



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Third periodic report submitted by Serbia under  
article 19 of the Convention, due in 2019<sup>\*</sup>, <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.

\*\* The annex to the present report is on file with the secretariat and is available for consultation. It may also be accessed from the web page of the Committee.

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## 1. First medical check-up of persons deprived of liberty

1. Detained persons receive an independent medical check-up immediately upon deprivation of liberty.
2. Pursuant to the provision of Article 69 of the Criminal Procedure Code<sup>1</sup> (hereinafter: CPC), a person arrested is entitled to demand that he be examined without delay by a physician of his own choosing, and if that physician is not accessible, by a physician designated by the public prosecutor or the court.
3. For persons detained by the police on any ground, comprehensive information is being systematically provided, which clearly defines all their rights (including the right to access to a physician), in Serbian language, in the languages of national minorities, as well as in another language that the detainee can understand. When placing a detainee in a detention room, the police officer who keeps a detainee must visualize the existence of visible injuries, conduct a conversation with the person, and ask if he has pain, body injuries that cannot be visually identified or other health problems, whether he receives some therapy and whether there is a need for a certain type of medication or medical assistance. When a person has visible injuries or other health problems, a medical examination of the person must be organized or the necessary professional assistance must be provided.
4. Immediately after the admission to the correctional facility, the detainees are examined by a physician and their health condition is determined, i.e. the medical examination of the convict is carried out immediately after the admission to the institution, or within 24 hours at the latest. Upon convict's request or due to observed health problems, the examination is carried out without delay. The medical examination is performed in the presence of medical personnel, and only exceptionally, if the physician requests so, the examination can be attended by the security service. If, during the medical examination, a physician requires the presence of security service employees, the request must be explained and be included in the book of medical examinations.
5. A health record is also opened immediately, in contains data entered during the examination, as well as a description of the person's injuries, if any. The Administration sent to all Institutes for the Enforcement of Penal Sanctions a binding instruction on how to perform a health check, according to which the physician's report must contain the allegations of the persons to whom the coercion measure applies, the objective medical finding and the opinion of the physician about the connection of the stated allegations, the applied measures and the resulting injuries.
6. The provision of the Article 73 of the Law on Health Care prescribes the obligation of the institute for the enforcement of institutional sanctions to keep medical documentation and records and to submit individual, summary and periodic reports within the prescribed deadlines to the competent authorities in the manner laid down by a separate law.
7. The types and contents, manner and procedure of conducting and other issues of importance for keeping medical documentation and records are regulated by the Law on medical Documentation and Records in the Field of Health,<sup>2</sup> and the content is prescribed by the Rulebook on the forms and contents of forms for keeping health documentation, records, reports, registers and electronic medical records.<sup>3</sup>
8. Supervision over the implementation of prescribed obligations is done by the competent inspection services of the Ministry of Health and the Administration for the Enforcement of Institutional Sanctions.
9. The results of the review are available to a detained persons and his attorney-at-law.
10. The Law on Execution of Penal Sanctions prescribes the obligation of a physician to keep a separate record of the injuries of convicted persons and to inform the head of the

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<sup>1</sup> "Official Gazette of RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.

<sup>2</sup> "Official Gazette of RS", No. 123/14, 106/15, 105/17.

<sup>3</sup> "Official Gazette of RS", No. 109/16.

institution about any sign or indication that the convicted person suffered violence, whereby he shall include in the report the statements of the convicted person about the manner of the occurrence of violence, as well as to express his opinion on the connection between the allegations of the convicted and the resulting injuries.

11. In the event that the existence of physical injuries is detected during the examination of the detainee, the physician shall submit a written report to the head of the institution. The head of the institution shall inform the competent public prosecutor about cases where there are grounds for suspicion that the detainee has been treated violently.

12. Namely, the legislative framework of the Republic of Serbia prescribes the obligation of all state authorities to submit to the public prosecutor data and evidence on the committed criminal offense. This obligation also applies to prison administrators who shall submit to the public prosecutor complete medical records, which contain evidence of suspicion of injuries caused by torture or other cruel, inhuman or degrading treatment or punishment, in order to establish the existence of criminal offenses extortion of confession, referred to in Article 136 CC and ill-treatment and torture in Article 137 CC.

## **2. Protection of rights of human rights defenders, journalists, LGBTI population and national minorities**

13. In order to achieve the legality, effectiveness and uniformity in the conduct of all public prosecutors, the Republic Public Prosecutor issued the Mandatory Instruction in December 2015, which stipulated the keeping of special records in the appellate, high and basic public prosecutor's offices in relation to the crimes committed against person engaged in a profession of public importance in the field of information regarding the task he/she is performing and attacks on the media websites, in which cases urgent action is required, as well as criminal offences committed from hate, within the meaning Article 54a of the Criminal Code.

14. Special records contain data on the perpetrators of crimes, the aggrieved parties, the criminal offenses, activities taken and public prosecutors' offices' and judges' decisions passed, as well as on the motives for committing crimes.

15. Please note that journalists, as persons engaged in a profession of public importance in the field of information regarding the task he/she is performing, enjoy special criminal protection prescribed by the provision of the criminal offense of endangering the safety referred to in Article 138, paragraph 3 of the Criminal Code.

16. We emphasize that the Republic Public Prosecutor's Office and the Ministry of Interior concluded the Cooperation Agreement in April 2016. This agreement stipulates that the Republic Public Prosecutor's Office and the Ministry of Interior, by internal acts, shall establish an obligation of urgent action in cases of criminal offenses committed against persons engaged in a profession of public importance in the field of information regarding the task he/she is performing.

17. On 17 December 2016, the representatives of the Ministry of Interior, the Republic Public Prosecutor's Office, The Journalists' Association of Serbia, Independent Journalists' Association of Serbia, Association of Journalists of Vojvodina, Association of independent electronic media, Association of Media and Association of Online Media signed the Agreement on cooperation and measures to increase the level of journalists' safety. The Independent Association of Journalists of Vojvodina joined the agreement on 18 January 2017. The agreement aims to establish a system of measures to ensure more effective criminal justice protection for journalists.

18. Based on the Agreement, a Standing Working Group comprising of high-level authorized representatives of all signatories was established. In addition, a working subgroup for the analysis of the Criminal Code and a working subgroup for the analysis of the current mode of communication and the degree of openness of the competent institutions towards the media was established. Both subgroups began to work.

19. Based on the Agreement, a mechanism of cooperation was established, where all the signatories have appointed contact persons responsible for coordination of cases of committing criminal offenses that journalists may be exposed to and which will be in permanent contact.

20. According to the General Mandatory Instruction of the Republic Public Prosecutor of September 2018, it was envisaged that prosecutors were designated as contact points for hate crimes within the meaning of Article 54a of the Criminal Code in all the appellate, high and basic public prosecutors' offices.

21. With the aim of identifying and better understanding of hate crimes, conducting efficacious and efficient investigation and criminal prosecution of perpetrators of hate crimes in compliance with the international standards, Guidelines for Criminal Prosecution of Hate Crimes in the Republic of Serbia were drawn up in the beginning of 2018 as a document intended for public prosecutors. The Guidelines were drawn up as a result of the efforts made by the representatives of the Republic Public Prosecutor's Office, Lawyers' Committee for Human Rights – YUCOM and the OSCE Mission to Serbia. The Guidelines are an example of quality cooperation between the public and the civil sectors.

22. Coordination meetings of the representatives of competent state authorities and civil society organizations are held regularly in order to prevent hate crimes in the Republic of Serbia.

23. In order to assess the need for taking preventive measures to prevent violence, calling for violence and hate speech on the Internet, state authorities in charge of combating high-tech crime monitor the activities of various groups on social networks that previously expressed disagreement with the organization of LGBT populations' meetings and threatened to use physical violence to sustain the organization or to physically attack prominent organizers and promoters of this event.

24. Furthermore, the Special Prosecutor's Office for High-Tech Crime has established a successful cooperation with members of the LGBT population and relevant organizations, based on mutual respect and trust.

25. In order to protect members of national minorities, the representatives of the Republic Public Prosecutor's Office participate in the implementation of Action Plan for the Realization of the Rights of National Minorities, as well as the Action Plan for the Implementation of the National Strategy for Gender Equality.

26. According to the Instruction of the Republic Public Prosecutor of 12 December 2015, starting from 1 January 2016, a special record of crimes committed against journalists was established.

27. In the period from 1 January 2016 until 30 September 2018 criminal reports about 135 events were filed to the public prosecution offices, on the basis of which 135 cases were created in connection with crimes committed against journalists.

28. Regarding the cases of the murder of journalists, we inform you:

- In the case of the aggrieved party Slavko Ćuruvija, the Prosecutor's Office for Organized Crime issued an indictment on 6 June 2014. The proceedings before the court are ongoing;
- In the case of the aggrieved party Milan Pantić, the Public Prosecutor's Office issued on 30 January 2018 an order to conduct the investigation against an unknown perpetrator. The investigation is ongoing;
- In the case of the aggrieved party Radislava Vujasinović a pre-trial procedure is ongoing at the High Public Prosecutor's Office in Belgrade.

29. In the case of aggrieved party Davor Pašalić, after a number of evidentiary acts carried out by the competent public prosecutor's office, among other things, the identification of potential suspects, which the aggrieved party could not point out with certainty as the perpetrators, the suspects have not yet been identified. The process is ongoing.

30. Please note that the Republic Public Prosecutor's Office submits detailed reports to the European Commission on the actions of the competent public prosecutor's offices in the cases of killing those journalists, as part of the reporting on transitional measures for Chapter 23.

31. Public prosecutors do not keep a separate record of crimes committed against human rights defenders.

32. At the end of 2015, a pilot programme "Hate Crimes – Training for Judicial Representatives" was launched in cooperation with the Judicial Academy, the Republic Public Prosecutor's Office and the Office for Human and Minority Rights, with the support of the OSCE Mission to Serbia. This programme is part of the continuous training judges and public prosecutors, as well as prosecutorial assistants. Training on hate crime legislation was conducted in 2015 and 2016 in the form of eight one-day seminars, and the main goal of the training was to master specific knowledge related to the concept of hate crime, which included, inter alia, the definition of this concept and familiarization with relevant international legal provisions as well as the practice of the European Court of Human Rights and the United Nations Committee.

33. In order to implement effective investigation of inter-ethnic incidents, and especially those regarded as criminal offenses, or instigating national, racial or religious hatred or intolerance, five representatives of the public prosecutor's office took part in the seminar "Hate crimes", which was held with the support of the US Embassy in Belgrade in October 2016 at the International Law Enforcement Academy (ILEA) in Budapest.

34. In order to improve the investigation and prosecution of hate crimes and in accordance with the developed training plan and programme, the representatives of the Republic Public Prosecutor's Office, in cooperation with the Judicial Academy and the OSCE Mission to Serbia, in the second half of 2018 held four training courses for public prosecutors where the Guidelines for Criminal Prosecution of Hate Crimes in the Republic of Serbia were presented, as well as the examples of the practical conduct of the competent authorities in cases of hate crime.

35. According to the available data, the application of the provision of Article 54a of the Criminal Code that stipulates that if a criminal offence is committed from hate based on race or religion, national or ethnic affiliation, sex, sexual orientation or gender identity of another, the court shall consider such circumstance as aggravating except when it is not stipulated as a feature of the criminal offence, has been proposed in the indictment of the public prosecutor's offices in three cases.

36. More detailed data on adhering of the Republic of Serbia's internal affairs bodies and judicial authorities in these cases, as well as statistical data, are attached to this report.

### **3. Definition of torture**

37. In the context of the gradual alignment of the Criminal Code with international standards during the EU accession process, it is planned to comply Articles 136 and 137 paragraphs 2 and 3 of the Criminal Code with all the elements of crime of torture, as defined in Article 1 of the Convention. Since the needs for amendments to the CC are numerous and arise from numerous negotiating chapters, it is not possible to make all the changes at the same time.

### **4. Legal protective measures for detainees**

38. Pursuant to Article 88 of the Law on Police,<sup>4</sup> a police officer may, temporarily, and no longer than eight hours from the adoption of the decision, restrict a person's freedom of movement (adult or minor) in a particular area or facility, in order to prevent the commission of criminal offenses or misdemeanours, find and arrest perpetrators of criminal offenses or misdemeanours, find and arrest persons wanted by the authorities or to find

<sup>4</sup> "Official Gazette of RS", No. 6/2016 and 24/2018.

traces and objects that may serve as evidence in criminal or misdemeanour proceedings. The decision to temporarily restrict freedom of movement in a particular area or facility shall be made by the Police Director or head of the police department, or by a person authorized by them to do so. Temporary restriction of freedom of movement may not exceed the time necessary to achieve the goal of using the power. Any restriction of movement longer than eight hours requires an approval of the competent court.

