



REPUBLIC OF SERBIA  
OMBUDSMAN  
281-91/16  
Belgrade



Заштитник грађана  
Zaštitnik građana



Filed under No. 47301 Date: 2 December 2016

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## NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE

MONITORING THE TREATMENT OF MIGRANTS AND ASYLUM SEEKERS BY  
COMPETENT AUTHORITIES IN THE REPUBLIC OF SERBIA

# Report on the Visits to the Preševo Reception Center, Bujanovac Temporary Registration Center, Vranje Police Department, Border Police Regional Center on the Border with Macedonia and Preševo Social Welfare Center

Belgrade, November 2016

## MANDATE OF THE NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE

The Law Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>1</sup> provides that the National Preventive Mechanism against Torture (*hereinafter*: NPM) visits institutions where persons are or may be deprived of their liberty, with a view to discouraging public authorities and officials from any form of torture or any other form of ill-treatment, as well as providing guidance to public authorities on the provision of accommodation and other living conditions in places of detention, in conformity with the applicable regulations and standards.

The NPM is authorized to: gain unhindered and unannounced access at all times to all institutions and premises where persons are or may be deprived of their liberty; have private interviews with such persons and with officials, who are required to cooperate in this respect, as well as with any other persons who may be in possession of information relevant to the treatment of persons deprived of their liberty; have access to all documentation pertaining to such persons; give recommendations to the competent authorities with the aim of improving the treatment of persons deprived of their liberty and the conditions of their detention or imprisonment.

Article 2a of the abovementioned Law provides that the NPM role is fulfilled by the Ombudsman, who cooperates in the fulfillment of this role with provincial ombudspersons and associations whose statutes set the advancement and protection of human rights and freedoms as the aims to be pursued by those associations, in conformity with the law.

Within the Office of the Ombudsman, a designated organizational unit – Secretariat of the National Preventive Mechanism against Torture – has been established to discharge the professional duties of the NPM, whose mandate is laid down by Art. 4 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The Secretariat is headed by the NPM Secretary in accordance with the guidelines provided by the Deputy Ombudsman in charge of protecting the rights of persons deprived of their liberty.

The Ombudsman and the Provincial Ombudsman of the Autonomous Province of Vojvodina have signed the Memorandum on Cooperation in Fulfilling the NPM Role<sup>2</sup>, which provides that the Provincial Ombudsman participates actively in the NPM monitoring team's visits to institutions located in the territory of the AP of Vojvodina in which persons are or may be deprived of their liberty.

Following an open call<sup>3</sup>, the Ombudsman selected the following associations to cooperate with in fulfilling the NPM role: Belgrade Center for Human Rights, Victimology Society of Serbia, Group 484, Mental Disability Rights Initiative of Serbia (MDRI-S), Lawyers' Committee for Human Rights (YUCOM), International Aid Network (IAN), Valjevo Human Rights Committee, Helsinki Committee for Human Rights in Serbia and Niš Center for Human Rights.

After each visit, the NPM prepares a report and delivers it to the institution visited. The NPM subsequently maintains ongoing dialogue with the institution visited, as well as the public authority in charge of the institution, with a view to remedying the identified deficiencies that may result in torture, inhuman or degrading treatment.

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<sup>1</sup> Official Journal of Serbia and Montenegro – International Treaties Nos. 16/05 and 2/06 and Official Gazette of the Republic of Serbia – International Treaties No. 7/11.

<sup>2</sup> Signed on 12 December 2011.

<sup>3</sup> Announced on 29 January 2016 in the Official Gazette of the RS.

**GENERAL INFORMATION ON VISIT**

INSTITUTIONS VISITED	Preševo Reception Center, Bujanovac Temporary Registration Center, Vranje Police Department, Border Police Regional Center on the Border with Macedonia and Preševo Social Welfare Center
OBJECTIVE OF THE VISITS	Monitoring the treatment of migrants and asylum seekers by competent authorities
VISITS CARRIED OUT BY	The Ombudsman, in cooperation with the association Group 484
DATES	8 -10 November 2016
PRIOR ANNOUNCEMENT	Visits to all institutions were announced.
TEAM FOR VISITS	<p><b>Team leader:</b> Jelena Unijat <i>Secretariat of the Ombudsman/NPM</i></p> <p><b>Team members:</b> Jelena Jelić <i>Secretariat of the Ombudsman/NPM</i> Marko Anojčić <i>Secretariat of the Ombudsman/NPM</i> Maja Zlatković <i>Secretariat of the Ombudsman/Division for the Protection of the Rights of Persons with Disabilities and Elderly Persons</i> Marko Mladenović <i>Secretariat of the Ombudsman/Division for Children's Rights</i> Gordana Grujičić <i>Group 484</i></p> <p><b>Interpreters:</b> Marko Gagić <i>Arabic</i> Momir Turudić <i>Farsi</i></p>

## **OFFICIALS' COOPERATION WITH THE NPM TEAM**

The staff of the institutions visited cooperated with the NPM team, provided all the information requested, and facilitated unhindered access to documentation and unsupervised interviews with migrants selected by team members.

