



# European Union Accession and Migrant Smuggling in Serbia

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## Abstract

On February 6<sup>th</sup>, 2018, the European Commission adopted an EU Western Balkans Strategy for accession by 2025. Serbia was named the front runner for membership based on the accession conditions that are required to be completed. The strategy is controversial because the region is struggling with correct implementation to sustain the Union's values of democracy, rule of law and human rights. With the recent migration crisis, routes through Greece, Former Yugoslavia Republic of Macedonia and Serbia are being frequently used to reach EU member states. The goal for migrants is not to settle in the Western Balkans but use the pathway to gain access to the European Union. From 2009 to 2017, this has opened up a highly profitable market for organized crime networks that already had problems in the region. When analyzing chapters 23 & 24 of the EU's accession criteria, the country of Serbia as a front runner raises concerns with the problem of migrant smuggling. The smuggling networks are being used by migrants for their expert knowledge of the region and ways around migration policies. There are reports by the United Nations High Commissioner for Refugees and several non-governmental organizations on human rights abuses during the smuggling process. The networks have created a fully functioning illegal business that brings in millions of dollars each year; this is not acceptable for the European Union. If Serbia is accepted into the EU, this will dangerously set a new standard for membership and possibly develop future problems for the Union.

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## Introduction

In 2015, more than one million irregular migrants traveled to the European Union (EU). In 2014, irregular migrants traveling through the Western Balkans used a common route through Greece, Former Yugoslavia Republic of Macedonia (FYROM) and Serbia to reach other EU member states (Commission 2016, 35). The influx of illegal migrants traveling through the Western Balkans from 2009 to 2017 has introduced a highly profitable market for organized crime networks. The route has knowingly become a cheaper option for migrants that cannot afford to travel by sea. **Does migrant smuggling remain a problem for Serbia? What does this mean for EU membership?**

Migrant smuggling is a crime involving the procurement – for financial or other material benefit – of illegal entry of a person into a State of which that person is not a national or resident. Determined by Europol, “90% of these irregular migrants used facilitation services at some point during their journey” (Europol 2016a, 2). The services used by those migrants are provided by a migrant smuggling network. Organized crime networks realize that smuggling people is becoming more profitable compared to selling drugs or weapons. The networks of the organized crime groups are working border to border at the rate of a fully functioning business. Europol, the EU police task force has identified over 3,000 established smugglers that are working for a crime network in the Western Balkans (Townsend 2015, 3). In a study by the European Commission, “the use of false documents by smugglers who run their business under false nationalities has also been reported on this route, more particularly in the Former Yugoslavia Republic of Macedonia (FYR Macedonia), Serbia and in Hungary” (Commission 2016, 6). Another thing to consider is that the price to be smuggled by land is about half the price of going by sea. Serbia and FRYOM are the main targets as the migrants use them as resting spots or they get stuck in them because of recent policy changes.

Serbia is a good case to study after the recent statement of the EU Higher Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission, Federica Mogherini. He stated, “As President Juncker announced in his 2017 State of the Union address, the Commission adopted today a strategy for 'A credible enlargement perspective for an enhanced EU engagement with the Western Balkans’” (European Commission 2018). On February 6, 2018 the Commission adopted a strategy to have a Western Balkans enlargement by

2025. It was mentioned that Serbia and Montenegro are the front runners to accession to the EU. The smuggling of migrants across international borders is a growing European concern and a challenge for European countries to maintain governance over the situation. The growing success of migrant smugglers has resulted in enormous profits for criminal networks while reducing the ability of European countries to manage their borders and operations. In addition, their governments have an obligation to protect the fundamental rights of migrants regardless of their legal status. Migrants that are opting to be smuggled through countries are facing violent situations and criminal exploitation. If this continues there will be controversy on Serbia and the new standard of accession to the EU.

The point of entry or start of the migration route through the Western Balkans is Greece. The two important countries to focus on when studying migrant smuggling are FYROM and Serbia; a recent report put them on opposite sides of the spectrum in a risk analysis by Frontex in 2014, Serbia at a high seven percent and FYR Macedonia at two percent (Commission 2016, 9). The area of Serbia is not where the migrants intend to settle but where they end up getting stuck due to policy changes. For them the option is to find smugglers that can get them out of where they are stuck. For my research, I am going to focus on the area of Serbia while mentioning FYROM because of the geographical position of that country to Serbia and as they continue to have policy shifts that have a severe impact on how migrants are traveling through Serbia. The policies from 2015 to 2018 may have weakened Serbia's fight against smuggling networks and not improved chances of accession.

