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Заштитник грађана
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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 Principovac, Šid and Adaševci Reception Centers

Belgrade, December 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 Punishment¹ 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 Role², 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 call³, 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.

¹ 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.

² Signed on 12 December 2011.

³ Announced on 29 January 2016 in the Official Gazette of the RS.

PARTICULARS OF THE VISITS

INSTITUTIONS VISITED	Principovac Reception Center, Šid Reception Center and Adaševci Reception Center
OBJECTIVE OF THE MISSION	Monitoring the treatment of migrants by competent authorities
MISSION CARRIED OUT BY	The Ombudsman
MISSION DATE	2 December 2016
PRIOR ANNOUNCEMENT	Visits to all institutions were announced.
VISITING TEAM	<p>Team leader: Jelena Unijat <i>Secretariat of the Ombudsman/NPM</i></p> <p>Team members: Jelena Samardžić <i>Secretariat of the Ombudsman/NPM</i> Marko Anojčić <i>Secretariat of the Ombudsman/NPM</i> Ana Okanović <i>Secretariat of the Ombudsman/Division for Children's Rights</i></p> <p>Interpreters: 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.

MISSION PROGRESS

After presenting the NPM mandate to the management of the reception centers visited and the team members' introductions, part of the NPM team conducted interviews with the managers, officials and medical staff of all three reception centers and inspected the records and the relevant documentation, while the remainder of the team interviewed migrants staying at the reception centers.

1. Introduction

On 25 September 2015, the NPM visited the Principovac Reception Center, and on 26 January 2016, the Adaševci and Šid Reception Centers; mission reports are available.⁴ At the time, these centers were used by migrants to make a stopover before continuing the journey to the Republic of Croatia, and by the Republic of Serbia authorities to record the migrants transiting our country. Migrants stayed at the centers for a few hours, with only few staying overnight; they were provided with food and had an opportunity to rest, shower and undergo medical examinations.

After the Balkan route closure, the purpose of these centers changed, as migrants began to stay there for longer periods of time, on average about 3 months, with a tendency to increase the length of stay. Some had stayed there since the reopening of the centers (over 5 months). Most of them wanted to continue the journey towards developed European countries, mainly via Hungary. They were transferred or came on their own from outdoor informal gathering points in settlements or from other reception centers. Most were on the lists for admission by the Hungarian authorities and were waiting for information on the dates of their scheduled admission. Given that Hungary had reduced the daily number of migrants allowed into the country – according to the staff of the Commissariat for Refugees and Migration (*hereinafter*: Commissariat), about 400 migrants per month entered Hungary – the estimated waiting time for newly arriving migrants was 5-6 months. The lists were regularly updated with new migrants and sent to the Subotica Reception Center, and subsequently forwarded to the Hungarian authorities by migrant community leaders. In contrast to the earlier practice, Hungary no longer sent the confirmed lists; therefore, these were no longer displayed within the centers. When their turn came, migrants from the Principovac, Šid and Adaševci Reception Centers went to the Hungarian border on their own or were transported by the International Organization for Migration (IOM).

The situation described above indubitably indicated numerous problems to be faced by the Republic of Serbia in the coming period, considering that the increasing duration of migrants' stay in the country required the provision of services and support beyond temporary assistance. Furthermore, the issue of integration of migrants would be raised.

2. Work Organization and General Conditions in the Centers Visited

At the centers visited, the NPM observed the efforts made by the Commissariat staff and other workers to attend to the large number of migrants and respond adequately to the complex situations at the centers.

The centers were run by the Commissariat staff, with one staff member serving as coordinator for the Principovac and Šid Reception Centers. The Commissariat staff were constantly present at the centers, in 7-day tours; they were responsible for its functioning and the coordination of daily activities. Police officers, responsible for maintaining peace and order, were also constantly present. In addition, professionals from the Šid Social Welfare Center came to the centers frequently. Representatives of different civil society organizations providing humanitarian aid and services to migrants were present at the centers, as were

⁴ Report on the Mission to the Principovac Reception Center No. 71-91/15, filed under No. 36892, dated 7 October 2015, and Report on the Mission to the Adaševci and Šid Reception Centers No. 281-8/16, filed under No. 8608, dated 11 March 2016.

representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the IOM.

The centers kept uniform electronic records of migrants, including the following personal data: first and last name, sex, age (minor or adult), country of origin, date of birth and family relationships. The number of migrants present was checked in the evening, and the shift leaders submitted daily reports to the Commissariat on the number of migrants, structure (by country of origin, age and sex) and major events. The information about the occupancy rate was forwarded to the Ministry of the Interior to inform it about the sites where additional migrants could be transferred or referred. In addition to these, weekly and monthly reports were also submitted to the Commissariat.

