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**Master's degree in  
Human Rights and Multi-level Governance**



FREEDOM OF MOVEMENT, THE RIGHT  
TO EDUCATION, AND PERSONAL  
DEVELOPMENT: EXPERIENCES AND  
PERCEPTIONS OF UNACCOMPANIED  
FOREIGN CHILDREN IN RELATION TO  
CAMPS.

A FIELDWORK STUDY FROM THE ASYLUM CENTRE  
OF BOGOVAĐA, SERBIA.

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*To Nasrullah, Amir, Ziarmal, Bilal, Zarara  
and all the migrant children with dreams-stuffed backpacks  
on their route to freedom.  
Since per aspera ad astra, you deserve the most beautiful stars.*





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## ACRONYMS

<b>AC(s)</b>	Asylum Centre(s)
<b>CADE</b>	Conv. Against Discrimination in Education
<b>CERD</b>	Conv. on the Elimination of All Forms of Racial Discrimination
<b>CRPC</b>	Crisis Response and Policy Centre
<b>HRL</b>	Human Rights Law
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IDP(s)</b>	Internally Displaced Person(s)
<b>IOM</b>	International Organization for Migration
<b>KIRS</b>	Komesarijat za Izbeglice i migracije Republika Srbija (Commissariat for Refugees and Migration of the Rep. of Serbia)
<b>PRS</b>	Protracted Refugee Situation
<b>RTC(s)</b>	Reception and Transit Centre(s)
<b>RIC(s)</b>	Reception and Identification Centre(s)
<b>RNM</b>	Republic of North Macedonia
<b>RRC(s)</b>	Reception and Registration Centre(s)
<b>RS</b>	Republic of Serbia
<b>SAR</b>	State Agency for Refugees
<b>StC</b>	Save the Children
<b>UAM(s)</b>	Unaccompanied Minor(s)
<b>UASC</b>	Unaccompanied and Separated Children
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNGA</b>	United Nations General Assembly
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization



## **INTRODUCTION**

Migration, in its broad interpretation, has constituted a natural and relentless phenomenon since immemorial time. Due to different circumstances which have characterised specific geographical areas and countries throughout the centuries, there have been increases or decreases in numbers of displaced people all around the world. If considering what has been labelled as the ‘refugee crisis’ of 2015-2016, for instance, it is worthy to examine the circumstances of the countries of origin of people who were massively displaced during those years in order to understand the main reasons contributing to the decision to leave one’s country and seek refuge in countries which are perceived as safe. In this peculiar case, and for the purpose of the present research, the reference is for international displacement, although it must be considered that the migratory phenomenon also includes displacement within the borders of one’s country of origin. Conflict, widespread violence, persecution, human rights violations, food-insecurity and material deprivation, natural disasters, and desire to seek better opportunities and higher security in other countries account as push-factors: nevertheless, when analysing the root causes and consequences of migration, it is important to identify a balance between push-factors and pull-factors determining trajectories, purposes and final outcomes of the entire displacement process. However, when addressing such a wide and complex phenomenon, it is essential to establish a human-centred discourse, considering the well-being and assistance of people affected by displacement as the foremost concern. In contemporary times, routes undertaken by people on the move are becoming increasingly arduous: borders’ closure and increased border police presence, together with the necessity to rely on smuggling networks which require the payment of exaggarate sums to make migrants illegally cross borders are among those factors contributing to expose displaced people to increasingly dangerous and money and time-consuming trajectories.

Nonetheless, although a human-centred discourse should be the linchpin of the way the phenomenon is addressed and managed, it is non negligible the role hold

by governments' adopted policies in shaping migrants' displacement process like, *inter alia*, the policy of encampment. Such expression defines the decision of transit and host countries to accommodate refugees and asylum seekers in camps, or in asylum centres (ACs) or reception centres (RC). The *rationale* of the establishment of formal camp settlements has to be found in the need to provide humanitarian assistance to people forced to flee their homes in the context of emergencies: it goes without saying, then, that once the emergency is over, refugees and asylum seekers camps should be dismissed, and people accommodated therein accompanied towards the fulfilment of one of the three durable solutions envisaged by UNCHR: local integration, resettlement to a third country, or voluntary return in safety and dignity.<sup>1</sup> However, even though camps are designed to temporarily accommodate and offer humanitarian assistance and relief to people in need, in many cases the temporariness has been overcome by the choice to prolongedly keep refugees and asylum seekers therein, giving rise to several concerns and criticisms concerning the effective promotion, protection and fulfilment of migrants' human rights in a fragile and complicated context as camps could be conceived. Moreover, it should be considered that, among people on the move, a considerable segment is represented by children who not always travel accompanied by parents. As a matter of fact, three sub-categories could be identified in the broad group of children: accompanied, unaccompanied and separated.<sup>2</sup>

Hence, the purpose of the present research to understand and analyse, through the voices of fifteen unaccompanied foreign children, experiences and perceptions related to the more or less prolonged stay in refugees and asylum seekers camps while on transit. The aim is to assess whether or not the legal recognition of the human rights to freedom of movement, to personal development and to education

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<sup>1</sup> UNHCR (2003), "*Framework for Durable Solutions for Refugees and Persons of Concern*", Geneva, Core Group on Durable Solutions.

<sup>2</sup> The word 'children' refers to the legal definition of the term provided in art.1 of the UN Convention on the Rights of the Child.

results, in practice, in the protection and fulfilment of such rights when it comes to unaccompanied minors (UAMs) accommodated in asylum centres while on the route. The present research was carried out through in-depth interviews with fifteen UAMs accommodated in the Centar Za Azil Bogovađa, one of the ACs of the Republic of Serbia. According to answers provided by interviewees, collected information will be analysed through the lens of experiences and perceptions mentioned by participants about the right to freedom of movement beyond camps, their personal development in the context of a double transition, and their right to education in relation to the temporary permanence in asylum centres transited since the moment the migratory path began. In order to address and analyse in depth such relation, the present research has been structured as follows.

The first part offers a descriptive overview of the framework in which the research topic can be inserted: indeed, it refers to refugees and asylum seekers camps and what is nowadays mostly at stake; unaccompanied foreign children and the exposure to risks and vulnerabilities caused by international displacement; the emergence of the Balkan Route(s) and changes occurred in the last year, and the context of the Republic of Serbia as far as migration management is concerned. The second part focuses on the analysis of the first variable: freedom of movement. After defining the legal framework available at international, EU and national Serbian levels, it explores experiences of respondents concerning the rules applied in the camps they declared to have transited before reaching the AC of Bogovađa, focusing on the analysis of what is perceived as an obstacle to the enjoyment of one's freedom of movement and what, instead, is considered to be a protection factor from dangers characterising the out-of-camp context. Moreover, a brief insight concerning the lockdown measures applied in camps during Covid-19 outbreak will be provided, since some participants directly experienced it. The third part concerns one of the foremost children's rights: the right to education. After framing the availability of legal provisions at international and EU levels, an analysis of information provided by respondents will follow, concerning available educational opportunities in transited camps in Greece,

Bulgaria, and Serbia, then focusing on the UAMs' perceived impact that the lack of such opportunities has on their present and will, potentially, have on their future. Lastly, the fourth part addresses the right to personal development, in the light of a twofold perspective: a lacking legal recognition of the right to development *per se* within international legally binding instruments, and the perception of UAMs when it comes to identify the stay in camps as a hindrance factor for one's personal growth and maturity, or a supportive and protective factor facilitating such process. Findings referring to such broad process of personal development are presented in the fourth part since elements mentioned by respondents also refer to the two beforehand analysed variables. Finally, the conclusion will summarise the main findings of the research, identify the main existing gaps between legal framework and current practice, and address possible necessary steps forwards through which a proper protection and fulfilment of the addressed human rights could be ensured, especially when it comes to one of the most vulnerable groups of people on the move, namely unaccompanied foreign children.

## METHODOLOGY

### Overall approach

For the purpose of this thesis research, I have developed a qualitative research based on in-depth interviews with unaccompanied foreign children accommodated in the Centar Za Azil Bogovađa, in the Republic of Serbia. Since the present work aims at analysing and understanding how unaccompanied minors perceive their personal development, and the protection and fulfilment of their right to education and freedom of movement in relation to permanence in asylum seekers camps, interviews have been valued as the most appropriate tool to collect data on the field, in order to then develop a further analysis based on directly and openly communicated perceptions and experiences.

The qualitative approach on which the study is based is the Grounded Theory, introduced by Glaser and Strauss in 1967 to legitimize qualitative research, and considered to be the most suitable method to investigate experiences, perceptions, and reactions of the group under study, representing the object of furtherly elaborated theories based on direct collection of data on the field.<sup>3</sup> Moreover, for the purpose of this research and the circumstances in which the interview process occurred, a particular aspect of such qualitative approach turned out to be fundamental: data collection flexibility also related to the researcher's experience. As a matter of fact, it is relevant to take into high consideration that all interviewees were unaccompanied foreign children – accommodated in an asylum centre – in a country in which they do not intend to stay, thus continuously trying to move further, and often experiencing violence and pushbacks at the borders. Therefore, a particular tact and sensitivity were required during interviews, especially when sensitive questions might have recalled traumatic experiences. Furthermore, the researcher's previously established connections with participants should be considered as well. Although the recruitment process did not consist in

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<sup>3</sup> Elkatawneh, H. H., 2016, *The Five Qualitative Approaches: Problem, Purpose, and Questions/ The Role of Theory in the Five Qualitative Approaches/Comparative Case Study.* SSRN Electronic Journal, pp. 1–17.



selection but in participants' free choice to participate, it should be noted that most of participants accepted to be interviewed by reason of a relation of trust with the researcher. Furthermore, it is worthy to mention that all interviews were conducted with prior approval of the questionnaire and relative protocol agreement by the Commissariat for Refugees and Migration<sup>4</sup> and the Centre for Social Work<sup>5</sup> of the Republic of Serbia: since all interviewees were minors, a formal approval was required by both authorities.

### **Primary data collection**

In this section concerning data collection carried out through in-depth interviews, three elements characterising the interview structure will be presented: the process of recruitment, the modalities in which all interviews were conducted, and the consequent process of analysis.

### **Recruitment method**

The Asylum Centre of Bogovađa – in which I had the possibility to conduct the curricular internship – accommodates unaccompanied foreign children only. The research project was presented to minors accommodated therein in the context of a workshop organised by the Group 484, a Serbian non-governmental organization offering psychological support to residents in camps. Such presentation – to which around thirty UAMs were present – and the consequent interviews were possible thanks to the fundamental mediation of the translators working for CRPC<sup>6</sup> in partnership with UNHCR. All aspects of the project were exposed and translated: before accepting to participate, all respondents had already received core information about the interview's content, procedure, protection measures,

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<sup>4</sup> The Commissariat for Refugees and Migration (KIRS) is, *inter alia*, responsible for the management of the Centres for Asylum (ACs) and Reception Centres (RCs) within the Republic of Serbia.

<sup>5</sup> Unaccompanied foreign children accommodated in the Centre for Asylum of Bogovađa are provided a legal guardian, employed by the Centre for Social Work.

<sup>6</sup> Crisis Response and Policy Centre. It provides all around Serbia services such as cultural mediation and orientation, information dissemination, psycho-social aid, identification, and transport to different facilities.

confidentiality, and further use of collected data. Interviewees were not selected, contrarily freedom of choice was left to the single participant, and they were welcomed to join, taking into consideration that there were individual protection concerns previously arisen and, therefore, a selection could have resulted in the involvement of participants unwilling to join the project.

### **Interviews' procedure**

All aspects concerning in-depth interviews are described in this section, taking into consideration the selected group's main features, the modality in which interviews were conducted, and some limitations emerged during the process.

**a. Defining interviews:** interviews were based on a questionnaire previously elaborated upon guidance and advice of the thesis supervisor. In order to leave wide margin of discussion and possibility for interviewees to express and describe their experiences and perceptions, a semi-structured interview was adopted. The questionnaire – attached in the Annex section – consists of twenty-three open questions elaborated to prompt discussion and leave open space to follow-up questions to be defined depending on issues mentioned by individually-interviewed participants while answering the indicated questions. Due to the length of the semi-structured questionnaire, each interview lasted between forty-five and sixty minutes, although an example of two-hour interview can be recalled. However, the average length is of fifty-nine minutes. Furthermore, since unaccompanied foreign children are considered to be a particularly vulnerable group, all interviews were conducted in spaces that participants conceived as friendly within the AC, aiming at making interviewees feel at ease, at distance from situations and figures that could have easily altered their mood. As a matter of fact, all interviews were conducted in the Caritas Room, Social Café<sup>7</sup>, or in the wide yard surrounding the centre.

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<sup>7</sup> The Asylum Centre of Bogovađa has been opened in a property of the Red Cross; however, Caritas Valjevo is responsible for the management of two rooms within the property, the mentioned Caritas Room and the Social Café opened in 2017.

**b. Protection measures:** since all participants were unaccompanied and minor, according to the law, legal guardians appointed by the Centre of Social Work were present during interviews, to ensure and protect the best interest of interviewees. Legal guardians, given their role and task, had access to the content of the questionnaire before interviews started, with the purpose to point out any excessively sensitive topics which might have recalled traumatic experiences, and that could have potentially been waived accordingly. However, no warnings were proposed in that sense, and questions were asked as elaborated within the questionnaire.

Moreover, due to the structure of the interview and presence of open-end questions only, the researcher needed to record interviews – voice only. Recordings were made upon accorded permission by the participant, the cultural mediator, and the present legal guardian, prior explanation of the use the researcher would have made of such recordings.<sup>8</sup> Lastly, given the length of the questionnaire, and the nature of some questions, which might have recalled traumatic experiences, all participants were informed of the possibility to suspend or even terminate the interview in whichever moment they could have felt difficulty or unwillingness to proceed.

**c. Presence of a cultural mediator:** as shown in *Figure 1 – Country of origin*, none of the participants is an English native-speaker, and the segment of those who could understand and speak English autonomously was highly limited. Therefore, since language could have represented an untraversable significant barrier, the presence of a cultural mediator was necessary and fundamental. Two translators working in the AC twice a week accepted to join the project, dedicating some of their time in providing translation during all interviews, exception made for the one involving the interviewee from Niger who, instead,

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<sup>8</sup> Formal permission for interview of underage residents was provided by legal guardians, and a protocol paper was signed for each participant.

could perfectly speak English and French. Both translators involved in the process could proficiently speak Farsi, whereas only one could speak Pashto.<sup>9</sup>

### **Limitations**

Although it is worthy to mention the kind availability of all figures involved in the research project, it is also essential to highlight some aspects which somehow hindered the development of the fifteen interviews. First, residents' scepticism. Even though I had already spent a month and a half in daily contact with most of the unaccompanied minors accommodated in the AC of Bogovađa, many of them did not show interest and willingness to join the project and be interviewed. The main element leading to such (un)choice – and revealed during informal conversations – was the concern of seeing their personal information and experiences shared with authorities in whose role they have no trust. Since the relationship between UAMs and KIRS cannot be considered simple and relaxed – as also demonstrated by the accident occurred in December 2020 in Bogovađa<sup>10</sup> –, concern for data-sharing that potentially could have been used against them was the main reason why some residents explicitly refused to be interviewed. Moreover, a residual role for the lack of copious voluntary participation has to be found in the context of the presentation of the project, which was presented to residents during a workshop organised by the NGO Group 484, at the presence of around thirty UAMs. Hence, not all residents attended the meeting and could hear in first person the content and modalities of the project. However, despite the initial difficulty in having volunteers, all the planned interviews were carried out, with enthusiasm and active involvement of those participants who freely chose to join.

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<sup>9</sup> Most participants have Pashto as primary language, thus in some cases – depending on the available translator – some light difficulties were encountered in understanding some specific concepts. However, such issue will be discussed in the section dedicated to *Limitations*.

<sup>10</sup> For the version officially provided by authorities, see: <https://www.theioi.org/ioi-news/current-news/lack-of-security-guards-in-the-bogovaa-asylum-center>. However, it is worthy to mention that a certain discrepancy emerges when comparing the version provided by KIRS and the one unofficially provided by some NGO team members working in the camp.

Second, language barrier. As stated in the previous section, the presence of a cultural mediator was essential for the development of the interview process. Among the residents in Bogovada in the period of March-May 2021, only a restricted number had an intermediate or advanced knowledge of English which could have allowed them to understand and answer all the – sometimes broad and abstract – questions of the questionnaire. Therefore, two translators were involved in the whole interview process, facilitating the conversation between interviewer and respondent that, in most cases, would have been otherwise impossible. However, although both translators could proficiently speak Farsi and almost all participants could speak both Pashto and Farsi, in a couple of cases languages did not match. In two particular cases, the interviewee could only speak Pashto – although some basic Farsi could be understood – and the available translator could only speak Farsi and understand basic Pashto. Consequently, translation for basic linguistic structures was possible but, when it came to introduce concepts like *freedom of movement, rights, development, growth, adolescence, perception*, translation was hampered by both language barriers and respondents' lack of familiarity with such concepts. On several occasion, however, the comprehension of the above-mentioned terms was hindered by the sole interviewees' lack of knowledge about the existence of such words or concepts in his own native language, in a broader view, thus resulting in answers not coherently mirroring the content of the question.

Third, presence of third persons. Since interviews were conducted with sole minor participants, in the name of protection of the best interest of the child, legal guardians had to be present during all the duration of the interview. Nevertheless, such a presence represented a limitation in two directions: on the one hand, some of the participants showed reluctance and scepticism in expressing themselves freely in front of their own legal guardians. In some cases, it was visible and explicitly reported by the cultural mediator while translating the content of the answer to some questions. My personal perception about this peculiar situation concerned a lack of understanding – on the participants' side – of the role and

tasks of such figure within the camp, to be understood in conjunction with lack of trust and pre-existing tensions some participants expressed towards the legal guardians. Thus, it could be said that in some cases the mention of experiences and perceptions by participants has been altered by the presence of legal guardians, and potential lack of ease. On the other hand, instead, there have been a few occasions in which the present legal guardian has explicitly interfered in the interview process: such interference took the shape of personal comments about the content of answers provided by the respondent in question; follow-up questions sometimes asked directly by the legal guardian – despite not being allowed to and in many occasion falling outside the scope of the research – ; and attempts to make the interview process shorter and faster, thus pushing on the interviewee to give answers more rapidly. In general, such a presence has represented a major limitation if compared to the two previously listed, since it had a direct impact on the respondent's comfort, and perception of total freedom to talk and express himself.

Fourth, lack of unaccompanied female children's perspective. Since the Asylum Centre of Bogovada accommodated – by the time interviews took place – unaccompanied foreign male children only, it was not possible to have a gender-balanced sample and, therefore, the perspective of displaced young girls as far as the experience and dangers of the route, the accommodation in reception or asylum centres, the enjoyment of the right to freedom of movement, personal development and right to education in relation to prolonged stay in camps are concerned. However, the absence of female perspective in the current analysis could be considered representative of the situation on the route: hardly ever female children and adolescents travel unaccompanied, since most displaced girls face the process of international displacement with parents or close relatives and, potentially, they are separated while on the route. Therefore, it is infrequent that they engage in the migratory path unaccompanied.

## **Data Analysis**

In order to develop a theory based on collected data, all information gathered through in-depth interviews has been analysed following three phases. However, before describing the analysis process, it is worthy to mention that the analysis will also consider field notes and information collected through informal conversations and discussions with other unaccompanied foreign children accommodated in the AC, and who did not show interest in taking part to the interview process.

As far as the analysis process is concerned, all interviews were firstly transcribed: such phase started with the transcription of the fifteen recordings, including notes taken while the interview was being conducted, about reactions showed by participants to certain questions, and further explanations concerning the need of repeating, rephrasing, and setting aside certain questions considered to be too abstract and/or based on concepts interviewees were not familiar with. Once the transcription phase was completed, each interview has been analysed individually, in order to identify those data which could represent a reliable source for the development of a theory. Such phase has been fundamental for the identification of material on which an analysis could be developed, considering that in some cases answers provided by participants were not coherent with the asked question, in virtue of a lack of familiarity and understanding of some concept upon which some questions relied.

The analysis of individual interviews has been followed by a comparative analysis. Once all relevant information from each interview were identified and extracted, they have been compared with same-category data provided by other participants, in order to start defining a broader framework in which experiences and perceptions of unaccompanied foreign children concerning freedom of movement, right to education, and personal development in relation to accommodation in camps could be inserted. The comparison phase demonstrated that an effective grounded theory could be developed, since experiences and perceptions recalled in interviews have similarities to share, given the context in

which all can be placed: the Balkan Route in general, the accommodation in AC(s) while on the route, and the Serbian context in which all interviews were conducted in particular. Once the comparison process among all interviews was completed, the collected data have been considered and interpreted in relation to two elements: the available international legal instruments which are meant to promote, protect, and fulfil the right to freedom of movement, personal growth and development, and education; and the available examples of State practice in relation to the three considered variables, in order to identify discrepancies and/or similarities among the legal provision, the actual practices, and the experiences and perceptions mentioned by the interviewed unaccompanied foreign children.



### **Setting the stage of the field research: sample’s features, variables and main recalled asylum seekers’ transited camps.**

The present section contains the foundations on which the whole analysis will rely. Since the analysis is based on data collected through field interviews, and the three variables are not studied *per se*, but in relation to permanence in refugee camps or reception and transit centres while on the route, the paragraph explores:

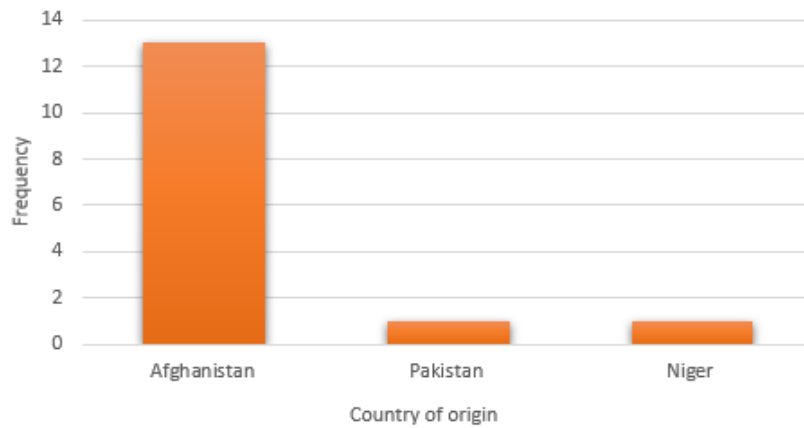
- i. the group under analysis’ main characteristics;
- ii. the ACs and RTCs participants declared to have transited while on the route to the Republic of Serbia (including facilities located on the Serbian territory).

In order to have a valid and reliable sample for the purpose of the qualitative research, an initial target of 15-20 interviews was set, and eventually this target was met with fifteen participants being interviewed. Such number has been defined in accordance with two elements: the availability and willingness of residents to actively participate to the research project; and the number of residents in the AC by the time the interviews started – April 2021. According to the UNHCR Serbia Site profile report of May 2021, during the months of March, April and May 2021, the centre accommodated respectively 43, 52 and 51 unaccompanied foreign children.<sup>11</sup> The great majority of interviewees has Afghanistan as country of origin, as reported by thirteen out of fifteen participants. Such number is accurately representative of nationalities distribution within the Asylum Centre: by the time in which interviews were conducted, all residents were Afghans, exception made for a resident coming from Niger and three others from Pakistan.

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<sup>11</sup>UNHCR, (2021) “Centre Profiling Serbia”. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Site%20Profiles%20May%202021.pdf> [accessed: 10<sup>th</sup> of June 2021]

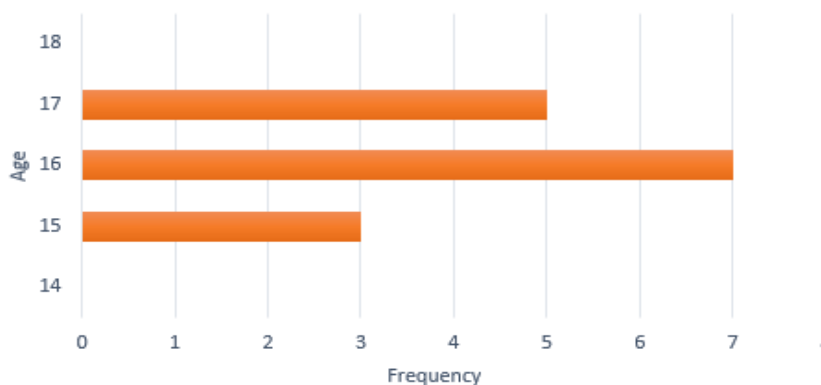
**Figure 1 - Country of origin**



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Moreover, the totality of interviewees has an age comprised between fifteen and seventeen years old, as shown in the graph below. Also in this case, the age distribution faithfully mirrors the age average of the AC residents: in the period of March-May 2021, an overwhelming majority of minors temporarily accommodated in AC of Bogovada declared, during informal conversations, to have age comprised between fifteen and seventeen years old; a minority, instead, was aged below fifteen years old: such a data is, however, to be interpreted in relation to the amount of time individually spent on the route.

**Figure 2 - Age distribution**



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<sup>12</sup> Data used for the elaboration of the graph rely on interviews only. However, according to informal conversation with one of the participants, it emerged that he registered as Afghan national – despite having Pakistan as country of origin – in order to avoid repercussion from Afghan residents in the AC.

<sup>13</sup> Data used for the elaboration of the graph rely on interviews. Real age of some participants might have been slightly different.

As defined in the *Methodology* section, three variables represent the core of the field research, being respectively freedom of movement, right to education, and personal development. The respondents' experiences and perceptions concerning the three variables have not been investigated *per se*, but in relation to the more or less prolonged stay in asylum centres or reception and transit centres. As a matter of fact, all interviews were conducted in one of the Asylum Centres of the Republic of Serbia, classified as such since asylum-seeking families used to be accommodated therein until January 2020, but unofficially corresponding with a Reception and Transit Centres since when it began to shelter unaccompanied foreign minors – not formalising intention to seek asylum in Serbia, therefore not classifiable as asylum seekers. Although all participants stated that plural countries had been transited before entering the Republic of Serbia – *Graphs 4 – Countries crossed on the Route* contained in Chapter I's third paragraph – for five of them the AC of Bogovađa represents the first formal settlement in which they have been accommodated since the moment they left the country of origin. However, considering the crossed countries mentioned by interviewees and the camps and centres in which they have found shelter during their migratory path to the Republic of Serbia, the emerging map is the following:



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Although considering Turkey as the conjunction point for the identification of a common trajectory followed by migrants all along the Balkan Route(s), what is visible from the map, created in accordance with information provided by interviewees, is that none of the fifteen unaccompanied foreign children having declared to have spent a certain amount of time in Turkey was accommodated in a refugees or asylum seekers camp or government-run asylum or reception centre.<sup>15</sup> Since the majority of respondents explicitly declared to have worked – mainly as tailors – during the period of time spent in Turkey, is it assumable that they were living in private houses they could have afforded paying a small rent, or sheltered by friends previously arrived in the country, or even in houses provided for by “minor smugglers”<sup>16</sup>, while waiting for migrants to have enough money to pay the

<sup>14</sup> The map shows camps, ACs and RTCs mentioned by respondents. Two icons are present on the map, used to differentiate precisely identified camps and centres – orange triangle – from settlements whose name was not recalled by participants and only location was provided – yellow rhombus –.

<sup>15</sup> Turkey, for the totality of respondents was one of the transited countries before starting the path throughout the Balkan Route. However, it was not a country of brief transit, since the overall number of interviewees declared to have worked for months before having enough money to continue the journey through Greece firstly and the Balkans secondly, to then head towards Central and Northern EU countries.

<sup>16</sup> The wording “minor smugglers” is used on purpose in order to distinguish the smugglers that unaccompanied minors are in contact with in the transit countries – usually referred to as *kachak* by Afghan nationals – from the main smuggler residing in the country of origin and being responsible for the organization of the whole journey with the family – referred to as *kachakbar* –. See: UNICEF, (2017) *A child is a child. Protecting children on the move from violence, abuse and exploitation*, United Nations Children’s Fund. Available at: <https://www.unicef.org/reports/child-child> [Accessed: 1<sup>st</sup> July 2021]

following part of the journey.<sup>17</sup> Following the path of the respondents, it is observable that one third of interviewees resided in some camps in Greece: particularly, A.A.<sup>18</sup> declared to have been to three different places: Moria Camp on Lesbos Island, Gerakini Camp in Malakasa<sup>19</sup>, and a structure in Livanates, whose name has not been mentioned by the participant.<sup>20</sup> Transit in the Republic of North Macedonia, as well, was marked by no permanence in any reception or asylum centre: as a matter of fact, during informal conversations, residents in Bogovađa who transited North Macedonia, pinpointed that none of them had been on the Macedonian territory for more than three-five days. The explanation can be twofold: on the one hand, the price they have to pay to go by truck or taxi to the border is not that significant and, as a consequence, they do not need to wait for family to send more money or to work to save it – moreover, a segment of migrants tries to cross the Republic of North Macedonia and enter into the Republic of Serbia on foot –; on the other hand, the registration system in North Macedonia appears to be porous: none of the residents involved in the informal discussions mentioned to have experienced registration by the authorities, and following permanence in camp as the continuum of the procedure. Both information provided by unaccompanied minors who contributed whether directly or indirectly to the present research project, seem to find substantiality in the report published by the Macedonian Young Lawyers Association with support of UNHCR. As a matter of fact, the report – referring to the two-year period 2018-2019 – confirms that the average length of stay in what is considered to be the main transit country for who continues from Greece to the Republic of Serbia is of two-three days. Furthermore, as far as the registration system is concerned,

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<sup>17</sup> This information cannot be explicitly found in answers provided during interviews, but field notes informally collected during the three-months internship allow the identification of such trends.

<sup>18</sup> Interview with A.A (No.1)

<sup>19</sup> Malakasa is a small village in the municipality of Oropos, thirty kilometres far from Athens.

<sup>20</sup> Livanates is a small town, around one hundred and fifty kilometres far from Athens (North). However, from intertwined research, no refugees or asylum seekers camp is found to be located in the town.

during 2018-2019 registration procedure was conducted on a selective basis, among refugees caught on the RMN territory; therefore, for many migrants, registration procedure was not carried out.<sup>21</sup> Among the seven interviewees who entered the Republic of Serbia crossing from Bulgaria, only four declared to have resided into the reception centre of Voenna Rampa, in Sofia, which shelters, almost exclusively, asylum seekers from Afghanistan and Pakistan.<sup>22</sup> As far as the Republic of Serbia is concerned, instead, only four participants transited a RTC before being accommodated in Bogovađa which, since January 2020, has been arranged for unaccompanied minors only. When registered migrants are found to be minors, indeed, they are moved to Bogovađa, where they are supposed to receive special care and protection. Specifically, Preševo, Obrenovac, and Bela Palnaka ('Divljana') RTCs were mentioned, although participants in question declared to have spent in the above-mentioned structures a relatively short period, being respectively: one month<sup>23</sup>, three months<sup>24</sup>, and three months.<sup>25</sup>

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<sup>21</sup> K Joseva Kostadinovska, T., Bozhinovska Siljanovska, B., (2020) *The State of Asylum in the Republic of North Macedonia. 2018-2019*, Macedonian Young Lawyers Association, pp. 6-7

<sup>22</sup> AIDA, (2020) "Types of accommodation – Bulgaria" in Bulgaria Country Report 2020, Asylum Information Database. Available at: [https://asylumineurope.org/wp-content/uploads/2021/02/AIDA-BG\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/02/AIDA-BG_2020update.pdf) [Accessed: 1<sup>st</sup> July 2021]

<sup>23</sup> Interview with A.C (No.15)

<sup>24</sup> Interview with S.A (No.12)

<sup>25</sup> Interview with M.F (No.10)



## **CHAPTER I – Defining the framework of the research: refugees and asylum seekers camps; unaccompanied foreign children; the Balkan Route(s) between past and present policies; the Republic of Serbia between transit and permanence.**

### **1.1 Refugees and asylum seekers' camps: the ordinary exceptionality**

The emergence of refugee camps has been conceived as an efficient and quick-response tool to deal with situations of emergency related to displacement. However, before analysing the main elements characterising the choice of such policy, and the issues being mostly at stake, it is fundamental to define elements related to the issue, thus allowing a deeper understanding of the matter, while relying on definitions provided by who is primarily involved in such process. Refugee camps, as defined by UNHCR in 2007, are conceived as “a plot of land temporarily made available to host refugees fleeing from an armed conflict in temporary homes”.<sup>26</sup> However, considering the evolution of the migratory phenomenon throughout years, it is notable to specify that the definition has been intended in broader terms. As a matter of fact, as noted by UNHCR, refugee camps are “temporary facilities built to provide immediate protection and assistance to people who have been forced to flee their homes due to war, persecution or violence”.<sup>27</sup> Comparing the two definitions, what is immediately noticeable is that not only the reason of displacement has been intended in a wider sense, also involving violence and persecution rather than war only, but also the term ‘refugee’ has been paraphrased with ‘people who have been forced to [...]’. These elements result fundamental to include in the communities living in refugee camps all categories of people being in UNHCR concern in situations of emergencies, if sticking with UNHCR definitions. A definition of emergency has

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<sup>26</sup> UNHCR (2006) “Master Glossary of Terms Rev.1.” *STATUS DETERMINATION AND PROTECTION INFORMATION SECTION*. Geneva: United Nations High Commissioner for Refugees. Available at: <https://www.refworld.org.es> . [accessed: 22<sup>nd</sup> June, 2021]

<sup>27</sup> UNHCR, “What is a refugee camp?” Available at: <https://www.unrefugees.org/refugee-facts/camps/> [accessed: 22<sup>nd</sup> June 2021]



also been provided for the purpose of UNHCR's work, defined as "any situation in which the life or well-being of refugees will be threatened unless immediate and appropriate action is taken, and which demands an extraordinary response and exceptional measures"<sup>28 29</sup>. What could be derived from the combination of the above-mentioned definitions is that camps are created as a response to a state of emergency, thus representing exceptional and temporary measures which should be dismissed once the normality has been restored<sup>30</sup>. Formal camps can take different forms: refugee camps, detention camps, receptions centres, transit camps, which are created by national governments, non-governmental organizations, or United Nation agencies to both control and assist those who are considered to be outside the socio-political space in which they find themselves after fleeing one's country of origin, and, as a consequence, being in a situation of vulnerability and need of humanitarian assistance.<sup>31</sup> As a matter of fact, the exceptionality of camps has been discussed by several scholars, together with their spatial and temporal dimensions, which have opened the floor for debates and criticism, since a human rights violations discourse has emerged throughout years due to the always more often observed permanence of refugees, asylum seekers, and IDPs in camp settlements.

When it comes to define the spatiality of camps, the discourse intersects with the concepts of both inclusion and exclusion, and the social construction around the figure of migrants in general, refugees and asylum seekers in particular. In the common picture of a refugees or asylum seekers camp, the location is usually far

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<sup>28</sup> UNHCR (2007), *Handbook for emergencies: Third Edition*, UNHCR, Geneva. Available at [https://www.ifrc.org/PageFiles/95884/D.01.03.%20Handbook%20for%20Emergencies\\_UNHCR.pdf](https://www.ifrc.org/PageFiles/95884/D.01.03.%20Handbook%20for%20Emergencies_UNHCR.pdf) [Accessed: 22<sup>nd</sup> June 2021]

<sup>29</sup> As noted in the Handbook for Emergencies itself it is made clear that the use of the term "refugee" is not exclusive, but it broadly involves all categories of concern for UNHCR, thus also referring to asylum seekers, IDPs, returnees, and stateless persons.

<sup>30</sup> Turner, S. (2016) "*What is a refugee camp? Explorations of the limits and effects of the camp.*" *Journal of Refugee Studies* Vol.No. 29.2, pp. 139-148.

<sup>31</sup> Martin, D., Minca, C., and Katz, I. (2020) "*Rethinking the camp: On spatial technologies of power and resistance.*" *Progress in Human Geography* Vol.No.44.4, pp. 743-768.

from cities or city centres, often surrounded by fences or woods, thus representing a clear demarcation between the inside and the outside. As a matter of fact, as Turner argues, the social position of people residing in camp is defined by the camp itself as a simultaneous inclusion and exclusion in the host society.<sup>32</sup> The concept of “space of exception” has been the core of several debates: Agamben, for instance, has placed the ideas of *homo sacer* and space of exception at the core of his work concerning the modern sovereignty. Agamben has offered a rich contribution to political philosophy, which has led to a development of a modern politics which looks at camps and relative inhabitants, in Agamben’s interpretation, as “a space and a body included in the political order by being excluded”<sup>33</sup>, deriving from the inclusion of certain figures within the geographical borders of a State, but being excluded by the exercise of the rule of law. A condition of simultaneous inclusion and exclusion that Oesch has marked as a zone of ambiguity and indistinction.<sup>34</sup> Such a conception, derived from the experience of concentration camps during World War II, has represented a reference point for the study and the elaboration of alternatives to the contemporary policy of encampment as far as the management of large influx of refugees and asylum seekers is concerned. The establishment of camps in remote areas of the hosting country, or close to the borders, doubtlessly has implication on both sides. On the one hand, for refugees and asylum seekers living in the camps, the enjoyment of freedom of movement and other human rights envisaged within different international, regional, and national legally binding instruments, can be limited, since their promotion, protection and fulfilment often result in porous practices in contexts considered to be exceptional and temporary. Lack of programmes for children and persons in educational age, exclusion from the labour market, restrictions on movements, lack of proper health assistance, and

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<sup>32</sup> *Op.cit.* 30, p.3

<sup>33</sup> Agamben G, (1998) *Homo sacer: sovereign power and bare life*. Stanford University Press, Stanford CA.

<sup>34</sup> Oesch, L., (2017) “*The refugee camp as a space of multiple ambiguities and subjectivities*”, *Political Geography*, Vol. No.60, pp. 110-120.

lack of legal aid and information dissemination are only some of the several obstacles which refugees and asylum seekers could face due to their temporary residence in camps; furthermore, the physical, social, and political wide distance from the local hosting communities contributes to hampering any possible form of integration. On the other hand, from the host country's perspective, the choice to keep refugees and asylum seekers in camps, and camp settlements far from cities and city centres, could represent a way to pretend they do not exist, and to exercise a more precise control over who is sometimes perceived as a threat.<sup>35</sup> Agier, among others, underlined these aspects, clearly stating that: “[...] there is no care without control and the (undeclared) biopolitical role of these camps is also that of keeping the refugee bodies at a distance from the rest of society. while designed as spaces where refugees can receive assistance and relief, they often turn into spaces of control, surveillance and, even, violence”.<sup>36</sup>

Hence, the role played by the social construction made around the figure of the migrant. Especially as a consequence of the refugee crisis of the last decades, the perception about migrants has changed, triggering an always faster spiral of hate speech and criminalization of “aliens” using illegal migration as a justification.<sup>37</sup> Refugees are often perceived as a threat, as a possible cause of the rupture of the social order, a constant risk for the local communities. However, as Turner argues, what emerges is “a contradictory space”. If, on the one hand, camps are an instrument voluntarily employed to make refugees invisible within the society, on the other hand they appear highly visible since they become the core of specifically identified humanitarian programmes carried out in what is also

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<sup>35</sup> *Op.cit.* 31

<sup>36</sup> Agier, M., (2011), *Managing the undesirables: Refugee Camps and Humanitarian Government*; Cambridge, Malden MA: Polity Press

<sup>37</sup> *Ibidem*

considered to be a humanitarian and social space, and subjected to an international regime of care.<sup>38</sup>

A fundamental element emerging from the definition provided by UNHCR, concerns time. Refugees and asylum seekers camps are, by definition, temporary solutions to handle situations of emergencies. As Agamben and Ramadan argue, the temporary nature of camps recalls the temporary condition of refugee status, which should lead, in the long run, to citizenship, through the instruments of naturalization or repatriation.<sup>39</sup> As a matter of fact, camps do not appear among the three durable solutions envisaged for refugees. The aim of establishing temporary solutions is that, once an efficient alternative has been found, that solution cease to exist.<sup>40</sup> However, what emerges is a deep dichotomy between theory and practice: temporariness is not determined and, in some cases, it evolves (or involves?) into protracted stalemate, which hinder further movements or integration.<sup>41</sup> Therefore, nowadays, the temporary characteristic of camps – established to offer a humanitarian response, contain, care and control displacement – is often overturned by policies transforming camps into permanent spaces of exception, governed by exceptional dispositions of juridical and administrative nature.<sup>42</sup> What is worthy of attention is, thus, the possibility for refugees and asylum seekers, to plan a life beyond camp, in a future perspective. However, as Turner noticed, in a situation in which the present is over-stretched and is over-lasting, the identification and shaping of future life plans is extremely

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<sup>38</sup> Turner, S., (2016) *What is a refugee camp? Explorations of the limits and effects of the camp.* *Journal of Refugee Studies* Vol.No.29.2, pp.139-148.

<sup>39</sup> Ramadan, A. (2013) *Spatialising the refugee camp.* *Transactions of the Institute of British Geographers*, Vol 38, No.1, pp. 65-77.

<sup>40</sup> *Op. cit.* 38

<sup>41</sup> Palestinians in Lebanon and Jordan, Saharawi in Algeria, Somalis in Kenya represent only some among the several examples of protracted stay in refugee camps, with entire generations born and grown in camp settlements.

