, and the lessons that IFRC can learn from these countries' experience.

Main Objectives

The purpose of this report is threefold: (1) to increase understanding about the legislative framework of reception and treatment of asylum-seekers and undocumented migrants transiting along the Western Balkan migration route (specifically here the countries of Croatia, Slovenia, Serbia, and Macedonia); (2) to share information about the practical set-up and arrangements of the reception and treatment of asylum seekers and undocumented migrants transiting along the WB route and the Red Cross's involvement; and (3) to identify the most important legislative/practical challenges in the reception and treatment of asylum-seekers transiting the WB route.

Even though the migration flows into the WB have been significantly reduced since March 2016 given the shift in policy toward border closures as well as the adoption of stricter laws to deliberately decrease arrivals, the migration crisis in Europe is still ongoing and evolving at the time of this report's publication. However, this report primarily aims to provide a snapshot and better understanding regarding the legislative framework during 2015, and, moreover, what had happened on the ground in a set-time frame, as a means to identify gaps that the humanitarian community can help fill and educate governments on going forward.

Methodology

It should be clear, however, that no one report can answer all of IFRC's questions or concerns on the migration crisis that occurred in Europe. Given how quickly the situation was evolving

on the ground, any research on the topic will quickly become dated—during the drafting of this report, for example, the WB suddenly closed. This does not mean, however, that this report cannot add value to the discussion or contribute to IFRC’s understanding. Rather, the findings of this report will predominantly draw from extensive desk research on migration reports and statistics published by the IFRC, UNHCR, IOM, and other authoritative sources. In addition, the report incorporates, when possible, anecdotal evidence retrieved through interviews with volunteers who worked at reception centers throughout the four countries focused on here along the WB route. In doing so, this report collects what is publically available on these countries’ experience and policies in English in a concise manner, and provide a worthwhile comparison of four case studies that can lead to a number of key findings that IFRC can use in discussing reception and asylum policy with national governments going forward.

This desk research and discussions with volunteers occurred through the spring of 2016, with the documents and reports collected having been published generally between June 2015 (when the migratory crisis reached its peak) and March 2016 (when the WB experienced a drastic decline in arrivals as the borders closed).

To get to these finding, the report first sets out the individual country reports: Chapter 1 outlines FYRM; Chapter 2 outlines Serbia; Chapter 3 outlines Croatia; and Chapter 4 outlines Slovenia. Each country report provides an overview of the legal framework regarding asylum law in that specific country, then discusses the practical arrangements on the ground, before finally highlighting the challenges faced in the country during the migration inflow. Having assembled all four country reports, Chapter 5 discusses the key findings and conclusions of the research.

Former Yugoslav Republic of Macedonia

Migration is not a new phenomenon to the Former Yugoslav Republic of Macedonia (the FYRM). There were times people of the FYRM evacuated their homes fleeing conflict and war. For instance, in 2001, following the outbreak of an internal armed conflict in the country; about 170,000 people were displaced (Zitnanova, 2014). But, over the last decade, the situation has changed; the FYRM, like other countries of the Western Balkan region, has turned into a temporary destination as well as a transit route for many migrants coming from outside the region (Coleridge, 2013). In recent times, due to the increasing difficulties with the other alternative routes to European Union borders, the number of migrants opting to use the Balkans route has significantly escalated (Zitnanova, 2014). Although most of the migrants taking the Balkan route and arriving in the FYRM intend to travel onwards to Western European destinations, there are some who want to stay and claim asylum in the FYRM (Coleridge, 2013).

In the FYRM, the first notable, relatively sharp, increase in the number of extra-regional asylum seekers was witnessed in 2013 when the asylum seekers from outside the region accounted for 32% of the total asylum applications in the country (Zitnanova, 2014). Most of the migrants and asylum seekers crossing the borders of the FYRM came from countries like Afghanistan, Pakistan, Somalia, Syria, Iraq, Morocco and Bangladesh, in most cases, fleeing violent conflicts, war, and poverty in their home countries (IFRC, 2016).

The current 'refugee crisis' in the FYRM can be traced back to 2015 when an unprecedented influx of people, mainly those fleeing the war in Syria, Iraq and Afghanistan, arrived at the borders of the country by crossing through Greece. A report from IFRC confirmed 91 percent of refugees and migrants taking the Balkan route came from Syria, Iraq and Afghanistan (IFRC, 2016). Pelagonia and Gevgeilija-Dojran regions, which are located in Southwestern and

Southeastern part of the FYRM, are the major spots where migrants attempt to cross into the FYRM territory (Frontex, 2013).

The strategic geographic location of the FYRM, which connects to the European Union borders, is the major factor escalating the number of migrants intending to transit the country. In July and August 2015 alone, 3000 people were daily transiting through the FYRM to arrive at the Serbian borders (IFRC, 2015). The fact that the influx of migrants continues to skyrocket coupled with EU's failure to timely respond to the ongoing refugee crisis has shortly turned the borders of the FYRM to a hotspot where many desperate migrants are trapped. International organizations, civil society organizations and the media have been calling for the international community's attention to the deteriorating humanitarian situation in the Western Balkan route, particularly in the FYRM-Greece borders.

This section explores the major factors that exacerbated the refugee crisis in the FYRM by assessing the legal framework and the practical scenario of the reception and treatment of refugees and undocumented migrants in the country.

Legal Framework

International Laws

The FYRM's legal obligation of providing protection to refugees and migrants emanates not only from the domestic legislation, but also from the major international treaties ratified by the country. The FYRM is a signatory of the international human rights instruments as well as conventions on refugee protection. It is bound by the 1948 Universal Declaration of Human Rights (UDHR), which lays down the foundation for subsequent treaties on protection of people who are under the risk of persecution (UDHR, 1948). Article 14 of the UDHR recognizes all global citizens' right to seek and enjoy protection from persecution in other

countries. By virtue of this provision the FYRM assumes a legal obligation of providing protection to any member of human kind, who is under a threat of persecution, in his/her territory.

The FYRM also acceded to the 1951 Convention on the protection of refugees, named as the United Nations Convention relating to the Status of Refugees, in 1994. This Convention is a comprehensive legal instrument providing definitions, procedures and rights and obligations relating to refugee status and protections. It has been amended by the 1967 Protocol which removed the geographic and temporal limits enshrined under the Convention and fortified the enforcement of substantive obligations of member states without limitation of date (Protocol relating to the Status of Refugees, 1967). The treaties define refugees in a broader sense to include everyone who is outside the country of her/his origin and is under the risk of persecution for reason of one's "race, religion, nationality, membership of a particular group, or political opinion" (Article 1(2) of the 1951 Convention). This definition encompasses most of the influx of people flowing through the Balkan route looking for safety and protection.

The Convention on the protection of refugees further requires contracting states to provide proper treatment to refugees who are already in their territory. Contracting states shall refrain from penalizing refugees who illegally enter or stay in their territory unless in case of some exceptionally serious situations (Article 31 and 32). The minimum standard of treatment envisaged by the Convention, *inter alia*, includes providing administrative assistance, identity papers and travel documents; granting of permission to transfer assets; and facilitation of naturalization (Articles 25, 27, 28, 30 and 34 of the Convention).

The Convention promotes the principle of "most-favored-nation" treatment regarding employment opportunity (Article 17(1) of the Convention). This means, especially with respect to the right to engage in employment, every refugee lawfully staying in the territory of a

Contracting State is entitled to receive the most favorable treatment the Contracting State offers to nationals of any foreign country. For instance, if the FYRM offers exceptionally favorable treatment to refugees coming from the European countries then it will be bound to provide the same treatment to all other refugees on equal footing regardless of their country of origin. With respect to religious rights, access to justice and legal assistance, social security and elementary education, the Convention dictates contracting states to apply the principle of “national treatment” (Articles 4(1), 16(2), 22 and 24 of the Convention). Meaning Contracting states are obliged to treat refugees at least in the same way they treat their own nationals.

Domestic Legal Framework

In line with its international commitments, the FYRM has national laws that are meant to ensure the protection of asylum seekers. Article 29 of the Constitution explicitly recognizes ‘the right to asylum’ as enshrined under the international agreements ratified by the FYRM. The international standards and principles for the recognition and protection of refugees and migrants, highlighted in the previous Section, are as binding and enforceable as the domestic laws of the country. Subordinate laws passed by the parliament further substantiate the constitutional protection of asylum seekers. The Law on Asylum and Temporary Protection, which was enacted in 2003 (Official Gazette of the Republic of Macedonia No. 49/ 25, July 2003), provided detail provisions dealing with the procedure for granting/cessation of the right of asylum, conditions for granting temporary protection, and rights and obligations of asylum seekers and persons under temporary protection.

Although the 2003 legislation generally fulfills the European Union standards (Center for Research and Policy Making, 2008), it has been amended more than four times in order to make it more fit to the international instruments on recognition and protection of refugees. The rapid change in the asylum legislation perhaps shows the government efforts to comply with its

international commitment at least by putting in place expedient legal instruments. The last amendment was made in 2015 as part of the government policy response to the ongoing refugee crisis. The amendment primarily aimed to allow refugees and migrants arriving in FYRM to stay in the country for a period of 72 hours without the need for formally claiming asylum in the country (Independent.mk, 2015).

Before the 2015 amendment came into force, migrants crossing the border of the FYRM were required to apply for asylum immediately after they arrive in the country. Those migrants who were not willing to apply for asylum but found crossing or staying in the country were labeled as lawbreakers and often sent to jail (Human Rights Watch, 2015). They were also often beaten by the police, mistreated and denied access to public services such as public transport. In fact, most of the migrants and refugees arriving at the borders of the FYRM are not willing to stay long and apply for asylum in the FYRM, but need to transit the country to travel onwards to their destinations in Northern Europe (Independent.mk, 2015). Human Rights Watch (2015) mentions two reasons for the reluctance of refugees to stay and claim asylum in the FYRM: one is that some of the refugees and migrants want to claim asylum in an EU member state where they have friends or family but others are unwilling because of the poor facility and ill-treatment they are facing there.

According to the revised law, a migrant/refugee who registers 'intent' of claiming asylum with the border police or other authorities is allowed to stay in the country for 72 hours without formally claiming asylum. Put differently, the refugees arriving in the FYRM are given three days either to formally claim asylum or leave the country. This has helped to diminish the huge number of refugees and migrants beaten and detained by the police for their alleged illegal presence. It has also minimized the number of migrants using the smugglers network (Ibid). Therefore, the 2015 amendment is commended for mitigating part of the challenges refugees

and migrants were encountering in their journey to Northern Europe. Indeed, some activists and civil society organizations argue that the amendment is short of addressing the real problem on the ground (interview with the members of Macedonian Young Lawyers Association). For many migrants arriving in the FYRM, it is very difficult to leave the country (move to the next country), often to Serbia (Frontex, 2013), within three days due to lack of transportation or borders inaccessibility. Hence, there is still wide room left to public authorities to consider refugees as lawbreakers and continue with their mistreatment and detention, as they would stay longer than the time allowed (three days).

