



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS

417-44/22

Belgrade

ref. no. 18625 date: 18th July 2022



Protector of Citizens
Ombudsman

NATIONAL PREVENTIVE MECHANISM

Report for 2021

Belgrade, July 2022

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Foreword

Dear reader,

Here before you is the tenth annual report of the Protector of Citizens on the activities carried out in performing the tasks of the National Preventive Mechanism in the Republic of Serbia.

During 2021, the National Preventive Mechanism (NPM) conducted 86 visits to places where persons deprived of their liberty are or may be located. Numerous police departments and police stations within their composition were visited, as well as pre-trial detention units, prisons, psychiatric clinics and departments in general hospitals, social welfare homes, reception centres for migrants, transit zones at international airports and military facilities. Also, 12 oversights of the procedures of forced returns of foreigners were carried out. A total of 245 recommendations were issued, of which 242 were from reports on visits to places where persons deprived of their liberty are or may be located, and three recommendations from the area of oversight of the forced returns of foreigners.

Institutions where persons deprived of their liberty are located, and which the NPM visited during the reporting period and issued recommendations to them, achieved good cooperation that enabled the NPM to act in accordance with its mandate established by the Optional Protocol to the UN Convention against Torture (enabling it to conduct announced and unannounced visits to detention institutions, access to all premises and installations, insight into all the data, as well as to conduct interviews with all persons deprived of their liberty, employees and any other persons chosen by the NPM).

In carrying out the tasks of the NPM, the Protector of Citizens determined that during the reporting period in the Republic of Serbia, activities to improve the protection of rights of persons deprived of their liberty and the prevention of torture and other forms of abuse have continued. In this sense, there are numerous testimonies of randomly interviewed persons deprived of their liberty, that they were not victims of torture. However, this does not mean that torture or other forms of abuse do not exist in the Republic of Serbia. Individual cases are always possible, because torture, like any other form of abuse, is often conditioned or encouraged by the circumstances of a specific situation and event, but it is never justified. Namely, the prohibition of torture is absolute, and no circumstance, situation, incentive, etc. can justify it.

Like the previous one, this reporting period was also marked by a large number of thematic visits that the NPM carried out in order to examine and determine the situation in certain areas. In this regard, in this reporting period, the NPM conducted visits in order to monitor the treatment of migrants at the borders with North Macedonia, Bulgaria and Croatia. In order to assess the treatment of migrants at the borders, six reception centres for migrants were visited, as well as four police stations, four regional border police centres, two institutions for the enforcement of penal sanctions and the "Constantine the Great" Airport in Niš.

The NPM dedicated its visit to the Penal-Correctional Institution for Women in Požarevac to monitoring the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the Bangkok Rules, in order to determine the extent to which these United Nations standards were applied in practice.

In the reporting period, the NPM developed a special methodology for visits to institutions for the enforcement of penal sanctions in order to check for the existence of torture and other cruel, inhuman or degrading treatment or punishment. For the first time, during the visits, the NPM exclusively focused on the implementation of measures for maintaining order and

security in the institution, the treatment of persons deprived of their liberty in closed departments of the institution, and the method of documenting personal injuries of a person during the enforcement of the sentence.

Also, until the visit of the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the Republic of Serbia in March 2021, the NPM carried out visits to institutions for the enforcement of penal sanctions and police departments, that is, police stations within their composition, in order to monitor implementation of the recommendations from the CPT Report on the visit to the Republic of Serbia from 2017.

The largest number of visits, in the previous, as well as in this reporting period, were visits to police departments, that is, police stations within their composition, which were carried out in order to monitor the treatment of apprehended and detained persons in connection with the respect of their basic rights, which are also a safeguards against abuse: access to a lawyer and a doctor, notification of custody and the right of person to be informed on his/her rights. The treatment of persons in police detention was also monitored during visits to institutions for the enforcement of penal sanctions, considering the practice that in certain police departments, facilities in these institutions are used to detain persons in criminal proceedings. During visits to institutions for the enforcement of penal sanctions, the NPM conducted interviews with persons in pre-trial detention, with the aim of gathering information about the conduct of police officers towards them during the arrest, during detention, as well as during the application of other police powers.

During the visits to police stations, the NPM determined an improvement, especially regarding the material conditions of the detention premises, given that a large number of the detention rooms were adapted in accordance with the standards. An improvement in the conduct of police officers towards apprehended and detained persons regarding the respect of their basic rights was also noticed, as well as the improvement of the custody records that police stations keep for detained persons, but it is necessary to undertake further activities to improve the records on the manner of exercising the rights of apprehended and detained persons to access a lawyer, so that they contain all the necessary data on the basis of which it is possible to determine how and when the person exercised his/her right to access the lawyer.

During the reporting period, the NPM interviewed more than 100 persons deprived of their liberty, both detained and in police custody, about the conduct of police officers towards them during the arrest, during detention, as well as during the application of other police powers. In this regard, the fact that during these visits, the largest number of interviewed persons did not complain about the conduct of police officers and the possibility of exercising their rights is encouraging, and after reviewing the documentation, it was established that these rights are respected in the majority of cases.

Although the efforts of the Ministry of Interior to equip interrogation premises with technical equipment for audio and/or video recording have been noted, it is necessary to continue undertaking these activities and to provide the aforementioned in all police stations, as well as to more closely regulate the actions of police officers when conducting interrogations in the aforementioned premises.

With regard to the rights of persons who have been imposed the measure of pre-trial detention or who are serving a prison sentence, the NPM determined that the Administration for the Enforcement of Penal Sanctions continued to invest in the material conditions for the accommodation of persons deprived of their liberty and in increasing the capacities of institutions for the enforcement of penal sanctions, and the continuation of these activities is also planned in the Strategy Proposal for the Development of the System for the Enforcement

of Penal Sanctions in the Republic of Serbia for the period 2021-2027, which was made in the reporting period. However, there is still a shortage of personnel in some services, which may negatively affect the protection and exercise of the rights of persons deprived of their liberty, their resocialization and preparation for release.

The NPM commends the efforts of the Administration for the Enforcement of Penal Sanctions, which are aimed at developing the capacities of prison officials to develop and implement new programs for the treatment of convicts, and significant progress has also been made in increasing the work engagement of convicted persons, and in some institutions, of persons in pre-trial detention as well. However, the above should be developed for the entire prison system. There is still a need to provide sufficient available activities to all persons in pre-trial detention and convicts who are assigned to closed wards, as well as the possibility for them to stay during the day in common rooms with other convicts, i.e., remand prisoners, with whom the court has not restricted their contact due to the conduct of criminal proceedings.

In this reporting period as well, the NPM observed that there are some persons with mental disorders in institutions who need to be provided with conditions that match their needs, i.e., that it is necessary to remove these persons from the regular prison regime and place them in a health institution of the appropriate type, a Special Prison Hospital, possibly to an inpatient health care unit within the institution, where conditions exist for their treatment. In this regard, it is commendable that the Strategy Proposal for the Development of the System for the Enforcement of Penal Sanctions in the Republic of Serbia for the period 2021-2027 includes, among other things, activities aimed at solving the aforementioned problem and improving the treatment of this, particularly sensitive, category of persons deprived of their liberty.

In many institutions, the performance of the first medical examination has been significantly improved, as well as the method of documenting injuries and undertaking further activities regarding the aforementioned, that is, the forwarding of the information to the competent public prosecutor's office, if there are circumstances that indicate that a person was treated violently. The aforementioned has also contributed to strengthening the role of medical doctors in protection against ill-treatment and represents an important segment in the fight against impunity for torture.

Also, the fact that during a large number of unsupervised interviews with persons convicted and in pre-trial detention, they did not complain that they were victims of torture or other illegal treatment by the prison staff, is encouraging.

In the area of psychiatry, in the reporting period, there was a noticeable improvement in the material conditions in some visited institutions, but it is necessary to continue to undertake activities to improve the material conditions of accommodation in all psychiatric institutions, so that they are fully in line with the current standards. Acting on the recommendations of the NPM, the visited institutions improved the keeping of the records on the application of physical restraint measures and elaborated available rehabilitation psychosocial activities that were carried out in smaller groups for epidemiological reasons. However, there is still a lack of continuous specialist trainings for middle-level medical staff. As in the previous reporting periods, in this reporting period as well, it was observed that there is still a small number of services for the protection of mental health in the community. The above indicates that there is a need to intensify deinstitutionalization activities in the sense of abandoning the practice of keeping patients in hospitals for a long time, the need to establish non-institutional care and support in the community for people with mental disorders (and their families), with the aim of providing care for them and enabling them to live and be treated in the community, as well as the need to create more centres for the protection of mental health in the community.

In the visited social welfare homes, material conditions were improved, as well as the manner of informing beneficiaries on their rights and legal protection mechanisms, and the practice of physically restraining beneficiaries was abandoned. However, there is still an evident lack of staff for working with the beneficiaries, which can adversely affect the quality of the provision of health and psychosocial services. Also, in some cases, it was observed that there is no interest of guardians from the centres for social work to be more actively involved in the life of beneficiaries and take better care of their interests, especially in situations where the residence of the beneficiaries and the headquarters of the social welfare home are far from each other or in different places. Therefore, further challenges are related to the employment of the missing number of employees in direct work with the beneficiaries, their continuous education, strengthening the capacities of centres for social work and undertaking activities aimed at improving the actions of centres for social work in terms of providing effective guardianship services to beneficiaries in institutions, as well as the development of community services.

While performing oversight of the procedures of forced return of foreigners, the NPM observed that the preparation of foreigners for forced returns has been improved, as well as that the police officers who carry out forced returns respect the integrity and dignity of foreigners and show a high level of professionalism in performing this work. As the biggest deficiency in the forced return procedure, the NPM points out again that foreigners do not always have the opportunity to indicate the existence of facts that would indicate obstacles to their forced return to a certain country, nor is the existence of these facts determined, which can lead to a violation of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this regard, it is necessary, without exception, to ensure compliance with the principle of prohibition of expulsion, return or extradition of a person to a country where there are serious reasons for suspicion that this person may be subjected to torture, and bearing in mind the absolute nature of prohibition of ill-treatment, which is a norm the states must apply in relation to all persons in need, without any discrimination and regardless of the status of the person, it also implies a ban on expulsion – return of a person to the territory of a country where that person is at risk of abuse or any other serious violation of rights.

During the reporting period, the competent authorities undertook activities in order to provide adequate facilities for the accommodation of foreigners who were refused entry into the country. At the Belgrade “Nikola Tesla” Airport, works on a completely new facility, which meets current standards, have been completed.

Since the beginning of the increased influx of migrants and asylum seekers, the NPM has continuously monitored the general situation and treatment of migrants and asylum seekers. Although a large number of migrants are in the country illegally, the forced return mechanism applies only to a small number of them, mainly those who can be returned to transit countries in accordance with readmission agreements. Also, a small number of migrants who are in reception centres want to enter the asylum procedure. The reception centres are open-type, the length of stay of migrants in the centres varies, and the living conditions are mostly satisfactory. The NPM indicated that it is necessary for the competent authorities to continue to invest and, to the greatest extent possible, support the functioning of the system of accommodation of unaccompanied minor migrants in social welfare homes and houses managed by humanitarian organizations, bearing in mind that this type of accommodation is more suitable to their needs. Also, the NPM pointed to unconfirmed, but numerous allegations of illegal expulsion of migrants, mainly from neighbouring countries, but also from the Republic of Serbia, in order to prevent such behaviour from occurring, and if it does

occur, to ensure the implementation of an effective investigation, determination of individual responsibilities and sanctioning of those responsible.

As a result of acting on the recommendations issued by the NPM in 2020 in the Thematic Report, which was prepared after 16 visits to military facilities, in the reporting period, the material conditions in the disciplinary premises were improved, the provisions of the instructions governing the manner of enforcement of the sanction were reviewed and modernized, and written recording of information on the treatment of sanctioned soldiers and important events during the enforcement of the sanction was introduced. In the premises, a daily schedule of activities has been displayed, it has been made possible for sanctioned soldier to have visits in privacy, a mandatory medical examination has been introduced before the start of the sanction, as well as a conversation with a psychologist. It is regulated that the distribution of therapy is carried out exclusively by medical personnel, and there is an obligation to inform sanctioned soldiers about the possibility of submitting a complaint to the Protector of Citizens.

Also, in the reporting period, certain activities were undertaken on the normative plan in the direction of improving the treatment of persons deprived of their liberty. However, it should be borne in mind that the suppression of inadequate treatment does not only imply the adoption of appropriate legal norms, but also the taking of necessary steps to ensure their application, including the timely forwarding of information about inadequate treatment to the competent prosecutorial and judicial authorities, as well as conducting effective investigations into allegations about inadequate treatment, all with the aim of "zero tolerance" for torture and building a culture of punishment, establishing individual responsibility and sanctioning the perpetrators. The aforementioned also requires the improvement of internal control mechanisms, prosecutor's offices and courts, in order to effectively and efficiently fight against torture.

For the prevention of torture, the urgent implementation of effective investigations into all allegations of possible abuse, adequate and timely support for all victims of abuse, and the certainty of punishing the perpetrators are particularly important. It is also necessary to develop a system of continuous trainings on human rights for all those who treat persons deprived of their liberty, so that certain actions do not turn into humiliating or inhuman treatment.

Bearing in mind that the rights to physical and psychological integrity and human dignity belong to basic human rights and that the prohibition of torture in general international law is treated as an imperative norm that is binding for all states, the Republic of Serbia is obliged to implement activities and measures aimed at ensuring full compliance with the ban on abuse and improving the situation in this area. The fight against torture is not only a fight for the victims of torture, but also a fight for the dignity of us all, and the right to dignity, in the Constitution, among the provisions on human rights and freedoms, comes before the right to life. Human dignity is inviolable and everyone is obliged to respect and protect it! (Article 23 of the Constitution of the RS).

Presenting the findings and general and individual recommendations for improving the situation in this area, the Report highlights the activities that must be undertaken in the direction of a more effective fight against torture and the improvement of the protection of human dignity.

The report before you, represents another contribution to building a society without torture, a society in which the physical and psychological integrity and dignity of every citizen is respected, in every situation, without exception and regardless of the circumstances.

I would like to thank all authorities, civil society organisations and individuals with whom we cooperated during the reporting period, performing the tasks of the National Preventive Mechanism.

DEPUTY PROTECTOR OF CITIZENS

Nataša Tanjević, PhD

1. INTRODUCTION

1.1. Mandate

With the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹ (Optional Protocol), the member states have agreed to establish a system of regular visits to places where persons are or may be deprived of their liberty by independent international and domestic bodies, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The Optional Protocol establishes the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Subcommittee on Prevention), which is authorized to visit all places of detention and to issue recommendations to member states regarding the protection of persons deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment.

At the same time, the Optional Protocol stipulates that each member state has the obligation to establish or designate one or more bodies at the national level, that carry out visits for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

The NPM has the right:

- to access all information concerning the number and treatment of persons deprived of their liberty in places of detention, as well as the number of facilities and their location;
- to access all places of detention, their installations and facilities, of its choice;
- to undisturbed conversations with persons deprived of their liberty without the presence of witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the NPM believes may supply relevant information, of its free choice;
- to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

The NPM is authorized to regularly examine the treatment of persons deprived of their liberty in places of detention, to make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations, as well as to submit proposals and observations concerning existing or draft legislation.

The state is obliged to guarantee the functional independence of the NPM and the independence of its personnel, as well as to make available the necessary resources for the functioning of the NPM.

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated any information, whether true or false, to the NPM, and no such person or organization shall be otherwise prejudiced in any way.

The relationship between the NPM and state authorities is based on the principle of trust and cooperation. Competent state authorities are obliged to examine the recommendations of the NPM and enter into a dialogue with it on possible implementation measures.

¹ Adopted on 18th December 2002 in New York, at the 57th session of the United Nations General Assembly by Resolution A/RES/57/199, entered into force on 22nd June 2006.

Competent state authorities are obliged to publish and disseminate annual reports of the NPM.

Serbia has signed the Optional Protocol on 25th September 2003, and ratified it on 1st December 2005.²

Serbia became a member state of the Optional Protocol by submitting the ratification act to the UN Secretary General on 26th September 2006.

In Serbia, a new NPM body was not formed, but an authentic, complex model of the NPM was chosen, which implies that the tasks of the NPM are performed by an existing independent state body, in cooperation with the authorities of decentralized units and the civil sector. The NPM was established by the Law on Amendments to the Law on the Ratification of the Optional Protocol, adopted on 28th July 2011.³

The tasks of the NPM are carried out by the Protector of Citizens in cooperation with the ombudsmen of the autonomous provinces and associations whose statutes foresee the promotion and protection of human rights and freedoms as the goal of the association.⁴

1.2. Most important data on activities in 2021

During the reporting period, the NPM carried out 86 visits to institutions where persons deprived of their liberty are located and 12 oversights of procedures of forced return of foreigners.

In the reporting period, 42 reports on the conducted visits were made. In some cases, unique reports were prepared for several visited institutions due to the need for a systematic overview of a certain problem. In connection with the oversight of the forced return of foreigners, two group reports were prepared.

A total of 245 recommendations were issued, of which 242 were from reports on conducted visits to places where persons deprived of their liberty are or may be located, and three recommendations from the area of oversight of the forced return of foreigners.

In the reporting period, the Protector of Citizens marked 10 years of work of the NPM. At the solemn event, which brought together representatives of international organizations, the Provincial Ombudsman, civil sector organizations and state authorities, with whom the NPM has achieved successful cooperation over the past decade, a short film was shown and a publication was presented about the activities of the NPM in the first 10 years of work.

Representatives of the NPM participated in two meetings of the South-East Europe NPM Network, chaired by the Hungarian NPM. The first meeting was devoted to the implementation of the mandate of the NPM in the conditions of the pandemic of the COVID-19 infectious disease, and the second to the techniques of interviewing sensitive categories of persons deprived of their liberty.

² "Official Gazette of SCG - International Agreements", number 16/05, amendments 2/06.

³ Law on Amendments to the Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment ("Official Gazette of the RS - International Agreements", number 7/11).

⁴ Law on Amendments to the Law on Ratification of the Optional Protocol, Article 1.

Also, two meetings of the Asylum and Migration Working Group of the European Network of National Human Rights Institutions (ENNHRI) were held, in the work of which a representative of the NPM participates.

In performing the tasks of the NPM in 2021, the Protector of Citizens participated in an ENNHRI project, within which the NPM team was at the borders with North Macedonia, Bulgaria and Croatia, as well as at international airports. In connection with these visits, the NPM submitted a report on the treatment of migrants at the borders, which the ENNHRI combined with the findings of other national human rights institutions in a regional report, which shows regional trends and challenges in respecting the basic human rights of migrants at the state borders.

A representative of the NPM attended a regional training for monitors of forced returns organized by the European Border and Coast Guard Agency (FRONTEX).

In the reporting period, the Deputy Protector of Citizens and Head of the NPM, Nataša Tanjević, PhD, participated in the work of the Board of the Independent Police Complaints' Authority Network (IPCAN).

In terms of international cooperation, the NPM participated in numerous international conferences organized by the Council of Europe (CoE), the Association for the Prevention of Torture (APT), ENNHRI, etc. which were organized online due to the epidemic of the COVID-19 infectious disease.

In the document of the International Ombudsman Institute on the best practices of ombudsmen around the world, a contribution of the NPM Protector of Citizens on the topic of "Giving a voice to patients with mental disorders" was also published.⁵

Representatives of the NPM had a meeting with the CPT delegation that visited the Republic of Serbia in March 2021.

Also, during the reporting period, communication and cooperation with the Subcommittee on Prevention (SPT) continued. In addition to the regular exchange of information on the activities of the NPM, as well as the topics of importance for the work of the NPM and the SPT, the NPM also submitted its contribution to the announced General Comment of the SPT on the application of Art. 4 of the OPCAT.

