



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
281-25/17
Belgrade



Заштитник грађана
Zaštitnik građana



BEOGRADSKI CENTAR
ZA LJUDSKA PRAVA

Ref. No. 11368 Date: 21 March 2017

NATIONAL PREVENTIVE MECHANISM

MONITORING OF THE FULFILMENT OF RECOMMENDATIONS

Report on the Visit to the Reception Centre in Šid

Belgrade, March 2017

MANDATE OF THE NATIONAL PREVENTIVE MECHANISM

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

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

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

The Protector of Citizens has formed a separate unit, the “National Preventive Mechanism Secretariat”, which performs NPM professional duties, pursuant to the NPM’s remit defined in Article 4 of the Optional Protocol to the Convention against Torture. The Secretariat is managed by the NPM Secretary, who operates in accordance with the guidelines issued by the Deputy Protector of Citizens charged with the rights of persons deprived of liberty.

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

Pursuant to the procedure implemented after the publication of the Public Call³, the Protector of Citizens selected the following associations with which it will cooperate in performing NPM duties: the Belgrade Centre for Human Rights (BCHR), the Victimology Society of Serbia, Group 484, the Mental Disability Rights Initiative - Serbia (MDRI-S), the Committee of Human Rights Lawyers (YUCOM), the International Aid Network (IAN), the Human Rights Committee - Valjevo, the Helsinki Committee for Human Rights in Serbia and the Human Rights Centre - Niš.

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

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

² Signed on 12 December 2011.

³ Published in the Official Gazette of the Republic of Serbia on 29 January 2016.

MAIN INFORMATION ABOUT THE VISIT

VISITED INSTITUTION	Reception Centre in Šid
PURPOSE OF THE VISIT	Monitoring of the Fulfilment of Recommendations
VISIT CONDUCTED BY	Protector of Citizens in cooperation with the Belgrade Centre for Human Rights
DATE OF VISIT	13 March 2017
NOTICE OF VISIT	The visit was not pre-notified
VISIT TEAM	<p>Team Leader: Marko Anojčić, <i>Professional Service of the Protector of Citizens /NPM</i></p> <p>Team Members: Jelena Samardžić, <i>Professional Service of the Protector of Citizens /NPM</i> Marko Vasiljević, <i>Belgrade Centre for Human Rights</i></p> <p>Interpreters: Milena Roaji, <i>Farsi interpreter</i> Raduan Mansouri, <i>Arabic interpreter</i></p>

COOPERATION OF THE OFFICIALS WITH THE NPM TEAM

The Šid Reception Centre staff cooperated with the NPM Team, providing it with the information it sought and unimpeded access to the available documentation, as well as private interviews with migrants of its choice. The NPM Team did not have insight in the following documents: the regular report on the events during the week preceding the day of the visit (the 6-12 March report), which had not been drafted yet and was communicated to the NPM Team subsequently; medical records of the second shift (from 4 pm to midnight) were locked in a cabinet and the key of the cabinet was with the staff working that shift.

COURSE OF THE VISIT

After familiarising the Reception Centre shift manager with its mandate, NPM Team members and the purpose of the visit and obtaining the relevant information, the NPM Team interviewed the medical staff and the staff of the Commissariat for Refugees and Migration (hereinafter: CRM) engaged in this Reception Centre, perused the available documentation and toured the newly-built facilities and premises. The NPM Team then split into two groups and interviewed the migrants. It concluded its visit by sharing its main impressions with the CRM staff.

1. INTRODUCTION

On 2 December 2016, the NPM visited the Reception Centres in Principovac, Šid and Adaševci, with a view to monitoring the relevant authorities' treatment of migrants. In its Report on these visits,⁴ it issued a total of 13 recommendations to the relevant authorities outlining measures to eliminate the identified shortcomings and improve their treatment of migrants and asylum seekers; six of these recommendations regarded the treatment of migrants in the Šid Reception Centre (all six were addressed to the CRM). In its letter on fulfilment of the recommendations,⁵ the CRM said five recommendations had been fulfilled and that the fulfilment of one recommendation needed to be monitored.

During its previous visit, the NPM Team heard many complaints from the migrants about how they were treated by CRM staff, notably about the physical abuse and degrading oral communication. With a view to precluding improper treatment, the NPM Team recommended that the doctors report to the Centre Manager any injuries of migrants that might have been the consequence of violence, to install video surveillance in the Centre and to put in place a complaint mechanism in this and other Centres accommodating migrants. In its letter, the CRM said the Šid Reception Centre doctors reported any injuries of migrants that might have been the consequence of violence; that it lacked funds in its budget to install video surveillance but that it would lobby the donors and try to raise these funds; and that a mechanism for filing complaints about the work of the Centre staff has been put in place and that it would be enforced in other Asylum and Reception Centres if it proved efficient in the Šid Centre.