39. During the preliminary investigation, a police officer (especially trained to deal with minors), depending on the specific case and the type of police authorization he/she applies (police arrest, gathering of information from citizens, hearings of the suspect), shall inform a minor about his rights, first orally, and then provide him with an appropriate written form in the presence of his parents or guardians, as well as the attorney, if a minor is arrested or interrogated in the police station. If the parent or guardian is not present, because their presence could not be provided for objective reasons, they will be replaced by a representative of the custody authority (the competent centre for social work), who, in agreement with the minor, can provide him with the opportunity to notify the so-called "person of their choice", if the police temporarily restricted his freedom of movement. After the delivery of the form, a police officer shall ask a minor whether he understood the information provided in the form, and if not, shall give him additional oral explanations in a manner and language that is understandable to the minor, bearing in mind his age and maturity. The minor has the right to refuse to read or sign the form, which is stated by a police officer in the given form.

## **5. Information on operation of the Office of the Protector of Citizens (Ombudsman)**

40. NPM organizational unit has been given separate rooms in the building used by the Protector of Citizens. The rooms are fully equipped with office furniture, telephones, computers and internet connection. Employees in the NPM are provided with mobile phones and lap-tops.

41. In order to create material conditions for implementing NPM, primarily for transportation to institutions where persons deprived of their liberty are located, in December 2011 a van with 7 + 1 seats was purchased from the funds in the budget of the Ombudsman.

42. The Ombudsman has a special budget line for the NPM activities. The adopted Law on the Budget for 2019 defined special purpose funds for implementing activities of the NPM in the amount of: 4,800,000.00 RSD.

43. On 20 July 2017, Mr Zoran Pašalić was elected the Protector of Citizens and from assuming the office, the Ombudsman did not face pressures of any kind.

44. By the Rulebook on internal organization and job classification in the Professional Service of the Protector of Citizens, since October 2014, a separate organizational unit was established, the Secretariat of the National Preventive Mechanism, which performs expert tasks (NPM), the mandate of which is defined in Article 4 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment.

45. More detailed information about the activities of the Ombudsman's office is provided in the Annex to this report.

## **6. Gender-based violence**

46. In Serbia, for more than 15 years, activities have been continuously implemented to combat violence against women and domestic violence. There is clear awareness and both political and social consensus on the need to improve the social response to violence against women, so that the suppression and protection of women from violence are more effective.

47. In new laws and strategic documents, violence against women and domestic violence have been defined in accordance with international conventions.

48. In the new National Strategy for Gender Equality for the period 2016–2020, with the Action Plan for the period 2016–2018, violence against women was marked as the violation of women’s human rights.

49. In the Draft Law on Gender Equality from 2017, whose adoption is expected, the definition of “violence against women” is taken from The Council of Europe Convention on preventing and combating violence against women and domestic violence.

50. In September 2017, Ministry of Labour, Employment, Veteran and Social Affairs initiated a procedure for amendments to the Family Law and drafted amendments that envisage certain changes in the area of domestic violence, especially in the introduction of a new measures of civil and legal responsibility for the perpetrator of violence and new measures that ensure more comprehensive and adequate monitoring of execution of measures imposed for the protection against domestic violence.

51. On 24 November 2016, the Law on Amendments to the Criminal Code was adopted. This law introduces four new criminal offenses in the Criminal Code, Female genital mutilation (Article 121a), Forced marriage (Article 187a), Prosecution (Article 138a) and criminal offense of Sexual harassment (Article 182a). All of these crimes are to be proceeded *ex officio*, that is, irrespective of the victim’s position, except for the criminal offense of Sexual harassment, if committed against an adult, when prosecution is undertaken upon the victim’s proposal. By introducing these offenses into our criminal legislation, additional protection was provided to women and girls, and in this way legal gap was filled in, as these actions, which are foreseen in the Istanbul Convention as unlawful, are implemented in the Criminal Code of the Republic of Serbia.

52. The Law on Prevention of Domestic Violence was adopted in November 2016, with postponed application until 1 June 2017, in order to carry out specialized training. This law has shifted the borders in the actions of competent state authorities, since it is the first preventive law that gives the opportunity to traditionally repressive organs, the police and the prosecutor’s office, to react preventively even when there are the characteristics of the crime, not only when there is a danger of immediate domestic violence. Given that violence is a constantly changing phenomenon and that it is always necessary to look at the wider picture, in Articles 25 and 26 this law foresees compulsory multisectoral cooperation reflected in the work of the Coordination and Cooperation Group (consisting of a public prosecutor, a police officer, a worker of the Centre for Social Work, plus, if necessary, a representative of health and educational institution, national employment services and civil society organizations). This group is considering every case of reported violence and tries to gather as much evidence as possible to prove the existence of a crime as many data on violence can be obtained from health institutions participating in the work of the group as well as from educational institutions that can provide data that refer to children from the victim’s family. Also, in Article 13 the law imposes the obligation on state bodies, institutions and organizations to report any knowledge of violence under the threat of misdemeanour punishment of the responsible persons in these institutions.

53. Coordination and Cooperation Groups are established for the territory of each basic public prosecutor’s office in the country and in the area of all basic public prosecution offices in the country, Coordination and Cooperation Groups have been formed, and in the larger prosecutor’s offices the subgroups as well. Therefore, in 58 basic public prosecutor’s offices there are as many as 87 group-subgroup for coordination and cooperation. For the previous 17 months (June 2017–October 2018), these groups dealt with 64,251 domestic violence cases, met 3,852 times and produced 16,300 individual protection plans. In this same period, the Prosecutor’s Office filed 23,915 requests for the extension of the emergency measure, 23,112 of which were extended by the court for 30 days, including both emergency measures.

54. The Law on Prevention of Domestic Violence introduces the obligation to keep records of cases of domestic violence. The records are managed by the Police Administration, the Basic Court, the Basic Public Prosecutor’s Office and the Centres for Social Work. Central records are kept in the Republic Public Prosecutor’s Office. In July

2017, the Government of the Republic of Serbia established the Council for the Suppression of Domestic Violence, which monitors the implementation of this law and improves the coordination of competent state authorities.

55. According to Article 32 of the Law, the Ministry of the Interior of the Republic of Serbia developed a platform (application) that monitors the implementation of the law called “Preventing Domestic Violence”, which records all acts of police officers under the Law on Prevention of Domestic Violence. The application is in effect since 12 February 2018. In 2017, the Ministry of Interior, in cooperation with the Criminal Police Academy, and according to the Judicial Academy programme, trained 900 police officers for the implementation of the Law on Prevention of Domestic Violence. The third training cycle is ongoing and by the end of 2018, another 450 police officers will be trained. During 2018, the Ministry of the Interior brought:

- Guidelines for implementation of measures for achieving gender equality in the Ministry of Interior of the Republic of Serbia – the act prescribes measures and planned activities for achieving gender equality in the MoI; and
- Instruction with Guidelines for prevention and protection against gender-based discrimination and discrimination based on other personal characteristics in the Ministry of Interior – this act prescribes procedures for acting upon the request of an employee who has been subject to discrimination based on gender or some other personal characteristic.

56. What certainly speaks about the effects of this law’s application is the taking of other measures by the prosecution in order to achieve the overall objective of the Law, which is the effective protection and support to victims – the prosecution filed 419 lawsuits for pronouncing measures of protection against domestic violence according to the Family Law, and thus used a period of 30 days within the duration of urgent measures to initiate other procedures, thereby providing continuity in the protection of victims.

57. In the process of protection of victims of violence, emergency protection measures which are new in our law and which are foreseen by the Article 17, paragraph 2 of the Law on Prevention of Domestic Violence are particularly important. The law provides for two emergency protection measures – a measure to temporarily remove the perpetrator from the house and a measure to temporary ban the perpetrator from contacting or approaching the victim. The competent police officer has a maximum of eight hours to collect all notifications, assess the risk, and decide whether or not to impose an emergency measure on the perpetrator. This is because the detention of a possible perpetrator in the police station can last up to 8 hours. The measure imposed by the competent police officer lasts 48 hours, after which, upon the motion of the plaintiff, the court may extend it for 30 days, so the total duration of the emergency measure is limited to a total of 32 days. In this regard, the duration of an emergency measure cannot be shortened or extended, therefore it is limited to the specified number of days. A person who violates the order on pronounced or prolonged urgent measure may be punished by imprisonment for up to 60 days in a misdemeanour procedure. It is important to point out that emergency protection measures apply to all women victims of domestic violence, as well as victims of crimes listed in Article 4 of the Law on Prevention of Domestic Violence. This implies that the Coordination and Cooperation Group shall consider criminal charges for the criminal offenses, which also ensures the multisectoral approach to the victim.

58. When it comes to the protection of victims of violence, the Coordination and Cooperation Groups meet according to the law at least once in 15 days and draw up individual plan for the support and protection of victims provided for by the Article 30 of the Law, which contains comprehensive and effective measures for protection and support of the victim, but also for other family members in need of support. This individual plan is made separately for each victim and for each specific case and the victim can participate in its development, if their emotional and physical condition allows it. The individual plan serves to ensure the safety and security of the victim, to stop the violence and prevent it from happening again, and to provide the victim with all the necessary psycho-social assistance, health care, access to education or the employment service.



59. The Law on Health Care prescribes that social health care in the territory of the Republic is achieved under equal conditions, by providing health care to victims of domestic violence and victims of trafficking in human beings, in equal content and scope determined by the Government for all population groups that are exposed to increased risk of illness, for persons related to prevention, suppression, early detection and treatment of diseases of a higher social and medical significance, and for socially vulnerable population, regardless of whether they have mandatory statutory health insurance.

60. Pursuant to laws and by-laws, provision of adequate health care is provided in all state-owned health institutions.

61. The Minister of Labour, Employment, Veteran and Social Affairs issued a Binding Instruction on the implementation of the Centres for Social Work's obligations in the implementation of the Law on Prevention of Domestic Violence. In addition, the Labour, Employment, Veteran and Social Affairs and the Minister of Education, Science and Technological Development issued the Instruction on the procedures to be followed by Educational Institutions and Centres for Social Work – Custody Authority in the protection of children against violence (from 3 April 2018).

62. It is important to note that the Ministry of Labour, Employment, Veteran and Social Affairs prepared a Draft Strategy for the Prevention and Protection of Children from Violence (for the period 2018–2022 with the accompanying Action Plan) and the Draft of improved General Protocol for the Protection of Children from Violence, which will be included in the procedure of adoption by the Government of RS by the beginning of 2019 at the latest.

63. A number of Centres for Social Work have raised the level of security by introducing a “panic button”.

64. The custody authority shall keep records and documentation of the persons-victims of violence, as well as those against whom the measure of protection against violence has been determined. The Centre for Social Work as a custody authority also has the task of assisting the court in obtaining necessary evidence in cases of violence, and to express its opinion on the validity of the procedure for protection against violence and the purposefulness of measures.

65. All information on available support services and legal measures for victims of violence can be obtained from 140 Centres for Social Work in Serbia, and this network covers the entire territory of the Republic. In the communities inhabited by the population of national minorities, information can also be obtained in the languages of these minorities.

66. The Ministry of Labour, Employment, Veteran and Social Affairs, which issues licenses for social protection organizations, so far issued five licenses for the service of a shelter or safe house for women who experienced violence (2 in Belgrade and 1 in Leskovac, Panëevo and Kragujevac).

67. In addition, by the end of 2018, the seventh SOS helpline was licensed, where the service is provided 24/7. The service is provided by 8 professional licensed workers, 1 expert supervision coordinator and 1 supervisor. Service number 0800 222 003 is established for the entire territory of the Republic of Serbia.

68. By the end of 2015 the Ministry of Labour, Employment, Veteran and Social Affairs adopted the Rulebook on Detailed Conditions and Standards for the Provision of SOS helpline for Women Who Have Experienced Violence, in accordance with Article 24 of the Istanbul Convention. This Rulebook sets forth the requirements and standards for the SOS helpline for girls and women who have experienced gender-based violence, from a group of counselling and therapeutic and social-educational services.