The Deputy Protector of Citizens and the Head of the NPM, participated in the public debate on the working version of the Draft Law on Amendments to the Law on Protection of Persons with Mental Disabilities, as well as in the public debate on the Draft Law on Interior Affairs.

In the reporting period, the NPM submitted opinions on the following acts: Strategy Proposal for the development of the system for the enforcement of penal sanctions in the Republic of Serbia for the period 2021-2027, with the Action Plan for the implementation of the Strategy; Draft Law on Amendments to the Law on the Protection of Persons with Mental Disabilities; Draft Law on Amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles and the Conclusion Proposal for the Adoption of the Migration Profile of the Republic of Serbia for 2020.

In order to further improve the efficiency during the visits of the NPM and develop the work methodology, the NPM, with the support of the Council of Europe, in the reporting period, ended the activities on revising the Methodology and the monitoring questionnaires, used during visits to places of detention.

⁵ IOI - Best Practice Paper – Issue 5, February 2021, available at: <https://www.theioi.org/>.

In November 2021, the Protector of Citizens was reaccredited as a national human rights institution in the highest "A" status by the Global Alliance of National Human Rights Institutions (GANHRI). Namely, the Subcommittee on Accreditation, based on all the criteria, i.e., compliance with the Paris Principles, which the institution met, decided to re-accredit the institution of the Protector of Citizens of the Republic of Serbia with the A status, which it has had since 2010. This decision is the result of the professional and efficient work of the Protector of Citizens in the previous period, especially in performing the tasks of the NPM. This is supported by the significant increase in the number of visits by the NPM since 2019, especially to police departments, i.e., police stations within their composition, the fact that all these visits were unannounced, that the NPM monitored the conduct of the police towards citizens during the protests in July 2020, and in this regard, made a special report with recommendations, that good cooperation was achieved with civil society organizations with which the Protector of Citizens has concluded agreements on cooperation in performing the tasks of the NPM, all of which were issues of importance for the procedure of reaccreditation of the institution.

2. METHODOLOGY, RESOURCES AND ORGANIZATION

2.1. Methodology

The methodology of work of the NPM of Serbia is primarily based on the provisions of the Optional Protocol. In its work, the NPM has an exclusively preventive approach and does not control the legality and regularity of work of the competent authorities in individual cases, but rather promptly informs the organizational unit of the Protector of Citizens, which acts on complaints of persons deprived of their liberty.

The NPM methodology recognizes the following types of visits: regular, follow-up visits to monitor the acting upon the recommendations, thematic and extraordinary, ad hoc, visits. Visits can be announced or unannounced.

As part of the preparation for a visit to an institution, the existing information about the institution is considered. Division of responsibilities is carried out, as a rule, by dividing the visiting team into thematic groups for each observation area. In order to increase efficiency in gathering relevant information during the visit, all team members are provided with working materials (questionnaires, structure and models of parts of the report) in advance, which serve as a guide.

The NPM teams for visits to institutions are multidisciplinary, and as a rule, composed of experienced lawyers, psychiatrists, forensic scientists and psychologists.

As a rule, regular visits are carried out in predetermined stages. The first stage is a conversation with the management of the institution, the second part is a joint tour of the institution. In the third phase, representatives of the thematic groups of the NPM team (legal, treatment, security, health group) conduct discussions with the managers of the reference services and review the documentation. In the fourth stage, interviews are carried out with persons deprived of their liberty, and in the fifth stage, after a short meeting of all thematic groups, a final interview is held with the management of the institution, where preliminary impressions of the visit and the observed situation are presented. Acting according to the established stages is not mandatory, it depends on the type of the visit and other circumstances. It is common practice to omit certain phases in other types of visits.

In accordance with the work methodology, as a rule, reports are prepared according to a predetermined structure. However, depending on the type of visit and the data collected during the specific visit, at the suggestion of the team members, the predetermined structure of the report can be modified and adapted to the nature of the visit.

In reports on visits to institutions where persons deprived of their liberty are placed, the NPM identifies shortcomings and issues recommendations for eliminating the observed shortcomings that may lead or lead to torture or ill-treatment. When a shortcoming or irregularity in the work is determined, along with the recommendation, the relevant regulations and standards are also specified, with which the current situation i.e., actions should be harmonized.

The reports are submitted to the visited institution and the competent ministry, which as a rule are given a deadline in which to declare their actions based on the recommendations issued, with an invitation to establish a dialogue in order to consider the implementation of the recommendations. The goal of the dialogue is to review the situation in the visited institution and the system as a whole, primarily in order to find the best way to implement the recommendations that the NPM issued after the conducted visits.

In order to maintain a balance between confidentiality and transparency in the work, the NPM publishes a report on the visit to an institution, in which all personal data are anonymized,

after the competent authorities declare themselves based on the recommendations from the report. The reports and responses of the authorities are published on the website of the Protector of Citizens and on the NPM sub-page.

2.2. The NPM budget

For the purposes of performing the tasks of the NPM, within the adopted budget of the Protector of Citizens for 2021, financial resources in the amount of 4,800,000 dinars (about €40,000) have been provided.

2.3. Special unit of the NPM

According to the Rulebook on internal organization and systematization of job positions in the Secretariat of the Protector of Citizens adopted in October 2018, which was approved by the National Assembly in the plenum in December of the same year, the NPM Secretariat was renamed the NPM Department and the number of officers working in it was increased to six – three independent and three senior advisers each, one of whom is the head of the Department. Also, it was determined that the head answers for his work and for the work of the Department to the protector of citizens, i.e., the deputy protector of citizens in charge of the NPM affairs, manages the visit team in the absence of the protector of citizens, i.e., the deputy protector of citizens in charge of the NPM affairs, etc. The Secretariat of the Protector of Citizens performs administrative and technical tasks needed for the work of the NPM.

2.4. Participation of the Provincial Ombudsman and the civil sector

In accordance with the concluded Memorandum on Cooperation,⁶ during 2021, the Protector of Citizens continued cooperation with the Provincial Protector of Citizens – Ombudsman of AP Vojvodina (Provincial Ombudsman) in conducting visits to places of detention on the territory of AP Vojvodina. Representatives of the Provincial Ombudsman participated in 8 visits to institutions located on the territory of AP Vojvodina.

On the basis of the conducted public call,⁷ the Protector of Citizens selected associations with which it will cooperate in performing the tasks of the NPM and concluded agreements with them, the validity of which was extended by annexes until June 2022. Associations with which the Protector of Citizens cooperated in performing the tasks of the NPM in 2021 are: the Lawyers' Committee for Human Rights, the Victimology Society of Serbia, the Centre for Youth Integration, the Helsinki Committee for Human Rights in Serbia and the Human Rights Committee Valjevo.

2.5. Employee training

Representatives of the NPM attended numerous trainings organized by the CoE, APT, ENNHRI and other international and national organizations.

A representative of the NPM attended a regional training for monitors of forced returns organized by the European Border and Coast Guard Agency.

Representatives of the NPM attended a webinar organized by the Danish Institute against Torture, at which the *Manual for monitoring health in places of detention* was presented.

⁶ Signed on 12th December 2011.

⁷ Published on the website of the Protector of Citizens on 4th June 2020.

A representative of the NPM took part in an online discussion on the subject of migrant detention, which was organized by the Group 484 Association with the support of the Royal Norwegian Embassy in Belgrade in Belgrade.

A representative of the NPM participated in the conference at which the Special Rapporteur González Morales presented the *Report on means to address the human rights impact of pushbacks of migrants on land and at sea* at the 47th session of the Human Rights Council.

Representatives of the NPM participated in the conference *The Role of NPMs in the Effective Implementation of European Court of Human Rights Judgments and the Recommendations of the European Committee for the Prevention of Torture – Police Ill-treatment and Effective Investigations into Alleged Ill-treatment* organized by the European NPM Forum and the Department of the Council of Europe for the Execution of Judgments of the European Court of Human Rights.

Representatives of the NPM participated in an online regional workshop *Principles of Effective Interviewing for Investigations and Information Gathering* (so-called "Mendez Principles"), organized by the APT.

Representatives of the NPM participated in the online fourth regional meeting on the prevention of torture, organized by the APT and ODIHR, the topic of which was "*Monitoring the situation of older persons deprived of liberty in the context of the COVID-19 pandemic*".

The African Ombudsman Research Centre, in cooperation with the International Ombudsman Institute, organized a webinar discussion on the topic of *Visits to places of detention*, which was also attended by the representatives of the NPM.

A representative of the NPM participated in a webinar organized by the NPM of South Africa, on the occasion of marking the two-year anniversary of the ratification of the Optional Protocol.

Representatives of the NPM participated in the second international thematic workshop organized by the Helsinki Committee for Human Rights in Serbia, the IPS Innovative Prison Systems from Portugal and *Agenfor International* from Italy, on the topic of *Multi-agency approach to prevention and countering violent extremism in the Balkans, in the southern and eastern Europe: centralization and needs of the penal – correctional system*.

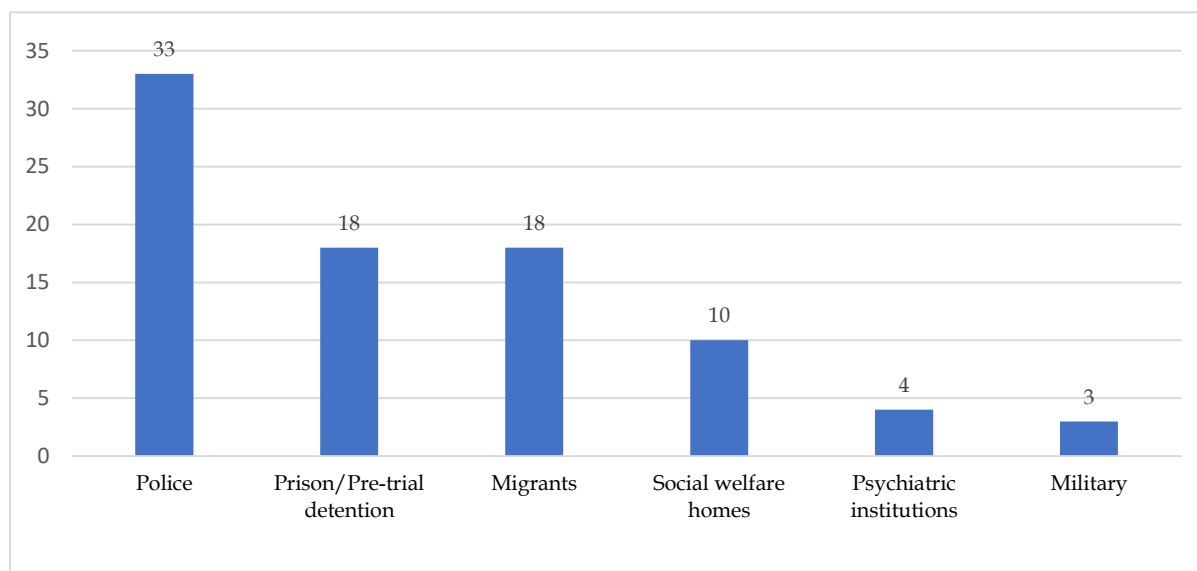
Representatives of the NPM participated in the seventh seminar of IPCAN, which was dedicated to external and independent police monitoring mechanisms.

3. IMPLEMENTATION OF THE MANDATE

3.1. Visits to institutions

During the reporting period, the NPM made 86 visits to institutions where persons deprived of their liberty are located. 33 visits were made to police stations,⁸ 18 to institutions for the enforcement of penal sanctions,⁹ 10 to social welfare homes,¹⁰ four to psychiatric institutions¹¹ and three to military facilities.¹² Also, 18 visits were made in order to monitor the treatment of refugees and migrants.¹³

Chart 1 - Visits of the NPM in 2021



3.2. Visit reports and recommendations

In reports on visits to institutions where persons deprived of their liberty are located, the NPM issues recommendations to the competent authorities for eliminating shortcomings. Along with the issued recommendations, in addition to the established facts, i.e., the findings, the relevant regulations and standards that the NPM was guided by when determining the existing shortcomings in the work of the institution are also listed, which the current situation, i.e., actions of the visited institution, should be harmonized with.

⁸ PS Bački Petrovac, PS Sremski Karlovci, PS Čuprija, headquarters PD Zrenjanin, PS Žitište, PS Nova Crnja, headquarters PD Šabac, PS Bogatić, PS Vladimirci, headquarters PD Sombor, headquarters PD Kruševac, PS Čičevac, headquarters PD Niš, PS Merošina, PO Medijana, PO Palilula, TPO Niš, PS Ražanj, PS Lebane, headquarters PD Leskovac, headquarters PD Novi Pazar, PS Velika Plana, TPO Smederevo, PS Sopot, PS Mladenovac, PS Barajevo, PS Lazarevac, PS Surčin, headquarters PD Zaječar, headquarters PD Bor, PS Negotin, TPO Negotin and headquarters PD Prokuplje.

⁹ DP Novi Sad, DP Zrenjanin, PCI Čuprija, PCI for women Požarevac, JCF Kruševac (2 times), PCI Šabac, PCI Sombor, DP Kruševac, DP Zaječar, DP Negotin, PCI Belgrade - Padinska Skela (2 times), DP Leskovac (2 times), PCI Niš, DP Smederevo and DP Prokuplje.

¹⁰ GC Belgrade - centre Bežanijska Kosa and centre Voždovac, GC Kruševac, GC Vršac, Stamnica Home, GC Novi Sad - Liman, Kolevka Home, Veternik Home, Trbunje Home and Zemun Home.

¹¹ SHPD Kovin, CC of Niš - Clinic for Psychiatry, GH Leskovac - Department of Psychiatry and CC of Niš - Centre for Mental Health Protection.

¹² Barracks General Pavle Jurišić - Šturm in Požarevac, barracks Vojvoda Petar Bojović in Leskovac and barracks Aleksandar Berić in Novi Sad.

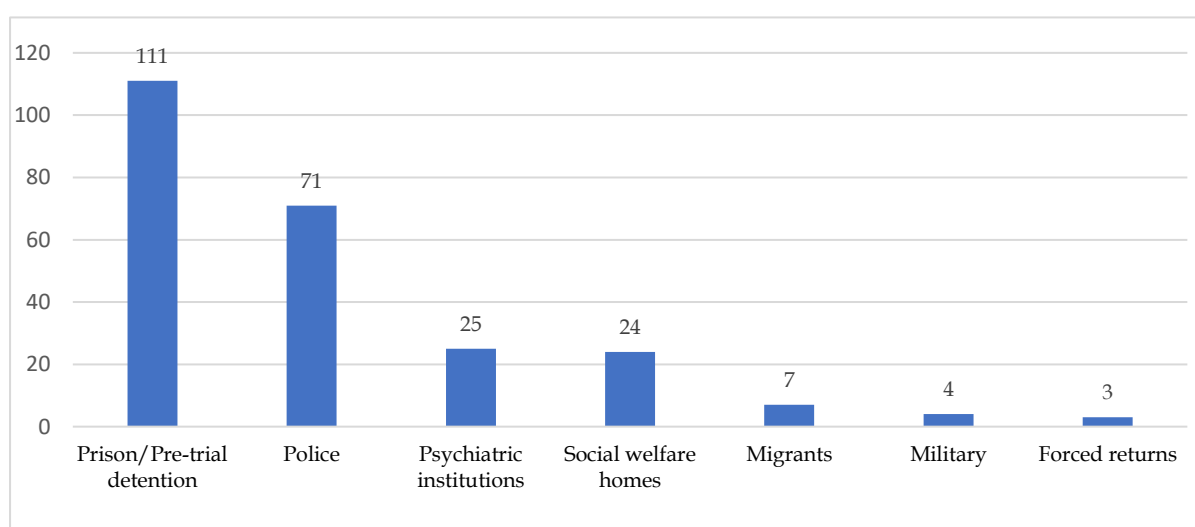
¹³ RC Bujanovac, RC Preševo, PS Preševo, PS Bujanovac, RBPC North Macedonia, DP Vranje, Airport Niš, PCI Niš, RC Divljana, RC Pirot, PD Pirot, RBPC Bulgaria, RC Principovac, RC Šid, RBPC Croatia, PS Šid, RBPC for internal border crossings and Belgrade Airport.

In the reporting period, a total of 42 reports were made. In some cases, unique reports were prepared for several institutions visited, due to the need for a systematic overview of a certain problem.

Accordingly, 14 reports were made on the basis of conducted visits to police departments and stations within their composition, 12 reports were made on the basis of visits to institutions for the enforcement of penal sanctions, 4 reports were made on the basis of visits to psychiatric clinics and departments, 6 reports were made on the basis of visits to social welfare institutions, 3 reports were made on the basis of monitoring the treatment of migrants and 1 report on the basis of visits to military facilities.

A total of 245 recommendations were issued, of which 242 were from reports on visits to places where persons deprived of their liberty are or may be located, and three recommendations from the area of oversight of the forced return of foreigners.

Chart 2 - Recommendations issued by the NPM in 2021



Out of the total number of recommendations issued from the NPM visits, 71 recommendations refer to the treatment of persons against whom police powers were applied, who were apprehended and detained in police stations, 24 recommendations refer to beneficiaries placed in social welfare homes, 111 recommendations refer to the treatment of persons in custody and those serving prison sentences, 25 recommendations refer to the treatment of persons who are accommodated and under treatment in psychiatric institutions, four recommendations refer to the treatment of sanctioned soldiers and seven recommendations refer to the improvement of the situation in the area of migration.

All recommendations issued to the visited institutions/competent ministries in 2021 are found in the section of the Report - ADDENDUM I.

3.3. Oversight of the procedure of forced return of foreigners

During the reporting period, the NPM carried out 12 oversights of the procedures of forced return of 23 foreigners. In connection with the oversight of the forced return of foreigners, two periodic reports were made and three recommendations were issued.

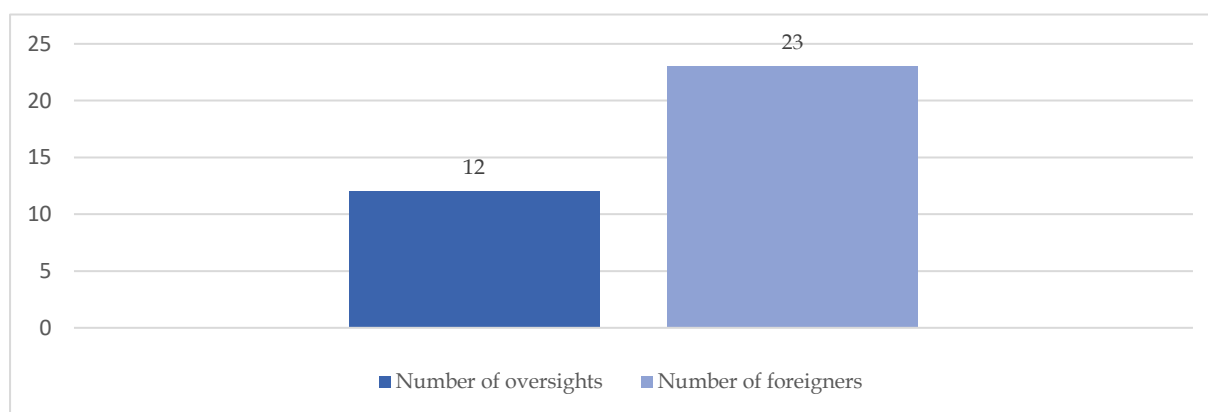
In nine cases in which oversights were carried out, foreigners were removed from the Reception Centre for foreigners in Padinska Skela, and in three from the Directorate for Foreigners of the PD for the City of Belgrade. Returns were carried out by road to the border crossings with Bosnia and Herzegovina, North Macedonia, Montenegro and Romania or to

the international "Nikola Tesla" Airport Belgrade. In the largest number of cases, they were citizens of Turkey (10) and India (5).

