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**NATIONAL PREVENTIVE MECHANISM  
REPORT ON VISITS TO THE RECEPTION CENTERS FOR ASYLUM SEEKERS**

**Addressed to: Mr. Agim Veliu,  
Acting Minister of Internal Affairs**

**Mr. Valon Krasniqi, Director  
Department for Citizenship, Asylum and Migration**

**Mr. Fitim Zariqi, Director  
Centre for Asylum Seekers**

**Mr. Samedin Mehmeti, General Director of Kosovo Police**

**Copy: Duda Balje,  
Acting President - Committee on Human Rights, Gender Equality,  
Missing Persons and Petitions**

**23 February 2021**

Pursuant to Article 17 of the Law No. 5 / L-019 on Ombudsperson, the National Preventive Mechanism against Torture (hereinafter "NPM"), has visited the following Centers for Asylum Seekers:

1. **Center for Asylum Seekers in Magura, on 14 January 2021.**
2. **Center for Asylum Seekers in Mitrovicë, on 19 January 2021.**
3. **Center for Asylum Seekers in Vranidoll, on 25 January 2021.**

### **The purpose of the visit**

1. The purpose of conducted visits to the above-mentioned Centers for accommodation of asylum seekers was assessment of the respect of fundamental rights of asylum seekers by Kosovo Republic authorities pursuant to applicable legislation of the Republic of Kosovo as well as international human rights standards enshrined in the Constitution of Republic of Kosovo.

### **Composition of the monitoring team**

2. The monitoring team consisted of a Senior Legal Advisor for the prevention of torture and a Psychologist- Advisor.

### **Meetings and contacts of the NPM with responsible authorities in the course and after the visits**

3. During and after accomplished visits, the NPM met representatives of with the following public institutions: Department of Citizenship and Asylum (henceforward: *DCAM*), Kosovo Police (Police Station "South", Regional Directorate of Kosovo Police in Mitrovica, Police Station "North" in Prishtine), International Organization for Migration (IOM), NGO Civil Rights Program Kosovo (CRPK) and the State Agency for Free Legal Aid.

### **Cooperation of NPM during visits accomplishment**

4. During the visits conducted to Asylum Centers, NPM team was provided with full cooperation by officials of the Ministry of Internal Affairs as well as Kosovo Police. The team, without delay, had access to all the premises in each Center they visited, the team was provided with all the necessary information to perform the task and was provided access to all required documents, as well as interviews with asylum seekers, without the presence of police officers and officials of the Ministry of Internal Affairs was enabled.

### **Centers for Asylum Seeker**

5. Centers for Asylum Seekers are managed by the Ministry of Internal Affairs based on Regulation (MIA) no. 03/2018 on the Functioning of the Asylum Center (hereinafter, the Regulation). According to Article 3, point 1.3 of the Regulation and the Law on Asylum, the Asylum Center is defined as follows: "*any place used for collective admission and accommodation of applicants for international protection*". The official capacity in the three facilities (Magure, Vranidoll, Mitrovica) for Asylum Seekers is 2500. During accomplished visits, the NPM has identified that in the Center for Asylum Seekers in Magura were located 57 asylum seekers, in the Center in Mitrovica 55, while in the Center for Asylum Seekers in Vranidoll resided 61 asylum seekers.

## **Admission procedures**

6. Article 14 of the Regulation stipulates that the Department for Citizenship, Asylum and Migration (DCAM), within the MIA, decides, based on the relevant documents, whether a person should be accommodated in the Center or in another place. The center confirms the accommodation of the asylum seeker with the Acceptance Sheet which is attached to the applicant's file. The asylum seeker is then introduced to his / her rights and obligations, as well as is a subject of medical check-up and examination.

## **Rights of Asylum seekers according to the Law no. 06 / L-026 on Asylum and the Regulation**

7. Article 26 of Law no. 06 / L-026 on Asylum, has defined the following rights of asylum seekers, which are: to reside in the Republic of Kosovo; to have basic living conditions; to obtain basic health care; to get basic social assistance; to get free legal aid; to get education for children applicants; to freedom of thought and religious belief; to employment and professional trainings.
8. While Article 5 paragraph 2 of the Regulation explicitly stipulates: "*Applicants shall not be subjected to torture and inhuman or degrading treatment*". Further on, Article 5 paragraph 1 of the Regulation explicitly stipulates: "*It is prohibited for the Center staff, including those who work in the Centre, to discriminate or offend the dignity of applicants based on their race, religion, sex, nationality, membership in a particular social group or political affiliation.*" The NPM deems that given provisions constitute appropriate procedural guarantees against ill-treatment, humiliating and inhuman treatment, as well as against discriminatory treatment.