69. In accordance with the Ministry of Health Special Protocol for the Protection and Treatment of Women Victims of Violence, violence against women and consequence management require engagement of wider community, multisectoral cooperation, with established functional system for providing assistance and prevention of violence against women. All organized forms of public and private health services carry out the obligations established by the Protocol, and the Ministry of Health, by inspection supervisions,

performs control over the performance of obligations of health institutions and healthcare workers. The responsibilities of healthcare institutions include the education of health workers for the implementation of the Protocol, highlighting posters and other thematic educational materials in visible sites, the availability of a list with addresses and phone numbers of community resources to support victims of violence and reporting of suspicion of abuse. The obligations of healthcare professionals also refer to keeping medical documents and records and reporting on the suspicion of abuse.

70. In parallel with the adoption of the Law on Prevention of Domestic Violence, the Ministry of Justice developed a campaign and website “Turn Off the Violence” which breaks gender stereotypes and established gender patterns, influences public awareness about the importance of gender equality, recognizes that violence is related to sex and gender, and that it always represents an expression of power. The campaign is based on Article 13 of the Istanbul Convention and also includes Article 17 of the Council of Europe Convention on the Fight against Trafficking in Human Beings. This site is intended both for the victims of violence who are always in focus of interest and for the perpetrators of violence, since in the wider sense, the phenomenon of violence is shifted to those who commit violence i.e. it recognizes that psychosocial treatment of perpetrators with the aim of eliminating the cause of violent behaviour is certainly one of the ways of preventing domestic violence. The site is intended for both the wider and professional public in order to raise awareness and it has been used to point out to a series of measures aimed at preventing domestic violence and violence against women, among which the most important is reporting, victim notification, education of professionals, emergency protection and multisectoral cooperation. In addition, there were answers to frequently asked questions, where it was pointed out to a series of misconceptions and stereotypes that justify violence against women.

71. During 2015, a seminar “Domestic Violence and Institutional Protection” was held, attended by 324 police officers. From 2016, as part of compulsory teaching within the Programme, classes with the topic “Police treatment in accordance with the Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women” have been carried out, as follows:

- 2016 – attended by 9600 police officers;
- 2017 – attended by 8965 police officers;
- 2018 – attended by 7096 police officers.

72. The Judicial Academy, in cooperation with the Criminal Police Academy, in 2017 and 2018 conducted 143 trainings in the field of “Domestic Violence” in accordance with the regular training programme (including and until the training held from 10–12 October). During this period, 4,700 police officers and holders of judicial functions completed the training.

73. In the framework of bilateral cooperation with Sweden, the Ministry of Interior of the Republic of Serbia, with the support of the Swedish Police, is implementing the Project “Developing a Gender Agenda in the Ministry Interior of the Republic of Serbia 2016–2018”, whose overall objective is: to provide adequate gender proportion at all levels (ranks, grades, specialities) in accordance with the proportion of women within the working age population, and one of the specific objectives is to implement structures and procedures which guarantee the prevention and response to incidents of gender-based discrimination and sexual harassment of women and men employed in the MoI. As one of the project activities, “Guidelines for prevention and protection against gender-based discrimination and discrimination based on other personal characteristics in the Ministry of Interior of the Republic of Serbia” are being developed. Relying on international law and domestic legal framework, the Instruction will provide an answer to the prevention and internal protection against discrimination when it comes to employees in the Ministry.

74. Regarding the education of experts from the Centres for Social Work, training has been carried out for about 200 experts, in the field of recognition, prevention and response to domestic violence and they have been continuously provided with expert assistance in specific cases of domestic violence.

75. Within the Republic Institute for Social Protection, several training programmes on the topic of domestic violence have been accredited, intended for professional workers employed in social protection institutions (centres for social work and accommodation facilities). Based on these programmes, various trainings are regularly conducted, including training on the implementation of anti-discrimination practices, training for work with sexual and gender minorities, training for work with victims of gender-based violence, training for organizing conference on protection against domestic violence as well as training for work with abusers, etc.

76. In the period from 2014 to 2017, a total of 96 accredited training courses were conducted, attended by a total of 1,922 participants.

77. The Law on Health Care stipulates education and professional development as the right and the obligation of health workers, in order to maintain and improve the quality of work, and a condition for obtaining and renewing the license.

78. Special educations are conducted to identify and adequately document domestic and gender-based violence. The accredited training course “An effective response of the health care system to the protection of a woman victim of domestic and gender-based violence”, conducted by the Faculty of Medicine in Novi Sad, until October 2018 was attended by 1,325 participants-doctors out of planned 1,500 participants.

79. For the identification and adequate documentation of domestic and gender-based violence, a publication/manual “Response of the health sector to gender-based violence” has been published, a Guide for Health Workers, developed by the UNFPA (United Nations Population Fund) and the Centre for Women’s Health Promotion, with the support of the Ministry of Health, whose goal is to provide knowledge and skills to as many health professionals as possible to recognize, provide adequate medical care, adequately document violence and its consequences, and to refer the female survivor of violence to available resources in the community.

80. Statistical data, as well as data on national strategies, related action plans and programmes on gender-based violence, are attached to this report.

## **7. Preventing and combating trafficking in human beings**

81. In order to improve the position of victims of all crimes, Information Services for Victims and Witnesses were established in all high public prosecutor’s offices, the First Basic Public Prosecutor’s Office in Belgrade, the Prosecutor’s Office for Organized Crime and the Prosecutor’s Office for War Crimes.

82. At the initiative of the OSCE Mission to Serbia, a group of authors created a publication entitled “Legal framework and recommendations for the implementation of the principles of impunity for victims of human trafficking in the Republic of Serbia”, which contains, among other, guidelines for judges, public prosecutors and police officers regarding the application of the principle of impunity for victims of trafficking in human beings, in accordance with the provision of Article 26 of the Council of Europe Convention on combating trafficking in human beings.

83. In December 2016, the implementation of IPA 2013 Twinning Project “Combating Organized Crime (trafficking in human beings, drugs, weapons, financial investigations)” has begun.

84. Particular emphasis should be given to cooperation established by the Memorandum of Cooperation with the civil society organization “ASTRA”, signed in September 2012 and the organization “ATINA” from October 2013.

85. Within the reporting period, sexual exploitation of victims of trafficking in human beings is dominant. Both adult and juvenile women were exposed to sexual exploitation. For the first time, since the wave of the migrant crisis, a particularly vulnerable category of persons – a minor migrant, without the escort of a parent or guardian – appears as an injured person. In several cases, multiple exploitation of victims of trafficking in human beings was recorded, primarily sexual exploitation combined with exploitation for

pornographic purposes, enrichment or labour exploitation. Victims of trafficking in human beings are in most cases exploited on the territory of Serbia. The most prominent case is the labour exploitation of three underage girls, which were exploited by the owner in a hospitality facility in Belgrade, while a fifteen-year-old girl was exploited both for sex and labour.

86. The Law on Asylum and Temporary Protection<sup>5</sup> in Article 17 prescribes special procedural and acceptance guarantees for persons who need these guarantees, such as, among others, unaccompanied minors and victims of human trafficking. A special process and acceptance guarantee provides adequate assistance to the seeker who, in view of his personal circumstances, is not able to exercise his rights and duties. The procedure for identifying personal circumstances of a person is carried out by the competent authorities continuously, and at the earliest after expressing the intention to apply for asylum at the border or transit area. Cooperation has been established with all competent authorities, in particular with the Centre for Human Trafficking Victims Protection, which is contacted by the officers of the Asylum Office in case of identifying a potential victim of trafficking in human beings.

87. The staff in the centres where the reception and care of migrants is done, are being continuously trained in cooperation with the relevant international organizations and NGOs in the field of protection, work and treatment of vulnerable categories of migrants, identifying potential victims of trafficking in human beings, gender-based violence, in order to provide adequate support to migrants and to prevent various forms of violence. All cases of doubt are immediately referred to the competent authorities in accordance with standard operating procedures.

88. The rights of the victim, or the injured party, are defined in Article 50 of the CPC, which we have already reported to the Committee.

89. The right to remedy is defined in Article 433, paragraph 4 of the CPC, according to which the injured party or victim may file an appeal only in connection with the court's decision on the costs of the criminal proceedings and the awarded restitution claim. If the public prosecutor has assumed criminal prosecution from the subsidiary prosecutor, the injured party may file an appeal in connection with all the grounds on which a judgment may be challenged.

90. The CPC, within the provisions of Articles 252–260, as well as the application of international conventions and EU directives, gives the opportunity to decide on the compensation of damages in the course of criminal proceedings. It is true that in criminal proceedings compensation of damages has not been awarded so far, mostly due to insufficient information of the victims regarding this right, and partly because of the inactivity of the courts, which was recognized as a problem. Therefore, the activities of the HCC have been strengthened in this direction. The preparation of the Manual for Judges and Prosecutors is ongoing, in order to develop guidelines for effective treatment in the compensation procedure for all victims of criminal offenses, including trafficking in human beings. For this purpose, seminars for prosecutors and judges throughout Serbia have been held in the last two years, organized by the EU and the OSCE. The development of this manual is carried out within the framework of the OSCE project, "Victim and Witness Support" and it is also part of the new Strategy of the Ministry of Justice, which supports this project. The manual will be finalized by the end of 2018 and thereafter new seminars for judges and prosecutors are envisaged.

91. In the beginning of 2015, Help Services for Victims and Witnesses were established in all higher courts, which cooperate in their work, as needed, with the Centres for Social Work and NGOs.

92. As the Committee referred in this matter to the observation number 13 of the previous periodical report, we add that the deadlines for the application for compensation from the state, according to the Law of contract and torts, remained the same.

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<sup>5</sup> "Official Gazette of RS", No. 24/18.

93. During 2016 and 2017, the Centre for Family Accommodation and Adoption of Belgrade implemented a foster care development project for refugee/migrant children, which includes the care of children who are victims of trafficking. Existing capacities in shelters for children and childcare facilities mostly meet the needs for accommodation of children victims of trafficking in human beings.

94. Victims of trafficking in human beings fall into particularly vulnerable category of unemployed persons who have priority when participating in programmes and measures of active employment policy implemented by the National Employment Service (hereinafter: the NES). As of 30 September 2018 there were 3 victims of human trafficking on the NES unemployed register. In the period from May 2015 to September 2018, a total of 8 women victims of trafficking were included in active employment policy programmes and measures. In order to provide support to victims of trafficking in human beings, a Protocol on cooperation between the Centre for Human Trafficking Victims Protection and the NES was signed in January 2017, which is the basis for establishing a joint partnership and providing mutual support during the activities that will be undertaken with a view to social inclusion and employment incentives for victims of trafficking.

95. The Law on Health Care<sup>6</sup> prescribes that social health care in the territory of the Republic is achieved under equal conditions, by providing health care to victims of trafficking in human beings, in equal content and scope determined by the Government for all population groups that are exposed to increased risk of illness, for persons related to prevention, suppression, early detection and treatment of diseases of a higher social and medical significance, and for socially vulnerable population, regardless of whether they have mandatory statutory health insurance.

96. Pursuant to the Law and by-laws, provision of adequate health care is provided in all state-owned health institutions, at the expense of the budget funds.

97. Within the framework of compulsory education in 2016, a seminar was held on the topic “Legal provisions regulating the issues of trafficking in human beings and illegal migration and smuggling of persons” – attended by 159 police officers. With the stated Programme for 2017 as an integral part of compulsory classes, the implementation of the same thematic teaching unit continues with the content of the following topics:

- International legal obligations of the Republic of Serbia;
- Legislation;
- Illegal crossing of state border and smuggling of people;
- Human trafficking;
- National mechanism;
- Legal basis for providing humanitarian accommodation.

98. In 2015, this topic was part of a seminar attended by 52 police officers; in 2016 – attended by 159 police officers; in 2017 – attended by 3579 police officers; in 2018 – attended by 6,688 police officers.

99. On 8 December 2006, the Government of the Republic of Serbia adopted the first National Strategy for Combating Trafficking in Human Beings, which envisaging the strategic goals of the Republic of Serbia in the fight against human trafficking. The strategy was not time-limited, and strategic goals were realized through various activities of state institutions, non-governmental, international and other organizations in order to timely and comprehensively respond to the problem of human trafficking. Two and a half years after the adoption of the strategy, in April 2009, the Serbian Government adopted the first National Action Plan for Combating Trafficking in Human Beings for the period 2009–2011.

<sup>6</sup> “Official Gazette of RS”, No. 107/05, 72/09 – other law, 88/10, 99/10, 57/11, 119/12, 45/13 – other law, 93/14, 96/15, 106/15, 105/17 – other law, 113/17 – other law.

