

One-size-fits-all? Evaluating the Global Compact on Refugees in Serbia

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I. Introduction

On September 19, 2016, the United Nations General Assembly Member States unanimously passed the New York Declaration for Refugees and Migrants.¹ The Declaration renews the global community's commitment to respect the human rights of refugees and migrants and makes plans for the development and release of two global compacts delineating that commitment – one on migrants and one on refugees.² This study focuses on the Global Compact on Refugees (GCR), providing a preliminary evaluation of effectiveness by examining how compatible the GCR is with the current refugee conditions in Serbia.

Serbia proves to be an interesting case study in evaluating the GCR as the Balkan nation transitioned within the past few years from a primary transit country on the “Balkan Route” to the European Union (EU) to a host nation to around 4,000 refugees. Volker Türk, Assistant High Commissioner for Protection at the United Nations High Commissioner for Refugees (UNHCR), stated that the GCR is a response to the question: “If a country today is affected by an influx of hundreds of thousands of refugees, or by even ten or twenty thousand, what should the international community do to assist this country?”³ The GCR is not the first multilateral refugee initiative nor a response unique to the European migration crisis. However, today's realities are that the number of forcibly displaced people continues to increase, setting a record of 68.5 million people in 2018.⁴ Around 60 percent of the world's refugees live in just ten countries.⁵ The Compact aims to reduce the number of refugees through more sustainable long-term

¹ General Assembly resolution 71/1, *New York Declaration for Refugees and Migrants*, A/RES/71/1 (3 October 2016), available from undocs.org/A/RES/71/1.

² “New York Declaration for Refugees and Migrants,” *UNHCR*, <http://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>.

³ Rummery, Ariane and Jonathan Clayton, “Volker Türk explains the global compact on refugees,” *UNHCR*, Aug 30, 2018, <https://www.unhcr.org/news/stories/2018/8/5aa15d60c/volker-turk-explains-global-compact-refugees.html>.

⁴ “Figures at a Glance,” *UNHCR*, June 19, 2018, <https://www.unhcr.org/figures-at-a-glance.html>.

⁵ Rummery and Clayton, “Volker Türk explains the global compact on refugees,”

solutions like local integration and resettlement and reduce the burden on host nations by setting up responsibility-sharing mechanisms.⁶ Given these sweeping and ideal goals and the GCR's global scope, Türk's question raises another: What can the GCR practically provide for countries like Serbia with relatively small refugee populations, but with significant and unique challenges?

This study evaluates the Global Compact on Refugees by answering the following questions:

1. What ideal standards does the GCR set for countries in dealing with refugee situations?
2. How does Serbia compare to these ideal GCR standards?
3. How applicable is the GCR to the context of Serbia and what does this predict regarding the Compact's effectiveness?

II. The Global Compact on Refugees

The GCR was birthed through a two-year process of thematic discussions, formal consultations with states and other stakeholders and a series of drafts beginning with the "Zero Draft" released on January 31, 2018.⁷ These events were supplemented with additional dialogues and written contributions by NGOs, experts, academics and states.⁸ The GCR includes the Comprehensive Refugee Response Framework (CRRF), which outlines the goals of the GCR,

⁶ "Towards a global compact on refugees," *UNHCR*, <https://www.unhcr.org/towards-a-global-compact-on-refugees.html>.

⁷ UNHCR, "Towards a global compact on refugees" Rummery, Ariane, "UNHCR releases draft outlining a new global refugee deal," *UNHCR*, January 31, 2018, <http://www.unhcr.org/en-us/news/latest/2018/1/5a71f6914/unhcr-releases-draft-outlining-new-global-refugee-deal.html>.

United Nations High Commissioner for Refugees, *The global compact on refugees: ZERO DRAFT* (Vienna: United Nations, 2018), available from <https://www.unhcr.org/Zero-Draft.pdf>.

⁸ UNHCR, "Towards a global compact on refugees"

and a Programme of Action which delineates practical ways member states and other groups may cooperate to share burdens and allow for swifter and more sustainable solutions.⁹

Simultaneously, the CRRF was implemented in thirteen “roll-out” countries.¹⁰ These countries were selected based on the country’s willingness, potential for progress, availability of different partners, and diversity in both location and context.¹¹ The High Commissioner set up a CRRF task team to facilitate the GCR process and the implementation of the CRRF in the roll-out countries.¹² Progress in these countries and reflections on good practices are continuously recorded and shared on an online forum.¹³ These records, particularly on good practices, were also included in the dialogues of the GCR process.

As of now, the GCR defines success broadly, simply as how well the objectives of the CRRF are implemented.¹⁴ The GCR, like the UNHCR and UN overall, does not have any enforcement mechanisms. However, the GCR does include some explicit measures for accountability purposes like the Periodic Global Refugee Forum. Every four years, all UN Member States and other relevant stakeholders will meet to announce concrete pledges and contributions toward the CRRF objectives.¹⁵ The first Forum is scheduled for 2019 and the pledges – in the form of financial, material, and technical assistance – will shape specific

⁹ UNCR, “Towards a global compact on refugees”

¹⁰ CRRF roll-out countries: Uganda, Tanzania, Somalia, Ethiopia, Djibouti, Kenya and Zambia in Africa; Honduras, Guatemala, Costa Rica, Panama, Mexico and Belize in the Americas. The number of roll-out countries has since increased to fifteen with the addition of Afghanistan and Chad.

“Comprehensive Refugee Response Framework,” *UNHCR*, <https://www.unhcr.org/comprehensive-refugee-response-framework-crrf.html>.

¹¹ “The New York Declaration for Refugees and Migrants: Answers to Frequently Asked Questions,” *UNHCR*, February 2018, <https://www.unhcr.org/584689257.pdf>.

¹² UNHCR, “Comprehensive Refugee Response Framework”

¹³ “CRRF Global Digital Portal: Comprehensive Refugee Response Framework,” *UNHCR*, <http://www.globalcrrf.org/>.

¹⁴ United Nations High Commissioner for Refugees, *The global compact on refugees: FINAL DRAFT* (Vienna: United Nations, 2018), available from <https://www.unhcr.org/events/conferences/5b3295167/official-version-final-draft-global-compact-refugees.html>.

¹⁵ UNHCR, *The global compact on refugees: FINAL DRAFT*

measures of success.¹⁶ Every two years, between the Forums, high-level officials' meetings will be held as a mid-term review, checking on the pledges that were made.¹⁷

The final draft of the Global Compact on Refugees was released on July 20, 2018 and the GCR is expected to be introduced during the High Commissioner's report to the General Assembly at the end of the year.¹⁸

Timeline of the Global Compact on Refugees Process

September 19, 2016	New York Declaration for Refugees and Migrants
September 20, 2016	Leaders' Summit on Refugees
July 10, 2017-November 15, 2017	Five thematic discussions
December 12-13, 2017	High Commissioner's Dialogue on Protection Challenges
January 31, 2018	First draft of the GCR
February-July 2018	Six formal consultations
July 20, 2018	Final draft of the GCR

III. Development of Criteria for Evaluation

The Comprehensive Refugee Response Framework (CRRF) clearly outlines the goals of the Global Compact on Refugees.¹⁹

1. Ease pressures on host nations
2. Enhance refugee self-reliance
3. Expand access to third country solutions
4. Support countries of origin to allow for safe return

¹⁶ UNHCR, *The global compact on refugees: FINAL DRAFT*

¹⁷ *Ibid.*

¹⁸ "Towards a global compact on refugees: a roadmap," UNHCR, <http://www.unhcr.org/58e625aa7>.

¹⁹ UNHCR, *The global compact on refugees: FINAL DRAFT*, 3.

The language of the CRRF was agreed upon by all member states within Annex I of the New York Declaration. Since then, the language essentially remained unchanged to prevent any potential conflicts, recognizing the nearly impossible challenge of reaching another consensus during today's political climate toward refugees. Even within the UNHCR, while the Division of International Protection (DIP) was one of the primary stakeholders in the GCR process, besides a high-level group working closely with the High Commissioner on the GCR, most other units were only nominally involved and consulted specifically on the related areas.²⁰

The GCR initiative arose from a recognition that a majority of the world's refugees were being hosted by a small group of mostly developing countries.²¹ The GCR emphasizes the importance of supporting host nations by seeking to implement systems that provide predictable and efficient support at the face of refugee-related crises.²² This regular and dependable assistance takes the form of flexible funds and regional cooperation. Availability of unearmarked or softly earmarked contributions allows governments and organizations on the ground to swiftly and effectively address various refugee needs.²³ With the border-crossing nature of refugees, forming a systematic regional response through cooperation with neighboring countries would allow for effective burden-sharing.²⁴ In addition, the GCR aims to accurately assess the impacts of hosting large numbers of refugees on host nations.²⁵

The GCR also seeks to advance refugee self-reliance through improving refugee rights in the laws, cooperating across sectors and increasing the impact of refugee voice.²⁶ During the

²⁰ Based on an email interview with a former UNHCR DIP employee – these are based on observations during his time at UNHCR, not on publications or formal UNHCR position or statement

²¹ Edmond, Charlotte, "84% of refugees live in developing countries," *World Economic Forum*, Jun 20, 2017, <https://www.weforum.org/agenda/2017/06/eighty-four-percent-of-refugees-live-in-developing-countries/>.

