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## THE INTEGRATION OF MIGRANT CHILDREN IN SERBIA: LEGAL AND SOCIAL ASPECTS

*After the closing of the Balkan route, Serbia lost its role of the country of transit. Instead, it has become the country of destination, or the country in which migrants tend to stay for a longer period of time. That is the reason why Serbia has been facing a series of challenges related to the integration of migrants staying within its borders. As the most vulnerable category within the migrant population, migrant children, especially the unaccompanied ones, must be given special protection. Apart from the respect of their fundamental rights, the latter particularly refers to creating the atmosphere that facilitates and encourages their integration into education system and their participation in social, cultural, sports and leisure activities, preventing their discrimination and marginalisation. The authors of the paper analyse international and national legal framework regulating the protection of migrant children, with particular focus on Child's Rights Convention, and to highlight key practical problems and obstacles that stand in the way of their full integration in our society. They also highlight the examples of good practice in the field of migrant children integration in Serbia and, provide suggestions for further improvements in this area.*

**Keywords:** migrants, integration, children, human rights, asylum.

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## **1. Introduction - Migrant Children in Serbia after the Closing of the Balkan Route**

Between 2008 and 2017, the number of migrant children has been increasing and reached its maximum in the past three years of that period. For example, almost 400.000 underage migrants comprised one third of the total number of migrants - asylum seekers in the European Union countries in 2016 and more than two thirds of these underage migrants were children under fourteen years of age (Solarević, Pavlović, 2018: 232).

Serbia has been facing an intensive increase in the number of migrants, refugees and asylum seekers since July 2013, which turned into so-called “migrant crisis” in 2015, when more than 800,000 migrants crossed its state borders. The number of persons who expressed the intention to seek asylum in Serbia in 2015 was 577,995 and the majority of them have arrived from Syria, Afghanistan, Iraq, Pakistan, Somalia and Eritrea.<sup>1</sup> According to UNHCR, around 7,200 refugees, asylum seekers and migrants were staying in Serbia in 2017. This number included all persons in 18 centres for transit and asylum in Serbia as well as the foreign persons who dwelled outside these institutions - in hotels, private apartments and informal gathering spots (Vukašević, Majlat, 2017: 10).

The data collected by the Ministry of Interior of the Republic of Serbia show that 5,390 migrant children (3,708 boys and 1,628 girls) expressed the intention to ask for asylum in Serbia in 2016 as well as that there were 177 unaccompanied and separated children among them (165 boys and 12 girls) (Krašić *et al.*, 2017: 10). Moreover, during the first four months of 2017, 35 unaccompanied and separated children asked for asylum in Serbia, out of which 33 were boys and 2 girls (*Ibid.*). In 2016 and 2017, the majority of unaccompanied and separated children came from the states involved with armed conflicts such as Afghanistan, Syria, and Iraq, but some of them also arrived from Pakistan, Somalia, Palestine, Algeria, Morocco, Ghana and Libya (*Ibid.*). After the closing of the Balkan route in March 2016, a number of migrants remained in Serbia and the time of their staying was significantly prolonged - from a couple of months up to one year and one third of these migrants were children under fourteen years of age (Šantić *et al.*, 2017; Umek *et al.*, 2018; Minca *et al.*, 2018, according to: Đorđević *et al.*, 2018: 79). According to the latest information published on 20.08.2019. by Asylum Protection Centre of the Republic of Serbia (hereinafter: APC), the number of unaccompanied

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<sup>1</sup> Politika i praksa zaštite prava izbeglica i migranata u Srbiji 2017 – Policy Briefing, Centar za zaštitu i pomoć tražiocima azila APC/CZA, BETA novinska agencija, Centar za istraživanje javnih politika, <https://www.azilsrbija.rs/wp-content/uploads/2019/04/Politika-i-praksa-za-%C5%A1tite-migranata-i-izbeglica.pdf>, 23.06.2019.

underage migrants on the Northern borders of Serbia is increasing and at least one half of migrants staying at the open location Horgoš are children without parental guardianship (APC, 2019). These information indicate that the protection of migrant children's rights and the challenges of their integration into Serbian society still are and most probably will remain the issues of great relevance.

When the return of the refugees to the countries of their origins turns out to be impossible, integration should be taken into consideration as one of the models for permanently resolving their problems (Dimitrijević, 2015: 146). Nevertheless, local integration of the persons under international protection is a complex and gradual process with legal, economic, social and cultural dimensions and, as such, represents a specific challenge for both - the country of admission on the one hand and the persons under international protection on the other (Dimitrijević, 2015: 143-144). Unfortunately, in numerous cases, obtaining the citizenship of the country of admission represents the only result of the integration process, although it is familiar that real, genuine integration cannot be achieved without full acceptance of refugees by the local community (*Ibid.*). Therefore, the prolongation of the staying of migrant children and their families in Serbia has made it necessary not only to provide their adequate protection and health care but also to facilitate their access to education (Šantić *et al.*, 2017; Umek *et al.*, 2018; Minca *et al.*, 2018, according to: Đorđević *et al.*, 2018: 79), as well as to some other contents and activities relevant for their integration, which are discussed in this paper.

## **2. Protection of Migrant Children's Rights - International Normative Framework**

### **2.1. General Observations**

Child's rights are guaranteed by several international documents regulating various aspects of human rights in general, the most significant of which are: 1) Universal Declaration of Human Rights<sup>2</sup>, 2) European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>3</sup>, 3) International Covenant on Civil and Political

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<sup>2</sup> Universal Declaration of Human Rights, United Nations General Assembly, 217 (III) A, 1948, Paris, <http://www.un.org/en/universal-declaration-human-rights/>, 11.08.2019.

<sup>3</sup> Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14, Council of Europe, Rome, 04.11.1950., European Treaty Series - No. 5, <https://rm.coe.int/1680063765>, 11.08.2019.

Rights<sup>4</sup>, 4) International Covenant on Economic, Social and Cultural Rights<sup>5</sup>, 5) Convention on the Elimination of All Forms of Discrimination against Women<sup>6</sup>, 6) International Convention for the Protection of All Persons from Enforced Disappearance<sup>7</sup> and 7) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>8</sup>.

Apart from the aforementioned international legal documents, there are numerous other sources of international law pertinent to the protection of migrant children, whose rights include both – child’s rights in general as well as some specific rights, derived from their particularly vulnerable position.

