



**REPUBLIC OF SERBIA**  
**PROTECTOR OF CITIZENS**  
281-44/17  
Belgrade



Заштитник грађана  
Zaštitnik građana



**BEOGRADSKI CENTAR**  
**ZA LJUDSKA PRAVA**

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## **NATIONAL PREVENTIVE MECHANISM**

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

# **Report on the Visit to the Reception Centre in Kikinda**

Belgrade, May 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 Punishment<sup>1</sup>, 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 Duties<sup>2</sup>, 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 Call<sup>3</sup>, 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.

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<sup>1</sup> 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.

<sup>2</sup> Signed on 12 December 2011.

<sup>3</sup> Published in the Official Gazette of the Republic of Serbia on 29 January 2016.

## MAIN INFORMATION ABOUT THE VISIT

VISITED INSTITUTION	Reception Centre in Kikinda
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	19 May 2017
NOTICE OF VISIT	The visit was pre-notified
VISIT TEAM	<p><b>Team Leader:</b> Marko Anojčić, <i>Professional Service of the Protector of Citizens /NPM</i></p> <p><b>Team Members:</b> Jelena Samardžić, <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><b>Interpreters:</b> Milena Roaji, <i>Farsi interpreter</i> Raduan Mansouri, <i>Arabic interpreter</i></p>

## COOPERATION OF THE OFFICIALS WITH THE NPM TEAM

The officials engaged in the Kikinda Reception Centre fully cooperated with the NPM Team, facilitating its unimpeded performance of its mandate. The officials extended the NPM Team all the information it sought and facilitated it access to the premises and installations, enabled it unimpeded perusal of the required documentation and private interviews with migrants of its choice.

## COURSE OF THE VISIT

After introducing the NPM Team and its mandate to the Reception Centre management, the NPM Team split up into several groups that interviewed the officials engaged in the Centre and the migrants, perused the relevant documentation and toured the accommodation facilities. The Team particularly monitored the relevant authorities' treatment of minors. At the end of its visit, the NPM Team held a wrap up meeting with the management, at which it shared its main impressions about the visit and findings on the situation in the Reception Centre and respect for the migrants' rights.

## 1. GENERAL INFORMATION



The Kikinda Reception Centre is housed in the buildings of a former agricultural company "29. novembar", some 10 kilometres away from Kikinda, on the road to Banatska Topola. The facility was adapted to accommodate migrants thanks to funding from humanitarian organisations. The Centre is managed by the Commissariat for Refugees and Migration (hereinafter: CRM).

The first migrants were admitted to the Centre on 5 April 2017 and 273 of them were

living there on the day of the visit. Ninety-eight of them had expressed the intention to seek asylum and had either been referred to this Centre or transferred from other centres for migrants, while the rest had been staying at informal venues and been urgently accommodated in the Centre.

As per the nationality of the migrants residing at the Centre, 163 are nationals of Afghanistan, 42 are nationals of Iraq, 30 are nationals of Syria, 18 are nationals of Pakistan, 15 are nationals of Iran, two are nationals of Palestine and two of Cuba and one is a national of Bangladesh. One hundred and twenty five migrants (83 men and 42 women) are of the age of majority and 148 are minors. Two women who recently gave birth and one woman about to give birth are also staying at the Centre. One child, travelling with his family, is suffering from autism.

Most of the migrants are waiting for a chance to travel on, through Hungary, to the more developed European countries. The representatives of the organisations present at the Centre told the NPM Team that the Hungarian authorities were now allowing a total of 10 migrants a day to enter the country at one of the two designated border crossings (Horgoš and Kelebija), but only on weekdays. Fifty-seven migrants, who had been residing at the Centre, have so far been allowed to enter Hungary.

Four CRM staff (two men and two women) are seconded to work one-week shifts at the Centre, where they sleep during their secondment. Three more locally engaged staff members work in shifts at the Centre every day.