## **COURSE OF THE VISIT**

On the first day (8 November 2016), the NPM team visited the Vranje Police Department, where it interviewed officers of the Division for Aliens and Combating Illegal Migration and Trafficking in Human Beings, and inspected the relevant documentation. On the second day (9 November 2016), the team visited the Preševo Reception Center, where the manager, doctors and migrants staying there were interviewed, and the Border Police Regional Center on the Border with Macedonia, where the head of the Center and police officers were interviewed. On the third day (10 November 2016), the team visited the Preševo Social Welfare Center, where the director and professionals were interviewed and relevant documentation inspected, and the Bujanovac Temporary Registration Center, where the manager, staff, doctors and migrants staying there were interviewed and some records inspected.

## 1. PREŠEVO RECEPTION CENTER

At the time of the NPM visit, 697 migrants were staying at the Preševo Reception Center, specifically: 400 men, 50 women and 247 minors (200 boys and 47 girls). Out of the total number of minors, 172 were unaccompanied. More than half of the people staying at the Center – 392 – were single, while the remainder were families. Families were accommodated in one wing of the structure and in stand-alone housing units in the yard, provided by the *UNHCR*. Afghanistan citizens were the most numerous (275), followed by those from Pakistan (174), Iraq (98), Syria (65), Bangladesh (29), Algeria (16), Iran (10) and Sri Lanka (5). According to the manager, from August of the current year to the day of the visit, a total of 1216 people had stayed at the Center. The Center's accommodation capacity was 1388 beds.

The Center was managed jointly by representatives of the Ministry of Labor, Employment, Veteran and Social Affairs and the Commissariat for Refugees and Migration (*hereinafter*: CRM). The CRM staff, 33 in total, worked in 12-hour shifts. Beside them, there were also police officers from the Border Police Directorate, as well as representatives of the Preševo Social Welfare Center, Red Cross, Danish Refugee Council, International Organization for Migration (*IOM*), *ADRE*, *UNICEF*, *UNHCR*, SOS Children's Village and other humanitarian organizations. In addition, medical teams were present daily. Health care services were provided by the medical staff of the Vranje, Preševo and Bujanovac Primary Health Care Centers, with support from United Nations agencies and the non-governmental sector. Interpreters also worked at the Center every day.

According to the manager, in the past 3 months, there had been no migrants to whom certificates of having declared the intention to seek asylum had been issued. Although the average length of migrants' stay at the Center was about two months, their registration had commenced immediately before the NPM visit, and 294 migrants had been registered by the time of the visit. However, out of the total number of those registered, only 7 had declared the intention to seek asylum in the Republic of Serbia. Registration was performed by the staff of the Border Police Regional Center on the Border with Macedonia. Persons who declared the intention to seek asylum were photographed and had their fingerprints taken, and recorded in the AFIS system, while those who did not declare such intention only completed forms with their personal data. Asylum Office staff had not come to the Center for over 3 months. A CRM representative stated that the *UNHCR* had surveyed the migrants to ascertain how many of them wished to seek asylum in Serbia. According to the survey results, about 50 people responded affirmatively.

Most migrants at the Center were on the lists for admission to Hungary, with priority given to families. These lists were sent to the Subotica Reception Center and subsequently forwarded to the Hungarian authorities. Near the date of their admission to Hungary, migrants were mainly transported by *IOM* representatives. The lists were visibly displayed at the Center. According to the manager, a few days before the NPM visit, about 100 migrants had been transported to Subotica.

Before scabies and body lice occurred, migrants had been able to leave the Center and go to town only in smaller groups of up to 20 persons and with a specific approval. By the manager's decision taken two weeks before the NPM visit, all were banned from leaving the Center because of the outbreaks.

The Center's accommodation capacity was 888 beds in masonry structures and 500 beds in prefabricated structures. In addition to the accommodation facilities, there were also an infirmary, a child-friendly space, a dining room and a warehouse.

For housekeeping purposes, there were 25 cleaners working in 8-hour shifts. Waste was removed daily by the Preševo-based Public Utility Enterprise Moravica.

Meals were prepared in Vranje and served in the dining room. Meals were distributed by the organization that provided them, with assistance from the Center staff. All staff handling food were required to undergo health screening and to have their health screening booklets properly validated. Meal samples were kept in a dedicated refrigerator for 72 hours. Migrants had three meals per day, including cooked food. All the food conformed to their religious views and was adapted for people with specific health conditions, where necessary.

