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Ombudsman

NATIONAL PREVENTIVE MECHANISM

Report for 2022

Belgrade, July 2023

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Foreword

Dear reader,

Here before you is the eleventh 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 2022, the National Preventive Mechanism (NPM) conducted 87 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 psychiatry departments/services in general hospitals, social welfare homes, reception centres for foreigners, transit zones at international airports. Also, five oversights of the procedures of forced returns of 23 foreigners were carried out. A total of 205 recommendations were issued, of which 204 were from reports on visits to places where persons deprived of their liberty are or may be located, and one recommendation was from the area of oversight of the forced returns of foreigners.

Institutions where persons deprived of 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, 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).

The NPM established 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. 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 there is no circumstance, situation, incentive, etc. that can justify it.

In this reporting period, the NPM continued the practice established in 2020, which involves conducting thematic visits in order to examine and determine the situation in certain areas. In this regard, in this reporting period, the NPM conducted visits to institutions for the enforcement of penal sanctions in order to monitor the treatment of persons who are in solitary confinement or another form of isolation in relation to other persons deprived of their liberty. Also, thematic visits were conducted to institutions for the enforcement of penal sanctions in order to check for the existence of torture or any other cruel, inhuman or degrading treatment or punishment, where 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 injuries of persons during the enforcement of their sentence.

The largest number of visits in this reporting period, the same as in the previous one, 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 fundamental rights, which are also a safeguard against abuse: the right of access to a lawyer and a doctor, right to inform a close person about the deprivation of liberty and the right of the apprehended and detained person to be informed on his/her rights.

Treatment of detained persons 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 the visits to institutions for the enforcement of penal sanctions, the NPM conducted interviews with more than 200 persons deprived of their liberty, both detained and in police custody, about the conduct of police officers towards them during their deprivation of liberty, 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.

The NPM determined that in most of the police stations visited, the conditions for the stay of detained persons in detention premises have been improved, but it is necessary to undertake further activities and ensure that all detention premises are in accordance with the current standards. An improvement in the conduct of police officers towards the apprehended and detained persons regarding the respect of their fundamental rights is also noticeable, as well as an improvement of records kept by police stations for detained persons. In this reporting period, in accordance with the recommendation of the NPM from the previous reporting period, electronic records on exercising the rights of apprehended and detained persons to access to a lawyer were improved, and police stations began recording data about the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she conducted an undisturbed interview with the person.

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 in this reporting period, the newly built Penal-Correctional Institution in Kragujevac began operating, and works began on the construction of a new facility for the closed department of the Penal-Correctional Institution for Women in Požarevac. Works on the adaptation of pavilions in the largest number of institutions have been completed or are underway, and the continuation of these activities, especially the reconstruction of the pre-trial detention departments, is also planned by the new Strategy for the Development of the System of Enforcement of Penal Sanctions in the Republic of Serbia for the period 2022 - 2027, which was adopted near the end of the reporting period.

However, there is still a shortage of staff in certain services, which can negatively affect the protection and exercise of rights of persons deprived of their liberty, their resocialization and preparation for release. Also, there is still a need to ensure the conditions for the work engagement of as many convicted persons as possible, especially those who are classified in closed departments of the institution. Although there may be understandable restrictions on work engagement for security reasons, purposeful work is particularly important for high-security prisoners, given the negative impact of the stricter regime they are exposed to. Finally, there is still a need to provide a sufficient amount of available and purposeful activities to all persons in pre-trial detention and convicted persons classified in the closed departments, as well as the possibility to stay during the day in common rooms with other convicts, that is, persons in pre-trial detention 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 meet their needs, that is, it is necessary to remove these persons from the regular prison regime and place them in an appropriate health care institution, the Special Prison Hospital, possibly an inpatient health care unit within the institution, where the conditions for their treatment would exist. In this regard, it is encouraging that the Strategy for the Development of the System of Enforcement of Penal Sanctions in the Republic of Serbia for the period 2022 - 2027 foresees, 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.

Although the performance of the first medical examination has been significantly improved in many institutions, as well as the method of documenting injuries and the undertaking of further activities regarding the aforementioned, i.e. the forwarding of information to the competent public prosecutor's office, when circumstances exist that indicate that a person has been treated violently, the NPM determined that in some institutions there are still shortcomings regarding the aforementioned, which is why it issued recommendations, in order to improve the method of recording, documenting and reporting on injuries of persons deprived of their liberty.

In this reporting period, the NPM conducted the first systematic visit to the Penal-Correctional Institution in Požarevac - Zabela - Special Department for the serving of the prison sentence for organized crime offences. During the visit, a systematic control of the situation was carried out regarding the respect of rights of persons deprived of their liberty who are serving their prison sentences in a special regime. The NPM determined that convicted persons in this department are treated professionally, with respect for human dignity and in a daily regime that includes out of cell and purposeful activities. However, shortcomings were identified in the implementation of the treatment activities and recommendations were issued in order to improve the procedure in this part.

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, the improvement in the material conditions in some visited institutions is noticeable, but it is necessary to continue to undertake activities to improve the material conditions of accommodation in all psychiatric institutions, in order to harmonize them with applicable standards and create a positive therapeutic environment in all institutions. After conducting visits to all special hospitals for psychiatric diseases and psychiatry clinics at clinical centres in previous years, in this reporting period, the NPM continued conducting visits to psychiatric services/departments at general hospitals. During the visits, it was observed that often the individual treatment plans of the patients are not individualized, that they are not managed properly, and that they do not contain therapeutic and rehabilitation activities that are to be carried out for a specific patient. Not enough different modalities of psychosocial activities are organized for the patients. There is still a lack of continuous specialist educations for medical staff with secondary education in the area of mental health and work with people with mental disorders, which can affect the quality of health care and psychosocial rehabilitation of patients. Also, there is a lack of special trainings for healthcare workers for the application of the measure of physical restraint of patients.

The NPM has often observed the practice that during the application of the measure of physical restraint, contrary to applicable regulations and standards, in addition to healthcare workers, non-medical staff - security workers - also participate. Records on the application of the measure of physical restraint on persons with mental disorders are often incomplete

and do not provide reliable data on the frequency of its application, duration and other significant data. Finally, activities in the area of deinstitutionalization are still taking place slowly, and in this regard, no progress has been achieved that was foreseen by the adopted strategic documents, and it is necessary to intensify intersectoral cooperation and cooperation with local self-governments in order to implement the planned activities.

In the visited social welfare homes, 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. In large social welfare institutions, a large number of beneficiaries are still accommodated for a long period of time, because the conditions for their stay in the community have not been provided. Also, it was observed that there is a need to strengthen the capacities of centres for social work, that is, to undertake activities aimed at improving the actions of centres for social work in terms of providing effective guardianship services to beneficiaries in institutions.

Although at the end of the previous reporting period, the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection was adopted, which, among other things, prohibited the application of all coercive measures and treatment without the consent of the beneficiary, the NPM observed that the visited institutions did not harmonize their actions with the applicable regulations in this part. An additional problem is the fact that, although it is prescribed by law, no by-laws have yet been adopted that regulate the manner and closer conditions of the actions of institutions in incident situations.

In this reporting period as well, the NPM paid special attention to the position of children in conflict with the law and, in this regard, made the first systematic visit to the Institution for Education of Children and Youth in Knjaževac, and the visits aimed at monitoring the treatment of children in conflict with the law continued in 2023 as well.

Recognizing the need to strengthen cooperation and dialogue with the Ministry of Health and the Ministry of Labour, Employment, Veteran and Social Policy, with regard to the implementation of the issued recommendations and improvement of the situation in the area, in this reporting period, with the support of the Council of Europe and within the project "Enhancing human rights protection of detained and sentenced persons in Serbia", phase II, the NPM organized trainings for healthcare workers and employees in social welfare institutions on the treatment of persons accommodated in psychiatric institutions and social welfare homes.

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. While performing oversights of forced returns of foreigners in the reporting period, the NPM observed a positive development in relation to ensuring access to legal assistance for foreigners who have been assigned to stay in a reception center. Namely, in the dialogue that the NPM held with the Bar Association of Serbia on this matter, in accordance with the recommendation of the NPM, the Bar Association invited interested lawyers to apply for the provision of legal assistance to foreigners placed in shelters for foreigners.

As the biggest shortcoming 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.

The NPM also conducted the first two-day systematic visit to the newly opened Reception Centre for foreigners in Dimitrovgrad. Also, after receiving information about the inadequate conditions in which foreigners who were refused entry to the country are staying, the NPM conducted an extraordinary unannounced visit to Belgrade "Nikola Tesla" Airport and issued recommendations aimed at eliminating the observed shortcomings.

Although 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, 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 and the efficiency of prosecutor's offices and courts, in the fight against impunity for 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 necessary to continue with the continuous trainings on human rights for all those who treat persons deprived of their liberty, so that certain actions would not turn into degrading 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).

There is a big task before all the authorities, which may only be fulfilled if special attention is paid to solving the problems. The solutions for certain systemic problems are not simple, some of them probably cannot be quick anyway, but what is indisputable is that they are necessary in order to ensure full respect for the prohibition of ill-treatment and further improve the situation in this area.

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 2022

During the reporting period, the NPM carried out 87 visits to institutions where persons deprived of their liberty are located and five oversights of procedures of forced return of 23 foreigners.

In the reporting period, 29 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 205 recommendations were issued, of which 204 were from reports on conducted visits to places where persons deprived of their liberty are or may be located, and one recommendation from the area of oversight of the forced return of foreigners.

In the reporting period, representatives of the NPM participated in two meetings of the South-East Europe NPM Network, chaired by the Austrian NPM. The first meeting was devoted to the position of the elderly and persons with physical disabilities in places of deprivation of liberty, and the second to the accommodation and treatment of children and adolescents with predominantly mental health problems and mental and physical disabilities, that is, the application of coercive measures against minors and persons with mental disorders.

Also, three online meetings of the Working Group on Asylum and Migration of the European Network of National Human Rights Institutions (ENNHRI) were held, in the work of which a representative of the NPM participates. During 2022, the emphasis in the work of the Working Group was placed on strengthening the responsibility for human rights at the borders, within which two meetings of the Working Group were held, two reports were prepared and published, and one conference was held.

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.

In terms of international cooperation, the NPM participated in numerous international conferences organized by the Council of Europe, the Association for the Prevention of Torture (APT), Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), etc. The NPM maintained regular communication with the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

Within the project of the Council of Europe and the European Union "Enhancing human rights protection of detained and sentenced persons in Serbia", phase II, Nataša Tanjević, PhD, Deputy Protector of Citizens and head of the NPM, as well as the employees of the NPM, together with the consultants of the Council of Europe, participated in trainings for healthcare workers and employees in psychiatric institutions and social welfare institutions, on the treatment of persons placed in psychiatric institutions and social welfare homes.



Trainings for employees in psychiatric institutions

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), as well as at the meetings of the Management Board of the project of the Council of Europe and the European Union "Enhancing human rights protection of detained and sentenced persons in Serbia", phase II.

The NPM had a meeting with the representatives of the European Border and Coast Guard Agency (FRONTEX), where the most important activities of the NPM related to monitoring of the treatment of migrants at the borders, as well as the oversight of the forced return of foreigners, were pointed out. The most important findings from the visits and oversights were presented, as well as the manner in which the NPM conducts oversight of the procedure of forced return of foreigners, issued recommendations and improvements made so far, and further activities in that area and cooperation with the Protector of Citizens were discussed.

Deputy Protector of Citizens and head of the NPM, Nataša Tanjević, PhD, gave a presentation at the international conference entitled "Fight against torture and other forms of abuse in the Republic of Serbia", which was organized by the Belgrade Centre for Human Rights.

Also, Nataša Tanjević, PhD, gave an introductory presentation on the topic "Protection of mental health is a matter of human rights", at a meeting called *Civil sector in mental health protection*, which was organized by Caritas Serbia.



NPM at the meeting Civil sector in mental health protection

A representative of the NPM took part in thematic meetings dedicated to the dialogue on migration management in Serbia, at which relevant actors were gathered to define the problems in this area and the priorities in the coming period. The topics of the meeting were related to amendments and supplements to the regulations on asylum, foreigners and the employment of foreigners, with special reference to the silence of the administration, e-Administration, collection and processing of data in the area of migration, etc. The organizers of the dialogue were Group 484 and the OSCE.

