



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS

417- 69/20
Belgrade



Заштитник грађана
Zaštitnik građana

Ref. No. 24283 Date: 17 July 2020

NATIONAL PREVENTIVE MECHANISM

2019 Annual Report

Belgrade, July 2020

Foreword by the Protector of Citizens

Dear reader,

This is the eighth annual report on the activities of the Protector of Citizens performed in the capacity of the National Preventive Mechanism in the Republic of Serbia.

In 2019, the National Preventive Mechanism (NPM) made 77 visits to places of detention. These visits included numerous police administrations and their constituent police stations, the Shelter for Foreigners, remand departments, prisons, psychiatric clinics and wards at general hospitals, residential care institutions, asylum centres and migrant reception centres. Based on the identified irregularities in their work, 195 recommendations were issued to the competent bodies. Furthermore, 8 forced returns of third country nationals were monitored and 3 recommendations were issued to the competent bodies based on the irregularities identified in their work.

The places of detention which the NPM visited during the reporting period and to which it issued recommendations were cooperative, allowing the NPM to act in accordance with its mandate under the Optional Protocol to the UN Convention against Torture (allowing announced and unannounced visits to places of detention, access to all rooms and installations, consultation of all data and interviews with all persons deprived of their liberty, employees and any other persons at the NPM's choice).

Acting in its capacity as the NPM, the Protector of Citizens found that, in the reporting period, the Republic of Serbia continued undertaking activities to improve the protection of rights of persons deprived of their liberty and prevent torture and other forms of ill-treatment. Of note in this context are numerous statements by randomly interviewed persons deprived of their liberty, especially in prisons, that they had not been subjected to torture. However, this does not mean there is no torture or other ill-treatment in the Republic of Serbia. Individual cases of torture or ill-treatment are always possible, since torture is, just like any other form of ill-treatment, situational in its nature, so in that sense persons deprived of their liberty are constantly at high risk. Systemic deficiencies in the organisation and treatment of persons deprived of their liberty, including inadequate accommodation facilities, lack or failure to implement procedures, lack of appropriate psychosocial treatment, inadequate health care and understaffing, may, especially if occurring in continuity, develop into what could be qualified as inhuman or degrading treatment.

Furthermore, notwithstanding the fact that normative steps have been undertaken to prevent torture and other ill-treatment and improve the treatment of persons deprived of their liberty, it should be borne in mind that elimination of inappropriate treatment does not involve only the adoption of relevant legal norms, but also the taking of necessary steps to ensure their implementation, including timely forwarding of information of alleged inappropriate treatment to the competent prosecutorial and judicial bodies, as well as conducting of effective investigations of inappropriate treatment, with the aim of bringing about a change in the culture of impunity for torture. All this calls for improvements in the internal control mechanisms, prosecutors' offices and courts, to ensure an effective and efficient fight against torture.

Bearing in mind that it has been shown in practice that the greatest threat of ill-treatment exists in the period when an arrested person is in police custody, various measures should be undertaken to prevent inappropriate treatment by police officers. These measures include in particular relevant trainings for criminal investigators on the goals and techniques of interrogation and behaviour during interrogation. In addition, special rooms should be

provided for interrogation and equipped with audio and/or video devices for recording police interrogations.

In this context, the NPM found during the reporting period that the issue of lack of trainings for criminal investigators on suspect interrogation techniques was still present, that a majority of the police administrations and police stations visited by NPM had dedicated rooms for interrogation, but had not fitted them with technology for audio and/or video recording on the interrogation procedures and that, in most police stations, items seized in connection with criminal offences were held at the offices of criminal investigators, rather than in a special and dedicated storage area, and there was a need to improve the handling of seized items originating from the commission of criminal offences. Furthermore, the NPM found that the Ministry of the Interior had initiated activities to improve the conditions of stay for persons in custody rooms and a number of police stations had refurbished their rooms in accordance with the standards.

During visits to penal institutions, the Protector of Citizens identified a need to undertake activities to improve the documenting of injuries, in a way that ensures in practice that all injuries are recorded in dedicated forms intended for that purpose, photographed and registered in the journal of injuries, as well as that information on any potential ill-treatment or violent treatment of a prisoner is submitted without delay and exception to the competent investigation bodies. In this context, persons deprived of their liberty should be encouraged to seek the help of the prison physician without fear if they have been subjected to any form of force.

Furthermore, as prison staff is the basis of sound prison management, their employment, training and working conditions should enable them to maintain high standards in their treatment of persons deprived of their liberty. Professional training is needed in particular for members of the guard service, who are already in contact with the convicted persons, so they could adopt physical and mental skills needed to maintain order, while avoiding ill-treatment and deescalating the situation. The current state of development of penological theory and practice dictates that, apart from their professional qualifications, prison staff must also have a high degree of humanity. In this context, it is essential to establish constructive and positive relations between prison staff and convicts, as they directly prevent ill-treatment and enable a proper response if ill-treatment does occur.

Regarding the rights of detained or incarcerated persons, the Administration for the Enforcement of Penal Sanctions has continued investing in the material conditions for the placement of persons deprived of their liberty and in increasing the capacities of penal institutions, although nearly all of its services are still understaffed, which could adversely impact protection and exercise of rights of persons deprived of their liberty.

Similarly as in the previous reports, the NPM notes that certain detained women are effectively placed in isolation. Although in the penal enforcement system isolation/solitary confinement is a special/disciplinary measure of a strictly limited duration, it currently seems to be the norm for some female remand prisoners, which speaks volumes of the inadequacies of the detention system for women.

One deficiency that has been highlighted by the NPM and still persists is the facilities to not fully adhere to the principle of communal incarceration. Namely, convicts are not allowed to spend their spare time during the day in communal areas with other convicts; instead, they are isolated in their cells all the time (alone or in small groups).

Certain correctional facilities have made progress in terms of productive work of persons deprived of their liberty, which should be scaled up to the entire prison system.

The procedure used for classifying convicts lacks transparency. Convicts are not given sufficiently detailed information on the criteria for progression, while corrections officers are mainly preoccupied with administering questionnaires. The mechanism of progression through the treatment according to the existing criteria makes it difficult for convicts to progress into more favourable correctional treatment groups, so that many convicts at the time of release from correctional facilities remain in the same correctional treatment group to which they were allocated immediately upon their admission to the correctional facility.

The existing residential care institutions still house many long-term residents; there is a clear shortage of front-line staff and placement conditions in certain residential care institutions remain unsatisfactory. Furthermore, the practice of imposing restrictive measures on beneficiaries and restricting their freedom of movement has continued, although not provided for by the law, while restraining of beneficiaries is often done by medical staff who have not undergone special training, or in some cases even by non-medical staff.

In the field of psychiatry, there is an apparent need for improved material conditions, better recording of data on the use of physical restraint, compiling of special forms for patients' informed consent to subsequently imposed medical measures and continual specialist education of mid-level medical staff. Capacities for emergency treatment of juveniles are also lacking, with such capacities available only in Belgrade, which means not all patients are able to undergo treatment near their family. Similarly as in the past reporting periods, the number of community-based mental health services has remained low in this reporting period. Understaffing is still an issue, especially in terms of paramedics/nurses and child psychiatrists.