Another controversial legal issue observed in the FYRM, as well as in other migrant recipient countries, pertains to the application of the principle of ‘safe third country’, which is frequently invoked by governments to justify a decision for the return of refugees back to a previous country they initially entered through country. Generally, the principle is understood to mean: “a country can reject a person’s asylum application if she/he has already been granted protection by another country” (Eirik, 2016). Some countries in the Balkan region, including the FYRM, have been either blocking migrants not to enter into their territory or forcing those who already got to the territory to return back to a third country (commonly Greece) on the ground of a ‘safe third country’ principle (Zitnanova, 2014; Eirik, 2016).

Indeed, such principle is not explicitly enshrined under the 1951 Convention. However, some argue that it can be inferred from Article 31 of the Convention, which obliges States not to penalize refugees for illegal entry or presence. According to this provision, refugees coming directly from a territory where their life or freedom was threatened shall be granted protection in the first safe country they enter despite the fact that they crossed border illegally. But if a person enters into a country passing through another safe country where she/he does not face any risk of persecution then the current hosting country may cause the person to return back to

the first safe country she/he came through and such person may not be entitled to the protection under Article 31 in the current hosting country.

Nevertheless, such inference of the “safe third country” principle from the 1951 Convention has been fiercely contested by UNHCR, a UN agency in charge of overseeing proper implementation of the refugee conventions. According to UNHCR, from the outset, the principle of “safe third country” should not be considered to emanate from the international conventions; it should rather be applied based on another distinct agreement (bilateral or multilateral) to be signed among the concerned states (Eirik, 2016). UNHCR also pointed out that by the mere fact that a person has crossed the territory of another country; such country cannot qualify to be a “third safe country”. To consider a certain country as a ‘safe third country’ it should be established that the person had a connection with that country which goes well beyond transiting the country (Ibid).

In the context of the FYRM, this means that the influx of refugees and migrants arriving in the country crossing through Turkey and Greece should not be deemed to come from a “safe third country” since they had no connection with any of the two countries except just crossing them once. Hence, the government of the FYRM can neither block migrants not to enter into its territory nor force those who already got to the territory to turn back to Greece or Turkey on the ground of a ‘safe third country’ principle.

Finally, the main challenge related to the legal framework is weak enforcement of the existing laws. Despite the lacunas in the existing (amended) law what has remained more pressing challenge is very weak enforcement of those well-articulated international and domestic provisions of the law. Beginning from migrants’ access to territory to reception, treatment, and accessible and fair asylum procedures, the situation on the ground is in huge discrepancy with the legal texts on the paper (Human Rights Watch, 2015). The Section below illuminates these

discrepancies while discussing the institutional and practical challenges in the reception and treatment of refugees and migrants in the FYRM.

Institutional and Practical Challenges

The FYRM is one of the key transit countries in the Western Balkan route crossed by thousands of refugees intending to travel towards Northern Europe. As the influx of refugees arriving at the border of the country drastically exacerbates the deteriorating human rights situation. According to the existing laws of the FYRM, once refugees arrive in the country and express intention for asylum they should be allowed to stay safely in one of the reception centers until their asylum application is processed. Furthermore, those who have not submitted formal asylum application yet, but registered their ‘intent’ of claiming asylum with the border police or other authorities are allowed to safely stay in the country for 72 hours. However, this is not what is happening in practice. Many refugees and migrants in the FYRM face multifaceted problems threatening their life and safety. Some are even blocked from entering into the country and in some cases those who are already in the country are forced to return back to Greece. The major challenges encountered by refugees and migrants in the FYRM can be put under three broad categories: limited access to the territory, deteriorating humanitarian situation in the reception centers and poor and unfair asylum procedure.

Limited Access to the Territory

The border control in the FYRM is used to be strict even before the occurrence of the recent refugee crisis. Yet, in the first few months of the refugee crisis, migrants and refugees had relatively better access to the border of the country. However, as the influx of people arriving at the border of the country escalates, the country employed a stricter border policy, which allows access only for those refugees coming from Syria and Iraq (ECRE, 2016). From the outset, such kind of border policy, which is based on refugees’ country of origin, is

discriminatory and totally unacceptable under any international law. As per the 1951 Convention, every Member State has the obligation to provide a chance for everyone arriving in its territory to apply for asylum or temporary protection. It's only after every refugee's individual application is examined that the Member State can decide either to allow the refugee stay in the country or leave. Indeed, those refugees coming from the above mentioned three countries are more likely to fulfill the requirement of the Convention for international protection. However, this does not mean the rest of people coming from other countries, the so-called "economic migrants", do not qualify for international protection. Thus, it is unlawful to deny access to border just based on migrants' country of origin without investigating each migrant's individual case.

The FYRM further tightened its unlawful border policy by excluding refugees coming from Afghan from the list of eligible people allowed to enter into its territory (Ibid) What is this list?). As a result of quite shrinking access to territory, the number of refugees stranded in the Greece-FYRM border dramatically increased and tension escalated. According a report from ECRE (2016), among refugees stranded in the Greece-FYRM border in February 22, 2016, the number of Afghans alone hit 700.

The situation in the border got even worse when the FYRM authorities decided to completely close the border in February 26, 2016 (ECRE, 2016; the guardian, 9 March 2016). This led to a clash between the border police and refugees protesting against the border policy, which ended up with police committing serious violations of human rights. Police officers beat migrants and fired tear gas to push them back from the border and disperse the crowd staging protest (ECRE, 2016).

All series of measures taken by the FYRM to block the flow of refugees contradict the international and national laws the country pledged to comply with. The refugees and migrants

arriving at the border of the country after a long traumatic and dangerous journey have not been treated in accordance with the law. They were rather facing both psychological and physical assault, from police and state authorities. Since there is no protection sensitive screening mechanism at the border many refugees qualifying for international protection suffers a lot (UNHCR, 2015). Particularly, vulnerable groups such as children, breastfeeding women and pregnant women are most affected by the mistreatments at the border. The strict border control, not only further deteriorated the humanitarian situation, but also created conducive breeding ground for smugglers and traffickers.

Therefore, the complicated and massive human rights violations that are caused by unlawful border policy of the FYRM should be among the major advocacy points of international organizations, NGOs and other stakeholders working on refugee protection and human rights. The border policy of the FYRM should be revisited so as to make it in conformity with international standards and other national laws on refugee protection. The border police and other law enforcement bodies should be given training on the basic human rights and refugee protection that all European countries, including the FYRM, are obliged to observe.

Deteriorating Humanitarian Situation in the Reception Centers

With a drastic increase in the influx of refugees arriving in the FYRM, the humanitarian situation inside the reception centers has been deteriorating. Although international humanitarian organizations (like IFRC and UNHCR) and other civil society organizations exert efforts to meet the basic needs of the refugees, lack of commitment and timely response on the part of the government hampered improvement in the human rights situation. Many refugees crossing the borders of the FYRM are unlawfully detained, beaten and verbally abused by police officers. A field research conducted by Human Rights Watch (2015) confirmed that many migrants and refugees including children and pregnant women were detained. Although

the children constitute 37% of the migrants, there is no significant measure taken to ensure the protection of their basic rights (UNICEF, 2016).

A study conducted by Amnesty International (2016) also documented gaps in the protection of those migrants most at risk, especially women and girls. It revealed that women and female-headed families have been exposed to huge risk throughout their way to and even after they got Europe. Sexual harassment, assault, physical abuse and financial exploitations are among the major risks women are facing in the refugee camps and on their dangerous journey. Quoting female migrants who came through the FYRM, Amnesty International (2016) reported that some of the camps exacerbate vulnerability of women by forcing them to sleep alongside many adult men and use same showers and toilets with the men.

The reception centers in the FYRM lack basic facilities like separate sleeping places, toilets and showers for men and women. The existing facilities do not meet the special needs of vulnerable groups such as children and pregnant women. The reception centers are also inadequate to absorb the increasing flow of new migrants. Consequently, the centers' capacity has been consistently overstretched making the service provision more cumbersome. The government of the FYRM and the international community need to address these problems. International organizations like IFRC and NGOs, besides calling the government attention to these problems, can provide technical and financial support to improve the existing poor humanitarian situation.

Poor and Unfair Asylum Procedures

The asylum system in the FYRM can be generally characterized by limited access, low recognition rate and sometimes-automatic rejection (Coleridge, 2013; UNHCR, 2015). This was the case even before the occurrence of the current mass movement of peoples. The data in 2014 clearly shows the inaccessibility of the asylum procedure. In 2014, there were 1289

asylum applications submitted to the Asylum Section of the FYRM Ministry of Interior; however, out of these applications, only 16 were duly processed in the asylum system. And, out of the 16 asylum cases, which went through the asylum procedure, 12 were Syrians and all of them were recognized as refugee (UNHCR, 2015).

The track record of the asylum system also shows that recognition rate is very low. For instance, between 2009 and 2013, 3000 asylum applications were submitted although no single asylum-seeker was recognized as a refugee, and only one temporary protection was granted (Ibid). Between June and August 2015, despite the huge influx of refugees that arrived in the country, only one asylum-seeker that was recognized as a refugee (Ibid). In fact, the low rate of asylum recognition is partly attributed to the fact that many refugees leave the country before the application process is completed. According to UNHCR (2015), 90% of asylum-seekers who applied for international protection in the FYRM leave the country before hearing the outcome of their asylum claim. In this case, the Section for Asylum dismisses the case on the ground of ‘withdrawal of the application’.

However, the main factor contributing to very low rate of asylum-seekers recognition in the FYRM has to do with the decision making process of the asylum system, which is not largely merit-based. Applications are usually rejected without sufficiently analyzing all the facts presented by asylum-seekers. The Security Agency, which involves in the decision making process, perceives refugees as a threat to security and national security concerns are often excessively used as a ground to reject asylum applications (Ibid).

Rectifying the gaps in the asylum system of the FYRM requires not only strong commitment of government to observe its international obligations but also addressing problems related to financial constraints, lack of capable and efficient institutions and lack of trained personnel. Especially, the unprecedented scope and scale of the current refugee crisis has posed additional

challenge to the already weak asylum system of the country. In this regard, international organizations, like IFRC, can play irreplaceable role in identifying the specific bottlenecks of the system and providing technical and financial support to improve the capacity of human resources and institutions.

Serbia

As an integral part of the Western Balkans route, Serbia is one of the most talked about countries in the recent surge in migration to Europe. Serbia's location as a border state with EU countries, such as Hungary and Croatia, and other transit countries such as Macedonia and Bulgaria, put Serbia right in the middle of many migrants' path to Western and Northern Europe. Additionally, the relaxing of the Schengen visa restrictions for many of the Balkan countries in 2012 made the Western Balkan route a more attractive option for migrants seeking to emigrate to Europe or the EU, driving up migration for the entire region (Frontex | Western Balkan Route).

