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About the Authors

Medical Volunteers International

Medical Volunteers International (MVI) is a grassroots NGO based in Hamburg with projects across the Balkan route. We have been working in Northern Serbia since March 2022. We provide health education to people on the move, help with their medical needs and facilitate people's access to the Serbian healthcare system. To connect with MVI in Northern Serbia, please contact advocacy-serbia@medical-volunteers.org.

Collective Aid

Collective Aid is a grassroots NGO committed to bring dignity and care to refugees and other displaced people across Europe. Our organisation currently works in Serbia, Bosnia and Herzegovina, and France facilitating showers, clothes & washing services, providing food, safe water, and essential material aid. We have been working in Northern Serbia since 2019 and have provided thousands of people seeking safety in Europe with countless amounts of vital material aid and hygiene solutions. To connect with Collective Aid in Northern Serbia, please contact subotica@collectiveaidngo.org.

Construct Solidarity

Construct Solidarity (CS) is a grassroots collective founded in November 2022. The goal of CS is to improve the living conditions in the informal settlements by installing stoves and closing door and window openings. To connect with construct solidarity, please contact construct.solidarity@protonmail.com.

Introduction

This report presents observations, personal testimonies and an analysis of political developments relating to the situation of people on the move in Northern Serbia from December 2022 to January 2023. Our October-November Advocacy Report (linked [here](#)) introduced trends in border violence and living conditions in and outside of reception centres for people on the move in Northern Serbia. Following on from this, we will provide an update on these topics and an analysis of the increase in evictions along the Northern border.

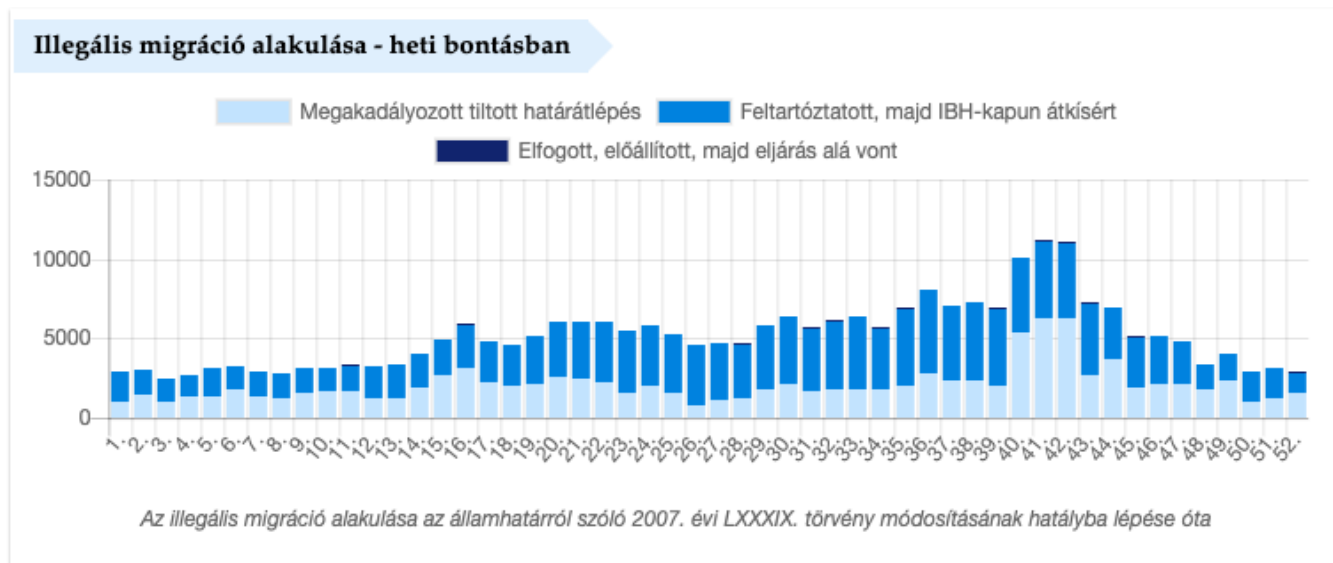
This report predominantly concentrates on the current systematic approach of evictions taking place in Northern Serbia. Recent publications on the situation in Northern Serbia have paid a great deal of attention to the shooting in Horgos on the 24th November and the subsequent impact of this. This event sparked an immediate wave of evictions towards the end of November. In the last two months, the capacity of the police has increased and with this the frequency of evictions. People on the move are being repeatedly forced from informal settlements to official camps across Serbia. In this process, the informal settlements are being repeatedly destroyed. **We will discuss the physical destruction, psychological violence, and the added difficulty of harsh weather conditions in this relentless eviction process.**

This process of attrition against people on the move within Serbia was the main topic of conversation with people this winter. This issue is very visible given the extent of physical destruction and the number of police personnel. We can currently convey more information about the practices relating to evictions over the last two months than further analysis of pushbacks.

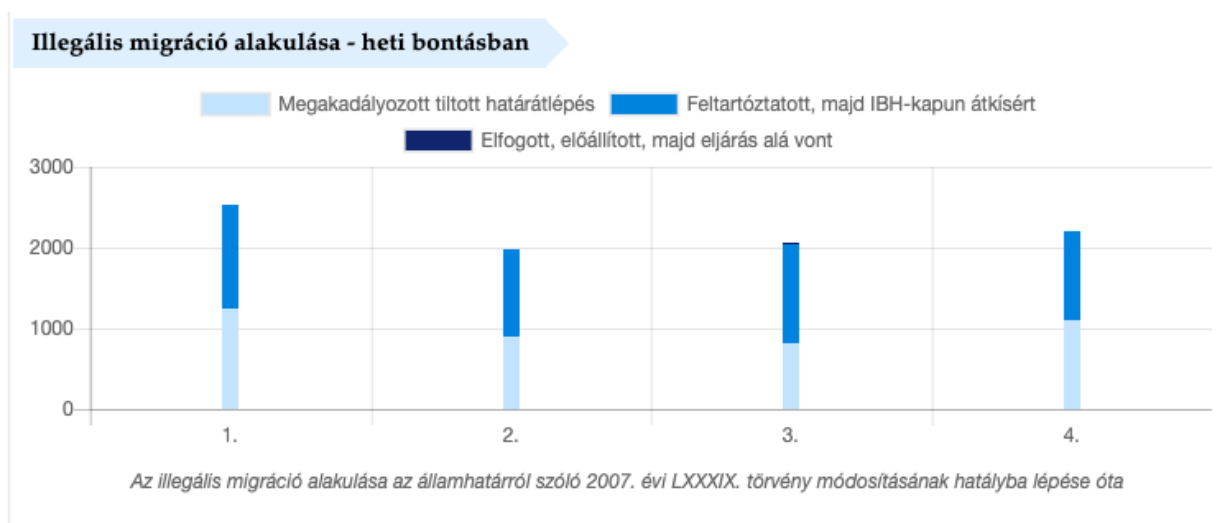
This does not mean that people have stopped trying to cross into the European Union, nor that border violence has decreased. It is clear that overall there are fewer people crossing, or attempting to cross, the border to Hungary than in Autumn 2022. According to the most recent figures published by the Hungarian authorities, the number of people on the move who have been either 'prevented' (light blue in graphic below) or 'pushed back' (dark blue) over December and January is around 2500 per week.¹ This number is very similar to January 2022 and is likely a reflection of winter weather and evictions in Serbia taking people away from the

