



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
281-36/17
Belgrade



Заштитник грађана
Zaštitnik građana



BEOGRADSKI CENTAR
ZA LJUDSKA PRAVA

Ref. No. 14928 Date: 12 April 2017

NATIONAL PREVENTIVE MECHANISM

Report on the Visit to the Reception Centre in Divljana

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 Divljana
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	3 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

Divljana 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 of 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 and Commissariat for Refugees and Migration (hereinafter: CRM) South-East Serbia Coordinator with its mandate and introducing the NPM Team members, the latter 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 Divljana Reception Centre is situated in the Youth-Recreational Centre Divljana, at an excursion site by the same name, five kilometres from Bela Palanka. The Youth-Recreational Centre was recently renovated with the financial support of donors. Under the agreement with the Youth-Recreational Centre, the CRM pays it for the migrants' meals and accommodation.

The first migrants moved into the Centre on 30 December 2016. There are 240 migrants living in it at the moment. The Centre's capacity was recently expanded and it can take in up to 260 people. Two families have left the Centre for good since it opened and the inflow of new migrants has ceased. Two hundred and thirty eight migrants have expressed the intention to seek asylum in Serbia; the remaining two are new-borns, whose registration in the birth registers was under way at the time of the visit. The migrants' certificates of intent to seek asylum have been issued by the Belgrade City Police Administration and their transport from Belgrade to Divljana has been organised by the Belgrade Office of the United Nations High Commissioner for Refugees (UNHCR) and non-government organisations.

As per the nationality of the migrants, 104 come from Afghanistan, 104 from Iraq, 18 from Syria, nine from Iran, four from Ghana and one from Palestine. One hundred and thirty-six (65 men and 71 women) of them are adults and 104 (57 boys and 47 girls) are minors. Apart from eight single migrants, all other Centre residents are travelling with their families. None of the migrants suffer from disabilities; the CRM official said that migrants with disabilities were not referred to this Centre, because it was not disability-friendly. Six of the migrant women are pregnant.

Seven CRM staff (five male and two female) were engaged at the Centre on the day of the visit; the CRM staff sleep at the Centre during their one-week secondments and work in two eight-hour shifts. The staff of the Divljana Youth-Recreational Centre also work at the Centre; they prepare and serve the food, maintain the hygiene and are in charge of security. One worker of the Youth-Recreational Centre charged with security is on duty from 2 pm to 9 pm every day. None of the staff are on duty at night; one migrant in each accommodation facility is charged with alerting the CRM staff to any emergencies at night. Given that the Centre is in a forest, at a distance from settlements and relatively close to the state border,⁴ and that women and children account for nearly three quarters of its residents,⁵ the NPM is of the view that greater attention needs to be devoted to the safety of the migrants staying at this Centre.

⁴ The Gradina border crossing is around 65 km away.

⁵ Women and children account for 175 of the 240 migrants living in the Centre.

1.

RECOMMENDATION

The Commissariat for Refugees and Migration is to take steps to ensure continuous (24/7) staff duty

Bela Palanka Police Station officers visit the Centre every day, while the professional staff of the relevant Social Work Centre visit it on request. The medical staff engaged in the Centre works one shift. The officials of the Ministry of the Interior (MOI) Asylum Office have not visited the Centre to date. The MOI performed the so-called profiling of the migrants living in the Centre, i.e. its staff re-registered all the present migrants.

2.

RECOMMENDATION

The Asylum Office is to take the actions laid down in the Asylum Law⁶ with respect to migrants issued certificates of intent to seek asylum in the Republic of Serbia and staying at the Divljana Reception Centre.

The representatives of the International Organization for Migration (IOM) are constantly present at the Centre and they transport the migrants when necessary. UNHCR representatives have been visiting the Centre regularly. The Centre was visited by the representatives of the United Nations Children's Fund (UNICEF) and officials of the Ministry of Labour, Employment and Veteran and Social Issues in March 2017.

2. ACCOMMODATION OF THE MIGRANTS

The Centre comprises three buildings, one housing the offices, the rooms in which the seconded CRM staff are accommodated, the doctor's room and the kitchen and cafeteria. The migrants are accommodated on the ground and 1st floors of the other two buildings, comprising rooms and bathrooms. The rooms are grouped into blocks. Each block consists of three rooms, each with three bunk beds (i.e. six beds) and cabinets in which the migrants can keep their personal possessions. Each block has its own bathroom.