The numbers of asylum request in country have grown significantly since 2008 (Kilibarda et al. 2014). Within the region of South-East Europe, Serbia received the largest percentage of asylum seekers and refugees (Serbia UNHCR 2016). From February 8th-14th 2016 alone, 13,599 migrants arrived to Serbia (Refugee Crisis - Humanitarian Aid and Civil Protection - European Commission 2016) compared with the 28,284 who people that requested asylum since 2008 (Kilibarda et al. 2014). In total, 577,995 people expressed the intent to seek asylum in 2015 (Belgrade Centre for Human Rights 2016).

Despite these large numbers, most asylum seekers are not looking to resettle in Serbia. "Balkan Insight", a popular internet portal on regional issues, reports that despite the nearly 1 million migrants passing through Serbia in the last two years, only 34 expressed a desire to remain in 2015 (Pantovic 2016). The numbers for 2016 are proving to be even lower. The low rate of asylum seekers looking to stay in Serbia stems from human rights abuse by Serbian authorities and the inability for local government to adequately protect and integrate asylum seekers. The problems of insufficient and inadequate reception centers and asylum personnel, police

brutality and disregard from domestic and international law standards make Serbia a less than ideal country for asylum seekers.

These practical implementation problems highlight the failure of international and local capabilities in the asylum system. The next sections will outline Serbia's international and domestic laws regarding migration compared with the practical set of the intuitions on the ground. As with the FYRM, Croatia, and Slovenia, the problem is often not the legal framework within the country, but the inability or unwillingness for the country to adequately manage the influx of migrants

Legal Framework

International Laws

International refugee law in Serbia is largely comprised of international conventions, treaties, protocols, and customary law. Serbia is a signatory to the Universal Declaration of Human Rights in 1948, which is generally considered as the foundations of international human rights law. Additionally, Serbia is a signatory to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to the Convention, which provides much of the backbone for operationalizing the term "refugee". Other UN Convention Serbia recognizes is the UN Convention on the Rights of the Child, which mandates parties take appropriate measures to "ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance" (Convention On the Rights of the Child 1989). This convention also compels States Parties to provide information and assistance for children looking to reunite with family members in Europe.

The Council of Europe's Conventions on Torture and Protection of Human Rights creates the international legal frameworks for Serbia. As a member of the European Convention for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment and the European Convention for the Protection of Human Rights and Fundamental Freedoms, Serbia agrees to allow the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to conduct visits and examine the treatment of person deprived of their liberty, and to provide protection to victims is needed.

European Union Laws

Although Serbia is not a member of the EU, it is on the path to EU accession as an "official candidate". As an official candidate, Serbia must adhere to the international law and policy standards set by the EU. Therefore, Serbia adheres to the Common European Asylum System, although it is not member state of the Dublin Regulation, an EU law designed to determine which member country is responsible for examining asylum applications. The Dublin regulation states that the country that the asylum seeker first applies for asylum is responsible for processing and deciding on the claim, deterring migrants from claiming asylum in multiple countries. Asylum seekers registering in Serbia are not bound to be returned to Serbia if they seek asylum in another Dublin country.

Despite Serbia's status as a non-Dublin country, Hungary regards Serbia as a "safe third country". A designation as a safe third country refers to a "country which provides effective protection to refugees and where those in need can have access to international protection" (Bakonyi et al. 2011). This decree from the Hungarian government named all EU countries and candidate countries, such as Serbia, as capable to protect asylum seekers rights in line with domestic and international law. As a result, all asylum claims in of people transiting from Serbia into Hungary are considered inadmissible. Consequently, asylum seekers arriving from

Serbia claiming asylum in Hungary can be sent back to Serbia (Hungary: Migrants Abused at The Border 2015).

Hungary's decision was considered illegal by international law by many organizations and experts, as many in the international community do not consider Serbia able to sufficiently protect migrants' human rights. The decision to regard Serbia as a safe third country was "considered to be in breach of the European Convention on Human Rights, particularly Article 3 by exposing asylum seekers to the risk of torture, inhuman or degrading treatment or punishment (through refoulement) and of Article 13 by failing to provide an effective remedy" by the Hungarian Helsinki Commission. (Bakonyi et al. 2011). Hungary's decision contrasts the previous pronouncements by the UNHCR and the Hungarian Supreme Court in 2012, which asserted that Serbia did not have the capacity to offer protection for asylum seekers and therefore should not be considered a safe third country. Additionally, the Asylum Information Database asserted that "the designation of Serbia, which was the transit point for 99% of the approximately 86,000 persons who have applied for asylum in Hungary since the beginning of 2015, as a "safe third country" is highly alarming, as it effectively enables Hungary to refuse to examine almost all applications for international protection made on its territory" (Hungary Adopts List Of Safe Countries Of Origin And Safe Third Countries | Asylum Information Database 2015).

Hungary justified the decision to consider Serbia a safe third country because of the international and domestic legal mechanisms in place in Serbia were declared sufficient to protect the rights of the migrants. While Serbia's official asylum system appears to be adequate, with several legal structures in place to help protect asylum seekers, the practical implementation is woefully short of the human rights standards asylum seekers are entitled to. The next section will outline Serbia's domestic legal framework regarding asylum.

Domestic Legal Framework

The Belgrade Centre for Human Rights, a prominent organization working with asylum seekers in Serbia, summarizes, “Serbian asylum legislation is generally in line with international standards for the protection of persons in need of international protection, with deficiencies in the system and procedure generally stemming from poor implementation of the existing legislation” (Short Overview of the Asylum Procedure - Serbia | Asylum Information Database 2016). The deficiencies in the system and poor implementation are the major causes for the problems existing in Serbia’s asylum system.

Like many other European countries, Serbia’s constitution guarantees a right to asylum. Article 57(1) states “any foreign national with reasonable fear of prosecution based on his race, gender, language, religion, national origin or association with some other group, political opinions, shall have the right to asylum in the Republic of Serbia” (Constitution of The Republic of Serbia 2016). However, the main national frameworks governing asylum procedure are the 2008 Asylum Act, Foreigners Act, and the General Administrative Procedure Act (Short Overview of the Asylum Procedure - Serbia | Asylum Information Database 2016).

The Asylum Act solidified such principles upheld in the various international laws on refugees, such as non-refoulement, family unity, non-discrimination, providing information and legal aid, providing free translation services, free access to UNHCR, representation of unaccompanied minors and persons without legal capacity, among other human rights (Serbia: Law of 2007 on Asylum).

The Act also outlines procedures for police and asylum seekers. Article 24 of the Asylum Act provides refugees the right to register for asylum and receive an identification card that will allow them free travel and immunity from arrests for being in Serbia irregularly. Article 26 of the Law on Asylum requires an asylum officer to interview an asylum-seeker in person “as

soon as possible” after they have submitted their asylum application (Europe’s Borderland 2015). After the asylum seeker is registered, they have 72 hours to arrive to their assigned reception center or ask consent from the Asylum Office for permission to stay at a private residence. (Registration of The Asylum Application 2016). Article 46 of the Asylum Act requires to “ensure conditions for the integration of refugees in social, cultural and economic life and facilitate the naturalization of the refugees” (Belgrade Center of Human Rights 2016).

Furthermore, the Asylum Act stipulates that if an asylum seeker has already asked for asylum in any other state party to the 1951 Refugee Convention, his/her asylum claim will be automatically rejected in Serbia (Bakonyi et al. 2011). These countries include Belarus, Russia, Turkey, Tunisia, and FYRM - countries that nationals are frequently recognized in European countries due to their human rights abuse records. This stipulation inside of domestic Serbian law is cause for concern for many aid organizations, including the Helsinki Commission (Bakonyi et al. 2011). In August 2015 the UNHCR published a report on the situation of asylum seekers in the FYROM and concluded that the country did not yet meet the international standards for the protection of refugee. Therefore, they did not qualify to be considered as a safe third country (Belgrade Centre for Human Rights 2016). However, Serbia routinely send asylum seekers back to Macedonia, often with police brutality.

In August 2015, the UNHCR published its Observations on the situation of asylum-seekers and refugees in the Former Yugoslav Republic of Macedonia, in which it concluded that the FYROM did not as yet meet international standards for the protection of refugees, and did not qualify as a safe third country and advised all states to refrain from returning or sending asylum seekers to it. The Asylum Offices did not seem to take this report into consideration, as it stopped summarily applying the “safe third country” mandate to several application cases (Belgrade Centre of Human rights 2016).

Nevertheless, Serbia's domestic laws do provide legal frameworks for protecting asylum seekers human rights within its international and domestic laws. However, these legal structure are insufficient to protect the asylum seekers arriving into Serbia. The ineffective implementation in Serbia's asylum procedure contributed to the crisis conditions over the past year.

Institutional and Practical Challenges

Serbia's ability to adhere to its own domestic laws and international mandates creates major issues for migrants in Serbia. The main problems plaguing asylum seekers and undocumented migrants in Serbia is poor or insufficient asylum procedures, police push-backs and brutality near the borders (especially the Hungarian/Serbian border), and low integration possibilities.

Asylum Process Problems

One of the reoccurring issues in Serbian asylum and refugee procedures is the unwillingness or inability for Serbian officials to effectively manage the large inflow of migrants in a legal manner. An Amnesty International report describes Serbia's "failures and delays in the implementation of its provisions deny asylum-seekers a prompt and effective individual assessment of their protection needs and, in the majority of cases, result in the discontinuation or suspension of asylum applications due to the applicant having 'absconded' (Europe's Borderlands 2015).

The approval of asylum request in Serbia remains remarkably low for the amount of claims put forward by asylum seekers. Despite the increased migration through Serbia beginning in 2013, the government did not have the experience or infrastructure for large amounts of asylum requests and was ill equipped to handle the large numbers of refugees arriving. For example,

as of 2014, 28,295 people expressed the intention to seek asylum in Serbia since 2008, yet only six received refugee status and 12 subsidiary protection statuses (Kilibarda et al. 2014).

The lack of trained professionals and effective integration plans plague Serbia currently and created many of the humanitarian disasters with the recent crisis. “The legal procedure for claiming asylum in Serbia is simple,” Rados Djurovic, director of Belgrade-based NGO Asylum Protection Centre, explains but “the problem is that there are not enough experts in the institutions that deal with refugees” (Pantovic 2016). For example, In December 2014, the department consisted of only four legal officers able to conduct refugee status determination interviews. Eventually in January 2015, the office was increased from 11 to 29 officers, although the staff only completed 26 interview by mid-June 2015 (Europe’s Borderlands 2015).

