

## MIGRANTS AND SAFETY IN SERBIA DURING AND AFTER CORONAVIRUS PANDEMIC

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### **ABSTRACT**

*The removal of internal borders and the establishment of freedom of movement are important aspects of the EU's history, but they are not accompanied by a uniform legal system. The migrant dilemma isn't going away, and the pattern and character of these movements have evolved dramatically over the previous six decades. The author of this article addresses the issue of migrants' position in Serbia's rural areas during the coronavirus pandemic. During the period of emergency, Serbia enacted policies that imprisoned migrants in detention centres, effectively depriving them of their liberty. According to the government's reasoning, it was done to protect migrants' health. Given the rising violence between migrants and the local people, the question is whether the state intended to safeguard migrants' health or citizens from migrants in this manner. The author conducted a survey in these areas, explains the findings in depth, and draws a conclusion based on his findings. The paper is comprised of several units. In the first place, the author briefly explains the state of emergency in Serbia and gives an overview of migration centers in Serbia. The central part of this paper deals with the research between citizens in relation to migrants, both in their general attitude and in terms of the relationship between migrants and crime. Residents of migrants' areas were surveyed, as the author believed thought that due to the location of migration centres, they would be most affected by waves of migrants and possibly, crimes committed by migrants. The author set two initial hypotheses and both were confirmed, and according to the research, the population has a negative attitude towards migrants. At the same time, most respondents show distrust of the state's claim that migrants are imprisoned for their health. The author believes that this move by the state at that time was a hasty reaction in order to prevent the uncontrolled movement of migrants and the potential spread of the infectious coronavirus disease. In the same time, the author tries to answer to the question about the migrants' position today and in the near future.*

**Keywords:** *deprivation of liberty, human rights, migrants, migrant's crime, safety*

## 1. INTRODUCTION

The removal of internal borders and the establishment of freedom of movement are important aspects of the EU's history, but they are not accompanied by a uniform legal system.<sup>1</sup> Following the WWII, the roots of the contemporary system of migrant protection were created.<sup>2</sup> However, the previous decade has seen two distinct responses to the migrant issue: on the one hand, greater militarization and border control, including the construction of fences, and on the other, the enhancement of migrants' human rights and freedoms.<sup>3</sup> Economic crisis and political changes in certain African and Asian nations necessarily provide issues for Europe<sup>4</sup>, particularly in terms of migration. Politicians, attorneys, and citizens are advertised based on current events via social media, announcements, and newspapers. International organizations are studying how human rights can defend the rights of migrants all over the world<sup>5</sup>, and the argument over the relationship between human rights and migrants' rights is crucial. This is a major issue and topic of political debate, and the most heated debate concerning migrant control is over the constitutionality of repressive measures (*push-backs*).<sup>6</sup> "Extraterritoriality" methods describe today's immigration control systems.<sup>7</sup>

<sup>1</sup> Mitsilegas, V., *Solidarity and Trust in the Common European Asylum System*, Comparative Migration Studies, Vol. 2, No. 2, 2014, p. 182

<sup>2</sup> Betts, A., *Survival Migration: Failed Governance and the Crisis of Displacement*, Cornell University Press, Ithaca-London, 2013, p. 10

<sup>3</sup> Aas, K. F.; Gundhus, H. O., *Policing Humanitarian Borderlands: Frontex, Human Rights and the Precariousness of Life*, The British Journal of Criminology, Vol. 55, 2015, p. 1

<sup>4</sup> Čerňič, J. L., *The European Court of Human Rights, Rule of Law and Socio-Economic Rights in Times of Crises*, Hague J Rule Law, Vol. 8, 2016, p. 237

<sup>5</sup> Cantor, D. J., *Reframing Relationships: Revisiting the Procedural Standards for Refugee Status Determination in Light of Recent Human Rights Treaty Body Jurisprudence*, Refugee Survey Quarterly, Vol 34 , 2014, p. 79; Harvey, C., *Time for Reform? Refugees, Asylum-seekers, and Protection Under International Human Rights Law*, Refugee Survey Quarterly, Vol. 34, 2014, p. 44; McConnachie, K., *Refugee Protection and the Art of the Deal*, Journal of Human Rights Practice, Vol. 9, 2017, p. 191

<sup>6</sup> Markard, N., *The Right to Leave by Sea: Legal Limits on EU Migration Control by Third Countries*, The European Journal of International Law, Vol. 27, No. 3, 2016, pp. 591–592

