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Тема броја: Истраживање миграција
Topic of the Issue: Migration Research

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Presenting as a Problem, Acting as an Opportunity: Four Cases of Socio-Political Conflicts Taking the Presence of Migrants as a Focal Object in Serbia¹

Serbian migration practice is the result of often conflicting policies at the regional, state and local level. The manifold values and interests constituting the concepts on which these policies were based have led to the transformation of the presence of migrants in certain areas into an object of political manipulation. Thus the presence of migrants became a focal point of conflicts between the state and local government, or between people with different interests.

Key words:

asylum seekers,
asylum practice,
asylum centers

In this paper I intend to show how a complex interplay of the imprecise laws, autocracy of some authorities, manipulation by members of the local political and economic elites as well as a discrepancy between over-arching geopolitical aspirations of the Serbian state, i.e., to join the EU, and the objective means for their achievement, influences the everyday life of migrants passing through Serbia, regarding their living conditions, access to health care, food, shelter, financial resources, and in the final instance, their chances of reaching their target destinations. Unfortunately, the protection of basic human rights and those nominally granted by national laws seems too frequently to rely on some daily political processes as well as on different interests of the involved parties.

It will be shown that the institution of asylum shares characteristics with other socio-cultural institutions which regulate relationships between differently empowered social categories. I find it appropriate for the problem in question to view the asylum system in Serbia as a policy, or, better, the intersection of regional, state

¹ This article was written for project 177027: *Multiethnicity, multiculturalism, migrations – contemporary processes*, Ethnographic Institute of the Serbian Academy of Arts and Sciences (SASA), financed by the Serbian Ministry of Education, Science and Technological Development.

and local policies on the one hand, and the idea of fundamental human rights on the other. From the instrumentalist point of view, policy focuses on the relation problem – solution. The actors are assumed to be behaving rationally in order to solve the problem (Stančetić 2013). The political body (the Government) through its organs and the system of prescriptions and rewards and sanctions regulates the behavior of people (Shore and Wright 1997). Nevertheless, in anthropology, the very definition of a phenomenon as a problem is a problem in its own right. This implies that policies serve as devices for social categorization and thus offer insights into the officially favored models of society (Haines 2013). By doing this, policies transcend the political level and they manifest on every occasion in which the social regulation occurs. Policies intersect in various institutions and in that way they represent a kind of Maussian total social phenomenon, “as they have important economic, legal, cultural and moral implications, and can create whole new sets of relationships between individuals, groups and objects” (Shore and Wright 1997, 7). The ideas involved in a policy are not univocal, but every policy understood as a social practice is a stage where different and even antagonistic values and representations interrelate (Baba 2013). The prominence of a specific set of ideas and actions is due to the existing power relations: the more power and authority (as a power considered to be legitimate, institutional power) a social category has, the more likely it is to enforce and realize its version of the policy, that is, the definition of the problem and the ways for its resolution (Vertovec 2011). Thus the position of a social category in the wider social structure determines its influence on the policy as well as the role the social category is going to take in the process of realization of the policy in question.

In order to put on a sound basis the assessment of the problem of confronting ideas and practices in asylum policy in Serbia, I will first describe the wider context in which it appears, that is, I will outline the history of migration practice in Serbia up to September 2013 with emphasis on some specific issues which I find relevant for this discussion. I will then focus on four specific events which serve to cast light on the particular problems. Finally, I will discuss the problem as outlined. I shall have recourse to various sources: the laws, agreements between Serbia and the relevant parties such as the EU and UNHCR, the countries bordering on Serbia, NGO reports. The events are described according to media releases and the information gathered by observation and conversations, semi-structured interviews and private correspondence with migrants and the people they meet (local people, lawyers, activists, journalists and members of NGO’s that offer legal assistance or humanitarian aid to migrants) both on the borderlines with Croatia and Hungaria (Sid and Subotica), as well as in and around the asylum centers (Bogovadja, Banja Koviljaca, Vracevic, Lajkovac and Lazarevac). I also used information obtained after September 2013, which puts more light on the events I am discussing here.

1. Migration practice in Serbia

Up to 2008, Serbia had no independent asylum system. The Alien law was the

main legal act that defined the treatment of foreigners who passed through Serbian territory. Those who asked for asylum were directed to the office of UNHCR. The background of such a practice lies in the decision of the Yugoslav state, following the signing of the 1951 Geneva Convention and 1967 New York Protocol, that Yugoslavia itself would not grant refugee status to people, but would allow UNHCR to conduct this matter. According to the gentlemen's agreement between the Yugoslav state and UNHCR, the entire asylum procedure was processed by the UNHCR and UNHCR was the only subject deciding on claims for asylum. The refugees, i.e. those who had been granted the asylum, were sent on to safe third countries such as the USA, Australia and Canada. The Yugoslav state had no influence over or connection to this, apart from agreeing to the opening of an asylum center in Banja Koviljaca, which took place in the mid-1970s.

UNHCR defines the concept of refugee, but there are two specific issues the possible implications of which should be kept in mind while discussing the asylum practice in Serbia. The break-up of Yugoslavia in the 1990s led to the formation of "domestic" refugees – people who had left their former Republics and came to Serbia because of the civil war. The first association to the phrase "refugee" in the Serbian public is someone from one of the ex-Yu republics, speaking the same language. Moreover, Yugoslavia was a member of the Non-Aligned Movement, and students from the other member countries, which now became the countries of origin of the majority asylum seekers, studied at Yugoslav universities.

