



**REPUBLIC OF SERBIA  
PROTECTOR OF CITIZENS**  
281-25/16  
Belgrade

Ref. No. 17953 Date: 16 May 2016

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**Заштитник грађана  
Zaštitnik građana**



**BEOGRADSKI CENTAR  
ZA LJUDSKA PRAVA**

## **NATIONAL PREVENTIVE MECHANISM**

**MONITORING OF THE TREATMENT OF REFUGEES AND MIGRANTS IN THE  
REPUBLIC OF SERBIA BY THE COMPETENT AUTHORITIES**

# **Report**

**On the Visit to the Establishment for Youths in  
Niš – Centre for the Accommodation of  
Unaccompanied Foreigner Minors**

## **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 Punishment<sup>1</sup>, 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 Duties<sup>2</sup>, 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 Call<sup>3</sup>, the Protector of Citizens selected the associations with which it will cooperate in performing NPM duties, notably: 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.

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.

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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 January 2016.

**MAIN INFORMATION ON THE VISIT**

VISITED INSTITUTION	Establishment for Youths in Niš - Centre for the Accommodation of Unaccompanied Foreigner Minors
PURPOSE OF THE VISIT	Monitoring the treatment of unaccompanied foreigner minors by the competent authorities
VISIT CONDUCTED BY	Protector of Citizens in cooperation with the Belgrade Centre for Human Rights
VISIT ANNOUNCED	The visit was announced in advance, by phone.
DATE OF THE VISIT	25 April 2016
VISIT TEAM	<b>Team Members:</b> - Jelena Samardžić, <i>Protector of Citizens Professional Service</i> - Milena Vasić, <i>Belgrade Centre for Human Rights</i> - Arabic Interpreter

**COOPERATION OF OFFICIALS WITH THE NPM TEAM**

All officials of the Niš Establishment for Youths fully cooperated with the NPM Team and provided it with all the information it required.

## 1. STATISTICAL DATA

According to official data, 88 unaccompanied foreigner minors stayed at the Establishment in 2014. Of the 54 accommodated in the Establishment in 2015, 52 were boys and two were girls. From 1 January 2016 until the day of the visit, a total of 69 unaccompanied foreigner minors, all of them boys, stayed in the Establishment. Sixty of them expressed the intention to seek asylum; six left the Establishment of their own accord and nine were returned to Bulgaria under the Readmission Agreement between the Republic of Serbia and the European Community.<sup>4</sup> Four unaccompanied foreigner minors from Afghanistan were staying at the Establishment at the time of the NPM Team's visit.

Most of the foreigner minors accommodated in the Establishment since the beginning of the year were nationals of Afghanistan (45), Morocco (17), Algeria (4), Pakistan (1) and Bangladesh (1). The minors usually stay between 3 and 7 days in the Establishment.

## 2. ACCOMMODATION OF FOREIGNER MINORS IN THE ESTABLISHMENT FOR YOUTHS - PROCEDURE

According to the officials, when they apprehend an unaccompanied foreigner minor, police officers notify the relevant Social Welfare Centre, which appoints him/her a temporary guardian from amongst its staff. The temporary guardian and police then accompany the minor either to the Niš Establishment for Youths or the Belgrade Establishment for Children and Youths. Once the minor is admitted to an Establishment, s/he is appointed a new temporary guardian from amongst the Establishment staff. According to the Establishment Director, the minors are referred to the Establishment closest to the place they are apprehended, provided it has room. The Establishment staff said that foreigner minors awaiting the completion of the readmission procedure were also accommodated in the Establishment. Furthermore, the Establishment takes in women with underage children until they are issued certificates of intent to seek asylum and referred to an Asylum Centre. The Establishment Director said that the Establishment had problems funding the transportation of more than four minors at one time to an Asylum Centre. In such situations, it usually rents vehicles (vans) from local companies Niš to transport the foreigner minors to an Asylum Centre. Apart from covering the fuel costs, which are not included in the Establishment's financial plan, the Establishment also has to pay the rental of the vehicles, which poses a major financial burden on this institution.