During the reporting period, the NPM initiated monitoring of forced return of third country nationals and, in this context, it established cooperation with the Border Police Directorate of the Ministry of the Interior and in particular with the Shelter for Foreigners at Padinska Skela. In the course of the monitoring it was observed that the police officers carrying out the return procedures respected the integrity and dignity of foreigners and demonstrated a high level of professionalism in the discharge of these duties. However, certain deficiencies have also been identified in the preparation of third country nationals for return, including failure to timely notify foreign nationals of impending return, inability of foreign nationals to notify third parties of their return, difficulties in communication between police officers and foreigners due to a lack of interpreters and deficiencies in the provision of health care at the Shelter for Foreigners, as this facility does not have permanent medical staff.

Furthermore, in 2019 the NPM initiated the practice of visiting military facilities with rooms for enforcement of disciplinary sanctions that involve prohibition of leaving designated rooms at the military facility. In this way, the Republic of Serbia also complies with the Recommendation of the Committee of Ministers to member states to take measures to protect members of armed forces from subjection to torture or inhuman or degrading treatment or punishment, with particular emphasis on vulnerable categories such as recruits.¹ In addition, such visits by the NPM are a form of civilian and democratic oversight of Serbian Armed Forces provided for by the Constitution,² as well as the Law on Serbian Armed Forces, under which democratic and civilian oversight of Serbian Armed Forces is to be conducted by the

¹ Recommendation CM/Rec(2010)4 of the Committee of Ministers to member states on human rights of members of armed forces (adopted by the Committee of Ministers on 24 February 2010), item 10.

² Article 141 paragraph 1 of the Constitution of the Republic of Serbia (*Official Gazette of RS* No. 98/06).

National Assembly, the Protector of Citizens and other state bodies within their mandate, by citizens and by the public.³

By presenting the findings and the general and specific recommendations for improvement in this area, the Report highlights activities that need to be undertaken to more effectively combat torture and improve the protection of human dignity.

Bearing in mind the fact that the right to physical integrity and human dignity are among the fundamental human rights and the prohibition of torture is treated in international law as an imperative norm that is binding on all states, the Republic of Serbia is obliged to undertake activities and measures aimed at ensuring full compliance with the prohibition of ill-treatment and improving the situation in this field. This Report is our modest contribution to that goal.

We would like to thank all authorities, citizens' associations and individuals with whom we have cooperated during the reporting period in our capacity of the National Preventive Mechanism.

PROTECTOR OF CITIZENS

Zoran Pašalić, MSc.

³ Law on Serbian Armed Forces, Article 29 paragraph 3.

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1. INTRODUCTION

1.1. Mandate

Under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment⁴ (Optional Protocol), the State Parties have agreed to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The Optional Protocol establishes the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Subcommittee on the Prevention), which is authorised to visit all places of detention and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment.

Furthermore, under the Optional Protocol, each State Party must set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

The NPM is entitled to:

- Access to all information concerning the number of persons deprived of their liberty in places of detention, as well as the number of places and their location;
- Access to all places of detention and their installations and facilities, with the liberty to choose such places;
- The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with an interpreter if deemed necessary, as well as with any other person who the NPM believes may supply relevant information, by its own choice;
- Make contacts with the Subcommittee on the Prevention of Torture, to provide it with information and to meet with it.

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

The States Parties shall guarantee the functional independence of the NPM as well as the independence of their personnel and undertake to make available the necessary resources for the functioning of the national preventive mechanisms.

No authority or official may impose, apply, permit or tolerate any sanction against any person or organization for having communicated to the NPM any information, whether true or false, and no such person or organization may otherwise suffer consequences in any way.

⁴ Adopted on 18 December 2002 in New York at the 57th session of the UN General Assembly under the Resolution A/RES/57/199 and entered into force on 22 June 2006.

The relations between the NPM and public authorities are based on the principles of trust and cooperation. The competent authorities of the State Party concerned may examine the recommendations of the NPM and enter into a dialogue with it on possible implementation measures.

The competent authorities of the State Party must publish and distribute annual reports of the NPM.

Serbia signed the Optional Protocol on 25 September 2003 and ratified it on 1 December 2005.⁵

Serbia became a State Party to the Optional Protocol by submitting the ratification act to the UN Secretary General on 26 September 2006.

Rather than forming a new NPM body, Serbia opted for an authentic, complex NPM model, which implies that the tasks of the NPM are carried out by the existing independent public authority in cooperation with authorities of decentralised units and the civil sector. The NPM was established under the Law amending the Law on Ratification of the Optional Protocol, enacted on 28 July 2011.⁶

The Protector of Citizens shall carry out the duties of the NPM in cooperation with Ombudsmen of the autonomous provinces and associations pursuing the goals of promoting and protecting human rights and freedom.⁷

1.2. Key Information on Activities in 2019

During the reporting period, the NPM made 77 visits to places of detention and monitored 8 forced returns of third country nationals. These visits were recorded in 24 reports. The reports on visits contain 198 issued recommendations (including 3 recommendations concerning the monitoring of forced returns of foreign nationals).

In the reporting period, the Protector of Citizens also took part in two meetings of the Southeast Europe NPM Network hosted by the NPM of North Macedonia, which presided over the Network in 2019. The topics covered by the Network meetings were “Prevention of Retaliation” and “Specific Needs of Juveniles in Detention Facilities”. The Serbian NPM chaired the Network’s Medical Group during the reporting period.

Representatives of the NPM have undergone several major trainings during the reporting periods relating to the rights of children, youth and adults with intellectual and mental difficulties at residential care institutions and promoting the development of community-based services for this vulnerable group, the system of alternative sanctions, integrity development for civil servants, personal data protection etc. (see section 2.5 for more information).

As regards international cooperation, the NPM took part in numerous international conferences organised by the Council of Europe, the Association for the Prevention of Torture

⁵ Official Gazette of Serbia and Montenegro - International Agreements, No. 16/05, amendments 2/06.

⁶ Law amending the Law on Ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, (*Official Gazette of RS – International Treaties* No. 7/11).

⁷ Law amending the Law on Ratification of the Optional Protocol, Article 1.

(APT), the European Network of National Human Rights Institutions (ENNHRI) etc. (see section 3.6 for more information).

2. METHODOLOGY, RESOURCES AND ORGANISATION

2.1. Methodology

The work methodology of the Serbian NPM is based primarily on the provisions of the Optional Protocol. The approach taken by the NPM is exclusively preventative and it does not oversee the lawfulness and regularity of work of the competent institutions on a case-by-case basis; instead, it timely notifies about this the organisational unit of the Protector of Citizens which acts on complaints of persons deprived of their liberty.

The NPM methodology recognizes the following types of visits: scheduled, follow-up visits, visits with a specific purpose and unscheduled (*ad hoc*) visits. Visits can be announced and unannounced.