Unfortunately, the NPM Team heard similar complaints from the migrants it interviewed during this visit as well. Most of them said they had witnessed inadequate treatment of other migrants by the Centre staff. They said that some staff were good and some were bad and that they had the most problems with the second shift staff (that worked in the week preceding the NPM Team's visit). They said that during their months-long stay in the Centre, they have witnessed CRM officers kicking migrants, hitting them with sticks, yelling at and insulting them, and threatening to throw them out of the Centre or expelling them from Serbia. Some migrants said the staff had torn up their documents (their meal registration forms). The large number of these allegations, especially the fact that the same complaints were voiced by a number of migrants both this time round and during the previous visit, all the more demonstrate the **necessity of taking preventive measures to protect the migrants from inadequate treatment and of putting in place mechanisms for reviewing such allegations and taking the relevant measures against the perpetrators.**

⁴ Report on the Visits to the Reception Centres in Principovac, Šid and Adaševci No. 281-98/16, Ref. No. 48887, of 12 December 2016.

⁵ Enactment No. 019-850/3-16 of 8 March 2017.

2. SITUATION ON THE DAY OF THE VISIT

There were 638 migrants staying at the Reception Centre on the day of the visit – 293 were nationals of Afghanistan, 184 were nationals of Pakistan, 79 were nationals of Iraq, 35 were nationals of Syria and 23 were nationals of Bangladesh. Over half of the migrants (348) were over 18 years old; 165 were minors, 52 of them unaccompanied; 107 were women (both adults and minors). Two children suffering from cerebral palsy were also staying at the Centre with their families – one of them, 4-5 years old, uses a wheelchair, the other is several months old.

The following construction works were completed in the Centre since the NPM Team's prior visit: the expansion of the accommodation capacities (from 462 to 550), the construction and equipping of the sanitary block, the extension of central heating and the equipping of the laundry room. The following works are planned in the forthcoming period: replacement of windows, installation of heating in the last room and the replacement of old beds and mattresses with new ones. There are no plans to further expand the Centre's accommodation capacity.



The staff said the Centre had enough room for all the migrants staying at the Centre, although their number exceeded the number of beds, because the children were sharing beds with their parents. The new sanitary block in the yard is divided into men's and women's sections and has showers and wash basins; there is also a separate disability-friendly toilet in the women's section. The Centre is heated by pellets and all but one room are covered by the central heating. The laundry room is equipped with two washers and two dryers, which the migrants use to wash their clothes in accordance with the pre-defined schedule. However, although the machines wash fifteen loads of clothes a day, it is impossible to wash everything because of the large number of migrants. The interviewed migrants said they had been waiting for more than a month to wash their clothes because there were not enough washing machines.

The NPM acknowledges the efforts invested in providing the migrants in the Šid Reception Centre with adequate living conditions, especially the extension of central heating in the Centre and the construction of the sanitary block. However, during its tours of the rooms the migrants are accommodated in, the Team noted that they were fusty and dirty. Despite the visibly displayed no smoking signs, the migrants smoke in these rooms and some of them prepare and eat their meals in them, which aggravates the state they are in. Dozens of people are accommodated in the rooms in the yard, which lack adequate ventilation. Furthermore, the bed linen and blankets are old and dirty; the CRM staff said they would soon be replaced with new ones. The interviewed migrants also complained to the NPM Team about the poor hygiene and the state of the bed linen and beds.

Most of the interviewed migrants complained of insufficient and unvaried meals. They said the Centre did not provide milk for the children and recently stopped giving them bottled water and that the tap water did not seem fit for drinking.

3. REGISTRATION BY THE MINISTRY OF INTERIOR

The Ministry of the Interior (hereinafter: MOI) notified the Protector of Citizens that, with a view to precisely determining the status of all migrants at the Asylum and Reception Centres, it has undertaken activities to familiarise them with their rights to protection and to apply for asylum in Serbia and that it would initiate the procedure under the Asylum Law with respect to all migrants who wanted to seek protection once it interviewed all of them.⁶ During its visit, the NPM Team found that MOI officers had registered all migrants present in the Reception Centre several months ago but that Asylum Office staff has not visited the Centre. The records include the registration numbers, dates of registration, names of the migrants, their dates of birth and countries of origin. The migrants were given their registration numbers but not issued any certificates thereof. Every new arrival must first report to the local police administration and register. To the best of the CRM staff's knowledge, migrants accommodated in this Centre do not have certificates of intent to seek asylum. The interviewed migrants confirmed they had been registered by the police, adding they were fingerprinted at the time. They, however, said they did not want to stay in Serbia. Some said they thought no-one here wanted them to.

⁶ MOI - Police Directorate - Border Police Administration enactment 03/8 No. GZ 28-2223/16-4 of 12 January 2017.