The oversights included conversations with foreigners who were to be forcibly removed, regarding the treatment of officials towards them during their apprehension, stay in the institution and respect for their rights, insight into the cases that are being put together on them in the Reception Centre for Foreigners and the Directorate for Foreigners, as well as oversight of the procedures preceding the return. Then, in most cases, the NPM monitored the transportation of foreigners to the border crossings and the handing over of foreigners to officials of foreign countries.

All issued recommendations regarding the oversight of the procedure of forced return of foreigners can be found in the section of the Report - ADDENDUM I.

Chart 3 - Oversight of forced returns in 2021



3.4. Dialogue with the authorities

In order to establish a continuous dialogue regarding the possible implementation measures of the NPM recommendations and to improve cooperation in the field of torture prevention, during the reporting period the NPM held meetings with representatives of the following institutions: Administration for the Enforcement of Penal Sanctions/Ministry of Justice, Commission for the Implementation of Police Standards in the Field of Prevention of Torture of the Ministry of Interior and the Border Police Directorate. In the reporting period, the NPM continued cooperation with the Ministry of Defence and established a continuous dialogue with the aim of implementing the issued recommendations.

At the meetings, the main challenges related to the position of persons deprived of their liberty and the conditions in which they reside were pointed out, as well as the key observations of the NPM monitoring teams during visits to places where persons deprived of liberty are or may be located. The dialogue takes place through contact persons in those bodies, designated for cooperation and dialogue with the NPM, in order to monitor the handling of the recommendations of the NPM and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

Bearing in mind that the NPM has recognized the need to strengthen cooperation with the Ministry of Health and the Ministry of Labour, Employment, Veteran and Social Affairs, the NPM will strive to establish a continuous dialogue with these ministries in the coming period and organize thematic gatherings and trainings in order to familiarize employees in psychiatric institutions and social welfare homes with the NPM mandate, the findings so far and the recommendations issued, as well as the importance of their implementation.

3.5. Promotion of the NPM/torture prevention

In the reporting period, the Protector of Citizens marked 10 years of work in performing the tasks of the NPM. At the solemn event, which brought together representatives of international organizations, the Provincial Ombudsman, civil sector organizations and state authorities, with whom the NPM has achieved successful cooperation over the past decade, a short film was shown and a publication was presented about the activities of the NPM in the first 10 years of work.



Celebrating the anniversary of 10 years of work of the NPM

In the past ten years, the NPM has conducted close to 800 announced and unannounced visits and prepared several hundred individual reports and nine annual reports, which contain about three thousand recommendations issued to state authorities. This written material, carefully recorded and documented, also represents a kind of review of the position of persons deprived of their liberty over the course of a decade and the manner in which state authorities and institutions treat them.

Nataša Tanjević, PhD, Deputy Protector of Citizens and Head of the NPM, thanked all the individuals, civil society organizations, international organizations and state authorities with whom the Protector of Citizens cooperated in the previous 10 years in performing the tasks of the NPM. *"With our work and activities, as well as the celebration of this anniversary, we tried to contribute to the construction of a torture-free society, in which the physical and psychological integrity and dignity of every citizen is respected, in every situation, without exception and regardless of the circumstances"*.

3.6. Cooperation within the NPM Network

Two meetings were held within the South-East Europe NPM Network, which was chaired by the NPM of Hungary in 2021. The first meeting was devoted to the implementation of the mandate of the NPM in the conditions of the COVID-19 infectious disease pandemic, and the second to the techniques of interviewing sensitive categories of persons deprived of their liberty.

The representatives of the NPM presented to the members of the Network their methods, experiences and further plans in terms of conducting visits and, in general, monitoring the institutions where persons deprived of their liberty are located, in the difficult new circumstances caused by the COVID-19 pandemic and under the restrictive measures imposed by the state as a result, which also apply to persons deprived of their liberty.

Presenting the work and activities of the NPM of Serbia, Nataša Tanjević, PhD, pointed out that the NPM of Serbia has not suspended its work since the beginning of the epidemic, but that it has intensified it, in order to check how the measures in the fight against the spread of the coronavirus are being implemented in places of detention and how, under these circumstances, the exercise of basic rights of persons deprived of their liberty is ensured.

The NPM of Serbia has been actively participating in the work of the Network since 2013, as one of the founders. Cooperation between national preventive mechanisms in South-East Europe is intended to function on the basis of the exchange of experiences, as well as synergies created with a common goal: increasing the efficiency of national preventive mechanisms in order to eradicate torture in institutions where persons deprived of their liberty are located.

In the reporting period, a special website also started its operation, where all activities of the Network are available.¹⁴

3.7. Other forms of cooperation

In the reporting period, successful cooperation with the United Nations High Commissioner for Refugees (UNHCR) continued, which expressed its readiness to provide support to the NPM by providing the services of interpreters for rare languages for the purposes of monitoring the forced returns of foreigners and visiting places where migrants and asylum seekers are located.

Representatives of the NPM had a meeting with the CPT Delegation, which visited the Republic of Serbia in March 2021. At the introductory meeting, the Deputy Protector of Citizens and Head of the NPM, Nataša Tanjević, PhD, presented the activities of the NPM in the previous period and the situation in all areas of importance for the work of the NPM and the CPT. At the final meeting, the CPT Delegation presented preliminary findings after the visit to the Republic of Serbia.

Since July 2019, ENNHRI has supported national institutions for the protection of human rights in the promotion and protection of rights of migrants at the borders. As part of this project, national institutions for the protection of human rights in Croatia, France, Greece, Serbia and Slovenia have compiled national reports that include good practices, findings and recommendations. They are based on monitoring conducted between July 2019 and April 2021. The NPM participated in the ENNHRI project dedicated to monitoring the treatment of migrants at the borders and submitted its contribution to the regional report.

Also, in the reporting period, the NPM started work on the new ENNHRI project - "Enhancing Human Rights Accountability at Borders", the results of which will be presented in the next report.

During the reporting period, the Deputy Protector of Citizens, Nataša Tanjević, PhD, participated in the work of the Board of the Independent Police Complaints' Authority Network.

¹⁴ <https://see-npm.net/>.

In order to further improve the efficiency during the visits of the NPM and the development of the work methodology, the NPM, with the support of the Council of Europe, in the reporting period, completed activities on the revision of the Methodology and the monitoring questionnaires that are used during visits to places of detention.

Within the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey", i.e., one of its components, *Enhancing human rights protection for detained and sentenced persons*, the Deputy Protector of Citizens and Head of the NPM, Nataša Tanjević, PhD, participated in the meetings of the Management Board of the project.

3.8. Annual report

The NPM Report for 2020 was submitted to the National Assembly, the Ministry of Justice, Ministry of Interior, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Defence and the Commissariat for Refugees and Migration.

Until the submission of this Report, the NPM Report for 2020 has not been considered by the National Assembly or any of its committees.

The NPM indicates that it is the duty of the competent authorities to consider the recommendations from the annual report of the NPM.¹⁵

In order to inform the general public, the Report was published on the websites of the Protector of Citizens and the NPM. In addition, a publication is also available, in Serbian and English.

The Report in English was submitted to the Association for the Prevention of Torture (APT), the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), the Council of Europe (CoE), the Office of the High Commissioner for Human Rights (OHCHR) and the South-East Europe NPM Network.

¹⁵ Optional Protocol, Article 22.

4. SITUATION AND ACTIVITIES BY AREAS

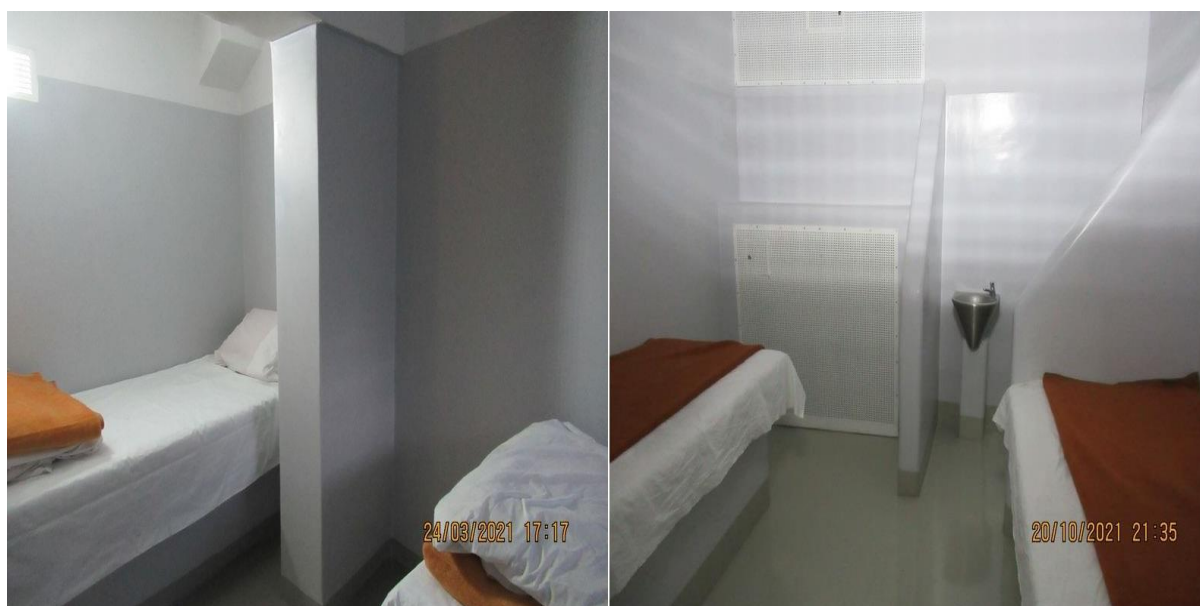
4.1. Police / prosecutorial detention

In order to monitor the conduct of the police towards the apprehended, arrested and detained persons, during 2021, the NPM made 33 visits to police departments and police stations within their composition. All visits were unannounced, some were at night, and the cooperation of police officers with the NPM team in all visits was complete and professional.

The treatment of persons in police detention was also monitored during visits to institutions for the enforcement of penal sanctions, considering the practice that in certain police departments, facilities in these institutions are used to detain persons in criminal proceedings. Also, during the visits to institutions for the enforcement of penal sanctions, the NPM conducted interviews with the pre-trial detainees, with the aim of gathering information about the conduct of police officers towards them during arrest, detention, as well as during the application of other police powers.

Based on the visits to police departments and the police stations within their composition, 14 reports were made and 71 recommendations were issued. 62 recommendations were acted upon, one was not acted upon and eight recommendations require further monitoring.

In the reporting period, the Ministry of Interior continued to improve the material conditions of detention facilities. This is particularly noticeable in the police stations within the Police Department in Niš, the headquarters of the police departments in Kruševac, Bor, Sombor, Leskovac, Zaječar, Novi Pazar.



Detention rooms at the headquarters of PD Sombor and PD Bor

Also, it was observed that the equipping of rooms for questioning persons with technical equipment for audio and/or video recording has been started, but it is necessary to continue undertaking these activities and provide the aforementioned in all police stations, as well as to regulate the conduct of police officers more closely when conducting interviews in the mentioned premises.

Progress has been observed in terms of exercising the rights of apprehended and detained persons, which is confirmed by written documentation, statements of police officers in charge of dealing with apprehended and detained persons, but also by numerous statements of persons deprived of their liberty with whom the NPM conducted unsupervised interviews.

They stated that they were informed immediately, in a language they understood, of the reasons for the deprivation of liberty, as well as of their rights, and that they were given the opportunity, immediately after the deprivation of liberty, to notify a person of their choice about their deprivation of liberty and to hire a lawyer.

Also, the NPM did not come across cases where persons who requested medical assistance, before or during detention, were not provided with it. In some police stations, it was observed that a medical examination is carried out before the detention begins, so that the doctor can give an opinion on whether the person is fit for detention. In a large number of police stations visited, the practice of police officers attending medical examinations as a rule has been discontinued, and medical documentation is no longer kept among other detention documentation.

Acting on the recommendations of the NPM, the records kept by police stations for detained persons were improved. During visits to police stations, the NPM often found that the custody registers include information about the time when a close person was notified about the deprivation of liberty, a note that police officers attended a medical examination at the request of a doctor, as well as the reasons why the detained person refused to sign the record of detention or the notice of rights.

However, the NPM determined that the records of apprehended and detained persons do not contain all the necessary data on the basis of which it is possible to determine the exercise of the right of access to a lawyer, that is, data on whether the person wanted to hire a defence counsel of his/her choice, whether he/she was assigned a defence counsel ex officio, when it is required by law, and whether an undisturbed conversation with the defence counsel was conducted. In this regard, the NPM issued a recommendation to the Ministry of Interior, in which it indicated that it is necessary for the Ministry of Interior to improve the recording of the exercise of the right of apprehended and detained persons of access to a lawyer, by undertaking the necessary activities to enter, in the custody registers, i.e., in the overview of data on the apprehended person, data on whether the person wanted to hire a defence counsel of his/her own choice, whether he/she was assigned a defence counsel ex officio, when this is required by law, and whether he/she had an undisturbed interview with the defence counsel, with recording all relevant data on the exercise of this right: data on the defence counsel, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she interviewed the person.

Although the announced measures aimed at improving the existing electronic records - "Records on apprehended and detained persons"¹⁶ were not undertaken in the reporting period, which would create the conditions for acting upon this recommendation, the NPM noticed that after the referral of this recommendation, some police stations started to record the necessary data on the exercise of the right of detained persons to access to a lawyer in the existing forms of custody register, so the NPM indicated that the above represents an example of good practice that should also be applied by other police stations, until the technical conditions are created to include these data in special fields intended for that purpose in the custody register.

¹⁶ Response of the Ministry of Interior no. 072/3-70/21-4 dated 22nd June 2021; According to the letter of the Commission for the Implementation of Police Standards in the Field of Prevention of Torture of the Ministry, no. 214-25/22-107 dated 3rd March 2022, the Police Administration analysed the electronic records of apprehended and detained persons, and proposals for improving the records were submitted to the General Police Directorate for review and submission to the Sector for Analytics, telecommunications and information technologies of the Ministry, for implementation of the proposed changes in the single information system.

With the aim of further improvement in this area, in the coming period, the NPM will pay special attention to monitoring the handling of this recommendation and the method of exercising the right of apprehended and detained persons to access to a lawyer.

During the conducted visits, the NPM interviewed more than 100 persons deprived of their liberty, both in police custody and pre-trial detention, regarding the conduct of police officers towards them during the arrest, during detention, as well as during the application of other police powers. In this regard, the fact that during these visits the largest number of interviewed persons did not complain about the conduct of police officers and the possibility of exercising their rights is encouraging, and that by reviewing the documentation, it was established that these rights are respected in the majority of cases.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Ministry of Interior should continue with the implementation of activities within its competence for the adaptation of existing and construction of new detention facilities, in accordance with the applicable standards;

The Ministry of Interior should continue with the implementation of activities in order to equip the premises for the interrogation of persons with technical equipment for audio and/or video recording, as well as to regulate more closely the conduct of police officers when performing interrogations in the mentioned premises;

The Ministry of Interior will improve the recording of the exercise of the right of apprehended and detained persons of access to a lawyer, by undertaking the necessary activities to enter the following data into the custody register, i.e., in the review of the data on the apprehended person:

- **whether the person wanted to hire a defence counsel of his/her own choice,**
 - **whether a defence counsel has been assigned to him/her ex officio, when this is required by law,**
 - **whether he/she had an undisturbed interview with the defence counsel,**
- with the recording of all relevant data on the exercise of this right: data on the defence counsel, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she interviewed the person.**

4.2. Enforcement of penal sanctions

During 2021, the NPM made 18 visits to institutions for the enforcement of penal sanctions. 12 reports were made and 111 recommendations were issued to eliminate the observed shortcomings and improve the actions of the authorities. 73 recommendations were acted upon, eight were not, and 30 recommendations require further monitoring.

During the visits to institutions for the enforcement of penal sanctions, emphasis was placed on the conduct of police towards persons deprived of their liberty before they were brought to the institution. The visits were carried out by visiting both the local police station and the institution, which made it possible to cross-reference the data obtained from the persons and the official statements and documentation. In this way, PCI Čuprija, PCI Sombor, PCI Šabac, DP Novi Sad, DP Negotin, DP Zaječar, DP Leskovac, DP Zrenjanin, DP Smederevo and DP Kruševac were visited.

The visits to DP Novi Sad and PCI Čuprija were carried out in order to monitor the implementation of the recommendations of the CPT from 2017, while the visits to PCI Sombor, DP Zrenjanin and DP Kruševac were control visits, that is, they were carried out in order to monitor the acting upon the previously issued recommendations of the NPM.

While monitoring the handling of the recommendations of the CPT, the NPM noticed that the accommodation conditions were improved in the institutions visited, women in pre-trial detention were enabled access to a psychologist, the method of performing the first medical examination upon admission to the institution was improved, an improvement was observed in the employment of pre-trial detainees and convicts from the closed department, persons in police custody are no longer accommodated with the pre-trial detainees, treatment officers attended trainings on specialized treatment programs for convicts with drug problems, etc.

During the control visits in order to monitor the handling of the NPM recommendations, it was observed that the issued recommendations were largely acted upon.

During the reporting period, special attention was paid to the position of women and juveniles in detention facilities, so the Penal-Correctional Institution for Women in Požarevac and the Juvenile Correctional Facility in Kruševac were visited. The NPM monitored the situation of juveniles and women during visits to pre-trial detention departments within the institution for the enforcement of penal sanctions.



PCI for Women Požarevac

The NPM dedicated the visit to the Penal-Correctional Institution for Women in Požarevac, the only women's prison in the Republic of Serbia, to monitoring the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the Bangkok Rules,¹⁷ in order to establish to what extent these United Nations standards have been applied in practice. The findings of the visit, which are presented in the report, show that the position of female prisoners is largely in line with international standards. The NPM also issued recommendations for the improvement of conduct, and the PCI for Women in Požarevac and the Administration for the Enforcement of Penal Sanctions took measures to act on them. Acting on the recommendations, it was ensured that a neuropsychiatrist visits the Institution more often, and a proposal was submitted to the Administration to enable permanent employment of a psychiatrist. The new systematization of job positions foresees four new job posts for the employment of treatment officers. Furthermore, the Institution regulated the searches of children with internal procedures, ensuring competence, professionalism and sensitivity and respect for their dignity during searches. Female convicts are allowed to have contact with family members even during the enforcement of the disciplinary measure of solitary confinement. In addition, the Institution has stipulated in its internal procedures that child visitors shall leave the area where the visit is carried out before the convict they came to visit, bearing in mind that

¹⁷ Adopted at the General Assembly of the United Nations, on 21st December 2010, A/RES/65/229.

the end of the visit can be particularly difficult for children and parents and that watching parents leave at the order of the prison official can make it even worse for children. The PCI took measures to enable pregnant women, nursing mothers and female convicts with children to participate in work and other activities that are adapted to their needs and capabilities, and submitted to the Administration a proposal to expand the systematization of job positions to include the position of a nursery teacher, in order to create conditions for taking care of children in the absence of immediate maternal care.

After the systematic visit to the JCF in Kruševac, the NPM issued 29 recommendations in the report with the aim of eliminating the observed shortcomings and improving the work. In the responses of authorities to the aforementioned report, the NPM was informed, among other things, that acting on the recommendations of the NPM, a comprehensive written information sheet was prepared in the JCF Kruševac, in a language and manner that is understandable to the residents, that contains all the essential information about the stay in the home and which is delivered to residents upon their reception. The existing complaint procedures have been improved. The regime of stay in the Intensive Work Department has been changed, so that the restrictions resulting from the structure of the day (life and work) in that department have been reduced and alleviated to the greatest extent, in a way that does not compromise the safety of residents and participants in the treatment. The importance of practicing individual and group work, the importance of further implementation of appropriate program activities were emphasized and the activities to find solutions for the work engagement of residents in that department were initiated. In order to act on the recommendation for the development and implementation of a program for the prevention of self-harm and suicide, the home formed a team composed of doctors, psychiatrists and educators that will work individually with high-risk residents.