<sup>42</sup> Martin, D., Minca, C., and Katz, I. (2020) "*Rethinking the camp: On spatial technologies of power and resistance.*" *Progress in Human Geography* Vol.No.44.4, pp. 743-768.

challenged.<sup>43</sup> Indeed, criticism has been increasingly emerging as far as long-term encampment is concerned, referring to such a policy with terms underlying its dehumanising nature.<sup>44</sup> As a consequence, the policy of long-term encampment contributes to exacerbate the so called PRS – Protracted Refugee Situations. Although falling outside the scope of the present research, PRS emerge as worthy of attention since they are turning into a common and widespread phenomenon in contemporary days. PRS have been defined – in 2004 by the UNHCR Standing Committee – as “a situation of 25.000 or more refugees that had been in existence for five or more years with no immediate prospect of a durable solution”, although the quantitative limit was removed in 2009 because it had limited the international community in the possibility to address other critical situations.<sup>45</sup> Indeed, the long-term encampment contributes to the deterioration of such situations because it hinders the realization of local integration as a durable solution. However, what should be taken into consideration when dealing with the criticism of long-term encampment, is the lack of provisions at international level concerning the end of emergencies. Since in time of emergencies rights protection and fulfilment might be subjected to some forms of derogation, the lack of guidance on when restrictions on human rights should cease to exist because no longer acceptable plays an important role.<sup>46</sup>

The policy of encampment affects both refugees and asylum seekers, whose condition is by the way worsened by the lack of recognition of legal refugee status, since, by definition, their claim has not yet been finally decided on by the country in which it has been submitted. Nevertheless, despite the long-term negative effects and lack in human rights protection and fulfilment that protracted

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<sup>43</sup> Turner, S., (2014) *"We wait for miracles -Ideas of Hope and Future among Clandestine Burundian Refugees in Nairobi"* in Pratter, D. and Cooper, E. (eds) *Ethnographies of Uncertainty*. Basingstoke; New York; Palgrave Macmillan, pp.173-191

<sup>44</sup> Sytnik, S., (2012) *"Rights displaced: The effects of long-term encampment on the human rights of refugees."* *Refugee Law Initiative*, Working Paper No.4, pp.1-32.

<sup>45</sup> *Ibidem*

<sup>46</sup> *Ibidem*

stay in camps may lead to, it is of fundamental importance to mention the role that humanitarian intervention has in what is largely considered as a place of exception, exclusion, confinement, violence. The premise leading to the emergence of refugees and asylum seekers camps is, clearly, the need to handle emergencies and crisis requiring a quick and effective response. In many cases, the lack of capabilities and resources by the State facing such emergency leads to the need of humanitarian intervention deployed by humanitarian organizations and agencies<sup>47</sup>. However, as Feldman argues, the presence and intervention of humanitarianism is an indication of the failure of States and societies to protect people, to manage conflict, to engage in effective responses to crisis and emergencies.<sup>48</sup> Considering camps as “spaces of exception” in Agamben’s view, it can be derived how powerlessness is considered to be the main characteristic of people who are accommodated therein: as a consequence, camps could be considered, beyond spatiality and temporality, as a humanitarian space, distant from crisis contexts, and thus allowing the deployment of assistance for people in need.<sup>49</sup> It is widely known that the main concern of humanitarian organizations and agencies in emergency is to ensure the availability of shelter, food, healthcare, water and sanitation and, as far as migratory crisis and emergencies are concerned, also registration for asylum, information dissemination, and legal aid. Moreover, depending on the available resources, other relief activities and educational projects could be implemented. In the light of humanitarianism’s role and interpretation in relation to the State’s failure in ensuring protection to refugees, asylum seekers, IDPs, in conjunction with Agamben’s concept of “state of exception” and the position individual in need of help have in this context, Turner critically argues that refugees are cared in terms of security and biological needs while perceived as disrobed of their political will and possibility to propose

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<sup>47</sup> *Ibidem*

<sup>48</sup>Feldman, I., (2015) “*What is a camp? Legitimate refugee lives in spaces of long-term displacement*”, *Geoforum*, Vol.No.66, pp. 244-252.

<sup>49</sup> *Ibidem*

political claim: it seems that, in order to be worthy of received assistance, the receiver must be purely human, without political will, without a past, without agency, without demands, what Agamben would refer to as *homo sacer*.<sup>50</sup>

Nevertheless, in the view of the undeniably fundamental role played by humanitarian organizations and agencies, camps cannot only be considered as places of exclusion and deprivation, but a certain degree of protection is worthy to be recognised. What is mostly at stake in contemporary days is not the efficiency of camps in giving a quick and cost-effective response to emergencies, but the maintenance and prolonged use of such instrument once the emergency has been overcome, in terms of effects that the policy of encampment has on the physical and psychological balance of refugees and asylum seekers, and in relation to the possibility of an effective integration within the host country once the refugee status has been recognised to asylum seekers, and a legal recognition has been completed. Prolonged stay in camp has turned to be a limitation in the long run, both in terms of enjoyment and fulfilment of several fundamental rights and freedoms that are not taken care of in camp settlements, and development of the self. Although rules in camps are not homogeneous, and camps may differ in terms of size, capacity, location, population accommodated therein, rules, restriction and conditions, the lowest common denominator remains the difficulty to fully integrate in what is considered to be the refuge country, and to trigger a process of development and self-reliance which might lead to the establishment of an independent life, without the need to rely on humanitarian assistance in exchange of one's political will and rights.<sup>51</sup>

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<sup>50</sup> Turner, S. "What is a refugee camp? Explorations of the limits and effects of the camp." *Journal of Refugee Studies* Vol. No.29.2 (2016): pp.139-148.

<sup>51</sup> *Op.cit.* 48

## **1.2. Unaccompanied foreign children: definitions and the extreme vulnerability in the context of international displacement.**

When it comes to identify the categories of people constituting the broader group of “people on the move”, what clearly emerges is the presence of a high number of children. However, the indication and use of the word “children” in this context does not reflect with precision the different subgroups transiting the Balkan Route(s) in our specific focus – which will be defined in the next section – or any other route followed by migrants. As a matter of fact, accompanied children, unaccompanied children, or separated children represent the main categories identifiable therein and which will be defined in this section. As shown in *Graph 2 – Age distribution*, all interviewees in the Centar Za Azil Bogovađa have a declared age comprised between fifteen and seventeen years old: the aim of the research was, indeed, to study the three identified variables – respectively freedom of movement, right to education, and personal development – through the experiences and perceptions of unaccompanied minors (UAMs), who might be considered to be the most vulnerable group in relation to international displacement.

In order to have a clear idea of terminology which will be used henceforth, it is essential to start from definitions provided for by international legally binding instruments and international organizations and institutions. To start with, art. 1 of the 1989 United Nations Convention on the Rights of the Child (UNCRC)<sup>52</sup> 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.»<sup>53</sup> As immediately visible from art. 1, the text does not differentiate nationals from non-nationals, and the use of the wording “every child” clearly implies the application

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<sup>52</sup> The UNCRC was adopted and opened for signature, ratification and accession by the UN General Assembly resolution 44/25 of November 1989, and entered into force on September 2<sup>nd</sup>, 1990.

<sup>53</sup> United Nations Convention on the Rights of the Child, UNGA res. 44/25 (1989), art. 1. Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf> [Accessed: 15<sup>th</sup> June 2021]



of the rights and provisions contained in the CRC to all children on the territory under jurisdiction of the State Party in question. Furthermore, the Convention openly refers to minor asylum seekers and refugees in art. 22(1), establishing that States parties shall adopt any measure to ensure appropriate protection and humanitarian assistance to any refugee or asylum-seeking child, whether accompanied or unaccompanied<sup>54</sup>, thus not leaving any margin of doubt about whether or not the subject to the Convention are also third-country nationals. As a matter of fact, it is the Convention itself to mention unaccompanied children, however a specific definition is non included therein. Nevertheless, in 1997 UNHCR defined an unaccompanied child as «a person who is under the age of eighteen, unless, under the law applicable to the child, majority is attained earlier and who is separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so»<sup>55</sup>, adopting the definition of child set forth in the UNCRC and completing it accordingly. The above-mentioned definitions, therefore, have to be intended in the context of international migrations and, as a consequence, vulnerabilities and risks associated to childhood must be read in conjunction with elements related to trauma in general, both in the country of origin, and possible hardship, violence, abuse and smuggling experienced while on the route. As pointed out by Save the Children (StC), the broad category of “children on the move” can include children coming from different backgrounds and experiences and being on the move for different purposes. Following StC discourse and definition of “children on the move”<sup>56</sup>, it is observable how the category could include:

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<sup>54</sup> *Ibidem*, art.22.1

<sup>55</sup> UNHCR (1997) *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum*, Geneva, The Commissioner.

<sup>56</sup> “*Children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement, while it may open up opportunities, might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence*”.  
Save the Children (2013) *Save the Children’s Child Protection Strategy 2013-2015: Child Protection in Emergencies*, Save the Children.

- a. children who have been victims of trafficking;
- b. children who migrate for reasons usually falling outside the scope of art.1 of the 1951 of the Geneva Convention.
- c. children displaced by conflict, persecution, natural disaster, and thus including asylum seekers, refugees, and internally displaced people;
- d. nomadic children;
- e. children born to migrating parents in countries of transit or destination.<sup>57</sup>

Although different sub-groups have been identified, it is worthy to mention that, categories can overlap and intertwine during the long process of displacement. Thus, given the complexity of addressing the needs and vulnerabilities of displaced persons in general, special attention should be devoted to children, and in particular to unaccompanied children. Therefore, when addressing issues concerning unaccompanied minors seeking asylum in a certain country, the international standards to be considered are to be found in the 1951 Convention relating to the Status of Refugees and related 1967 Protocol, in conjunction with the 1989 Convention on the Rights of the Child<sup>58</sup>, since all provisions set forth in the three international legally binding documents have to be met to ensure full protection and humanitarian assistance to the most vulnerable characters of international displacement, to be considered children before being inserted in any category related to their legal status outside the country of origin. The UNCRC relies on four main pillars which represent the lighthouse of the childcare

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<sup>57</sup> Save the Children (2018), *Protecting children on the move. A guide to programming for children affected by migration and displacement*, London, Save the Children.

<sup>58</sup> UNHCR (1997), *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum*, Geneva, UNHCR.

worldwide, which are hereafter interpreted in the light of the General Comment No.6 (2005) of the UN Committee on the Rights of the Child<sup>59</sup>:

- i. art. 2 – principle of non-discrimination<sup>60</sup>: in relation to unaccompanied children, it forbids any kind of discrimination based on the child being unaccompanied or separated, or on his/her status – refugee, asylum seeker or migrant.<sup>61</sup>
- ii. art.3 – principle of best interest of the child<sup>62</sup>: as far as internationally displaced and unaccompanied children are concerned, such principle should be respected in all stages of the displacement, in order to ensure that any decision impacting the child’s life is made in accordance with his/her best interest. The identification and comprehension of the child’s best interest require, indeed, a comprehensive assessment of his/her identity, ethnic, linguistic, and cultural background, and of vulnerabilities and needs. However, unaccompanied minors travel – for definition – without adults in charge of their care: as a matter of fact, part of the action in the light of the best interest, concerns the appointment of a legal guardian in charge of the

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<sup>59</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. Available at: <https://www.refworld.org/docid/42dd174b4.html> [Accessed 1st July 2021]

<sup>60</sup> UNCRC art.2.1 “*States Parties shall 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.*”

United Nations Convention on the Rights of the Child, UNGA res. 44/25 (1989), art. 1. Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

<sup>61</sup> *Ibidem* 59, par.18

<sup>62</sup> UNCRC: art.3.1 “*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*”

United Nations Convention on the Rights of the Child, UNGA res. 44/25 (1989), art. 1. Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

representation, care, and safeguard of the unaccompanied minors in question.<sup>63</sup>

- iii. art.6 – the right to life, survival, and development<sup>64</sup>: unaccompanied minors, due to their condition of vulnerability, are much more exposed to risks, particularly as far as trafficking, smuggling, involvement in criminal activities, violence and exploitation are concerned. It goes without saying that the protection and fulfilment of art.6 is strictly intertwined with the protection and insurance of the best interest of the child; therefore, through the appointment of legal guardians and scheduled follow-up meetings with children, the State should ensure the full protection of the child.<sup>65</sup>
- iv. art.12 – right of the child to express his or her views freely<sup>66</sup>: the unaccompanied child’s views and wishes should be always considered. However, it also State’s duty to provide all necessary information concerning rights, entitlements, means of communication, country of origin’s current situation. Furthermore, children’s view should also be considered as far as guardianship, care and accommodation arrangements, and legal representation are concerned. However, it is fundamental that information is provided in a way considered to be understandable in relation to language

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<sup>63</sup> *Ibidem* 59, par.19-22.

<sup>64</sup> UNCRC: art.6.1 “*States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.*” United Nations Convention on the Rights of the Child, UNGA res. 44/25 (1989), art. 1. Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

<sup>65</sup> *Op.cit.* 59, para. 23-24

<sup>66</sup>UNCRC: art.12.1. “*States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*” 12.2.”*For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.*” United Nations Convention on the Rights of the Child, UNGA res. 44/25 (1989), art. 1. Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

and child maturity: indeed, translators and experts in the treatment of children should be present.<sup>67</sup>

A brief but necessary mention should also be made as far as EU is concerned, since the present research focuses on experiences and perceptions of unaccompanied minors interviewed in the Republic of Serbia, while waiting to move towards their destination country in Central or Northern Europe. EU law finds the applicable definition of unaccompanied minor (UAM) within the Directive 2011/95/EU (Recast Qualification Directive). According to art.2(1) of the Directive, UAM «is a minor who arrives on the territory of an EU Member unaccompanied by an adult responsible for them by law or by the practice of the EU Member State concerned, and for as long as they are not effectively taken into the care of such a person; or who is left unaccompanied after they have entered the territory of the EU Member State.»<sup>68</sup> What is peculiar about EU in relation to migrations, is that UAMs have explicitly been included within the category of the most vulnerable – as specified in art.20(1) of the Directive – together with «minors in general, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological or physical or sexual violence.»<sup>69</sup> Such vulnerability is related to the lack of guardianship which could expose unaccompanied foreign children to increased dangers and risks upon arrival to a new country (for instance, physical violence, trafficking, smuggling) and because of what special treatment and protection should be ensured.<sup>70</sup> Furthermore, in order to create a comprehensive framework for EU Member States, addressing the protection of UAMs found on the EU territory or at EU borders, in 2010 the European

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<sup>67</sup> *Ibidem* 59, par.25

<sup>68</sup> Directive 2011/95/EU (Recast Qualification Directive) art.2(1).

<sup>69</sup> Directive 2011/95/EU (Recast Qualification Directive) art.20(1).

<sup>70</sup> Morgano, F., (2020) "*Unaccompanied minors (UAMS) in the European Union*", *Osservatorio Nazionale sui minori stranieri non accompagnati*, Approfondimento n.4.

Commission elaborated the Action Plan on Unaccompanied Minors (2010-2014), a non-legally binding document that, however, has not led to the hoped outcome, since still nowadays many EU Members have not identified in their national legal frameworks a comprehensive and explicit response as far as the special needs and protection of UAMs are concerned.<sup>71</sup> Nevertheless, in the broader EU legal framework, there are different legal instruments concerning asylum and international protection, which include a specific mention of the UAMs' protection.<sup>72</sup>

What clearly emerges from the analysis of the available legal frameworks is the constant mention of the concept of "vulnerability" when addressing unaccompanied minors' displacement, which could be understood in relation to individuals or groups and, thus, posing a huge stress on the protection of the principle of best interest of the child. Such vulnerability – characterising displaced people in general – could be, indeed, increased by protracted stay on the route, absence of a family member during the migratory path, experience of trafficking or smuggling, and trauma related to experiences of violence, war, persecution, sudden death of close relatives in the country of origin.<sup>73</sup> As a matter of fact, scholars agree that, if compared to peers born in host countries, UAMs are considered to be more vulnerable, particularly in relation to two factors: the separation from their parents and lack of parental support, and the increased risks and dangers they have been exposed to both before and during the migratory trajectory.<sup>74</sup>

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<sup>71</sup> *Ibidem*

<sup>72</sup> Examples are: The Dublin III Regulation (604/2013/EU), the Qualification Directive (2011/95/EU), the Reception Conditions Directive (2013/33/EU), the Asylum Procedure Directive (2013/32/EU).

<sup>73</sup> Miloshevska, T., Fritzhand, A., (2018) "*Risk Factors Increasing Vulnerability Of Migrant Children.*" *Security Dialogues* Vol.No.9.2.

<sup>74</sup> Derluyn, I., (2018) "*A critical analysis of the creation of separated care structures for unaccompanied refugee minors.*" *Children and Youth Services Review* 92, pp.22-29.

Doubtlessly, the concepts of vulnerability and risk cannot be understood in objective and axiomatic terms. Individual experiences and backgrounds determine different declinations and degrees of vulnerability: it could be, for instance, said that vulnerability and risks acquire different shapes, and can mean different things, for people who are on the move – thus is a condition of vulnerability outside their own community, country of origin, social and cultural background, in which a legal status has to be determined in order to access care and protection – and those who are considered to be vulnerable within their own community, thus in a context in which the legal status is determined at birth and not rediscussed, thus rights and protections are not called into questions, accordingly.<sup>75</sup> When it comes to unaccompanied foreign children, in the matter in question, specific measures are adopted also as far as accommodation is concerned. Indeed, as an effect of the recognition of unaccompanied children as recipient of special measures of care and treatment, the proliferation of specific reception centres and asylum seekers camps for such a group has taken place both inside and outside EU.<sup>76</sup> However, the discerning factor, which allows unaccompanied children to enter separated care structures, is represented by age, prior age assessment procedure. When referring to “separated” care structure, the concept of separation is applied in two directions: the separation from adults and families on the move – who are accommodated in camps and receptions centres arranged to meet their needs – and from youth care structures dedicated to host country nationals only. As Derluyn argues, the reasons why third-country nationals are not cared in the same structures in which nationals are, could be retraced in three main factors: maturity, specific needs, and vulnerability. When it comes to maturity, it is analysed in the light of situations experienced by migrant children in both the country of origin prior displacement, and while on the route: as a matter of fact, policymakers tend to consider them more mature in virtue of the fact that they have lived alone for a long time while on the route, thus not relying on parental support even for the

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<sup>75</sup> *Op.cit.* 73, p.53

<sup>76</sup> *Op.cit.* 74, p.22

satisfaction of the most basic needs – shelter, food – and, due to cultural factors, in countries of origin they are considered to be more mature in terms of responsibilities and expectations they are attributed.<sup>77</sup> As far as the factor concerning basic needs is concerned, instead, it is mainly related to the new environment in which unaccompanied foreign minors are inserted once in the host country: lack of knowledge of the country’s language, culture, law, and systems leads to the necessity to identify *ad hoc* measures aiming at allowing them to familiarise with the new social, cultural, linguistic and legal context. Thirdly, in the light of Derluyn analysis, vulnerability is presented as the higher risk to develop mental health problems, identifiable as depression, anxiety, post-traumatic stress syndrome, having the lack of parental support and possible traumatic experiences lived on the route as determining factors.<sup>78</sup> Nevertheless, the same reasons why unaccompanied minors are dedicated separated care structures from national youth can be retraced in the need to separate them from adults – the so called “single men” –.

What is explicitly and directly understandable from the presented framework is the pivotal role played by age. As a matter of fact, unaccompanied minors are entitled of specific rights, treatment, care and protection measures in relation to the vulnerability and risks associated to their young age. Furthermore, all legal frameworks clearly remark the age factor in the definition of “child” or “minor”. However, in many cases age is the first obstacle hampering unaccompanied foreign children from accessing special care and treatments set aside for them. The main problems associated to age assessment are related to the length of procedure and instruments used to detect the age of unaccompanied migrants who present themselves as minors – as for instance the implementation of X-ray wrist or teeth analysis procedures – and, in many cases, the failure in identifying them as minors, together with the lack of adequate registration procedures, and lack of comprehensive legal frameworks at national levels defining a common practice to

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<sup>77</sup> *Ibidem*, p.24

<sup>78</sup> *Ibidem*, pp.24-26



be implemented, thus representing a limit for unaccompanied foreign children to access those special cares and treatments they are entitled of. Speaking in general terms, on the one hand, there is a widely accepted understanding of the vulnerability and risks associated to the conditions of children arriving in host countries without parents or adults responsible for them, as well as a broad number of legally binding instruments defining how such vulnerable situations should be handled; on the other hand, national practices go in different directions and protection is not always guaranteed.

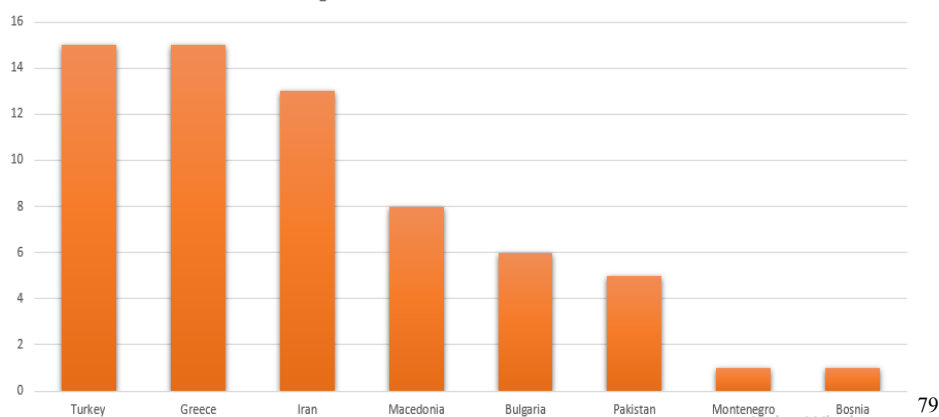
### 1.3. Migratory movements along the Balkan Route(s)

According to data collected on the field, what emerges is that the totality of respondents has crossed at least one of the transit countries forming the so-called Balkan Route, before reaching Serbia, in their attempt to reach their destination in Central and Northern Europe. As defined in the *Methodology* section, all interviewees are Afghan nationals (13), made exception for one respondent from Niger and one from Pakistan. However, although a relative heterogeneity can be found in the first part of the path – determined by the departure country of origin – , it is evident that Turkey represents a point of connection in the routes and the beginning of a relatively homogeneous trajectory which displaces migrants all along the Balkan Route.

Figure 4 - Countries crossed on the route



Figure 4 - Countries crossed on the route



As shown in *Graphs 4 – Countries crossed on the Route*, the totality of respondents has transited Turkey and Greece before proceeding through Bulgaria or the Republic of North Macedonia, representing the two mainly transited countries before entering the Republic of Serbia – with a residual role left for Bosnia and Herzegovina, and Montenegro<sup>80</sup> – before heading towards Romania, Croatia, Bosnia or Hungary in order to then reach the destination countries. As a matter of fact, in general, displaced people have two ways to enter the Balkans from Turkey: overland through Northern Greece and Northern Macedonia or reaching one of the Aegean Islands by boat.<sup>81</sup> The fundamental entry point for Turkey, for the majority of respondents (13) is the Islamic Republic of Iran after, in some cases (5,) transiting Pakistan also.

However, it is fundamental to underline that, what is commonly referred to as the “Balkan Route”, rather than being a single trajectory followed by migrants seeking asylum in EU countries, is the combination of two different routes, which are respectively the Eastern Mediterranean Route – from Turkey into Bulgaria and Greece – and the Western Balkan Route – from Greece and Bulgaria into

<sup>79</sup> Graphs only consider countries that respondents crossed before entering the Republic of Serbia which, accordingly, has not been included therein.

<sup>80</sup> The mention of Bosnia and Herzegovina and Montenegro as transited countries before entering the Republic of Serbia comes from the same interviewee.

<sup>81</sup> Obradovic-Wochnik, J., and Bird, G., (2020), "The everyday at the border: Examining visual, material and spatial intersections of international politics along the 'Balkan Route'." *Cooperation and Conflict*, Vol.55.1, pp.41-65

Macedonia and Serbia –.<sup>82</sup> The intensity of migratory fluxes on the two routes depends, of course, on the limitations and restrictive policies adopted by the government of those countries primarily interested in this process.



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What triggered the emergence of the Balkan Route(s), as a way for migrants to seek refuge, was a change in the policy applied in the Mediterranean Sea. In October 2014, the Operation Mare Nostrum was substituted by the Border Surveillance Operation Triton of Frontex.<sup>84 85</sup> Therefore, during the two years between 2014 and 2016, among the almost one million people who arrived in Germany, the 80% was found to have crossed the Balkan countries, following a homogeneous path represented by Turkey-Greece-North Macedonia-Serbia-

<sup>82</sup> Melchionni, M. G., (2018) "Migrations' changing scenario: the new Balkan Route and the European Union." EDMONDA, *Rivista di Studi Politici Internazionali* Vol.No 85.2 (338), pp.189-206.

<sup>83</sup> Source: Border Violence Monitoring Network

<sup>84</sup> *Op.cit.* 82, p.190.

<sup>85</sup> The three main differences between the two policies mainly concern the subject carrying out activities, budget allocation, and modus operandi. As a matter of fact, the Operation Mare Nostrum – established upon decision of the Italian government led by Enrico Letta – was carried out by the Navi, Coast Guard, and the Italian Finance Police, whereas the Border Surveillance Operation Triton was under Frontex control and EU funding. Moreover, the budget allocated to the first operation consisted of 9.5 billion euros per month, while the second was allocated a 2.9 billion euros of monthly budget. On the one hand, first operation had a military and humanitarian character, aiming at ensuring the safeguard of migrants crossing the Mediterranean by boat, and contrasting any kind of smuggling and trafficking in human beings: operation of search and rescue were carried out in both national and international water, even beyond thirty miles from the coast. On the other hand, Frontex was carrying out rescue operations only in case of extreme need, never heading towards the Libyan coast beyond the thirty miles from the Italian coast, since the main purpose was the borders control and protection.

Hungary-Slovenia.<sup>86</sup> During those years, the Balkan Route(s) stood for the only available channel to reach Central and Northern European countries, in the context of what has been defined as the “refugee crisis” – labelled by the International Organization for Migration as the harshest in Europe since World War II <sup>87</sup> – although the concept of “crisis” would need clarifications as well. The establishment of the Balkan Route(s) not only allowed migrants to reach their destination countries avoiding the dangers and extreme hardships of the Central Mediterranean Route, but it also changed the nature of the Balkan countries in relation to asylum policies. As a matter of fact, the decision of Germany, during summer 2015, to apply the discretionary clause in the Dublin III Regulation<sup>88</sup>, led to the creation of a corridor along the Western Balkan Route.<sup>89</sup> In practice, derogating art.3 of the Reg. 604/2013/EU, Germany decided to apply art.17 <sup>90</sup>, thus taking the charge of the examination of asylum applications lodged by third-country nationals, although Germany was not the country of first entry and, therefore, not responsible for such examination according to dispositions contained in the Dublin III Regulation. Such decision, as above-mentioned, changed the status of Balkan countries since they turned from EU countries and possible candidates to welcome, process, and approve asylum applications, into transit countries.<sup>91</sup> As a response, the transit countries started to act as transport countries as, for instance, Croatia did in the organization of migrants’ transfers

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<sup>86</sup> *Op.cit.* 56, p.189

<sup>87</sup> Sardelić, J., (2017) "*From temporary protection to transit Migration: Responses to refugee crises along the Western Balkan Route.*" *Robert Schuman Centre for Advanced Studies Research Paper No. RSCAS 35.*

<sup>88</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person

<sup>89</sup> *Op.cit.* 35

<sup>90</sup> Reg. 604/2013/EU, art. 17.1 “By way of derogation from Article 3(1), each Member State may decide to examine an application for international protection lodged with it by a third-country national or a stateless person, even if such examination is not its responsibility under the criteria laid down in this Regulation. [...]”

<sup>91</sup>*Op.cit.*87

through trains from the Serbian to Slovenian border with neither stopping on the Croatian territory, nor registering migrants possibly eligible for refugee status.<sup>92 93</sup> Such policy allowed, in the period of the peak, several asylum seekers mainly coming from Syrian, Afghanistan, Iran and Iraq to see their asylum applications processed and positively determined in Germany, which was – and still is – one of the main destination countries for Asian migrants.

However, in 2016 the Western Balkan Route was officially closed through the signature of the EU-Turkey agreement, under auspices of the former president of the European Council Donald Tusk to “end the irregular flows of migrants along the Balkan Route”. Nevertheless, the formal closure of the route did not stop migrant flows toward the European Union and, as a matter of fact, two main negative consequences could be identified: the migrants’ intensified reliance on networks of human smugglers who adapted their smuggling activities to new routes and circumstances, and the forced prolonged stay in asylum seekers’ camps, posing an heavy burden on both migrants’ delayed reach of destination countries, and transit countries struggling to adapt their asylum and accommodation policies to quite intense fluxes<sup>94</sup>. Furthermore, the adoption of closed-borders, fences-construction, and pushbacks unlawful policies by countries like Croatia and Hungary exacerbated the saturation of the major transit countries – such as Serbia or Bulgaria – in complying with national and international asylum laws and standards, thus denying the effective international protection that refugees and asylum seekers should be granted. It is therefore observable that, despite the formal closure in 2016, the Balkan Route has not stopped being a strenuous, time-consuming, dangerous but necessary transition region for displaced people mainly

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<sup>92</sup> *Ibidem*

<sup>93</sup> The non-registration policy applied by Croatia could be considered as a safety-side policy because, in case Germany had decided to stop applying art.17 of the Reg 604/2013/EU, Croatia could not have been considered the first entry country of those asylum seekers who had previously been transferred to Germany.

<sup>94</sup> *Op cit.* 82, p.193.

coming from Afghanistan, Syria, and Iraq, with around 21,000 new arrivals from Greece occurred in 2019.<sup>95</sup>

Neither high fences and closed borders, together with pushbacks, extreme violence recorded at the borders, need to rely on smugglers, and poor reception and protection conditions have stopped migrants from walking the Balkan Route(s) and attempt to reach Central and Northern European countries, fleeing situations of conflicts, persecution, extreme poverty, natural disaster, nor has Covid-19 pandemic with the establishment of lockdowns in many countries and military forces deployment along borders and within and beyond asylum seekers camps. According to UNHCR data, for instance, in the Republic of Serbia in March 2020 there were around 9000 registered asylum seekers, the majority of whom was represented by Afghan nationals, and with the majority crossing into Serbia from North Macedonia<sup>96</sup>. However, the number of the overall presents drastically decreased during the months comprised between March and October 2020, thus showing two trends: on the one hand, less arrivals were registered; on the other hand, movements along the Route were not stopped by the pandemic, since some of the overall present migrants in the country crossed borders of neighbouring country to continue their path towards EU. As acknowledged by Save the Children, during the months of April, May and June 2020, recorded arrivals in countries all along the Balkan Route were diminishing if compared to numbers of the first quarter of the year, probably due to the border closure of countries applying containment measures. However, even though arrivals to the peninsula did not increase following the trends of the previous months, and restrictive measures were applied to asylum seekers centres also, movements between countries were intense, as the example of Bosnia and Herzegovina and

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<sup>95</sup> UNHCR (2019) Mediterranean situation. Available at: <https://data2.unhcr.org/en/situations/mediterranean/location/5179> [Accessed: 23rd June 2021].

<sup>96</sup> UNHCR, (October 2020) *Serbia Stat Snapshot*. Available at: <https://www.unhcr.org/rs/en/country-reports> [Accessed: 23rd June 2021]

Serbia confirm<sup>97</sup>, although in Greece – in 2020 – there was a reduction of arrivals of the 78.9% if compared to 2019.<sup>98</sup>

As mentioned, one of the main consequences recallable due to the formal closure of the Balkan Route could be observed on the impact such a policy had on the asylum seekers reception centres. Not only former “transport countries” had to adapt to the prolonged stay of asylum seekers on their national territory in a moment in which nationalisms were rising all over Europe with a particular stress on the Balkans, but also adapt reception facilities and accommodation standards to the needs of a growing number of persons, although inferior if compared to the number recorded during 2015-2016. Former transit countries had to deal with growing number of migrants stuck on their territory, while waiting to cross borders and continue their route towards Central and Northern European countries, and provide an accommodation respecting the minimum standards for reception set forth in international and regional documents. Furthermore, greater attention had to be earmarked to children travelling across the Balkan Route(s) especially unaccompanied and separated ones.

#### **1.4 Refugees and asylum seekers camps, UAMs, and the Balkan Route(s) meeting point: the Republic of Serbia.**

The Balkan Route(s), as described in the previous paragraph, represents the main trajectory travelled by migrants during what IOM has labelled as the ‘refugee crisis’, concerning the two-year period of 2015-2016. However, what has been identified as a crisis determined by the large influx of migrants, asylum seekers and refugees towards EU countries, could be also read through the lens of the incapacity and unpreparedness of the EU institutions and agencies to cope with it and provide effective response to the needs of millions of people displaced by

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<sup>97</sup> Save the Children, (2020) “*Refugees and migrants at the Western Balkans Route. Regional Overview April-June 2020*”, Belgrade, Balkans Migration and Displacement Hub Data and Trends Analysis.

<sup>98</sup> AIDA, (2020) “Country report – Greece”, in Greece Country Report 2020, Asylum Information Database (2020). Available at: [https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-GR\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-GR_2020update.pdf) [Accessed: 25<sup>th</sup> June 2021]

conflicts, violence, human rights violations, prosecution, economic reasons. During 2015-2016, the Republic of Serbia – due to its central position in the Balkan peninsula – has represented one of the main transit countries for migrants on the route, especially after the German decision to apply art.17 of the Dublin III Regulation.<sup>99</sup> <sup>100</sup> It was estimated that over a million people transited the Republic of Serbia while heading to their destination countries in Western and Northern Europe.<sup>101</sup> As a matter of fact, both during the peak of the “refugee crisis” in 2015 and after the official closure of the corridor established along the Balkan Route, Serbia has been considered the major transit country to get to EU, due to its geographical position. Migrants can cross into the Republic of Serbia from both Bulgaria or North Macedonia, and then continue their path towards their destination countries through four different trajectories – despite the problem represented by the imperviousness of the borders –: Romania, Hungary, Croatia, or Bosnia and Herzegovina. However, the decision of Hungary, and then Slovenia and Croatia, to make their borders impervious, changed the nature of Serbia: from a transit country, it turned into a gatekeeper of the EU, since a growing number of people on the move was stuck on the Serbian territory as a result of the strict border securitization policies adopted by the abovementioned EU countries, which represent the entry point to then head towards Central and Northern Europe. Doubtlessly, not only the Serbian governmental and non-governmental organizations were impacted by such change, but also refugees and asylum seekers’ average time on the route was extended: the situation of people on the route evolved from brief transit into prolonged stay.<sup>102</sup> What is notable to mention is the attitude the Republic of Serbia showed towards refugees and asylum seekers at the beginning: due to the historical experience of the Serbian nation, and the

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<sup>99</sup> Derogation to art. 3 of the same regulation: Reg. 604/2013/EU, art.

<sup>100</sup> Bogucewicz, M., "The consequences of the migration crisis on the Balkan route and human rights: The current situation and prospects in Serbia." *Eastern Review* 9 (2020): p.149 .

<sup>101</sup> UNHCR, Serbia, <https://www.unhcr.org/see/where-we-work/serbia> [Accessed: 27<sup>th</sup> June 2021]

<sup>102</sup> *Ibidem*



large Serbian diaspora abroad, Serbs showed empathy and solidarity with migrants and refugees transiting or staying in Serbia after the large influx recorded in the region in 2015.<sup>103</sup> As data referring to the 2015-2020 period show, 150.360 migrants crossed into the Republic of Serbia, with the largest group being represented by people having Afghanistan as country of origin (58.197), followed by Pakistan (26.413), Syria (19.298), Bangladesh (8.791) and Iran (8.208).<sup>104</sup> <sup>105</sup> As demonstrated by UNHCR data, not even during the Covid-19 pandemic fluxes stopped all along the Balkan Route(s), and neither it happened in the Republic of Serbia. As a matter of fact, the number of migrants and asylum seekers within the Serbian territory drastically decreased during the outbreak of the pandemic and the following months, presenting a double trend: on the one hand, less people were able to cross into Serbia; on the other hand, many already present on the territory left the country, continuing their route towards EU, demonstrating how the role of transit country played by Serbia between 2015-2016 had not faded yet.<sup>106</sup> Furthermore, an increase in the number of new arrivals started to be recorded in June 2020, after the slackening of the national lockdown measures and border closures adopted by countries on the route: 2.961 refugees and asylum seekers in total arrived during the April-June 2020 period, with a 71% occurring in the month of June alone.<sup>107</sup> Once again, following the trend of the previous years, the majority of new arrivals in the second quarter of 2020 came from Afghanistan (37%), followed by migrants and asylum seekers from Pakistan (32%), Syria

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<sup>103</sup> *Op.cit.* 100

<sup>104</sup> Ilic, D., Dedanski, V., (2020) “*The rights of Migrant Children during Pandemic in Serbia*” in YEARBOOK HUMAN RIGHTS PROTECTION: THE RIGHT TO HUMAN DIGNITY, Provincial Protector of Citizens – Ombudsman, Vol. No.3, Novi Sad, pp.652-653

<sup>105</sup> The number data indicate does not represent the totality of entrances, particularly for the 2015-2016 period when, due to the establishment of the corridor along the Balkan Route headed to Germany, in conjunction with the role of “transit” and “transport” countries played by countries along the route, many migrants did not undergo registration procedure: as a consequence, the number here indicated is not totally representative.

<sup>106</sup> UNHCR, (2020) *Serbia Stat Snapshot*. Available at: <https://www.unhcr.org/rs/en/country-reports> [Accessed: 23<sup>rd</sup> June 2021]

<sup>107</sup> *Ibidem*

(8%), Bangladesh (8%) and other minorities crossing into Serbia mainly from North Macedonia (89%), whereas arrivals from Albania, Kosovo and Bulgaria were drastically inferior if compared to the previous year.<sup>108</sup> If considering the third trimester of 2020, instead, it is evident that the drastic reduction of new Covid-19 infections triggered major influxes of migrants along the Balkans: as reported by UNHCR data, during July, August and September 2020, 9.500 new arrivals could be registered in the Republic of Serbia<sup>109</sup> – most of those entered from North Macedonia (52%) and Bulgaria.<sup>110</sup> However, a high discrepancy in numbers can be noticed when referring to this trimester: on the one hand, the number provided by UNHCR, on the other hand the one provided by IOM, according to which almost 15.165 new arrivals occurred on the Serbian territory.<sup>111</sup> Anyway, regardless of the numerical discrepancy, in both measurements Afghan nationals remained the most copious group among the nationalities included in the total new arrivals.<sup>112</sup> In the last trimester of 2020, instead, the Republic of Serbia witnessed the entrance of 6.228 new migrants and asylum seekers – mainly crossing from North Macedonia and Bulgaria – although also in this case a divergence in number can be recalled: as a matter of fact, IOM argues that real number of new arrivals accounts to more than twice the one provided by UNCHR.<sup>113</sup>

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<sup>108</sup> Save the Children, (2020) “*Refugees and migrants at the Western Balkans Route. Regional Overview April-June 2020*”, Balkans Migration and Displacement Hub Data and Trends Analysis,

<sup>109</sup> *Op.cit.* 106

<sup>110</sup> Save the Children, “*Refugees and migrants at the Western Balkans Route. Regional Overview July-September 2020*”, Belgrade, Balkans Migration and Displacement Hub Data and Trends Analysis, Belgrade, (2020).

<sup>111</sup> International Organization for Migration (IOM) (October 2020), *Quarterly Regional Report DTM Europe: Displacement Tracking Matrix July-September 2020*. Available at: [https://migration.iom.int/system/tdf/reports/Q3%202020%20Narrative%20Overview\\_final.pdf?file=1&type=node&id=10025](https://migration.iom.int/system/tdf/reports/Q3%202020%20Narrative%20Overview_final.pdf?file=1&type=node&id=10025) [Accessed: 27<sup>th</sup> June 2021]

<sup>112</sup> *Op.cit.* 110

<sup>113</sup> Save the Children, (2020) “*Refugees and migrants at the Western Balkans Route. Regional Overview October-December 2020*”, Belgrade, Balkans Migration and Displacement Hub Data and Trends Analysis.

When it comes to unaccompanied children – representing an important segment of migrants and asylum seekers transiting the Balkan Route(s) in general, and the territory of the Republic of Serbia in particular – it is significant to mention that UAMs are considered to be the most vulnerable group and their exposure to dangers, smuggling, and human rights violations arouses greater concern if compared to children travelling with families, or single men.<sup>114</sup> The main dangers and vulnerabilities they are exposed to are determined by both age, and exposure to traumatic experiences both in the country of origin and while on the route, thus posing a heavy burden on their psychological balance and further development in personal and social terms. According to Save the Children team conducting assistance and research activities in the Balkan region, children who travel unaccompanied, mainly come from countries characterised by widespread violence and conflict, such as Afghanistan, Pakistan, Syria, Iraq.<sup>115</sup> As a matter of fact, considering new arrivals occurred in the last three trimesters of 2020, it is observable that a wide portion consisted of children travelling alone: according to Save the Children reports, the 62% of the 2.691 migrants entering the Republic of Serbia in the April-June period were children and, among them the 54% was represented by UASCs<sup>116</sup>; the proportion, instead, decreased in the subsequent two analysed trimesters, since in the July-September period only the 15% of the 9.500<sup>117</sup> new arrivals were children showing, however, a huge percentage of unaccompanied ones (60%)<sup>118</sup>. Such a trend can be seen also in the fourth trimester of 2020 when the 24% of the migrants and asylum seekers entering the

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<sup>114</sup> Bogucewicz, M., (2020) "*The consequences of the migration crisis on the Balkan route and human rights: The current situation and prospects in Serbia.*" Eastern Review 9, pp.149-167

<sup>115</sup> *Ibidem*

<sup>116</sup> *Op.cit.108*, pp.6-7

<sup>117</sup> As clarified, a certain discrepancy is recorded between data provided by UNCHR and IOM. However in this specific part, UNHCR are used, following information provided within Save the Children report.