<sup>7</sup> Ryan, B., *Extraterritorial Immigration Control: What Role for Legal Guarantees?*, in: Ryan, B.; Mitsilegas, V. (eds.), *Extraterritorial Immigration Control: Legal Challenges*, Martinus Nijhoff Publishers, Leiden-Boston, 2010, p. 3; see more in: Klug, A.; Howe, T., *The Concept of State Jurisdiction and the Applicability of the Non-refoulement Principle to Extraterritorial Interception Measures*, in: Ryan, B.; Mitsilegas, V. (eds.), *Extraterritorial Immigration Control: Legal Challenges*, Leiden-Boston: Martinus Nijhoff Publishers, 2010, pp. 69-70; Costello, C., *Courting Access to Asylum in Europe: Recent Supranational Jurisprudence Explored*, Human Rights Law Review, Vol. 12, No. 2, 2012, p. 290; Brouwer, E., *Extraterritorial Migration Control and Human Rights: Preserving the Responsibility of the EU and its Member States*, in: Ryan, B.; Mitsilegas, V. (eds.), *Extraterritorial Immigration Control: Legal Challenges*, Leiden-Boston: Martinus Nijhoff Publishers, 2010, p. 213

Migrants in all nations face challenges.<sup>8</sup> Migration pressure, on the other hand, cannot absolve nations of their human rights commitments.<sup>9</sup> During the coronavirus pandemic, the Republic of Serbia adopted certain measures regarding the status of migrants, and the focus of this work is on empirical research on citizens' attitudes towards migrants, as well as the state's reaction to migrants during the pandemic. This article is divided into several parts. After introductory considerations, we will first briefly draw attention to the principle of non-refoulement and state of emergency in Serbia. Then, we will show the migration centres that exist in Serbia, after which we will clarify the results of the research.

## 2. BRIEFLY ON THE PRINCIPLE OF NON-REFOULEMENT

The Geneva Refugee Convention of 1951 specifies the circumstances in which a state must provide refugee status to persons requesting it. This convention defines refugee as a someone who is unable or unwilling to return to their 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.<sup>10</sup> Furthermore, Article 33 provides that no Contracting State shall expel or return (*refouler*<sup>11</sup>) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country. Protection of territorial waters carries particular problems.<sup>12</sup> State sovereignty and international law as well as law and politics have traditionally clashed over the relation-

<sup>8</sup> Ogg, K., *Protection from 'Refuge': On What Legal Grounds Will a Refugee Be Saved from Camp Life?*, International Journal of Refugee Law, Vol. 28, No. 3, 2016, p. 385 Sharpe, M., *Mixed Up: International Law and the Meaning(s) of "Mixed Migration"*, Refugee Survey Quarterly, Vol. 37, 2018

<sup>9</sup> Moreno-Lax, V., *Hirsi Jamaa and Others v Italy or the Strasbourg Court versus Extraterritorial Migration Control?*, Human Rights Law Review, Vol. 12, No. 3, 2012, p. 598

<sup>10</sup> By the end of 2017, there were 25.4 million refugee men, women and children registered across the world. See The UN Refugee Agency [<https://www.unhcr.org/what-is-a-refugee.html>], Accessed 6 April 2022

<sup>11</sup> This principle dates back to 1933. See Bhuiyon, J. H., *Protection of Refugees through the Principle of Non-Refoulement*, in: Islam, R.; Bhuiyan, J. H. (eds.), *An Introduction to International Refugee Law*, Leiden-Boston: Martinus Nijhoff Publishers, 2013, p. 101

<sup>12</sup> Guilfoyle, D., *Shipping Interdiction and the Law of the Sea*, Cambridge University Press, Cambridge, 2009, p. 222

ship between migrants and migration control.<sup>13</sup> The fact that rights are guaranteed by international treaties and national legislation does not guarantee that they will not be violated.<sup>14</sup>

Without reservation, the principle of non-refoulement is a key principle of protection embodied in the Convention.<sup>15</sup> This principle is, in some ways, a natural continuation of the right to seek asylum, which was recognized in the Universal Declaration of Human Rights and became a rule of customary international law obligatory on all nations. Non-refoulement is also a basic component of the absolute prohibition of torture and cruel, inhuman, or degrading treatment or punishment under international humanitarian law. The duty not to return (refouler) is also recognized as applicable to refugees regardless of the formal recognition of their status, so it obviously includes asylum seekers whose status has not yet been decided. It means all measures that can be attributed to the state, which could have the effect of returning asylum seekers or refugees to the borders of territories where their life or freedom would be endangered, or where they would be at risk of persecution. The Resolution 1812 of the Council of Europe from 2011 on the interception and rescue of asylum seekers, refugees, and irregular migrants at sea is especially crucial, as well as Dublin regulations. Although some states conclude mutual agreements which in some way try to circumvent the rules of international law, they cannot be repealed in that way. For example, Italy concluded some contracts on these issues with Libya and Tunisia.<sup>16</sup> Finally, the Directive 2005/85 stipulates that authorities shall refrain from ordering a juvenile's imprisonment.