100. The main achievements of the UN GIFT Joint Program, which is still sustainable today, are: the establishment of a Centre for Human Trafficking Victims Protection, the technical equipment of police units dealing with anti-trafficking activities, the establishment of the Legal Clinic for Combating Trafficking in Human Beings at the Faculty of Law in Belgrade and given recommendation to establish a special office to deal with the coordination of activities in the fight against human trafficking at the national level. In line with the Law on Social Care, in April 2012, the Government of the Republic of Serbia established the Centre for Human Trafficking Victims Protection, consisting of two organizational units: Department for Coordination of Human Trafficking Victims Protection and Shelter for Trafficking Victims. At the beginning of February 2019, the first shelter for victims of human trafficking in the social protection system was opened. It is intended for women and girls over the age of 16. The shelter provides accommodation, 24-hour supervision, high level of security, and they will be provided with adequate assistance and support.

101. In order to improve the systemic response of the society to the problem of trafficking in human beings in the Republic of Serbia, the Ministry of the Interior has developed new Strategy for Prevention and Suppression of Trafficking in Humans, Especially Women and Children, and Protection of the Victims from 2017 to 2022 with the accompanying Action Plan 2017–2018, adopted by the Government in August 2017. The new strategy aims to provide a comprehensive and continuous response of the society to human trafficking in line with the dynamics of new challenges, risks and threats in such a way as to improve the system of prevention, assistance and protection of victims and combating trafficking in human beings, especially women and children, through tasks that are grouped under five specific objectives:

(a) Systemically strengthened partnership in response to trafficking in human beings at the local, national and international levels;

(b) Improved prevention and reduction of the impact of causes of trafficking in human beings in line with the dynamics of new challenges, risks and threats;

(c) Improved proactive system for detecting cases of trafficking in human beings, effective processing of natural and legal persons and legal protection of victims of trafficking in human beings;

(d) Improved system of identification, protection, assistance and support to victims through long-term and sustainable social inclusion programs; and

(e) Children are protected from human trafficking and its consequences by special participatory programmes that are conducted in their best interest.

102. Within the Headquarters of the Police Directorate, the National Office for the Coordination of Activities in Combating Trafficking in Human Beings has been established with a multidisciplinary approach.

103. On 6 October 2017, the National Coordinator for Combating Trafficking in Human Beings was appointed by the Government, who at the same time was the Head of the Office for the Coordination of Activities in Combating Trafficking in Human Beings.

104. On 12 October 2017, the Government of the Republic of Serbia adopted a new Resolution on the establishment of the Council for Combating Trafficking in Human Beings and the appointment of its members: President Nebojša Stefanović, Deputy Prime Minister and Minister of Interior, and for members: Minister of Finance, Minister of Education, Science and Technological Development, Minister of Labour, Employment, Veteran and Social Affairs and Minister of Justice.

105. On 17 October 2017, the President of the Council for Combating Trafficking in Human Beings and the Minister of Interior adopted the Resolution on the establishment of Special Working Group for the implementation and monitoring of the said strategy. Special Working Group consists of representatives from a total of 17 ministries and state bodies, who have the expertise in the area of importance for the implementation of the Strategy, Red Cross of Serbia and two specialized civil society organizations “Atina” and “Astra”.

106. On 29 May 2018 Special Working Group was established for the preparation of the Action Plan for the Implementation of Strategy for Prevention and Suppression of Trafficking in Humans, Especially Women and Children, and Protection of the Victims from 2017 to 2022, for the period 2019–2020. The task of the working group was to develop Draft Action Plan for the implementation of the Strategy. In the reporting period, the Draft Action Plan for the period 2019–2020 was prepared, which will include the GRETA Recommendations for the implementation of the Council of Europe Convention on the Fight against Trafficking in Human Beings. Support to drafting of the strategic document will be provided by the project “From danger to safety – Improving the protection of victims of human trafficking in Serbia”, conducted by the International Rescue Committee Serbia (IRC) with the support of the US Department of State’s Office to Monitor and Combat Trafficking in Persons. The action plan is in the process of adoption by the Government of the Republic of Serbia.

107. Statistical data on the conduct of RS judicial authorities in criminal acts with elements of trafficking in human beings, as well as the list of international agreements on prevention and combating against trafficking, signed/ratified by the RS are attached to this report.

## **8. Asylum seekers**

108. The Asylum Office was established in January 2015 as an independent organizational unit of the Border Police Directorate, in order to carry out effective procedure for submitted asylum applications. The Office has 29–30 working posts, which include the tasks of establishing the right to asylum, collecting and documenting data on countries of origin, translation and administrative affairs. Currently, 23 jobs are filled. The funds for the smooth functioning of the Asylum Office are provided from the regular budget of the Republic of Serbia.

109. The Law on Asylum and Temporary Protection is in line with the EU Directives regulating the field of asylum, including Directive 2011/95/EU; 2013/32/EU; 2013/33/EU and 2001/55/EU. The law provides, as basic principles, that all foreigners have free access to the asylum procedure and its effective implementation with full respect for procedural and access guarantees, such as: the right to apply for asylum, Cooperation with the Office of the United Nations High Commissioner for Refugees, Prohibition of expulsion or return and the following principles: prohibition of discrimination, non-punishment for unlawful entry or stay, family unity, protection of the best interests of the minor, free interpretation, free access to UNHCR, gender equality and gender sensitization, providing special procedural and reception guarantees, confidentiality, and these apply to all asylum seekers regardless of where the intention to apply for asylum is expressed, at the border crossing or in the depth of the territory of the Republic of Serbia. The provisions relating to the implementation of the asylum procedure in the transit zone of Nikola Tesla Airport or at other border crossings are still not applicable, as material and technical conditions have not yet been met, but all persons have been given access to an efficient asylum procedure with full respect of the above principles, and among other things, the principles of free legal aid and interpretation services at all stages of the proceedings.

110. The Law on Asylum and Temporary Protection in Article 17 prescribes the principle of providing special procedural and reception guarantees which prescribes that in the course of the asylum procedure, one should take into account the specific circumstances of the persons requiring special procedural or reception guarantees, such as minors, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single parents with minor children, victims of trafficking, severely ill persons, persons with mental disorders, and persons who were subjected to torture, rape, or other serious forms of psychological, physical or sexual violence, such as women who were victims of female genital mutilation. Special procedural and reception guarantees shall serve to provide the appropriate assistance to the Applicant who, due to his/her personal circumstances, is not able to benefit from the rights and obligations under this Law without appropriate assistance. The procedure for identifying the personal circumstances of a person shall be carried out by the competent authorities on a continuous basis and at the earliest reasonable

time after the initiation of the asylum procedure, or the expression of the intention to submit an asylum application at the border or in the transit zone. Referrals and cooperation between the competent authorities is carried out on daily basis, especially with the Centres for Social Work responsible for the care of unaccompanied minors, various health institutions, the Centre for Human Trafficking Victims Protection, etc.

111. In all centres for the reception and care of migrants and asylum seekers, a special place for NGOs providing free legal aid or psychosocial support is provided. Any person placed in the centre has the right to contact UNHCR officials. Full and timely information is provided to migrants about their rights, opportunities and obligations, as well as the existing centres for accommodation of migrants and asylum seekers with the most important contact information. Particular care is taken about migrants with special needs, including minors.

112. In all asylum and reception centres interpreters are present every day. Interpreters provide direct interpretation services to migrants on a daily basis or as needed. In relation to the linguistic structure in centres, interpreters are engaged for Arabic, Farsi, Pashto, Urdu and English.

113. Statistics relating to submitted asylum applications are attached to this report.

114. The Asylum Law<sup>7</sup> prescribes a list of safe countries of origin and safe third countries, but each individual case is considered separately, without the automatic application of these lists.

115. The Law on Asylum and Temporary Protection<sup>8</sup> provides for the implementation of the “safe third country” institute in the same way as provided by the Directive 2013/32/EU. The fulfilment of the conditions for the application of the safe third country concept are established for each application individually, examining whether a country meets the conditions specified in paragraph 1 of this Article, and whether there is a connection between that country and the Applicant on the basis of which it could be reasonably expected that he/she could seek asylum in that country. The Applicant shall be informed in good time about the application of the safe third country concept, to allow him/her to challenge it in relation to paragraphs 1 and 2 of this Article, in view of his/her personal circumstances. The Applicant whose asylum application has been rejected in accordance with Article 42, paragraph 1, sub-paragraph 2 of this Law, shall be issued by the Asylum Office a certificate informing the competent state authorities of the safe third country that his/her application has not been examined on the merits in the Republic of Serbia. If the safe third country refuses to accept the foreigner, a decision shall be rendered on the merits of his/her asylum application in accordance with the provisions of this Law. The list of safe countries has not yet been adopted, but during its application, each individual case will be considered in relation to specific circumstances.

116. Article 6 of the Law on Asylum and Temporary Protection sets forth the principle of prohibition of refoulement or return, which defines that no person shall be refouled to a territory where his/her life or freedom would be threatened for reasons of race, sex, language, religion, nationality, membership of a particular social group, or political opinions. Paragraph 1 of this Article shall not apply to a person for whom there are reasonable grounds to believe that he/she constitutes a security threat to the Republic of Serbia, or who has been convicted by a final judgment of a serious crime punishable in accordance with the legislation of the Republic of Serbia by imprisonment of five years or longer in duration, which is why he/she poses a threat to public order. Notwithstanding Paragraph 2 of this Article, no person shall be refouled to a territory where there is a risk that he/she would be subjected to torture, inhumane or degrading treatment, or punishment.

117. The Article 81 of the Law on Foreigners stipulates that a foreigner may be forcibly removed from the Republic of Serbia if he does not leave the Republic of Serbia within the time allowed for voluntary return, if time allowed for voluntary return has not been issued, as well as if a security measure of expulsion or protection measure of removal of foreigner

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<sup>7</sup> “Official Gazette of RS”, No. 109/07.

<sup>8</sup> “Official Gazette of RS”, No. 24/18.



from the country has been ordered. Forced removal is done by police officers of the competent authority or detention Centre, in line with their powers. In accordance with the competences referred to in the Law on Ombudsman and the Law on Ratification of Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Ombudsman shall monitor the procedure of forced removal of a foreigner. A foreigner may not be forcibly removed to a territory in which he would be under risk of death penalty, torture, inhuman or degrading treatment or punishment, or where he would be under threat of serious violation of rights guaranteed to him by the Constitution. Also, an appeal statement may be filed against a decision on return by a foreigner to the competent authority, within 15 days of the day of the issuance of the decision. Appeal against a decision on return shall not delay enforcement of the decision, except in cases when there is real danger of violating rights provided in Article 83 of this Law or if there are serious humanitarian reasons for this.

118. The Asylum Office, in accordance with its jurisdiction, cooperates with a number of international organizations (UNHCR, EASO, IOM, FRONTEX) and with non-governmental organizations at the national level dealing with the protection of human rights (Belgrade Centre for Human Rights, Asylum Protection Centre, Balkan Centre for Migration, AIDA, Group 484 etc.). Article 5 of the Law on Asylum and Temporary Protection<sup>9</sup> defines the cooperation with the United Nations High Commissariat for Refugees. UNCHR has free access to all persons, in conformity with its mandate. The Asylum Office grants access and provides insight into all official actions in the asylum procedure to UNHCR and NGOs dealing with the provision of legal assistance to asylum seekers and refugees. In particular, we emphasize that at the stages of asylum procedure (asylum application and oral hearing) asylum seekers are able to state to the authorized officer of the Asylum Office conducting the procedure any remarks regarding the work of officials at the border or in the transit area concerning treatment, and especially remarks relating to violations of guaranteed human rights. However, so far, in practice there were no such cases.

119. Regarding the return of persons from the territory of the Republic of Serbia, the return is realized in accordance with the Readmission Agreements, based on consent received from the foreign authorities responsible for the implementation of the Readmission Agreement. Regarding the number of returned persons (third-country nationals) from the territory of the Republic of Serbia in accordance with Readmission Agreements, during the reporting period 342 third-country nationals have been fully returned from the territory of the Republic of Serbia, upon requests of this Ministry, in line with the consent obtained from foreign competent authorities in accordance with the Readmission Agreements. In 2015, 116 third-country nationals have been returned to the Republic of Bulgaria, in 2016 176 third-country nationals to the Republic of Bulgaria, in 2017 nine third-country nationals have been returned to the Republic of Bulgaria and 24 to Montenegro, in 2018 (until 9 November 2018), nine third-country nationals have been returned to the Republic of Bulgaria, three to Montenegro and five to the Republic of Croatia.