²² UNHCR, *The global compact on refugees: FINAL DRAFT*, item 3.

²³ UNHCR, *The global compact on refugees: FINAL DRAFT*, item 32.

²⁴ UNHCR, *The global compact on refugees: FINAL DRAFT*, item 28.

²⁵ UNHCR, *The global compact on refugees: FINAL DRAFT*, items 45-48.

²⁶ UNHCR, *The global compact on refugees: FINAL DRAFT*, item 33-44.

High Commissioner’s Dialogue on Protection Challenges, held on December 12-13, 2017, Assistant High Commissioner Volker Türk hosted a session on Lessons Learned and Good Practices based on the thirteen roll-out countries in Africa and South America.²⁷ At the session, Daniel Endres, Director of Comprehensive Responses, stated that since the Leaders’ Summit on Refugees, many countries had revisited laws and policies to guarantee improved refugee rights and promote social and economic inclusion.²⁸ Endres pointed to countries like Djibouti as successful examples where access to education, livelihood, legal support and the justice system were expanded and facilitated through new laws.²⁹ Ethiopia also created a new refugee law to provide better access to employment, education and freedom of movement.³⁰

In addition to improving the laws, the GCR encourages countries to incorporate existing national programs and institutions into the refugee response.³¹ For better integration of refugees into the national culture and welfare systems as well as to increase the country’s ability to provide for the refugees, the GCR recommends tapping into existing resources. As civil society organizations work directly with the refugees and can serve as a sort of liaison, this goal is likely to be attained through new and strengthened relationships among civil society organizations and between these groups and the government. Collaborations with and support from international organizations will further strengthen the process. Finally, the GCR recognizes the importance of including refugees in the dialogue and providing the space for refugees to be empowered to share their own stories and personally advocate for their rights.³²

²⁷ Endres, Daniel, “Remarks to the Special Session on lessons learned and good practices in applying the comprehensive refugee response framework (CRRF),” *UNHCR*, Dec 12, 2017, <http://www.unhcr.org/events/conferences/5a3114067/remarks-special-session-lessons-learned-good-practices-applying-comprehensive.html>.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ UNHCR, *The global compact on refugees: FINAL DRAFT*, item 33.

³² UNHCR, *The global compact on refugees: FINAL DRAFT*, item 34.

While third country solutions and safe return may be the most sustainable outcomes of a migrant crisis, both goals require long-term multilateral cooperation and heavily depend on conflict resolution and development. Other than possible verbal commitments, actions taken toward these goals naturally span across several years and cannot be analyzed within the scope of this project. Consequently, for this study on the compatibility and effectiveness of the GCR within the situations of Serbia, goals three and four of the CRRF were not included.

Rather than working directly with the broad language of the CRRF, I studied the Programme of Action following the CRRF in the GCR to pull specific sub-goals aiming to ease pressures on host nations and enhance refugee self-reliance. These specific goals include:

1. Ease pressures on host nations
 - a. Establishing “predictable, adequate and sustainable public and private funding”³³
 - b. Cooperating to form “regional and subregional approaches”³⁴
2. Enhance refugees’ self-reliance
 - a. Creating a “broad set of legislative policy planning and operational changes”³⁵
 - b. Taking a “multi-stakeholder and partnership approach”³⁶
 - c. Conducting “consultative processes that enable refugees and host community members”³⁷

³³ UNHCR, *The global compact on refugees: FINAL DRAFT*, 7.

³⁴ UNHCR, *The global compact on refugees: FINAL DRAFT*, 6.

³⁵ Endres, “Remarks to the Special Session.”

³⁶ UNHCR, *The global compact on refugees: FINAL DRAFT*, 7.

³⁷ UNHCR, *The global compact on refugees: FINAL DRAFT*, 7.

Each goal from the CRRF suggest ideal qualities of a country the GCR aims to help countries to achieve. The GCR’s ideal country would have a dependable source of flexible funds and robust relationships with neighboring countries to cooperate on refugee issues. This country would also have an open government willing to prioritize refugee rights and pass laws to secure them while also cooperating with civil society, international organizations, and refugees directly to ensure their voices are heard and services are provided. How does Serbia’s handling of the refugee situation compare to the GCR’s ideal standards and what does the GCR offer to help Serbia attain them?

CRRF	Specific goals	Ideal GCR Qualities
<ol style="list-style-type: none"> 1. Ease pressures on host countries 2. Enhance refugees’ self-reliance 3. Expand access to third-country solutions 4. Support conditions in countries of origin for return in safety and dignity 	<ol style="list-style-type: none"> 1. Ease pressures on host countries <ul style="list-style-type: none"> • “Predictable, flexible and unearmarked” funding • “Regional and subregional approaches” 2. Enhance refugees’ self-reliance <ul style="list-style-type: none"> • “Broad set of legislative policy planning and operational changes” • “Multi-stakeholder and partnership approach” • “Consultative processes that enable refugees and host community members” 	<ol style="list-style-type: none"> 1. Dependable sources of flexible funding 2. Strong relationships and cooperation with neighboring countries 3. Willing and open government to pass new laws related to education, economic inclusion, efficient asylum and citizenship processes, etc. 4. Cooperation across government, civil society, refugees and international organizations 5. Opportunities for refugees to share their voice at higher level dialogues

IV. Methodology

To assess the compatibility of Serbia's refugee situation with the Global Compact on Refugees, a single in-depth case study on Serbia was conducted, coupled with four interviews with citizens associations³⁸ in Serbia and supplemental informational interviews with current and former members of the CRRF team at UNHCR.

When the United Nations Member States announced the two-year GCR initiative, one clear question was one of scope. How does the Global Compact on Refugees serve as an adequate response to all movements of refugees around the world? The refugee situation in every region is so vastly different, not to mention the needs of each group within a single region. Is the Compact robust enough to provide for each country's unique needs?

Focusing on a single region allows for a deeper investigation into the social, political and even ethnic influences, providing a thorough and comprehensive context in which the principles of the Compact can be applied and analyzed.

For the focus of the single case study, I chose Serbia because of its unique refugee situation that will test the limits of the Global Compact on Refugees. The European Union countries are mostly destination countries, where refugees seek to reach. These countries in general receive more global attention and have more elaborate social welfare systems already in place.³⁹ Several countries in Africa and Latin America have already implemented the Comprehensive Refugee Response Framework in the Global Compact on Refugees as part of the

³⁸ The legal term for NGOs in Serbia is "citizens association." However, throughout the study, the terms NGO and citizens association may be used interchangeably.

³⁹ Neumayer, Eric. "Asylum Destination Choice: What Makes Some West European Countries More Attractive Than Others?" *European Union Politics* 5, no. 2 (June 2004): 155–80. doi:[10.1177/1465116504042444](https://doi.org/10.1177/1465116504042444).

thirteen roll-out countries. Studies are already ongoing in these countries to evaluate the results of the Framework's implementation and determine good practice.⁴⁰

Serbia attracts little public attention and presents a unique situation where most refugees in the country do not desire to stay or apply for asylum. While more than one million migrants and refugees passed through Serbia between 2014-2016, only thirty-four people expressed a desire to stay in Serbia in 2015.⁴¹ Many refugees in Serbia today remain unwillingly, unable to continue into the EU but unable to return back home. As a non-EU country at the borders of the EU, Serbia also lacks regional cooperation as neighboring countries Croatia and Hungary responded by building fences and increasing border control. The forceful transition from a transit country to host nation makes Serbia an interesting context upon which to apply the principles of the *global Compact*.

As part of the in-depth case study, four interviews were conducted with local NGOs. These organizations include local offices of international NGOs – International Rescue Committee (IRC) Serbia and Adventist Development and Relief Agency (ADRA) Srbija – as well as Serbian organizations – Psychosocial Innovation Network (PIN) and Refugee Aid Serbia (RAS).⁴² These organizations answered questions on their biggest projects and initiatives; networks and collaborative partners; funding, advocacy, and role of government; refugee conditions over time; and reflections on the Compact and input on good practices for effective change. These interviews as well as observational data obtained from working at a local NGO, Citizens Association ATINA, for two months provide insight into Serbia's refugee situation,

⁴⁰ Endres, "Remarks to the Special Session."