The NPM was also informed that a doctor will state the injuries in the reports, enter the resident's allegations on the manner of their occurrence and give an opinion on the connection between the observed injuries and the allegations on the manner of their occurrence. Medical examinations after the application of coercive measures will be carried out at the time intervals provided by law, doctors will immediately inform the manager of the home in writing about any observed violence against residents and every three months they will submit a written report to the manager of the home on the quality of food and hygiene, with recommendations for their improvement. The NPM was also informed that the JCF Kruševac will, in accordance with its financial capabilities, provide more devices for the transmission of images and sound for the purpose of communication between residents and their relatives, and that the possibility of video communication with centres for social work and courts is being considered.



JCF Kruševac

In the reporting period, the NPM developed a special methodology for visits to institutions for the enforcement of penal sanctions, with the aim of checking for the existence of torture and other cruel, inhuman or degrading treatment or punishment. For the first time, during the visits, the NPM exclusively focused on the implementation of measures to maintain order and security in the institution, the treatment of persons deprived of their liberty in the closed departments of the institution, and the method of documenting personal injuries during the enforcement of a sentence. These visits were carried out according to a methodology that included group and unsupervised individual interviews with persons deprived of their liberty who are at greater risk of ill-treatment, because they are in closed departments of the institution, under the enforcement of disciplinary and special measures or because of some of their personal traits, participation in extraordinary events, etc. During the visits, records and documentation on complaints about any form of abuse, records on the application of coercive measures, injuries to persons deprived of their liberty, all extraordinary events, etc., were inspected. This methodology was applied during visits to district prisons in Leskovac, Smederevo, Negotin and Zaječar.



The NPM visiting the DP Leskovac

The fact that during a large number of unsupervised interviews with convicted and persons in pre-trial detention, they did not complain that they were victims of torture or illegal treatment by the prison staff is encouraging. However, the NPM observed that certain prisoners are being excluded from the regular sentence-serving regime for reasons of safety and security, without adopting an appropriate decision about it. In response to the issued recommendations, the NPM was informed that in each individual case of exclusion of convicts from regular serving of the sentence, an appropriate decision will be made, in the prescribed legal procedure. Also, the NPM was informed that activities will be undertaken so that educators are more often in contact with convicted persons in order to achieve the set individual goals and evaluate the ultimate success of the implementation of the treatment program.

The Administration for the Enforcement of Penal Sanctions continued to invest in the material conditions for the accommodation of persons deprived of their liberty in this reporting period as well, and to increase the capacities of institutions for the enforcement of penal sanctions. Work was continued on the construction of new pavilions in PCI Požarevac – Zabela, PCI

Sremska Mitrovica, DP Belgrade, a new facility was built in DP Leskovac, PCI for Women in Požarevac, work was continued on the construction of a new institution in Kragujevac, etc. Continuation of activities on improving material conditions in institutions for the enforcement of penal sanctions, and especially activities on the reconstruction of pre-trial detention departments in institutions, is also planned in the Strategy Proposal for the development of the system for the enforcement of penal sanctions for the period 2021-2027.

In the reporting period, acting on the recommendations of the NPM, the PCI in Sremska Mitrovica abandoned the practice of placing persons deprived of their liberty in a pavilion that does not meet the conditions for housing convicts in accordance with current regulations and standards. Also, the NPM observed that the conditions of accommodation in DP Leskovac, JCF Kruševac and the Pre-trial Detention Department in DP Novi Sad have been improved. Acting on the recommendations of the NPM, material conditions in DP Zaječar were improved, by providing new mattresses in the dormitories, while the PCI Sombor informed the NPM that it had started providing sanitary installations for all rooms, and the PCI Čuprija undertook measures to replace worn-out sanitary installations in the Pre-trial Detention Department.



DP Leskovac and DP Zaječar

Special attention during visits to institutions for the enforcement of penal sanctions is also devoted to the manner of performing the first medical examination upon admission to the institution, bearing in mind the importance of the role that health care services play in the fight against abuse. Acting in accordance with the recommendations of the NPM, institutions established the Book of Injuries of persons deprived of their liberty and the practice of photographing injuries, and non-medical staff stopped regularly attending medical examinations of persons deprived of their liberty. Trainings for doctors on the application of the Istanbul Protocol¹⁸ are also carried out.

The efforts of the Administration for the Enforcement of Penal Sanctions aimed at strengthening the capacities of prison officials for the development and implementation of new resocialization programs are encouraging, and in 2021, the trainings of prison staff on the

¹⁸ Manual for the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment – an international document intended for the investigation and documentation of torture cases. It became an official document of the United Nations in 1999, when the Office of the UN High Commissioner for Human Rights published it in six official languages of the Organization.

implementation of five new specialized programs for group work with prisoners continued. Further efforts should be focused on hiring a sufficient number of treatment officials and improving the treatment work towards persons deprived of their liberty, which would, among other things, enable a mechanism of progress in the treatment that would facilitate the transfer of convicts to more favourable educational groups.

In relation to previous years, in the reporting period, acting on the recommendations of the NPM, some institutions developed a work engagement program for persons in pre-trial detention, and there was a noticeable improvement in increasing the employment of convicted persons. However, the above should be developed for the entire prison system. There is still a need to provide sufficient available activities to all persons in pre-trial detention and convicted persons classified in the closed wards, as well as to enable them to stay during the day in common rooms with other convicts, i.e., persons in pre-trial detention with whom the court has not restricted their contact due to the conduct of criminal proceedings.

Also, although additional medical personnel have been engaged in some institutions, there is still not enough of them for 24-hour presence in the institutions.

In this reporting period as well, the NPM observed that there are some persons with mental disorders in institutions for whom it is necessary to provide accommodation and assistance that meets their needs, i.e., it is necessary to remove these persons from the regular prison regime and place them in an appropriate health institution, the Special Prison Hospital, possibly to an inpatient health care unit within the institution, where the conditions for their treatment would exist. In this regard, it is encouraging that during the reporting period, the Strategy Proposal for the development of the system for the enforcement of penal sanctions for the period 2021-2027 was drafted, which, among other things, foresees the construction of a new facility for the Special Prison Hospital in Belgrade, as well as the construction of facilities for the accommodation of sick persons in the PCI Niš and the PCI Požarevac – Zabela, which would also have a special department for the accommodation of persons with mental disorders.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Administration for the Enforcement of Penal Sanctions should increase the number of employees in the institutions' services in order to enable the treatment of persons deprived of their liberty in accordance with regulations and standards;

The Administration for the Enforcement of Penal Sanctions should provide convicts classified in the closed departments with sufficient available and purposeful activities, as well as the possibility to stay during the day in common rooms with other convicts;

The Administration for the Enforcement of Penal Sanctions should continue with activities to improve treatment work, in order to, among other things, create opportunities for convicts to transfer to a more favourable educational group;

The Administration for the Enforcement of Penal Sanctions should provide persons in pre-trial detention with sufficient available activities, as well as the possibility to stay during the day in common rooms with other persons in pre-trial detention, with whom the court has not restricted their contact due to the conduct of criminal proceedings;

The Administration for the Enforcement of Penal Sanctions should ensure that all persons with mental disorders who are serving a prison sentence are removed from the regular prison regime and provided with health care appropriate to their illness and the need for treatment, in an inpatient health care unit within the institution, a Special Prison Hospital or another appropriate health care facility.

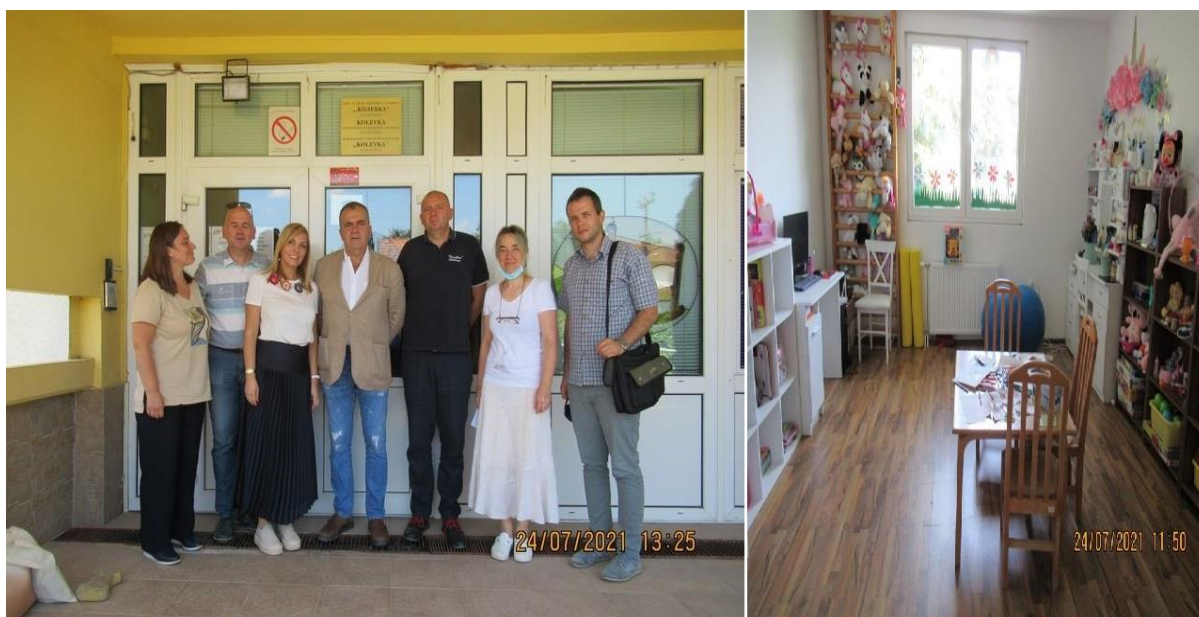
4.3. Detention of persons in social welfare institutions

During 2021, the NPM visited 10 social welfare homes. The visits to the GC Bežanijska kosa, GC Voždovac, GC Vršac, Home for the Accommodation of Adults Trbunje and GC Kruševac were control visits, visits to the Home for Children and Youth with Developmental Disabilities "Veternik" and the Home for Children with Developmental Disabilities "Kolevka" were extraordinary visits, while visits to the Home for Children and Persons with Disabilities "Dr. Nikola Šumenković" in Starnica, the Home for Adults and Disabled Persons in Zemun and the GC Novi Sad – Working Unit Home for Pensioners and Elderly Persons in Liman, were regular, that is, systematic visits.

6 reports¹⁹ were made from the visits and 24 recommendations were issued to the competent authorities. Some reports on the conducted visits²⁰ were made and sent in 2022, so they will be discussed in the Annual report of the NPM for 2022.

Of this number, competent authorities acted on 15 recommendations, they did not act on three, and six recommendations require further monitoring.

Acting on the earlier recommendations of the NPM, in this reporting period it was determined that the material conditions in the visited institutions were improved, as well as the manner of informing beneficiaries on their rights and mechanisms of legal protection. Also, the practice of physically restraining beneficiaries was abandoned in the largest number of institutions visited.



"Kolevka" Home in Subotica

As a significant activity, the NPM indicates the fact that at the end of the reporting period, the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection²¹ entered into force, which, among other things, stipulates that the accommodation of beneficiaries is provided exceptionally, for a limited period of time, with the informed consent of the adult beneficiary, i.e., legal representative of a minor beneficiary, that the

¹⁹ Reports on visits to GC Bežanijska kosa, GC Voždovac, GC Vršac, GC Kruševac, Home for the Accommodation of Adults "Trbunje", Home for Adults and Disabled Persons in Zemun.

²⁰ Report on the visit to the Home for Children and Persons with Developmental Disabilities "Dr. Nikola Šumenković" in Starnica and GC Novi Sad – Working Unit Home for Pensioners and Elderly Persons in Liman.

²¹ Official Gazette of the RS, no. 126/21.

application of all coercive measures and treatment without the consent of the beneficiary, i.e., the legal representative of a minor is prohibited, and that the use of measures of restricting movement and segregating the beneficiary in a specially equipped room is especially prohibited, and it is expected that all social welfare institutions will act in all respects in accordance with the mentioned regulation.

According to the aforementioned law, the employees of the service provider are obliged to organize the provision of accommodation services in a way that does not limit the rights and freedoms of beneficiaries, and in the case of the necessity to prevent the endangerment of the life or safety of beneficiaries or other persons or the violation of rights of other persons, the measures taken must be proportionate to the danger that needs to be eliminated, in accordance with that law. However, the Law does not prescribe the measures that can be taken in those situations, nor the conditions and procedures for taking them, but it is prescribed that the manner and closer conditions of the actions of institutions or service providers in incident situations should be prescribed by the minister responsible for social protection.

In connection with the above, the NPM draws attention to the fact that the limitations of rights can only be prescribed by law, in accordance with the Constitution, and not by by-laws.

The Home for the Accommodation of Adults in Trbunje informed the Protector of Citizens that it acted on the recommendations of the NPM and that that in this way it significantly improved the respect for the rights and conditions of stay of the beneficiaries of the home. Thus, upon admission to the home, the beneficiaries will be informed of their rights in a manner adapted to their capabilities, brochures on the rights of beneficiaries have been prepared that will be handed out to both beneficiaries and their guardians at the time of admission, and the information on the rights of beneficiaries has been placed in a visible place in the facility. Acting on the recommendation, a box for filing complaints was placed in the common room of the beneficiaries, a Register of written and oral complaints of the beneficiaries was established, and the institution appointed an expert in order to provide legal assistance and support in accordance with the needs of beneficiaries. These actions created objective conditions for the improvement of the position of the beneficiaries. The administration of the home has informed this authority that, in order to prevent and protect beneficiaries from any form of abuse, they will conscientiously control the conduct of employees towards beneficiaries, investigate in detail all possible allegations of beneficiaries on abuse by employees and take measures to determine responsibility in accordance with the relevant labour, misdemeanour and criminal law regulations.



Home in Trbunje and GC Kruševac

Acting on the recommendations of the NPM, GC Belgrade - Working Unit Bežanijska Kosa informed the NPM that activities were undertaken to enable immobile beneficiaries, whose health condition allows it, to stay in fresh air and open space, as well as activities aimed at improving material conditions in the department of mobile beneficiaries with a diagnosis of dementia, and that letters were sent to all departments of the City Centre for Social Work in Belgrade, inviting guardians to visit their protégés who are in this home.

Acting on the recommendations of the NPM, in the reporting period, the legal protection of beneficiaries in the Home for Adults and Disabled Persons in Zemun was improved, the Injury Book/Protocol was introduced, a greater number of employees were hired, etc.

In the GC Belgrade - Working Unit Voždovac, partial renovation and waterproofing of roofs was carried out, rooms were painted, as well as common rooms and bathrooms, and a Plan was drawn up for the continuous education of staff in direct work with the beneficiaries.

During the control visit to GC Kruševac, the NPM praised the efforts and activities undertaken to improve the accommodation conditions in this institution and the realization of rights of beneficiaries, i.e., efforts to act according to all the recommendations of the NPM.

However, although the NPM observed that activities are being undertaken to employ the necessary personnel in social welfare institutions, these institutions are still faced with a lack of a sufficient number of employees, especially the medical staff and staff working directly with beneficiaries, which may adversely affect the satisfaction of the needs of beneficiaries and the quality of the provision of health and psychosocial services. Therefore, there is still a need to undertake activities related to the employment of the missing number of employees in direct work with beneficiaries, and their continuous education.

In some institutions, it was also observed that immobile beneficiaries, whose health condition allows it, are not allowed to go out into the fresh air and open space every day, with the provision of the necessary assistance, and the NPM issued recommendations with the aim of improving the procedure in this area, which have been acted upon in the meantime.

Also, in some institutions, it was noticed that there is no interest of guardians from centres for social work to be more actively involved in the lives of beneficiaries and to take better care of their interests, especially in situations where the residence of the beneficiary is far away from the institution where he/she is placed, so the competent centre for social work is also far from that institution. The aforementioned requires strengthening the capacity of centres for social work, as well as undertaking activities aimed at improving the actions of centres for social work in terms of providing effective guardianship services to beneficiaries in institutions.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Ministry of Labour, Employment, Veteran and Social Affairs will review the staffing situation in social welfare homes in order to ensure the necessary number of medical, nursing and other staff, in accordance with the assessment of the needs for adequate treatment of beneficiaries and the functioning of the institutions;

The Ministry of Labour, Employment, Veteran and Social Affairs should improve the actions of centres for social work in terms of providing effective guardianship services to beneficiaries in institutions.

4.4. Detention of persons with mental disorders in psychiatric hospitals

In the reporting period, the NPM conducted four visits to psychiatric institutions, that is, clinics within clinical centres and psychiatry departments within general hospitals. Two control visits were conducted to the Clinical Centre in Niš – Clinic for Psychiatry and the Centre for Mental Health Protection, in order to control their actions according to the previously issued recommendations, as well as two systematic visits to the Department of Psychiatry of the General Hospital in Leskovac and the Special Hospital for Psychiatric Diseases in Kovin. Four reports were made on the visits and a total of 25 recommendations were issued regarding the treatment of persons who are accommodated and under treatment in the visited institutions. Out of the total number of issued recommendations, 22 were acted upon, and three require further monitoring.



Clinic for psychiatry of CC Niš and SHPD Kovin

The NPM observed the efforts and activities undertaken by the management of the SHPD in Kovin and the Clinical Centre in Niš – Clinic for Psychiatry, with the aim of improving the material conditions in the existing facilities and exercise the rights of patients.

In the response regarding the handling of the issued recommendations, the CC Niš informed the NPM that, among other things, the training of employees of the Department of Child and Adolescent Psychiatry on manners of non-violent physical restraint was carried out, as well as that the continuous education of the middle-level medical staff is planned as soon as the epidemiological conditions allow it. In connection with the recommendations related to the Clinic for Psychiatry, the NPM was informed that copies of individual lists for all patients against whom this measure was applied, regardless of whether they were discharged from hospital treatment or not, are stored in the book of records on fixation, as well as that measures to train health workers for the application of physical restraint were implemented and that non-medical persons do not participate in the process of applying physical restraint.

In the NPM reports from the conducted visits, activities aimed at providing a suitable larger space for inpatient psychiatric treatment of children and adolescents in the Centre

for Mental Health Protection were supported, as well as activities aimed at providing an adequate building for the needs of the Clinic for Psychiatry within the CC Niš.

In the report on the visit to SHPD "Kovin", the NPM praised all the activities undertaken by the management of SHPD "Kovin" in order to improve the material conditions in the existing facilities and create a positive therapeutic environment, the efforts of SHPD "Kovin" to monitor the condition of discharged patients through mobile teams, establish a support telephone line during crises in the family environment and carry out education of the family on the nature of the illness of their family member and the need to cooperate with the hospital in the further course of treatment.

In order to act on the issued recommendations, the NPM was informed that through additional training of employees, whose scope of work includes the application of the measure of physical restraint, the method of keeping a single record of data on the application of the measure of physical restraint by mechanical restraint has been improved, that is, that data are being entered on the precise time when the measure started and when it ended. Also, the SHPD "Kovin" accepted the recommendation of the NPM that in cases where another health care institution refuses admission, i.e., the provision of adequate health care to a hospital patient, it should notify the head of that health institution about it, as well as the Ministry of Health.

A recommendation was issued to the Ministry of Health to undertake activities for the establishment of a suitable service – a centre for the protection of mental health in the community, with the provision of the necessary resources, and for the purpose of prevention, improvement and post-hospital treatment of patients in the community. Regarding that recommendation, SHPD "Kovin" informed the NPM that intensive work is being done on the opening of the Centre for Mental Health Protection in Pančevo.