**Given that the Establishment extends room and board and health care to foreigner minors and covers the costs of their transportation, the NPM is of the view that the Ministry of Labour, Employment and Veteran and Social Affairs should take measures to increase the financial allocation for the Establishment, to ensure it can satisfy the needs of foreigner minors accommodated in it.**

### 2.1. COMMUNICATION WITH THE MINORS AND NOTICE OF THEIR RIGHTS

When a minor is admitted to the Establishment, the Establishment contacts the non-government organizations (the Asylum Protection Centre, Praxis, Group 484, the Group for Children and Youths – Indigo, UNHCR), which provide an interpreter for the language the minor speaks. The minor is notified of his/her rights, the situation s/he is in, the Establishment House Rules and, in particular, of his/her right to seek asylum in Serbia. The Establishment has made available brochures on the right to asylum in Arabic, Farsi, Russian, French and English. The Establishment staff communicate with the minors in English.

### 2.2. NUTRITION

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<sup>4</sup>Act Ratifying the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation, Official Gazette of the Republic of Serbia – International Treaties No. 103/07

The Establishment has a kitchen, in which the food for the wards is prepared. The minors are provided with five meals a day, which meet their dietary requirements.

### **2.3. HEALTH CARE**

Minors are subjected to a check-up on admission to the Establishment. The Establishment does not have a doctor or nurse on staff. The minors are extended medical assistance if they ask for it or if the Establishment staff deem they need it. If necessary, the minors are taken to a health institution or the paramedics are called in.

### **2.4. ACTIVITIES**

Foreigner minors are entitled to take part in all the activities at the disposal of the other minors living in the Establishment. They can use the computers and the Internet, the telephone (they are also allowed to make international calls) and the sports fields. According to the Establishment staff, the foreigner minors are occasionally taken on tours of the city and to the mosque; various workshops are organised for them every once in a while. The staff say that the foreigner and other minors living in the Establishment usually get along well.

### **2.5. MONEY AND PERSONAL BELONGINGS**

The minors are allowed to hold on to their money and personal belongings, but can ask the Establishment staff to safekeep them until they leave. According to the staff, the minors usually hold on to their belongings.

### **2.6. FREEDOM OF MOVEMENT**

The minors' freedom of movement is not restricted. They are familiarised with the House Rules on admission and that the Establishment gates are locked at 8 pm on Mondays, Tuesdays, Wednesdays and Fridays and at 10:30 pm on Thursdays, Saturdays and Sundays. The minors are free to move around the Establishment and outside it until curfew. Those who want to leave the Establishment grounds are usually accompanied by their guardians or report to them before they go out unaccompanied. Most minors have reported to their guardians that they planned on continuing their journey towards EU countries and notified them of their imminent departure. The police are notified of any minor who leaves the Establishment grounds without prenotifying the staff.

The minors are given a key to the building in which they are accommodated and they themselves decide whether or not to lock the door during the day or at night.

## **3. TREATMENT OF FOREIGNER MINORS LEAVING THE ESTABLISHMENT**

In case a minor expresses the intention to seek asylum in Serbia, his/her temporary guardian notifies the Niš police thereof, which then draw up the certificate of intent to seek asylum. When they notify the Establishment that the certificate is ready, the minor and his/her temporary guardian go to the station to pick the certificate up. The temporary guardian then accompanies the minor to an Asylum Centre. The Establishment Director told us that most of their wards have been referred to the Krnjača Asylum Centre.

Minors staying in the Establishment pending the completion of the readmission procedure leave the Establishment in accordance with a decision of the Ministry of Internal Affairs (unless they leave it of their own accord before that).

The Establishment also takes in women with children and children, whose parents are in hospital; the latter remain in the Establishment until they reunite with their families.

#### **4. ESTABLISHMENT RECORDS**

The Establishment's records are in order and up to date. A file is opened for every minor. The Establishment also keeps a register, in which it enters the following data about its wards: date, place and country of birth, father's and mother's names, the name of the authority that referred the minor to the Establishment and the name of the minor's temporary guardian it had appointed, date of admission to the Establishment, the name of the staff member who admitted the minor, the name of the minor's temporary guardian appointed by the Establishment, date of departure from the Establishment and destination (Asylum Centre), the name of the staff member – temporary guardian who escorted the minor to the Asylum Centre and all observations about the minor during his/her stay in the Establishment.

#### **5. PREMISES**

Foreigner minors are accommodated in a separate Establishment building. This building comprises two bedrooms, a living room and a bathroom. Each bedroom is furnished with two bunk beds and can thus accommodate four wards. The hygiene and the general conditions in these living quarters are satisfactory.

In case foreigner minors of both sexes are staying at the Establishment at the same time, the girls are placed in the Reception Unit, where homeless and runaway girls are accommodated.