¹ Official Hungarian Police Website, 'Illegális migráció alakulása', accessible at: <https://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa>

border. In comparison to this autumn the number is much lower, and yet broken down this still means there are **on average 350 pushbacks each day at the moment.**²



Graph published by Hungarian Police of weekly number of pushbacks in 2022



Graph published by Hungarian police of weekly number of pushbacks 2023

It is clear from testimonies and medical conversations with people on the move that the practices used by authorities during pushbacks remain violent.³ Recently, people have reported severe injuries, destruction of property, theft of essential items such as medical crutches, and forced extended exposure to near-freezing temperatures. Whilst the overall

² Ibid.

³ Some testimonies accessible at <<https://www.borderviolence.eu/violence-reports/>>

numbers are currently decreasing, the treatment of people on the move by authorities has not changed and certainly not improved.

This atmosphere of repression against people on the move in Northern Serbia is reflected in immediate political developments between the European Union and the Western Balkans. This report will further demonstrate how the treatment of people on the move along the Northern Serbian border are dictated by policy decisions being made at a higher governmental level. This will be explained by drawing attention to the EU-Balkan summit, changes to the Serbian visa policy, and the increased presence of Frontex in Serbia.

Methodology

Our methodology comprises several data collection approaches.

Border Violence Testimony Collection

Our organisations leverage close social contacts with people on the move to monitor pushbacks and violence at the Hungarian and Romanian borders. Our field volunteers are trained in violence reporting and testimony collection by the Border Violence Monitoring Network (BVMN). There is a standardised questioning framework for the interview structure which blends hard data collection (e.g., dates, geo-locations, officer descriptions, photos of injuries / medical reports) with open narratives of the abuse. When individuals return with stories of pushbacks (i.e., both violent and non-violent), one of the volunteers will collect their testimony and document any injuries they have in a quiet and safe environment. Recently, people are more anxious at the sites we visit due to regular evictions and police visits. As such, we have collected only a few testimonies in the past two months as people are less willing to converse with our field teams and take time to give testimonies.

Medical Conversations

We come into daily contact with a large number of people on the move, sometimes exceeding 120 patients per day. A member of the team will offer and explain to the patient that they can give a report about their experience. Speaking specifically about medical issues not only corroborates the border violence testimonies that are given but the number of medical concerns that we see far exceeds the number of testimonies taken which provides a more accurate sense of the extent of the violence experienced in Northern Serbia.

Joint Organisational Observations

There are several humanitarian, legal, and advocacy organisations that monitor the conditions of people on the move in Serbia. These organisations meet on a regular basis to share and validate observations, trends, and incidents on the field which increases the number of data points in our analysis and enhances the accuracy of information provided in this report.

Secondary Resources

This report is informed by secondary research across various channels, including government statistics, databases, quarterly reports, and reporting from Serbian and European media outlets.

Recent Political Developments

The dominant political narrative regarding people on the move in the Balkans is that their movement must be curbed to protect Europe's borders. What follows from this is an abuse of human rights, denial of access to asylum and an increase in smuggling networks.⁴ Given that the treatment of people on the move is dictated by policy decisions made at a higher political level, it is necessary to analyse the most recent developments. This section looks at Serbia's agreement to align their visa policies with the EU and the EU Action Plan for the Western Balkans.

Serbian Visas and the EU

Serbia has increasingly aligned its visa regimes with that of the EU in efforts to placate the EU and control migration from Serbia into EU member states. Historically, Serbia has permitted visa-free entries to citizens of many countries to many countries who do not recognize Kosovo as an independent state.⁵ It was repeatedly raised by EU politicians in 2022 that Serbia's visa-free regime led to high numbers of people on the move using Serbia as an entry point for their route into EU countries.⁶ In efforts to curb immigration, the EU demanded that Serbia adopt visa regimes similar to the EU's. Serbia was pressured to comply as it would like to maintain its visa-free travel agreement with EU countries and enhance the possibility of receiving EU membership in the future. As noted by the German Minister of Interior, Nancy Faeser, "Serbia has to adapt its visa practice to the EU if it wants to become an [EU] accession candidate."⁷

From November 2022, travellers from Tunisia and Burundi need to apply for visas to enter Serbia; in January 2023, India and Guinea-Bissau were added to the list as well. We expect more visa-free terminations to follow. There are ongoing speculations that Serbia will introduce visa requirements to Russia, Belarus and Turkey in the near future.

⁴ Klikaktiv, 'Statement on Eu Action Plan for Western Balkans', accessible at:

<<https://klikaktiv.org/journal/klikaktivs-statement-on-eu-action-plan-for-western-balkans>>

⁵ *Visa free countries (January 2023): Armenia, Azerbaijan, Bahrain, Belarus, Bolivia, China, Cuba, Indonesia, Jamaica, Kyrgyzstan, Kuwait, Kazakhstan, Mongolia, Oman, Qatar, Russia, Suriname and Turkey.* Schengen Visa Info, 'Serbia has introduced visas', accessible at

<<https://www.schengenvisainfo.com/news/serbia-has-introduced-visas-to-citizens-of-several-countries-in-2022-due-to-eu-pressure/>>

⁶ Alice Pesavento, 'Serbia: why the last European country is stopping visa-free travel for Tunisian citizens', accessible at

<<https://inkyfada.com/en/2022/11/21/serbia-visa-tunisia/>>

⁷ Schengen Visa Info, 'Germany warns Serbia to change visa practice if it hopes to join the EU', accessible at

<<https://www.schengenvisainfo.com/news/germany-warns-serbia-to-change-visa-practice-if-it-hopes-to-join-the-eu/>>

Whilst these visa changes will discourage some people from entering the EU through Serbia, many people on the move will continue their attempts to cross through Serbia or neighbouring states in order to flee the dire situations in their home countries. In fact, KlikAktiv and Danish Refugee Council report that most people are still coming from Syria and Afghanistan, countries that do not have visa-free agreements with Serbia.⁸ The new visa policies simply make the journey more dangerous for vulnerable people and increase the power and influence of smuggling networks as more people are forced to take this option.