A dayroom is located in one of the buildings in which the migrants are accommodated. It has not been renovated or equipped adequately yet and is furnished with only several chairs. The migrants do not have the possibility to watch TV or access the Internet at the Centre. The CRM staff said that the Internet services had been suspended because the Recreational-Youth Centre had not paid its dues and that they expected the Commissariat to provide the Centre with four TV sets.

⁶ Official Gazette of the Republic of Serbia No. 109/07.

The migrants undergo check-ups on arrival to the Centre in order to establish whether they suffer from any contagious diseases. If they arrive at night, when the doctor is not on duty at the Centre, they are prevented from coming into touch with the other migrants and are accommodated in a separate room until the doctor arrives. Once the measures recommended by the doctor are taken, they are referred to rooms with free beds. The migrants and their possessions are reportedly not searched. The migrants are not referred to rooms by their country of origin; 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 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.

Комесаријат
за избеглице и миграције Републике Србије
Прихватни центар
Евидуicionи картон улазака и излазака

Име и презиме: _____
 Евид бр.: ___/___/___ Потпис _____
 Датум: _____ За КИРС: _____
 Тражилац азила излази из Центра _____ и враћа се у
 Центар _____. *Уколико Тражилац азила у прописано време није
 присутан у Центру сматраће се да је својевољно напустио Центар.

The Centre yard is not fenced and the migrants are free to move around in front of the buildings in which they are accommodated. All departures from the Centre are registered. The migrants who wish to leave to the Centre need to apply for a pass with the Centre Manager. The Manager issues two types of passes: one for several-hour absences, when the migrants go to the nearby settlements and one for longer absences (up to 72 hours), which the migrants usually use to go to Belgrade. The migrants visit the nearby settlements during daytime and the CRM staff

make sure that no more than 10% of all migrants leave the Centre to go to the nearby settlements on any given day. The officials said that the migrants mostly complied with the procedure and, that they reported to and returned to the Centre on time, with the exception of the two families, which had been issued passes for longer absences and had not returned. The officials have to date responded to sporadic violations of the procedure by talking to the migrants about them.

3. CARE EXTENDED TO THE MIGRANTS

According to the Centre staff, the Centre has sufficient quantities of spare clothes and other items the migrants need. The bed linen is washed in the Youth-Recreational Centre's laundry room, equipped with two washing machines. The migrants wash their own clothes by hand and are provided with detergent. Hygiene packages are distributed every fortnight. The NPM Team was provided with insight in the records on the distribution of hygiene items on 25 March 2017 and explained that the equitable distribution of items was ensured by distributing them to the migrants' rooms.

The staff of the Youth-Recreational Centre charged with maintaining the hygiene of some common premises and the Centre compound work in two shifts. The migrants are required to themselves clean the rooms they use; no problems have been identified with this arrangement. The NPM Team noted that the hygiene was satisfactory and that all the premises it toured were clean and orderly. Each block bathroom (used by 18 residents) includes two shower cabins, two toilets and two washbasins.



The Centre staff told the NPM Team that the Centre occasionally did not have hot water. Most of the interviewed migrants also complained about the lack of hot water. There was no hot water in the bathroom at the time of the NPM Team's visit.

3.

RECOMMENDATION

The Commissariat for Refugees and Migration is to take the requisite measures to ensure that the Divljana Reception Centre residents have sufficient quantities of hot water.

The three meals a day are provided by the Youth-Recreational Centre. The menu is set jointly by the representatives of the CRM and the Youth-Recreational Centre, while special menus are developed for migrants on a special diet. Notices that the meals are halal and the meal schedules are visibly displayed in the spacious cafeteria next to the kitchen. The migrants are



prohibited from eating outside the cafeteria, in order to maintain hygiene in the Centre.