## **Information about their fundamental rights**

9. Article 11 of the Regulation stipulates that DCAM shall draft a brochure (in several foreign languages) in relation to the rights and obligations of applicants during the asylum procedure and their stay at the Center. The Center shall make this brochure available to the applicants.
10. NPM has observed that asylum seekers are informed about their rights and asylum procedures through brochures and documents written in Arabic, English, French, Turkish, Serbian, etc. In addition, large monitors have been installed in the corridors of the Asylum Center in Magura through which asylum seekers are informed about their rights in Albanian, English and Arabic. Also, in order to provide support to asylum seekers and MIA officials, an interpreter from Albanian to Arabic and vice-versa is hired by the International Organization for Migration (IOM).

## **Treatment**

11. During the visits, the NPM conducted group and individual interviews with asylum seekers. The interviews were conducted in English, French and Serbian. While, during the visit to the Center for Asylum Seeker in Magura, the NPM interviewed the asylum seeker with the assistance of an Albanian -Arabic interpreter. All asylum seekers expressed their appreciation for a very good and humane treatment by officials of the Ministry of Internal Affairs and the Kosovo Police. In addition, the NPM observed very friendly and interactive communication between asylum seekers and police officers as well as those of the Ministry of Internal Affairs.

## Accommodation conditions in visited centers

12. During the visit to the Center for Asylum Seekers in Magura, the NPM noticed that the accommodation conditions are of a very good standard in terms of living space, lighting, cleanliness and heating. In general, families who sought international protection were accommodated in this center. NPM, after the visits conducted, deems that accommodation conditions in the Center for Asylum Seekers in Mitrovica and Vranidoll, are acceptable for accommodation of asylum seekers, although they are not of the same standard as those in the Asylum Center in Magura.
13. During the visit to the Center for Asylum Seekers in Mitrovica, the NPM noticed that garbage was thrown alongside Center's yard and corridor, due to the lack of a container which should be placed by the public company for waste management. With regard to this situation, on 26 January, NPM contacted the company "Uniteti" in Mitrovica and was informed that the Company and the Responsible Public Institution for the Asylum Center must sign an agreement which predicts also payment for services provided. **Also, this center lacked a laundry machine which would enable residents of this Centre to clean their clothes.**
14. This situation was not in conformity with the provisions of the Law on Asylum, which explicitly defines the right of asylum seekers to basic living conditions. **The NPM considers that responsible authorities should take immediate action to avoid this shortcoming.**
15. On 28 January 2021, a fire broke out in the Center for Asylum Seekers in Mitrovica, in which case the building suffered a great damage to the extent that it became uninhabitable. The injured asylum seekers were taken to the regional hospital in Mitrovica, where they received appropriate medical care. Kosovo Police informed NPM that the case is under investigation and that several persons have been interviewed by them. All asylum seekers were transferred from the Asylum Center in Mitrovica to the Asylum Center in Magure and Vranidoll.
16. On 29 January and 1 February 2021, the NPM visited the accommodation Center for Asylum Seekers in Vranidoll and Magura to collect data on transferred asylum seekers from the Asylum Center in Mitrovica as well as to find out how they have been treated by Kosovo Police, since some of them have been arrested and later were released. All interviewed asylum seekers stated that they were treated very well by the Kosovo Police from the moment the fire broke out, during the interview and until the end of the police procedures.
17. It should be pointed as well that during the visit to the Center for Asylum Seeker in Vranidoll, the NPM noticed that due to damage of the sewerage system, a part of the center stink. **The NPM considers that the competent authorities should avoid this shortcoming as soon as possible in order that asylum seekers are guaranteed the fundamental rights provided by the Law on Asylum and the Regulation on Functioning of the Asylum Center.**
18. The NPM also admitted complaints from asylum seekers with regard to the lack of suitable clothing for their age and gender. In this regard, Article 21 of the Regulation explicitly defines the liabilities of the competent authorities in accordance with the Law on Asylum for supplying asylum seekers with clothing, food and hygienic kits.

19. Director of the Center for Asylum Seekers informed the NPM that they have been supplied with clothing by the Red Cross, UNHCR and from the Center.

### **Right to religious beliefs**

20. Section 40 of the Regulation guarantees asylum seekers the exercise of religious rights at the center. The NPM, during group and individual interviews, did not receive any complaints from asylum seekers regarding the right to practice religious at the Center, individually or in groups.

### **The right to basic social assistance**

21. The right to basic social assistance is guaranteed to asylum seekers by the Law on Asylum.<sup>1</sup> During the visit to the Center for Asylum Seekers in Magura, the NPM admitted complaints from asylum seekers who claimed that they had not yet enjoyed this right. With respect to this complaint, the Center social officer informed the NPM that the Center has applied for the basic social assistance to competent bodies and that the distribution of it will begin on 1 February 2021.

