



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
281-2/18
Belgrade



Заштитник грађана
Zaštitnik građana



BEOGRADSKI CENTAR
ZA LJUDSKA PRAVA

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NATIONAL TORTURE PREVENTION MECHANISM

**MONITORING MIGRANT AND ASYLUM-SEEKER TREATMENT BY PUBLIC
OFFICIALS IN THE REPUBLIC OF SERBIA**

The Obrenovac Reception Centre Visit Report

Belgrade, February 2018

THE NATIONAL TORTURE PREVENTION MECHANISM MANDATE

Under the Ratification of Optional Protocol to the Convention against Torture and Other Cruel, Degrading, or Humiliating Treatment or Punishment Law¹, the National Torture Prevention Mechanism (*hereinafter: "the NTPM"*) shall visit institutions housing persons deprived of liberty in order to prevent any form of torture or ill-treatment by public officials or staff members, and provide guidance to state officials in the establishment of adequate housing for persons deprived of liberty in accordance with valid regulations and standards.

The NTPM is entitled to: access at any time, unimpeded and unannounced, all institutions and/or rooms where persons deprived of liberty may be located; confidentially interview such persons, staff members (who are obligated to cooperate with the NTPM team), as well as anyone else who may have relevant information as to the treatment of said persons; gain access to all documentation related to those persons; issue recommendations to the relevant authorities on how to improve the treatment of persons deprived of their liberty, and the improvement of the conditions in which they are detained or imprisoned.

Under Article 2a of the Law, the Protector of Citizens shall perform the NTPM assignments in cooperation with the Ombudspersons of the autonomous provinces, as well as with associations the Statutes of which cite as a goal the improvement of human rights and freedoms in accordance with the law.

The National Torture Prevention Mechanism Secretariat, a distinct organizational unit within the Protector of Citizens, has been established for the performance of the NTPM assignments in accordance with the NTPM's remit as defined in Article 4 of the Optional Protocol to the Convention against Torture. The Secretariat is managed by the NTPM Secretary, who operates in accordance with the guidelines issued by the Deputy Protector of Citizens in charge of the protection of the rights of persons deprived of liberty.

The Protector of Citizens and the AP of Vojvodina Provincial Ombudsperson signed a Memorandum of cooperation in the NTPM program², according to which the Provincial Ombudsperson shall actively partake in the NTPM Monitoring Team's visits to the institutions on the territory of the AP of Vojvodina where persons deprived of liberty are housed.

Pursuant to the procedure implemented after the publication of the Public Call,³ the Protector of Citizens selected the following associations to collaborate with in the NTPM program: the Belgrade Centre for Human Rights (BCHR), the Victimology Society of Serbia, Group 484, the Mental Disability Rights Initiative - Serbia (MDRI-S), the Committee of Human Rights Lawyers (YUCOM), the International Aid Network (IAN), the Human Rights Committee - Valjevo, the Helsinki Committee for Human Rights in Serbia, and the Human Rights Centre - Niš.

Upon the visit, the NTPM prepares a report which is then submitted to the institution visited. Thereafter, the NTPM maintains continuous dialogue with said institution, as well as with the body within which it operates, with the aim of eliminating the identified deficiencies that may lead to torture, or else inhuman or humiliating treatment.

¹ Official Gazette of Serbia and Montenegro - International Treaties nos 16/2005, and 2/2006, and Official Gazette of the Republic of Serbia - International Treaties no 7/11

²Signed December 12, 2011

³Published January 29, 2016, in the Official Gazette of the Republic of Serbia

GENERAL INFORMATION ON THE VISIT

INSTITUTION VISITED	The Obrenovac Reception Centre
PURPOSE OF VISIT	Monitoring the treatment according to the NTPM recommendations
VISIT CONDUCTED BY	The Protector of Citizens in cooperation with the Belgrade Centre for Human Rights
DATE OF VISIT	January 29, 2018
NOTICE OF VISIT	The visit was announced
VISITING TEAM	<p>Team Leader: Miloš Janković, <i>Professional Service of the Protector of Citizens/NTPM</i></p> <p>Team Members: Marko Anojčić, <i>Professional Service of the Protector of Citizens/NTPM</i> Milena Ančić, The Belgrade Centre For Human Rights Marko Vasiljević, <i>The Belgrade Centre For Human Rights</i></p> <p>Translator: Milena Roaji, <i>Farsi</i></p>