Preparations for visits to a facility involve taking stock of the available information concerning the facility. This is followed by assignment of specific tasks; as a rule, the visit team is divided into thematic groups in charge of each area under observation. To maximise efficiency when collecting relevant information during the visits, all team members are provided in advance with the working material (questionnaires, structure and templates of parts of the report) as guidance.

The NPM teams in charge of visits to institutions where persons deprived of liberty are placed are multi-disciplinary and as a rule include experienced lawyers, a psychiatrist, a forensic physician and a psychologist.

Scheduled visits as a rule take place according to predetermined stages. The first stage is an interview with the facility's management, while the second stage is a joint tour of the facility. During the third stage, members of the NPM team's thematic groups (legal, correctional treatment work and health care) interview the managers of the reference services and examine documentation. The fourth stage involves interviews with persons deprived of liberty, while the fifth stage consists of a brief meeting of all thematic groups, followed by a final interview with the facility's management in which the team present their preliminary impressions of the visit and the situation they observed. However, these stages are not mandatory and the actual structure of a visit will depend on the type of visit and other circumstances. It is common practice to omit certain stages in other types of visits.

According to the work methodology, reports are as a rule expected to follow a predetermined structure. However, depending on the type of visit and the type of data collected during a control visit, the predetermined report structure may be modified and adapted to the nature of the visit if proposed by team members.

In the reports of visits to facilities where persons deprived of liberty are placed, the NPM lists the identified omissions and issues recommendations for remedying any shortcomings that may lead to torture or ill-treatment. Where a shortcoming or irregularity is identified, the pertinent recommendation is supported by references to relevant regulations and standards with which the current situation or actions must be made compliant.

The reports are submitted to the visited facilities and the ministry in charge, who are as a rule given a period in which they are to respond to the issued recommendation, with an invitation to engage in dialogue to review compliance with the recommendations. The aim of the

dialogue with the visited facilities and the ministries in charge is to take stock of the current situation at the visited facility and in the system as a whole, primarily as a means of devising the best way to ensure compliance with the recommendations made by the NPM after the visits.

In order to strike a balance between confidentiality and transparency, the NPM publishes each report, with all personal data anonymised, once it has received a reply from the competent bodies to the recommendations set out in the report. The reports and the replies made by the competent authorities are published on the website of the Protector of Citizens and on the NPM page.

2.2. NPM Budget

In the adopted budget of the Protector of Citizens for 2019, the amount of RSD 4,800,000 (approximately € 40,000) was earmarked for the activities of the NPM.

2.3. Special NPM Unit

In October 2018, a new Bylaw on Internal Organisation and Job Classification at the Secretariat of the Protector of Citizens⁸ was adopted and was later endorsed by the National Assembly in a plenary session in December of the same year. Under the new Bylaw, the Secretariat's name was changed to Department and the number of civil service employees assigned to it was increased to six – three independent advisors and three senior advisors, one of whom serves as head of the Department. It is also provided that the head of the Department reports for his own work and that of the Department to the Protector of Citizens, specifically the Deputy Protector of Citizens in charge of NPM affairs, manages the visit team if the Protector of Citizens or the Deputy Protector of Citizens in charge of NPM affairs has prior engagements etc. The NPM Department Continued operating according to these arrangements in 2019.

The administrative and technical services for the NPM are provided by the Secretariat of the Protector of Citizens.

2.4. Participation of the Provincial Ombudsman and the Civil Sector

In accordance with the signed Memorandum of Cooperation, in 2019 the Protector of Citizens continued cooperating with the Ombudsman of the Autonomous Province of Vojvodina (Provincial Ombudsman) in visits to places of detention in the territory of the Autonomous Province of Vojvodina. Representatives of the Provincial Ombudsman took part in 6 visits.

Pursuant to a public call procedure,⁹ in 2018 the Protector of Citizens selected associations with which he would cooperate in the exercise of duties of the NPM, while amendments to the Memorandums of Cooperation signed in 2019 extended by one year the cooperation of the Protector of Citizens in the exercise of duties of the National Preventive Mechanism with the following associations: the Mental Disability Rights Initiative (MDRI-S), the Lawyers' Committee for Human Rights (YUCOM) and the International Aid Network (IAN). Representatives of these associations actively participated in the visits carried out by the NPM in 2019.

⁸ Number 213-558/2018 of 19 October 2018.

⁹ Published in the *Official Gazette of RS* No. 25/18.

2.5. Staff Training

A training entitled “Right to Community-based Living for Children and Adults with Disabilities”, organised by the association MDRI-S and delivered by the US expert Melanie Reeves, was held at the offices of the Protector of Citizens. The training covered the rights of children, youth and adults with intellectual and mental difficulties at residential care institutions and promoting the development of community-based services for this vulnerable group.

A representative of the NPM attended the training “Detention and Alternative Sanctions” in the Hague. During the training, experts and representatives of relevant Dutch and international organisations held interactive sessions on alternative sanctions and the prison system, primarily in the Netherlands, as well at the European level. Study tours to a prison, a probation service and a transport service were arranged.

Representatives of the NPM have attended the following trainings organised by the National Academy for Public Administration: “Personal Data Protection”, which presented the new Law on Personal Data Protection”, “Basics of the European Union”, “Public Appearances”, “Stress Management”, “Communication Skills in a Business Setting” and “Work Performance Evaluation”.

3. EXERCISE OF NPM’S MANDATE

3.1. Visits to Places of Detention

During the reporting period, the NPM made 77 visits to places of detention and monitored 8 forced returns of third country nationals.¹⁰ The NPM made 20 visits to police stations,¹¹ 16 visits to penal institutions,¹² 13 visits to residential care institutions¹³ and 8 visits to psychiatric institutions¹⁴. In addition, 4 visits were made to monitor the treatment of refugees and migrants¹⁵. A number of visits were made in cooperation with foreign delegations visiting the Republic of Serbia or in cooperation with the Unit for Urgent Acting and the Department for the Protection of Human Rights and Freedoms and Rights of Persons deprived of their Liberty. For the first time, during the reporting period the NPM made 16 visits to military

¹⁰ The NPM monitored the returns of sixteen nationals of the People’s Republic of China, two nationals of the People’s Democratic Republic of Algeria, one national of the Republic of North Macedonia, one national of the Republic of India, one national of the Islamic Republic of Afghanistan and one national of Bosnia and Herzegovina.

¹¹ PA Kragujevac, PS Batočina, PS Lapovo, PA Jagodina (head office), PS Čuprija, PA za Grad Belgrade - Dežurna služba, PS Novi Belgrade, PA Požarevac, PS Zemun, PS Stari grad, PA Zaječar (head office), PS Velika Plana, PA Vranje (head office), PS Surdulica, PA Leskovac (head office), PA Prokuplje, PS Blace, PS Kuršumljica, PS Žitorađa and Transport Police Outpost of PA Prokuplje.

¹² PCI Niš (three times), PCI Sremska Mitrovica (twice), PCI Čuprija, PCI Požarevac- Zabela, DP Belgrade (four times), DP Kragujevac, DP Smederevo, DP Zaječar, DP Vranje and DP Prokuplje.

