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The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) in Geneva and, referring to the latter's Verbal Note dated May 25, 2016 has the honour to enclose herewith the information of the Office for Human and Minority Rights of the Republic of Serbia on the implementation of the United Nations General Assembly resolution A/RES/70/147 on the Protection of Migrants.

The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR) in Geneva the assurances of its highest consideration



Geneva, 15 August 2016

Office of the High Commissioner for Human Rights (OHCHR)
Geneva

OFFICE FOR HUMAN AND MINORITY RIGHTS

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INFORMATION

Implementation of UNGA Resolution A/RES/70/147 on the Protection of Migrants

- ***Readmission agreements***

In order to regulate the procedure related to the return and reception of persons whose authorization to reside in the EU has expired, the Republic of Serbia has signed an Agreement on Readmission with the EU, which entered into force in 2008, as well as 18 other bilateral agreements on readmission. The aim of the agreement is to establish more rapid and effective procedures for the identification and safe return of people who no longer fulfil the conditions for entry to, presence or residency in the territory of signatory States.

The Commissariat for Refugees and Migration plays an operational role in initial admission, urgent care and provision of information to returnees, in line with the Agreement on Readmission.

The Commissariat for Refugees and Migration, on a daily basis and in a timely manner, receives all the necessary information from the Ministry of Interior about incoming returnees (information on the need for their medical treatment, care, nursing or special security measures for persons posing a potential threat, on unaccompanied minors, etc.), which also notifies it of the return of persons in need of additional help, in which case care may be provided to them by relevant institutions. The Commissariat for Refugees and Migration coordinates and in a timely manner notifies the state institutions competent for the reception of persons requiring special assistance.

As to reception and the provision of emergency assistance to returnees, according to the Strategy of Returnees' Reintegration under Readmission Agreements and the relevant Action Plans, the Commissariat for Refugees and Migration provides primary reception, urgent shelter and information to returnees, and its competence also includes urgent reception centres in Bela Palanka and Sabac, to which the persons unable to find accommodation on their own are sent.

Since May 2009, the Commissariat for Refugees and Migration has been in charge of primary admission activities at the Office for Readmission at "Nikola Tesla" airport. Following their reception and registration, returnees are provided with brochures containing information on the exercise of fundamental rights such as the right to an identity card, social assistance and enrolment of children in school. They are also given contact information on local authorities which returnees can approach. Information brochures that are regularly issued and updated are available in five languages (Serbian, Romany, Albanian, German

and English). Through the social welfare centres, returnees in need of urgent support are provided with transportation to their place of residence and assistance in obtaining personal documents. All returnees are advised to contact competent bodies at the local level for further assistance (staff of the Commissioner for Refugees and Migration, local welfare centres in places of readmission). The mechanism for the reintegration of returnees in local communities has been developed – one of the key elements for reintegration of returnees is the promotion of local capacities. Local migration councils are instrumental in taking specific economic empowerment measures aimed at preventing secondary migration.

- *Migration flows*

As a region surrounded by EU Member States, the Western Balkans is a transit area for irregular migrant flows among EU Member States signatory to the Schengen Agreement. The Western Balkans route has largely played a transit role for the migrants entering EU territory via Greek-Turkish border to continue their journey towards EU Member States, across the territory of Macedonia and Serbia. As early as the first quarter of 2015, the Western Balkans route was first according to the number of migrants, although it came third in 2014, followed by the Central Mediterranean and the Eastern Mediterranean routes.

The Republic of Serbia is located on the section of the route used by migrants primarily entering from Macedonia, but also from Bulgaria, and transiting through the territory of Serbia towards the EU via the Serbia-Hungary and Serbia-Croatia borders respectively.