In the reporting period, the NPM submitted opinions on the text of the Draft Law on Amendments to the Law on Asylum and Temporary Protection and the Conclusion Proposal for the Adoption of the Migration Profile of the Republic of Serbia for 2021.

In the reporting period, after a public call, the Protector of Citizens adopted a Decision on the selection of associations with which it will cooperate in the following period in performing the tasks of the NPM, and in accordance with the above, concluded cooperation agreements with associations with which the NPM has cooperated so far: the Human Rights Committee Valjevo, the Centre for Youth Integration, the Victimology Society of Serbia, the Helsinki Committee for Human Rights in Serbia, the Lawyers' Committee for Human Rights, as well as with one new association, Klikaktiv – Centre for Development of Social Policies, thus increasing the number of associations with which the Protector of Citizens cooperates in performing the tasks of the NPM to six.

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 2022, financial resources in the amount of 4,800,000 dinars (about €40,000) have been provided.

2.3. Special unit of the NPM

In the institution of the Protector of Citizens, a special organizational unit was formed, the National Preventive Mechanism Department, which performs the professional tasks of the NPM. According to the Rulebook on internal organization and systematization of job positions in the Secretariat of the Protector of Citizens, six employees are foreseen – three independent and three senior advisers, one of whom is the head of the Department. Also, it was determined that the head of the Department answers for his work 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,⁵ during 2022, 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 ten visits to institutions located on the territory of AP Vojvodina.

In the reporting period, following a public call, the Protector of Citizens issued a Decision on the selection of associations with which it will cooperate in performing the tasks of the NPM, and accordingly, concluded agreements on cooperation with associations with which the NPM has cooperated so far: the Human Rights Committee Valjevo, the Centre for Youth Integration, the Victimology Society of Serbia, the Helsinki Committee for Human Rights in Serbia, the Lawyers' Committee for Human Rights, as well as with one new association, Klikaktiv – Centre for Development of Social Policies, thus increasing the number of associations with which the Protector of Citizens cooperates in performing the tasks of the NPM to six.

2.5. Employee training

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

Representatives of the NPM participated in the workshop "Extremist landscape in Serbia: implications for the country's criminal justice", organized by the Helsinki Committee for Human Rights in Serbia.

⁵ Signed on 12 December 2011.

Representatives of the NPM participated in the conference entitled *Strengthening the role of National Human Rights Institutions as independent mechanisms for monitoring the UN Convention on the Rights of Persons with Disabilities*. The conference was organized by the UN team.

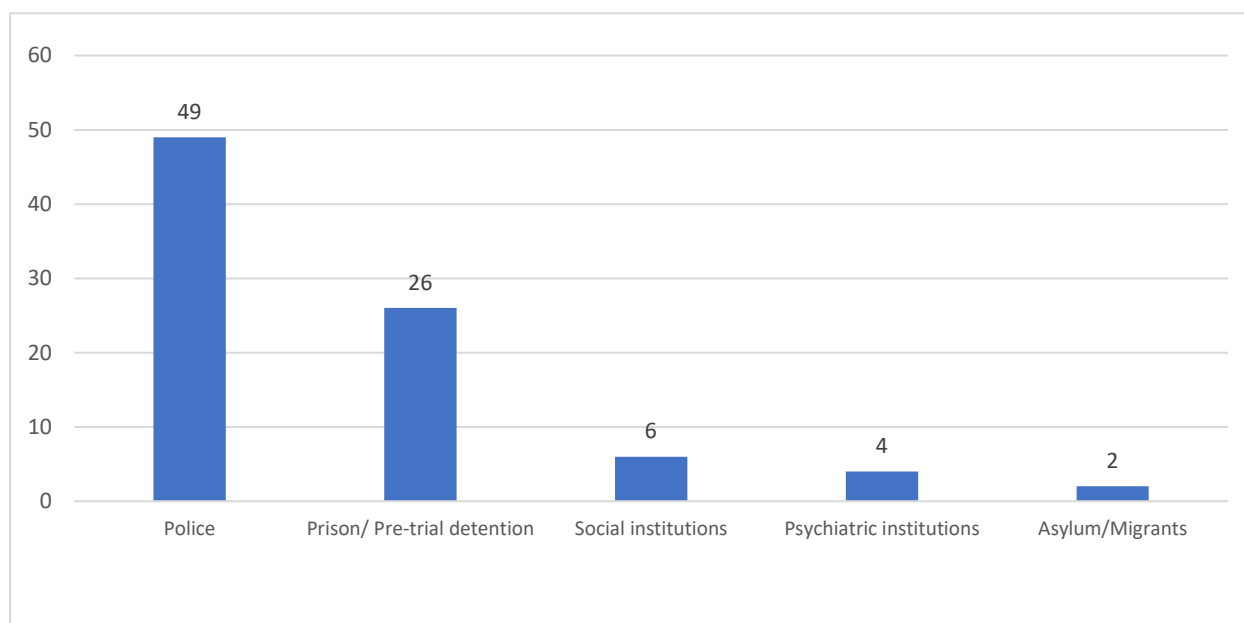
A representative of the NPM participated in a regional training on the integration of issues of sexual and gender-based violence into detention monitoring. The organizer of the training was the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR).

3. IMPLEMENTATION OF THE MANDATE

3.1. Visits to institutions

During the reporting period, the NPM made 87 visits to institutions where persons deprived of their liberty are located. 49 visits were made to police departments, that is, police stations and outposts within their composition,⁶ 26 visits to institutions for the enforcement of penal sanctions,⁷ six visits to social welfare homes⁸ and four visits to psychiatric institutions.⁹ Also, two visits were made in order to monitor the treatment of refugees and migrants.¹⁰

Chart 1 – Visits of the NPM in 2022



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 and improving the actions. 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 are also listed, which the current situation, i.e., actions of the visited institution, should be harmonized with.

⁶ PD Subotica: headquarters and PS Bačka Topola and Mali Idoš; PD Sremska Mitrovica: headquarters, PS Šid, Irig, Ruma, Pećinci, Stara Pazova and Inđija and TPO Ruma; PD Zaječar: PS Knjaževac and Sokobanja; PD for the city of Belgrade: headquarters, Vračar, Zvezdara, Palilula, New Belgrade, Stari grad, Savski venac, Voždovac, Rakovica and Grocka and PO Kaluđerica and Mirijevo; PD Kragujevac: headquarters and TPO; PD Pančevo: headquarters and PS Kovin; PD Novi Pazar: headquarters and PS Tutin; PD Kraljevo: headquarters and PS Raška; PD Čačak: headquarters and TPO; PD Požarevac: headquarters, PO and PS Veliko Gradište; PD Jagodina: headquarters and PS Paraćin and Svilajnac; PD Užice: headquarters, PS Arilje, Požega, Kosjerić and Bajina Bašta and PO Zlatibor; PD Pirot: PS Dimitrovgrad and Bela Palanka.

⁷ DP Subotica, Novi Sad, Novi Pazar, Kraljevo, Užice (two times), Belgrade, Čačak and Zrenjanin; PCI Šabac, Sremska Mitrovica, Pančevo (three times), Požarevac - Zabela - Special Department, Belgrade, Belgrade - Padinska Skela, Kragujevac, Požarevac - Zabela (three times) and Čuprija; PCI for women Požarevac (two times); PCI for juveniles Valjevo and SPH Belgrade.

⁸ IECY Knjaževac, GC Kragujevac, homes Stari Lec, Stara Moravica and Tutin and Institution Veliki Popovac.

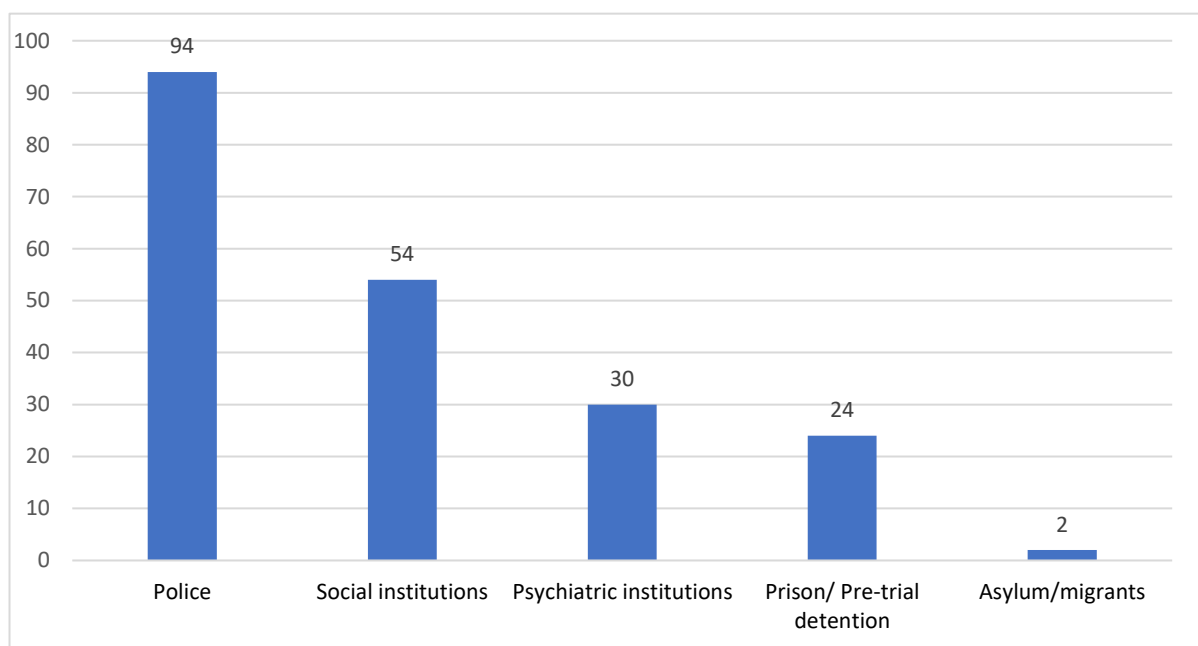
⁹ GH Novi Pazar, Smederevo and Smederevska Palanka and CC Kragujevac.

¹⁰ Belgrade "Nikola Tesla" Airport and Dimitrovgrad Reception Centre for foreigners.

In the reporting period, a total of 29 reports were made, in which 204 recommendations were issued. In some cases, unique reports were prepared for several institutions visited, due to the need for a systematic overview of a certain problem.

Accordingly, 15 reports were made on the basis of conducted visits to police departments and stations within their composition, eight reports were made on the basis of visits to institutions for the enforcement of penal sanctions, five reports were made on the basis of visits to social welfare institutions, three reports were made on the basis of visits to psychiatric institutions, while one report refers to the treatment of migrants by the competent authorities.

Chart 2 - Issued recommendations



All recommendations issued to the visited institutions/competent ministries in 2022 can be found in the section of the Report - ADDENDUM I.

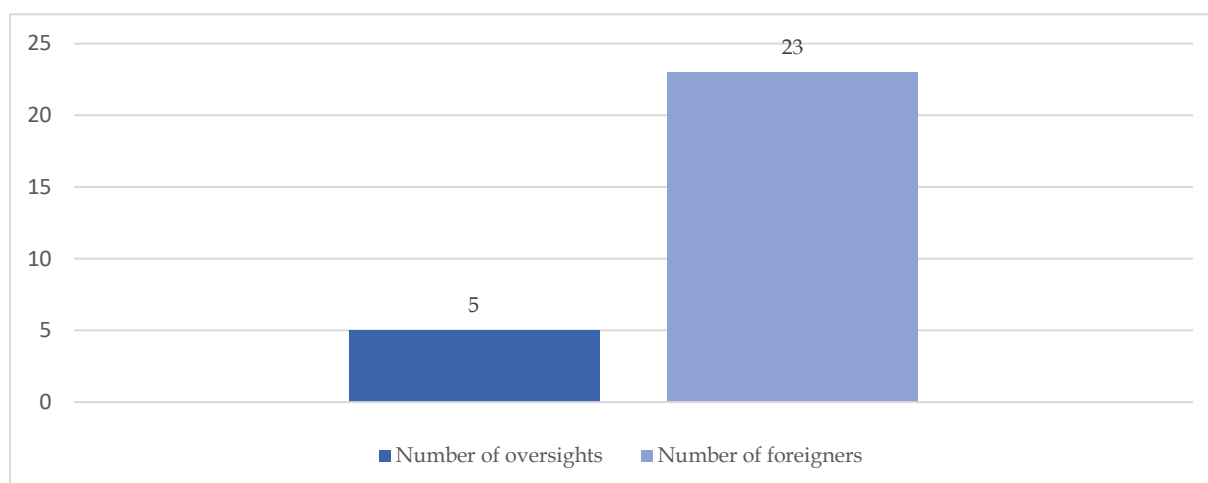
3.3. Oversight of the procedure of forced return of foreigners

During the reporting period, the NPM carried out five 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 one recommendation was issued.

