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БЕОГРАДСКИ ЦЕНТАР
ЗА ЛЈУДСКА ПРАВА

NATIONAL PREVENTIVE MECHANISM

MONITORING OF THE TREATMENT OF REFUGEES AND MIGRANTS BY THE RELEVANT AUTHORITIES

**Report on the Visits to the
Preševo Reception Centre, Miratovac Camp, Preševo and Bujanovac Police Stations, Regional
Border Police Centre towards Macedonia and the Preševo Social Welfare Centre**

Belgrade, September 2015

MANDATE OF THE NATIONAL PREVENTIVE MECHANISM

Under the Act Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹, the National Preventive Mechanism for the Prevention of Torture (NPM) shall visit institutions where persons are or may be deprived of their liberty with a view to deterring any form of torture or other form of ill-treatment by state authorities or public officials and to providing guidance to state authorities on putting in place accommodation and other living conditions in institutions where persons are deprived of liberty in accordance with the valid regulations and standards.

The NPM is entitled to unimpeded and unannounced access to all institutions where persons are or may be deprived of liberty at all times; to hold private interviews with such persons, with public officials, who are under the obligation to cooperate with it, and with any other persons who may have information of relevance to the treatment of persons deprived of liberty; to access all documentation regarding those persons; to issue recommendations to the competent authorities with a view to improving the treatment of persons deprived of liberty and the conditions in which they are held or detained.

Under Article 2a of the Act, the Protector of Citizens shall perform NPM duties and, in performing these duties, cooperate with the Ombudspersons of the autonomous provinces and with associations, the Statutes of which include the goal of improving human rights and freedoms in accordance with the law.

The Protector of Citizens and the AP of Vojvodina Provincial Ombudsperson have signed a Memorandum on Cooperation in Performing NPM Duties², under which the Provincial Ombudsperson shall actively partake in the visits by NPM Monitoring Team to institutions in the territory of the AP of Vojvodina where persons are deprived of liberty.

Pursuant to the procedure implemented after the publication of the Public Call³, the Protector of Citizens selected the associations with which it would cooperate in performing NPM duties, notably: the Belgrade Centre for Human Rights (BCHR), the Victimology Society of Serbia, Dialogue, 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.

After its visits, the NPM prepares reports which it forwards to the visited institutions. Thereinafter, the NPM maintains continuous dialogue with the visited institutions and the authorities within which they operate, with a view to eliminating the identified deficiencies that may lead to torture, inhuman or degrading treatment.

Whilst performing its NPM duties, the Protector of Citizens on 10 February 2014 issued Recommendations No. 75-6/14 to the competent authorities. Namely, during its review of whether the institutions were properly and lawfully treating asylum seekers and/or migrants in the territory of Serbia and applying the valid standards to them, the NPM noted that the public authorities had not established a systemic approach facilitating efficient treatment in accordance with the valid regulations and international asylum and migration standards.

¹ Official Journal of Serbia and Montenegro - International Treaties Nos 16/2005 and 2/2006 and Official Gazette of RS - International Treaties No. 7/2011.

² Signed on 12 December 2011.

³ Published in the Official Gazette of the Republic of Serbia on 29 December 2011.

MAIN INFORMATION ON THE VISIT

VISITED INSTITUTIONS	Preševo Reception Centre, Miratovac Camp, Preševo and Bujanovac Police Stations, Regional Border Police Centre towards Macedonia and the Preševo Social Welfare Centre
PURPOSE OF THE VISITS	Monitoring of the treatment of refugees and migrants by the relevant authorities
VISITS CONDUCTED BY	Protector of Citizens in cooperation with the Belgrade Centre for Human Rights
DATE OF VISITS	9-10 September 2015
VISITS ANNOUNCED	The visits to the Preševo Reception Centre, the Preševo and Bujanovac Police Stations, the Regional Border Police Centre towards Macedonia and the Preševo Social Welfare Centre were announced in advance, while the visit to the Miratovac Camp was not
VISIT TEAM	<p>Team Leader: Jelena Unijat, <i>Protector of Citizens Professional Service</i></p> <p>Team members: Borjana Peruničić, <i>Protector of Citizens Professional Service</i> Bekim Ajdini, <i>Protector of Citizens Professional Service</i> Dragan Božović, <i>Belgrade Centre for Human Rights</i></p>

COOPERATION OF OFFICIALS WITH THE NPM TEAM

All officials of the visited institutions fully cooperated with the NPM Team, providing it with all the information it required and free access to the documentation on request.