<sup>118</sup> *Op.cit. 110*, pp.6-7

Republic of Serbia was represented by children, 76% of whom was travelling unaccompanied.<sup>119</sup>

The Republic of Serbia, likewise any other State party to the UNCRC, recognises the need of special care and protection for children in general, and children travelling unaccompanied by parents or any other figure responsible for them. Therefore, through the ratification of the Convention on the Rights of the Child<sup>120</sup>, the Republic of Serbia became responsible for the special care and protection of all children under its jurisdiction, regardless of their citizenship, and thus including also children without citizenship, children refugees and children migrants.<sup>121</sup> Furthermore, since Serbia is one of the candidates for the EU membership, the standards and policies adopted at national level for the treatment of migrants and refugees have been deeply impacted by the political decision taken at EU level<sup>122</sup>, since the status of candidate requires the State in question to harmonise its national policies and further implementation with EU standards and regulations.<sup>123</sup> Since the formal closure of the Balkan Route signed by the EU-Turkey deal in 2016, Serbia shifted from a country of brief transit into a country of prolonged stay in which migrants and asylum seekers are stuck in a sort of limbo. Besides the international legally binding documents directly or indirectly addressing, *inter alia*, issues related to migration and to which the Republic of Serbia is part to – the 1951 Convention on the Status of Refugees and relative 1967 Protocol, the International Pact on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; the Convention on the Refugee Status with the Final Act of the Conference of Plenipotentiaries of the

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<sup>119</sup> *Op.cit.* 113, pp.6-7

<sup>120</sup> It was ratified by the former Socialist Federal Republic of Yugoslavia, and the Republic of Serbia could become part of it as an effect of the dismemberment of the former Yugoslavia.

<sup>121</sup> *Op.cit.* 113, p.13

<sup>122</sup> Kasic, B., Milic, N., Sahovic, V., (2017) *Unaccompanied and Separated Children in Serbia*, Belgrade, Belgrade Centre for Human Rights.

<sup>123</sup> Tomić-Petrović, Nataša, M., (2017) "*CHALLENGE OF MIGRATIONS–THE CASE OF SERBIA.*" *Curentul Juridic* Vol. No. 68.1, pp.32-41.

United Nations on the Refugee Status; the Convention on the Legal Status of Stateless Persons; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities; the International Convention for the Protection of All Persons from Enforced Disappearance – at national level there are five main instruments through which asylum procedures, reception conditions, detention, and protection are regulated<sup>124</sup>:

- a. the Constitution of the Republic of Serbia: art.57(1) enshrines the right to asylum, stating that «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.»<sup>125</sup>
- b. the Act on Asylum and Temporary Protection – entered into force in June 2018 and replacing the former Asylum Act of 2008 – which governs all aspects related to the asylum procedure and the terms according to which the status and protection of asylum seekers is determined<sup>126</sup>;
- c. the Foreigners Act art.1 defines the purpose of the law, concerning «[...] the criteria for entry, movement, stay and return of foreigners, as well as the competences and tasks of state authorities in the Republic of Serbia with

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<sup>124</sup> AIDA, “Country report – Serbia”, Asylum Information Database (2020). Available at: [https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR_2020update.pdf) [Accessed: 27<sup>th</sup> June 2021]

<sup>125</sup> Constitution of the Republic of Serbia, Official Gazette no.83/06, art.57(1).

<sup>126</sup> Law on Asylum and temporary Protection, Official Gazette of the Republic of Serbia no.24/2018.

regard to entry, movement and stay of foreigners on the territory of the Republic of Serbia and their return from the Republic of Serbia»<sup>127</sup>.

- d. the General Administrative Procedure Act (GAPA): it entered into force in March 2016, with the purpose of regulating and improving the management of administrative agencies, with the twofold objective to improve such management in the light of EU standards. Art.1(1) defines that «State administrative agencies and other state agencies are obligated to observe this Act when in administrative matters, by directly applying regulations, they adjudicate the rights, obligations or legal interests of citizens; that is, legal persons or other parties», thus including in the wording “legal persons or other parties” also non-citizens being on the territory under jurisdiction of the present law<sup>128</sup>; and the Administrative Dispute Act<sup>129</sup>;
- e. the Migration Management Act: the law was adopted in 2012 in order to manage, as the name itself suggests, all aspects related to migration in the Republic of Serbia. As a matter of fact, art.1 affirms that *«this Law shall regulate the management of migration, the principles, the competent authority for managing migration as well as the unified system for data collection and exchange in the field of migration management.»*<sup>130</sup> Such a law also determines – within art.9, 10,11 – the competencies of KIRS and its prominent role in the management of migratory fluxes, and asylum and reception and transit centres established on the Serbian territory.

Having defined the international and national legal framework within which all aspects related to third-country nationals’ presence on the territory of the Republic of Serbia are regulated, it is fundamental to mention the role played by the Family

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<sup>127</sup> The Foreigners Act, Official Gazette of the Republic of Serbia no.24/2018.

<sup>128</sup> The General Administrative Procedure Act, Official Gazette of the Republic of Serbia no.18/2016 and 95/2016.

<sup>129</sup> The Administrative Dispute Act, Official Gazette of the Republic of Serbia no.111/2009.

<sup>130</sup> Law on Migration Management of the Republic of Serbia, Official Gazette no.107/2012.

Act<sup>131</sup> when the subject in question is an unaccompanied foreign child. As a matter of fact, considered the vulnerability and risks children could be exposed to, the Centre for Social Work is responsible for the assessment of the practices and protection measures to be applied in order to ensure specific care and protection to children on the move.<sup>132</sup> The Family Act, indeed, does not differentiate subjects to law on the basis of citizenship, thus the provisions indicated in artt.125-126 concerning guardianship and the appointment of a temporary guardian in case of children not under parental care, applies to third-country nationals too, as defined within art.127 stating «Child without parental care (minor ward) or person of age who is deprived of business capacity (mature ward) are placed under guardianship.»<sup>133</sup> In order to ensure the right care and protection to unaccompanied foreign children – in the light of the best interest of the child defined in art.3 of the UNCRC – the Republic of Serbia’s legal framework provides for the appointment of temporary legal guardians who are legal representatives of the children in question in all matters concerning accommodation, health care, education, and asylum procedure. When it comes to accommodation structures for migrants and asylum seekers, the Republic of Serbia counts nineteen facilities in total, distinguished in two categories:

- a. asylum centres – AC(s) (5): Banja Koviljača, Bogovađa, Tutin, Sjenica, Krnjača;<sup>134</sup>
- b. reception and transit centres – RTC(s) (14): Preševo, Bujanovac, Vranje, Pirot, Dimitrovgrad, Bosilegrad, Obrenovac, Šid, Principovac, Adaševci, Sombor, Subotica, Kikinda and Bela Palnaka (‘Divljana’).

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<sup>131</sup> Family Law, Official Gazette of the Republic of Serbia no. 18/2005

<sup>132</sup> Branković, I., Isakov, A. B., (2018) "*CHILD PROTECTION OF CHILDREN ON THE MOVE-SERBIAN CONTEXT.*" *Human: Journal for Interdisciplinary Studies* Vol. no. 8.1, pp.17-26

<sup>133</sup> *Op. cit.* 131, art.127

<sup>134</sup> Among the five ACs, two are accommodating unaccompanied minors only: Bogovađa and Sjenica.



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All facilities – according to provisions set forth within the Act on Asylum and Temporary Protection – are managed by the Commissariat for Refugees and Migration of the Republic of Serbia (KIRS), and have been established by Government’s decision, set forth within art.51 of the above-mentioned law, which defines as follows:

«Pending the adoption of the final decision on their asylum application, the applicants shall be provided with the material reception conditions at the Asylum Centre or other facility intended for accommodation of applicants. The Government shall by means of a decision establish one or more asylum centres. The Government shall by means of a decision, designate one or more facilities intended for the accommodation of applicants. The operation of the Asylum Centre or other facility intended for the accommodation of the applicants, shall be managed by the head of the Commissariat who shall pass its act regulating the internal organisation and job classification at the Asylum Centre or other facility intended for the accommodation of applicants. Funds necessary for operation of asylum centres and other facilities intended for accommodation of applicants shall be allocated from the Republic of Serbia.»<sup>136</sup>

The differentiation between AC(s) and RTC(s) is determined by the subjects accommodate therein: the first should accommodate and ensure shelter, food,

<sup>135</sup> Source: UNHCR Serbia

<sup>136</sup> Law on Asylum and Temporary Protection, Official Gazette of the Republic of Serbia no.24/2018, art.51.



medical care, education, information dissemination and legal aid to asylum seekers, therefore to those who have explicitly expressed interest in starting asylum procedure in Serbia; the latter – many of which were opened in 2015 in order to provide emergency assistance and accommodation to people irregularly transiting Serbia to reach their destinations – are meant to accommodate migrants who have not formalised their intention to apply for asylum in the Republic of Serbia. In general, the overall capacity of the reception centres is of 5.665 total available places, divided into 1.920 available in ACs and 3.745 in RTCs.<sup>137</sup> In general terms, what could be derived from the way the Republic of Serbia has dealt with the large influxes of migrants from 2015 onwards, is that a great effort has been showed by national institutions and agency in responding to the needs of persons on the route, particularly in the light of two factors: the historical background of the country and the wide Serbian diaspora abroad, and the role played by its geographical position, which is the main factor which turned the Republic of Serbia into the main transit country firstly, and the main gatekeeper of EU secondly.

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<sup>137</sup> AIDA, (2020) “Types of accommodation – Serbia” in Country Report Serbia 2020 | Asylum Information Database. Available at: [https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR_2020update.pdf) [Accessed: 27<sup>th</sup> June 2021]

## **CHAPTER II – Freedom of movement: between legal provisions and UAMs’ experiences and perceptions.**

### **2.1 The definition of the freedom of movement: legal frameworks and respondents’ perceptions.**

When it comes to deal with migrations, both at national, regional, or international level, it is inevitable to recall the idea of movement; indeed, the definition provided for by IOM includes the word “movement” in the sentence used to define the phenomenon.<sup>138</sup> Therefore, the two concepts result theoretically steadily intersected, although in practice such movements are not always guaranteed in the name of national legislations hindering the enjoyment of one of humans’ basic freedoms: the freedom of movement. However, the idea of migration itself links movement to the individual’s decision – whether or not forced by exogenous elements – to flee one’s country in order to find protection, and then settle, in a third country. What must be taken into consideration as well is the freedom of movement which should be guaranteed on the territory of a certain country, thus the identification of the right to decide where to live, where to go, where to settle within the borders of the country in question. Hence, the element linking the freedom of movement to the present research project, and the reason why such freedom has been identified as a variable to be analysed in the context of unaccompanied foreign children’s experiences and perceptions in relation to life in asylum seekers’ camps and reception and transit centres. The existing relation between accommodation facilities – whether in the form of ACs or RCs – and the concept of freedom of movement, can result in different declinations, depending on many variables, which could be found in both the legally binding instruments on the country in question, and in the nature of centres, thus depending on such centres being open or closed centres, detention centres or, more generally, subjected to specifically rules as far as freedom to leave and go back is concerned. Indeed, in the present research, freedom of movement will be analysed in relation

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<sup>138</sup> IOM defines the term “migration” as “*The movement of persons away from their place of usual residence, either across an international border or within a State.*”

to the national dimension of the provision, rather than focusing on the wide international practice of leaving one's country and entering – whether lawfully or unlawfully – another country. However, before examining the set of rules applied within the ACs and RTCs mentioned by interviewees, it is worthy to identify the different declinations adopted to define the concept of “freedom of movement” within international and national legal instruments. Specifically, as far as the national instruments are concerned, the paragraph will devote attention to the ones actively applied in the Republic of Serbia only, since it represents the setting in which the research project has taken place and on which major attention has been drawn by respondents during interviews.

### **2.1.1 Provisions between international and national legal frameworks.**

*“1. Everyone has the right to freedom of movement and residence within the borders of each State.*

*2. Everyone has the right to leave any country, including his own, and to return to his country.”<sup>139</sup>*

The Universal Declaration of Human Rights (UDHR), adopted on the 10<sup>th</sup> December 1948, and considered the lighthouse of Human Rights Law, is the first international non-legally binding document in which a definition of “freedom of movement” can be traced. Art.13 approaches such freedom from three directions: firstly, the right to move and choose the place of residence within the territory of the country [UDHR 13(1)]; secondly, the right to cross an international border [UDHR 13(2)] and, thirdly, in conjunction with the previous part, the right to return to one's country after having left it.<sup>140</sup> The UDHR doubtlessly represents the first and forward-looking document from which further developments in the human rights field rose. However, as the name itself suggests, the non-legally binding nature of the declaration required major efforts in the identification of

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<sup>139</sup> Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., U.N. Doc. A/810 (1948), art.13

<sup>140</sup> McAdam, J., (2011) *"An Intellectual History of Freedom of Movement in International Law: The Right to Leave as a Personal Liberty,"* Melbourne Journal of International Law 12, No. 1, pp.27-56

other instruments demanding States' compliance with the provisions contained therein. The same above-mentioned declinations of the right to freedom of movement can be found in the provision set forth within the legally binding milestone in HRL, the International Covenant on Civil and Political Rights (ICCPR), in art.12 which, making a step forward if compared to art.13 of the UDHR, also introduces the possibility of restrictions to the enjoyment of such right in case set forth by law. As a matter of fact, art.12(3) states that «[...] shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.»<sup>141</sup> The present Covenant recognises the right to freely move within a country, together with the right to cross international borders, to return to one's country and not to be subjected to any arbitrary deprivation of liberty – if not in the cases set forth by law and for reasons of national security, public health and or others' rights and freedoms – to “everyone lawfully within the territory of a State [...]”<sup>142</sup>. Necessarily, this wording should be understood in relation to third-country nationals within the borders of a certain country, whose presence might not always be lawfully defined. Nevertheless, it is the Covenant itself to provide an answer to any doubt that might arise in this direction: art.2(1), indeed, specifies that contracting States have the duty to ensure and protect the rights recognised in the Covenant «[...] to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.»<sup>143</sup> Therefore, as also pinpointed by the Human

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<sup>141</sup> International Covenant on Civil and Political Rights, G.A. Res. 2200A, U.N. GAOR, XXI Sess., U.N. Doc. A/6316 (1967), art.12. Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [Accessed: 5<sup>th</sup> July 2021]

<sup>142</sup> *Ibidem*, art.12(1)

<sup>143</sup> *Ibidem*, art.2(1)

Rights Committee<sup>144</sup> in its General Comment No.15, the general rule relies on the principle of non-discrimination between citizens and aliens.<sup>145</sup> All rights included in the Covenant, thus, shall be guaranteed to everyone, regardless of the possession of national citizenship, unless certain provisions explicitly refer to “citizens only”.<sup>146</sup> However, as highlighted in paragraph 5 of the General Comment No.15, what the ICCPR does not contain is the right for aliens to enter and reside in the territory of the State party<sup>147</sup>; as a matter of fact, the guarantee, protection and fulfilment of such right is left to State’s decision that, once defined, ties the State in question with the respect of the provisions the Covenant contains, in the light of the principle of non-discrimination. The guarantee of the right to freedom of movement, thus, must be ensured to third-country nationals once they have entered the territory and are lawfully residing on that, unless the appearance of specific circumstances – which must be justified in accordance with art.12(3) – leads to restrictions to the enjoyment of such right.<sup>148</sup> However, if citizens are always lawfully on the territory of a certain State, for aliens the matter is determined by domestic law. As outlined by the HRC in the General Comment No.27, for a third-country national the lawfulness is determined by national legislation and, his/her presence is considered lawful – even in case of illegal entrance – only once the status has been regularised.<sup>149</sup>

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<sup>144</sup> The Human Rights Committee is a body composed of independent experts whose duty is to monitor the compliance, respect, and implementation of the International Covenant on Civil and Political Rights by contracting State who, indeed, are obliged to submit regular reports to the Committee.

<sup>145</sup> Human Rights Committee, ICCPR General Comment No.15: “The Position of Aliens Under the Covenant”, 27<sup>th</sup> Sess., HRC (11<sup>th</sup> April 1986). Available at: <https://www.refworld.org/pdfid/45139acfc.pdf> [Accessed: 5<sup>th</sup> July 2021], para 2.

<sup>146</sup>For instance, art.25 of the ICCPR.

<sup>147</sup> Exception made for situations recalling matters of non-discrimination, prohibition of inhuman treatment and respect for families.  
*Ibidem* 145, para.5

<sup>148</sup> *Ibidem*, para.8

<sup>149</sup> Human Rights Committee, ICCPR General Comment No.27: “Article 12 (Freedom of Movement)”, 67<sup>th</sup> Sess., HRC (2<sup>nd</sup> November 1999). Available at: <https://www.refworld.org/docid/45139c394.html> [Accessed: 6<sup>th</sup> July 2021], para 4.

As far as Refugee Law is concerned, the 1951 Convention Relating to the Status of Refugees (1951 GC) defines the right to freedom of movement in art.26, connecting it to the first declaration of such right beforehand mentioned, thus concerning the freedom to choose the place of one's residence and free movement on the territory of the contracting State. As a matter of fact, art.26 states «Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstance.»<sup>150</sup> Evidently, such provision has to be read in conjunction with the principle of non-discrimination on the basis of race, religion or country of origin, set forth in art.3 of the Convention.<sup>151</sup> Likewise art.12(1) of the ICCPR, art.26 of the 1951 GC links the guarantee and fulfilment of such right to the lawfulness of the refugee's stay in the country in question. However, the latter seems to have made a step forward in the matter of unlawfulness: art.31 explicitly deals with the case of refugees unlawfully in the country of refuge. Particularly, art.31(2) imposes on contracting States the duty to «[...] not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. [...]»<sup>152</sup>, thus, referring to the protection and fulfilment of such right in an inclusive manner, although leaving a certain margin of decision to State parties when it comes to define restrictive necessary measures to such freedom which, in any case, have to be identified in the light of domestic law and obligations the country has at international level as party to legally-binding instruments.

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<sup>150</sup> Convention Relating to the Status of Refugees, G.A Res. 429(V), U.N., 5<sup>th</sup> Sess., (1950), art.26 Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx> [Accessed: 6<sup>th</sup> July 2021]

<sup>151</sup> *Ibidem*, art.3

<sup>152</sup> *Ibidem*, art.31(2)

At European level, the right to freedom of movement is indicated within art.2 of Protocol No.4 for the protection of human rights and fundamental freedoms of the European Convention on Human Rights (ECHR). It recalls the same wording of the provision set forth in art.12 of the ICCPR, clearly sharing a theoretical coherence with provisions identified at wider international level. As far as migratory movements and consequent permanence of migrants, asylum seekers and refugees on the territory of a third country are concerned, the EU Recast Directive 2013/33/EU defines the standards for the reception of applicants for international protection. Among the provisions set forth in the Directive, art.7 specifically deals with freedom of movement in relation to the place of residence. As a matter of fact, paragraph 2 of the article defines that the place of residence for applicants may be decided by the State «[...] for reasons of public interest, public order or, when necessary, for the swift processing and effective monitoring of his or her application for international protection.»<sup>153</sup> However, paragraph 1 of the same article sets out that applicants may move freely within the territory of the host Member State or «[...] within an area assigned to them by that Member State», although the identification of such area shall not represent an obstacle to the enjoyment of such rights and others.<sup>154</sup>

As far as the Republic of Serbia's national legislation is concerned, provisions concerning the right to freedom of movement may be found in two main documents: the Constitution, and the Law on Asylum and Temporary Protection. In detail, the Constitution directly deals with freedom of movement in art.39 which states that «Everyone shall have the right to free movement and residence in the Republic of Serbia, as well as the right to leave and return. [...] Entry and stay of foreign nationals in the Republic of Serbia shall be regulated by the law.»<sup>155</sup> The wording “everyone” highlights the absence of discrimination between

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<sup>153</sup>Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), art.7(2).

<sup>154</sup> *Ibidem*, art.7(1)

<sup>155</sup> Constitution of the Republic of Serbia, Official Gazette no.83/06, art.39

citizens and non-citizens as far as the enjoyment of such right is concerned; furthermore, in the same article the issue of aliens entering and residing on the territory of the RS is immediately addressed, setting forth the possibility to be expelled which, however, must follow certain procedures identified in the light of the 1951 GC as far as threat of persecution is concerned. Therefore, such article shall be applied in conjunction with the Convention Relating to the Status of Refugees that Serbia is party to, but also read in the light of art. 17 (status of foreign nationals)<sup>156</sup> and art. 21 (prohibition of discrimination) of the Serbian Constitution itself. Although third-country nationals' issue in relation to the right of freedom of movement is already addressed in the main legislative tool of the country, specific provisions are contained in the Law on Asylum and Temporary Protection (Law on Asylum).

The Law on Asylum and Temporary Protection is the main legal instrument on which the Republic of Serbia relies when dealing with migrations and related protection of migrants, asylum seekers and refugees. Nevertheless, before analysing the content of the law as far as the right to freedom of movement is concerned, it is worthy to mention that in 2012 the Serbian parliament approved a Law on Migration Management which, in more general terms, lays down the main aspects concerning the management of migratory fluxes, and the competent authorities. Art.8 of the present Law establishes that «Migration management is carried out with respect to the ratified international treaties and generally accepted rules of international law in the field of migration.»<sup>157</sup> Therefore, even though not strictly relating with the right to freedom of movement within the territory of the RS, to choose the place of residence, and to leave and return the country, it poses a burden on the country as far as the identification of further laws is concerned, thus setting forth the obligation to fulfil international obligations in this field. The Law

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<sup>156</sup> *Ibidem*, art. 17: "Pursuant to international treaties, foreign nationals in the Republic of Serbia shall have all rights guaranteed by the Constitution and law with the exception of rights to which only the citizens of the Republic of Serbia are entitled under the Constitution and law."

<sup>157</sup> Law on Migration Management of the Republic of Serbia, Official Gazette no.107/2012, art.8



on Asylum and Temporary Protection – adopted in 2018 and substituting the previously Law on Asylum in force since 2008 – defines the status, rights, obligation, principles, conditions, and procedures concerning asylum seekers and persons who have been granted asylum or temporary protection, as stated in art.1 (Subject Matter of the Law).<sup>158</sup> Hence, different articles contained therein refer to the relation with freedom of movement, although the law contains two separated provisions depending on the status of the persons, respectively asylum seekers and refugees. Specifically:

- a. art.49 (Residence and Freedom of Movement in the Republic of Serbia) refers to asylum seekers and states that «Upon reception to the Asylum Centre or other facilities specified for the accommodation of asylum seekers, the Applicant shall have the right to reside in the Republic of Serbia, and during that time, he/she shall be allowed to move freely throughout the country, unless there exist reasons for the restriction of movement specified under Article 77 of this Law.»<sup>159</sup>
- b. art.62 – in connection to art.60-61 – refers to persons who have been granted refugee status, and defines that «The person to whom the right to asylum has been granted shall be entitled to move freely on the territory of the Republic of Serbia, as well as outside the territory of the Republic of Serbia, in line with the provisions of this Law.»<sup>160</sup> Indeed, the difference in legal status – although both asylum seekers and refugees’ stay in a country is to be considered lawful – delimitates the width of the movement: asylum seekers can freely move within the borders of the country in question, whereas refugees can cross the recognised national border.

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<sup>158</sup> Law on Asylum and temporary Protection, Official Gazette of the Republic of Serbia no.24/2018, art.1

<sup>159</sup> *Ibidem*, art.49

<sup>160</sup> *Ibidem*, art.62

- c. art.77 (Reasons for Restriction of Movement): any hypothetical measure adopted by the Asylum Office to restrict the movements of asylum seekers – the provisions expressly refer to asylum seekers – find its *raison d'être* in the present article that enlists five reasons according to which movements could be restricted within the territory of the Republic of Serbia, and not all related to matter of national security, for a maximum period of three months.<sup>161</sup>
- d. art.78 (Measures of Restriction of Movement): it enlists different measures which could be implemented as a way to restrict the movement of asylum seekers pending decision. Indeed, bans on leaving the AC, regular reporting at specified time to the regional police department, order of accommodation in a social protection institution, or temporary confiscation of a travel document represent the different shapes that such measures can acquire.<sup>162</sup>
- e. art.79 (Non-compliance with Restriction of Movement): it establishes that «An Applicant who has violated the restriction referred to in Article 78, paragraph 1, items 1) and 2) of this Law can be ordered stay at the reception centre for foreigners», thus having denied access to asylum centres in which more specific care and treatments are ensured.<sup>163</sup>
- f. art.80 (Restriction of Movement to Persons who Require Special Procedural and Reception Guarantees): in this article a special mention to unaccompanied minors is made, defining that «[...] An unaccompanied minor may be ordered stay at the social protection institution, for minors, under intensified surveillance, in case alternative measures cannot be effectively applied.»<sup>164</sup>

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<sup>161</sup> *Ibidem*, art.77

<sup>162</sup> *Ibidem*, art.78

<sup>163</sup> *Ibidem*, art.79

<sup>164</sup> *Ibidem*, art.80

What emerges, hence, from the analysis of the existing provisions at international level, together with the legal instruments in force in the Republic of Serbia, is a protection of the right to freedom of movement characterised by a certain legal width. Moreover, considering the law sources hierarchy, State membership to international legally binding instruments has an impact at national level as far as the adoption of coherent laws is concerned. Therefore, such principle ensures that, in case of odds between regulations, States have to modify national laws accordingly, in order to ensure that legal compliance between the international and the national spheres is practically verifiable. Theoretically, Laws in force in the Republic of Serbia respect such rule, and comply with provisions contained in the international instruments the country is part to. Practically, some discrepancies could be retraced, but it falls outside the scope of the present paragraph, whose aim is to define the legal framework in which the right to freedom of movement could be pictured at both international and national level, giving the difficulty in providing a definition observed during interviews conducted on the field.

### **2.1.2 The problem of a definition: respondents' difficulties in providing a common definition of "freedom of movement"**

*"[...] freedom of movement is also to remain with family, to live with family, so not to be forced to move."<sup>165</sup>*

As demonstrated in the previous paragraph, the width of instruments ensuring the protection and fulfilment of the right to freedom of movement from States towards all persons lawfully staying on the territory under their jurisdiction, is notable. Starting from Human Rights Law and Refugee Law instruments at international level, passing through some legally binding documents at EU level, and centring, in detail, the applicable laws into the Republic of Serbia, it is evident how such freedom has been widely considered amongst the fundamental rights and freedoms of every human being. Particularly, a noteworthy relevance is associated to the guarantee of such freedom when it comes to displacement, above all at

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<sup>165</sup> Interview with S.S. (No. 7)

international level, thus leading to the protection and fulfilment of such right also for aliens entering the territory of a certain country. Despite all entries in a third country should occur legally, the current lack of legal pathways makes the migratory paths towards country of refuge arduous, dangerous, expensive, and time-consuming, since the attempt to unlawfully cross international borders can lead to illegal pushbacks by border police, reliance on smuggling nets, deportation to asylum seekers camps or detention centres placed far from borders, thus forcing migrants to restarting their path towards the destination country. Furthermore, the illegal entry into a certain country places the alien in a condition of unlawfulness in which not all rights and freedoms are protected and guaranteed, thus needing a process of regularisation of his/her stay in order to fully enjoy rights and receive due care and protection. When it comes to freedom of movement within the borders of the country in question, it is evident that the protection of such rights is guaranteed also for aliens – provided that his/her stay is lawful<sup>166</sup> – and any derogation in terms of restrictions to movement must be justified by reasons provided for by law. In the Republic of Serbia, both the Constitution<sup>167</sup> and Law on Asylum and Temporary Protection<sup>168</sup> protect the possibility to move freely within the territory of the Republic for third-country nationals – as well as for Serbian citizens – thus underlining the application of such provisions in accordance with the principle of non-discrimination.

As far as the present research is concerned, all unaccompanied foreign children who accepted to take part to interviews, entered the territory under jurisdiction of the Republic of Serbia illegally, either from Bulgaria or from the Republic of

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<sup>166</sup> As observable in international and national provisions, the term “lawful” is always mentioned when it comes to aliens’ stay on the territory under jurisdiction of a certain country. However, it is substantial to specify that the regularization of the unlawful stay in the case of aliens irregularly entering a third country, is subjected to the identification of an appropriate law at national level, thus leaving a certain margin of discretion to single countries.

<sup>167</sup> Constitution of the Republic of Serbia, Official Gazette no.83/06, art.39

<sup>168</sup> Law on Asylum and Temporary Protection, Official Gazette no. no.24/2018, art.49

North Macedonia.<sup>169</sup> However, regardless of the way through which they entered, the fifteen unaccompanied minors were registered by the competent Registration Office in Belgrade and then accommodated in the Asylum Centre of Bogovada which, since January 2020, shifted from accommodating families to UAMs. The first question participants were asked to answer strictly concerned the identification of a definition for the terms “freedom of movement”, according to their personal ideas and experiences. It is worthy to mention that neither multiple alternatives to choose nor examples were provided prior answer of the interviewees, exception made for peculiar case in which the lack of familiarity with the one concept of ‘freedom’ or ‘movement’ hampered the understanding of the question and, in a broader sense, would have undermined the understanding of the whole set of questions related to such variable – see *Limitations* section. As a matter of fact, despite some trends among answers could be identified, it is meaningful to mention that three respondents openly declared not to have confidence with the words ‘freedom’ and ‘movement’<sup>170</sup> and that was the first time they could hear such concept: Nonetheless, although an answer based on art.13(1)(2) of the ICCPR – for instance – was not provided by none of the three, one of the three participants who declared not to have familiarity with the right in question, in trying to relate his ideas to such rights mentioned the Schengen Area and the connected free circulation of people: «Freedom of movement reminds me of the Schengen Area. I know that, within Schengen borders, European citizens can move with no problems, there are no restrictions. I do not know much more, and I do not exactly know how it works outside that area [...], the first time I heard about freedom of movement it was related to the Schengen Area.»<sup>171</sup> However, among the answers provided by the twelve other respondents, certain

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<sup>169</sup> Only in one case the entry occurred from Bosnia and Herzegovina, as a consequence of a pushback.

<sup>170</sup> All interviews – except one – were conducted at the presence of a translator, thus questions were translated and asked in a language that the participant could understand.

<sup>171</sup> Interview with M.F (No.10)

trends could be identified. Particularly, the definition of freedom of movement considering:

- a. the possibility to leave and return to camps in the light of the rules applied within asylum seekers camps where they have been accommodated;
- b. the possibility to cross international borders and enter countries where to seek protection, or transit countries, thus in strict and direct relation with the freedom to leave one's country of origin;
- c. a combination of the two beforehand mentioned elements, thus providing for a wider elaboration on the presented concept, involving both spheres of movement mentioned in legally binding documents: within the territory of the country, and beyond it.

Firstly, the most common idea concerning the possibility to leave the camps or centres in which they are/have been accommodated is mainly declined in the freedom to continue their path towards Central and Northern European countries, hence to be free to attempt what they commonly call the “Game” along the Balkan Route(s). Originally, the term “Game” started to be used to refer to the last segment of the Route from Bosnia and Herzegovina to Italy<sup>172</sup>, crossing what migrants consider “the biggest problem” on the Route: Croatia, and the Croatian police specifically. That last trait is conceived and pictured as a “game” due to the need of escaping – while trying to cross borders – police, drones, thermo-scanners and any other risk which could lead to pushbacks and need to try it again, thus delaying the reach of their destination. Nonetheless, nowadays the term is used, in a wider sense, to refer to any movement migrants make while trying to enter a country, by truck, taxi or on foot: a “Game” is arranged by smugglers, and the possible success depends on the amount of money paid by the family.<sup>173</sup> Since countries sited all along the Balkan Route(s) are still conceived as transit countries

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<sup>172</sup> Specifically, the last trait of the Route ending in Trieste.

<sup>173</sup> When unaccompanied minors in the AC mentioned the “Game”, they mainly referred to attempts to cross borders hiding in trucks or taxi.

only, unaccompanied minors in particular conceive “the Game” as the only available alternative to finally reach what they refer to as “the goal country”. As a matter of fact, some respondents, in providing for a definition of their freedom of movement, declared:

«[...] in relation to camps, the most important thing is to be free to move further, to go “Game” without obstacles, in order to reach the destination and study. [...] I cannot picture my life here since there is no possibility to study and develop, so if I could not leave anytime I wanted, I would go crazy»<sup>174</sup>; «it is freedom to go outside camp whenever I want, and freedom to continue “Game” [...] to allow us to reach our destination.»<sup>175</sup>

Secondly, a small number of participants defined freedom of movement only in relation to the possibility to leave one’s country and cross international borders in order to seek protection. Unaccompanied minors who related their personal definition of the mentioned freedom to international displacement all come from Afghanistan, thus basing the provided definition on their personal experiences in the country of origin.

«[...] So, for me freedom of movement means freedom to leave Afghanistan as I did.»<sup>176</sup> Such a sentence was pronounced after a brief background about Afghanistan had been traced: H.N explained that, in his view, freedom is strictly related to democracy, since in democracy people are free to do what they want, showing anguish for the lack of general freedom in his country of origin, determined by an endless ongoing conflict, the violent and oppressive presence of Taliban forces, and widespread poverty. Thus, in enlisting what ‘freedom’ in general means to him – although falling outside the exact scope of the question – H.N. made a specific reference to women, affirming that:

«[...] I want to make an example related to freedom: if in Afghanistan you sit with two women, as we are doing now, Taliban can come and say “why

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<sup>174</sup> Interview with S.S. (No.7)

<sup>175</sup> Interview with S.A. (No.12)

<sup>176</sup> Interview with H.N (No.8)

are you sitting with women? This is haram<sup>177</sup>.” This is not freedom [...] so freedom for me was the possibility to leave my country, to move further across borders, and find freedom to do the smallest things I could not do in Afghanistan, like sitting with two women outside».

What clearly emerges, in accordance with what the respondent affirmed, is the link he personally establishes between the freedom to move – therefore, the freedom to leave his country – and the freedom to behave in a manner congenial to his views and wishes, free from impositions determined at social and political levels. Furthermore, one of the participants who, indeed, linked his view of freedom of movement to the possibility «[...] to go to every country to have better opportunities, without obstacles to enter those countries and live there [...]», unexpectedly stated that in his opinion freedom of movement is also «[...] to remain with family, to live with family, *so not to be forced to move*» and it comes to the possibility of freely crossing borders only when «[...]in some circumstances you are forced to move, to leave family and country, because you cannot live properly, you cannot build your future.»<sup>178</sup> The strong attachment to the country of origin, and the deep sorrow related to family’s separation and distance – and caused by displacement – are recurrent elements, emerging from different answers provided by interviewees. In general, the main concern expressed by participants is about crossing borders and having the opportunity to continue their journey towards a better future they yearn for building in EU. Such concern, hence, is visible in the way perceptions about freedom of movement are described, since unaccompanied minors defines it in relation to their status as migrants or asylum seekers, not as human beings only.

Thirdly, the highest frequency can be recorded in participants describing freedom of movement in relation to movements both within the country’s borders, and beyond them. In general terms, one of the main concerns that residents in the asylum centre(s) have – and which leads to the identification of the right to

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<sup>177</sup> The Arabic term “haram” indicates whichever action or behaviour forbidden by the Islamic religion, in contrast with what, instead, is considered “halal”, allowed.

<sup>178</sup> Interview with S.S (No.7)



freedom of movement declined as the freedom to leave the camp and return to it whenever they want – refers to the possibility of going to neighbouring towns and, particularly, to Belgrade. Belgrade is the main *rendez-vous* point for interviewed unaccompanied minors for a variety of reasons: they can meet friends or relatives accommodated in other ACs and RTCs; they can withdraw money that families send from Afghanistan<sup>179</sup> and, above all, they can arrange “Game” and then go to get prepared for it. As a matter of fact, the pivotal role played by Belgrade in the continuation of their route towards the EU, has been highlighted several times during the interview process, mainly in relation to the asylum centres’ location and the distance from the Serbian capital city. Nevertheless, what emerges from the definitions provided following this trend, is the importance covered by the necessity to leave the camp for “Game” and Belgrade-related motives only, no other reason has been mentioned since, as it will be explained in the following chapter, the main and unremovable purpose of staying in asylum seekers camps is represented by the need of shelter, food, and health care while waiting to go “Game” again.

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<sup>179</sup> It is important to clarify that, according to field notes collected while in the Asylum Centre, all unaccompanied minors withdraw money in Belgrade because of the presence of Western Union which, instead, is not present in the municipality of Lajkovac in which the Bogovađa AC is sited.

## **2.2 Asylum seekers camps' rules and impact on freedom of movement**

All asylum seekers camps in which participants declared to have spent more or less prolonged periods while being on the route, are open camps. However, the rules set forth by the competent authorities, and concerning the asylum or reception and transit centres' management, somehow represent an obstacle to the freedom of movement asylum seekers are entitled of. Reception facilities can take different shapes, according to resources, available space and structures, and intensity of migratory influx. Since the field of reception and accommodation system is deeply wide and it depends on laws defined at national level by competent authorities – even though it is fundamental to remember that, at EU level, the legally binding Recast Directive 2013/33/EU plays a pivotal role in laying down standards for the reception of applicants for international protection<sup>180</sup> – the present paragraph will only deal with the reception and accommodation systems' rules concerning unaccompanied minors in the three countries in which camps transited by respondents are located – Greece, Bulgaria, and Serbia – in accordance with information provided by interviewees and available legal framework and related practice.

### *Greece*

Greece, since 2015, has been the EU member state experiencing the largest influx of migrants. However, after the so-called 'refugee crisis', it has continued to represent the main door through which migrants headed towards Central and Northern EU countries, from Turkey, due to its geographical position constituting a bridge between Turkey and the Balkan Route(s), especially as far as the Aegean Islands are concerned. As a matter of fact, an "hotspot approach" was adopted in Greece since 2015, upon introduction of such approach in the European Agenda of Migration by the European Commission. The purpose was to assist frontline EU Member States<sup>181</sup> which were experiencing, in relation to their response capacity,

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<sup>180</sup>It is worthy to mention the Recast Directive since it is legally binding on the three countries which are under analysis in the present paragraph: Greece, Bulgaria, and the Republic of Serbia.

<sup>181</sup> Specifically, Greece and Italy.

disproportionate migratory flows, therefore such a measure was adopted as a solidarity instrument to better deal with the situation at the EU's external borders.<sup>182</sup> The outcome was the opening of five hotspots in Greece, on the Islands of Lesbos, Chios, Samos, Leros and Kos, for a total capacity of 7.450 available places<sup>183</sup>, which took the legal form of First Reception Centres, now called Reception and Identification Centres (RICs).<sup>184</sup> Throughout years, the Greek Parliament passed different laws regulating migratory matters; however, the first law ruling on the RICs dates back to 2016, namely *Law No.4375/2016*.<sup>185</sup> Such law has been continuously amended over the years, until the identification of the currently enforced version in 2020: *Law No. 4686/2020*.<sup>186</sup> Such version, therefore, amends some provisions contained in the version entered into force four months before the latter. Thus, the identification of the main provision occurred with the approval of the *Law No. 4636/2019*, better known with the contraction IPA.<sup>187</sup> In this particular case, it is art.39 which regulates that «All third country nationals and stateless persons who enter without complying with the legal formalities in the country, shall be submitted to reception and identification

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<sup>182</sup> European Commission (September 2015), *The hotspot approach to managing exceptional migration flows*. Available at: <http://bit.ly/2kESJFK> [Accessed: 6<sup>th</sup> July 2021]

<sup>183</sup> By the end of 2020, however, available places were increased to 13.338 places, although overcrowding has always been recorded throughout years.