Due to its aspirations to become one of the EU member states, and according to Articles 82 (focusing on visa regime, border control, asylum, migrations) and 83 (focusing on prevention and control of illegal migration and readmission) of the initialed version of the Stabilization and Association Agreement,² Serbia passed the Law on Asylum in 2007, which came into force in 2008.³ This indicated the beginning of an independent Serbian asylum system, where it was the Serbian state that granted refugee status.⁴ Serbia also signed readmission agreements with some EU countries,⁵ and with Macedonia and Albania.⁶ The Asylum Law defined administrative bodies and asylum procedure. The bodies are: the Asylum Office, which comes under the Ministry of the Interior, and a Commission consisting of eight members, which is

² http://www.seio.gov.rs/upload/documents/sporazumi_sa_eu/ssp_parafrani_sa_aneksima_sr.pdf, Sept. 1st 2013.

³ http://www.paragraf.rs/propisi/zakon_o_azilu.html, accessed Sept. 1st 2013

⁴ The history of the attempts to establish an independent asylum system in Serbia and Montenegro is available on http://www.nshc.org.rs/public/publikacije/pravo_na_azil_lat.pdf, accessed Sept. 1st 2013.

⁵ Readmission from EU countries in the majority of cases is related to Serbian citizens. The readmission of foreigners to Serbia is rare and usually happens from neighboring countries, mainly Hungary and Croatia.

⁶ The readmission agreement with Macedonia was signed in 2010 and is available on http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2011/3165_10LAT.zip; with Albania in 2011, <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2011/2396-11Lat.zip>, both accessed Sept. 1st 2013.

directly responsible to the Government while its administrative tasks are undertaken by the Ministry of the Interior, and the Asylum Center in the responsibility of the Commissariat for Refugees and Migrations (“migrations” was added in 2012). The Commissariat for Refugees and Migrations defines the form of accommodation, house rules and the basic living conditions in the center (further referred to as “the Commissariat”). The Government decides upon the number of asylum centers in the country and passes a budget for this. Legal procedure, however, remained rather similar to UNHCR practice. Even the center for asylum seekers stayed in the same building, although now under the jurisdiction of the Serbian state.⁷ Nevertheless, even though the procedural changes could be seen as more cosmetic than real, they helped bring about practical changes in the manner of migrating through Serbia. Moreover, as Serbia adopted the Law on Asylum only for the sake of the European integration process, these practical changes created a lot of problems both for the state and for the migrants. Before I address these problems, I would like to say something more about migration through Serbia.

Migrants usually enter Serbia from the borderline with Macedonia. Serbia and Macedonia lie on the land route which connects Greece with the so-called Schengen area. It is estimated that in 2012, some 15,000 to 20,000 people entered Serbia without valid permits. Border crossings usually take place in the Presevo region. Migrants spend some time in the Macedonian villages of Lojane and Vaksnice before entering Serbia. The majority of the inhabitants of these villages are Albanians, and the Macedonian state police avoid entering them in order to preclude anything that could be interpreted as ethnic provocation. This allows both the migrants and the traffickers to act more freely.⁸ It is said that migrants do not reside in *jungles*, i.e. improvised camps,⁹ but in the private accommodation of the villagers (various farm buildings).¹⁰ Border crossings usually take place at night, through the woods and only rarely at the legal border crossing points (Tabanovce being the most common). The police are well equipped: they have CO₂ detectors for the vehicles, and mobile thermo-vision cameras. This allows them to observe human movement at quite a distance, even inside the Macedonian border, and to act accordingly. When the police catch someone, he or she must *clearly* ask for asylum. This means that the person must pronounce the word “*azil*” or “refugee”. If the plea is not clear enough, it can

⁷ From 1991 till 2006, the center was used for accommodating Yugoslav refugees; see http://www.kirs.gov.rs/docs/azil/Centar_za_azil_Banja_Koviljaca.pdf, accessed Sept. 1st 2013. During the 1990s up to 2008, the asylum seekers were accommodated at the “Hiljadu ruza” hotel on Mt. Avala near Belgrade.

⁸ <http://balkans.aljazeera.net/video/makedonija-selo-lojane-stanica-za-migrante> , <http://content.time.com/time/world/article/0,8599,2103054,00.html>, all accessed March 14th 2014.

⁹ *Jungle* refers to improvised camp. It is commonly used for settlements of migrants which are formed in the areas where migrants are forced to stay for a while, such as in front of secured borderlines (for example, Calais in France or Igoumenitsa in Greece), around accommodation centers (for example, Bogovadja in Serbia), near some administrative offices (for example, Van in Turkey) etc. Rarely, the phrase is used for other improvised settlements and slums (M. S. M.).

¹⁰ <http://www.rferl.org/media/video/24456813.html>, accessed Sept. 1st 2013.

be ignored and the person dispatched either to the police station in Leskovac or back to Macedonia. This creates problems for the migrants, since they waste time and resources in crossing the same border again.