COURSE OF THE VISIT

During the first day of its visit (9 September 2015), the NPM Team visited the Preševo Reception Centre and Police Station and the Miratovac Camp, where it met with the officials of these institutions, perused the relevant documentation and had direct contacts with the aliens in the Centre. On the second day of its visit (10 September 2015), the NPM Team visited the Preševo Social Work Centre (SWC), the Regional Border Police Centre towards Macedonia (RBPC) and the Bujanovac Police Station, where it also had meetings with the officials and perused the relevant documentation.

1. PREŠEVO RECEPTION CENTRE

The Reception Centre in Preševo, formed pursuant to a Conclusion of the Government of the Republic of Serbia 05 Ref. No. 464-7137/2015 of 27 June 2015 allowing the Commissariat for Refugees and Migration (CRM) to use a publicly owned facility, opened on 8 July 2015. Under paragraph 1 of the Conclusion: “The Government has decided to *let* the Commissariat for Refugees and Migration use the real property in Preševo, on the “Monopoly” estate and publicly owned by the Republic of Serbia, for a definite period of time for the reception, processing and accommodation of migrants entering the territory of the Republic of Serbia...” Apart from the Commissariat staff, the Reception Centre is also staffed by officers of the Ministry of Internal Affairs (MIA) Border Police Directorate (charged with checking the persons entering the Centre, entering personal data in the questionnaires and issuing certificates of intent to apply for asylum in the RS), the Criminal Police Directorate (charged with photographing and fingerprinting the aliens), the Gendarmerie (guarding the MIA officers) and the Police Intervention Unit (charged with maintaining law and order); Red Cross staff (distributing food and clothing); Niš Army Hospital, Preševo Out-Patient Health Clinic and Vranje Hospital doctors and medical technicians; Preševo Social Welfare Centre (SWC) kindergarten teachers and two psychologists engaged by UNICEF (charged with identifying unaccompanied minors); three interpreters (the Centre plans to hire another five Arabic interpreters); and eight staff members charged with maintaining hygiene in the Reception Centre, engaged via the Preševo SWC. The MIA and CRM staff seconded from all across Serbia rotate on a fortnightly basis. The engaged staff lack clear coordination. No one is charged with managing the whole team of people working there. Nor are daily reports submitted to a central authority or the Centre Manager.

There is no clear system of coordination or management of various segments of work in the Preševo Reception Centre.

In the view of the NPM, the Working Group on Mixed Migration Flows should improve the coordination of work in the Reception Centre in cooperation with the Ministry of Internal Affairs, the Ministry of Labour, Employment, Veteran and Social Issues and the Commissariat for Refugees and appoint an official who will manage and account for the overall work of the Reception Centre.

Reception Procedure

As reported by the officials, the Centre has the capacity to take in between 1,200 and 1,500 people on a daily basis. Give the large number of people coming to the Centre, their reception is organised in the following way: the ones waiting in front of the Centre are occasionally allowed to enter, in groups of thirty or so people. The officials said that women with young children, pregnant women, the elderly, exhausted and ill had priority. However, a woman with three children waiting to enter the Reception Centre, who the NPM talked to, said that they had been waiting around five hours in front of the Centre to enter it.

The first area the refugees enter is fenced in and has a tent, toilets and cisterns with potable water. From there, they are let through a metal detector door (in groups of 10 or so people); two police officers with manual scanners check the people and their luggage and seize all sharp and potentially dangerous objects. According to the officials, they have never had any problems checking alien women because the police officers only use the manual scanners and have no

physical contact with them. After they are checked, the people proceed to an area with a tent, in which they enter their personal data in the questionnaires (available in Serbian, English and Arabic) and are given a number, under which they are subsequently registered. From that area, they enter the Centre yard and then a building, where they are photographed and fingerprinted at a counter. They proceed to another counter at which they pick up their certificates of intent to apply for asylum. After completing the procedure, they may leave the Centre if they wish. The CRM staff said that the aliens stayed in the Centre 24 hours on average.