⁴¹ Pantovic, Milivoje, "Few Refugees Seek Asylum in Serbia," *Balkan Insight*, June 6, 2016, <http://www.balkaninsight.com/en/article/few-refugees-seek-asylum-in-serbia-05-29-2016>.

⁴² International Rescue Committee Serbia, <https://www.rescue.org/country/serbia>.
Adventist Development and Relief Agency Srbija, <https://adra.org.rs/>
Psychosocial Innovation Network, <https://psychosocialinnovation.net/en/>
Refugee Aid Serbia, <https://refugeeaidserbia.org/>

civil sector and particularly the dynamics between civil society and the government.⁴³ By including both local offices of large international NGOs and local Serbian NGOs, the interviews also provide perspective into what international and local NGOs consider good and effective practice. The organizations shared the advantages and disadvantages of each as well as the value of collaboration.

Interviews were also conducted with current and former members of the CRRF team at UNHCR in Geneva regarding details of the GCR. These individuals answered questions on their personal experiences and projects on the CRRF team, their definitions of the CRRF and understanding of specific elements like the Support Platform. They also addressed the extent of refugees and municipal leaders' involvement in the GCR process and touched on the status of some pledges that countries made during the initial Leaders' Summit in 2016.⁴⁴ As will be indicated throughout the paper, any direct references to words from former members of the CRRF team remain uniquely his or her experience or perspective and not the official position of the UNHCR.

This study will evaluate the Global Compact on Refugees by taking each ideal quality or standard the GCR sets for countries as defined above and comparing it to the realities in Serbia. By identifying challenge areas and assessing the GCR's abilities to help Serbia reach those standards, the analysis will provide insights and predictions regarding the GCR's overall effectiveness in Serbia.

⁴³ Citizens Association ATINA, <http://atina.org.rs/en>

⁴⁴ "Summary Overview Document: Leaders' Summit on Refugees," *UNHCR*, September 20, 2016, <https://www.unhcr.org/events/conferences/58526bb24/overview-leaders-summit-on-refugees.html>.

V. Applying the Global Compact on Refugees to Serbia

Ideal GCR Quality 1: Dependable sources of flexible funds

Funding is essential to any organization or government's programming. PIN stated that the amount of funds "directly reflects in the amount of visits to asylum centers you can make, the number of people you have, how many people can receive individualized support," etc. The GCR mentions the importance of flexible funding and through the two-year process has even secured some pledges by countries to increase their humanitarian funds.⁴⁵ However, for countries like Serbia, a bigger issue is the method of distribution of the limited funds across global refugee situations.

The government of Serbia does not allocate separate funds from its budget for providing refugee services. According to PIN, "government and institutions like KIRS (Commissariat for Refugees and Migrations of Serbia) receiv[e] money from donors in the same way" as civil society organizations: through international donors. PIN also stated that working with the government is like working with any other organization. Everyone competes for the same pool of funds. The only differences are that the government often receives much bigger sums and has the authority to set some laws and regulations. Often, organizations even help the Serbian government to receive funds so that the organizations can in turn receive allocations for their own programs.

The issue with depending almost entirely on international funding sources is that with limited funds, international donors are attracted to areas with a large number of refugees. The organizations on the ground in Serbia mostly agreed with this funding direction as it seems to be

⁴⁵ UNHCR, "Summary Overview Document: Leaders' Summit on Refugees"

the most rational decision when faced with limited resources. However, the same organizations also pointed to a lack of funds as one of the main challenges to providing services to refugees in Serbia.

At the peak of the European migration crisis, throughout 2015 and the first quarter of 2016, 920,000 refugees passed through Serbia on their way to other countries in the EU.⁴⁶ In December 2015, an average of 3,000 refugees arrived in Serbia every day.⁴⁷ All Serbia could provide for these passing refugees was emergency relief including food, clothing, hygiene items and the like to make the rest of the journey, “more comfortable, less horrible.”⁴⁸ During this time, Serbia’s refugee influx attracted media attention and funds poured in, many of them unearmarked and overall unregulated by the government. Organizations like Refugee Aid Serbia (RAS), which formed organically by ex-pats in Serbia bringing together nine separate groups like the Belgrade Foreign Visitors Club and local businesses, were able to operate solely relying on donations.⁴⁹ RAS stated that some larger organizations like Help Refugees, a large grassroots organization, understood the grassroots model of RAS and provided unrestricted funds. In addition to the funds, RAS depended on daily volunteers – around 20 every day – who usually stayed no longer than a couple days.

Over time, the number of refugees in Serbia began to decrease. With the closing of borders and the stabilization of the number of refugees, the amount of funding also decreased, and donations began to face much more regulations by the government. As many organizations began to transition into long-term integration projects which required continuous support and

⁴⁶ “Serbia,” *European Civil Protection and Humanitarian Aid Operations*, https://ec.europa.eu/echo/where/europe-and-central-asia/serbia_en.

⁴⁷ “The Balkan Migrant Crisis: An Introduction,” ACAPS, <https://data2.unhcr.org/ar/documents/download/46801>.

⁴⁸ Interview with RAS

⁴⁹ “Halnes-Young, James, “Local dwarfs global in Serbia refugee response,” *IRIN*, Sept 21, 2015, <http://www.irinnews.org/analysis/2015/09/21>.

funding, the lack and stricter control of funding rendered many innovative and crucial projects futile. For example, RAS proposed an education center – a more structured English teaching program and space compared to their former “survival” English classes taught daily in the parks to new refugees during the peak of the influx. Many groups, including KIRS, expressed their enthusiastic support and affirmed the need for such a project, but no one was able nor willing to fund it.

In order to achieve a steady source of funds as the GCR intends, countries are almost incentivized to maintain a large number of refugees and publicize a larger estimate number to capture media attention. RAS explicitly stated, “Serbia has to play this tricky game. They want a certain number of refugees here because they receive money from the EU, but... they also don’t want people to stay.”

As Serbia’s refugee population declined, volunteers and overall human capital also decreased along with the funds as many aid workers left to find another region in crisis. This trend clearly separates local organizations from international organizations. While international organizations tend to have better funding, training and structured programming, when numbers drop, they often pull out in order to “rationalize their human capital.” With the Balkan Wars in the 90s, Serbia underwent what was called the “largest forced migration in Europe after the Second World War,” with 2.3 million people displaced across the former Socialist Republic of Yugoslavia (SRFJ) and into Western Europe.⁵⁰ During this time, International Rescue Committee, among other international organizations, opened a local office in Belgrade. However, once numbers normalized, IRC Serbia closed its office and directed its people and

⁵⁰ Vujadinović, S., D. Šabić, S. Stojković, and M. Milinčić, "Years Of Refugee Life In Serbia – Challenges For A New Beginning: stay Or Return Home?" *Trames. Journal of the Humanities and Social Sciences* 15, no. 3 (2011): 235, doi:10.3176/tr.2011.3.02.

resources to other regions of the world. Then in 2015, IRC returned to Serbia with a short-term 2-3-person emergency team and officially reopened its local office late 2015 to early 2016. When discussing the impact and influence IRC has on the government, IRC admitted that despite being a well-established and influential international NGO, they were not the strongest organization compared to others in Serbia who had never left. “We came back in 2015 and started all over again.” In comparison, local organizations play a crucial role because as PIN stated, “no matter how ‘little’ people we have at once place, local organizations are not going to move.” Organizations like the Humanitarian Center in Novi Sad continues to work with refugees from the 90s to this day.

To potentially address Serbia’s funding challenges, the GCR includes a context-specific support measure called the Support Platform. This measure, detailed in the Programme of Action, seeks to facilitate the implementation of the CRRF objectives in countries which need additional support given its specific concerns and conditions.⁵¹ The Support Platform is intentionally left a flexible and helpful tool that governments may be able to access by first approaching UNHCR and requesting such platform or support group. However, just like the funding calculation causing problems for Serbia, according to the GCR the Platform is yet again for “particularly large-scale or complex refugee situations.”⁵² While there is no specific language detailing what “large-scale or complex” means, with Assistant High Commissioner Türk referencing refugee situations with tens of thousands to hundreds of thousands of refugees, it seems unlikely that Serbia’s few thousand refugees may be able to activate the Support Platform.