## ***2.2. Convention Relating to the Status of Refugees (1951) and Protocol Relating to the Status of Refugees (1967)***

Grounded in Article 14 of the Universal Declaration of Human Rights, recognising the right of persons to seek asylum from persecution in other countries, Convention Relating to the Status of Refugees<sup>9</sup> (hereinafter: CRSR), adopted in 1951, represents the centrepiece of international refugee protection today (UNHCR, 2010: 2). The Convention entered into force on 22 April 1954, and it has been subject to only one amendment in the form of a 1967 Protocol Relating to the Status of Refugees<sup>10</sup> (hereinafter: PRSR), which removed the geographic and temporal limits of the 1951 Convention (*Ibid.*). Namely, as

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<sup>4</sup> International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, 20.06.2019.

<sup>5</sup> International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>, 20.06.2019.

<sup>6</sup> Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>, 20.06.2019.

<sup>7</sup> International Convention for the Protection of All Persons from Enforced Disappearance, UN General Assembly Resolution A/RES/61/177, 20.12.2006., [https://treaties.un.org/doc/source/docs/A\\_RES\\_61\\_177-E.pdf](https://treaties.un.org/doc/source/docs/A_RES_61_177-E.pdf), 11.09.2019.

<sup>8</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1), <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>, 20.06.2019.

<sup>9</sup> Convention Relating to the Status of Refugees, Geneva, 28 July, 1951, [https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg\\_no=V-2&chapter=5&Temp=mtdsg2&clang=\\_en#2](https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en#2), 20.06.2019.

<sup>10</sup> Protocol Relating to the Status of Refugees, United Nations Treaty Series, vol. 606, p. 267, <http://www.refworld.org/docid/3ae6b3ae4.html>, 20.06.2019.

a post-Second World War instrument, the scope of CRSR was originally limited to the persons fleeing events occurring before 1 January 1951 and within Europe. The PRSR removed these limitations, giving the CRSR a universal coverage (*Ibid.*).

CRSR embraces a single definition of the term “refugee” in its Article 1, the aim of which is to protect persons from political or other forms of persecution. According to CRSR, the term refugee refers to a person who is unable or unwilling to return to his/her country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion (UNHCR, 2010: 3). CRSR is a status and rights-based instrument that is underpinned by a series of essential principles, the most significant of which are: non-discrimination, non-penalization and non-refoulement. Accordingly, CRSR is applied without discrimination as to race, religion or country of origin, whereas the evolution of the international human rights law has also reinforced the principle of non-discrimination, expanding it to the prohibition of discrimination based on sex, age, disability, sexuality, or other grounds (*Ibid.*). CRSR recognizes that the seeking of asylum may force refugees to violate immigration rules and, in accordance with that, proclaims that should not be penalized for their illegal entry or stay. It is also important to mention that the Convention encompasses different safeguards against the expulsion of refugees. Its key principle - the principle of non-refoulement provides that no one shall expel or return a refugee against his/her will, in any manner whatsoever, to a territory where he/she fears threats to life or freedom (*Ibid.*). CRSR imposes basic minimum standards for the treatment of refugees, without prejudice to the states granting more favorable treatment, including: the access to the courts, to primary education, to work, and the provision for documentation, particularly a refugee travel document (*Ibid.*).

Recommendation B, adopted within the CRSR Conference refers to the principle of the family unity and is of particular importance for the protection of children. Namely, the Conference considers that the family represents the natural and fundamental group unit of society and an essential right of the refugee, which is constantly threatened. At the same time, the Conference emphasizes that according to the official commentary of the ad hoc Committee on Statelessness and Related Problems (E/1618, p. 40), the rights granted to a refugee are extended to his/her family members. Therefore, it is strongly recommended to the Governments to take the necessary measures for the protection of the refugee’s family. Hence, CRSP Conference highlights the importance of ensuring that the unity of the refugee’s family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country. Also, CRSR Conference emphasises the significance of the protection of refugees who are

minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.

### ***2.3. Convention on the Rights of the Child (1989)***

By ratifying Convention on the Rights of the Child<sup>11</sup> (hereinafter: CRC), and its optional protocols (Protocol on the sale of children, child prostitution and child pornography<sup>12</sup> and Protocol on the involvement of children in armed conflict<sup>13</sup>), the Republic of Serbia has committed itself to take care of all children under its jurisdiction, including children with Serbian or other nationality, children without nationality, refugee children or migrant children (Krašić *et al.*, 2017: 13). In its Article 1, CRC defines a child as every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

When it comes to the position of migrant children, it is important to mention that CRC prohibits the discrimination, by obliging States Parties to respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (Article 2 Paragraph 1). Moreover, CRC emphasises that States Parties must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Article 2 Paragraph 2).

The protection of children who are seeking refugee status or who are considered refugees is regulated by Article 22 of CRC, which obliges the States Parties to take appropriate measures in order to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures,

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<sup>11</sup> Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, 20.06.2019.

<sup>12</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force on 18 January 2002, <https://www.ohchr.org/Documents/ProfessionalInterest/crc-sale.pdf>, 11.08.2019.

<sup>13</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entry into force 12 February 2002, <https://www.ohchr.org/Documents/ProfessionalInterest/crc-conflict.pdf>, 11.08.2019.

whether unaccompanied or accompanied by his or her parents or by any other person, will receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties (Article 22 Paragraph 1). Besides, States Parties have to provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In addition, CRC prescribes that in the cases where no parents or other members of the family can be found, the child has to be given the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in CRC (Article 22 Paragraph 1).

Child's rights guaranteed by CRC are regulated in a more detailed manner by 20 general comments of the Committee on the Rights of the Child (Krašić *et al.*, 2017: 13). Among these comments, the following contain provisions relevant to the children who have left the country of their origin: 1) General comment No. 6 (2005): treatment of unaccompanied and separated children outside their country of origin<sup>14</sup>, 2) General comment No. 12 (2009): The right of the child to be heard<sup>15</sup> and 3) General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration<sup>16</sup> (Krašić *et al.*, 2017: 14).

Serbia has recently passed through the process of reporting on the application of the CRC in front of the UN Committee on the Rights of the Child (hereinafter: the Committee) (Krašić *et al.*, 2017: 10). Although the Committee welcomed the progress of Serbia in several areas relevant to child's rights protection, including the adoption of the Strategy for Prevention and Protection against Discrimination<sup>17</sup> and other institutional and policy

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<sup>14</sup> UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of unaccompanied and separated children outside their country of origin, 1 September 2005, CRC/GC/2005/6, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsiQq18gX5Zxh0cQqSRzx6ZfXmRo9mdg35%2bm8BvAjpgxjOPXPQumY0uSJjNwpdL6bFpqljfu3aX2s6Yi1797MEXI29uw8wUJIT3kCKSbL1T9>, 11.08.2019.