In two cases in which oversights were carried out, foreigners were removed from the Reception Centre for foreigners in Dimitrovgrad, and in three from the Reception Centre for foreigners in Padinska Skela. Returns were carried out by road to the border crossings with Bulgaria or to the international "Nikola Tesla" Airport Belgrade. In the largest number of cases, they were citizens of India (13).

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, as well as oversight of the procedures preceding the return. Then the NPM monitored the transportation of foreigners to the border crossings or the airport and the handing over of foreigners to officials of foreign countries.

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

Chart 3 - Oversights of forced returns in 2022

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 Administration for the Enforcement of Penal Sanctions / Ministry of Justice and the Commission for the Implementation of Standards of Police Treatment in the Field of Prevention of Torture of the Ministry of Interior.

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), which were issued to the Republic of Serbia after the visit in 2021.

3.5. Promotion of the NPM/torture prevention

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 Policy, in this reporting period, with the support of the Council of Europe, within the project "Enhancing human rights protection of detained and sentenced persons in Serbia", the NPM participated in trainings for healthcare workers and employees in social welfare institutions on the treatment of persons accommodated in psychiatric institutions and social welfare homes. The training participants were presented with international standards, recommendations of the CPT in these areas, as well as the mandate of the NPM, the findings so far and the recommendations issued, and the importance of their implementation was pointed out.

Trainings were held for employees of the Clinic for Psychiatric Diseases "Dr. Laza Lazarević", the Special Hospital for Psychiatric Diseases in Kovin, the Special Hospital for Psychiatric Diseases "Dr. Slavoljub Bakalović" in Vršac, the Special Hospital for Psychiatric Diseases in Gornja Toponica and the Psychiatry Clinic of the Clinical Centre in Niš. When it comes to employees in social welfare homes, trainings were held for employees at the Institution "Gvozden Jovančević" in Veliki Popovac, the Home for Children and Persons with

Developmental Disabilities "Dr. Nikola Šumenković" in Stamnica and the Home for Persons with Developmental Disabilities "Otthon" in Stara Moravica.

The Deputy Protector of Citizens and head of the NPM, Nataša Tanjević, PhD, gave a presentation at the conference entitled "Fight against torture and other forms of abuse in the Republic of Serbia", organized by the Belgrade Centre for Human Rights.

The Deputy Protector of Citizens and head of the NPM, Nataša Tanjević, PhD, gave an introductory presentation on the topic "Protection of mental health is a human rights issue", at a meeting called *Civil sector in mental health protection*, which was organized by Caritas Serbia.

On the occasion of the International Human Rights Day, at the social dialogue "Leave no one behind - Who is invisible in Serbia?", Nataša Tanjević, PhD, gave an introductory presentation during which she spoke about the position of persons deprived of their liberty and the most important findings of the NPM from visits to institutions for the enforcement of penal sanctions.

A representative of the NPM participated in a round table entitled "Situation of unaccompanied children in the Republic of Serbia", organized by Group 484 and *Save the Children*. The NPM representative presented the findings and recommendations from the NPM report on the visits to institutions where unaccompanied minor migrants are accommodated.

Save the Children for North West Balkans/Balkans Migration and Displacement Hub and the Faculty of Political Sciences of the University of Belgrade organized the presentation of the Report "Wherever we go, someone does us harm: Violence against refugee and migrant children arriving in Europe through the Balkans", which was also attended by a representative of the NPM.

Representatives of the NPM attended the Conference entitled *Steps towards freedom: free Legal aid, freedom of expression and freedom of assembly*. The conference was organized by the Lawyers' Committee for Human Rights as part of the celebration of the 25th anniversary of the Committee, and the presentation of the 2020-2022 Work Report.

A representative of the NPM participated in the event organized on the occasion of five years of work of the Balkans Migration and Displacement Hub, moderated by the associations Atina, Centre for Youth Integration, Group 484 and the Centre for Interactive Pedagogy. At the conference, the achievements so far and the areas in which improvement is needed were discussed.

Representatives of the NPM attended a meeting organized by the Human Rights Committee Valjevo, which was dedicated to the presentation of recommendations for the improvement of enforcement of non-custodial sanctions and measures in Serbia.

A representative of the NPM participated in the annual conference dedicated to the improvement of the rights of children in contact with the justice system, organized by the Council for monitoring and improving the work of criminal procedure authorities and the enforcement of penal sanctions against minors in cooperation with UNICEF.

Representatives of the NPM participated in the fifth regional meeting of the NPM and civil society organizations on the prevention of torture, organized by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) and the Association for the Prevention of Torture (APT).

At the webinar organized by *Global Detention Project* on the topic Role of the Optional Protocol to the Convention against Torture in preventing harmful immigration detention, a

representative of the NPM spoke about the practical experiences of monitoring immigration detention and the development of preventive methodologies. Participants were shown how the visits are conducted, the typically assessed issues, challenges and how the implementation of recommendations is ensured.

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 Austria in 2022. The first meeting was devoted to the position of the elderly and persons with physical disabilities in places of deprivation of liberty, and the second to the accommodation and treatment of children and adolescents with predominantly mental health problems and mental and physical disabilities, that is, the application of coercive measures against minors and persons with mental disorders.

The representatives of the NPM presented to the members of the Network their findings, experiences and the most significant recommendations related to the topics of the meetings and further plans in terms of conducting visits with the aim of monitoring the treatment of the elderly, persons with physical disabilities, as well as children and adolescents in places of detention. The adopted conclusions are available on the website of the Network www.see-npm.net



Meeting of the NPM Network

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.¹¹

¹¹ <https://see-npm.net/>.

3.7. Other forms of cooperation

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

Also, three online meetings of the Working Group for Asylum and Migration of the European Network of National Human Rights Institutions were held, in the work of which a representative of the NPM participates. During 2022, the emphasis in the work of the Working Group was placed on strengthening responsibility for human rights at the borders, within which two meetings of the Working Group were held, two reports were prepared and published, and one conference was held.

In 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.

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 of detained and sentenced persons in Serbia*, 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 2021 was submitted to the National Assembly, the Ministry of Justice, Ministry of Interior, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Policy, Ministry of Defence and the Commissariat for Refugees and Migration.

Until the submission of this Report, the NPM Report for 2021 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.¹²

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.

¹² 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 2022, the NPM made 49 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, based on the Criminal Procedure Code. 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.

15 reports were made and 94 recommendations were issued. 64 recommendations were acted on, one was not acted on and 29 recommendations require further monitoring¹³.

In the reporting period, the Ministry of Interior continued to improve the conditions for the stay of detained persons in detention facilities. Although significant progress has been observed in this area, the NPM noticed in some of the police stations visited that the detention facilities are not in accordance with current standards and has issued recommendations to the Ministry to take these facts into account when planning activities aimed at improving material conditions, i.e., when adapting and constructing detention facilities in the future, in order to ensure that all detention facilities comply with applicable standards.



Detention facilities in PD Pančevo headquarters and PS Rakovica

¹³ Until the date of compiling this report, PD Jagodina has not submitted a response to the NPM on the handling of 5 recommendations from the Visit Report, so they are kept as recommendations that require further monitoring.

In this reporting period, the same as in the previous one, there has been noticeable progress 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 defence counsel. However, in several police stations visited, in cases of detention of persons in criminal proceedings, the NPM observed that the written form – notice of rights is not appropriate, because it contains information from Article 294 of the Criminal Procedure Code, which regulates the procedure of detention of persons, but not the list of rights of the detained person. Therefore, the NPM issued recommendations to deliver the detained persons an appropriate written notice of their rights. Also, in a smaller number of police stations, it was observed that the police officers do not supervise detained persons through occasional visits and interviews with the persons, so the NPM indicated the need for police officers to supervise detained persons, not only through video surveillance, but also through occasional visits and interviews with the persons, and to enter into the custody registers information about when they visited the detained person, as well as notes in this regard, if there are any.

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 the visited police stations, 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.

As a result of acting on the recommendations of the NPM from previous years, the records kept by police stations for detained persons were improved. The new record forms, which have been in use since the middle of the year, enable a more complete entry and a clearer overview of the necessary data in connection with the exercise of the rights of detained persons, so during visits to police stations, the NPM increasingly 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 custody register.

By improving electronic records, the recommendation issued to the Ministry of Interior in 2021¹⁴ was acted on, in which the NPM pointed out that it is necessary to improve the recording of the exercise of the rights of apprehended and detained persons to access a lawyer, so police stations started recording data about the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she conducted an undisturbed interview with the person.

During the conducted visits, the NPM interviewed more than 200 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

¹⁴ No. 4110-44/2021 dated 7 April 2021.

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.

During these interviews, the NPM received several (17) allegations of ill-treatment by police officers that occurred mainly during arrests, that indicated that crime inspectors inflicted blows with their fists on the heads and bodies of persons, kicked them or slapped them a few times. Although in the majority of these allegations it could not be determined that there was an illegal or excessive use of force by police officers, or other illegal conduct, because at the first medical examination upon admission to the institution, the persons had no visible injuries, nor did they complain about them, in every visit report in which it received such allegations, the NPM drew attention to the fact that police officers should be regularly reminded, including through appropriate training programs, that they should not use more force than necessary during arrests and that, when arrested persons are brought under control, there can be no justification for further use of force. Also, the NPM sent certain reports to the Commission for the implementation of standards of police treatment in the area of torture prevention of the Ministry of Interior, in order for it to continue with the activities it undertakes to raise awareness about the prohibition of any form of inadequate treatment of persons deprived of their liberty.

By reviewing the documentation in some of the police stations visited, the NPM observed that there were several persons in detention with visible injuries. Injuries were described in the custody registers and these persons were offered medical care. Also, the NPM received convincing explanations about the way in which the injuries occurred, which was supported by appropriate documentation. Finally, in cases in which, at the first medical examination upon admission to the institution, injuries were established which the person claimed to have been inflicted by police officers, the institution informed the competent prosecutor's office thereof, submitting the complete documentation.

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 Minister of Interior, the Police Director and the heads of police departments shall send a strong message that inadequate treatment of persons deprived of their liberty is illegal, unprofessional and subject to appropriate sanctions, and they shall repeat this message at appropriate time intervals, at the level of police departments, and will ensure that all allegations of inadequate conduct are subject to investigation and that senior officials bear command responsibility for their obligations.

4.2. Enforcement of penal sanctions

During 2022, the NPM made 26 visits to institutions for the enforcement of penal sanctions. 8 reports were made and 24 recommendations were issued to eliminate the observed shortcomings and improve the actions of the authorities. 14 recommendations were acted on, and 10 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 Sremska Mitrovica, PCI

Kragujevac, PCI Pančevo, PCI Požarevac, DP Novi Pazar, DP Kraljevo, DP Subotica, PCI Čuprija, DP Užice, DP Čačak and DP Belgrade were visited.