Certificates of intent to apply for asylum in the Republic of Serbia are issued automatically to all aliens who come to the Preševo Reception Centre, even those who explicitly express the intention to seek asylum elsewhere and not in Serbia. Police officers say that there were instances of some aliens showing reluctance to being photographed and fingerprinted, fearing that they would not be granted asylum in developed European countries if they were issued certificates of intent in Serbia. As reported, the religious beliefs of the aliens are respected during their photographing – the women are not forced to take off their hijabs and veils and do so only if they want to. Officials process every alien individually (including women and minors).

The Reception Centre can issue around 1,200 certificates of intent on average every day. The officer issuing the certificates could not tell the NPM Team how many certificates had been issued since the Centre opened. According to the Centre records, 41,830 people have been photographed and fingerprinted since it opened. The officers issuing the certificates work in two shifts, from 07:00 to 22:00. Children under 15 are neither fingerprinted nor photographed, wherefore the Centre records give no indication of their numbers. The certificates issued to minors do not specify who is accompanying them. During its visit, the NPM Team noted that minors were being issued certificates in the absence of their parents or guardians. According to the officials, no unaccompanied minors have reported to the Centre. If that were to happen, the officer would have to notify his/her immediate supervisor and a SWC staff member. Since large numbers of people pass through the Centre and the families have many children, it is difficult to ascertain whether all the children are really theirs, wherefore there is a chance that an unaccompanied alien minor is issued a certificate of intent but not appointed a guardian by the SWC. According to the officials, officers issuing certificates to minors ask one of their parents to show their travel documents but, if the people claiming they are the minors' parents or guardians do not have any documents, the officers have to take their word for it.

RECOMMENDATIONS

MIA officers should photograph all minors when they are issued certificates of intent to apply for asylum.

When issuing certificates of intent to apply for asylum to accompanied minors, MIA officers should enter the first and last names of the persons accompanying them and the number of the certificates they were issued in the Other Data and Notes box in the certificate.

On the day of the NPM Team's visit, 415 certificates of intent were issued by 13:30. The staff did not issue certificates for two hours that morning, due to problems with the system. Staff say that "system breakdowns" are frequent.

RECOMMENDATION

The MIA should put in place the human and technical capacities requisite for the efficient implementation of the certificate issuance procedure.

Familiarisation of the Aliens with Their Rights and Relevant Information

The refugees are given brochures on their rights and obligations in Serbia while they are in the Centre (in the building where they are photographed and fingerprinted and issued certificates of intent to apply for asylum). These brochures explain in detail the right to asylum in Serbia, the asylum procedure, the rights and obligations of asylum seekers, the rights of people granted asylum in Serbia, and the addresses and information about associations representing the asylum seekers, the UNHCR, Asylum Centres in Serbia, Reception Centres for unaccompanied minors and the police directorates. The brochures are available in English, French, Arabic and Farsi.

There is an office in the same building near the parts where the aliens are fingerprinted and photographed and issued their certificates, with a sign on the door in Serbian saying "Office for Reporting Corruption". The English translation of the Serbian text underneath is printed in a very small font.

RECOMMENDATION

Notice of the possibility of reporting corruption in English, Arabic and Farsi should be displayed visibly in the Reception Centre.

Aliens are usually orally informed of the Centre House Rules. CRM staff said that a copy of the House Rules had been visibly displayed in the Centre but that the refugees soon ripped it up. No copies of the House Rules were displayed at the time of NPM's visit.

RECOMMENDATION

The House Rules translated into English, Arabic and Farsi should be displayed visibly in the Reception Centre.

Location of the Reception Centre and Accommodation

The Reception Centre is located on the grounds of a former Tobacco Plant. It is right next to the bus station. Signboards in Serbian, Albanian, English and Arabic showing the way to the Centre have been put up on the roads leading to the Centre. The area around the Reception Centre is very dirty and littered. There are no benches on which the people waiting to enter the Centre can sit or shelters they can use in inclement weather. No portable toilets have been installed in front of the Centre either, although the aliens spend several hours waiting in line to enter it. The NPM Team saw many children sleeping on the ground or on the luggage.

