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Institucioni i Avokatit të Popullit • Institucija Ombudsmena • Ombudsperson Institution**

Prishtina, 7 February 2017

**REPORT
OF
NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE
OMBUDSPERSON
on
visit to Asylum-Seekers Centre**

To: Mr. Skender Hyseni, Minister
Ministry of Internal Affairs
Mr. Valon Krasniqi, Director
The Department for Citizenship, Asylum and Migration
MIA
Mr. Fitim Zariqi, Director
Asylum-Seekers Centre, Magure

Pursuant to Article 135, paragraph 3 of Constitution of the Republic of Kosovo and Article 17 of Law 05/L-019 on the Ombudsperson, Ombudsperson's National Preventive Mechanism against Torture visited the Asylum-Seekers Centre.

Dates on the visit and the composition of the monitoring team

1. Pursuant to Article 17 of Law 05/L-019 on Ombudsperson, National Preventive Mechanism against Torture (hereinafter “NPMT”) of the Ombudsperson, in November 2016 visited the Asylum-Seekers Centre in the village of Magura, Municipality of Lipjan, (hereinafter “Centre”). The monitoring team was composed of one legal advisor and one psychologist.

Asylum-seekers centre

2. Asylum-Seekers Centre in Magura was inaugurated in 2012 and operates within the Ministry of Internal Affairs (MIA). Regulation (MIA) No. 02/2014 on Functioning of the Asylum-Seekers Centre (hereinafter “Regulation”) determines the functioning of the Asylum-Seekers Centre and its management, including the procedure of admission, registration, accommodation and movement of asylum seekers within respectively outside the Centre.¹ This Regulation also regulates sanitation and hygiene conditions, nutrition, medical assistance, maintenance of order and discipline, as well as other important issues regarding its work.²

Cooperation with NPMT during the visit

3. During the visit made to this Centre, personnel of the Centre offered NPMT full cooperation. The team without any delay had access to all places visited. The team was provided with all necessary information to discharge their duty and was able to speak in private with persons deprived of their liberty without the presence of the officers of the Centre.

Ill-treatment

4. During the visit of NPMT in this Centre, there were 25 asylum-seekers accommodated, mainly from the Republic of Albania, Algeria, Syria, Morocco and Afghanistan. NPMT contacted some of the asylum-seekers accommodated in this Centre. **NPMT received no complaints regarding their ill-treatment in this Centre.**

Rights of asylum-seekers according to Law on Asylum

5. Article 19 of Law on Asylum determines that asylum-seeker has the following rights: to reside in the Republic of Kosovo, to basic living conditions, to basic health care, to basic social assistance, to free legal assistance, to education for children asylum seekers, to freedom of thought and religious belief, to employment and professional training. NPMT received no complaints from asylum-seekers accommodated in this Centre, regarding the enjoyment of these rights guaranteed by Law on Asylum.

Safeguards against ill-treatment

6. Article 5 of Regulation expressly determines: *“It is prohibited for the Centre staff to discriminate and offend the asylum seekers dignity based on their race, religion, sex, nationality, membership in a particular social group or political affiliation.”* In addition, Article 5 paragraph 2 of regulation determines that: *“Asylum seekers shall not be*

¹ Regulation (MIA) No. 02/2014 on the Functioning of Asylum-Seekers Centre, Article 1

² Regulation (MIA) No. 02/2014 on the Functioning of Asylum-Seekers Centre, Article 1, paragraph 2

subjected to torture, inhuman or degrading treatment". Article 6.3 of Regulation determines that the officer of the Centre must notify the asylum seeker regarding the rights and obligations as well as the asylum procedure, including the possibility of obtaining free legal assistance and the possibility of contact with representatives of UNHCR or other organizations, which deal with the protection of the rights of refugees in his language or in a language which he/she understands.

7. NPMT was informed that asylum-seekers are notified on their rights in different languages through leaflets and brochures. In addition, there is also a list of MIA interpreters available to the Centre. Free legal assistance is offered by the Non-Governmental Organisation CRPK (Civil Rights Program Kosovo). **NPMT received no complaint from complainants regarding the non-compliance with the above-mentioned rights.**
8. In addition, NPMT observed that there are security cameras operating in all corridors of the Centre, which is an additional safeguard against ill-treatment.³

