



**REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS**

281-7/17
Belgrade



Заштитник грађана
Zaštitnik građana



БЕОГРАДСКИ ЦЕНТАР
ЗА ЛЈУДСКА ПРАВА

Ref. No. Date:

NATIONAL PREVENTIVE MECHANISM

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

Report on the Visit to the Dimitrovgrad Reception Centre

Belgrade, February 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	Dimitrovgrad Reception Centre
PURPOSE OF THE VISIT	Monitoring of the treatment of refugees and migrants by the competent authorities in the Republic of Serbia
VISIT CONDUCTED BY	Protector of Citizens, in cooperation with the Belgrade Centre for Human Rights
DATE OF VISIT	09 February 2017
NOTICE OF VISIT	The visit was pre-notified
VISIT TEAM	<p>Team Leader: Marko Anojčić, <i>Professional Service of the Protector of Citizens /NPM</i></p> <p>Team Members: Jelena Jelić, <i>Professional Service of the Protector of Citizens /NPM</i> Milica Zarin, <i>Professional Service of the Protector of Citizens /Child Rights Department</i> Milena Vasić, <i>Belgrade Centre for Human Rights</i></p> <p>Interpreters: Milena Roaji, Farsi interpreter Raduan Mansouri, Arabic interpreter</p>

COOPERATION OF THE OFFICIALS WITH THE NPM TEAM

The Dimitrovgrad Reception Centre officials fully cooperated with the NPM Team, providing it with all the required information and unimpeded access to the documentation, as well as private interviews with the migrants of its choice.

COURSE OF THE VISIT

After familiarising the Manager of the Reception Centre with the NPM's remit and the members of the Team, the NPM Team split up into several groups, who interviewed the staff and the migrants, perused the Centre records and visited the accommodation facilities. The NPM Team shared its main impressions about the visit with the management at the end.

1. GENERAL INFORMATION

The Dimitrovgrad Reception Centre was opened recently. It admitted the first group of migrants on 26 November 2016 and the last on 28 December 2016. All the migrants were referred to this Centre by the Belgrade Police Administration, after they expressed the intention to seek asylum in Serbia.

The Reception Centre can take in 78 people. Ninety-one migrants were living in it on the day of the visit; one was single, while all the others were families with children. Two small children shared beds or the small children shared beds with their parents. The Centre is not taking in new migrants until its capacity is extended, as planned. None of the migrants had left the Centre for good before the NPM Team's visit.

There are 41 adult migrants (19 men and 22 women) and 50 underage migrants (30 boys and 20 girls) living in the Centre. Fifty-two of the migrants are nationals of Iraq, 17 are nationals of Afghanistan, 15 are nationals of Syria and seven are nationals of Cuba. One girl has been separated from her parents. Three women are pregnant. None of the migrants suffer from disabilities.

Five officials of the Commissariat for Refugees and Migration (hereinafter: CRM) are engaged in this Centre, between three and four of them per shift. The Centre is visited every fortnight by a CRM officer who coordinates the work of several Reception Centres in this part of the country (in Pirot, Dimitrovgrad and Divljana). The Centre is also manned by medical staff and three women engaged by the CRM to maintain hygiene in the Centre. Non-government organisations extending help and support to the migrants are also active in the Centre. Furthermore, police officers tour the Centre twice a day. The officers of the Asylum Office have not yet visited this Centre, although all migrants have been issued certificates of intent to seek asylum.

1.

FINDING

The Asylum Office has not registered or taken any other actions laid down in the Asylum Act⁴ vis-à-vis migrants issued certificates of intent to seek asylum in the Republic of Serbia and staying at the Dimitrovgrad Reception Centre.

GROUND

An authorised officer of the Asylum Office shall register foreigners and their family members.

Registration shall include:

- 1) establishing their identity;*
- 2) taking their photographs;*
- 3) taking their fingerprints, and*
- 4) temporary seizure of all identification papers and documents, which may be of relevance in the asylum procedure, of which a receipt shall be issued to the foreigners.*

Foreigners in possession of passports, identity cards or other identification documents, residence permits, visas, birth certificates, travel tickets and/or other documents or official communication of relevance to the asylum procedure, shall be obliged to submit them upon registration or submission of an asylum application, before their interview at the latest.

Foreigners shall be issued identity cards for asylum seekers upon the completion of their registration.

⁴ Official Gazette of the Republic of Serbia, No. 109/07.

Foreigners who deliberately obstruct, avoid or refuse the registration referred to in paragraph 1 of this Article shall not be allowed to submit asylum applications.

The manner of conducting the registration referred to in paragraph 1 of this Article shall be prescribed by the Minister.⁵

The Asylum Office shall ensure that authorised Office officers are on duty in each Asylum Centre every day.