### 3. STATE OF EMERGENCY IN SERBIA

Coronavirus (COVID-19) is the world's newest and most dangerous contagious disease, which appeared at the end of 2019 and the start of 2020<sup>17</sup> and it is certain-

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<sup>13</sup> Gammeltoft-Hansen, T., *Access to Asylum: International Refugee Law and the Globalization of Migration Control*, Cambridge University Press, Cambridge, 2011, p. 11

<sup>14</sup> About it Storey, H., *The Meaning of "Protection" within the Refugee Definition*, Refugee Survey Quarterly, Vol. 35, 2016, p. 20

<sup>15</sup> On the legal nature of this principle, see Greenman, K., *A Castle Built on Sand? Article 3 ECHR and the Source of Risk in Non-Refoulement Obligations in International Law*, International Journal of Refugee Law, Vol. 27, No. 2, 2015, pp. 264–296, UNHCR points this out in its Note on International Refugee Protection dated September 13, 2001

<sup>16</sup> Gallaghe, A. T.; David, F., *The international law of migrant smuggling*, Cambridge University Press, Cambridge, 2014, p. 7; Hessbruegge, J., *Introductory note to the European Court of Human Rights: Hirsi Jamaa et al. v. Italy*, International Legal Materials, Vol. 51, 2012, p. 423. See also: Tinti, P.; Reitano, T., *Migrant, Refugee, Smuggler, Savior*, Oxford University Press, Oxford, 2017

<sup>17</sup> Turanjanin, V.; Radulović, D., *Coronavirus (Covid-19) and Possibilities for Criminal Law Reaction in Europe: A Review*, Iranian Journal of Public Health, Vol. 49, No. 1, 2020a, pp. 4-11

ly challenge for democratic societies.<sup>18</sup> Republic of Serbia issued a mandatory isolation for entire population during the state of emergency, with some exceptions.<sup>19</sup> Because of the coronavirus pandemic, the President of the Republic of Serbia, the President of the National Assembly, and the Prime Minister issued a decision on March 15, 2020, proclaiming a state of emergency that would extend until May 6, 2020. The Assembly voted a resolution declaring the state of emergency to be lifted. The Government passed the Regulation on Measures During the State of Emergency the day after the proclamation of the state of emergency, with the President of the Republic's signature, which stipulates measures that deviate from constitutionally established human and minority rights.

Article 3 of the Regulation ordered mandatory isolation of migrants in the reception centres for migrants. They could only leave a centre if they had special permission from the Commissariat for Refugees and Migration of the Republic of Serbia, which was limited in time – in accordance with the reason for which it was issued – and only in justified cases, like going to the doctor or for other justified reasons.

### 3.1. Migration centres

At this point it is important to explain migration centres that exist in Serbia. Available data are from January 2019. All centres are open type, without restrictions on entry and exit between 6 a.m. and 10 p.m. during winter and 6 a.m. and 11 p.m. in the summer period.<sup>20</sup> In the first place, there are five Centres for asylum. The Banja Koviljača Asylum Centre was founded on December 6, 2008, by a decision of the Government of the Republic of Serbia. It is close to the town of Loznica. The facility was constructed in 1965. It was operated as a Reception Centre for Foreigners by the SFRY's Federal Secretariat for Internal Affairs during the time. Initially, asylum seekers from Africa and South America (specifically, Chile) were housed at the Centre. It was used to house asylum seekers from Eastern European countries who were under the UNHCR's mandate in the SFRY

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<sup>18</sup> Stickle, B.; Felson, M., *Crime Rates in a Pandemic: the Largest Criminological Experiment in History*, American Journal of Criminal Justice, Vol. 45, 2020, pp. 525-536; Lundgren, M.; Klamberg, M. S., *Emergency Powers in Response to COVID-19: Policy Diffusion, Democracy, and Preparedness*, Nordic Journal of Human Rights, Vol. 38, No. 4, 2020, pp. 305-318

<sup>19</sup> See more in: Turanjanin, V., Unforeseeability and abuse of criminal law during the Covid-19 pandemic in Serbia, in: Duić, D.; Petrašević, T. (eds.), *EU 2021 – The Future of the EU in and after the Pandemic*, Vol. 5, 2021, Osijek, Available online at: [<https://hrcak.srce.hr/ojs/index.php/ecljc/issue/view/863/237>], pp. 223-246

<sup>20</sup> Commissariat for Refugees and Migration Republic of Serbia [<https://kirs.gov.rs/eng/asylum/asylum-and-reception-centers/>], Accessed 6 April 2022

from the late 1970s to the early 1980s. It was converted into a collective centre for migrants from former Yugoslav republics in 1995 and served as such until 2005. The Government of the Republic of Serbia passed a Decree in 2006 designating the institution as an Asylum Centre. The UNHCR restored it with EU funds the following year. The Asylum Centre began operations on October 30, 2007, with mandated refugees under UNHCR protection. In June 2008, it received the first asylum applicants under the Republic of Serbia's Asylum Law. The facility was handed over to UNHCR and the Commissariat for Refugees on December 16, 2008. The Centre currently has 120 beds available. It has also had a prefabricated facility since 2012. Currently, the Centre is housing 83 migrants from Middle Eastern countries.