Depending on the needs, civil society organizations distributed footwear and clothes to children and adults.

Showers were available from 7 AM to 10 AM, and from 6 PM to 9 PM; the hours were displayed on the Center compound. Owing to the number of migrants staying there, the issue of insufficient hot water supply occurred sporadically. This was a particular problem in a situation of disease occurrence and possible spreading.

## 1.

### **RECOMMENDATION**

**The Commissariat for Refugees and Migration and the Ministry of Labor, Employment, Veteran and Social Affairs shall take appropriate measures to provide sufficient quantities of hot water at the Preševo Reception Center for the people staying there.**

Body lice had been introduced by a group of migrants transferred from the northern part of the country to the Center. In response to this problem, measures were taken sporadically, namely fumigation and changing of clothes and bedclothes, in cooperation with the Vranje Institute of Public Health (*hereinafter*: IPH). According to the manager, there were plans to carry out systematic fumigation in a planned manner, in the two days following the NPM visit, by emptying rooms one by one and changing all the bedclothes and migrants' clothes.

As the NPM team's attention was drawn to a problem at the IPH concerning the procurement of the agents to treat the Center facilities, the Secretariat of the Ombudsman contacted the IPH and was informed that the required agents had been supplied about 8 PM on 9 November 2016 and that the treatment of the facilities had commenced immediately, considering that an activity plan had already been drawn up. The work was expected to be completed on 10 November 2016. It was also pointed out that the IPH carried out preventive and counter-epidemic treatment of migrants on an ongoing basis, that clothes and bedclothes were incinerated and that the situation at the Preševo and Bujanovac Centers was under control. The Secretariat of the Ombudsman also received the information that a meeting of representatives of the local institutes of public health covering the Šid, Subotica, Preševo and Krnjača Centers was scheduled for 10 November 2016, at the Dr. Milan Jovanović Batut Institute of Public Health of Serbia.

As stated above, migrants were not allowed to leave the Center, and the staff working at the Center carried out preventive checks of their own clothes and bodies daily, when leaving from work. Moreover, newly arriving migrants were required to undergo a comprehensive health check to ascertain whether they were infested. In addition to body lice, about 30 cases of scabies had been identified. Information on prevention measures and transmission pathways were displayed in the dormitories.

Two medical teams from the Preševo Primary Health Care Center worked in the Center's infirmary, with funding provided by the Danish Refugee Council, as well as two teams from the Vranje and Bujanovac Primary Health Care Centers, i.e. one from each, with funding provided by the Balkan Center for Migration. Two medical teams worked in the morning, one in the afternoon, and the Vranje Emergency Medical Service was contacted at night if necessary. A medical team consisted of 1 doctor and 1 nurse, and there was 1 female doctor in each shift. Interpreters were always present; in some cases, migrant women requested a female interpreter and their requests were accommodated.

According to doctors, upon arrival at the Center, migrants underwent comprehensive health checks; on average, about 120 medical examinations were performed each day. Migrants requested medical examinations in person by coming to the infirmary and requesting to be received. No traumatic injuries had been observed. The key medicines had been provided by the Danish Refugee Council, and they were dispensed only by the medical staff, who either administered them in the infirmary or dispensed daily doses to migrants. The infirmary included a gynecology examination room, in which female gynecologists worked every day. If needed, children were taken to see a pediatrician at the Preševo Primary Health Care Center. Migrants were also transported to the local health care centers. Oral health care was provided at the Preševo Primary Health Care Center. According to the information received, cooperation with health care institutions was very good.

Since the occurrence of the body lice infestation, the practice of screening by examination of migrants' bare bodies had been introduced. Health status reports were sent weekly to the Institute of Public Health of Serbia. Within the Center, there were dedicated housing units for the isolation of sick persons; if needed, entire families were accommodated there.

Health care documentation was kept in folders in the infirmary, and medical examination reports were handed over to migrants on their departure from the Center.

Representatives of the Preševo Social Welfare Center were engaged to work with members of especially vulnerable groups. In accordance with an earlier NPM recommendation<sup>4</sup>, a dedicated office for the Preševo Social Welfare Center representatives was provided at the Center. One case of possible trafficking in human beings had been recorded and reported to the police. There had also been one case of domestic violence, with adequate response by all services. The violence victim had initially been transferred to a shelter, and then to the Bujanovac Temporary Registration Center, and provided with psycho-social support, and the suspect was detained at the pre-trial detention unit of the Vranje District Prison.