As almost none of the migrants staying at these centers had been recorded by the Ministry of the Interior, the Ministry had started the registration of all migrants immediately before the NPM visits; it was to be completed within a few days. According to the Commissariat staff, for the purpose of this registration, the migrants completed questionnaires with their personal data, which was subsequently entered into a database by the Ministry of the Interior staff; the original questionnaires with the filing stamp and date of receipt were kept by migrants, and copies of the questionnaires – by the center concerned. Migrants over the age of 14 had their fingerprints and photographs taken.

The centers were open facilities, i.e. neither the dormitories nor the entrance were locked, there were no other barriers to leaving, and migrants were free to leave. When going to the nearby settlements, they were required to inform the Commissariat staff, and when going further away, which implied longer absences, they were issued with a certificate showing they were accommodated at the center concerned. When leaving the centers permanently, their departure was noted in the electronic records.

Upon their arrival at the centers, migrants were recorded, underwent a medical examination, were scanned with a handheld metal detector, their belongings were inspected, alcohol and dangerous tools, such as scissors and knives, were confiscated, as well as food, because it might be unsafe, and they were accommodated in the available capacities. According to the information received, migrant women's belongings were inspected by female Commissariat staff, and migrant men's belongings – by male staff. Families were accommodated in solid structures (in Principovac – in the former hospital building, in Šid – in the former office building of the slaughterhouse, and in Adaševci – in a hotel), while single persons were mainly accommodated in tents in the yard.

On the day of the visit, no migrants with disabilities were present at the centers. However, none of the centers had facilities to accommodate persons with disabilities or toilets adapted for them.

1.

FINDINGS

Conditions for the accommodation of persons with disabilities were not in place at the Principovac, Šid and Adaševci Reception Centers.

REASONS

Public authorities shall ensure the enjoyment of rights and freedoms by persons with disabilities without discrimination.⁵

Discrimination on the grounds of disability is prohibited with regard to the accessibility of services and access to publicly used structures and public areas.⁶

Public and commercial buildings, as well as other publicly used structures (streets, squares, parks etc.) shall be designed, built and maintained in such a manner as to ensure unhindered access, movement and occupancy or use by all users, in particular persons with disabilities, children and the elderly, in conformity with the pertinent technical regulations which include the standards defining mandatory technical measures and conditions for design, planning and building, thus ensuring unhindered movement and access for persons with disabilities, children and the elderly.⁷

RECOMMENDATION

The Commissariat for Refugees and Migration shall take measures to ensure the conditions for the accommodation of persons with disabilities at the Principovac, Šid and Adaševci Reception Centers.

There were workers in charge of housekeeping at the centers, and migrants themselves were also required to clean the rooms in which they stayed. According to the official information received, some migrants declined to cooperate in this respect, while others accepted these duties. Personal hygiene products were also provided at the centers. Problems of insufficient hot water supply, caused by the number of the migrants, were present in all three centers. This was a particular concern likely to lead to additional problems in case of disease outbreaks and possible spreading, and also in view of the fact that the winter period was nearing and that the temperatures would be lower and lower.

2.**RECOMMENDATION**

The Commissariat for Refugees and Migration shall take appropriate measures to ensure a sufficient supply of hot water at the Principovac, Šid and Adaševci Reception Centers for the persons staying there.

Health care was provided to migrants by medical staff employed by humanitarian organizations. An infirmary had been set up at each center. At the Principovac and Šid Reception Centers, there were two shifts with one doctor and one nurse in each shift, and in the Adaševci Reception Centers, there were three shifts, i.e. they were available 24 hours per day. When medical staff was not present at the Principovac and Šid Reception Centers, the local Emergency Medical Service was contacted; in addition, there was one mobile medical team available to both centers. Specialist examinations were performed at health care institutions in Šid and Sremska Mitrovica, and some specialists came to the Adaševci Reception Center. The original medical examination reports were handed over to migrants,

⁵ Law on the Prevention of Discrimination against Persons with Disabilities (Official Gazette of the RS No. 33/06), Art. 4.

⁶ Law on the Prevention of Discrimination against Persons with Disabilities, Art. 13, para. 1.

⁷ Law on Planning and Building (Official Gazette of the RS Nos. 72/09, 81/09 – corrigendum, 64/10 – amended by Constitutional Court (CC) decision, 24/11, 121/12, 42/13 – amended by CC decision, 50/13 – amended by CC decision, 98/13 – amended by CC decision, 132/14 and 145/14), Art. 5, para. 1.

and copies were kept at the infirmaries. The prescribed treatment, provided by humanitarian organizations, was administered by the medical staff in infirmaries.

Migrants requested medical examinations in person by coming to the infirmary. Since the occurrence of the body lice infestation, the centers had introduced the practice of screening all newly arriving migrants by examination of bare bodies. In case lice were found, migrants were treated in accordance with the instructions of the Institute of Public Health of Serbia: washing with special shampoos and changing into fresh, clean clothes. Their clothes were returned to them after being laundered. In case of a group of migrants, the entire group was isolated, group members underwent treatment one by one and were transferred from the isolation unit to the regular accommodation facilities. Body lice were mainly found in single persons, which was assumed to be due to the inadequate conditions in which they had stayed before coming to the centers. The staff of the Sremska Mitrovica Institute of Public Health visited the centers regularly.