The failure to provide access to asylum procedures is a major inadequacies of the international and domestic laws’ implementation in Serbia. According to the Asylum Act, a “foreigner may express the intention to seek asylum in Serbia orally or in writing to competent officials of the Ministry of the Interior at a border checkpoint or within its territory, including prisons, the Shelter for Foreigners in Padinska Skela, airport transit zones and during court proceedings” (Registration of The Asylum Application 2016). However, according to the Belgrade Center of Human Rights, many of the competent authorities to handle asylum requests believe that applicants are using the asylum system only to avoid being deported before traveling onto an EU member state, resulting in an unwillingness for authorities to properly register and process requests (Kilibarda et al. 2014).

Subsequently, many asylum seekers are not given the benefits they are entitled to under Serbian and international law. Under Article 24 of the Serbian Law on Asylum, asylum-seekers should be registered by the Asylum Office and given a brief interview and issued with an identity card. In 2014, only 1,350 of the 16,490 individuals who registered their intention to claim asylum

were formally registered by the Asylum Office, opening asylum seekers and undocumented migrants up arbitrary arrests (Europe's Borderland 2015). Serbian authorities failed to uphold Article 26 of the Serbian Asylum Act, ensuring a quick interview process for asylum seekers. While 26 interviews were conducted in the first five months of 2015, only 17 interviews took place in 2014, and 19 in 2013 (Europe's Borderland 2015). This low rate of interviews in turn reduces the rates of asylum applications and harms asylum seekers' rights to the legal structures designed to protect their human rights.

Additionally, there is a risk that police officers do not always recognize a person intention to seek asylum due to communication problems between the asylum seeker and the police and the police officers' incorrect interpretation of Serbian asylum law (Kilibarda et al. 2014). With no interpreters at key asylum declaration points, such as the Nikola Tesla airport and most reception centers, both police officers and asylum seekers/undocumented migrants do not understand the legal situation they are in (Belgrade Centre for Human Rights 2016). The Serbian police often treat asylum seekers as irregular migrants, often arresting and detaining asylum seekers, prohibited by international and domestic law in Serbia (Belgrade Centre for Human Rights 2016).

Reception Centers

Another significant point of tension between the legal framework and the practical implementation is the conditions and treatment of asylum seekers at Reception Centers across Serbia.

Prior to 2015, Serbia had six reception centers. When the migration flow increased in 2015, the government of Serbia opened a new reception center in Preševo. The government built an additional 6 temporary reception centers, many along the border with Croatia and FYROM to accommodate the increase in demand (Belgrade Centre for Human Rights 2016). Additionally,

the UNHCR Belgrade office and Serbian civil society organizations opened an Asylum Info Center in August 2015 in a central park in Belgrade.

Despite the Serbian governments improvements to the state's capacity for asylum seekers, many problems remain. Several reports claimed that reception centers in Serbia were inadequate for the number of asylum seekers and often in poor condition (Europe's Borderlands 2016, Serbia: police Abusing Migrants and Asylum Seekers, Annual Report on the Monitoring of the Treatment of Refugees 2015). In February 2015, Médecins Sans Frontières (MSF) reported that several dozen asylum-seekers, including children and pregnant women, slept outside, waiting for admission at Bogovadja, a reception center in central Serbia (Europe's Borderland 2015). Most of the complaints originate from a lack of infrastructure and qualified staff.

Additionally, due to Serbia's low recognition rate of refugees and asylum seekers unwillingness to claim asylum in Serbia, many migrants do not use the official reception centers. Reports from 2015 claimed that as many as 200-500 people living on the streets near the main train station in Belgrade. Outside of the border and transit areas, migrants are also using informal and makeshift camps during their transit rather than the official reception centers. A Serbian town near the Hungarian border, Subotica, is an important stop for many migrants is an example of the harsh conditions many migrants endure in Serbia. An abandoned brick factory serves as an informal camp for migrants, offering little to no protection from the unforgiving winter temperatures (Serbia: Police Abusing Migrants, Asylum Seekers 2015).

Problems at the Border: Police Brutality and Pushbacks

Another notable feature in Serbia's migration and asylum situation is the border between Hungary and Serbia. This area remains one of the most continuous places for migrants and authorities. Nearly two thirds of all of the irregular crossing within Europe in 2015 occurred at

the Hungarian/Serbian border. This border became the third most popular route into the EU for irregular migrants and asylum-seekers in 2015 (Bashir 2015). Hungary's decision to build a 175 km fence along its border with Serbia greatly discourage migrants from irregularly crossing into Hungary but also created a "no-man's land" at the border. In the summer 2016, Hungary placed a cap on the number of migrants to 15 a day per transit zone, causing a backup of hundreds of people at the transit zones.

"Hungary is breaking all the rules for asylum seekers transiting through Serbia, summarily dismissing claims and sending them back across the border," claims Lydia Gall, Balkans and Eastern Europe researcher at Human Rights Watch (Migrants Abused at The Border 2016). To date, Hungarian authorities have returned 13 non Serbian or Kosovar asylum seekers to Serbia from the transit zones without informing Serbian authorities (Migrants Abused at the Border 2016). Hungary's use of refoulement and border closing puts strain on Serbia's limited capacity for receiving asylum seekers and creates unfavorable conditions for asylum seekers.

Human Rights Watch (HRW) reported human rights violations occurring in the border area, including severe police beatings by both the Serbian and Hungarian police forces (Migrants Abused at the Border 2016). Reports also confirmed Serbian police pushing migrants back to Macedonia, a country the UNHCR deems unable to protect migrant rights. In the HRW report "Serbia: Police Abusing Migrants, Asylum Seekers", two unaccompanied children interviewed claimed the Serbia police apprehended them in Serbia and took them to Macedonian border and ordered them to walk towards Macedonia (Serbia: Police Abusing Migrants, Asylum Seekers 2015). Several others interviewed reported beatings and pushback by the Serbian police.

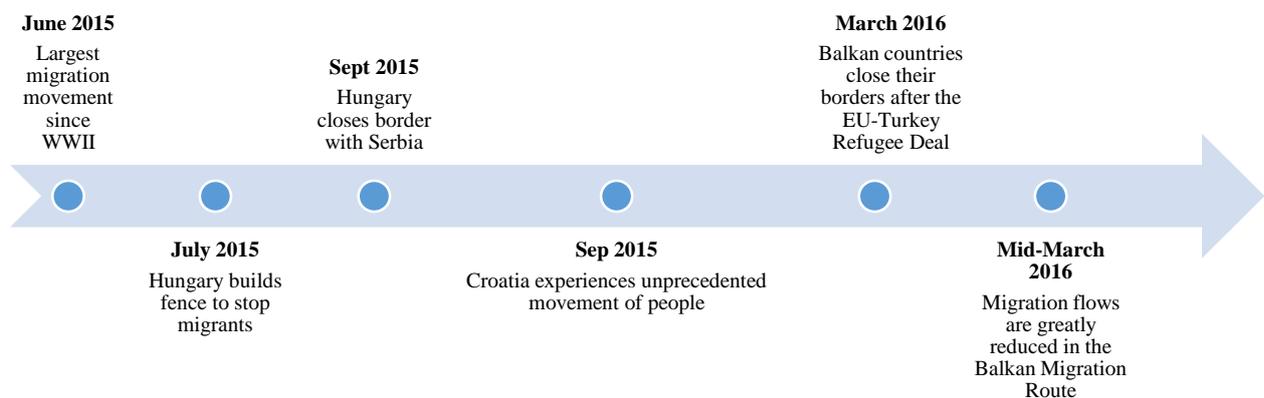
Despite these criticism, the European Commission commended Serbia in its difficulties with the closing of the Hungarian border. Serbia did not build its own fence in response to Hungary's policies and avoided creating another humanitarian crisis along the border areas, even though it struggled in fully protecting asylum seekers rights (Belgrade Centre for Human Rights 2016).

Croatia

The rate of immigration and transit migration increased after Croatia joined the European Union in July 2013, which demanded a revision of the immigration policy in Croatia in accordance with the EU criteria (Gregurović & Mlinarić 2012). However, in light of the unprecedented flows of refugees and migrants Europe has been facing since the summer of 2015, Croatia has served as a point of entry to the EU and as part of the Western Balkans migratory route towards northern and western Europe (Mlinarić 2012). However, regarding the number of asylum applicants in the EU, the statistical office of the European Union, Eurostat, indicated that Croatia is the Member State that received the lowest number of asylum applications in 2015, only 34 per million inhabitants (Eurostat NewsRelease 2016). Whereas the same Eurostat publication noted that Hungary received the highest number of registered first time applicants in 2015: 17,699 first time applicants per million inhabitants; followed by Sweden, Austria, Finland, and Germany.

As expected, the vast influx of undocumented migrants and asylum seekers (top three citizenships being Syrians, Afghans, and Iraqis) crossing into Europe prompted a division in the EU since the challenge is big but it is shared among only a few EU countries (Eurostat Newsrelease, 2016). To make matters worse, immediately after Hungary approved new immigration law in August 2016 to essentially restrict the flows of movement into the country, the Hungarian authorities swiftly closed the border with Serbia. As a consequence, Croatia started experiencing the greatest influx of migrants (Filipovic, 2015; “Hungarian Helsinki Committee”, 2015). But while other countries, like Hungary, closed its doors to migrants, Croatia opened its doors even though the country was underprepared to receive large number of people.

To use as a roadmap for better understanding of the developments surrounding the Croatian involvement and response, a timeline limited to the events occurred between the summer of 2015 and the spring of 2016 extracted from the Syrian Refugees website is summed up below (Timeline 2016):



Legal Framework

International Laws

As far as the international asylum law is concerned, Croatia is one of the 144 signatory members of the 1951 Geneva Convention Relating to the Status of Refugees, which serves as the main pillar of refugee protection law universally (“The 1951 Refugee Convention, 2016”). At its core, the Convention not only acknowledges the “right of persons to seek asylum from persecution in other countries,” but also points out the obligations and responsibility to protect of signatory members (UNHCR 2016). In addition, looking from a supranational or more regional level, the Dublin III Regulation as a component of the Dublin deportation System. The regulation is based on the principle that the first member state where asylum applicant enters the EU is the country that handles the asylum application procedure and decision (EUR-Lex, 2013). As part of the European Union accession process, Croatia adopted its independent

asylum system in 2004; but when it became part of the EU in 2013, the country also became a member of the Dublin III Regulation.

Domestic Legal Framework

Domestically, Constitution of the Republic of Croatia does not offer specific or detailed provisions concerning reception and treatment of undocumented migrants and asylum seekers. For example, Article 33 of the Constitution approaches the asylum topic in a general fashion by claiming that “foreign citizens and stateless persons may be granted asylum in Croatia, unless they are being prosecuted for non-political crimes and activities contrary to the fundamental principles of international law” (Constitution of Croatia, 2010). However, the newly adopted Law on International and Temporary Protection 2015 (LITP), which replaced the Asylum Act of 2007, is the law that governs the asylum system in Croatia (Ministry of the Interior, 2015). The LITP matches the Croatian legal framework concerning asylum with the different EU directives such as legal acts on “on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof or on committing to follow a common procedure for the reception of applicants for international protection” (Ministry of the Interior 2015, p. 2; Tučkorić, Novak, & Croatian Law Centre, 2015). In other words, Croatia adopted the LITP with the aim to harmonize the national asylum legislation with the provisions of the recast EU asylum acquis.