The price which migrants pay to the traffickers for passing the border is known. According to one NGO,¹¹ the minimum price is 50 EUR, for traveling from the Macedonian-Serbian border to the Hungarian border it is between 150 EUR and 300 EUR. There is no defined maximum, since the more the migrant pays, the more likely it is that he or she will actually manage to be transferred to the next stop. The full price for direct transport from Presevo to Horgos goes up to 1000 EUR. It is said that Serbian citizens are becoming increasingly involved in trafficking, since this is perceived as “easy money” and in some regions, one of the rare opportunities to earn anything.¹²

As against this, when the asylum claim is acknowledged, the police issue a 72-hour permit which allows migrants to remain legally in Serbia for 72 hours in order to get to one of the two asylum centers, where asylum procedure can be initiated. If the migrant is a minor, he or she is sent to the center for children without parents or fosterers in Nis, or, if the minor migrant is caught deeper inside Serbian territory, to the equivalent center in Belgrade.¹³

There are two asylum centers in Serbia. The older one, formerly run by UNHCR, is in Banja Koviljaca and can accommodate 84 asylum seekers.¹⁴ When it became overcrowded in 2011 due to the arrival of migrants fleeing the conflicts in Northern Africa, the Serbian Government decided to open a second center in the small village of Bogovadja. This center is rented from the Serbian Red Cross. The buildings had been used as a Red Cross Youth Camp for years before the asylum center moved in. This center can take 150 asylum seekers. Its director managed to make space for 250 people inside the center during the cold weather of autumn and winter 2012/2013. In winter 2013, the Serbian Government rented a house in the small village of Vracevic, 15 km from the Bogovadja center, in order to save people from freezing. This closed down on 1st of July. Nevertheless, the need to open a third center was recognized even in 2012, but the protest of the local people in the Mladenovac area, where the center was to be opened in the abandoned facilities previously ran by the Yugoslav army, restrained the authorities from fulfilling this decision of the Serbian Government.

When a migrant with a 72-hour permit is admitted to the center, s/he registers, and this marks the beginning of the asylum procedure. The asylum seeker undergoes a systematic medical examination (blood and urine checks, skin and lung examination) and receives treatment if needed. Similarly, they are referred to specialists in the surrounding towns of Loznica, Valjevo or Lajkovac. Asylum seekers enjoy the same health-care rights as the country’s citizens. They are given three meals a day, clothes and shoes when required, have access to free legal aid provided by two NGO’s, the

¹¹ http://hcit.rs/?page_id=10&lang=en, accessed Sept. 1st 2013.

¹² http://media.rtv.rs/sr_lat/radar/4355, accessed Sept. 1st 2013.

¹³ <http://www.unhcr.rs/media/srpski.pdf>, accessed Sept. 1st 2013.

¹⁴ http://www.kirs.gov.rs/docs/azil/Centar_za_azil_Banja_Koviljaca.pdf, accessed Sept. 1st 2013.

Asylum Protection Center and the Belgrade Center for Human Rights.¹⁵ Besides legal aid, these two organizations offer psychological counseling to women and children.

These centers are open type, which means that the person may leave anytime during the day and come back in the evening, since the center is closed from 10/11 pm until 6 am. Visitors may come at specified hours if they have obtained prior permission from the Commissariat. The migrant may ask the administrator for permission to be absent from the center for more than 24 hours. When the person receives an identity card for asylum seekers following registration, he or she may get permission to live in private accommodation, but must inform the Asylum Office of any change of address within three days. The asylum procedure lasts at least six months, when the first court decision on the claim is issued.¹⁶

The number of asylum seekers has increased. From 70 in 2008, it reached 3,500 in 2011 and 2,700 in 2012. In the first half of 2013, the number has already risen above 1,860. Nevertheless, only three persons were granted asylum while six have been granted subsidiary protection in Serbia since 2008. The small number of fully processed claims undoubtedly shows that the asylum system in Serbia is not functioning for the purpose it was nominally created for.

The reasons for such a small number of issued refugee statuses are the following. The big majority of cases are suspended due to the fact that the asylum seeker had left the country. The asylum seekers leave the country either because they managed to cross the border and enter Croatia or Hungary, or just abandoned the attempts because they had been persuaded that they would not get the asylum, due to the fact that they were economic migrants or that they had been previously in a safe third country and thus had the opportunity to ask for asylum there.¹⁷ The list of safe third countries was issued by the Serbian Government in 2009.¹⁸ The problem is that all countries that border on Serbia are considered to be safe. According to this, a migrant can ask for asylum in Serbia only if he or she arrives there by airplane. This is not likely because Serbia does not have direct airplane connections with the migrants' countries of origin. Furthermore, there are only six inspectors covering all asylum claims. It is possible to draw the conclusion that both the Serbian legislature as well as the practice that concern the asylum disable the Serbian asylum system. Precisely this was singled out for criticism by the European Commission in the so called "Chapters 23 and 24" which Serbia was to fulfill in order to get more in line with its EU aspirations.¹⁹

The lack of means for housing all the asylum seekers represents another basic problem of the Serbian asylum system. I shall describe four cases which put more light on this issue.

¹⁵ <http://www.apc-cza.org/en/o-apc-cza.html> and <http://www.english.bgcenter.org.rs/>, accessed Sept. 1st 2013.

¹⁶ <http://www.apc-cza.org/sr-YU/component/phocadownload/category/2-zakoni-i-konvencije.html?download=8:o-kucnom-redu-u-centru-za-azil>, accessed Sept. 1st 2013.

¹⁷ The information obtained through conversation with migrants, activists and members of NGOs.