The authorised Office officers shall register foreigners, who have expressed the intention to seek asylum on their admission to an Asylum Centre, in accordance with the Asylum Act, whereupon they shall promptly issue them identity cards. During the procedure, the officers shall in each particular case review the need to issue an order restricting the movement of the foreigners at issue (referring them to the Shelter for Foreigners under enhanced police supervision or prohibiting them from leaving an Asylum Centre, a designated address or area).⁶

RECOMMENDATION

The Asylum Office is to take the actions prescribed by the Asylum Act vis-à-vis migrants issued certificates of intent to seek asylum in the Republic of Serbia and accommodated in the Dimitrovgrad Reception Centre.

2. ACCOMODATION OF THE MIGRANTS

The Dimitrovgrad Reception Centre is a brand new and adequately furnished facility. Hygiene is satisfactory given the number of migrants living in it at the moment. The NPM Team noted that the dormitories and cafeteria were clean, warm and regularly maintained. The staff said that some families would be reassigned to the “containers” in the Centre yard when they became habitable, which, they expected, would address the overcrowding in the dormitories, as well as reduce the disagreements among the migrants.

3. TREATMENT OF THE MIGRANTS

All migrants must undergo check-ups on admission although all of them had been examined for lice, an epidemic of which had broken out among the migrant population in the past, and all of them have certificates that they do not have lice. They are not assigned beds by country of origin. Each family is assigned to the same dormitory.

All migrants are registered in uniform tables kept by all the Reception Centre. The following personal data are registered in these tables: first and last names, age (whether they are minors or adults), country of origin, date of birth, and mutual family relations. The reports on the number of residents, their breakdown, epidemiological situation and any extraordinary events are sent to the CRM on a daily basis. Data on the numbers of residents are also forwarded to the Ministry of the Interior. The Centre has difficulties sending its reports because it is not hooked up to the Internet yet and the staff send the reports from their private computers.

As opposed to most other Reception Centres, there are no representatives of the migrant community in this Centre who are charged with keeping in touch with the Hungarian authorities on the order in which the migrants are to be allowed to enter Hungary. However, at the invitation of the representatives of the migrant communities in northern Serbia, the migrants originating from Syria and Iraq and staying in the Dimitrovgrad Reception Centre

⁵ Asylum Act (Official Gazette of the RS No.109/2007), Article 24.

⁶ Protector of Citizens Recommendations No 75-6/14 of 10 February 2014, Recommendation 5.2 and 5.3.

drew up the list of migrants who wanted to cross into Hungary (they are to enter it via the Kelebija border crossing).

The migrants temporarily leaving the Centre need to report to the CRM staff, who issue them documents called "Records of Leaves from the Centre" in which their personal data are entered. **The name of this document is in accordance with the NPM's recommendation issued after its visit to the Bujanovac Registration Centre, to align the name of the enactment issued to migrants temporarily leaving the Centre with its actual purpose.**⁷ The migrants have been going to the centre of Dimitrovgrad with these documents and have not encountered any problems with the local population to date. One migrant had even gone to Belgrade for a short while with such a document.

The officials said the Centre had enough items requisite for the accommodation of the migrants. It lacked spare clothes for adults at the time of the visit and had already asked the humanitarian organisations to provide the missing wardrobe. The bed linen is washed once a week at the Preševo Reception Centre, because the washers and dryers cannot be used in the Centre due to its weak electricity. The migrants wash their own clothes by hand. The facility is heated by a pellet stove. Three people have been engaged to maintain hygiene in the Centre. The migrants themselves clean the cafeteria and the dormitories according to a schedule they themselves draw up. The humanitarian organisations distributed hygiene packages to the migrants. The Centre has toilets, showers and hot water round the clock.

The food is provided by the humanitarian organisations. The migrants are offered pastry for breakfast, hot meals for lunch and canned food for dinner. The Centre also provides baby food. The migrants can buy the food themselves as well. (A humanitarian organisation distributed vouchers to the migrants with which they can buy food. These vouchers are worth a specific amount of money, depending on the number of children in the family.)

English is the main language of communication with the migrants. Most of the CRM staff speak it, as does at least one member of a migrant family or a larger group with which the migrants are travelling. The House Rules are displayed in the Centre in English, Farsi and Arabic, as are notices on the daily activity schedules.

The Centre staff said that the arguments that sporadically broke out among the migrants were mostly caused by the children, who would start quarrelling, and then their parents would join in. Such situations have so far been resolved by talking to the migrants and there was no need to call the police.