EU Action Plan for the Western Balkans

At the EU-Western Balkans Summit in Tirana on 6th December 2022, the European Commission presented an EU Action Plan for the Western Balkans which set out a series of plans and measures for EU support in migration and border management in the region.⁹ It is important to note that all of these Western Balkan countries are candidates to become EU member states.¹⁰ As mentioned in the previous section, the promise of entry to the EU largely enables the EU to dictate migration policy along the Balkan route. The Action Plan aims to ensure the full alignment of Serbia's migration and border policy to that of the EU's. This follows on from the signing of the European grant in October 2022 worth €36 million for "strengthening institutional capacity for migration management" in Serbia.¹¹ The plan announced the increase of joint operational power of Frontex, through concluding status agreements with Albania, Montenegro, Serbia and North Macedonia, which would allow Frontex to deploy the European Border and Coast Guard standing corps in the Western Balkans.

Additionally, pilot projects were also announced in order to establish fast asylum processes for EU member states. The plan illustrates the creation of transit reception centres at EU external borders in order for people to have asylum screenings upon entering the EU. In these centres, people would be able to apply for asylum and be returned to 'safe third countries,' such as Serbia, having never actually entered the EU. This plan has yet to be implemented on any of the external borders. However, it is the logical next step in EU migration

⁸ ECRE, 'Balkan route 27th January 2023', accessible at <https://ecre.org/balkan-route-arrivals-to-eu-up-pushbacks-and-violations-continue-ecthr-rulings-against-hungary-and-croatia/>

⁹ Council of Europe, 'EU Western Balkans Summit in Tirana , 6 December 2022', accessible at <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/#:~:text=This%20was%20the%20first%20Dever.with%20a%20clear%20EU%20perspective>

¹⁰ Countries include: Montenegro, Serbia, North Macedonia, Albania, Bosnia and Herzegovina, Kosovo, accessible at <https://www.consilium.europa.eu/en/policies/enlargement/>

¹¹ 'Srbija Government Website, EU to help Serbia prevent Illegal Migration', accessible at <https://www.srbija.gov.rs/vest/en/195046/eu-to-help-serbia-prevent-illegal-migration.php>

politics given the trends we observe in the field already, including increased police personnel, evictions, and pushbacks, all aimed at keeping as many people on the move in Serbia and ensuring they never reach the EU.

Finally, cooperation regarding non-voluntary returns from EU countries to the Western Balkans and / or countries of origin is expected to intensify. A readmission agreement between EU and Serbia already exists since 2007 which includes an agreement to return third country nationals to Serbia.¹² The Action Plan aims to enhance this process.¹³ This simply means that the number of returns will increase and even fewer people will be given access to asylum in Europe. Further, the plan aims to increase returns from Serbia to countries of origin. This is not new as two detention centres focussed on deportation were built in the last two years in Serbia. However, the Western Balkan countries have pledged better cooperation with the EU to facilitate deportations to countries of origin in 2023.¹⁴

The EU Action Plan focuses entirely on the externalisation of the EU borders. Meanwhile, little attention is placed upon ensuring fair access to asylum or providing adequate living conditions for people on the move. All policies broadly focus on how to minimise people's access to the EU and illustrate the specific roles Western Balkan countries must play in this vision. Accelerated asylum screening, increased funding and new reception centres will continue to keep people on the move out of EU member states. New visa restrictions, increased deportations to countries of origin and greater border securitisation outside of immediate EU borders aim to ensure potentially new EU member states from the Western Balkans have sufficiently aligned themselves in their migration policies in the name of protection and security of the EU.

¹² Committee on Migration, Refugees and Population, 'Readmission agreements: a mechanism for returning irregular migrants', accessible at <<https://www.refworld.org/pdfid/4bdadc1c3.pdf>>

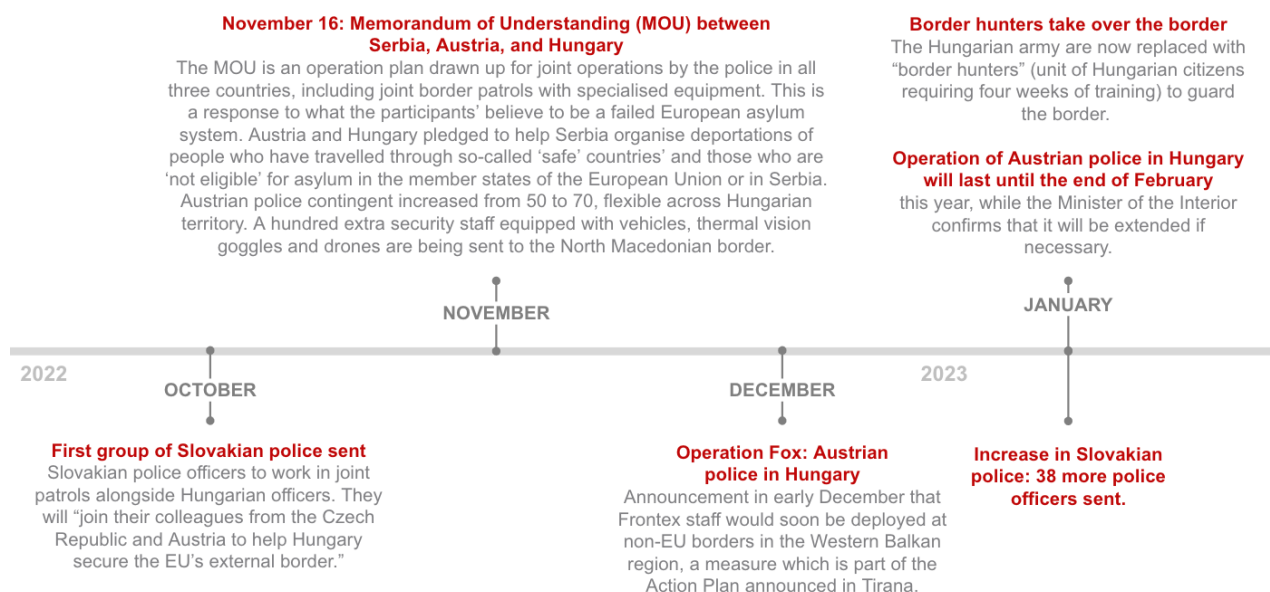
¹³ Klikaktiv, 'Statement on Eu Action Plan for Western Balkans' accessible at <<https://klikaktiv.org/journal/klikaktivs-statement-on-eu-action-plan-for-western-balkans>>

¹⁴ Commission press release, 'Action Plan for Western Balkans to Address Challenges' <https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7447>