<sup>15</sup> UN Committee on the Rights of the Child (CRC), General comment No. 12 (2009): The right of the child to be heard, 20 July 2009, CRC/C/GC/12, <https://www.refworld.org/docid/4ae562c52.html>, 11.08.2019.

<sup>16</sup> UN Committee on the Rights of the Child (CRC), General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3 Para. 1), 29 May 2013, CRC /C/GC/14, <https://www.refworld.org/docid/51a84b5e4.htm>, 11.08.2019.

<sup>17</sup> Strategy for Prevention and Protection against Discrimination, *Official Gazette of the Republic of Serbia*, No. 60/2013.

measures related to children’s rights since its last review, it identified some difficulties in this field (UN Committee on the Rights of the Child, 2017: 1).

When it comes to the protection of migrant children’s rights, it is worth mentioning that the Committee expressed concern that Serbian budgeting process does not stipulate budget allocations for children in the relevant sectors and agencies, including indicators and tracking systems at all levels, as well as targeted budget allocations for children in marginalized and vulnerable situations, including migrant, refugee and asylum seeking children (UN Committee on the Rights of the Child, 2017: 3). Likewise, the Committee pointed out that migrant, refugee and asylum seeking children, (among other marginalized categories of children such as minority children, children living in remote areas, children in street situations, children with HIV/AIDS and LGBT children) continue to face discrimination with regard to access to education, health care and adequate housing (UN Committee on the Rights of the Child, 2017: 5). That is the reason why the Committee urged Serbia to ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards all marginalised categories of children, including migrant and asylum seeking children (*Ibid.*).

Despite the fact that the Committee noted the positive efforts that Serbia made to improve the education system, it still expressed the concern because of equity gaps that continue to prevent children from vulnerable groups, including migrant and asylum seeking children from accessing quality education (UN Committee on the Rights of the Child, 2017:15).

#### **2.4. The New York Declaration for Refugees and Migrants (2016)**

The New York Declaration for Refugees and Migrants<sup>18</sup> (hereinafter: NYDRM) contains a set of commitments that apply to both refugees and migrants, but also separate sets of commitments for refugees and migrants (Article 21), all of which contain provisions relevant to the protection of children under these specific circumstances. When the set of commitments that apply to both refugees and migrants is concerned, first of all, it is worth mentioning that NYDRM recognises and addresses the special needs of all persons who have found themselves in vulnerable situations and who are travelling within large

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<sup>18</sup> New York Declaration for Refugees and Migrants: Resolution adopted by the General Assembly, 3 October 2016, A/RES/71/1, <http://www.refworld.org/docid/57ceb74a4.html>, 20.06.2019.



movements of refugees and migrants, particularly women at risk and children, especially those who are unaccompanied or separated from their families (Article 23).

It is particularly important to mention that NYDRM recognises the fact that migrants can find themselves in the situations that make them particularly vulnerable for various reasons that often overlap (Vukašević, Majlat, 2017: 15). Broadly speaking, migrants in particularly vulnerable position comprise two groups: the migrants who have some specific individual feature that makes them particularly vulnerable and the migrants who are considered particularly vulnerable because of the situation they are facing. The first group of particularly vulnerable migrants includes, among others, children, especially those who are separated from their parents or who travel without parents or guardians (*Ibid*).

Therefore, NYDRM obliges its parties to recognise and take steps to address the particular vulnerabilities of women and children during the journey from country of origin to country of arrival, including their potential exposure to discrimination and exploitation, as well as to sexual, physical and psychological abuse, violence, human trafficking and contemporary forms of slavery (Article 29).

NYDRM States Parties have committed themselves to comply with their international obligations under the CRC and, hence, to protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child (Article 32). This particularly refers to unaccompanied children and children separated from their families, which means that States Parties have to refer their care to the relevant national child protection authorities and other relevant authorities (*Ibid*). Moreover, the Parties have confirmed that they are determined to ensure that all children are receiving education within a few months of arrival. To facilitate that, they have promised to prioritize budgetary provisions, including support for host countries as required, as well as to provide refugee and migrant children with a nurturing environment for the full realization of their rights and capabilities (*Ibid*). NYDRM recognises that detention for the purposes of determining migration status is seldom as well as that alternatives to detention should be pursued and used only as a measure of last resort if ever, in the best interest of the child, in the least restrictive setting, for the shortest possible period of time, under conditions that respect their human rights and in a manner that takes into account, as a primary consideration, the best interest of the child (Article 33).

When it comes to the commitments relevant only to migrants, it should be highlighted that NYDRM recommends its Parties to consider developing non-binding guiding principles and voluntary guidelines, consistent with international law, on the treatment of migrants in vulnerable situations, especially unaccompanied and separated children who do not qualify for international protection as refugees and who may need assistance (Article 52). NYDRM confirms the principle that children should not be criminalized or subject to punitive measures because of their migration status or that of their parents (Article 56). It also emphasises that any type of return (voluntary or otherwise) has to be in harmony with international human rights law and in compliance with the principle of non-refoulement, particularly highlighting that such process must be conducted with due process and in compliance with the best interests of children. In addition, NYDRM stresses that particular attention should be given to the needs of migrants in vulnerable situations who return, such as children, older persons, persons with disabilities and victims of trafficking (Article 58). The Parties to NYDRM reaffirm their dedication to the protection of migrant children’s human rights, taking into consideration their vulnerability, which particularly refers to unaccompanied migrant children (Article 59). Therefore, they promise to provide them access to basic health, education and psychosocial services, as well as to ensure that the best interests of the child is a primary consideration in all relevant policies (*Ibid*).

NYDRM’s commitments for refugees insist on promoting access for children to child-appropriate procedures in the process of early and effective registration and documentation of refugees (Article 70). As an issue of particular importance for migrant children integration, it is important to mention that NYDRM recognises that the access to quality education, including for host communities, gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis (Article 81). Therefore, NYDRM expresses the determination of States Parties to provide quality primary and secondary education in safe learning environments for all refugee children, and to do so within a few months of the initial displacement (*Ibid*). In order to facilitate this, the Parties have committed to providing host countries with support in this field (*Ibid*) as well as to supporting early childhood education for refugee children (Article 82). Having in mind that in conflict and crisis situations, higher education serves as a powerful driver for change, shelters and protects a critical group of young people by maintaining their hopes for the future, fosters inclusion and non-discrimination and acts as a catalyst for the recovery and rebuilding of post-conflict countries, the Parties also expressed their willingness to promote tertiary education, skills training and vocational education (*Ibid*).