Although essentially a transit country, the Republic of Serbia meets all the standards regarding the protection of migrants. Since the influx of migrants increased in June 2015, the Government of the Republic of Serbia has opted for a pro-active approach to ensure the provision of adequate protection and assistance to people in need. Enormous efforts have been made to provide the migrants, while they are in Serbia, with adequate assistance and reception, temporary shelter, health care, food and medicine, as well as with all the necessary information on asylum procedure, fully respecting their human rights. Simultaneously, efforts are being undertaken in respect to the strengthening of border controls, suppression of and combating human smuggling and human trafficking.

To respond to the intensified migrant influx and ensure conditions for the registration of the migrants, additional shelter capacities along the route, as well as prolonged shelter in emergency cases and 13 more migrant centers have been established:

Since mid-2015, when the increased influx of migrants started, employees of the Commissariat for Refugees and Migration have been working three shifts in the reception-transit centres to provide all the necessary assistance to migrants transiting through Serbia.

The Commissariat for Refugees and Migration regularly supports projects of civil society organizations, aimed at improving the situation of asylum seekers, raising public awareness of the problems and obstacles facing this category of migrants, promotion and strengthening of tolerance at the national and local levels, confidence-building and sensitization of local

communities, stamping out prejudice against asylum seekers, as well as projects promoting the development of communication and dialogue nationally and locally.

- **On 18 June 2015, the Working Group for Addressing Problems of Mixed Migration Flows** was set up by the Government, which is tasked with monitoring, analysing and considering the mixed migration in Serbia in a coordinated fashion.
 - Emergency Centre in **Preševo** was established on **8 July 2015** to carry out registration of migrants and provide emergency shelter to them.
 - **On 24 August 2015, the Decision** was adopted by the Government of the Republic of Serbia whereby state budget allocations were earmarked for the local self-government units in the territories where an increase in the number of migrants had been recorded.
 - **On 4 September 2015, the Response Plan to Address the Intensified Migrant Influx** in the winter of 2015/16 was adopted by the Government. The Response Plan identified relevant actors, organizations and institutions, their tasks in the event of a mass influx of migrants, measures and actions to be taken, as well as human, financial and other resources necessary for the provision of emergency placement for migrants and ensuring unimpeded exercise of their rights. The Response Plan has taken a series of measures to expand old and open new accommodation capacities. Pursuant to the Plan, the Commissariat for Refugees and Migration increased the capacities of the existing five asylum seeker accommodation centres. In cooperation with the local Migration Councils, the Commissariat for Refugees and Migration established additional transit centres and identified adequate facilities for urgent provision of shelter to migrants, which would be, if need be, adapted quickly and made suitable for placing migrants.
 - **On 15 September**, as a result of the changes to the migration route towards Croatia, emergency transit centres were opened in **Šid and Sombor**.
 - To ensure additional shelter capacities for migrants, activities have been ongoing to open facilities based in **Kikinda and Subotica**.
 - Given that the number of persons arriving from the direction of Bulgaria has increased, facilities for providing emergency shelter for the arriving migrants have been ensured in cooperation with local governments. To this end, the facilities for this purpose have been established in **Bosilegrad, Dimitrograd, Negotin and Pirot** municipalities. Relevant donors and agencies have been identified to ensure implementation and completion of the repairs needed. Furthermore, these facilities meet basic accommodation standards and offer food and hygiene products as well as other forms of emergency assistance.
 - **On 22 September 2015**, the Republic of Serbia activated the EU Civil Protection Mechanism in order to receive financial support for dealing with problems caused by an increased flow of refugees and asylum seekers into the country. The donated goods included beds, food, blankets, hygiene kits, etc. A total of ten countries have provided aid, namely: Hungary, Romania, the United Kingdom, Luxembourg, Austria, Spain, Slovakia, Ireland, the Netherlands and Estonia.
- Many other donors, international, governmental and non-governmental organizations provided assistance in the form of financial and material resources to ensure provision of care for migrants and catering to their daily needs.
- Due to the existing capacities of the Preševo Migrant Reception Centre being overcrowded, there is a need for additional facilities for the registration of migrants. To this end, on **16 October** a shelter was created on the premises of the socially-owned company „Svetlost“,

based in ~~Bujanovac~~. In addition to registration, migrants will receive all the necessary assistance there such as food, accommodation, health and social care.