Trends in Border Violence

Military and Police Presence

Over the last year, there has been an increase in bi-lateral and multilateral agreements between different EU countries and Serbia. This has predominantly focussed on increasing police personnel along the Serbian-Hungarian border and throughout the entirety of Serbia and Hungary. In order to fully demonstrate the extent of cooperation and increased border securitisation in the Western Balkans, we have shown below a timeline of EU member state contribution to border control (i.e., note that this only includes those countries that have made public statements).^{15 16 17 18 19 20 21 22 23}



¹⁵Hungary Today, 'Slovak Police Officers to Guard Hungarian-Serbian border', accessible at <https://hungarytoday.hu/slovak-police-officers-to-guard-hungarian-serbian-border/>

¹⁶Schengen Visa Info, 'Slovakia Sends 40 Policemen to protect Hungarian-Serbian border', accessible at www.schengenvisainfo.com/news/slovakia-sends-40-policemen-to-protect-hungarian-serbian-border/

¹⁷N1, 'Serbian, Hungarian, Austrian police in joint border operation', accessible at <https://n1info.rs/english/news/serbian-hungarian-austrian-police-in-joint-border-operation/>

¹⁸Thomas Hill, 'Austria, Serbia and Hungary strike migration deal', accessible at www.euronews.com/2022/11/17/austria-serbia-and-hungary-strike-migration-deal-saying-eu-measures-have-failed

¹⁹Talha Ozturk, 'Serbia, Hungary, Austria agree to step up efforts against illegal migration', accessible at www.aa.com.tr/en/europe/serbia-hungary-austria-agree-to-step-up-efforts-against-illegal-migration/2740508

²⁰Ida, 'Operation Fox' - Police officers in Hungary "Step on Asylum Brake", accessible at <https://todaytimeslive.com/politics/180256.html>

²¹Autonomija, 'Mađarska vojska napustila granicu prema Srbiji, preuzeli "pogranični lovci"', accessible at <https://autonomija.info/madjarska-vojska-napustila-granicu-prema-srbiji-preuzeli-pogranicni-lovci/>

²²Schengen Visa Info, 'Slovakia sends another group of 38 police officers to protect Hungarian Serbian Border', accessible at www.schengenvisainfo.com/news/slovakia-sends-another-group-of-38-police-officers-to-protect-hungarian-serbian-border/

²³Alice Tidey, 'Brussels plans for Frontex border staff in Western Balkans to curb illegal migration', accessible at www.euronews.com/my-europe/2022/12/05/brussels-plans-for-frontex-border-staff-in-western-balkans-to-curb-illegal-migration

Additionally, on 17th January the Austrian government responded to several questions concerning the presence and actions of Austrian police on the Hungarian-Serbian border. They announced that in 2022, 538 'law enforcement officers' were employed by Hungarian state police and the Central Office at the Hungarian-Serbian border.²⁴

Furthermore, our field observations confirm that the extent of personnel at the Serbian-Hungarian border goes beyond what can be publically discovered through the news or public statements. Multiple field teams have observed and were told that police units and cars from Austria, Italy and Germany are active in Northern Serbia; however, there has been no formal mention of German police stationed at the EU external borders. As of December 2022, Frontex reported that they had nearly 500 officers in the Western Balkans though none specified presence at the Northern Serbian border area.²⁵ Yet, a Serbian border police officer disclosed to field team members that as of January 2023, there were 20 German, 6 Austrian and 2 Lithuanian police officers working in Northern Serbia while no public announcement has been made about this. Since 26th January, Italian police cars were spotted by field teams in popular transit towns such as Horgoš and Sombor. Throughout January, people on the move living in an informal settlement close to the Serbian village, Srpski Krstur, regularly reported that two German police officers in a German police car, were accompanying the Serbian police at daily evictions and visits of this settlement. During these evictions, police officers took people to reception centres throughout Serbia and caused significant damage to people's shelters.

Cases of Border Violence

Whilst it is clear that fewer people are crossing the border to Hungary this winter, the violence against people and illegal pushbacks continue.²⁶ In the past two months, our field teams regularly saw the same people returning to the informal settlements after being pushed back five or six times. In most cases people on the move are detected by border authorities and then quickly apprehended, beaten, searched, photographed, and pushed back into Serbian territory. They reported being beaten, robbed of money or other belongings by the authorities

²⁴Gerhard Karner, 'Beantwortung der parlamentarischen Anfrage', accessible at https://www.parlament.gv.at/dokument/XXVII/AB/12736/imfname_1504307.pdf

²⁵Frontex, 'EU external borders in November: Western Balkans route most active', accessible at <https://frontex.europa.eu/media-centre/news/news-release/eu-external-borders-in-november-western-balkans-route-most-active-ULSsa7#:~:text=Frontex%20supports%20the%20Western%20Balkan,2021%20to%20nearly%2094%20000.>>

²⁶ Official Hungarian Police Website, 'illegális-migráció-alakulása', accessible at <https://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa>

and being forced to spend nights outside without shelter or food. Since the violence used during pushbacks is systematic and procedural, it is often quickly normalised by those affected.

The majority of our conversations and testimonies involved pushbacks from Hungary in which people often reported returning back to Serbia through the Röske transit Zone near Horgoš Border Crossing. We currently hear less about pushbacks at the Romanian border near the town of Rabe. Since the increase in evictions in December, we observed that far fewer people are staying in this area.

It is evident that EU member states continue to make access to asylum as difficult as possible. The number of police personnel on the Hungarian and Serbian side of the border is continuously increasing. Hungarian officials stated that parts of the fence have been increased by 2m in height. Additionally, our field teams can also confirm that sections of the Serbian-Hungarian border fence have been widened on top with a Y-shaped structure covered in razor wires as in the photo below.²⁷



Photo of Aleksander Vukic and Katarin Novak speaking at the Serbian-Hungarian border fence on 15th December 2022.

The rhetoric generated by governments to justify the measures outlined above concentrates on the protection of the EU, prevention of human trafficking and the removal of criminals.²⁸ The Memorandum of Understanding between Hungary, Austria and Serbia signed in November 2022 aimed to take measures even further as the signatories claimed that the EU asylum system had failed.²⁹ In interviews, the national leaders from Hungary and Austria stated that they needed to take matters into their own hands to deal with traffickers and ‘abuse of the asylum system.’³⁰ Hungarian Prime Minister, Viktor Orban, stated,

²⁷Magločistač, ‘Vukic with the President of Hungary at the Kelebija-Tompa crossing’, accessible at <https://www.maglocistac.rs/subotica/vucic-sa-predsednicom-madarske-na-prelazu-kelebija-tompa-srbija-ukinula-bezvizni-rezim-sa-četiri-drzave>

²⁸ Ibid.