In the past, persons with disabilities had occasionally arrived at the Center; in order to ensure adequate accommodation for them, in accordance with an earlier NPM recommendation<sup>5</sup>,

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<sup>4</sup> NPM Report on the Mission to the Preševo Reception Center, Miratovac Camp, Preševo and Bujanovac Police Stations, Border Police Regional Center on the Border with Macedonia and Preševo Social Welfare Center, No. 71-85/15, dated 21 September 2015

<sup>5</sup> Ibid.

adequate facilities had been provided. An accessible toilet and constant medical care were also available. At the time of the visit, no persons with disabilities were staying at the Center. Unsupervised interviews were conducted with several adult men from Iraq, Afghanistan and Bangladesh. They had stayed there for 3-4 months and wished to continue the journey towards Western European countries. They had no objections to accommodation, food or hygiene at the Center and described their relationship with the staff as good. Some of the interviewed migrants complained about occasional lack of hot water. Minor communication issues were addressed by finding someone who spoke the language concerned – an interpreter or another migrant. Lately, they had been banned from leaving the Center and some were not sure why they were required to stay there. They had no problems in accessing health care; doctors were available; they had undergone comprehensive health checks upon their arrival at the Center. They were not aware of any cases of migrants being mistreated by representatives of the authorities in the Republic of Serbia. Yet, some stated they had knowledge that the police were forcibly transferring migrants to Macedonia by night. **The NPM wishes to receive comments about these claims from the Ministry of the Interior.**

2.

***RECOMMENDATION***

**The Ministry of the Interior shall investigate the claims of forced transfer of migrants from the Republic of Serbia to the Republic of Macedonia by police officers.**

Interviews were also conducted with one minor and one woman with a child from Afghanistan. The minor had arrived with a group, which included his uncle; they wished to reach Sweden; they had entered the territory of Serbia from Bulgaria and hoped to leave the country soon. He had not been ill-treated by representatives of the Republic of Serbia authorities. The only objection stated by the interviewed woman was the insufficient supply of hot water.

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## 2. BUJANOVAC TEMPORARY REGISTRATION CENTER

The Bujanovac Temporary Registration Center is situated in the industrial zone of the town of Bujanovac, not far from the town center, in the head office building of the enterprise Svetlost DP, a battery factory in bankruptcy. According to the information received, before the Center was opened, the building's water supply, power and heating installations had been repaired. The Center's operation had started one month before the NPM visit; its accommodation capacity was 220 places, and a total of 196 migrants had stayed in it up to the day of the visit.

Three CRM staff members worked at the Center in each 12-hour shift; there were also 1 maintenance worker and 5 cleaners in charge of housekeeping and laundry. In addition to them, the staff present daily at the Center included a representative of the Ministry of Labor, Employment, Veteran and Social Affairs, 2 staff members of the Bujanovac Social Welfare Center working with vulnerable groups, IOM representatives working primarily on transportation and arrangement of voluntary returns to countries of origin, interpreters and representatives of different non-governmental organizations providing humanitarian and other assistance to migrants. The Center was run jointly by representatives of the CRM and the Ministry of Labor, Employment, Veteran and Social Affairs.

The Center building had two levels: the ground floor and the first floor, with two wings and the central section. The ground floor of one wing contained a lecture room, a computer room, a laundry room, a staff toilet, an infirmary and a room used by organizations' representatives. Computers had internet connections and each migrant was allowed to use a computer for a limited time (up to half an hour). According to the information received, intercultural workshops for different age groups were organized daily, and there were plans to organize computer literacy training and to set up a library with materials in Arabic. The ground floor of the central section contained the reception, a bulletin board, a clothes distribution unit, a child-friendly space and a toilet adapted for persons with disabilities. No persons with disabilities were staying at the Center at the time of the visit; however, conditions for their reception and accommodation were provided in the ground-floor dormitories in the right wing of the building. At the entrance, there was a store where migrants could purchase basic foodstuffs, and the prices were at the normal market levels. The central section allowed access to two outdoor walking areas behind the building. One walking area included children's recreational facilities and was also used by migrants to dry their laundry. There were benches in both walking areas. In addition to these areas, migrants were free to walk in the forecourt of the Center. The ground floor of the other wing was the migrants' accommodation area. In addition, the ground floor included an isolation unit for sick persons; at the time of the visit, one person with chickenpox was in this unit.

The first floor of the central section was accessed by stairs from the ground floor of the central section; it was available to migrants to use as they pleased and contained several tables and chairs. There were two more child-friendly spaces and one room used for workshops. The first floor of one wing contained the dining room, separated from the central section by a door, while the other wing was the migrants' accommodation area.

