



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
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Belgrade



Заштитник грађана
Zaštitnik građana



БЕОГРАДСКИ ЦЕНТАР
ЗА ЛЈУДСКА ПРАВА

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NATIONAL PREVENTIVE MECHANISM

**MONITORING OF THE TREATMENT OF IRREGULAR MIGRANTS/ASYLUM SEEKERS
IN THE REPUBLIC OF SERBIA**

Report on the Visit to the Centre for the Accommodation of Unaccompanied Foreigners Minors - Belgrade Institution for Children and Youths

Belgrade, January 2016

MANDATE OF THE NATIONAL PREVENTIVE MECHANISM

Under the Act Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Degrading or Humiliating 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 the 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 following associations with which it would cooperate in performing NPM duties: 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 or inhuman or humiliating treatment.

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 INSTITUTION	Centre for the Accommodation of Unaccompanied Foreign Minors - Belgrade Institution for Children and Youths
PURPOSE OF THE VISIT	Monitoring Treatment of Refugees/Migrants in the Republic of Serbia
VISIT CONDUCTED BY	Protector of Citizens in cooperation with the Belgrade Centre for Human Rights
DATE OF VISIT	27 January 2016
VISIT ANNOUNCED	The visit was announced in advance
VISIT TEAM	<p>Team Members: Jelena Samardžić, <i>Protector of Citizens Professional Service</i> Dragan Božović, <i>Belgrade Centre for Human Rights</i> Anja Stefanović, <i>Belgrade Centre for Human Rights</i> Mohammed Yasser Khavari, <i>Arabic interpreter</i></p>

COOPERATION OF OFFICIALS WITH THE NPM TEAM

All staff members of the Institution for Children and Youths fully cooperated with the NPM Team and provided it with all the information it requested.

1. DATA ON THE NUMBER OF FOREIGN MINORS ACCOMMODATED IN THE INSTITUTION IN 2015 AND EARLY 2016

According to the data provided by the staff of the Institution, the Institution accommodated a total of 64 unaccompanied foreign minors in 2015. Sixty-one of them were boys (most, 52, were from Afghanistan, four were from Syria, one from Congo, one from Cote d'Ivoire, one from Guinea, one from Iraq and one from Iran). Only three of the unaccompanied foreign minors were girls (all nationals of Bulgaria). Of them, two were referred to the Banja Koviljača Asylum Centre, 10 to the Krnjača Asylum Centre, four were handed over to their parents or relatives, two to the police, while 50 left the Institution of their own accord.

A total of 13 unaccompanied foreign minors were admitted to the Institution since the beginning of 2016. All of them were boys (five from Pakistan, four from Morocco, two from Syria, one from Afghanistan and one from Iraq). None were referred to an Asylum Centre. Three left the Institution of their own accord. Eleven unaccompanied minors - 10 boys and one girl - were staying at the Institution at the time of the NPM Team's visit. Four of the boys were from Morocco, two from Pakistan, two from Syria, one from Afghanistan and one from Iraq; the girl had come from Albania.

2. TREATMENT OF FOREIGN MINORS

As soon as they establish initial contact with an unaccompanied foreign minor, the police contact the relevant Social Welfare Centre (hereinafter: SWC), which appoints him or her a temporary guardian. The temporary guardian is charged with accommodating the minor either in the Belgrade or the Niš Institution for Children and Youths, depending on which of the two has room to admit him or her and which is closer to the place where the minor was found. Once a minor is admitted to the Belgrade Institution, the relevant SWC (with territorial jurisdiction over the municipality of Voždovac) is asked to appoint the minor a new guardian for the period s/he spends in the Institution. The Institution members of staff were appointed the minors' temporary guardians until October 2015. Thereinafter, the Voždovac SWC has been appointing the minors temporary guardians from among its own staff.

Minors, who express the intention to seek asylum, are escorted to the Belgrade City Police Foreigners Department, where they are issued certificates of intent to seek asylum in their guardians' presence. They are then referred to one of the Asylum Centres, to which their guardians escort them in an Institution's vehicle. Once the unaccompanied minors are admitted to an Asylum Centre, they are appointed new guardians by the SWCs with territorial jurisdiction over the Asylum Centres.

The officials said that the minors, who said they did not intend to seek asylum, remained in the Institution but that most of them left of their own accord soon. Foreign minors usually spend between five and seven days in the Institution. None of those who had fled war-torn countries were returned to their country of origin or a third country.

After perusing the official records, the Protector of Citizens concluded that the Institution was not receiving sufficient funding for catering also to the needs of foreign minors and that lack of funding has greatly hindered its provision of services to all the beneficiaries living in it.

Given that the Institution provides unaccompanied foreign minors with accommodation, health care and nutrition, and covers the costs of their transportation to the Foreigners Department if they express the intention to seek asylum in Serbia, as well as to the Asylum Centres they are referred to, the NPM is of the view that the Ministry of Labour, Employment and Veteran and Social Affairs should take measures to ensure allocation of greater funding to the Institution to enable it to address the needs of foreign minors and extend them social protection services while they are accommodated in the Institution.