COOPERATION OF THE STAFF WITH THE NTPM TEAM

The staff employed at the Obrenovac Reception Centre fully cooperated with the NTPM team, in no way hindering its activity. The staff provided the NTPM team with the information requested, allowed access and taking of photographs of all rooms and installations, allowed unobstructed review of the required documentation, and unsupervised interviews with the migrants of the team's choice.

COURSE OF VISIT

At the Obrenovac Reception Centre, following the introduction of the activities and the NTPM team members to the management, the NTPM team interviewed the Centre's staff and migrants, reviewed the relevant documentation, and toured the facilities for migrant accommodation. Special care was paid to actions in response to prior NTPM's recommendations.

1. INTRODUCTION

In 2017, the NTPM visited the Obrenovac Reception Centre twice. The reports were prepared on these visits with recommendations on measures to eliminate the identified deficiencies and improve treatment.⁴ The first visit was in February 2017, several weeks after the first group of migrants had been accommodated at the Reception Centre. A June visit that same year followed soon afterwards.

At the time of the present visit, 727 migrants were residing at the Reception Centre (in February, there were 579, and in June there were 1105), of which 22 were minors, which is considerably less compared to the earlier reports.⁵ All migrants are men. The minors are unaccompanied boys older than 15, while all younger persons are accommodated at the Krnjača Asylum Centre due to a better inclusion in primary education. The largest number of migrants currently residing at the Reception Centre is from Pakistan.

Between 15 and 18 staff members from the Commissariat have been engaged at the Reception Centre in seven-day shifts, and spend 24 hours at the Centre during a single shift. Also, 20 staff are hired to maintain the facilities.

UNHCR and IOM representatives are present at the Reception Centre. Among the migrants, there are those who have applied for a return to their country of origin, and they are mainly from Iran or Pakistan. Last week, a voluntary return was organized for three to four migrants.

Last year, a Serbian Armed Forces approval was obtained, and the previously planned works on the expansion and renovation of the Reception Centre were carried out - the facilities, toilets, infirmary, restaurant and offices were renovated, and an IT corner and a room for social activities were created. A large apartment building for accommodation was relocated, and now one large (G12) and two small buildings (G20 and G21) are being used.

Since the previous visit, the capacity of the laundry room has been increased to five large and five small washers, and five large and one small dryer. Migrants leave their clothes from 8am to 9am, and they are ready at about 3pm. Bed linen is also washed in the laundry room. Migrants are regularly given clothes, footwear, and personal hygiene items.

At the Reception Centre, in the G11 building, social activities that were announced to the NTPM team during previous visits have been introduced. A room has been made available for social activities (*the social café*), where pool tables, table tennis tables, board games, darts, TV, and more is available to the migrants. In July 2017, an Internet corner with eight computers was created, in which migrants can browse the web for up to 20 minutes a day, and wireless Internet is available throughout the Reception Centre. When signing up to use the computers, migrants receive a piece of paper informing them of when their turn is, and of the fact that access to illegal content, such as pornographic pages, is disabled. In that same building, there is a new gym created in two rooms, but it was closed at the time of the visit of the NTPM team because the staff were on a break. Music and environmental workshops, violence prevention workshops, sex education, cultural mediation, computer use, personal hygiene, and other forms of non-formal education workshops have been organized. Preventive workshops are primarily intended for minors, but they are also attended by older

⁴Report on the visit to the Obrenovac Reception Centre no. 281-5/17 dated February 8, 2017

Report on the visit to the Obrenovac Reception Centre no. 281-48/17 dated February 7, 2017

⁵At the time of the previous visit, there were 246.

migrants. According to the representatives of the organization, the workshops are held several times a week, and about 10 migrants attend each one for a total of about 200 a week. This organization's team is composed of four educators and two translators, for Arabic and Farsi. In August 2017, special classes were set up by teachers from local schools in Obrenovac and other Belgrade municipalities. Classes are held daily, and English, Serbian, geography, sculpture making, mathematics, and civic education are taught. As it is difficult to keep migrants in multiple classes, they usually attend one to two classes a day. There are 10 to 15 migrants present per class.