¹⁸ <http://www.apc-cza.org/sr-YU/component/phocadownload/category/2-zakoni-i-konvencije.html?download=5:odluka-o-utvrdivanju-liste-sigurnih-drzava-porekla>, accessed Sept. 1st 2013.

¹⁹ http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/sr_rapport_2013.pdf, accessed 14th 2014.

2. Banja Koviljaca

This is the older but smaller asylum center in Serbia set up at the spa resort of Banja Koviljaca. When the number of the asylum seekers increased in 2011, the Government wanted to rent a building next to the center to accommodate the migrants, but needed permission from the local authorities. As this was not forthcoming, the migrants organized and rented rooms, flats and houses. The local inhabitants improved their budget by renting a bed or room to the migrants, or by trade and catering, transport and so on. For example, one bed costs from 2 to 8 EUR per day, and with food, the minimum daily cost for a migrant goes up to 15 EUR. The maximum number of asylum seekers renting room in private accommodation at a given moment was 800. This was of obvious advantage to the local economy, since from the 1990's, the area had steadily deteriorated.²⁰

Until late summer of 2011, no problems between migrants and the local population had been recorded. Then the local police began to receive an increasing number of notifications that the migrants have stolen something, or entered into someone's house, or followed someone and so on. The police checked all these claims, but usually nothing was proven. There have been some minor offences but not a single criminal act.²¹ On the contrary, the police found out that the migrants had been attacked and robbed. This tension endured for a while. Then an incident occurred: an English woman reported that two migrants had raped her.²² Immediately after filing the complaint, she left the country and the investigation continued without her presence. The evidence was not sufficiently compelling to lead to any definite conclusion, so the case stayed unresolved. Nevertheless, protest by local people against the presence of the migrants became more vociferous. One public society was formed and its first goal was "resolution of the problem of migrants and relocation of the asylum center". It organized the protests.²³ One of the most attended protests was in the beginning of November. It had the name: "Who is next".²⁴

The officially proclaimed reason for the protests lays in the understanding that the migrants were repelling tourists from visiting Banja Koviljaca, because Banja Koviljaca could not be considered as a safe place anymore.²⁵ They made banners

²⁰ <https://www.youtube.com/watch?v=qHRCsvpe1O4> accessed March 14th 2014.

²¹ <http://www.rts.rs/media/videoPopup.jsp?storyId=985982> accessed March 14th 2014.

²² <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:351152-Banja-Koviljaca-Silovali-Engleskinju-u-parku>, <http://www.vesti-online.com/Vesti/Hronika/185330/Banja-Koviljaca-Avganistancu-optuznica-za-silovanje> all accessed March 14th 2014.

²³ <http://www.banjakoviljaca.org/demo-category/onovano-udruzenje-gradjana-za-banju-koviljacu.html>, <http://www.smedia.rs/vesti/vest/79599/Banja-Koviljaca-Protest-Ilegalni-imigranti-Azilanti-Banja-Koviljaca-odlazite.html> accessed March 14th 2014

²⁴ See the links, accessed Sept. 1st 2013. <http://www.smedia.rs/vesti/vest/79599/Banja-Koviljaca-Protest-Ilegalni-imigranti-Banja-Koviljaca-zbog-ilegalnih-imigranata.html>, <http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/985570/Protest+u+Banji+Kovilja%C4%8Di.html>

²⁵ <https://www.youtube.com/watch?v=mrwwr8zk-fc&feature=share> accessed March 14th 2014.

Securitization, that is, presenting a phenomenon as a problem of public security, is one of the two dominant discourses about migration (second being humanitarization) (see Marta Stojić Mitrović 2013).

and brought in people from other towns to Banja Koviljaca by bus. Around 2,000 protesters demanded the 2,500 migrants residing in Banja Koviljaca while waiting either to be accepted at the Center or to continue their journey to be moved out of their town. The most prominent expression that was also heard during protests in Mladenovac and Bogovadja was: why this community has to bear the entire burden Serbia as a country took over by ratifying international conventions and agreements? There were three major speakers on the protest. The first one, a doctor, spoke of the deadly diseases that come from faraway countries and warned that everyone there would be infected by tuberculosis, flu and so on. The second, a local woman, asked whether they would allow their women and daughters to be raped. She asked everyone to close their eyes and imagine their wives, mothers and daughters being raped. The third, a historian, spoke of the foreign invaders that had failed to conquer this area and asked whether they had resisted so long only to now allow Muslim invaders in, asking his audience how they would explain this kind of failure to their forefathers in heaven. The organizers of the protest thus invoked major concepts of family and genetics, health, national history and religion in an endeavor to spread fear. After a while, people stopped sending children to school until the migrants were removed.²⁶ The Government tried to calm the situation. Since they opened the second asylum center, in Bogovadja, a number of asylum seekers moved there and the protests eventually ceased.²⁷

3. Subotica

Subotica is the northernmost city in Serbia. It lies on the border with Hungary. This border is one of the most protected and supervised land borders in Europe. In the district of Kiskunhalas in Hungary one surveillance tower is placed. It is equipped with powerful infrared cameras which can detect movement deep inside Serbian territory. When personnel at the tower notice movement which might be qualified as an illegal border crossing, they inform Serbian border patrols, who then intercept the groups while they are still on Serbian soil.