The material conditions at the Center were good: all rooms were clean and sufficiently warm and no moisture was observed, although it had been raining in Bujanovac and around on the day of the visit and several days before. According to the staff, the Center had sufficient quantities of blankets and bedclothes, which were delivered from the Preševo Reception Center's warehouse as needed. As stated above, there was a dedicated laundry room at the Center, with 2 large and 1 small washing machines, and there were plans to procure another

large washing machine. Laundry was done according to a schedule set in advance (2 rooms at a time), and it was also possible to launder one's items outside the schedule if necessary. There were 5 cleaners in charge of laundry and housekeeping; migrants were required to clean the rooms they were using and, according to the information received, there had been no problems in this respect. Additional clothes were provided to migrants by humanitarian organizations; these items were also delivered from the Preševno Reception Center's warehouse. Migrants who needed clothes had to make a request to the Center staff and clothing items were distributed as needed, subject to availability. Showers were available daily, in two time slots.

Migrants were provided with three meals per day; food was prepared in Vranje, in the same way as for the Preševno Reception Center, and the meal distribution hours were displayed on the bulletin board.

At the time of the visit, 150 migrants were staying at the Center, predominantly families with underage children who had been transferred here from the Preševno Reception Center and had been in Serbia for up to 6 months. According to the information received, a group of 46 migrants had recently been transferred to the newly opened Sombor Reception Center and there were plans to transfer the migrants who were on the list for admission to Hungary, in order to be closer to the Hungarian border. Among the 150 migrants present at the Center, there were 7 male unaccompanied minors, who were all staying in one dormitory, 2 pregnant women and 1 woman victim of domestic violence. There were no persons with disabilities.

The Center kept records of migrants, including the following personal data: first and last name, sex, age (minor or adult), country of origin, date of birth and mutual family relationships, considering that families accounted for a majority of those staying at the Center. The number of migrants present was checked daily.

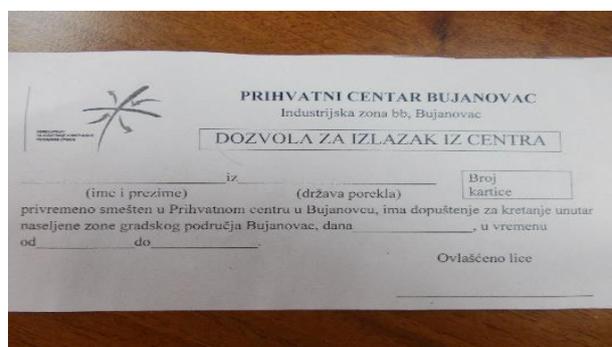
They came predominantly from Syria, Afghanistan and Iraq. None of them had declared the intention to seek asylum in the Republic of Serbia and virtually all were waiting for an opportunity to continue the journey towards Western and Northern European countries.

According to the staff, there had been no cases of domestic violence, trafficking in human beings or other crimes at the Center. There were occasional squabbles between migrant groups of different ethnicities, which were mainly resolved by talking to staff, and as yet it had not been necessary to involve the police. Examples included women from Iraq and Syria refusing to take showers at the same time, or migrants refusing to dry their laundry in the same place as migrants of another ethnicity. Yet, families of different ethnic affiliations were accommodated together.

Health care was provided by medical staff employed by humanitarian organizations. There were two shifts, with one general practitioner and one nurse in each shift. The Emergency Medical Service was contacted at night if necessary. Interpreters were available for communication during medical examinations. According to a doctor, all migrants had immediately undergone comprehensive health checks upon arrival at the Center; such checks had also been performed at the Preševno Reception Center, before the transfer. In addition, comprehensive health checks of all migrants had been performed on 2 more occasions. There were no body lice or scabies at this Center. When needed, migrants requested medical examinations in person by coming to the infirmary and requesting to be received; about 20 examinations were performed each day. In case a specialist examination was needed, migrants were taken to the local health care centers, and the doctor highlighted the good

cooperation with the Bujanovac Primary Health Care Center. Gynecological examinations were performed at the Preševo Primary Health Care Center. Pregnant women had regular examinations. Medicines prescribed by specialists were dispensed to migrant patients by doctors at the Center in quantities sufficient for one day. There was a sufficient supply of medicines. Health care documentation was kept by the medical staff and handed over to migrants to take with them on their departure from the Center. Children were treated by the doctors working at the Center. Doctors, as well as Center staff, pointed out that adults' insufficient care for children was noticeable, which was attributed to cultural differences. Diapers and other children's items were provided by the Danish Refugee Council.