The Centre Manager said that the migrants had not complained about the way they were treated by the CRM staff or other people engaged in the Centre. There is no formal complaint procedure; the migrants approach the Manager and orally notify him of their needs. For instance, they asked the Manager whether they could cook in the yard. The Manager allowed them to.

There is a doctor's room and a one-room infirmary. The medical staff, comprising a doctor and a medical technician, who have been engaged by humanitarian organisations, are on duty from 9 am to 5 pm every day (including weekends) and can be contacted by phone out of hours. As noted, preventive check-ups are performed immediately upon arrival at the Centre and in other cases, when the staff or migrants notice that someone is need of medical

⁷ 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, No. 281-91/16, Ref. No. 47301 of 2 December 2016.

assistance or on the request of the migrants themselves, who come to the doctor's room. The NPM Team noted that the medical staff was constantly in contact with the migrants and spent time in the rooms occupied by the migrants. The doctor said that CRM staff were not present during examinations. In case a patient does not speak English, she asks that another migrant help interpret the patient's recounting of his or her medical history and then asks that migrant to leave the doctor's room. The doctor's room is supplied with all the necessary medications. Other necessary medications are bought at the expense of the humanitarian organisation that engaged the medical staff. The medications are kept in the doctor's room and the migrants are given daily doses of their therapy. The Out-Patient Health Clinic in Dimitrovgrad refers the migrants to specialists, either in the Clinic or the Pirot General Hospital. The Out-Patient Health Clinic has a paediatrician and gynaecologist on staff and the General Hospital in Pirot a gynaecologist, so the migrant women can choose which gynaecologist will examine them. Copies of the specialists' examination reports are kept in the doctor's room and the originals by the migrants-patients. None of the migrants have refused to undergo a check-up to date, but the doctor noticed that they were reluctant to provide all the necessary data and that they refused to be hospitalised.

Pregnant women regularly see their gynaecologist. One is nine months pregnant and everything is ready for her delivery. A flu epidemic recently broke out in the Centre and it was treated symptomatically. None of the migrants had lice or mange at the time of the NPM Team's visit. One child had pneumonia. Another child, with cerebral palsy, had an epileptic attack, and was hospitalised in the Niš Clinical Centre together with his mother. They were driven to Niš by the paramedics. A five member family was quarantined because one of them had fallen ill; the ill migrant was on a special diet. One woman migrant was sent for a check-up to a health institution in Belgrade because she had hysterical fits. The psychiatrist prescribed her a therapy, which she receives at the Centre.

The doctor said she had not noticed any traces of violence on the migrants and that no-one had complained to her that they had been victims of violence in the Centre. She highlighted the good relations between the migrants and the CRM staff.

3.1. Underage Migrants



As per the age of the 50 underage migrants, one baby is less than six months old, eleven infants are between one and two years old, five children are 3-4 years old, six are 5-6 years old, seven are 7-8 years old, six are 9-10 years old, three are 11-12 years old, two are 13-14 years old, eight are 15-16 years old and one is 17-18 years old. The minors are accommodated together with their families. Several families share a room.

The equipping and work of the Children's Corner in the Centre was funded by a humanitarian organisation. The Corner is

physically separated from the sleeping quarters. It is extremely well equipped and neat. The children and adults take their shoes off before they enter it. The hygiene in the Corner is at a high level.

A 17-year-old Iraqi girl has been separated from her parents and the Dimitrovgrad Social Work Centre (hereinafter: SWC) appointed a man in the group she was travelling with, reportedly a friend of her uncle, to act as her guardian. The SWC staff has not visited the girl nor come to the Centre since they appointed her a guardian. None of the other migrant children are unaccompanied or separated from their families. In view of the fact that over half (50 out of 91) of the Dimitrovgrad Reception Centre residents are underage, the professional staff of the relevant SWC should be present more often in the Centre to ensure they are protected from abuse.

2.

RECOMMENDATION

The Dimitrovgrad Social Work Centre is to arrange for the presence of its professional staff in the Dimitrovgrad Reception Centre to ensure the protection of underage and other vulnerable migrants.

4. INTERVIEWS WITH THE MIGRANTS

The NPM Team members interviewed in private a number of migrants of different ages, sex and countries of origin, who were residing at the Centre. They said they had no problems with the state authorities in Serbia, that they had undergone health examinations on admission to the Centre, that the health care they, including the pregnant women, were extended was satisfactory and that they were satisfied with their treatment in the Centre. They complained about the monotonous nutrition (mostly cans of sardines) and that several families had to share a room, which led to overcrowding and disagreements among the families. None of the migrants interviewed by the NPM Team consider Serbia their final destination and all of them hope to make it to Germany and are keen on finding out if and when they will be able to cross into Hungary. The children and their parents said that the humanitarian organisations had distributed packages and toys to the children three times so far.