The strong surveillance induced a lot of difficulties for migrants to cross. They were forced to stay in the border region for a while, so during 2011 a jungle had been formed first at the Subotica graveyard and then at the local dump (see Marta Stojić Mitrović 2012). In order to protect themselves from the weather, the migrants made sheds from the materials they found at the dump. The existence of a jungle near Subotica was no secret either to the police or to the local inhabitants. The police made raids occasionally. One Christian humanitarian organization regularly went to the jungle and helped the migrants, usually with food, clothes and material for shelters.

²⁶ <https://www.youtube.com/watch?v=XDbJ2MBf7EM>, accessed March 14th 2014.

²⁷ <http://www.rts.rs/page/stories/sr/story/57/Srbija+danas/1005380/Bojkot+nastave+u+Banji+Kovilja%C4%8Di.html> <http://www.pressonline.rs/info/politika/189587/banja-koviljaca-posle-sastanka-s-ljajicem-otkazani-novi-protesti.html>, accessed March 14th 2014.

Local people sometimes engaged migrants to help them do work in the field, cut wood, etc. Taxi drivers took them to the city and back. Local merchants sold them goods. Some people charged electricity for batteries for mobile phones to the migrants, some of them charged for water. Nevertheless, in the winter things changed rapidly. The new year of 2012 brought extremely cold weather with a lot of snow. Local media started to publish information about the existence of an improvised settlement near Subotica, in which a lot of people from faraway countries had found temporary shelter. This led to increased interest by local people in the inhabitants of the depot. More and more people offered their help. Some of them suggested taking migrants into their homes until the winter has passed. The local authorities explained that even communicating with people who entered and stayed in Serbia illegally was an offence. Nevertheless, when the temperature dropped more than 20°C below zero in February 2012,²⁸ and a situation of emergency was announced throughout the country, the local headquarters for emergency situation, consisting of the emergency services and local government, decided to move the migrants from the dump into a building, in order to prevent deaths from freezing. It was decided to move them into an old restaurant, which was no longer working.²⁹ The Subotica Red Cross brought old mattresses and organized a daily food delivery. A doctor checked the migrants' health. Local people sent clothes, blankets and shoes via the Red Cross or the Christian humanitarian organization previously mentioned.³⁰

Around 100 migrants found their shelter at the restaurant Fontana. They stayed there from 9th until 22nd of February 2012. During that time, officials from the public organizations taking part in this action, such as local politicians, members of the city council, the secretary of the Red Cross, etc. took credit for their humanity. Nevertheless, the very moment the emergency situation was called off, the police arrived with two busses and deported the migrants to Macedonia. There have also been raids in the jungle, to catch the migrants that stayed outside. All this happened at dawn, so the majority was caught while still asleep. The migrants asked for asylum in the bus, but their claims have been ignored.³¹ Furthermore, although the temperatures stayed below zero for a while, no similar action to prevent migrants from freezing was undertaken by the local authorities. They had the justification that only the emergency situation allowed them to act as they had without breaching the Alien law, which says that any contact with persons who are illegally in the country represents an offence.

This event shows a different kind of political manipulation: local politicians gained credit for showing their humanity to foreigners and also, intentionally or not, helped the police to catch the migrants in a single big raid.

²⁸ http://www.rtv.rs/sr_ci/vojvodina/subotica/migranti-ugrozeni-u-subotici_298682.html, accessed Sept. 1st 2013.

²⁹ http://www.rtv.rs/sr_ci/drustvo/ilegalni-imigranti-zbrinuti-u-zagrejanim-prostorijama_299660.html, accessed Sept. 1st 2013.

³⁰ http://www.rtv.rs/sr_ci/vojvodina/subotica/suboticani-izvukli-ilegalne-migranate-iz-satora_299440.html accessed Sept. 1st 2013.

³¹ During deportation, they have been calling by phone some activists and members of NGOs asking how this was possible.

4. Mladenovac

In the year 2012 one of the major concerns was the opening of the third asylum center in Serbia. The Government decided to open it in Mala Vrbica, a village near Mladenovac, in former army facilities. Organized protests continued for a few months. The largest happened on 8th March 2013 and it was called: “A minute to midnight”. The local government found that the decision of the Serbian Government was in breach of their human rights, in particular Article 8 of the 1949 European Convention for Protection of Human Rights and Fundamental Freedoms which concerns protection of the private and family life of the local inhabitants.³² Furthermore, it was said that the land on which the center was to be settled is very fertile, and that it would be a shame to use it for different things than agriculture, especially in the situation when the state government led toward the collapse of industry in that area.

This was a dispute between local and state government, since the local government was run by the Democratic Party, which had just lost the national elections.³³ The asylum center thus became a means for political confrontation. Furthermore, concern for human rights protection was invoked simply to transform something that could be determined as xenophobia into some general care for local family life. As one politician put it: “You have to be patient and persistent, and you mustn’t allow anyone call you racists. We are not that. We are just afraid that the arrival of a large number of asylum seekers in the middle of the Sumadija region would compromise our security and that of our children. This is not a question of policy, it is the question of us, the citizens of Sumadija, who want to live on our own land”.³⁴ Similarly as in Banja Koviljaca earlier (and Bogovadja during the autumn 2013), the international obligation of Serbian state to accept the asylum seekers have been perceived as an unfair pressure on a local community, who “has to bear the burden of the presence of migrants alone,” to paraphrase common expression of discontent among protesters. “Why us, why not some other community?”