<sup>184</sup> *AIDA*, “Reception and Identification Procedure – Greece” in Greece Country Report 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and-identification-procedure/> [Accessed on: 1<sup>st</sup> July 2021]

<sup>185</sup> *Law No. 4375/2016* “on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC of the European Parliament and of the Council ‘on common procedures for granting and withdrawing international protection (recast)’ (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions. *Gov. Gazette* 51/A/3-4-2016

<sup>186</sup> *Law 4686/2020* “Improvement of the migration legislation, amendment of L. 4636/2019 (A’ 169), 4375/2016 (A’ 51), 4251/2014 (A’ 80) and other provisions”. *Gov. Gazette* A’ 96 /12-5-2020

<sup>187</sup> *Law 4636/2019* “on international protection and other provisions” (IPA) *Gov. Gazette* 169/A/1-11-2019

procedures»<sup>188</sup>, a five-stage procedure including, *inter alia*, the transfer to a Reception and Identification Centre. As a matter of fact, art.39(3)(4) disciplines that newly arrived persons should be directly transferred to a RIC, where their freedom of movement is subjected to a five-day restriction, and such restriction can be further extended by a maximum of twenty-five days in the case in which reception and identification procedures have not been completed. This restriction of freedom entails «the prohibition to leave the Centre and the obligation to remain in it»<sup>189</sup>, which of course has to be established on the basis of motivated decisions. However, despite such dispositions, asylum seekers can generally move freely within the Greek territory, unless the Minister of Citizen Protection issues a regulatory decision imposing restriction to freedom of movement in a certain assigned area, as foreseen in art.45(1) of IPA.<sup>190</sup> Of particular relevance is the situation on the Aegean Islands, where asylum seekers are systematically subjected to restricted movements within the island where they have arrived, upon issuance of a “geographical restriction” which may be imposed both by the Police Authorities and the Asylum Service. Indeed, in December 2019 the Minister of Citizen Protection issued a decision according to which «A restriction on movement within the island from which they entered the Greek territory is imposed on applicants of international protection who enter the Greek territory through the islands of Lesbos, Rhodes, Samos, Kos, Leros and Chios. Said restriction is mentioned on the asylum seekers’ cards.»<sup>191</sup> Furthermore, the Ministerial Decision also provides for a list of subjects from whom such restriction of movement can be lifted – upon decision of the Director of the RIC in question – and, among those, unaccompanied minors are comprised. Specifically,

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<sup>188</sup> *Ibidem*, art.39(1) IPA

<sup>189</sup> *Ibidem*, art.39(4)(a) IPA

<sup>190</sup> AIDA, “Freedom of Movement – Greece” in Country Report Greece 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/greece/reception-conditions/access-and-forms-reception-conditions/freedom-movement> [Accessed on: 1<sup>st</sup> July 2021]

<sup>191</sup> Ministerial Decision 1140/2019, *Gov. Gazette* 4736/B/20.12.2019

art.58(1) of IPA considers unaccompanied children – together with direct relatives of victims of shipwrecks (parents, siblings, children, husbands/wives) disabled persons, elderly, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illness, persons with cognitive or mental disability and victims of torture, rape or other serious forms of psychological, physical or sexual violence such as victims of female genital mutilation – as a vulnerable group.<sup>192</sup> As a consequence, «Only the persons belonging to vulnerable groups are considered to have special reception needs and thus benefit from the special reception conditions [...]», as disciplined in art.58(4).<sup>193</sup> As a matter of fact, among the several types of accommodation foreseen in Greece, there are some arranged to shelter unaccompanied minors only, in the light of their enlistment among the vulnerable groups:

- a. shelters for unaccompanied children managed by civil society organizations and charities, with the support of IOM;
- b. Supported Independent Living (SIL scheme): it is a housing arrangement for children between sixteen and eighteen years old aiming at fostering integration into the Greek society;
- c. Safe Zones in temporary accommodation centres: they are conceived as temporary measures – for a maximum of three months – in case of insufficient number of available shelters, located within the open camps;
- d. Hotels for unaccompanied children: also, this is considered a temporary measure in case of insufficient availability of shelter places.<sup>194</sup>

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<sup>192</sup> Law 4636/2019 “on international protection and other provisions” (IPA) *Gov. Gazette 169/A/1-11-2019*, art.58(1)

<sup>193</sup> *Ibidem*, art.58(4) IPA

<sup>194</sup> AIDA, “Special Reception needs of vulnerable groups – Greece” in Country Report Greece 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/greece/reception-conditions/special-reception-needs-vulnerable-groups/> [Accessed on: 1<sup>st</sup> July 2021]

Nevertheless, although the national laws clearly enlist unaccompanied minors among the vulnerable groups and set accommodation alternatives to RICs for them, respondents who declared to have transited Greece in their route to the Republic of Serbia stated that no specific shelter was arranged for their accommodation and, as a consequence, they were accommodated in open temporary sites. The four participants who experienced accommodation in camps on Lesbos and Samos islands did not recall specific rules enforced in the camps, exception made for the need to ask a permit to police every time they need to leave the camp:

«When I was in Greece, we could not go out without permits, we used police papers that we signed when we went out [...]»<sup>195</sup>; « [...] in Greece you must ask permit to police to go outside the camp: if police catches you without permission [...] it is problem».<sup>196</sup>

However, the need to ask for permit in order to leave the centres clashes – according to information provided by interviewees – with a lack of control due to overcrowding. Among interviews, the lack of control on persons entering and exiting the camp, determined by overcrowding, was a recurrent reference, together with the specification of a lack of separated zones for unaccompanied minors within Moria Camp.<sup>197</sup> Moreover, none of the four participants mentioned any rules concerning a set return time at night or the need to leave the camp only escorted by legal guardians. In contrast with “control time” rule reported in relation to the AC of Bogovađa (Serbia) and Voenna Rampa (Bulgaria), no similar norm was referred to concerning open centres on the Aegean Islands; actually, «When I was in Moria, I felt my freedom of movement was bigger [...], there was no control time at night, and we could also go back at 2-3am [...]»<sup>198</sup>. What seems to emerge from respondents’ answers, thus, is a lack of implementation of the

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<sup>195</sup> Interview with A.A (No.1)

<sup>196</sup> Interview with A.C (No.15)

<sup>197</sup> Interview with M.F (No. 10) and I.K (No.13)

<sup>198</sup> Interview with M.F. (No. 10)

provisions set forth in art.58(4) IPA – since unaccompanied minors neither were separated from adults in camps, nor could rely on accommodation outside RICs – in the light of art.58(1). Such issue, however, was brought to light by UNCHR in its submission to the European Committee of Social Rights in 2019 when, analysing the UAMs accommodation situation at the time, pinpointed that only 26% of unaccompanied children were in NGO-run shelters or SIL projects, while 25% was residing in the Safe Zones in open temporary accommodation centres or IOM-run hotels on the mainland. Whereas, around 18% still was in RICs on the islands and, almost 27% were homeless or living in informal housing, such as in apartments with others or in squats.<sup>199</sup> Therefore, although recognising a wide effort made by Greece both in terms of legislative advancements and reception conditions improvements, UNHCR expressed its concern about the still inadequate reception conditions for unaccompanied minors, claiming that «[...]Long administrative procedures, insufficient and dire reception conditions do not take into consideration the best interests of the child and increase children’s vulnerability and protection risks. [...] child appropriate reception conditions is an essential component in ensuring children can effectively access asylum procedures in order to exercise their right to asylum as well as ensuring their dignity.»<sup>200</sup>

### *Bulgaria*

The Republic of Bulgaria, likewise the Republic of Serbia, is one of the main transit countries along the Balkan Route(s). Together with the North Republic of Macedonia, it represents one of the two doors through which migrants enter the territory of Serbia, then heading towards their destination countries in Central and Northern EU. Although the current number of asylum seekers cannot be compared to the one witnessed in the two-year period of 2015-2016, Bulgaria is still coping

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<sup>199</sup> UNHCR (August 2019), *Submission by the Office of the United Nations High Commissioner for Refugees in the case of International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece (Complaint No. 173/2018) before the European Committee of Social Rights..* Available at: <https://www.refworld.org/docid/5d9745494.html> [Accessed 5th July 2021]

<sup>200</sup> *Ibidem*, p.19

with relatively high rates of asylum applicants.<sup>201</sup> Indeed, according to statistics elaborated by the State Agency for Refugees (SAR), a total of 3.525 asylum applications were presented during 2020, with the majority of applicants being Afghan nationals and, above all, unaccompanied children amounting to the 22% of the total number.<sup>202</sup> Bulgaria, as a EU Member State since 1<sup>st</sup> January 2007, is bounded by the provisions set forth in EU legally binding documents as far as migration management in general, and asylum procedure in particular, are concerned. However, at national level, the lighthouse of the available law concerning asylum procedures, reception conditions, detention and content of protection is the LAR – the Law on Asylum and Refugees<sup>203</sup> – whose first version was adopted and promulgated in 2002 and then amended different times, until the final amended and supplemented version of 2015 entered into force.<sup>204</sup> According to art.29(2)(3), third-country nationals seeking international protection are, all over the procedure, entitled of the right to move freely within the territory of the Republic of Bulgaria, and to receive shelter and food.<sup>205</sup> However, such rights’ protection and fulfilment – as stated in the art. itself – is strictly dependent on the lodge of an application for asylum and can, thus, be enjoyed by asylum seekers only. Moreover, the law defines that asylum seekers accommodated in reception centres are entitled of food, social assistance, health insurance and health care and psychological assistance.<sup>206</sup> The SAR is responsible for the management of the Reception and Registration Centres, which are four, namely Sofia RRC – comprising Ovcha Kupel, Vrazhdebna, and Voenna Rampa shelter, together with a

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<sup>201</sup> To be interpreted in the light of the country’s response capacity.

<sup>202</sup> SAR, “*Statistics and reports*”. Available at: <https://bit.ly/2ur0Y1a> [Accessed: 7<sup>th</sup> July 2021]

<sup>203</sup> Law on Asylum and Refugees, *State Gazette* No. 54/31.05.2002

<sup>204</sup> Law on Asylum and Refugees, *State Gazette* No. 80/16.10.2015

<sup>205</sup> *Ibidem*, art.29(2)(3)

<sup>206</sup> AIDA, “Criteria and restrictions to access reception conditions – Bulgaria” in Country Report Bulgaria 2020| Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/bulgaria/reception-conditions/access-and-forms-reception-conditions/criteria-and-restrictions-access-reception-conditions/> [Accessed on: 5<sup>th</sup> July 2021]



closed site arranged for the accommodation of subjects under detention measures, the Closed 3<sup>rd</sup> Block Busmantsi – Banya RRC, Pastrogor RRC, and Harmanli RRC.<sup>207</sup> Although the Republic of Bulgaria has repeatedly been criticised for the conditions within the centres, it is worthy to mention that – in the light of the provisions concerning special care and treatment for vulnerable groups – two “Safe Zones” for unaccompanied minors were opened at the Voenna Rampa and Ovcha Kupel shelters. As a matter of fact, art.1(16)(17) of the Additional Provisions of LAR (No. 80/16.10.2015) discipline the identification of the so-called “vulnerable groups”, including «[...]minor or underage persons, unaccompanied minor and underage persons, elderly people, pregnant women, single parents with underage children, victims of human trafficking, people with serious health problems, people with mental disorders, and people who are victims of torture, rape or other serious forms of mental, physical or sexual violence.»<sup>208</sup> In virtue of special measures to be adopted for persons belonging to vulnerable groups, thus, unaccompanied minors are accommodated in such shelters.<sup>209</sup> Indeed, the four respondents who declared to have been sheltered in the Republic of Bulgaria before entering Serbia, stated to have transited the Voenna Rampa block of the Sofia RRC. In terms of rules set forth by authorities managing the facility<sup>210</sup>, respondents declared that, in relation to freedom of movement, no specific rules were set, exception made for the so-called “control time”. Therefore, the interviewees were free to leave and return the centre during the day, without the need of being escorted by legal guardian, but they had to be present in shelter

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<sup>207</sup> AIDA, “Types of accommodation – Bulgaria” in Country Report Bulgaria 2020| Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/bulgaria/reception-conditions/housing/types-accommodation/> [Accessed on: 5<sup>th</sup> July 2021]

<sup>208</sup> Law on Asylum and Refugees, *State Gazette* No. 80/16.10.2015, art.1(17) Additional Provisions.

<sup>209</sup> However, situation of UAMs’ accommodation in mixed dormitories in which adults are accommodated persists. Bulgarian Helsinki Committee (January 2021), *ANNUAL REPORT ON STATUS DETERMINATION PROCEDURE IN BULGARIA 2020*, Bulgarian Helsinki Committee Refugees and Migrants Legal Programme.

<sup>210</sup> Safe Zones in the mentioned shelters are managed by IOM.

before eight at night, when control time took place. The tool of “control time” is implemented to check the presence of unaccompanied minors during the night, in order to ensure their safety and protection; after that check doors of the facility are locked and re-opened after twelve hours. What seems to emerge from answers provided for by respondents is a certain respect of the freedom of movement set forth in international legally binding documents the Republic of Bulgaria is part to, thus allowing for a free and unlimited movement within the territory, in compliance with the law and the absence of any restriction, which could be issued in relation to a particular area or administrative zone within Bulgaria, «[...]if such limitations are deemed necessary by the asylum authority, without any other conditions or legal prerequisites», as disciplined by art. 30(2)(3) of the LAR.<sup>211</sup>

### *Serbia*

In the Republic of Serbia, as emerged through the analysis of the available legal framework, the right to freedom of movement is extensively guaranteed and protected by law, although restrictions might be issued upon reasons set forth by national law. As far as accommodation facilities are concerned, Serbia distinguishes two types of centres, namely the Asylum Centres (5) and the Reception and Transit Centres (14) in which, however, the same rules are applied in terms of freedom of movement within and beyond the centres. All ACs and RTCs in the Republic of Serbia are open, in the majority of cases surrounded by woods, thus no cases of facilities surrounded by high walls or barbed wire may be spotted.<sup>212</sup> All centres, regardless of their nature, are managed by the Komesarijat za Izbeglice i migracije Republika Srbija (KIRS)<sup>213</sup>, as defined in art.51 of the Law on Asylum and Temporary Protection, stating that «[...] The operation of the

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<sup>211</sup>In case of restriction to freedom of movement, the zones of allowed free movement have to be indicated on the registration card of the individual subjected to such restriction, in compliance with art.44 LAR.

<sup>212</sup> AIDA, “Types of accommodation – Serbia” in Country Report Serbia 2020| Asylum Information Database (2020). Available at:[https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR_2020update.pdf) [Accessed: 27th June 2021]

<sup>213</sup> Commissariat for Refugees and Migration of the Republic of Serbia

Asylum Centre or other designated accommodation facility for the Applicants shall be managed by the head of the Commissariat, who shall pass an act regulating the internal organisation and job classification at the Asylum Centres and other designated accommodation facility for the Applicants.»<sup>214</sup> Therefore, KIRS elaborated a set of rules to be enforced in all centres, which constitute a piece of law: the Rulebook of the house rules in asylum centres and other facilities for accommodation of asylum seekers, published on the RS Official Gazette.<sup>215</sup> As far as the special care and treatment for unaccompanied minors is concerned, the Republic of Serbia has decided to arrange two ACs for the accommodation of children travelling alone only, Sjenica and Bogovađa ACs, although rules applied in ACs and RTCs do not differ depending on the age of persons accommodated therein. Particularly, as far as the Centar za Azil Bogovađa is concerned, it was 2020 when it was designated for UAMs, after accommodating – since 2011 – mainly families.<sup>216</sup> The centre is, likewise all other accommodation facilities in Serbia – open but, for reasons of quiet and security, doors are locked during the night. Art.8 of the Rulebook provided for by KIRS disciplines, indeed, that «The beneficiaries’ activities take place between 6:00 am and 10:00pm, or by 11:00 pm during the summertime. The time for night rest and quiet is from 10:00 pm, i.e. 11:00 pm during the summer, until 6:00 am of the next day. During this time the Centre is locked and the activities that disturb the night peace and rest shall not be allowed.»<sup>217</sup> On the basis of collected field notes, however, it emerged that the main door of AC Bogovađa is locked for twelve hours, from 8pm – time in which the daily roll call <sup>218</sup> takes place – until 8am; moreover, from 10pm during winter - 11pm during summer - restrictions are applied within the main building in which

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<sup>214</sup> Art.51 of the Law on Asylum and Temporary Protection, Official Gazette No.24/2018

<sup>215</sup> Rulebook of the house rules in asylum centres and other facilities for accommodation of asylum seekers, Official Gazette RS No. 96/2018.

<sup>216</sup> *Op.cit.* 212

<sup>217</sup> *Op.cit.* 215, art.8

<sup>218</sup> What participants refer to as “control time”.

unaccompanied minors are accommodated, since it is forbidden to leave one's rooms. All participants, indeed, mentioned the daily roll call as the only rule enforced in camps in terms of restriction to their movement, since during the day they can leave the centre whenever they want, alone. The roll call aims at ascertaining that all registered asylum seekers are present in the centre, and, in case of absence, they could be removed from the list and treated as irregular migrants in the future, despite the possession of the ID card issued by the Registration Office.<sup>219</sup> <sup>220</sup> However, besides such norm, no other restrictions to freedom to leave and return to the centres, and freely move within the territory of the Republic of Serbia are mentioned, of course in line with the provisions set forth in cases of specific reasons triggering the issuance of restrictive orders.

According to interviewees' answers, rules set up in centres in which they have been accommodated during time they have spent and are currently spending on the route do not represent an obstacle to the freedom of movement they are entitled of. Setting aside rules applied in Moria Camp – no daily roll call was carried out, and the only mentioned the need to ask a permit to authorities to leave the camp –, restrictions in terms of curfew enforced in the Republics of Bulgaria and Serbia are considered to be a necessary measure for the protection of unaccompanied minors. Accordingly, terms related to the concept of “safety” in relation to daily roll call at night were mentioned by one third of participants who, indeed, linked the application of those rules to their personal safety within the camp. Such aspect was declined in two directions: on the one hand, the possibility to avoid any risk and danger associated to the possibility to spend the night in the street or in informal settlements or squats; on the other hand, in terms of impossibility for non-registered migrants to enter the camp. In this particular

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<sup>219</sup> AIDA, “Freedom of movement – Serbia” in Country Report Serbia 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/serbia/reception-conditions/access-and-forms-reception-conditions/freedom-movement/> [Accessed: 5<sup>th</sup> July 2021]

<sup>220</sup> Nevertheless, as far as this aspect is concerned in AC Bogovađa, a certain dichotomy can be identified between set law and practice: not only residents are not removed from the list in the case in which they are not present at the daily roll call, but they are readmitted in the camp even after weeks or months of absence.

regard, the main concern for participants would be the possibility for smugglers to enter the asylum centres and run their illegal activities therein. Therefore, such a strict control occurring at night is conceived as a guarantee of safety, a sort of protection from the dangers they are exposed to beyond the camps, as defined by some respondents:

«The rules are for our safety. [...] They do not want minors to be in danger»; «[...] the rule of control time is necessary for us because it makes us safe, we are minors, and this rule allows us not to bad things around.»; «[...] they make sure we are safe in camp at night.»<sup>221</sup>

However, if on the one hand some participants clearly stand on the necessity of such rule in terms of their personal safety, on the other hand a great majority of participants do not express any qualitative evaluation concerning the role played by the restricted movement at night. Indeed, they just objectively consider it as a rule to be respected «[...] because I do not want problems», thus not questioning the impact it could potentially have on the possibility to leave and return to the centre when they wish to. What emerges, then, in general term, is a positive perception concerning the lack of permission to leave the facility at night, firstly because they perceive the environment outside the ACs as hostile and rich in dangers they could be exposed to – above all in relation to the figure of smugglers – and, secondly, because they positively value the possibility to freely move during the day and going “Game” without any restrictions, thus leaving a marginal or semi-inexistent role to the need to cancel or delay the roll call.

Nonetheless, participants expressed concerns about the full enjoyment of their freedom of movement in relation to camps’ location. As a matter of fact, if roll call and need to ask permit do not hinder the choose of moving whenever and wherever they need to, the long distances separating facilities from main cities or city centres represent the main perceived obstacle, above all when it comes to excessive distance from the borders or, in the specific case of AC Bogovada, from Belgrade. Such hardship in getting to the closest cities or to the capital, may be

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<sup>221</sup> Interview with A.A (No.1), H.N (No. 8), E.M (No.11).

due to difficulty in using transport, or/and to the presence of police in the streets checking on asylum seekers' cards and duly or arbitrarily obliging them to go back to the centres in which they are accommodated. As far as the presence of police in the street is concerned, the 60% of respondents declared to have experienced, both directly and indirectly, at least once to be stopped by policemen who asked for documents and relative facility in which they were accommodated. Moreover, seven out of the nine participants who declared that, also added to have been forced to return to the camp – both in Greece and Serbia – sometimes because of issues related to discrimination. Particularly,

«It happened two or three times in Greece; Greek people are not much friendly with migrants [...]: once I was sitting on the sidewalk waiting for the bus and a man [...] called police. Two policemen came and told me to go back to camp immediately, I tried to tell them that I was waiting for the bus but [...] they put me in their car and drove me to camp»<sup>222</sup>; or «I had problem with police in Belgrade. Police stopped me and asked why I was there: I showed them ID card from Bogovađa camp and told them I was there because of “Game” and they told I could not be there and to come back to camp. I was lucky because I had that card, if I had not, they would have sent me to Preševo camp [...]»<sup>223</sup>, «[...] it didn't happen to me directly, but my friends experienced this: police can be violent, especially in the Afghan Park: [...] if you do not run away, they can deport you to Preševo [...]».<sup>224</sup>

Furthermore, when it comes to the use of means of transport, issues emerge in two circumstances: bus drivers not allowing respondents to get into the bus, and taxi drivers demanding more money than due. Indeed, the 53,5% of interviewees affirmed to have directly experienced at least one of the two circumstances hampering the reach of the city. In particular, most participants who stated to have been faced such difficulty at least once, related it to a matter of discrimination. As a matter of fact, both in the case of taxi drivers requesting a higher sum of money

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<sup>222</sup> Interview with I.K. (No.13)

<sup>223</sup> Interview with N.M. (No. 9)

<sup>224</sup> Interview with S.S. (No.7)

if compared to the one paid by locals, and bus drivers forbidding them to benefit from the service, the driver is identified in the recognition of them as migrants or asylum seekers. A.A, thus, affirmed:

«[...] just because they saw I am a migrant, because I was not always clean and well-dressed, so they could see I was not a local»<sup>225</sup>, likewise A.C and N.M did «[...] without giving reason, maybe for the only fact that I am black and I am a migrant»<sup>226</sup>; «[...] I entered a bus with my friends and when the bus driver realised we were Afghans, he told us to go because he did not want us in.»<sup>227</sup>

In general, participant linked the lacking full enjoyment of their right to freedom of movement to the location of camps, rather than to rules set up to effectively limit their movements at night. While camps' location in remote areas is conceived as a tool to keep them far from locals in order to both avoid problems and pretend they do not exist,<sup>228</sup> night roll call is somehow accepted and justified in terms of safety. A certain awareness about the choice to locate asylum seekers camps far from local communities seems to appear in the words of some participants who strictly link such a choice to the need to avoid problems with locals and somehow hide their presence, thus making nationals feel like “the alien threat” is not close. Furthermore, not only the way to reach neighbouring towns and city centres is money and time-consuming, but it is also hampered by two identified sub-variables: local police in the streets, and difficulty in using transports. However, if on the one hand camps' location constitute an indirect restriction to their freedom of movement, on the other hand it is positively valued in relation to safe distance from dangerous situations which might cause distress and anxiety – presence of smugglers above all. Such matter, by the way, will be discussed in next chapter. Nonetheless, what clearly affected the freedom of

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<sup>225</sup> Interview with A.A (No.1)

<sup>226</sup> Interview with A.C (No. 15)

<sup>227</sup> Interview with N.M (No. 9)

<sup>228</sup> Turner, S. "What is a refugee camp? Explorations of the limits and effects of the camp." *Journal of Refugee Studies* 29.2 (2016): pp.139-148

movement of migrants and asylum seekers was Covid-19 outbreak and the establishment of lockdown measures who, in the case of asylum and reception centres, resulted to be stricter and longer, as it will be seen in the next paragraph.

### **2.3 Covid-19 restrictive measure: application and impact on asylum seekers**

The outbreak of Covid-19 pandemic in March 2020 has led countries to the imposition of lockdown measures in order to stem the spread of the virus and limit the damages that a high number of infections could have provoked. As a response to a situation of extraordinary emergency, lockdown measures were implemented at both local and national level, derogating the right to freedom of movement. In any case, such restrictive measures were applied indiscriminately on nationals and non-nationals residing on the territory under jurisdiction of States in question. Evidently, restrictions were applied to refugee and asylum seekers camps, asylum centres, reception and transit centres as well – surrounded by the army to ensure the respect of the measures –, embittering the already existing restrictions when it comes to refugees and asylum seekers' movements beyond camps. A minority of interviewees claimed to have experienced lockdown measures in camp during the outbreak of the pandemic crisis. Accordingly, the four respondents who were in camp by the time were respectively located in Samos hotspot (Greece), Voenna Rampa shelter (Bulgaria), and Obrenovac RTC (Serbia).

In Greece, a national lockdown was issued starting from 23<sup>rd</sup> March 2021. Evidently, such restrictive measure was extended to refugees and asylum seekers camps, as well as to RICs on the Aegean Islands.<sup>229</sup> As far as asylum seekers are concerned, the Ministry of Immigration and Asylum immediately announced the suspension of Reception and Public Service of the Asylum Service, initially since 13<sup>th</sup> March 2020 until 10<sup>th</sup> April 2020, and then extended to 15<sup>th</sup> May. Such a suspension included the administrative action such as recordings, interviews, filling of appeals and ruling procedures concerning the status determination of

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<sup>229</sup> Fouskas, T., (2020) “*Migrants, asylum seekers and refugees in Greece in the midst of the COVID-19 pandemic*”, *Comparative Cultural Studies: European and Latin American Perspectives* Vol. No 10, pp.39-58



asylum seekers.<sup>230</sup> However, on 22<sup>nd</sup> May, a joint decision of the Ministers of Civil Protection, Health and Immigration and Asylum determined an extension of any measure against the spread of Covid-19 in the RICs until the end of the first week of June<sup>231</sup>, then again prolonged several times until mid-September<sup>232</sup>, thus embittering a situation which, in the two previous months, had already reached a peak in terms of deterioration of the most basic living standards. Conditions in camps were exacerbated by overcrowding, lack of hygiene and sanitation services, scarce food – distributed once a day in accordance with the measures announced by the Ministry of Immigration and Asylum – and deficiency in support provided by organizations, whose entrance was forbidden in the first weeks.<sup>233</sup> Indeed, one of respondents who affirmed to have lived under lockdown measure in the Greek Hotspot of Samos stated that «[...]we could not go anywhere. Plus, no organizations were coming to the camp to see conditions and, for that reason, sometimes situation was out of control: people making problem because they wanted to go out, not enough food, no sanitation, really bad.»<sup>234</sup>

In the Republic of Bulgaria, a state of emergency as a measure against the Covid-19 pandemic was declared by the Government on the 13<sup>th</sup> March 2020, through the Law “on Measures and Actions during the State of Emergency”.<sup>235</sup> Shortly after the introduction of the degree, the State Agency for Refugees (SAR)

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<sup>230</sup> Ministry of Immigration and Asylum, *Suspension of Reception and Public Service of the Asylum Service*. Available at: <https://migration.gov.gr/exypiretisi-koinoy-covid-19/> [Accessed: 6<sup>th</sup> July 2021]

<sup>231</sup> Ministers of Civil Protection, Health, Immigration and Asylum Joint Decision, Extension of measures against the spread of Covid-19. Available at: <https://migration.gov.gr/paratasi-perioristikon-metron-kykloforias-se-kyt-kai-domes-filoxenias/> [Accessed: 6<sup>th</sup> July 2021]

<sup>232</sup> Ministers of Civil Protection, Health, Immigration and Asylum Joint Decision, Extension of measures against the spread of Covid-19. Available at: <https://migration.gov.gr/paratasi-metron-fylakioy-evroy/> [Accessed: 6<sup>th</sup> July 2021]

<sup>233</sup> *Op.cit.* 231

<sup>234</sup> Interview with F.K (No.13)

<sup>235</sup> National Parliament, “Law on Measures and Action during the State of Emergency”, *State Gazette* No. 28, announced by a decision of the National Assembly of March 13, 2020, adopted by the 44<sup>th</sup> National Assembly on March 20, 2020, re-adopted on 23 March 2020. Available at: <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=147150> [Accessed: 5<sup>th</sup> July 2021]

declared the imposition of a quarantine measure within all reception centres, thus prohibiting any outsider to enter the centres, exception made for staff and residents.<sup>236</sup> Such decision lead to the suspension of all the asylum-related procedure, which were effectively resumed in June, almost three weeks after the official lift of the lockdown.<sup>237</sup> However, not only administrative procedures were suspended, but also educational activities for minors accommodated in the dedicated sections of the reception centres; moreover, all organizations previously working within centres, namely the Bulgarian Red Cross, Caritas Sofia, IOM, Council of Refugee Women and Mission Wings, have continued their work with migrants and refugees, mostly remotely, via phone.<sup>238</sup> As a matter of fact, the interviewee who lived a two-week quarantine in Voenna Rampa shelter described it as a period

«[...] in which I was in quarantine in room with three other people, and we were just spending time on the phone, talking to family, or playing social games in the room. It was boring and I had a lot of time to think about the route. At the beginning I did not understand what was effectively happening [...] but then I understood and respected all the rules.»<sup>239</sup>

In the Republic of Serbia, as in many other countries, Covid-19 severely impacted the freedom of movement of both nationals and non-nationals. As a matter of fact, on 15<sup>th</sup> March 2020 the President of the Republic declared a state of emergency on the whole territory.<sup>240</sup> He issued a Decree on Emergency Measures (The Official Gazette of RS, no.31/2020, 36/2020, 38/2020 and 39/2020) which, inevitably,

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<sup>236</sup> State Agency for Refugees (SAR), Measures against the COVID-19 pandemic, 23 March 2020, available in Bulgarian at: <https://bit.ly/3scfjbk>. [Accessed: 5<sup>th</sup> July 2021]

<sup>237</sup> AIDA, “Overview of the of the main changes since the previous report update – Bulgaria” in Country Report Bulgaria 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/bulgaria/overview-main-changes-previous-report-update> [Accessed: 6<sup>th</sup> July 2021]

<sup>238</sup> European Commission, “Impact of government measures related to COVID-19 on third-country nationals in Bulgaria”, 15<sup>th</sup> May 2020. Available at: <https://ec.europa.eu/migrant-integration/news/impact-of-government-measures-related-to-covid-19-on-third-country-nationals-in-bulgaria> [Accessed: 7<sup>th</sup> July 2021]

<sup>239</sup> Interview with J.A. (No. 5)

<sup>240</sup> The Official Gazette of RS, no.29/2020

impacted migrants and asylum seekers. Art.2 of the Decree, indeed, set forth the possibility for Ministry of the Interior in agreement with the Ministry of Health to «temporarily restrict or prohibit the movement of persons in public places [...]», to be read in conjunction with art.3 providing that the Ministry of the Interior might «order the closure of all accesses to an open space or facility and prevent the abandonment of that space or facility without special authorization, and order the compulsory stay to certain persons or groups of persons in a specific space and in certain facilities.»<sup>241</sup> Evidently, lockdown measures were applied to all ACs and RTCs of the Republic of Serbia, relying on a three-level legal regime identified during the state of emergency that, for migrants and asylum seekers, seemed to be extended, amounting to effective deprivation of liberty rather than to temporary restriction of movement. Specifically, the first one was the Government's Decision on Temporary Restriction of Movement of Asylum Seekers and Irregular Migrants Accommodated in Asylum Centres and Reception Centres in the Republic of Serbia, a bylaw consisting of two articles de facto prohibiting any movement beyond the asylum and reception centres<sup>242</sup>; the second was the Decree on Emergency Measures<sup>243</sup>, which represented the main legal instrument enforced during the state of emergency, in derogation with general measures; the third legal act was introduced after the lifting of the state of emergency in May, and it took the shape of a bylaw introduced by the Minister of Health, namely the Order on Restriction of Movement on Open Accesses and Facilities of Reception Centres for Migrants and Asylum Centres.<sup>244</sup> The three legal regimes were harshly criticised, leading A11-Initiative for Economic and Social Rights and the Belgrade

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<sup>241</sup> Decree on Emergency Measures, The Official Gazette of RS, no.31/2020, 36/2020, 38/2020 and 39/2020, artt.2-3

<sup>242</sup> Government's Decision on Temporary Restriction of Movement of Asylum Seekers and Irregular Migrants Accommodated in Asylum Centres and Reception Centres in the Republic of Serbia, *Gazette* of RS No. 32/2020

<sup>243</sup> *Official Gazette* of RS, Nos. 31/2020, 36/2020, 38/2020, 39/2020, 43/2020, 47/2020, 49/2020 and 53/2020

<sup>244</sup> Minister of Health, *Order on Restriction of Movement on Open Accesses and Facilities of Reception Centres for Migrants and Asylum Centres*, *Official Gazette* No. 66/2020

Centre for Human Rights to submit to the Constitutional Court the initiative for the assessment of constitutionality and legality of Ministry of Health Order, the Decision on Temporary Restriction of Movement and the Decree on Emergency Measures. The reasons why such assessment of constitutionality was required was grounded on the nature of limitation measures imposed on foreigners, to be considered as deprivation of liberty, since their detention was unlawful, arbitrary and was not in line with the principle of proportionality and necessity. However, at the end, the Constitutional Court dismissed the initiatives, ruling that «limitations to which refugees, asylum seekers and migrants were subject to did not amount to deprivation of liberty.»<sup>245 246</sup> S.A. the interviewee who stated to have experienced quarantine in Obrenovac RTC affirmed that:

“When Covid-19 started, I had just arrived in Serbia and police took me to Obrenovac. There was lockdown in camp, so we could never go out, not even to the market; police were around camp, and we could not leave the room in which we were. [...] they were giving us food from the window, no one was entering the room. [...] it was really hard in in those three months because we did not have space for ourselves and there were adults who stole from us and threatened us if we did not give money or phones.”<sup>247 248</sup>

Generally speaking, the findings of the fifteen interviews can be summarised in three main sections:

- a. the elaboration of the definition of “freedom of movement” resulted in a difficult part of the interview, determined by a lack of interviewees’ familiarity with concepts like right, freedom, movement, and the quite heterogeneity

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<sup>245</sup> CC, Decision no. Iyo – 45/2020, Decision of 15 October 2020, p. 31-32 and Iyo – 62/2020, 1 February 2020.

<sup>246</sup> AIDA, “Freedom of movement – Serbia” in Country Report Serbia 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/serbia/reception-conditions/access-and-forms-reception-conditions/freedom-movement/> [Accessed: 6th July 2021]

<sup>247</sup> Interview with S.A. (No. 12)

<sup>248</sup> Conditions in Obrenovac were considered particularly delicate and, for certain aspects, amounting to inhumane and degrading conditions. See: National Torture Prevention Mechanism (June 2020), *MONITORING THE TREATMENT OF MIGRANTS AND ASYLUM SEEKERS: Visit report reception centres in Obrenovac and Adasevci*, Belgrade.

characterising the answers; indeed, provided definitions are formulated, by default, in relation to one's personal experience as migrant children, and not as human beings *per se*;

- b. the rules enforced in the transited facilities while on the route are not perceived as an obstacle to one's enjoyment of freedom of movement; rather, they are perceived as a protective factor from the dangers wander outside camps, and represented, above all, by smugglers on whom UAMs rely in order to continue their route. However, a separated parenthesis needs to be identified concerning Covid-19 pandemic: four participants reported to have experienced accommodation in centres during the months in which lockdown measures were applied at national level in almost all the countries of the world, thus describing that experience as challenging, due to conditions of overcrowding and lack of proper access to food and services, and the impossibility to leave the room in which they were placed;
- c. the distance of the areas in which facilities are located does not seem to represent, *per se*, an obstacle to the freedom of movement every individual is entitled of. Nevertheless, the need to rely on public or private transport to reach the closest cities or city centres, together with the presence of police in the streets have been indicated as two factors hampering the full enjoyment of the right in question. The almost totality of participants had direct or indirect experience of denied access on buses, request of a higher amount of money from taxi drivers; and also the cases of participants who encountered police in the streets forcing them to go back to the centre in which they were accommodated were substantial.

### **CHAPTER III: The fundamental right to education between human rights and refugee law, practice, UAMs' experiences and perceptions.**

«[...] we are refugees but just because we had to leave our home we should not be deprived of good education. I had to leave, and my education should not suffer because of that. »<sup>249</sup>

International displacement, for its intrinsic purpose and meaning, impacts the present and future life of people who are forcibly or willingly displaced. Nevertheless, when it comes to children on the move – whether accompanied or unaccompanied – the effect of displacement also needs to be understood and interpreted in the light of education deprivation, thus time spent far from learning and educational activities which, inevitably, marks their future life perspective. Moreover, when considering such impact, it is important to consider the educational attainment in the country of origin beforehand displacement. Indeed, push-factors for migration inevitably intertwine with those factors depriving children from the enjoyment of one of the most basic human rights. Conflict, widespread violence, discrimination policies, persecution, human rights abuses, poverty and material deprivation, increasing natural disasters triggered by climate change are among those reasons boosting people's displacement, both internally and internationally, thus representing a hindrance for individuals' personal development and life in dignity in one's homeplace. As a matter of fact, one of the participants indicated the arrival of the Taliban forces and Daesh terroristic groups in his village as the reason why he was forced to drop school. Particularly, he stated: «After those 7 years Talibans and Daesh arrived in the area, so my school was closed, and I could not continue. Because of that, I went to another school where I studied Quran.»<sup>250</sup> According to the sample of the present analysis, the average amount of years of school attendance before departure is of 6.9. Although the majority of respondents attended school for a range of years comprised between 7 and 10, a minority of cases of scarce or absent education

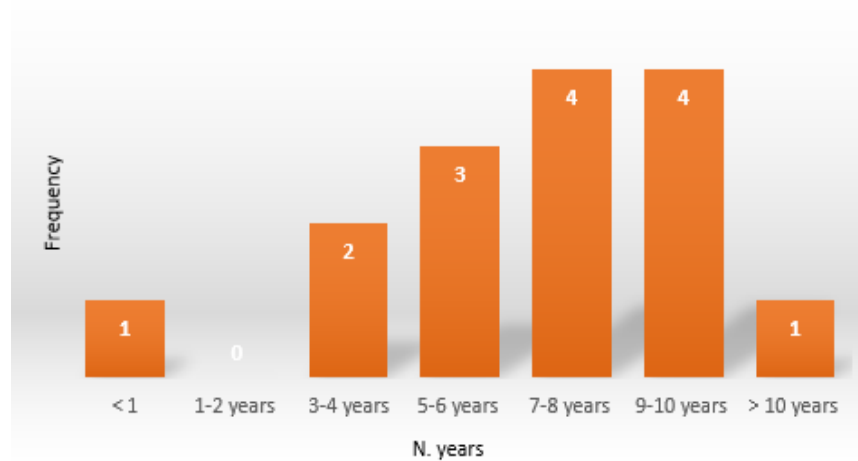
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<sup>249</sup> Interview with F.K. (No.14)

<sup>250</sup> Interview with M.Z. (No. 4)

highly contribute to lower the average, as visible in the *Figure 6 – years of school attendance before departure* below.

**Figure 6 - Years of school attendance before departure**



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It was the respondent from Niger and the one from Pakistan who declared to have attended school for the shortest timespan – respectively of 4 and 3 years – together with the only case of illiteracy reported by an Afghan participant who was, instead, was supposed to attend school in Serbia by the time interviews were conducted in the Asylum Centre. If not considering the three beforehand mentioned cases, the average timespan of school attendance raises up to 8.1 years. However, such data cannot be explained in terms of nationality-related factors, since the sample is overwhelmingly comprising Afghan participants (13), therefore it is not enough representative of other nationalities and the ground for the establishment of a correlation between longer attendance and nationality is lacking.

Generally speaking about the existing relation between displacement and education, it is worthy to understand the impact that the latter could have on integration in the destination country, together with the self-development of the person and the establishment of social relations: all elements holding a pivotal role

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<sup>251</sup> The use of the lettering “before departure” was preferred to “in the country of origin” since two Afghan participants declared to have attended school in Afghanistan and consequently in Iran and Pakistan where their family lived for some years, and from where their migratory path formally began.

when it comes to the high number of minors internally and internationally displaced for the most different reasons. The UNHCR prominently highlighted that the right to education is a human right that should be cultivated in any situation, thus also in circumstances of crisis; since it is an essential element for the life of refugee children, it cannot be set aside during all the duration of the displacement process. Education, therefore, could be understood as a tool through which other rights can be protected, fulfilled and realised, in the light of a future perspective envisaged by UNHCR when stating that «The quality of education refugee children receive in exile determines their ability to contribute to their home and host societies.»<sup>252</sup> Thinking in terms of integration as the desirable durable solution envisaged by UNHCR and to be built once in the destination country, it is essential to consider education as a possible bridge to be established in order to integrate and socially include refugee and asylum seeker children arriving in a certain country. Sticking with the definition of ‘social inclusion’ provided by the United Nations in the 1995 Copenhagen Declaration – «[social inclusion] is the capacity of people to live together with full respect for the dignity of each individual, the common good, pluralism and diversity, non-violence and solidarity, as well as their ability to participate in social, cultural, economic and political life»<sup>253</sup> – it goes without saying that an inclusive approach in ensuring the protection and fulfilment of the right to education for migrant children embraces active participation and cooperation from government, school administration, teachers, social workers, national students and their parents, refugee children and their parents, a stretched-out community heading towards social inclusion and full integration of ‘aliens’.<sup>254</sup> The integration process, indeed,

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<sup>252</sup> UNHCR (2011), “UNHCR Resettlement Handbook”, Division of Internal Protection, Geneva. Available at: [www.unhcr.org/46f7c0ee2.pdf](http://www.unhcr.org/46f7c0ee2.pdf) [Accessed: 3<sup>rd</sup> August 2021].

<sup>253</sup> United Nations (1995), The Copenhagen Declaration and Programme of Action: World Summit for Social Development”. Available at: [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.166\\_9\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.166_9_Declaration.pdf) [Accessed: 5<sup>th</sup> August 2021]

<sup>254</sup> Thomas, R. L., (2016) “*The right to quality education for refugee children through social inclusion*”. *Journal of Human Rights and Social Work*, Vol. No. 1(4), pp. 193-201.



could start in classrooms, in shared spaces in which refugee children would have the possibility to meet other children and starting shaping a sense of belonging to the new cultural and linguistic environment in which they are. What is however fundamental to underline is the fact that not only children have the right *to* education – intended as access to quality education –, but also right *in* education, referring to the possibility to be involved in a non-discriminatory environment in which their best interest is respected and primarily considered.<sup>255</sup> As broadly discussed in the previous chapter, migrants in general and migrant children in particular – who have to be however considered as children first – are inevitably impacted by many factors, arising in both the country of origin, in transit countries, and in destination countries. Indeed, it is possible to affirm that displaced people’s development and life experience is impacted by three categories of factors: pre-migration, trans-migration, and post-migration factors.<sup>256</sup> Since intervention on pre-migration and trans-migration experiences is limited if not unfeasible, it is fundamental to intervene in those situations arising in destination countries, aiming at creating a favourable environment for inclusion and integration. And here it comes the role of education for children in school age. Exploring available literature about refugee and migrant education, it is possible to redirect attention into three mainly applied models, intended to integrate migrants, asylum seekers and refugee students in destination countries’ schools:

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<sup>255</sup> Anderson, A., Hyll-Larsen, P., & Hofmann, J., (2011), “*The right to education for children in emergencies*”. *Journal of International Humanitarian Legal Studies*, 2(1), pp. 84-126.