Unaccompanied minors had been identified at all centers. Those cases were immediately reported to the Šid Social Welfare Center, whose professionals came to the centers daily to provide protection to those minors; they were also available by telephone 24/7 in case of emergency. All centers had child-friendly spaces, appropriately outfitted child day care rooms (wall color, furniture etc.) where professionals worked with children, with funding provided by civil society organizations. There were pregnant women and new mothers at the centers; deliveries were performed in the Sremska Mitrovica hospital. Work in the child-friendly spaces included education. Diapers, baby food and hygiene supplies for women and children were provided by humanitarian organizations. Gynecological and pediatric examinations were provided in the same manner as other specialist examinations; however, at the Šid Reception Center, children were examined by the doctor working there, who consulted a pediatrician from the Šid Primary Health Care Center when needed.

Blankets, bedclothes, clothes and footwear were mainly provided through donations. Each center had some stocks of these items, and they were supplied from the central warehouse in Irig. The Commissariat staff highlighted frequent misuse of the provided items by migrants: they took more than was intended for them, they did not take care of their items or launder them, etc. Schedules had been made for periodic laundering of blankets and bedclothes at the expense of humanitarian organizations, off the centers' premises, considering that the washing machines available at the centers could not launder such high quantities of items. Migrants hand washed their own clothes, also owing to the insufficient capacities of the existing laundry rooms. At the Adaševci Reception Center, according to the information received, all the items were laundered in 10 washing machines.

Humanitarian organizations provided migrants with three meals per day, including at least one cooked meal. The food provided conformed to their religious views and they were informed of this. With a view to keeping track of the food distributed and preventing abuse, migrants had been given forms in which the staff entered the dates of meals distribution and verified them with their signatures. This was also a means of keeping track of how long a specific migrant had been at the center concerned. According to the information received, it was the only copy of the form, and if a migrant lost it, he/she would be provided with a new one.

Sewing workshops were organized for migrants at the centers by civil society organizations. All centers had internet access and the possibility of watching television in common areas. There were also plans to introduce some education programs.

Communication with migrants was facilitated by interpreters or proceeded in English, if the migrant concerned or a member of his/her group understood it. A shortage of interpreters for specific languages had been identified at the centers: the Principovac Reception Center had only 1 Arabic interpreter, the Šid Center – 2 Farsi and 1 Arabic, the Adaševci Center – 1 Arabic and 1 Farsi, but the Farsi interpreter was absent at times. None of the centers had Urdu and Pashto interpreters, although the number of migrants speaking only these languages had been on the increase recently. Over time and with the increase in the number of migrants received at the centers, the problem of the Commissariat staff's inability to communicate clearly with the migrants could jeopardize the staff-migrant relations, lead to the isolation of certain migrant groups with whom communication was not possible or to abuse by the migrants serving as intermediaries in communication between other migrants and the staff, thus aggravating the atmosphere at the centers, which, in turn, could lead to poor treatment of migrants overall.

3.

RECOMMENDATION

The Commissariat for Refugees and Migration shall analyze the needs of the Principovac, Šid and Adaševci Reception Centers for interpreters, taking into account the number and structure of the migrants staying at these centers, and shall hire interpreters for the languages needed, on the basis of such analysis.

In addition to oral instructions given by the staff, migrants were also advised of their rights and obligations through different notices posted within the centers, which were translated mainly into Arabic and Farsi. At the Adaševci Reception Center, the Rulebook Setting the Asylum Center House Rules⁸ was applied, and an excerpt from this Rulebook was translated and visibly displayed. Although it was not an asylum center – an institution providing accommodation and basic living conditions to persons seeking asylum in the Republic of Serbia,⁹ but a reception center – an institution for the provision of temporary care to migrants who, in most cases, had no legal grounds for staying in the Republic of Serbia, came from disadvantaged areas and aimed to reach developed European countries as their final destination, **in the absence of a general regulation setting the house rules for reception centers, the application by analogy of the Rulebook Setting the Asylum Center House Rules is considered a good practice by the NPM, given that an asylum center is, in terms of its purpose, the closest institution to a reception center.** Migrant community leaders had also been designated at the centers; the Commissariat staff had established ongoing communication with them with a view to conveying the necessary information and instructions to migrants.

Sporadic incidents, caused by interethnic intolerance, inebriation and disagreements, as well as mutual accusations of theft occurred among migrants at the centers. There were also mutual accusations of theft. According to the information received, migrants frequently approached the Commissariat staff with different requests, which were accommodated to the extent possible. With regard to maintaining order, they stated that staff presence alone was usually sufficient to prevent or stop disturbances, while more serious situations were addressed by the police. At the Adaševci Reception Center, according to the manager, Commissariat staff who had engaged in a physical confrontation with migrants had been dismissed.