The NPM submitted the report on the visit to the Basic Court in Smederevo, since it was observed that the Court Unit in Kovin, in the proceedings for the detention without consent of persons with mental disorders in a psychiatric institution, still hires doctors who are employed by the SHPD "Kovin" as experts, contrary to the current standards. The visit report was submitted to the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of Family Welfare and Demography, in order to intensify activities on deinstitutionalization and establish non-institutional care and support in the community for persons with mental disorders and their families.

In the report on the visit to the Department of Psychiatry of the General Hospital in Leskovac, 16 recommendations were issued for eliminating the observed shortcomings in the work of the institution and improving its work. According to the submitted response on the handling of the recommendations of the NPM, all recommendations have been accepted and will be implemented in the Department of Psychiatry, for the benefit of the patients and the humanization of their stay, and individual treatment plans will be drawn up for each patient. Also, records will be properly kept, activities will be undertaken to improve the existing occupational and work therapy for all patients, group psychotherapy will be organized again, a program of continuous specialist education for middle-level medical staff will be developed and health workers will be trained on the application of the measure of physical restraint on agitated patients, which has been made difficult by the current epidemiological conditions.



GH Leskovac

In this reporting period as well, the NPM observed that the court decisions on the forced hospitalization of persons with mental disorders are still mostly based on the findings and opinions of experts – doctors employed at the same hospital that proposes the measure. In addition, there have been cases where consent to hospital treatment was given by persons brought by the police in an agitated state, even though statements made under such circumstances cannot be considered legally relevant. Also, there is still an insufficient number of employees, especially medical technicians/nurses, and the absence of their continuous specialist education, which may favour the emergence of behaviour that may have the character of abuse.

Further challenges are related to the need to intensify activities on deinstitutionalization in the sense of abandoning the practice of long-term hospitalization of patients, as well as the need to establish non-institutional care and support in the community for people with mental disorders (and their families), with the aim of ensuring they are taken care of and are enabled to live and be treated in the community, and the need to establish more centres for the protection of mental health in the community.

In the reporting period, a working version of the Draft Law on Amendments and Supplements to the Law on the Protection of Persons with Mental Disabilities was prepared, and the public hearing on the above, which was organized online on 10th December 2021, was attended by the Deputy Protector of Citizens, Nataša Tanjević, PhD.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Ministry of Health should continue with activities to improve the material conditions of accommodation in psychiatric institutions, in order to fully harmonize them with current standards;

The Ministry of Health should increase the number of employees in psychiatric institutions, in order to enable the treatment of patients in full compliance with regulations and standards;

The Ministry of Health should take measures within its jurisdiction in order to improve the application of the measure of physical restraint by fixation of patients in psychiatric hospitals;

The Ministry of Health will intensify activities aimed at establishing centres for the protection of mental health in the community, while providing the necessary resources, for the purpose of prevention, treatment and rehabilitation of patients in the community and improvement of mental health.

4.5. Treatment of refugees / migrants

Since the beginning of the increased influx of migrants and asylum seekers, the NPM has regularly monitored the general situation and treatment of migrants and asylum seekers, especially the position of sensitive and vulnerable groups. Although a large number of migrants are in the country illegally, the forced return mechanism applies only to a small number of them, mainly those who can be returned to transit countries in accordance with readmission agreements. Also, a small number of migrants who are in reception centres want to enter the asylum procedure. The reception centres are open-type, the length of stay of migrants in the centres varies, and the living conditions are mostly satisfactory. A temporary guardian is appointed for unaccompanied minors, they spend some time in the reception centre they first visited, and then at the first opportunity they are transferred to an institution intended for them, where they get another guardian.

In the Thematic Report dedicated to the situation of unaccompanied minor migrants, the NPM stated, among other things, that the conditions in which they live are satisfactory and in accordance with the standards, especially when it comes to social welfare institutions where they are accommodated or the houses managed by non-governmental organizations, that a large number of activities are available to the beneficiaries, in the realization of which certain non-governmental organizations participate, that the beneficiaries are informed about the reasons for their accommodation as well as the rights and obligations they have, that they are provided with adequate health care, and that additional efforts have been made in providing a sufficient number of available field social workers, as well as social workers within the competent centres for social work, in order to strengthen the protection system within their responses and protection of the best interests of the child.

The NPM, among other things, indicated that it is necessary for the competent authorities to continue to invest and, to the greatest extent possible, support the functioning of the system of accommodation of unaccompanied minor migrants in social welfare homes and houses managed by humanitarian organizations, bearing in mind that this type of accommodation is more suitable to their needs.

In response to the recommendations issued, the Commissariat for Refugees and Migration indicated the measures it was undertaking to improve the accommodation conditions in the asylum centres in Bogovađa and Sjenica, which includes accommodation, food, clothing, shoes and more, as well as motivating juvenile beneficiaries of the centres to maintain hygiene. Also, the Commissariat reported in detail on educational, informative, creative, occupational and psychosocial activities adapted to juveniles and carried out by humanitarian and international organizations.

The Ministry of Labour, Employment, Veteran and Social Affairs informed the NPM about the hiring of field workers to support the work of local centres for social work, the hiring of professional guardians to strengthen the guardianship services, as well as educators, interpreters and other workers. Also, through projects from the budget, the Ministry will continue to support the work of social welfare homes for the accommodation of unaccompanied minor migrants and improve the accommodation capacities and human and material resources of these institutions.



Shelter house Pedro Arrupe and AC in Sjenica

In this reporting period, the NPM paid special attention to monitoring the treatment of migrants at the borders with North Macedonia,²² Bulgaria²³ and Croatia.²⁴ In order to assess the treatment of migrants at the borders, six reception centres for migrants were visited, as well as four police stations, four regional border police centres, two institutions for the enforcement of penal sanctions and the "Constantine the Great" Airport in Niš. As stated, the Regional Report on this topic, which the national report of the NPM of Serbia is a part of, was published by the ENNHRI.²⁵

Seven recommendations were issued in the report, six of which have been acted upon and the handling of one will be further monitored, in order for it to be implemented.

The NPM pointed to unconfirmed, but numerous allegations of illegal expulsion of migrants, both from Serbia and from other countries. When it comes to the actions of the officials of the Republic of Serbia, it was not possible to further verify these allegations, and none of the migrants interviewed by the NPM filed complaints, so that the legality of conduct of police officers towards them after entering the country could be examined. Regardless, the NPM pointed to these allegations with the aim of preventing such behaviour from occurring, and if allegations of illegal expulsion of migrants are received, the implementation of an effective investigation, determination of individual responsibility and sanctioning of those responsible must be insured.

²² Available at: <https://npm.rs/attachments/article/1062/Izvestaj.pdf>.

²³ Available at: <https://npm.rs/attachments/article/1056/Izvestaj.pdf>.

²⁴ <https://npm.rs/attachments/article/1109/Izvestaj.pdf>

²⁵ Available at: <https://ennhri.org/wp-content/uploads/2021/08/Serbian-National-Report.pdf> and <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/7285-b-vlj-n-r-gi-n-lni-izv-sh-p-s-up-nju-pr-igr-n-i-n-drz-vni-gr-nic>.



RC Divljana and RC Pirot

During the reporting period, competent authorities undertook activities in order to ensure appropriate capacities for the accommodation of foreigners who were refused entry into the country. At the "Nikola Tesla" Airport Belgrade, works have been completed on a completely new facility, which meets the current standards.

After the control visit to the "Constantine the Great" Airport in Niš, which was carried out to monitor the implementation of the recommendations made in the previous Report on the visit in 2019, the NPM stated that the recommendations issued had been acted on and praised the measures and activities undertaken to improve the conditions in the accommodation room for foreigners who have been refused entry into the country. The room for the accommodation of foreigners is equipped with additional beds, an air conditioning device, a call system has been installed, foreigners who stay in this room are allowed to stay in the fresh air and a register has been introduced, in which all data relevant to the stay of foreigners in the room are entered.

4.6. Enforcement of disciplinary sanctions – ban on leaving special premises in a military facility

In the reporting period, the NPM conducted control visits to three barracks, in order to check whether the recommendations issued in the thematic report from 2020 were acted on. The NPM praised all the measures and activities undertaken by the barracks, the Serbian Armed Forces and the Ministry of Defence in order to act on the issued recommendations.

In the Report on the control visits, the NPM repeated four recommendations, which were acted upon after sending the report.

Acting on the recommendations issued, the "Aleksandar Berić" barracks in Novi Sad took measures to improve the inflow of fresh air and the amount of natural light in the disciplinary room, and the schedule of daily activities was displayed in a visible place inside the room, and by updating the internal instructions, it was ensured that only the medical staff provides therapy to the sanctioned soldier, as well as that the soldiers are properly informed about the possibility of submitting a complaint to the Protector of Citizens before the start of the enforcement of the sanction.



Barracks in Požarevac and Novi Sad

4.7. Oversight of the procedure of forced return of foreigners

During 2021, the NPM conducted 12 oversights of the procedure of forced return of 23 foreigners. Two group reports were made and three recommendations were issued to eliminate the observed shortcomings, of which two were acted upon and one was not.²⁶

As part of the oversight of the forced return of foreigners, in this reporting period as well, the NPM continued its successful cooperation with the Ministry of Interior – Border Police Directorate and especially the Reception Centre for foreigners in Padinska Skela. This cooperation was also supported by the United Nations High Commissioner for Refugees (UNHCR), which provided the NPM with interpreters. During the oversights, it was observed that the police officers who carry out the returns respect the integrity and dignity of foreigners and show a high level of professionalism in performing this work. Improvements have been observed in the preparation of foreigners for the return, which are reflected in the timely notification of foreigners about the upcoming return and the possibility for foreigners to inform third parties about the upcoming return.

The NPM praised the provision of financial resources for travel documents for foreigners, considering that it was necessary to establish mechanisms that would prevent unnecessary delays in forced returns and thereby maximally shorten the stay of foreigners in the Reception Centre for foreigners and facilitate the work of police officers.

The NPM observed that it is necessary to improve the possibility of access to legal assistance for foreigners who are in the Reception Centre and issued a recommendation to the Serbian Bar Association to create a list of lawyers who have sufficient knowledge and experience to represent foreigners in the return process and deliver it to the Reception Centre, so that it is available to foreigners who are located there. The Bar Association informed that it agrees with this proposal, but at the same time it was pointed out that according to the existing regulations, lawyers who would provide legal assistance to foreigners who have been assigned to stay in the Reception Centre do not have a way of collecting the reward and the reimbursement of expenses for their work. The answer further states that, taking into account the life situation and legal position of these foreigners, it is evident that in the majority of cases they are unable to pay for the legal aid, and that the Serbian Bar Association proposes to

²⁶ One report refers to the previous reporting period, one refers to the period January-June, while report for the period July-December was sent during 2022, so it will be the subject of the next Annual report.

amend the Law on Free Legal Aid in the part that regulates the circle of persons who have the right to free legal assistance, after which the Bar Association will form a list of lawyers who are interested in providing legal assistance to foreigners in the Reception Centre, after the adoption of amendments to this Law. The Bar Association sent an initiative to the Ministry of Justice to amend the Law on Free Legal Aid in accordance with the above.

At the same time, the MoI informed that, in order to facilitate access to legal aid for persons who are placed in the Reception Centre, they will print a list of lawyers, which is located and publicly available on the websites of the Belgrade Bar Association and the Serbian Bar Association.

In the reports, it was repeated that for several years, the NPM has been pointing to the shortcomings in the provision of health care in the Reception Centre as the most important problem regarding the conditions for the stay of foreigners in the centre, and that it is expected that by constructing the new part of the facility and by realizing cooperation with the Ministry of Health, i.e., the Palilula Health Care Centre, the observed shortcoming will be removed.

Two new reception centres were built in Dimitrovgrad and Plandište, of which the Dimitrovgrad Reception Centre was put into operation during the reporting period.

As the biggest problem in the procedure of forced return, the NPM determined that foreigners in the return process do not always have the opportunity to indicate the existence of facts that would indicate obstacles to their forced return to a certain country, which can lead to a violation of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The NPM issued a recommendation to the Ministry of Interior in order to fully comply with the principle of non-refoulement. The response of the Ministry stated that it plans to organize and hold seminars and trainings in cooperation with the UNHCR for officials who treat foreigners throughout the territory of the country, regarding the assessment of the fulfilment of the conditions for adopting a decision on return in each specific case, but that due to epidemic measures and the situation related to the infectious disease epidemic, in the past period, it was not possible to realize these activities.

In connection with the above, the NPM issued appropriate recommendations and established a dialogue with the Ministry.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Ministry of Interior will ensure the following in the process of adopting a decision on return:

- a foreigner shall have the possibility to indicate that he/she is threatened with persecution in a certain country because of his race, sex, sexual orientation or gender identity, religious belief, national affiliation, citizenship, for belonging to a certain social group or having a political opinion, i.e., in which there is a risk that he/she would be subjected to death penalty punishment, torture, inhuman or degrading treatment or punishment, i.e., serious violations of the rights guaranteed by the Constitution;
- the competent authority shall evaluate these statements of the foreigner and determine whether there are reasons for the prohibition of forced return in each specific case;
- the allegations of the foreigner and the decision of the competent authority on the prohibition of forced return shall be stated in the explanation of the return decision.

ADDENDUM I Recommendations issued to authorities

I-1 – Recommendations issued to the Ministry of Interior, police departments and police stations

Ministry of Interior

The Ministry of Interior shall improve the recording of the exercise of the right of apprehended and detained persons of access to a lawyer, by undertaking the necessary activities to enter the following data into the custody register, i.e., the review of the data on the apprehended person:

- whether the person wanted to hire a defence counsel of his/her own choice,
 - whether a defence counsel has been assigned to him/her ex officio, when this is required by law,
 - whether he/she had an undisturbed conversation with the defence counsel,
- with the recording of all relevant data on the exercise of this right: data on the defence counsel, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she interviewed the person.

Police stations Bački Petrovac and Sremski Karlovci

If the apprehended and/or detained person refuses to receive/sign the notification of rights form, PS Bački Petrovac and PS Sremski Karlovci shall indicate the reason for that given by the person on the form.

PS Bački Petrovac shall enter data on the visits to detained persons by police officers in the detention records.

PS Bački Petrovac and PS Sremski Karlovci shall deliver a copy of the custody registers to all detained persons.

In PS Bački Petrovac and PS Sremski Karlovci, police officers shall enter in the custody register the information about the time when a close person of the detained person was informed about his/her deprivation of liberty.

In PS Bački Petrovac and PS Sremski Karlovci, during medical examinations of apprehended and detained persons, police officers should act in the following manner:

- police officers shall not attend medical examinations of persons, unless that is requested by a doctor;
- police officers are obliged to warn the doctor about all safety aspects of importance for making a decision on the presence of non-medical staff at the medical examination;
- in cases where the doctor requests that police officers attend the medical examination of a person, the examination shall be attended by police officers of the same gender as the person being examined and they shall be present so that they cannot hear the conversation between the doctor and the person;
- police officers shall state in writing that they were present at the medical examination and the reasons for it;
- the police officer shall request information from the doctor who performed the medical examination or undertook any other medical measure on the possible need for specific treatment of the detained person, taking into account his/her state of health, in order to enable the realization of his/her right to health care (e.g., special diet, drugs, therapy, need to be taken to a specialist examination, etc.).

In PS Sremski Karlovci, the medical documentation of the detained person shall not be included in the detention records, and information about the health status of the person shall be available only to health care workers, so that they may exercise their powers established by law, and to the detained person.

PS Bački Petrovac shall undertake the necessary activities in order to ensure the privacy of the detained person during the fulfilment of their physiological needs by darkening/blurring the area around the squat toilet on the control monitor.

In PS Sremski Karlovci, police detention of persons for up to 24, or 48 hours, shall not be carried out until the existing premises for detention are adapted and/or new ones are constructed, in accordance with the conditions prescribed by the Rulebook on the conditions that must be met by premises for the detention of persons.

In PS Sremski Karlovci, activities shall be undertaken with the aim of continuously maintaining the hygiene of detention rooms and toilets.

Police station Čuprija

In its future work, PS Čuprija shall deliver written information to all persons deprived of their liberty on the basis of the Criminal Procedure Code on the rights that belong to apprehended and detained, i.e., arrested persons.

PS Čuprija shall enter into custody register information about the time when a family member or other close person was informed about the deprivation of liberty of the person.

PS Čuprija shall ensure that during medical examinations of apprehended and detained persons, police officers act in the following manner:

- police officers shall not attend medical examinations of persons, unless that is requested by a doctor;
- police officers are obliged to warn the doctor about all safety aspects of importance for making a decision on the presence of non-medical staff at the medical examination;
- in cases where the doctor requests that police officers attend the medical examination of a person, the examination shall be attended by police officers of the same gender as the person being examined and they shall be present so that they cannot hear the conversation between the doctor and the person;
- police officers shall state in writing that they were present at the medical examination and the reasons for it.

Police Department Bor

In PS Negotin, after the detention of a person under the CPC, a printed copy of the custody registers shall be given to the detained person for inspection. The records shall be signed by the police officer and the detained person, and one copy of the records shall be handed over to the detained person after the detention ends.

In the event that the detained person refuses to receive a copy of the records or refuses to sign it, the police officer shall indicate this on the records, stating the reason for the refusal given by the person.

A signed copy of the custody registers shall be filed with the detention case.

In PD Bor – headquarters, after the detention of a person under the CPC, a printed copy of the custody registers shall be given to the detained person for inspection. The records shall be signed by the police officer and the detained person, and one copy of the records shall be handed over to the detained person after the detention ends.

In the event that the detained person refuses to receive a copy of the records or refuses to sign it, the police officer shall indicate this on the records, stating the reason for the refusal given by the person.

PS Negotin and TPO shall undertake activities to enter data on the visits to detained persons in the custody registers.

PS Negotin shall enter into all custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of a person.

PS Negotin shall take the necessary measures to ensure the privacy of the detained persons during the use of the sanitary block, i.e., the fulfilment of physiological needs.

PS Negotin shall display the notification about the video surveillance of the detention room in a visible place inside the room, as well as on the entrance door to the room.

Police Department Kruševac

PD Kruševac – headquarters and PS Čičevac shall indicate on the custody registers, in situations where a detained person refuses to receive or sign a copy of the detention records, the reason for the refusal given by the person.

PD Kruševac – headquarters shall enter data on the visits to detained persons by police officers in all custody registers of persons under the CPC.

PD Kruševac – headquarters and PS Čičevac shall enter into the custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of a person.

In PD Kruševac – headquarters, in cases where a doctor requests that they attend a medical examination of a person deprived of liberty, police officers shall enter in the custody registers or in an official note that they were present at the medical examination and the reasons for it.

Detention rooms in the PD Kruševac – headquarters shall be used to detain persons for up to 48 hours under the CPC and on other legal grounds. In its future work, PD Kruševac shall not detain persons for up to 48 hours under the CPC in the room in DP Kruševac.

The Ministry of Interior shall undertake the necessary measures so that video recordings from the video surveillance in PS Čičevac are kept for no less than 30 days.

PS Čičevac shall, in a visible place inside the room, display a notice about the audio and video surveillance of the detention room.

Police Department Leskovac

PS Lebane, in situations where a detained person refuses to sign a copy of the custody registers, shall indicate the reason for the refusal on the records, given by the person.

PD Leskovac – headquarters and PS Lebane shall, in their future work, enter into the custody registers under the CPC information on the time when the police officers visited the detained person, as well as notes in this regard, if there were any.

PS Lebane shall consider that the detention of drivers who were excluded from traffic due to their psychophysical condition begins from the moment of the beginning of the application of the police power of apprehension.

PD Leskovac – headquarters and PS Lebane shall enter into custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of a person.

Police Department Niš

PS Merošina shall hand over a copy of the custody registers to persons who were in detention.

PO Medijana and PS Ražanj shall enter into all custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of a person.