In addition to social activities, courses for custodians and hairdressers are organized as well. There is a hairdresser's salon where migrants can get free haircuts and other hairdressing services, and 20 migrants have completed hairdresser training.

The NTPM is particularly pleased with the introduction of various activities for migrants at the Obrenovac Reception Centre.

The fact that reception centres offer migrants the option to interact socially, and participate in purposeful activities is of great importance for the overall atmosphere at the centre, and for the state of mind of these individuals. These activities give them the opportunity to learn

useful things, and to pass the time waiting to have their current situation resolved regarding the possibility of continuing their journey. At the same time, this also enables the staff working at the centres to maintain order, and to monitor the individual needs of migrants by structuring their days.

Migrants who do not have certificates of intent to seek asylum in the Republic of Serbia are staying at the Reception Centre, and they do not want an asylum in Serbia. They are only interested in continuing their journey to the developed European countries. According to the Commissariat staff, as of late 28 unaccompanied minors have gone to Hungary by official means. However, the NTPM received information that seven or eight days prior to the visit, Hungary had reduced the number of migrants it received on a daily basis to one person per border crossing on the weekdays (in total only two per day or 10 per week). According to the Commissariat staff, the alleged burden on the accommodation facilities in the migrant campsites in Hungary has led to this decrease, and it should last for another 7 days.

The NTPM is concerned with the possible effects that might be caused by the decision of the Hungarian authorities to receive only two migrants per day, given that the migrants in the reception centres in Serbia have been waiting for some time, some of them even a year, and with the fact that Hungary has already reduced the daily reception of migrants several times. This is a particular problem for families with children because their reception has been stopped completely.

2. FOLLOW-UP ON THE RECOMMENDATIONS

2.1. Follow-up on the recommendations from the report on visits to the Obrenovac Reception Centre

Following the previous visits, the NTPM sent a total of three recommendations to the Reception Centre.

1.

THE FEBRUARY 2017 RECOMMENDATION

The Commissariat for Refugees and Migration is to provide accommodation to persons with disabilities at the Obrenovac Reception Centre.

FOLLOW-UP:

Accommodation of people using crutches or wheelchairs is provided in G20 and G21 facilities. The entrance to the facilities is provided using a ramp, and afterwards there are no obstacles to the dormitories. One toilet, located in the immediate vicinity of the dormitories, is designated for the disabled. These toilets are locked so that, according to the Commissariat staff, other migrants cannot use them, and the key is kept by the staff.



2.

THE FEBRUARY 2017 RECOMMENDATION

The Commissariat for Refugees and Migration will take into account the protection of minors as well as the countries of origin of migrants when placing them in the dormitories of the Obrenovac Reception Centre, and will, without delay, separate the migrants with disturbed relationships to avoid conflict.

FOLLOW-UP:

According to the Commissariat staff, the minors who are currently at the Reception Centre are either in separate rooms with several other minors or with persons claimed to be their relatives or other close persons.