⁸ Official Gazette of the RS No. 31/08

⁹ Law on Asylum (Official Gazette of the RS No. 109/07), Art. 21, para. 1.

The main problem pointed out by migrants during the interviews with the NPM team was the uncertainty of the continuation of their journey. Despite the lists for admission by the Hungarian authorities, many were uncertain whether they were on the list at all, whether and when their turn would come, and found the criteria for determining the order of admission unclear. Understandably enough, they were particularly concerned that they had been in the Republic of Serbia for several months and had no reliable information about whether and when they would be able to continue their journey. This uncertainty and lack of clarity concerning their future and lack of understanding of their situation caused stress to migrants, which was clearly observed by the NPM team members during the visits to the centers and the interviews with them. In addition to these circumstances, migrants had been travelling for extended periods of time, during which many had experienced or witnessed violence, and many had lost or had been separated from family members. Stress would inevitably lead to the deterioration of their psychological state and could lead to conflict situations, both among migrants and between migrants and the staff working at the centers. According to the information in the media¹⁰, a migrant who had stayed at the Adaševci Reception Center had recently committed suicide by hanging in the vicinity of the Center. He had traveled alone and had tried to cross the Hungarian border on his own several times. For these reasons, it was important to provide psychological aid to migrants. At the time, psychologists were available only at the Šid Reception Center. In her interview with the NPM team, a psychologist presented her activities and highlighted the problem of lack of an adequate room for interviews, for which reason she conducted interviews outdoors, on the Center premises, where confidentiality was not ensured. Organized psychological support for migrants was not available at the Principovac and Adaševci Reception Centers; however, at the Adaševci Reception Center, according to the manager, there were plans to provide it in the coming period, and a room for interviews had already been provided.

4.

RECOMMENDATION

The Commissariat for Refugees and Migration shall hire professionals to provide psychological aid to the migrants staying at the Principovac and Adaševci Reception Centers.

At the Principovac, Šid and Adaševci Reception Centers, the Commissariat for Refugees and Migration shall provide separate offices for migrants' confidential interviews with the professionals providing psychological aid.

According to the information available to the Commissariat staff, some migrants attempted to cross the border with the Republic of Croatia on their own, but were prevented from doing so by Croatian police officers and consequently returned to the centers. According to the information received, there were fewer cases of the application of means of coercion on migrants by Croatian police officers than had been the case in the past, but such cases still occurred: at the Šid Reception Center, the staff stated that one migrant had been returned after a failed attempt to cross the border between the Republic of Croatia and the Republic of Slovenia, with injuries that, by his own account, had been inflicted by the Croatian police. This event had been reported to the Commissariat and the police. The migrant had received medical assistance in the Sremska Mitrovica hospital, and his injuries had been photographed

¹⁰<http://www.rts.rs/page/stories/sr/story/135/hronika/2537592/migrant-izvrsio-samoubistvo-u-sumi.html>, accessed on 7 December 2016.

by the Commissariat staff. Copies of medical reports were kept at the Center, and a photograph of the injuries on the migrant's body – in a Commissariat staff member's telephone.

The NPM is of the view that it is a good practice to document in reports the migrant's claims that other countries' police officers caused him injuries, to photograph the injuries and prepare medical reports, and report the case to the police, which is consistent with a recommendation from the previous NPM Report on the Mission to the Adaševci and Šid Reception Centers.

3. Principovac Reception Center

The Principovac Reception Center had been reopened in July 2016; since then, 1619 migrants had stayed there. On the day of the visit, 411 migrants were staying at the Center: 155 men, 67 women, 104 boys and 85 girls; out of the total number, there were 70 single persons and 7 unaccompanied minors. There were the most people from Afghanistan (184), followed by those from Syria (83), Iraq (49), Iran (33), Pakistan (30) and Cuba (11). According to the information received, most migrants staying at this Center had previously stayed on the Hungarian border. Immediately before the visit, one migrant woman had given birth in the Sremska Mitrovica hospital; she and the baby were staying at the Center. None of these migrants had declared the intention to seek asylum in the Republic of Serbia, although all had been registered by police officers in the previous two days.

The Center's official capacity was 270 beds: 150 in the former hospital building and 120 in prefabricated structures, which were solid and furnished with beds and heating appliances. The remaining migrants were accommodated in tents erected in the yard owing to a shortage of places. In these tents, they slept on blankets spread on the floor; the tents were heated with wood-fired heaters and equipped with carbon-monoxide alarms. According to the information received, there were plans to build two additional prefabricated accommodation structures and a fence around the Center, as well as to repair the sanitation containers. The dormitories in the building contained 6-8 beds each, or 10 beds in some cases. Migrants of the same ethnicity were mainly placed in one dormitory, although they were mixed within blocks and had daily contacts.