## **Literature Review**

The European Commission, Directorate-General on Migration and Home Affairs did a case study in 2015 on migrant smuggling in Greece, FYROM, Serbia and Hungary. Throughout the study there is a focus on characteristics, responses and cooperation with other countries on the smuggling of migrants. This can help further explain why Serbia is having issues with migrant smugglers and changing policies. Using this case study, I can examine past data and policy on migrant smuggling in the Western Balkans for 2015. Migrant smuggling is defined by the Commission as, "a chain with links that involves several participants on the route itself"

(Commission 2016, 4). The case study had three areas that were important when looking at the effects of migrant smuggling; migrant smuggling operations, route and past policies.

### EU Accession – Conditions for Membership

Acquiring membership of the European Union requires a country to follow the process of EU accession that outlines 35 Chapters which must be reviewed and completed if following guidelines. The two that have to do with organized crime and migrant smuggling are **Chapter 23: Judiciary and fundamental rights** and **Chapter 24: Justice, freedom and security**.

Chapter 23, EU policies in the area of judiciary and fundamental rights that work too closely with Chapter 24. How involved is the judicial system when it comes to migrant smuggling? The Chapter plays an important role by safeguarding and setting high standards for the rule of law. Strengthening rule of law is of high importance to the EU as it helps not only to set legal guarantees for fair trial but allows Member States / potential countries to fight against the corruption that is connected to organized crime. With the correct implementation of the rule of law it will create coherent policies that deal with the prevention and deterrence of corruption. Chapter 23 states, “Member States must ensure respect for fundamental rights and EU citizens’ rights, as guaranteed by the *acquis* and by the Fundamental Rights Charter” (European Commission 2016b). With migrant smuggling it is violating the respect for EU citizens and fundamental rights; rights that a country seeking membership should comply with.

Chapter 24, EU policies in the area of freedom, security and justice that are aimed at issues such as border control, external migration, police cooperation and the fight against organized crime. The chapter works toward creating a well-integrated administrative capacity within the law enforcement agencies that deal with migrant smuggling. These are both the border police and regular police officers that deal with organized crime networks. As stated in Chapter 24, “A professional, reliable and efficient police organization is of paramount importance. The most detailed part of the EU’s policies on justice, freedom and security is the Schengen *acquis*, which entails the lifting of internal border controls in the EU” (European Commission 2016b). In 2015, Macedonia started to build a wall on the border of Greece as a reaction to the migrant crisis. Serbia is dealing with the opposite problem as Hungary put up a border going against what the EU stands for.

Serbia became a potential candidate for EU membership in 2003 and then acquired the EU candidate status in 2012 (European Commission 2016c). In a Commission progress report for Serbia in 2015, it was concluded that there is some level of preparation and some level of progress in the judiciary and fundamental rights chapter, Chapter 23. In 2015, the national anti-corruption strategy had fallen short in producing the results that were set in the strategy. The report also stated, “corruption remains prevalent in many areas and continues to be a serious cause of concern” (European Commission 2015). For 2015, Chapter 24 was reported as some level or preparation and some progress toward justice, freedom and security. Serbia is actively involved in police cooperation around its regional and international area. The area of migration is still considered as ‘some progress’ being made.

### Understanding Migrant Smuggling Operations

The operations of a migrant smuggler can be split up into three different functions which are the top men/organizers, recruiters and drivers. This is not the entire make-up of a migrant smuggling network but the three main moving parts that make it possible. The case study focuses on land smuggling and not sea smuggling which creates a different structure of operations. These are important to look at because policy should work toward blocking the functioning parts of an operation.

Recruiters can work for multiple smuggling networks and vary across different nationalities. There is no certain nationality identified in the case study that stands out when searching for recruiters. The recruiter is usually the same nationality as the migrants and lives where the migrants are trying to escape from. There are two different types of recruiters, one that stays in one place and one that actually travels with the migrants. Both have a low level of detection by police and other people combatting recruiters.

Drivers can work for multiple smuggling networks depending on how many recruiters they are in contact with. This part of the smuggling operation is risky because as border checks increase, the more likely a driver is to be caught. The migrants have to cram into trucks or large vehicles where they hide for long periods of time. Humanitarian interest groups push for policies in this area to stop the inhumane travel method used, which can kill migrants. This is considered to be against Human Rights that is part of the EU accession process.

The top migrant smugglers are mainly located in Greece and Turkey for the Western Balkans route. The starting points are where transportation is provided and the majority of the money remains there with the top operators, making it hard to track the entire flow of money in the Western Balkans that connects with migrant smuggling operations. The route from Greece to FYR Macedonia can reportedly cost from **1500 Euros to 3000 Euros** (Commission 2016, 4). Once the migrants reach FYR Macedonia the problem becomes staying in a specific location for an extended period of time while possibly waiting for their family to do the wire transfer that the smuggler insists on. Throughout the journey a migrant smuggler requires more and more money to continue traveling through Serbia to Hungary. The modes of transportation can vary from being hidden in vehicles to walking across the border using GPS technology. The cost is about the same but the travel route used can be more or less risky.