Nevertheless, this political campaign was effective. Besides the fact that the asylum center was not opened, research conducted by the Commissariat and the International Organization for Migration showed that the strongest animosity towards the presence of asylum seekers was shown in Mladenovac, and not in Banja Koviljaca or the Bogovadja area.³⁵

³² <http://www.youtube.com/watch?v=6BPJNwrijw8> accessed Sept. 1st 2013.

³³ http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=03&dd=24&nav_category=12&nav_id=698166 accessed Sept. 1st 2013.

³⁴ <http://www.apc-cza.org/sr-YU/8-vesti/224-mladenovac-predrasude-protiv-azilantata.html> accessed Sept. 1st 2013.

³⁵ http://www.kirs.gov.rs/docs/izvestaji/Ispitavnje_javnog_mnejnja_-_azilanti.pdf accessed Sept. 1st 2013.

5. Bogovadja and Vraceutic

The last case which I would present is the case of Bogovadja asylum center. Even though it was opened in 2011 in order to relieve the burden on the Center at Banja Koviljaca, its accommodation capacity was soon overwhelmed. The police issued 72-hour permits and directed people toward Bogovadja, but migrants could not be accepted into the Center, be registered and file asylum application officially. Thus they were forced to wait. Without facilities to rent, the migrants lived in the forest. During 2012, usually more people (even families with children) stayed outside the Center. Furthermore, migrants who lived inside the Center reported that there were some free beds. The manager explained that these were kept for persons needing special care, like small children and the ill. Some accusations that the administrator of the Bogovadja Center was corrupt and that he was asking for money from the migrants in order to provide them places inside appeared in the media.³⁶ One adviser from the Commissariat directly accused the Center's administrator of corruption. She cited one of the asylum seekers who told her the "prices": 10-30 EUR for absence registration, 40 EUR for accommodation, 500 EUR for families, sometimes 100 EUR just to sleep inside for a night. He added that even registered asylum seekers were being expelled from the Center to make room for those who paid, even if they had no valid permit. She informed the President, the PM, the police, national security, UNHCR, NGO's and the media. She added that one person from the Ombudsman's office had seen families with small children and with valid papers living in the forest.³⁷ An official investigation into these accusations was opened, but nothing has been proven yet.³⁸

Nevertheless, according to one source, something different came out. The lack of free space and constant fluctuation of people getting in and out of the center turned out to be a good opportunity for some migrants to earn money. The Center's administrator, as well as the majority of personnel at the time, did not speak any foreign language properly. The administrator thought it would be a good idea for major ethnic/national groups of migrants at the center to have representatives who would keep management informed of the situation among asylum seekers of their own ethnicity/nationality. It seems that some of these representatives became "migrant brokers" who asked other migrants "in the name of the director" for money for beds or permits. When the "broker" received the money, he would go to the administrator and spin a story. The migrant who wanted a place would see the door of the office closing and would hear some "conversation". When the broker came out of the office, he would say

³⁶ <http://www.kurir-info.rs/centar-od-azilanata-uzima-novac-za-smestaj-clanak-427652> accessed Sept. 1st 2013.

³⁷ <http://91.222.6.88/vesti/srbija.73.html:398545-Bogovadja-Ima-li-korupcije-u-azilu> accessed Sept. 1st 2013.

³⁸ During the protests against the administrator of Bogovadja asylum center which took place in Belgrade on Dec. 25th 2013 the Commissar for Refugees and Migration unofficially but yet publically revealed that the adviser had been in an intimate relation with the administrator, which had ended, what negatively influenced the perception of credibility of the accuser. He further explained that a prosecutor in Valjevo was in charge of these allegations.

that he gave the money to the administrator and that now everything was in the administrator's hands. If the migrant got what s/he wanted, the broker would say that this was because of the money he or she gave and if not, that the administrator wanted more. This version has not been proven either.

In the summer of 2012, an NGO was giving food once per day to the asylum seekers who stayed outside the center. However, in early autumn the migrants were left with no food and shelter, and the weather started to change. There were no solid materials to make shelters. Therefore, some migrants entered abandoned facilities, such as an old ruined village school, and farm buildings, but they also broke into some holiday homes. They also had problems with water. According to testimonies of migrants, those who were not accepted at the center were forbidden to use toilets inside. They were allowed one hour per day to pour water into plastic bottles or to charge the batteries of their mobile phones for 15 minutes each. Some other sources confirm that migrants that stayed outside received no humanitarian help, such as clothes, food, blankets, shoes, that arrived at the asylum center. As a rule, more migrants were staying outside than inside the center. They were also afraid of deportation, since their 72-hour permits expired and the police would not issue them the new ones.

