



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
281-37/17
Belgrade



Заштитник грађана
Zaštitnik građana



BEOGRADSKI CENTAR
ZA LJUDSKA PRAVA

Ref. No. 15159 Date: 13 April 2017

NATIONAL PREVENTIVE MECHANISM

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

Report on the Visit to the Reception Centre in Bosilegrad

Belgrade, April 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 Bosilegrad
PURPOSE OF THE VISIT	Monitoring of the treatment of migrants and asylum seekers by the relevant authorities
VISIT CONDUCTED BY	Protector of Citizens, in cooperation with the Belgrade Centre for Human Rights
DATE OF VISIT	4 April 2017
NOTICE OF VISIT	The visit was pre-notified
VISIT TEAM	<p>Team Leader: Marko Anojčić, <i>Protector of Citizens Professional Service/NPM</i></p> <p>Team Members: Jelena Samardžić, <i>Protector of Citizens Professional Service/NPM</i> Ana Okanović, <i>Protector of Citizens Professional Service/Rights of the Child, Gender Equality and Protection of Social and Cultural Rights Sector</i> Dušan Pokuševski, <i>Belgrade Centre for Human Rights</i> Milena Vasić <i>Belgrade Centre for Human Rights</i></p> <p>Interpreters: Momir Turudić, <i>Farsi</i> Raduan Mansouri, <i>Arabic</i></p>

COOPERATION OF THE OFFICIALS WITH THE NPM TEAM

Bosilegrad Reception Centre staff fully cooperated with the NPM Team, facilitating its full implementation of its mandate. The staff extended the Team all the information it required and provided it with access to the Centre premises and facilities, unimpeded perusal to its documentation on request and the opportunity to interview the migrants of its choice in private.

COURSE OF THE VISIT

After familiarising the Reception Centre management with the mandate and members of the NPM Team, the NPM Team split into several groups and: interviewed the Centre staff and migrants, perused the relevant documentation and toured the accommodation facilities. At their meeting at the end of its visit, the NPM Team shared with the management its main impressions about the visit and its findings on the situation in the Reception Centre and respect for the migrants' rights.

1. GENERAL INFORMATION



The Reception Centre is located in the building of a former hospital, between the Police Station and the Out-Patient Health Clinic in Bosilegrad. All the migrants staying at this Centre were admitted on 17 December 2016. The Centre has 46 beds; 47 migrants were staying at the Centre on the day of the visit. The Centre earlier accommodated 53 migrants but six of them, two three-member families, left the Centre for good, to continue their journey. Since the residents include families with small children, the Centre has not had any problems in accommodating all the migrants. All of them had expressed the intention to seek asylum in Serbia and were referred to this Centre

by the Belgrade City Police Administration. The migrants are in possession of their original certificates of intent to seek asylum, while the staff of the Commissariat for Refugees and Migration (hereinafter: CRM) have copies of the certificates on file.

Thirty-five of the migrants are nationals of Afghanistan, four are nationals of Iraq, four of Syria and four of Pakistan. Twenty-five migrants (12 men and 13 women) are of the age of majority and 22 are minors (13 boys and 9 girls). All the children are travelling with their families. Two siblings, a boy and a girl, are disabled: the sister's sight is impaired and the brother suffers from a mild intellectual disability.

Most of the migrants are waiting for an opportunity to continue their journey via Hungary to developed European countries. However, only nationals of Syria and Iraq have been given a number for admission to Hungary.

The Centre is manned at all times by three CRM staff members, who sleep at the Centre during their fortnightly secondments. The CRM also engaged five local residents to perform maintenance and other duties. One CRM staff member and one engaged worker are on duty every night.

The Bosilegrad Police Station officers visit the Centre two or three times a week, while a doctor and medical technician treat the migrants at the Centre two hours every day. The Bosilegrad Social Work Centre professional staff come to the Centre on request. The Asylum Office staff have not yet visited the Centre. The Ministry of the Interior (MOI) performed the so-called profiling of the migrants living in the Centre, i.e. its staff re-registered all the present migrants. The Centre is visited twice a week by the representatives of the International Organization for Migration (IOM), who transport the migrants if necessary and talk to them about their interest in returning to their countries of origin. Non-government organisations engaged in extending assistance to the migrants are present at the Centre as well.

1.

RECOMMENDATION

The Asylum Office is to take the actions laid down in the Asylum Law⁴ with respect to migrants issued certificates of intent to seek asylum in the Republic of Serbia and staying at the Bosilegrad Reception Centre.

2. ACCOMMODATION OF THE MIGRANTS

The Centre uses a two-floor building comprising seven rooms and two bathrooms. The staff offices, cafeteria, one bathroom and four rooms are on the ground floor and one bathroom and three rooms are on the 1st floor. There are between five and nine beds in each room. The rooms on the 1st floor are furnished only with beds, while the ground floor rooms are also furnished with cabinets in which the migrants keep their personal belongings. The ground floor bathroom is equipped with one toilet, one shower cabin and two washbasins and the bathroom on the 1st floor is equipped with two toilets, one shower cabin and two washbasins.