Neither the entrance nor any of the dormitories were locked, and there were no barriers around the building preventing movement or leaving the Center. Yet, when leaving the Center, migrants were issued with "permits to leave" by the CRM staff. Fifteen migrants per day left the Center between 10 AM and 4 PM. The staff made a list of migrants who left the Center each day and used them to check whether the migrants returned. According to the information received, all migrants complied with this regime for leaving and returning to the Center.



Bujanovac Reception Center Industrijska zona bb, Bujanovac	
PERMIT TO LEAVE THE CENTER	
<u>(First and last name)</u> from <u>(country of origin)</u> ,	<u>Card No.</u>
temporarily staying at the Bujanovac Reception Center, is allowed to move within the populated zone of the Bujanovac town area on <u>(date)</u> , between <u>(time)</u> and <u>(time)</u> .	
Authorized person _____	

The NPM is of the view that designating the document issued to migrants when leaving the Center temporarily as a "permit" does not reflect its true nature, given that its purpose is to record those leaving, rather than to grant permission. This designation may lead to the erroneous conclusion that the migrant to whom the document is issued is deprived of his/her liberty.

### 3.

#### **RECOMMENDATION**

**The Commissariat for Refugees and Migration shall align the title of the document issued to migrants when temporarily leaving the Bujanovac Temporary Registration Center with its actual purpose.**

Communication between the staff and migrants was facilitated by interpreters. Arabic and Farsi interpreters were present at the Center in 2 shifts. No formal system was in place for complaints or requests; instead, migrants approached staff when needed and stated their problems or made requests orally. As yet, according to the official information received, most queries had concerned nutrition and laundry matters and relevant information had been provided. In addition, for the purpose of performing daily activities and conveying information about them, constant communication had been established between the staff and individual migrants who represented larger groups of migrants. Yet, communication with migrants who did not speak Arabic or Farsi, but Urdu or Pashto, the languages spoken by

migrants from Afghanistan and Pakistan, was difficult; the proportion of these migrants had increased.

#### 4.

##### **RECOMMENDATION**

**For the purposes of communication between the staff and migrants who do not speak Arabic or Farsi at the Bujanovac Temporary Registration Center, the Commissariat for Refugees and Migration and the Ministry of Labor, Employment, Veteran and Social Affairs shall provide interpreters for the languages spoken by those migrants, primarily Urdu and Pashto.**

During the visit, unsupervised interviews were conducted with several migrants of different ages from Iraq and Afghanistan. All the interviewed migrants had been in Serbia for several months, together with their immediate or extended family members, including underage children, and all intended to cross into Hungary and continue their journey towards Germany. None had declared the intention to seek asylum in Serbia. They were aware of their rights and obligations at the Center; they underlined the very civil relationship with the staff; some described this relationship as friendly; during their stay in Serbia, none of the migrants had been subjected to or were aware of mistreatment by representatives of the authorities. They did not feel threatened by other migrants staying there. Some made claims about torture in Bulgaria by the Bulgarian authorities and crime groups. They stated that medical assistance was provided to them at the Center when needed and that they had undergone comprehensive health checks. The interviewees included an elderly woman, who stated that owing to rheumatism, she went to the infirmary for examinations almost daily, and a youngish man who stated that a four-year old relative of his had cardiac problems, had been taken to a clinic in Belgrade for examinations in connection with those problems, and needed surgery, which they were not willing to have performed in Serbia as they wanted to continue the journey. Meals were distributed 3 times per day, the food conformed to their religious views, and milk was provided for children. On arrival at the Center, they received cards with a balance of 40 dollars for purchasing personal hygiene products and other supplies. They were free to walk around the building and in the walking areas, and also to go to town, for 2-4 hours, after obtaining a permit. Showers were available in two time slots per day, morning and evening. The only problem highlighted by them was the inability to continue the journey.

The unaccompanied minors present at the Center were interviewed as well. They had no objections to accommodation and nutrition, or to the treatment by the Center staff and police officers. They complained about being ill-treated during the journey by smugglers and the police officers of the Republic of Bulgaria. A representative of the Bujanovac Social Welfare Center gave them English lessons and computer literacy training during the working week. A girl with celiac disease was staying at the Center; her meals were prepared separately every day to avoid gluten contamination. At the same time, it was pointed out that the provision of psychological aid was hampered by the lack of interpreters for all languages at the Center.

### 3. BORDER POLICE REGIONAL CENTER ON THE BORDER WITH MACEDONIA

Since the Balkan route closure, the police officers of the Border Police Regional Center on the Border with Macedonia (*hereinafter*: BPRC) had been tasked with preventing illegal entry into the Republic of Serbia; since 22 July 2016, this task had been performed through joint patrols with the members of the Serbian Armed Forces, who led the patrols, under the direction of the Joint Forces Command for Securing the Border with Macedonia. There were no more joint patrols with members of foreign police services. The situation regarding the equipment and the servicing and repair of government-provided vehicles had improved. Owing to staff shortage, 54 police officers from other BPRCs had been posted there to provide support. The BPRC staff included the same number of female police officers as at the time of the previous visit – 18. The staff also included 7 members of the Albanian ethnic minority. Police officers had undergone training in human trafficking prevention and treatment of migrants.

