



REPUBLIC OF SERBIA  
PROTECTOR OF CITIZENS  
281 - 19/18  
Belgrade



Заштитник грађана  
Zaštitnik građana

Ref. no. 9241 date: March 22, 2018

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## **NATIONAL TORTURE PREVENTION MECHANISM**

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

# **Centre Visit Report The Banja Koviljača Asylum**

Belgrade, March 2018

## 1. GENERAL INFORMATION ON THE VISIT

INSTITUTION VISITED	The Banja Koviljača Asylum Centre
PURPOSE OF VISIT	Monitoring the treatment of migrants
VISIT CONDUCTED BY	The Protector of Citizens
DATE OF VISIT	March 5, 2018
NOTICE OF VISIT	The visit was announced
VISITING TEAM	<p><b>Team Members:</b>  Jelena Samardžić,  <i>Protector of Citizens/NTPM</i>  Jelena Jelić,  <i>Protector of Citizens/NTPM</i>  <b>Translator</b>  Dušan Roaji,  <i>Farsi</i></p>

## 2. STAFF COOPERATION WITH THE NTPM TEAM

All the staff of the Banja Koviljača Asylum Centre (hereinafter referred to as the Centre) fully cooperated with the NTPM team, and provided all the information requested, allowing unobstructed review of the required documentation.

## 3. COURSE OF VISIT

During the course of the visit, an interview was held with the Centre management, a general practitioner, and an adult education teacher. The team toured the facilities for migrant accommodation, and unhindered and unsupervised interviews were conducted with the persons found at the Centre.

## 4. INTERVIEW WITH THE CENTRE MANAGEMENT

In an interview with the manager, the NTPM team confirmed the information that the Commissariat for Refugees and Migration, acting on the recommendation of the 2017 Visit Report<sup>1</sup>, provided an official vehicle for the Banja Koviljača Asylum Centre, and that unaccompanied minors were sent to the Asylum Centre in Krnjača for three months in accordance with the decision of said Commissariat. At the time of the NTPM team's visit, there were no unaccompanied minors at the Centre, and most of the accommodated individuals were families from Iran.

According to the official information, there were 95 people on the day of the NTPM visit<sup>2</sup>. When it comes to the country of origin, people of the following nationalities were found at the Centre: Afghanistan: 19, Austria: 1, Bangladesh: 1, Belgium: 1, Syria: 2, Iraq: 37, Iran: 22, Cameroon: 1, Kazakhstan: 1, Macedonia: 2, Russia: 6, Ukraine: 1, and Croatia: 1. The

<sup>1</sup> 281-22/17, dated March 27, 2017

<sup>2</sup> There were actually 96 persons as one person was temporarily absent from the Centre.

Commissariat staff say that out of the total number of persons at the Centre, only seven expressed a real intention to seek asylum in Serbia<sup>3</sup>, and three migrants have received subsidiary protection.

When it comes to the sex of the persons, there were 27 men and 24 women in the Centre, and with regard to the age, there were 42 underage minors accompanied by parents or relatives. The migrants do not keep the certificates of expressed intention on their persons. When they are admitted to the Centre, the original certificate of expressed intention is handed over to the staff at the Asylum Office, and a copy is placed in the migrant's file.

According to the manager, due to the reduced funding of the United Nations High Commissioner for Refugees (hereinafter the UNHCR), the Centre no longer employs an English teacher through the Danish Refugee Council (hereinafter referred to as the DRC), and the hours of a teacher involved in the education and cultural work with children and those of a dance instructor (zumba) have been reduced from 8 to 4 hours a week (Monday, Wednesday and Friday). The sewing workshop hours have also been reduced from 8<sup>4</sup> to 3 hours a week. Also, due to reduced funds, a hygienist hired through the Ministry of Labor, Employment, Veterans' and Social Affairs has not worked at the Centre since mid-2017.

There is a security guard at the Centre around the clock. During the week (Monday through Friday), in the morning (until 3:30 pm), the manager and two staff members work at the Centre, while one security guard works in the afternoon. Also, on the weekends, all-day on-duty shifts have been introduced, including the manager, two staff from the Centre, and a person hired under a service contract. The hallways of the Centre are under video surveillance, and a notice is displayed on the ground floor near the doorman. The video recordings are kept for up to three months, and are automatically deleted afterwards.

The migrants receive money cards for a month and a half from the Merciful association. However, according to the manager, as this money is not enough, they sometimes sell the canned food they receive or the clothes handed out by the international organizations<sup>5</sup> at the farmer's market in Banja Koviljača.

## **5. LIVING CONDITIONS AT THE CENTRE**

When visiting the Centre premises, it was noted that accommodation and hygiene conditions were satisfactory, which was also determined during the previous NTPM visits<sup>6</sup>. Also, in accordance with accommodation options, ethnicity is taken into account when it comes to placing and accommodating the migrants at the Centre. Incidents are still mostly related to alcohol consumption, not ethnic intolerance.

The hygiene products are provided by the Centre, and the migrants take care of hygiene in the communal rooms. There is a schedule for hygiene maintenance at said rooms, and every day another person cleans the communal space. There are visible written house rules posted at the Centre, as well as the weekly menu, when bed linens are changed, the laundry schedule for the rooms, and time slots when hot water is available. The Centre is locked at night only, and it opens in the morning after the attendance is taken, and after checking the number of migrants.