### **Nutrition**

22. The Law on Asylum and the Regulation determine the right of the asylum seeker to nutrition. The NPM was informed that asylum seekers at the Center are offered three meals per day, while asylum seekers suffering from any illness, such as diabetes, are provided with food, based on a medical report. NPM has noticed that the Center has a kitchen with all accessories, which was kept clean and in a good condition and which provides food to asylum seekers in accordance with the Regulation and any recommendations provided by the doctor.

### **Health care**

23. The NPM has noticed that medical services for foreign citizens in this Center are provided by the nearest Family Medicine Center and the University Clinical Center. In addition, the NPM noted that a physician was hired by the Jesuit Refugee Service (JRS) who supplies Centers for Asylum Seeker with drugs and other materials. The NPM did not receive any complaints from asylum seekers regarding medical services, on the contrary, asylum seekers expressed their gratitude that the necessary services are provided immediately upon request and as soon as possible.

24. Kosovo Rehabilitation Center for Torture Victims (KRCT) provides psychological services in the Centers. As the number of Asylum Seekers has increased, an agreement was also reached with SOS Villages for provision of psychological counseling to asylum seekers. In this way the capacities for psychological services have increased. The psychologist is present at the Center almost every day and provides individual and group sessions.

### **Children**

25. During the visit to the Center for Asylum Seeker in Magura NPM noticed that families with children (about 15 children) were accommodated there. NPM in the course of the visit was informed that, currently, there is no any unaccompanied child in the Center, as well as identified victims of violence and torture.

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<sup>1</sup> Law No. 06/L-026 on Asylum, Article 26, point 1.4.

26. Article 31 of the Regulation stipulates that the best interests of the child must be taken in consideration when enforcing the Regulation. According to the Regulation, children who have been victims of any form of abuse, neglect, exploitation, torture or inhuman treatment or who have suffered from armed conflicts shall be provided with adequate healthcare services and qualified counselling, as necessary. Children accommodated in the Center shall be provided with access to entertaining activities and games, appropriate for their age.
27. The NPM has noticed that there is a playground in the Center for children inside the Center, as well as in the yard, while children who meet the criteria, attend elementary school in the primary school near the Center. Also, during the visit, the NPM noticed that JRS has hired a teacher, who speaks Arabic language, to work with the children of asylum seekers.

### **Educational and social activities**

28. During the visit to the Center for Asylum Seeker in Magure, the NPM visited all the premises and noticed that there are activity rooms for adults in the Center, which were equipped with TV, with Wi-Fi connection all the time, playing cards, chess as well as a library with a small number of books in one corner as well as children's activity room equipped with toys and designed according to standards. Wi-Fi is also available to asylum seekers at Vrandioll Asylum Center.
29. The courtyard of the Center for Asylum Seeker also has a field for playing football and sufficient space for sports activities. Courses of Albanian language and tailoring are organized in this Center. **In general, the NPM considers that the Center in Magure meets all the conditions for social and educational activities.**
30. No space for activities is available in accommodation facilities for Asylum Seekers in Vranidoll and Mitrovica, there is no TV in the centre as well, generally no activity is performed by asylum seekers accommodated in these two facilities.

### **Contacts with outside world**

31. Based on the Regulation, asylum seekers are allowed to receive visits to the Center, to receive packages and correspondence, to use Center's telephone to communicate according to the set schedule, as well as to go out from the Center from 07:00 to 22:00.<sup>2</sup> The Regulation also stipulates that the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), as well as various Non-Governmental Organizations have access to the center. The Ombudsperson and his associates have unrestricted access and communication with applicants of the Center.<sup>3</sup>

### **Disciplinary measures**

32. Article 51 of the Regulation sets out the disciplinary measures which may be imposed on asylum seekers if they do not follow the instructions set out in this Regulation, which are: refusal of permission to leave the facility, restriction of access to TV or internet. In case any of the asylum seekers accommodated in the Center, displays violence or aggressive behavior that endangers the order and security in the Center, the same can be placed in

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<sup>2</sup> Regulation (MIA) no. 03/2018 on the Functioning of the Asylum Center, Article 38, 39, 42 and 54.

<sup>3</sup> Regulation (MIA) no. 03/2018 on the Functioning of the Asylum Center, Article 54.



special rooms of the Center and the case is immediately referred to the competent authorities (Police).

33. According to the directorate, so far no disciplinary measure of placement in separate rooms has been applied. Responsibility for security in all centers for asylum seekers temporarily rests with Security Unit of the Kosovo Police, due to the lack of a contract with a company that provides physical security of premises. However, the NPM has observed that police officers engaged with this task are not trained to work with this category.
34. During the meeting with the Director of the Centers where asylum seekers reside, NPM was informed about numerous damages and abuses of public property by asylum seekers. In this regard, the Director of the Center is of the opinion that the measures taken by responsible authorities are not adequate to prevent such cases.

