

14 April 2026

Committee on the Elimination of Racial Discrimination (CERD)

Informal Briefing on Serbia

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Representing the Oral Submission by the Global Detention Project and Collective Aid

Thank you for this opportunity to address the Committee about the treatment of migrants, refugees, and asylum seekers in Serbia, where ongoing reports of arbitrary detention, pushbacks, and the use of informal detention sites reveal the urgent need to ensure that the State halts harmful and discriminatory practices against non-citizens. Our submission draws on testimonies, monitoring reports, and recent legal findings highlighting the harmful impacts of detention and discriminatory migration enforcement practices.

Serbia continues to rely heavily on immigration detention as part of its migration governance framework. In addition to three formal detention centres, migrants and asylum seekers are routinely held in conditions amounting to de facto detention, including in informal facilities such as abandoned buildings, police stations, and warehouses, without legal safeguards or access to remedies.

According to the Border Violence Monitoring Network, many detainees are held for prolonged periods, even where there is no realistic prospect of removal, highlighting the arbitrary nature of detention practices. At the same time, Serbia's legal framework continues to criminalise irregular entry and stay, exposing migrants to fines and imprisonment, contrary to international standards. Serious concerns have also been raised regarding detention conditions. Reports document inadequate access to food, water, and healthcare, as well as allegations of physical abuse and racist treatment by officers. In some cases, detainees have reported being denied medical care or held in facilities lacking basic sanitation, heating, or electricity, and access to justice remains severely limited.

In light of these developments, we urge the Committee to call on Serbia to:

1. **End arbitrary and prolonged immigration detention**, ensuring that detention is used only as a last resort, based on necessity, proportionality, and a realistic prospect of removal, and subject to regular judicial review.
2. **Cease the use of informal and de facto detention facilities**, including abandoned buildings and police premises, and immediately release all persons held in such conditions.
3. **Decriminalise irregular entry and stay**, in line with international standards, and ensure that migration-related infractions are treated as administrative rather than criminal matters.
4. **Guarantee access to justice**, including free legal aid, interpretation services, and effective remedies with suspensive effect.
5. **Ensure humane detention conditions**, including adequate food, healthcare, sanitation, and protection from ill-treatment, in line with international human rights standards.
6. **Establish independent monitoring and complaint mechanisms** to ensure accountability for abuses and provide effective remedies for victims.
7. **Ensure that vulnerable groups are never detained**, including children, families, and victims of trafficking, and instead receive appropriate care and protection.