### Understanding the Western Balkans Route

Migrants are attempting to reach the Western European countries through exploited routes in the Western Balkans with smuggling networks. In 2015, the most frequently used smuggling route to reach the EU Western countries was from Greece to Hungary as seen in **Table 1** below. The most traveled route determined by the Commission for 2015 was, “starting in Turkey, continues to Greece, heads through the Former Yugoslav Republic of Macedonia and Serbia to Hungary, and leads to Western European countries” (Commission 2016, 9). Migrants traveling this route come from Syria, Afghanistan, Pakistan, Palestine, Eritrea, Iraq, and Somalia (Commission 2016, 15). A report published by the Civil Protection and Humanitarian Aid Operations (ECHO) said, “in 2015 and in the first quarter of 2016, more than 920,000 refugees and migrants – primarily from Syria, Afghanistan and Iraq – have passed through Serbia on their way to Hungary and Croatia” (EU Delegation to the Republic of Serbia 2017). From the Delegation to Serbia, they have reported that from 2,000 migrants in March to 7,550 in December 2016, the route still remains active after the large influx of migrants in 2015 (2017). The route continues to see a flow of migrants even with the Turkey deal (2016) that closed down the route from the Middle East through the Serbian route. With a Turkey unstable toward the European Union, Russia becoming an active international player and the unrest in the Middle East; this route may see a large influx of migrants again.

The result of 2015 can be explained as the political crisis of the ‘Arab Springs’ and continued turmoil in Afghanistan, Iraq and Syria. Irregular migration trends can change overtime as crisis happens in various areas. This route is more utilized by the Middle East migrants compared to the Mediterranean Sea route used by migrants from Africa. The information that determined which specific route migrant smugglers were choosing came from the countries’ risk analysis report, level of border protection and a report on police apprehensions of illegal border crossing. The migrant smuggling operators are not often caught traveling the route but the illegal migrants are the ones who are found and punished. Macedonia and Serbia are two countries up for possible accession that the EU strategy for 2025 states, but when looking at the route there are future problems and policy areas that need to be addressed.

**TABLE 1.**



Source: Spiegel Online 2015.

## Methodology

The research for migrant smuggling in the Former Yugoslav Republic of Macedonia and Serbia is based on information gathered through desk research analysis. My desk research consisted of reviewing a case study from 2015 and using quantitative data from 2014 to 2017 on migrant smugglers in the Western Balkans. Comparing statistical data on migration helps



analyze how 2015 migration smuggling differs from 2017. Although there is little data on migrant smugglers in Serbia because a system was recently set up, there have been multiple reports received through the Serbian government that can produce hard data results. The data provided by the Serbian government shows data on migrant smuggling in 2015 and 2016. The word migrant smuggling changed from report to report but confirmation from the Serbian Office of Statistical Information clarified they are the same. Further research consisted of reviewing and analyzing laws, regulations, policy documents and reports on migrant smuggling in FYR Macedonia and Serbia. An overview of migrant operations, routes and policy responses to migrant smuggling during the crisis was compiled. There are a couple of indicators that can help explain migrant smuggling networks as there is not much data in the area. The indicators are border control policy, route and prices of operations. Changes in these three areas can show if the current policies are effective or ineffective. The data from the Serbian government on criminal indictments in the area of migrant smuggling will show how active smugglers working for organized crime networks still are, but there is going to be a further assumption that due to difficulty in finding the smugglers, the numbers are probably much higher. Thus, a conclusion can be made after considering and researching the EU accession on chapters 23 and 24 that deal with the area of smuggling people.

## **2015 - 2016 Smuggling in Serbia and FYROM**

The policy responses along the route of FYROM and Serbia impact how migrants move toward their projected final destination. Certain policies can help migrants move around and feel protected and also help smugglers navigate easier. Even if illegal migrants can move around easier by claiming asylum through a policy, they still have to employ migrant smugglers for their expertise getting from point A to D. The policy framework is developed at both national and international levels.

In the **Former Yugoslavia Republic of Macedonia**, the government has implemented both National and International policies to combat migrant smugglers. The Ministry of Interior serves as the primary government agency in charge of making sure policy is correctly implemented and that it functions as it should. Within the national government there are sectors or units that become the operational part of the policy. To contribute to the failure or success of a