### **Incidents between asylum seekers**

35. With regard to the incidents occurred between asylum seekers in the Centers for Asylum Seekers, the NPM had a meeting with the competent officials of the Police Station “South” in Mitrovica and the Police Station “North” in Prishtina. According to data obtained from the Station, in 2020, Kosovo Police intervened in the Center for Asylum Seekers in Mitrovica in 15 cases, of which 7 are open cases for further investigation, while in 2021 a case of death of an asylum seeker was registered in this Center as well as an incident between asylum seekers. Concerning the case of death in the Center for Asylum Seekers, NPM had a meeting with the Investigation Unit within the Regional Police Directorate for Mitrovica where it has been confirmed that by prosecutor’s order an autopsy has been ordered for ascertaining the cause of death.
36. With respect to the incidents, the NPM has noticed that registers of the Police, who stay in the premises of Asylum Seekers in Vranidoll and Mitrovica and are responsible for carrying out security tasks, do not contain information on incidents, but persons who visit the Centre as well as whenever the emergency doctor is called upon are registered in these registers. Incident cases when the police intervene from the nearest stations are registered in those Police Stations of the areas where Asylum Seekers reside.
37. The NPM considers that Police units that perform security tasks in Asylum Centers should have special registers were incidents and cases when they are forced to use physical force or other means to place asylum seekers under control will be recorded.

### **The procedure of complaint filing**

38. The issue of filing complaints is regulated by Article 43 of the Regulation, which stipulates that the asylum seeker has the right to file a complaint to the head of the Centre regarding the conditions of admission and conduct of the officials of the Center. The complaint is then forwarded to the Department for Citizenship, Asylum and Migration (DCAM), within the MIA, within 7 days.
39. The NPM has noticed that a complaint box set up by the Center is available to asylum seekers at the Center. In addition, during the visit, the NPM distributed to asylum seekers leaflets in Arabic, Serbian and English which provide detail information on mandate of NPM and Ombudsperson, as well as how to contact the NPM and Ombudsperson

Institution. Also, the Law on Asylum and the Regulation guarantee unrestricted access for International Organizations and Local Non-Governmental Organizations.

### **Restriction measures due to COVID-19**

40. During this period, the Center for Asylum Seekers, based on decisions taken by the Government of the Republic of Kosovo and the Ministry of Health, took decisions in order to prevent and fight the pandemic. Decisions on measures undertaken were translated and explained in other languages as well.

### **Free Legal Aid**

41. The Regulation stipulates that asylum seekers are provided with free legal aid.<sup>4</sup> NPM has observed that, at the moment, asylum seekers are provided with free legal aid by Non-Governmental Organization Civil Rights Program Kosovo (CRPK) and the Agency for Free Legal Aid.

### **Asylum Seekers Centers' Staff**

42. In the course of the visits, the NPM observed that in the Asylum Seekers Centers in Mitrovica and Vranidoll, there is no permanent staff of the Ministry of Internal Affairs, but that they go there only in certain cases. This situation makes harder proper functioning of the Centers, but also of the Kosovo Police officers who currently accomplish security tasks in these Centers. Concerning the staff at the Center for Asylum Seekers in Magura, the NPM has noted that despite the lack of sufficient staff, engagement of an IOM translator and a social worker from the JRS has significantly contributed in facilitating the management of the center. Regarding the lack of staff, during the meeting with the Director of the Center for Asylum Seekers on 1<sup>st</sup> of February 2020, the NPM was informed that the number of staff soon engaged will be 13 in total and will be sufficient for all Centers.

43. On 3 February 2021, the NPM had a meeting with the DCAM Director and informed him of the findings during the visit.

Therefore, based on the findings during the NPM visit, Ombudsperson

## **RECOMMENDS**

### **To the Ministry of Internal Affairs:**

- **To avoid shortcomings in functioning of the sewerage system in the Center for Asylum Seekers in Vranidoll.**
- **To engage additional staff according to the needs in all asylum centers.**

### **To the Kosovo Police:**

- **To register in separate registers cases of incidents as well as cases of use of physical force or other means by police officers in Asylum Centers in accomplishment of security tasks.**

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<sup>4</sup> Regulation (MIA) no. 03/2018 on the Functioning of the Asylum Center, Article 37.



Pursuant to Article 132, paragraph 3, of the Constitution of Republic of Kosovo (*“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law”*) and Article 28 of the Law No.05/L-019 on Ombudsperson, (*“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, including disciplinary measures, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question”*), You are kindly asked to inform us on steps to be undertaken regarding this issue.

Warmly submitted,

Naim Qelaj  
Ombudsperson