In June 2011, the Government of the Republic of Serbia decided to open an asylum center in Bogovadja, which is housed in a Red Cross facility. The Centre is located in the settlement of Bogovadja, Lajkovac Municipality. It comprises of a main building with sleeping accommodations, restrooms, a dining room, and a children's corner, as well as administrative buildings with an outpatient clinic, auxiliary facilities, sports fields, a playground, and parking. The centre is situated on three hectares of land in a natural setting, surrounded by woodlands and open green spaces. The total capacity is 200 beds, with 42 rooms ranging from double to multiple beds spread across two wings of the main building. There is also a Children's Corner with educational and recreational activities for children of various ages, as well as a language classroom, an internet and social corner, and an area to watch TV and socialize. Currently, there are 117 migrants from Middle Eastern nations in the centre.

The Sjenica Asylum Centre opened in December 2013 in the hotel "Berlin", which is located in the heart of the city. In March 2017, due to a heightened influx of refugees, the capacity of 200 beds was raised to 250 in a restored building of the former factory "Vesna". Accommodation, common areas, administrative, auxiliary, and special-purpose facilities, as well as parking, are all available at the Asylum Centre. The Centre also has a well-equipped kitchen where daily meals for asylum seekers are prepared. Currently, 201 migrants from Middle Eastern nations are housed at the centre.

The Tutin Asylum Centre was formed in November 2013 during an extraordinary session of the Government of the Republic of Serbia. The first migrants arrived on January 16, 2014. It is currently housed in the old administrative building of the furniture business "Dallas" on Tutin's Vidinajska 1 street. The Centre has a capacity of 100 beds and a floor space of 400 square meters. The Centre will be relocated to Velje Polje, within the Municipality of Tutin, where building of a

new Centre is already underway. In the Centre, there are now 164 migrants from Middle Eastern countries.

In 1992, the “Krnjaca” Collective Centre opened in the premises of the water company “Ivan Milutinović - PIM Standard” in Krnjaca, Palilula Municipality, Belgrade. This centre was additionally authorized for accommodation and provision of basic living conditions for asylum seekers by a decision of the Government of the Republic of Serbia in August 2014. The residential section of the Centre for Asylum, as well as the administrative building, special purpose rooms, and auxiliary facilities, make up the Centre for Asylum. The Asylum Centre contains 16 prefabricated units with 240 rooms and a combined capacity of 1,000 beds for asylum seekers. Currently, 589 migrants from Middle Eastern nations are housed at the centre.

There are also 15 receiving centres. On July 7, 2015, the Reception Centre in Preševo became the first centre for the reception and, at the time, the transit of migrants. It has a seating capacity of 1000 people. A dining room for 500 beneficiaries, two kitchens within the accommodation facility (each 10 m<sup>2</sup>), bathrooms and toilets, a bathroom and toilet for people with special needs, an outpatient clinic open 24 hours a day, a mobile dental office, a sewing workshop, and a carpentry workshop are all available at the Centre. The Centre is currently at a halt due to cost-cutting measures.

The second is the Obrenovac Reception Centre. The military barracks “Borko Marković” in Obrenovac were provided to the Commissariat for Refugees and Migration in order to shift migrants from horrific conditions in Belgrade parks to sufficient accommodation within Belgrade’s jurisdiction. Needs were assessed on January 15, 2017, and infrastructure construction began to create the conditions for fast accommodation. On the 18th of January, 225 migrants were housed in facility number four. Soon after, the former barracks ambulance (office for administrative affairs and housing for Commissariat workers) and a big facility number 12 (in which a clinic for migrant examination was formed) were built. The number of people who were accommodated quickly climbed to 570, and this trend continued throughout 2017. The highest number was 1351 users, which was recorded in May 2017. The Obrenovac Centre currently houses a cafeteria with a store, an IT corner, a living room, a hairdresser and barbershop, a classroom for migrants, as well as a recreational space and a restaurant where food is delivered, as well as a recreational area and a restaurant where food is distributed. In a facility meant for an outpatient clinic, refurbishment and renovation work was completed. The entire Centre, as a key facility for migrant reception, will undergo additional adaptations and infrastructure restoration to provide even better circumstances. At the moment, the centre is home to 701 migrants from the Middle East.

The old motel “Adaševci” building, which is located near the Belgrade-Zagreb highway within the Municipality of Šid, became the Reception Centre Adaševci on November 11, 2015. It includes of lodging and commercial space, as well as special-purpose rooms, a kitchen, and parking. To ensure that everyone has a good time while at the Centre, special attention is provided to different age groups and their requirements. As a result, the Centre includes a Children’s and IT corner, as well as a Mothers and Babies Corner and a Young People’s Corner. A hairdresser is located in the Centre’s main hall, where recipients can get free haircuts from a fellow migrant. A large and small laundry is also available. There are additional recreation fields, a children’s playground, and an improvised volleyball court at the Centre. Currently, 715 migrants from Middle Eastern nations are housed at the centre.

On September 16, 2015, the former Children’s Rehabilitation Centre was transformed into the Reception Centre “Principovac”. The structure has a total area of 2,732 m<sup>2</sup> and is divided into two sections. The main half is for migrants, while the second part has rooms for the Commissariat’s workers, an office, a clinic, and interview, meeting, and police rooms, as well as warehouse space.