Many people, such as activists, journalists, members of NGO's, local people and so on, reported about the tough situation in Bogovadja. The reports about existing corruption and misbehaving of some members of personnel in Bogovadja asylum center are still arriving.³⁹ The situation in Serbia was heard abroad: Hungarian Helsinki Committee issued a report which served as a basis for the Hungarian Government to bring a decision (in force from the end of 2012 until the 1st of July 2013) to stop all deportations to Serbia, since the migrants could not fulfill basic rights there.⁴⁰ This added another international dimension to the events in Serbia. On the other hand, the Serbian Red Cross sent extra beds to the Center, which were placed in halls and classrooms, so around 260 people were able to sleep inside. There was a selection: first children, women and the sick, followed only then by healthy males. The Government tried to solve the problem with the third center, but even greater efforts to open it near Mladenovac failed. Therefore, it was decided that a facility in Bogovadja or in some nearby village should be rented. The Government asked local people to accept migrants and said that the Commissariat would pay 50 EUR for one migrant per month. Two brothers in the village of Vracevic, 15km from Bogovadja, decided to rent their

³⁹ <https://www.facebook.com/photo.php?fbid=10202202423837006&set=gm.705699466118921&type=1&theater>. There is an initiative, made by activists and members of some NGOs, which is conducted in cooperation with the Commissariat, to collect valid evidence and to file a new prosecution if possible. Until now, the main problem was that the migrants weren't willing to testify on court, and there was a lack of evidence. The initiative is to make audio and video recordings of the corruption and testimonies of the migrants. Furthermore, in January 2014 Minister of the Interior formed a project group which is to evaluate asylum practice in Serbia and suggest legislative changes, due to many critiques arriving, see <https://www.youtube.com/watch?v=OicvJ5aJLIY>, both accessed March 14th 2014.

⁴⁰ http://azil.rs/doc/Serbia_as_a_safe_third_country_A_wrong_presumption_HHC.pdf for 2011 and http://azil.rs/doc/HHC_Serbia_report_final_2_1.pdf for 2012, both accessed Sept. 1st 2013 .

house. The official number of migrants who moved in was 80, but it is not precise, since all the migrants that lived in Bogovadja area had been invited.⁴¹ This building was not an official exposition of the asylum center. People who got in there were not registered for asylum procedure and no inspector has ever visited it. Similarly, no medical examination was organized except for the first group. The Commissariat and one NGO bought food for the migrants in the local shops. Migrants said that sometimes they got one and sometimes three meals per day. Only a few people who were not migrants had the opportunity to enter the house and see what the accommodation looked like. Two guards stood in front of the yard and refused entry. Neither did they permit anyone interested in the topic to talk with the migrants, even in the street that ran by the yard. This kind of behavior was reported by journalists, activists, and some scientific researchers. Approximately two weeks after the exposition was opened, a large group of migrants left the Center in Banja Koviljaca, and so 70 migrants from Vracevic were transferred there.⁴² This marked an increase in the permeability of the borders with Hungary and Croatia, which lasted until late summer 2013. Both asylum centers were occupied by less than half of their official capacities for most of the time. Until the place was officially closed on 1st of July, only up to 40 people stayed there. It is very important to add that not only prospective asylum seekers were accommodated there, but also people who had never contacted the police nor intended to do so, that is, people who had no documents of any kind permitting them to stay in Serbia, not even expired 72-hour permits.⁴³ The migrants who were in the exposition when it was closed down were sent either to the asylum centers, if they had 72-hour permits, or to the police station in Valjevo, if they did not.⁴⁴

Even before Vracevic exposition was opened, local people reported to the police that intruders had entered their houses and other buildings, clothes and blankets had been stolen, food eaten, electricity consumed and the like. As a rule, migrants were not prosecuted for this. The state officials tried to calm the local people by saying that they should understand that the migrants were only trying to survive, that they had no other options but to try to fulfill their basic needs. Nevertheless, at the end of January 2013, when Vracevic became officially chosen and the migrants moved in, a few local people started a campaign against their presence there. First they said that the migrants would bring diseases to Vracevic, that they would attack local people, steal from their houses, rape women. The agitators used the same words as the police: the migrants would do anything to fulfill their basic needs.⁴⁵ By the beginning of February,

⁴¹ <http://ww.novosti.co.rs/vesti/naslovna/reportaze/aktuelno.293.html:418264-Vracevic-Strah-od-azilanata> accessed Sept. 1st 2013.

⁴² <http://www.rts.rs/page/stories/sr/story/57/Srbija+danas/1263088/Kuda+sa+azilantima%3F.html>, Sept. 1st 2013.

⁴³ <http://www.politika.rs/vesti/najnovije-vesti/Zatvoreno-prihvatiliste-za-azilante-u-selu-Vracevic.lt.html>, accessed Sept. 1st 2013.

⁴⁴ http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=07&dd=10&nav_category=12&nav_id=731254, accessed Sept. 1st 2013.

⁴⁵ <http://www.youtube.com/watch?v=SHUgmBoMPRc>, accessed Sept. 1st 2013.

the house was stoned.⁴⁶ The attackers received support from the local government in nearby Lajkovac. The local government demanded that the state remove the foreigners from Vravec within three days. Protesters said that they feared for their own security and that of their children. They added that they were not racists, but that the house in which the migrants were staying did not meet the basic hygiene requirements for so many persons. Therefore, they feared that some deadly diseases would spread. Furthermore, they said that temporary solution is not a good solution and that the Government should find a permanent one. In addition, 250 house-owners in Vravec signed a petition against the presence of migrants.

Otherwise, xenophobia has never been seen in the streets: neither local people nor migrants reported any kind of aggressive behavior.⁴⁷ The guards said that only two or three men from Vravec tried to organize protests against the migrants and received support from the local Lajkovac government, but not from the people. Similar testimonies have been given by the local people from both Vravec and Lajkovac. They said that they only benefited from the presence of the migrants: migrants bought things, took taxis, asked for services, worked for little compensation.⁴⁸ In July, a few local persons said that they were very sorry that the Vravec exposition had closed. "At last something nice was happening here and they had to ruin it," a taxi driver complained. They were also displeased by rumors that migrants who never intended to become asylum seekers had now moved to the neighboring municipality of Valjevo.