<sup>256</sup> Konstantinos, T., Paida, S., (2020), “*Refugee Education Coordinators in the Greek Educational System: their role as mediators in refugee camps.*” *International Journal of Modern Education Studies* Vol.No.4.2, pp. 81-109.

- a. the Separate Side Model: according to this model, newly arrived students are enrolled in mainstream schools, but they attend lessons in a separate premise, for variable period of time<sup>257 258</sup>;
- b. the Direct Immersion Model: newly arrived students are straight away immersed in mainstream classes. However, due to potential obstacles which may arise from the first contact with new school, new language, new culture, support is provided in classroom by the figure of a second teacher – often familiar with student’s mother-tongue – or outside the classroom via extracurricular activities<sup>259</sup>;
- c. the separate class or program within-a-school model: newly arrived students, rather than being directly included in mainstream classes, are firstly placed in preparatory classes – also referred to as reception classes, immersion classes or transition classes – in order to allow them to acquire the necessary linguistic skills to then attend mainstream classes<sup>260</sup>. The separate class model has been applied in thirty-three European education systems, considering the barrier posed by language and the need to master the language in which educational activities are carried out in the countries in question.<sup>261</sup>

However, if the final purpose of integrating refugee and asylum-seeking students in mainstream school is the achievement of a multicultural, integrated and inclusive society, what is considered to be necessary is the so-called ‘acculturation’, a process leading to the positive outcomes of multiculturalism and

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<sup>257</sup> Bunar, N., (2019), "Education of Refugee and Asylum-Seeking Children" *Oxford Research Encyclopedia of Education*.

<sup>258</sup> This model has been adopted in countries such as Sweden, USA, Turkey, Lebanon. Interestingly, in Lebanon the model has been applied to “segregate” Syrian students, fearing that, otherwise, the learning process of Lebanese students would have been negatively impacted. However, Syrian families called into question the quality of education provided in the so-called “second-shift schools” and defined it as non-formal education.

<sup>259</sup>*Op. cit.* 256

<sup>260</sup> *Ibidem*

<sup>261</sup>*Op. cit.* 255

integration in both the dominant (nationals) group, and non-dominant (non-nationals) group, as an effect of the established contacts and interactions between the two cultural groups.<sup>262</sup> It has been argued that education is conceived by both refugees and service providers as a fundamental element to boost and facilitate integration, third only to secure housing and attainment of employment. Therefore, studies demonstrate the existence of a positive association between education and integration: higher degree of education corresponds with deeper integration, whereas low levels of education often result in separation and marginalization.<sup>263</sup> Furthermore, besides being a tool to foster integration, education could play a pivotal role for socio-economic development and success, thus offering a ‘right-hand man’ to overcome disadvantage and boost economic growth, due to the existing positive correlation between higher education and better skilled jobs, higher wages and opportunities, and lower risks of unemployment once the labour market is entered.<sup>264</sup> Nevertheless, data provided by a joint report of UNHCR and the World Bank, show that, although numbers of enrolled refugee children in primary education are encouraging, there are still wide gaps to be filled in two directions: firstly, the portion of refugee children in school age being outside school is still considerable; secondly, the difference between primary and secondary education enrolment rates is still robust. According to provided numbers – referring to 2019 –, by the end of 2019 the number of worldwide forcibly displaced people amounted to 79.5million people; among them, 26million people are refugees, half of whom are minors.<sup>265</sup> The 48% of school-age refugee children has been estimated to be out of school; on the other hand, while enrolment rates for primary education amount to 77% (far from the

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<sup>262</sup> Berry, J. W., (2005) "*Acculturation: Living successfully in two cultures*", *International Journal of Intercultural Relations* Vol.No.29.6, pp. 697-712.

<sup>263</sup> Phillimore, J., Goodson, L., (2008) "*Making a place in the global city: The relevance of indicators of integration.*" *Journal of Refugee Studies* Vol.No.21.3, pp. 305-325.

<sup>264</sup> Koehler, C., & Schneider, J. (2019) "*Young refugees in education: the particular challenges of school systems in Europe*". *Comparative Migration Studies*, Vol.No.7(1), pp. 1-20.

<sup>265</sup> UNHCR (2020), *Global Trends: Forced Displacement in 2019*. Available at: <https://www.unhcr.org/5ee200e37.pdf> [Accessed: 7<sup>th</sup> August 2021]

worldwide percentage of 91%), a drastic drop is recorded when considering enrolment in secondary education, amounting to a 31% of refugee children in school age, in net gap if considering the 85% worldwide rate.<sup>266</sup>

Once identified the role that education might hold in relation to integration in the destination countries, it is worthy to consider it in relation to refugees and asylum seekers' more or less prolonged permanence in asylum centres or refugee camps while in transit. Not only the common hardship to ensure the protection of such basic human rights, but also further barriers erected by camps location, often-recorded lack of documentation, children's intermittent presence in asylum centres, lack of parental support in the case of unaccompanied and separated children. Therefore, next paragraphs will specifically deal with three important aspects related to the right to education in the context of international displacement: firstly, the available legal provisions will be analysed, at both international and regional level, starting from the general human rights law and then focusing on refugee law; secondly, in the light of interviewees' experiences, insights about current practice in the transited countries will be provided; thirdly, UAMs' perceptions concerning the impact that distance from school and lack of educational activities in camps might have on their present and future life-plans will be analysed, also considering the presence and role of barriers to access.

### **3.1 The right to education: the extensively-protecting legal framework at international and regional level and UAMs' definitions**

“(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. [...]

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and

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<sup>266</sup> World Bank, UNHCR. (2021) *The Global Cost of Inclusive Refugee Education*. Washington, DC: World Bank. License: Creative Commons Attribution CC BY 3.0 IGO

friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”<sup>267</sup>

Once again, the first and forward-looking reference to the inalienable human right to education appears in the milestone document of human rights law, the Universal Declaration of Human Rights. Besides formalising a universal right of which every human being is entitled – the lettering ‘everyone’ is a fundamental linguistic tool to understand such right and its implementation in the light of the principle of non-discrimination –, article 26 of the UDHR clearly presents the final purposes at which the promotion, protection, and extensive fulfilment of such right should aim at. Indeed, the drafters of the Declaration included understanding, tolerance, friendship among nations, racial and religious groups, and maintenance of peace as the outcomes that educational activities should yearn for. Such desirable forecast could however be read through the narrowed lens of the experience of displacement: the final purpose of displaced people, besides the practical and objective settlement in a destination country once the route is over, should be full integration and inclusion in the host society. However, to achieve such goal, education – not necessarily to be intended in strict school-related terms – is an indispensable tool: when different cultural, linguistic, ethnic, and religious groups enter in contact, it is fundamental to get to know the other, to understand what is conceived as alien, his/her identity and cultural heritage, to acculturate oneself to diversity and to boost tolerance and peaceful coexistence in multi-cultural, multi-religious and multi-ethnic environments. Contrarily, the failure of such process would result in social segregation and separation, as well as in nationalistic and racist pre-conceptions about aliens who are perceived as a threat to the integrity and security of one’s country. Access to quality education for refugee and asylum-seeking children remains however hard to be fully achieved, especially in refugee camps or asylum centres in transit countries. However, setting practice aside, the present paragraph focuses on the available legal framework as far as the protection

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<sup>267</sup> Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., U.N. Doc. A/810 (1948), art.26

and fulfilment of the right to education is concerned. The UDHR lays the bedrock for further developments in such field: although representing a lighthouse for the human rights literature and available legal instruments, it is fundamental to bear in mind that – as the name itself suggest – the Declaration is a non-legally binding instrument; therefore follow-up steps were required to turn the provision into a legally binding norm. The legal provisions concerning the right to education will be explored first through the human rights law lens – International Covenant on Economic, Social and Cultural Rights (CESCR), United Nations Convention on the Rights of the Child (UNCRC), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention Against Discrimination in Education (CADE) – and then through the refugee law lens – 1951 Geneva Convention on the Status of Refugees, and the New York Declaration on Refugees and Migrants (hereinafter New York Declaration), which led to the adoption of the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration (hereinafter Global Compact on Migration).

The International Covenant on Economic, Social and Cultural Rights <sup>268</sup> offers a legally binding formulation of the right to education, recalling, in article 13, a lettering similar to article 26 of the UDHR. As a matter of fact, art.13(1) requires States parties to the Covenant to

«[...] recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.»<sup>269</sup>

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<sup>268</sup> The ICESCR was opened for signature, ratification, and accession in 1966, and officially entered into force in 1976 in accordance with article 27 contained therein.

<sup>269</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, UNGA res. 2200A (XXI), 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> [accessed 3<sup>rd</sup> August 2021]

Furthermore, the article provides for the enlistment of characteristics for different levels of education, however determining what is considered to be fundamental in order to allow access to education to everyone: primary education shall be compulsory and available free for everyone.<sup>270</sup> Such two features have been clarified in the General Comment No.11 of the Committee on Economic, Social, and Cultural Rights (CESCR)<sup>271</sup>, defining compulsoriness as a way to «highlight the fact that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education.»<sup>272</sup>, and gratuitousness as a way to «[...] ensure the availability of primary education without charge to the child, parents or guardians. Fees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right and may jeopardize its realization.[...]».<sup>273</sup> What is mostly worthy of attention for the purpose of the present research, is the extensive applicability of such right ‘to everyone’. The lettering and lack of distinction between citizens and non-citizens clearly opens for the protection and fulfilment of the right to education for refugee, asylum-seeking and migrant children, regardless of their legal status. As a matter of fact, articles 13 and 14 of the Covenant must be read and interpreted in the light of the principles of equality and non-discrimination, clearly stated in article 2(2).<sup>274</sup> Moreover, such element has been clarified within the General Comment No.13 of the CESCR, which, in paragraph 34, clarifies that «The Committee takes note of article 2 of the Convention on the Rights of the Child and article 3(e) of the

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<sup>270</sup> *Ibidem*, art. 13(2)(a)

<sup>271</sup> The Committee on Economic, Social and Cultural Rights (CESCR) is the treaty body of the ICESCR.

<sup>272</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 11: Plans of Action for Primary Education (Art. 14 of the Covenant)*, 10 May 1999, E/1992/23. Available at: <https://www.refworld.org/docid/4538838c0.html> [Accessed: 3<sup>rd</sup> August 2021], para.6

<sup>273</sup> *Ibidem*, para.7

<sup>274</sup> *Op.cit.*268, art. 2(2): “ The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

UNESCO Convention against Discrimination in Education and confirms that the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status.»<sup>275</sup> Another milestone document as far as the right to education, *inter alia*, is concerned is the Convention on the Rights of the Child (UNCRC), specifically in articles 28 and 29. Considering that art.28 traces the definition and declination of the right already presented in the ICESCR, it is worthy to focus on art.29 that, instead, enlists the purposes of education on which, based on the used lettering – “State parties agree [...]” – and given the number of ratifying countries, there seems to be international consensus. Indeed, the UNCRC has been ratified by all the eligible States – exception made for the United States of America – and only two countries have presented a reservation on article 29, namely the Republic of Indonesia and the Republic of Turkey.<sup>276</sup> As a matter of facts, the purposes enlisted in art.29(1) refers to: the development of the child's personality, talents, and mental and physical abilities to their fullest potential; the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; the development of respect for the natural environment.<sup>277</sup>

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<sup>275</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10. Available at: <https://www.refworld.org/docid/4538838c22.html> [Accessed: 3<sup>rd</sup> August 2021]

<sup>276</sup> UN Children's Fund (UNICEF), (2007)“*Implementation Handbook for the Convention on the Rights of the Child*”. Available at: <https://www.refworld.org/docid/585150624.html> [Accessed: 3<sup>rd</sup> August 2021]

<sup>277</sup> United Nations Convention on the Rights of the Child, UNGA res. 44/25 (1989), art. 29(1). Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf> [Accessed: 3<sup>rd</sup> August 2021].



As defined by the Committee on the Rights in the General Comment No.1 on the right to education, art.29 adds a qualitative dimension to the objective content of the right elaborated in art.28. Not only education has to be accessible, but it also has to be of high quality. Such right, indeed, expresses a child-centred approach, aiming at equipping every child with the necessary skills and knowledge allowing him/her to fully develop as a person and as a respondent to the challenges presented by the general globalised world in the course of life. As stated in para 12, indeed, «[...] insists upon a holistic approach to education which ensures that the educational opportunities made available reflect an appropriate balance between promoting the physical, mental, spiritual and emotional aspects of education, the intellectual, social and practical dimensions, and the childhood and lifelong aspects. The overall objective of education is to maximize the child's ability and opportunity to participate fully and responsibly in a free society.»<sup>278</sup> In general terms, such concept and ideas are reiterated in the General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration – para 79 – and the General Comment No.20 on the implementation of the rights of the child during adolescence – para 68-72.<sup>279</sup> Always bearing in mind the principle of equality and non-discrimination, the right to education should be fulfilled also in the case of refugee, asylum-seeking, and migrant children: as a matter of fact, the Committee on the Rights of the Child remarks it in the General Comment No.6 on the Treatment of Unaccompanied and Separated Children outside their country of origin. In the section dedicated to such right, the Committee, *inter alia*, states that:

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<sup>278</sup> UN Committee on the Rights of the Child (CRC), General comment No. 1 (2001), Article 29 (1), “*The aims of education*” 17 April 2001, CRC/GC/2001/1. Available at: <https://www.refworld.org/docid/4538834d2.html> [Accessed: 3<sup>rd</sup> August 2021]

<sup>279</sup> To see more: 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. Available at: <https://www.refworld.org/docid/51a84b5e4.htm> [Accessed: 3<sup>rd</sup> August 2021]

UN Committee on the Rights of the Child (CRC), General comment No. 20 (2016), Article 6 *on the implementation of the rights of the child during adolescence*, 6 December 2016, CRC/C/GC/20. Available at: <https://www.refworld.org/docid/589dad3d4.html> [Accessed: 3<sup>rd</sup> August 2021]

«States should ensure that access to education is maintained during all phases of the displacement cycle. Every unaccompanied and separated child, irrespective of status, shall have full access to education in the country that they have entered [...]. Such access should be granted without discrimination and in particular, separated and unaccompanied girls shall have equal access to formal and informal education [...] The unaccompanied or separated child should be registered with appropriate school authorities as soon as possible and get assistance in maximizing learning opportunities [...]. States should ensure that unaccompanied or separated children are provided with school certificates or other documentation indicating their level of education, in particular in preparation of relocation, resettlement or return.»<sup>280</sup>

The elimination of any obstacle for the promotion, protection and fulfilment of the right to education can also be identified in Convention on the Elimination of all Forms of Racial Discrimination, being anyway consistent with the relation between education and unaccompanied foreign children in a certain country – being a transit or destination one. Particularly, article 7 of the Convention states that: «States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.»<sup>281</sup> Specifically, in its General Recommendation No.30 – Discrimination of non-citizens – the Committee on the Elimination of Racial Discrimination (CERD) noted that when it comes to the enjoyment of the right to

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<sup>280</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. Available at: <https://www.refworld.org/docid/42dd174b4.html> [Accessed 1<sup>st</sup> August 2021]

<sup>281</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, art.7. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> [Accessed: 4th August 2021]

education for non-citizens and children of undocumented migrants residing in the territory of the State party, availability of public educational institutions has to be ensured, in conjunction with the avoidance of segregation in schools and application of different standards and treatments on the ground of race, colour, descent, and national or ethnic origin.<sup>282</sup>

However, the first legally binding document was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1960, and entered into force in 1962. The Convention against Discrimination in Education (CADE), therefore, represent a sort of source for further development in matter of right to education and extensive protection and fulfilment. Although entirely focusing on education, articles 1, 3 and 5 play a pivotal role for the general understanding of the Convention. Art. 1 clarifies the contextualised meaning of discrimination and education: ‘discrimination’ is therein intended as

«[...] any distinction, exclusion, limitation, or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition, or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular: (a) Of depriving any person or group of persons of access to education of any type or at any level;  
(b) Of limiting any person or group of persons to education of an inferior standard;  
(c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or  
(d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.»<sup>283</sup>;

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<sup>282</sup> UN Committee on the Elimination of Racial Discrimination (CERD), *CERD General Recommendation XXX on Discrimination Against Non-Citizens*, 1 October 2002, para.29-31. Available at: <https://www.refworld.org/docid/45139e084.html> [Accessed: 4<sup>th</sup> August 2021]

<sup>283</sup> United Nations Educational, Scientific and Cultural Organisation (UNESCO), *Convention Against Discrimination in Education*, 14 December 1960, art. 1(1)(a)(b)(c)(d). Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/DiscriminationInEducation.aspx> [Accessed: 3<sup>rd</sup> August 2021]

moreover, art.1(2) clarifies that the term education refers to «[...] all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.»<sup>284</sup> Furthermore, the Convention explicitly makes reference to the non-citizens' access to education which, based on the principle of equality and non-discrimination, should not be hampered in any way: specifically, art. 3(e) provides that «States Parties thereto undertake [...] to give foreign nationals resident within their territory the same access to education as that given to their own nationals.»<sup>285</sup> The importance of such Convention is considerable for two main reasons: firstly, it was the first international legally binding instrument covering the right to education extensively to enter into force; secondly, it was largely ratified by States – 106 out of 196 – despite prohibiting any possible reservation, as stated in article 9.

Also exploring the field of Refugee Law, provisions concerning the right to education can be identified, specifically in the 1951 Convention relating to the Status of Refugees (hereinafter 1951 Geneva Convention) and relative 1967 Protocol, and in the New York Declaration and consequent two Global Compacts. In the 1951 Geneva Convention the right to education lays in article 22, defining that: «1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.»<sup>286</sup> The Convention, for its coverage, expressively refers to 'refugees' in the provision; however, no condition is posed to the protection and fulfilment of such right, thus mention of residence permit or lawful presence on the territory is envisaged: it implies that the right not only applies to refugees but also to refugees' children and asylum seekers whose presence, to clarify, is considered lawful on the territory of a certain State. Such provision is, however, the first to refer to one of the barriers hindering

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<sup>284</sup> *Ibidem*, art. 1(2)

<sup>285</sup> *Op. cit.* 282, art. 3(e)

<sup>286</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, art. 22. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx>.

refugee, asylum-seeking and migrant children's access to education outside their country of origin: foreign school certificates (art.22.2). As pinpointed in a joint factsheet produced by UNHCR, UNICEF and IOM, the request by national policies to present certificates of previously attended school in the country of origin may harshly hinder the enrolment of refugee children in mainstream school, as will be better seen in the section concerning barriers to access.<sup>287</sup> Moreover, in recent times, there have been commitments at international level as far as the broad field of migration-related issues are concerned: therefore, the rights to education has been addressed, *inter alia*, in the New York Declaration: it was unanimously adopted by the UNGA in 2016, aiming at filling the gaps and strengthen the protection mechanisms of people on the move. Hence, Member State made a strong commitment to work in that direction, also expressing solidarity with people who are forced to flee; reaffirming the principle of burden-sharing with those countries affected by large movements of migrants and refugees; and highlighting their obligations to fully respect the human rights of migrants and refugees<sup>288</sup>, among which the right to education. Specially, the Declaration addresses the fulfilment of such right for all displaced children – regardless of their legal status – stating, in general terms, that:

« We are determined to ensure that all children are receiving education within a few months of arrival, and we will prioritize budgetary provision to facilitate this, including support for host countries as required. We will strive to provide refugee and migrant children with a nurturing environment for the full realization of their rights and capabilities. [...] We are determined 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. We commit to providing host countries with support in this regard. Access to quality education, including for host communities,

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<sup>287</sup> IOM, UNHCR, UNICEF (2019), *Access to education for refugee and migrant children in Europe*. Available at: <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2019/09/Access-to-education-europe-19.pdf> [Accessed: 5<sup>th</sup> August 2021]

<sup>288</sup> UN General Assembly, *New York Declaration for Refugees and Migrants : resolution / adopted by the General Assembly*, 3 October 2016, A/RES/71/1. Available at: [https://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/OlderPersons/A\\_RES\\_71\\_1.doc&action=default&DefaultItemOpen=1](https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/OlderPersons/A_RES_71_1.doc&action=default&DefaultItemOpen=1) [Accessed: 16<sup>th</sup> August 2021]

gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis.»<sup>289</sup>

The New York Declaration, indeed, led to the adoption of the Global Compact on refugees (2016) and the Global Compact on Safe, Orderly and Regular Migration (2018). Both documents address, therefore, the issue of protection and fulfilment of the right to education. Specifically, the Global Compact on Migration addresses education through the lens of objective No.16, aiming at the empowerment of migrants and societies to realise full inclusion and social cohesion: as a matter of fact, the promotion of safe and supportive school environments welcoming the aspiration of migrant children, promoting respect for diversity and inclusion and preventing any form of discrimination, intolerance and xenophobia, is among the sever actions which could be undertaken to achieve such goal, as defined in paragraph 32.<sup>290</sup> The Global Compact on Refugees, instead, straightforwardly address the commitment of States and relevant stakeholders to contribute to expand and enhance the quality and inclusiveness of national education systems through resources and expertise, in order to ease the access of refugee and host communities children to primary, secondary and tertiary education. As a matter of fact, the final aim is to « [...] minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival.», thus providing a maximum timespan of distance from educational opportunities, in order not to consistently impact the future of refugee, asylum-seeking and migrant children<sup>291</sup>, as also defined in other legally-binding documents. Generally speaking, those instruments recall a widespread conviction about the relation between children on the move and the need to ensure access to education, as it was also indicated within the Joint General Comment No. 4 (2017) of the

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<sup>289</sup> *Ibidem*, para 32, 81-82

<sup>290</sup> UN General Assembly, *Global Compact for Safe, Orderly and Regular Migration: resolution/ adopted by the General Assembly*, 19 December 2018, A/RES/73/195. Available at: <https://undocs.org/A/RES/73/195> [Accessed: 16<sup>th</sup> August 2021]

<sup>291</sup> UN General Assembly, *Global Compact on Refugees: resolution/adopted by the General Assembly*, 17 December 2018, A/RES/73/151. Available at: <https://www.unhcr.org/5c658aed4.pdf> [Accessed: 16<sup>th</sup> August 2021]

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination, and return. The two Committees outline, *inter alia*, three fundamental aspects of concern in relation to the present research:

- a. regardless of their status, all children affected by international displacement shall have equal access to all levels of education and States are duty bearers when it comes to the protection and fulfilment of such right;
- b. States, particularly in relation to undocumented migrant children, shall adopt adequate measures to assess child's former education also in the case in which previously obtained school certificates are missing, in order to avoid any kind of segregation and failure in accessing education in the transit or destination country;
- c. States, to foster integration of refugees, asylum-seeking and migrant children, should adopt specific and adequate measures to address and prevent xenophobia or any type of discrimination or related intolerance against migrant children: schools, indeed, might be the first places where the seeds of tolerance, intercultural dialogue and integration between host and hosted communities are planted.<sup>292</sup>

Just as the international framework, also at regional EU level it is possible to identify legal provisions concerning the right to education in both the broader field of human rights law and the more specific directives and regulations related to refugees and asylum seekers. As far as human rights law is concerned, the right to

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<sup>292</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), *Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23. Available at: <https://www.refworld.org/docid/5a12942a2b.html> [Accessed: 3<sup>rd</sup> August 2021], para.59-63

education is declined in article 2 of Protocol I of the European Convention for the Protection of Human Rights and Fundamental Freedoms as «No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.»<sup>293</sup> Differently from beforehand mentioned provisions, no reference is made to the compulsory and free characteristics of, at least, elementary school: indeed, the provision concisely ensure the protection of a basic human right every person in entitled of, to be fulfilled in respect of the religious and philosophical background of the child's parents. Similarly, article 14(3) of the Charter of Fundamental Rights of the European Union defines the right of parents to “to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions” to be respected in accordance with national laws concerning the exercise of such right and freedom.<sup>294</sup> However, differently from art.2 Prot.1, the present article provides for «the possibility to receive free compulsory education»<sup>295</sup>: it is noticeable how the used wording differs from the one employed in international legally binding instruments; on the one hand, art.14(2) expresses the possibility to have primary education free compulsory education; on the other hand, art.13(2) of the ICESCR, for instance, uses the verb ‘shall’ to refer to how primary education shall be, compulsory and free, indeed. Provisions related to the fundamental right to education are contained also in other documents – *inter alia* the Revised European Social Charter, the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities –

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<sup>293</sup> Council of Europe (1950) *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Treaty Series 005. Available at: [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf) [Accessed: 3<sup>rd</sup> August 2021] art. 2 Prot. 1

<sup>294</sup> European Union (EU): Council of the European Union, *Charter of Fundamental Rights of the European Union* (2007/C 303/01), 14 December 2007, C 303/1. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=IT> [Accessed: 3<sup>rd</sup> August 2021], art. 14(3)

<sup>295</sup> *Ibidem*, art. 14(2)



however for the purpose of the present research it is worthy to look at the general framework and then move to the specific instruments concerning refugees, asylum seekers and migrants.

When it comes to specific legal instruments referring to the subjects of international displacement, provisions concerning the right to education can be found in:

- a. the Reception Conditions Directive – Directive 2013/33/EU – article 14;
- b. the Qualification Directive (recast) – Directive 2011/95/EU – article 27;

The Directive 2011/95/EU, differently from the Directive 2013/33/EU, envisages the duty for Member State to allow the «full access to the education system to all minors granted international protection, under the same conditions as nationals»<sup>296</sup>, however not excluding adults who have been granted international protection from the enjoyment of such right. The choice to refer to “minors who have been granted international protection» seems to assume an exclusion of all those minors who, instead, have not formalised their asylum request or whose procedure is still pending. Differently, the recast Directive 2013/33/EU defines that Member states shall grant access to education to «minor children of applicants and to applicants who are minors [...] under similar conditions as their own nationals for so long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided in accommodation centres.»<sup>297</sup> Furthermore, art.14(2) also provides for temporal limits by which access to

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<sup>296</sup> European Union: Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, 20 December 2011, OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&qid=1632392556257&from=EN> [Accessed: 3<sup>rd</sup> August 2021], art.27(1)

<sup>297</sup> European Union: Council of the European Union, *Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)*, 29 June 2013, OJ L. 180/96 -105/32; 29.6.2013, 2013/33/EU. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&qid=1632392709795&from=EN> [Accessed: 3<sup>rd</sup> August 2021], art.14(1)

education should be granted, stating that “Access to the education system shall not be postponed for more than three months from the date on which the application for international protection was lodged by or on behalf of the minor.”<sup>298</sup>

### **3.1.1. Unaccompanied minors’ attempts to identify a definition: two main trends**

Given the available provisions and means of promotion, protection, and fulfilment of the right to education at international and EU level – to which national laws ruling the matter in every country should be added – it is worthy to understand how children affected by displacement perceive and understand the right to education they are entitled of. Generally speaking, for a child it might be difficult to understand one’s rights, however, in a context in which rights are often systematically violated, it can turn out to be particularly arduous. Therefore, since the research aims at understanding UAMs’ perceptions about part of the context in which they are inserted as an effect of displacement, participants were asked to try to provide an individually-elaborated definition of what ‘right to education’ means to them. In general, a good understanding of the concept can be recorded, although in a residual number of cases, participants were not familiar at all with the word ‘right’, thus the identification of a definition was hampered by the lack of understanding of the question itself. However, in answers provided by interviewed unaccompanied minors two main trends could be identified:

- a. first, the identification of general definitions mainly focusing on the importance of education and the need to make it available to everyone;
- b. second, the elaboration of definitions recalling the importance it has in everyone’s life, in conjunction with the element of compulsoriness, which emerged as highly divisive among respondents who mentioned it.

As far as the first category of answers is concerned, participants highlighted the importance to have the right to education ensured to everyone in order to gain the

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<sup>298</sup> *Ibidem*, art.14(2)

basic knowledge concerning many aspects of life, and therefore learn how to behave in life and create good opportunities for the future. As a matter of fact, some Afghan participants affirmed that:

«[...] right to education [means that] it should be made sure that every child goes to school. So, it means to me that everyone should have the chance to go to school, regardless of the situation in which that child/teenager is: all young people should go to school because without school they cannot learn how to live and how to become adults.»<sup>299</sup>; «[the right to education] is the elementary right for every person to learn, study and have the opportunity to build a good and successful life and future. [...] In my opinion education is too important, considering that it is one of the main reasons why I left, to have better opportunities in the future and a better life.»<sup>300</sup>; «Every person has the right to learn, because education is the most important thing that defines how people are. Without education, so without learning, people cannot know how to live [...].»<sup>301</sup>

In general, there is a widely accepted recognition of the pivotal role played by education in the shaping of one's life, therefore identifying education as the most powerful tool to build a good life in the future, and to become capable and responsible adults. As a matter of fact, in the questionnaire section dedicated to the right to growth and development, a third of participants had mentioned education and school attendance as the main tool boosting and improving personal growth and development.

The second wider trend contains answers elaborated starting from the necessity to ensure that every child has access to education and to learning in order to shape one's existence and future life but, differently from the previously mentioned trend, participants introduced the element of compulsoriness. Nevertheless, such component resulted in the identification of two sub-categories of respondents: those who believe that access to education and relative school attendance should be a matter of personal choice, and those who are convinced of the fundamentality

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<sup>299</sup> Interview with A.A. (No.1)

<sup>300</sup> Interview with O.M. (No.6)

<sup>301</sup> Interview with H.N. (No.8)

of education and, therefore, consider it should be compulsory. The highly divisiveness of the matter is corroborated by the perfect balance which can be observed in this trend: among the ten respondents who introduced such element in their definition, five stands on the necessity to make education compulsory, and five on the opposite stance. Based on past experience in the country of origin, some participants from Afghanistan declared that:

«[...] ‘right’ is connected to freedom of choice, so everyone should have the possibility to choose whether or not to go to school. But right also means that, if a person chooses to go to school, school is ensured to that person. Basically, it means that I can choose but, if I choose, then I can.»<sup>302</sup>, «[...] school in Afghanistan is not like in Europe, if children do not want to go or the family needs that they work, they simply do not go, no one obliges them. I think that going to school should not be compulsory, but there should be more supervision, and families should be more encouraged to send children to school.»<sup>303</sup>

On the other hand, some other participants presented compulsoriness as necessary element of their own definition, somehow coming closer to the declinations of such right presented in legally binding documents. Particularly, among the respondents standing on this stance, the lack of sufficient school attendance and, therefore, the missed opportunity to acquire knowledge in the country of origin played a pivotal role in shaping their belief about the matter. As a matter of fact, two of the supporters of education’s compulsoriness are two fifteen-year-old participants from Afghanistan – the only interviewee who declared to not have attended school in his country of origin, and a peer who did not have chance to complete elementary education – who respectively affirmed:

«Everyone has to have the opportunity to go to school. But now I am a teenager and I know I missed a lot of time not going to school when I was a child, and it is hard for me to catch up because “my brain is hard”. But for younger children it should be compulsory to go to school and continue with

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<sup>302</sup> Interview with M.Z. (No.4)

<sup>303</sup> Interview with I.K. (No.13)

studies [...]»<sup>304</sup>; «Everybody has to have the opportunity to go to school, to study and learn new things that can be useful for their life and future. For example, if I had learnt English, now there would not be need of translator to answer these questions, and that is what I mean when I say that learning new things is important for the future. Someone has to be responsible to supervise children go to school, and in case children do not want to attend, explain them why it is important to study and learn. [...] So yes, education should be compulsory, and maybe parents and institutions together should supervise it and ensure school for every child.»<sup>305</sup>

What could be derived from the provided answers, therefore, is a widespread recognition of the importance that right to education covers in everyone's life, especially in the life of migrant children who, in many cases, experienced unattendance in the country or origin and see their right denied also in transit or destination countries. However, although education is given so much worth for every individual's personal growth and development, respondents remain polarised about compulsoriness of elementary education, especially when it comes to correlate it with experiences in the country of origin and in the light of future perspectives.

### **3.2 Educational opportunities along the route: UAMs' experiences while on transit, and impact on present and future life plans.**

The beforehand analysed legal framework is, however, to be considered and understood in the contest of accommodation in refugee camps and asylum seekers centres. Moreover, it has to be interpreted in the light of ongoing displacement: the context to which the present research refers to is the Balkan Route(s), therefore an area of transit for both minors and adults heading towards Northern and Central EU countries. For minors – whether accompanied or unaccompanied – permanence in camps and prolonged distance from formal educational and learning opportunities might have a high cost in terms of future opportunities and possibility to catch up once the destination is reached. The present paragraph

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<sup>304</sup> Interview with J.A. (No.5)

<sup>305</sup> Interview with S.S. (No.7)

presents respondents' experiences while in transit countries, and then analyse perceptions concerning the impact that it has on their present and future plans. The totality of respondents – also including interviewees for whom the AC Bogovada was the first transited accommodation centre – could therefore provide insights about the possibility they had in transited countries to access educational opportunities in camps: considering that none of participants was accommodated in reception facilities in Iran, Turkey and North Macedonia, insights refer to three countries only, namely Greece, Bulgaria, and Serbia. What emerges from provided answers is that, exception made for the peculiar case of one respondent, no one had the opportunity to access formal education, thus, to attend mainstream schools while being accommodated in asylum or temporary reception and transit centres, also in the case of migrants whose permanence in those countries had lasted more than three months.<sup>306</sup>

### *Greece*

Among the fifteen participants, only five declared to have been accommodated in Moria or Samos refugee camps on the Aegean Islands, and two of them explicitly indicated that their permanence in Samos and Moria lasted respectively for six and seven months. Nevertheless, none of them was enrolled in mainstream school and the main sources of educational opportunities has to be found in languages courses provided for by NGOs in camp settlements. Particularly, a seventeen-year-old Afghan boy – who was close to sixteen by the time he transited Moria Camp, referred to the SOS Children's Village NGO providing languages and music classes.<sup>307</sup> The Greek law 4636/2019 [IPA, art.51(2)] requires refugees and asylum seekers in school age to attend primary and secondary education under the national education system and under same conditions of Greek citizens,

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<sup>306</sup> The three months timespan is mentioned here in relation to article 14(2) of the Recast Directive 2013/33/EU.

<sup>307</sup> SOS Children's Village was operative in Moria Camp before it burned. After Moria's closure, the NGO moved its activity to KeraTepe camp, offering courses of Languages, Maths, Music, etc.

interpreting it as an obligation rather than a right.<sup>308</sup> In 2016, indeed, the Ministry of Education decided to prepare an action plan in order to integrate refugee and asylum-seeking children into the Greek national educational system. The final decision came with: the establishment of a pre-integration year (2016-2017) for the children residing in camps, with the identification of pre-school programmes within the camps; the establishment of the Reception Facilities for Refugee Education (DYEP); and the inclusion of refugee children living in urban areas into mainstream school, with the support of reception classes.<sup>309</sup> Despite encouraging enrolment rates, the situation deteriorated during 2020 and early 2021, because of Covid-19 pandemic, harsh and prolonged lockdown measures imposed on camps, together with discriminatory policies implemented by the Greek Government, as denounced by Human Rights Watch, in violation of the two EU Directive 2013/33/EU and 2011/95/EU, transportations and legal barriers – i.e. movement restrictions – hindering a proper school attendance.<sup>310</sup> Furthermore, it should be noted that asylum seekers temporarily accommodated on the Aegean Islands and subjected to movement restrictions cannot attend school in the mainland and can just attend courses within camps.

### *Bulgaria*

Four of the fifteen participants declared to have experienced accommodation in Voenna Rampa camp before entering the Republic of Serbia. Nevertheless, answers concerning the availability of educational opportunities are discordant. Setting aside the case of the respondent who spent in Voenna Rampa the months in which lockdown measures were applied due to Covid-19 pandemic, the two other

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<sup>308</sup> AIDA, “Access to education – Greece” in Country Report Greece 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/greece/reception-conditions/employment-and-education/access-education/> [Accessed: 5<sup>th</sup> August 2021]

<sup>309</sup> Tsioupi, K., Paid, S., (2020) "Refugee Education Coordinators in the Greek Educational System: their role as mediators in refugee camps." *International Journal of Modern Education Studies* Vol.No.4.2, pp.81-109

<sup>310</sup> Human Rights Watch (HRW) (2021), *Greece: Stop Denying Refugee Children an Education. Ensure All Asylum-Seeking Children Are Enrolled in Coming School Year*. Available at: <https://www.hrw.org/news/2021/07/29/greece-stop-denying-refugee-children-education> [Accessed: 8<sup>th</sup> August 2021]

respondents provided contrasting versions: a sixteen-year-old Afghan affirmed that courses of English and Bulgarian were available in the facility, whereas a fifteen-year-old participant from Pakistan stated that no educational courses and activities were available during the months he was accommodated in the centre. However, Bulgaria's Law on Asylum and Refugees (LAR) establishes that underage foreigners having obtained or seeking international protection have the right to primary and secondary education, and to vocational training, under same conditions of Bulgarian citizens.<sup>311</sup> Contrarily to Greece, the government of Bulgaria does not provide for preparatory classes in order to ease the access to mainstream schools: the sole source of preparatory courses relies on NGOs voluntarily doing in accommodation facilities. Moreover, barriers to enrolment are represented by lack of methodology for the assessment of school grade, and lacking transportation organization for children sheltered in closed centres.<sup>312</sup>

### *Serbia*

For a minority of respondents, the Asylum Centre of Bogovađa was the first formal facility in which they were accommodated while on transit, thus it was not possible for them to provide a comparison concerning the promotion and fulfilment of their right to education in the countries they transited before entering the Serbian territory. However, the lowest common denominator is the location in which the whole research project was carried out. As specified in Chapter I, the AC of Bogovađa is, since January 2020, dedicated to shelter unaccompanied minors only. In the light of such decision, an increased attention should be paid to the wellbeing and constant growth and development that minors experience during their adolescence. When it comes to educational opportunities available in camp, fieldnotes and interviewed UAMs unanimously pinpoint the only presence of English and Serbian language courses carried out twice a week – Monday and

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<sup>311</sup> Law on Asylum and Refugees, *State Gazette* No. 80/16.10.2015, art.26(1).

<sup>312</sup> AIDA, "Access to education – Bulgaria" in Country Report Bulgaria 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/bulgaria/reception-conditions/employment-and-education/access-education/> [Accessed: 3<sup>rd</sup> August 2021]



Friday – by a cultural mediator appointed by CRPC, in partnership with UNHCR.<sup>313</sup> Lessons were not mandatory and no assessment was carried out to identify the level of familiarity of residents with the English language: as a consequence, it was hard – if not impossible – to follow a programme and ensure a quality education. Sticking with the Serbian legal framework, the right to education for all children, national and non-nationals is regulated in the Act on the Basis of the Education System, the Primary School Act, the Secondary School Act and the High Education Act, although a still more specific mention to the right to education of asylum seekers is contained in article 55(1) of the Asylum Act.<sup>314</sup> Specifically, article 100 of the Act on the Basis of the Education System obliges school to «[...] organize, for students as stated in paragraph 1 [foreign nationals and person without citizenship] of this Article and for expellees and internally displaced persons not familiar with the language in which instruction is delivered or certain program content of significance to the continuation of education, language learning classes, preparation for instruction or additional instruction classes, according to special instructions prescribed by the minister.»<sup>315</sup> Furthermore, in accordance with art.55(2) of the Asylum Act, access to education shall be secured immediately or, at the latest, no more than three months after the presentation of asylum application. Nevertheless, practice does not seem to implement the content of the legal provisions, since asylum seekers who formalise their asylum request usually wait more than three months before being moved to Belgrade or Losnica care institutions for UAMs they can formally have access to

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<sup>313</sup> On the basis of fieldnotes, it is possible to say that basic English was taught to residents who had not formalised their asylum request, while Serbian was taught to the three asylum seekers who had presented asylum request in Serbia. Moreover, there was no level assessment and the only lesson provided twice a week involved students of any level – to which a continuous change of students should be added – , from the total lack of knowledge of the English language, to the ability to speak it fluently. As a consequence, it was not possible to follow a beforehand established programme.

<sup>314</sup> AIDA, “Access to education – Serbia” in Country Report Serbia 2020 | Asylum Information Database (2020). Available at: <https://asylumineurope.org/reports/country/serbia/reception-conditions/employment-and-education/access-education/> [Accessed: 3<sup>rd</sup> August 2021]

<sup>315</sup> Law on the Basis of the Education System of the Republic of Serbia, *Official Gazette* of the Republic of Serbia, no. 72/2009 and 52/2011, art.100(2).

mainstream school, while migrants residing in camp not always succeed in accessing school<sup>316</sup>, also because in many cases they leave ACs and RTCs before their enrolment procedure is formalised.<sup>317</sup> It goes without saying that, during the month in which lockdown measures were applied to camps in order to contrast the Covid-19 pandemic, all children accommodated in ACs, RTCs, as well as in care institutions for UAMs were deprived from the possibility (and right) to attend school. Furthermore, due to the rise of infections in the period of March-May 2021, resident children in the AC of Bogovađa – who had been enrolled in the elementary school of the town – were not allowed to physically attend lessons with the promise to participate remotely and having anyway access to the learning material. According to collected fieldnotes, the outcome was the development of few lessons per week – usually one hour three times per week – held by members of the KIRS staff.