Kikinda police officers visit the Centre three times a day. Asylum Office staff have not visited the Centre yet although 98 migrants have expressed the intention to seek asylum in Serbia. Nor have the migrants been profiled by the Ministry of the Interior, a practice the NPM Team noted in the other Reception Centres. The NPM Team was shown a vacant office in which the migrants are to be interviewed.

1.

**RECOMMENDATION**

**The Asylum Office is to take the actions laid down in the Asylum Law<sup>4</sup> vis-à-vis migrants issued certificates of intent to seek asylum in the Republic of Serbia and staying at the Kikinda Reception Centre.**

The Centre is visited twice a week by the representatives of the International Organization for Migration (*IOM*), who transport the migrants if necessary and discuss with them whether they are interested in returning to their countries of origin. IOM representatives told the NPM Team that none of the migrants in the Centre have expressed interest in returning to their countries of origin. Non-government organisations involved in assisting migrants and medical staff also frequent the Centre.

**2. ACCOMMODATION OF MIGRANTS**

Most of the adaptation work in the Centre had been completed at the time of the visit; the lighting was to be fitted in some of the rooms and work on the playground, sports grounds, the dining room and the fence was still pending. The Centre planned on equipping two tents, one for workshops and the other to serve as a prayer room.



The migrants are living in the building of durable material and the tents in the yard. There is room for 240 people in the building and 250 people in the tents. The families are accommodated in the building; Farsi speaking families are on the 1<sup>st</sup> floor and Arabic speaking families on the ground floor. The Centre has 10 tents; 25 people can live in each of them. Apart from one tent in which Kurds are accommodated, the migrants living in the other tents come from different countries.

The Reception Centre has a wheelchairs and a ramp providing access to the central hall. No rooms are designated for persons with disabilities and none of the bathrooms are disability-friendly. None of the Centre residents have to use a wheelchair or need to be accommodated in disability-friendly rooms.

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

The rooms in the building are furnished with between one and twelve bunkbeds. Most of the rooms are furnished only with beds; a few have cabinets in which the migrants can keep their personal belongings. The Centre does not have a living room and the migrants have no opportunity to watch TV or access the Internet. The NGOs have been organising first-aid training for the migrants.



The staff locally engaged by the CRM are charged with maintenance and hygiene of the Centre. The migrants are under the obligation to keep their rooms clean and, according to the management, there have been no problems in this regard, they have even themselves drawn up a schedule of rooms, whose residents are charged with cleaning the entire floor. The hygiene items are provided by the humanitarian organisations. The NPM Team, however, did not find the hygiene to be satisfactory in all the rooms. Despite everything, it is difficult to maintain a satisfactory level of hygiene given the large number of migrants staying at the Centre.



Male and female residents have separate bathrooms in the building. There is a sufficient number of toilets and they are in a good state of repair. The migrants staying in the tents have two prefab bathrooms at their disposal (one with six shower cabins and several washbasins and the other with six toilets and three washbasins). These bathrooms are in a poor state of repair and are dirty and insufficient to satisfy the needs of all the migrants using them. The bathroom with the shower cabins was not in use because of a broken pipe at the time of the visit. Until it is repaired, the migrants will be allowed to use the shower cabin designated for quarantined migrants. The interviewed migrants living in the tents complained that they never had hot water. They also said that there was a problem with the wastewater, because the Centre was not connected to the

sewage system. The Centre is using a septic tank, which lacks the capacity to absorb all the wastewater, which often overflows. That was the case on the day of the visit as well. The

Centre staff said that the Kikinda public utility company had a small cistern for emptying the septic tank and already had problems catering to the needs of the local population. The CRM has been alerted to the problem and the staff expect it to be resolved soon, that a humanitarian organisation will dig larger septic tanks. Given the potential risks to the health of the migrants and local residents if this problem is not addressed soon, especially in view of the rising temperatures expected in the coming months, the NPM Team **urges the CRM to promptly take measures to ensure the resolution of this problem as soon as possible.**

