



Ref: CommHR/AW/jp 043-2013

**Mr Ivica DAČIĆ**

Prime Minister and Minister of the Interior of Serbia

Strasbourg, 27 November 2013

Dear Prime Minister,

Following up to my recent visit to Belgrade where I participated in the Council of Europe Conference of Ministers responsible for Media and Information Society, I should like to take the opportunity to raise with you a number of issues with regard to the human rights of asylum seekers in Serbia. During my stay, I visited the reception centre for asylum seekers in Bogovadja, together with the Ombudsman of Serbia, Mr Saša Janković, and met with UNHCR representatives, as well as with a number of NGOs.

I could witness signs of the current strains on the Serbian asylum system. On the date of my visit, on 7 November, the above centre, which has a maximum reception capacity of 160 persons, was full. As a consequence, about 230 asylum seekers in need of accommodation were living in the forest nearby, in basic shelters such as wooden shacks or tents, with no access to sanitation services. The living conditions in the forest have been described by the Serbian Ombudsman as inhuman and degrading.

The situation in Bogovadja is indeed serious and requires your authorities' urgent attention and action. With the number of asylum seekers representing two-thirds of the local population, there have been tensions between them and local residents, but thankfully, no serious incidents to date. During my visit, I talked to representatives of the local community, who expressed their worry about the inaction of the national authorities, as well as their fears that, with winter coming, the situation of the asylum seekers living in the forest will become unbearable. I therefore urge you to rapidly take all relevant measures in order to ensure that every person who has expressed the intention to seek asylum in Serbia is accommodated in a place which meets international standards.

I have noted that, according to the 2007 Law on Asylum, once a person has expressed the intention to seek asylum in Serbia, registration of that person as an asylum seeker should be done in one of the existing two asylum centres. However, a number of persons do not get registered, notably due to the inadequate reception capacity of these centres. Thus, in practice, there is no access to the asylum procedure if the concerned person is not accommodated in an asylum seekers' centre. In 2012, 2 723 asylum requests were recorded in Serbia, while the actual reception capacity of both centres is 288 places. Until October 2013, another 3 845 persons had already declared their intention to seek asylum.

Moreover, I have noted with particular concern that registered asylum seekers who submit their application have almost no prospect of being granted refugee status or subsidiary protection: with only three persons recognised as refugees since 2008, the recognition rate is close to zero in Serbia.

While I welcome the efforts Serbia has made to establish a legal framework on asylum and to develop its reception infrastructure for asylum seekers, more needs to be done, especially in view of the increase in arrivals Serbia is facing since 2010. With the crisis in Syria, currently the top country of origin of asylum seekers in Serbia, it is likely that the number of persons in need of international protection will increase.

I would like to stress that in order to bring the implementation of the Asylum Law in line with international and European standards and have a functioning asylum system, Serbia should undertake measures, including:

- Increase the capacity of accommodation centres in Serbia so that persons seeking protection are not compelled to sleep without shelter; the current inadequate arrangement not only puts the health and well-being of vulnerable persons at risk, it also negatively affects hygiene and the quality of life of the local population and creates a grave risk of social tensions.
- Establish a protection-sensitive screening mechanism in order to allow an early distinction between migrants and asylum seekers and their referral into differentiated procedures and to alleviate the current strains on the asylum system;
- Re-position and formally establish the Asylum Office as an independent unit within the Ministry of the Interior; transfer relevant tasks from the Directorate for Border Police to trained civil servants;
- Improve alignment of the processing of asylum claims with the management of accommodation, which is currently dealt with separately by the Serbian Commissariat for Refugees and Migration.

I intend to address international donors, such as the European Union, and urge them to provide Serbia with assistance in asylum matters as well. However, the Serbian authorities must take the lead and demonstrate resolve in ensuring the protection and accommodation of asylum seekers.

I look forward to receiving your reply and to continuing a constructive dialogue and co-operation with you and your government.

Yours sincerely,



Nils Muižnieks