The lack of access to educational opportunities doubtlessly impacts the life of a child both in present and future perspective, and in terms of lacking knowledge and skills, and affected personal growth and development in those years in which human being are supposed to grow the most also due to the contribution of education in general, not strictly related to school attendance. However, the right to education is not homogeneously protected and fulfilled worldwide. Moreover, international displacement plays a pivotal role when it comes to difficulty in accessing formal education in a third country. The experiences of interviewed unaccompanied minors have been investigated also in terms of perceived impact in both present and future terms. As far as the present perspective is concerned, respondents were asked to explain their feeling determined by not being attending an out-of-camp (mainstream) school. Presented perceptions can form three trends,

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<sup>316</sup> *Op.cit.* 313

<sup>317</sup> When interpreting this element, it is important to take into account that Serbia is considered to be, since the opening of the Balkan Route(s), a transit country while heading towards Central and Eastern EU countries.

although the intermediate one could be interpreted as a smooth transition from the first to the third:

- a. for a tiny minority of respondents (2), the lack of possibility to attend mainstream schools or, at least, to receive adequate teaching inside the asylum centre represents a problem and an obstacle for one's development and achievement of future goals. However, this trend has to be understood in the light of a fundamental explicative variable which is the only clear-cut reason of such consideration: the two Afghan respondents in question are the only ones to have applied for international protection in the Republic of Serbia more than three months earlier since the moment interviews were carried out. Nevertheless, although more than due time had passed since their application, no access to mainstream school had been arranged, thus the only leaning opportunity they could take advantage of were informal English and Serbian lessons held inside the AC of Bogovada, as described in the previous paragraph. As a matter of fact, it was affirmed:

«It is a problem. [...] For me studying is fundamental, I told you I want to become a doctor, and school is the only way I have to achieve this. [...] I really want to be in a real school in Serbia and I wish there was no corona [Covid-19]. Because of corona, it is not possible and that is a pity, since I am wasting precious time.»<sup>318</sup>

- b. the second intermediate trend collects opinions of those participants who consider the lack of attendance of a mainstream school as a limited problem. In recognising it as a problem and a missed opportunity, they also realise that Serbia is not their destination country, thus the problem is limited to the temporary stay in such transit country, therefore not excessively relevant for their development and learning process since they are sure to resume education once in destination countries. Indeed, some of the participants declared:

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<sup>318</sup> Interview with H.N. (No.8)

«That is a problem. I left Afghanistan with the intent to continue with my studies, since in Afghanistan I could not because of war. [...] although for me it is a problem because I really want to study, it is not that big problem. I think we should receive proper education in the country where we want to stay [...], for me Serbia is not the country where I want to stay, so I can wait for now.»<sup>319</sup>; « It is not good not to go in a school outside the camp, because when you go to school, no difference if it is inside or outside the camp, in general people live better. [...] It depends on whether or not you stay in this country. I do not want to stay in Serbia, so it is not good not be in school but it is not a big deal in this moment.»<sup>320</sup>

- c. the last trend is the one lying on a substantially shared view among participants: the majority of interviewees – as well as the majority of residents in Bogovađa<sup>321</sup> – does not consider the period of missed educational opportunities as a problem at all. As a matter of fact, UAMs in this case consider themselves as concentrated on a different purpose – reaching their destination country in the shortest time possible – and, therefore, they do not even consider effects of lack of education or education in general as relevant in the present. This idea is particularly highlighted by those participants having been on the route for a longer period, declaring that:

«I do not think anything about it, because I have only one target that is reaching a country in EU, so it makes no difference for me not going to school here, it is not a problem.»<sup>322</sup> Likewise, a sixteen-year-old Afghan boy having spent on the route four years affirmed: «One of the reasons why I left Afghanistan was to go to school, so I really want to go, but not in Serbia [...]. While I am here in Serbia, I just think about going to “Game”, and not about school. So, it is not a problem not to

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<sup>319</sup> Interview with O.M. (No.6)

<sup>320</sup> Interview with A.A. (No.1)

<sup>321</sup> On the basis of collected fieldnotes during informal discussions with residents in the Asylum Centre.

<sup>322</sup> Interview with M.W. (No.2)

be in a real [mainstream] school now, but it would be a big problem in Italy if they do not allow me to go.»<sup>323</sup>

As far as the long-run is concerned, instead, perceptions about the impact of missed years of school attendance are highly polarised: while a small minority does not consider it as a problem for the future life plans, a wide majority expresses concerns, considering the prolonged lack of educational opportunities while on the route as the main obstacle to the realization of ones' projects. On the one hand, the main reason why some participants are not concerned about the way the current lacking access to education will negatively impact their future has to be found in the conviction of catching up once in the destination country. As beforehand expressed, some of the interviewed unaccompanied minors are currently focused on leaving Serbia and reach a Northern or Central EU countries in the shortest time possible; therefore, the main thought is related to the establishment of a new life – involving education in all cases – in the destination country, thus considering access to education as part of a larger project of life-building in their future country of residence. On the other hand, the prevalent sentiment considers the lack of access to education during the years spent on the route as highly relevant problem for one's future. For instance, A.A., a sixteen-year-old Afghan stated:

«Of course [it can be a problem]! school is what helps you to grow and teaches you how to live, if you do not go to school, you do not know what to do and how to do it [...]. If you do not go to school, you have to see by yourself how life makes you a man. Instead, if you go to school, you will see it, for example reading the things of the past [history]. I went to school five years so I know something; but if I want to become a good man, and have a good job, I need to know more, and I want to continue learning to be successful in my future.»<sup>324</sup>

From the analysis of answers provided by respondents, it is possible to identify three main factors driving such concern:

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<sup>323</sup> Interview with S.A. (No.12)

<sup>324</sup> Interview with A.A. (No.1)

- a. the perspective of a future job: some participants consider the lack of knowledge and skills acquirable through education as a potential barrier for the obtainment of a high-skilled and well-paid job once in the destination country. Indeed, the only participant who declared to have never attended school – neither on the route nor in Afghanistan – affirmed that:

«Of course, it is a problem. I know I will never have great job and good salary; probably, I will always be a tailor or work in hairdresser saloons, but it is okay since I did not even go to school when I was in Afghanistan. As I said, it is really hard for me to catch-up because I think it is too late and I do not know so many things that I should have learnt when I was a child.»<sup>325</sup>

- b. the difficulty in resuming studies and play catch-up once enrolled in mainstream schools in the destination countries: such concern emerges in conjunction with the previous one. Several participants, indeed, fear not to be able to recover and absorb all the knowledge and skills they were supposed to learn during childhood, considering brain elasticity as a hindrance to the absorption of new notions. As a matter of fact, one of the respondents stated that:

«[...] Yes, it is a big problem. I really want to go to school, and I left Afghanistan also for that. It is a problem because time in which we are young and learn fast is finishing and I know that I will have a lot of difficulties in learning when I will be older. I have spent so much time without going to school that I am starting to forget things I learnt when I was in school in Afghanistan and Pakistan, and I do not like this.»<sup>326</sup>;

- c. disappointment for the potential difficulty to realise one's life dream: particularly, three respondents – one from Pakistan and two from Afghanistan – recalled their dream to become respectively engineer and doctors when it came to justify the reason why they had expressed concern for their future, as a result of missing out many years of education. Furthermore, in all cases the seek of a refuge in another country in order to peacefully study and achieve

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<sup>325</sup> Interview with J.A. (No. 5)

<sup>326</sup> Interview with S.A. (No.12)

one's life goal was among the push-factors for leaving one's country and facing the difficulties and dangers of the route. O.M, for instance, a sixteen-year-old boy from Afghanistan affirmed that:

«This is not the end, I never know... my trip is still pending. I am not in Germany yet, and there are so many countries between Serbia and Germany, all of them representing obstacles. So, I will lose even more if I look at the short-term: I am losing time for my education, but I am sure I will lose even more in the next months, in the best scenario, or years in the worst. So, yes, of course it is a problem for my future, also because I have already seen my dream to become a doctor to be destroyed.»<sup>327</sup>; likewise, M.E., the only interviewee from Pakistan stated «Of course it will be a problem, because I do not know so many things that I should have learnt [...].»<sup>328</sup>.

### **3.3 Conclusive remarks: The right to education between theory and practice in the context of displacement and permanence in asylum seekers camps.**

Education, in the most general understanding of the term itself, doubtlessly plays a pivotal role in the process of personal growth and development of every individual: not only it provides for knowledge and skills that one day the labour market will require and value accordingly, but it could also represent the first social community in which relations are established, tolerance, co-existence and respect are taught and learnt for the purpose of the identification of an integrated, inclusive and cohesive society. Such task turns out to be particularly relevant when applied to the context of international displacement and the need to endure integration of refugees and asylum seekers in the destination country as the final durable solution of migratory paths that, in most cases, last for years. In order to understand how the fundamental right to education is legally declined and implemented, the chapter analysed such right through a double lens: the available international and regional (EU) legal frameworks; and the voice of fifteen unaccompanied foreign children accommodated in an asylum centre in the

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<sup>327</sup> Interview with O.M. (No.6)

<sup>328</sup> Interview with M.E. (No. 11)

Republic of Serbia, reporting their own experiences concerning the years spent on the route, and expressing perceptions and concerns about the lack of educational opportunities for such a long period of their life.

What seems to emerge, based on collected data through in-depth interviews, is a lacking conformity between the copious legal provisions, and its implementation when it comes to the protection and fulfilment of the right to quality education for asylum-seeking children accommodated in camps in Greece, Bulgaria, and Serbia.<sup>329</sup> Furthermore, perceptions expressed by participants appear conflicting when it comes to link them to short-term and long-term impact on their life. On the one hand, most interviewees do not consider the lack of educational opportunities while on the route as a reason of concern for their present: focus on the organization of a successful “Game”, together with hopes to being enrolled and catch-up once settled in the destination country are the two main explanation behind this trend; on the other hand, the almost totality of participants expressed concerns for the impact on their future: potential difficulty in finding a high-skilled job, together with perceived obstacle in continue learning as adults and relative vanishing dream for one’s future are the reasons on which such concern lies. Although, in general, education does not play a pivotal role in the decision of living one’s country when it is a fragile and conflict-affected state<sup>330</sup>, some participants mentioned it as one of the drivers pushing their migration. Nonetheless, education might play an important role in deciding one’s destination country, once displacement has begun: destination is often unplanned at the beginning, and determined while on the route on the basis of two main drivers: employment and education. For children, whether accompanied or unaccompanied, education may be central in the identification of the destination

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<sup>329</sup> It is worthy to specify that the consideration has not to be intended generically, but in the context of personal experiences of unaccompanied minors interviewed for the present research.

<sup>330</sup> Browne, E., “How does education affect migration from fragile and conflict-affected areas?”, HEART Helpdesk Report, (2016), pp. 1-23.



country, since migrants seek places with available decent school system.<sup>331</sup> Education, as remarked by the CESCR, «*is both a human right in itself and an indispensable means of realising other human rights. [...] and the prime vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain means to participate fully in their communities.*»<sup>332</sup> In order to achieve such goal everyone, irrespectively of one's legal status, has to receive a quality education. As a matter of fact, Katarina Tomaševski – the first UN Special Rapporteur on the Right to Education – developed the 4As framework, lately adopted by the CESCR in its General Comment No.13.<sup>333</sup> According to the 4As framework, education has to be available, accessible, acceptable, and adaptable. Briefly, *availability* generally refers to the presence of elements such as facilities, trained teachers, teaching materials, libraries. When it comes to the context of migration, availability also requires states to guarantee spaces in public school for the welcoming and access of migrants<sup>334</sup>; *accessibility* concerns the possibility to afford education, in both physical and economic terms, without discriminations: in that sense, it is State's duty to ensure access, eliminating barriers which could hinder migrants' enrolment – for instance, economic resources, lack of documentation, residence's distance from the school –<sup>335</sup>; *acceptability* refers to the obligation to provide good quality education, even in context of emergencies as refugee and asylum seekers camps might be intended, respecting the minimum educational standards set forth by the

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<sup>331</sup> Hagen-Zanker, J., Mallet, R., (2016) *Journeys to Europe. The role of policy in migrant decision-making*. ODI Insights. London: Overseas Development Institute, pp. 1-47.

<sup>332</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10, para.1.

<sup>333</sup> Dorsi, D., and F. Petit. (2018) *The Status of the Right to Education of Migrants: International Legal Framework, Remaining Barriers at National Level and Good Examples of States' Implementation*. Paper Commissioned for UNESCO. *Global Education Monitoring Report, Migration, displacement and education: Building bridges, not walls*.

<sup>334</sup> *Op.cit.* 331, para.6a

<sup>335</sup> *Ibidem*, para.6b

State in question<sup>336</sup>; *adaptability* refers to the inclination of education for migrants to meet their unique needs, in many cases referring to preparatory classes in order to overcome linguistic barriers which could hamper the students' learning and understanding of classes.<sup>337</sup>

However, in order to ensure access to quality education and responsive to the 4As framework also when it comes to refugees, asylum-seeking and migrant children, it is necessary to overcome barriers that, at national level, hamper the full realisation of the fulfilment of such right. Despite the existence of inclusive and protective laws, migrants collide with legal, administrative, and practical obstacles at national level.<sup>338</sup> Legal barriers mainly refer to the lack of clear provisions concerning compulsory education for undocumented children or children living in reception centres: such blank, thus, can represent an insurmountable obstacle until when a new law is adopted and, as a consequence, exclude from access to education a wide number of children in school age, considering the length of asylum procedure before a final decision is made.<sup>339</sup> As far as administrative barriers are concerned, they mainly refer to documentation requirements – such as birth certificates, proof of residency, vaccination documents, recognised diploma – and lack of information, two widespread phenomenon among refugees and asylum seekers in a new country. However, the lack of required documents not only represents the main burden hindering children from enrolling in mainstream schools, but it harshly discriminate refugees and migrants who mainly flee their countries leaving documents behind.<sup>340</sup> In the last category of practical hindrance, instead, collects barriers related to insufficient human and financial resources from

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<sup>336</sup> *Ibidem*, para.6c

<sup>337</sup> *Ibidem*, para.6d

<sup>338</sup> *Op.cit* 332, p.34

<sup>339</sup> IOM, UNHCR, UNICEF (2019), *Access to education for refugee and migrant children in Europe*, Available at: <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2019/09/Access-to-education-europe-19.pdf> [Accessed: 5th August 2021] pp.7-8

<sup>340</sup> *Op.cit.*332, pp.36-39

national education authorities, which then impact the availability of facilities, school material, trained teachers, preparatory classes, language and cultural mediators.<sup>341</sup> Furthermore, when addressing the existence of barriers challenging foreign minors' access to quality education, also stereotypes, discrimination, and social integrations issues should be recalled as well, since it often is the reason of governments' lack of action, in response to widespread nationalisms and understanding of migrants as a threat to the public security and national integrity.

Nonetheless, the rise of challenges in accessing education, refugee, asylum-seeking and migrant children should not be prevented from the enjoyment of one of fundamental rights every individual is entitled of. As widely stressed in all international legally binding documents, such right has to be guaranteed according to the principle of equality and non-discrimination, thus it is governments' duty to intervene in order to remove all barriers and pledge to ensure to non-citizen children in school age the access to education under the same conditions of citizens. Displacement, therefore, cannot be a reason why children are excluded from formal and quality education, since, as argued by UNICEF, «A child is a child, no matter why she leaves home, where she comes from, where she is, or how she got there. Every child deserves protection, care and all the support and services she needs to thrive.» Furthermore, the United Nations included education within the 2030 Agenda for Sustainable Development: as a matter of fact, Sustainable Development Goal (SDG) No.4 is the educational goal, whose purpose is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.<sup>342</sup> Particularly, among the ten targets identified to achieve SDG 4, target No.5 directly refers to the elimination of all discrimination in education, addressing gender disparities and challenges that people with disabilities, indigenous people and children in vulnerable situation

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<sup>341</sup> *Op.cit.*338

<sup>342</sup>United Nations (UN) (2015) *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1. Available at: <https://sustainabledevelopment.un.org/> [Accessed: 10<sup>th</sup> August 2021]

may have to face: indeed, irrespective of sex, age, race, colour, ethnicity, language, religion, political or other opinion, national or social origin, property or birth, as well as persons with disabilities, migrants, indigenous peoples, and children and youth, especially those in vulnerable situations or other status, should have access to inclusive, equitable quality education and lifelong learning opportunities. The adoption of measures aimed at achieving such target could, therefore, lead to what the Universal Declaration of Human Rights (UDHR) had envisaged as purpose of education in 1948: «[...] the full development of the human personality, the strengthening of respect for human rights and fundamental freedoms, [...] understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.»<sup>343</sup>

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<sup>343</sup> Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., U.N. Doc. A/810 (1948), art.26(2)



#### **CHAPTER IV: Personal growth and development in the midst of a double transition: UAMs' perceptions in relation to permanence in camps.**

As data collected worldwide show, the migratory phenomenon does not only involve adults, instead a great portion of persons on the move is represented by children. Just as adults, children migrate for a variety of push-factors characterising the country of origin – conflicts, persecution, food insecurity, environmental disasters –, together with hopes and aspirations for their future and parents' pressure: therefore, not only security reasons but also future-related reasons hold a role in engaging in a migratory path, in many cases to be read through the lens of parents deciding for the displacement of one's child(ren) to rely – in a future view – on remittances as an economic source.<sup>344</sup> The context of international displacement is nowadays dangerous and time and money-consuming for all people on the route, however a higher factor of risk and vulnerability can be associated to children on the move, particularly for those who are unaccompanied or separated while on transit.<sup>345</sup> An elevated vulnerability determined by displacement is associated to unaccompanied adolescents in virtue of their age: not only they are more susceptible to risks determined by displacement itself – thus violence, abuse, neglect, smuggling, trafficking – , but also in relation to child-related issues intertwined with development of their own person and identity, in a context characterised by lack of physical support by family, separation from the social, cultural and linguistic context where they were born and raised in the first years of their childhood, and instability determined by their continuous movements and, potentially, by the lack of legal status and length of procedures determining it in host countries.<sup>346</sup> Defining adolescence as the

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<sup>344</sup> UNHCR (2010), *Voices of Afghan Children - A Study on Asylum-Seeking Children in Sweden*. Available at: <https://www.unhcr.org/protection/children/4c8e24a16/voices-afghan-children-study-asylum-seeking-children-sweden.html> [Accessed: 10<sup>th</sup> July 2021]

<sup>345</sup> Serviere, C., (2020) “*Caring for unaccompanied minors in transit in Serbia*”, School of Advanced Study University of London, Refugee Law Initiative Working Paper No.51, pp.1-27

<sup>346</sup> Arvanatis, E., Yelland, N., Kiprianos P., (2019) “*Liminal Spaces of Temporary Dwellings: Transitioning to New Lives in Times of Crisis*”, *Journal of Research in Childhood Education*, Vol. No. 33(1), pp. 134-144

period during which a person develops from a child into an adult, it is clear that, however it might be, it plays a pivotal role in the identification and shaping of the identity and personality of the future adult. When it comes to unaccompanied minors – most of whom spending a more or less extended segment of their adolescence on the route – a major and deeper difficulty might emerge in the identification of the future itself, with plans, purposes in life, interpersonal relations, and understanding of what is all around. It might be said, then, that in the context of displacement, adolescents – whether or not separated and unaccompanied – live a sort of double transition: a transition to adulthood, and a life-changing transition to a new reality outside the country of origin. If the border crossing action is read through the lens of a life-changing event in the course of a prolonged “rite of passage”, it could be noticed the double challenge that the process entails for UAMs: on the one hand, children in the most delicate phase of their life enter new spaces with their own rules and regulations, temporal and spatial constructions, and they need to adapt to such new context in the view of a future integration; on the other hand, while adapting to the new social and cultural environment they live a process of interior growth, a transition towards adulthood, seeking to shape their identity, beliefs, projects, and to develop coping mechanisms considered to be necessary to make one’s life develop and blossom in the host country.<sup>347</sup> In such phase of double transitions, indeed, it is necessary to immediately address the individual vulnerabilities of the children in question, trying to avoid the emergence of a feeling of non-belonging to oneself and to the place which should be considered their refuge first, and home then. Furthermore, it is essential to broadly consider the realities unaccompanied minors might have faced and experienced both in the country of origin and while on the route, in order to better ponder the response they are expected to receive by the social and cultural environment of the host country in which they intend to settle and integrate. It might happen, indeed, that previously transited environments and experienced hardships hindered a personal development and resulted in trauma

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<sup>347</sup> *Ibidem*

and extensively visible vulnerability. As a matter of fact, according to a study carried out in Greece to better interpret vulnerability, unaccompanied foreign adolescents turn to be more vulnerable in relation to disadvantages prior to departure, and circumstances experienced while living alone, thus influencing their physical, psychosocial and emotional development.<sup>348 349</sup> The study uses the wording “cumulative disadvantages” to comprehensively address the heritage unaccompanied minors bring with them once in the destination country, consisting of disadvantages prior to departure and disadvantage as undocumented migrant children. As far as the first category is concerned, it might include difficulties such as the death or disappearance of one or both parents, the inability to pay smugglers, lack of contact in the diaspora community, and the situation in the country of origin should be considered as well: all these variables may lead to increased susceptibility to poverty, neglect, child labour, and condition of homelessness while on the route. On the other hand, as far as the circumstances faced while on the route as undocumented and unaccompanied children are concerned, homelessness and exploitative working – often in conjunction with smuggling and trafficking in the worst cases – could represent the main dangers minors could be exposed to: in both cases, therefore, the exclusion from social contexts and social support, together with desperation provoked by the need to meet basic needs, like food, shelter and money, and the willingness and need to continue the transit, expose them to an increased vulnerability and higher inclination to isolation, denial of personal development, and lack of integration.<sup>350</sup> The findings of the mentioned study – conducted through interviews with UAMs in Greece – are corroborated by the contribution of another field research

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<sup>348</sup> Circumstances experienced while living alone is the exact wording of the study; however, in a broader sense, it is understandable as the experiences while on the route where they live alone since unaccompanied and undocumented.

<sup>349</sup> Mishra, D., Spiegel, P. B., Digidiki, V. L., & Winch, P. J., (2020) “*Interpretation of vulnerability and cumulative disadvantage among unaccompanied adolescent migrants in Greece: A qualitative study.*” *PLoS Medicine*, Vol. No. 17(3). Available at: <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1003087> [Accessed: 15<sup>th</sup> July, 2021]

<sup>350</sup> *Ibidem*, pp.9-10



conducted in the Republic of Serbia, changing the subjects of interviews: field practitioners in charge of the UAMs' protection while residing in the transit countries. According to such research's findings, there are different factors influencing the journey and transit experiences of unaccompanied children, differentiated between risk and protective factors. Focusing on the first category, journey and past traumas, together with the necessity to deal with smugglers, represent the main risk factors to which unaccompanied children are exposed during their transit in Serbia.<sup>351</sup> The role played by smugglers – which will be discussed in-depth in next paragraph – is pivotal in the transit experience of UAMs. As a matter of fact, it is represented as a risk factor since smugglers expose them to abuse, violence, blackmailing, dangers in illegally border-crossings and, in many cases, recruit intermediaries among minors themselves. What emerges, then, is the relevance that such figures have during all the time spent on the route, thus leading to a direct link with families. Even though children on the move tend to consider families as the main source of support and protection – as confirmed by answers provided during interviews, which will be discussed later on –, it is worthy to mention that, instead, in many cases they represent a factor increasing risks and vulnerability of minors, since they push them to continue their transit, in the light of the substantial sums they pay to smugglers. The results presented in the beforehand mentioned research are also confirmed by field notes collected in Bogovađa: during informal conversations, indeed, residents declared that parents were pushing them to leave Serbia and continue the path heading towards Germany, France, or the United Kingdom, despite the lack of knowledge about the current non-permeability of the borders, and the risks associated to the attempt of the illegal crossing.<sup>352</sup> Doubtlessly, such a pressure represents a considerable burden on the psychological balance of

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<sup>351</sup> *Op.cit.* 344, pp.16-18

<sup>352</sup> In the majority of cases, parents push sons – the term is used on purpose since all interviewees in the AC Bogovađa were unaccompanied male children – to continue their journey relying on information provided by the main smuggler – kachakbar – they arranged the journey with, or relatives who already are in EU countries.

unaccompanied minors who, indeed, perceive the temporary accommodation in asylum or reception and transit centres as a waste of time, or a time to recover from one “Game” while waiting to attempt another.<sup>353</sup> Furthermore, experiences faced on the route are, again, included among the risk factors for children in transit: the length of their displacement, indeed, is what increases the likelihood of having been exposed/be exposed to abuse, violence, and degrading treatments, both while in the transit countries or at the borders. The longer they are on the route, the more likely is to accumulate traumatic experiences which, once in the destination country, could potentially represent an obstacle to their personal development and integration in society. Negative experiences, in general, contribute to the understanding and development of the self, thus having an ambivalent role: on the one hand, they can strengthen the person in question and lead him/her to the convincedly belief that, after that, anything could be easily overcome; on the other hand, they could represent an Achilles’ heel in the future life of the person concerned. It has been argued that challenges in biographical experiences can lead to two opposite processes: the process of “anchoring”, understandable in terms of ability to connect to oneself or to new contexts and situations; and the process of “floating”, a sort of life crisis leading to an emotional state in which the person is unable to go whether forward or backward, in the name of a loss of touch with one’s history.<sup>354</sup> What could be concluded, then, is the need of an objectively developed learning of one’s experiences prior, during and after departure to allow asylum seekers in both transit and destination countries construct and develop themselves as individuals, and as part of a new community in a new society characterised by domestically-defined rules, traditions, spatial and temporal constructions.<sup>355</sup>

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<sup>353</sup> Such matter will be widely discussed in next paragraph, providing for an insight based on answers of respondents.

<sup>354</sup> Bron, A., Thunborg, C., Osman, A., (2021) “*Being in limbo or learning to belong? – Telling the stories of asylum seekers in a mill town.*” *Studies in the Education of Adults*, Vol. No. 53(1), pp.82-100

<sup>355</sup> *Op.cit.* 345

Indeed, the personal development that unaccompanied minors might experience while on the route plays an important role in the process of integration they will experience once settled and having their status legalised in the destination country. As widely addressed in the previous chapter, the accommodation in asylum seekers camps, ACs or RTCs holds among the primary positions in the overall experience of the journey: it somehow leads to the end of social isolation, it provides for basic needs' satisfaction, and could foster the establishment of interpersonal relations not only with peers having experienced the same migratory path, but also with professionals and volunteer field workers. Hence the purpose to include such variable in the research project in the Centar Za Azil Bogovađa. The purpose is to understand how unaccompanied minors perceive themselves and their personal growth in relation to displacement and prolonged time spent on the route; moreover, it aims at analysing the way they perceive people around them, and how they perceive the possibility to foster one's growth in relation to the more or less prolonged accommodation in reception facilities, trying to identify what is mostly at stake and what, instead, could be conceived a protective measure from the dangers that the route itself expose them to. The first step will consist of the identification – or lack of – some substantial legal framework concerning the right to personal development.

#### **4.1 The right to personal growth and development: the (lack of substantial) legal framework**

The right to freedom of movement, as analysed in the previous chapter, benefits from a wide protection and richness in provisions within international legally binding instruments. The same, however, could not be said as far as the right to personal development is concerned. Not only it is mainly intended in terms of developments within society and in relation to the cultural and economic sphere, but when intended in the sense of “personal development”, it is mainly declined in correlation to other rights – for instance, right to education or to healthcare – which, if correctly and comprehensively promoted, protected and fulfilled, would lead, as an inevitable positive externality, to a development and growth of the

person. Therefore, in general terms, what could be underlined is a lack of interpretation and implementation of the right to development *per se*, as an obligation fulfilled regardless of other obligations.<sup>356</sup> Nonetheless, speaking in general terms about development, in 1986 the United Nations General Assembly (UNGA) adopted the Declaration on the Right to Development.<sup>357</sup> Despite addressing the concept of development in the width marking the concept itself, in art.2 of the Declaration it is possible to identify a declination in which the human being's centrality is affirmed:

«The human person is the central subject of development and should be the active participant and beneficiary of the right to development. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as the duties to the community, which alone can ensure the free and complete fulfilment of the human being and they should therefore promote and protect and appropriate political, social and economic order for development.»<sup>358</sup>

Even though the Declaration poses the human beings at the centre of the process – both as subject and object of development – no reference is made to the development of the individual itself, both in relation to himself/herself and the social fabric in which he/she is included.

When it comes to children, it is the UN Convention on the Rights of the Child which provides a reference to the right to development. Specifically, art.6(1)(2) of the Convention states that: «1. States Parties recognize that every child has the inherent right to life. 2.States Parties shall ensure to the maximum extent possible

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<sup>356</sup> Peleg, N., (2017) “*Developing the right to development*”, International Journal of Children’s Rights, Vol. No. 25(2), pp.380-395.

<sup>357</sup> UN General Assembly, *Declaration on the Right to Development: resolution / adopted by the General Assembly*, 4 December 1986, A/RES/41/128. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightToDevelopment.aspx> [Accessed: 13th July 2021]

<sup>358</sup> *Ibidem*, art. 2(1)(2)

the survival and development of the child.»<sup>359</sup> Despite the provision's general character, mainly interpreted in the light of the firstly mentioned right to life, all articles contained in the Declaration show a clear purpose of child's full development, both materially, physically, and spiritually. Moreover, an evident proof of the correlation between the fulfilment of the right to development through the fulfilment of other rights<sup>360</sup> can be identified within art.29 of the UNCRC. Indeed, art.29(1)(a)(b)(d) ties the fundamental importance of education to the further development of the child, defining *inter alia* that:

«States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; [...] (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.»<sup>361</sup>

Due to the lack of a substantial set of provisions providing for increased promotion and protection to the right to personal development, the main reliable instruments for a better understanding of art.6 of the UNCRC may be found in the interpretations set forth in the CRC Committee's General Comments, especially when it comes to link such right to unaccompanied minors in the context of international displacement. Indeed, in the General Comment No.6, paragraphs 23 and 24 address the right to life, survival and development, identifying an obligation for the State party to the Convention to protect children from any kind of violence and exploitation which could, instead, hamper the protection of such right and cause harm to unaccompanied children. Particularly, in the context of

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<sup>359</sup> United Nations Convention on the Rights of the Child, UNGA res. 44/25 (1989), art. 6. Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf> [Accessed: 15<sup>th</sup> June 2021]

<sup>360</sup> *Ibidem* 356

<sup>361</sup> United Nations Convention on the Rights of the Child, UNGA res. 44/25 (1989), art. 29(1)(a)(b)(d)

displacement, children might be increasingly exposed to the activities of criminal groups and to trafficking.<sup>362</sup> Such concept, although not directly linked to the case of unaccompanied minors, is reiterated in the Committee's General Comment No.14, stating that, in line with the protection of the best interest of the child «States must create an environment that respects human dignity and ensures the holistic development of every child. In the assessment and determination of the child's best interests, the State must ensure full respect for his or her inherent right to life, survival and development.»<sup>363</sup> In line with the core purpose of the present research project and the age of participants – see *Graph 2: Age Distribution* – the General Comment No.20 of 2016 addresses the right to development and provides an interpretation to it in relation to adolescence. Adolescence is defined by the Committee itself as «[...] a life stage characterized by growing opportunities, capacities, aspirations, energy and creativity, but also significant vulnerability.», also recognised as a fundamental period of transition and opportunities for improving life chances.<sup>364</sup> In relation to the specific right to development, the Committee stresses the pivotal role played by adolescence, pinning it as a positive developmental stage of childhood, therefore resulting in the need to identify and promote the creation of environments in which the rights of adolescents are guaranteed and the development of their physical, psychological, spiritual, social, emotional, cognitive, cultural and economic capacities supported.<sup>365</sup> Therefore, the role of State and non-State actors are called forth: the Committee, indeed,

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<sup>362</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. Available at: <https://www.refworld.org/docid/42dd174b4.html> [Accessed: 15<sup>th</sup> August 2021], para 23-24.

<sup>363</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. Available at: <https://www.refworld.org/docid/51a84b5e4.htm> [Accessed: 13<sup>th</sup> August 2021], para 42.

<sup>364</sup> UN Committee on the Rights of the Child (CRC), *General comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, 6 December 2016, CRC/C/GC/20. Available at: <https://www.refworld.org/docid/589dad3d4.html> [Accessed 13<sup>th</sup> August 2021].

<sup>365</sup> *Ibidem*, para 15.

requires these subjects to «[...] promote environments that acknowledge the intrinsic value of adolescence and introduce measures to help them to thrive, explore their emerging identities, beliefs, sexualities and opportunities, balance risk and safety, build capacity for making free, informed and positive decisions and life choices, and successfully navigate the transition into adulthood.»<sup>366</sup> Nonetheless, although it provides a general understanding of the issues to be addressed in order to ensure an extensive protection of children's rights during the delicate phase of adolescence, the General Comment does not include any specific mention concerning children on the move in general, unaccompanied minors in particular: chap. V (para 26-36) enlists categories of adolescents requiring particular attention, however children and adolescents affected by displacement are not included therein. Furthermore, although making a step forward in the call for a positive value to be associated to adolescence and the need of psychological and developmental during this later stage of development, it does not provide for further instruments to further interpret and decline the right in question, rather it suggests the identification of provisions in domestic law.<sup>367</sup>

However, in 2017 the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child released two general comments addressing the specific needs and rights of children in the context of displacement. Particularly, the Joint General Comment No.3 directly addresses the right to life, survival of development set forth in art.6 of the UNCRC. The two Committees recognise that: «At any point during the migratory process, a child's right to life and survival may be at stake owing to, *inter alia*, violence as a result of organized crime, violence in camps, push-back or interception operations, excessive use of force of border authorities, refusal of vessels to rescue them, or extreme conditions of travel and limited access to basic services.» Furthermore, they acknowledge that, since they travel without parents

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<sup>366</sup> *Ibidem*, para 16

<sup>367</sup> Peleg, N., "Developing the right to development", *International Journal of Children's Rights*, Vol. No. 25(2), (2017), p.385.

or adults in charge of their responsibility, unaccompanied and separated children might be more exposed to risks and vulnerabilities – if compared to accompanied children – caused by gender-based, sexual and other forms of violence and trafficking for sexual or labour exploitation.<sup>368</sup> Going back to the concept of ‘aggregate disadvantage’ also determined by experiences lived while on the route, the dangers children can be exposed to during displacement can include harm, psychological trauma, marginalization, discrimination, exploitation, family separation and, in some cases, even detention. Such risk factors, together with hardship to access education, healthcare, and satisfaction of the most basic needs – shelter, food, water – may negatively impact the physical, mental, spiritual, moral, and social development of children both while on the route and once in the destination country, as acknowledged by the Committees and scholars. As a matter of fact, the Committees urge States – both transit and destination countries – to devote a certain attention to the protection of undocumented children, regardless of their status of unaccompanied, separated or accompanied, taking into high consideration the violence, abuse, exploitation, smuggling and trafficking they might have been exposed to while on transit, not only because of their age, but also because of additional factors which might have aggravated their exposure to dangers, such as gender, poverty, ethnicity, disability, religion, sexual orientation, gender identity.<sup>369</sup> Moreover, a reference is also made to the adequate living standards to be ensured to children, regardless of their legal status and the one of their parents if accompanied – in order to allow a physical, mental, spiritual and

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<sup>368</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), *Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration*, 16 November 2017, CMW/C/GC/3-CRC/C/GC/22. Available at: <https://www.refworld.org/docid/5a1293a24.html> [Accessed: 13<sup>th</sup> August 2021], para 40

<sup>369</sup> *Ibidem*, para 42



moral development, comment to be read in relation to art. 2<sup>370</sup>, 6<sup>371</sup> and 27<sup>372</sup> of the UN Convention on the Rights of the Child.<sup>373</sup>

According to the view of the UNCRC Committee, therefore, the right to survival and development set forth in art.6 of the Convention – which should be ensure and protected by State parties “[...] to the maximum extent possible [...]” – must be understood as a holistic concept, interpreting all provisions contained in the document as a way to ensure the fulfilment of such right. As UNICEF pinpointed, the concept of “development” is about providing optimal conditions for childhood, for the child’s life itself, rather than being just the preparation of the child for adulthood.<sup>374</sup> Doubtlessly, even though at international level a lack of substantial reasoning about the right to personal development could be highlighted, it must be said that, considering all legally binding provisions concerning the protection of children’s rights in general, a certain width of protection can be traced. As a matter of fact, the need of developments regarding the right to development in international law it is not about a lack of provisions protecting rights which are meant to lead to an overall physical, mental, psychological, spiritual, cultural and social development; rather, the main concern is determined by a lacking interpretation of the right to development *per se*, independently from the interpretation and further promotion and protection of specific rights elaborated in such view.

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<sup>370</sup> Principle of non-discrimination.

<sup>371</sup> Right to life, survival and development.

<sup>372</sup> Standards of living

<sup>373</sup> *Op.cit.* 367, para 43

<sup>374</sup> UNICEF (2007), *Implementation Handbook for the Convention on the Rights of the Child*, 3<sup>rd</sup> edition. Available at: <https://www.refworld.org/docid/585150624.html> [accessed 18<sup>th</sup> July 2021], pp. 83-94

#### **4.2 Between hindrance and support: the role of asylum seekers camps in shaping unaccompanied minors' perceptions of personal growth.**

Unaccompanied migrant and asylum-seeking children, despite being considered among the most vulnerable categories of people affected by displacement, not always receive the adequate cares and treatments they are entitled of in the light of international, regional, and national legally binding instruments identified in that direction. It might happen, for instance, that children are violently pushed-back by the border police, as well as adults are; or they are subjected to unlawful deportations to their country of origin or to countries beforehand transited; or, *inter alia*, it might happen that they are not guaranteed adequate living standards once accommodated in asylum centres or transit and reception centres in transit or destination countries. As a matter of fact, throughout the years, situations of overcrowding, scarce availability of food, difficult access to water, extremely poor hygiene and sanitation conditions have been recorded in refugees and asylum seekers camps all along the main migratory routes. Even though the failure in guaranteeing the most basic living standards negatively impact all persons on the route, it could be said that, in the light of art.27 of the UN Convention on the Right of the Child, in conjunction with art.6 of the self-same, the impact on children might be harsher and hinder their physical, mental, psychological, and spiritual development, since the surrounding environment does not provide the adequate circumstances. For unaccompanied children, indeed, the States' failure to guarantee the basic living standards could result in different scenarios, such as the permanence in informal and makeshift camps; the accommodation in extremely overcrowded centres in which adequate access to food, water and hygiene is challenged; the accommodation in camps or reception and transit centres with adults, thus risking to be exposed to violence, abuse, threats, blackmailing, smuggling activities in the same shelters; or even the lack of an accommodation itself, thus the need to sleep in what they refer to as "the jungle".<sup>375</sup>

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<sup>375</sup> Minca, C., (2021) "*Makeshift camp methodologies along the Balkan Route*". Area, pp.1-9.

The following sections of the chapter will analyse UAMs' perceptions about personal growth and development during adolescence in relation to stay in camps, considering different factors, such as: the time spent in camps *per se* and its contribution in terms of additional value to growth; the role played by field workers and the respondents' understanding when it comes to the way they foster their growth, and identification of interests and life goals; the location of camps and the impact on two directions: on the one hand, the establishment of interpersonal contacts with the local communities, on the other hand the distance from situations that UAMs perceive dangerous and stressful for themselves – i.e. smuggling –; lastly, it will briefly examine how more or less prolonged stay in camps has shaped the daily routine of respondents, in terms of a more active or passive lifestyle if compared to the daily organization of activities in both the country of origin and the beforehand transited countries.

#### **4.2.1 UAMs' perception of camps and field workers in relation to growth and development: safe context for development or unfruitful waiting before reaching the destination?**

*«[...] It is just spending time while waiting to go to “Game”, I feel like I am wasting time here, but you know how situation at the border is, they push us back and do not let us go where we want and start build up our life. So, we have to be in camp if we do not want to be in the street. But this situation [...] just makes me feel sad and upset for the condition of all migrants.»<sup>376</sup>*

Doubtlessly, time spent in refugees or asylum seekers camps represents a fundamental segment of the experiences that migrants – whether single men, families, unaccompanied or separated children – face while on transit. It should not be called into question the fact that, although being temporary accommodation for people on the move, adequate and dignified living standards should be guaranteed, together with complete assistance to people in need. Furthermore, the temporariness characterising the concept of refugee or asylum seekers camp itself

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<sup>376</sup> Interview with I.K (No.13)

should not be dodged: indeed, any effort should be made in order to avoid turning such temporariness in an undefined over-stretched present, thus undermining the prospect of a full integration once in the destination countries. For children in general, and unaccompanied minors in particular, the experience of camps could be considered to be twice as challenging: the separation from the family, the pressure to move further and deal with smugglers, overcrowding and related lack of sufficient space and privacy – together with insufficient food, hygiene and health cares – are some of the reasons which could worsen children’s condition once in a reception facility, making it difficult to simply distress their minds or, forwardly looking, properly settle.<sup>377</sup> Particularly, adolescence is conceived as a delicate phase of a human being’s life, perhaps the phase during which the majority of changes and developments occur. When dealing with adolescents in the context of international displacement, it is essential to take into consideration their background and the social and cultural environment they have been inserted in the country of origin. For instance, considering the sample on which the present research project relies, it is observable that the majority of respondents come from Afghanistan, a country martyred by a twenty-year ongoing conflict which, after the announcement of the US-troops withdrawal, has resulted in a violence escalation and the fall of power in the hands of the Taliban forces which, twenty years after the beginning of the American occupation, declared the country as an Islamic Emirate and proceeded with the formation of a Taliban-led government with hardliners controlling the key ministries.<sup>378</sup> Therefore, an increased tact is required when dealing with adolescents who, besides being/having been on the route for a certain period of time and, thus, exposed to risks and vulnerability, come from a socio-political context often shored up by indiscriminate violence against civilians, extreme poverty and material deprivation, human rights

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<sup>377</sup> Serviere, C., (2020) “*Caring for unaccompanied minors in transit in Serbia*”, School of Advanced Study University of London, Refugee Law Initiative Working Paper No.51

<sup>378</sup> Douchet, L., (7<sup>th</sup> September 2021) *Hardliners get key posts in new Taliban government*, BBC World. Available at: <https://www.bbc.com/news/world-asia-58479750> [Accessed: 10<sup>th</sup> September 2021]

violations, unlawful punitive practices, extreme lack of freedom. As a matter of fact, the parallelism with situation they fled in Afghanistan is a recurrent element over interviews, both in positive and negative terms.