Ironically, this crowding of funds and human capital in areas with large and overwhelming refugee situations actually incentivizes refugees to go to areas where there are

⁵¹ UNHCR, *The global compact on refugees: FINAL DRAFT*, items 22-27.

⁵² UNHCR, *The global compact on refugees: FINAL DRAFT*, item 24.

many refugees because that is where the money is. This in turn perpetuates the overwhelming situation the GCR's burden-sharing initiatives were aiming to ameliorate, yielding a counterproductive result.

Although Serbia no longer has a large and overwhelming refugee population, the need for steady and stable sources of funding is still dire. To ease the burden of all host countries, the GCR should develop thoughtful ways to distribute funds, possibly through better funding local organizations that work with the refugees in the long-term.

Ideal GCR Quality 2: Strong regional relationships for dependable burden-sharing

Overall, the GCR is a response to the unequal distribution of refugee populations globally and the related responsibilities and economic burdens. Acknowledging regional differences and importance of context in implementing solutions, the GCR encourages the establishment and use of regional solutions to effectively address current challenges and preemptively prepare for future migrant influxes.⁵³ In complement to the universal consensus of goals, a regional and context-driven solution serves more practical as a response to very real and unique needs. However, even if all countries are able to agree and recognize the refugee crises as a problem, establishing a regional systematic response requires a willingness on all ends to collaborate and form a joint response that for the most part does not exist at the outskirts of the EU.

Serbia, as an EU-candidate country since 2012 but not an official member, borders the EU nations of Croatia and Hungary where refugees hope to enter. The EU, particularly the European Civil Protection and Humanitarian Aid Operations (ECHO), has funded programs in

⁵³ UNHCR, *The global compact on refugees: FINAL DRAF, items 28-31*.

Serbia and provided humanitarian assistance to refugees over the years.⁵⁴ However, cooperation has stopped there despite the increasing importance of collaboration in establishing integration programs and considering third-country solutions. Rather than cooperating to find regional solutions to the buildup of refugees and share the burdens, Hungary closed its border entirely with Serbia by building a fence and Croatia increased border controls.⁵⁵ Refugees attempting to enter the EU from Serbia have faced violent encounters with border control officials, leading to severe beatings, arrests, and even death.⁵⁶ In the most recent biweekly update on Serbia, the UNHCR reported 219 collective expulsions – an improvement compared to 602 expulsions observed the fortnight before.⁵⁷ 86 percent of the 219 reported expulsions also alleged “denial of access to asylum procedures” and 28 percent reported mistreatment by the authorities.⁵⁸ Despite losing money and possessions to smugglers after repeated failures, refugees continue to attempt to cross the border, hoping for a better life in the EU.⁵⁹ While around 90 percent of refugees in Serbia are currently accommodated across fifteen government centers, around 350 refugees still remain outside.⁶⁰ Around 200 of these refugees remain have camped along Serbia’s northern borders, close to Croatia or Hungary.⁶¹ On Serbia’s end, reports have also been received of Serbian police officers abusing migrants and refusing to register their asylum applications,

⁵⁴ “Serbia,” *European Civil Protection and Humanitarian Aid Operations*,” https://ec.europa.eu/echo/where/europe-and-central-asia/serbia_en

⁵⁵ “The Balkan Migrant Crisis: An Introduction,”

⁵⁶ Vujnovic, Nikolina, “Who is responsible for the death of five-year-old refugee Madina?” *Total Croatia News*, Dec 12, 2017, <https://www.total-croatia-news.com/politics/23888-who-is-responsible-for-the-death-of-five-year-old-refugee-madina>.

UNHCR, “Risks growing for increasing numbers of refugees and migrants crossing the Western Balkans,” *Reliefweb*, Jun 12, 2015, <https://reliefweb.int/report/serbia/risks-growing-increasing-numbers-refugees-and-migrants-crossing-western-balkans>.

⁵⁷ “Serbia Update: 12-25 Nov 2018,” *UNHCR*, <https://reliefweb.int/sites/reliefweb.int/files/resources/67016.pdf>.

⁵⁸ *Ibid.*

⁵⁹ Le Blond, Josie, “Desperate refugees and migrants in Serbia face freezing temperatures,” *UNHCR*, Jan 25, 2017, <https://www.unhcr.org/en-us/news/latest/2017/1/5888861b4/desperate-refugees-migrants-serbia-face-freezing-temperatures.html>.

⁶⁰ “Serbia Update: 12-25 Nov 2018”

⁶¹ *Ibid.*

consequently preventing them from receiving any protections or housing.⁶² Rumors and reports of forceful deportations to the former Yugoslav Republic of Macedonia and Bulgaria spread fear among refugees, encouraging them to choose to stay outside of formal government-run centers and instead stay close to the Northern border to attempt the EU again and again.⁶³

While consensus and prioritization of refugees can itself be seen as a milestone, the entire GCR initiative essentially depends on the forming of regional “robust and well-functioning arrangements for burden- and responsibility-sharing.”⁶⁴ Fences and increased controls along borders, expulsions and mistreatment by state authorities, and an overall unwillingness of both the authorities to provide for the refugees and the refugees to stay in Serbia present significant challenges. Despite the UNHCR’s lack of enforcement mechanisms, the GCR does include plans for regular accountability meetings. The Global Refugee Forum, where countries will be able to make concrete pledges and be held accountable for them, may be the best opportunity for the UNHCR to repeatedly emphasize the importance of regional cooperation and encourage the establishment of new arrangements.

Ideal GCR Quality 3: Laws that ensure refugee rights and an open government to pass additional protections

In the discussion on Good Practices and Lessons Learned, at the High Commissioner’s Dialogue on Protection Challenges, Director of Comprehensive Response Daniel Endres highlighted various countries who revisited and passed new asylum laws.⁶⁵ Endres pointed out

⁶² Human Rights Watch, “Serbia: police abusing migrants, asylum seekers,” *Reliefweb*, Apr 15, 2015, <https://reliefweb.int/report/serbia/serbia-police-abusing-migrants-asylum-seekers>.

⁶³ “Access to the territory and push backs,” *Belgrade Centre for Human Rights*, <http://www.asylumineurope.org/reports/country/serbia/access-territory-and-push-backs>.

⁶⁴ Final draft of GCR, page 8 (49)

⁶⁵ Endres, “Remarks to the Special Session.”

that in order to increase refugee self-reliance, access public services and enjoy rights for refugees, countries needed a “broad set of legislative policy planning and operational changes.”⁶⁶ This implies (1) new laws and (2) a government that prioritizes refugees enough to be willing to pass them. However, in Serbia the challenges lie in the actual enforcement of the laws and the complications caused by the refugees’ unwillingness to stay.

The government of Serbia passed a new Law on Asylum and Temporary Protection on March 22, 2018 as well as new laws on Foreigners and on the Protection of State Borders.⁶⁷ The new Asylum Law improves many definitions and rights of asylees and asylum seekers in Serbia, matching its provisions to “international and EU standards.”⁶⁸ For example, all asylum seekers have the right to free legal aid and the right to receive information about asylum and the processes under the Asylum Law.⁶⁹ Asylum seekers also have right to food and free healthcare. The new Asylum Law also states that the Asylum Office must decide on an asylum application within three months, contrary to the previous two-month limit. This three-month limit could be extended by another three months if the case proves particularly complex or if there are many applications. Overall, the asylum process cannot exceed twelve months. By extending the initial time limit to a more realistic length, the new law seeks to address the high levels of backlogging and shortens the overall length limit from twenty-one months to twelve months.⁷⁰ With improved definitions and standards, this new Asylum Law could be seen as a success in the ideal GCR standards. However, in practice, the asylum process proves to be much more difficult than the law suggests.

⁶⁶ Endres, “Remarks to the Special Session.”

⁶⁷ UNHCR, “UNHCR Serbia Update, 19 March – 1 April 2018,” *Reliefweb*, April 1, 2018, <https://reliefweb.int/report/serbia/unhcr-serbia-update-19-march-1-april-2018>.

⁶⁸ *Ibid.*

⁶⁹ Republic of Serbia, Law on Asylum Article 10

⁷⁰ “Serbia: New Act on Asylum and Temporary Protection Adopted,” *Asylum Information Database*, April 10, 2018, <https://www.asylumineurope.org/news/10-04-2018/serbia-new-act-asylum-and-temporary-protection-adopted>.