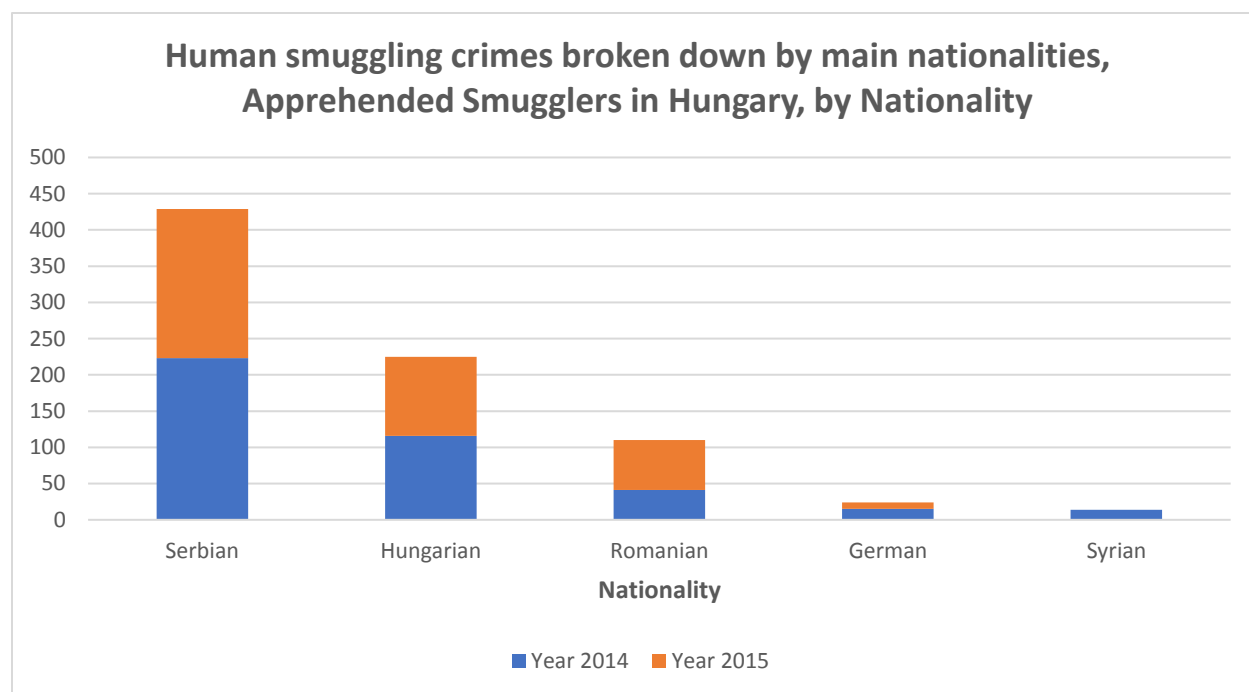
policy being implemented, statistical data is collected and interviews are conducted with apprehended illegal migrants. Some policies are only implemented for a short period of time (2 years) to see if they are working successfully or not. FYROM has implemented the United Nation Convention against Transnational Organized Crime in relation to the migrant smugglers who are a part of the crime networks (United Nations 2004, 53). The United Nations (UN) legislation is implemented within existing national policies and not solely adopted and enforced. With the UN, it is more of an agreement that the FYROM will implement certain standards into the national policy to combat migrant smuggling within organized crime networks. There is a National Strategy Action Plan from 2013 to 2016 focusing on Combating Trafficking in Human Being and Illegal Migration that outlines measures that need to be taken by relevant institutions in addressing migrant smuggling operations (Commission 2016, 5). This is the third conservative strategic action plan to be implemented that addresses needs in the field of this policy area. Former Yugoslavia Republic of Macedonia has a Criminal Code for migrant smugglers that are caught. In the Code, there is no difference between the “smugglers” and “facilitators of smuggling”; if there is involvement in the operations then the participant is breaking the Criminal Code (Commission 2016, 65). The difference is in the sentencing of organizers of the smuggling operations. Under the Criminal Code article 418 the organizer of the smuggling operation will receive at least eight years imprisonment if caught (Republic of Macedonia 2009, 112). This is compared to the one year of imprisonment if they are a member of the organized group for smuggling (Republic of Macedonia 2009, 112). The Commission’s case study had interviews with stakeholders in FYR Macedonia that determined that high penalties do not discourage the smugglers from continuing their operations (Commission 2016, 65). With the large reward of money for being an organized operational smuggler in a crime network, they are willing to risk it and not deterred by the high risk of imprisonment. The last area of policy that is implemented crosses between border countries and the European Union. Border Control works at the National level but FYROM has committed to the implementation of EU standards for border management. The Commission has determined this to be, “equipping and training of border guards, cross-border police cooperation and practical implementation of standard operating procedures in daily border operations” (Commission 2016, 65). As a candidate country, the FYROM works closely with the European Union and has high cooperation in implementing new mechanisms. There is a manifold of cooperation for border protection between FYROM, Serbia

and Hungary. Some of the border cooperation between the three are, “joint patrols and investigation teams, joint control centers, information exchange, joint threat analysis and operational meetings” (Commission 2016, 6). The policies and cooperation agreements are constantly changing as migrant smugglers adjust their services and provide information to migrants through social media to counteract policies put into place.