## 2.

### **RECOMMENDATION**

**The Commissariat for Refugees and Migration is to take the requisite measures to ensure that migrants living in tents in the Kikinda Reception Centre yard are provided with adequate bathrooms and facilities for maintaining their personal hygiene.**

**The Commissariat for Refugees and Migration is to take the requisite measures to address the wastewater problems in the Kikinda Reception Centre without delay.**

The migrants, referred to from other Reception Centres, had been issued certificates there that they had undergone medical examinations, whereas the migrants accommodated in the government-run centres for the first time underwent check-ups on admission to the Centre, after which they had bathed and, if necessary, been issued fresh clothing. New arrivals are held in a separate tent until they undergo their check-ups, to prevent the spread of contagious diseases.

All the migrants are registered in uniform tables kept by all the Reception Centre. The following personal data of the migrants are entered in the tables: first and last names, sex, age (whether they are adults or minors), country of origin, date of birth and kinship with the other migrants. The reports on the number and breakdown of the migrants are submitted to the CRM every day; the information is also sent to the Ministry of the Interior and the Army of Serbia. The Centre also sends weekly and monthly reports on the situation and developments in the Centre to the CRM.

The migrants are free to leave and return to the Centre and their departures/returns are not refigured. The Centre building is locked down every evening at 9 pm and the staff tour all the accommodation facilities at around 9:30 pm to check whether anyone is missing. Five or six single migrants have so far left the Centre at their own initiative. The migrants have been issued identification cards, issued by the other Reception Centres as well.

### **3. FULFILMENT OF THE MIGRANTS' OTHER NEEDS**

The other Reception Centres sent on their surplus items for the migrants to the Kikinda Centre. The latter has established continuous communication with humanitarian organisations on the other items it may need. The NPM Team noted that the migrants urgently admitted in the preceding weeks, were in need of particular items, especially clothing, bed linen and bed covers. Humanitarian organisations distributed clothing two weeks before the visit and the staff said they would return when greater quantities of clothes were needed, rather than come to distribute clothes as individual needs arose.

The migrants wash their own clothes by hand and are periodically provided with personal hygiene items and detergent. The Centre is soon to be equipped with washing machines that

will be used to wash the bed linen and large items. Until then, these items will remain unpacked in sacks. The Centre and a humanitarian organisation have been discussing the possibility that the latter take the items to Kikinda to be washed once a week.

The migrants' three meals a day are organised by humanitarian organisations. The food is prepared by a restaurant in Kikinda. Infants are provided with adequate food as well. The migrants are provided with bottled water since the tap water is unfit for drinking. The migrants can ask the CRM staff for hot water, which the latter heat in a kettle in the hall of the building. One tent, equipped with tables and benches, now serves as the dining room. The plan is to adapt a nearby building into the dining room with financial support from humanitarian organisations and free up the tent for the accommodation of the migrants.



The menus are set every week and the meals fulfil the migrants' religious dietary requirements. The meal schedules, in English and Serbian, are displayed on the Centre's bulletin board and at the entrance to the tent serving as the dining room. Many migrants complained about the insufficient and monotonous meals and lack of adequate nutritional supplements for the children. They said that they had trouble buying food because the closest grocery shop was several kilometres away and there was no public transport on the road leading to it. The Centre staff said that there were difficulties in opening a shop in the Centre because of the fiscal register regulations and other tax requirements. The migrants are not allowed to cook additional meals in the Centre yard because of the strict outdoor fire rules and the wheat fields around the Centre.

In view of the pending Ramadan, the staff have begun asking the migrants which of them would observe the fast and what they needed. The migrants shared their concerns with the NPM Team about whether they would be able to observe the Ramadan rules, especially since they were not allowed to prepare the food themselves.

The staff mostly communicate with the migrants in English spoken by most of them, or at least one member of the group they are travelling with. Given that the migrants have spent already several months, some even a year in Serbia, the problems in communicating with them are not as great as they used to be. One CRM officer speaks Arabic.