Contrary to what was observed during the previous visits, unaccompanied minors are now assigned to certain caregivers who constantly work with them in the field. They are hired through the City Centre for Social Work in Belgrade (CCSW), and there is a total of five of them in charge of the City of Belgrade. According to the information provided by the caregivers, there are three to four professional workers from the CCSW who spend part of their working hours on the field. Given the currently low number of unaccompanied minors, two caregivers have been hired at the Reception Centre. During the visit of the NTPM, the caregivers were at the Reception Centre, and according to them, this practice was introduced in November 2017. Since then, various checks have been carried out on whether they are eligible for caregiving, and subsequently they have been appointed as caregivers of unaccompanied minors. They are appointed as caregivers of several minors, for example, one of them is a caregiver of nine unaccompanied minors, at the Obrenovac Reception Centre, and the Krnjača Asylum Centre. However, formal decisions on caregiving have not been made yet, but according to the caregivers, they are in the making. The caregivers spend three days a week in Krnjača, and two days a week in Obrenovac. During the day when caregivers are not at the Reception Centre, one female Commissariat staff is in charge of taking care of female minors and informing their caregivers of important facts and concerns regarding their protégés. They regularly inform the Commissariat of their activities and observations, and once a week they submit a report to the case head at the City Centre for Social Work. At the CCSW, two professionals are designated as case heads of unaccompanied underage migrants residing in Belgrade. The caregivers are assisted by translators, but they mostly communicate with the children in English.

Unlike previous visits to reception and asylum centres, unaccompanied minors were informed of the fact that they had been appointed caregivers, they knew their names, and said to have frequent and open communication with them. For one minor with whom the NTPM team was talking, a family reunification process has been initiated as his father is in Italy.

The NTPM is particularly happy with the improved unaccompanied minors protection, especially better communication between the caregivers and their protégés, and better work organization of the competent social work centre.

3.

THE JULY 2017 RECOMMENDATION

The Commissariat for Refugees and Migration will check whether all migrants residing at the Obrenovac Reception Centre are registered, and whether they have been issued identification cards.

FOLLOW-UP:

The migrants who are officially residing at the Reception Centre have been issued identification cards, which must be presented to the security personnel when entering the centre. The Commissariat staff count the migrants in the morning and in the evening. However, migrants who are not registered here are able to enter the Reception Centre.

These are the people who do not usually want to stay in the migrant reception and care centres, and who temporarily enter the Reception Centre by jumping over the fence. The Commissariat staff say that when they see them, they insist on their registration. Those who reside illegally and do not make trouble get an identification card after a few days, and stay at the Reception Centre. During the previous visits, it was found that the migrants brought from informal gathering places can be found at the Obrenovac Reception Centre, that is, those who needed urgent shelter, and not migrants who, after a mainly formal declaration of their intention to seek asylum were sent to this Reception Centre. Also, photographs of migrants are included in the food record cards to prevent abuse and illegal trade.

2.2. Follow-up on the recommendations sent to the Commissariat for Refugees and Migration in the reports on visits to the other centres

During the visits to the other centres for migrant reception and care (reception centres, asylum centres, etc.), the NTPM has detected the same or similar way of operation and treatment of migrants, as well as the possibilities for improvement, and based on this has made recommendations to the Commissariat related to all the centres.

1.