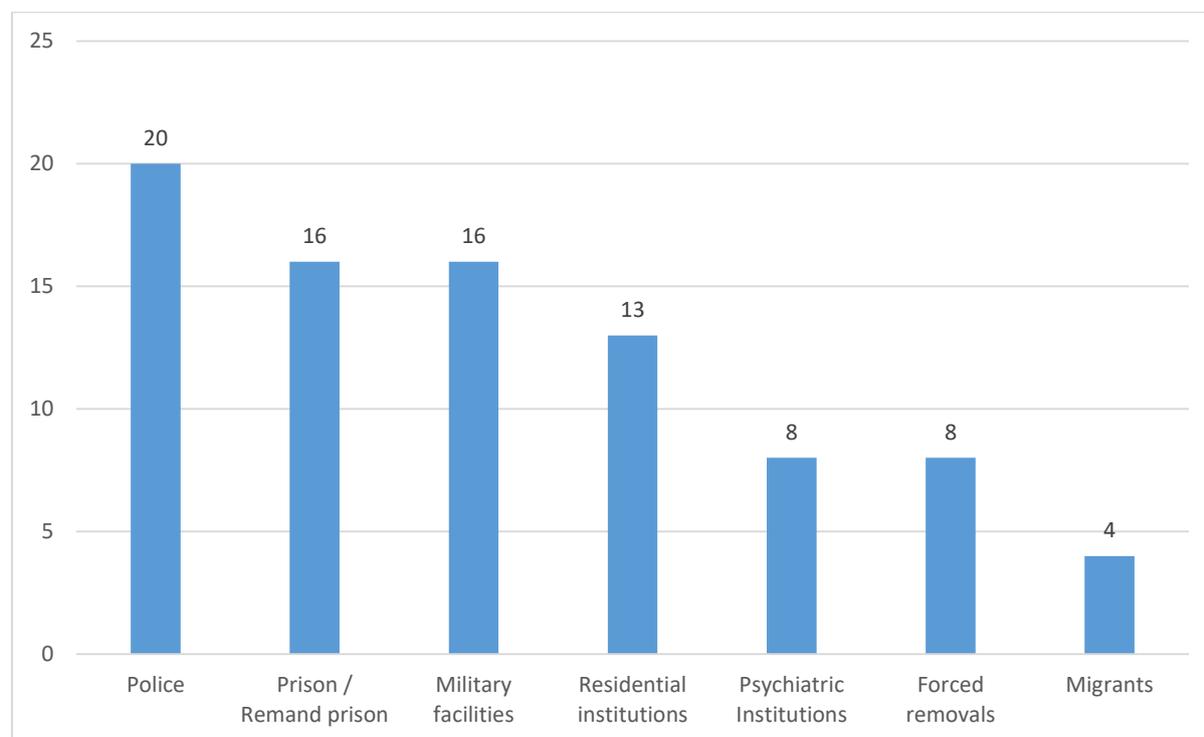
¹³ Gerontology Centre in Kragujevac, Retirement Home in Voždovac, Autism Inpatient Clinic in Zemun, Residential Facility for Persons with Mental Illness “Čurug”, Adult Residential Facility Blace - Trbunje, Residential Facility “Srce u Jabuci” Jabuka, Residential Facility “Veternik”, Residential Facility “Tešice”, Centre for the Protection of Infants, Children and Youth in Belgrade and the Centre’s Inpatient Clinic, Residential Facility “Male Pčelice”, Residential Facility Stamnica and Residential Facility “Sveti Vasilije Ostroški-Čudotvorac”.

¹⁴ Clinical Centre Kragujevac - Psychiatry Clinic, General Hospital in Šabac - Psychiatry Department, Clinical Centre of Serbia - Psychiatry Clinic, Clinical Centre Niš - Mental Health Protection Centre, Clinical Centre Niš - Psychiatry Clinic, Clinical Centre of Vojvodina - Psychiatry Clinic, General Hospital in Jagodina - Psychiatry Department and Neurology and Psychiatry Clinic for Children and Youth.

¹⁵ Shelter for Foreigners, Nikola Tesla Airport in Belgrade (twice) and Airport Constantine the Great in Niš.

facilities¹⁶ with rooms for enforcement of disciplinary sanctions that involve prohibition of leaving designated rooms at the military facility. The visits had been announced to the Ministry of Defence and, during the visits to barracks, military personnel fully cooperated with the NPM, enabled the NPM's monitoring team to visit the special rooms and access existing records and provided all answers and information relevant for the exercise of the NPM's mandate.

Chart 1 - NPM visits in 2019



3.2. Reports of Visits and Recommendations

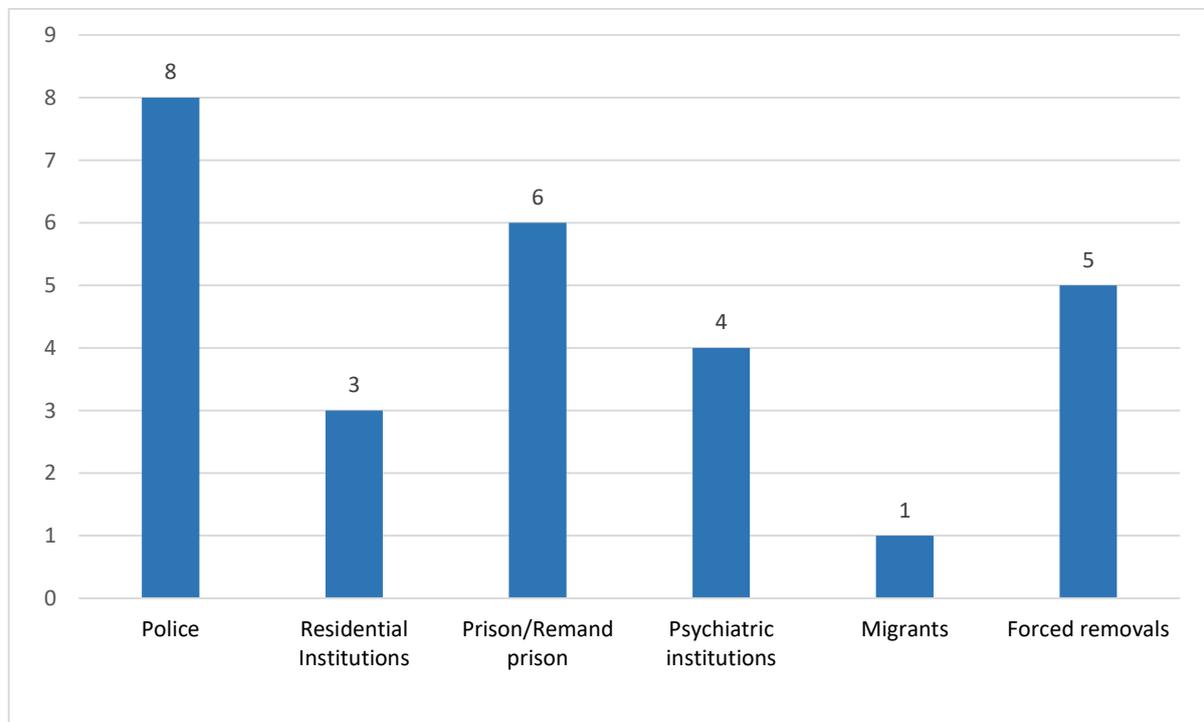
In the reports on visits to places of detention, the NPM issues recommendations for remedial action to the competent bodies. In addition to the facts found and the identified deficiencies, each report lists the relevant regulations and standards which guided the NPM in the identification of existing deficiencies in an institution's work and with which the visited institution should ensure compliance with regard to the current state and its current actions.