The Commissariat staff worked in seven-day tours, with 7-8 staff, including both men and women, in each tour. Police officers were present 24/7. Common rooms were covered by 16 cameras, which were accessible to the Commissariat staff. In the rooms under video surveillance, there were no displayed notices to that effect. Five housekeeping workers also worked every day.

5.

RECOMMENDATION

In the rooms under video surveillance at the Principovac Reception Center, the Commissariat for Refugees and Migration shall visibly display notices to that effect, in languages understood by the migrants staying at the Center.

According to the medical staff, about 30 to 40 medical examinations were performed per day. There were migrants with chronic diseases at the Center; they were referred to health care institutions in Šid and Sremska Mitrovica for specialist examinations as needed. Migrant women were taken to the Šid Primary Health Care Center for gynecological examinations

once per week. There was a sufficient supply of medicines. At the time of the visit, 3 migrants had body lice, and 1 had scabies.

A large number of migrants from Afghanistan, Syria and Iraq travelling on their own or with family members and one female unaccompanied minor were interviewed. They had stayed at the Center for several months and were waiting for their turn to be admitted to Hungary. Given that the lists were no longer displayed and that some migrants who had arrived at the Center after them had been admitted before them, some had doubts about the regularity of the entire procedure. They reported problems encountered while travelling, such as hunger, fatigue and travelling on foot, as well as ill treatment by the Macedonian and Greek police (they mentioned being hit with truncheons, insulted and shoved). None said that they had declared the intention to seek asylum in the Republic of Serbia and all stated that they wished to reach developed European countries (Germany and Austria). They had been advised of their rights and obligations at the Center; they had no objections to the treatment by the Center staff or the police officers of the Republic of Serbia; they had no problems with other migrants staying there; their greatest problem was the uncertainty when they would be able to cross the border. They stated they had full freedom of movement and were not banned from leaving the Center. They had undergone medical examinations upon arrival at the Center; they had no objections to health care or nutrition, but they highlighted a shortage of hot water and poor cleanliness of toilets and bedclothes. Mothers with children stated they received baby hygiene packages, containing diapers, creams and shampoos, and complained about not getting enough baby food and a shortage of children's clothes. As a particular problem, they pointed out that no arrangements were made for children's education and that they had been out of school for 2 years.

During the interviews, the NPM team members' attention was drawn to the aggravated psychological state of all the people staying at the Center, caused by waiting and uncertainty, and the lack of sufficient psychological support and adequate treatment was pointed out. With a view to facilitating communication, they highlighted the need to provide a Farsi interpreter at the Center.

4. Šid Reception Center

The Šid Reception Center had been reopened in August 2016; since then, 1332 migrants had stayed there. On the day of the visit, 574 migrants were staying at the Center: 52 men, 59 women, 82 boys and 52 girls in families, and 265 single persons and 64 unaccompanied minors. There were the most people from Afghanistan (254), followed by those from Pakistan (154), Iraq (78), Syria (39), Iran (31) and Bangladesh (16). Registration by the Ministry of the Interior had been commenced on 28 November and was planned to be completed by 5 December 2016.

The Center's official capacity was 462 places, and additional 22 places would become available in the coming period as a result of an extension. The Commissariat staff pointed out that this Center was exposed, as it was situated in a settlement, in the immediate vicinity of a coach station, and migrants often attempted to climb over the fence and enter the Center undetected, and succeeded in it. In case it was not possible to accommodate new migrants, they were instructed to report to the police station in order to be taken or referred to a facility where there was available capacity by the police officers. There were also problems with the local population: some had a problem with the migrants' presence, while retailers and providers of some services generated additional earnings from migrants' consumption in Šid.

According to the Commissariat staff, an additional accommodation facility and a new sanitation block were under construction, and an improved heating system would be put into operation the following week. There were also plans to make the laundry room operational.

The Commissariat staff worked in seven-day tours, with 8 staff, including both men and women, in each tour. In addition, the local population was still employed by the Commissariat. According to the information received, police officers were present 24/7. According to the Commissariat staff, the police had intervened on multiple occasions, but, to their knowledge, there had been no criminal charges. There was no video surveillance at this Center. Four housekeeping workers also worked every day.

A doctor and a psychologist, who were working at the time of the visit, were interviewed. The doctor pointed to the problem of shortage of medicines and stated that she performed about 50 examinations per day and that, in order to prevent the transmission of diseases, migrants underwent comprehensive health checks upon reception and health screening every 8-10 days. At the time of the visit, there were 187 migrants with body lice, 2 with scabies and 3 with chickenpox (varicella), who were in isolation. In the past, there had been 1 migrant with malaria, who had been treated at the Clinic for Infectious and Tropical Diseases of the University Hospital Center of Serbia; 2 migrants were hospitalized in the Sremska Mitrovica hospital at the time of the visit. Dental and gynecological examinations were available on dedicated days at the Šid Primary Health Care Center. The doctor stated that migrants with injuries came for examinations every day, that she reported traumatic injuries to Doctors of the World (the organization that employed her) and that they passed the information on.