- So far, Republic of Serbia has not sought a diplomatic guarantee from countries seeking extradition of persons deprived of their liberty on the basis of international arrest warrants in R. Serbia.
- Until now, only in the case of the extradition of the Serbian citizen Boško Zajelc, the Federal Ministry of Justice of the Republic of Austria requested from the Republic of Serbia a diplomatic guarantee (that the mentioned person would not be accommodated in the Penitentiary-Correctional Institute "Zabela" in Požarevac). In the meantime, the Austrian authority withdrew from seeking the diplomatic guarantee and granted the extradition of B. Zajelc to the Serbian authorities.
- In the previous period, foreign judicial authorities requested various guarantees (certain conditions of accommodation in a prison unit, a guarantee that a diplomatic representative will be able to visit a person in jail), to which the Serbian authorities were positively responding.

<sup>9</sup> "Official Gazette of RS", No. 24/18.

120. In the event of a certain degree of suspicion that the police officers have acted unlawfully against migrants or asylum seekers and that there are elements of a criminal offense in such conduct, the competent prosecutor, who is in charge of the proceedings, is notified without delay. In the event of criminal proceedings being initiated against a police officer on the basis of a criminal complaint, he may be removed from duty until the end of the criminal proceedings. Should he be found guilty of a criminal offense he is charged with, he will bear the labour-legal consequences, depending on the sanction imposed. The consequence may also be the termination of employment. In addition, there is an institute disciplinary responsibility. Disciplinary proceedings are not bound and do not depend on criminal and misdemeanour procedures and are conducted independently of them. As with the criminal proceeding, disciplinary proceeding represents the ground for the temporary removal from duty. During the reporting period, there were no cases of unlawful treatment of police officers towards migrants or asylum seekers.

121. Detailed information on the seven-member family of asylum seekers found in the forest near the Bulgarian border is attached to this report.

122. It is planned to close all collective centres (CCs) in the near future. Currently, there is only 1 CC in the Republic of Serbia without Kosovo and Metohija, where 68 IDPs are placed, and 8 CCs located in the territory of Kosovo and Metohija, where 266 IDPs are placed. The planned closure of the CCs is carried out in accordance with the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons 2015–2020. Since 2002, 377 collective centres have been closed and 9,386 IDPs that were accommodated in them have been discharged.

123. The determination of the Republic of Serbia to provide adequate living conditions and to find lasting solutions for internally displaced persons is reflected in the adoption of the Law on Migration Management, as well as in the revision of the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons for the period 2015–2020, with significant allocation of budget funds for the care and improvement of the situation of IDPs, and the collection of the donor funds.

124. There is a total of 28 non-formal collective centres (NCCs) in Serbia. A total of 740 persons are accommodated in them and most of them are IDPs (98%). The Commissariat will approve the closure of the NCC within the next year, through projects which foresee housing management of IDPs from these centres through the allocation of building materials packages and the purchase of country houses.

125. According to the latest Analysis of the situation and needs of the IDPs, which was carried out in May 2018 in cooperation with UNHCR, currently there 16,644 internally displaced households in need (households that do not have a settled housing issue and are not able to solve it themselves).

## **9. Extradition treaties concluded with other countries**

126. The Republic of Serbia has developed a system of bilateral extradition treaties. These treaties do not define criminal offences for which extradition is permitted according to the catalogue of criminal offenses, but they depend on the imposed penalties or the sentence (except where the treaty prescribes the extradition of their own nationals). Criminal offenses referred to in Article 4 of the Convention, according to their grave nature, which is reflected in the penalties imposed, fall under the criminal offenses for which extradition is permitted.

127. As of 1 January 2015, there were no extradition cases for Articles 136 and 137, while there were a total of three cases in which the competent court refused extradition for criminal offences of war crimes. In two cases, the extradition was refused since the convicted persons have refugee status and in relation to them the petitioner state has not yet initiated the execution of sentence. In the third case, the court refused extradition due to insufficient suspicion that the named person committed the offense he was charged with, while the Republic of Serbia was unable to initiate the prosecution procedure of the named person as he is a third-state citizen and does not live in the territory of Serbia. We also note

that the cases of war crimes are complex crimes with several potential acts of execution and we do not have precise statistics on whether some of these cases involve acts of torture.

## 10. Cooperation with the International Criminal Tribunal for the former Yugoslavia

128. The Republic of Serbia extradited to the Tribunal 45 accused persons out of a total of 46 accused persons whose extradition was requested from the Republic of Serbia. One accused committed suicide before he could be extradited to the Tribunal. From the given number:

- 14 accused were arrested in the Republic of Serbia;
- 4 accused were arrested abroad in the framework of cooperation between national security services and foreign agencies;
- 27 accused surrendered voluntarily.

129. Most of the above were high ranking officials – some of them with leading positions in the Serbian army, and some part of the executive authorities. This is a clear sign that Serbia cooperated with the ICTY in a non-selective manner. In addition, Serbia also provided the ICTY Prosecutor with free access to important evidence in Serbia, such as documents, archives and witnesses. So far, Serbia has successfully resolved all 2,183 requests for assistance submitted by the ICTY's Office of the Prosecutor and the Serbian Office of the War Crimes Prosecutor (OWCP) (Serbia has positively solved all 2,172 requests by the ICTY's Office of the Prosecutor and all 11 requests from the OWCP). Serbia allowed 759 witnesses to testify freely, despite the right/obligation of the aforementioned witnesses to refrain from testifying in order to respect the state, military or official secrets. Various defence teams submitted 1,341 requests; in this respect, the remaining requests for assistance or disputes have not been recorded. Serbia has approved all 11 witness protection requests. It is also important to note that government agencies successfully followed all cases of provisional release and ensured that all indictees were returned to the ICTY custody upon request. Serbia is also working to improve its national judicial system, following the strategic guidelines set by the Action Plan for Chapter 23 and the National Strategy for the Prosecution of War Crimes adopted by the Government in 2016.

## 11. Training on preventing torture

130. The Administration for the Enforcement of Penal Sanctions conducts regular training of employees in the field of protection of the rights of persons deprived of liberty and prevention of torture in the Centre for Training and Vocational Education, which includes international conventions and domestic regulations in this field. The effectiveness of training and educational programmes is monitored by compiling annual reports on reported cases of alleged torture and their analysis.

131. With a view to implementing the EU *acquis communautaire* and accepting the standards of the European administrative area, the MoI has been continuously working on educating employees and future members of the Ministry, paying special attention, among other things, to respecting human rights, preventing discrimination, torture and other cruel, inhuman or degrading treatment or punishment. The Directorate for police education, professional training, development and science continuously implements training of police officers in the field of human rights, prevention of discrimination and torture, which are primarily aimed at sensitizing policemen to work in multi-ethnic communities. This is done through basic police training, which, since 2007, according to the new curriculum, is implemented in the Basic Police Training Centre in Sremska Kamenica as well as through annual trainings which are integral part of the Programme for the current year, implemented in all organizational units of the MoI. When implementing training, special attention is paid to training methodology based on andragogical principles with the application of teaching methods such as case studies, role plays and interactive lectures.

132. Further clarification on the basic police training methodology is attached to this report.

## **12. Training on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol)**

133. In 2018, within the EU funded Twinning Project “Improving Capacities and Competence within the Prison System in the Republic of Serbia” a special guide was developed for the implementation of the Manual on the Istanbul Protocol Implementation in the institutions and the conduct of effective investigation and documentation of torture and other forms of cruel, inhuman or degrading treatment or punishment, and ToT was conducted for 15 employees in security services, health services and internal controls for the application of the Manual and further mandatory regular training of employees through the Centre for Training.

134. Within the framework of the Programme for Police Officers of the Ministry, in 2015 and 2016, a seminar entitled “Implementation of the Guidelines on Treatment of Accused and Suspected Persons” was implemented. From 2017, the programme envisages mandatory theoretical lectures for all MoI police officers regarding the topic “Commission for the implementation of standards of treatment in the field of torture prevention”.

135. In 2018, 9,541 police officers attended this course. Another very significant and important activity that represents the efforts of the Ministry towards the training on the police officer’s conduct in accordance with the Istanbul Protocol is the project “Enhancing human rights protection for detained and sentenced persons in Serbia”, within which two trainings have been held in 2018.

136. Currently ongoing activities are the preparation of Manual and training of trainers, who will provide training on this topic for police officers of the Ministry of Interior.

## **13. Rules, instructions, methods and practice of hearing persons deprived of liberty**

137. A person arrested without a court decision, or a person who has been arrested on the basis of a court decision but not interrogated, must without delay, and within 48 hours at most, be handed over to the competent judge for the preliminary proceedings, or, if this is not done, must be released from custody.

138. The police may conduct the suspect’s questioning only if assigned by the public prosecutor (Article 289 of CPC). If the suspect agrees to make a statement, the statement during the questioning shall be given in the presence of his defence counsel. The police officers act upon Instructions on the Treatment of Persons Taken into and Held in Custody, where the person held in custody shall be informed of his rights pursuant to Articles 291 and 294 of the CPC.

139. In accordance with the Action Plan for Chapter 23, in the first half of 2017, the Working Group, composed of representatives of the Republic Public Prosecutor’s Office and the Ministry of Interior – Sector of Internal Control, in cooperation with the OSCE Mission to Serbia, developed the Methodology for conducting investigations in cases of abuses by the police.

140. The methodology is intended for public prosecutors and police officers and it is related to the investigation of alleged ill-treatment by the police officers, but the scope of its application can also be extended to investigation of all other cases of abuse, when alleged perpetrators are officials.

141. In cooperation with the OSCE Mission to Serbia, the training for public prosecutors and police officers have been organized in order to adequately and effectively implement the Methodology.

142. Internal control over the work of the institutions and treatment of persons deprived of liberty is carried out by a special organizational unit of the Administration for the enforcement of penal sanctions – Inspection Department, pursuant to the Rulebook on Supervision of the Work of the Institution, adopted in 2015, which in details prescribes the procedure for supervision of the work and the legality of the treatment in institutions. Regular monitoring is carried out at least once every two years, while there is a mandatory monitoring to verify whether measures have been taken to eliminate identified irregularities in acting and extraordinary supervision, on a case-by-case basis.

143. In addition, continuous monitoring of the treatment of persons deprived of liberty placed in institutions is carried out by independent bodies such as: the Ombudsman, the National Preventive Mechanism (NPM), the Parliamentary Commission for the Control of the Execution of Criminal Sanctions and civil society organizations provide additional guarantees regarding the protection of the rights of persons deprived of liberty. A new form of independent judicial control, a judge in charge of the enforcement of criminal sanctions, introduced in our legal system in 2014, contributed to more effective protection of the rights of persons deprived of liberty. The judges in charge of the enforcement completed specialized training in this area and visit the institutions once in four months.

144. Concerning the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to create a separate storage space for all seized items in each police station, starting from the headquarters of police administrations, we agree with the recommendation, and we think that plan should be made and the procedure of public procurement for works on the construction – adaptation of the mentioned premises should be initiated (checks are carried out quarterly, construction is in progress and depends on the inflow of material and technical assets).

#### **14. Measures for the reduction of the overload of prisons and improvement of material accommodation conditions**

145. The Administration for the Enforcement of Penal Sanctions continuously implements measures and activities envisaged by the Strategy on Accommodation Overload Reduction in the Institutes for Execution of Criminal Sanctions in the Republic of Serbia until 2020, adopted by the Government of the RS in May 2017.<sup>10</sup>

146. With the aim to increase accommodation capacities and improve conditions in penitentiary institutions, the following activities are currently being implemented – The construction of a new prison in Pančevo, which can accommodate 555 persons deprived of liberty, was completed and it began operating in October 2018. The Penitentiary-Correctional Institute in Pančevo was built in accordance with European standards regarding accommodation of convicted persons, with a sports room, a workshop, a room for accommodation of persons with disabilities, fully equipped health clinics, sick rooms and a dental practice. The Institute is equipped with the latest security systems.

147. For the construction of a new prison in Kragujevac, for the accommodation of 400 persons, there is an ongoing tender procedure for the selection of the most favourable bidder for the construction of the institution.

148. There is an ongoing construction of a new facility in the Women’s Penal Correction Institution in Požarevac with a capacity of 165 places. Also, the construction of new pavilions for the accommodation of 320 prisoners in the Penitentiary-Correctional Institute in Sremska Mitrovica, 200 convicts in the District Prison in Leskovac and 216 prisoners in the Penitentiary-Correctional Institute “Zabela” in Požarevac is ongoing. The construction of two new pavilions with a capacity of 448 places in the PCI in Požarevac-Zabela will start in phases, replacing the existing pavilions with less capacity. By completing this phase of construction of new accommodation facilities, accommodation capacities will be increased for 1,600 places.