During the reporting period, 24 reports were made of visits and monitoring of forced return of third country nationals. In certain cases, integrated reports were compiled for multiple visited institutions, where necessary to systemically address a specific issue. Accordingly, 8 reports were compiled on the basis of visits made to police administrations and their subordinate police stations, 6 reports were compiled on the basis of visits to penal institutions, 4 reports were compiled on the basis of visits to psychiatric clinics and wards, 3 reports were compiled on the basis of visits to residential care institutions and one report concerns the treatment of migrants by the competent bodies. Monitoring of forced returns of third country nationals was covered in 5 reports.

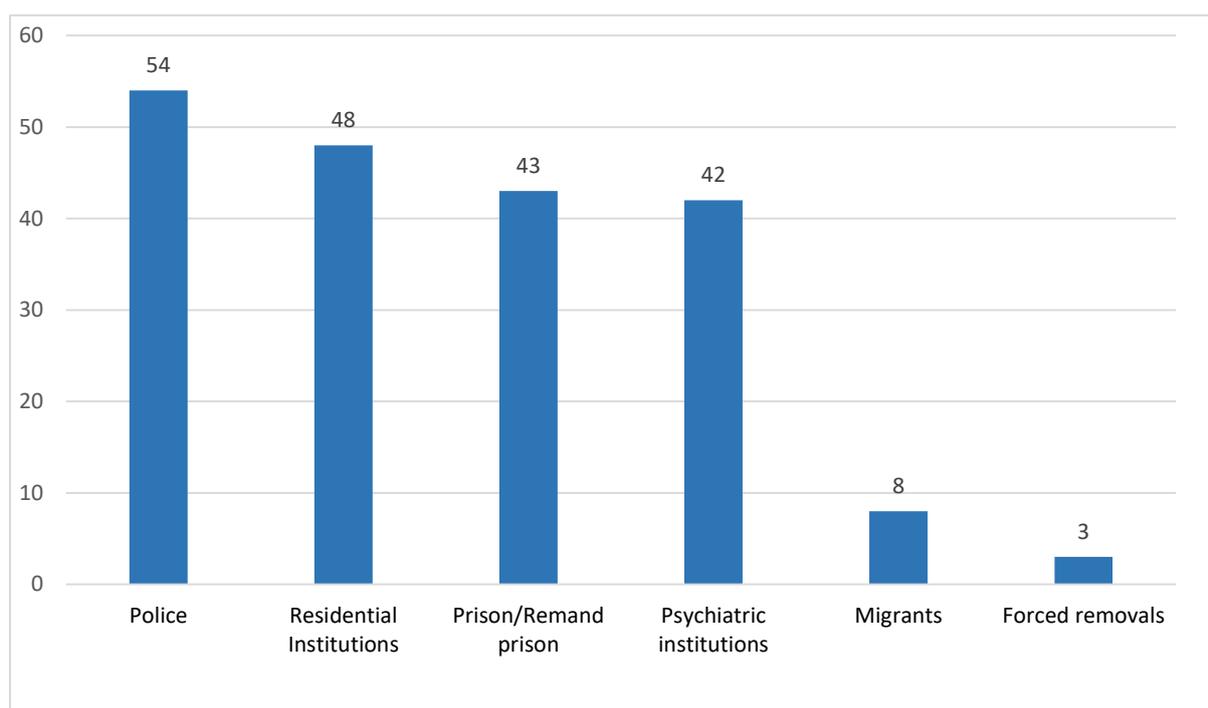
¹⁶ Military facilities in Jakovo, Požarevac, Valjevo, Šabac, Pančevo, Bujanovac, Vranje, Leskovac, Niš, Raška, Kraljevo, Kruševac, Bačka Topola, Sombor, Novi Sad and Prokuplje.

Visits to military facilities and certain residential care institutions were thematic in their nature and were covered by thematic reports in 2020, in which the NPM presented its findings and recommendations for rectification of deficiencies.

Chart 2 – NPM’s reports in 2019



There were 198 recommendations issued in total, including 195 in reports of visits to places of detention and 3 recommendations in the field of monitoring of forced return of third country nationals. Out of the total number of recommendations issued as a result of visits by the NPM, 54 recommendations concern persons subjected to the police powers of arrest and detention at police stations, 48 recommendation concern users placed in at residential care institutions , 43 recommendations concern the treatment of remand prisoners and persons serving prison sentences, 42 recommendations concern the treatment of persons placed and treated in psychiatric institutions and 8 recommendations concern improvements in the field of migrations.

Chart 3 –Recommendations issued by the NPM in 2019

All recommendations issued to the visited institutions/competent ministries in 2019 can be found in the section APPENDIX I of this Report.

3.3. Dialogue with Administrative Authorities

With the aim of establishing continual dialogue on possible measures to be undertaken to implement the NPM's recommendations and improve cooperation in the field of torture prevention, during the reporting period the NPM met with the heads and representatives of the following institutions: the Director and representatives of the Administration for the Enforcement of Penal Sanctions/Ministry of Justice, representatives of the Commission for the Implementation of Standards of Police Conduct in the Area of Torture Prevention of the Ministry of the Interior, representatives of the Commissariat for Refugees and Migration, the Ministry of Labour, Employment, Veteran and Social Affairs and the Department of Inspection Affairs of the Ministry of Health.

The meetings highlighted the main challenges regarding the situation of persons deprived of their liberty and the conditions of their placement, as well as the key findings of the NPM's monitoring teams during visits to places of detention. The abovementioned bodies assigned contact persons for mutual cooperation and ongoing communication to monitor compliance with the recommendations made by the NPM and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

In connection with the dilemmas that arose after submission of the Report with recommendations to the Inpatient Clinic for Children and Youth with Autism, based on the facts found and the standards of conduct, with users' interest as the prime consideration, in December 2019 the NPM had a joint meeting with representatives of this institution and the line ministry, in an effort to find a modality to implement the issued recommendations. Following assurances that mutual cooperation would result in improvements in the situation of users institutionalised at residential care institutions, a new date was agreed at the meeting

for the Inpatient Clinic to submit a corrected reply to the NPM. However, to this date the NPM has not received additional information from the Inpatient Clinic on what has been done to improve the situation of users and comply with the issued recommendations.

3.4. Promoting the NPM/Torture Prevention

Representatives of the NPM held a lecture for the police officers attending the Second National Training for Official Escorting Officers in Repatriation Operations on the topic of protection of fundamental human rights protection and monitoring of forced operation procedures. During the lecture, the participants were introduced to the status and powers of the Protector of Citizens and the organisation, mandate and activities of the NPM, with emphasis on the power of the NPM to monitor the process of forced return of foreign nationals. They were also presented with the readmission and forced return monitoring procedures carried out so far and the aspects observed by monitors while supervising the returns.