The most widespread problem proves to be the lack of interpreters. When attempting to respect the rights of asylum seekers to obtain free legal aid and receive information about the asylum processes, authorities often fail to provide adequate information due to the lack of interpreters available to relay the information accurately.⁷¹ Further, the refugees' unwillingness to stay has led to only a small percent of those who expressed intent to formally apply for asylum. However, even for those who have applied, the inefficiency of the Serbian government has only allowed very few individuals to receive any formal status. Over the last ten years, since 2008 when the first Asylum Law was implemented, only 44 persons were granted asylum and 60 persons were granted subsidiary status.⁷² According to the Belgrade Center for Human Rights, in 2017, 6,199 individuals expressed intent to apply.⁷³ 236 individuals officially applied for asylum and of them only three individuals received refugee status. Eleven individuals received subsidiary protection and eleven applications were rejected.⁷⁴

With hundreds of applications backed up, the new Asylum Law simultaneously makes improvements to the timeline and discreetly shifts the responsibility over this process onto the refugees themselves. The Law requires asylum seekers to first express intent upon arrival then appear at an asylum center or other formal government reception center within 72 hours of receiving the intent certificate.⁷⁵ To formally initiate the asylum process, asylum seekers must

⁷¹ "Information for asylum seekers and access to NGOs and UNHCR," *Belgrade Center for Human Rights*, <http://www.asylumineurope.org/reports/country/serbia/information-asylum-seekers-and-access-ngos-and-unhcr>.

⁷² Toskovic, Sonja, "Right to Asylum in the Republic of Serbia 2017," *Belgrade Center for Human Rights*, 2018, <http://www.asylumineurope.org/sites/default/files/resources/right-to-asylum-in-the-republic-of-serbia-2017.pdf>.

⁷³ Intention to apply is required for a refugee to enter Serbia. As seen in the number of actually applicants, a very small percentage go on to complete the full application. "Flow Chart," *Belgrade Centre for Human Rights*, <http://www.asylumineurope.org/reports/country/serbia/flow-chart>.

⁷⁴ "Statistics: Serbia," *Asylum Information Database*, <http://www.asylumineurope.org/reports/country/serbia/statistics>.

⁷⁵ Republic of Serbia, Law on Asylum, 2018, <http://www.unhcr.rs/media/docs/2018/LawOnAsylumAndTemporaryProtectionRS.pdf>.

submit an application within fifteen days of registering.⁷⁶ If the asylum seekers are unable to submit their application due to an authority in the Asylum Office, the asylum seeker have eight days to submit their application personally.⁷⁷ The language of the law sounds like a time extension, but given that police officers have no incentive to process the application and conduct the interview in the first place, if the asylum seeker lacks legal documents or cannot speak Serbian, finding a police officer willing to review documents and register the application in time proves challenging.⁷⁸ Then, regardless of what rights exist for asylum seekers, a missed interview allows the government to have much more leverage in taking any preferred action.⁷⁹ Even if the process runs smoothly and on time through this point, the Asylum Office must interview the asylum seekers at the “earliest occasion” and can interview asylum seekers more than once. At this point, asylum seekers are formally in the process and have the right to residence, a free interpreter, legal aid and access to UNHCR. However, the Asylum Law explicitly states that asylum seekers summoned for an interview must participate regardless of whether the legal representative they are entitled to is present or not.⁸⁰

In an interview with RAS, a representative stated that one of the only families to receive citizenship since 2015 was the “Picasso boy” and his family. The young art prodigy gained fame as he sold his artwork to raise money to provide for the medical treatment of an ill Serbian boy. In response, the president of Serbia granted the boy and his family citizenship. However, the family was not in the citizenship process, intending to settle instead in the EU. On the other hand, 1,500 people have asked for citizenship, but have yet to hear back on the status of their

⁷⁶ Ibid.

⁷⁷ Republic of Serbia, Law on Asylum 2018

⁷⁸ Human Rights Watch, “Serbia: police abusing migrants, asylum seekers,” *Reliefweb*, Apr 15, 2015, <https://reliefweb.int/report/serbia/serbia-police-abusing-migrants-asylum-seekers>.

⁷⁹ Interview with RAS

⁸⁰ Republic of Serbia, Law on Asylum (37), <http://www.unhcr.rs/media/docs/2018/LawOnAsylumAndTemporaryProtectionRS.pdf>.

applications.⁸¹ Some civil society groups in Serbia have criticized political leaders for exploiting such cases for self-promotion. However, others, while still critical, have maintained a “better-than-nothing” position.⁸²

3.1 Guaranteed Housing

KIRS is mandated to provide material reception conditions to asylum seekers and persons granted asylum in Serbia.⁸³ During the asylum process, asylum seekers may stay at one of the five asylum centers across the country.⁸⁴ According to KIRS, the total capacity of these five centers is 1,700 individuals, only based on the number of beds. In addition to the five asylum centers, there are also temporary reception centers that were set up throughout 2015 in response to the mass influx of refugees. The first one was built in Presevo in the summer of 2015 and was referred to as the “one-stop centre” because refugees could be registered there and provided humanitarian assistance.⁸⁵ These reception centers were only meant for temporary stay by the refugees in transit to other destinations, not for housing long-term asylum seekers. By the beginning of 2018, there was a total of thirteen reception centers all across Serbia with capacities ranging from fifty persons to 1,500, reaching a combined total capacity of 4,720 persons.⁸⁶

⁸¹ Knezevic, Gordana, “Feting of ‘Little Picasso’ A Sharp Contrast to Serbia’s Treatment of Migrants,” *RadioFreeEurope RadioLiberty*, Sept 11, 2017, <https://www.rferl.org/a/balkans-without-borders-serbia-little-picasso-migrant-treatment/28729566.html>.

⁸² Knezevic “Feting of ‘Little Picasso.’”

⁸³ An asylum seeker with the formal intent certificate has the choice of entering a formal asylum center after completing the asylum application or finding private accommodation if he or she can afford it. In the latter case, they must notify the Asylum Office where officials will complete the asylum application on their behalf. Article 21 of Asylum Act, Chapters II and III Migration Management Act

⁸⁴ Belgrade Centre for Human Rights, “Types of Accommodation,” *Asylum Information Database*, <http://www.asylumineurope.org/reports/country/serbia/types-accommodation>.

⁸⁵ Belgrade Centre for Human Rights, “Types of Accommodation.”

⁸⁶ *Ibid.*

Although overall the conditions in these centers have been satisfactory, all fifteen centers currently in use face overcrowding, lack of privacy, and poor hygiene.⁸⁷ Families with children and those with special needs are prioritized. Special reception needs include minors, persons lacking or having limited legal capacity, children separated from parents or guardians, persons with disabilities, elderly, pregnant women, single parents with underage children, persons previously subject to torture, rape or other forms of grave psychological, physical or sexual violence.⁸⁸ Unaccompanied, separated children (UASC) are separately housed in institutions in Belgrade, Niš and Subotica.⁸⁹ These facilities are the same ones where Serbian national children, primarily underage offenders, are accommodated, meaning there are no specific provisions based on separate needs, although they are often kept in separate facilities.⁹⁰ While these groups are “prioritized” and those with special medical needs might be placed in hospitals or other facilities, the prioritized spaces are not much different. Vulnerable groups like victims of torture and various forms of violence have very limited protection with no particular approach of care or program provided.⁹¹

In addition, due to the large number of refugees crowding into and out of Serbia in 2015 and the external pressures to accommodate for these refugees, the government of Serbia referred asylum seekers to centers based on capacity, not differentiated by willingness or intended length of stay. Eventually, this lack of profiling caught up with the authorities and created significant inefficiencies. Some asylum seekers who wanted to stay in Serbia got referred to reception

⁸⁷ Belgrade Centre for Human Rights, “Types of Accommodation.”

⁸⁸ Belgrade Centre for Human Rights, “Special Reception Needs of Vulnerable Groups,” Asylum Information Database, <http://www.asylumineurope.org/reports/country/serbia/special-reception-needs-vulnerable-groups>.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

centers where the asylum process was rarely conducted.⁹² Others who wanted to continue the journey but found themselves in a center that requires submission of the asylum application were almost incentivized to stay outside of the centers to avoid getting stuck in Serbia or even get deported to former Yugoslav Republic of Macedonia or Bulgaria.⁹³ As a result, around 1,000 refugees remained outdoors, mostly sleeping rough in an old warehouse behind the Belgrade train station, risking severe health concerns and receiving limited aid.⁹⁴

3.2 Free movement

Throughout this asylum process, asylum seekers are allowed the right to free movement. Asylum seekers in asylum and reception centers are free to move outside the camps at will, as long as they are present for the daily evening roll call to ensure they are still in the country and in the asylum process. However, because asylum seekers must surrender all personal identity documents to the police at least by the time of the hearing, and because the Asylum Office rarely issues identity cards in a timely fashion, if these asylum seekers are caught by authorities for any reason outside of the center, there may be many complications with the process.⁹⁵

Article 77 of the new Asylum Law outlines the only reasons for limiting movement or putting asylum seekers in a detention facility. Freedom of movement is restricted when authorities need the asylum seeker present to verify identity or nationality or a main element of

⁹² Belgrade Centre for Human Rights, “Types of accommodation,” *Asylum Information Database*, <http://www.asylumineurope.org/reports/country/serbia/types-accommodation>.