The Centre plans on renovating the dilapidated part of the basement and building bathrooms, which once existed there, a dayroom and the laundry room in it. CRM staff said that the renovation of the basement would take more time because the sewage pipes were above it, but that the funding was secured and that the works have begun. The boiler room and storage space are located in the part of the basement that is in use.



The migrants underwent medical examinations soon after they were admitted. The staff say that neither the migrants nor their belongings were searched. Apart from one room, shared by Afghani and Pakistani migrants, the migrants in the other rooms are nationals of the same countries; all families are accommodated together, in the same rooms.

The following personal data of the migrants are entered in the uniform tables kept by all the Reception Centres their first and last names, sex, age (minor or adult), country of origin, date of birth and kinship with other family members staying at the Centre. Reports on the number and breakdown of the migrants are submitted to the CRM on a daily basis, while data on the number of Centre residents are also submitted also to the MOI and the Army of Serbia. The Centre sends monthly reports on the situation and events in the Centre to the CRM.

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

The migrants' ID cards, with their photographs, names, countries of origin and dates of birth on the front, and the telephone numbers of the Reception Centre and the CRM on the back, have been prepared.

The staff register the migrants leaving the Centre. The Centre Manager issues passes to migrants who want to leave the Centre. Those who want to go to Bosilegrad are required to return by nightfall, while those who want to go to other towns are required to return in 72 hours. The Centre does not restrict the number of migrants who may be issued passes and leave the Centre. A CRM staff member said that, apart from the two families that had left the Centre for good, the migrants complied with the procedure and had no problems with the local residents.

ПРИХВАТНИ ЦЕНТАР БОСИЛЕГРАД
Блат бб, Босилеград

ЕВИДЕНЦИОНИ КАРТОН УЛАЗАКА И ИЗЛАЗАКА

Број картице

из _____ (име и презиме) _____ (држава порекла)

привремено смештен у Прихватном центру Босилеград, има допуштење за кретање унутар насељене зоне градског подручја Босилеграда, дана _____ у времену од _____ до _____.

*Уколико Тражилац азила у прописано време није присутан у Центру сматраће се да је својевољно напустио Центар

06 [redacted] [signature]

Телефон овлашћеног лица Потпис овлашћеног лица

3. CARE EXTENDED TO THE MIGRANTS

The Centre has sufficient quantities of things it needs for the migrants but lacks spare clothing and footwear. The Centre has two washers and driers, used for washing and drying the bed linen and the migrants' clothes, while larger items, such as blankets, are washed in Preševo.

2.

RECOMMENDATION

The CRM is to take the requisite measures to provide enough spare clothing and footwear for the migrants staying at the Bosilegrad Reception Centre.

The workers engaged by the CRM are charged with maintaining the hygiene in the Centre's common rooms and the yard, while the migrants are provided with the items they need to clean their own rooms. Humanitarian organisations periodically distribute personal hygiene items to the migrants. The workers charged with maintaining hygiene work six days a week (except Sundays) in two shifts, from 8 am to 2 pm and from 2 pm to 8 pm. The NPM Team noted that the hygiene in the Centre was satisfactory. Altogether, the Centre has three toilets, two shower cabins, four washbasins and two bathroom water heaters. The toilet on the 1st floor was not in use on the day of the NPM Team's visit because plumbing works were being carried out. There was no hot water for the same reason. The staff said that the Centre had hot water round the clock at other times. Furthermore, most of the migrants interviewed by the NPM Team said they had enough hygiene items, diapers and hot water. Some, however, complained about the quality of the hygiene items, while others claimed they were not given enough of them.



Breakfast and lunch is provided by a local restaurant, at the expense of humanitarian organisations, which also provide the migrants with meal packages for dinner and milk. The menu is set on a weekly basis and conforms with the migrants religious dietary requirements. The Centre cafeteria is furnished with tables, benches, a refrigerator and stove and doubles as a dayroom. The staff said that, when the Centre opened, the migrants complained about some meals, which were replaced by others, in consultation with the migrants and the restaurant. The migrants may also cook their own additional meals in the cafeteria.



The staff communicate with the migrants in English because there are no interpreters for their languages. Meetings between CRM staff and the representatives of the migrants are organised if necessary, to address any problems. Some of the migrants interviewed by the NPM Team qualified their communication with the Centre staff as good, while some complained that they had difficulties communicating with the staff. Neither the House Rules nor information of relevance to life in the Centre are displayed in its premises.

3.