In this period, the NPM made the first systematic visit to the Penal-Correctional Institution in Požarevac – Zabela – Special Department for the serving of the prison sentence for organized crime offences. During the visit, a systematic control of the situation was carried out regarding the respect of the rights of persons deprived of their liberty who are serving their prison sentences in a special regime. The NPM observed that convicted persons in this department are treated professionally, with respect for human dignity and in a daily regime that includes out of cell and purposeful activities. However, shortcomings were identified in the implementation of the treatment activities and recommendations¹⁵ were issued in order to improve the procedure in this part. In this regard, the NPM noted that all persons convicted of criminal offences of organized crime are classified in the V2 treatment group and remain in it for as long as they are serving their sentence in the Special Department. A treatment program for each of them is adopted, which, according to the current by-law, contains estimated capacities, motivation for change of criminal behaviour and a quantified risk assessment of the convicted person, the room in which he is placed, the tasks of officials in the implementation of the program and the group in which the convicted person will carry out the regime activities, in accordance with the established degree of risk and needs. According to the findings of the NPM, the treatment programs are not sufficiently individualized (the same goals, activities and special procedures are repeated), that is, they are not sufficiently harmonized with the risks and needs of each specific person. Also, the set individual goals are not always linked to the areas assessed as having a high and medium degree of risk for the convicted person, nor are they directly linked to eliminating the cause for which the convicted person was referred to the Special Department. Treatment programs are not reviewed regularly, that is, once a year. Finally, the prisoners in the Special Department are not allowed to progress in their treatment in terms of subsequent classification and granting and deprivation of special rights.

Although treatment does not represent a right of the prisoner, it is important to bear in mind that it is an obligation of the state and that it must be made possible for those who are serving their sentence in the Special Department as well, considering that only in this way can the purpose of serving the prison sentence be achieved.

Based on the response of the institution to the issued recommendations, it can be concluded that the institution acted on all the issued recommendations, as well as that activities were undertaken with the aim of amending and supplementing the Rulebook on house rules, in order to more closely regulate the treatment, the implementation of the treatment program and the classification into treatment groups, bearing in mind the degree of realization of the treatment program.

¹⁵ Available at: <https://ombudsman.rs/attachments/article/7560/Izvestaj.pdf>.

In order to further improve the exercise of the rights of prisoners in this department, after the visit in March 2021, in its Report on the visit to the Republic of Serbia, among other things, CPT issued a recommendation to allow an open visit of one hour per week, as a basic standard, to prisoners subject to the special regime, and to apply the restrictions in terms of length of the visit or the open nature of the visit, such as the use of screens or video surveillance, based on an individual risk assessment, as well as to allow telephone rights to be increased to one telephone call per week¹⁶. The NPM expressed expectation that the competent authorities will take all available measures within their competence in order to implement the aforementioned recommendations, i.e., propose amendments to the current regulations in the recommended direction.



PCI Požarevac – Special Department

In the reporting period, thematic visits were also made to institutions for the enforcement of penal sanctions in order to monitor the treatment of persons deprived of their liberty who are in solitary confinement, that is, in any form of isolation from other persons deprived of their liberty. A sample of 14 institutions for the enforcement of penal sanctions was selected, including 8 penal-correctional institutions, 5 district prisons and the Special Prison Hospital.¹⁷ The thematic report on the above-mentioned visits was sent to the competent authorities at the beginning of 2023 and will be discussed more in the NPM 2023 annual report.

¹⁶ CPT/Inf (2022) 03, p. 52

¹⁷ Report of the NPM ref. no. 4140 dated 23 February 2023.



Room for the enforcement of the disciplinary measure of solitary confinement in PCI for women Požarevac and PCI for juveniles Valjevo

Also, a control visit was carried out to the Penal-Correctional Institution for women in Požarevac, during which it was established that all recommendations issued by the NPM in the Report on the visit carried out in 2021 had been acted upon¹⁸. During the control visit, it was established that, acting on the recommendations of the NPM, the regular presence of psychiatrists and the number of employees in the treatment Service was increased, that searches of children are regulated by internal procedures, both those staying in the institution and visiting children, that convicts who are subject to the disciplinary measure of solitary confinement are allowed to make contact with their family members, and that child visitors are allowed to leave the area where the visit is carried out before the convict they visited, in order to reduce the negative effects that the end of the visit may have on the children.

The PCI for women informed the NPM that the institution concluded a cooperation agreement with the "Ljubica Vrebalov" Preschool institution from Požarevac, on the basis of which the institution will provide care, nutrition and educational services to children whose mothers are serving a prison sentence. In this way, female convicts with children will be enabled to participate in the work and other activities of the institution, which was the recommendation of the NPM, and the children themselves will be able to stay in a pre-school institution in the local community. The NPM especially commends the actions of the PCI towards improving the position of mothers serving prison sentences and their children, especially because they are in line with modern standards of treatment of female convicts.

In the reporting period, a thematic visit was also made to PCI Šabac, during which the NPM checked for the existence of torture and other cruel, inhuman or degrading treatment or punishment. In the Report made after the visit, four recommendations were issued. In the response of the institution, it was stated, among other things, that activities are being undertaken to renovate one larger room and use it for the accommodation of persons convicted of misdemeanours, as well as that a room will be provided in the closed department of the institution for the daily stay of convicted persons. It was also stated that persons

¹⁸ No. 411-37/21 dated 31 May 2021.

deprived of their liberty are allowed to spend two hours in the fresh air, while due to technical and physical possibilities, it is not possible to provide employment for persons in the closed department, except for house maintenance jobs. Finally, the institution informed the NPM that, in accordance with the recommendation, a competition was announced for hiring a doctor in the institution, but that no one applied for it.



PCI Šabac

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 illegal treatment by the prison staff, is encouraging.

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 ill-treatment. Acting in accordance with the recommendations of the NPM, most visited institutions established the record 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. However, in some institutions¹⁹, the NPM observed shortcomings in connection with conducting the first medical examination upon admission to the institution, which most often relate to the fact that the injuries are not photographed and that the doctor does not enter his opinion on the connection between the allegations about the manner in which the injuries occurred and the observed injuries, which is why recommendations were issued in order to improve the procedure in this part.

According to the findings of the NPM, 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 to increase the capacities of institutions for the enforcement of penal sanctions. In the reporting period, the newly built Penal-Correctional Institution in

¹⁹ PCI Sremska Mitrovica, DP Subotica, DP Užice, DP Čačak, DP Belgrade.

Kragujevac began operating, and works began on the construction of a new facility for the closed department of the Penal-Correctional Institution for women in Požarevac.

The Administration for the Enforcement of Penal Sanctions undertook significant activities aimed at strengthening the capacities of prison officials for the development and implementation of new specialized treatment programs for group work with prisoners. Further efforts should be focused on hiring a sufficient number of treatment officials, implementing the aforementioned programs 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 classification of convicts to more favourable educational groups.

Also, in individual reports, the NPM drew attention to the need to provide conditions for the employment of as many convicts as possible, especially those who are classified in closed departments of the institution. Namely, although there may be understandable restrictions on work engagement for security reasons, purposeful work is particularly important for high-security prisoners, given the negative impact of the stricter regime they are exposed to. Bearing in mind the above, after the visits to prisons in which it observed the above-mentioned problem, the NPM issued recommendations to ensure the conditions for the employment of prisoners classified in closed departments of the institution²⁰.

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 of the institution, 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 staff 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 care 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 for the development of the system for the enforcement of penal sanctions for the period 2022 - 2027 was adopted, 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.

²⁰ For example, see the Report on the visit to DP Leskovac, available at: <https://npm.rs/attachments/article/1085/Izvestaj.pdf>

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 be classified in 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 2022, the NPM visited six social welfare homes. The visits to the Gerontology Centre in Kragujevac, the Home for Mentally Disabled Persons in Tutin and the Home for Persons with Developmental Disabilities "Otthon" in Stara Moravica were control visits, while the visits to the Home for Mentally Ill Persons "1. Oktobar" in Stari Lec, the Institution for adults and elderly "Gvozden Jovančević" in Veliki Popovac and the Institution for Education of Children and Youth in Knjaževac were regular, that is, systematic visits.

In the reporting period, four reports were made and 54 recommendations were issued to the competent authorities. Some reports on the conducted visits were made and sent in 2023, so they will be discussed in the Annual report of the NPM for 2023.

Of this number, competent authorities acted on 21 recommendations, they did not act on eight, and 25 recommendations require further monitoring.

During the control visit to GC Kragujevac, the NPM observed that activities and measures were taken to act on the majority of recommendations issued by the NPM in the report after the previous visit. GC Kragujevac undertook activities to enable all beneficiaries, whose state of health allows it, to spend time in the fresh air every day, if they wish, regardless of the weather. In the Enhanced surveillance block of Facility 3, a notice was posted about the existence of video surveillance in visible places, and during the visit to this facility, it was observed that some rooms were decorated with pictures hanging on the walls or motifs drawn on the walls, as well as the stained glass on the windows. However, after an inspection of some individual service plans of the beneficiaries, it was established that the lists for tracking of work on beneficiary protection are not kept timely and regularly, and that the data on monitoring the implementation of individual plans and achieved outcomes are sparse and sporadic. It was observed that during the re-examination, it is stated that the individual goals are met, even those goals that need to be continuously met, and also, that no new goals are set when it is established that the previous ones have been met. In this regard, the NPM was

informed that in the future, when re-examining the individual service plans of beneficiaries, the Expert Team of the institution will indicate whether the set individual goals have been met and whether new individual goals are being set, i.e., why no new individual goals have been set, if the previous ones have been met. Also, GC Kragujevac will cooperate with guardians when creating individual beneficiary service plans, electronically or in another appropriate way, and ensure up-to-date and orderly management of the monitoring lists, i.e., all data on tracking of the implementation of the individual plan and the achieved outcomes. Finally, GC Kragujevac informed the NPM that the circumstances under which an injury occurs will be entered into the Injury Protocol (specifying the source of the data – anamnestic / hetero-amnestic), as well as the doctor's conclusion on the connection between the circumstances of occurrence of the injury and the established injury.

The Home for Mentally Disabled Persons in Tutin, acting on the recommendations issued by the NPM, undertook activities aimed at improving the accommodation conditions of the beneficiaries. Also, in accordance with the issued recommendations, a special book of records on injuries of the beneficiaries was established, and the beneficiary files contain all the documentation provided for in the Rulebook on detailed conditions and standards for providing social protection services. The competent ministry did not act on the recommendation to take the necessary measures to ensure an adequate number of medical, nursing and other staff in accordance with the assessment of the needs for adequate treatment of the beneficiaries and the functioning of the Home. Also, the Home did not provide spatial conditions for organizing sports and recreational content for the beneficiaries.

In this reporting period, the NPM paid special attention to the position of children in conflict with the law and, in this regard, made the first systematic visit to the Institution for Education of Children and Youth in Knjaževac. The NPM noticed the significant potential of IECY Knjaževac, the use of which would benefit the residents – beneficiaries of social protection services and juveniles subject to educational measures, but also the social protection system as a whole.



Institution for Education of Children and Youth Knjaževac

The NPM observed that in the work of the Institution, there are opportunities for expanding social protection services, in accordance with the needs of social protection of children and youth, which should be used. The space in the Institution that is not being used can be adapted with minor investments. Also, residents with combined diagnoses stay in the Institution, who require social-health care. The Institution in Knjaževac has the potential to be reformed into a social health care institution, that is, a special institution for medical treatment and acquiring of social skills, which is lacking in the country. This would require additional recruitment of appropriate staff and reorganization of the way of work.

The NPM also pointed out that it is necessary to include medical staff in the systematization of job positions as soon as possible, among other things, because there are beneficiaries in the institution who are diagnosed with mild mental retardation and psychiatric disorders. Furthermore, as a problem caused by the lack of a sufficient number of employees, there is the fact that educators work alone in night shifts, thus losing their essential role and taking over the jobs of porters and guards.

Acting on the recommendations of the NPM, that were issued after the visit to the Home for Children and Persons with Developmental Disabilities "Dr. Nikola Šumenković" in Stamnica, the procedure for handling the complaints of beneficiaries was regulated, and the professional service developed a plan for the education of employees in the area of mental health, human rights, rights of persons with disabilities, as well as on actions in the implementation of programs and services intended for persons with disabilities. Also, the NPM was informed that the project for the reconstruction of the building and rooms that do not comply with applicable standards has been drawn up, that the Rulebook on rewarding beneficiaries is being drafted, as well as that all workshops in the institution, including the sensory room, computer and Montessori workshop, are equally accessible to all beneficiaries for educational work and treatment, regardless of their gender, age, work unit in which they are placed or other characteristics.