### ***2.5. Transforming our World: the 2030 Agenda for Sustainable Development (2015)***

Transforming our World: the 2030 Agenda for Sustainable Development<sup>19</sup> (hereinafter: ASD) considers children and youth on the one hand, and refugees, internally displaced persons and migrants on the other, as particularly vulnerable, and strongly insists on the promotion of their empowerment (Article 23). In the context of migrants’ integration in general (including migrant children as well), it is worth mentioning that ASD recognizes the positive impact that migrants have on the process of inclusive growth and sustainable development (Article 29). Having in mind the fact that international migration is considered a multidimensional reality of major relevance for the development of countries of origin, transit and destination, requiring coherent and comprehensive responses, ASD insists on international cooperation in order to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons (*Ibid*). The latter is aimed at strengthening the resilience of communities hosting refugees, particularly in developing countries, but also at the affirmation of migrants’ right to return to their country of citizenship (*Ibid*).

Another issue of essential importance for the integration of migrant children, which is mentioned in ASD includes to providing inclusive and equitable quality education at all levels – early childhood, primary, secondary, tertiary, technical and vocational training (Article 25). In accordance with this provision, all people regardless of their sex, age, race or ethnicity, and persons with disabilities, migrants, indigenous peoples, children and youth, especially those in vulnerable situations, should have access to life-long learning opportunities that help them to acquire the knowledge and skills needed to exploit opportunities and to participate fully in society (*Ibid*). Therefore, it should be emphasized that ADS insists on providing all children and youth (including those with the status of migrants) with a nurturing environment for the full realization of their rights and capabilities, helping our countries to reap the demographic dividend, including through safe schools and cohesive communities and families (*Ibid*).

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<sup>19</sup> Transforming our world: the 2030 Agenda for Sustainable Development, Resolution adopted by the UN General Assembly on 25 September 2015, A/RES/70/1, [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E), 08.08.2019.

### **3. Protection of Migrant Children’s Rights - National Legislative Framework**

#### ***3.1. Constitution of the Republic of Serbia***

Constitution of the Republic of Serbia<sup>20</sup> (hereinafter: CRS) proclaims several principles relevant to the protection and integration of migrant children. First of all, in its Article 21, CRS explicitly prohibits any kind of discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability shall be prohibited. It is also highlighted by the same constitutional provision that exceptional measures the Republic of Serbia may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens are not considered discrimination.

In the context of the rights of migrant children, it is of particular importance to mention that CRC guarantees the right to asylum. Namely, according to Article 57 of CRS: *“Any foreign national with reasonable fear of prosecution based on his race, gender, language, religion, national origin or association with some other group, political opinions, shall have the right to asylum in the Republic of Serbia. The procedure for granting asylum shall be regulated by the law.”*

Moreover, it is worth emphasizing that CRC contains several provisions relevant to the protection of the rights of the child that have to be respected and applied on migrant children as well, in accordance with the aforementioned prohibition of discrimination. According to Article 64 of CRS: *“A child shall enjoy human rights suitable to their age and mental maturity. Every child shall have the right to personal name, entry in the registry of births, the right to learn about its ancestry, and the right to preserve his own identity. A child shall be protected from psychological, physical, economic and any other form of exploitation or abuse. A child born out of wedlock shall have the same rights as a child born in wedlock. Rights of the child and their protection shall be regulated by the law”.*

Furthermore, Article 65 of CRS proclaims the duties and obligations of parents, as complementary to the aforementioned child’s rights by prescribing the following: *“Parents shall have the right and duty to support, provide upbringing and education to their children in which they shall be equal. All or individual rights may be revoked from*

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<sup>20</sup> Constitution of the Republic of Serbia, *Official Gazette of the Republic of Serbia*, No. 98/2006.

*one or both parents only by the ruling of the court if this is in the best interests of the child, in accordance with the law.”*

Finally, CRS guarantees special protection of the family, mother, single parent and child in its Article 66, by proclaiming the following: *“Families, mothers, single parents and any child in the Republic of Serbia shall enjoy special protection in the Republic of Serbia in accordance with the law. Mothers shall be given special support and protection before and after childbirth. Special protection shall be provided for children without parental care and mentally or physically handicapped children. Children under 15 years of age may not be employed, nor may children under 18 years of age be employed at jobs detrimental to their health or morals.”*

Having in mind the standpoint that education can significantly contribute to the success of the process of migrant children integration (that is discussed in detail in the part of the paper dedicated to social issues of migrant children integration), it is particularly worth mentioning that Article 71 of CRS proclaims the right to education by prescribing the following principles: *“Everyone shall have the right to education. Primary education is mandatory and free, whereas secondary education is free. All citizens shall have access under equal conditions to higher education. The Republic of Serbia shall provide for free tertiary education to successful and talented students of lower property status in accordance with the law.”*

### **3.2. Law on Asylum and Contemporary Protection**

Law on Asylum and Contemporary Protection<sup>21</sup> (hereinafter: LACP) contains several provisions pertinent to the protection of the rights of migrant children as well as to their integration within the country of asylum. In its Article 2, LACP defines an underage person as a foreigner who is less than 18 years old (Paragraph 1, Subparagraph 13) (which is compatible with the definition of a child from CRC). Article 2 LACP defines an unaccompanied underage person as a foreigner who is less than 18 years old and who has entered the Republic of Serbia unaccompanied by a parent or guardian or other adult responsible for him/her or who has remained unaccompanied by these persons after entering the Republic of Serbia (Paragraph 1, Subparagraph 14). LACP also defines an underage person separated from parents as a foreigner who is less than 18 years old and who has entered the Republic of Serbia unaccompanied by a parent or guardian or other adult responsible for him/her or who has remained unaccompanied by these persons after

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<sup>21</sup> Law on Asylum and Contemporary Protection, *Official Gazette of the Republic of Serbia*, No. 24/2018.

entering the Republic of Serbia, but who is not necessarily without the companionship of other relatives (Paragraph 1, Subparagraph 15).