<sup>10</sup> “Official Gazette of RS”, No. 43/2017.

149. The number of persons deprived of liberty as of 31 December 2018 is 10,852 persons, and the current accommodation capacities are 10,300 persons.

150. It is important to note that, in addition to the construction of new accommodation capacities, solving the problem of overloading was also influenced by an increase in the number of ruling on the release on parole of convicted persons, the pronouncement of a greater number of alternative sanctions and a reduction in the number of detainees.

151. The percentage of prisoners release on parole increased in relation to the total percentage of persons released from the institution from 8% in 2012 to 26% in 2018.

152. Statistical data regarding the degree of occupancy of prison facilities are provided in the annex to this report.

153. In order to improve the material conditions of accommodation, from 2016 to 2018, the following projects for the reconstruction of accommodation facilities in the institutions were completed: – A facility for the accommodation of elderly people and persons with disabilities was reconstructed in PCI in Požarevac-Zabela, two pavilions for the accommodation of convicted persons were renovated and a new reception department, a duty service and a visiting room were built in PCI in Niš, in the Reformatory in Kruševac and the Correctional institution for juveniles in Valjevo the renovation of two facilities for the accommodation of persons deprived of liberty was completed, while in the PCI in Sremska Mitrovica the reconstruction of a pavilion for accommodation and the stationary section for patients was completed. The reconstruction of the Special Prison Hospital in Belgrade and the District Prison in Belgrade is taking place in phases. In the fourth quarter of 2017, a complete reconstruction of the Special Prison Hospital in Belgrade was completed, while 4 accommodation blocks were reconstructed in the District Prison in Belgrade in the period from 2015–2018.

154. Based on measures prescribed by the Strategy in the field of implementation of treatment and extension in the number of activities for convicts, as well as the improvement of training for employees, for education of employees and improvement of the work of the Centre for Training and Vocational Education of the Administration, within the Twinning project “Improving Capacities and Competence within the Prison System in the Republic of Serbia”, which lasted 20 months, manuals were developed for the implementation of new treatment programmes and training of trainers – employees from the treatment service for the application of specialized treatment programmes for convicts and vulnerable categories of convicted persons (juveniles, mentally ill persons, addicts, women, persons convicted of criminal offenses against sexual freedom, etc.), in order to successfully reintegrate them.

155. Also, within the Council of Europe’s Action “Enhancing human rights protection for detained and sentenced persons” funded by the EU, two specialized treatment programmes have been developed, which are piloted in several institutes for the enforcement of penal sanctions.

156. With the aim to successfully re-socialize convicted persons, cooperation with the ministry responsible for education has been established, enabling the programme of functional elementary and secondary adult education to be effectively implemented with convicted persons. The number of employed convicted persons has also increased, given that there is a great interest. In prisons, vocational training of convicts for certain professions, with the acquisition of the certificate, is also carried out.

157. Bearing in mind that the special premises for interrogation in the Ministry of Interior have not yet been identified and visually equipped, we believe that the necessary premises for hearings should be established as soon as possible, equipped with audio and/or video equipment for recording police interrogations (the dynamics of the introduction depends on the inflow of material and technical resources).

158. The Rulebook on the conditions to be met by the premises for retention of persons (“Official Gazette of the Republic of Serbia” No. 34/18) has been adopted by the Ministry of Interior, whose provisions foresee the improvement of material and all other conditions of accommodation in the detention facilities, as well as the adaptation of existing ones and the creation of new retention facilities, which will be carried out in accordance with the

conditions laid down in this Rulebook, within three years from the date of entry into force of this Rulebook.

159. In accordance with the Development Strategy for Execution of Criminal Sanctions in the Republic of Serbia until 2020, the Administration for the Enforcement of Penal Sanctions implements measures and activities aimed at improving health care in prisons. Reconstruction and adaptation of the space intended for provision of health care in the institutions and complete reconstruction of the Special Prison Hospital in Belgrade has been carried out. In 2016, centralized procurement of medicines was introduced and centralized procurement of medical equipment for all departments and the hospital was carried out in accordance with the stated needs, regular training for health workers in the system of enforcement of criminal sanctions is being organized, and according to the financial possibilities, the number of healthcare staff is being increased. Cooperation with the ministry responsible for health has been successful in the field of treatment of persons deprived of liberty in specialist health institutions within the Ministry of Health. In order to improve the quality of medical records, a working group of doctors from the institute has been established, which will coordinate health record management in all institutions in accordance with international standards.

160. The provision of psychiatric protection to persons deprived of liberty is enabled in all institutions. In Special Prison Hospital, a special department for acute psychiatry has been reconstructed, which is intended for the stationary treatment of convicted persons.

161. In order to improve the administrative capacities of the Administration for the Enforcement of Penal Sanctions 6 doctors were employed in 2015, 8 officers were employed in 2016, of which one doctor, 50 officers signed permanent employment contracts in 2017, 16 of them in the health service, while in the security service permanent employment contracts were signed with 143 persons. In the Administration for the Enforcement of Penal Sanctions a total of 169 officers signed permanent employment contracts in 2018, 120 of them in the security service, 8 in the health service, while 11 persons were employed in the treatment service.

## **15. Preventing deaths, suicides, suicide attempts and prisoners' violence in detention**

162. Deaths in prison are immediately reported to the competent Prosecutor's Office and to the police. In all cases of death in prison, Prosecutor's Office, regardless of the cause, demands an autopsy. If, after the autopsy, there is a suspicion that the death in prison has been committed by a criminal offense, the Prosecutor's Office initiates the procedure *ex officio*. In all cases the Prosecutor's Office leads proactive investigations.

163. The Administration implements comprehensive measures to prevent suicide in prisons. When admitting a person to the institution, a person is assessed from a psychological, sociological, criminological, security and health aspect, which includes identifying the risk of suicide. Employees in the institution are trained and follow the indications that point to the existence of this risk, and such persons are under increased control by prison officials. The institute undertakes measures and activities that include psychological and psychiatric treatment. According to the physician's opinion, a person may be sent to the Special Prison Hospital where there is a special psychiatric treatment unit. Security personnel undergo regular training that includes the causes of self-esteem, recognizing the risk of suicide, suicide prevention, typology of suicide, and treatment in such cases. During 2017 and 2018, in cooperation with the CSOs, special trainings were held for all departments in the institution on "Improvement of the treatment of convicted persons and improvement of the work of prison officials in the prevention of suicide and self-determination of convicted persons".

164. In order to prevent violence among persons deprived of liberty in all penitentiary institutions, monitoring through video surveillance has been provided and the acting of employees in the institution is timely provided in situations where there are indications that mutual violence may occur. In particular, the Treatment Service conducts regular interviews with convicted persons in order to prevent any form of violence, and the

programmes for the control of aggressive behaviour are organized, conducted by the educators. In the framework of regular training at the Centre for Training, members of the security service attend classes during which they are presented with the responses to situations of violence among convicts.

165. Statistical data on the number of deceased persons deprived of liberty and conflicts among persons deprived of liberty during the reporting period are attached to this report.

## **16. Protection of the rights of vulnerable groups in detention**

166. The rights and obligations of juveniles in the institution are determined by the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles.<sup>11</sup> Juveniles are informed of the rights of persons deprived of liberty upon their arrival at the institution, already in the admission department. Juvenile criminal offenders in the institution have individualized treatment that suits their needs and capacities. Individualized treatment programmes, as well as specialized treatment programmes and therapeutic methods (psychotherapy, sociotherapy, family therapy, etc.) are implemented in juvenile institutions. Mediation is applied as one of the ways of resolving interpersonal conflicts in the juvenile population – mediation between the victim and the offender. Juveniles are educated on topics such as aggression, auto aggression, drug addiction, alcoholism, reproductive health, HIV and hepatitis. A programme for controlling the rage and communication skills are also implemented.

167. The juvenile has the right to complain to the manager of the institution for violation of rights or other irregularities, as well as the right to judicial protection (the Council for juveniles of the competent court) against decisions of the institution manager. A juvenile cannot be sentenced to disciplinary punishment in solitary confinement.

168. Upon admission to the institution, when determining treatment and programme of treatment towards each female convict, the individual needs, health status, working ability, family status, level of education are considered. The institution provides convicted women with medical care adequate to their specific needs, the institution has a part with organized health care, health care is provided by skilled, trained staff: general practitioners, nurses and doctors specialists in the field of gynaecology, neuropsychiatry, dentistry and biochemistry. Since a part of the prisoners committed a criminal act due to exposure to family violence, psychological assistance is provided in terms of building self-confidence and treating the trauma. Convicted pregnant women, as well as nursing women with children are placed in a special part of the institution, where they are assisted by professional staff and where the space for the child is arranged in accordance with the standard of child care facilities. Education and trainings are organized for convicted women, as well as training for a certain number of occupations.

169. In case of persons with mental disorders, when determining the treatment programme and individualization of treatment, their health condition is considered and the programme is adapted to the specific needs. There are special programmes of occupational therapy, artistic and various other workshops (depending on the nature of disturbances and estimated needs and capacities).

170. In the framework of the Twinning project, implemented by the Administration, manuals for the implementation of new treatment programmes were developed and trainers were trained in the Treatment Service for the application of specialized treatment programmes for sensitive categories of convicted persons (juveniles, offenders with mental disorders, addicts, women, convicted of crimes against sexual freedom, etc.).

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<sup>11</sup> "Official Gazette of RS", No. 85/05.



## 17. Provision of legal protective measures to persons in specialized institutions who have undergone unwanted hospitalization – applying physical restraint to health institutions

171. The competent Ministry has prepared the Draft Law on Amendments to the Family Law in the part relating to custody and deprivation of legal capacity. With the planned amendments, the institute of complete deprivation of legal capacity is abolished and emphasizes the obligation to ensure proper participation of the person under custody in all proceedings concerning his rights and interests and satisfaction of the needs.

172. Amendments to the Law on Extra-Judicial Proceedings related to court proceedings for deprivation of legal capacity introduced a mandatory participation of the person against whom procedure was initiated, his hearing and the possibility of declaring remedies, as well as the obligation of the court to review its decision on the deprivation of legal capacity, *ex officio*, every three years.

173. In addition, pursuant to Article 35 of the Law on Social Care, the beneficiary has the right to participate in the assessment of his condition and needs and in deciding whether to accept the service, as well as to receive in due time all the information he needs, including the description, purpose and benefit of the proposed service, as well as the notification on the available alternative services and other notices of relevance to the provision of the service. Without the consent of the beneficiary, no services may be provided, except in cases established by the law.

174. In order to prevent abuse and neglect of social protection beneficiaries, the Rulebook on Prohibited Conduct of Staff at Social Welfare Institutions<sup>12</sup> was adopted, and in May 2014, the competent Ministry issued instructions to all social welfare institutions on the Procedure for accidental situations.

175. Social welfare institutions for the accommodation of beneficiaries with intellectual and mental disabilities have adopted internal procedure for the application of procedures and measures to restrict movement, isolation or control of beneficiaries' behaviour. The institution prescribes the procedure, determines a person (a doctor of the institution or a medical specialist from a health institution) responsible for approving restrictive procedures and measures and keeps records of their application in accordance with the Law on the Protection of Persons with Mental Disabilities.<sup>13</sup> Through the control mechanism, the Department for Inspection Supervision, the competent ministry controls the work of the institutions within the internal procedure, in order to protect the rights and interests of placed beneficiaries. Any deviation and gross violation of a beneficiary's rights may lead to the loss of a service provider license. In order to control and improve the system, the Ministry performs expert supervision and inspection supervision, while the social welfare institutions perform supervisory support in order to adopt new, more modern concepts and to help in solving concrete, professionally demanding situations in which social protection institutions can find themselves.

176. The Law on the Protection of Persons with Mental Disabilities<sup>14</sup> stipulates that the application of physical restraint and isolation of persons with mental disorders is permitted, under the prescribed conditions, in psychiatric institutions that provide all the conditions for its implementation. Physical restraint and isolation of persons with mental disorders who are placed in a psychiatric institution can be applied exceptionally, when it is the only means to prevent this person from seriously endangering their own life and safety, or the life and safety of the others.