²⁹ Nikolaus J. Kurmayer & Zoran Radosavljevic, ‘Austria teams up with Hungary, Serbia to end asylum a la carte’, accessible at <https://www.euractiv.com/section/politics/news/austria-teams-up-with-hungary-serbia-to-end-asylum-a-la-carte/>

³⁰Thomas Hill, ‘Austria, Serbia and Hungary strike migration deal saying EU measures have failed’, accessible at <https://www.euronews.com/2022/11/17/austria-serbia-and-hungary-strike-migration-deal-saying-eu-measures-have-failed>

'migration should be prevented, not managed.'³¹ **This language is used to legitimise violent pushbacks and the continued human rights violations of people on the move who the signatories assert are human traffickers or asylum tourists.**³² In reality, we have observed police violence is often directed towards individuals without any evidence of connection to smuggling networks. It is clear that the political narrative is an excuse to further demonise all displaced people.

Below are examples from testimonies of the continued kinds of violence enacted against those trying to cross the border in December 2022 and January 2023. Official personnel at the border ought to comply with the Schengen Borders Code (the "Code") and so, "in the performance of their duties, fully respect human dignity."³³ The Code goes on to state that border checks should be implemented in "a professional and respectful manner and be proportionate to the objectives pursued."³⁴ However, the testimonies and injuries our field teams hear and see make it clear that this is not the case.

Physical Violence

The impact of physical violence enacted during pushbacks is something that we regularly see and speak about in medical conversations with people on the move. This violence is often administered on individuals through beating using sticks or police batons.

The two policemen who stopped them picked up wooden sticks from the forest floor in order to beat members of the group. The respondent was severely injured on his left arm. One of the officers had repeatedly beaten him on the same place on his upper arm. When we met him a few hours later, he was not able to move his arm at all and it seemed likely that it was broken. Seeing the respondent again a few days later, his arm was not broken but so bruised that he still could not use it. He incurred a lot of bruising over his thighs and hands from being beaten and estimated that the entire group was being beaten for around 30 minutes.³⁵

³¹ Nikolaus J. Kurmayer & Zoran Radosavljevic, 'Austria teams up with Hungary, Serbia to end asylum a la carte', accessible at <<https://www.euractiv.com/section/politics/news/austria-teams-up-with-hungary-serbia-to-end-asylum-a-la-carte/>>

³² N1, 'Serbia, Hungary Austria reach agreement on readmission', accessible at <<https://n1info.rs/english/news/serbia-hungary-austria-reach-agreement-on-readmission/>>

³³ Schengen Borders Code, Article 6 (1), accessible at <<https://www.europeanmigrationlaw.eu/en/caselaw/18643#:~:text=1..objectives%20pursued%20by%20such%20measures.>>

³⁴ Ibid.

³⁵ Collective Aid, 'January 5, 2023 02:00 - Sombor, Serbia', to be accessed at <<https://www.borderviolence.eu/violence-reports/>>

This testimony from the 5th January is reminiscent of many peoples experiences of pushbacks. Physical violence is common practice and typical for a pushback by border authorities despite breaching Hungary's obligations as a party to the ECHR and the Charter of Fundamental Rights of the European Union (CFREU). Both Article 3 ECHR and Article 4 CFREU stipulate that no one shall be subject to inhuman or degrading treatment.³⁶

Dog Bites

The occurrence of dog bites provoked by trained guard dogs let loose on people on the move in Hungary has also been reported to us, including by unaccompanied minors as in the following testimony from the 18th January.

The respondent and his friends explain that the officers also had a dog which they let loose on the group of Syrians. The dog bit three people in the leg, including the 17 year old respondent who is now wounded. A fourth person explains the dog only caught his shoes. We can see the mark of sharp teeth, but fortunately he was not wounded.

The respondent reports every member of the group was body searched and heavily beaten with batons by the officers. He adds that every mobile phone was taken by the officers and thrown away in the forest.

The respondent says they spent around five hours in the forest with these officers, being searched, beaten, and left standing immobile in the cold.³⁷

The presence of police dogs is not uncommon in pushbacks testimonies. Generally it is noted that police dogs are wearing muzzles when they are used to search for people or even let loose. However, clearly police dog bites do happen. It is highly unlikely that these dogs are able to free themselves from their muzzles. In which case, they are intentionally removed by officers on duty who are aware that the dogs are likely to bite people they come into contact with.

Theft

It is common that people on the move report that their possessions have been stolen. This usually involves phones, clothes, food and particularly money. Recently, people have reported theft of medical essential items.

³⁶ Article 3, ECHR, accessible at <https://www.echr.coe.int/documents/convention_eng.pdf>

³⁷ Collective Aid, 'January 18, 2023 10:00 Roske Transit Zone, Horgos, Serbia', to be accessed at <<https://www.borderviolence.eu/violence-reports/>>

On 20th January, a young Moroccan man who had already given a report regarding a pushback from Hungarian hospital, reported that he had tried again to go on game and when he was apprehended by the police in Hungary he had his crutches taken away from him.³⁸

On the 22nd January, the respondent was walking through Hungary and at around 6am the police - 4 officers in blue uniform - caught him, threw tear gas in his face, beat him in the face, took 50 euros from him and his medication for Leukaemia which costs around 450 euros for 20 days.³⁹

Theft of money and essential items are frequently reported by people on the move during both pushbacks and evictions. Under the International Covenant on Economic, Social and Cultural rights both Article 11 and Article 12 have been abused in these cases of theft.⁴⁰ Article 11 recognises the right to an adequate standard of living including food, clothing and housing all of which are removed when the very few essentials you still have are forcibly taken away by authorities at the border, leaving you with nothing. Further, Article 12 recognises the right to health and each individual's enjoyment of physical and mental health. Stealing medication clearly actively interrupts an individuals possibility for physical health and actively endangers it.

Pushbacks from Hungarian Hospitals

In the last advocacy report, we raised the issue of pushbacks from Hungarian hospitals. In the last two months, we have again repeatedly come into contact with individuals who were injured in car accidents in Hungary and were either immediately pushed back to Serbia or were first taken to hospital and then pushed back. Those who are pushed-back in these circumstances tend to be very physically and psychologically fragile and still suffering from their injuries.

On the 21st of December, two Moroccan men who were injured in the same car accident gave separate reports on how they were pushed-back from Hungary to Serbia. The car crash occurred at 10:20 am on the 85105 road near Mosonmagyaróvár.