There are several principles proclaimed by LACP, but two of them seem to be the most important in the context of migrant children protection: 1) the principle of family unity (Article 9) and 2) the principle of the protection of underage person's best interest (Article 10). In accordance with the principle of family unity, relevant state bodies are supposed to undertake all disposable measures in order to maintain family unity throughout the asylum procedure as well as after the right to asylum or contemporary protection have been granted (Article 9 Paragraph 1). Moreover, the persons who have been granted asylum or contemporary protection are entitled to claim family unification in accordance with LACP (Article 9 Paragraph 2). When it comes to the protection of underage person's best interest, it is important to mention that LACP explicitly says that its provisions need to be applied in the manner that is in compliance with that principle (Article 10 Paragraph 1). LACP further explains this principle by prescribing that when assessing the underage person's best interest the following conditions have to be taken into consideration: welfare, social development and origin of that person, the opinion of underage person in accordance with his/her age and maturity, the principle of family unity as well as the protection and safety of underage person, particularly if there are circumstances that indicate that this person could be the victim of human trafficking, family violence or other forms of gender based violence (Article 10 Paragraph 2).

Article 11 of LACP prescribes that a parent or a guardian is entitled to express the intention to seek asylum as well as to submit asylum application on the behalf of an underage person, unless the underage person is more than 16 years old and married. In accordance with Article 12 of LACP, the social welfare centre chooses a temporary guardian for an unaccompanied underage person, unless the underage person is more than 16 years old and married. The temporary guardian is obliged to inform the unaccompanied underage person about his/her rights as well as to be present when he/she expresses the intent to seek asylum or submits the asylum application. The temporary guardian is also entitled to submit the asylum application on the behalf of the unaccompanied underage person if this is in his/her best interest. In order to protect the vulnerable position of this specific category of underage persons, LACP insists that procedures initiated upon the application of the unaccompanied underage persons as well as other procedures that are pertinent to his/her rights have the priority over other procedures (Article 12 Paragraph 9).

Finally, it is important to mention that LACP contains a list of the rights that are guaranteed to asylum seekers in the Republic of Serbia, including: 1) the right to stay in and move across the Republic of Serbia, 2) the right to material acceptance conditions, 3) the right to social welfare assistance, 4) the right to health protection, 5) the right to primary and secondary education, 6) the right to information and legal assistance, 7) the freedom of religious belief, 8) the right to access labour market and 9) the right to obtain personal documents in accordance with Articles 90 and 91 of LACP (Article 48)

### ***3.3. Law on Foundations of Educational System***

Law on Foundations of Educational System<sup>22</sup> (hereinafter: LFES) regulates the enrolment of foreign citizens, stateless persons, and citizenship applicants in school system. According to Article 23 Paragraph 1 of LFES, the aforementioned persons have the right to education and can be enrolled in the educational institutions under the same conditions and in the same procedure as the ones prescribed for the citizens of the Republic of Serbia. When it comes to refugees and migrant children who do not speak the language that is used in the education system or who are not familiar with some parts of curriculum important for the proceeding of education, the relevant educational institution has to organise Serbian language lessons, preparatory and additional lessons in accordance with professional instructions adopted by the Minister in charge of education<sup>23</sup>, (Article 23 Paragraph 2 LFES). Moreover, while staying in Serbia, a child of a foreign citizen has got the right to attend his/her maternal language and culture lessons within the premises chosen by the local community (Article 23 Paragraph 3 LFES).

LFES unambiguously prohibits discrimination and discriminatory conduct in its Article 110 Paragraph 1. Discriminatory conduct refers to either direct or indirect, explicit or implicit differentiation or unequal treatment of one person or groups of persons or their family members, based upon their race, skin colour, ancestors, citizenship, migrant or displaced person status, nationality or ethnic origin, language, religious or political convictions, sex, gender identity, sexual orientation, financial status, social or cultural origin, birth, genetic characteristics, health condition, impairments or disabilities marital or family status, previous conviction, age, appearance, membership in political, synodical and other organisations and other actual or presumed personal characteristics as well as

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<sup>22</sup> Law on Foundations of Educational System, *Official Gazette of the Republic of Serbia*, No. 88/2017, 27/2018 and 10/2019.

<sup>23</sup> Professional Instruction for the Inclusion of Refugee/Asylum Seeking Students in the System of Education and Upbringing, Ministry of Education, Science and Technological Development of the Republic of Serbia, No. 601-00-00042/2017-18 of 05.05.2017., <http://www.mpn.gov.rs/wp-content/uploads/2017/06/STRUCNO-UPUTSTVO.pdf>, 18.09.2019.

other grounds prescribed by the Law on the Prohibition of Discrimination<sup>24</sup>. However, LFES emphasises (Article 110 Paragraph 2) that special measures designed to facilitate the achievement of full equality, protection and prosperity of persons or a group of persons that are in an unequal position shall not be considered discrimination.

In the case of discriminatory conduct (or the doubt of such conduct), the educational institution is obliged to apply all necessary measures provided by the law (Article 110 Paragraph 3 LFES). More detailed criteria for the recognition of various discrimination forms within the educational institution by employees, children, students, adults, parents, legal representatives or other persons are prescribed by the Ministers in charge of education and human and minority rights (Article 110 Paragraph 4 LFES). The actions that should be taken by the educational institutions in the cases of doubted or confirmed discrimination, as well as the means to conduct prevention and intervention, the obligations and responsibilities of the employees and other involved persons and bodies and other issues pertinent to protection from discrimination are prescribed by the Minister in charge of education (Article 110 Paragraph 5 LFES).

#### **3.4. Other relevant documents**

The Ministry of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia adopted the Instruction on the conduct of social welfare centres and institutions of social protection for the accommodation of users in providing the protection and accommodation of unaccompanied underage migrants<sup>25</sup>, with the intention to provide for their functioning in accordance with international standards and domestic legal framework.

Another important document, Standard Operative Procedure for the protection of Migrant/Refugee Children has been created under the auspices of the aforementioned ministry and in cooperation with UNICEF and IDEAS and presented in 2016 (Milanović *et al*, 2016). This document contains clear directives for all involved subjects, designed to facilitate the discovering and identification of vulnerable and unaccompanied children and their prompt referral to relevant institutions with the purpose to guarantee the protection of their fundamental rights (Milanović *et al*, 2016: 3). The Procedure is

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<sup>24</sup> Law on the Prohibition of Discrimination, *Official Gazette of the Republic of Serbia*, No. 22/2009.

<sup>25</sup> Instruction on the conduct of social welfare centres and institutions of social protection for the accommodation of users in providing the protection and accommodation of unaccompanied underage migrants, No. 110-00-00469/2015-14 from 10.07.2015., Ministry of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia.



designed for all relevant organisations conducting their activities alongside migrants' and refugees' route in Serbia, including: local police stations, local health care centres, local social welfare centres providing the services of accommodation, family accommodation centres, Centre for the Protection of Human Trafficking Victims, Commissariat for Refugees and Migration, Red Cross, UNHCR, UNICEF and other international organisations, as well as domestic non-governmental organisations working with children and young people in emergency situations (Krašić *et al.*, 2017: 29).