177. The health inspection of the Ministry of Health, by regular and off-site inspections – planned and unplanned (including the procedure upon reports of parties) regularly controls the application of the Rulebook on the detailed conditions for applying physical restraint and seclusion on persons with mental disabilities who are being treated in psychiatric

<sup>12</sup> "Official Gazette of RS", No. 8/2012.

<sup>13</sup> "Official Gazette of RS", No. 45/13.

<sup>14</sup> "Official Gazette of RS", No. 45/13.

institutions.<sup>15</sup> In 2016, a total of 15 inspections were carried out according to citizens' reports, in 2017 – 9 inspections, and no irregularities were detected in any case.

## **18. Data on complaints, investigations, criminal acts, judgments and sentences for acts of torture and ill-treatment committed by the police officers**

178. In addition to the control mechanisms established to prevent torture or inhuman and degrading treatment in the penitentiary-correctional institutes, as set out in the Second Periodic Report of the RS, the Law on Enforcement of Criminal Sanctions of 2014 introduces a new type of judicial control of the enforcement of criminal sanction – a judge for the enforcement of criminal sanctions. The judge for the enforcement of criminal sanctions has been introduced to ensure more effective control and protection of the rights of persons deprived of liberty. The judge for the enforcement is appointed in each Higher Court in the RS and is responsible for controlling penitentiary institutions from its territory with regard to exercising the rights of persons deprived of liberty by visiting the institutions and deciding upon the complaints procedure for persons deprived of liberty. The proceedings before the judge for the enforcement of criminal sanctions is initiated upon the request for judicial protection or upon the complaint of a person deprived of liberty.

179. Statistical data are provided in the annex of this report.

### **Establishment of a fully independent body to investigate allegations of torture and ill-treatment by the police officers**

180. Sector police officers in cooperation with the Republic Public Prosecutor's Office, in order to implement the activities under the Action Plan for Chapter 23, prepared the "Methodology for conducting investigations into cases of abuse by the police. The Republic Public Prosecutor's Office adopted the methodology in the form of a binding instruction for prosecutors, and in October 2017 the Ministry of Interior issued the Instructions on the methodology for conducting investigations in cases of abuse by the police.

181. In order to educate police officers of the Ministry of Interior and holders of public prosecutorial functions on the method of the mentioned Methodology implementation, the Judicial Academy and the Organization for Security and Co-operation in Europe OSCE Mission to the Republic of Serbia, 5 trainings have been completed for 26 police officers of the HRS, 44 police officers of the regional police administrations and 12 members of the Commission. In November and December 2018, two more trainings will be held in Kragujevac and Niš, and in 2019 another training session will be held for the police officers of the Sector of Internal Control and the Police Directorate.

182. The Sector of Internal Control participates together with the representatives of the Police Directorate and the Human Resources Sector in the implementation of the project "Enhancing human rights protection for detained and sentenced persons in Serbia" within the framework of the Council of Europe and European Union's Joint Programme "Horizontal Facility for Western Balkans and Turkey". Within the project, an analysis of the existing legal framework of the MoI for the treatment of persons deprived of liberty and analysis of the existing curriculum in this field was carried out with the aim of upgrading the existing curriculum and education of existing trainers. Drafting of the mentioned curriculum is in progress.

183. Once again, we clarify that the criminal prosecution of the perpetrators of crime extortion of confession or statement referred to in Article 136 and the ill-treatment and torture referred to in Article 137 of the CC are taken *ex officio* and that the public prosecutor, pursuant to Article 6 of the CPC, must undertake criminal prosecution when there are grounds for suspicion that a criminal offense has been committed or that a person has committed a criminal offense for which they are prosecuted *ex officio*. Also, we note

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<sup>15</sup> "Official Gazette of RS", No. 94/13.

that the obligation to conduct an effective investigation is not conditional by filing of any application by the alleged victim or other person.

184. Also, in order to improve treatment in cases of torture, the training programme at the Judicial Academy includes the theme “Prohibition of Torture, Inhuman or Degrading Treatment or Punishment”. The overall objective of these training is to raise the level of knowledge of judges and prosecutors to facilitate their proper application of the standards for the prohibition of torture under Article 3 of the European Convention during the criminal proceedings as well as to provide adequate protection against torture, inhuman or degrading treatment or punishment of persons serving the prison sentence.

185. By initiating a disciplinary procedure against an employee due to the suspicion that they have acted against persons deprived of liberty in contravention to the law, in each specific case a decision is made on the temporary suspension of the employee from work, depending on the provided evidence and the severity of the offense charged against him. The initiation of criminal proceedings against an employee due to the existence of grounds for suspicion that he committed the crime of abuse and torture requires a mandatory suspension from work. The percentage of suspended civil servants in institutions due to the initiation of a disciplinary proceedings amounts to 28.5% in 2015, in 2016 – 33% and in 2017 – 50%.

186. After carrying out preventive-control supervision or filing criminal charges concerning abuse and torture by the police or ill-treatment, the Sector of Internal Control requires the initiation of a disciplinary procedure. It shall be noted that the Article 231 of the Law on Police stipulates that The Head of Sector of Internal Control shall submit the findings of the internal control to the Minister and the Police Director, Head of the Department Sector, as well as to the manager of the inspected organizational unit of the Ministry, who shall be ordered to remove the identified illegalities and to implement the accountability measures in accordance with the law and other regulations adopted on the basis of the law. The manager of the inspected organizational unit of the Ministry is responsible for the implementation of the ordered and proposed measures and for informing the Head of Sector of Internal Control. Pursuant to the Instructions on the methodology for investigating cases of abuse by the police, the Public Prosecutor, through the Sector of Internal Control may initiate a procedure in which the accused police officer can be suspended until the investigation is completed.

187. In accordance with the Instruction on the conduct of investigations in cases of abuse by the police, the competent authority for conducting the investigation in case of abuse is the Public Prosecutor. Exceptionally, the Public Prosecutor can entrust the execution of certain evidence to the Sector of Internal Control and in that case he shall effectively undertake actions to which he is authorized, with the aim of timely and efficient operation of the Sector of Internal Control. The said instruction emphasized the need for the investigation to be independent and that the Public Prosecutor and police officers of the Sector of Internal Control involved in the investigation shall be independent and impartial in relation to the persons whose proceedings are the subject of the investigation. If someone makes a “credible allegation” during any criminal proceedings or there are clear indications that the defendant or witness has been abused, a separate criminal case will be established in which such allegations will be verified and another Public Prosecutor shall perform the duty. The public prosecutor shall take all the evidence and measures that enable him to collect and provide evidence of the alleged abuse case independently, impartially, urgently and efficiently. According to the Instruction, urgent evidence is provided, the collection of which can be subsequently disabled or significantly impaired (photographs of injuries, medical documents, the means used in the abuse, photographs and traces from the area in which the event occurred, the statement of the defendant, the witness and the injured party and all other available documentation) and without delay provides for the presence of a police officer accused of abuse as well as a witness. Pursuant to the Instruction on the Methodology for conducting investigations in cases of abuses by the police, the police officer shall not attend the examination of witnesses, including the injured party. Exceptionally, for the security reasons, witnesses may be interviewed by police officers who did not participate in the event subject to investigation. The injured parties or witnesses who have been deprived of liberty must be transferred to an institution in which a

police officer who is accused of abuse cannot influence them. In case of a retained person, the transfer order is issued by the Public Prosecutor, and in case of a person who is being deprived of liberty, the Public Prosecutor asks the preliminary procedure judge to issue a transfer order to another institution for the enforcement of criminal sanctions. If the injured person is deprived of liberty, every medical examination must be performed outside the auditory and, if possible, the visible range of the police officer or members of the security service of the institution for the enforcement of criminal sanctions.

## 19. War Crimes

188. Prosecutor's Office for War Crimes issued indictments against a total of two hundred and twelve persons, out of which twenty-five in the period from May 2015 until today, and the indictments cover events with thousands of victims.

189. Prosecutor's Office for War Crimes conducted investigations and filed indictments against several senior and high commanders, officers and non-commissioned officers of the Yugoslav Army and the MoI of the Republic of Serbia for crimes committed in the territory of the AP KIM in 1999, most of whom were active in service in the time of indictment, as well as the officials, representatives of civilian authorities.

190. The National Assembly of the Republic of Serbia has chosen Snežana Stanojković as War Crimes Prosecutor at the session on 15 May 2017. After the abovementioned took an oath before the President of the National Assembly on 30 May 2017, the plaintiff took office on 31 May 2017.

191. The staff capacity of the Prosecutor's Office for War Crimes is strengthened in accordance with the Action Plan for Chapter 23.

192. The Prosecutor's Office for War Crimes has five new deputy prosecutors. There is an ongoing procedure for the election of two other deputy war crimes prosecutors. In the period from June to November 2018, the Prosecutor's Office for War Crimes recruited three prosecutorial assistants and engaged a military analyst. There is an ongoing process of employing a psychologist who will deal with victims and witnesses when the need arises.

193. The Constitution of the Republic of Serbia and the Law on Public Prosecution guarantee the independence of Prosecutor's Office and prosecutors and provide protection against any kind of unauthorized influence on the work of the public prosecutor's office. Any influence on the work of the public prosecutor's office and on the handling of cases by the executive and legislative authorities, by using public office, media, or in any other way that could jeopardize the independence of the Public Prosecutor's Office is forbidden.

194. In accordance with the General Mandatory Instruction of the Republic Public Prosecutor, on 6 April 2017, the Information Services for Victims and Witnesses at the Prosecutor's Office for War Crimes have been established. Information Services for Victims and Witnesses staff enable victims and witnesses of war crimes to effectively exercise the right to obtain information and access to support services during the process, in order to facilitate their participation in the procedure and greater efficiency of the proceedings.

195. On 6 July 2017, the War Crimes Prosecutor signed a Protocol on Cooperation in the Field of Witness Protection with the Minister of the Interior. The purpose of signing the protocol is to improve cooperation, joint work and mutual relations between the Prosecutor's Office for War Crimes and the Protection Unit (PU).

196. The Prosecutor's Office for War Crimes believes that regional co-operation is a significant backbone in the investigation of war crimes, the collection of evidence and prosecution of the perpetrators. Cooperation is carried out in accordance with the acts of cooperation, mainly through requests for legal assistance and by the assignment or assumption of criminal prosecution.

197. Data on strengthening regional cooperation in the prosecution of war crimes are attached to this report.

## 20. Physical maltreatment of prisoners and protégés by officials

198. Regarding the allegations of physical harassment of prisoners, as set out in the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 2015, we hereby inform you of the following. At item 49 of the Report, it was ordered to provide information on the case of excessive use of coercive measures that took place in 2014 in the Penitentiary-Correctional Institute in Niš and the case from 2013 in the Correctional institution for juveniles in Valjevo, while the other listed cases are given in general, no elements were stated to identify them, so the Committee did not ask for information about them, but the recommendation was about taking preventive measures. According to the insight into the documentation of the Penitentiary-Correctional Institute in Niš, it was established that coercive measure “Physical Power” and “Bonding” have been applied to detained person D.D. When examining the justification of the application of the measures of coercion it was established that the measure of coercion was not applied in accordance with the law, which is why disciplinary proceedings were initiated against 5 members of the Security Service, and they were temporarily removed from work, and due to serious violation of their duties, they were disciplinarily punished by a fine. Due to the existence of grounds for suspicion that there are elements of the criminal offense in their actions, a criminal complaint was filed with the Basic Public Prosecutor’s Office in Niš, which decided that there was no prospect of initiating criminal proceedings in connection with this incident. On the occasion of the events in the Correctional institution for juveniles in Valjevo from May 2013, the members of the Valjevo Police Directorate performed on-the-spot investigation. Based on the report of the Basic Public Prosecutor’s Office in Valjevo, it has been established there was no prospect of initiating criminal proceedings in connection with this incident, since there are no indications that this is a criminal offense to be prosecuted *ex officio*.

199. At the end of 2015, the social protection inspection conducted an extraordinary inspection of Veternik on the alleged ill-treatment of beneficiaries in Pavilion A. A tour of the whole institution was done and evidence was obtained regarding the segments that were subject to supervision. On that occasion, together with the Manager of the Institution and experts, the inspectors discussed more efficient organization of the work of employees, especially medical technicians and caregivers, with the aim of better quality nursing care for the beneficiaries. Immobile beneficiaries in the Institution are moved to the ground floor (100 beneficiaries) and their daily outdoor exit is eased.