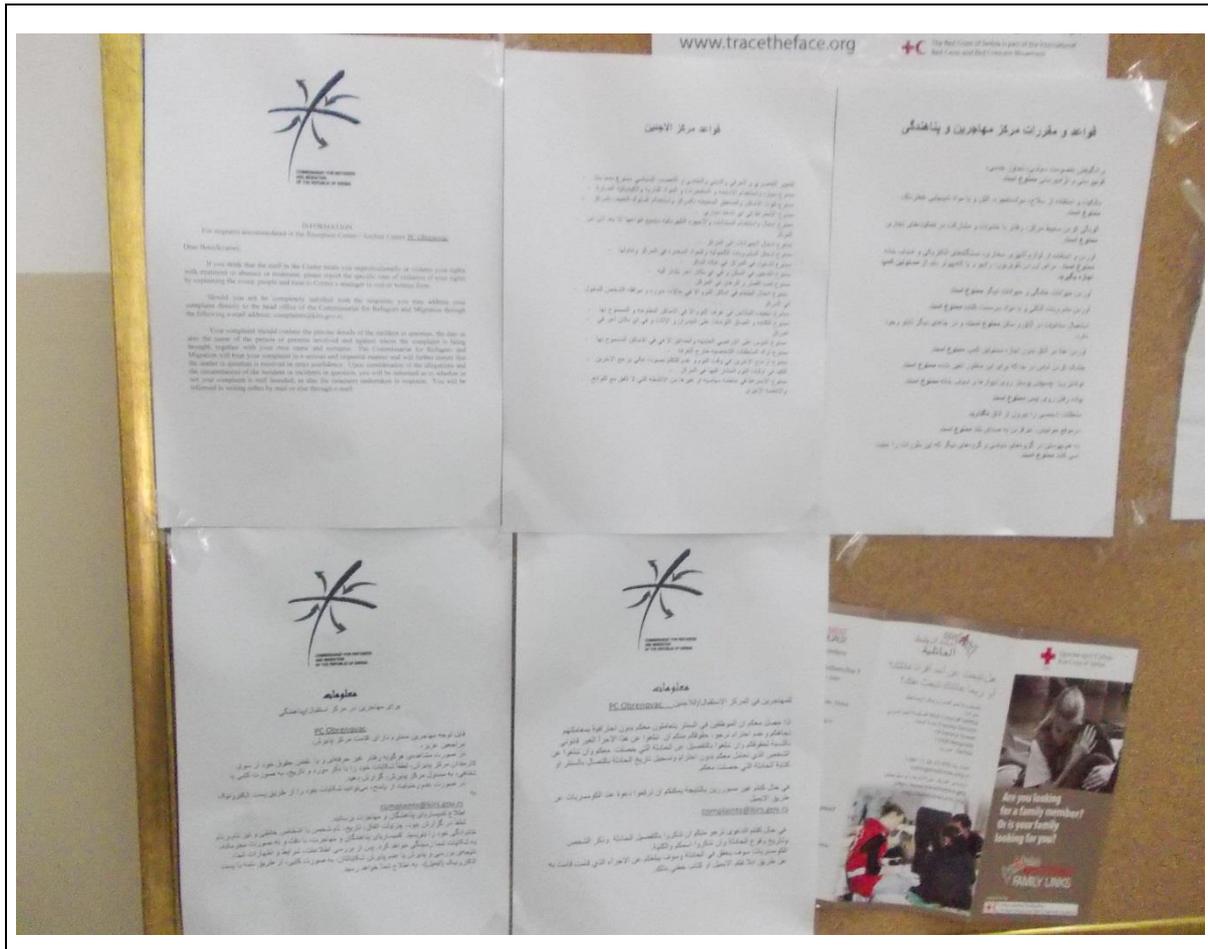
THE DECEMBER 2017 RECOMMENDATION⁶

The Commissariat for Refugees and Migration will post notifications in all institutions for accommodation of migrants and asylum seekers about the possibility and procedure of filing a complaint regarding the work of persons hired at these institutions, and about the information on the relevant organizations that can provide assistance to them.

FOLLOW-UP:

The information on the possibility and manner of filing a complaint about the work of the staff hired at the Reception Centre is posted at the entrances to facilities or on the bulletin boards in the corridors of accommodation facilities. These notifications have been translated into several languages (English, Arabic, Farsi ...). The announcements on planned activities and other information relevant to migrants are posted on the bulletin boards. At the time of the visit, a notice was posted on the allocation of humanitarian financial aid. According to the staff, most of the complaints were about food. In order to solve the problem, a meeting was organized with an organization that provides meals where migrants had the opportunity to state their complaints and suggestions.

⁶Report on visits to reception centres in Principovac, Šid, and Adaševci, no. 281-98/16 dated December 12, 2016



2.

THE APRIL 2017 RECOMMENDATION⁷

The Commissariat for Refugees and Migration will organize frequent meetings between the officials and migrant representatives in all centres for migrant accommodation and care, during which the migrants will be given important information about the events at the centre, and an opportunity to point out the issues to the staff related to the work of the centre, and present suggestions to resolve them.