3.5. Cooperation within the NPM Network

The South Eastern Europe NPM Network had two meetings in Skopje. At the first meeting, dedicated to prevention of reprisal, the NPMs exchanged practical experiences, shared protective mechanisms developed by contracting bodies to prevent any reprisal and highlighted the need for the NPMs to consider developing national-level guidelines for acting in cases of intimidation or reprisal against persons who had contacts with the NPM.

The second meeting was dedicated to the specific needs of juveniles in detention facilities. The conclusion was that juvenile detention should be of minimum duration and accompanied by psychological support, as well as various forms of education and training. Another crucial aspect highlighted was the structure of the staff assigned to work with juveniles, who must include expert teams of pedagogues, sociologists and psychologists with skills, developed *inter alia* through regular training, required for working with juveniles at such a specific age in their development and in such specific circumstances. The key factors identified as crucial for proper treatment of juveniles in detention included separation of juveniles from adults, increased duration of time spent outside their rooms doing meaningful activities and development of individualised plans for working with them. Attention was also drawn to the need for compliance with the applicable standards regarding the material conditions at the facilities where juveniles are placed and enabling that their contacts with parents or guardians are as frequent as possible.

3.6. Other Forms of Cooperation

In the course of 2019, the Serbian NPM cooperated with four foreign delegations, which focused on torture prevention as part of their visits to the Protector of Citizens. Meetings were held with: the High Commissioner for Human Rights in the Russian Federation Ms Tatiana Moskalkova and her associates; the Romanian Ombudswoman Ms Renate Weber and her associates; representative of the National Ombudsman of the Netherlands Mr. Jan Prins; and representatives of the Human Rights and Equality Institution of Turkey who carry out NPM duties in Turkey, who had thematic visits to the Serbian NPM in March and May 2019. Apart from presentation of the Serbian NPM, its work methodology and key focus areas in the work of the Serbian NPM, all visits also involved study visits to places of detention. The Serbian NPM also made a return two-day visit to the Republic of Turkey. It was proposed that a Memorandum of Cooperation should be signed with a view to improving cooperation.

During the reporting period, representatives of the Human Rights and Equality Institution of Turkey who carry out NPM duties in Turkey had two two-day study visits to the Serbian NPM. The aim of those visits was to establish and strengthen cooperation between the two NPMs in the field of torture prevention and protection of human rights of persons deprived of their liberty. The first visit by the Human Rights and Equality Institution of Turkey was carried out in March 2019, while the second took place in May the same year. Members of the Serbian NPM accompanied the representatives of the Human Rights and Equality Institution of Turkey on their visits to the Retirement Home Voždovac, District Prison in Smederevo, PA for the City of Belgrade and the Psychiatric Department of the General Hospital "Dr Laza K. Lazarević" in Šabac.

In continuation of the established cooperation, in November 2019 the Serbian NPM made a study visit to the Human Rights and Equality Institution of Turkey in Ankara. During the two-day visit, the Serbian NPM was introduced to the establishment and functioning of the Turkish NPM and visited the Care and Rehabilitation Residential Facility for the Elderly in Ankara and the Campus Sinkan prison complex.

During the reporting period, the NPM continued its successful cooperation with the UNHCR, who stated willingness to support the NPM in the supervision of forced returns of third country nationals by providing translation services for rare languages.

During the second study visit to the institution of the Protector of Citizens of the Republic of Serbia, a representative of the National Ombudsman of the Netherlands had a meeting with the NPM Unit to exchange practices and experiences in the operations of the two institutions, followed by a visit to the "Srce u Jabuci" Residential Institution for Adults with Mental Disabilities in Jabuka.

A representative of the NPM took part in a meeting with a representative of the regional LGBTI Equal Rights Association for Western Balkans and Turkey (ERA) and Serbian members of the ERA - LGBT rights organisations (association "Come Out", Association Rainbow, Geten, CRPC, "Da se zna!", GLIC, Egal). The meeting addressed current issues faced by LGBT persons, as well as opportunities and modalities for cooperation in the conduct of activities aimed at improving the situation of this particularly vulnerable minority group in the Republic of Serbia.

The Asylum and Migration Working Group of the European Network of National Human Rights Institutions (ENNHRI), of which the NPM is a member, held two meetings. The first included a training event entitled "Monitoring and Exchange of Information on Asylum and Migration in a Challenging Setting", aimed at building capacities for monitoring migration-related issues, focusing on public information. Members of the Working Group also exchanged information on current issues concerning migrants and asylum-seekers at national, regional and global levels and agreed on future activities, with an emphasis on social and economic rights of migrants. The second meeting discussed the 2020 work plan, focusing in particular on implementation of the project "Monitoring the Rights of Migrants at Borders", and included a study visit to the association "United Peoples' Centre" (Centros Pueblos Unidos), which provides comprehensive support to migrants in their integration with the Spanish society. In addition, a training event entitled "Work of Human Rights Institutions in Promoting and Protecting the Rights of Migrants at the Borders" was held, aimed at building capacities to monitor the situation at borders. Members of the Working Group shared their experiences in working at borders and considered a joint methodology that would apply during future visits to borders.

In honour of the 30th anniversary of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, a meeting of NPMs of Council of Europe member states was held in Strasbourg, dedicated to ensuring effective implementation of safeguards against torture in the first hours of police detention. At the working meeting between the NPMs and representatives of civil society organisations, the participants highlighted the need for mutual cooperation to ensure effective access of persons deprived of their liberty to a lawyer in the first hours of police detention.

Within the framework of the joint European Union and Council of Europe programme Horizontal Facility for the Western Balkans and Turkey, specifically its component *Enhancing human rights protection for detained and sentenced persons in Serbia*, three compilations of recommendations made by the NPM were printed, including: “An Overview of Findings and Recommendations of the Protector of Citizens concerning the Protection of Persons with Mental Disorders in Social Welfare and Health Care Institutions (2011 – 2016)”, “An Overview of Findings and Recommendations of the Protector of Citizens concerning the Protection of Rights of Persons detained at Police Stations (2008 – 2017)” and “An Overview of Findings and Recommendations of the Protector of Citizens concerning the Protection of Rights of Persons deprived of their Liberty (2008 – 2017)”.¹⁷

In its first country report¹⁸, the Observatory of National Preventive Mechanisms Against Torture¹⁹ praised the transparent approach and cooperation demonstrated by the Serbian NPM and made recommendations for improving the methodological approach. The NPM adopted many of the proposals stated in the Report, as they will contribute to improving the NPM’s work.

The NPM had a meeting with representatives of the International Committee of the Red Cross to exchange experiences from visits to penal institutions and review the methodology of those visits. The two parties also exchanged view on the manner of enforcement of penalties at the Special Unit for Enforcement of Prison Sentences for Organised Crime Offences.