RECOMMENDATION

The Commissariat for Refugees and Migrations should take the adequate measures in cooperation with the Preševo municipal authorities to ensure that the public grounds in the vicinity of the Reception Centre are cleaned and maintained, and that portable toilets are installed and shelters erected in front of the Reception Centre, which the refugees can use in inclement weather while they are waiting to enter the Centre.

Tents, portable toilets and showers have been installed on the Centre grounds (men and women use the same facilities (containers) with showers, which can be locked when occupied), and there are water fountains. One of the tents has been adapted for use by children to an extent, with the support of UNICEF and the Danish Refugee Council, and it is manned by two kindergarten teachers who work in shifts and who have also been engaged via UNICEF. The hygiene in the Centre is maintained by eight cleaners, engaged via the Preševo SWC.

One room on the second floor of the Centre building, which has a separate entrance (and 20 stairs leading to the floor) is primarily designated for the accommodation of women and children and other vulnerable categories. There are 26 beds and two baby cots in the room. The bed linen is clean. There is a toilet right next to the room and the Centre plans on installing three shower cabins and renovating the kitchen. This room was empty at the time of the visit but the NPM team was told the following day that all the women and children in the Centre moved out of the rain and crowded in the room to spend the night in it. A policeman stands guard in front of the door of the room whenever it is occupied by women and children. As the above description indicates, this room is not accessible to persons with physical disabilities (the NPM Team saw one older woman with a disability and in a wheelchair in the room during its visit.

FINDING

The room designated for the accommodation of women and children and other vulnerable categories in the Preševo Reception Centre is not accessible to persons with physical disabilities.

FOUNDATIONS

Public authorities shall ensure that persons with disabilities enjoy their rights and freedoms without discrimination.⁴

Discrimination on grounds of disability with respect to the availability of services and access to facilities in public use and public area shall be prohibited.

In terms of this Act, facilities in public use shall denote: educational, health, welfare, culture, sports and tourist facilities and facilities used for environmental protection and protection from natural disasters et al. Discrimination on grounds of disability in terms of availability of services shall notably include: refusal to perform the technical adaptation of a facility requisite for the provision of services to users with disabilities.⁵

⁴ Article 4, Act on the Prevention of Discrimination against Persons with Disabilities (Official Gazette of the Republic of Serbia 33/2006)

⁵ Article 13, paragraphs 1, 3 and 5(3), *ibid.*

RECOMMENDATION

The Commissariat for Refugees and Migration should provide adequate premises for the accommodation of persons with disabilities.

There are plans to adapt the hangars in the Centre yard and install the heating in them to provide the aliens with an indoor shelter.

Nutrition and Hygiene of the Reception Centre Beneficiaries

The food for the Centre beneficiaries is paid for by UNHCR and distributed by the Red Cross representatives. The packages distributed to the aliens comprise a can of beef luncheon meat, a can of sardines, a loaf of bread, a bottle of water, a bar of soap and a toothbrush and a toothpaste. The ingredients are clearly displayed on the cans and demonstrate that the food meets the Moslem dietary requirements. The following are entitled to meals: persons with physical disabilities; single fathers with children, who have certificates; persons over 60 years of age; women; children; persons with mental problems; the ill; and, persons with UNHCR certificates confirming they are in need of physical and legal protection.

Furthermore, the Centre distributes hygiene packages for women, diapers for babies, wet wipes, etc. The Centre has stocks of spare clothes and blankets for the beneficiaries, provided by the CMR and distributed by the Red Cross representatives.

Health Care

Health care services are extended in the Centre round the clock. The sickbay in the building (where the certificates of intent are issued) is partitioned off by screens. Doctors and medical technicians of both sexes, employed by the Army Hospital in Niš, the Preševo Out-Patient Health Clinic and the Vranje Hospital, work in three shifts. They perform the necessary medical interventions and examine aliens who have health problems (most of them are suffering from a cold or chills or have blisters). The Niš Army Hospital doctors told the NPM Team that they on average performed 150 examinations and interventions per shift. The Centre has free medications and other medical supplies, thanks to UNHCR support. Although some Centre medical staff are women, the NPM Team was told that none of the alien women had refused to be examined by male doctors for cultural or religious reasons.