⁹³ “Witness to Serbia’s Growing Refugee Crisis,” *TIME*, January 24, 2017, <http://time.com/4643830/serbia-refugees-migrants/>.

⁹⁴ Belgrade Centre for Human Rights, “Criteria and restrictions to access reception conditions,” *Asylum Information Database*, <http://www.asylumineurope.org/reports/country/serbia/criteria-and-restrictions-access-reception-conditions>.

Rujevic, Nemanja, “Refugees in Serbia – stranded in a warehouse,” *Deutsche Welle*, January 17, 2017, <https://www.dw.com/en/refugees-in-serbia-stranded-in-a-warehouse/a-37167779>.

⁹⁵ Belgrade Centre for Human Rights, “Types of accommodation.”
Belgrade Centre for Human Rights, “Country Report: Serbia.”

their asylum claim or when restriction is necessary to avoid deportation or protect national security and public order.⁹⁶ While possible, these restrictions have never been implemented on any asylum seeker.⁹⁷

In the case that an asylum seeker restricted of movement fails to comply with the prohibitions on leaving the asylum center and the regular reporting obligations, the asylum seeker may be placed in the Shelter for Foreigners, a detention center in Padinska skela. However, even then, the asylum seeker cannot be restricted of movement for more than three months, with the possibility of another three-month extension.⁹⁸

3.3 Employment

The new Asylum Law and Law on Foreigners in Serbia allow asylum seekers who have formally applied for asylum and have been residing in Serbia for at least nine months since to obtain a working permit and legally work regardless of where they are in the process.⁹⁹ Economic opportunity benefits both the refugee and the host community as refugees are able to become more self-reliant, contribute and integrate into society and rebuild their lives. While the new laws open this opportunity, they also include some significant obstacles that have prevented widespread distribution of the permit.

One significant challenge for refugees is the administrative fee required to apply and obtain the work permit.¹⁰⁰ While organizations like the Belgrade Centre for Human Rights and the UNHCR have collaborated to cover these costs for refugees applying for the permit,

⁹⁶ “Serbia: New Act on Asylum and Temporary Protection Adopted.”

⁹⁷ Belgrade Center for Human Rights, “Freedom of movement,” <http://www.asylumineurope.org/reports/country/serbia/freedom-movement>.

⁹⁸ “Serbia: New Act on Asylum and Temporary Protection Adopted.”

⁹⁹ Belgrade Centre for Human Rights, “Right to Asylum in the Republic of Serbia 2017,” 105.

¹⁰⁰ Belgrade Centre for Human Rights, “Right to Asylum in the Republic of Serbia 2017,” 109.

requiring RSD 13,320 (about US\$128) is significant for refugees with no income in Serbia to cover on their own. Further, the personal work permit application depends on the asylum application as refugees are eligible to apply and obtain a work permit nine months after applying for asylum.¹⁰¹ However, given the inefficiency of the asylum process, often just formally submitting the asylum application and being registered in the system takes several months. Since the nine-month period begins when the asylum application is formally submitted, the total wait time for refugees before becoming eligible for a work permit proves much longer.¹⁰² Even if the asylum process itself ran smoothly without delay and the costs of the permit were covered, another significant obstacle comes from complications caused by refugees' unwillingness to stay in Serbia. While the average length of stay for refugees in Serbia today exceed a year, a relatively small number of people have even begun the asylum process. Throughout 2015 to 2016 and even in 2017, for asylum seekers, Serbia was simply a step in the journey to the EU. While 577,995 individuals expressed intent to apply in 2015, only 583 asylum applications were formally submitted.¹⁰³ The large number of expressed intentions can be explained through the Asylum Law that requires asylum seekers to express intent upon arrival to begin the process and receive services like accommodation, food, and other.¹⁰⁴ Reflecting on these obstacles, RAS stated that they did not personally know anyone who got a work visa without having prior connections or giving extra money, commenting, "in Serbia what's on paper is never what's happening."

¹⁰¹ Belgrade Centre for Human Rights, "Right to Asylum in the Republic of Serbia 2017," 105.

¹⁰² Belgrade Centre for Human Rights, "Right to Asylum in the Republic of Serbia 2017," 105.

¹⁰³ Kilibarda, Pavle and Nikola Kovacevic, "Country Report: Serbia," *Asylum Information Database*, Mar 15, 2016, https://www.asylumineurope.org/sites/default/files/report-download/aida_sr.pdf.

Toskovic, Sonja, "Right to Asylum in the Republic of Serbia 2017," *Belgrade Center for Human Rights*, 2018, <http://www.asylumineurope.org/sites/default/files/resources/right-to-asylum-in-the-republic-of-serbia-2017.pdf>.

¹⁰⁴ Republic of Serbia, Law on Asylum 2018

3.4 Advocacy

Finally, the strictly centralized structure of the Serbian government makes advocacy extremely tricky to impossible. When asked about advocacy initiatives and influence on government, the organizations responded:

- ADRA: “advocacy is a tricky thing in Serbia”
- PIN: “We never do advocacy projects... In order to make changes in Serbia and in countries like Serbia, you need to do it slowly, patiently, and person by person.”
- IRC: “How much we influence the government in terms of refugees and migrants? Zero. How much they influence us? A lot.”

PIN, IRC and RAS do release studies and reports as an indirect way of advocacy work. For example, IRC publishes the Trafficking In Persons baseline study as well as the protection and monitoring study jointly with Save the Children, Oxfam and Doctors Without Borders (MSF). These studies found some sensitive information, likely unwelcomed by the Serbian government. As a result, IRC chose to disseminate the study in Brussels with the European Commission (ECO) and the EU in hopes that they will use the information to influence Serbia in ways IRC cannot on its own.

Ideal GCR Quality 4: Cooperation across government, civil society, refugees, and international organizations

In encouraging the partnership approach, the GCR lists several relevant groups that states should work with to effectively implement the GCR. Putting the primary responsibility on the state itself, the GCR lists groups ranging from civil society organizations to local authorities and

municipalities to the United Nations system.¹⁰⁵ When refugees flowed into Serbia around 2015, Serbia witnessed this desired increase in cooperation across sectors. Local organizations expanded their scope to include refugees, new partnerships formed within civil society, collaboration projects formed between organizations and the Serbian government and international organizations initiated projects and provided funding.

4.1 Changing organizations and new partnerships in Serbia's civil society

Local organizations like citizens association ATINA, a feminist organization protecting victims of human trafficking and gender-based violence since 2004, has been shifting its existing and ongoing programs that support Serbian nationals who are victims, to now include refugee victims. After consciously making this shift in 2015, ATINA now regularly visits the asylum centers in Krnjača and Bogovađa where they run workshops and English lessons with the women.

Some organizations, like Psychosocial Innovation Network (PIN), have taken the opposite route. PIN, the first organization in Serbia to exclusively provide psychosocial counseling and treatment, initially formed as a response to the refugee crisis in 2015, bringing together individual experts in psychosocial support that had been scattered across Serbian civil society. Today, a few years in and with a decrease in number of refugees in Serbia, PIN is beginning to look within to local Serbians' needs. In doing so, contrary to the fears that refugees take all aid money away from domestic support programs, PIN sees the incredible benefit of working with refugees for Serbia. A representative of PIN reflected on Serbia's lack of provisions and resources related to mental health saying, "I don't think refugees are bad for

¹⁰⁵ UNHCR, *The global compact on refugees: FINAL DRAFT*, items 33-44.

Serbia. In fact, they are good for Serbia in terms of we can push forward and receive money because I don't think we would ever receive money to do mental health work for Serbians."

International Rescue Committee (IRC) echoed this sentiment, commenting that the government does not believe in psychosocial support. "They don't allow you to use that term and don't like to hear it." Due to the Serbian government's lack of belief in psychosocial treatment and needs, a comprehensive program for the needs of locals naturally does not exist. One of PIN's long-term goals is to use lessons learned from working with refugees to build and establish a program for both future refugees and the local population. PIN also commented on another benefit of the increasing number of specialists and professionals in psychological counseling. "You have at least forty young psychologists employed which is far more than it was five years ago. You are indirectly providing high skilled jobs for high skilled people that's benefitting their families, local economy, etc."