When it comes to perceptions that interviewees have in relation to the impact that stay in camps has on their adolescence and consequent growth and development as persons, what emerges is the identification of two opposite trends:

- a. camps may have a positive impact, determined by a perceived condition of relax and safety;
- b. camps may have a negative impact, hindering a process of self-development on which what weights the most is a sense of loneliness and distance from families, together with a lack of access to education and the condition of joblessness.

As far as the positive impact is concerned, a minority of respondents declared that, although life in camp implies some levels of hardship, the feelings of relax and safety – together with a residual value associated to the fostering of resilience – that accommodation in camp brings to them holds an important role on the process of development of their person and personality. Particularly, such elements are presented in comparison of the situation in the country of origin and the difficulties experienced on the route, outside the formal systems of accommodation in transit countries. A sixteen-year-old boy from Afghanistan, indeed, declared that:

«Here I am happy, I am more relaxed. [...] I think that spending this short time here could help me to become a better person, because some people that only experience hardship and violence can become angry and violent adults. [...] I think I am growing faster here, because my friends in Afghanistan are every day in tension, they are not safe. Since I am having a more relaxed life in this period, I can concentrate more on my growth, and I can grow faster and better. In Afghanistan it was not like that, every day it is

just work, work, war, war, war, so we could not think about ourselves and the person we wanted to become.»<sup>379</sup>

Such concept is also expressed by a fifteen-year-old participant from Pakistan who stated to feel more relaxed in camp, comparing it to his life in Pakistan where, instead, the need to work to contribute to the family income could not allow a concentration on himself and his growth.<sup>380</sup> When it comes to safety, moreover, the idea is always expressed in comparison with the country of origin and the widespread violence that, besides representing one of the push-factors for departure, also account for an obstacle for concentration on oneself and life plans. N.M, a sixteen-year-old asylum seeker from Afghanistan, indeed, cites war as the main reason why he left his country of origin, in order to seek a peaceful place where to live, stating that:

«[...] My main concern was to leave Afghanistan because of war, because it is not safe, and I wanted to live in peace. So, if I compare being in camp with being in Afghanistan, here it is fine even though I do not have many things to do and I cannot go to school, because at least I am safe, I do not have war around. [...] I can live more freely and more relaxed, without worrying about Taliban, war, bombs, and I think this condition of safety and calm can help me to concentrate on myself, on what I want to be in the future, so I am having chance to grow up mentally stronger. But despite the situation, despite being on the route for so long and being in camp, I think teenagers in Afghanistan grow faster because they are experiencing war for longer than I did. [...].»<sup>381</sup>

On the other hand, instead, the absolute majority of participants conceives time spent in camps during their double transition process<sup>382</sup> as a factor which hinders their personal development and poses a burden on their psychological balance. Different are the reasons presented to explain the content of such thought,

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<sup>379</sup> Interview with H.N (No. 8)

<sup>380</sup> Interview with M.E (No.11)

<sup>381</sup> Interview with N.M. (No.9)

<sup>382</sup> See Arvanatis, E., Yelland, N., Kiprianos P., (2019) “*Liminal Spaces of Temporary Dwellings: Transitioning to New Lives in Times of Crisis*”, Journal of Research in Childhood Education, Vol. No. 33(1), pp. 134-144

however loneliness and separation from the families seem to play a pivotal role. On the one hand, the lack of parental care and support represents a weak point for unaccompanied minors: as a matter of fact, they recurrently mentioned how much they miss parents, brothers and sisters who stayed in the country or origin and, thus, cannot assist the unaccompanied children both while in transit and once in the destination country. This could be deduced by two Afghan interviewees who affirmed:

«In general, I would say that friends who are in Afghanistan are better off, because they are with families, and they do not have to experience all the problems that migrants have on the way»;<sup>383</sup> “[...] But, in general, it is hard for me [being in camp], and I am very sad most of the time because I miss my family and I miss doing normal things I used to do before leaving Afghanistan. I don’t have many friends in camp and sometimes I feel very lonely.»<sup>384</sup>

On the other hand, it could be conceived as a strong point, since it fosters unaccompanied minors’ self-reliance and push them to consider the best ways possible to survive in a dangerous and threatening context. As a matter of fact, such consideration echoes in the words of a respondent from Afghanistan – who declared to have transited several camps in Greece, Serbia, and Bosnia – who stated:

«I think [being in camp] affects a lot because you are alone, you have to find good friends who do not leave you; you have to find the BEST WAY, not the good way, the best because you are in danger, you have to save your life. This [being in camp and on the route] absolutely made me a man. I left when I was a child and I always thought ‘where is my ice cream, where are my toys?’ but now not, now I have bigger goals. [At the question ‘which goals?’ he answers:] GOING OUT OF THIS HELL.»<sup>385</sup>

However, the feeling of loneliness, mainly determined by the distance from the family and the country of origin, is not the only factor negatively impacting on

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<sup>383</sup> Interview with S.S. (No. 7)

<sup>384</sup> Interview with I.K. (No.13)

<sup>385</sup> Interview with A.A. (No.1)

unaccompanied minors' perceptions about their personal growth and development while staying in camps: the lack of educational opportunities, in conjunction with the condition of joblessness, seem to hold a role. Nonetheless, if loneliness and family absence are inevitable side effects of displacement, the absence of interest-triggering activities and educational opportunities within camps or asylum centres are to be studied in relation to a structural lack of adequate organization and management of the system by authorities. If, on the one hand, the temporariness of refugees and asylum seekers camps must always be borne in mind as the linchpin of the emergence of formal settlements, in the view of the identification of a durable solution, on the other hand, it should also be considered that such temporariness's length is – and cannot be – determined *a priori*. Therefore, in the light of a possible and foreseeable extended permanence of children, the managerial authorities, together with humanitarian NGOs should also focus their attention on educational and learning activities, always considering that being a refugee/asylum seeker child implies two dimensions: being a child, and then being a refugee/asylum seeker.<sup>386</sup> The consequence of such lacks seems to emerge as an absence of purpose which, in turn, makes the stay in camp as a waiting period while waiting to continue the transit towards the destination countries. This element recurrently comes to light among answers provided by respondents who generally declared that:

«Once in the destination country, I will go to school and learn everything I need to have a better future, so I will learn how to be a tailor, own a shop, or work as a mechanic. But here I do not have many options to learn that kind of stuff.»<sup>387</sup>; «[...] moreover, I am not going to school and learning stuff I am supposed to learn at this age. [...] I do not have anything to do all day, I do not go to school, I do not work, I do not have money. It is just spending time while waiting to go “Game”»<sup>388</sup>; “Being in camp means that I am

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<sup>386</sup> Başçillar, M., (2020) "Migration, Social Cohesion and Unaccompanied Children in The Context of Social Work." *Toplum ve Sosyal Hizmet Vol. No. 31.2*, pp.726-742.

<sup>387</sup> Interview with M.Z (No.4)

<sup>388</sup> Interview with F.H. (No.14)



jobless, and this is very difficult because I just sit and I cannot work, so I cannot have money.»<sup>389</sup>

Furthermore, in order to have a comprehensive clear picture of the impact that permanence in camps can have on residents – especially unaccompanied foreign children – it is worthy to mention the role that field workers – both professionals and volunteers – can potentially play in shaping the perceptions and sensations of accommodated people while on transit. In general, the set of figures identifiable in refugees and asylum seekers camps comprises: the body of the authority in charge of the camp's management; humanitarian workers and volunteers, working for non-governmental organizations aiming at providing both relief and humanitarian assistance; psychologists; cultural mediators; legal guardians (in the case of unaccompanied and separated minors). Taking as an example the Centar Za Azil Bogovada – sheltering UAMs only – all these figures are identifiable in: KIRS staff, the authority in charge, *inter alia*, of the asylum centre's management<sup>390</sup>; cultural mediators working for CRPC in partnership with UNCHR; Caritas' field workers; the psychologist of the Group 484<sup>391</sup>; and the two legal guardians working in daily shifts.<sup>392</sup> As addressed in Chapter I, the figure of the legal guardian turns to be fundamental in both the reception process and the asylum procedure. Particularly, it is the legal guardian who, in the light of the role he/she performs, is tasked with the identification of specific needs and vulnerabilities of the unaccompanied minors he/she is responsible for.<sup>393</sup> As a matter of fact, the

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<sup>389</sup> Interview with B.N. (No.3)

<sup>390</sup> Law on Asylum and Temporary Protection, Official Gazette of the Republic of Serbia no.24/2018, art.51.

<sup>391</sup> Group 484 is a non-governmental organisation founded in 1995 with the aim of supporting self-organisation of 484 refugee families who found refuge in Serbia after fleeing Krajina and the Croatian Army's 'Operation Storm'. Nowadays it works with refugees and asylum seekers providing, *inter alia*, psychological support in asylum seekers camps.

<sup>392</sup> The Asylum Centre of Bogovada could represent a valid example of the inefficiency of the guardianship system since, even in the periods in which the number of accommodate unaccompanied minors was higher than current ones, the number of appointed legal guardians did not differ.

<sup>393</sup> *Op.cit.*376

SafeGuard Initiative – envisaged by UNHCR, UNICEF and the IRC<sup>394</sup> in 2017 – enlists the main competencies and skills that the legal guardians should possess, being respectively: knowledge of the procedure and of the legal framework; ability to establish relation based on trust with children; ability to recognise, among vulnerabilities, psychosocial problems the children might be suffer from; skills of cultural mediation and effective way to make the child interact with the institutions.<sup>395</sup>

On the basis of collected information, what emerges is a perceived partial lack of support and help when it comes to the professionals that residents deal with while in camp, in relation to their growth and personal development. A consistent segment of the interviewees, indeed, considers receiving support – mainly by family but also from people they have around while on the route – as the element mattering the most in the process of growth and development. However, when specifically asked to define whether or not they perceive professionals working in camp as a source of support and stimulation for their personal development, collected perceptions were conflicting, therefore identifying two opposite trends<sup>396</sup>:

- a. on the one hand, some respondents declared to feel helped by professionals working in the centre, both in terms of material and non-material assistance;
- b. on the other hand, the counter-narrative is represented by those participants who do not spot a concrete help received by professionals when it comes to their personal growth and development, although recognising the material assistance they provide for them.

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<sup>394</sup> International Rescue Committee

<sup>395</sup> Milutinović, N., (2019) *Institute of guardianship for unaccompanied children or children separated from parents/guardians. Analysis of the situation and recommendations for improvement*, Belgrade, Save the Children, pp.1-52

<sup>396</sup> It is worthy to mention that, in answering the related question, participants referred to professionals working in the asylum centre where the research was carried out.

Participants who valued positively the help offered by professionals to boost their personal development is mainly related to individual and specific cases. Although the recognition of a concrete help when it comes to the provision of shelter, food, healthcare is a recurrent element, some respondents cited specific figures of the camp, in relation to a peculiar situation they experience(d) in first person and leads them to the recognition of that kind of non-material help. For instance, J.A., a fifteen-year-old boy from Afghanistan declared:

«The work of employees is helpful. I also started school in Bogovađa but, because of Corona<sup>397</sup>, they said school would be organised inside the camp so, even though school in camp did not turn out as expected with lessons with [KIRS's staff members' names], I am grateful that I could find someone that actually cares about my education, my development. But, in general, I have positive words about people working in the camp and the way they try to do something for me [...]»<sup>398</sup>

Likewise, the Afghan H.N., stated: «Some people working here are giving me happy moments, because they sit with me, talk to me and they are nice. Two days ago [Social worker's name] told me “go ahead and listen to your wishes, go ahead, study and you will become a doctor”. That was so important for me, because sometimes I feel lost and I feel like I am losing precious time, so it is important that someone reminds me to stay focused because I still have chance.»<sup>399</sup>

On the other hand, among those who do not perceive a concrete help in terms of development and growth coming from professionals in camp, two segments could be identified: on the one side those who recognise the material assistance as a form of help but cannot define it as a form of contribution as far as their personal development is concerned; on the other side, a minority of respondents directly underline the lack of connections and support from some of field workers who are seen as “doing their job and that is it”. As a matter of fact, this element can be

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<sup>397</sup> Covid-19 pandemic.

<sup>398</sup> Interview with J.A. (No.5)

<sup>399</sup> Interview with H.N. (No. 8)

found in answers provided by A.A., O.S. and I.K., three respondents from Afghanistan who respectively stated:

«I do not see anyone helping me, but I see people who are kind of their duty. Some people do more than their duty, some others less than their duty, and everyone sees these people are opposite to each other. People who do more than their duty will respect us [...] and they do not have anything back. [...] Some others have zero interest in us, they meet us because camp is their workplace, but they do not speak to us, they do not even know our names.»<sup>400</sup>; «It is hard for me to say, I do not have much good experience with people working in camps, they do their job and that is it. If I need something practical, I can ask and maybe someone will give me or tell me how to get it, but beyond that I cannot say that people working in camp are helping me to improve myself or to change my situation. [...] The treatment they reserve to us, the attitude they have, they Are always angry and yell when they have to tell us something, they provoke us.»<sup>401</sup>; «[...] some of the people working here are very nice to us, some others are not. [...] The help I receive is practical, they are not helping me to grow, because they are not my teachers, family, they do not talk much to me, they just do their duty and that is it. Maybe only [psychologist's name] does something more, when I go to speak with him, he always asks how I feel, what am I thinking about, which my concerns and fears are [...] he is a nice person but one person among all those working here cannot make me answer 'yes' to your question.»<sup>402</sup>

Having clear the twofold nature of the impact that staying in camps could have on adolescent unaccompanied minors, it could be said that sources from which such perceived impact originates can be several. Loneliness and distance from family, together with lack of opportunities for the negative effect, condition of perceived relax and safety for the positive one. However, what could be observed analysing answers is that, although the majority of respondents declared that camps negatively impact the enjoyment of their adolescence and limit the development they should be processing during such life phase, once they were directly asked to

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<sup>400</sup> Interview with A.A. (No.1)

<sup>401</sup> Interview with O.M. (No.6)

<sup>402</sup> Interview with I.K. (No.13)

choose between a helping or hindering in general terms, answers were evenly distributed.<sup>403</sup> According to half of participants, being accommodated in camp(s) represents an obstacle to their personal growth, whereas for the other half it represents a help factor. Nonetheless, it is of fundamental importance to consider that, in this case, a specific reference was made to material help – shelter, food, water – as a motivation of the perceived help. As a matter of fact, interviewees were asked to motivate their answers and, what emerges is that:

- a. those who consider that permanence in camp is helping them in their personal growth, motivate it in terms of:
  - material assistance: accommodation, access to food and water;
  - an environment perceived as safe and relaxed: such two conditions, indeed, are considered as two factors allowing participants to concentrate on themselves, on their future plans and life goals, as well as a way to recover from the difficulties and tensions experienced on the route;
  - another type of challenge faced while on transit leading to a fostering of their resilience: conditions of facilities, together with forced cohabitation with strangers in situations of hardship, limited enjoyment of rights and freedoms, lack of support and, in many cases, mistreatment are perceived as factors which strengthen their personality, resilience, and ability to cope with difficulties.
- b. those who consider the permanence in camp hindering them in their personal growth, motivate it in terms of:
  - lack of support and encouragement coming from people they are surrounded by while in camps: employees and professionals are seen as material-aid providers only, not as figures who could provide for support

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<sup>403</sup> The beforehand described framework was elaborated through the analysis of information provided within answers to different questions. However, the question here in question they were asked is: “if you had to think about all the time you are spending/have spent in camps, do you think that it is helping or hindering your personal growth? How and why?”

or trigger deeper thinking as far as their continuation on the route, development of interest, and future life plans are concerned;

- lack of educational opportunities and joblessness: some of the respondents were particularly concerned about the lack of education in camp(s) they have transited, in many cases defining it as an important loss for their future; moreover, since the majority of participants declared to have worked for a more or less extended period while in Turkey, the unemployment they are forced to while in camp – and consequent lack of money to rely on for both living and paying smugglers – represents a huge burden on their shoulders; such condition is, anyway, exacerbated by the lack of bracing and interest-triggering activities while residing in asylum or transit centres;
- limited relations and contacts with people: most camps transited by interviewed unaccompanied minors are located in remote areas, far from the major cities. Camps location, indeed, as observed in relation to the right to freedom of movement, represents an obstacle also for the possibility to establish connections with locals, although it must be noted that participants who referred to this element represent a tiny portion of the sample, since the majority declared that such distance from local community is, instead, a positive tool to avoid problems with a host community that is perceived as discriminatory – as will be better seen in the next paragraph.

The beforehand presented information allows a general interpretation of unaccompanied minors' perceptions and feelings concerning themselves and their development as adolescents in relation to the refugees and asylum seekers camps where they are/have been accommodated while on transit.<sup>404</sup> However, in relation

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<sup>404</sup> It is essential to highlight that presented data need to be interpreted as an aggregation of different experiences recalled by participants to the research project. It is not possible to disaggregate data and establish specific parallelisms among transited camps, as well as the findings relies on the experiences and perceptions mentioned by interviewees, therefore are to be understood in relation to the sample and not to a generalised idea of all displaced children.

to the environment of safety and relax described by some participants, it is worthy to highlight the role played by the camps' location, concerning two main factors which will be discussed in next paragraph: distance from smugglers and criminal activities they carry out in cities; lack of contact and distance from the local communities.

### **4.3 Camps location as a protection factor from smugglers' pressure and discriminatory local communities.**

Camps location is one of the issues being mostly at stake as far as the wide debate about refugees and asylum seekers camps is concerned. As a matter of fact, spatiality is one of the two main elements – together with temporariness – characterising the general discourse about camps. Camps are usually located in remote and isolated areas, far from city centres, as a way to keep what is conceived as a “dangerous foreign threat” far from the sight and concerns of the local communities.<sup>405</sup> However, if on the one hand it represents a sort of protection measures for the locals and a way to securitise the community, on the other hand it produces marginalization and can massively contribute to a lost chance for the integration of refugees and asylum seekers. Not only the distance from city centres plays an important role as far as the access to many services is concerned, but it also contributes to push migrants – whether lawfully or unlawfully on the territory of the country in question – in a sort of limbo, generating a contradictory dialectic of inclusion-exclusion: on the one hand they are on the territory of a certain State, therefore they are included in that State; on the other hand, they are excluded from the enjoyment of the sociality and related benefits that being part of an integrated community can lead to. The issue concerning camps location has been analysed in the present research project, addressing two main factors: the enjoyment of the right to freedom of movement, and the possibility to establish connections with the local community as a way potentially resulting in a personal growth and development. In relation to the freedom of movement, camps location does not

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<sup>405</sup> Martin, D., Minca, C., and Katz, I. "Rethinking the camp: On spatial technologies of power and resistance." *Progress in Human Geography* 44.4 (2020): pp. 743-768

emerge as an obstacle *per se*, rather it was perceived as a hindering factor when it came to the experience of police in the streets forcing participants to go back to the camp where they were accommodated, or the difficulty in using public transport. On the other hand, respondents presented the distance from cities – with a major reference to the distance from Belgrade – as a protecting factor, since it allowed them to be far from smugglers and the illegal activities they carry out in the city, and to be protected from any possible interference from smugglers themselves in the centres where they are accommodated. Such perception, therefore, emerged also in relation to the right to growth and personal development. However, before presenting findings from interviews, it is worthy to dedicate some space to the phenomenon of smuggling and the differentiation between smuggling and trafficking, bearing in mind that the two phenomena can overlap and intertwine while on the route. As far as international displacement is concerned, the link between transit and smuggling is nowadays undeniable. Indeed, in order to cross borders and transit countries through which they wish to reach their destination, an increasing number of people decides to put one's life and future in the hands of smuggling organised networks which, in turn, require the payment of conspicuous sums of money. Unaccompanied minors – due to their age and lack of parental support while on the route – are particularly vulnerable to smuggling, and the phenomenon is sharply increasing worldwide.<sup>406</sup> However, UAMs<sup>407</sup> relying on facilitators, who organise their unlawful entry into third countries, can be differentiated in two categories – ‘smuggled migrants’ and ‘victims of trafficking’ – depending on how the facilitator conduct the process and the final purpose of the route. In this case, all participants informally declared to having been smuggled and to be in constant contact with smugglers in order to organise the next “Game” to continue towards their destination. In order to contain

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<sup>406</sup> Cimino, F., Mannu, D., (2020) “*Smuggling, Trafficking, and Exploitation among Unaccompanied Minors Arriving in Friuli Venezia Giulia from the Middle East*”, Peace Human Rights Governance, Vol. No.4(3), pp.287-309

<sup>407</sup> For simplicity and coherence with the main topic of the research, the reference is made in this specific case to unaccompanied minors only, although the discourse might be extended to all persons on the move, whether children or adults.



and, hopefully, eradicate such phenomena, two protocols were adopted at international level: the Protocol against the Smuggling of Migrants by Land, Sea, and Air<sup>408</sup>, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children<sup>409</sup>. As far as smuggling of migrants is concerned, art.3(a) of the Protocol defines it as «the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.»<sup>410</sup> The wording ‘illegal entry’, as clarified in art.3(b), refers to «crossing borders without complying with the necessary requirements for legal entry into the receiving State.»<sup>411</sup> Although trafficking does not fall in the scope of the research, it is worthy to mention that three elements differentiate the two phenomena, being respectively: transnationality; the smuggling of migrants requires the crossing of a national border in order to entry in another country, whereas the trafficking may also occur within the national borders of a certain State<sup>412</sup>; the purpose of the offender<sup>413</sup>; consent<sup>414</sup>. Nevertheless, it should be noted that the hypothetical lack of consent does not necessarily turns the smuggling in trafficking, whereas it could also happen that an initial plan of smuggling is transformed into trafficking while the transit occurs.<sup>415</sup> Focusing on smuggling, it

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<sup>408</sup> It was adopted in 2000 and entered into force in 2004.

<sup>409</sup> It was adopted in 2000 and entered into force in 2003.

<sup>410</sup> Protocol against the Smuggling of Migrants by Land, Sea, and Air, 2241 UNTS 507, November 2000. Available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-b&chapter=18](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18) [Accessed: 17<sup>th</sup> July 2021], art. 3(a).

<sup>411</sup> *Ibidem*, art.3(b)

<sup>412</sup> The smuggling of migrants requires the crossing of a national border in order to entry in another country, whereas the trafficking may also occur within the national borders of a certain State.

<sup>413</sup> The main purpose of smugglers is to obtain a financial or material benefit; traffickers, instead, have as purpose the exploitation of the victims once the trafficking process is over.

<sup>414</sup> Trafficking implies that the consent of the victim is irrelevant, whereas in the case of smuggling, the consent is given since smuggled migrants are aware of what is happening and it takes place upon payment.

<sup>415</sup> Lelliott, J., (2017) "*Smuggled and trafficked unaccompanied minors: Towards a coherent, protection-based approach in international law.*" *International Journal of Refugee Law* Vol. No. 29.2, pp.238-269

is evident from the definition itself that State parties to the Protocol are required to criminalise migrant smuggling, as set forth in art.6(1)(a)(b)(c). However, the criminalization of migrant smuggling does not involve a criminalization of the smuggled migrants. As a matter of fact, art.5 of the Protocol prescribes that: «Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6 of this Protocol.»<sup>416</sup> Such article, thus, has to be read in conjunction with art.31(1) of the Convention Relating to the Status of Refugees, administering the non-criminalization of refugees' unlawfulness in the country of refuge.

According to field notes collected in the Asylum Centre of Bogovađa, unaccompanied minors see smugglers and their activity as the only available and practicable way to cross borders and continue their journey heading towards Central and Northern EU countries. As some Afghan residents affirmed, they are directly in contact with what they refer to as '*kachak*' – smugglers in the transit countries – whereas families deal with the '*kachakbar*' – main smuggler, usually residing in the country of origin – when it comes to payment for the continuation of the journey. Moreover, during informal discussions, some UAMs declared that their families usually mortgage the house or a shop – if owned – as a guarantee of payment for the journey of their children, thus posing a huge burden on the already fragile economic situation in which extremely poor families already go through. However, even though unaccompanied minors tend to conceive smuggling as the only way to get to their destination country, perceptions about their activities in transit countries seem to account as a risk factor for the safety and stability of children on the move while waiting to attempt again to cross borders. Indeed, the almost totality of respondents defined the location of camps in remote areas, far from the main cities, as a strong point in relation to their safety and protection from smugglers' pressure. That is what, for instance, four Afghan respondents openly affirmed:

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<sup>416</sup> Protocol against the Smuggling of Migrants by Land, Sea, and Air, 2241 UNTS 507, November 2000, art. 5.

«It is better to have camps in this location, in particular far from Belgrade. It is safer, especially for children. In Belgrade there are a lot of smugglers, thieves, criminals, thus it is more difficult for them to come to Bogovađa and run their business. [...] So, it is more difficult to be abducted from smugglers and be in danger. Also, less people around is a positive element: the least, the better.»<sup>417</sup>; «[...] being far from Belgrade is a good thing because in Belgrade there are a lot of Afghan people who are smugglers or in general involved in criminal activities, thus I prefer to be far from them, also because it is more difficult for them to come to Bogovađa. [...] I feel safer here, I would not like to be closer to those people.»<sup>418</sup>; «It is too far from Belgrade, but I think it is better this way, if it was closer to Belgrade or even in the city, there would be so many problems for us. In Belgrade you can see so many people doing bad things, smugglers in particular, drinking alcohol, using drugs, stealing, fighting. In my mind, it is good to be far from there because those people do not disturb us and, above all, they do not disturb Serbian people who live around. Of course, it is a big problem when I want to go to Belgrade because it takes 2 hours and costs some money, but it is better like this than being exposed to all bad things that other Afghans do, especially in the Afghan Park»<sup>419</sup>; «[...] Distance is good because when migrants arrive, they just want to rest and recover from the trip, thus they want to be far from problems and, above all, from smugglers [...].»<sup>420</sup>.

What could be identified, therefore, is a unique trend as far as the camps location in relation to the presence of smugglers is concerned: between the possible hindrance that such distance from the main cities and city centres may cause to the freedom of movement, and the distance from smugglers as a protection factor for their safety, for the totality of respondents the second option is the one weighting the most. The experience of smuggling doubtlessly and inevitably exposes unaccompanied minors to the risk of violence, abuse, exploitation, and pressure,

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<sup>417</sup> Interview with M.Z. (No. 4)

<sup>418</sup> Interview with J.A. (No.5)

<sup>419</sup> Interview with H.N. (No.8)

<sup>420</sup> Interview with O.M. (No.6)

that is why, *inter alia*, the presence of smugglers in cities represents a risk factor for the safe and relaxed permanence of children in the transit countries.<sup>421</sup>

Furthermore, there is a second dimension through which the impact that camp location might have on unaccompanied minors has been analysed: the possibility to interact and establish relations with the local community. An effective integration, as a durable solution, implies the inclusion of refugees not only in the labour market of the country of refuge, but also within the social fabric of the country in questions. This leads, therefore, to the necessity to interact with locals in order to establish connections and relations and involve the ‘foreigner’ in the community. Although there is not a generally recognised definition of the concept of integration, it is possible to consider it a multidimensional concept involving social, cultural, economic, and identity factors. What is worthy to mention, anyway, is the importance to consider integration as a ‘two-way process’. In the past, it was conceived as a ‘one-way process’ in which refugees alone were expected (and required) to handle their own integration and be responsible for it. However, the conceptualization of a two-way process is essential, since it implies that the refugee has to take responsibility for his/her own integration but, at the same time, society is expected to create an environment so that integration can be allowed firstly, and facilitated secondly.<sup>422</sup> However, considering the major attention that interviewed unaccompanied minors posed on the Serbian context while providing an answer, and the identification of the Republic of Serbia as a transit country, it is possible to identify two main trends, although participants’ answers are not equally distributed between the two trends. On the one hand, a minority of UAMs accommodated in the AC of Bogovađa considers the lack of contact with the local community as a loss for their experience in Serbia. Nonetheless, despite recognising the importance that having connections with

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<sup>421</sup> Serviere, C., “*Caring for unaccompanied minors in transit in Serbia*”, School of Advanced Study University of London, Refugee Law Initiative Working Paper No.51 (2020).

<sup>422</sup>Hosseini, M., Punzi, E., “Afghan unaccompanied refugee minors’ understanding of integration. An interpretative phenomenological analysis”. *Smith College Studies in Social Work* (2021). pp.3-4

nationals could have, they consider it quite hard to be achieved, because of perceived discrimination from citizens who might see them as a danger or a threat.

As a matter of fact, a sixteen-year-old boy from Niger stated:

«For me it is very bad [not to have connections with locals], I like being outside and being with people, see what is around me, have friends who call me and tell to go out for a walk or to listen to music. I miss being in the crowd. [...] In Greece I was free to go outside but I did not like to go because I knew that people did not like me, and I felt like animal in the market that people do not want to approach.»<sup>423</sup>

Likewise, two respondents, one from Pakistan and the other from Afghanistan, affirmed:

«It is not good [not to have connections with local], because we want to know about Serbia, Belgrade, and Serbian people. [...] but what to do, also because Serbian people do not like us. When I am in the bus or in shops with friends, people look at us with disgusted face. They do not like us and I do not like the way they look at us. I am not happy that we do not have contacts, but better this way if contacts had to be bad. I do not want problems with people so, if to avoid problems we have to not have contacts, I am fine with that.»<sup>424</sup>; «[...] Concerning relations with locals, I think it is important to have connections with them because, when you arrive to their country, you want to see how they live, how they perceive you, how they treat you, but it comes out to be quite impossible to have relations with them. Not only because of camp location, but also because they do not like migrants and many of them see us as a problem or even a danger.»<sup>425</sup>

On the other hand, instead, the large majority considers not to have connections with locals as a good aspect of their stay in transit countries, or at least not something they should be concerned or interested in. Excluding the few respondents who considers the lack of social links with the local community as a missed opportunity to know more of the society and people around them, the majority of participants declare themselves as not interested in establishing such

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<sup>423</sup> Interview with A.C. (No. 15)

<sup>424</sup> Interview with M.E. (No.11)

<sup>425</sup> Interview with O.M. (No.6)

connections and, in some cases, even relieved by lacking contacts, in the light of racism and discrimination they could suffer from. However, the provided motivation for this kind of perceptions could be summarised in three main trends:

- a. contacts with locals are unnecessary in transit countries; particularly, since the Republic of Serbia is one of the main transit countries on the route, participants declared it is not in their interests and needs to establish connections with the local communities. Specifically, among the Afghans interviewed, some affirmed that:

«[...] Since I do not want to stay in this country, I know I will go, maybe later in time but I will go. It is not a problem for me [not having contact with locals] because I do not need this connection”<sup>426</sup>; «I do not really care to have connections with Serbian people, plus it is not possible to create new friends and connections because I do not want to stay in Serbia, I only aim at going further, so no need to establish friendship with locals.»<sup>427</sup>;

- b. perceived discrimination and fear of problems and fight with the local community: specifically referring to Greeks and Serbians, the majority of participants considers the discriminatory words or sights by many nationals as one of the main reasons why the lack of contacts with nationals is not a problem, rather it is a way to avoid problems and the outbreak of fights and arguments. As a matter of fact, the factor of discrimination is recurrent in answers provided for by interviewees, in particular for those who experienced long-lasting transit in Greece. As a matter of fact, most unaccompanied minors declared:

«[...] in Greece I sometimes had problems with local communities because they have a problem with racism and discrimination. If I know that people around discriminate us and do not like us, I prefer to stay far from them.»<sup>428</sup>; «It is good not to be in contact with them, because

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<sup>426</sup> Interview with A.A. (No.1)

<sup>427</sup> Interview with S.S. (No.7)

<sup>428</sup> Interview with A.A. (No.1)

otherwise we could have problems. If we had contacts, maybe we could fight with them. Afghan people fight a lot by mouth, so a single word could trigger a fight.»<sup>429</sup>; «[...] also, if camp was closer to local communities, it would be a problem because I know that Serbian people do not like us, so there could be fights with them, and I do not want it to happen. Being far and not having contact is more comfortable for us and for them, I think.»<sup>430</sup>; «That is not a problem for me [not to have contacts with locals], actually I think that way is much better for us. We do not engage with local community often, but when we do there is a sense of unacceptance and hostility. I know that in some places where camps are near city, local community complains and makes protests. In places like this we are not close to them, so they do not see us, and they do not complain.»<sup>431</sup>

- c. the presence of linguistic and cultural barriers harshly hampers the possibility to speak with locals and, thus, enter in contact with them. Only two respondents mentioned such element in relation to lacking possibility to meet the local communities, affirming that:

«I do not think anything about it [having contacts with locals], I have no problem, mainly because I do not speak the local language and local people are far from me in terms of culture and path, so it is fine for me not to have contacts with Serbians.»<sup>432</sup>; “Basically, there is language barrier between me and the local community [...] because Serbians do not speak English, and so do I. Language barriers cannot be overcome. Moreover, there are cultural barriers that are hard to overcome. Despite many refugees know the rules of the place and respect them, locals do not like refugees that much.»<sup>433</sup>

Therefore, what emerges from collected information concerning camps location, is a remarked interpretation as a protection factor from two elements: the perceived unsafety and excessive pressure exercised by smugglers carrying out their

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<sup>429</sup> Interview with M.W. (No.2)

<sup>430</sup> Interview with N.M. (No.9)

<sup>431</sup> Interview with F.H. (No.14)

<sup>432</sup> Interview with B.N. (No. 3)

<sup>433</sup> Interview with J.A. (No.5)

activities in the main cities; and the nationals' discriminatory attitude against migrants, in the cases in which exacerbated nationalism and xenophobic hate speech make citizens perceive aliens as a threat to the security of their country, and the potential cause of the social order's rupture.<sup>434</sup> However, if camp location is not presented as a major problem related to accommodation in transit countries, the same could not be affirmed in relation to the impact that camps themselves might have on unaccompanied minors spending a more or less extend period of their adolescence in such facilities. Indeed, once asked about the perceptions they have about the contribution – whether negative or positive – that stay in camps might have on their personal growth and development, most participants were reluctant in identifying a positive contribution. Such perception was justified in the light of a feeling of loneliness and distance from the family, together with a lack of educational opportunities and activities in the camp. Indeed, speaking in general terms in reference to the last element, respondents declared that their life had deeply changed since the moment they had started to enter asylum seekers camps. If compared to the daily routine in their country of origin and while on the route, particularly in Turkey, they notice a deep change in the run of activities and level of obligations to be fulfilled, towards a more passive attitude and way to spend days. As a matter of fact, the almost the totality of respondents recalled the daily routine in the country of origin as characterised by school in the morning and, after school, work or leisure, despite the violent environment to which some participants were exposed to. Furthermore, seven of the interviewees declared to have worked while in Turkey and, therefore, being accommodated in private houses. No mention was made about circumstances in which the job had been found, about who rent the house for them, and salary earned: contrarily, only basic information about working-hours and tasks were provided. All unaccompanied minors who declared to have worked in Turkey are Afghan nationals, who affirmed:

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<sup>434</sup> Agier, M., (2011), *Managing the undesirables: Refugee Camps and Humanitarian Government*; Cambridge, Malden MA: Polity Press



«[...] If I compare living in camp with the year I lived in Turkey, instead, I can say that in Turkey I had hard life because I was working 6 days per week, 12 hours per day, from 8am to 8pm, and after work I only had some food and some tea, and then I went to sleep because I was too tired to do anything else, but at least in the place where I was working they provided food for me.»<sup>435</sup>; «[...] when I arrived in Turkey, I started to work as a tailor: I liked working, I like earning money for myself, but it was really hard work, and I had to do it, I had no other choice.»<sup>436</sup>; «When I went to Turkey, I was without my family, but I was working. I did many different jobs, I had enough money to buy everything I needed, and I was with my friends. Moreover, days were full and busy because I had different activities to do to. Here I have nothing to do, I just spend time on the phone, it is boring, and it makes a lot of pressure on my mind because I feel I am wasting precious time for my future. I preferred like in Turkey, I was tired because of work, but I was never bored and never thinking I was just wasting time, like it happens here instead.»<sup>437</sup>

What is observable from the broader picture of life prior entrance in asylum seekers camps, is the increase of passive attitude, boredom, and pressure determined by the lack of opportunities to exploit while waiting to continue the journey towards the destination country. As mentioned by few respondents, that spent in camp is perceived as wasted time in which they could have studied, learnt how to do a certain job, or even worked in order to have money and release the economic burden on families when it comes to pay smugglers to continue the journey. However, it is also worthy to take into consideration an opposing element being considered fundamental by some participants: despite the lack of educational opportunity and the joblessness characterising the permanence in camps, some interviewees declared that the feeling of peace and safety they perceived in facilities was enough to overcome worries and pressures determined by the sensation of being losing precious time for their future. On average, it could

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<sup>435</sup> Interview with J.A. (No.5). Last sentence was difficultly pronounced by the respondent who, however, did not want to elaborate on such aspect. Since it is not explicitly said, no assumptions about exploitation or slavery could be made.

<sup>436</sup> Interview with S.A. (No.12)

<sup>437</sup> Interview with O.M. (No.6)

be said that most of unaccompanied minors do not gather a positive contribution from the stay in camps in relation to their personal growth and development; nonetheless, the minority who, instead, value such a stay as a positive phase for development, recognises the fundamental role played by an environment perceived as safe and relaxed, offering the opportunity to concentrate on oneself and better define personality, life purposes, and coping mechanisms. What represents a concern, anyway, is the lack of educational opportunities and interest-triggering activities that all participants mentioned in relation to the majority of camps they had transited while on the route. As a matter of fact, the scarcity of activities they could join to maintain an active and pro-active attitude, through which their interests could be stimulated and encouraged to be expressed, might represent a risk factor for the future of adolescences. Interviewees themselves are aware of the harsh change their daily routine has witnessed, as well as of the scarce attention dedicated to children-oriented activities in camps: however, they seem not to be considerably worried about it. Since they consider Serbia, as well as all countries crossed on the route, transit countries in which their permanence will not be long-lasting, they stash all their hopes and learning and working projects on the destination countries in which they will finally present asylum request. The dominant idea, indeed, is that once in the destination country, the real and effective personal development will start and it will be boosted and facilitated by the lawfulness of the stay on the territory of the country in question, together with an increased received support and, among the most mentioned element, access to proper education that, as will be observable in next chapter, represents the most concerning element as far as development and future projects are concerned.



## CONCLUSION

The purpose of the present research springs from the need to understand, through the words of unaccompanied foreign children themselves, whether or not the policy of accommodation of migrant children in camps provides a human and rights-centred response to people on the move. However, given the width of the subject in question and the complexity of the debate emerged from the adoption of such policy, what has been called into question in the research is the impact that life in camps has on unaccompanied foreign children only, when it comes to the protection and fulfilment of the fundamental rights to freedom of movement, to personal growth and development, and to education in the course of the displacement process. Moreover, the context in which such relation has been analysed concerns the Balkan Route which, although having been officially closed in 2016 through the signature of the EU-Turkey agreement, still witnesses the passage of thousands of migrants in seek of refuge in Central and Northern EU countries. Specifically, the analysis relies on in-depth interviews carried out in the Republic of Serbia, in the course of a curricular internship carried out in the Centar Za Azil of Bogovađa, an asylum centre accommodating asylum-seeking unaccompanied minors only, located in the District of Kolubara, in Central-West Serbia. Serbia, due to its geographical position, is inevitably transited by migrants heading towards EU countries and, although being considered by people on the move as a transit country for all intents and purposes, after the formal closure of the Balkan Route it officially shifted from a mere country of rapid transit to a country of prolonged permanence, considering the border closure policies adopted by neighbouring countries, which actually keep migrants in what is considered as one of the gatekeepers of the European Union. The Republic of Serbia, indeed, differentiates asylum centres (5) and reception and transit centres (14) based on whether or not people accommodated therein have formalised their asylum

request, although actual practice is not that compliant with such differentiation.<sup>438</sup> After providing a descriptive overview of the four main elements shaping the context of the research in the first chapter – refugee and asylum seekers camps and the main characteristics from which, nevertheless, criticism and debates have emerged throughout the years; unaccompanied minors and the exposure to risks and vulnerabilities triggered by displacement; the Balkan Route(s) between past and present; and the Republic of Serbia as the conjunction point of the beforehand mentioned elements – and of the analysed sample, the experiences and perceptions recalled by participants have been analysed in the light of the permanence in camps in relation to three variables: the enjoyment of the right to freedom of movement beyond camps; the way accommodation in camps in a displacement-determined context is shaping their personal growth and development in one of the most delicate phases of life – adolescence –; the protection of the fundamental right to education and how, in practice, measures are being adopted to ensure access to quality of education to children on the move.

In the second chapter, an analysis concerning the right to freedom of movement has been developed: starting from the available legal framework at international, regional and national (RS) levels, it aimed at understanding the possible coherence or discrepancy between legal theory and current practice – analysed upon experiences of respondents only – when it comes to the protection and fulfilment of the right to move beyond camp settlements and, thus, within the national borders of a country. Legally, an extensive protection of such right exists at all analysed levels of governance, in both Human Rights and Refugee Law instruments. The lighthouse of Human Rights Law – the UDHR – paved the way for the further identification of legally binding instruments to ensure the States' respect to the commitments of promotion, protection and fulfilment of

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<sup>438</sup> Such statement could be made on the basis of the personal experience I had in the AC of Bogovađa: despite being a centre that, for definition, should accommodate asylum seekers only (since migrants who do not formalise their asylum application in Serbia are accommodated in reception and transit centres – RTCs), among all minors accommodated therein during the three-month period March-May 2020, only three residents had applied for asylum in the Republic of Serbia.

fundamental rights and freedoms. What results from the interviews is a certain guarantee of the freedom to leave accommodation facilities and freely move in neighbouring towns or cities during the day in Serbia and Bulgaria, whereas in Greece a specific permit signed by police was needed in order to leave the camp in question. However, it should be considered that the camps to which participants referred when mentioning such rule are the hotspots of Moria and Samos, thus two particularly problematic contexts characterised by overcrowding, poor guarantee of the most basic living standards, and lack of separated areas for UAMs in which, however, controls on entrance and exiting were not that strict. Concerning Bulgaria and Serbia, instead, the only applied rule in camps concerned the evening roll call and consequent closure of doors until the next morning – respectively Bogovađa AC in Serbia and Voenna Rampa camp in Bulgaria were mentioned by participants. Key findings are that such rules are not considered as a hampering factor for the enjoyment of freedom of movement, rather, they are justified by part of interviewees in the light of ensuring their safety and protection from dangers represented by out-of-camp realities. What, instead, is perceived as an obstacle to their freedom to move within the country is camps' distance from the main cities and city centres, in relation to two main factors: difficulty in using means of transport, and presence of police in the streets pushing minors to go back to the facilities where they are accommodated, when caught in the streets.