According to the information received, 623 illegal entry attempts had been prevented in the first 9 months of the current year. The migrants who entered the country either started the asylum procedure or were charged with a misdemeanor. No unaccompanied minors had been observed among them; in any case, it was difficult for police officers to identify such persons. Between 1 January and 30 September 2016, 185 petitions to initiate misdemeanor proceedings had been filed, including 86 against foreign citizens. The penalties imposed on migrants by courts were mainly admonitions, or, in rare cases, fines and imprisonment; migrants from war zones never received sentences of imprisonment. In addition, 20 instances of illegal border crossing and human smuggling had been detected; 186 people had been smuggled through the commission of these crimes, and 19 criminal charges had been filed against 16 citizens of the Republic of Serbia and 5 foreign citizens, including underage perpetrators.

According to the official information received, at the time of the visit, there were fewer contacts with migrants than before, there were no problems in the exercise of authority and, as yet, there had been no grounds for applying means of coercion. Also, means of restraint were not used during transportation. Communication was in English, with the assistance of a migrant from the group who understood English, if necessary. Migrants were not given any brochures to inform them of their rights, obligations and situation in a language they understood.

During 2016, all certificates of having declared the intention to seek asylum had been issued at the Preševo Reception Center; in total, 1151 certificates had been issued. Immediately before the NPM visit, the registration of all migrants present at the Center had been ordered. Registration was performed by police officers of the Border Police Directorate.<sup>6</sup> After receiving certificates of having declared the intention to seek asylum, they were referred to the Sjenica Asylum Center; however, since the Center was overcrowded, they remained at the Preševo Reception Center.

From the beginning of the year to the end of September 2016, 72 readmission applications in respect of 73 persons had been submitted to Macedonia in a fast-track procedure. The Macedonian competent authority had refused 12 applications, approved 8, and had not responded to 52. The persons whose readmission had been approved had, in the meantime, applied for asylum in the Republic of Serbia; consequently, readmission had not been performed in those cases either. In October, 33 readmission applications in respect of 53 persons had been submitted, and readmission had been approved for only 2 persons.

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<sup>6</sup> Registration is described in the Report section on the Preševo Reception Center.

#### 4. VRANJE POLICE DEPARTMENT

The NPM team conducted interviews with the inspector for aliens at the Vranje Police Department, who stated that the Division for Aliens and Combating Illegal Migration and Trafficking in Human Beings had 1 manager and 12 non-managerial staff, including three females (two worked at the head office of the Police Department, and one in Bujanovac). Despite the increased inflow of migrants in the territory covered by the Police Department, since 2014, the number of non-managerial staff in the Division had been decreased by 5 compared to the earlier period. Since the second half of July 2015, police officers of the Preševo Police Station, together with the BPRC officers, had worked primarily at the Preševo Reception Center on the registration of migrants and refugees arriving and/or staying at the Center.

Since the beginning of 2016, the Vranje Police Department had issued a total of 516 certificates of having declared the intention to seek asylum, of which 22 had been issued at the head office of the Police Department. The most recent certificate had been issued towards the end of April. All persons issued with a certificate were, in fact, referred to the Preševo Reception Center, although the certificates stated that they were referred to an asylum center, most commonly the one in Sjenica. When certificates were issued, the people in question were photographed and had their fingerprints taken, and recorded in the AFIS system. The head office of the Police Department only kept records of the certificates issued there, and no consolidated records that would include the certificates issued in the police stations under the Department. The practice of keeping the Record Book of Certificates Issued constituted an improvement compared to the earlier period, when no such records had been kept. The following data were entered into the records: name, date of birth, certificate number, country of origin, sex and asylum center to which the person concerned was referred.

No unaccompanied minors had been identified in 2016; if this happened, the Vranje Social Welfare Center would be contacted; according to the inspector, cooperation with the Center was good. According to the information received, over 60% of the police officers held certificates for working with minors. By inspecting the certificates issued to minors, it was found that an earlier NPM recommendation<sup>7</sup> was followed, i.e. that the certificate included the information on the adult accompanying the minor concerned.