Institutional and Practical Challenges

Based on figures from the International Organization for Migration (IOM), a total of 556,830 arrivals were recorded between January 1, 2015 and December 31, 2015, while 102,275 arrivals were recorded between January 1, 2016 and May 15, 2016 (Migration Flows - Europe, 2016). However, it is worthwhile mentioning the coordinated response of the Western Balkan nations

to the unprecedented refugee and migrant movement in the region back in January, 2016, when the UNHCR and IOM put forward the Regional Refugee and Migrant Response Plan for the Eastern Mediterranean and the WB route (UNHCR and IOM, 2016). As for Croatia's response plan, the scheme allocates financial and human resources in "protection, education, food, health and nutrition, logistics, shelter, non-food items, wash and local community support" involving the "UNHCR and IOM as lead international organizations, UNICEF, UNDP, UNFPA, UN Women, OHCHR, UNOPS, WHO, WFP..." and the many local NGOs (Stamenković, 2016).

However, the "Joint Statement of Heads of Police Services of Austria, Slovenia, Croatia, Serbia and the former Yugoslav Republic of Macedonia" in February 2016" that led to "temporary border closures and other restrictive measures" followed by the closure of the Balkan route in March had considerably stopped the influx of migrants (UNHCR & IOM, 2016). As a consequence, Croatia has had zero recorded arrivals since mid-March according to the IOM's regular updates regarding Mediterranean route arrivals and the Croatian government (Mediterranean Update, 2016; Government of the Republic of Croatia, 2016). In addition, after clicking on the link to the English version of the website for the new MoI, it opens the old website of the MoI, which stopped publishing data regarding entry, reception, and accommodation for arrivals after January 2016 – in either Croatian or English (Reception and Accommodation of Migrants, 2016).

Key Policy Actors

There were several international and national actors working together in Croatia as part of the humanitarian response efforts. It is believed that "24 international organizations, including national and international non-governmental organizations (NGOs)" joint forces to face the big influx of migrants and asylum seekers (UNHCR & IOM, 2016, p. 103). For example, according to a UNHCR' map about who was doing what where, the "main point of assistance delivery

was the Government-managed Winter Reception and Transit Center, established at Slavonski Brod on 02 November 2015” had received the collaboration of some of the organizations indicated on Table 1¹ (UNHCR & IOM, 2016, p. 103).

Table 1 - Who is Doing What Where as of January 2016

Organization	Providing
Croatian Red Cross (CRC)	Protection, food security and non-food items, logistics,
Croatian Law Centre (CLC)	Protection and legal and administrative information
Save the Children International	Protection, food security, and nutrition
UNHCR	Protection, legal and administrative information,
UNICEF	Protection and nutrition
Caritas Croatia	Shelter, food security, non-food items, logistics
Samaritan’s Purse	Shelter, water, sanitation, and Hygiene; and non-food
The Adventist Development and Relief Agency (ADRA)	Legal and administrative information, non-food items, emergency and telecommunications
Medical and Nutrition Global Aid (MAGNA)	Health and nutrition

In addition to the aforementioned organizations collaborating on the ground, the most important body orchestrating their deployment is the Ministry of the Interior of Croatia (MoI), which is also the authority responsible for putting into action the overarching asylum law in the country. Moreover, it is the authority that is involved in almost all stages of the asylum procedure from the intention to apply and registration of application to implementation and management of the Dublin III Regulation, and appeals (Tučkorić, Novak, & Croatian Law Centre, 2015). According to the article 11 of the LITP, the MoI and the Administrative Courts

¹ Source: <http://www.refworld.org/docid/56a7897f4.html>

of Croatia work closely together with the UNHCR regarding “applicants, asylums, foreigners under subsidiary protection and foreigners under temporary protection” (Ministry of the Interior, 2015).

Reception Centers

There appears to be different interpretations on the situation on the ground in Croatia since September 2015. According to a thorough report by AIDA, last updated in January 2016, accommodation of applicants was only being arranged at the Reception Center in Kutina (Tučkorić, Novak, & Croatian Law Centre, 2015). Yet, an English language presentation published by the MoI on October 21, 2015, stated that the influx of migrants in September had led to the cessation of recording of arrivals in the area of Tovarnik. Migrants from this influx were then being transported to several “reception centers,” the names of which were listed as: Čepin, Ježevo, Beli Manastir, Luč, Torjanci, Sisak and Hotel Porin (Republic of Croatia - Ministry of the Interior, 2015). Eventually, the sole remaining reception center was Slavonski Brod, which had been established for housing and processing purposes for the winter months at some in November 2015. However, the Croatian government decided to close the center in April (UNHCR & IOM, 2016). This represented a shift in the Croatian position, which involved only allowing migrants to pass through, which was later mirrored by an announcement that Croatia would only allow in migrants with proper visas (Balkan Insight, 2016).

To take a case in point, during an interview official volunteer working at Slavonski Brod winter reception and transit center, Croatian national Barbara Araba stated that the main objective at the center was to meet migrants’ basic needs while transiting. Based on her experience, Araba believed that there were no big discrepancies between what the legal framework for the reception and treatment of undocumented migrants and asylum seekers stipulates and what actually happened on the ground. On the one hand, she explained that, as far as she was

concerned, everyone had to undergo a thorough registration process and was also offered asylum. What's more, she emphasized that migrants had access to medical and psychosocial services as well as to food, clean water, clothes, toilets, and extra accommodation days in the center to rest if needed.

On the other hand, Araba did recognize witnessing that not everybody received the same treatment when the time came to provide full hand fingerprints, particularly when the center was just established in November 2015. Moreover, she added that although Slavonski Brod was meant to be a temporary reception center, it had to receive more migrants and pushbacks (around 300) who were returned from Austria or Slovenia, when the borders were closed. Then, access into and from the center was restricted to only a few people (Red Cross and the Croatian police). Her account on the pushbacks when the borders were closed can be confirmed by the Regional Refugee and Migrant Response Plan for Europe: Eastern Mediterranean and Western Balkans Route report (UNHCR & IOM, 2016). In addition, Araba acknowledged that while many migrants were satisfied with the basic services being provided to them at the center, they were unhappy with the fact that they were not allowed to leave the center whenever they wanted to leave and that they were surrounded by police officers. Such dissatisfaction is reflected by a report titled "Systemic Human Rights Violations by the Croatian Authorities in the Closed Parts of the Winter Reception and Transit Centre in Slavonski Brod," which provides irregularities captured by observations and interviews carried out by activists "since independent observers, media, and most volunteers were denied access to the... sectors where people were forcibly detained" (Banich et al., 2016)

Gaps and Challenges

First, the adoption of the EU directives as asylum regulation in place of specific national legislation in Croatia was a lofty precedent, aimed at providing a high standard for Croatia to

reach. Given the significant capacity issues and inexperience with asylum procedures and inflows, one could expect that there would be serious failures in actually meeting those goals. The first-hand accounts of volunteers in Croatia collected as part of this report suggested otherwise—that Croatian officials were doing their utmost to meet EU-level regulations without serious violations. This finding, however, raises the question of whether further field research and interviews with officials, volunteers, and actors on the ground would reveal a similar conclusion, or whether there are more specific violations that would be revealed through more rigorous methods.

Second, desk research makes it clear that communication was a significant issue that had been worked on through legislation, specifically the LITP in finally providing a code of conduct for interpreters and establishing qualifications. Despite this, however, there was evidence of communications breakdown between arrivals and officials/staff, and that border guards were severely hampered by lack of foreign language knowledge, particularly of critical languages such as Arabic. This suggests that more language training is needed, not just of critical languages from Syria, Afghanistan, and other major countries of origin, but generally as well. Even if greater resources are provided at the EU level for qualified language staff in these kinds of emergencies or situations, they may not be able to communicate with Croatian staff if English or French skills are lacking. Moreover, more emphasis needs to be put on providing language training to Croatian staff or in hiring staff with foreign language backgrounds.

And third, there is also a serious gap in understanding the situation on the ground in terms of reception centers in Croatia, with several different competing interpretations put forth in the literature and the first-hand accounts collected for this report. The general lack of information on reception centers and quality of these centers is one issue, and the fact that this could not be supplemented easily with accounts from outside sources produces an unclear and incomplete

picture of what occurred throughout the country. Only volunteers, officials, and staff for those international organizations on the ground had access to these facilities, limiting the pool of potential interviewees. Even here, the first-hand account collected only related to a single reception center, further limiting the representativeness of the data. This suggests that more field research is necessary in Croatia on this subject in order to clear up whether conditions on the ground met standards and procedures—this represents a major gap in practitioner understanding of whether there was a mismatch between (i) international and EU law and regulations on reception centers and (ii) actual conditions in the centers.

Slovenia

The Republic of Slovenia is the fourth smallest member state of the European Union. It is often regarded as one of the most successful countries in transition characterized by dynamic economic development. As of the 1 January 2016, the population of Slovenia was 2,064,188, with 107,766 being foreign citizens (Statistical Office, 2016).

Slovenia's experience with migration was largely influenced by the events in the 1990s, where people from Croatia, Bosnia and Herzegovina were fleeing armed conflicts in the former Socialist Federative Republic of Yugoslavia (Bardutzky, 2013). In the following years, people from Iran, Syria, China, Bangladesh and Pakistan entered Slovenia's territory, which, coupled with the negative outlook of the public on refugees has brought about changes in Slovenia's migration policies (Bardutzky, 2013). However, Slovenia was not, and has not been ever since a primary target country for asylum seekers and undocumented migrants.

As a transit country, Slovenia has received very few applications for international protection. In 2014, only 385 persons applied for international protection, mostly citizens of Syria, Afghanistan, Pakistan, Kosovo, Somalia, Iran and Nigeria (MNZ, 2015a).