Material conditions

9. During the visit to the Centre, NPMT visited the areas where asylum-seekers are held, including all areas such as interview rooms, sleeping rooms, family rooms, rooms for the activities of the adults and minors, which were equipped with TV, a library with a small number of books, room of activities for children equipped with toys and the room enabling the exercise of religious activities, kitchen equipped with appliances, as well as laundry sufficiently equipped for the capacities of the Centre. The Centre also had a playground for children in the courtyard. All rooms offered good accommodation, heating, cleanliness and sufficient natural light. The Centre offered appropriate bathrooms and non-stop hot water, where asylum-seekers can take a shower as many times as they wish. **In general, NPMT considers that the Centre complies with all conditions for accommodation of asylum-seekers.**

Food

17. Law on Asylum and Regulation determine the right for asylum-seeker for food. **NPMT was informed that asylum-seekers in the Centre are given three meals per day, while asylum-seekers suffering from any disease such as diabetes are given food based on the medical report. NPMT observed that the Centre is in possession of a kitchen with all associated appliances and was in good condition and clean. NPMT received no complaints from asylum-seekers regarding the food offered in the Centre.**

Health care

18. Standards set forth by CPT regarding the rights of the foreign detainee determine the right to receive services from a physician as a fundamental right and as one of the safeguards against ill-treatment. NPMT was informed that medical services are administered to foreigners in this Centre by the Family Medical Centre in Prishtina and the University Clinical Centre. Article 9 of Regulation (Medical examination) expressly determines that the professional medical personnel carries out a general medical examination of the asylum seeker(s) upon arrival at the Centre. Regulation further determines that all

³ See Standards of European Committee for the Prevention of Torture and the report on the visit to Ireland in 2010.

asylum-seekers over 5 years old should pass the tuberculosis test, this way performing the Rontgen of lungs.

19. Further, according to Regulation, asylum seekers with mental or physical disabilities are entitled to professional medical care and counselling. NPMT was informed that the Centre possesses areas for provision of medical services and it will engage the appropriate medical personnel and the Centre will have its own medical services. **NPMT will request updated information regarding this project of the Centre.**
20. NPMT was informed that when asylum-seekers are accommodated an x-ray of lungs, laboratory analysis and a general medical examination is conducted to them. Expenses for medicines are covered by MIA. NPMT observed that all data regarding the medical services offered to the asylum seekers are held in his/her personal file.

Children

21. During the visit, NPMT was informed that an asylum-seeking family with three children was accommodated in a private housing in Ferizaj. The Centre was engaged on the issue of children schooling. While, NPMT met a four-year old child in the Centre.
22. Article 13 of Regulation determines that the child's best interest should be taken into consideration during the implementation of this Regulation. According to Regulation, children who have been victims of whatsoever form of abuse, neglect, exploitation, torture or inhuman treatment or they have suffered from armed conflicts will be offered appropriate medical treatment services and qualified counselling when necessary. In addition, children accommodated at the Centre for asylum seekers will be ensured to access entertaining activities and games in accordance with their age. NPMT observed that there is a code of games for children in the Centre within the facility and the Centre's courtyard.
23. During the visit, NPMT was informed that currently there are no unaccompanied children in the Centre, as well as identified victims of violence and torture.

Disciplinary measures

24. Article 45 of Regulation determines disciplinary measures which can be imposed to the asylum-seekers if an asylum seeker fails to comply with the guidelines set forth in this Regulation: refusal of permission to leave the Centre for a certain period of time, limiting TV Access or internet. If an asylum seeker during his/her stay at the Centre commits violent acts or has aggressive behaviour with which the order and safety are at risks, he/she shall be placed in a separate room and the Centre shall immediately inform police authorities.

Admission procedures

25. Article 6 of Regulation determines that the Department for Citizenship, Asylum and Migration (DCAM), within MIA, decides, based on the relevant documents, whether an individual is to be sheltered in the Centre or elsewhere. The Centre confirms, with an admission sheet, housing the asylum seekers, which is attached to the asylum-seeker's file. Then the asylum-seeker is notified with his rights and obligations, and his//her control and medical examination is conducted.

Complaint procedure

26. The issue of lodging complaints is regulated by Article 19 of Regulation which determines that asylum seekers have the right to complain to the Head of the Centre regarding living conditions and the behaviour of the officials. Complaints shall be forwarded to the DCAM within 7 days.
27. NPMT observed that there is a complaint post-box available for asylum-seekers placed by the Centre.

Based on the findings during the visit, NPMT, therefore, concludes that:

- **Living conditions are offered to the accommodated asylum-seekers in the Centre for Asylum-Seekers in accordance with international standards and relevant domestic laws.**
- **NPMT received no complaints from the accommodated persons on the violation of their rights or regarding the treatment in this Centre.**

Sincerely,

Hilmi Jashari
Ombudsperson