Ambulances are called in to take aliens in need of hospital treatment to the appropriate health institutions extending secondary health care. However, according to the doctors, most aliens, even those with symptoms of grave illnesses, refuse hospital treatment and leave the hospitals of their own accord in order to continue their journey.

Treatment of Minors

Two psychologists were hired to work in the Centre and via the Preševo SWC with UNHCR's financial support about a month ago. They are tasked with identifying unaccompanied minors, reuniting children with their families if they separated on their way from Miratovac to the Reception Centre, extending support to children with disabilities, occasionally monitoring the lines of people in front of the Centre and checking whether any children or pregnant women should be let in without waiting.

These representatives of the Preševo SWC have been hired under five-month service contracts and report only to UNICEF. They work from 08:00 to 14:00. A SWC staff member comes on duty at 14:00. The SWC plans on introducing two shifts, from 08:00 to 17:00 and 17:00 to 24:00 and on hiring a law graduate to work the night shift. The SWC also plans to engage an Arabic interpreter with UNICEF's help to assist its staff. As reported, the psychologists are continuously in touch with the Preševo SWC staff, who tour the Centre on a daily basis. There is evidently a problem in communication given that one of the psychologists speaks only Serbian and some English, while the other speaks only Albanian and some English. Neither of them have attended training for work with unaccompanied minors. There are plans to include the Serbian-speaking psychologist in training organised by a civil society organisation. Since all training is conducted in Serbian, it is highly unlikely that the SWC representative, who does not speak Serbian, can participate in any training.

RECOMMENDATION

The Ministry of Labour, Employment, Veteran and Social Issues should take measures to ensure that SWC representatives engaged in the Preševo Reception Centre undergo the relevant training on treatment of unaccompanied alien minors.

The psychologists have not identified any unaccompanied children or any violence or neglect since they started working at the Centre.

RECOMMENDATION

The Ministry of Labour, Employment, Veteran and Social Issues should take measures to put in place adequate procedures and develop mechanisms to advance the efficient identification of unaccompanied minors and other particularly vulnerable categories of people in need of additional aid and attention.

Apart from all the listed difficulties, the Centre has not designated an office in which the SWC representatives can communicate with the aliens freely and in private, i.e. out of the sight and sound of others in the Centre.

RECOMMENDATION

The Commissariat for Refugees and Migration should designate a separate office in the Preševo Reception Centre in which the SWC staff can have unhindered and confidential talks with the beneficiaries.

2. MIRATOVAC CAMP

The Camp is in the immediate vicinity of the border with the Former Yugoslav Republic of The FYROM (FYROM), around 2 km away from the Miratovac village. The border police refer all the aliens they encounter near the green border with Macedonia to continue their journey in Serbia by going through this Camp.

As reported, the Camp is under the jurisdiction of the Ministry of Labour, Employment, Veteran and Social Issues. The Intervention Unit police officers maintain law and order in the Camp and the Gendarmerie and Border Police officers are deployed around the camp.

The Camp consists of seven tents, portable toilets, which are cleaned several times a day, and cisterns with water, supplied by the Army of the Republic of Serbia. The Camp provides health services to aliens who need it and food, which is donated by the local population and the Islamic Community. Health care is extended exclusively by the doctors working in the civilian health institutions in Vranje, Prokuplje, Niš and Gračanica. The NPM Team noted that the road leading to the village of Miratovac above the camp was heavily littered.

Aliens in the camp are allowed to head towards the Reception Centre in groups at specific intervals. The police officers are constantly in touch with their colleagues in the Preševo Reception Centre and, depending on the number of people and the Centre's workload, as well as on the situation in the Miratovac village, they let the aliens proceed towards the village gradually, to avoid crowding. Cab drivers are waiting for the aliens in the village and reportedly charge them 20 Euro apiece to drive them to Preševo. The Preševo Youth Office has organised free bus transportation from the village of Miratovac to the Preševo Reception Centre with UNHCR's financial support.