³⁸ MVI, January 20, Serbia', Internal Report

³⁹ No Name Kitchen, 'January 22 2023, 06:00 Budapest, Hungary', to be accessed at <<https://www.borderviolence.eu/violence-reports/>>

⁴⁰ Article 11, 12 International Covenant on Economic, Social and Cultural Rights, accessible at <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>>

The first respondent stayed in the hospital in Mosonmagyaróvár for a week. Having been treated in hospital, none of the medical staff ever explained his injury to him, offered him an interpreter or told him what his discharge papers said. On 28th December, 3 men in navy blue uniforms - identified by the respondent as "Hungarian police officers"- came to the hospital to collect the respondent. He was reportedly taken by the "officers" to the police station at 14:00. He stated that he was not given any explanation about where he was going. He had been given only one crutch at the hospital and was expected to walk with a severe pelvic fracture.⁴¹

The second respondent stayed in a hospital in Győr for two weeks. On the 5th of January, 2 police officers came to the hospital and took him away without explaining anything. He was then driven by these 2 officers in a police car to a police station. There he waited for an hour on the ground. He had to sign a paper (still without any explanation). In the evening he was put into a "bus" with about 20 other people and driven to the Serbian border close to Kelebija.⁴²

Our internal reporting of pushbacks directly from hospitals have started to uncover the relationship between emergency medical care for people on the move and pushbacks. We have learnt from discharge papers that there is a procedure wherein the hospital contacts the police - the documents of both papers in this instance made direct reference to the (border) police collecting them. The second respondent's medical papers state in Hungarian: 'as the name and exact address of the patient is unknown, the patient will be transferred from our ward by the Border police.' On 5th January, the date he was pushed back, they wrote 'the patient is in transportable condition'.

The first respondent, the man with a pelvic fracture, was pushed through the border gate at Kelebija alone at around 23:30 with very few clothes and the single crutch. He was left to sleep the night in the cold on the floor of the forest on the Serbian side of the border.

⁴¹MVI, 'December 28, 2022 23:30, Kelebija Serbia', Internal Report. This led to a BVMN report collected by Collective Aid, to be accessed at <<https://www.borderviolence.eu/violence-reports/>>

⁴²MVI, 'January 5, 2023 19:00 Kelebija Serbia', Internal Report. This led to a BVMN report collected by Collective Aid, to be accessed at <<https://www.borderviolence.eu/violence-reports/>>

It is significant in this instant to know that this man had been taken from a hospital and left for a night in the cold on that same evening. His discharge papers from the hospital make clear that he required assistive walking devices and rest. Instead, he was knowingly and intentionally taken by official officers, denied his right to legal support and forced into a precarious position regarding his physical health.

The second respondent, had to “walk” for more than 30 minutes with his crutches, still in a lot of pain and unable to bear any weight at all on his right leg, until he reached a roundabout in the village and could get a taxi. He did not know where to go so he took the direction of Belgrade and stayed in the “forest” outside the city on his own for four days sleeping outside.

In these two instances, both patients received the essential medical treatment that they needed which has not been the case in previous reports.⁴³ However, neither of them had their injuries explained to them, nor were they given sufficient pain medication for such serious injuries.

A hospital pushback is not legally different from other pushbacks in Hungary. The Hungarian State Borders Act enables the Hungarian authorities under national law to escort foreigners to the nearest gate in the border fence and push them to Serbia. Since 28 March, 2017, this act applies to the entire Hungarian territory (not just the 8km distance from the border fence).⁴⁴ Under international law, these pushbacks are still deemed to be illegal. This law (and procedure) denies asylum seekers the right to seek international protection and constitutes a violation of Article 4 of Protocol 4 ECHR: prohibition of the collective expulsion of aliens.⁴⁵

These pushbacks from hospitals involve a further breach of an individual's human rights. Neither of the respondents were in a condition to be released from hospital without ensuring further medical assistance; they were unable to walk, had no food, money or warm clothes. This is in breach of Article 3 of the European Convention on Human Rights. Pushing someone back in a poor mental or physical state constitutes inhuman and degrading treatment.⁴⁶

⁴³ MVI & Collective Aid, 'Northern Serbia Advocacy Report Oct/Nov 2022', <https://medical-volunteers.org/Northern-Serbia-Advocacy-Report_OctNov_vFinal.pdf>

⁴⁴ Asylum in Europe, 'Access to the territory and pushbacks: Hungary', accessible at <<https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>>

⁴⁵ Ibid.

⁴⁶ Article 3, ECHR, accessible at <https://www.echr.coe.int/Documents/Guide_Art_3_ENG.pdf>

Trends in Serbia State Action

State Response after November Shooting

In the last Advocacy Report, our team illustrated the high-profile shooting in November at Horgoš town centre between members from informal networks that facilitate border crossings. This prompted a strong and violent response from locals and Serbian authorities.⁴⁷ Three days after the shooting, Serbian authorities had completely demolished and evicted two of the largest informal settlements in Horgoš which, combined, housed more than 1000 people at any given time.⁴⁸ These people were forcefully taken to camps across the North Macedonian and Bulgarian borders. Whilst Serbian camps supposedly allow individuals to freely exit, the Serbian police undermined this right by refusing to let some leave the camp or forbidding their use of public transport lines across Serbia unless they are travelling towards camps with proper documentation (i.e., “Camp IDs”).⁴⁹ This discriminatory practice and other forms of harassment towards people on the move have continued since November.

In December and January, the Serbian government adopted more restrictions targeted at people on the move particularly in Northern Serbia. In popular transit towns across the Hungarian border, people on the move are often denied access to grocery stores, bakeries, and other shops to access essential goods. Our field teams have also heard accounts of police in a transit town near Romania asking people for money in return for entry into the town centre to purchase goods. In addition to these barriers, people on the move also face the risk of being taken to camps against their will by police whilst shopping or simply walking around. On several occasions people in the field have expressed that they are starving, because they can't go into town to buy food. If people try, they are often stopped by police and forced to go back. Whilst these conditions have not remained in place consistently, the barriers to access have been repeatedly implemented for periods of several days or a week at a time. Further, in a recent town hall meeting, Horgoš residents were encouraged by local authorities to call the police when they see people on the move near their residence.⁵⁰ This degree of scrutiny has forced

⁴⁷ Danas, 'Armed men in the centre of Horgos, locals reported shooting', accessible at <https://www.danas.rs/vesti/drustvo/naoruzani-ljudi-u-centru-horgosa-mestani-prijavili-pucnjavu/>

⁴⁸ Pannonrtv, 'New Police Action in Horgos', accessible at <https://pannonrtv.com/rovatok/vesti-na-srpskom/nova-akcija-policije-u-horgosu>

⁴⁹ InfoPark, 'Life on the border after the massive police raid last weekend', accessible at <https://www.facebook.com/100055278774029/posts/631545055364781/?flike=scwspnss&mibextid=3ihFUia7LCwXZstZ>

⁵⁰ Facebook livestream, 'Video of local meeting after the Horgos shooting', accessible at <https://www.facebook.com/groups/horgos.amifalunk/permalink/5435515636571105/?mibextid=S66qvF>

many people on the move to access essential services only after nightfall to avoid attention from both locals and authorities.