During 2016, the police officers at the head office of the Police Department had not filed petitions to initiate misdemeanor proceedings against migrants for illegal stay in the territory of the Republic of Serbia or referred them to the Aliens Shelter. The records of decisions on the termination of aliens' stay were not kept separately for migrants; in practice, these decisions were issued in case it was found that the migrant concerned wished to seek asylum in another country. Also, according to the information received, no means of coercion had been used on migrants, nor had any migrant filed complaints or expressed grievances against police officers. Means of restraint were not used during the transportation of migrants.

Identity was still ascertained by means of personal documents and questionnaires. Communication with the encountered aliens was in English only. In case a migrant did not speak English, communication proceeded indirectly, with the assistance of a migrant from the group who spoke English. Such communication could be particularly problematic when taking statements from women and minors, given that many of them might be victims of trafficking in human beings and various forms of violence, and, in most cases, did not have

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<sup>7</sup> NPM Report, op. cit.

the possibility of giving their personal details and describing their situation to police officers independently and without the presence of other migrants. According to police officers, in any case, individual interviews were not conducted with migrant women. Also, migrants were not given any brochures to advise them of their rights, obligations and situation.

5.

**RECOMMENDATION**

**For the purposes of communication between the police officers of the Vranje Police Department and the Border Police Regional Center on the Border with Macedonia, on the one hand, and non-English-speaking migrants, on the other, the Ministry of the Interior shall provide interpreters for the languages most commonly spoken by migrants, primarily Arabic, Farsi, Urdu and Pashto.**

**The Ministry of the Interior shall provide brochures in the languages most commonly spoken by migrants, to be handed to the migrants encountered by the police officers of the Vranje Police Department and the Border Police Regional Center on the Border with Macedonia, whereby they shall be informed about their legal situation and their rights.**

**The police officers of the Vranje Police Department and the Border Police Regional Center on the Border with Macedonia shall ascertain migrants' identity and other relevant facts, as well as their possible intention to seek asylum in the Republic of Serbia, by interviewing each individual migrant with the presence of an interpreter for the language spoken by that migrant.**

According to the information received, in 2016 there had been no criminal charges for trafficking in human beings, while there had been about 60 for human smuggling. Most suspects were Serbian and Bulgarian citizens. Victims-witnesses were immediately taken to the public prosecutor, where they gave depositions with the assistance of interpreters. One criminal charge was filed against a migrant on the grounds of suspicion that he had committed the crime of domestic violence at the Preševo Reception Center, and he was remanded in custody.

## 5. PREŠEVO SOCIAL WELFARE CENTER

The Preševo Social Welfare Center (*hereinafter: SWC*) had 6 permanently employed professionals (psychologists, social workers, pedagogists and lawyers) and one professional – a psychologist – whose employment was funded by *UNICEF* and who was constantly present at the Preševo Reception Center.

Since the beginning of the year, 45 decisions on temporary guardianship had been issued, although the number of registered unaccompanied minors was considerably higher – the police officers at the Preševo Reception Center had identified about 170. Out of the total number of these decisions, 44 concerned the appointment of temporary guardians for boys, while only one decision concerned the appointment of a guardian for a girl. The SWC staff highlighted that temporary guardians were appointed only in cases where the minor concerned was not part of a group. The appointed guardians were SWC professionals. The psychologist working at the Reception Center was constantly available to the migrants – wards, while other professionals were available on an as-needed basis and in cases where it was necessary to accompany an underage migrant who was taken out of the Reception Center for specific reasons (primarily for medical procedures).

According to the SWC staff, in early November, an attempted murder of a woman by her husband took place at the Preševo Reception Center; immediately after being notified, SWC professionals went to the field. According to the victim, she had been raped multiple times before the attempted murder. The victim was a minor from Afghanistan, and had come in a group together with her husband, young child and brother. The husband, who had attempted to murder her, was in the Vranje District Prison, and the victim, after a spell in Belgrade, had been transferred to the Bujanovac Temporary Registration Center at her own request. The SWC staff were aware of the existence of smuggling and of the fact that a number of smugglers had been detected and arrested. According to them, based on the interviews they had conducted with unaccompanied minors, smugglers received money from their parents or relatives in installments, in line with the itinerary traveled. No cases of labor, sexual or other exploitation of children and women had been recorded.

Since the onset of the migrant crisis, there had been persons with disabilities among migrants, but only in transit in the months before the “Balkan route” closure; they had not stayed at the Preševo Reception Center for extended periods of time. After the “Balkan route” closure and the reduction in the numbers of migrants, no persons with disabilities were staying at the Preševo and Bujanovac Centers. Both Centers were outfitted to receive and accommodate them if needed.

According to the staff, there had been no payments of one-off financial assistance to migrants in urgent need of support, and the charity Čovekoljublje (Philanthropy) awarded some funds for transportation and purchase of hygiene products and foodstuffs to migrants in need of such support.