FOLLOW-UP:

There are two migrant representatives (community leaders) at the Reception Centre, one from Afghanistan and one from Pakistan. According to the Reception Centre staff, they are satisfied with the cooperation and communication they have with them. On the day of the NTPM visit, a migrant representative from Afghanistan received his asylum in Serbia and was about to leave the Reception Centre.

⁷Report on the visit to the Reception Centre in Divljana, no. 281-36/17 dated April 12, 2017

3.

THE JUN 2017 RECOMMENDATION⁸

The Commissariat for Refugees and Migration will take measures to ensure that all the migrant reception and care centres (asylum centres and reception and transit centres) record the incidents. As a minimum, this record should contain a detailed description of the incident, the migrants who participated in it, and the measures taken (call to the police or other services, conducted medical examinations, measures taken against the migrants, etc.).

The Commissariat for Refugees and Migration will take measures to include the information about the incidents in the periodic reports of all migrant reception and care centres.

FOLLOW-UP:

There are three books kept at the Reception Centre: night, day, and incident book. Important daily events are recorded in the logbook. Incidents are copied from the logbook to a special "Record of Incidents", which is kept electronically, and submitted to the Commissariat with the weekly report. The Record of Incidents describes the events, consequences, and actions taken.

4.

THE AUGUST 2017 RECOMMENDATION⁹

The Commissariat for Refugees and Migration will provide psychological support to migrants in all migrant reception and care centres by hiring professionals, providing appropriate rooms for conducting confidential interviews with migrants, and taking other necessary measures.

FOLLOW-UP:

Since October 2017, psychological support for migrants has been provided at the Reception Centre. A psychologist is present at the Centre every business day from 9am to 5pm, and speaks to 10 to 15 migrants a week. It's mostly about cases that are being monitored for some time. After establishing psychological support, all migrants are informed of the possibility of contacting a psychologist, and at the same time contact has been initiated by psychologists with those migrants who are deemed to be needing this type of assistance. According to a psychologist, the interviews are held in private at the infirmary or elsewhere at the Reception Centre. Language issues appear as a problem: when migrants do not speak English, communication assistance is provided by people close to them, given that the infirmary does not have translators, but even if they had translators, it would still be indirect communication. In case psychiatric treatment is necessary, a doctor from the Reception Centre sends a migrant for a psychiatric evaluation. At the primary level, psychiatric treatment is performed at the Obrenovac Health Centre, and about four to five migrants receive psychiatric treatment.

⁸Report on the visit to the Krnjača Asylum Centre, no. 281-49/17 dated July 3, 2017

⁹Report on the visit to the Reception Centre in Vranje, no. 281-67/17 dated September 21, 2017

3. OTHER OBSERVATIONS

3. 1. Health Care

The Reception Centre has improved the conditions for providing health care. The infirmary, which was located in a smaller room in a large accommodation building (G12) has been relocated to a facility formerly used by the Commissariat staff. This building has been renovated and is in good condition. The waiting room leads to the infirmary, and an examination room is located right next to it. There are two medical teams at the Reception Centre: every business day from 9am to 5pm a doctor and medical technician from the Obrenovac Health Centre, and from 3pm to 10pm the medical staff from a humanitarian organization are available. On Saturdays, only the staff from the humanitarian organization are available, and there are no medical personnel on Sundays. An ambulance is called in case of emergency. The infirmary is used only by the staff from the Health Centre, while the humanitarian organization has its own mobile infirmary in a truck parked in the Reception Centre yard. The doctor from the Health Centre told the NTPM team that she conducts 25 to 45 examinations per day. Although the flu season is in full swing and the migrants have not been vaccinated, there are no ill individuals at the Reception Centre because of a more developed immune system, the doctor assumes. Migrants show up for examination by themselves by coming over to the infirmary, and according to the medical staff, these examinations are conducted in private. Sometimes migrants request an examination due to injuries sustained during conflicts at the centre. Also, there are those who have suffered injuries at the hands of the officials from the neighboring countries following an attempt to enter those countries, but it has been observed that there are fewer cases of this kind than before. These injuries are treated, and every violent incident is reported to the present police officers and Commissariat staff. Sometimes medical examinations are requested by migrants who are not registered at the Reception Centre, and they do receive medical assistance, but are required to register.