A report by the **Serbian Government** on measures it has taken against Trafficking in Human Beings for 2015 was submitted to the Council of Europe on May 19, 2016. The report outlines what has been done or changed to counter migrant smugglers in the country and stop the abuse and violation that migrant smuggling accumulates. Throughout the report there is a common language of “Providing Support, Protection and Assistance to Victims” (Council of Europe 2016, 9). The objective in the report is to help the people who were already negatively affected by the migrant smugglers. There is a push to provide training for police officers and border police throughout Serbia. Similar to the government of Former Yugoslavia Republic of Macedonia, the Serbian Ministry of Interior is in charge of implementation of all policies relating to the smuggling of human beings. There were programs set up to help cooperation between the Border Police Directorate and Department for Specialized Education and Training. The cooperation focused on, “Legal provisions regulating the problem of trafficking in human beings, illegal migrations and smuggling of human beings” (Council of Europe 2016, 12). The report indicates that a total of 52 participants attended the cooperation training listed above. Another report that was released by Serbia’s Ministry of Interior discussed that in later 2015, pursuant to Article 350, the Criminal Code of the Republic of Serbia charged numerous people for providing transportation services for irregular migrants (Republic of Serbia Ministry of Interior 2015). 92 percent of cases involving people providing transportation services to irregular migrants were against Serbian citizens. This means that Serbia’s external policies to stop migrant smuggling operations were failing to address the issue of their own citizens providing means for smuggling. Article 350 stopped 7,610 from trafficking of persons (Republic of Serbia Ministry of Interior 2015). To better understand the significance of trafficking of persons, another statistic from the Ministry of Interior was from 1 January to 1 November 2015; a total of 722 criminal charges were filed in Serbia for illegal crossing of state border and smuggling of people (2015). The focus of 2015 policies for Serbia was on training the border police and regular police officers to handle situations where organized crime networks were running a smuggling route. The policies

were effective toward stopping irregular migration at the external borders but not working to stop the Serbian citizens (92%) who are connected with providing ways of migrant smuggling transportation.

**Table 2.**



Source: European Commission 2016, Study on the Smuggling of Migrants.

On the way to Hungary the top nationality of migrant smugglers that are apprehended are Serbians. From the data collected on a study of smuggling migrants by the European Commission, Serbian smugglers were most active from the year 2014 through 2015 (2016). This data supports further information provided in the next section on the current situation in Serbia that shows the main migrant smugglers are coming from Serbia. Another interesting point in the data is the smugglers coming from Germany and Syria. The data proves that migrant smuggling networks work over multiple country lines and are much more complex than an average person understands. From 2014 through 2015 the number of Serbian migrant smugglers apprehended did not change much at all. The large flow of migrants through the Western Balkans route started to pick up in 2015, we can assume that from 2015 through 2016 the numbers are likely to increase. An assumption that can be made is that a vast amount of migrant smugglers go free but

the migrant traveling across borders is more likely to be caught. Therefore the number is actually low and can be compared to the 2015 – 2016 convicted migrant smuggler data later on.

The effectiveness of these policies to stop migrant smuggling through Greece, FYROM, Serbia and Hungary lacks cooperation across borders. The operational makeup of criminal networks has not changed but the tactics used to counter the policies have changed. A crime threat assessment explains that, “the demand for “services” of smuggling to the EU territory and secondary movement among member states is very high”, this allows for organized crime networks to generate high profit and expand a growing market (Republic of Serbia Ministry of Interior 2015). In an article published by Reuters, a migrant from Syria said, “having paid 58,000 euros (\$62,000) – 16 times the annual average salary in Syria – Mahmoud and his family of eight have been stranded in Serbia for the past six months, penniless after their smuggler took their life savings and disappeared” (Cardi 2017). This is why it is important to constantly analyze the data and policies on migrant smuggling. The smugglers are always adapting and changing while causing problems for national governments.

## **2016 - 2018 Smuggling in Serbia and FYROM**

Migrant smuggling operations continue in Former Yugoslav Republic of Macedonia and Serbia despite the policies put into place in 2015. The policies discussed actually help the migrant smugglers organize better. As border control policies increase the smugglers face higher risk of detection at the borders that increased their policies. This section focuses on the current data and results of policy and what new policies are being implemented into law for 2016 to 2017, which is now considered post migration crisis. Even though it is called post migration crisis, there are still major problems developing in the area of migrant smuggling as borders are experiencing push backs from certain countries. Examining the number of migrants still illegally crossing into Serbia and how many convictions there are can show the level of progress being made to implement Chapter 23 and 24.