A representative of the NPM took part in the roundtable entitled “The Parliament and Migration Policy”, organised by the NGOse Group 484 and the Belgrade Fund for Political Excellence. The aim of the roundtable was to present the specific roles and modalities of initiating and monitoring reform processes in the field of migration, as part of the project Protection of Migrants’ Rights – high on the political agenda (CHANGE), implemented with the support of the Embassy of the Kingdom of the Netherlands in Serbia, within the MATRA Programme.

A representative of the NPM attended the presentation of the survey “Socioeconomic Position and Reintegration of Returnees in Serbia under Readmission Agreements in 2019”, conducted by the German international cooperation agency (GIZ) – Global Programme “Migration for Development”. The survey was conducted in 44 local self-government units in Serbia, on a relevant sample of 800 returnees, and covered the basic capacities and needs of returnees and obstacles preventing them from satisfying those needs, including: migration experience and current residence; household characteristics, including; personal sociodemographic data;

¹⁷ Available at: https://npm.rs/index.php?option=com_content&view=article&id=850:публикације-савета-европе-у-оквиру-пројекта-јачање-људских-права-притворених-и-осуђених-лица-у-републици-србији&catid=90:2011-10-24-12-48-00&Itemid=77

¹⁸ Available at: <https://npm.rs/index.php?limitstart=44>.

¹⁹ Observatory of National Preventive Mechanisms Against Torture (NPM Obs.).

availability of identity documents; employment; housing; education; health care; social welfare; social inclusion and discrimination.

A representative of the NPM took part in the conference “Asylum and Migration Legislation: A Year of Implementation”, organised by Group 484, with support from the Embassy of the Kingdom of Norway in Belgrade and the Balkan Trust for Democracy. At the conference, members of the academic community, the judiciary, the Ministry of the Interior and the civil society discussed the implementation of asylum and migration legislation and a report by the PAG (Policy Advocacy Group) network was presented, focusing on particularly vulnerable migrant groups – unaccompanied minors, young and adult women, victims of human trafficking and psychiatric patients, with recommendations for improving their treatment and descriptions of cases recorded in practice.

3.7. Annual Report

The 2018 Annual Report of the NPM has been submitted to the National Assembly, the President of the Republic and the Prime Minister, the Republic Public Prosecutor, the Presidents of the Supreme Court of Cassation and the Constitutional Court, the Office for Human and Minority Rights and the Commissariat for Refugees and Migration.

Although it is an established practice in Serbia for the National Assembly of the Republic of Serbia and its competent committees to review annual reports of the NPM, as of the date of submission of the present Report, the 2018 Annual Report of the NPM has not been reviewed either by the National Assembly or by any of its committees.

The NPM notes the competent authorities have a duty to review the recommendations set out in an annual report of the NPM.²⁰

With the aim of providing information to the general public, the Report has been published on the websites of the Protector of Citizens and the NPM. In addition, publications in Serbian and in English are also available.

The English version of the report has been submitted to the Subcommittee on Prevention of Torture (*SPT*), the Committee against Torture (*CAT*), the European Committee for the Prevention of Torture (*CPT*), the Association for the Prevention of Torture (*APT*) and other relevant international organisations.

²⁰ Optional Protocol, Article 22.

4. BACKGROUND AND ACTIVITIES BY SPECIFIC AREAS

4.1. Police / Prosecutorial Detention

To monitor the treatment of persons brought in, arrested and detained by the police, in 2019 the NPM made 20 visits to police administrations and their subordinated police stations. All of the visits bar one were unannounced, while cooperation of police officers with the NPM's team was complete and professional during all visits. Treatment of persons on remand was also monitored during visits to penal institutions, given the practice, used by some police administrations, of placing remand prisoners in rooms in such institutions under the Criminal Procedure Code. In addition, during the visits to penal institutions the NPM also interviewed remand prisoners who had been placed on remand after being detained by the police, in order to collect information on their treatment by police officers while detained by the police and during the use of other police powers.

Based on the visits to police administrations and their subordinated police stations, the NPM compiled 8 reports and issued 54 recommendations. Of those, 40 recommendations have been implemented, two have not been implemented, while 12 recommendations need to be followed up.

During the reporting period, the Ministry of the Interior, acting in compliance with the Bylaw on the Conditions which must be met by Rooms used for Remanding Persons²¹, continued improving the conditions of placement of detainees in custody rooms: a List of Priorities for the adaptation of 130 rooms in 24 police administrations was compiled, seven custody rooms have been adapted²² and works are underway to adapt seven custody rooms at the head office of the PA for the City of Belgrade.

Most of the police administrations and police stations visited by the NPM do not have dedicated rooms for interrogation of persons fitted with technical equipment for audio and/or video recording, although the existence of such rooms is a form of preventive action and plays an essential role in the protection of persons deprived of their liberty from potential unlawful treatment by police officers. The Criminal Investigations Directorate notified the NPM it had assessed the need for such rooms at the level of all of its police administrations and compiled a list of 33 rooms that would be adapted as a matter of priority if funding is allocated for that purpose in the 2020 budget.

Furthermore, the NPM notes that the lack of specialist trainings for criminal investigators on interrogation techniques to be used on suspects.

With the exception of the head office of PA Jagodina, PS Velika Plana, PS Čuprija and SPI Požarevac, the police administrations and stations visited do not have dedicated rooms for storing seized items related to criminal offences, which is why the NPM has issued recommendations for the designation of such rooms. At the head office of PA Jagodina and at PS Velika Plana, footage from video surveillance devices installed in custody rooms and lobbies are retained for less than 30 days, while at PS Novi Beograd video surveillance equipment is out of order. Given that, under the law²³, the statutory period in which a person who believes an action or failure of an employee in the performance of official duty violated his/her human or minority rights and freedoms is set at 30 days of the date when the action

²¹ *Official Gazette of RS* No. 34/18.

²² At PA Valjevo, PA Pančevo, PA Požarevac, PA Kruševac and PA Čačak.

²³ Law on Police (*Official Gazette of RS* Nos. 6/2016, 24/2018 and 87/2018), Article 234 paragraph 1.

that is subject to complaint occurred and any shorter retention period for recordings adversely impacts the ability to verify relevant facts and investigate cases of inadequate treatment, and by extension also torture prevention, the NPM issued recommendations for rectifying those deficiencies, which have been accepted²⁴.

In 2019, the NPM interviewed a large number of persons deprived of their liberty, both remand prisoners and detainees, about their treatment at the hands of police officers during their detention, as well as during the exercise of other police powers. Some of the interviewed persons deprived of their liberty claimed police officers had yelled at them, insulted and threatened them and slapped their face, punched them in the stomach or dragged them on the ground during their arrest. The medical reports and other documentation contained no evidence to substantiate their allegations of excessive force. Furthermore, some persons deprived of their liberty also claimed they had been asked questions without the presence of a defence attorney and police officers had been present during their medical examination. The NPM found citizens' medical documentation in certain police case files (PA Jagodina, PS Ćuprija, PA Zaječar), although it has been pointed out for years in the NPM reports that this is contrary to standards and the applicable regulations.

As regards keeping of records of detention procedures, in certain case files there are detention orders where the start date of the detention period was not calculated properly (PA Požarevac, PA Leskovac, PS Velika Plana, PS Stari grad, PS Novi Beograd).