The procedures are aimed at completing the following tasks: 1) to determine the procedures of protection applicable in the context of mass migrations; 2) to define the roles of the subjects acting in the field and achieve a systematic response of both - governmental and civil sector; 3) to direct the attention of all relevant services towards the most vulnerable children; 4) to formulate the indicators for quick identification of children at risk; 5) to define the lines of communication between several subjects acting in the field in the process of the estimation of children's' risks and needs and 6) to define the steps of the decision making process regarding child's best interest as well as providing assistance and support. Milanović *et al.*, 2016: 8). The aim of these tasks is to: harmonise the roles and activities of different subjects, make the system of protection more flexible and more adaptable to the challenges of mass migrations and their application is supposed to contribute to the following goals in the field of child protection: 1) providing physical and emotional safety of children, 2) preventing family dissolution, 3) mitigating the risks of damage and injuries, 4) facilitating prompt identification and adequate protection of children in particularly vulnerable situations (*Ibid.*). Also, the Ministry of Education, Science and Technological Development of the Republic of Serbia (hereinafter: MESTD) has adopted the Professional Instruction for the Inclusion of Refugee/Asylum Seeking Students in the System of Education and Upbringing in 2017 in order to facilitate their integration.

#### **4. Integration of Migrant Children in Serbia - Social Aspects**

##### ***4.1. Key Problems of Migrant Children in Serbia***

Migrant children in general, and particularly unaccompanied underage minors represent the most vulnerable category of migrants in Serbia, and their position seems to be particularly difficult if they are illegally staying in the country that they predominantly consider transit. However, the actual scope of this issue as well as the problems they are facing in Serbia cannot be determined with certainty since there are no precise information on their exact number (Sokolović, 2013: 3). Nevertheless, these young people

are facing numerous difficulties, some of which are highlighted in Council of Europe Report from 13.10.2017. (Council of Europe, 2017; Sokolović, 2017: 2).

The circumstances under which migrations occur strongly influence the safety and welfare of children. Namely, the unexpected appearance of emergency situations such as armed conflicts, violence and family dissolution have a significant impact on physical and psychological state of migrant children (Solarević, Pavlović, 2018: 232). For example, the results of the field research conducted by the Humanitarian Centre for Integration and Tolerance (hereinafter: HCIT) confirm that migrant children almost inevitably experience serious stress and trauma that are often overlooked (Biro, 2016: 87). Field experiences of HCIT show imply that pre-school migrant children did not tend to show any signs of post-traumatic stress and that they even seemed to be completely unaware of the traumas their families had survived. However, the drawings they made within the project of urgent humanitarian aid including psychological support, leisure activities for children, informing and providing clothes and hygiene essentials, revealed something completely different: a number of symbols indicating that these children were deeply suffering (Biro, 2016: 87). The trauma and stress during the journey to Serbia are even more severe in the cases of unaccompanied or separated migrant children. For example, the staff of the Commissariat for Migration and Refugees noticed that there had been numerous allegations of sexual abuse of Afghani boys and young men, during their journeys before arriving in Serbia (Council of Europe, 2017). What is more, a large number of unaccompanied migrant children in Obrenovac attempted to cross the borders irregularly with the assistance of smugglers (Council of Europe, 2017).

Unaccompanied minors and children are in a particularly vulnerable position due to several factors. The lack of a comprehensive system of protection of unaccompanied migrant children seems to be an unresolved issue in all countries in the Balkans and, as EUROPOL's reports confirm, around 10,000 unaccompanied migrant minors have disappeared from the European system in 2016, which means that they cannot be provided with adequate protection in any European country (*Ibid.*). Being alone on an extremely dangerous journey, these children are exposed to several risks including: smuggling, human trafficking, forced labour, slavery, abuse and captivity (*Ibid.*).

Although relevant state bodies claim that all unaccompanied migrant children are provided accommodation in reception centres, there are indications showing that some of them are still dwelling outside the institutions, deprived of adequate housing, clothes, food, water and safety (Sokolović, 2017: 4). But, even if accommodated in some of the reception centres, unaccompanied migrant children are still facing serious problems. As

CAP experts have recently described the existing centres for the accommodation of unaccompanied underage migrants in Serbia as inappropriate and overcrowded, suggesting the establishment of a special centre designed exclusively for migrant children without parental guardianship (Večernje novosti, 2019). As CAP experts emphasised, the accommodation these children are given is not acceptable because, despite the genuine efforts of the reception centres' management to keep them in separate units, the children are actually sharing the same space with adults, which puts them under the risk of being exposed to various forms of abuse, violence and manipulation (Council of Europe, 2017). Moreover, according to CAP experts, the children themselves have expressed concern for their own safety, claiming that they have been frightened, threatened and robbed (Večernje novosti, 2019). When it comes to reporting allegations of serious offences to relevant law enforcement authorities, the management of reception centres tend to act rather hesitantly, including, for example a case of paedophilia, which the centre's management resolved without involving the police (Council of Europe, 2017). In that context, it is rather difficult to determine whether the relevant state bodies are familiar with the scope of the risks and abuses underage unaccompanied migrant children staying in reception centres are exposed to (Sokolović, 2017: 5).

Age assessment commonly appears as one of the issues related to the protection and integration of migrant children. Namely, the children who are unaccompanied by a parent, guardian or responsible adult are considered at particular risk and their preliminary identification can be made either by police officers during their regular work with refugees and migrants, or by the NGO staff who have received specific training on the identification and assessment of child's best interest. (Council of Europe, 2017). However, the age-determination practices seem to vary from one reception center to another. What actually occurs is the fact that the Commissariat for Migration and Refugees staff tend to refer the cases of children suspected of being unaccompanied to the local social welfare centers that are supposed to determine their age. Since many of these children are teenagers, determining whether they are under 18 years of age is often rather difficult. Furthermore, identifying unaccompanied children is linked to several difficulties since they sometimes travel together with adults, so relevant state authorities cannot claim with certainty whether some of those adults are their parents or guardians or not (*Ibid.*).