The third chapter dealt with the right to education, copiously enlisted within international, regional and national legally binding instruments, and finding its vital space in both human rights, children's rights and refugee rights' field. When considering the effects that displacement, whether internal or international, might have on children, it is fundamental to address the role played by the lack of access to educational opportunities while on transit, which could anyway be measured by years of distance from education which, in many cases, already begins in the countries of origin prior departure. Doubtlessly, the lack of access to education impacts the life of children and adolescents on the move both in the short-run and long-run. The research, indeed, addressed the impact that education deprivation

while transiting camps on the route might have on unaccompanied minors who joined the project, whose average amount of time spent on the route is 2.4 years. What emerged from the analysis, begun with the exploration of the substantial legal provisions extensively protecting the right to education – to be read in conjunction with the principle of non-discrimination which refers to, *inter alia*, the legal status of children –, is the dichotomic relation existing between legal theory and practice when it comes to refugees and asylum seekers camps in transit countries. As a matter of fact, the totality of participants – exception made for only one participant who had been enrolled in school in Bogovađa by the time interviews were carried out, but who was not attending because of Covid-19 related reasons – declared that they had never accessed formal education during their stay in Greece, Bulgaria or Serbia, although in some cases the stay in a certain country lasted more than three months.<sup>439</sup> When considering UAMs' perceptions concerning the impact that the lack of educational opportunities during the displacement process might have on their life, in both present and future terms, what emerges is that: on the one hand, there is no particular attention dedicated to the present since participants declared themselves more interested in succeeding in “Game” and reach their destination, while on the other hand the potential impact on the future gives rise to concerns in relation to job opportunities and possibility to realise the project they had dreamt of and which had somehow pushed them to leave one's home country.

The last chapter, instead, can be considered as the least objective, since it addressed a subjective variable, the perception of one's growth and development in a moment of double transition: on the one hand, the transition from one's country of origin to the country of refuge; on the other hand a transition from childhood to adulthood, since the sample comprises unaccompanied adolescents only, with a declared age comprised between fifteen and seventeen years old. Given the scarce availability of legal provisions defining and protecting the right to development *per se* – since it is conceived as a right to be fulfilled through the

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<sup>439</sup> Reference is made to the Reception Conditions Directive 2013/33/EU (art.14).

fulfilment of a set of other human rights –, the analysis entirely relies on answers provided by participants. Findings show that, in general terms, UAMs do not perceive the camp-determined environment as a factor boosting or, at least, contributing to the development of their personality, interests, and life plans, since permanence in camp is mainly considered as a waste of time while waiting to attempt “Game” again and finally reach one’s destination. Particularly, it is the lack of support from the people and context around (to be read in conjunction with separation from families), the lack of educational and interest-triggering activities, and inclination to a passive routine which justify the majority of provided answers. Furthermore, when assessing the role potentially played by field workers, the outcome is similar: on the one hand, participants recognise the positive contribution when it comes to material and practical assistance they receive from field workers; on the other hand, a perceived lack of support and friendly attitude account as the main factors justifying the negative contribution when it comes to growth and development. However, what is worthy of attention is an element which resulted in a recurrent mention throughout the interview: the role of smugglers and the perceived safety and security when far from them, together with a positively valued separation from the local communities. As a matter of fact, in the light of camps location and the impact it can have on UAMs personal growth and development, what surprisingly emerged was a positive impact, since it ensured a perceived safety and security allowing concentration on oneself and one’s growth, far from pressures of smugglers and discriminatory local communities.

To conclude, on the basis of the present analysis, some observations could be made: in the light of the way UAMs perceive themselves and the fulfilment of some of their rights in relation to more or less prolonged stay in refugees and asylum-seekers camps, what could be deduced is the configuration of the camp as a non-child-friendly environment. Although the material humanitarian assistance provided within facilities could not be called into question – declined in terms of access to shelter, food, water and healthcare –, when it comes to effective



protection and fulfilment of some fundamental rights, the discourse seems to lose effectiveness. Particularly, the risks and vulnerabilities to which children are exposed during the process of displacement, as an effect of pre-migration and trans-migration factors, entitle them of specific cares and treatments, and this turns to be essential in the peculiar case of unaccompanied foreign children who, *inter alia*, have to face the challenges of the route relying on themselves only. Therefore, a child-centred and rights-centred approach turns out as indispensable when dealing with reception, accommodation and guarantee of human rights in the context of children on the move, starting from the punctual appointment of legal guardians and identification of children-assigned areas within facilities and camp settlements: as a matter of fact, some participants recalled experiences in which they were accommodated with adults and single men, or lacking a legal guardian – especially in the Greek hotspots –, thus identifying a breach in the law. Thus, if camps are nowadays the only available solution to face migrants' influxes, at least greater attention should be devoted to the establishment of a child-friendly environment in which children's needs are met and their rights fully protected and fulfilled. Moreover, another huge blank results in the guarantee of access to quality education within and beyond camp. As a matter of fact, through the analysis it is possible to observe that the substantial legal framework concerning the right to education does not result in a coherent practice: none of the participants had access to formal educational opportunities, and they could only rely on language courses held by NGOs within camps. Doubtlessly, the lack of education in the early stages of a child life inevitably impacts it in both present and future terms: in the case of unaccompanied minors, indeed, access to mainstream schools both in transit countries and destination countries could facilitate the first approaches with the new social, cultural and linguistic environment in which asylum-seeking children are supposed to reconstruct their life; moreover, it could boost a process of inclusion and integration aimed at inserting what is perceived as an "alien" in the social fabric of the country, thus creating a two-way process in which the host and the hosted get to know each

other and inclusively coexist. Furthermore, in the light of future perspective, the lack of educational opportunities during childhood and adolescence inevitably weights on the access to the labour marked and high-skilled jobs.

When referring to rights and child-centred environment, it is fundamental to highlight that, especially when it comes to children – whether accompanied or unaccompanied –, what should not be underestimated and neglected is the growth and development process they continue to go through, even if affected by displacement. As a consequence, particular attention should also be devoted in the identification of a safe and interests-triggering environment allowing children to build and shape one's personality, one's hopes and projects for the future, and to live – even for short time – in context of safety and calmness. What emerges from UAMs' perceptions, instead, is the identification of camps as a sterile environment within which they are compelled to spend time while organising the consequent “Game” which will – hopefully – lead them to their destination. What should be borne in mind is that migrant children, before being migrants, are children first and foremost. In general, perceptions expressed by respondents find confirmation in field notes and informal observations I could collect during my personal experience in the Asylum Centre of Bogovađa: unaccompanied minors residing in the mentioned facility, and having been on the route for a prolonged time, expressed one interest only: “Game”. All energies were steered towards its organizations and the hope to make it succeed in order to reach the destination country in the shortest time possible and, as A.A. affirmed «[...] Go out of this hell.» referring to the reality of camps, and a passive attitude towards any proposed activities was continuously shown. To conclude, given the context in which migrant children find themselves in terms of displacement, given the vulnerabilities determined by the route itself and harshened by being unaccompanied and having to rely on smuggling network, given the double transition their facing in a delicate phase of their life, and given the compulsoriness of being accommodated in settlements and facilities in which material assistance is ensured, but emotional one seems lacking, it seems

fundamental the adoption of an approach that, relying on the words of respondents, seems to be lacking in camps they declared to have transited: a children's rights-based approach considering UAMs in this peculiar case as children first, with needs and vulnerabilities, and undocumented unaccompanied migrants eventually.



## BIBLIOGRAPHY

### International Law

- *Protocol against the Smuggling of Migrants by Land, Sea, and Air*, 2241 UNTS 507, November 2000. Available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-b&chapter=18](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18) [Accessed: 17th July 2021]
- *UN Convention on the Rights of the Child*, UNGA res. 44/25 (1989). Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf> [Accessed: 15th June 2021]
- UN Educational, Scientific and Cultural Organisation (UNESCO), *Convention Against Discrimination in Education*, 14 December 1960. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/DiscriminationInEducation.aspx> [Accessed: 3rd August 2021]
- UN General Assembly (2015) *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1. Available at: <https://sustainabledevelopment.un.org/> [Accessed: 10th August 2021]
- UN General Assembly, *Convention Relating to the Status of Refugees*, G.A. Res. 429(V), U.N., 5th Sess., (1950). Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx> [Accessed: 6th July 2021]
- UN General Assembly, *Declaration on the Right to Development*: resolution / adopted by the General Assembly, 4 December 1986, A/RES/41/128. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightToDevelopment.aspx> [Accessed: 13th July 2021]
- UN General Assembly, *Global Compact for Safe, Orderly and Regular Migration*: resolution/adopted by the General Assembly, 19 December 2018, A/RES/73/195. Available at: <https://undocs.org/A/RES/73/195> [Accessed: 16th August 2021]
- UN General Assembly, *Global Compact on Refugees*: resolution/adopted by the General Assembly, 17 December 2018, A/RES/73/151. Available at: <https://www.unhcr.org/5c658aed4.pdf> [Accessed: 16th August 2021]
- UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> [Accessed: 4th August 2021]
- UN General Assembly, *International Covenant on Civil and Political Rights*, G.A. Res. 2200A, U.N. GAOR, XXI Sess., U.N. Doc. A/6316 (1967).

Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [Accessed: 5th July 2021]

- UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, UNGA res. 2200A (XXI), 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> [accessed 3rd August 2021]
- UN General Assembly, *New York Declaration for Refugees and Migrants: resolution / adopted by the General Assembly, 3 October 2016, A/RES/71/1*. Available at: [https://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/OrderPersons/A\\_RES\\_71\\_1.doc&action=default&DefaultItemOpen=1](https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/OrderPersons/A_RES_71_1.doc&action=default&DefaultItemOpen=1) [Accessed: 16th August 2021]
- United Nations (1995), *The Copenhagen Declaration and Programme of Action: World Summit for Social Development*. Available at: [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.166\\_9\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.166_9_Declaration.pdf) [Accessed: 5th August 2021]
- Universal Declaration of Human Rights (1948) G.A. Res. 217, U.N. GAOR, 3d Sess., U.N. Doc. A/810

### **Regional Law**

- Council of Europe (1950) *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Treaty Series 005. Available at: [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf) [Accessed: 3rd August 2021]
- Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, 20 December 2011, OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&qid=1632392556257&from=EN> [Accessed: 3rd August 2021]
- Council of the European Union, *Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)*, 29 June 2013, OJ

L. 180/96 -105/32; 29.6.2013, 2013/33/EU. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&qid=1632392709795&from=EN> [Accessed: 3rd August 2021]

## National Law

### ○ Greece

- Law 4636/2019 “on international protection and other provisions” (IPA) *Gov. Gazette 169/A/1-11-2019*
- Law 4686/2020 “Improvement of the migration legislation, amendment of L. 4636/2019 (A’ 169), 4375/2016 (A’ 51), 4251/2014 (A’ 80) and other provisions”. *Gov. Gazette A’96 /12-5-2020*
- Law No. 4375/2016 “on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC of the European Parliament and of the Council ‘on common procedures for granting and withdrawing international protection (recast)’ (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions. *Gov. Gazette 51/A/3-4-2016*
- Ministerial Decision 1140/2019, *Gov. Gazette 4736/B/20.12.2019*
- Ministers of Civil Protection, Health, Immigration and Asylum Joint Decision, Extension of measures against the spread of Covid-19. Available at: <https://migration.gov.gr/paratasi-perioristikon-metron-kykloforias-se-kyt-kai-domes-filoxenias/> [Accessed: 6th July 2021]
- Ministers of Civil Protection, Health, Immigration and Asylum Joint Decision, Extension of measures against the spread of Covid-19. Available at: <https://migration.gov.gr/paratasi-metron-fylakiy-evroy/> [Accessed: 6th July 2021]
- Ministry of Immigration and Asylum, Suspension of Reception and Public Service of the Asylum Service. Available at: <https://migration.gov.gr/exypiretisi-koinoy-covid-19/> [Accessed: 6th July 2021]

### ○ Republic of Bulgaria

- Law on Asylum and Refugees, *State Gazette No. 54/31.05.2002*
- Law on Asylum and Refugees, *State Gazette No. 80/16.10.2015*
- National Parliament, “Law on Measures and Action during the State of Emergency”, *State Gazette No. 28*, announced by a decision of the



National Assembly of March 13, 2020, adopted by the 44th National Assembly on March 20, 2020, re-adopted on 23 March 2020. Available at: <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=147150> [Accessed: 5th July 2021]

- State Agency for Refugees (SAR), Measures against the COVID-19 pandemic, 23 March 2020, available in Bulgarian at: <https://bit.ly/3scfjbk>. [Accessed: 5th July 2021]

- **Republic of Serbia**

- Constitution of the Republic of Serbia, *Official Gazette of the Republic of Serbia no.83/06*
- Decree on Emergency Measures Republic of Serbia, *Official Gazette of the Republic of Serbia , no.31/2020, 36/2020, 38/2020 and 39/2020*
- Family Law, *Official Gazette of the Republic of Serbia no. 18/2005*
- Government's Decision on Temporary Restriction of Movement of Asylum Seekers and Irregular Migrants Accommodated in Asylum Centres and Reception Centres in the Republic of Serbia, *Official Gazette of the Republic of Serbia No. 32/2020*
- Law on Asylum and temporary Protection, *Official Gazette of the Republic of Serbia no.24/2018.*
- Law on Migration Management of the Republic of Serbia, *Official Gazette of the Republic of Serbia no.107/2012.*
- Law on the Basis of the Education System of the Republic of Serbia, *Official Gazette of the Republic of Serbia, no. 72/2009 and 52/2011*
- Minister of Health, Order on Restriction of Movement on Open Accesses and Facilities of Reception Centres for Migrants and Asylum Centres, *Official Gazette of the Republic of Serbia No. 66/2020*
- Rulebook of the house rules in asylum centres and other facilities for accommodation of asylum seekers, Official Gazette RS No. 96/2018.
- The Administrative Dispute Act, *Official Gazette of the Republic of Serbia no.111/2009.*

- The Foreigners Act, *Official Gazette of the Republic of Serbia no.24/2018*.
- The General Administrative Procedure Act, *Official Gazette of the Republic of Serbia no.18/2016 and 95/2016*.

### **Institutions and treaty bodies' documents**

- European Commission (May 2020) *Impact of government measures related to COVID-19 on third-country nationals in Bulgaria*. Available at: <https://ec.europa.eu/migrant-integration/news/impact-of-government-measures-related-to-covid-19-on-third-country-nationals-in-bulgaria> [Accessed: 7th July 2021]
- European Commission (September 2015), *The hotspot approach to managing exceptional migration flows*. Available at: <http://bit.ly/2kESJFK> [Accessed: 6th July 2021]
- Human Rights Committee, ICCPR *General Comment No.15: "The Position of Aliens Under the Covenant"*, 27th Sess., HRC (11th April 1986). Available at: <https://www.refworld.org/pdfid/45139acfc.pdf> [Accessed: 5th July 2021]
- Human Rights Committee, ICCPR *General Comment No.27: "Article 12 (Freedom of Movement)"*, 67th Sess., HRC (2nd November 1999). Available at: <https://www.refworld.org/docid/45139c394.html> [Accessed: 6th July 2021],
- International Organization for Migration (IOM) (October 2020), *Quarterly Regional Report DTM Europe: Displacement Tracking Matrix July-September 2020*. Available at: [https://migration.iom.int/system/tdf/reports/Q3%2020%20Narrative%20Overview\\_final.pdf?file=1&type=node&id=10025](https://migration.iom.int/system/tdf/reports/Q3%2020%20Narrative%20Overview_final.pdf?file=1&type=node&id=10025) [Accessed: 27th June 2021]
- IOM, UNHCR, UNICEF (2019), *Access to education for refugee and migrant children in Europe*. Available at: <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2019/09/Access-to-education-europe-19.pdf> [Accessed: 5th August 2021]
- UN Children's Fund (UNICEF) (2007) *Implementation Handbook for the Convention on the Rights of the Child*. Available at: <https://www.refworld.org/docid/585150624.html> [Accessed: 3rd August 2021]
- UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 11: Plans of Action for Primary Education* (Art. 14 of the

- Covenant), 10 May 1999, E/1992/23. Available at: <https://www.refworld.org/docid/4538838c0.html> [Accessed: 3rd August 2021]
- UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education* (Art. 13 of the Covenant), 8 December 1999, E/C.12/1999/10. Available at: <https://www.refworld.org/docid/4538838c22.html> [Accessed: 3rd August 2021]
  - UN Committee on the Elimination of Racial Discrimination (CERD), *CERD General Recommendation XXX on Discrimination Against Non-Citizens*, 1 October 2002. Available at: <https://www.refworld.org/docid/45139e084.html> [Accessed: 4th August 2021]
  - UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), *Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23. Available at: <https://www.refworld.org/docid/5a12942a2b.html> [Accessed: 3rd August 2021]
  - UN Committee on the Rights of the Child (CRC), *General comment No. 1 (2001), Article 29 (1), "The aims of education"* 17 April 2001, CRC/GC/2001/1. Available at: <https://www.refworld.org/docid/4538834d2.html> [Accessed: 3rd August 2021]
  - 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. Available at: <https://www.refworld.org/docid/51a84b5e4.htm> [Accessed: 3rd August 2021]
  - UN Committee on the Rights of the Child (CRC), *General comment No. 20 (2016), Article 6 on the implementation of the rights of the child during adolescence*, 6 December 2016, CRC/C/GC/20. Available at: <https://www.refworld.org/docid/589dad3d4.html> [Accessed: 3rd August 2021]
  - 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. Available at: <https://www.refworld.org/docid/42dd174b4.html> [Accessed 1st July 2021]

- UNHCR (1997) *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum*, Geneva, The Commissioner.
- UNHCR (2003), *Framework for Durable Solutions for Refugees and Persons of Concern*, Geneva, Core Group on Durable Solutions.
- UNHCR (2006) *Master Glossary of Terms Rev.1. STATUS DETERMINATION AND PROTECTION INFORMATION SECTION*. Geneva: United Nations High Commissioner for Refugees. Available at: <https://www.refworld.org.es> . [accessed: 22nd June 2021]
- UNHCR (2007), *Handbook for emergencies: Third Edition*, UNHCR, Geneva. Available at [https://www.ifrc.org/PageFiles/95884/D.01.03.%20Handbook%20for%20Emergencies\\_UNHCR.pdf](https://www.ifrc.org/PageFiles/95884/D.01.03.%20Handbook%20for%20Emergencies_UNHCR.pdf) [Accessed: 22nd June 2021]
- UNHCR (2010), *Voices of Afghan Children - A Study on Asylum-Seeking Children in Sweden*. Available at: <https://www.unhcr.org/protection/children/4c8e24a16/voices-afghan-children-study-asylum-seeking-children-sweden.html> [Accessed: 10th July 2021]
- UNHCR (2011), *UNHCR Resettlement Handbook*, Division of Internal Protection, Geneva. Available at: [www.unhcr.org/46f7c0ee2.pdf](http://www.unhcr.org/46f7c0ee2.pdf) [Accessed: 3rd August 2021]
- UNHCR (2020), *Global Trends: Forced Displacement in 2019*. Available at: <https://www.unhcr.org/5ee200e37.pdf> [Accessed: 7th August 2021]
- UNHCR (August 2019), Submission by the Office of the United Nations High Commissioner for Refugees in the case of International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece (Complaint No. 173/2018) before the European Committee of Social Rights.. Available at: <https://www.refworld.org/docid/5d9745494.html> [Accessed 5th July 2021]
- UNHCR, (2019) *Mediterranean situation*. Available at: <https://data2.unhcr.org/en/situations/mediterranean/location/5179> [Accessed: 23rd June 2021].
- UNHCR, (2021) *Centre Profiling Serbia*. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Site%20Profiles%20May%202021.pdf> [accessed: 10th of June 2021]

- UNHCR, (October 2020) *Serbia Stat Snapshot*. Available at: <https://www.unhcr.org/rs/en/country-reports> [Accessed: 23rd June 2021]
- UNHCR, *What is a refugee camp?* Available at: <https://www.unrefugees.org/refugee-facts/camps/> [accessed: 22nd June 2021]
- UNICEF (2007), *Implementation Handbook for the Convention on the Rights of the Child*, 3rd edition. Available at: <https://www.refworld.org/docid/585150624.html> [accessed 18th July 2021]
- UNICEF (2017), *A child is a child. Protecting children on the move from violence, abuse and exploitation*, United Nations Children’s Fund. Available at: <https://www.unicef.org/reports/child-child> [Accessed: 1st July 2021]
- World Bank, UNHCR. (2021) *The Global Cost of Inclusive Refugee Education*. Washington, DC: World Bank. License: Creative Commons Attribution CC BY 3.0 IGO

### Secondary sources

- Agamben G, (1998) *Homo sacer: sovereign power and bare life*. Stanford University Press, Stanford CA.
- Agier, M., (2011), *Managing the undesirables: Refugee Camps and Humanitarian Government*; Cambridge, Malden MA: Polity Press
- AIDA, (2021) *Country Report Bulgaria 2020 – Asylum Information Database*. Available at: [https://asylumineurope.org/wp-content/uploads/2021/02/AIDA-BG\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/02/AIDA-BG_2020update.pdf) [Accessed: 1st July 2021]
- AIDA, (2021), *Country Report Greece 2020 – Asylum Information Database*. Available at: [https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-GR\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-GR_2020update.pdf) [Accessed: 25th June 2021]
- AIDA (2021) *Country report Serbia – Asylum Information Database*. Available at: [https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR_2020update.pdf) [Accessed: 27th June 2021]
- Anderson, A., Hyll-Larsen, P., & Hofmann, J., (2011), “*The right to education for children in emergencies*”. *Journal of International Humanitarian Legal Studies*, 2(1), pp. 84-126.
- Arvanatis, E., Yelland, N., Kiprianos P., (2019) “*Liminal Spaces of Temporary Dwellings: Transitioning to New Lives in Times of Crisis*”, *Journal of Research in Childhood Education*, Vol. No. 33(1), pp. 134-144

- Başıllar, M., (2020) "*Migration, Social Cohesion and Unaccompanied Children in The Context of Social Work.*" *Toplum ve Sosyal Hizmet* Vol. No. 31.2, pp.726-742.
- Berry, J. W., (2005) "*Acculturation: Living successfully in two cultures*", *International Journal of Intercultural Relations* Vol.No.29.6, pp. 697-712.
- Bogucewicz, M., (2020) "*The consequences of the migration crisis on the Balkan route and human rights: The current situation and prospects in Serbia.*" *Eastern Review* 9, pp.149-167
- Branković, I., Isakov, A. B., (2018) "*CHILD PROTECTION OF CHILDREN ON THE MOVE-SERBIAN CONTEXT.*" *Human: Journal for Interdisciplinary Studies* Vol. no. 8.1, pp.17-26
- Bron, A., Thunborg, C., Osman, A., (2021) "*Being in limbo or learning to belong? – Telling the stories of asylum seekers in a mill town.*" *Studies in the Education of Adults*, Vol. No. 53(1), pp.82-100
- Bulgarian Helsinki Committee (January 2021), *ANNUAL REPORT ON STATUS DETERMINATION PROCEDURE IN BULGARIA 2020*, Bulgarian Helsinki Committee Refugees and Migrants Legal Programme.
- Bunar, N., (2019), "*Education of Refugee and Asylum-Seeking Children*" *Oxford Research Encyclopedia of Education*.
- Cimino, F., Mannu, D., (2020) "*Smuggling, Trafficking, and Exploitation among Unaccompanied Minors Arriving in Friuli Venezia Giulia from the Middle East*", *Peace Human Rights Governance*, Vol. No.4(3), pp.287-309
- Derluyn, I., (2018) "*A critical analysis of the creation of separated care structures for unaccompanied refugee minors.*" *Children and Youth Services Review* 92, pp.22-29.
- Dorsi, D., and F. Petit. (2018) *The Status of the Right to Education of Migrants: International Legal Framework, Remaining Barriers at National Level and Good Examples of States' Implementation*. Paper Commissioned for UNESCO. *Global Education Monitoring Report, Migration, displacement and education: Building bridges, not walls*.
- Douchet, L., (September 2021) *Hardliners get key posts in new Taliban government*, *BBC World*. Available at: <https://www.bbc.com/news/world-asia-58479750> [Accessed: 10th September 2021]
- Elkatawneh, H. H., (2016), *The Five Qualitative Approaches: Problem, Purpose, and Questions/The Role of Theory in the Five Qualitative Approaches/Comparative Case Study*. *SSRN Electronic Journal*, pp. 1–17.

- Feldman, I., (2015) "*What is a camp? Legitimate refugee lives in spaces of long-term displacement*", *Geoforum*, Vol.No.66, pp. 244-252.
- Fouskas, T., (2020) "*Migrants, asylum seekers and refugees in Greece in the midst of the COVID-19 pandemic*", *Comparative Cultural Studies: European and Latin American Perspectives* Vol. No 10, pp.39-58,
- Hagen-Zanker, J., Mallet, R., (2016) *Journeys to Europe. The role of policy in migrant decision-making*. ODI Insights. London: Overseas Development Institute, pp. 1-47.
- Human Rights Watch (HRW) (2021), *Greece: Stop Denying Refugee Children an Education. Ensure All Asylum-Seeking Children Are Enrolled in Coming School Year*. Available at: <https://www.hrw.org/news/2021/07/29/greece-stop-denying-refugee-children-education> [Accessed: 8th August 2021]
- Ilic, D., Dedanski, V., (2020) "*The rights of Migrant Children during Pandemic in Serbia*" in YEARBOOK HUMAN RIGHTS PROTECTION: THE RIGHT TO HUMAN DIGNITY, Provincial Protector of Citizens – Ombudsman, Vol. No.3, Novi Sad,
- Kjoseva Kostadinovska, T., Bozhinovska Siljanovska, B., (2020) *The State of Asylum in the Republic of North Macedonia*. 2018-2019, Macedonian Young Lawyers Association.
- Koehler, C., & Schneider, J. (2019) "*Young refugees in education: the particular challenges of school systems in Europe*". *Comparative Migration Studies*, Vol.No.7(1), pp. 1-20.
- Konstantinos, T., Paida, S., (2020), "*Refugee Education Coordinators in the Greek Educational System: their role as mediators in refugee camps.*" *International Journal of Modern Education Studies* Vol.No.4.2, pp. 81-109
- Krasic, B., Milic, N., Sahovic, V., (2017) *Unaccompanied and Separated Children in Serbia*, Belgrade, Belgrade Centre for Human Rights.
- Lelliott, J., (2017) "*Smuggled and trafficked unaccompanied minors: Towards a coherent, protection-based approach in international law.*" *International Journal of Refugee Law* Vol. No. 29.2, pp.238-269
- Martin, D., Minca, C., and Katz, I. (2020) "*Rethinking the camp: On spatial technologies of power and resistance.*" *Progress in Human Geography* Vol.No.44.4, pp. 743-768.
- McAdam, J., (2011) "*An Intellectual History of Freedom of Movement in International Law: The Right to Leave as a Personal Liberty,*" *Melbourne Journal of International Law* 12, No. 1, pp.27-56

- Melchionni, M. G., (2018) "*Migrations' changing scenario: the new Balkan Route and the European Union.*" EDMONDA, Rivista di Studi Politici Internazionali Vol.85.2 (338), pp.189-206.
- Miloshevska, T., Fritzhand, A., (2018) "*Risk Factors Increasing Vulnerability Of Migrant Children.*" *Security Dialogues* Vol.No.9.2.
- Milutinović, N., (2019) *Institute of guardianship for unaccompanied children or children separated from parents/guardians. Analysis of the situation and recommendations for improvement*, Belgrade, Save the Children, pp.1-52
- Minca, C., (2021) "Makeshift camp methodologies along the Balkan Route". Area, pp.1–9.
- Mishra, D., Spiegel, P. B., Digidiki, V. L., & Winch, P. J., (2020) "Interpretation of vulnerability and cumulative disadvantage among unaccompanied adolescent migrants in Greece: A qualitative study." *PLoS Medicine*, Vol. No. 17(3). Available at: <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1003087> [Accessed: 15th July 2021]
- Morgano, F., (2020) "*Unaccompanied minors (UAMS) in the European Union*", Osservatorio Nazionale sui minori stranieri non accompagnati, Approfondimento n.4.
- National Torture Prevention Mechanism (June 2020), *MONITORING THE TREATMENT OF MIGRANTS AND ASYLUM SEEKERS: Visit report reception centres in Obrenovac and Adasevci*, Belgrade.
- Obradovic-Wochnik, J., and Bird, G., (2020), "*The everyday at the border: Examining visual, material and spatial intersections of international politics along the 'Balkan Route'.*" *Cooperation and Conflict*, Vol.55.1, pp.41-65
- Oesch, L., (2017) "*The refugee camp as a space of multiple ambiguities and subjectivities*", *Political Geography*, Vol. No.60, pp. 110-120.
- Peleg, N., (2017) "*Developing the right to development*", *International Journal of Children's Rights*, Vol. No. 25(2), pp.380-395.
- Phillimore, J., Goodson, L., (2008) "*Making a place in the global city: The relevance of indicators of integration.*" *Journal of Refugee Studies* Vol.No.21.3, pp. 305-325.
- Ramadan, A. (2013) *Spatialising the refugee camp*. *Transactions of the Institute of British Geographers*, Vol 38, No.1, pp. 65-77.
- SAR, "Statistics and reports". Available at: <https://bit.ly/2ur0Y1a> [Accessed: 7th July 2021]



- Sardelić, J., (2017) "*From temporary protection to transit Migration: Responses to refugee crises along the Western Balkan Route.*" Robert Schuman Centre for Advanced Studies Research Paper No. RSCAS 35.
- Save the Children (2013) *Save the Children's Child Protection Strategy 2013-2015: Child Protection in Emergencies*, Save the Children.
- Save the Children (2018), *Protecting children on the move. A guide to programming for children affected by migration and displacement*, London, Save the Children.
- Save the Children (2020a) *Refugees and migrants at the Western Balkans Route. Regional Overview April-June 2020*, Belgrade, Balkans Migration and Displacement Hub Data and Trends Analysis.
- Save the Children (2020b), *Refugees and migrants at the Western Balkans Route. Regional Overview July-September 2020*, Belgrade, Balkans Migration and Displacement Hub Data and Trends Analysis, Belgrade, (2020).
- Save the Children, (2020c) *Refugees and migrants at the Western Balkans Route. Regional Overview October-December 2020*, Belgrade, Balkans Migration and Displacement Hub Data and Trends Analysis.
- Serviere, C., (2020) "*Caring for unaccompanied minors in transit in Serbia*", School of Advanced Study University of London, Refugee Law Initiative Working Paper No.51, pp.1-27
- Sytnik, S., (2012) "*Rights displaced: The effects of long-term encampment on the human rights of refugees.*" Refugee Law Initiative, Working Paper No.4, pp.1-32.
- Thomas, R. L., (2016) "*The right to quality education for refugee children through social inclusion*". Journal of Human Rights and Social Work, Vol. No. 1(4), pp. 193-201.
- Tomić-Petrović, Nataša, M., (2017) "*CHALLENGE OF MIGRATIONS–THE CASE OF SERBIA.*" Curentul Juridic Vol. No. 68.1, pp.32-41.
- Tsioupis, K., Paidas, S., (2020) "*Refugee Education Coordinators in the Greek Educational System: their role as mediators in refugee camps.*" International Journal of Modern Education Studies Vol.No.4.2, pp.81-109
- Turner, S. (2016) "*What is a refugee camp? Explorations of the limits and effects of the camp.*" Journal of Refugee Studies Vol.No. 29.2, pp. 139-148.
- Turner, S., (2014) "*We wait for miracles -Ideas of Hope and Future among Clandestine Burundian Refugees in Nairobi*" in Pratter, D. and Cooper, E.

(eds) *Ethnographies of Uncertainty*. Basingstoke; New York; Palgrave Macmillan, pp.173-191



## ANNEX

### Questionnaire

#### General information

Name..... Surname.....

Age.....

Country of origin .....

If you approximately know, how much time ago did you leave your country of origin? .....

If it is OK for you, could you mention the countries you crossed before coming to Serbia?  
.....

Do you perhaps know where you intend to be later on? Do you have a specific project you would like to share?  
.....

1. You said you transited through different countries before coming to Serbia. Did you spend time in camps in the transit countries? YES NO
  - a. If yes, how long? .....
  - b. In how many camps have you been? .....
  - i. Can you name those camps?  
.....  
.....
2. If I was to ask you about you overall experience in these camps, how would you describe it?  
.....
3. Could you describe those camps, how you perceived camps and management by authorities?  
.....

1<sup>st</sup> VARIABLE: PERCEPTION OF FREEDOM OF MOVEMENT.

1. Think carefully about the words “freedom of movement”: how would you define it? What comes up to your mind?  
.....
2. Could you tell me which rules were/are applied in camps in terms of possibility to go in and out?  
.....
  - a. For instance, what time was/is control time?  
.....
  - b. Could/can you go out alone during the day?  
.....
  - c. Have you ever asked authorities a permit to leave the camp?  
.....
3. How do you think such rules affect you? If any, what do you think is the biggest obstacle for your freedom of movement?  
.....
4. When Covid-19 pandemic outbreaked in March 2020, were you in camp?  
YES NO
5. Due to Covid-19 restrictions, lockdown was also applied to camps and no one could leave camp. How was it for you? How did your perception change?  
.....
6. Camps location: the camps in which you have been, were close or far from towns/city centres?  
.....
7. How was that for your experience?  
.....
  - a. police in the streets  
.....
  - b. need of legal guardians to leave the camp  
.....
  - c. difficulties in using public transport  
.....

2<sup>nd</sup> VARIABLE: PERCEPTION ON DEVELOPMENT OF THE PERSON.

1. If I was to ask you about your overall experience in camps in relation to the years of your adolescence, how is It for you as a person? Please consider aspects such as: making friends in the camp, development of your interests, sense of responsibility.)  
.....
2. If you had to think about all the time you have spent/are spending in camps, do you think it is helping or hindering your personal growth?  
HELPING      HINDERING
3. If helping, could you explain how? If hindering, could you explain how and why?  
.....
4. What matters to you, and perhaps to friends around you, the most in growing up, for today, and tomorrow?  
.....
5. The majority of refugees and asylum seekers' camps are located far from the city centres, thus far from host communities and this can make opportunities for contact limited. How do you feel about this?  
.....
6. How living in camps impact your life interests? How do you express your interests in camps? How do you think that your personality is valued in camp? (perhaps activities, workshops?)  
.....
7. How prolonged stay in camps has changed your daily life? If I had to ask you about the perception you have about the way you've been living your last years, what would you say about it? (more active, more passive, the same?)  
.....
8. If I was to ask about people/professionals you met in these camps, what would you say? Do you think that those people or some of them helped you in developing yourself, your self-confidence, the definition of your life goals? YES      NO
9. If yes, how? If not, why?  
.....
10. If you had to make a general evaluation about yourself and your prolonged stay in camps, what would you say about the perception you had about

yourself and your growth as a person?

.....

3<sup>rd</sup> VARIABLE: PERCEPTION ON RIGHT TO EDUCATION

1. Have you attended school before leaving your country of origin? YES NO

If yes, how many years? .....

2. Did you have opportunities in camps you stayed in to learn anything (language or else)?

.....

3. Think about the words “right to education”, how would you define it? what comes up to your mind?

.....

4. How is it for you not be in an out-of-camp school?

.....

5. How do you think you can continue learning while in camps, even without going to school? (=perhaps workshops/activities?)

.....

6. Do you consider not going to school while spending time in camps as a problem for your future? If you had to use your imagination and think about your future wherever in the world, how do you think not going to school now could affect it?

.....

7. How do you think it would be important and useful to have a school within camps? Use your imagination: how would you like school in camps to be organised? What are you most curious about? What do you think you should have learnt/should learn while being in camps in transit countries?

.....

After this discussion, think broadly and use your experience and imagination together: looking back at all camps where you have been, what do you think is important to address in camps for guys of your age? What do you think deserves more attention and should be a priority?

.....

## Protocol Agreement

### ПРИЈАВА ИСТРАЖИВАЧКОГ ПРОЈЕКТА

Назив истраживања Name of the research	Unaccompanied minors' perception about freedom of movement, development of the person and right to education, in relation to staying in camps
Истраживач/институција која је носилац Researcher/institution that is conducting research	Simona Guarini, student at Università degli Studi di Padova
Контакт подаци истраживача и сарадника Contact information of researcher and associates	Simona Guarini (researcher): <a href="mailto:simona.guarini@studenti.unipd.it">simona.guarini@studenti.unipd.it</a> Antoine Pierre George Meyer (thesis supervisor) <a href="mailto:antoine.meyer@unipd.it">antoine.meyer@unipd.it</a>
Временски период за извођење истраживања: Time period for conducting research	May 5th – May 27th 2020
Врста истраживања: Type of research	Thesis research
Истраживање које се спроводи је национално /међународно/самостално/део ширег пројекта The research is national/international/independent/part of a project	Independent
Обавезно приложити одобрење Комисије за етичка питања / релевантне институције It is obligatory to attach the approval of the Ethics Committee / relevant institutions	Attached in email.
Обавезно приложити интерни протокол истраживачке институције / организације о заштити података о личности испитаника који се генеришу приликом истраживања It is obligatory to attach the internal protocol of the research institution or organization on the protection of personal data of examiners that are conducted during the research	Attached in email.
Обавезно приложити образац сагласности испитаника за учешће у истраживању који јансо наводи сврху истраживања It is obligatory to attach the form of consent of the respondents for participation in the research, which also clearly states the purpose of the research	Attached in email.
Циљ истраживања: Aim of research	The research aims at analysing the perception unaccompanied minors have on freedom of movement, development of the person, and right



	to education in relation to their stay in camps while transiting through different countries.
Методологија истраживања: Methodology	It is qualitative research, conducted through semi-structured interviews.
Коришћени инструменти (приложити обрасце инструмената или смернице за његову примену)  Used instruments (attach instrument templates or guidelines for its application)	Questionnaire (open questions)
Циљна група: Target group	Unaccompanied minors currently staying in the Asylum Centre of Bogovadja
Предвиђени број испитаника: Number of participants	15-20
Временски ангажман испитаника: Time engagement of participants	Each interview should last between 40-60minutes.
Да ли се истраживање спроводи над лицима млађим од 18 годинама?  Ако да, обавезно приложити формулар за сагласност родитеља/старатеља лица млађег од 18 година.  Ако да, да ли се спроводе над лицима: -Са родитељском пратњом -Без родитељске пратње  Is research conducted on person under 18 years old? If yes, it is obligatory to attach a form of consent of the parents or guardian of the person under 18  If yes, are the participants - with parents - unaccompanied	-yes           - unaccompanied
Да ли истраживање подразумева одговарање на питања која могу да представљају осетљиве теме? (нпр. О боравку у земљи порекла, будућим плановима, путу ка Србији, трауматским искуствима итд.) Ако је одговор да: да ли анкетар има јасне инструкције како да поступи у случају да питања изазову снажну емотивну реакцију испитаника или подстакну да испитаник подели трауматично искуство?  Does the research involve answering questions that may be sensitive topics? (about being in origin country, future plans, path to Serbia,	Yes, research involves questions concerning sensitive topics. In the case in which participants will show a strong emotional reaction, the researcher will ask the interviewee whether or not

<p>trauma experience etc.). If yes: does researcher have clear instruction of how to act in case the question provoke strong emotional reaction in participants or encourage the participants to share a traumatic experience?</p>	<p>he feels like continuing the interview. Free choice will be left to the interviewee and if unwillingness to continue will be declared, interview will be over. No type of pressure in sharing a traumatic experience will be made.</p>
<p>Да ли истраживање захтева аудио/видео снимање? Ако да, обавезно приложити сагласност испитаника да буду снимани током истраживања. Уколико је испитаник дете које је млађе од 18 година, обавезна је писана сагласност родитеља/старатеља тог лица</p> <p>Does research requires audio or video recording? If yes, it is obligatory to attach a form of consent from participants to be recorded during the research. If participants are younger than 18, it is obligatory to have written form of consent of parent or guardian.</p>	<p>Research requires audio recording.</p>
<p>Да ли је предвиђен начин пружања повратне информације/резултата истраживања испитаницима?  Is there a way to provide feedback / research results to the participants?</p>	<p>It could be possible to provide feedback to participants through Zoom call, in presence of a cultural mediator.</p>

\*Изјављујем да ће идентитет испитаника остати анониман, да се од субјеката неће потраживати као ни узимати узорци телесних течности ни ткива, као и да се подаци прикупљени у овом истраживању неће користити у било које друге сврхе, осим у сврхе научног истраживања.

I declare that the identity of the respondents will remain anonymous, that subjects will not be asked to give samples of body fluids or tissues – neither will they be taken - , and that the data collected in this research will not be used for any purpose other than scientific research.

Главни истраживач / Институција (Main researcher or institution)

*Simona Jurasin*

Датум (date)

26/04/2020