- Due to an intensified influx of migrants heading to the border with Croatia, and in order to prevent further escalation of the humanitarian situation in the approaching winter conditions, on **20 October**, began the refurbishment works on a motel in Adaševci, Šid Municipality, situated on Belgrade-Zagreb highway route.
- On **30 October 2015**, the Protocol on Cooperation between the Ministry of the Interior of the Republic of Serbia and the Ministry of the Interior of the Republic of Croatia was signed, dealing with cooperation, migration crisis and prevention of irregular migration as well as operationalization of an agreement reached by the Ministers of the Interior of Serbia and Croatia. Having entered into force upon its signature, the Protocol has been implemented since 2 November 2015. It is based on practical cooperation in assistance provision concerning the reception of migrants and organizing the transfer of migrants by rail from the territory of Serbia to the territory of Croatia, via Šid border crossing.
- The Commissariat for Refugees and Migration, in cooperation with Municipality of Šid, has opened the One Stop Centre for reception and accommodation of migrants at the railway station in Šid. Estimated capacity of this facility is 200 places suitable for a longer stay and 100 places for persons in transit.

The Ministry of Labour, Employment, Veteran and Social Affairs issued the instruction of 10 July 2015 on the conduct of centres for social services and care institutions in the provision of care and shelter to unaccompanied and separated migrant children (UAMC), circulated to all centres for social services, explaining the procedures to follow in the event of a significant increase of migrant influx to Serbia. The objective of this Instruction was to ensure timely, comprehensive, universal and law-abiding activity of social services centres, residential care facilities having an internal structure that includes special organizational units for provision of temporary shelter and care to unaccompanied and separated migrant children, as well as other residential care institutions providing shelter and care to migrant children and migrants who under the Migration Management Act¹ may be placed in a social care institution. Furthermore, the Instruction provides for the responsibility of the above institutions to ensure protection foreseen by family care legislation – guardianship and placement – in line with the principles regarding the protection of migrant rights, acknowledging to the maximum extent possible the specific nature of migrant needs and interests, to the best of the Republic of Serbia's capacity, as well as adhering to the ratified international agreements and generally accepted rules of international law. Furthermore, social services centres have thus been instructed to immediately upon receiving a written or oral information from the Ministry of Interior, the Police Directorate – Border Police Department or the Commissariat for Refugees and Migration on an identified unaccompanied migrant child, provide such child with guardianship protection by appointing a temporary guardian as stipulated under Article 132, paragraph 2(4) of the Family Code².

¹ "Official Gazette of RS, 107/2012

² "Official Gazette of RS", 18/2005, 72/2011-separate law, 6/2015

An Action Plan for the provision of assistance, support and protection for unaccompanied migrant children has been developed by the Ministry, outlining the following activities:

1. Identifying the scope and nature of placement capacities for unaccompanied migrant children available under the social care system (This activity implies identifying available capacities in care institutions for placement of children deprived of parental care, children with behavioural and developmental disorders. This also implies conducting an analysis to identify the current availability of the existing capacities, number of places available, layout of the premises for placement of unaccompanied migrant children, safety measures procedures, healthcare and basic living conditions, required funding and professional and other staff needed to provide assistance to migrant children);
2. Providing required funding, professional and other staff needed for provision of assistance to unaccompanied migrant children;
3. Accommodating and placing unaccompanied migrant children in the provided care facilities (upon being notified of the need for placing an unaccompanied migrant child or a group which would exceed the capacities of the existing social care institutions' subdivisions tasked with placement of unaccompanied migrant children, in cooperation with heads of institutions which the analysis has identified as being able to provide care and accommodation, the child or the group will immediately be referred to the institution concerned);
4. Protecting the rights and interests of unaccompanied migrant children (centres for social services immediately upon receiving a written or oral information on an unaccompanied migrant child from the Ministry of Interior, Police Directorate – Border Police Department or Office of the Commissioner for Refugees and Migrants, in line with its competence, located in the territory under its jurisdiction, will ensure guardianship by appointing a temporary guardian in accordance with Article 132, paragraph 2(4) of the Family Code– the scope and nature of the authority of a temporary guardian will be defined solely in terms of temporary placement in residential care institutions having a subdivision charged with temporary placement of unaccompanied migrant children. Upon the child's placement, the social services centre in the municipality where the child is provided accommodation will designate another temporary guardian for the child, to ensure temporary protection of the person and exercise of the rights and the protection of interests of the child. Transferring of a child from the care centre to an asylum seeker centre will be entrusted to the institution in which the child was placed, in which case the child will be accompanied by the appointed guardian and an interpreter. Immediately upon the child's placement a new temporary guardian will be appointed by the social services centre in the territory where the asylum seeker centre concerned is located, in order to ensure temporary protection of the person, rights and interests of the child; Regarding the procedure of placement in a social care institution, social services centres shall comply with the following: under Article 41, paragraph 2(8) of the Social Welfare Law³ the centre shall issue a decision on the placement of a migrant child in a social care institution; the centre shall impose an obligation to pay the costs of placement upon the Office of the Commissioner for Refugees and Migration arising from Article 15, paragraph 6, of the Migration Management Act, to which a decision on placement is delivered, while the amount of the costs of placement shall be determined according to the duration of placement; furthermore, it shall impose an obligation on the Office to transport an unaccompanied migrant child from a place of its location to the residential care facility and its subdivision in charge of placement of unaccompanied migrant

³ "Official Gazette of RS", 24/2011

- children (such transport is to take place in cooperation with the Ministry of Interior, Police Directorate – Border Police Department, Office of the Commissioner for Refugees and Migration, and the child should be accompanied by a temporary guardian);
5. Providing accommodation - residential institution of social care shall, in line with its scope of activity, provide an unaccompanied migrant child with: safety, healthcare as foreseen under relevant national healthcare legal provisions; basic living conditions (housing, adequate diet pursuant to national and religious background of an unaccompanied migrant child, maintenance of personal hygiene, clothes and footwear, etc.);
 6. Monitoring the Action Plan's implementation activities and reporting in line with the Instruction issued to social services centres and residential institutions of social care on the procedures to be applied in the protection and placement of unaccompanied migrant children. Head of a social care centre is obliged to report in writing to the Ministry of Labour, Employment, Veteran and Social Affairs - Family Care and Social Protection Sector, on a monthly basis or by request of the Ministry, on the activities undertaken by them to provide care and placement for unaccompanied migrant children.

In cooperation with UNICEF, the Ministry of Labour, Employment, Veteran and Social Affairs has carried out the following:

1. In compliance with internationally accepted documents, conventions, directives, etc., clearly and unambiguously defined the term "an unaccompanied migrant child" as a migrant child unaccompanied by a responsible adult;
2. Defined the procedure for assessment of risks that unaccompanied and separated children may be exposed to at hotspots and border crossings;
3. Defined the scope of the best interests of a child, a minor migrant unaccompanied by a responsible adult;
4. Defined the standard operational procedures for identification of an unaccompanied migrant child;
5. Defined the standard operational procedures for unaccompanied migrant children's social protection, as well as legal protection arising from family care legislation;
6. Recruited additional welfare field officers to work directly with children – minor unaccompanied migrants - at reception and one stop centres at points of entry into and exit from Serbia;
7. Ensured that experts of centres for social services are on duty 24/7 in reception and one stop centres, as well as along the migration route;
8. Developed and conducted the training course programme for social work and welfare centres' officers on working with unaccompanied migrant children;
9. Held three seminars – counselling on the procedures and treatment of unaccompanied migrant children as envisaged under social care and family care legislation (in Belgrade, Subotica and Kanjiza);