The NPM Team noted that the Centre displayed visible notices of the daily activity regime, code of conduct and other information of relevance to the migrants and their life at the Centre. There is a box in the main hall in which the migrants can put their complaints about the work of the Centre staff. The staff said that only the shift leaders had access to the box. A notice about the complaints procedure is displayed on the bulletin board. The NPM Team also saw a notice about the crime of assault on an official performing

official duties,<sup>5</sup> posted after an incident in the Obrenovac Reception Centre, when a migrant physically assaulted a CRM officer.

Clashes occasionally break out between the migrants. The Centre staff said that inter-ethnic disagreements were the cause of most of the altercations and that none have resulted in grave injuries. The police had to intervene the day before the visit when two groups of young men waiting in line for food clashed physically. The migrants are forbidden from receiving visitors in the Centre to preclude the risk of human smugglers coming to solicit their victims. There are no problems between the migrants and the local residents, who often give the migrants a lift in their cars to the nearby settlements and want to help them.

One adult migrant from Palestine, who was recently admitted to the Centre, was stabbed by in the leg during a clash in the Šid Reception Centre, where he had previously been staying. He and his brother have been travelling together and have been in Serbia for a year now. He tried to continue his journey to Germany, where the rest of their family is living, several times. Revolted by the situation he has found himself in, he has repeatedly inflicted injuries to himself and cut his arm. He has already clashed with a group of young men in the short time has been living at this Centre. The medical staff have been treating his stab wound and self-injuries. He said he had been receiving a therapy for his psychological problems until he was admitted to this Centre but that he did not have any medical records corroborating his claims. **The NPM Team alerted the Centre staff and doctor to this migrant's problems and urged them to consider urgently referring him to a psychiatrist and to vigilantly monitor his behaviour and adjustment.**

A domestic violence case occurred in the Centre. The staff said that an Iranian national physically assaulted his pregnant wife and that they called the police and the paramedics. The doctors did not diagnose any injuries and the police wrote a report. To the best of the CRM staff's knowledge, nothing happened afterwards.

<sup>5</sup> Article 323 of the Criminal Code (Official Gazette of the Republic of Serbia Nos. 85/05, 88/05 - corr., 107/05 - corr., 72/09, 111/09, 121/12, 104/13, 108/14 and 94/16).

### 3.1. Health Care



The Centre has a doctor's room and an examination room, with a cabinet in which the medications are kept. The doctor and medical technician have been engaged by a humanitarian organisation and see the patients from 10 am to 2:30 pm on Mondays, Wednesdays and Fridays. They have a vehicle and driver they use to transport the migrants to the local health centres. The Centre plans on engaging six doctors and a technician in the Kikinda Out-Patient Health Clinic to ensure continuous health care in the

Centre. The Centre has also arranged for a nurse to visit the pregnant women and young mothers in the Centre as of June and plans on engaging a psychologist.

The migrants themselves report for check-ups, by going to the doctor's room and requesting an examination. They are issued numbers if there are more of them. They communicate with the health staff in English. Both the migrants and the doctor said that non-medical staff did not attend the check-ups.

The migrants are examined for the first time on admission and asked to strip to their waist. Since the doctor is in three times a week, the new arrivals are accommodated in a separate tent until they are examined. During the initial check-up, the doctor examines the migrants to ascertain whether they suffer from any contagious diseases and, if necessary, prescribes them the therapy. With the exception of the migrant from Palestine, the doctor has not diagnosed any injuries on the other migrants. There have been sporadic instances of lice and they have been treated accordingly.

The doctor's room is equipped with the basic medical equipment and sufficient quantities of medications. The doctors send weekly reports on the used and needed medications and material to the organisation that has engaged them. The medications are given to the migrants by the medical staff, in dosages they assess the migrants need. Medications for chronic diseases are given to the CRM staff to give the migrants if necessary when the medical professionals are off duty. The medications for the boy suffering from autism have been secured. **The NPM expects that the practice of non-medical staff administering therapy will end once the additional medical staff are engaged and they start working every day.**

The doctor keep the examination protocols and all migrants are given health records booklets to hold on to in which the doctor enters the administered treatment.