The staff communicate with the migrants in English, or with the assistance of Arabic interpreters, who are on duty in the Centre in each shift. The Centre has not engaged any interpreters for other languages. Some migrants complained to the NPM Team that the Arabic interpreters conveyed important information to the migrants, wherefore those who understood Arabic were the first to receive it and those who did not were unable to react promptly to various events. The staff said that the Centre had gotten into touch with a non-government organisation, which said it would find and engage a Farsi interpreter. **The NPM Team would like to be notified of the engagement of a Farsi interpreter in the Divljana Reception Centre.**

The Asylum Centre House Rules Rulebook⁷ are displayed in the Centre. **The NPM Team noted that the other Reception Centres⁸ it visited also displayed the Rulebook and qualified it as a good practice, given the absence of a general enactment governing the house rules in the Reception Centres.**

The migrants have their representatives, who are constantly in contact with the CRM staff, and hold meetings with them every Friday to address any complaints and suggestions and obtain information about the work of the Centre. **The NPM Team is of the view that, in addition to the regular modes of communication between the staff and the migrants, the staff's periodic meetings with the migrants' representatives are a good practice that should be followed by other Reception Centres as well.**

4.

RECOMMENDATION

The Commissariat for Refugees and Migration is to organise frequent periodic meetings between their staff and the representatives of migrants in all centres for migrants during which the migrants are to receive information of relevance to them and alert the staff to any problems in the work of the centres and suggest ways to address them.

The NPM Team also noted that the Centre displayed a notice to the migrants that they were entitled to complain about the work of the Centre staff, which is in keeping with the NPM's recommendation to the CRM after its Team's visit to the Reception Centre in Šid⁹ and that it made available a factsheet for asylum seekers prepared by the CRM. The Centre Manager said that some migrants had at the start complained that some Centre staff raised their voices at them; the management reacted and changed the make-up of the shifts. None of the migrants interviewed by the NPM Team complained of inadequate treatment by the staff. Furthermore, the management said that the migrants had initially complained that they were cold and asked for a separate prayer room; the management was unable to provide them with such a room for lack of space, wherefore the migrants pray in their rooms or in the Centre yard.

The CRM staff said that clashes between the migrants were infrequent, but described an incident that occurred due to the consumption of alcohol forcing the Centre to call the police. Furthermore, there were problems with the local population and the nearby monastery when the Centre opened because the migrants were trespassing onto their property. The police were

⁷ Official Gazette of the Republic of Serbia No. 31/08

⁸ Report on the Visits to the Reception Centres in Principovac, Šid and Adaševci, No. 281-98/16, Ref. No. 48887 of 12 December 2016; Report on the Visit to the Reception Centre in Obrenovac No. 281-5/17, Ref. No. 5347 of 8 February 2017.

⁹ Report on the Visits to the Reception Centres in Principovac, Šid and Adaševci, No. 281-98/16, Ref. No. 48887 of 12 December 2016.

called in on that occasion as well. The management resolved these problems with the migrants by talking to them and they have not recurred.

The doctor and medical technician are on duty at the Centre from 8 am to 5 pm every day except Sunday. They are employees of the Bela Palanka Out-Patient Health Clinic and their work at the Centre is funded by humanitarian organisations, which also supply the Centre with medical equipment and medicaments. The Out-Patient Health Clinic house call service has been visiting the women and new-borns. The Bela Palanka paramedics are called in when the doctor is not on duty. More complicated medical interventions are performed at the Pirot General Hospital or the Niš Clinical Centre, to which the migrants are transported by IOM. Migrants diagnosed with contagious diseases are put in quarantine, i.e. a separate room. The doctor mentioned a case of two migrants who had varicella.

The doctor said he had major problems communicating with the migrants who spoke Farsi because the Centre did not have a Farsi interpreter. He communicates with all the migrants in English. The non-government organisations are called up to provide phone interpretation in case the ill migrants do not speak English.

3.1. Underage Migrants

There were 104 underage migrants (57 boys and 47 girls) staying at the Centre on the day of the visit: 44 of them were under four, and two children (a brother and a sister) were not accompanied by their parents. The Centre adapted a room for the accommodation of young mothers and their new-borns; two migrant women recently gave birth. A woman, whose husband was killed in a car accident in Serbia while they were on the road, and her child are also staying at the Centre. The Social Work Centre staff rarely come to the Centre, if necessary and on request. They were notified of the arrival of two minors unaccompanied by their parents as soon as they were admitted and they came and interviewed them.

5.

RECOMMENDATION

In cooperation with the competent Social Work Centre, the Ministry of Labour, Employment and Veteran and Social Issues is to ensure the presence of professional staff in the Divljana Reception Centre with a view to ensuring the protection of underage and other vulnerable groups of migrants.