The main problem identified during the visit is that the refugees (including women with young children, pregnant women, exhausted and sick people) have to walk some two kilometres uphill to reach the village where transportation awaits them. Two vans (one owned by the International Organization for Migration and one by UNHCR) have been allowed to drive the most vulnerable refugees to the village, but they do not suffice; the NPM Team saw many young children and pregnant women walking towards the village. The officials said they had great difficulties identifying unaccompanied children, because the aliens were travelling in large groups and the families had many children. The NPM Team noticed a group of women from African countries and several women from the Middle East, who were travelling alone, not accompanied by men. All the officials the NPM Team interviewed during its visit said that they rarely saw an unaccompanied woman travelling all by herself and that women, who did travel unaccompanied by men, usually journeyed in groups.

RECOMMENDATION

The Ministry of Internal Affairs and the Ministry of Labour, Employment, Veteran and Social Issues should provide access to the Camp to vehicles transporting the refugees from the Miratovac Camp to the Preševo Reception Centre free of charge.

3. REGIONAL BORDER POLICE CENTRE TOWARDS MACEDONIA

During the introductory meeting, the representatives of the Regional Border Police Centre (RBPC) towards Macedonia said that five border police stations were operating under the jurisdiction of this RBPC - two of them are charged with controlling the border crossings and three with guarding the state border. These five stations, in which 156 police officers work, are understaffed given all the duties they perform and the fact that 71% of the defined jobs in them are filled. Of them, 91 police officers work in the Preševo Border Police Station (BPS) and they cannot be reassigned to the BPS guarding the state border, whose workload has increased due

to the huge inflow of refugees and migrants from Macedonia. Eighteen of the uniformed police officers are women.

Sixty police officers from other RBPCs have been seconded to assist the understaffed RBPC towards Macedonia. Twelve of them have been assigned to the Preševo Reception Centre to check the aliens at the Centre entrance and the metal detector door frame, fill the questionnaires and issue certificates of intent to apply for asylum in the Republic of Serbia. Foreign (10 Hungarian, 10 German and 8-10 Austrian) police officers are also engaged in guarding the state border towards the green border, together with the national border police. The mixed border police patrols are deployed closer to the border with Macedonia and take preventive actions with a view to preventing illegal entries. They warn groups not to cross the state border and, if they ignore their warnings, they direct them to the Camp in Miratovac. They are also charged with preventing illegal entries into Macedonia from Serbia.

The seconded police officers are substituted by other secondees periodically (every 15 days or so). The officers seconded to the Reception Centre are accommodated in the Preševo Youth Hall and the other secondees stay in three RPBC offices and its garage; the living conditions in the latter are not satisfactory. On the other hand, foreign police officers are accommodated in hotels in Vranje.

The precise number of people entering the Republic of Serbia cannot be established, given the massive influx of refugees from Macedonia. Daily estimates are made on the basis of thermovision camera footage, but the precise number of people cannot be ascertained as there are recesses in some parts of the border. These data are combined with the estimates by police officers deployed in Miratovac. Border police officers deployed in Miratovac assess that more women and children, the elderly and persons with disabilities have recently been crossing into Serbia, but their precise number cannot be established for the above reasons. For example, the police estimated that 17 groups, comprising a total of 5,540 people, entered Serbia on 8 September, and that another 11 groups, comprising a total of 5,350 people, entered the following day. On the other hand, the Preševo Centre issued 1,164 certificates of intent on 8 September and 1,154 certificates on 9 September. This leads to the conclusion that the vast majority of refugees, who entered Serbia during those two days, did not pass through the Reception Centre, i.e. was not identified or issued certificates, but, rather, continued travelling north.

According to the interviewed officials, refugees have been allowed to enter Serbia from Macedonia *en masse* since 12 May 2015. The officials say that border policemen are not authorised to prevent aliens they encounter at the border line, who are not offering active resistance, from entering the country and that they apply means of coercion in a humane fashion; they say that means of coercion have not been applied at all since May.