The issue of guardianship of unaccompanied migrant children also seems to be rather complex and related to several practical difficulties. Namely, the Border Police or the Commissariat for Refugees and Migration are obliged to notify relevant social welfare centers about the cases of separated or unaccompanied migrant children (Council of

Europe, 2017). However, although the instructions for the determination of the best interest of unaccompanied children and the follow-up procedures are quite detailed, the guardianship system in Serbia does not seem to be ready to face the challenges of such a high number of unaccompanied children (*Ibid.*). Therefore, social welfare centers commonly appoint one guardian to several children - sometimes 50 or more. For example, in the reception centre in Obrenovac one guardian was appointed to altogether 218 unaccompanied children staying there. As a result, these appointed guardians cannot maintain regular contacts with the children and provide them with adequate attention and care (*Ibid.*). Also, the majority of unaccompanied migrant children refuse to accept this kind of assistance under the influence of their older male companions. Moreover, in some cases unaccompanied minors would initially accept temporary guardians and accommodations, but leave the procedure after some time and return to live under inconvenient and risky circumstances due to several reasons (HCIT, 2017: 97).

The language barrier between migrant children on the one side and the guardians on the other, combined with the insufficient number of professional translators, also appears to be an issue since the children cannot communicate with the guardian and be informed about their rights and obligations (Council of Europe, 2017.). It is important to mention that without an efficient system of temporary guardianship, the access to legally prescribed asylum procedures cannot be provided to unaccompanied migrant children, which makes them even more vulnerable and exposed to the risks of violence, sexual exploitation or abuse (*Ibid.*). For example, some local and international NGOs providing support services in asylum and reception centers reported 40 identified cases of human trafficking of unaccompanied children and also raised the question of their mental health deterioration, caused by prolonged dwelling in asylum or reception centers (*Ibid.*).

A significant obstacle for the integration of migrant children refers to the issue of the inscription of new-born children in birth registries. The main obstacle for the inscription is the lack of their parents' identification documents such as passport or ID card from the states of their origins - either because they have never had them or because they have lost them during the journey (HCIT, 2017: 99). Furthermore, providing the translation of relevant documents into Serbian also represented an obstacle for prompt inscription. In order to avoid the risk of statelessness, relevant state bodies applied a flexible approach and were willing to facilitate the inscription of migrant children into birth registry books and required the possession of the following documents, i.e. their translated versions: parents' id cards, marriage certificate and official birth confirmation issued by the hospital where the child was born (*Ibid.*).

When it comes to the integration of migrant children into Serbian educational system, the following key issues and challenges have been identified: the language barrier, which is the most obvious one; the time that the school requires to adapt to the needs of the child and to prepare the plan of support; socio-economic marginalisation (including trauma, the loss of the beloved ones, new and unfamiliar surroundings, financial insecurity, uncertain accommodation); providing support and making new friendships; the prevention of their discrimination (including prejudice and various negative stereotypes)<sup>26</sup> (Solarević, Pavlović, 2018: 234).

#### ***4.2. Good Practice Regarding the Integration of Migrant Children in Education System Serbia***

The Republic of Serbia has made significant efforts to facilitate the integration of migrant children into domestic educational system. This process started in 2013, when children asylum seekers were enrolled in elementary school in Bogovađa, whereas 7 more students were included into education system in 2014 (Solarević, Pavlović, 2018: 235). During the first 6 months of 2015, 30 asylum seeking children were enrolled in elementary schools in Serbia (MESTD, 2017). In 2016 fall semester, 101 migrant students were included in Serbian education system in 6 elementary schools, whereas in 207 almost 95% of children of elementary school age who were at the time accommodated in refugee centres were enrolled in 45 elementary schools (Solarević, Pavlović, 2018: 235).

According to MESTD, at the beginning of Fall 2017 Semester, altogether 503 migrant children were enrolled in Serbian schools, including 447 children in 37 elementary schools and 56 children in 8 high schools. In total, 30% of these children were enrolled in schools in Belgrade. In December 2017 and January 2018, 454 students attended lessons - 425 in elementary schools and 25 in high schools, whereas 83 children attended classes at collective centres (Đorđević et al, 2018: 76-77). In April 2018, there were less students than in previous months - 400 in elementary schools and 27 in high schools (*Ibid*).

Despite these variations, a large number of migrant children of school age required a prompt and adequate reaction of relevant state institutions in order to facilitate their integration in education system. In August 2016, MESTD sent a note to school

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<sup>26</sup> Professional Instruction for the Inclusion of Refugee/Asylum Seeking Students in the System of Education and Upbringing, Ministry of Education, Science and Technological Development of the Republic of Serbia, No. 601-00-00042/2017-18 of 05.05.2017., <http://www.mpn.gov.rs/wp-content/uploads/2017/06/STRUCNO-UPUTSTVO.pdf>, 18.09.2019.

administrations, which required schools and preschool institutions to facilitate undisturbed inclusion of children with the status of migrants, asylum seekers or refugees in Serbian education system (Solarević, Pavlović, 2018: 235).

As the result of cooperation between the government of the Republic of Serbia and UNICEF between 2016 and 2017, a working plan for the support of strengthening of the system for the access to quality education in emergency situations was developed. Consequently, a joint concept of support for migrant/refugee children in Serbia was applied in cooperation with Centre for Educational Policies. The project comprised the preparation and realisation of professional training for educational institutions and school administrations. Moreover, mentor support and small grants for educational institutions were provided (Mihajlović, 2018: 1).

A special working group within MESTD was formed with the purpose to provide support in terms of education of students with the status of migrants/refugees through planning, keeping up with and managing the activities related to their education. Such approach has appeared to be genuinely inclusive and suitable to guarantee the respect of individual characteristics, capacities, cultural personal and family experiences of migrant/refugee students. The support given to these students includes the program of adaptation, stress management and intensive Serbian language courses throughout regular school program as well as during extra-curricular activities, via peer support, individualised approach to learning, adaptation of schedule, working methods and teaching equipment (Mihajlović, 2018: 1).

When planning and implementing of the program designed for the support of the inclusion of migrant students in education system, the spatial distribution of altogether 19 reception centres for migrants and their relations with school administrations were taken into consideration. The centres were distributed on the territories of nine school administrations and, within these administrations, special advisors were appointed in order to track and manage all educational activities. In addition, altogether ten teachers and professional advisors of the MESTD were also involved with the programme as mentors with advisory roles in schools where migrant children were enrolled (Solarević, Pavlović, 2018: 236)

School administrations initially selected 45 elementary schools where migrant children would be enrolled. High school education was recommended, but it is not obligatory. Nevertheless, the resources of high schools, the number of students as well as the language skills and interests of young migrants were analysed. Moreover, a so-called

“Welcoming Programme” was prepared for each student, and a school report, a document issued by the school to a migrant student who is leaving Serbia, which contains a summary of international experiences regarding students’ evaluation and learning processes (Mihajlović, 2018: 1).