Various citizens associations have also formed partnerships to capitalize on each organization's resources and specialties. Specialized organizations like PIN for psychosocial needs and citizens association ATINA for gender-based violence and human trafficking work collaborate with organizations like ADRA Srbija and its Community Center to run workshops or launch long-term integration projects. Organizations also rely on the Belgrade Center for Human Rights (BCHR) for legal assistance and the Asylum Protection Center (APC) for vocational training. Many of these relationships formed at Info Park where countless organizations gathered for the united purpose of providing aid to the large number of passing refugees.

When large numbers of refugees began to flow into Serbia and congregate in Belgrade before continuing on the journey, the Trag Foundation and Fund B92 established Info Park near

the main Belgrade bus station as a point of information for passing migrants.¹⁰⁶ International NGOs in Serbia as well as those which had pulled out of the country after the refugee situation of the 90s subsided, returned to also provide aid and services. Local organizations dived into the work and several new organizations formed in response. Nearly every organization related and newly related to refugee work congregated at this point to provide food, clothing and other emergency services. The partnerships that formed in this space translated into long term partnerships and collaborations years later.

4.2 Civil society and the government

Civil society in Serbia work closely with the Serbian government to develop and enhance local integration of refugees, primarily because the strong central government structure requires them to do so. When discussing integration of refugee youth into the schools ADRA Srbija echoed this statement, commenting, “There is no possibility of getting into the schools without permission.” In particular, civil society cooperates with two government organizations – the Commissariat for Refugees and Migrations of Serbia (KIRS) and the Center for Social Welfare (CSW). KIRS controls and regulates all matters related to refugees and CSW governs everything related to children and unaccompanied minors in Serbia, including nationals and foreigners.¹⁰⁷

Both KIRS and CSW have overall been supportive in this collaboration, willingly providing information and working towards integration in the schools, economically through employment opportunities, socially, and more. The main setback has been that the support, for

¹⁰⁶ Info Park, “Info Park helping refugees in Serbia for 18 months now,” *b92*, March 15, 2017, https://www.b92.net/eng/news/society.php?yyyy=2017&mm=03&dd=15&nav_id=100776.

¹⁰⁷ “RS Official Gazette,” No. 18/92 Law on Refugees and adoption of Law on migration management “RS Official Gazette,” No. 107/12

the most part, has been oral.¹⁰⁸ With no extra funds provided from the government, the civil society organizations have been left to find their own funding sources to continue a project the government enthusiastically approved of. With integration into the schools, the government first announced the goal of increasing educational opportunities for refugee children in Belgrade and throughout Serbia and provided consent from KIRS and the Ministry of Education to integrate and have interpreters on site. Despite starting the project, the government provided no funds to execute any part of it. As a result, organizations like ADRA Srbija was left to use their private funds and provide transportation on their own. Today, ADRA Srbija provides rides for refugee youth to eleven different schools and the Danish Refugee Council (DRC) also provides rides.

While overall, with or without funds, organizations have had positive experiences working with the government on various programs, some organizations have faced tight government restrictions as well. After barely managing limited regulations at the peak of the refugee crisis, the EU began to tighten border control allowing Serbia to increase regulations on the smaller group of remaining refugees. As crossing the border became increasingly difficult and laws required refugees to formally register and apply for asylum upon entering an official center, some asylum seekers chose to stay outside to avoid the risk of getting stuck in Serbia. To strategically stay outside, closer to the borders and smugglers, the asylum seekers had to rough the harsh Serbian winter without the services and care they were entitled to in the centers. Some organizations, including one of IRC's partners had mobile teams helping people along Serbia's northern border who were eyeing opportunities to cross into the EU. These mobile teams distributed NFIs (non-food items like clothes, shoes and hygiene items) to these refugees. However, during the government's efforts to bring all refugees into the official centers, which on

¹⁰⁸ Interview with ADRA

the surface appeared proactive and responsible, the government shut down the mobile teams and prohibited all NGOs from providing aid to these asylum seekers. The Greece-based organization, Hot Food Idomeni, was the only organization allowed to serve the refugees, and they were allowed just one serving of food a day.¹⁰⁹

4.3 International Community

With no extra funding from the government, collaborations with international organizations play a crucial role in the refugee programming in Serbia. UNHCR has collaborative projects with several big local and international NGOs operating in Serbia. For example, PIN is able to provide community-based psychological support to refugees and asylum seekers in various locations in Serbia through a project launched by UNHCR. Other groups like the EU and specifically the European Civil Protection and Humanitarian Aid Operations (ECHO) have supported Serbia's response to the refugee influx over the years through funding and direct assistance.¹¹⁰ Individual organizations have also received grants from the Ana and Vlade Divac Foundation, USAID, and other.

Among the GCR's list of potential sources of partnerships, Serbia has formed quite robust partnerships among civil society organizations as well as with the government and collaborated with international organizations. As Serbia formally implements the GCR, extensive cooperation with municipal authorities will be necessary. Further, while most of the new partnerships have benefitted from sharing and maximizing skills and resources, cooperating with

¹⁰⁹ "Witness to Serbia's Growing Refugee Crisis."

¹¹⁰ "Serbia," *European Civil Protection and Humanitarian Aid Operations*, https://ec.europa.eu/echo/where/europe-and-central-asia/serbia_en.

the government under a “refugee first” perspective would avoid potential future issues like limiting aid to refugees outside the camps.

Ideal GCR Quality 5: Opportunities to increase refugees’ voices at higher level dialogues

The GCR states, “Responses are most effective when they actively and meaningfully engage those they are intended to protect and assist.”¹¹¹ By this, the GCR recognizes the value of including relevant stakeholders directly in the dialogue for the purposes of empowerment as well as identifying relevant areas of need.

When asked about the extent to refugee participation and presence in national decision-making processes in Serbia, all four organizations replied: nonexistent. Occasionally refugees are given the opportunity to share their stories and experiences at events, but they are primarily hosted and attended by NGOs and social workers – people already in the field. ADRA stated that the importance of and need for refugee participation is discussed daily, but refugees have yet to have the opportunity to express their voice and influence lawmakers in Serbia. This issue may be a result of the Serbian government’s actual unwillingness to include refugees or simply ineffectiveness in carrying out words into action. However, with the GCR’s lack of enforcement power, the GCR also provides no new solutions to this issue other than reemphasizing its importance.

Despite the lack of any measures of enforcement, the GCR may still be strengthened by presenting examples and proving positive effects of pursuing its goals. Members of the CRRF team emphasized extensive engagement of refugees throughout the process and confirmed the presence of refugees in all thematic discussions and formal consultations. During the third

¹¹¹ UNHCR, *The global compact on refugees: FINAL DRAFT*, item 34.

thematic discussion in the GCR drafting process, UNHCR also hosted a side event called “Refugee Voices – Closing the refugee representation gap” and invited four refugee panelists to speak on the importance of including refugees and providing more opportunities for refugees to contribute their experiences in higher-level meetings and dialogues.¹¹²

VI. Conclusion

Is the Global Compact on Refugees compatible with the refugee situation in Serbia?

Since 2015, Serbia has taken significant steps that fulfill elements of the ideal qualities the GCR lays out for countries. The sudden and overwhelming influx of refugees in 2015 to 2016 encouraged new partnerships across various sectors. The government of Serbia, despite its lack of funds, willingly cooperated to facilitate integration into the schools. Serbia even passed new laws in 2018 to improve standards and definitions to match EU levels and clearly secure more rights for asylum seekers, despite some notable yet discreet setbacks.

However, Serbia continues to struggle with various challenges stemming from outside conditions Serbia has no control over as well as relatively simple issues of government compliance. For Serbia to improve the integration of asylum seekers and better serve their needs, Serbia needs more sources of reliable and flexible funding, opportunities for refugees to share their voice and advocate for themselves at high-level discussions and robust cooperation with neighboring countries. The GCR also discusses the importance of these issues and offers some options like the Global Refugee Forum to keep countries accountable for their pledges and

¹¹² “Side event: Refugee voices – 3rd Thematic Discussion, UNHCR Global Compact on Refugees,” *UNHCR*, October 18, 2017, <http://webtv.un.org/search/side-event-refugee-voices-3rd-thematic-discussion-unhcr-global-compact-on-refugees/5614696852001/?term=3rd%20thematic%20discussion&sort=date>.

encourage regional cooperation. Still, a lack of enforcement power and overall vague definitions provide Serbia with few new solutions through the GCR beyond the international community's verbal support.