In TPO Niš and PS Ražanj, during medical examinations of persons deprived of their liberty, police officers shall act in the following manner:

- police officers shall attend medical examinations of persons only when this is requested by a doctor for security reasons;
- in cases where the doctor requests that police officers attend the medical examination of a person, the examination shall be attended by police officers of the same gender as the person being examined and they shall be present so that they cannot hear the conversation between the doctor and the person;
- police officers shall state in writing that they were present at the medical examination and the reasons for it;

PS Merošina shall, in a visible place inside the room, display a notice about the video surveillance of the detention room.

Police Department Novi Pazar

PD Novi Pazar shall enter into the custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of a person.

Police Department Prokuplje

In PD Prokuplje, drivers who have been found to be heavily, severely or completely intoxicated and/or under the influence of psychoactive substances, shall be detained for up to 24 hours, applying the provisions on detention in case of impossibility to bring them to court, only if it is determined that they express intention to commit further misdemeanour acts, that is, if they continue to commit misdemeanours, which shall be stated and explained in the decision on detention.

At the headquarters of the PD Prokuplje, police officers shall perform supervision of the detained persons by occasional visits and interviews with the persons, and in the custody registers, they shall enter information about when they visited the detained person, as well as notes in this regard, if there are any.

At the headquarters of the PD Prokuplje, in the custody registers, information shall be included on whether a family member or other close person was informed of the deprivation of liberty of the person and when.

PD Prokuplje shall undertake activities to regularly keep the bed sheets in the detention rooms clean.

PD Prokuplje shall provide the detained persons with one meal within six hours from the start of detention, i.e., three meals in case the detention lasts longer than 12 hours, including at least one complete meal.

Police Department Smederevo

In its future work, PS Velika Plana shall enter into the custody registers information about when the police officers visited the detained person, as well as notes in this regard, if there are any.

PS Velika Plana shall undertake the necessary activities in order to ensure adequate artificial lighting in the detention room.

PS Velika Plana shall undertake activities to regularly keep the bed sheets in the detention rooms clean.

PS Velika Plana shall display the notification about the video and audio surveillance of the detention rooms in a visible place inside the premises.

Police Department Sombor

PD Sombor – headquarters shall hand over a copy of the custody registers to the persons who were detained, and in situations where the persons who were detained refuse to receive/sign a copy of the detention records, this shall be indicated on the records, together with the reason for it given by the person.

PD Sombor – headquarters shall enter into the custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of the person.

In PD Sombor – headquarters, in cases where a doctor requests them to attend a medical examination of a person deprived of liberty, police officers shall state in the custody registers or in an official note that they were present at the medical examination and the reasons for it.

Police Department Šabac

PD Šabac – headquarters, in situations where a detained person refuses to receive or sign a copy of the custody registers, the reason for the refusal, which the person gave, shall be indicated on the records.

PD Šabac – headquarters and PS Vladimirci shall enter into the custody registers information about the visits to detained persons by the police officers.

PS Bogatić and PS Vladimirci shall hand over a copy of the custody registers to persons who were in detention.

In PD Šabac – headquarters, PS Bogatić and PS Vladimirci, police officers shall enter in the custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of that person.

In PD Šabac – headquarters, police officers shall, in cases where they attend a medical examination of a person deprived of liberty at the request of a doctor, indicate that they were present and the reasons for it in the custody registers or in an official note.

In PS Bogatić, police officers shall attend health examinations of persons deprived of their liberty only at the request of a doctor, and they shall indicate this fact and the reasons for it in the custody registers or in an official note.

In PD Šabac – headquarters, PS Bogatić and PS Vladimirci, the medical documentation of the detained person shall not be included in the detention records, and shall instead be given to that person.

The police officer shall request information from the doctor who performed the medical examination or undertook any other medical measure, on the possible need for specific treatment of the detained person, taking into account his/her state of health, i.e., in order to enable the realization of his/her right to health care (e.g., special diet, medication, therapy, need to be taken to a specialist examination, etc.).

In connection with the received information, the police officer shall make an official note, which shall form an integral part of the detention record of the person.

PS Bogatić shall undertake activities so that the detention room is equipped with bed sheets, which shall be kept clean.

PS Bogatić shall undertake the necessary activities in order to ensure the privacy of the detained persons during the fulfilment of their physiological needs, by darkening/blurring the area around the squat toilet on the control monitor.

In its future work, PD Šabac shall use the detention facilities at the PCI Šabac for detaining persons for up to 48 hours according to the Criminal Procedure Code.

Police Department Zaječar

In PD Zaječar – headquarters, upon completion of the detention of the person, the custody registers shall be signed by the police officer and the detained person.

In the event that the detained person refuses to sign a copy of the detention records, the police officer shall indicate this on the records, together with the reason for the refusal given by that person.

PD Zaječar – headquarters shall enter into the custody registers information about the rights that the detained person exercised while he/she was detained in the detention room in DP Zaječar, as well as information about the visits to the detained person by the police officers and notes in this regard, if there are any.

PD Zaječar – headquarters shall enter into the custody registers under the Law on Traffic Safety and Law on Public Order and Peace information about the time when a family member or other close person was informed about the deprivation of liberty of a person.

PD Zaječar – headquarters shall enter into the custody registers under the CPC information about the person who was notified about the deprivation of liberty of a person and the time when it was done.

Police Department Zrenjanin

PS Nova Crnja shall enter data on visits to detained persons by police officers in all custody registers.

PD Zrenjanin – headquarters, PS Žitište and PS Nova Crnja shall hand over a copy of the custody registers to persons who were in detention, and in situations where the persons who were in detention refuse to receive/sign a copy of the detention records, the reason the persons gave for this shall be indicated on the records.

PD Zrenjanin – headquarters, PS Žitište and PS Nova Crnja shall enter into custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of the person.

Police officers shall not attend medical examinations of persons, unless this is requested by a doctor.

Police officers are obliged to warn the doctor about all safety aspects of importance for adopting a decision on the presence of non-medical staff at the medical examination.

In cases where the doctor requests that police officers attend the medical examination of a person, the examination shall be attended by police officers of the same gender as the person being examined and they shall be present so that they cannot hear the conversation between the doctor and the person.

Police officers shall, in the custody registers or in an official note, indicate that they were present at the medical examination, together with the reasons for it.

In PD Zrenjanin – headquarters and PS Žitište, the medical documentation of the detained person shall not be included in the detention records, and shall instead be given to that person.

The police officer shall request information from the doctor who performed the medical examination or undertook any other medical measure on the possible need for specific treatment of the detained person, taking into account his/her state of health, i.e., in order to enable the realization of his/her right to health care (e.g., special diet, medication, therapy, need to be taken to a specialist examination, etc.).

In connection with the received information, the police officer shall make an official note, which shall form an integral part of the detention record of the person.

Police Department Valjevo

PD Valjevo shall undertake necessary measures in order to create conditions for adequate storage of all items in the area intended for the storage of confiscated items.

All non-standard items shall be removed from the official premises – the offices of police officers, and confiscated items shall be kept in the room designated for that and each such item shall be appropriately marked and entered into the records.

PD Valjevo shall select a room for hearing the persons and equip it with appropriate technical equipment for audio and/or video recording of the hearing.

PD Valjevo shall enter into custody registers information about the time when a family member or other close person was informed about the deprivation of liberty of a person.

PD Valjevo shall undertake measures to ensure that all detained persons are informed of their rights by delivering a written notification.

PD Valjevo shall undertake measures:

- to keep the custody registers in criminal proceedings, through a unique electronic system;
- to record the data in all custody registers which is relevant to the treatment of the detained person and the exercise of his/her rights during detention;
- to allow detained persons to keep the complete documentation on detention with them during detention, as well as to provide them with a copy of the custody registers after the end of detention;
- to ensure that, if the detained persons refuse to receive/sign the detention documentation, this is indicated on the act that they refused to receive/sign, together with the explanation for the refusal given by the detained person.

PD Valjevo shall provide at least one full meal to all persons who are detained for longer than 12 hours.

I-2 – Recommendations issued to the Administration for the Enforcement of Penal Sanctions and the institutions for the enforcement of penal sanctions

Penal-Correctional Institution in Čuprija

PCI Čuprija shall take measures to employ interested pre-trial detainees and organize other purposeful activities for them, in accordance with the law and applicable standards.

PCI Čuprija shall replace the worn-out sanitary installations in the Pre-trial Detention Department.

PCI Čuprija shall take measures to ensure that members of the Security Service do not carry rubber batons in a visible manner in the premises of the Pre-trial Detention Department.

The Administration for the Enforcement of Penal Sanctions shall take measures to hire doctors in the PCI Čuprija.

In PCI Čuprija, the first medical examination of persons deprived of their liberty shall always include a visual examination of the person's entire body.

In PCI Čuprija, when it is determined that a person has injuries, in the reports on the performed medical examinations of persons deprived of their liberty, doctors shall:

- enter detailed and specific allegations of the person on how the injuries occurred;
- describe injuries in detail, photograph and draw them in the body diagram;
- give their opinion on the connection between the allegations on how the injuries occurred and the objective findings about the injuries.

In the event that doctors notice injuries that indicate abuse or a person deprived of liberty states that he/she was abused, PCI Čuprija shall inform the competent public prosecutor's office about it. Relevant documentation shall also be submitted to the prosecutor's office (written statement, official notes, documentation on injuries, etc.).

In PCI Čuprija, during the admission of persons deprived of their liberty, they shall not be asked to give a statement about whether they were subjected to torture before being brought to the Institution in the presence of police officers who brought them to the Institution, and information about any observed injuries shall be forwarded to the Health Care Services.

The existence of injuries and their origin shall be determined by a doctor during the first medical examination.

Penal-Correctional Institution in Sombor

PCI Sombor shall provide appropriate sanitary appliances in all rooms – dormitories where they are worn out, especially in the common bathroom of the Institution, and shall provide privacy when showering.

PCI Sombor shall enable all persons deprived of their liberty to wash and dry their personal laundry in the laundry room of the Institution.

In PCI Sombor, visits of the warden to persons who are in solitary confinement or isolation shall be recorded.

PCI Sombor shall establish and maintain a special record of injuries of convicts.

PCI Sombor shall provide instruments for treating wounds for the infirmary.

The doctor at the PCI Sombor shall always examine without clothes every person deprived of liberty upon admission to the Institution and shall document injuries he/she observed during the examination (detailed description of the injuries, the allegations of the person on how they occurred and an opinion on the connection between the injuries and the allegations about the manner of their occurrence), photograph them and draw them in the body diagram, regardless of whether the injuries were recorded in the reports on examinations that were possibly carried out in local health care institutions before admission to the Institution.

The doctor at the PCI Sombor shall describe in detail the observed injuries of the person deprived of his/her liberty in the report, shall enter the allegations of the person on how the

injuries occurred, as well as his/her opinion on the connection with the allegations, and shall take photos of the injuries and draw them in the body diagram.

The doctor at PCI Sombor shall submit in writing to the warden of the Institution:

- periodic reports on the state of health of convicts;
- a report whenever he/she establishes that the physical or mental state of the convicted person is impaired or threatened due to the extension or the manner of serving the sentence and shall recommend measures for dealing with that person, including the possibility of suspending the enforcement of the sentence;
- findings and recommendations on the quantity and quality of food for convicts;
- findings and recommendations on improving the hygiene in the Institution and among convicts, the situation in terms of sanitary conditions and devices, heating, lighting and ventilation in the premises in which convicts stay;
- findings and recommendations regarding the necessary physical activities of convicts.

Penal-Correctional Institution in Belgrade – Padinska Skela

PCI Belgrade – Padinska Skela shall replace worn-out sanitary devices and install call systems in the premises for the enforcement of the disciplinary measure of solitary confinement.

PCI Belgrade – Padinska Skela shall display information about video surveillance in a visible place in all rooms that are covered by it.

In PCI Belgrade – Padinska Skela, persons from semi-open and open departments shall not always be restrained during their transportation, and the order for the use of restraint shall only be issued on the basis of an individual assessment that the person needs to be restrained. Binding the legs of a person from a closed department shall only be done exceptionally.

In PCI Belgrade – Padinska Skela, a doctor shall make daily visits to persons who are subject to the disciplinary measure of solitary confinement and the special measure of isolation.

PCI Belgrade – Padinska Skela shall provide persons convicted of misdemeanours with a more favourable and lenient mode of enforcement of the sentence, which corresponds to their status. The regime of enforcement of the prison sentence, imposed for an misdemeanour offense, should include outdoor physical recreation, access to the living room, radio/television and newspapers/magazines, as well as other appropriate means of recreation.

PCI Belgrade – Padinska Skela shall take measures so that convicts from the closed department who are engaged in work receive compensation for their work.

PCI Belgrade – Padinska Skela shall take measures to ensure the constant presence of medical staff in the Institution.

PCI Belgrade – Padinska Skela shall make the windows in the rooms for the accommodation of persons deprived of their liberty in the closed department transparent (frosted glass shall be removed).

PCI Belgrade – Padinska Skela shall provide regular services of a psychiatrist, who will periodically (at least once a week) come to the Institution's premises to perform specialist examinations.

PCI Belgrade – Padinska Skela shall obtain from the authority in charge of the procedure (the public prosecutor's office or the court that ordered the expert examination) a written report and an opinion of the expert who performed the examination and autopsy of the body of the person who was deprived of liberty at the time of death.

In PCI Belgrade – Padinska Skela, the exclusion of persons deprived of their liberty from the regular sentence-serving regime shall be carried out on the basis of an appropriate decision, adopted in the prescribed legal procedure.

PCI Belgrade – Padinska Skela shall undertake measures to ensure that no person deprived of liberty, employee or any other person, suffers any sanction for communicating information to the NPM. This includes a clear message from the warden to prison officials that no person should suffer any sanctions or other negative consequences for providing information to the NPM team, that such behaviour shall not be tolerated and that it shall be the subject of appropriate sanctions.

Penal-Correctional Institution for Women in Požarevac

PCI for Women in Požarevac shall undertake measures to secure a permanently employed psychiatrist at the Institution, and in the meantime, it shall undertake measures to ensure a more frequent presence of a specialist in psychiatry at the Institution.

The Administration for the Enforcement of Penal Sanctions shall undertake measures to employ a larger number of employees in the Treatment Service of the PCI for Women in Požarevac.

PCI for Women Požarevac shall regulate the searches of children with internal procedures, both those children who are with their mothers in the Institution and children visitors, taking into account international standards.

PCI for Women Požarevac shall enable female convicts to have contact with family members during the enforcement of the disciplinary measure of solitary confinement.

PCI for Women Požarevac shall allow child visitors to leave the area where the visit is being carried out before the convict they visited.

PCI for Women Požarevac shall enable pregnant women, nursing mothers and convicts with children to participate in work and other activities, adapted to their needs and capabilities, and shall provide conditions for the care of children in the absence of immediate maternal care.

District Prison in Kruševac

DP Kruševac shall undertake measures to also employ both convicts from group V and persons in pre-trial detention, in accordance with the law and applicable standards.

The Administration for the Enforcement of Penal Sanctions shall undertake measures to permanently employ at least one doctor in DP Kruševac, as well as a sufficient number of medical technicians for the permanent presence of medical staff in the Institution.

The first examination of persons deprived of their liberty in DP Kruševac shall always include an examination of all body parts without clothes, in order to detect possible physical injuries that may be related to violent treatment of the person.

In DP Kruševac, injuries of persons deprived of their liberty shall be photographed and drawn in the body diagram, and the doctor shall enter in the report on the identified injuries an opinion on the connection between the person's allegations and the observed injuries.

District Prison in Leskovac

The Administration for the Enforcement of Penal Sanctions shall provide the conditions for the employment of convicted persons classified in the closed department in the District Prison in Leskovac.

In DP Leskovac, the exclusion of persons deprived of their liberty from the regular sentence-serving regime shall be carried out on the basis of an appropriate decision, adopted in the prescribed legal procedure.

DP Leskovac shall document the application of coercive measures with video recordings of the event.

In DP Leskovac, injuries to persons deprived of their liberty shall be photographed and drawn in a body diagram.

District Prison in Leskovac shall establish and keep a record of submissions, complaints, appeals and requests for judicial protection of persons deprived of their liberty, and for each individual submission or complaint, it shall form a separate case, with a file cover, in which all documents of that case shall be kept.

District Prison in Negotin

DP Negotin shall replace the worn-out mattresses on the beds with new ones in the rooms – dormitories of the closed department and the pre-trial detention facilities.

The Administration for the Enforcement of Penal Sanctions shall undertake activities within its jurisdiction in order to provide suitable mattresses on the beds as soon as possible.

DP Negotin shall undertake activities aimed at the disinsectization of all rooms – dormitories used by persons deprived of their liberty in which insects, especially bedbugs, are present.

DP Negotin shall paint the walls of rooms – dormitories in the closed department and the pre-trial detention facilities.

The Administration for the Enforcement of Penal Sanctions shall provide conditions in DP Negotin for the employment of convicted persons classified in the closed department and the persons in pre-trial detention.

DP Negotin shall enable persons in pre-trial detention to spend at least two hours a day in the fresh air outside of closed premises.

In DP Negotin, the first medical examination of a person deprived of liberty shall include an examination of all body parts, i.e., an examination of the person without clothes, in order to detect possible physical injuries that may be related to violent treatment of a person deprived of liberty, and the medical documentation shall include a statement that a complete physical examination was carried out.

In DP Negotin, members of the Security Service shall warn the doctor about all security aspects that are relevant for the doctor to make a decision about the presence of non-medical staff during the medical examination.

If the doctor requires the presence of non-medical staff during the examination, it is necessary for him to record this by entering the name and surname of the non-medical staff member who attended the examination, as well as the reason for his/her presence.

When non-medical staff attend medical examinations of persons deprived of their liberty at the request of a doctor, for security reasons, they shall be at a sufficient distance from the persons deprived of their liberty so that they can see but not hear the content of the confidential conversation between the doctor and the persons deprived of their liberty.

In DP Negotin, the doctor shall perform a medical examination immediately after the application of coercive measures, as well as between the twelfth and the twenty-fourth hour after the application of coercive measures.

In the written report on the examination carried out after the application of coercive measures, in addition to the description of the objective medical findings, the doctor shall enter the allegations of the person against whom coercive measures were applied on the manner in which the injuries occurred and shall give an opinion on the connection between the applied measure and the observed injuries.

The doctor shall photograph the observed injuries and draw them in the body diagram.

The doctor shall deliver the medical documentation and reports on the performed medical examination after the application of coercive measures to the warden without delay.

DP Negotin shall establish and keep a special record of injuries of persons deprived of their liberty.

In the report on the established injuries, the doctor in DP Negotin shall describe in detail the observed injuries on the person deprived of liberty (size, number, precise localization, appearance, colour, etc.), he/she shall enter the allegations of the person about the manner in which the injuries occurred, as well as his/her opinion about the connection between the person's allegations on the manner in which the injuries occurred and the observed injuries, and take photographs of injuries and draw them in the body diagram.

The doctor shall keep the photos taken and the diagram of the body with injuries in the person's medical record.

In the event that a doctor notices injuries that indicate abuse or a person deprived of liberty states that he/she was abused, the doctor shall inform the warden about it in writing and submit the entire medical documentation, and the warden shall inform the competent public prosecutor's office.

DP Negotin shall file internal submissions to the Institution of persons deprived of their liberty and issue them certificates of submission.

District Prison in Novi Sad

DP Novi Sad shall undertake measures to maintain adequate hygienic material conditions in the Pre-trial Detention Department. Among other things, it is necessary to remove worn-out mattresses from use and provide suitable ones, to replace worn-out sanitary devices in the toilets, and to carry out disinsectization of the Unit.

DP Novi Sad shall undertake measures to employ and organize other purposeful activities for interested persons in pre-trial detention, in accordance with the law and applicable standards.