The Centre has a total capacity of 250 beds and accommodates beneficiaries in 20 rooms. Migrants also have access to 14 shower facilities, 19 toilets (10 for men, 8 for women), and 25 water faucets.

There is a Children’s corner, a Mother and Child corner, an IT corner, a social corner, and rooms for occupational and recreational activities (hairdresser, carpenter, and tailor’s workshop) in the area of the building designated for migrants. A volleyball court, cricket, football, and a playground for children are available to migrants, as well as table tennis equipment that may be relocated inside during colder weather. A two-hectare site is walled, with a fence length of 604 meters. The Centre features a video security system with 16 cameras that covers the common areas in the housing facilities, as well as the entrances and some areas of the yard. In the moment, there are 373 migrants from Middle Eastern countries at the Centre.

Reception centre Šid Station opened on November 24, 2015, in the midst of a surge in the number of migrants travelling through Serbia, who were taken by bus from Preševo to Šid and then boarded a train bound for Croatia. In collaboration with the Municipality of Šid, the Commissariat for Refugees and Migration opened this facility, which is located directly across from the Railway Station and near to the Bus Station. Initially, the capacity for reception was 200 people and a hundred people for extended stays. On May 31, 2017, the Centre was temporarily

shuttered. It was reopened in early December 2018 to accommodate only families with children. In the Centre, there are now 173 migrants from Middle Eastern countries.

The “Fourth Kilometre” Collective Centre in Pirot was established in 1983 to house workers involved in the building of the Pirot Hydroelectric Power Plant. From 1995 through 2005, the facility served as a refugee camp for Croatian refugees. After undergoing extensive renovations in 2016, the first batch of asylum seekers from Afghanistan, Iraq, and Syria arrived on December 19. The Centre is made up of two prefabricated barracks with four sections each containing four rooms, for a total of 32 rooms or 192 beds. A laundry room with washing and drying machines, as well as a storage room, are available from the auxiliary facilities. There is also a children’s playground, as well as basketball and football courts, table tennis, and other recreational fields. In the Centre, there are now 173 migrants from Middle Eastern countries.

On October 19, 2016, the Bujanovac Reception Centre opened its doors. It is situated on a 2,000 square meter plot in the former “Svetlost” industry area. It’s secluded from the rest of the town, but not too far from the centre. It has a capacity of 220 beds and primarily houses families from the Middle East. The Centre in Bujanovac, like all other facilities, works according to House norms, with Commissariat officials monitoring exit and access. The Centre is separated into two sections: one where asylum seekers are housed, and another with a large dining area, men’s and women’s bathrooms, as well as personal hygiene facilities. Medical personnel are also present, as they are in all other centres, with the assistance of interpreters. Furthermore, the Centre features numerous specific rooms dedicated for Commissariat workers, other relevant organizations, and the Centre for Social Work, as well as additional amenities for beneficiaries, such as the Children’s Corner. Currently, 203 migrants from Middle Eastern nations are housed at the centre.

The Vranje Reception Centre is located in the south of Serbia, around 30 kilometres from the Macedonian border. The Centre first opened its doors on May 30, 2017, in a restored section of the Motel “Vranje” at the city’s entrance. A total of 250 people can be accommodated. Dormitories, a common area (dining room, children’s corner, sanitary facilities - men’s and women’s restrooms with disabled access, and a room for various activities), medical block, administrative section (premises for employees), sports grounds, and parking space are all part of the Reception Centre.

The Divljana Reception Centre opened on December 31, 2016. Two pavilions and a management building make up the complex. Migrants are housed in pa-

vilions, which have eight rooms. Each room is divided into three portions, each with six beds, a shared lobby, and a double toilet. The hotel has a total of 280 beds. Each pavilion features a lounge where people may get together and do things together. A classroom with an IT corner, a children's corner, and rooms for non-governmental groups are all located in one pavilion. The Centre is currently at a halt due to cost-cutting measures.

The Dimitrovgrad Reception Centre is located in the south-eastern portion of Serbia, in the Pirot Municipality, 5 kilometres from the Bulgarian border. On December 1, 2016, the Centre was formally inaugurated. A total of 86 people can be accommodated (74 in the actual Centre and 12 in housing containers). Dormitories, a common area (dining room, children's corner, sanitary facilities - men's and women's restrooms with disabled access, and a room for various activities), medical block, administrative section (premises for employees), sports grounds, and parking space are all part of the Reception Centre. There are eight containers in the yard (3 housing, 3 sanitary and 2 warehouses). The centre is currently at a halt due to cost-cutting measures.