During the visits, the NPM noticed that in a large number of visited institutions, there is still an evident lack of staff to work with the beneficiaries, which can adversely affect the quality of the provision of health and psychosocial services. In large social welfare institutions, there are still a large number of beneficiaries accommodated for a long period of time because the conditions for their stay in the community have not been provided. Also, it was observed that there is a need to strengthen the capacity of centres for social work, that is, to undertake activities aimed at improving the actions of centres for social work in terms of providing effective guardianship services to beneficiaries in institutions.

Finally, although at the end of 2021, the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection was adopted, which, among other things, prohibited the application of all coercive measures and treatment without the consent of the beneficiary, some institutions did not harmonize their actions with the applicable regulations in this part. An additional problem is the fact that, although it is prescribed by law, no by-laws have yet been adopted that regulate the manner and closer conditions of the actions of institutions in incident situations.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

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

The Ministry of Labour, Employment, Veteran and Social Policy should, in accordance with the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection, adopt a by-law that regulates the manner and closer conditions of the actions of institutions in incident situations.

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. One control visit was conducted to the Clinical Centre in Kragujevac – Clinic for Psychiatry, 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 Smederevo and the Department of Psychiatry of the General Hospital in Smederevska Palanka. Also, a visit was made to the General Hospital in Novi Pazar.

Three reports were made on the conducted visits and a total of 30 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, 23 were acted upon, and seven require further monitoring.

In some of the visited hospitals, the material conditions of accommodation in the psychiatry departments have been improved, while in others, these conditions are still scarce, and it is necessary to continue undertaking activities to improve the material conditions of accommodation in all institutions, in order to harmonize them with the applicable standards and create a positive therapeutic environment.



GH Smederevo and GH Smederevska Palanka

During visits to psychiatry departments, it was observed that often, individual treatment plans of the patients are not individualized, that they are not managed properly, that they do not contain therapeutic and rehabilitation activities that are to be carried out for a specific patient, and that not enough different modalities of psychosocial activities are organized for the patients. There is still a lack of continuous specialist educations for medical staff with secondary education in the area of mental health and work with people with mental disorders, which can affect the quality of health care and psychosocial rehabilitation of patients. Also, there is a lack of special training for healthcare workers for the application of the measure of physical restraint of patients. The NPM has often observed the practice that during the application of the measure of physical restraint, contrary to applicable regulations and standards, in addition to healthcare workers, non-medical staff – security workers – also participate. Records on the application of the measure of physical restraint on persons with mental disorders are often incomplete and do not provide reliable data on the frequency of its application, duration and other significant data.

Finally, activities in the area of deinstitutionalization are still taking place slowly, and in this regard, no progress has been achieved that was foreseen by the adopted strategic documents, and it is necessary to intensify intersectoral cooperation in order to implement the planned activities. The reason for this is the insufficient number of mental healthcare centres in local communities that would take over the care of patients after the completion of their hospital treatment.

In the report made after the visit to the General Hospital "Stefan Visoki" in Smederevska Palanka – Department of Psychiatry²¹, the NPM issued 19 recommendations. The hospital informed the Protector of Citizens that, acting on the recommendations of the NPM, the bathroom at the Department of Psychiatry was put to use, that sanitary facilities and appliances were repaired, and that the material accommodation conditions and work space were improved by decorating the walls. Also, according to the letter received, patients were enabled to walk more often around the hospital park accompanied by the medical staff, and the range of rehabilitation and therapeutic activities has been expanded, while the individual treatment plans are regularly updated. The NPM was also informed that the records on fixation of patients, which make up the book of records, have been kept since 22 February 2023, that the forms related to the consent of persons with mental disorders to medical measures have been supplemented, that information about the rights of patients and how to protect them have been made available to patients undergoing hospital treatment, and that a box for objections, remarks and praise has been set up in the department.

The Sector for Inspection Affairs of the Ministry of Health informed the Protector of Citizens that an inspection supervision was carried out, and that in the minutes it was stated that the General Hospital "Stefan Visoki" acted according to the recommendations of the NPM. According to the content of that letter, only one occupational therapist is missing from the required staff, who is currently undergoing training, the completion of which will coincide with the expected approval of the Ministry of Health for employment. Also, the NPM was informed about the activities undertaken in order to act on the recommendations related to the appropriate trainings of healthcare workers and the activities for the implementation of other recommendations.

²¹ 413-55/22, ref. no. 29725 dated 25 November 2022.

In the Report of the National Preventive Mechanism on the visit to the Department of Psychiatry of the General Hospital "Sveti Luka" in Smederevo²², 11 recommendations were issued for eliminating the shortcomings and improvement. In order to implement the recommendations, a dialogue was established with the visited institution. In the responses regarding the handling of the issued recommendations, the General Hospital "Sveti Luka" in Smederevo informed the NPM that the recommendations were accepted and that measures were taken to eliminate the observed shortcomings, and that, among other things, written notices on the rights of patients and mechanisms of their protection were placed at the department again, that activities were taken aimed at planning the continuous training of the staff of the Department of Psychiatry for the next year, as well as activities aimed at improving the procedure for the admission of persons with mental disorders to hospital treatment.

Based on the content of the response, it can be concluded that the treatment of persons with mental disorders will also be improved when it comes to the informed consent of the patient to the proposed medical measure, i.e., that medical measures will be applied only with the consent of the patient, except in extraordinary, legally prescribed situations, in which the treatment of these persons is allowed even without their consent, based on a conciliar decision. The NPM was also informed that, in addition to educated experts of various profiles, the patients themselves will be involved in the creation of individual treatment plans, as well as that the individual treatment plans will be updated once a week.

Acting on the recommendation to provide training for healthcare workers on the conditions and procedure for the application of the measure of physical restraint on agitated patients, as well as training on the application of advanced techniques of non-violent physical restraint, and in accordance with the special training plan for healthcare workers on the method and procedure for applying the measure of physical restraint, the Hospital informed the NPM that it was organized for nurses from the Department of Psychiatry to go to the Special Hospital for Psychiatric Diseases in Kovin and participate in the work of nurses who work with patients against whom this measure is applied.

During the visit to the General Hospital in Novi Pazar, where only outpatient psychiatry services are organized, the NPM learned that not even a community mental healthcare centre has been established in that area. In urgent cases, due to the need for hospital treatment, patients are referred to departments, clinics or psychiatric institutions in other cities. Considering the needs, the area of the territory covered by the hospital and the number of inhabitants, it is very important that the planned construction of the building that will house the department of psychiatry will ensure the conditions for hospital treatment of psychiatric patients.

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 applicable standards and create a positive therapeutic environment;

The Ministry of Health should provide a sufficient number of employed healthcare workers and associates, in order to enable the treatment of patients in full compliance with current regulations and standards;

²² 413-36/22, ref. no. 22473 dated 31 August 2022.

The Ministry of Health should take measures within its competence in order to improve the application of the measure of physical restraint by fixation of patients in psychiatric hospitals and the professional development of healthcare workers;

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

In this reporting period, the NPM made the first two-day visit to the Reception Centre for Foreigners in Dimitrovgrad. A report with recommendations was sent to the competent authorities in 2023, and the findings from this visit will be discussed more in the NPM Annual Report for 2023.



Reception Centre for foreigners in Dimitrovgrad

During the reporting period, the competent authorities undertook activities to ensure adequate capacities for the accommodation of foreigners who were refused entry to the country. At the Belgrade "Nikola Tesla" Airport, works have been completed on a completely new facility, which meets the current standards. However, in the reporting period, due to the information of the existence of serious irregularities in terms of treatment of these foreigners, specifically, the inadequate conditions in which they are staying, the NPM made an extraordinary visit to the airport. During the visit, the NPM stated that the BPS Belgrade was under a significantly increased load of *INAD* passengers, i.e., foreigners who were assessed as not meeting the conditions for entry into the country. This was primarily a consequence of the increase in the number of travellers from the Republic of Tunisia, which occurred after the announcement that the visa-free regime would be abolished, so many of them wanted to use the period until the entry into force of that decision to enter the Republic of Serbia. On the other hand, this was not accompanied by adequate support from the operator of the Belgrade "Nikola Tesla" Airport in terms of providing adequate capacities to accommodate foreigners

who were refused entry into the country and adequate material conditions of stay. Conditions in the premises for the accommodation of foreigners were on the threshold of degrading or inhuman treatment, and the NPM indicated in the report that it is necessary for the Airport to take measures, without delay, to improve the conditions in the premises and, in coordination with the border police, provide sufficient capacities for the accommodation of foreigners who are refused entry into the country, in order to prevent such a situation in the future.

In the response of the airport operator, the company Belgrade Airport d.o.o., it was stated that a higher level of cooperation and better communication was agreed with the BPS Belgrade, so that future challenges would be recognized and resolved in a timely manner. Regarding the conditions in the premises, the NPM was informed that the dormitories and toilets were renovated and painted, that new bed linen was purchased and its regular washing and replacement was organized, that the ventilation and air conditioning system of the premises was repaired and put into operation, that the damaged ceiling was repaired, that the problems with the hot water supply have been eliminated and that the daily supply of products for maintaining personal hygiene has been ensured. Wireless internet connection was provided and regular cleaning of the premises was organized. Also, the cleaning of the mattresses was announced and the period of their replacement determined, and work is also being done on ensuring a stay in the fresh air, which is currently difficult due to the numerous construction works being carried out at the airport.

In the reporting period, during a public debate, the NPM issued an opinion on the Draft Law on Amendments to the Law on Asylum and Temporary Protection. In this regard, the NPM proposed, among other things, to amend the provision that regulates the procedure at the border or in the transit area, so that, when it comes to the access of legal aid providers to the border crossing and transit area, it does not refer to the regulations governing the protection of the state border, or to ensure, in a different but suitable way, effective access to legal assistance for asylum applicants for whom the procedure is being carried out at the border crossing and the transit area.

Also, the NPM indicated that foreigners who have been issued a certificate of registration should be instructed about their rights and obligations without delay, that is, as soon as the certificate of registration is issued to them. Foreigners who have been issued a certificate of registration can exercise their rights and comply with their obligations, only if they were informed about them in a timely manner, in a language they understand.

In relation to possible measures of restrictions of movement, the NPM pointed out that the measure of placement in a social welfare institution for minors with enhanced supervision, which was retained in the proposed changes, needs to be harmonized with the regulations governing the provision of social protection services, in the first place with the Law on Social Protection²³ and the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection,²⁴ considering that the service of accommodation with enhanced supervision is not provided for by the Law on Social Protection, and that the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection stipulates that accommodation is provided with the informed consent of the legal representative of the minor beneficiary and only when the beneficiary needs social assistance and support from the social protection system.

²³ "Official Gazette of RS", no. 24/11 and 117/22 - CC decision.

²⁴ "Official Gazette of RS", no. 126/21.

4.6. Oversight of the procedure of forced return of foreigners

During 2022, the NPM conducted five oversights of the procedures of forced return of 23 foreigners. Two group reports were made and one recommendation was issued, which was acted on.

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 centres for foreigners. 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.

During the oversight of the forced return of foreigners in the reporting period, the NPM observed a positive development in relation to ensuring access to legal assistance for foreigners who have been assigned to stay in a shelter. Namely, in the dialogue that the NPM held with the Bar Association of Serbia on this matter, an agreement was reached that the Association, in accordance with the recommendation of the NPM, would send an invitation to interested lawyers to apply in order to provide legal assistance to foreigners assigned to shelters for foreigners, which was done on 22 December 2022.²⁵ The Bar Association will form lists of lawyers according to the order of application, the headquarters of their offices and the bar association, which will be available to foreigners who have been assigned to stay in a shelter.

As the biggest shortcoming in the forced return procedure, the NPM established that foreigners in the forced return procedure 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. In connection with the above, NPM 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.

²⁵ <https://aks.org.rs/cir/позив-адвокатима-за-пријаву-ради-пруж/>.

ADDENDUM I Recommendations issued to authorities

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

Police outposts Kaluđerica and Grocka

PO Grocka and PO Kaluđerica shall enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned 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 lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

PS Grocka shall provide at least one complete meal to persons whose detention lasts longer than 12 hours.