In DP Novi Sad, the first medical examination of persons deprived of their liberty shall be performed no later than 24 hours after the admission to the Institution and it shall always include a visual examination of the entire body of the person.

DP Novi Sad shall undertake measures to ensure that members of the Security Service and other non-medical staff attend medical examinations of persons deprived of their liberty only at the request of a doctor, that their presence and the reasons for this are recorded, and that members of the Security Service have the opportunity and obligation to point out to the doctor possible security risks that he/she should take into account when making a decision about their attendance at the medical examination.

District Prison in Smederevo

In DP Smederevo, the exclusion of convicts from the regular sentence-serving regime shall be carried out on the basis of an appropriate decision, adopted in the prescribed legal procedure.

DP Smederevo shall provide conditions for the employment of convicted persons classified in the closed department and pre-trial detainees.

DP Smederevo shall allow convicted persons classified in the closed department and persons in pre-trial detention to spend at least two hours a day outside of the closed premises, in the fresh air.

DP Smederevo shall improve individual treatment work with convicted persons, so that educational workers will be directly present more often, especially in the closed department of the Institution, in order to carry out planned activities and thematic discussions with convicts in connection with the set individual goals for the final assessment of the success of the realization of the set individual goal, i.e., to undertake activities aimed at implementing the individual treatment programs of convicted persons, regardless of whether the convicted person has submitted a request for an interview or not.

The Security Service of DP Smederevo shall describe in more detail the reasons for the application of coercive measures and the manner of their application in reports on the application of coercive measures.

In DP Smederevo, the doctor shall enter detailed and specific allegations of persons deprived of their liberty about the manner in which the injuries occurred in the injury reports, he/she shall describe in more detail the characteristics of the observed injuries and give an opinion on the connection between the allegations of the injured person and the objectively established findings. The exact time (hour and minute) of the physical examination shall always be recorded in these reports.

DP Smederevo shall always issue to persons deprived of their liberty certificates of submission of documents submitted to the Institution.

DP Smederevo shall establish an effective complaint procedure for convicted persons.

The warden of DP Smederevo shall conduct interviews with persons deprived of their liberty who have requested a confidential interview in a manner that will ensure the confidentiality of the interview.

The warden of DP Smederevo shall send a clear message to the officers of the Institution that no person deprived of liberty or employee may suffer any sanctions or other negative consequences for providing information to the NPM team, that such behaviour shall not be tolerated and that it shall be the subject of appropriate sanctions.

District Prison in Zaječar

The Administration for the Enforcement of Penal Sanctions shall provide the conditions in DP Zaječar for the employment of convicted persons classified in the closed department and persons in pre-trial detention.

DP Zaječar shall set individual goals for convicted persons classified in the closed department, for which there is a possibility of realization in that institution.

DP Zaječar shall enable persons in pre-trial detention to spend at least two hours a day in the fresh air outside of closed premises.

In DP Zaječar, a doctor shall visit the persons who are undergoing the disciplinary measure of solitary confinement every day.

In DP Zaječar, the first medical examination of a person deprived of liberty shall include an examination of all body parts, i.e., an examination of the person without clothes, in order to detect possible physical injuries that may be related to violent treatment of the person

deprived of liberty, and the medical documentation shall include a statement that a complete physical examination was carried out.

District Prison in Zrenjanin

DP Zrenjanin shall ensure that persons deprived of their liberty have fresh fruit in their nutrition at least twice a week, in accordance with the season.

In DP Zrenjanin, the exclusion of persons deprived of liberty from the regular sentence-serving regime shall be carried out on the basis of an appropriate decision, adopted in the prescribed legal procedure.

In DP Zrenjanin, a doctor shall visit daily to control the psychophysical condition of persons undergoing the special measure of isolation and the disciplinary measure of solitary confinement.

DP Zrenjanin shall undertake measures to employ and organize other purposeful activities for interested persons in pre-trial detention, in accordance with the law and applicable standards.

The Administration for the Enforcement of Penal Sanctions shall take measures to hire a sufficient number of medical technicians in DP Zrenjanin, to ensure a permanent presence of medical staff in the Institution.

District Prison in Prokuplje

DP Prokuplje shall install video surveillance in the room used for police detention and shall display a notice about it in a visible place inside the room.

In DP Prokuplje, the first medical examination of persons deprived of liberty upon admission to the Institution shall always include a visual examination of the person's entire body.

When it is determined that a person deprived of liberty has injuries, the doctors shall, in the reports on the performed examinations:

- enter detailed and specific allegations of persons about the manner in which the injuries occurred;
- describe injuries in detail, photograph them and draw them in the body diagram;
- give an opinion on the connection between the allegations about the manner in which the injuries occurred and the objective findings on the injuries.

In the event that doctors notice injuries that indicate abuse or a person deprived of liberty states that he/she was abused, DP Prokuplje shall inform the competent public prosecutor's office about it. Relevant documentation shall also be submitted to the prosecutor's office (written statement, official notes, documentation on injuries, etc.).

Juvenile Correctional Facility in Kruševac

JCF Kruševac shall undertake activities to improve the material conditions in the shared toilets of the facility of the Intensive Work Department, and shall enable residents to use them at any time.

JCF Kruševac shall improve the material living conditions in the dormitories on the first floor of the facility of the Intensive Work Department, in accordance with current regulations and standards.

JCF Kruševac shall provide lockers for storing personal belongings in the dormitories of facility A-0.

JCF Kruševac shall hand over to residents upon their admission and allow them to keep with them an information sheet, written in a language and manner they can understand, which shall include all important information about their stay in the institution, including their rights and obligations and the manner in which they can protect their rights and get legal aid.

JCF Kruševac shall establish an effective complaint procedure for residents.

JCF Kruševac shall thoroughly and efficiently investigate complaints related to endangerment or injury to the body or health of residents in its future work.

JCF Kruševac shall issue to residents certificates of submission of documents that they submit to the institution.

JCF Kruševac shall include data on the residents who attended the search in the reports on the search of the dormitories.

JCF Kruševac shall undertake necessary measures to keep all video surveillance recordings for no less than 30 days.

The Administration for the Enforcement of Penal Sanctions shall take necessary measures to provide funds for the improvement of the video surveillance system in the JCF Kruševac.

The Administration for the Enforcement of Penal Sanctions shall take all available measures to employ a sufficient number of employees in the Security Service of the JCF Kruševac, taking into account the need for gender-mixed employment.

The Administration for the Enforcement of Penal Sanctions shall include members of the Security Service at the JCF Kruševac in specialized trainings and professional development programs for working with juveniles.

In the case of the need to apply coercive measures, in JCF Kruševac, the application of more severe measures than necessary shall be avoided, by ensuring a sufficient number of employees in the Security Service and by undertaking other necessary measures.

The Security Service of JCF Kruševac shall describe in detail the manner in which the coercive measures were applied in reports on the use of coercive measures.

JCF Kruševac shall submit a special official note on the application of coercive measures to the juvenile judge of the first instance court and to the Minister of Justice.

JCF Kruševac shall include a complete instruction on the legal remedy in the decisions on the application of the special measure of accommodation under increased supervision.

JCF Kruševac shall include residents who are subject to the special measure of accommodation under increased supervision in the activities provided for in the action program.

In JCF Kruševac, the opinions of the expert team obtained in disciplinary proceedings shall not include a proposal for a disciplinary measure that should be imposed on the resident.

JCF Kruševac shall change the regime of stay of residents in the Intensive Work Department, so that emphasis is placed on treatment, that is, that the program of treatment of residents is intensified, which would enable them to be transferred to the General Department. This implies more intensive educational and corrective work, as well as employment. The regime of stay in this department shall not contain more restrictions than are strictly necessary to ensure the personal safety of juveniles and the security in the institution.

JCF Kruševac shall undertake necessary measures and activities so that the diplomas on professional trainings that were carried out in the institution are valid on the labour market.

JCF Kruševac shall undertake necessary measures and activities to enable wider use of devices for the transmission of images and sound for communication between residents and their relatives.

The Administration for the Enforcement of Penal Sanctions shall provide JCF Kruševac with the missing medical staff: one more general practitioner and a dentist, an additional number of medical technicians and increased involvement of psychiatrists/neuropsychiatrists, to ensure the conditions for adequate and continuous monitoring of physical and mental health of residents and create conditions for adequate prevention within specific juvenile population.

In JCF Kruševac, the doctor shall enter an opinion on the connection between the observed injuries and the person's allegations on the manner of their occurrence in the report on the identified injuries.

JCF Kruševac shall develop and implement a program for the prevention of self-harm and suicide.

JCF Kruševac shall improve the material conditions in the rooms in the inpatient unit.

In JCF Kruševac, the doctor shall enter in the reports on examinations, after the use of coercive measures, detailed allegations of the resident on the manner of occurrence of the injuries, as well as a detailed conclusion/opinion of the doctor about the connection between the applied measure and the observed injuries.

In JCF Kruševac, the first medical examination of a resident against whom coercive measures were applied shall be performed immediately after the application of coercive measures, and the repeated examination shall be performed between the twelfth and the twenty-fourth hour after the application of coercive measures.

In JCF Kruševac, the doctor shall inform the head of the Institution in writing about a sign or indication that violence has been applied against the resident.

In JCF Kruševac, the doctor shall submit findings and recommendations in writing to the head of the Institution in regular time intervals, not longer than three months, on the quantity and quality of food for residents, as well as on improving hygiene in the Institution and among residents, the situation in terms of sanitary conditions and devices, heating, lighting and ventilation in the rooms where residents stay.

JCF Kruševac shall take measures to prevent any form of illegal treatment of residents. This includes supervision of work, as well as a clear message and instructions to officers that inappropriate treatment of residents in any form, including verbal abuse, is unacceptable and illegal and subject to appropriate sanctions, and that residents who behave contrary to the rules should only be dealt with according to the prescribed disciplinary and other procedures.

Penal-Correctional Institution in Niš

PCI Niš shall undertake activities to put the existing video surveillance into operation in the rooms used for police detention.

Penal-Correctional Institution for Juveniles in Valjevo

In PCI for Juveniles Valjevo, the doctor shall, in the reports on the performed medical examinations of persons deprived of their liberty, when it is determined that the person has injuries:

- enter detailed and specific allegations of persons about the manner in which the injuries occurred;
- describe the injuries in detail, photograph them and draw in the body diagram;

- give his/her opinion on the connection between the allegations about the manner in which the injuries occurred and the objective findings on injuries.

In the event that a doctor notices injuries that indicate abuse or a person deprived of liberty states that he/she was abused, the PCI for Juveniles Valjevo shall inform the competent public prosecutor's office about it. Relevant documentation shall also be submitted to the prosecutor's office (written statement, official notes, documentation on injuries, etc.).

I-3 - Recommendations issued to the Ministry of Labour, Employment, Veteran and Social Affairs and social welfare institutions

Gerontology Centre Belgrade - Working Unit Bežanijska kosa

In cases of non-cooperation or unsatisfactory cooperation of competent centres for social work, the Home shall inform GC Belgrade about this.

GC Belgrade shall inform the bodies responsible for controlling the work of centres for social work about this.

The Home shall take measures so that immobile beneficiaries whose health condition allows it are able to go out into the fresh air and open space every day, while providing them with the necessary assistance.

Home for the Accommodation of Adults "Trbunje"

The Home shall undertake activities aimed at adapting the shower cabins, so that they are adapted to the needs of immobile and less mobile beneficiaries.

Beneficiaries shall be informed of their rights upon admission to the Home in a manner adapted to their capabilities.

The Home shall create brochures on the rights of beneficiaries that will be handed to them upon admission, as well as to their guardians, and the information on the rights of beneficiaries shall be placed in a visible places in the facility.

The Home shall place a complaint box in the beneficiaries' common room, the contents of which shall be checked regularly and complaints shall be considered.

The Home shall establish and keep an up-to-date Register of written and oral complaints of beneficiaries.

The Home shall designate a professional person to provide legal assistance and support in accordance with the needs of the beneficiaries.

In cases of non-cooperation or unsatisfactory cooperation of the competent centres for social work, the Home shall inform the authorities responsible for controlling their work.

The Home shall take all measures to prevent any form of illegal behaviour towards the beneficiaries.

The management of the Home shall conscientiously control the treatment of beneficiaries by the employees, investigate in detail all possible allegations of abuse by employees and, in case of any form of abuse, it shall take measures to determine the responsibility in accordance with the relevant labour, misdemeanour and criminal law regulations.

The Home shall conduct trainings for employees on current regulations and standards related to the prohibition of illegal treatment of beneficiaries.

Gerontology Centre Belgrade – Working Unit Voždovac

In the Home, it is necessary to provide special rooms suitable for occupational therapy in all pavilions.

Home for Adults and Disabled Persons in Zemun

In the future, the Home shall enable the National Preventive Mechanism to tour the facility, enter the rooms where beneficiaries stay and access all installations and objects in the facility, in accordance with current regulations.

The Ministry of Labour, Employment, Veteran and Social Affairs shall inform all social welfare homes about this recommendation and shall ensure that the management of these institutions are informed about the competences and powers of the NPM, in order to facilitate the smooth and efficient implementation of the mandate of the NPM in the area of torture prevention.

The Home shall make an analysis of the required number of employees of different profiles, taking into account adequate gender representation, in order to provide beneficiaries with adequate treatment in accordance with valid regulations and standards, as well as their need for care to be performed by persons of the same gender.

The Home shall submit the completed analysis to the Ministry of Labour, Employment, Veteran and Social Affairs.

The Ministry of Labour, Employment, Veteran and Social Affairs shall take necessary measures to ensure the necessary number of medical, nursing and other staff in accordance with the assessment of the needs for adequate treatment of beneficiaries and the functioning of the Home.

The Home shall include trainings in the field of human rights and on procedures for the realization of programs and services intended for persons with physical disabilities in the annual Professional Development Plan for employed professionals, nursing and medical staff.

Individual beneficiary service plans shall be properly managed in the Home, in accordance with applicable regulations and standards.

The Home shall provide conditions for the isolation room to be fully adapted to the stay of beneficiaries, accessible to people with disabilities and equipped with a TV set.

The Home shall allow beneficiaries to stay in the fresh air every day, that is, to go out into the yard, regardless of the weather conditions.

The Home shall regulate the procedure for submitting petitions, appeals and complaints about the work of the Institution and its employees, and the appropriate procedure for handling them.

The Home shall make complaint forms available to beneficiaries and shall inform them about the procedure.

The Home shall place a complaint box in a visible place in the corridor of the institution.

The Home shall establish a unique record of appeals/complaints/requests of beneficiaries.

The legal service of the Home shall educate beneficiaries about the right to free legal aid, provide printed application forms for free legal aid, make available contacts of legal aid services at local self-government units, as well as contacts of civil society organizations that are the registered providers of free legal aid and support.

Also, the legal service of the Home shall ensure the functioning of a mechanism through which beneficiaries shall be able to effectively obtain legal protection outside the institution by making available information on independent bodies for the protection of human rights.

The Home shall take activities in order to ensure continuous specialist education in the area of health care and care for persons with physical disabilities for health workers in the Home.

In its future work, the Home for Adults and Disabled Persons in Zemun shall regularly maintain therapeutic lists of beneficiaries, so that they contain: precise indication of the type of therapy, date and time of therapy distribution, allergies, chronic diseases, special types of diet, need for supervision, etc.

In the Home for Adults and Disabled Persons in Zemun, therapy shall no longer be applied "as needed" without clear instructions from a specialist doctor about its duration, about how long the therapy can be continuously applied, as well as the precise method of administration (application) of the drug. Any information of this type must be entered in the therapeutic list and the doctor must confirm it with his/her signature and stamp.

The Home shall establish an Injury Protocol and ensure that in it data are recorded on the type of injury (e.g., burn, bruise, fracture, cut, etc.), circumstances under which the injury occurred (with indication of the source of data – anamnestic/hetero-amnestic), a detailed description of established injuries, as well as a doctor's conclusion on the connection between the circumstances of occurrence of the injury and the established injury and information on whether the injury was caused by others, by self-harm or by an accident.

The Home shall adopt a Rulebook on the behaviour of employees in case of incident events, which shall regulate the procedure for the action of employees in case of incident situations and the action plan in relation to the protection of beneficiaries in case of incident events.

The management of the Home shall take measures to prevent any form of illegal behaviour towards the beneficiaries. This includes oversight of the work, as well as a clear message and instructions to employees that illegal treatment of beneficiaries in any form is unacceptable and subject to appropriate sanctions.

Gerontology Centre Vršac

The Ministry of Labour, Employment, Veteran and Social Affairs shall undertake measures to adopt, without further delay, a rulebook that will regulate in detail the issue of providing funds for the personal needs of beneficiaries of home and family accommodation.

It is necessary for the Ministry of Health and the Ministry of Labour, Employment, Veteran and Social Affairs, in achieving cooperation, to take necessary measures within their competence in order to improve the regulations that regulate the consent of beneficiaries, i.e., patients to medical measures, especially in situations where the beneficiary, i.e., the patient is not deprived of legal capacity, and his state of health indicates that the expressed will does not correspond to the internal will, that is, that he/she is not able to form his/her own will in this regard.²⁷

Also, it is necessary for the Ministry of Health and the Ministry of Labour, Employment, Veteran and Social Affairs, in achieving cooperation, to take necessary measures from their competence in order to improve the regulations in terms of consent to medical measures in relation to persons who are deprived of legal capacity, in the sense that, in accordance with valid international regulations and standards, their position in this regard is also taken into account.

²⁷ Beneficiaries with mental disorders whose judgment capabilities are compromised.

I-4 – Recommendations issued to the Ministry of Health and psychiatric institutions

Clinical Centre Niš – Clinic for Psychiatry

The use of long-term fixations shall be avoided at the Clinic for Psychiatry.

The Clinic shall ensure that copies of the individual lists/fixation reports of all patients on whom the measure of physical restraint has been applied, regardless of whether they have been discharged from the Clinic or not, are stored in the Record Book.

Clinical Centre Niš shall undertake activities to fully equip the Clinic for Psychiatry with all prescribed equipment.

Clinical Centre Niš shall submit a request to the Ministry of Health for the employment of the missing number and professional profile of employees at the Clinic for Psychiatry.

The Ministry of Health shall undertake activities in accordance with the current regulations in order to employ the missing number and professional profile of employees at the Clinic for Psychiatry of the Clinical Centre Niš.

Clinical Centre Niš - Centre for Mental Health Protection

Acknowledging the fact that the epidemiological situation makes it difficult to attend training, the NPM recommends that CC Niš – Centre for Mental Health Protection acts on the recommendation from 2019 by creating a special training plan for health care workers on the method and procedure of applying physical restraints and, as soon as the epidemiological conditions are met, to carry out that training, as well as special professional training of health care workers for dealing with children, in accordance with current regulations.

Acknowledging the fact that the epidemiological situation makes it difficult to attend training, the NPM recommends that CC Niš – Centre for Mental Health Protection acts on the recommendation from 2019 by creating a program of continuous specialist education of middle-level medical staff for working in psychiatry departments with children and adolescents, and as soon as the epidemiological conditions are met, to continuously carry out the planned trainings.

Special Hospital for Psychiatric Diseases "Kovin"

In cases of refusal to provide adequate health care outside the Hospital by other health care institutions, the Hospital shall inform the head of the competent health care institution about it, along with appropriate medical documentation, and the Ministry of Health shall also be informed about this in writing.

The Ministry of Health shall undertake activities for the formation of a suitable service – a centre for the protection of mental health in the community, with the provision of the necessary resources, and for the purpose of prevention, improvement and post-hospital treatment of patients in the community.

The Hospital shall be obliged to enter information on the exact time (day/hour/minute) of the start and end of the measure of mechanical restraint in the unique record on the application of the measure of physical restraint by mechanical restraint, which is maintained at the level of the Hospital.

General Hospital Leskovac – Department of Psychiatry

The Hospital shall undertake activities for the necessary repairs in order to improve the material conditions of accommodation in the Psychosis Department.