In cooperation with the International Organization for Migration (IOM), four training courses on working with unaccompanied migrant children were organised for expert personnel of social care and family law services (in Bujanovac, Vranje, Pirot and Šid), with the participation of social services experts staffed in

the territories of the areas along which migrants enter, transit through and exit Serbia, staff of the Office of the Commissioner for Refugees and Migration, NGOs providing services to children, Red Cross, UNHCR, etc.

In cooperation with the Danish Refugee Council, the unaccompanied migrant child assistance and support programmes are being prepared. Also, two trainings on assistance and support to unaccompanied migrant children victims of abuse and neglect, as well as to children and families from one stop centres exposed to domestic violence have been delivered by social services centres and other stakeholders.

In cooperation with the Swiss Confederation which provided the funding, a project is being implemented aimed at extension, alteration and reconstruction of the facilities of a correctional institution for children and young persons with departments for reception of unaccompanied migrant children (in Belgrade, Niš and Subotica). Special efforts will be made to create conditions for reception of female minor migrants. It should be noted that IOM has initially expressed intent to allocate its own funds to support the implementation of the project.

In September 2015 and February 2016, donor meetings were held in Belgrade. On these occasions, representatives of the international community were informed on the overall migrant situation in the Republic of Serbia (number of migrants, transiting routes, needs, challenges, etc.), which the international stakeholders followed-up on by provision of support.

- *Collection and processing of statistics on international migration*

The European Commission's 2005 Communication on migration and development contained in its Annex VIII introduces Migration Profile as an instrument of the Member States, which would bring together all information relevant to migration and development, thus allowing for more appropriate national policies to be defined (Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Migration and Development : Some concrete orientations, COM/2005/390).

The Government of the Republic of Serbia adopted the Migration Profile of the Republic of Serbia for the first time on 23 February 2012, which marked a significant step in the development of mechanisms for monitoring of the migratory flows and establishing a system for collecting information on migrants. The Migration Profile is a document that integrates information on all categories of migrants in the country, classified according to Regulation 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection, with a description and analysis of the overall situation with regard to migration in the Republic of Serbia. Drafting of the Migration Profile was a commitment of the Republic of Serbia in the framework of the Road Map on visa liberalisation, but also a specific target of the Migration Management Strategy⁴. As the Commissariat for Refugees and Migration is in charge of the elaboration of the Migration Profile, it is updated annually, allowing for

⁴ "Official Gazette of RS", No. 59/09

better insight into the overall migration situation in the country. This document aims to provide the competent authorities in the Republic of Serbia with an insight into the relevant migration trends and consequently facilitate the development of policies and the adoption of the necessary legislation in the field of migration management. IOM has developed the Migration Profile of the Republic of Serbia for 2008 and 2009. Bearing in mind that the basic idea behind a Country Migration Profile is to serve as an instrument of support to national actors in the planning of appropriate migration policies, as well as to representatives of civil society and the academia in the analysis of the current migration flows, the Commissariat for Refugees and Migration, in cooperation with the expert working group, has decided that each migration profile, in addition to the compulsory statistics on migrants, should also present current developments in this area. The expert working group comprises representatives from the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Education, Science and Technological Development, the Office for Kosovo and Metohija, the Office for Human and Minority Rights, Republic Institute of Statistics and the Commissariat for Refugees and Migration.

The Republic of Serbia has for the fifth consecutive year drafted the text of its Migration Profile. The Project "Mainstreaming migration into national development policies", implemented by the International Organization for Migration (IOM) and the United Nations Development Programme (UNDP) in the Republic of Serbia, and financed by the Swiss Agency for Development and Cooperation, has provided expert support in the development of the Migration Profile for 2014. In the drafting of the Profile, the results of research and studies conducted by the IOM within the Project "Mainstreaming migration into national development policies" were used.