4. FULFILMENT OF RECOMMENDATIONS

1.

2016 RECOMMENDATION

The Commissariat for Refugees and Migration is to take measures to ensure conditions for the accommodation of persons with disabilities in the Šid Reception Centre.

ACTIONS TAKEN TO FULFIL THE RECOMMENDATION

The new sanitary block in the Centre yard has a disability friendly toilet with a wheelchair access ramp. The toilet is locked and the key can be obtained from the CRM staff.



The child with cerebral palsy, who uses a wheelchair, is accommodated in a regular room in the Centre together with his family. The room is located in one of the facilities made of durable material, in which families with children are accommodated.

2.

2016 RECOMMENDATION

The Commissariat for Refugees and Migration is to take the adequate measures to ensure sufficient quantities of hot water for the Šid Reception Centre residents.

ACTIONS TAKEN TO FULFIL THE RECOMMENDATION

According to the Centre staff, the upgraded central heating system facilitated the heating of sufficient quantities of water. Electricity is also used to heat the water. Hot water is available round the clock in the facilities made of durable material and from 9 or 10 am to 9 pm in the new bathrooms in the yard.

The migrants staying in the facilities made of durable material confirmed they had access to hot water, but said that there were not enough bathrooms to satisfy the needs of all the migrants accommodated there. Some migrants said that this was why they bathed in the rooms they were staying in. On the other hand, migrants staying in the Centre yard said that the hot water was used up soon after it was turned on, within an hour or two, preventing all migrants who wanted to shower to do so. They also complained of the lack of bathrooms. During their tour of the new bathroom in the yard, the NPM Team members saw for themselves that there was no hot water in it at that time.

The NPM thus reiterates its recommendation.

3.

2016 RECOMMENDATION

The Commissariat for Refugees and Migration is to analyse the Šid Reception Centre's needs for interpreters, taking into account the number and breakdown of the migrants in the Centre and engage interpreters for the languages the Centre needs.

ACTIONS TAKEN TO FULFIL THE RECOMMENDATION

An Arabic interpreter is constantly present in the Centre. The Centre has not engaged interpreters for other languages, wherefore the staff communicate with migrants not speaking Arabic in English, either directly, or with the help of other migrants

Farsi-speaking migrants complained to the NPM Team that hardly any of them spoke English and that they had trouble explaining their problems to the Centre staff. When they need to communicate with the staff, they first have to find someone who speaks English and take him with them to talk with the staff.

4.

2016 RECOMMENDATION

The Commissariat for Refugees and Migration is to secure a separate office in the Šid Reception Centre, where migrants can have confidential conversations with experts extending them psychological support.

ACTIONS TAKEN TO FULFIL THE RECOMMENDATION

The Reception Centre psychologist still does not have a separate office in which she can have confidential conversations with migrants in need of support. The staff said that the plan was to cede the offices now used by police officers to the health service, because the round the clock duty of the police officers was to have been cancelled. This plan has, however, been abandoned and the health service has only one office at its disposal.

The psychologist, with whom the NPM Team talked, said she had just started working and that she has noticed in the short while she has been here that the migrants were anxious, for the most part because of the uncertainties regarding their onward journey. She is familiar with her obligation to report all cases of violence against migrants to the organisation that engaged her.

The NPM thus reiterates its recommendation.

5.

2016 RECOMMENDATION

The Commissariat for Refugees and Migration is to take measures to ensure that sufficient quantities of medications are available for the treatment of the migrants staying at the Šid Reception Centre.

The Commissariat for Refugees and Migrants is to take measures to ensure that doctors engaged in the Šid Reception Centre report to the Centre Manager all traumatic injuries they suspect were the consequence of violence against the migrants.

ACTIONS TAKEN TO FULFIL THE RECOMMENDATION

The medical staff has been working in the Reception Centre in two shifts, from 8 am to midnight, since 26 July 2016. Mobile teams no longer cover the night shift in this and other nearby Reception Centres and the Šid Out-Patient Health Clinic is now called in out of hours. The doctor said that all the therapies were provided by humanitarian organisations and that the Centre had sufficient supplies of medications. Sometimes, the ill migrants need specific medications; their procurement takes some time.

The migrants said they received their medications, but complained about the scope of health care they were provided with because, as they claim, all they get are medications. This is why some of them use the services of private health institutions. Some migrants said they had to buy the prescribed medications themselves.

Non-medical staff does not attend the examinations, as the interviewed migrants also confirmed. Sometimes, another migrant from the patient's group attends the examination to interpret, if the patient does not speak English. To facilitate communication, there is a poster on the wall of the doctor's room with the translations of the terms the medical staff frequently use in languages understood by most migrants.