The Hospital shall, by decorating the walls and areas where patients stay (corridors, dining room, etc.), improve the material accommodation conditions in the hospitalization wards of the Department of Psychiatry, with the aim of creating a positive therapeutic environment.

The Hospital shall use the forms of the Ministry of Health created on the basis of the Law on Protection of Persons with Mental Disabilities for the patient's consent to hospital treatment and for consent to medical measures in the Department of Psychiatry.

The Hospital shall ensure that during the subsequent introduction of each new medical measure, the written consent of the previously informed patient, or his guardian, is requested for the implementation of the specific, proposed measure.

In cases of voluntary placement of persons with mental disorders for hospital treatment, a psychiatrist shall determine the capacity of that person to give consent to placement at the time of giving the consent.

If there are circumstances that cast doubt on the relevance of the will of a person with a mental disorder, i.e., the person's ability to make a decision on consent to accommodation, and according to the psychiatrist's assessment, that person, due to mental disorders, seriously and directly threatens his/her own life or health or safety, i.e., the life or health or safety of another person, in the future, the Hospital shall not retain such patients for treatment based on their voluntary consent.

In those cases, the procedure for detention without consent and accommodation without consent of persons with mental disorders shall be carried out, in accordance with the Law on Protection of Persons with Mental Disorders, i.e., such a patient shall be referred to a tertiary health care institution for forced hospitalization, with the assistance of the police, if there is no such possibility in the Hospital.

In the Hospital, an individual treatment plan shall be drawn up for each hospitalized patient in the Department of Psychiatry, which shall also include the necessary psychosocial rehabilitation programs.

Educated experts of various profiles, as well as the patients themselves, shall be involved in the creation of the treatment plans.

Individual treatment plans, in written form, shall be entered into the patient's medical record and shall be updated once a week.

The Ministry of Health shall undertake activities aimed at establishing a centre for the protection of mental health in the community, with the provision of the necessary resources, for the prevention, treatment and rehabilitation of patients in the community and improvement of mental health.

The Hospital – Department of Psychiatry shall properly manage the Protocol of deceased patients and record all the necessary data, especially the time of death and the cause of death.

The hospital shall:

- undertake activities aimed at enabling occupational – work therapy for all patients (which implies the procurement of materials for work and the engagement of work therapists);
- develop available and adapted rehabilitation psycho-social activities for patients and include all patients in psycho-social rehabilitation programs in accordance with their needs and adapted to their capabilities;

- organize group psychotherapy with patients from the same diagnostic categories.

The Hospital shall establish a Record Book on the application of the physical restraint measure of persons with mental disorders, in which all essential data on the application of the measure shall be entered, namely:

- reasons for applying the measure of mechanical restraint;
- description of measures applied before the mechanical restraint;
- type of means used for mechanical restraint;
- information on the place (room) where the mechanical restraint measure was applied;
- the exact time (day/hour/minute) of the start of the measure of mechanical restraint;
- name of the psychiatrist who made the decision to apply the measure of mechanical restraint;
- description of medical measures applied during the mechanical restriction;
- description of all possible injuries of the patient against whom the measure of mechanical restraint was applied (occurred before and during the application of the measure), as well as possible injuries of other patients or health care workers (occurred in the event that preceded the mechanical restriction);
- data on the periodic visits to the patient to whom the measure of mechanical restraint was applied and the monitoring of his health condition by a psychiatrist (exact time and duration of the visits, performed actions) and data on the visits to the patient by the medical staff (exact time and duration of the visit, observed condition, performed actions);
- information on the time of notification of the director of the Hospital or another person authorized by the director about the applied measure of mechanical restraint, as well as information on whether and when the legal representative, i.e., a member of the close family of the patient against whom the measure was applied, was notified;
- allegations and comments of the patient during and immediately after the measure of mechanical restraint was applied against him/her;
- exact time (day/hour/minute) of the end of the measure of mechanical restraint.

The Hospital shall avoid the use of long-term fixations and shall release the patient from the means of mechanical restraint as soon as the emergency situation that led to the application of the measure ends.

The Hospital shall provide training for health workers on the conditions and procedure for applying physical restraint measures to agitated patients, as well as trainings in the application of advanced techniques of non-violent physical restraint, according to a special training plan for health care workers on the method and procedure for applying the measure of physical restraint.

In future work, the measure of physical restraint shall be carried out exclusively by trained health care workers, and in cases of extreme emergencies, assistance can be provided only by non-medical staff specially trained for that.

The measure of physical restraint by mechanical restraint shall not be applied in the room in which the patients towards whom this measure was not applied are placed.

The Hospital shall provide a special room or place for the application of the measure of physical restraint by mechanical restraint of the patient, which other patients shall not be allowed to access during the application of that measure.

The Hospital shall create a program of continuous specialist education of middle-level medical staff in the area of mental health and work with people with mental disorders, through the determination of needs, a possible plan of cooperation with various educational

institutions and organizations and through the introduction of procedures for monitoring the organization of trainings and the evaluation of the results achieved and the acquired knowledge and skills.

The Hospital shall provide training for middle-level medical staff in acquiring knowledge and developing skills needed for successful psychosocial rehabilitation of patients.

The Hospital shall ensure that information about the rights of patients and the mechanisms of their protection are clearly visible, in an appropriate form, and accessible to all patients undergoing hospital treatment (posters in the wards, brochures, etc.).

I-5 - Recommendations issued to the Serbian Armed Forces and the barracks

Barracks "Aleksandar Berić"

Barracks "Aleksandar Berić" shall improve the inflow of fresh air and natural light in the disciplinary room.

Barracks "Aleksandar Berić" shall display the schedule of daily activities in a visible place in the disciplinary room.

Barracks "Aleksandar Berić" shall ensure that only the medical staff gives therapy to the sanctioned soldier.

Barracks "Aleksandar Berić" shall ensure that the sanctioned soldiers, before the start of the enforcement of the sanction, are appropriately informed about the possibility of submitting a complaint to the Protector of Citizens.

I-6 - Recommendations issued to improve the treatment of refugees / migrants

The Commissariat for Refugees and Migration shall regularly keep records of extraordinary events at the Reception Centre in Preševo.

The Commissariat for Refugees and Migration shall ensure that records of extraordinary events are properly kept at the Reception Centre in Principovac.

RBPC North Macedonia shall take measures to prevent any form of illegal expulsion of foreigners from the country. This includes a clear message and instructions to police officers that such behaviour is illegal and subject to appropriate sanctions.

It is necessary to give clear instructions in order to ensure that all irregular migrants who enter or have entered the territory of the Republic of Serbia are individually identified, recorded and that the legally prescribed powers are exercised against them. They should also be informed that, if they believe that their rights have been violated by the actions of police officers, they can file a complaint so that their case is investigated, and that they must not suffer any consequences for this.

The Commissariat for Refugees and Migration shall continue to take measures to improve accommodation conditions in the Bogovađa and Sjenica reception centres, including the appropriate motivation of the beneficiaries of the centres to maintain the hygiene in the premises in which they stay.

The Commissariat for Refugees and Migration shall enable the realization of sufficient purposeful activities for unaccompanied minor migrants.

The Ministry of Labour, Employment, Veteran and Social Affairs shall hire a sufficient number of social workers in places where unaccompanied minor migrants are located, so that all activities for the reception, care and protection of minor migrants are carried out smoothly and with quality.

The Ministry of Labour, Employment, Veteran and Social Affairs shall continue to invest and, to the greatest extent possible, support the functioning of the system of accommodation of unaccompanied minor migrants in social welfare homes and houses managed by humanitarian organizations.

I-7 - Recommendations issued in connection with oversight of the procedures of forced return of foreigners

The Serbian Bar Association shall form a list of lawyers who have sufficient knowledge and experience to represent foreigners who have been assigned to stay in the Reception Centre for Foreigners in Padinska Skela during the return process and shall submit it to the Reception Centre, so that it is available to the foreigners who are here.

The Reception Centre for Foreigners in Padinska Skela shall display a notice on how to make phone calls in a visible place inside the room used by foreigners, in a language that the majority of them understand.

The Ministry of Interior shall ensure that minors are represented in accordance with the law in the procedure of determining the stay in the Reception Centre for Foreigners.

ADDENDUM II Decision on fees for participation in performing the tasks of the National Preventive Mechanism

Consolidated text applied since 6th November 2018

Article 1

This decision determines the amount of the fee for the work of representatives of the association - experts in performing the tasks of the National Preventive Mechanism (hereinafter: the NPM), as well as for cooperation with the academic community and research institutions.

Article 2

On the basis of engagement of association representatives in the NPM activities, associations are entitled to a fee for drawing up reports from visits and other written documents.

Article 3

The association is paid the fee for the expert hired for the following needs of the NPM:

1. analysis, systematization and structuring of materials for the preparation of a visit or other activities;
2. structuring and creating questionnaires and other supporting materials;
3. preparation of reports on completed visits and recommendations for improvement of actions;
4. preparation of expert findings and opinions on the treatment of persons deprived of their liberty;
5. preparation of analyses and opinions on regulations and standards, as well as their implementation;
6. preparation of other written acts;
7. visits to places where persons deprived of their liberty are located.

Article 4

The association is paid a fee for the work of the hired expert, calculated according to the number of started hours the hired expert spent visiting places where persons deprived of their liberty are located, i.e., according to the number of written pages of the text in A4 format.

The basis for calculating the fee is twice the average monthly salary per employee in the Republic of Serbia, without taxes and contributions, paid for the month preceding the undertaken activities of the engaged expert, according to the data of the authority responsible for statistics.

The calculated fee for the work is the net amount that belongs to the engaged expert, which is paid to the Association, increased by the amount of taxes and contributions.

Article 5

The amount of funds for the fee for the work of experts hired through the association is determined and transferred to the association on the basis of the Association's invoice, to which the calculation and specification of the fee for the work performed are attached.

The scope of work performed is confirmed by an authorized person of the NPM, the validity of the calculation of the fee for performed work is confirmed by an authorized person of the Department for Material and Financial Affairs, and the payment is approved by an authorized person of the Protector of Citizens.

The transfer of the determined fee is carried out by the Department for Material and Financial Affairs, in accordance with the rules of payment functioning in the Treasury system.

If multi-month performance of work is contracted, with a fee which is to be paid periodically for each month, the Calculation is made for each period for which the payment is made.

Article 6

If the NPM activities for which the expert is hired must be performed outside the expert's place of stay or residence, for a duration of more than eight hours, including the time required to arrive at the place of performance of the activity and the time required to return, the organization and payment for the transportation and accommodation of the expert on official travel shall be carried out by the Protector of Citizens, in accordance with the Regulation on compensation of expenses and severance pay of civil servants and state employees ("Official Gazette of RS", no. 98/2007 – consolidate text, 84/2014 and 84/2015).

Article 7

Funds for the payment of transportation and accommodation costs outside the place of residence, i.e., the place of stay, and funds for the fee for the work of experts hired through the association are planned and provided in the financial plan of the Protector of Citizens for each budget year.

Article 8

This Decision shall enter into force on the day it is published on the notice board of the Secretariat of the Protector of Citizens.

SECRETARY GENERAL

ADDENDUM III Cooperation Agreement

Concluded between:

the Republic of Serbia Protector of Citizens

and

the Association

This Agreement regulates the cooperation that the Protector of Citizens will achieve with the Association in performing the tasks of the National Preventive Mechanism (hereinafter: the NPM), and based on the Decision of the Protector of Citizens number 419-45/2020, ref. no. 20499 dated 19th June 2020 on the selection of associations with which the Protector of Citizens will cooperate in performing the tasks of the NPM and in accordance with Article 2a, paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("*Official Gazette of SCG - International Agreements*", no. 16/05 and 2/06 and "*Official Gazette of RS - International Agreements*", no. 7/11).

Cooperation between the Protector of Citizens and the Association in performing the tasks of the NPM will be carried out through participation of representatives and permanent professional associates of the Association in:

- visits to places where persons deprived of their liberty are or may be located (hereinafter: PDL);
- the preparation of the reports or parts of reports on visits made to places where PDL are or may be located;
- the drafting of recommendations for eliminating identified shortcomings in the work of institutions where PDL are or may be located;
- providing expert findings and opinions on the state of health, especially observed physical injuries and the mental pain suffered as a result of any form of abuse;
- dialogues between the NPM and competent authorities regarding the implementation of the NPM recommendations and the improvement of the position of PDL;
- the preparation of the reports or parts of thematic reports on the situation in the area of the position of PDL;
- the preparation of contributions for the annual NPM reports;
- the preparation of analyses and/or opinions on regulations or draft regulations governing the position, rights and obligations of PDL;
- trainings of the NPM team members for visits to places where PDL are or may be located;
- trainings of employees in institutions where PDL are located;
- participation and presentation at gatherings organized by the NPM in order to promote the prevention of torture and the fight against impunity for torture,

as well as through performing other tasks of the NPM, in accordance with Article 2a, paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In all acts of the NPM, in the creation of which the Association participated, its contribution will be indicated and the Association's logo will be prominently displayed.

The Association is authorized to present in its acts and addresses to the public its role in performing the tasks of the NPM.

Confidential information obtained by the Association on the basis of participation in the performance of the tasks of the NPM will be kept as a secret.

Personal data may not be disclosed without the express consent of the person concerned.

Legal and natural persons have the right to access confidential data, in the manner and under the conditions prescribed by Article 46 of the Data Secrecy Law (*“Official Gazette of RS”, no. 104/09*), i.e., persons who based on the agreement provide services to the Protector of Citizens.

The aforementioned persons are obliged to confirm in writing that they are familiar with the Data Secrecy Law and the Rulebook for the establishment of a system of procedures and measures for the protection of confidential data in the Protector of Citizens (*No. 272-292/2018, ref. no. 10767 dated 3rd April 2018*).

Access to documents with higher levels of confidentiality is possible for persons who have the appropriate certificate or permission of the competent state authority.

The person who uses confidential information, or has become familiar with its content, is obliged to protect it, in an expedient manner and from everyone (regardless of the manner in which he/she learned it) even after the termination of his/her employment or position in the Protector of Citizens, that is, duties or membership in the Association.

In the event of loss, theft, damage, destruction or unauthorized disclosure of confidential data, the person who becomes aware of such information, without delay, informs the competent (authorized) person at the Protector of Citizens. After that, necessary measures are taken to determine the circumstances that caused the extraordinary event and an assessment of the possible or caused damage is carried out. If damage has occurred, activities are carried out to eliminate or reduce it. In addition to terminating the contract, the authorized person informs the competent authority about the measures taken.

The Association has the right to reimbursement of expenses for the activities it undertakes based on this Agreement, in accordance with the act of the Protector of Citizens regulating the reimbursement of expenses for the performance of tasks of the NPM by the Association.

Cooperation achieved based on this Agreement does not affect the exercise of the competence of the Protector of Citizens and the activities of the Association based on valid regulations.

Upon entry into force of this Agreement, the Association will designate an authorized person to cooperate with the Protector of Citizens in the performance of the tasks of the NPM and will inform the Protector of Citizens thereof.

Amendments to this Agreement can be made with the mutual consent and in writing.

The Agreement was concluded for a period of one year from the date of its conclusion and can be extended for a period of another year with the mutual consent and in writing.

The Agreement was drawn up in four identical copies, two for each signatory party.

PROTECTOR OF CITIZENS

ASSOCIATION

ANNEX TO THE COOPERATION AGREEMENT

Concluded between:

the Republic of Serbia Protector of Citizens

and

the Association

With this Annex, the Cooperation Agreement between the Protector of Citizens and the Association in performing the tasks of the National Preventive Mechanism, number 419-45/2020, *reference number* dated 29th June 2020, is extended for a period of one year from the date of conclusion of the Annex.

The Annex is made in four identical copies, two for each signatory party.

PROTECTOR OF CITIZENS

ASSOCIATION

ADDENDUM IV Memorandum of Cooperation

Concluded between

the Protector of Citizens

and

the Provincial Ombudsman

This Memorandum more closely regulates the cooperation of the Protector of Citizens in carrying out the tasks of the National Preventive Mechanism with the Provincial Ombudsman, in accordance with Art. 2a, para. 2 of the Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*Official Gazette of SCG – International Agreements, no. 16/2005 no. 16/2005 and 2/2006 and Official Gazette of RS – International Agreements, no. 7/2011*).

Cooperation of the Protector of Citizens with the Provincial Ombudsman in performing the tasks of the National Preventive Mechanism is realized by the Provincial Ombudsman participating in the visits of the monitoring team of the National Preventive Mechanism to institutions on the territory of AP Vojvodina where persons deprived of liberty are located; participating in planning visits to those institutions; participating in drafting reports, recommendations, opinions and other acts of the National Preventive Mechanism; participating in the cooperation of the National Preventive Mechanism with representatives of civil society, state authorities and bodies, as well as in other activities of the National Preventive Mechanism.

According to the plan of visits of the National Preventive Mechanism to institutions where persons deprived of their liberty are located, representative(s)²⁸ of the Provincial Ombudsman may be designated as the leader(s) of the monitoring team for certain visits to institutions on the territory of AP Vojvodina.

A representative of the Provincial Ombudsman participates in drawing up the plan of visits of the National Preventive Mechanism to institutions where persons deprived of their liberty are located, specifically, in the part that refers to institutions located on the territory of AP Vojvodina.

A representative of the Provincial Ombudsman participates in the drafting of the reports of the National Preventive Mechanism on the visits to institutions in which he/she was a member of the monitoring team, i.e., drafting of the reports on the conducted visits in which he/she was the leader of the monitoring team.

The Provincial Ombudsman participates in drafting proposals for measures, recommendations, initiatives, opinions and other acts of the National Preventive Mechanism that refer to visited institutions, in the visits to which its representative participated or was the leader of the monitoring team.

²⁸ All nouns with a grammatical gender in this memorandum are used gender-neutrally and equally denote members of both sexes.

The Provincial Ombudsman contributes to the preparation of special and periodic reports of the National Preventive Mechanism to the extent to which its representatives participated in the activities to which the report refers.

The Provincial Ombudsman participates in the cooperation of the National Preventive Mechanism with representatives of civil society, state authorities and bodies, as well as in other activities, such as public hearings, conferences and other gatherings, especially when the above refers to institutions located on the territory of AP Vojvodina.

In all acts of the National Preventive Mechanism, in the drafting of which the Provincial Ombudsman participated, its contribution will be indicated, and its sign (logo) will be imprinted in a visible place.

In reports and addresses to the public, the Provincial Ombudsman presents its role and activities within the framework of cooperation with the Protector of Citizens in performing the tasks of the National Preventive Mechanism.

The Provincial Ombudsman will keep as a secret all data obtained on the basis of participation in the performance of the tasks of the National Preventive Mechanism.

The data contained in the published reports of the National Preventive Mechanism do not constitute a secret, the Provincial Ombudsman may use them for its own needs or for the purpose of publication, with the obligation to indicate that it is the data of the National Preventive Mechanism and to define its role in the specific case.

The Provincial Ombudsman will not undertake any action on behalf of the National Preventive Mechanism without the prior consent of the Protector of Citizens, i.e., before reaching an agreement, and will act in accordance with the Decision that more closely regulates the manner of performing the tasks of the National Preventive Mechanism.

The Provincial Ombudsman bears all costs for the activities undertaken in order to achieve the cooperation provided for in this Memorandum.

The cooperation agreed in this memorandum does not affect the exercise of the competence of the Protector of Citizens and the Provincial Ombudsman based on the current regulations.

Immediately after signing this memorandum, the signatory parties will designate authorized persons in charge of its implementation and inform the other party thereof in writing.

This memorandum is concluded for an indefinite period of time and may be changed by written agreement of the signatory parties.

In Belgrade, 12th December 2011.

PROVINCIAL OMBUDSMAN

PROTECTOR OF CITIZENS