Due to its geographical location, Slovenia has played an important role in the so-called European "migrant crisis". Since Slovenia has become a member of the Schengen area in 2007, it constitutes an important entry point for migrants into the EU. Following the Hungarian border closure with Croatia on 15 September 2015, the attention has shifted to Slovenia as the migration flow was diverted and migrants have passed through the country in order to reach their Western European destination countries, i.e. Austria, Germany, Sweden and Norway. Since that period until the 25 January 2016, 422.724 asylum seekers and undocumented migrants crossed Slovenia of which 165 persons requested international protection (Ministry

of Interior, Republic of Slovenia, 2016). The highest influx of asylum seekers and undocumented migrants was recorded on 21st October 2015, when almost 13 000 people have arrived on that day alone (Press Release, Government of the Republic of Slovenia, 2015). As far as the composition and structure of asylum seekers and undocumented migrants is considered, 48,7% are male and the other 51,3% are female and minor, most of them arrive from Syria (45%), Afghanistan (30%), Iraq (17%), i.e. the SIA countries, and the remaining 8% is from other countries including Pakistan (Migration in Numbers, Government of the Republic of Slovenia, 2016). According to a Eurostat press release, the asylum recognition rate, which is defined as the share of positive decisions relative to the total number of asylum decisions for each asylum procedure stage, was 34% for the first instance decisions and 14% for the final decisions on appeal in 2015 (Press Release, Eurostat, 2016). In other words, 50 migrants were granted refugee and subsidiary protection status in 2015 – this is the third lowest number in the EU following Latvia and Croatia.

The main challenges faced by Slovenia concern limited capacities in terms of resources, including reception facilities, which in turn affect the provision of the basic services outlined in the respective legislation on asylum. Moreover, as asylum seekers entered Slovenia in larger numbers, non-governmental organizations have witnessed police brutality and pushbacks based on discriminatory grounds. Furthermore, the draft International Protection Act contains several provisions and processes, which are potentially in violation of the rights of asylum seekers and undocumented migrants detailed in international law.

Legal Framework

International Laws

Asylum is fundamental right. The legal obligation of the Government of the Republic of Slovenia to provide international protection to people fleeing prosecution or harm in their

country is primarily granted by the 1992 ratification of the *1951 Convention Relating to the Status of Refugees*. The two forms of international protection are the refugee status granted under the Geneva Convention and subsidiary protection granted to those who would suffer serious harm if returned to their country of origin but do not qualify for the refugee status. Further to the 1951 Geneva Convention and the *1967 Protocol to the Convention*, Slovenia has committed to the harmonization of its migration policies and legal instruments with EU standards and requirements by joining the EU in 2004. This harmonization takes place through the transposition of EU legislation, such as the *Common European Asylum System*, into national law. Slovenia has become the member of the Schengen area as of 2007, which means that it is one of the external borders of the EU; therefore, the correct transposition of the Union's migration policies was essential. The most important Directives to be transposed were the *revised Asylum Procedures Directive*, the *revised Reception Conditions Directive*, the *revised Qualification Directive*, the *revised Dublin Regulation* and the *revised EURODAC Regulation*. More information about the content of these Directives is outlined in the International Law and Treaties for the Western Balkans section.

Domestic Legal Framework

In accordance with its international commitment to provide international protection to people fleeing armed conflict or other forms of violence, the Republic of Slovenia has passed national legislation in the field of asylum. These laws are to ensure and outline the conditions and procedures for obtaining a refugee or subsidiary protection status and the rights and obligations, which come with the acquisition of either of the above.

Article 48 of the Constitution of the Republic of Slovenia on 'Asylum' states that those stateless persons and foreign nationals who are "subject to prosecution for their commitment to human rights and fundamental freedoms" should be granted asylum (Official Gazette of the Republic

of Slovenia Nos. 33/91-I, 42/97, 66/2000, 24/03, 69/04, 68/06, and 47/13, 2016:13). However, the most important national legislations governing asylum are the 2007 International Protection Act (Official Gazette RS, No. 111/2007 as amended), the more universal General Administrative Procedure Act (Official Gazette RS, No. 80/1999 as amended) and the Aliens Act (European Database on Asylum Law Country Overview – Slovenia, 2014). The former, which is the main national legislation regulating the procedures for obtaining asylum, is currently being amended (European Database for Asylum Law, 2016). The rationale behind the reform is stated to be the obligation to transpose the recast Asylum Procedures and recast Reception Condition Directives into national law, as well as, a clearer definition of the implementation of the Dublin Regulation and EURODAC regulation (Press Release, Government of the Republic of Slovenia, 2015).

Slovenia's very first domestic law on asylum was the 1991 Aliens Act, which detailed the "basic provisions on the status and rights of refugees" (Bardutzky, 2013). The first more complex law on asylum, the Asylum Act, was passed in 1999 and has been amended several times (Migreurope, 2009). However, the amendments necessary for Slovenia's entry to the EU, i.e. transposing the EU asylum *acquis*, resulted in the replacement of the Asylum Act (Bardutzky, 2013). The new act, the International Protection Act (Zakon o mednarodni zaščiti), came into effect in January, 2008 and reflects the changes, which followed Slovenia's EU accession.

Since there is no official English translation of the International Protection Act and it is currently being amended, the following overview of its content is based on secondary sources including an unofficial translation (available here: <http://www.refworld.org/pdfid/47f1fdfc2.pdf>), information provided by the Ministry of

Interior and non-governmental organizations such as the Peace Institute and Amnesty International.

In the Republic of Slovenia, the competent body responsible for the implementation of international protection policies is the Ministry of the Interior. The Migration Office, the internal organizational unit responsible for international protection, is further divided into the Accommodation, Care and Integration Division, responsible for the accommodation of application and their integration following the successful application, and the Status Affairs Division, responsible for deciding whether to grant international protection status or not (European Database on Asylum Law Country Overview – Slovenia, 2014).

The Ministry of Interior states that any foreigner or stateless person who believes that “he or she is systematically persecuted in their home country due to his or her political belief, religion, race, nationality or ethnic origin” can apply for international protection (Republic of Slovenia, Ministry of Interior, 2016). The procedure for international protection is divided into two phases – the first phase concerns the individual’s intent to apply for asylum, and the second phase concerns the application for asylum based on the expression of intent (The Peace Institute, 2015).

First Instance Procedure

Prior to lodging an application, a medical screening, photographing and fingerprinting takes place detailed in Article 38 and 39 of the Law on International Protection. The country report of the European Database on Asylum Law (2014) states that the law does not stipulate free legal representation at this stage of the application, instead, it is provided by PIC, a non-governmental organization financed by the European Refugee Fund and the Republic of Slovenia. The medical screening, photographing and fingerprinting is followed by the application for international protection, which takes the form of an interview, where an official

of the Ministry of the Interior tries to establish the route the applicant has followed, the country of origin and the reasons for applying for asylum (Law on International Protection, 2008). The interview is concluded by the signing of the minutes, translated by an interpreter, whereby the asylum seeker or undocumented migrant officially obtains the status of applicant for international protection (European Database for Asylum Law, Country Overview – Slovenia, 2014). The procedure should last for six months officially; however, in practice it can be as long as three years (The Peace Institute, 2015).

Judicial Review Procedure

If an asylum application is denied, the applicant may ask the Slovenian Courts to review the decision with the help of a refugee counselor (European Database for Asylum Law, Country Overview – Slovenia, 2014). While the case is being decided on, the applicant enjoys the rights he/she previously had as an applicant.

Reception Conditions

The Asylum Home in Ljubljana is an open facility. Once the asylum application is finalized, the applicant will be moved from the reception area of the Asylum Home to the main part of the establishment, where male and female asylum seekers are separated. Applicants are provided with an ID card so that they can prove their status and quarantined with a set of rights. In the Asylum Home, applicants are provided with basic care, i.e. food, clothing and footwear and personal hygiene necessities (Article 79, Law on International Protection, 2008). Moreover, a monthly allowance, a value of EUR 18, is provided (European Database for Asylum Law, Country Overview – Slovenia, 2014). Article 85 details the conditions regarding applicant's employment and states that employment may only start one year after the application is made and obtaining a work permit is a pre-condition for employment. Applicants are entitled to medical treatment, which is restricted to emergency care; however, in specific

cases it may be extended to general medical care, to education and to free movement (Law on International Protection, 2008).

As far as the free movement of the applicant is concerned, Article 51 states that applicants' movement may be temporarily limited if the applicant identity is not established, if there is a suspicion that the applicant is abusing the procedure and if the applicant is endangering the life of others (Law on International Protection, 2008). According to the European Database for Asylum Law (2014), applicants' movement cannot be restricted for more than four months and that during this period of time he/she may be accommodated at the Aliens Centre in Postojna, which is a closed-type facility.

While the above outlined domestic framework is in line with the commitments Slovenia has to adhere to by ratifying international agreements and being a member of the EU, there are concerns voiced by civil society organizations that the implementation of the procedures outlined in the domestic legislation is problematic. The following section will outline these implementation problems and outline the proposed amendments to the International Protection Act.

Institutional and Practical Challenges

The most important implementation deficits concerning asylum seekers and undocumented migrants are related to the restrictive nature of the reformed International Protection Act, capacity problems and police brutality during the asylum process and discrimination on grounds of nationality.

The New International Protection Act

While the government states that the draft act largely preserves the contents of the existing regulation and it even improves the identification of vulnerable categories and unaccompanied

minors, it introduces mechanisms, which are in violation of the rights of asylum seekers and refugees (Press Release, Government of the Republic of Slovenia, 2015; Amnesty International, 2016). One of the main concerns brought up by Amnesty International (2016) in relation to the new asylum legislation is the widening scope of the use of the “safe country of origin” and “safe third country” notions. Article 51 of the draft act states that asylum seekers and undocumented migrants who arrived to the country through a “safe first country of asylum” will be inadmissible (Amnesty International, 2016). Furthermore, Article 52 states that any application submitted by an asylum seeker or undocumented migrant who arrived from a “safe country of origin” is going to be determined as “manifestly unfounded” (Amnesty International, 2016). The Peace Institute (2016) argues that the Government has adopted a Decree on establishing the list of safe countries of origin including Albania, Algeria, FYRM, Serbia and Turkey. The widening scope of such notions and the refusal of asylum applications citing these notions are discriminatory and will increase the possibility of refoulement instances (Amnesty International, 2016).

The second major problem is related to the expedited border procedures, this means that if a large number of asylum seekers or undocumented migrants arrive at borders, airports or ports, authorities may decide on any claim within two weeks (Press Release, Republic of Slovenia, 2015). This is problematic because the short timeframe might lead to superficial decision, which in turn result in the rejection of individuals who do not seek to abuse the system (Amnesty International).

A further problem is that the time for appeal is adjusted to this accelerated procedure, i.e. it is shortened from eight to three days (European Database of Asylum Law, 2016). Furthermore, Amnesty International (2016) points out that during the accelerated procedure, asylum seekers are held at the border and would only be allowed to the Asylum Home if their decision is

delayed, which is concerning as detaining asylum seekers is not in line with the national and international legislative frameworks.

Finally, the planned changes concern the existing right of recognized refugees. The one-off financial aid granted upon the successful application is abolished, which could lead to complications as individuals enjoying international protection has to leave the Asylum Home within 15 days of the positive decision (European Database of Asylum Law, 2016).