Patient files were completed in English and handed over to migrants on their departure from the Center in order to facilitate continuity of health care after they left the Republic of Serbia. This is considered a good practice by the NPM.

The psychologist conducted 7-10 interviews with migrants per day; a majority of patients were women, who mainly came to her because of trauma resulting from violence experienced during the journey to the Republic of Serbia or while being returned to our country from the Republic of Croatia. The psychologist provided support, performed clinical assessments and, where needed, referred them to a psychiatrist for specialist examinations. She also cited cases of violence against a minor migrant by local children during the previous week and suspicion of exploitation of a minor migrant with disability, who had been placed in the Šid Reception Center by the Šid Social Welfare Center; however, he had left shortly afterwards, out of fear of deportation.

6.

RECOMMENDATION

The Commissariat for Refugees and Migration shall take measures to ensure the availability of sufficient quantities of medicines for the treatment of the migrants staying at the Šid Reception Center.

The Commissariat for Refugees and Migration shall take measures to ensure that the traumatic injuries found on migrants which are suspected to be a result of violence against them are reported by the doctors working at the Šid Reception Center to the Center manager.

The child-friendly space coordinator was interviewed as well. In addition to her – a specialized psychologist by background – an entire team worked at the space: a pedagogist, a facilitator (who had 1-2 workshops with children per week), 2 interpreters (an Arabic interpreter had 3-4 organized activities with children, and also gave them English lessons), and a sports facilitator (who worked with older children). Adolescents had computer literacy training and were involved in peer learning (teenage girls read stories to children). There was a separate mother-and-baby corner, for mothers with children up to the age of 2, where they had access to the necessary learning and advice on child nutrition and care. Baby food and diapers were provided, and the corner also had 3 shower cubicles, mainly used by mothers and children. Two nurses were also present 24/7, in two shifts. Unaccompanied minors were given special attention and additional efforts were made to reunite them with their primary families. A case of an unaccompanied girl was mentioned: a foster family had been found for her, but she had declined to leave the Center. The coordinator stated that children mentioned various difficulties encountered along the way, but did not mention having experienced violence themselves (they mainly said that their mothers had experienced violence, mostly in Bulgaria).

Several migrants were interviewed; they complained to the NPM team members about the conduct of the Commissariat staff and the living conditions. A migrant woman stated that the Center staff had once beaten her husband severely in front of their underage son, who was still traumatized by the event. According to her, the incident occurred after her husband had requested food for the family, as they had not been given any food all day, unlike other families. The staff had then beaten him with electric truncheons and called the police. As her husband had sustained a severe arm injury on that occasion, he had requested the doctor to photograph the injuries. The doctor, she said, had been extremely rude, had refused to do so and told him to seek psychiatric treatment. They had not reported the event as there had been nobody to report it to. She presented a judgment, which showed that her husband had been prosecuted for a misdemeanor and fined 20,000 dinars for disturbing the peace. After this, several other migrants stated they had been beaten and ill-treated by the Center staff, which was confirmed by about 20 migrants present. They stated that, after the experience of the abovementioned Afghanistan man, they did not offer resistance, as they could not afford to pay fines, did not want to be imprisoned and had no way of proving their innocence. All these migrants also stated that the staff's attitude to them changed depending whose shift it was, and that on a few occasions they had seen women being hit. One migrant woman gave an example: during a fight between her husband and another migrant, she had tried to separate them, a Center staff member had intervened and pushed her to the ground; another migrant woman stated that a Center staff member had shouted at her and pushed her roughly when she wanted to accompany her mother to a medical examination. They added that the staff were, in general, very uncivil and had no respect for women, that, despite not understanding the language, they had the impression that they were sworn at and called names, and that it was very difficult to establish communication with the staff and obtain information from them.

The above indicated that the Commissariat staff's conduct towards the migrants staying at this Center gave rise to numerous complaints. Such problems had not been encountered by the NPM at other reception centers and migrant accommodation facilities visited so far. In addition, during the visit, the Commissariat staff in charge of the Center – the coordinator and the shift leader – stated that they had no knowledge of mistreatment on the part of the Center staff, i.e. that they had not received any complaints from migrants. In view of the above, and considering that migrants will be staying at the centers for extended periods of time, the NPM

is of the view that the Commissariat should take measures to prevent any inadequate treatment of migrants by the staff.

7.

RECOMMENDATION

The Commissariat for Refugees and Migration shall install video surveillance in all common rooms and the yard at the Šid Reception Center and visibly display notices to that effect, in languages understood by the migrants staying at the Center.

The Commissariat for Refugees and Migration shall ensure the storage of video surveillance recordings for at least 30 days.

The Commissariat for Refugees and Migration shall establish an efficient mechanism for complaints against the persons working in migrant and asylum seeker accommodation facilities and shall investigate all claims of mistreatment with due diligence.

In all migrant and asylum seeker accommodation facilities, the Commissariat for Refugees and Migration shall display notices about the possibility of and procedure for filing complaints against the persons working in those facilities, as well as the information about the relevant organizations that can provide them assistance in this.