On the 19th of October, 2016, the Bosilegrad Reception Centre opened its doors. A total of 60 people can be accommodated. The building is 503 square meters in size, with 189 square meters on the ground floor, 162 square meters in the attic, and 152 square meters in the basement. The following is a floor-by-floor layout of rooms: The ground floor (4 rooms, 1 sanitary block, dining room, office, corridor, washing and drying area with a sanitary block), the attic (3 rooms, 1 sanitary block), and the basement (3 rooms, 1 sanitary block) (2 rooms for workshops, sanitary facilities, warehouse, boiler room).

The Government of the Republic of Serbia and the City of Subotica decided on November 15, 2015, to open a reception centre in Subotica. The Centre is only three kilometres from the city centre and is near to the highway exit. Dormitories, administrative buildings, a new building, housing and sanitary containers, common rooms, parking lots, reception, and courtyards with parkland are currently present.

On November 6, 2016, the "Sombor" reception centre opened its doors. It consists of two buildings for migrant accommodation, common rooms, dining rooms, and sanitary blocks, an administrative unit, auxiliary facilities, parking, recreational grounds, and an auxiliary sanitary block, as well as an administrative unit, auxiliary facilities, parking, and auxiliary sanitary block. The Centre also features a fully equipped office for the Republic of Serbia's Commissariat for Refugees and Migration, a meeting room, and space for the Ministry of Internal Affairs' purposes.

A modern dining area with a food distribution line, as well as a specific purpose room for learning Serbian, English, German, History, Mathematics, Geography, and Fine Arts, are all available at the Centre. A children's playroom, a social zone, a hairdresser, and a library are all available. Free legal and psychological aid, as well as proper medical treatment, are provided to users. Basketball, football, volleyball, cricket, table tennis, miniature soccer, and darts are among the sports available to migrants.

On April 5, 2017, the "Kikinda" Reception Centre opened in Bantska Topola, Municipality of Kikinda, on the site of the agricultural enterprise "29. November". It features auxiliary facilities, parking, and recreational grounds next to the main structure, as well as common areas and special purpose rooms. There are 240 beds at the Reception Centre, which is divided into 21 rooms. Each floor comprises ten sleeping rooms ranging from four to sixteen beds, as well as a sanitary block and a bath with showers. During the winter, the Centre has its own boiler room and central heating. It features a fully equipped office for the Republic of Serbia's Commissariat for Refugees and Migration, as well as a meeting room and space for the Ministry of Internal Affairs' needs. Personal hygiene goods, clothing, and footwear are provided to migrants. A laundry and drying lounge, as well as a warehouse, are available. A kitchen is available for food distribution at the Centre. It also features a classroom where students can study Serbian, English, and computer essentials, as well as a children's playroom, a Mothers and Babies Corner, a Social Corner, and a hairdresser. Medical care, as well as free legal and psychiatric support, is provided to those who qualify. There is an equipped ambulance and a quarantine like room in case of an epidemic. Basket, football, volleyball, cricket, and table tennis are some of the sports and amusement facilities available.

#### **4. METHODS**

The survey was conducted in the period May-August 2021, through survey questionnaires. 120 citizens were interviewed in the areas of Banja Koviljača, Bogovađa, Sjenica and Tutin. The survey was anonymous. The Krnjača Centre is essentially located in the area of Belgrade, and does not fit into the research framework. The questionnaire consists of 10 questions. The research is designed to cover questions related to the general attitudes of the population regarding migrations that have affected the European continent in recent years due to events in Syria and other countries in the area, as well as their attitude towards migrants and the state's attitude towards migrants. In addition to the offered answers, space is left for each question so that the respondent can offer an additional answer that does not fit into the offered ones. Two initial hypotheses were set:

The population is negatively oriented towards migrants;

The majority of the population does not consider that the state has deprived migrants of their liberty in order to preserve their health.

The questions asked are as follows:

1. Should migration through Serbia be left at the current level, increase the level of migration or reduce it?
2. How do you feel about migrants - positively or negatively?
3. Do you think migrants make this country a worse place to live?
4. Is migration good or bad for the Serbian economy?
5. Would you say that migrants mostly take away workers' jobs or generally help to create new jobs?
6. Do you agree with the following statement: "There are too many migrants in my country."?
7. Do you agree with the following statement: "People in my country are more negative towards migrants or other groups that are different from them than they were a few years ago."?
8. Do you think that migration has increased the crime rate?
9. Do you agree with the state's position that during the state of emergency, migrants should have been imprisoned in migration centres?
10. Do you think that the state imprisoned migrants in migration centres because of their health, protection of society from crime or something third?

## 5. RESULTS

The first question was answered by 117 citizens. 15, 38% of respondents (18 citizens) believe that migration should be left at the current level, 82, 05% of respondents (96 citizens) believe that it is necessary to reduce migration, while only 2, 56% of respondents (3 citizens) believe that it is necessary to increase migration. Three respondents did not answer the offered question.

The second question was answered by all respondents. 77, 50% of respondents (93 citizens) feel negative towards migrants, 20% (24 citizens) positively, and 2.50% (three citizens) neutral.

The third question was also answered by all respondents. 62, 50% of respondents (75 citizens) believe that migrants make Serbia a worse place to live, while 37, 50% of respondents (45 citizens) do not think that migrants make Serbia a worse place to live.