6. Concluding remarks

Serbian migration practice is the result of often conflicting policies at regional, state and local level. Serbian aspirations to become a member of the EU led to the adoption of laws and the implementation of practices for which local institutions, personnel and people were not adequately if at all prepared. Thus, on the one side we have problems which belong to the domain of policy. On the other side lies the intrinsic problem of fundamental human rights: it appears that *the human* is not the same for all parties involved in migration practice, that is, migrants, politicians, various professionals and the local people. Nevertheless, the humanness of migrants was transformed into a political thing: it was praised or denied insofar it could benefit the achievement of certain political goals, whether it was accessing EU or making pressure on the state Government. Thus, human rights protection appeared to be situationally rather than universally applied.

Serbian migration policy is a combination of conceptualization and social behavior. Conceptualization comprises values which exist in the society and gives

⁴⁶ <http://www.blic.rs/Vesti/Srbija/366300/Pojedinci-kamenovali-kucu-sa-azilantima-u-Lajkovcu>, Sept. 1st 2013.

⁴⁷ <http://kontra-punkt.info/pamflet/nova-politika-smestaja-za-azilante-i-rasisticka-protiv-mobilizacija-u-vracevicu>

⁴⁸ <http://novosti.rs/vesti/naslovna/aktuelno.293.html:418264-Vracevic-Strah-od-azilanata>, accessed Sept. 1st 2013.

them legitimization, which can be achieved through codification in laws or by simple act of authority. For some officials, the independent asylum system in Serbia was set up only as a result of Serbian conformation with the conditions coming from EU, and thus could be viewed as an act of force. Similarly, for some of the local people, governmental decisions to keep migrants in their neighborhood were seen as acts of force. This was made obvious during protests against the presence of migrants, which had a common expression of discontent: *why we and not someone else* (a non-tourist destination, richer community, larger, closer to Belgrade, etc.)? The Serbian state thus appeared as mediator between the local and the regional, the body that was responsible and took more criticism than credit from both sides.

On the level of prescriptions, i.e. the laws and various protocols, many issues were insufficiently specified to allow fluent, univocal and unbiased realization. For example, the Alien Law and the protocols governing the asylum centers did not specify the level of authority of the chief administrator of the asylum centers, resulting in behavior which allowed for varying interpretations and apparent abuse of the circumstances. On the level of practice, different values and interests that constituted its manifold conceptual bases, led toward the transformation of the presence of migrants in a given area into an object of political manipulation. Thus the presence of migrants became focal point of conflicts between the state and the local government or between people with different interests. This confirms the anthropological view that the very definition of a problem to be solved in a policy represents a problem in its own right.

It is possible to conclude that the behavior of every actor involved in migration practice in Serbia is modulated in accordance with constant calculations as to what might provide most benefit in the future. The state government is turned toward as yet uncertain accession to the EU, local government toward the improvement or stabilization of its standings among the electorate, different professionals, such as the personnel employed at the asylum centers or in NGO's, want to fulfill their daily tasks, local people to make a living, the migrants to survive and continue their journey. Conceptualizations are constantly negotiated in accordance with ever-changing circumstances. The perception of migrants thus floats between victims, aggressors, clients and companions. Human rights and humanness are evoked only up to the point where they explain the motifs for specific behavior: the universal human right to asylum serves as a pretext and excuse to open asylum centers, the right to life as an excuse for inaction by the state to prevent break-ins, the right to privacy as an excuse not to let foreigners into the neighborhood. That the fulfillment of fundamental human rights depends on some very mundane things seems to be rather the normal than an extraordinary manifestation of human interaction.

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Приказати као проблем, искористити као добру прилику: четири примера социо-политичких конфликта у чијем је фокусу присуство миграната у Србији

У раду је приказан утицај политичких збивања – на регионалном, државном и локалном нивоу – на свакодневицу миграната и лица која траже азил у Србији, кроз анализу четири случаја у којима је присуство миграната у одређеној области трансформисано у предмет политичке манипулације и условљавања. Српска миграцијска политика и пракса растрзане су између захтева Европске уније, које Србија треба да испуни у оквиру процеса евроинтеграција, и непоседовања објективних могућности да се то и оствари, као што су неадекватно формулисани закони, неприпремљеност институција за њихово спровођење, недовољна финансијска средства, али и аспирације локалних политичких и економских елита. Испоставља се да је заштита права миграната и лица која траже азил, која произилазе било из националних било из међународних регулатива, ситуационог а не универзалног карактера, односно, да зависи од тренутних односа моћи. У тексту је најпре дат кратак приказ српске миграцијске политике и азилног система до септембра 2013. године, а затим су представљена четири специфична догађаја путем којих се могу пратити социо-политички конфликти који су их покренули и довели до трансформације присуства миграната у *проблем* у локалној средини, а што се даље користи као средство политичког притиска. Положај миграната, услови њиховог боравка на територији Србије, доступност здравствене заштите, хране, заклона, висина економских трошкова, али и могућност да доспеју до циљне земље, тако постају „колатерална штета“ различитих интересних група.

Кључне речи:

лица која траже азил, азилна пракса, азилни центри