Migrants injured in physical clashes are treated in the Centre doctor's room and, if necessary, in the nearby health institutions. Under the procedure of the organisation that engaged the medical staff working at the time of the visit, the doctor reports all identified consequences of violence against migrants exclusively to the organisation that hired her (she e-mails them documents called "*violence reports*"); the organisation is to notify the relevant institutions of such instances, but the doctor could not confirm that this was the case; the migrants' claims on how they sustained the injuries are noted in the examination protocols, in the column Notes. The medical team asks the migrants during the examination what had happened and tries to find out the circumstances of the incident. The doctor said that this procedure was applied in her shift, but that she did know what the staff in the other shift, engaged by another organisation, did when it identified consequences of violence.

The doctor also described an incident that occurred a week or so before the NPM Team's visit, in the evening hours. Although she was not on duty, she happened to be at the Centre and she extended emergency aid to migrants injured in an altercation that had taken place in the Centre. The migrants told her that a fight had broken out among the migrants, in which the CRM staff interceded; some of the migrants said that their injuries had been inflicted by the staff.

6.

2016 RECOMMENDATION

The Commissariat for Refugees and Migration is to install video surveillance of all common rooms and the yard in the Šid Reception Centre and display visible notices thereof in the languages the migrants living in the Centre understand.

The Commissariat for Refugees and Migration is to make sure that the video surveillance footage is kept at least 30 days.

The Commissariat for Refugees and Migration is to put in place an efficient mechanism via which the migrants can complain about the work of staff engaged in institutions accommodating migrants and asylum seekers and is to review all claims of ill-treatment with due diligence

The Commissariat for Refugees and Migration is to display notices in all institutions accommodating migrants and asylum seekers of their right to complain about the work of staff engaged in these institutions and the complaint procedure, as well as information on relevant organisations that can assist them.

ACTIONS TAKEN TO FULFIL THE RECOMMENDATION

Incidents break out in the Centre two or three times a month, usually in the evening hours. They are mostly caused by inebriated single migrants. Accusations of theft have been forwarded to the police, but, according to the migrants, they do not appear to be interested on acting on all the reports. They suspect their things were stolen by migrants staying a night or two at the Centre. Migrants, staying in the Centre with their families, complained that single migrants under the influence of psychoactive substances have been breaking into their dormitories at night and causing problems. They have reported these incidents to the CRM staff, who padlocked the the entrance, but the single migrants have broken these padlocks repeatedly.

The NPM Team again heard accusations about the inadequate treatment of the migrants by the CRM staff – insults, threats and blows, dealt to discipline the migrants, i.e. in reaction to their violations of the Centre house rules. The migrants also said that some staff were rude and did not want to provide them with the information they asked for. They alleged that the migrants traveling alone were treated particularly badly. They described a situation when the CRM staff forced all the migrants to undergo a check-up to see whether they had scabies. No-one was given any food all day, until all the check-ups were completed. A migrant, who asked for food for his child, was beaten up by the staff. Several migrants said that an incident occurred in the food line several days before the visit, which broke out when the migrants quarrelled about who was next in line, and that a CRM staff member interceded and applied physical force to calm them down. They have been reporting these incidents to the organisations working in the Centre.

They, however, stressed that there were staff they had no problems with. Furthermore, some migrants did not voice any complaints about how they were treated by CRM staff and said they had only witnessed clashes among the migrants.

A number of migrants complained about the presence of drugs and alcohol in the camp, which, in their view, is the cause of numerous incidents.

Video surveillance has not been installed in the Centre. Nor has a complaint procedure been introduced. Notices of the migrants' right to complain about the work of the staff and the complaints procedure were not displayed in the Centre either at the time of the visit and the CRM did not know anything about these issues. In addition, the interviewed migrants were unaware who they could complain to about the actions of the staff engaged at the Centre.

According to information the NPM received subsequently, on 16 March 20167, a notice was displayed at the entrance to the Centre on the migrants' right to complain to the Centre Manager about a member of staff and of their right to file a complaint if they were dissatisfied with the Manager's response by e-mailing it to the following address complaints@kirs.gov.rs. The notice also specifies the type of information they should include in their complaints.

In view of the gravity of the migrants' allegations, the NPM expects of the CRM to invest efforts in securing the requisite funding and installing video surveillance in the Šid Reception Centre as soon as possible.

Having perused the 27 February-5 March and 6 March-12 March 2017 weekly reports, the NPM Team ascertained that they did not include information about the incidents that broke out in the Centre during those periods. Timely registration of all extraordinary events, including incidents, and filing of written reports on them to the CRM are important for preventing any improper actions by the staff, for taking measures to maintain order and safety and for properly managing the centres for the reception and accommodation of migrants.

RECOMMENDATION

The Commissariat for Refugees and Migration is to take measures to ensure the Šid Reception Centre weekly reports include information on extraordinary events, including incidents.