When answering the fourth question, 85% of respondents (102 citizens) believe that migration is bad for the country's economy, while 12, 50% of respondents (15 citizens) think that migration is good for the Serbian economy. Only 2.50% (3 respondents) essentially consider this to be a complex issue, which depends on many factors.

In answering the fifth question, the largest number of respondents (60% - 72 respondents) believe that migrants mostly take away workers' jobs, while 25% of respondents (30 citizens) believe that migrants generally help to create new jobs. However, 18 respondents (15%) believe that migrants are burdened by the budget of the Republic of Serbia, they do not stay in Serbia. As a rule, jobs that domestic citizens certainly do not want to perform, and on that side, they represent a slight competition to domestic citizens.

In the sixth question, a greater division of respondents was observed. Namely, 57, 50% of respondents (69 citizens) believe that there are too many migrants in Serbia, while 42, 50% of respondents (51 citizens) do not agree with this statement.

A somewhat smaller division of citizens is visible in the statement from the seventh question. Namely, 64.10% of respondents (75 citizens) agree with the statement that people in Serbia are more negative towards migrants or other groups that differ from them than they were a few years ago, while 33.33% of respondents (39 citizens) does not agree with the statement offered. Answers 2, 56% of respondents (3 citizens) are reduced to a statement that the situation has always been the same for these groups.

When answering the eighth question, 67, 50% of respondents (81 citizens) believe that migration has increased the crime rate, while 32, 50% of respondents (39 citizens) believe that migrants have not increased the crime rate in Serbia.

The answers to the ninth question show that most of the respondents agree with the state's move that migrants had to be locked up in migration centres during the state of emergency. Namely, exactly 80% of respondents (96 citizens) believe that this was the right move by the state authorities, while 20% (24 citizens) believe that migrants should not have been locked up in migration centres. However, the question here is the legality of deprivation of liberty of migrants, i.e., whether there is in fact a collective deprivation of liberty without a valid legal basis according to the European Court of Human Rights.

The tenth question was also answered by all respondents. In terms of percentage, 37, 50% of respondents (45 citizens) believe that the state imprisoned migrants in migration centres to protect their health. Then, 55% of respondents (66 citizens)

believe that the state imprisoned migrants to protect society from migrant crime. Finally, 7.5% of respondents (9 citizens) offered additional answers. These answers boil down to three claims, namely that the state reacted in this way because it did not know what else to do with migrants, then, in order to generally protect people and spread the epidemic, and to obtain benefits and money from other countries and the European Union.

## 6. DISCUSSION

The first set of answers to the questions shows the negative attitude of the population towards migrants. It is interesting to note that in answering the first question, a certain percentage of respondents believe that migration should be increased or maintained at the current level. A number of respondents show a positive attitude towards migrants, but obviously there are also a number of people who feel neutral towards migrants. Therefore, the percentage of answers to the next few questions indicates the fact that migrants consider Serbia a worse place to live. However, we believe that a smaller percentage of respondents are right who believe that migrants do not take away jobs from domestic citizens, since these are really jobs those locals are not interested in and do not want to do.<sup>21</sup>

The last three issues are strictly related to criminal law. Although the relationship between migration and crime is not new,<sup>22</sup> today it needs detail analysis. It is interesting to note that a higher percentage of the population believes that migration from Syria and other countries has increased the crime rate. However, for now, there are still no valid statistics that could confirm this statement. A study of existing statistics does not suggest that migration has increased the crime rate.

Taking into account the negative attitude towards migrants of a larger number of respondents, the answers to the ninth question logically indicate that a higher percentage of respondents will support the confinement of migrants in migration centres. The question of the legality of such a procedure of the state is open here, which was also decided by the Constitutional Court. The Constitutional Court of Serbia has ruled on several issues related to state measures adopted during the state of emergency. The response of the Constitutional Court of the Republic of Serbia, on the other hand, was moderate and came too late. The Constitutional Court issued mostly declaratory Decision No. Iuo-45/2020 on several issues related to restrictions on citizens' rights and freedoms during the state of emergency on Sep-

<sup>21</sup> Fudge, J., *Prekarious migrant status and precarious employment: The paradox of international rights for migrant workers*, Comparative Labor Law & Policy Journal, Vol. 34, No. 1, 2012, pp. 95-132; Sarkar, S., *Capital controls as migrant controls*, California Law Review, Vol. 109, No. 3, 2021, pp. 799-860

<sup>22</sup> Kinman, J. L.; Lee, E. S., *Migration and Crime*, International Migration Digest, Vol. 3, 1966, pp. 7-14

tember 17, 2020, more than five months after the state of emergency ended and more than seven months after the constitutional appeals were filed.

The Constitutional Court held that this was not an unconstitutional, arbitrary, and collective loss of liberty based on discriminatory factors and without the possibility of judicial protection in connection to the prescribed restriction in its ruling. According to this judgment, the interim ban had two purposes: it provided effective protection against serious infectious diseases among asylum seekers and irregular migrants housed in reception centres, as well as effective protection for the wider public, including all citizens.