3. 2. Security

Setting up a fence, which was announced during the first visit of the NTPM team, has been performed, and now the Reception Centre is secured with fences on all sides. Although setting up video surveillance has been announced as well, it has not been performed yet, but there is a plan to set it up together with a public announcement system.

At the entrance to the Reception Centre, two staff from a private security company are on duty, and two more are in the office in a larger accommodation building. Also, a 24-hour presence of 12 police officers, 6 in each shift, is provided by the Police Brigade of the City of Belgrade Police Administration. They respond in the field in case of violation of public order and peace, and in other extraordinary events, and further treatment of assailants is taken over by the police officers from the Obrenovac Police Department. Also, if necessary, they assist the Commissariat staff when visiting the rooms in order to determine the presence of migrants and conditions at the Reception Centre. During these visits, special attention is paid to the consumption of alcohol and tobacco in the rooms.

Migrants are free to leave the Reception Centre, there is an agreement not to go out at night, and if they do leave to try and continue their journey, they should inform the Commissariat staff about it. If migrants continue their journey, they do not take the bedding and blanket with them, but should leave them at the Reception Centre, and notices about this are posted in the buildings. Upon entry, security guards visually examine what the migrants are bringing in.

By inspecting the records of incidents, and the logbook, and by interviewing the Commissariat staff and medical personnel working at this Centre, the NTPM team has learned of the conflicts between the migrants caused by national intolerance, theft, alcohol abuse, and the like. Also, migrants with whom the NTPM team conducted interviews complained about security problems, which according to them are caused by those individuals who are not officially residing at the centre. In these conflicts, knives are used sometimes. An inspection of the logbook has found that due to the theft of a mobile phone on January 23, 2018, there was a mass fight of migrants in one of the rooms. Three migrants were injured, and the Commissariat staff and police officers responded. The injured migrants were quickly treated for injuries, and the suspects were detained "at the salon".¹⁰ Earlier in the day, two migrants clashed without serious consequences, and were detained in isolation. According to the Commissariat staff, isolation is a room at the entrance to the Reception Centre, where new migrants are usually accommodated before they are examined by a doctor, given that they might be suffering from infectious diseases. Also, migrants are accommodated in this room after conflicts in order to separate the conflicting parties before the local police arrive, which take action against them, or until they sober up. It is said that this takes several hours. The NTPM has visited a room used for isolation and found that there are four beds in it. The room has no access to a bathroom. According to the staff, given the immediate proximity to the security guards, migrants contact them if they need to go to the bathroom. There are only bars on the room windows, no glass.

¹⁰ The NTPM team was told that the isolation room was called the "salon".



The NTPM team sees a justified need to take measures to prevent conflict escalation, but believes that the Commissariat staff have no authority to act against the perpetrators. The Commissariat staff are obliged to ensure order at the centres, and safety of migrants and their property, which they accomplish by good centre management, conflict prevention, their constant presence, monitoring of the events and conditions of migrants, and other preventive measures. In the event of any incident, the Commissariat staff should be assisted by police officers, which has been observed as a practice, but further treatment of the perpetrators should be completely left up to the police officers who are trained, and have legally prescribed authority.

RECOMMENDATION

The Commissariat staff will not put migrants from the Obrenovac Reception Centre in isolation. They will be solely treated by police officers in accordance with the legally prescribed conditions.

Continuous police presence allows quick response and interruption of conflicts, but problems may arise in further processing of the perpetrators. In the described incident, several migrants were wounded with a knife, and one of them identified the attackers. According to the report on the described incident, these migrants were "taken to the police, but were soon released because an Urdu translator could not be provided", and their return to the Reception Centre could lead to new incidents.