- ***Human Smuggling and Human Trafficking***

In 2009, the Ministry of the Interior adopted the Compulsory Instruction on the Treatment of Victims of trafficking, which, inter alia, envisages that if a victim of trafficking is at the same time a person with special needs, such as a pregnant woman, a single parent with minor children or a person having been subjected to torture, rape or other serious forms of psychological, physical or sexual violence – authorized officials shall perform their duties and act in line with the regulations defining the position of persons with special needs and international agreements, and, if possible, in the presence of an expert from a special institution for the treatment and rehabilitation of these persons.

The Compulsory Instruction defines the procedure for provision of assistance to irregular migrant women who are victims of trafficking. Police officers are duty-bound to provide support to persons identified as victims of trafficking, separate them from the perpetrators of the criminal offence, and offer assistance, in coordination with the Service for Coordination of Protection of Victims of Trafficking, by accommodating them in shelters for victims of trafficking, as well as to inform the victim who is a foreign citizen on the right to his/her stay on humanitarian grounds and other types of assistance.

Also, the intensified mixed migration flows from the areas of the Middle East, Asia and Africa towards the European Union countries, through the territory of the Republic of Serbia, make the response of the country and society to the issue of human trafficking even more complex. Among the irregular migrants,

refugees and asylum seekers there are also those categories which are at particular risk for human trafficking and exploitation and they should be identified and protected, in particular women, young women and unaccompanied children.

In the Republic of Serbia, a Draft Proposal of the Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children and to Protect the Victims in the Republic of Serbia for the period 2015-2022, has been developed; as well as the accompanying National Action Plan for the period 2016-2017, with the aim to ensure a comprehensive and continuous response of the society to human trafficking, in line with the dynamics of new challenges, risks and threats, by improving the system of prevention, assistance and protection of victims and fight against human trafficking, in particular women and children.

Local coordination teams have been set up for combating human trafficking in 17 cities throughout the Republic of Serbia, comprising experts from relevant local institutions: social services centres, the police, prosecutor's office, healthcare, education institutions, municipal bodies, civil society organisations, and the media. Local teams have been formed in Pancevo, Kikinda, Smederevo, Pozarevac, Prokuplje, Sombor, Novi Pazar, Kraljevo, Novi Sad, Kragujevac, Subotica, Nis, while some local coordination teams exist in the cities along the migration route such as Vranje, Leskovac, Pirot, Sabac and Sremska Mitrovica.

When it comes to persons belonging to vulnerable categories (minors unaccompanied by parents or guardians, young female persons, potential or actual – identified victims of trafficking or persons having been subjected to other forms of violence), border police officers will make sure that those persons are not subject to any kind of exploitation or other form of violence. If they suspect that they are dealing with a victim of traffickers, police officers will immediately inform the Centre for Protection of Victims of Trafficking – Service for Coordination of Protection of Victims of Trafficking. The social services centre will take steps and actions to gather operative findings in order to shed light on the criminal offence of human trafficking or any other violent criminal offence, and will accordingly inform the competent regional police authorities.

Aiming to improve the protection of vulnerable migrant categories, particularly women and children, within the project of the IOM's Centre for Trafficking Victims Protection, Ministry of Interior and other relevant actors, national indicators for preliminary identification of victims of trafficking have been defined. Trainings on national indicators, conducted in May and June 2015, were completed by 123 police officers.

- *Right to Asylum*

In collective centres for the accommodation of asylum seekers (Krnjaca, Banja Koviljaca, Tutin, Sjenica and Bogovadja), and also in reception-transit centres (Sid-Train Station, Sid-Adasevci, Sid-Principovac, Subotica, Zajecar, Dimitrovgrad and Presevo), that are under the authority of the Commissariat for Refugees and Migration, migrants and asylum seekers are provided medical check-ups, food, water, clothes and accommodation. Special efforts have been made to ensure sufficient capacity at points of entry to or exit from the country, in Presevo and Sid. At the moment, in case of emergency, these two points are able to accommodate around 2,700 persons.