Capacity Problems and Police Brutality

Slovenia, as being the smallest country along the Western Balkan Migratory route, has very limited capacities to cope with the large inflow of asylum seekers and undocumented migrants. There is only one ‘open-access’ and one ‘restricted-access’ asylum facility since migration of this scale is unprecedented in the country. Consequently, Slovenia has opened up temporary reception centers in the municipalities of Brežice, Dolga vas, Gruškovje, Petišovci and Središče ob Dravi and accommodation centers in the areas of Ankaran, Celje, Gornja Radgona, Lenart, Lendava, Ljubljana, Logatec, Maribor, Šentilj and Vrhnika (Slovenia’s Response, the Government of Slovenia, 2016).

The Peace Institute (2016) observed that the conditions in most of the reception centers, which are designed for short-term use, are problematic due to the slow registration processes and the quality of the basic services, such as food, clothing and necessities related to hygiene. However, they mention that the situation in the accommodation centers is generally better, but not without problems, i.e. babies not receiving appropriate baby food or lack of coordination among organizations. As far as the last point is concerned, the Peace Institute (2016) argues that the involvement of a wide array of organizations coupled with a lack of efficient distribution of tasks among them has resulted in a chaotic situation, where on several occasions there were more volunteers than refugees at certain sites.

Concerning police brutality, the Peace Institute (2016) has witnessed a deteriorating situation as the number of arrivals is increasing, arguing that the conduct of policemen is unprofessional and, at times, violent and humiliating towards asylum seekers. Moreover, as policemen and soldiers usually wear uniforms, which do not have any identification tags, it “further promotes the sense of impunity” (The Peace Institute, 2016).

Discrimination

Several NGOs, including the Peace Institute and Human Rights Watch, have warned that Slovenia discriminated asylum seekers and undocumented migrants on the grounds of nationality. While the Peace Institute (2015) argues that Syrians and Iraqis enjoy priority, the European Council on Refugees and Exiles, henceforth ECRE, (2016) state that even people arriving from the other two SIA countries, i.e. Syria and Iraq are rejected at the border. ECRE (2016) reports that in February 2016, 217 asylum seekers, including people from SIA countries, from Slovenia were pushed back to Serbia through Croatia due to failing the nationality criteria.

Gall (2015) highlights that discrimination on the grounds of nationality runs counter to asylum seekers rights to apply for international protection set out in the Universal Declaration of Human Rights. In other words, Slovenia, by rejecting people based on their nationalities breaches its commitments stipulated by international agreements it has ratified. The Peace Institute (2016) states that they have witnessed differential treatments of refugees based on their nationality when a group of Moroccan men arriving to Slovenia were taken to the Aliens Centre in Postojna (a closed facility) and were not allowed to continue their journey or apply for asylum.

Conclusion

The international legal framework for the WB countries is similar as most of them abide by the same international laws. International refugee law in the four WB countries is largely comprised of international conventions, treaties, protocols, and customary law. All four countries are signatories to the Universal Declaration of Human Rights of 1948. Additionally, all states are parties to The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to the Convention, which provides much of the backbone for operationalizing the term “refugee”. Croatia and Slovenia are members to the European Union and therefore have some different legal frameworks compared to non-members, Serbia and Macedonia. The European Union also has international binding legal framework relating to the rights and treatment of refugees.

One of the main problems with the legal system present in the WB route today is the designation of countries such as Serbia and the FYRM as “safe third countries”. As both country sections have outlined, these countries do not have the adequate resources or training to properly manage the large amount of asylum seekers and undocumented migrants passing through or claiming asylum in the countries. Countries such as Hungary, Croatia, Serbia, Macedonia and Slovenia need to stop using the “safe third country” argument to send migrants back unsafe territories such as Serbia, Macedonia, or other countries. International organizations can show the facts and figures on the ground to state authorities to show that the state has an international legal obligation not to send migrants back many questionable “safe third countries”.

However, majority problems resulting from the increased flows through the WB route do not stem from the countries legal framework but rather from an unpreparedness and a lack of coordination from state and non-state actors.

The lack of information for migrants in their native language is a cross-country problem in which NGO's could help facilitate meaningful remedies to this situation. Translations should be provided in the main languages of the migrants (Arabic, Farsi, Urdu, etc). The need for translators during interviews with the Asylum authorities would also help relieve much of the confusion and frustration many of the migrants and state employees face. Providing translation and translators for migrants is a much needed service that NGOs could help fill.

Throughout all Western Balkan countries, there was a lack of understanding of the situation and the legal rights reserved to asylum seekers. All countries experienced either police brutality to migrants, backlash from local communities, and/or the mishandling of unaccompanied minors. All countries are in need of better trained asylum professionals and police who understand an asylum seekers' rights. Trainings and seminars for local aid workers and police could help understanding and prevent human rights abuses in the Western Balkan countries.

One of the greatest challenges of this situation has yet to unfold; the integration of the asylum seekers into their respective host countries. All countries need to have a robust integration plan to ensure refugees education in the local language and provide opportunities for work. If these countries do not integrate the asylum seekers, tension between them and the local population will only increase. Many Western Balkan states, and Europe as a whole, could greatly benefit from the increase in the labor force that migrants could bring. Giving refugees the right to work and flourish in their new society would turn the migration "crisis" into a great economic opportunity.

NGOs such as the IFRC main goals should be to raise awareness about refugees and asylum seekers rights and promote their acceptance into their new society. This process will take years but is a crucial to protect human rights and avoid more humanitarian disasters.

Works Cited

- Amnesty International. 2016. Female refugees face physical assault, exploitation and sexual harassment on their journey through Europe. 18 January 2016. Available at: <https://www.amnesty.org/en/latest/news/2016/01/female-refugees-face-physical-assault-exploitation-and-sexual-harassment-on-theirjourney-through-europe/>
- Amnesty International. 2016. Public Statement. Slovenia: New asylum legislation would violate the rights of refugees and asylum seekers. 4 March 2016. Available at: <https://www.amnesty.org/en/documents/eur68/3580/2016/en/>
- Bakonyi, Anikó, Júlia Iván, Gruša Matevžič, and Tudor Roșu. 2011. *SERBIA AS A SAFE THIRD COUNTRY: A WRONG PRESUMPTION*. Ebook. 1st ed. Hungarian Helsinki Committee. <http://helsinki.hu/wp-content/uploads/HHC-report-Serbia-as-S3C.pdf>.
- Balkan Insight. (2016). Balkan States Close Borders in Domino Effect. Retrieved September 30, 2016, from <http://www.balkaninsight.com/en/article/balkan-migrants-rute-is-no-more-slovenia-declares-03-09-2016-1>
- Banich, S., Sunčica, B., Hameršak, M., Kekuš, S., Marčetić, I., Piškor, M., & Sindičić, M. (2016). *Report on Systemic Human Rights Violations by the Croatian Authorities in the Closed Parts of the Winter Reception and Transit Centre in Slavonski Brod*. Are You Syrious and the Welcome Initiative. Retrieved from http://www.cms.hr/system/article_document/doc/261/Report_on_Systemic_Human_Rights_Violations_in_the_Winter_Reception_and_Transit_Centre_in_Slavonski_Brod.pdf
- Bardutzky, Samo. July 2013. KNOW RESET Country Profile – Slovenia. Available at: http://www.know-reset.eu/files/texts/00167_20130919160551_knowresetcountryprofileslovenia.pdf
- Bashir, Abeera Arif. 2015. "No-Man's Land: Life On the Serbia-Hungary Border | Balkanist". Balkanist.Net. <http://balkanist.net/migrants-serbia-hungary-border/>.
- Bejakovic, P. (2015). Migrations and the Development of Croatia - A Background for the Croatian Migration Strategy. *REVIJA ZA SOCIJALNU POLITIKU*, 22(2), 272–278.

- Belgrade Centre for Human Rights. 2016. *Human Rights in Serbia 2015*. Human Rights in Serbia. Belgrade: The Belgrade Centre for Human Rights. <http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2013/04/Human-Rights-in-Serbia-2015.pdf>.
- Clayton, C., & Holland, H. (2015). Over one million sea arrivals reach Europe in 2015. Retrieved September 30, 2016, from <http://www.unhcr.org/en-us/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>
- Coleridge, Benedict. 2013. From Back Door to Front Door: Forced Migration Routes Through Macedonia to Croatia. Jesuit Refugee Service Europe. June
- Constitution of The Republic of Serbia. 2016. *Ustavni.Sud.Rs*. <http://www.ustavni.sud.rs/page/view/en-GB/235-100028/constitution>.
- Constitution of the Republic of Slovenia. 2016. Available at: <http://www.us-rs.si/media/constitution.pdf>
- Convention On the Rights of the Child. 1989. *Ohchr.Org*. <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.
- Croatia.eu. (n.d.). The Constitution. Retrieved September 24, 2016, from [http://www.hr-eu.net/article.php?lang=2&id=25&t=The Constitution](http://www.hr-eu.net/article.php?lang=2&id=25&t=The%20Constitution)
- Eirik, Christophersen. 2016. What is a safe third country? Norwegian Refugee Council (NRC) (09.03.2016) available at: <http://www.nrc.no/?did=9215457#.V0W3g5F97IU>
- EUR-Lex. (2013). Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013. Retrieved September 24, 2016, from <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013R0604>
- *EUROPE'S BORDERLANDS VIOLATIONS AGAINST REFUGEES AND MIGRANTS IN MACEDONIA, SERBIA AND HUNGARY*. 2015. Ebook. 1st ed. London: Amnesty International. http://www.amnesty.eu/content/assets/Reports/Europes_Borderlands_Balkans.pdf.
- European Council of Refugee and Exiles (ECRE). 2015. FYRM. Western Balkans News Brief Friday 11 September 2015. Available at <http://www.ecre.org/component/content/article/43-protection-in-third-countries/1326>
- European Council of Refugee and Exiles (ECRE). 2016. FYRM. Western Balkans News Brief, 16 - 29 February 2016. Available at
- European Council of Refugee and Exiles (ECRE). Over 200 refugees, including SIA, rejected on the Slovenian border. 19 February 2016. Available at:

<http://www.ecre.org/over-200-refugees-including-sia-rejected-on-the-slovenian-border/>