The route through Former Yugoslav Republic of Macedonia to Serbia has changed from 2015 to 2017 in very challenging ways. With new policies, there are physical borders in place that cause a pushback of migrants. The borders are located between Hungary/Serbia and Greece/FYR Macedonia. Prime Minister Victor Orban of Hungary went against the EU’s policy

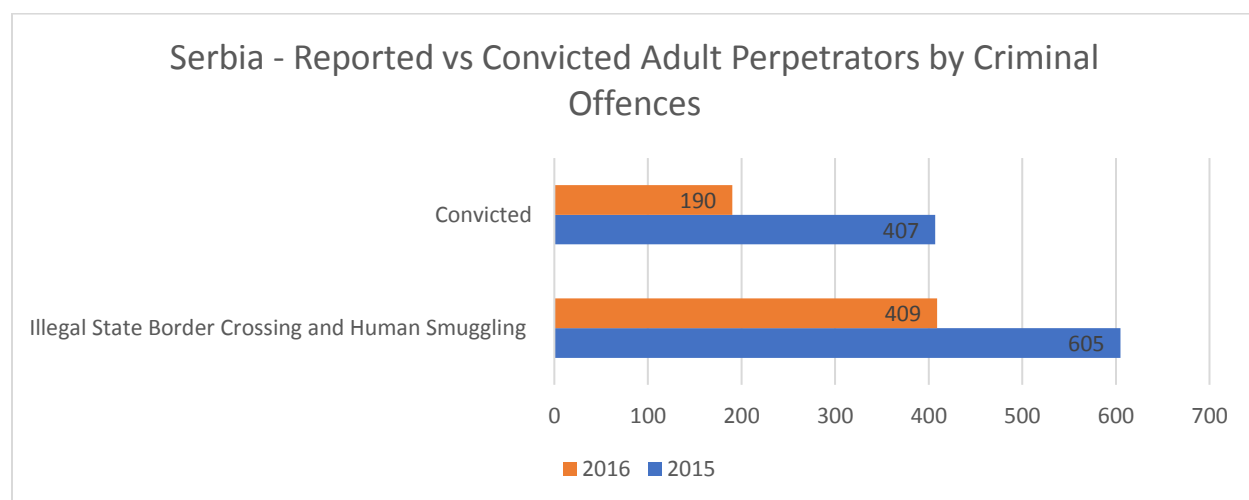
and took a strong stance on migration, building physical borders to stop entry into Hungary. This actually causes a push back of migrants who are then stranded in Serbia. In 2016, Serbia had a 230 percent increase of stranded migrants reaching 5,633 (UN Migration Agency 2017, 11). When a migrant is stranded, the chances of the migrant reaching out to a smuggling network to continue moving through the Western Balkans route are high. This does not reflect the decline in migration smugglers working to move around the 5,633 stranded. The route has increased its border patrol along the borders of Greece/FYR Macedonia and Serbia/FYR Macedonia to contain the movement of migrants across borders. There has been an estimated “18,500 prevented irregular entries in the second half of 2016” at the Macedonia border (Weber 2016, 18). The prevented migrants will turn to alternative routes of migrant smuggling to get around the push back. Serbia and FYR Macedonia will continue to deal with migrant smugglers as the policies fail to create stability along the Western Balkan route for migrants. There is a larger risk at the borders for the smugglers that has an effect of a demand for higher pay from migrants and longer time spent waiting for the right time.

The policy in FYR Macedonia to close the borders has slowed down the migrant smugglers. This policy goes against the EU standards implemented earlier in 2015 that required borders to remain open in order to effectively spread the large influx. There is a stronger stance in the Western Balkans route to not open the borders and let only a certain quota of asylum seekers in each year. This has been argued to carry over from Germany being stricter on allowing illegal migrants to travel through. A reliable source, Oxfam International has determined that, “despite the formal closure of the Balkan route, irregular movements along the Balkan route continue, albeit on a smaller scale, as smuggling networks have adapted to new circumstances and are adjusting routes (Oxfam International 2016, 3). Another report on the border policies and migrant smugglers said that 1,300 unaccompanied migrant and refugee children are still trying to reach destinations that require movement through Former Yugoslav Republic of Macedonia and Serbia (Belgrade Centre 2017, 27). The children are turning to organized smuggling networks to help them reach their destinations. This leaves them exposed to high risks of violence and human trafficking due to the new border control policies.

In 2016, the European Migrant Smuggling Centre (EMSC) operation facility was set up in Former Yugoslav Republic of Macedonia and Serbia with a policy agreement between the EU. The EMSC will be in charge of supporting the national government’s police task force and

working to target and dismantle organized crime networks involved in migrant smuggling specifically. Since the crisis began, there are around 40,000 people suspected of being involved in the smuggling of migrants throughout the Western Balkans route (Europol 2016b). This is a result of migrant smuggling policies failing to stop the operations that approximately brought in three to six billion dollars for organized crime networks in 2016 (Europol 2016a. 4). The EMSC as an information hub has been somewhat successful in catching migrant smugglers by tracking their movements on social media.