These discriminatory and surveillance measures are intended to create uninhabitable environments for people on the move in transit towns and therefore deter them from staying in Northern Serbia. Unfortunately, the reality is that most people have no other viable alternative but to return to the North in attempts to seek asylum in the EU. Additionally, these measures serve to “otherize” the people on the move struggling to find support here in Serbia. By ostracising and isolating these communities, the authorities are able to further the narrative demonization of people on the move. When people are barred from engaging with the local community, it becomes easier for authorities to paint a picture of them as different, violent, or criminal and exacerbate biased narratives that support the militarised state actions toward people on the move.

Intensified Evictions & Their Impacts

Whilst in the past evictions have not been uncommon, the Serbian authorities' strategy towards people on the move in informal settlements has recently become much more systematic. Since the beginning of December, almost all the informal settlements we visit have been evicted every one to two weeks. This approach is also accompanied by the deliberate expansion of camp capacity in Serbia to house individuals after evictions. Pirot and Divljan camps on the Bulgarian border were reopened at the end of November to accommodate an additional 440 people on the move.⁵¹

From our reports, evictions range from purely destructive but non-violent to highly violent and traumatic. Evictions frequently involve heavily armed police units forcefully taking as many people as they can to official camps, while destroying the living space and personal belongings of people on the move in the process. Many individuals report their belongings (e.g., tents, sleeping bags, blankets, shoes, jackets, cell phones) being destroyed or taken by police during the eviction process. Our field teams also repeatedly hear about police cutting tarps and tents and confiscating all the blankets and sleeping bags. In more violent cases, people on the move disclosed experiencing police beatings and one report from the 20th

⁵¹ UNHCR, Serbia Update, accessible at <<https://data.unhcr.org/en/documents/details/89400>>

January of a fire that was started whilst police were searching for people at an informal settlement, leading to severe damage to the already fragile building as seen below.

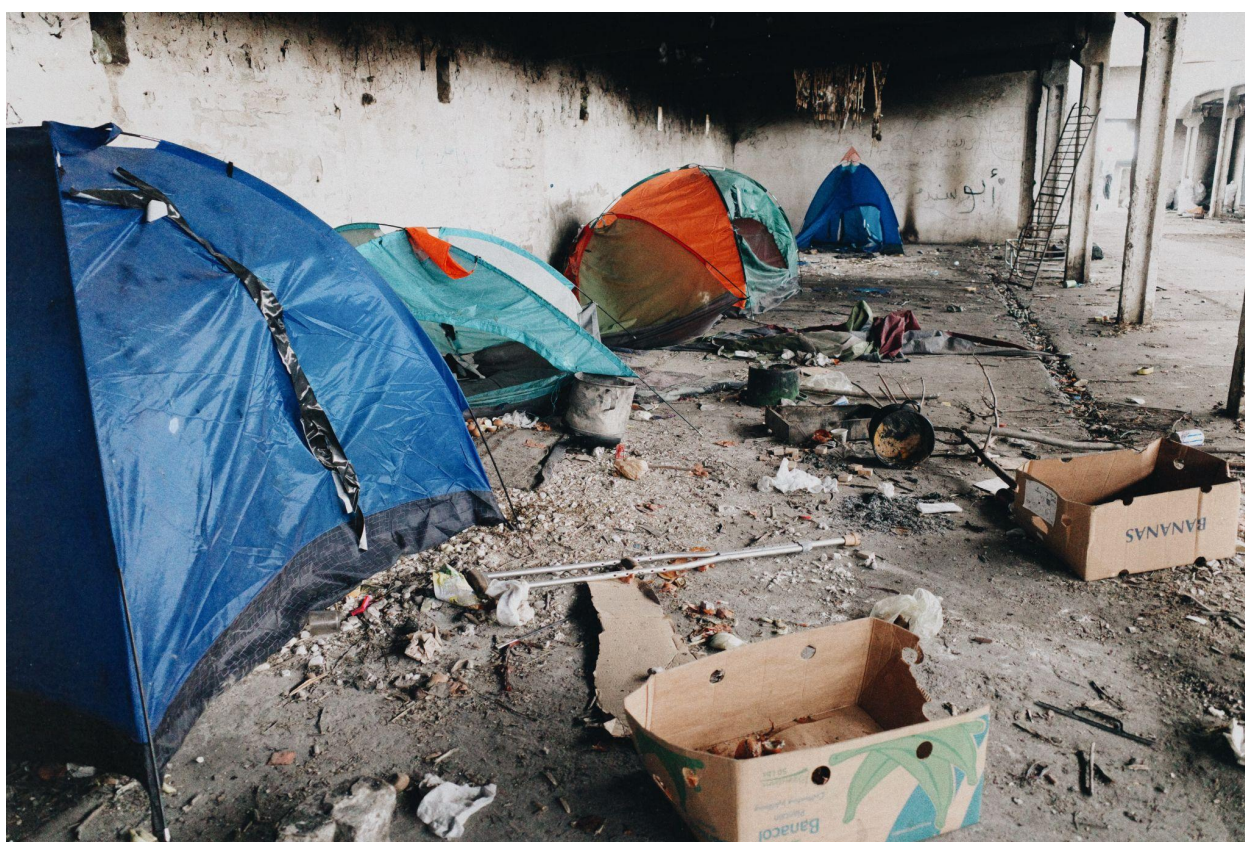


Photographs taken by team members of an informal settlement before and after a fire that broke out during an eviction on 19th January 2022.



Photograph taken by a team member of a tent filled with food and waste after an eviction of an informal settlement near the Romanian border in December 2022

After evictions, people are immediately taken to official Serbian camps bordering Croatia, North Macedonia, and Bulgaria. They then have to return to Northern Serbia in efforts to reach the EU. Since November, Serbian authorities have been restricting movement of these people by not allowing them to leave the camp or forbidding their use of public transport lines across Serbia unless they are travelling towards camps with Camp IDs.⁵² Whilst some of these measures have relaxed, some people still have trouble finding efficient transport options because they either cannot afford to pay for buses or taxis, or because taxis and buses refuse to take people on the move as a result of the political and legal climate. Individuals often report walking for hours and days in the cold in order to get back to the informal settlements they were living in.



Photograph taken by a team member of destroyed tents and debris after an eviction of an informal settlement near the Romanian border in December.