This reasoning raises many questions. The Constitutional Court deviates from the detailed elaboration of the positions of the European Court of Human Rights on this issue and only in a few paragraphs it explains that it is not deprivation of liberty in purpose or content. Both attitudes are questionable.<sup>23</sup>

The majority of EU countries enable migrants to be detained upon entering the country, most commonly by border police.<sup>24</sup> It is thought to be extraordinarily difficult to create a global image of migrant detention.<sup>25</sup> The grounds for deprivation of liberty are thoroughly defined in the Convention, and a person's liberty cannot be taken away for reasons other than those listed.<sup>26</sup> However, because the "lawfulness" of detention under domestic law is not necessarily the deciding factor, the Court must also determine whether domestic law, including the broad principles expressed or inferred therein, is in compliance with the Convention. First and foremost, the general concept of legal certainty must be met.

<sup>23</sup> For example, see reasoning in: Case *Nada v. Switzerland*, Application no. 10593/08, judgment of 12 September 2012, Reports of Judgments and Decisions 2012-V (2012) ECHR. Additionally, see: Case *Rustamov v. Russia*, Application no. 11209/10, judgment of 03 July 2012 (2012) ECHR; Case *Nasrulloev v. Russia*, Application no. 656/06, judgment of 11 October 2007 (2007) ECHR; Case *Khudoyorov v. Russia*, Application no. 6847/02, judgment of 08 November 2005, Reports of Judgments and Decisions 2005-X (2005) ECHR; Case *Ječius v. Lithuania*, Application No. 34578/97, judgment of 31 July 2000, Reports of Judgments and Decisions 2000-IX (2000) ECHR; Case *Shamsa v. Poland*, Applications nos. 45355/99 and 45357/99, judgment of 27 November 2003 (2003) ECHR; Case *Steel and Others v. The United Kingdom*, Application no. 24838/94, judgment of 23 September 1998 (1998) ECHR; Case *A. and Others v. the United Kingdom (GC)*, Application No. 3455/05, judgment of 19 February 2009, Reports of Judgments and Decisions 2009-II ECHR

<sup>24</sup> Cornelisse, G., *Immigration Detention and Human Rights Rethinking Territorial Sovereignty*, Martinus Nijhoff Publishers, Leiden-Boston, 2010

<sup>25</sup> Fiske, L., *Human Rights, Refugee Protest and Immigration Detention*, Palgrave Macmillan, London, 2016

<sup>26</sup> Case *Saadi v. the United Kingdom*, Application No. 13229/03, judgment of 29 January 2008, Reports of Judgments and Decisions 2008-I (2008) ECHR; Turanjanin, V.; Soković, S., *Migrants in detention: approach of the European Court of Human Rights*, Teme, Vol. 43, No. 4, 2019, pp. 957-980

I believe that the migrants' position in the described situation essentially is deprivation of liberty in practice. The Constitutional Court here has avoided resolving the complex issues. In this area, the Court's jurisprudence is extensive, and the Constitutional Court should have commented on its stance in light of the norms established by the Court.

Finally, the answers to the tenth question confirm the initial hypothesis that the majority of the population does not believe that the state deprived migrants of their liberty in order to preserve their health. Judging by the answers of the majority of respondents, this was primarily done to protect society from migrant crime. On the one hand, we agree with this view. On the other hand, we believe that this move by the state at that time was a hasty reaction in order to prevent the uncontrolled movement of migrants and the potential spread of the infectious coronavirus disease. We have already talked about the legality of this procedure.

## 7. CONCLUSION

It could be said that in the last few years we have a conflict of several crises. On the one hand, at the beginning of 2020, in the Republic of Serbia, as in the rest of the world, the dangerous infectious disease COVID-19 appeared, the end of which is still not in sight. On the other hand, the migrant crisis is here for several years.<sup>27</sup> The central part of this paper deals with the research of citizens in relation to migrants, both in their general attitude and in terms of the relationship between migrants and crime. Residents of rural areas were surveyed, as we thought that due to the location of migration centres, they would be most affected by waves of migrants and possibly, crimes committed by migrants. Both initial hypotheses were confirmed, and according to our research, the population has a negative attitude towards migrants. At the same time, most respondents show distrust of the state's claim that migrants are imprisoned for their health. We believe that this move by the state at that time was a hasty reaction in order to prevent the uncontrolled movement of migrants and the potential spread of the infectious coronavirus disease. The disadvantage of this research is the small number of surveyed residents. However, due to the overall situation regarding coronavirus, we could not include a larger number of subjects. This was pioneering research, which we believe should be continued.

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<sup>27</sup> Turanjanin, V., *Položaj mediteranskih migranata: uvertira za Raketete i drugi protiv Italije*, Arhiv za pravne i društvene nauke, Vol. 2, No. 1, 2020b, pp. 96-117

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