Serbia requires a better method of distributing global funds so that valuable and effective programs are funded and supported regardless of the number of asylum seekers in the country. The GCR mentions flexible and predictable funds, and even took specific pledges by countries to increase funding but has no means of enforcing these pledges or even improving its distribution beyond vague mentions of "context-specific support." Serbia needs a government willing to incorporate refugees into policy level discussions and able to enforce refugee rights written on paper in the law. Serbia would also greatly benefit from the willingness of neighboring countries to cooperate and establish a systematic response to refugee situations to share and ease burdens. However, the GCR cannot alter willingness beyond surface level agreements and on paper commitments which the UNHCR cannot enforce.

Overall, the GCR accurately points out problem areas and even recognizes the importance and variance of context but fails to do enough to explicitly prepare for it. For example, the GCR Programme of Action mentions the Support Platform for context-specific support but includes no specifics on how it will work. The GCR mentions the need and possibility for national arrangements but leaves it entirely up to the host country to take initiative. Serbia needs practical support and change and although the GCR could potentially lead to that over the next several years, it currently only presents an ideological consensus. While the UNHCR maintains high levels of optimism regarding the GCR's "potential to transform the way

the international community responds to large refugee situations,” many experts and NGOs on the ground in Serbia remain unconvinced.¹¹³

Ideal GCR Qualities	Reality in Serbia	Assessment
Dependable sources of flexible funding	Donors are attracted to areas with large refugee populations in the tens and hundreds of thousands. Serbia currently hosts less than 4,000 refugees.	Not met
Strong relationships and cooperation with neighboring countries	Fences, increased border control, collective expulsions and violence	Not met
Willing and open government to pass new laws related to education, economic inclusion, efficient asylum and citizenship processes, etc.	Serbia passed a new Law on Asylum in 2018. There are improvements and some concerns in the new laws. Overall, there isn't adequate enforcement by the Serbian government nor by UNHCR.	Partially met
Cooperation across government, civil society, refugees and international organizations	New NGO partnerships capitalizing on specializations and available resources. Cooperation with government in the schools and accommodation despite some regulation concerns. Funding from IO.	Partially met
Opportunities for refugees to share their voice at higher level dialogues	None, beyond NGO events with people already committed to the work.	Not met

Limitations

The biggest limitation was the time frame of this study relative to the GCR process. Studying the GCR as the dialogues and drafting processes were still ongoing limited the evaluation and assessment to a prediction and discussion rather than a reflection of its actual

¹¹³ Türk, Volker, “The promise and potential of the global compact on refugees – Closing remarks,” *UNHCR*, July 27, 2018, <https://www.unhcr.org/admin/dipstatements/5b5ec4807/promise-potential-global-compact-refugees-closing-remarks.html>.

Through interviews, observations and events.

effects. The time frame also limited the possibility of evaluating the entire CRRF including the goals of third-country solutions and safe return to countries of origin.

While conducting a single case study in depth allowed for a comprehensive look into the country, the implications of this study is also limited. Additional case studies on a variety of contexts in location, refugee population size, government responsiveness, and more could have provided a more robust evaluation.

Further Questions

An immediate follow-up question is, how many countries face situations similar to Serbia and what does this imply about the future effectiveness of the GCR overall? Then, expanding on the last limitation, additional case studies on several different contexts would provide an even more comprehensive evaluation of the GCR.

Another area of further exploration would be a study of the actual effects of the GCR, conducted ten or twenty years later. Addressing the time frame limitation would allow for both the study of the full CRRF as well as a thorough evaluation of the actual effectiveness of the GCR in reducing burdens.

Finally, an exploration of more effective regional solutions may prove to be a more practical and beneficial study for Serbia going forward.

Appendix A

Timeline: European migration crisis in Serbia

2011: The Syrian civil war begins. Over the past eight years, more than 5.6 million individuals have fled the country and more than 6 million Syrians have been internally displaced.¹¹⁴

End of 2014: Large numbers of refugees from Syria, Afghanistan and Pakistan begin entering Serbia on what is called the “Balkan Route” to the EU.

2015-2016 Peak of crisis: In December 2015, around 3,000 migrants and refugees arrived in Serbia daily.¹¹⁵ Throughout 2015 and the first quarter of 2016, more than 920,000 refugees and migrants passed through Serbia.¹¹⁶

- **Info Park:** In response, various citizens associations and individual volunteers come together to form Info Park – a point of information and emergency relief services for passing refugees.
- **Balkan route “closes” and buildup:** In 2015, 1.3 million migrants applied for asylum in the European Union, Norway and Switzerland.¹¹⁷ As a response, EU closes its borders. Hungary announces plans to build a border fence. Refugees continue to enter Serbia but less are able to enter the EU creating a buildup of refugees in Serbia. Around 7,000 people are stuck in Serbia at the beginning of 2017, around 60 percent of which are minors¹¹⁸ As refugees continue attempting the borders, there is increased border control and consequently violence as refugees are forced back.
- **Barracks and limited NGO activity:** While Serbia accommodated for most of the refugees using the existing asylum and reception centers, around 1,000 refugees remained outdoors, mostly sleeping rough in an old warehouse behind the Belgrade train station.¹¹⁹ Serbian government tries to get all refugees inside the government centers by prohibiting NGOs from providing any sort of aid to refugees not in centers.
- **Normalizing numbers and long-term integration activities begin:** With less refugees entering Serbia and some choosing to “continue the game”¹²⁰ the number of refugees in Serbia decreases. The average length of stay for those still in Serbia increases and Serbia’s civil society begins to make long-term plans and focuses less on short-term emergency relief. New dilemmas emerge as refugees receive feedback from friends and

¹¹⁴ “Syrian refugee crisis: Facts, FAQs, and how to help,” *World Vision*, <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts>.

¹¹⁵ “The Balkan Migrant Crisis: An Introduction,” *UNHCR*, <https://data2.unhcr.org/ar/documents/download/46801>.

¹¹⁶ “Serbia,” *European Civil Protection and Humanitarian Aid Operations*, July 20, 2018, https://ec.europa.eu/echo/where/europe-and-central-asia/serbia_en.

¹¹⁷ “Number of Refugees to Europe Surges to Record 1.3 Million in 2015,” *Pew Research Center*, August 2, 2016, <http://www.pewglobal.org/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/>.

¹¹⁸ “Witness to Serbia’s Growing Refugee Crisis,” *TIME*, January 24, 2017, <http://time.com/4643830/serbia-refugees-migrants/>.

¹¹⁹ “Criteria and restrictions to access reception conditions,” *Belgrade Center for Human Rights*, <http://www.asylumineurope.org/reports/country/serbia/criteria-and-restrictions-access-reception-conditions>.

Rujevic, Nemanja, “Refugees in Serbia – stranded in a warehouse,” *Deutsche Welle*, January 17, 2017, <https://www.dw.com/en/refugees-in-serbia-stranded-in-a-warehouse/a-37167779>.

¹²⁰ Hall, Richard, “Migrants stuck in Serbia play a desperate ‘game’ to reach the EU,” *Public Radio International*, January 3, 2018, <https://www.pri.org/stories/2018-01-03/migrants-stuck-serbia-play-desperate-game-reach-eu>.

family who did make it to the EU: After spending over a year in Serbia, many have adjusted to the way of life in Serbia. They imagine a better life in the EU but have very little knowledge about the EU and hear back about struggles there as well.¹²¹

Appendix B Glossary

GCR	Global Compact on Refugees
CRRF	Comprehensive Refugee Response Framework
KIRS	Commissariat for Refugees in Serbia
CSW	Center for Social Welfare
UASC	Unaccompanied separated children
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
EU	European Union
ECHO	European Civil Protection and Humanitarian Aid Operations
Citizens Association	Serbia's legal term for NGO
Refugee	A person who has fled their home country due to risk of serious human rights violation and persecution. Specific definition and reasons that will categorize you as a refugee are specified in the 1951 Refugee Convention.
Asylum seeker	A person who has fled their home country seeking protection from serious human rights violation and persecution, but who has not formally and legally received status as a refugee. ¹²²
Organizations in Serbia	
RAS	Refugee Aid Serbia
PIN	Psychosocial Innovation Network
ADRA	Adventist Development and Relief Agency
IRC	International Rescue Committee
BCHR	Belgrade Center for Human Rights
ATINA	Citizens Association for Combating Trafficking in Human Beings and All Forms of Gender-Based Violence. Also, Citizens Association ATINA
APC	Asylum Protection Center
DRC	Danish Refugee Council

¹²¹ Interview with PIN

¹²² "Refugees, Asylum-seekers and migrants," *Amnesty International*, <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>.

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