Police station Tutin

In its future work, PS Tutin shall deliver to all persons who have been deprived of their liberty written notices about the rights of detained persons, i.e., a form in which the rights of the detained persons from Article 29 of the Rulebook on Police Powers shall be indicated.

In PS Tutin, police officers shall perform supervision of the detained persons through occasional visits and interviews with the persons, and they shall enter into the custody registers information about when they visited the detained person, as well as notes in this regard, if there are any.

PS Tutin 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.

Police Department Čačak

PD Čačak – headquarters shall, in its future work, deliver written notices about the rights of detained persons to all persons who have been deprived of their liberty, on the basis of the Criminal Procedure Code, i.e., a form in which the rights of the detained person from Article 29 of the Rulebook on Police Powers shall be indicated.

In TPO Čačak, police officers shall perform supervision of the detained persons through occasional visits and interviews with the persons, and they shall enter into the custody registers information about when they visited the detained person, as well as notes in this regard, if there are any.

PD Čačak 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.

The Police Department Čačak shall take measures so that all police stations within its composition enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned ex officio, when this is required by law; whether he/she had an undisturbed conversation with the lawyer; with the recording of all relevant data on the exercise of this right: data on the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

TPO Čačak shall provide adequate artificial lighting in the detention rooms.

In TPO Čačak, video surveillance recordings shall be kept for a period of at least 30 days.

Police Department Jagodina

PS Paraćin shall deliver to all persons who have been detained in criminal proceedings written notices about the rights of detained persons, i.e., a form in which the rights of the detained person from Article 29 of the Rulebook on Police Powers shall be indicated.

PD Jagodina shall ensure that the custody registers in criminal proceedings are properly kept by all its organizational units.

All the provided data shall be entered in the custody registers, on all legal basis, including data on the medical examination performed before placement in the detention room and data on the access of the detained person to a lawyer.

At the end of detention, according to all legal grounds, the register shall be given to the detained person and he/she shall be offered to sign it. If the person refuses, a note shall be made about it in the register, stating the reason for the refusal given by the person.

PD Jagodina shall display notices about video surveillance in detention rooms in visible places inside the premises.

PD Jagodina shall provide one meal to all persons who are detained in the premises of police stations within this police department, within six hours from the start of detention.

In case the detention lasts longer than 12 hours, the detained person shall be provided with three meals, of which at least one complete meal.

Police Department Kragujevac

In its future work, on the basis of the Criminal Procedure Code, PD Kragujevac shall deliver to all persons who have been deprived of their liberty written notices on the rights of detained persons, i.e., a form in which the rights of the detained person from Article 29 of the Rulebook on Police Powers shall be indicated.

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

PD Kragujevac 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.

PD Kragujevac shall take measures so that all police stations within its composition enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned ex officio, when this is required by law; whether he/she had an undisturbed conversation with the lawyer; with the recording of all relevant data on the exercise of this right: data on the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

PD Kragujevac shall provide at least one complete meal to persons whose detention lasts longer than 12 hours.

Police Department Kraljevo

PD Kraljevo - headquarters and PS Raška 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.

PD Kraljevo shall take measures so that all police stations within its composition enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned ex officio, when this is required by law; whether he/she had an undisturbed conversation with the lawyer; with the recording of all relevant data on the exercise of this right: data on the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

PS Raška shall paint the detention room and shall continuously maintain hygiene in it.
PS Raška shall take measures to ensure a sufficient flow of natural light in the detention room and to enable ventilation-inflow of fresh air.
Heating shall be installed in the room of PS Raška.
PS Raška shall place a notice in a visible place inside the detention room that the room is under video surveillance.

Police Department Novi Pazar

PD Novi Pazar – 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.

PD Novi Pazar – headquarters shall enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned ex officio, when this is required by law; whether he/she had an undisturbed conversation with the lawyer; with the recording of all relevant data on the exercise of this right: data on the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

Police Department Pančevo

PD Pančevo shall enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned ex officio, when this is required by law; whether he/she had an undisturbed conversation with the lawyer; with the recording of all relevant data on the exercise of this right: data on the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

Police Department Pirot

PS Dimitrovgrad shall allow detained persons to keep the documentation related to detention with them during detention, if they wish to do so.

PS Dimitrovgrad and PS Bela Palanka shall properly keep custody registers in criminal proceedings, by:

- entering all provided data into the registers, including data on the medical examinations performed and on access of the detained person to a lawyer;
- delivering the registers to the detained persons after detention, enabling them to inspect the registers and offering them to sign them. If the person refuses, a note shall be made about it in the register, stating the reason for the refusal given by the person.

PS Dimitrovgrad shall provide all parts of bedding for the beds in the detention rooms.

PS Dimitrovgrad shall provide lighting of sufficient intensity in the detention rooms.

PS Dimitrovgrad shall install video surveillance in the detention rooms and shall display notices about it in a visible place inside the rooms. Video recordings shall be kept for a period of at least 30 days.

PS Bela Palanka shall provide lighting of sufficient intensity in the detention room.

PS Bela Palanka shall enter information about meals of detained persons in the custody registers, including when a detained person refuses the offered meal.

Police Department Požarevac

PS Veliko Gradište shall enter into the custody registers which the detained persons refuse to sign the reason for the refusal given by the person.

PO Požarevac shall also enter into the custody registers information that the detained person was offered a meal, but that the person refused it.

PD Požarevac shall enable detained persons who are staying in PCI Požarevac – Zabela to spend at least 1 hour in the fresh air, if they are detained for longer than 24 hours.

PS Veliko Gradište shall take measures to allow the flow of natural light and fresh air into the detention room, it shall paint the room and improve the maintenance of hygiene in the room. PS Veliko Gradište shall take measures and install heating in the detention room, as well as a button to turn on the sanitary block flusher.

PO Požarevac shall take the necessary measures to enable the inflow of fresh air and natural light in the detention rooms. Furthermore, measures shall be taken to improve the hygiene of the sanitary block inside the room and maintain it regularly. Also, a button shall be installed inside the room to turn on the sanitary block flusher.

Police Department Sremska Mitrovica

In PD Sremska Mitrovica – headquarters, one copy of the custody register shall be delivered to the detained person upon termination of detention.

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

In PS Indija and PS Stara Pazova, police officers shall perform supervision of the detained persons through occasional visits and interviews with the persons, and they shall enter into the custody registers information about when they visited the detained person, as well as notes in this regard, if there are any.

PD Sremska Mitrovica 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.

PS Stara Pazova 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.

The Police Department in Sremska Mitrovica shall take measures so that all police stations within its composition enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned ex officio, when this is required by law; whether he/she had an undisturbed conversation with the lawyer; with the recording of all relevant data on the exercise of this right: data on the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

PD Sremska Mitrovica – headquarters shall provide adequate artificial lighting in the detention room.

The Ministry of Interior shall undertake activities aimed at ensuring the inflow of natural light, i.e., it shall provide adequate artificial lighting in the detention room and install a heating element and a device for calling the police officer on duty in the detention room of PS Šid.

The MoI shall take appropriate measures so that video recordings from the video surveillance in PD Sremska Mitrovica – headquarters are kept for a period of no less than 30 days, and if there is a need for this, other police stations within the composition of PD Sremska Mitrovica shall also do the same.

PS Pećinci shall take appropriate measures to allow the detention rooms to be sufficiently illuminated by natural light.

PS Ruma shall take appropriate measures to ensure that detention rooms are sufficiently lit by natural light and ventilated, and buttons to call police officers shall be installed in the detention rooms.

PD Sremska Mitrovica shall provide at least one complete meal to persons whose detention lasts longer than 12 hours.

In their future work, PS Stara Pazova and PS Indija shall enter into the custody registers all data on the realized rights of persons detained up to 12, or 24 hours, respectively, including information on whether they were offered a meal and whether they refused it.

Police Department Subotica

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

PD Subotica 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.

PD Subotica shall take measures so that all police stations within its composition enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned ex officio, when this is required by law; whether he/she had an undisturbed conversation with the lawyer; with the recording of all relevant data on the exercise of this right: data on the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

At the headquarters of PD Subotica, persons detained for more than 12 hours shall be provided with complete bedding, which shall be kept clean.

PD Subotica shall post notices about video surveillance in detention rooms in visible places inside the premises.

PD Subotica shall take necessary measures to ensure the privacy of detained persons when fulfilling hygienic needs in all detention rooms.

PD Subotica shall provide at least one complete meal to persons whose detention lasts longer than 12 hours.

The Ministry of Interior shall take necessary measures so that video recordings from the video surveillance inside and in front of the detention rooms at the headquarters of PD Subotica are kept for a period of no less than 30 days.

Police Department Užice

PD Užice and police stations within its composition shall deliver to all persons detained in criminal proceedings written notices about the rights of detained persons, i.e., a form in which the rights of the detained person from Article 29 of the Rulebook on Police Powers shall be indicated.

PD Užice and police stations within its composition shall allow detained persons to keep the documentation related to detention with them during detention, if they wish to do so.

PD Užice and police stations within its composition shall deliver the custody registers of persons in criminal proceedings to the detained persons at the end of the detention.

After detention, according to all legal grounds, the detained person shall be offered to sign the register. If the person refuses, a note shall be made about it in the register, stating the reason for the refusal given by the person.

PD Užice and police stations within its composition shall enter into the custody registers all the data relevant to the exercise of the right of detained persons to access to a lawyer.

PS Arilje shall paint the detention room.

PS Arilje shall provide lighting of sufficient intensity in the detention rooms.

PS Arilje shall ensure the supply of fresh air in the detention rooms.

PS Arilje shall install video surveillance in the detention room and shall display a notice about this in a visible place inside the room. Video surveillance recordings shall be kept for a period of no less than 30 days.

PS Kosjerić shall install video surveillance in the detention room and shall display a notice about this in a visible place inside the room. Video surveillance recordings shall be kept for a period of no less than 30 days.

PS Požega shall post notices about video surveillance in detention rooms, in visible places inside the premises.

PO Zlatibor shall ensure the privacy of detained persons during the use of the sanitary block, i.e., the fulfilment of physiological needs.

In PS Bajina Bašta, video surveillance recordings of the detention room shall be kept for a period of no less than 30 days.

PS Bajina Bašta shall display the notification about the video surveillance of the detention room in a visible place inside the premises.

PD Užice shall provide all parts of bedding for beds in detention rooms in all police stations within its composition and it shall regularly keep them clean.

The headquarters of PD Užice and PO Zlatibor shall always include in the custody registers information on whether the detained person was offered a meal, and whether the person refused it.

PD Užice and police stations within its composition shall provide at least one full meal to all persons who are detained in the premises of the police stations and whose detention lasts for longer than 12 hours.

Police Department for the city of Belgrade

The visited police stations shall use a single form for the written notice about the rights of detained persons, in which the rights of the detained person from Article 29 of the Rulebook on Police Powers shall be indicated, in a language that the detained person understands.

If a foreign citizen understands the Serbian language, this shall be indicated in writing.

In police stations Mladenovac, Sopot and Barajevo, police officers shall perform supervision of the detained persons through occasional visits and interviews with the persons, and they shall enter into the custody registers information about when they visited the detained person, as well as notes in this regard, if there are any.

The Police Department for the city of Belgrade shall take measures so that all police stations within its composition enter into the custody registers all the data relevant to the access of the detained person to a lawyer: whether the person wanted to hire a lawyer of his/her own choice; whether a lawyer has been assigned ex officio, when this is required by law; whether he/she had an undisturbed conversation with the lawyer; with the recording of all relevant data on the exercise of this right: data on the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she had an interview with the person.

The visited police stations shall provide adequate natural and artificial lighting in the detention rooms.

The visited police stations shall provide at least one complete meal to persons whose detention lasts longer than 12 hours.

Police station Barajevo shall provide the inflow of fresh air in the detention rooms.

Police station Barajevo shall take necessary measures to ensure the privacy of detained persons when fulfilling hygienic needs in the detention room with capacity for 2 persons.

PS Lazarevac shall provide complete equipment for the beds in the detention rooms (mattresses, pillows, pillow cases, sheets, blankets and blanket covers) and it shall keep it clean.

PS Lazarevac shall display notices about video surveillance in detention rooms in visible places inside the premises.