The schedule of the Centre activities is posted on the bulletin board on the ground floor, including the organization that implements them. Also, the bulletin board contains information on the manner in which the migrants can file a complaint in case of ill-treatment by the Centre staff and violations of their rights.

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<sup>3</sup> Two persons have already received a decision on cancellation of their stay.

<sup>4</sup> The number of hours at the time of the 2017 visit.

<sup>5</sup> Clothes for children under the age of 13 are provided by the United Nations Children's Fund (UNICEF), and for migrants over 13 years of age the clothes are provided by the UNHCR.

<sup>6</sup> The NTPM visited the Centre in 2014, 2015, and 2017. The report and response of the authorities are available at <http://npm.rs/>

## 6. HEALTHCARE OF MIGRANTS

The doctor at the Centre is hired on the basis of a collaboration agreement that the Medical Centre in Loznica, Serbia, has with the DRC for providing medical assistance to refugees and persons in need of international protection. Pursuant to said agreement, the Medical Centre has concluded a contract for performing temporary and occasional jobs with a doctor hired through the National Employment Service for providing medical assistance to the migrants at the Centre. The funding to pay for the doctor's salary is provided from the DRC, and goes through the Medical Centre account.

However, due to the reduced funds donated to the DRC, the doctors's hours at the Centre were reduced from 8 hours (which was the case during the NTPM visit in 2017) to 4 hours a week (from 8:30 am to 12:30 pm) Monday through Friday. Also, the contract for performing temporary and occasional jobs, which the Medical Centre in Loznica had with a medical technician for providing medical assistance to the migrants was terminated at the end of last year by said Centre, and since the beginning of this year the Asylum Centre has been without a medical technician.

According to the manager, the medical technician's employment stopped because the Commission for granting approval for new employment and additional hires by the public funds users, which is part of the Government of Serbia, did not approve the extension of her contract with the Medical Center in Loznica.

Hiring medical workers to provide medical care at the Centre is done through the National Employment Service. Formally speaking, the Medical Centre in Loznica signs the contract on temporary and occasional jobs with them, while the funds for their hiring are provided by donations, i.e. the DRC.

### *FOUND*

The Centre no longer employs a medical technician whose pay was made through donations (The Danish Refugee Council), even though the funds are still available.

### *REASONS*

*The request for filling a vacant post and for allowing additional hires, with regard to Article 27e, paragraphs 35 and 37 of the Law, as well as for proceeding with regard to Article 5, paragraph 1 of the Law on Amendments to the Budget System Law (Official Gazette No. 108/13) is submitted by a public funds user to the competent ministry or another competent authority referred to in Article 5, paragraph 1 of this provision.<sup>7</sup>*

*The request cannot be submitted in any of the following cases:*

*... 3) For hiring of persons for the implementation of projects financed by European Union funds or donations, if the pay for their work, with the corresponding taxes and contributions, is financed from these sources.*

*The persons hired under a contract rather than as full-time staff, in the cases referred to in paragraph 1, items 2) and 3) of this Article, shall not be included in the limit of the total number of staff for a specified period due to the increased volume of work and persons not hired full-time for the public funds users, as prescribed in Article 27e, paragraph 36 of the Law.*

*The public funds user is obliged to notify the Commission of any hires in the cases referred to in paragraph 1 of this Article within a period of five days.*

<sup>7</sup>The provision on the procedure for obtaining approval for new employment and additional hires for public funds users (Official Gazette No. 113/2013, 21/2014, 66/2014, 118/2014, 22/2015 and 59/2015), Article 3, paragraph 2.

*The notice referred to in paragraph 3 of this Article must contain the number of hired persons, the basis for hiring, and the source from which their salaries (pays) are financed, including the corresponding taxes and contributions.<sup>8</sup>*

#### **RECOMMENDATION**

**The Commissariat for Refugees and Migration will, in collaboration with the Ministry of Health, take all measures and activities within its competence to enable the Banja Koviljača Asylum Centre to hire a medical technician using existing funds from donations (the budget of the Danish Refugee Council).**

Specialist medical exams of migrants are performed at the General Hospital in Loznica, while expert exams by pediatricians are performed at the Medical Centre in Banja Koviljača. Migrants are accompanied by an officer of the Centre and a translator to a specialist medical exam for easier communication with the staff at the Hospital.

Prescription drugs ordered by a specialist doctor are provided from the Centre's medical office. Medical exams are recorded in the protocol book, and reports with doctors' opinions are entered into migrants' files. Original medical records that migrants bring with them when they are admitted to the Centre stay with them, and a copy of the findings is entered into their file. Dental care is provided in the Banja Koviljača Health Centre, and migrants themselves bear the costs of dental treatment.

#### **7. INTERVIEWS WITH THE MIGRANTS**

During the interviews, the migrants stated that they were satisfied with the behavior of the Centre's staff and with accommodation conditions in general. They expressed dissatisfaction with the lack of purposeful activities at the Centre, both for adults and for children. Also, there were objections to the treatment by the locals due to the prohibition of the use of certain recreational facilities (sports arena and swimming pool). They also stated that a migrant who is fluent in English is accommodated at the Centre, and that it would be good if the Centre could provide a room for English classes. When speaking to the manager, the NTPM team was told that a room for English classes would be provided. The manager said that two migrants from Iran, in agreement with a teacher, work with pre-school children at the Centre from 2 pm to 4 pm Monday through Sunday.

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<sup>8</sup>The provision on the procedure for obtaining approval for new employment and additional hires for public funds users, provisions under Article 4a.