- European Database of Asylum Law. 29 January 2016. Slovenia: new International Protection Act. Available at: <http://www.asylumlawdatabase.eu/en/content/slovenia-new-international-protection-act>
- European Database of Asylum Law. 7 February 2014. Country Overview- Slovenia. Available at: <http://www.asylumlawdatabase.eu/en/content/edal-country-overview-slovenia>
- Eurostat Newsrelease. (2016). Asylum in the EU Member State. Retrieved from <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/>
- Eurostat. 20 April 2016. Asylum decisions in the EU - EU Member States granted protection to more than 330 000 asylum seekers in 2015. Available at: <http://ec.europa.eu/eurostat/documents/2995521/7233417/3-20042016-AP-EN.pdf/34c4f5af-eb93-4ecd-984c-577a5271c8c5>
- Filipovic, B. (2015, September 16). Migrants in Serbia reroute to Croatia: witness. *Reuters*. Retrieved from <http://www.reuters.com/article/us-europe-migrants-croatia-idUSKCN0RG0GL20150916>
- Frontex | "Western Balkan Route". 2016. Frontex.Europa.Eu. <http://frontex.europa.eu/trends-and-routes/western-balkan-route/>.
- Frontex. 2013. Western Balkans Annual Risk Analysis 2013, Warsaw, May 2013, available at: http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2013.pdf
- Gall, Lydia. 2015. Dispatches: Discrimination at Western Balkan Borders Puts People at Risk Available at: <https://www.hrw.org/news/2015/11/20/dispatches-discrimination-western-balkan-borders-puts-people-risk>
- Geddes, A., & Taylor, A. (2016). In the shadow of fortress Europe? Impacts of European migration governance on Slovenia, Croatia and Macedonia. *Journal of Ethnic and Migration Studies*, 42(4), 587–605. <https://doi.org/10.1080/1369183X.2015.1102041>
- Government of the Republic of Croatia. (2016). Government of the Republic of Croatia - Prime Minister Oreskovic: Balkan route closed without any tension. Retrieved September 30, 2016, from <https://vlada.gov.hr/news/prime-minister-oreskovic-balkan-route-closed-without-any-tension/18573>

- Government of the Republic of Slovenia. 10 December 2015. Press release - The government approved the draft Act on International protection. Available at: http://www.vlada.si/en/media_room/government_press_releases/press_release/article/the_government_approved_the_draft_act_on_international_protection_57189/
- Government of the Republic of Slovenia. 2016. Slovenia's Response. Available at: http://www.vlada.si/en/helping_refugees/slovenias_response/
- Helsinki Hungary. (2015). *Building a Legal Fence: Changes to Hungarian asylum law jeopardise access to protection in Hungary*. Retrieved from <http://helsinki.hu/wp-content/uploads/HHC-HU-asylum-law-amendment-2015-August-info-note.pdf>
- Hruschka, C., & Maiani, F. (2016). Dublin III Regulation (EU) No 604/2013. In *EU Immigration and Asylum Law* (pp. 1479–1605). Nomos Verlagsgesellschaft mbH & Co. KG. Retrieved from <http://www.nomos-elibrary.de/10.5771/9783845259208-1479/dublin-iii-regulation-eu-no-604-2013>
- <http://us1.campaignarchive2.com/?u=8e3ebd297b1510becc6d6d690&id=8fac50c411#MACEDONIA>
- Human Rights Watch. 2015. “As Though We Are Not Human Beings” Police Brutality against Migrants and Asylum Seekers in Macedonia.
- Hungary Adopts List of Safe Countries of Origin and Safe Third Countries | Asylum Information Database. 2015. *Asylumineurope.Org*. <http://www.asylumineurope.org/news/07-01-2016/hungary-adopts-list-safe-countries-origin-and-safe-third-countries>.
- Hungary: Migrants Abused at The Border. 2016. *Human Rights Watch*. <https://www.hrw.org/news/2016/07/13/hungary-migrants-abused-border>.
- Independent.mk. 2015. Amended Asylum Law Entices Thousands of Immigrants to Cross Macedonia. Independent.mk, June 18.
- International Federation of Red Cross (IFRC). 2016. Brief Situation Update at 1 February 2016. Bulletin No 6. IFRC Regional Office for Europe Migration response. Available at http://www.ifrc.org/docs/Appeals/16/IB6_Migration%20response_Europe_010216.pdf
- Law for Asylum and Temporary Protection. Official Gazette of the Republic of Macedonia No. 49/ 25, July 2003. available at www.pravo.org.mk
- Mediterranean Update. (2016). *Mediterranean Update: Migration Flows Europe 18 March 2016*. International Organization for Migration. Retrieved from

https://www.iom.int/sites/default/files/infographic/Mediterranean_Update_18_March_2016.pdf

- Migration Flows - Europe. (2016). Story Map Series. Retrieved September 30, 2016, from <http://migration.iom.int/europe/>
- Migreurope. 7 December 2009. Slovenia. Available at: <http://www.migreurope.org/article1588.html?lang=fr>
- Ministry of Interior. Republic of Slovenia. 2007. Aliens Act. Available at: <http://www.policija.si/eng/images/stories/Legislation/pdf/AliensAct2007.pdf>
- Ministry of Interior. Republic of Slovenia. 2008. Law on International Protection. Available at: <http://www.refworld.org/pdffd/47f1fd2.pdf>
- Ministry of Interior. Republic of Slovenia. 2016. International Protection. Available at: http://www.mnz.gov.si/en/services/slovenia_your_new_country/international_protection/
- Ministry of Interior. Republic of Slovenia. 2016. Migration in Numbers. Available at: http://www.vlada.si/fileadmin/dokumenti/si/projekti/2015/begunci/160202_migranti_ang.pdf
- Ministry of the Interior. (2015). Act on International and Temporary Protection.pdf. Retrieved from <http://www.refworld.org/docid/4e8044fd2.html>
- Mundo, R. B. (n.d.). Crisis migratoria: Croacia cierra cruces fronterizos con Serbia. Retrieved May 18, 2016, from http://www.bbc.com/mundo/noticias/2015/09/150918_internacional_migrantes_serbia_croacia_hungria_crisis_europea_mr
- Pantovic, Milivoje. 2016. "Few Refugees Seek Asylum in Serbia". *Balkan Insight*. <http://www.balkaninsight.com/en/article/few-refugees-seek-asylum-in-serbia-05-29-2016>.
- Protocol relating to the Status of Refugees. 1967. UN General Assembly, A/RES/2198, 16 December 1966. available at: <http://www.refworld.org/docid/3b00f1cc50.html>
- Reception and Accommodation of Migrants. (2016). Reception and accommodation of migrants - mup.hr. Retrieved September 30, 2016, from <http://stari.mup.hr/219696.aspx>
- Refugees, U. N. H. C. for. (n.d.-a). Refworld | Croatia: Act on International and Temporary Protection 2015. Retrieved September 25, 2016, from <http://www.refworld.org/docid/4e8044fd2.html>

- Refugees, U. N. H. C. for. (n.d.-b). Refworld | Hungary as a country of asylum. Observations on restrictive legal measures and subsequent practice implemented between July 2015 and March 2016. Retrieved September 25, 2016, from <http://www.refworld.org/country,,,HRV,,57319d514,0.html>
- Refugees, U. N. H. C. for. (n.d.-c). Refworld | Who's Doing What Where Map - Croatia (as of 01/12/2015). Retrieved September 26, 2016, from <http://www.refworld.org/country,,,HRV,,5694bcdf4,0.html>
- Registration of The Asylum Application. 2016. *Asylum Information Database*. <http://www.asylumineurope.org/reports/country/serbia/registration-asylum-application>.
- Republic of Croatia - Ministry of the Interior. (n.d.). *Migration Crisis in Croatia: Overview*. REPUBLIC OF CROATIA, MINISTRY OF THE INTERIOR. Retrieved from https://www.mup.hr/UserDocsImages/topvijesti/2015/listopad/MIGRATION_CRISIS_CRO_OVERVIEW.pdf
- *Serbia: Law of 2007 on Asylum* [Serbia], 26 November 2007, available at: <http://www.refworld.org/docid/47b46e2f9.html> [accessed 5 September 2016]
- Serbia. 2016. *UNHCR*. <http://www.unhcr.org/pages/49e48d9f6.html>.
- Short Overview of the Asylum Procedure - Serbia | Asylum Information Database. 2016. *Asylumineurope.Org*. http://www.asylumineurope.org/reports/country/serbia/short-overview-asylum-procedure#footnote1_c558yzn.
- Stamenković, A. (2016). UN launches the Regional Refugee and Migrant Response Plan for Europe: Eastern Mediterranean and Western Balkans route. Retrieved September 30, 2016, from <http://rs.one.un.org/content/unct/serbia/en/home/presscenter/un-launches-the-regional-refugee-and-migrant-response-plan-for-e.html>
- Statistical Office. Republic of Slovenia. 2016. Population, Slovenia. Available at: <http://www.stat.si/statweb/en/show-news?id=5868&idp=17&headerbar=13>
- Syrian Refugees.Eu. (2016). Timeline: Syrian Refugees. Retrieved September 29, 2016, from <http://syrianrefugees.eu/timeline/>
- The 1951 Refugee Convention. (n.d.). The 1951 Refugee Convention. Retrieved September 24, 2016, from <http://www.unhcr.org/en-us/1951-refugee-convention.html>

- The Peace Institute. 22 September 2015. Razor-wired. Reflections on the Migration Movement through Slovenia in 2015. Available at: http://www.mirovni-institut.si/wp-content/uploads/2016/03/Razor_wired_publikacija_web.pdf
- The Peace Institute. 22 September 2015. Refugees legal info. Available at: <http://www.mirovni-institut.si/en/refugees-legal-info/>
- The United Nations Convention relating to the Status of Refugees. 1951. available at <http://www.unhcr.org/3b66c2aa10.html>
- theguardian. 2016. Balkan countries shut borders as attention turns to new refugee routes. Wednesday 9 March 2016. Available at <http://www.theguardian.com/world/2016/mar/09/balkans-refugee-route-closed-say-european-leaders>
- Tučkorić, L., Novak, G., & Croatian Law Centre. (2015). Country Report: Croatia. Retrieved May 8, 2016, from http://www.asylumineurope.org/sites/default/files/report-download/aida_hr_update.ii_.pdf
- UNHCR Global Trends 2015. (2015). UNHCR Global Trends 2015. Retrieved July 3, 2016, from <http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>
- UNHCR, & IOM. (2016). *Regional Refugee and Migrant Response Plan for Europe: Eastern Mediterranean and Western Balkans route*. Retrieved from http://rmp-europe.unhcr.org/revised_rmpMay2016.pdf
- UNHCR. (n.d.). Convention and Protocol Relating to the Status of Refugees. Retrieved September 24, 2016, from <http://www.unhcr.org/en-us/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>
- UNHCR. 2015. The Former Yugoslav Republic of Macedonia as a Country of Asylum: Observations on the situation of asylum-seekers and refugees in the former Yugoslav Republic of Macedonia. August. Available at <http://www.unhcr.org>
- Unicef. 2016. Regional Humanitarian Situation Report. NO. 7 Available at http://www.unicef.org/appeals/files/UNICEF_Europe_Refugee_and_Migrant_Crisis_Regional_SitRep_11_Jan_2016.pdf
- Universal Declaration Human Rights (UDHR). 1948. United Nations. available at <http://www.un.org/en/universal-declaration-human-rights/> [accessed 15 May 2016]

- Zitnanova, Kristina. 2014. Refugee Protection and International Migration in Western Balkans. UNHCR, March. Available at <http://www.unhcr.org>