During the asylum procedure, competent bodies pay particular attention to vulnerable and sensitive categories of people, i.e. women and minors. When referring them to an asylum centre, attention is given to the extent to which the centre is adapted to cater for the needs of women, and in particular women with children. If the accommodation capacities allow it, those categories of people will be referred to the Asylum Centre in Bogovadja, where the conditions are adjusted to the needs of families, i.e. women.

Social services centres will appoint guardians to the unaccompanied minors, who will take care of their needs and provide the protection of their rights in the asylum procedure. The Law on Asylum⁵ provides for the principle of gender equality as well as the principle of care for persons with special needs.

Furthermore, the premises used to accommodate women in the Shelter for Foreigners, in line with the Instruction on the house rules and the rules of stay, are separated from the premises for male persons. Specially adapted premises are used for the accommodation of women with special needs (pregnant women, women with children, women showing signs of illness, etc.).

When it comes to guaranteeing fundamental human rights for asylum seekers and persons eligible for subsidiary protection, and in light of the UNGA Resolution 70/147 on the Protection of Migrants, the Law on Asylum is a basic legal act in the Republic of Serbia which, in addition to the requirements and rules of procedure to be followed upon applying for asylum, provides for the rights of asylum seekers and persons granted protection of some kind.

The implementation of the Law on Asylum began in 2008, and its provisions have been conformed to the 1951 Refugee Convention and its Protocol, the European Union directives regulating asylum, which were in force at the time, as well as to the provisions of other international instruments dealing with human rights and asylum.

Provisions of the Law on Asylum define the protection of fundamental rights and freedoms of asylum seekers and persons granted subsidiary status protection, both through the basic principles and provisions related to the rules of procedure and provisions defining the rights and obligations of these categories of people.

Basic principles defined by the Law on Asylum are as follows: non-*refoulement* or return; non-discrimination; non-penalization for illegal entry or stay; family unity; access to information and legal aid; principle of free access to UNHCR; gender equality; care for persons with special needs; principle of professional representation of unaccompanied minors and legally incapacitated persons.

The Law on Asylum also provides for the following rights: **right to apply for asylum** (A foreign national staying in the territory of the Republic of Serbia shall have the right to apply for asylum in the Republic of Serbia. If a foreign national fails to meet the requirements for the right to seek refuge, the relevant authorities shall take into consideration whether requirements are met for granting subsidiary protection); **right to appeal against the first instance decision** (Applicant shall have the right to file an appeal against the decisions of first instance bodies, within 15 days, to the Asylum Committee which is a second instance administrative body in the asylum procedure); **right to file a complaint to the Administrative Court against the final decision of a second instance body** (asylum seekers shall be entitled to institute

⁵Official Gazette of RS", No 109/2007

administrative proceedings against a decision of the Asylum Committee, by bringing a case before the Administrative Court and be provided due protection of the law in these proceedings); **right to stay in the Republic of Serbia, accommodation and to basic living standards; right to health care; right to free primary and secondary education; right to social benefits; rights of refugees equal to those enjoyed by foreigners having permanent residency; right to integration of refugees.**

With regard to freedom of movement of asylum seekers, one of the basic principles stipulated by the Law on Asylum, is the right to stay and freedom of movement. There are five asylum centres in the Republic of Serbia which are open-type facilities; and in addition to the accommodation provided in the centres, asylum seekers can choose to stay at private addresses, if they have funds to do so.