**Table 3.**

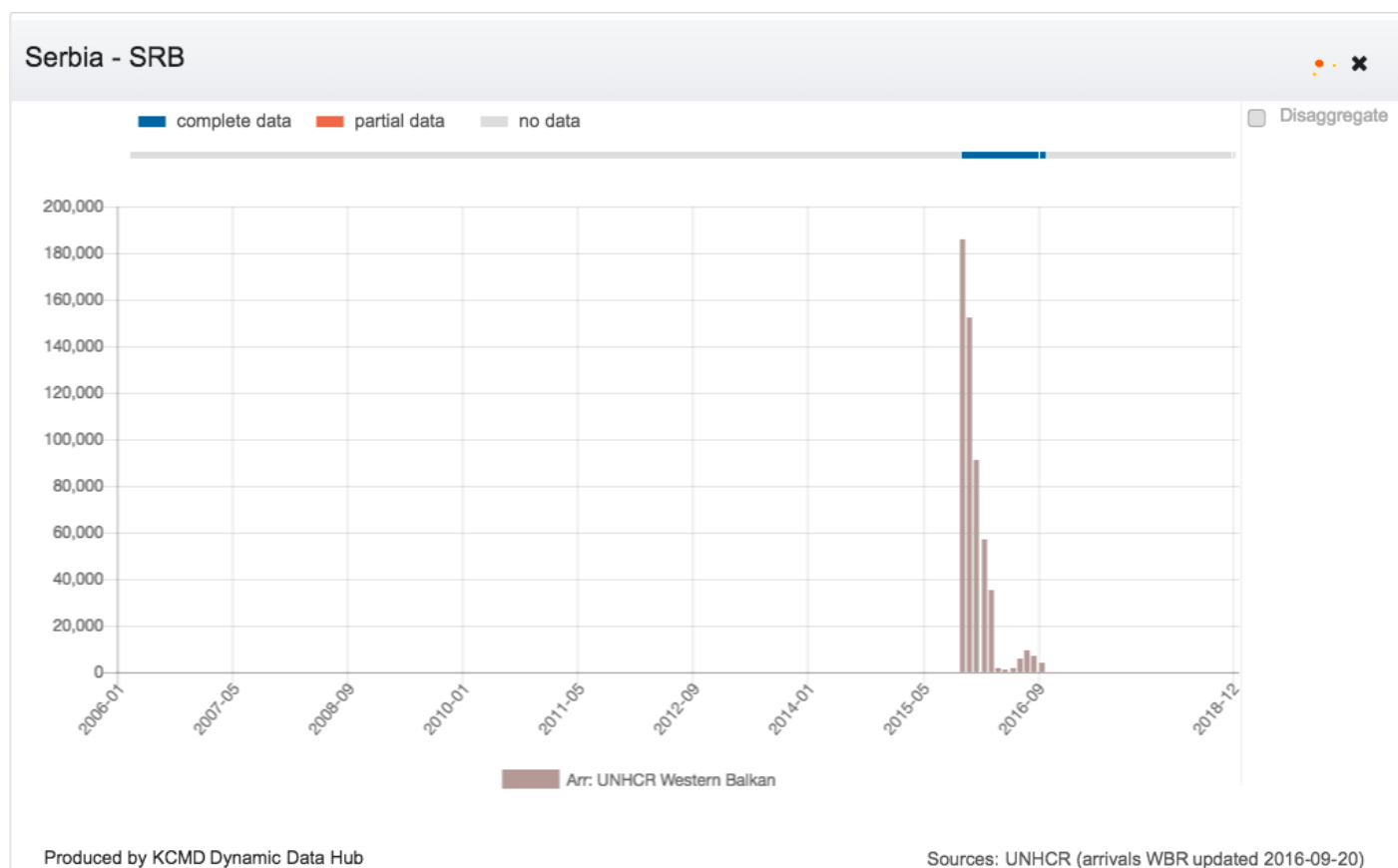


Source: Statistical Office of the Republic of Serbia 2016; Statistical Office of the Republic of Serbia 2015.

The statistical office of the Republic of Serbia released two reports on crime in the country to further progress toward EU accession. Data from the report covered all areas of crime but I focused on the area of migrant smuggling (human smuggling) and not human trafficking, which is different. The section that explains the migrant smugglers being caught is illegal state border crossing and human smuggling, those being caught providing transportation illegally into Serbia. There were other sections in the area of human smuggling but the 2016 report is more in-depth than the 2015 report. The other difference in the chart is the people who were accused of human smuggling and the people who were actually convicted in the court. In **Table 3** above there is a possibility that there would be more cases in the data but the accused is receiving the right to a free and fair trial that is still ongoing. Another factor to consider is that these are only the accused and according to the director of Europol, “Europol’s research indicates 90% of migrants arriving in Europe have their journey facilitated by a criminal organization” (Europol

2016b). In **Table 4**, we can clearly identify that the number of migrants accused and convicted is far less than 90% of the number of migrants entering Serbia from 2015 to 2016.