People in the field have expressed living in a constant state of anxiety about police evictions. It has been reported to our teams that police come to the informal settlements as often as three times a day, just to make their presence known. One man from Morocco reported

⁵² InfoPark, 'Life on the border after the massive police raid last weekend', accessible at <https://www.facebook.com/100055278774029/posts/631545055364781/?flike=scwspnss&mibextid=3ihFUia7LCwXZstZ>

to us how he and his friends sleep in all their clothes and shoes in case of an eviction in the night. In addition, many people shared that instead of sleeping in sheltered rooms in the informal settlement, they choose to sleep in the surrounding area of forest and fields because they are afraid of police coming to the informal settlement at night. This leaves people further exposed to the elements with the only shelter being tents.



Photograph taken by a team member of a completely destroyed shelter in an informal settlement near Horgoš.

These evictions are ultimately a futile effort and a drain of public resources. Instead, more investments are needed to improve access to legal avenues for asylum and protection for displaced individuals. Those evicted usually return to the same informal settlement within a few days, only to find them in worse conditions because their belongings have been taken or the buildings destroyed. Until there are more accessible asylum pathways for people on the move to the EU and a better standard of living in Serbian camps, people will continue to live in informal settlements and endanger themselves during the freezing winter. The physical and psychological violence perpetrated by the Serbian state against people on the move during these ceaseless evictions only serve as a hyper-temporary and ineffective

response to the broader systemic failure of EU member states and the Serbian government to acknowledge and address the urgent need for asylum and protection from displaced people.

Subotica and Sombor Camp Conditions

In Serbia, reception centres (“camps”) are managed by the Serbian Commissariat for Refugees and Migration (Commissariat). As of January 2022, there are currently 11 active reception centres across the country with three based in the Northern Serbian cities of Sombor, Subotica, and Kikinda on the Hungarian and Romanian borders.⁵³

Subotica and Sombor camps have been extremely overcrowded since 2022 and notorious for its undignified living conditions. In December and January, the Commissariat took active measures to control overcrowding at these camps through evictions. According to UNHCR’s latest December report, the Subotica camp has a capacity of 220 people and currently has 217 residents; Sombor camp has a capacity of 520 and currently has 344 residents.⁵⁴ These occupancy rates are maintained through regular evictions in which people sleeping at these camps without proper Camp IDs are **forcefully reallocated to other camps in the country**. For example, on 19th January, it was reported by organisations operating in the area that Subotica camp was evicted because there was an estimate of 100 people sleeping at the camp without Camp IDs and therefore no access to beds, food, or medical care. These people instead slept in the hallways of the camp buildings and were soon evicted to other camps near the North Macedonian border with many losing their possessions in the process. This constant eviction strategy keeps official numbers down, making it seem like camps are not overcrowded whilst ignoring the harsh reality of overcrowding that has become the norm in Northern Serbian camps.

Even with lower occupancy rates in Sombor and Subotica camps compared to previous months, residents at these facilities continue to live in inhumane and undignified environments. **When we obtained footage of the living conditions at Subotica camp from January 10th from a camp resident, we discovered that the conditions remain far from acceptable.** The living space is overcrowded with many people sleeping on the floor. The showers and toilets were filthy, a clear sign that there was no regular cleaning or sanitation schedule. People at the camp

⁵³ UNHCR, Serbia Statistical Snapshot October 2022, accessible at <https://reliefweb.int/report/serbia/serbia-statistical-snapshot-october-2022>

⁵⁴ UNHCR, Serbia December 2022, accessible at <https://data.unhcr.org/en/documents/details/89400>

reported lack of access to resources (e.g., healthy food) or medical care. Individuals told us that the doctors are only sporadically present and therefore rarely treat people. When medical prescriptions are given, they have to go into town and purchase the drugs themselves. People shared with our field teams that they are often afraid to go into town to get prescriptions because they are worried the police will harass them and take them to another camp without permission. From the footage of Sombor camp we obtained on 17th January, we also observed overcrowded conditions, unhygienic facilities, and overall unacceptable living conditions. There were numerous broken windows in the housing buildings and people must tack thick blankets over the broken window frames to insulate heat. Additionally, two of the main living areas were in large tents that appeared to lack proper heating, adequate flooring and protection from the cold and rain of winter. Despite being under capacity, these tents are overcrowded with beds.

Click [here](#) for video footage of Subotica Camp conditions and click [here](#) for Sombor Camp conditions. We share a few stills from the footage below.



Subotica Camp, 10th January 2023, makeshift shared bedroom in hallway, 01:45



Sombor Camp, 17th January 2023, shared bedroom inside large marquee tent, 02:02



Sombor Camp, 17th January 2023, sinks in shared bathroom, 02:50



Subotica Camp, 10th January 2023, floor in shared bathroom, 03:00

Conclusion

Throughout December 2022 and January 2023, repression of people on the move in Northern Serbia by both border and domestic authorities increased. Violence on the Hungarian and Romanian borders remains consistent. We continue to recognize the ever expanding network of stakeholders across Serbia and EU member states that facilitate the process of pushbacks and denial of asylum for people on the move. This reality was made obvious through reports that members of the Hungarian medical system are communicating with border police which in turn serves the facilitation of pushbacks.⁵⁵ Hospital discharge papers shared with our field teams clearly stated that the hospital called the Hungarian police to collect and evidently push back people into Serbia.

Meanwhile, the Serbian government continues to enhance its alignment to the EU with support from Hungary and other member states. This is exemplified by a rising number of international police (including Frontex officers) in Northern Serbia to control migration as well as implementation of routine evictions of informal settlements which often leaves shelter destroyed, belongings stolen, and people forcibly relocated to camps. While in camps, people on the move are forced to live in undignified environments despite promises of access to essential services.

The surveillance, control, and abuse of people on the move will not cease. Recent political developments suggest further collaboration between the EU and Serbia with more measures to externalise the EU border into the Western Balkans. The heightening of the Hungarian-Serbian border fence and the abolition of visa-free regime for certain countries from which many displaced people come from are only the beginning of Serbia's commitment to appease the EU in order to gain EU membership.⁵⁶ People on the move will bear the cost of this political collaboration in systematic mistreatment, violence and criminalisation as observed in December and January. Our field teams will continue to monitor harmful border practices and domestic mistreatment of people in order to highlight the real consequences of border policies and macro-political decisions on the ground.

⁵⁵ MVI, 'January 5, 2023 19:00 Kelebija Serbia', Internal Report.

⁵⁶ Schengen Visa Info, 'Serbia has introduced visas to citizens of several countries in 2022 due to EU pressure', accessible at <https://www.schengenvisainfo.com/news/serbia-has-introduced-visas-to-citizens-of-several-countries-in-2022-due-to-eu-pressure/>