The RBPC towards Macedonia had issued certificates of intent to apply for asylum in the Republic of Serbia until July, when the Preševo Reception Centre opened (on 8 July 2015). A total of 5,449 certificates were issued in the first six months of the year, mostly by the BPS Rujan (3,258 certificates by 3 July 2015). Women police officers checked the alien women at the time the certificates were issued by the RBPC. According to the officials, the Reception Centre also always has one woman police officer on duty, usually at the metal detector door frame; if no women police officers are on duty, the alien women are checked only by metal detectors. In the first half of 2015, the RBPC towards Macedonia filed 649 motions to initiate misdemeanour proceedings for illegal crossing of the state border. This practice stopped in July. Officials said that misdemeanour motions had been filed only against victims of human smuggling, to ensure their presence and testimony in criminal proceedings.

The police uncovered 48 cases of human smuggling and filed 38 criminal reports against human smugglers in the first six months of the year. No criminal reports of human trafficking were filed in 2015. Women found in vehicles abandoned by their drivers, who the police suspect are victims of human trafficking, are always interviewed by the female Cross-Border Crime Unit inspectors in private; the inspectors ask them which border crossing they had passed through and when and whether they have been abused. The relevant officers have attended training on the prevention and recognition of human trafficking and are certified to work with minors.

The public prosecution office has taken the view that no crime of human smuggling has occurred by transporting to the north of the country migrants not in possession of certificates of intent. In such situations, the police are only under the obligation to return them to the Preševo Reception Centre, where they are identified and issued the certificates.

No aliens were referred to the Aliens Shelter in Padinska Skela in 2015.

The RBPC towards Macedonia is charged with conducting the summary readmission procedure under the Readmission Agreement between Serbia and Macedonia⁶. Pursuant to the Agreement, the RBPC towards Macedonia filed applications to Macedonia for the readmission of 121 people – Macedonia dismissed 114 applications and agreed to readmit seven people, but they were not readmitted as they expressed the intention to apply for asylum in the RS in the meantime. Macedonian authorities filed one readmission application in 2015. Serbia agreed and the Tunisian national (a woman) was readmitted in Serbia. In 2014, the RBPC towards Macedonia submitted readmission applications to Macedonia for the readmission of 345 people; only six were upheld. All the readmission applications were filed with respect to aliens sentenced to imprisonment by the Misdemeanour Court, given that the readmission procedure takes a few days and the RBPC police officers are not authorised to hold these persons in detention.

Officials say they had not encountered any unaccompanied minors since the beginning of the year.

4. PREŠEVO POLICE STATION

The Preševo Police Station (PS) had a huge workload due to the massive inflow of refugees until the Preševo Reception Centre opened. This PS issued 853 certificates of intent to apply for asylum in May, 7,141 such certificates in June and 3,207 such certificates in the first week of July alone. The UNHCR, Red Cross and *Medecins sans Frontieres* involved themselves after a meeting in the Preševo Town Hall (on 9 June 2015) and tents were put up in the vicinity of the PS. Due to the large crowds of aliens waiting for their certificates, some were transported to the nearby police stations in Vranje, Bujanovac and Vladičin Han by buses secured by UNHCR. The interviewed officials said that no unaccompanied minors had been identified since the beginning of the year, wherefore they had no reason to engage the Preševo Social Welfare Centre. The Preševo PS stopped issuing certificates of intent to apply for asylum on 8 July.

⁶ Act Ratifying the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Macedonia on the Handover and Readmission of Persons Entering or Residing without Authorisation the Protocol between the Government of the Republic of Serbia and the Government of the Republic of Macedonia on the Implementation of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Macedonia on the Handover and Readmission of Persons Entering or Residing without Authorisation (Official Gazette of the Republic of Serbia – International Treaties No 1/2011).

Since the opening of the Preševo Reception Centre, the Preševo PS officers, who are deployed at different points in the vicinity of the Reception Centre, have been tasked with maintaining law and order. If an alien waiting in line in front of the Centre falls ill, they call the paramedics and, if necessary, take him/her to the local Out-Patient Health Clinic. The PS officers have not used means of coercion against any aliens since the Reception Centre opened. Local residents have complained to the police on occasion, mostly because the refugees waiting to enter the Centre had trespassed on their private property.