The Children's Corner was being renovated at the time of the visit. Non-government organisations implement educational and entertainment workshops and hold English language lessons for children and adults three or four times a week in another room, which was recently converted into a classroom.

During their interview with the unaccompanied brother and sister, 10 and 15 years of age respectively, the NPM Team learned that their parents had stayed in their country of origin and had sent them together with their relatives. The siblings do not intend to stay in Serbia; they plan on going to Germany, where the other members of their family are living. They had not encountered any major problems on their journey; their parents had given them money and they had not been forced to work. They have not been appointed a guardian and they saw the Social Work Centre staff only once since they were admitted to the Reception Centre. Their relatives have been looking after them since they left their country of origin and now in

Serbia. They are generally satisfied with their life in the Centre, but they complained they were not given enough food and specific items, such as hygiene items, clothes, footwear and bed linen.

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.

It interviewed ten or so Afghani nationals, who have been in the Centre over a month now. None of them want to stay in Serbia. They said the food and personal hygiene items they were given were of extremely poor quality, claiming that the soap caused the children rash and itching. They complained about the lack of hot water, which was usually available only at night, which is why, as

they claimed, they had to bathe the children either at night or very early in the morning. They also complained about the lack of a Farsi interpreter, which has impeded their communication with the Centre staff.

The NPM Team also interviewed a married couple from Iraq, to whom a daughter was born three weeks ago (the family now has five members). They said they had arrived at the Centre a month ago and that they had set out in September 2016 and intended to settle down in Austria or Germany. The wife was in her ninth month of pregnancy when they left the Former Yugoslav Republic of Macedonia. They paid a smuggler in Greece to take them to Austria, but they were robbed on the Serbian-Macedonian border. They continued their journey on foot and spent three months in the woods, where the smugglers would not let them light a fire lest the police see them. As per the living conditions in the Centre, they said they did not have enough hot water and had to heat it themselves to wash the children. They also complained about the lack of covers and said they had to use the same towel to dry the baby and cover it. They said the meals were too small. They had enough diapers, but not enough clothes and footwear, either for themselves or the children.

A woman from Iran asked to talk to the NPM Team herself. She said she was travelling with her husband, seven-year-old child, her brother and her sister-in-law and that she had problems with the other migrants staying at the Centre because their family was Christian, whereas the vast majority of the other migrants were Moslems and that they insulted them and called them infidels every day. She said they were forcing her to cover her head, as Moslem women did, that she had lost sleep because of the threats, that they had recently insulted her child, which had gravely upset her, and that her family has alerted the CRM staff to the problem more than once, albeit unsuccessfully. The woman was visibly agitated during the interview and burst into tears several times; her son and brother joined her at one point and the latter confirmed her allegations. They also wanted to know when they could continue their journey. The NPM Team raised the issue of this family at the meeting with the Centre management at the end of the visit. The CRM staff said they had not noticed that this family had any problems with the other migrants and that they had probably turned to the NPM to

try and find a way to continue their journey. The CRM South-East Serbia Coordinator suggested that the family be offered accommodation in a Reception Centre under his jurisdiction that he knew had room to admit them – either the Pirot or the Dimitrovgrad Reception Centre. He called up the Dimitrovgrad Reception Centre to check whether it had room to take the family in and said they might be coming, he then asked the IOM representative to organise the family's transfer to one of those two Centres during the day and, finally, in the presence of the NPM Team leader and with the assistance of the Team's interpreter, spoke to the brother of the woman, who was in the room shared by the family. He suggested to the brother that the family be transferred that day to another Reception Centre and that they could choose between the one in Pirot and the one in Dimitrovgrad. The brother said he had to consult with the other family members and that they would let the Centre shift manager know what they decided by the next day. The shift manager subsequently told the NPM Team that the family had decided to stay at the Centre, that they were moved to another room and that the staff would monitor their relationships with the other migrants and react if necessary.

The NPM Team's overall impression based on its interviews with the migrants residing at the Centre and its tour of the premises is that the living conditions in the Centre are satisfactory, that the migrants are in general worried that they will be unable to continue their journey towards developed European countries and that they perceive their stay in Serbia as a short-term solution.