2.1. COMMUNICATION WITH THE MINORS AND THEIR FAMILIARISATION WITH THEIR RIGHTS

Once minors are admitted, the Institution contacts its partners in the NGO sector, who provide them with interpreters for the languages the minors understand and speak. The minors are familiarised with their rights, including the possibility to seek asylum in the Republic of Serbia. The Institution staff reported no major problems in communicating with the minors in English. The Institution has hard copies of brochures on the minors' rights and duties in four languages – Arabic, Pashto, Farsi and English. The House Rules are also available in hard copy, in Arabic and Farsi.

NUTRITION

The Institution has its own kitchen, which prepares the meals for the beneficiaries. Foreign minors are provided with four meals a day, in accordance with their religious dietary requirements.

2.2. HEALTH CARE

The Institution has nurses on staff, who interview the minors on admission and take them to see a doctor at the local outpatient clinic, if they deem it necessary or at the minors' request. The nurses are also charged with administering the prescribed therapy. The Institution qualified its cooperation with the local outpatient clinic as good.

2.3. INSTITUTION RECORDS

The Institution keeps proper records of foreign minors. It also keeps records of their personal documents and effects in their possession on admission to the Institution. According to the Director of the Institution, most minors now hold on to their money and other valuables; earlier, they used to leave them in the Institution's safe.

3. INSTITUTION'S FACILITIES FOR ACCOMMODATING FOREIGN MINORS

The Institution can take in 12 foreign minors. One work unit comprises two bedrooms, a living room and a bathroom. All the facilities appear well-kept and tidy. The bedrooms are furnished with bunk beds, closets, bedside tables, tables and chairs.

According to the officials, foreign girls are at night accommodated in separate rooms, in the girls ward of the Institution. They spend the day in the section for foreign minors.

The foreign minors' rooms are locked only at night, as of 10 pm, The counsellor on night duty tours them. The minors can watch TV and play chess in the living room. They can use the sports fields in the Institution's yard, where they can establish contact with the other children. They can also use the Institution's Internet Club and engage in other activities in the Institution.

The minors' freedom of movement is not restricted during the day. They are told on admission that they may freely move in the Institution's yard but that they will not be safe outside the Institution's grounds on their own and that they need to be escorted by their counsellors. Most foreign minors, however, leave the Institution grounds unescorted by their counsellors, since there are no obstacles preventing them from leaving (nearly 80 percent of the minors left the Institution of their own accord in 2015).

4. INTERVIEWS WITH FOREIGNERS MINORS

A representative of the Voždovac SWC, who had been appointed guardian to the minors the NPM Team interviewed, was present in the Institution during the NPM Team's visit. The SWC representative had come to look in on the minors and familiarise them with their rights and provide them with other information relevant to their stay in the Institution. The NPM Team and the SWC representative talked with the foreign minors together, with the help of the Arabic interpreter.

The NPM Team interviewed two Moroccan minors who, according to the information the NPM Team obtained, had been ill-treated by the Croatian police officers when they tried to cross into Croatia on a Croatian train. They had previously spent 12 days in Serbia, spending some of that time in the Krnjača Asylum Centre and the rest in the park at the Belgrade Main Bus Station. The minors said they did not want to seek asylum in Serbia; one wanted to seek asylum in Sweden, the other in Italy. The minors had received certificates of entry in the territory of the Republic of Serbia issued to foreign nationals coming from countries where their lives are in danger (the so-called "transit certificates")⁴ in Belgrade and continued their train journey to Šid. When they

⁴ Issued in accordance with the Decision on the Issuance of Certificates of Entry into the Territory of the Republic of Serbia to Migrants Coming from Countries Where Their Lives are in Danger (Official Gazette of the Republic of Serbia No. 81/2015).

arrived in Šid, they avoided the regular check conducted by the Croatian interpreter and Croatian police officers and boarded the train for refugees/migrants heading for Croatia. They hid under the seats, but the Croatian policemen found them and immediately started beating them up, without asking them any questions. The Croatian police officers beat the minors on their heads, hands and legs. After they were thrown out of the train, they went to the Šid Station Reception Center, which notified the local SWC of their arrival and admission. The Šid SWC assumed charge of the minors and took them to see a doctor in the Šid Outpatient Health Clinic, where they were treated for their injuries and prescribed therapy. One of the minors had sustained visible head injuries, while the other minor had had his tooth knocked out. The minors' temporary guardian from the Šid SWC escorted them to the Institution on 25 January 2016. One of the minors the NPM interviewed still had swollen cheeks and hematoma around his nose. The minors said they had no personal documents on them, that they had lost them on the train, together with their transit certificates.

The minors also said that a group of refugees/migrants had abducted them before they entered Serbia, in the no man's land between Serbia and the Former Yugoslav Republic of Macedonia, and held them captive in a house. Their kidnappers took their money and cell phones and said they would let them go if their relatives sent them money via Western Union. They were released after their relatives had to pay 900 EUR ransom for each of them.

In a follow-up telephone conversation with the unaccompanied minors' temporary guardian, on 2 February 2016, the NPM Team was told that the minors it interviewed during its visit to the Institution (on 27 January 2016) left the Institution of their own accord on 29 January 2016.