PS Mladenovac shall paint the detention rooms.

PS Mladenovac shall provide complete equipment for the beds in the detention rooms (mattresses, pillows, pillowcases, sheets, blankets and blanket covers) and it shall keep it clean, and it shall not accommodate more people in detention rooms than there are beds in them.

PS Mladenovac shall display notices about video surveillance in the detention rooms in visible places inside the premises.

PS Sopot shall display the notification about video surveillance in the detention room in a visible place inside the room.

PS Surčin shall also enter into the custody registers information on when the detained person was offered a meal, which the person refused.

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

District Prison Užice

DP Užice shall renovate the sanitary block in the detention room.

DP Užice shall display a notice in a visible place inside the detention room that the room is under video surveillance.

DP Užice shall place a device for calling and communicating with officers in the room used for the detention of persons.

DP Užice shall place persons who have been detained by the police in special rooms, separated from other persons deprived of their liberty.

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

Medical examinations of persons deprived of their liberty shall be performed without the presence of non-medical staff. If the doctor, for security reasons, requests the presence of a member of the Security Service during the medical examination, the examination shall be attended by a security officer who is of the same gender as the person being examined, and in such a way that he/she cannot hear the conversation between the person and the doctor. The presence and reason for the presence of non-medical staff shall be recorded in the medical report.

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

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

The doctor shall establish and keep a record of all injuries to persons deprived of their liberty.

If, during the first medical examination of a person deprived of liberty upon admission to the Institution, the doctors notice injuries that indicate abuse or the person deprived of liberty states that he/she was abused, DP Užice shall inform the competent public prosecutor's office thereof. Relevant documentation shall also be submitted to the prosecutor's office (written statement, official notes, documentation on injuries and others).

District Prison Subotica

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

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

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

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

Penal-Correctional Institution Sremska Mitrovica

PCI Sremska Mitrovica shall provide detained persons with complete bedding.

In PCI Sremska Mitrovica, when it is determined that a person deprived of liberty has injuries, the doctors shall do the following in the reports on the performed examinations:

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

District Prison Novi Pazar

DP Novi Pazar 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.

District Prison Čačak

DP Čačak shall post notices about video surveillance in the detention rooms in visible places inside the premises.

In DP Čačak, when it is determined that a person deprived of liberty has injuries, the doctors shall do the following in the reports on the performed examinations:

- photograph all injuries and draw them in a body diagram;
- give their opinions on the connection between the allegations about the manner in which the injuries occurred and the objective findings about the injuries.

During the admission of persons deprived of their liberty in DP Čačak, 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 Healthcare Service.

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

Penal-Correctional Institution Šabac

PCI Šabac shall allow persons classified in closed departments to spend at least two hours a day outside the closed rooms, in fresh air.

PCI Šabac shall provide conditions for the work engagement of persons classified in closed departments.

PCI Šabac 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 closed department and the pre-trial detention department.

The Administration for the Enforcement of Penal Sanctions shall take measures to employ at least one doctor for an indefinite period of time in PCI Šabac.

Penal-Correctional Institution Požarevac - Zabela - Special Department

The Special Department shall equip the areas for the stay in the fresh air with greenery and other forms of visual stimulation that shall humanize these areas.

Upon admission to the Special Department, PCI Požarevac - Zabela shall deliver to the convicted persons and allow them to keep with them a written information sheet, written in a language and manner they can understand, which shall include all important information about their stay in the Special Department, including their rights and obligations and the manner in which they can protect their rights and exercise the right to legal aid.

PCI Požarevac - Zabela shall highlight the most important information in visible places inside the common rooms of the Special Department.

The treatment programs for convicts in the Special Department shall be further individualized so that they are adapted to the risks and needs of each specific convict.

The treatment programs for convicts in the Special Department shall be reviewed once a year.

In the Special Department, in accordance with their conduct and commitment to the implementation of the treatment program, convicted persons shall be subsequently classified into a group with a greater or lesser degree of special rights and they shall be granted and deprived of special/extended rights.

The Administration for the Enforcement of Penal Sanctions shall provide appropriate training and/or professional development for employees engaged in treatment work in the Special Department.

Penal-Correctional Institution Čuprija

PCI Čuprija shall display notices about video surveillance in the detention facilities in visible places inside the premises.

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

Institution for Education of Children and Youth, Knjaževac

IECY Knjaževac shall allow residents to lock their lockers for personal belongings.

IECY Knjaževac shall replace worn out and damaged parts of furniture and bedding and it shall ensure their regular replacement and repair in its future work.

IECY Knjaževac shall equip the rooms and other premises used by residents with an alarm system and a smoke detection system.

IECY Knjaževac shall remediate moisture on the walls of the premises.

IECY Knjaževac shall replace damaged sanitary appliances and their parts in shared bathrooms and install screens/curtains on shower cabins.

Upon admission, IECY Knjaževac shall deliver to the residents and allow them to keep with them a written 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.

This information sheet shall, in accordance with the circumstances, also be delivered to the legal representative, a chosen person of trust and the members of the close family of the resident.

IECY Knjaževac shall harmonize the Procedure for handling the complaints of residents with the complaints procedure provided for in the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, i.e., the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection.

IECY Knjaževac shall establish and maintain records of complaints and objections.

IECY Knjaževac shall undertake activities aimed at informing residents about the right to free legal aid prescribed by the Law on Free Legal Aid, it shall provide forms for submitting requests for free legal aid and provide support to residents who need it or want to exercise this right.

In IECY Knjaževac, video surveillance recordings shall be kept for at least 30 days.

IECY Knjaževac shall introduce a more detailed structure, rules and guidelines, which shall be used to more specifically plan the implementation of educational work and formalize the method of progression or regression in treatment. Residents shall be encouraged and motivated to participate in educational work.

IECY Knjaževac shall adopt a professional training plan and shall include professional workers and associates in professional trainings, which shall also include specialized programs for the treatment of residents.

IECY Knjaževac shall establish a plan for sports, cultural and other activities of residents outside of school duties, with the aim of planning their free time and providing as complete a program of purposeful activities as possible.

The Ministry of Labour, Employment, Veteran and Social Policy shall ensure that a qualified healthcare worker with at least the title of medical technician is present at IECY Knjaževac every day, who shall perform medical screening of all newly arrived residents, receive requests for medical examinations, ensure the procurement and distribution of therapy, keep medical documentation and monitor general hygiene conditions.

IECY Knjaževac shall take measures to prevent any form of illegal conduct towards the residents. This shall include supervision of work, as well as a clear message and instructions to officials that inadequate 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 in accordance with the prescribed procedures.

Home for Mentally Disabled Persons Tutin

The Ministry of Labour, Employment, Veteran and Social Policy shall take necessary measures, without delay, 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 take measures to ensure that, in all rooms with multiple beds, each beneficiary has 5 m² of space.

The Home shall take measures to ensure that all rooms of the beneficiaries are adequately equipped with furniture.

The employees of the Home shall motivate all beneficiaries to decorate the rooms in which they are staying in such a way as to create the impression of a more humane environment and reflect the peculiarities of the people who use them.

The Home shall undertake activities and measures to ensure that male and female beneficiaries use separate sanitary units.

The Home shall undertake activities and measures in order to, where necessary, replace worn-out sanitary appliances, install bathroom doors and door handles on toilet doors, partition all toilets with multiple toilet bowls, as well as install screens or curtains on all shower cabins.

The Home shall take measures to remediate mold and moisture stains on all walls and ceilings in bathrooms and toilets.

The Home shall, without delay, undertake activities and measures for the urgent remediation of walls from moisture and mold in all rooms.

The Home shall undertake activities in order to ensure spatial conditions for organizing sports and recreational content for the beneficiaries.

The Home shall continue to undertake activities in order to continuously maintain different work-occupational, cultural-artistic and other activities in which the beneficiaries, in accordance with their needs and interests, shall be able to participate on a daily basis.

The Home shall highlight the schedule of daily activities and house rules in visible places.

In the future, the Home shall evaluate the service plan and review it in accordance with the deadlines prescribed by the individual service plans, and at least once every twelve months, in accordance with the law.

The Home shall intensify activities aimed at the individualization of service plans, so that they are adapted to the needs, abilities and interests of each individual/specific beneficiary.

The Home shall indicate activities that are carried out on a daily basis, not on an annual basis, in the individual lists for monitoring work.

The Home shall undertake necessary activities to include a doctor in the development of the individual service plans of beneficiaries, either through obtaining an opinion or through membership in the professional team.

The Home shall undertake activities and measures in order to ensure that all beneficiary files are properly maintained and that they contain all the documentation provided for in the Rulebook on detailed conditions and standards for providing social protection services.

The Home shall take measures to adapt the premises for the provision of health care.

The Home shall take measures and provide hydraulic beds and repair or provide a new ECG machine.

The Home shall once again start keeping a special book of records on injuries of the beneficiaries, in which all cases of user injuries shall be recorded.

Each injury shall be described in detail, as well as the time of occurrence, exact localization, manner of occurrence of the injury, severity of the injury, whether medications were used, whether the injury was an accident or intentionally caused, as well as the circumstances under which the injury occurred.

The Ministry of Labour, Employment, Veteran and Social Policy shall, in cooperation with relevant authorities, draw up a protocol on handling cases of unexpected (sudden) death of beneficiaries in social welfare homes.

Gerontology Centre Kragujevac

GC Kragujevac shall enable all beneficiaries, whose state of health allows it, to spend time in the fresh air every day, if they wish, regardless of the weather.

GC Kragujevac shall encourage beneficiaries to spend time in the fresh air.

GC Kragujevac shall undertake activities aimed at installing new SOS mechanisms for calling the staff.

GC Kragujevac shall place notices about the existence of video surveillance in visible places in the enhanced surveillance block of Facility 3.

In the future, when re-examining the individual service plans of the beneficiaries, the expert team of the institution shall indicate whether the set individual goals have been met and whether new individual goals are being set, that is, why no new individual goals have been set, if the previous ones have been met.

In the future, regardless of the epidemiological situation, GC Kragujevac shall cooperate with guardians when creating individual beneficiary service plans, electronically or in another appropriate way, and ensure up-to-date and orderly management of the monitoring list, i.e., all data on monitoring the implementation of the individual plan and the achieved outcomes.

GC Kragujevac shall harmonize the treatment of beneficiaries with the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection.

The justification for the application of the measure of physical restriction of the freedom of movement of beneficiaries "classified in the enhanced surveillance block" should be reviewed at least twice a year and it should be applied only for a limited period of time and in situations when a high degree of security risk for the life of the beneficiary has been established.

In its future work, GC Kragujevac shall not apply measures of coercion and treatment without the consent of the beneficiaries, especially the measure of restriction of movement and separation of beneficiaries in a specially equipped room, i.e., it shall act in everything in accordance with valid regulations and standards.

GC Kragujevac shall, in the Injury Protocol, enter the circumstances under which an injury occurred (specifying the source of the data - anamnestic / hetero-amnestic), as well as the doctor's conclusion on the connection between the circumstances of occurrence of the injury and the established injury.

Gerontology Centre Novi Sad - Working Unit Home for Pensioners and Elderly Persons Liman

The Home in Liman shall provide beneficiaries with the conditions to stay in the fresh air in cases where their right to leave the Home is limited due to an epidemic of an infectious disease or for other reasons.

The Home in Liman shall inform beneficiaries about the ways in which they can protect their rights in case they are not satisfied with the handling of the submitted complaint.

The Home in Liman shall highlight notices for beneficiaries on the notice board about the ways of exercising their right to free legal aid and other forms of legal aid outside the institution.

The information shall contain the names of the institutions they can contact, the contact numbers and the type of legal assistance these institutions provide.

The Home in Liman, in cooperation with the Ministry of Health, shall acquire a defibrillator and train medical staff to use it.

The Home in Liman shall keep the records of deceased beneficiaries in the form of the Protocol of the Deceased, that is, it shall keep it in such a way to record at least the following data in the records: serial number for the current year, first and last name and first name of a parent of the deceased, date of birth of the deceased, day and time of death, place of death, cause of death based on the information entered in the Death Certificate form, information on whether an autopsy was requested, name and surname of the doctor who examined the deceased person and issued the death certificate, information on whether an autopsy was performed, and if so, in which institution, as well as the conclusion on the cause of death based on the autopsy and the note.