The interviewed migrants further stated that they had undergone full medical examinations on reception to the Center, that follow-up medical checks were performed every 7 days because of body lice, and that medical assistance was provided as needed, but that they purchased everything except pain relief medicines. Some were concerned that they might be expelled from the Center at any time, as they did not have any papers. They also noted that the cleanliness situation was very poor and that the facilities had been cleaned shortly before the NPM team's arrival. They complained about a shortage of shower cubicles, hot water and personal hygiene products: according to them, there were 40 families per shower cubicle, they were provided with 3-4 shampoo sachets per 7 days for a family of 9, and toilet paper was not provided. Some migrants pointed out that, for these reasons, they were compelled to shower in the nearby hotel. The NPM team observed that the rooms used for interviews were not heated, there was moisture on the walls, cleanliness was poor and windowpanes were missing - instead, mattresses had been put against windows to prevent the ingress of outdoor air. They also stated that internet access was available, but the connection was very weak. There were no significant objections to nutrition, but some noted it was monotonous.

The NPM expects that, once the abovementioned accommodation structure and sanitation block are built and the heating system improved, the living conditions at the Šid Reception Center will be improved.

The interviewed migrants stated that they had entered the Republic of Serbia in the previous few months and intended to reach developed European countries; they also stated that they were allowed to leave the Center, but were required to return by 10 PM.

A migrant from Syria raised objections to the treatment by police officers from Dimitrovgrad: according to him, two months before, after entering the Republic of Serbia together with 12 more migrants, including children, the police had forcibly returned him to the Republic of Bulgaria. By his own account, police officers had transported them to the Bulgarian border by truck and told them to return there. He provided the NPM team with the license plate number of the Ministry of the Interior's vehicle used by the police officers: BG 330-ŠN. In Bulgaria,

they had spent 21 days in a closed camp, and then succeeded in crossing the border between Bulgaria and Serbia again, with the assistance of smugglers. **The NPM wishes to receive comments about these claims from the Ministry of the Interior.**

8.

RECOMMENDATION

The Ministry of the Interior shall investigate the claims of the involvement of the police officers using the government-provided vehicle with the license plate number BG-330-ŠN in the forced return of migrants from the Republic of Serbia to the Republic of Bulgaria.

5. Adaševci Reception Center

The Adaševci Reception Center had been reopened in July 2016; since then, 2623 migrants had stayed there. On the day of the visit, 1009 migrants were staying at the Center: 320 men, 198 women, 291 boys and 200 girls; out of the total number, there were 134 single persons and 49 unaccompanied minors. There were the most people from Afghanistan (474), followed by those from Iraq (242), Syria (136), Pakistan (68) and Iran (51). Four newborn babies and 17 children under the age of 1 were staying at the Center.

In contrast to the other two centers visited, 310 migrants holding certificates of having declared the intention to seek asylum were staying at this Center. With these certificates, they had been referred to the Adaševci Reception Center as the asylum centers' capacities were filled; most of the certificates had been issued by the Belgrade and Sremska Mitrovica Police Departments. Despite this, Asylum Office staff had not come to the Center.

9.

FINDINGS

The Asylum Office had not performed the registration or taken the other actions stipulated by the Law on Asylum in respect of the migrants who held certificates of having declared the intention to seek asylum in the Republic of Serbia and who had been referred to the Adaševci Reception Center.

REASONS

An authorized Asylum Office staff member shall perform the registration of an alien and his/her family members.

Registration shall comprise:

- 1) establishing identity;*
- 2) photographing;*
- 3) taking fingerprints and*
- 4) temporarily holding all documents and papers that may be relevant to the asylum procedure; a receipt for the documents held shall be issued to the alien concerned.*

An alien in possession of a passport, identity card or other identity document, residence permit, visa, birth certificate, passenger ticket, or other document or paper relevant to the asylum procedure shall submit them upon registration or filing of the asylum application, or at the latest by the hearing.

Upon registration, the alien concerned shall be issued with an asylum seeker's identity card.

An alien who deliberately impedes, evades or refuses the registration referred to in paragraph 1 of this Article may not file an asylum application.

The modality of performing the registration referred to in paragraph 1 of this Article shall be prescribed by the Minister.¹¹

The Asylum Office shall provide authorized Office staff on duty at each asylum center each day. Immediately after an alien who has declared the intention to seek asylum is received in the Center, an authorized Asylum Office staff member shall register him/her in conformity with the Law on Asylum; following this, he/she shall be issued with an identity card, on which occasion the need to impose a movement restriction on the person concerned (placement in the Aliens Shelter under increased police supervision or ban on leaving the Asylum Center, a specific address or a specific area) shall be assessed on a case-by-case basis.¹²

RECOMMENDATION

The Asylum Office shall take the actions stipulated by the Law on Asylum in respect of the migrants who hold certificates of having declared the intention to seek asylum in the Republic of Serbia and who have been referred to the Adaševci Reception Center.