In this respect, and in the light of the prohibition of arbitrary detention provided for by the Resolution and other international instruments relating to the protection of fundamental rights of migrants and asylum seekers, Article 51 of the Law on Asylum defines in detail the reasons for placing restrictions on the movement of asylum seekers; Article 52 stipulates the measures to be taken to restrict the movement and also the duration of such restrictions, which completely rules out any arbitrary detention of asylum seekers, as set forth in Article 52, paragraphs 4, 5, and 6, providing for the right to appeal against a decision on imposing restrictions on the movement of asylum seekers.

The Law on Asylum and other national legislation contain provisions related to vulnerable categories of persons, such as minors, persons fully or partially incapacitated for work, children separated from parents or guardians, disabled persons, the elderly, pregnant women, single parents, etc.

The right to work of an asylum seeker is regulated in detail by the Law on Employment of Foreigners⁶ envisaging that an asylum seeker by whose fault the procedure is not completed nine months from the filing of application will have the right to access to the labour market.

In order to improve the efficiency of the national asylum system within the IPA 2013 Twinning Project "Support to the National Asylum System", and in cooperation with experts from Sweden, the Working Group which consists of representatives of relevant state bodies, has prepared a Draft Law on Asylum and Temporary Protection which has been, in line with the commitments undertaken within the accession process, aligned with the directives of the European Union regulating the issues of asylum, in particular through Directive 2011/95/EU. The Directive defines the eligibility standards for citizens of third countries or stateless persons for the realisation of the right to asylum; standards aimed at the establishment of a uniform status for refugees or for persons eligible for subsidiary protection, and the standards related to the requirements (rights and duties) for being granted protection stipulated in Directive 2013/32/EU which defines the procedure for recognizing and revoking the right to asylum, emphasizing that the mentioned procedures must be the same in the national legislation, as well as Directive 2013/33/EU which provides for the minimum standards for granting temporary protection in case of mass influx of displaced persons, measures applied in the reception process, obligations of the state receiving the displaced persons and the rights and duties of the persons to whom temporary protection has been granted.

The Draft Law was presented at a public hearing held in March 2016, to all international organisations and to national civil society organisations, and upon the adoption of the suggestions, comments and proposals

⁶"Official Gazette of RS", No 128/2014

presented, a second draft was drawn up and forwarded to the European Commission and the European Asylum Support Office.

Bearing in mind the provisions of the UN Resolution, the basic changes envisaged by the text of the Draft Law compared to the solutions defined by the existing Law on Asylum refer primarily to defining more precisely and in greater detail the rights of asylum seekers and persons granted protection, particularly those referring to the requirements for restriction of movement, rights of unaccompanied minors, rights of asylum seekers from vulnerable categories of persons, provision of best interest for minors, which have been in the Draft Law fully aligned with the solutions embodied in the ratified international instruments related to the fundamental rights and freedoms of asylum seekers and refugees.

- **The UN 2030 Agenda for Sustainable Development**

The Republic of Serbia is the only country in the region that participated in both the Open working group that has defined the UN Agenda for Sustainable Development until 2030, and in the Intergovernmental Expert Committee on Financing Sustainable Development. In the Republic of Serbia, there are 97 development strategies implemented at the moment and the majority of goals is covered by these strategies.

In late 2015, the Government of the Republic of Serbia established the Inter-sectoral Working Group for the Implementation of the UN 2030 Agenda for Sustainable Development. The Inter-sectoral Working Group has the task to, in cooperation with the competent ministries, monitor the implementation of the UN 2030 Agenda for Sustainable Development, which was adopted on 25 September 2015, to bring together and coordinate the views and activities of all relevant ministries, to propose the initiation of the process of adopting a national strategy for sustainable development and the ways and means of its financing, which would integrate all the individual strategies and harmonize the Agenda's objectives with the terms the Republic of Serbia needs to comply with in order to fulfil its other international commitments, thus successfully completing the accession negotiations with the EU, as well as to propose the basis for statistical monitoring of the goals and targets. The establishment of the Working Group has formally initiated the process of how to define and nationalize Serbia's Sustainable Development Goals (SDGs) in accordance with the UN Agenda.