Home for Children and Persons with Developmental Disabilities "Dr. Nikola Šumenković" Stannica

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

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

The Home shall create and implement an annual Professional Development Plan for employed professionals, nursing and medical staff, which shall include trainings in the area of human rights and procedures in the implementation of programs and services intended for persons with intellectual and mental disabilities.

The Home shall, in accordance with the instructions and orders of the competent ministry, continue to provide services in the area of educational work.

The Home shall take measures to organize the time on a daily basis more meaningfully for bed-ridden and immobile beneficiaries who are provided with the first degree of support, and fill it with purposeful activities in accordance with the individual service plan for this category of beneficiaries.

The Home shall undertake activities to ensure that all beneficiaries stay in rooms that meet the standards.

The Home shall take measures so that immobile and less mobile beneficiaries have regular access to open space and fresh air.

The Ministry of Labour, Employment, Veteran and Social Policy shall amend/supplement the Instructions so that they are adapted to institutions where persons who have been deprived of legal capacity are accommodated and shall supervise the work of the competent centres for social work and, based on the established state, it shall take measures in order to comply with the legally prescribed procedures entrusted to the centres for social work.

The Home shall supplement the procedure for submitting oral requests and complaints with a procedure for appealing against the decisions of the Administration.

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

The Home shall set up a box for complaints in a visible place in the corridor of the institution.

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

The Home shall develop a program of continuous specialist educations for healthcare workers, by determining the needs and the plan of cooperation with the Health Council of Serbia and other institutions that deal with professional education in this domain.

In its future work, the Home shall maintain orderly 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, the need for supervision, etc.

The Home shall keep the records of deceased beneficiaries in the form of the Protocol of the Deceased, that is, it shall keep them in such a way to record at least the following data in the records (serial number for the current year, first and last name and first name of a parent of the deceased, date of birth of the deceased, day and time of death, place of death, cause of death based on the information entered in the Death Certificate form, information on whether an autopsy was requested, name and surname of the doctor who examined the deceased person and issued the death certificate, information on whether an autopsy was performed, and if so, in which institution, as well as the conclusion on the cause of death based on the autopsy and the note).

The Home should adopt a Rulebook on rewarding beneficiaries and establish an appropriate procedure for presenting awards for work engagement, whereby they do not have to be exclusively in the form of money.

Reward rules must be clear to all beneficiaries.

The Home shall develop programs of educational character for adult beneficiaries as well, in accordance with their needs, interests and capabilities.

The computer and Montessori classrooms, which the Home has, shall also be used for the needs of educational work with adult beneficiaries.

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

Department of Psychiatry of the General Hospital "Sveti Luka" Smederevo

In cases where in the psychiatric institutions to which the patient was sent, it is assessed that there are no grounds for detention without consent and accommodation without consent of a person with mental disorders, and the person does not give consent to the treatment, in the future, the Hospital shall not detain patients without a legal basis in the Department of Psychiatry.

Medical measures shall be applied only with the consent of the patient, or in exceptional, legally prescribed situations in which the treatment of these persons is allowed even without their consent.

In the Hospital – Department of Psychiatry, a psychiatrist shall determine in each specific case the ability of the patient to make a decision on consent to accommodation, in accordance with the Law on the Protection of Persons with Mental Disorders.

In the Hospital, an individual treatment plan shall be drawn up for each hospitalized patient in the Department of Psychiatry, which shall contain the necessary therapeutic activities and 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 updated once a week.

The Hospital shall:

- 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 of psychiatric disorders.

The Hospital shall keep records on the application of the measure of physical restraint of persons with mental disorders in an orderly manner and shall enter into them all relevant data about every case of application of physical restrictions to the freedom of movement of the patient by means of physical restraint, 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 provide training for healthcare 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 the future work of the Hospital, 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 Hospital shall prepare and submit to the Ministry of Health a written analysis of the required number and professional profile of employees in the Department of Psychiatry, which would be suitable to enable the provision of health care to all patients in accordance with current regulations and standards.

The Ministry of Health shall undertake activities to recruit the missing staff in the Department of Psychiatry of the General Hospital "Sveti Luka" in Smederevo.

The Hospital shall create a program of continuous specialist educations for medical staff with secondary education 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 medical staff with secondary education 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 at the Department of Psychiatry.

Department of Psychiatry of the General Hospital "Stefan Visoki" Smederevska Palanka

The Hospital shall undertake activities to paint the premises of the Department of Psychiatry.

The Hospital shall undertake the necessary repairs in order to improve the material conditions of accommodation in the Department of Psychiatry, by repairing the faulty faucet and placing seats on the toilet bowls in the toilets used by patients.

The Hospital shall undertake activities to provide patients hospitalized in the Department of Psychiatry with access to the bathroom at all times, in order to maintain personal hygiene, under the same conditions as patients undergoing treatment in other departments.

By decorating the walls and spaces where the patients are staying, the Hospital shall improve the material conditions of accommodation in the Department of Psychiatry, with the aim of creating a positive therapeutic environment.

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

The Hospital shall additionally regulate the procedure for the admission and treatment of persons with mental disorders in the Department of Psychiatry, in accordance with the Law on the Protection of Persons with Mental Disorders.

In the Hospital, at the Department of Psychiatry, an individual treatment plan shall be drawn up for each hospitalized patient, which shall include activities during hospital treatment, as well as activities contained in the support plan after discharge, which shall be carried out for a specific patient.

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

Individual treatment plans shall be updated once a week.

The hospital shall perform a mandatory autopsy on all deceased psychiatric patients – persons with mental disorders whose death occurs in the Department of Psychiatry during hospital treatment or during specialist-consultative examinations, in order to determine the cause and origin of death.

The hospital shall:

- organize appropriate psycho-social rehabilitation activities for patients and include all patients in psycho-social rehabilitation programs in accordance with their needs and adjusted to their capabilities;
- 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);
- organize group psychotherapy with patients from the same diagnostic categories.

The Hospital shall take measures so that all patients from the Department of Psychiatry, whose health condition allows it, are allowed to spend a certain part of their time in the fresh air, in an open space, every day, regardless of the weather conditions, if they wish to do so.

The Hospital shall encourage patients to spend time in the fresh air.

The Hospital shall apply the measure of physical restraint by mechanical restraint, the so-called fixation, in full accordance with the applicable regulations and established standards of treatment of persons with mental disorders, and especially:

1. the measure of mechanical restraint of the patient shall be applied exceptionally, when it is the only means to prevent the patient from seriously endangering his own life and safety or the life and safety of other persons by his behaviour;
2. before applying the measure of mechanical restraint, the application of less restrictive measures shall be considered and attempted;
3. the measure of mechanical restraint of the patient shall be carried out with the application of medical measures that shall allow the period of application of the measure to be as short as possible;
4. the measure of mechanical restraint of the patient shall be applied in a safe place and in a way that is the least dangerous for the life and health of the patient;
5. the measure of mechanical restraint of the patient shall be carried out with dedicated means (belts, etc.) so that the restraint is carried out in a way that is the least dangerous for the life and health of the patient;
6. a psychiatrist shall make the decision on the application of the measure of mechanical restraint and supervise its application;
7. if, in the absence of a psychiatrist, another healthcare worker applies the mechanical restraint on a patient, assessing it to be necessary and urgent at the given moment, he/she is obliged to immediately inform the nearest psychiatrist thereof, who is obliged to approach the patient without delay and assess the justification of the

- application of the mechanical restraint, as well as whether it is still necessary, and accordingly make an appropriate decision;
8. the psychiatrist who made the decision to apply the measure of mechanical restraint is obliged, during the application of the measure, as well as in an appropriate period after the suspension of the application of the measure, to periodically visit the patient against whom the measure was applied and to monitor his health condition with due care;
 9. when, during the application of the mechanical restraint measure, it is determined that the patient against whom the measure was applied no longer poses a danger to himself or another person, the patient shall be released from the application of the measure without delay;
 10. during the application of the measure of mechanical restraint, the medical staff shall provide increased attention and be directly present, to the greatest extent possible, in near the patient who is mechanically restricted, so that this measure does not represent his seclusion (isolation);
 11. the measure of mechanical restraint shall not be applied in the room where patients are accommodated against whom the measure of mechanical restraint has not been applied, nor shall other patients be allowed to access the room;
 12. the psychiatrist who made the decision to apply the measure of mechanical restraint is obliged to, without delay, inform the director of the Hospital or another person authorized by the director thereof, who shall immediately inform the legal representative of the patient against whom the measure was applied, i.e., a member of the immediate family of the patient against whom the measure was applied.

The hospital shall avoid frequent application of the measure of physical restraint by mechanical restraint 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 is obliged to enter in the Record Book on the application of the physical restraint measure of persons with mental disorders all the relevant data on the application of the measure, 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;
- name of the healthcare worker who, in the absence of the psychiatrist, due to the necessity to act urgently, applied the mechanical restraint on the agitated patient before the psychiatrist made a decision; time when the psychiatrist was informed about the mechanical restraint; opinion of the psychiatrist on the justification of the applied 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);
- information on the visits to the patients by the medical staff (exact time and duration of the visits, conditions found, actions taken);

- information on the periodic visits to the patient to whom the measure of mechanical restraint was applied and on the monitoring of his state of health by the psychiatrist (number of visits, exact time and duration of the visits, actions taken);
- 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 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.

The Hospital shall undertake activities to employ the missing number of employees with appropriate professional profiles in the Department of Psychiatry, and it shall prepare and submit an analysis of the needs to the Ministry of Health, so that the number and professional profile of employees is suitable to enable all patients the provision of health care in accordance with current regulations and standards.

The Ministry of Health shall undertake activities to employ the missing staff in the Department of Psychiatry of the General Hospital "Stefan Visoki" in Smederevska Palanka.

The Hospital shall create a program of continuous specialist educations for medical staff with secondary education 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 medical staff with secondary education 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 and accessible in an appropriate form to all patients undergoing hospital treatment (posters in the departments, brochures, etc.).

In accordance with the current regulations and standards, the Hospital shall regulate the procedure for receiving, considering and resolving complaints of patients.

The hospital shall make the Book of Complaints and/or Impressions available to all patients receiving hospital treatment at the Department of Psychiatry, in a visible place, it shall set up boxes for objections, remarks and compliments, and it shall regularly check and consider their contents, in order to take measures with a corrective or preventive character in a timely manner.

I-5 - Recommendations issued to improve the treatment of refugees / migrants

Belgrade "Nikola Tesla" Airport

The Belgrade "Nikola Tesla" Airport shall improve the conditions in the premises for the accommodation of foreigners who have been refused entry into the country, by:

- painting and disinfecting dormitories and toilets;
- replacing worn-out and dirty mattresses;
- providing each foreigner with clean bedding (pillowcase, sheet, blanket and blanket cover), which they shall regularly keep clean;
- enabling adequate ventilation and air conditioning in the dormitories;
- repairing the ceiling in dormitory no. 2;
- enabling the supply of hot water and other conditions for maintaining personal hygiene (shampoo, soap, sanitary napkins...);
- arranging and putting into use a space for stay in the fresh air;
- enabling an available wireless Internet connection;
- organizing regular cleaning and maintenance of premises, in accordance with the needs.

The Belgrade "Nikola Tesla" Airport, in coordination with the Belgrade Border Police Station, shall provide sufficient and appropriate capacities for the accommodation of foreigners who have been refused entry into the country, in accordance with the time that they shall spend at the Airport, so that every foreigner is enabled to stay in humane conditions.

I-6- Recommendations issued in connection with oversight of the procedures of forced return of foreigners

The Reception Centre for foreigners shall provide a written notice of the reasons for ordering the stay in the Reception Centre in the Turkish language.

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 419-41/2022, ref. no. 23148 dated 8th September 2022 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.

The Association will not use the data obtained by the Association in the activities determined by this Agreement for purposes other than for the performance of NPM tasks.

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 is entitled to compensation for the work of the representative hired to perform NPM tasks, in accordance with a special act of the Protector of Citizens.

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 two years from the date of its conclusion.

The Agreement was drawn up 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)²⁶ 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.

²⁶ 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