In August 2015, the Preševo PS officers revealed four cases of forged certificates of intent to apply for asylum in the RS. Two arrested suspects were remanded in custody. They reportedly charged 50 Euro for such certificates. The refugees bought them to avoid problems when entering buses transporting them to the north of the country.

No motions to initiate misdemeanour proceedings against aliens for illegal entry or residence in Serbia have been filed since the beginning of the year, since, in the view of the competent Misdemeanour Court, they should not be punished for such misdemeanours. The Court had earlier held the view that misdemeanour proceedings should be initiated only against those who were to testify in criminal proceedings against human smugglers. Migrants who are to testify in such proceedings are immediately taken to the public prosecutor's office for questioning and then referred to the Reception Centre.

Nineteen criminal reports were filed against 19 people (all of them Serbian nationals) and 30 reports were filed against unidentified people suspected of human smuggling in 2015. No criminal reports against people suspected of human trafficking were filed in 2015.

The Preševo PS officers told the NPM Team that they had a large workload and that they were understaffed. They also said they did not have a sufficient number of women officers, and that they lacked technical equipment and protection gear. The officers have been certified to work with minors and attended training for responding to domestic violence.

5. BUJANOVAC POLICE STATION

The Bujanovac PS issued 3,616 certificates of intent to apply for asylum in the Republic of Serbia in 2015. The number of certificates it issued has plummeted since the Preševo Reception Centre opened; only 110 certificates were issued in August. At the time it issued certificates, the alien women were frisked by a female officer of the Aliens Department, who was on call round the clock.

The Bujanovac PS filed 10 motions initiating misdemeanour proceedings against people who had illegally crossed the state border or stayed in Serbia. It filed such motions only when the officers apprehended the persons during the day, in which case they immediately brought the persons before the misdemeanour judges. Misdemeanour motions were not filed against persons apprehended at night because misdemeanour judges do not work nights. All of them had been issued warnings. The Bujanovac police stopped filing misdemeanour motions for illegal entry or residence in early April 2015. One hundred and ninety five rulings ordering aliens to leave Serbia voluntarily within the following three days were issued in administrative proceedings in 2015.

The Bujanovac PS did not come across any unaccompanied minors in 2015. Minors issued certificates are neither photographed nor fingerprinted. No criminal reports against people

suspected of human trafficking, domestic violence or child abuse or neglect, where the victims were foreign nationals, were filed in 2015.

6. PREŠEVO SOCIAL WELFARE CENTRE

The Preševo SWC has five professional staff members authorised to act as guardians. According to the SWC officials, there was no need to appoint unaccompanied minors temporary guardians, but the SWC had two or three cases of families being separated on their way from the Miratovac Camp to the Preševo Reception Centre, because the buses heading towards the Preševo Reception Centre do not depart from the Miratovac Camp, but from the village of Miratovac, some 2.5 km away from the Camp, which poses serious problems. In these cases, the police in the Reception Centre established that the minors were unaccompanied and alerted the SWC staff engaged in the Centre with UNICEF's support.

Under the procedure, all professional SWC staff, who are continuously in touch with the SWC employees in the Reception Centre, are notified of any unaccompanied minors and they agree on further action together. Two or three hours after they are identified, the unaccompanied minors are appointed temporary guardians and driven by the SWC to the Child and Youth Centre in Niš.

The SWC officials told the NPM Team that social workers toured the Miratovac Camp two or three times a day. In specific situations, the SWC can drive mothers with children from the Miratovac Camp to the Reception Centre in the official vehicle. They said that the SWC needed one more vehicle for its staff visits to the Reception Centre and the Miratovac Camp and to drive mothers with children from the Miratovac Camp to the Reception Centre, because one vehicle did not suffice and that UNICEF said it would engage a driver for that vehicle. The SWC was unaware of any unaccompanied alien women travelling or of any domestic violence cases. The SWC officers have attended training on responding to domestic violence. To the best of their knowledge, no one reported human trafficking or child neglect.