RECOMMENDATION

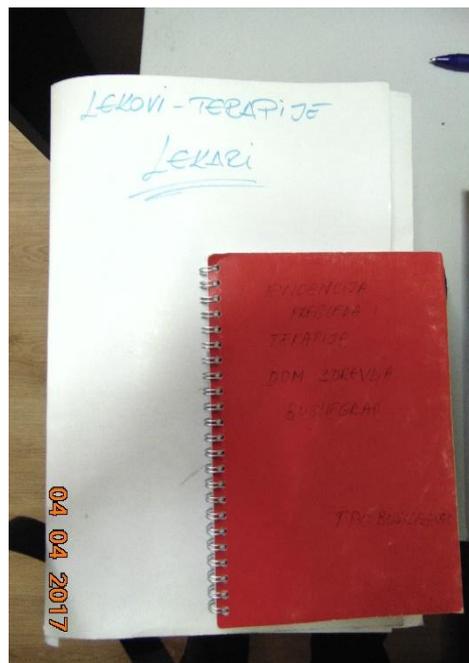
The CRM is to display the House Rules and information of relevance to life in the Bosilegrad Reception Centre in the Centre in the languages the migrants understand.

The CRM staff said there had been no serious clashes among the migrants and that, on occasion, the parents quarrelled because their children had quarrelled. The staff addressed a clash between two migrants sharing a room by talking to both of them. They also had suspicions about domestic violence, notably that one man was physically violent towards his wife. The Bosilegrad Social Work Centre officials were asked to come in. They talked to the woman, who denied her husband beat her. The staff monitored the family's behaviour afterwards, until this family left the Centre.

The NPM Team was told about an extraordinary event that took place in January 2017, when a group of migrants found their own way to the Centre. The ill members of the group were immediately treated in the Out-Patient Health Clinic. The mixed police/army unit was called in and it transferred the group to the Divljana Reception Centre since the Bosilegrad Centre did not have room to take them in.

A doctor and a medical technician of the Bosilegrad Out-Patient Health Clinic work at the Centre two hours every day. The CRM staff praised their cooperation with the Out-Patient Health Clinic. The doctor and technician examine the migrants in the staff office in the Centre and, if necessary, take them to the Out-Patient Health Clinic, where they can, inter alia, undergo dental and gynaecological check-ups. On the day of the NPM Team's visit, one child was undergoing treatment at a Niš hospital. The child's father was staying with the child in hospital, to which they were driven by the Bosilegrad paramedics. The treatment costs are covered by the humanitarian organisations, which recently provided the Centre with monthly funding (27.500 RSD) to purchase medications. The NPM Team was told about a case of a migrant in urgent need of a heart medication; representatives of a non-government organisation visiting the Centre at the time responded immediately and bought the drug, thus preventing the migrant's health from deteriorating. The interviewed migrants confirmed that they had underwent medical check-ups on admission to the Centre and that the doctor regularly visited them.

The reports on the migrants' medical examinations and lab analyses, as well as records of examinations and prescribed medications that are kept by the doctor are filed in the office used by the Centre CRM staff. The CRM staff said the medical documentation was kept on file in that room because it facilitated keeping track of the medications the migrants needed and that most of the migrants preferred having the staff keep their documentation. However, given that health data, i.e. data in the medical documentation are particularly sensitive personal data of the patients, which should be kept by health professionals,⁵ these data should be available only to the migrants-patients and the health professionals, unless individual migrants decide to make them available to others as well.



4.

RECOMMENDATION

The medical documentation data of the migrants in the Bosilegrad Reception Centre are to be accessible only to health professionals, who need these data to perform their legally prescribed duties, and to the migrants they regard.

3.1. Underage Migrants

As noted, 22 underage migrants (13 boys and nine girls) are living at the Centre. Five of them are under three and 17 are under 14 years of age. All of them are accompanied by their parents.



Non-government organisations conduct educational and entertainment activities and English language lessons for the children twice a week. These activities are organised in the Centre hall or yard, weather permitting, since this establishment does not have a room in which such activities can be held at the moment, until the basement is renovated.

The Social Work Centre staff come to the Centre only on request. Given that nearly half of the migrant population in the Centre is under age, especially that most of the children are under 14 years of age, the NPM Team is of the view that the professional staff of the competent Social Work Centre should visit the Centre more often to ensure their protection from abuse.

⁵ Patients' Rights Law, Official Gazette of the Republic of Serbia No. 45/13, Article 21, paragraphs 1 and 2.

5.

RECOMMENDATION

The Bosilegrad Social Work Centre is to ensure greater presence of its professional staff in the Bosilegrad Reception Centre to ensure the protection of underage and other vulnerable groups of migrants.

4. INTERVIEWS WITH THE MIGRANTS

The NPM Team held private interviews with a number of migrants of different ages, sexes and countries of origin, who are residing at the Centre. None of the interviewed migrants complained about the way they were treated either by the Centre staff or the officials of other authorities in Serbia. Some of them said they had had bad experience with the police in the Former Yugoslav Republic of Macedonia, who treated them harshly and beat them.

The NPM Team concluded on the basis of its interviews with the migrants that they were extremely satisfied with the living conditions in the Centre and their treatment by the Centre staff. None of the migrants expressed the wish to stay in Serbia in the long term and their concern about their onward journey to developed European countries was noticeable.