200. Regarding the case of a female beneficiary locked up at night in a room of intensified supervision which was characterized by the Committee as unreasonable, the social protection inspectors noted during the field inspection that the room was not in function and was being renovated. The female beneficiary is still placed in Pavilion A in a double room with another beneficiary. By inspecting the dossier, it has been established that the beneficiary is under the direct care of the Centre for Social Work and that, according to all the statuses, especially the psycho-physical functioning, hers does not differ from the status of other beneficiaries in Pavilion A.

201. Regarding the Committee’s remark on the overloading of dormitories, the inspectors noted that the Institution provided each beneficiary with a bed with a mattress. The Institution also prepared the Investment Plan for 2016 which involves replacement of metal doors and locks on dormitories and installation of warm floors in dormitories in Pavilion A1 and Pavilion A2 and adaptation of dormitories in Pavilion A – old. Funds for these purposes are provided by the Ministry of Labour, Employment, Veteran and Social Affairs.

202. The social protection inspection has established that there are clear criteria in this institution (degree of intellectual difficulties, functioning, mobility, gender and age) according to which beneficiaries are assigned to pavilions and groups, so that beneficiaries who do not function at a similar level do not mingle.

203. The Institution has also acted in accordance with the recommendations of the Protector of Citizens from the Report on the visit to the Institution Veternik in 2013 which concerned the reduction of the number of accommodated beneficiaries, especially children

and youth, the improvement of living conditions and the protection of the rights of the beneficiaries. The data indicate that the number of beneficiaries is reduced.

204. In addition to regular areas within the framework of the plan and programme, new activities were introduced in this pavilion: going to the swimming pool, art workshop, engaging in the educational system, cultural and sports activities, etc.

205. The Ministry plans to continue with the process of de-institutionalization in the social care system and to support the transformation of the Institution Veternik.

206. Inspection supervision at the Special Hospital for Psychiatric Disorders "Dr Slavoljub Bakalović" Vršac was performed on 8 May 2017 in order to monitor the treatment of the Ombudsman's recommendations in the role of the National Preventive Mechanisms (NPM) in connection with the Report on the visit of the European Committee for the Prevention of Torture (CPT) to the Republic of Serbia in 2015.

207. In accordance with all significant laws, the health inspector has ordered the dismissal of determined irregularities, which the hospital has acted upon, upon which the NPM has been informed.

## **21. Providing compensation to victims of torture**

208. With regard to victim support, the Supreme Court of Cassation set up a working group to develop guidelines and recommendations for more effective application of the current legal norms in the procedures for compensation to victims of serious crimes with observing international standards in this field and making possible recommendations for amending the legal framework.

209. The Prosecutor's Office for War Crimes initiates financial investigations and procedures for both permanent and temporary confiscation of property obtained by the commission of a criminal offense against humanity and other goods protected by international law, whenever the prescribed conditions are met.

210. Criminal prosecution and execution of sanctions for war crimes are not subject to the statute of limitation, therefore, neither the expiration of a property claim is subject to the statute of limitation in these cases. Additionally, in case of court acquittal or deferred prosecution, or when the case is adjourned, the court will instruct an authorized person to initiate a civil lawsuit in civil proceedings.

211. Regarding the rehabilitation programme, in accordance with the European Integration Process, the Republic of Serbia decided to establish a unique National Network of Victim and Witness Support Services. To this end, the Ministry of Justice established a Working Group for Development of National Strategy on the Rights of Victims and Witnesses of Crime. The strategy is being prepared within the project financed by IPA 2016 EU funds and it is implemented by the OSCE Mission to Serbia. Establishing a unique national support network will ensure that all victims and witnesses will have all necessary information, support and protection, adapted to their needs, at all stages of criminal proceedings.

212. In accordance with the laws regulating the health care and health insurance system, the provision of adequate health care in all public health institutions is provided at the expense of the budget funds.

213. In primary health care institutions, mental health services are organized where, in most cases, preventive activities are carried out, but not other forms of psychosocial treatment, and in health institutions at secondary and tertiary level specialized services are organized where health care professionals also work, in addition to health workers (defectologist, psychologists, social workers).

214. In the part dealing with psychological treatment, mental health centres are important in the health system, which, in a certain number, were established in health institutions in accordance with the Law on Protection of Persons with Mental Disabilities. Mental health centres, whose prominent establishment is planned within the proposal of the new Strategy

on Development of Mental Health Protection, will, besides health services, provide a range of psychosocial and rehabilitative services.

## **22. Principle of inadmissibility of evidence obtained through torture**

215. In practice, there are cases where investigation is carried out regarding the defendant's allegations that the testimony was obtained by some form of abuse. In some cases, the courts find that the evidence is obtained by some form of abuse but there is no acquittal, since there is other evidence that indicate the existence of guilt.

216. There is a well-known "Stanimirović Case", where in the proceedings before the Higher Court in Smederevo the accused Zoran Stanimirović was acquitted from the allegation that he committed criminal offense of a serious assassination from Article 114 paragraph 1 item 9 of the Criminal Code, which repealed in the repeated proceedings previously reached judgment of the same court in 2004, by which this defendant was sentenced to 40 years of imprisonment for the same offense. Reopening of the proceeding occurred after the judgment of the European Court in Strasbourg no. 26088/06 of 18 October 2011, which found that the accused's confession was given as a result of abuse in police station and later due to the fear that the abuse would be repeated. In the repeated proceeding before domestic court, the defendant's confession was dissented as unlawful evidence and in the absence of other evidence and the acquittal was rendered.

## **23. Physical punishment of children**

217. In order to further protect children from abuse and neglect, in any case, a significant provision is to prohibit the physical punishment of children. This provision has already been incorporated in the text of the working version of the Law on Amendments to the Family Law. The adoption of this law is expected in the first quarter of 2019.

## **24. Provision of protective measures to all persons with mental and psychosocial disabilities who are placed in institutions against their will and their deinstitutionalisation**

218. Law on the Rights of Patients<sup>16</sup> stipulates that the patient has the right to freely decide on everything related to his life and health, except in cases when it directly threatens the life and health of others, and that without the patient's consent no medical measure should be taken, except in exceptional cases, established by the law and in accordance with medical ethics.

219. Exemption is established by the Law on Protection of Persons with Mental Disabilities<sup>17</sup> which prescribes necessary conditions (1. treatment necessary to prevent a significant deterioration in their health state, 2. a medical measure aimed at re-establishing the ability to reach a decision on consent to the proposed medical measure and 3. taking a medical measure necessary to prevent the endangering of life and safety of that person or the life and safety of other persons), while the decision to take a measure without consent is made by a psychiatrist, upon which, at the Clinical Case Conference, within 24 hours, it is decided on further detention or dismissal. Also, the institution which retained a person with mental disabilities without consent shall submit to the competent court within 24 hours from the day of the Clinical Case Conference a notification of their retention, together with medical documentation, as well as the statement on the health reasons for retention without the consent of a person with mental disabilities, and such notice shall also be provided to that person, his legal representative, if known, to one of the immediate family members, and to the competent custody authority. The procedure before the court is urgent and the decision on retention without consent must be made within 3 days of the received notification and delivered without delay to that person, his legal representative or proxy,

<sup>16</sup> "Official Gazette of RS", No. 45/2013.

<sup>17</sup> "Official Gazette of RS", No. 45/2013.

one of the immediate family members, the competent custody authority and the psychiatric institution in which the person with mental disorders is retained without consent. A person with mental disorders, regardless of the state of his mental health, as well as his legal representative, can file an appeal against the court decision within three days from the date of delivery of the decision.

220. Supervision over the implementation of the Law on the Rights of Patients and the Law on Protection of Persons with Mental Disabilities and the implementation of the prescribed obligations of health institutions and healthcare workers in taking medical measures without the patient's consent are performed by the Ministry of Health through the health inspection.

221. In the Republic of Serbia, since 2007, based on the National Strategy on Development of Mental Health Protection, which set out the basic principles of reform, the mental health reform is being implemented.

222. The adoption of the Law on Protection of Persons with Mental Disabilities and bylaws for the implementation of the Law, from 2013, enabled the establishment of mental health centres in the community, which represent the backbone of further transformation of psychiatric services.

223. In 2018, the reform became more radical, and the proposal of a new strategy, the adoption of which is ongoing, promoted community-based services that are not discriminatory, easily accessible and whose work (preventive and therapeutic) is based on evidence and values. The conventional approach to the treatment of illness should be extended to a comprehensive and multidimensional, and involve all segments of the community (health, social and educational institutions, local communities, associations, etc.) in the de-institutionalization programme, in order to ensure modern, comprehensive prevention, treatment and rehabilitation, which implies a bio-psycho-social approach. With dehospitalization it is planned to develop a network of alternative care in the community, which will also ensure functional changes in the ways and goals of treatment and change of attitude towards the mentally ill, change of treatment and change of the social status of the diseased, including the alleviation of existing prejudices and stigma.

224. In accordance with the authorities established by the Law on Health Care, the health inspection of the Ministry of Health is reviewing applications from legal and natural entities related to the work of health institutions and private practice, that is, regarding the provision of health care and, depending on the estimated degree of risk, it performs inspection supervision and, in accordance with the established condition, undertakes the prescribed measures for elimination of irregularities and defects. In the event that it considers a criminal offense, an economic offense or a misdemeanour has been committed by acting or failing to act in a medical institution or a private practice that have been supervised, it submits to the competent authority an application for a committed criminal offense, an economic offense, or a request for initiating a misdemeanour procedure. During the reporting period, there were no such actions.

225. The Ministry of Labour, Employment, Veteran and Social Affairs prepared a Draft Law on the Law on Protection of Persons with Mental Disabilities in Social Care Institutions, whose adoption is expected in 2019.

## **25. Antiterrorism**

226. The project "Supporting the prevention of violent extremism and terrorism in Serbia" was implemented in the Ministry of Interior, funded by the OSCE Mission to Serbia. The project aimed at strengthening the capacities of the Republic of Serbia to more effectively prevent the expansion of violent extremism and radicalization leading to terrorism in accordance with the prevailing international obligations and conditions for EU accession, as foreseen by the National Action Plan for Chapter 24. Department for Training and Vocational Education, in cooperation with the Counter Terrorism and Extremism Service and the Police Directorate, developed the programme content for the implementation of problem-related teaching "Prevention of Violent Extremism and Terrorism". This problem-



related teaching enables the acquisition of knowledge, acquiring specific skills and building the attitudes of police officers needed to implement the most effective models and the most recent best practices of police work in the community in the prevention of violent extremism and terrorism.

227. As for the training of police officers, in 2018 a training was organized on the topic: “Fight against Money Laundering and Financing of Terrorism” organized by the OSCE Mission. The above activity represents the initial training of future trainers in the Ministry, who will be the trainers on the topic of combating economic crime and terrorism financing.

228. Concerning the measures taken by the state to respond to terrorist threats, the Republic of Serbia recognized that an exclusively reactive approach to the problem of modern terrorism would be insufficient and even counterproductive. Therefore, the National Strategy against Money Laundering and Terrorism Financing for the period 2017–2021, adopted by the Government of the Republic of Serbia on 12 October 2017 defines four priority areas:

- Prevention of radicalization;
- Prevention of violent extremism and terrorism;
- Protection by spotting and eliminating threats from terrorism and weaknesses in the system; prosecuting terrorists with respect for human rights, the rule of law and democracy;
- System response in the event of a terrorist attack.

229. In the beginning of April 2018, the Trial Chamber of the Special Court sentenced seven persons against whom the indictment was filed by the Prosecutor’s Office for Organized Crime for a total of 69.5 years of imprisonment for criminal offense Terrorist Association, in connection with crimes Terrorism, recruitment and training for the commission of terrorist acts, Public incitement to commit terrorist acts and Terrorism Financing.

230. Regarding the relevant training provided to the police officers of the Service for Combating Terrorism and Extremism (SCTE), we note that in November 2014, two SCTE police officers participated in a seminar on “Coordination of fight against terrorism with human rights standards” organized in Warsaw by ODIHR.

231. On 1 March 2016 in the organization of Judicial Academy and UNODC, two SCTE police officers participated in a meeting devoted to the preparation of a regional training programme for prosecutors, police and judges in the fight against terrorism. The mentioned meeting was held in the premises of the Judicial Academy in Belgrade.

232. During September 2016, eight police officers took part in the training “Gathering intelligence data and reviewing procedural documents for court proceedings in the field of data terrorism” conducted in Belgrade by experts of the French Sub-Department for Combating Terrorism.

233. Training on human rights, held in January 2017 in Belgrade organized by ICITAP programme, was attended by ten SCTE police officers.

234. General information on the measures and developments related to the implementation of the Convention is attached to this report.