A high level of cooperation has been established between the schools and the Commissariat for Refugees and Migration that was involved with the distribution of the information among migrant parents on the possibilities for education in Serbia, as well as in the addressing of school administrations and health institutions in order to facilitate medical examinations of migrant students prior to their inclusion in education system. Also, in cooperation with UNICEF and Centre for Educational Policies, multilingual brochures and leaflets containing information on Serbian education system were prepared (Mihajlović, 2018: 2).

The application of these inclusive approaches required the education and adequate preparation of teachers involved with the project. That is the reason why, the representatives of all school involved participated in the professional training program dedicated to inclusive education, with special focus on the characteristics of migrant children education. So, for the purpose of providing and adequate approach to migrant children, in 2017 and 2018, altogether 750 teachers and teaching assistants attended various types of professional trainings. Besides, a handbook for the implementation of Professional Instruction for the Inclusion of Refugee/Asylum Seeking Students in the System of Education and Upbringing, written by the experts from in schools, UNICEF, NGOs and MESTD (Mihajlović, 2018: 2).

A good example of these efforts is a two-days’ workshop “Including refugee/migrant children in formal education”, organized by UNICEF, Centre for Educational Policies, and Ministry of Education, Science and Technological Development in Belgrade in July 2017. The workshop was conducted within the project “Supporting refugee/migrant students in the territory of the Republic of Serbia” with the aim to identify the challenges that were identified during the admission and support of students and to facilitate the creating of models and individual activities that might contribute to overcoming the challenges regarding the application of the Expert Instruction for the inclusion of student refugees/asylum seekers in the education system. One of the goals of this workshop included: the making of a draft version of a Welcome Program for migrant and refugee children, the identification of the needs of schools for support, and the preparation of educational institutions for the inclusion of migrant students in the education program for the school year 2017/2018. Representatives of schools and preschool institutions involved

in the project participated in the workshop, together with educational councillors from school administrations, from the schools and preschool institutions as well as the representatives of social welfare centres and NGOs such as UNICEF, UNHCR, Save the Children, Adra etc. (Social Inclusion and Poverty Reduction Unit: 2017).

## **5. Conclusion - Key Challenges and Recommendations**

One of the first preconditions for the successful integration of migrant children includes their safe accommodation, which particularly refers to unaccompanied underage migrants. As it has already been pointed out, unaccompanied migrant children are often accommodated in reception centres together with adults, which puts them under serious risks of becoming the victims of abuse, violence, human trafficking etc. That is the reason why a separate centre designed exclusively for the accommodation of unaccompanied migrant children in which they could be provided with all the necessary assistance should be established.

As it has been mentioned in the section of the paper dealing with the practical issues of migrant children in Serbia, particularly those who are unaccompanied, guardianship represents an important but at the same time an insufficiently regulated institution. Namely, the system of guardianship established by relevant laws allows a large number of children to be under the guardianship of a single person. Consequently, the guardian cannot perform his/her duties appropriately and dedicate sufficient amount of time and energy to each child. Therefore, it seems logical not only to increase the number of guardians, but also to provide them with assistance by social welfare and/or NGOs representatives or volunteers.

Since the language barrier represents a serious obstacle for the integration of migrants into Serbian society in general, and particularly the integration of migrant children into school system and their capability to participate in learning and other activities. Therefore, the number of available translators should be increased, the learning material should always be translated into migrants' languages and more intensive and frequent lessons of Serbian language that they can attend apart from regular school classes should be provided (Kozma, 2018).

School appears to be one of the most important supporting factors in the process of migrant students' integration. Therefore, warm atmosphere, willingness of the children and teachers to accept new students and to show interest for their culture and language represent key preconditions for successful integration (Vidosavljević *et al.*, 2016: 185-



201, according to: Nikolić, Cvijanović, 2017: 94). One of the manners in which this can be achieved is the implementation of the intercultural education, which is directed towards the development of a sustainable lifestyle in a multicultural society via understanding, mutual respect, dialogue and non-discrimination among various cultures (Nikolić, Cvijanović, 2017: 96). Such approach would require a radical shift in the attitudes of children and teachers not only to migrants and migrant students but also towards differences in general, including different languages, cultures, traditions, customs etc., which cannot be achieved instantly, but, requires willingness, time, patience and continuous work, instead. Finally, the capacities of the teachers to encourage the students to participate in positive interaction with migrant children in curricular and extracurricular activities should be enhanced (Kozma, 2018).

Since migrant children who arrive to Serbia have various cultural backgrounds that significantly differ from the milieu of the students from our country, it is of particular importance to apply the concept of intercultural education that has been explained previously. In that sense, not only the acceptance of but also the participation in other person's cultural activities and the exchange of cultural backgrounds, knowledges, customs etc. should be encouraged. Such approach would facilitate the perception of other (migrants') cultures as equally valuable as the domestic one, as worth studying and exploring, making migrant children feel as useful and accepted members of the community. This requires a radical shift in the approach to education in general and imposes an obligation for relevant Ministry to conduct a series of workshops or other similar occasions where teachers could learn and accept the essence of intercultural education in general, and particularly its application in the context of migrate children.

Although the Republic of Serbia has got an appropriate legislative framework for the prevention of discrimination, which includes both – national as well as international legal documents, their practical application does not always seem to be completely accurate. So, in order to achieve full integration of migrant children, some practices such as: sending these children to schools that are situated far away from their camps, enrolling migrant children in schools in which the majority of students belong to Roma or returnees' population, complete and systematic exclusion of their parents from the education process etc. should be avoided.<sup>27</sup>

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<sup>27</sup> For further information see: Migracije i obrazovanje Izazovi integracije dece migranata/azilanata u obrazovni sistem u Republici Srbiji, <https://www.azilsrbija.rs/wp-content/uploads/2018/11/MIGRACIJE-I-OBRAZOVANJE-izazovi-integracije-dece-migranata-azilanata-f.pdf>, 01.09.2019.

Moreover, it should be highlighted that current concept of integration of migrant children in Serbian education system should not be observed as a temporary solution. Namely, since the closing of the Balkans route, the number of migrants planning or accepting to stay in Serbia seems to be increasing. Therefore, instead of being perceived as a short-term, *ad hoc* and project based, the program of migrant children's integration should be conceptualised as a long - term sustainable model, especially in the field of education.<sup>28</sup>

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