Specialist examinations are performed in the local health centres, notably the Kikinda General Hospital. The paramedics are called in when the doctor is off duty and the CRM officers are alerted to the medical needs of individual migrants. The Hospital has gynaecologists, paediatricians and dentists on staff. The pregnant women have been taken to see the

gynaecologists and the vaccination of children has been organised. Some migrant women have refused to be examined by gynaecologists, including women gynaecologists.

### **3.2. Underage Migrants**

There were 108 boys and 40 girls staying at the Centre on the day of the visit. Two babies recently born in Kikinda have been registered in the birth registry. The Centre will request the registry of a baby that came with its mother from the Adaševci Reception Centre. Five children in the Centre are under six months old. The staff said they planned on putting the two mothers who recently gave birth into a separate room to provide them with the adequate care and medical assistance and the best possible living conditions.

Forty-four of the minors in the Centre are unaccompanied. They are living in two tents. They have not been appointed guardians. The Reception Centre notified the Kikinda Social Work Centre (SWC) of the presence of unaccompanied minors, but the latter has failed to take the measures prescribed by the law; nor have any of its professional staff visited the migrants or performed an assessment of their condition and needs. The Centre has not received an official reply from the SWC and the CRM staff were told by the representatives of the SWC that they were understaffed and unable to implement the required procedures, that they would react only to police calls and that the CRM should address all its requests to the police first. The NPM considers that the SWC's attitude is unacceptable. Not only is the SWCs under the legal obligation, to appoint guardians to protect the unaccompanied minors; it needs to ensure its presence at the Centre because more than half of the residents are under age and over two-thirds of them are women and children, a particularly vulnerable category of migrants in need of protection.

### **3.**

#### ***RECOMMENDATION***

**The Kikinda Social Work Centre is to take the measures laid down in the Family Law<sup>6</sup> with respect to unaccompanied migrant minors staying at the Kikinda Reception Centre.**

**With a view to extending protection to underage and other vulnerable groups of migrants, the Kikinda Social Work Centre is to ensure the regular presence of its professional staff in the Kikinda Reception Centre.**

**The Ministry of Labour, Employment and Veteran and Social issues is to provide the Kikinda Social Work Centre with the requisite conditions to implement the actions vis-à-vis the migrants staying at the Kikinda Reception Centre.**

All the unaccompanied minors interviewed by the NPM Team said that they had left their countries of origin of their own free will and that they wanted to reach and settle in developed European countries. They said that none of them planned on staying in Serbia.

There is a Children's Corner in the Centre. It is clean and neat and equipped with new furniture and child-friendly objects. The room opens into the yard, where the children play, weather permitting. The children partake in various educational and entertainment workshops conducted by representatives of non-government organisations.

<sup>6</sup> Official Gazette of the Republic of Serbia, Nos. 18/05, 72/11 – other law and 6/15.

#### **4. INTERVIEWS WITH THE MIGRANTS**

During its visit to the Centre, the NPM Team talked to a number of migrants, who mostly complained about the lack of clothes and footwear, infant formula, baby food and therapy. They expressed their concerns that they would be unable to practice their Islamic religious rites during the Ramadan fast. They also complained that they could not communicate with their families because there was no Internet in the Centre.

Two families and around ten single migrants complained to the NPM Team that they had not wanted to come to this Centre. The families, which had previously been staying in the Bogovađa Asylum Centre, said that they were told they had to move to the Kikinda Reception Centre because they would no longer get food at the Bogovađa Centre. The single migrants, who had been living in Belgrade streets before they were brought to the Centre, claimed they had been told they would be transported to the Reception Centre in Preševo if they refused to go to the Kikinda Centre.