A number of migrants had been transferred to this Center from informal gathering points (parks etc.). Registration by the Ministry of the Interior was expected to commence on 5 December 2016. In addition to the uniform records kept by all centers, the Center kept detailed records of the distribution of migrants by dormitories.

At the time of the visit, the Center only received migrants referred there by the police. In case they had no documentation to that effect, migrants were not received; instead, they were instructed to report to the police station.

The Center's official capacity was 1080 beds. According to the Center manager, bedclothes and hygiene products were in short supply.

10.

RECOMMENDATION

The Commissariat for Refugees and Migration shall provide sufficient supplies of bedclothes, personal hygiene and cleaning products at the Adaševci Reception Center.

Between 14 and 16 Commissariat staff worked in three shifts. Men accounted for about 80% of the staff. Given that almost two thirds of the migrants at the Center were women and children, the NPM is of the view that the number of female staff should be increased.

11.

RECOMMENDATION

The Commissariat for Refugees and Migration shall increase the number of female staff at the Adaševci Reception Center.

In addition to them, about 20 people worked on maintenance and similar tasks; of these, 9 were housekeeping workers, who worked in 3 shifts, with 3 in each shift. According to the information received, police officers were present 24/7. Common rooms were covered by 16 cameras, of which 3 were not operational at the time of the visit, and which were accessible to

¹¹ Law on Asylum, Art. 24.

¹² Ombudsman's Recommendation No. 75-6/14, dated 10 February 2014, recommendations 5.2 and 5.3.

the Commissariat staff. The recordings were stored for 1 month. In the rooms under video surveillance, there were no displayed notices to that effect.

12.

RECOMMENDATION

In the rooms under video surveillance at the Adaševci Reception Center, the Commissariat for Refugees and Migration shall visibly display notices to that effect, in languages understood by the migrants staying at the Center.

Given that more than one half of the migrants were children, the operation of the child-friendly space was of particular importance. Children were divided into activity groups based on age and sex; computer literacy training, screening of cartoons and English and German courses were organized for them. Activities for new mothers and pregnant women were also provided at the child-friendly space.

There was a store within the Center, with the prices of foodstuffs at the normal market levels. There were plans to organize the provision of psycho-social assistance and to outfit a kitchen with a capacity for 1500-2000 meals, where cheaper and higher-quality food would be prepared in quantities sufficient for the migrants in all three centers. In the coming period, the migrants would be surveyed about their nutritional preferences and needs.

An interview was conducted with a doctor and a nurse working at the Center; they stated that 70-120 examinations were performed per day in all 3 shifts (as stated above, medical staff was present at the Center 24/7). According to the information received, there were cases of migrants with traumatic injuries, which were mainly sustained in brawls among them. An internal medicine specialist came to the Center twice per week, a pediatrician – once or twice per week, and psychiatric consults were performed at the Šid Primary Health Care Center, as were gynecological and dental examinations. At the time of the visit, 49 migrants had body lice, and 5 or 6 had scabies.

Interviews with several migrants, including both men and women, were conducted at this Center as well; most interviewees were travelling with families, including children. They complained about the difficult journey owing to fatigue and hunger, about the conditions in the Greek camp in which they had stayed, and about being robbed by smugglers. They had no objections to the treatment by the Serbian police. They stated that they had stayed at the Center for several months, that uncertainty was high, that children were crying constantly and that many people's psychological state had deteriorated. At this Center, people were also interested when their turn for admission by the Hungarian authorities would come and expressed their doubts about the regularity of the procedure. They were provided with everything the children needed (diapers, baby food etc.), and pregnant women had access to regular medical examinations. As regards problems at the Center, they stated that food was very bad, it was served cold, and they were not allowed to take any food into their rooms. Some noted the problem of poor cleanliness, hot water shortage and inadequate heating in the rooms, and most complained about a shortage of personal hygiene products. According to the information received, the tents were heated at the time of the NPM visit, as heating had been turned on before the visit. They also pointed out that clothes and footwear were not provided to all on an equal basis: migrants aged 7-18 received both clothes and footwear, while those over 18 got clothes only. There were also objections to health care provision: several migrants complained about not being provided access to specialist examinations,

although they had requested them from the doctors working at the Center. One migrant woman stated that she had not been taken to a dentist; another said that she had a cast on her leg and that, because she was in pain, she had been requesting an examination for 3 weeks without success. One migrant complained that his wife was in a very bad psychological state, that she had not been provided with any psychological support or a medical examination, and that he was afraid she might take her own life. Some migrants talked about the Commissariat staff's poor and impolite attitude towards them.

13.

RECOMMENDATION

The Commissariat for Refugees and Migration shall investigate the claims of denying specialist examinations to the migrants staying at the Adaševci Reception Center, and in the event any deficiencies are identified, it shall take measures to improve access to specialist health care.