**Table 4.**



Another factor that **Table 4** shows is that even with a differential number of around 160,000 in migrants there is a small difference between 409 (2015) and 605 (2016) accused migrants. What Table 2 shows is the significant improvement to Chapter 23 in the area holding the judicial system accountable. It does not prove that Serbia is improving its policy to convict a high number of organized migrant smuggling operators that are in the area. The report of an estimated 40,000 suspected people involved in the smuggling of migrants throughout the Western Balkans route (Europol 2016b) is only a small dent in the number of convicted smugglers in the region.



Migrant smuggling policies from 2016 to 2018 are improving in effectiveness but not showing the results for EU accession. Even with the border closure there are still irregular movements around the Balkans route because migrants are determined to not stay in the Western Balkans but move past the route to reach Western Europe. The data shows that migrant smugglers in Serbia are very active and working around the new policies implemented. There is the problem of policies taking time to develop and be effectively implemented but that is only hurting the migrants resorting to being smuggled throughout Europe. The Middle East is still experiencing turmoil in Syria and with the fight against the Islamic State. Policies need to continue to counteract the way the migrant route is flowing and the way migrant smuggling operations are functioning.

## **Analysis**

The policies in 2015 were made to help improve the support and humanitarian condition in Serbia and FYROM but that does little to help because migrants are less worried about living conditions as their goal is to move through the Western Balkans to Western Europe (EU member states). Policies offering shelter, protection and livable conditions are less likely to be used because migrants do not want to be registered in the Balkans. The policies cover the area of providing support, protection and assistance to victims of migrant smuggling; and through analysis of the 2016 – 2018 policies that does not matter because of the goal of the migrants. This approach to policy implementation in 2015 was ineffective if a person compares it just to migrant smuggling.

In 2016 through 2017 there were stronger border policies that proved to be somewhat effective in stopping the operations or making the route more challenging. The focus was to improve border control communication from Serbia to FYROM. The European Commission and Organization for Security and Cooperation in Europe (OSCE) both have missions in Serbia to support the fight against migrant smuggling. Agreement with the Ministry of Interior of Serbia helped advance the task force on migration by supplying vehicles and IT equipment to work on combating the smuggling operations. In 2017, further implementation for border control and training continued between the Serbian government and the EU delegation to Serbia. This support focused on the European standards of security and maintaining its borders correctly, ultimately combating organized crime networks in migrant smuggling. The policies, although

still rather new are working somewhat better than focusing on support, protection and assistance to victims of migrant smuggling.

From 2015 to 2017 policies went from a defensive mode to a proactive offence of border control. Serbia started working jointly with the FYROM and the EU delegation to form policies that help combat migrant smuggling. A major problem was the border closure of Hungary that left thousands of migrants stranded in Serbia. This opened the market once again to the migrant smuggling networks to help move these people towards Western Europe. The Ministry of the Interior started to collect data on convicted migrant smugglers and disclose this information to the public. There is still a lack of long-term policies concerning another large influx of migrants coming through the Western Balkans and how to maintain a border without violating the European standards of human rights as of 2017.

## **Conclusion**

Serbia and FYROM are facing a transnational organized crime network that is projected to make millions of euros in 2018. The market remains attractive as it seeks citizens in each country to join the operation and make better money than what is provided in their location. Organized crime networks not only operate in the area of migrant smuggling but human trafficking, corruption and illegal forced labor. These illegal networks that challenge the strength of institutions every year are all around Europe. The focus is on Serbia and on if migrant smuggling operations have been decreasing or increasing since 2015 as policies are constantly being implemented to counteract the networks. With the small amount of data found and case studies considered, Serbia is not ready for EU accession right now with its lack of policies to effectively combat organized smuggling networks. The main problem with the organized crime networks is that they challenge the main values of human rights and rule of law that are to be implemented in a potential country of membership. These values are being challenged every day with the lack of policy to defend violations of human rights and rule of law. Over the last five years the Western Balkans migration route has been consistently active, and as turmoil continues in the Middle East that will not change. The EU Strategy of 2025 has projected Serbia to be the first country for accession but after looking at policies in the area of migrant smuggling and organized crime which hold far larger implications of the situation in Serbia, it is not likely that accession will happen by 2025. To elaborate further, the migration crisis in the European Union

is very close to politicians and citizens of the EU and the situation in FYROM and Serbia resembles similar struggles that still remain unsolved. Serbia needs to continue to change policies and improve in the area of Rule of Law and Human Rights to become a member of the European Union.

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