To improve the treatment of persons brought in and by the police and detainees, the NPM issued to the Ministry of the Interior an Opinion on the Draft Bylaw on Police Powers.²⁵ In this regard, the Protector of Citizens praises the fact that the Bylaw incorporates many of the recommendations made in the reports issued by the NPM after visits to police administrations and their subordinated police stations.

GENERAL RECOMMENDATIONS FOR RECTIFYING THE DEFICIENCIES

The Ministry of the Interior shall provide trainings for criminal investigators on the objectives and techniques of suspect interrogation and conduct during suspect interrogation.

The Ministry of the Interior shall undertake activities to equip police stations with suitable technical equipment for audio and/or video recording for the purposes of recording interrogations.

The Ministry of the Interior shall ensure that police stations are provided with dedicated rooms for storing seized items related to criminal offences.

4.2. Enforcement of Penal Sanctions

In 2019, the NPM made 16 visits to penal institutions, resulting in 6 reports and 43 recommendations issued in total to rectify identified deficiencies and improve the actions of the relevant bodies. Of those, 25 recommendations have been implemented, 5 have not, while 13 recommendations will need to be followed up.

²⁴ Acting in compliance with the NPM's recommendation, technical conditions have been provided at PS Stari grad to retain video recordings for longer than 30 days.

²⁵ Available at: https://npm.rs/index.php?option=com_content&view=article&id=829:мишљење-нпм-на-предлог-правилника-о-полицијским-овлашћењима&catid=108:2012-01-18-20-51-23&Itemid=71.

The visits to penal institutions focused on the treatment of persons deprived of their liberty by the police before they were transported to the institution. They included visits both to the local police station and to the institution concerned, which enabled cross-referencing of data obtained from persons with the official statements and documentation. This form of visits was used at PCI Čuprija, PCI Požarevac – Zabela, DP Zaječar and DP Vranje.

A follow-up visit was made to DP Kragujevac to assess compliance with recommendations issued earlier. Two visits were made to PCI Sremska Mitrovica: during the first one, the NPM reviewed video surveillance, medical examinations after the use of means of coercion and material conditions at the intake unit. The purpose of the second visit was to check whether the persons deprived of their liberty who had been interviewed by the NPM during the first visit had suffered any consequences as a result.

The NPM made the first, systemic visit to DP Prokuplje, during which he controlled the overall situation in that institution in terms of respect for the rights of persons deprived of their liberty. The NPM also made two visits to PCI Niš. The first one was a follow-up visit to assess compliance with recommendations issued earlier, while the second focused on the issue of the presence psychoactive substances at the institution and the treatment of persons addicted to psychoactive substances at the institution. This was the first of multiple planned visits during which the NPM intends to address the issue of presence of psychoactive substances in institutions and the treatment of addicts, which will be covered by a separate report.

In 2019, the Administration for the Enforcement of Penal Sanctions continued investing in material conditions of placement for persons deprived of their liberty and increasing the capacity of penal institutions. Works have been completed on the construction of a pavilion at PCI Požarevac – Zabela, with two more pavilions under construction and expected to be finished in 2020. The construction of a new facility at the women's PCI in Požarevac and a block at the DP Belgrade has been completed. Works are underway on new pavilions at PCI Sremska Mitrovica and DP Leskovac, while the construction of a new institution in Kragujevac began at the end of the year.

While all these efforts will undoubtedly contribute to solving the issue of overcrowded facilities and improving the protection of persons deprived of their liberty, it should be noted that overcrowding is a particularly pertinent issue in prison wards, where the conditions of placement are the most difficult. In this context, the NPM found during the visits to prisons that the mechanism for progression in treatment according to the existing criteria makes it difficult for convicts to progress to more favourable educational groups, so that many convicts are released from prisons in the same educational group to which they were assigned immediately upon intake.

In the course of 2019, the amendments to the Law on Enforcement of Penal Sanctions²⁶ again made it possible for sentenced persons to file a plea, after receiving a final and enforceable sentence, to be allowed to serve a prison sentence of up to one year at their home address. Furthermore, the opportunities for occupational engagement of sentenced persons were expanded by allowing them to work at workplaces outside of the penal institution, based on a decision of the penalty enforcement judge. The procedure for enforcing the disciplinary measure of solitary confinement has been amended, in that medical examination, which was

²⁶ *Official Gazette of RS* No. 35/19.

mandatory before enforcement of this disciplinary measure, is now mandatory once the enforcement of this disciplinary measure has started. Of note is also the new legal concept of early release based on a decision of the penalty enforcement judge, while the remaining amendments to the Law concern primarily changes in the titles of Administration employees and training, professional development and upgrading of officers' skills.²⁷

The first stage of the EU twinning project has been completed, with training provided to 696 employees of the Administration and 395 of them completing the "train-the-trainers" course. The outputs of contributions from European and Serbian experts are manuals for the work of employees at penal institutions. These manuals and the overall results of this project are expected to improve the implementation of convict treatment programmes, including in particular specialised programmes. A representative of the NPM attended the presentation of project results, which was held in February 2019 in Belgrade.

Furthermore, as part of the project "Enhancing human rights protection for detained and sentenced persons in Serbia", funded by the European Union and the Council of Europe, two programmes were piloted during the reporting period – a general behavioural programme and a specialised programme for group treatment of drug addictions – and modules were developed for three new programmes (Aggressive Behaviour Control Programme, Domestic Violence Perpetrator Treatment Programme and Alcohol Addict Treatment Programme. In addition, in 2019 the working group tasked with developing the Treatment Programme for Convicts sentenced to Long Prison Sentences continued its work.

Most of the institutions still face the issue of understaffing in almost all of their services. The Administration has announced a new job classification bylaw. The highest increase will be seen in enforcement of extra-institutional sanctions and measures, which are expected to be developed further in the coming years through the drafting of a Strategy, through upgrading of their technical equipment and through cooperation with the civil sector.

The Network of Human Rights Committees in Serbia conducted a survey of application of alternative sanctions in the Republic of Serbia in August and September 2018 and presented its findings in a series of roundtables held in different cities. The roundtable held in Belgrade in February 2019 was also attended by representatives of the NPM. The project was funded by Civil Rights Defenders.

One deficiency that has been highlighted by the NPM and still persists is the facilities to not fully adhere to the principle of communal incarceration. Namely, convicts are not allowed to spend their spare time during the day in communal areas with other convicts; instead, they are isolated in their cells all the time (alone or in small groups).

²⁷ Changes made to the penal sanction enforcement system during the reporting period include also amendments and supplements to the Bylaw on Uniforms, Insignia, Weapons, Special Vehicles and Other Equipment at the Security Service of the Administration for the Enforcement of Penal Sanctions, *Official Gazette of RS* No. 7/19, and the enacted Bylaw on the Operation of the Training and Professional Development Centre of the Administration for the Enforcement of Penal Sanctions and the Organisation and Implementation of Training, Professional Development and Skills Upgrading, *Official Gazette of RS* No. 82/19.

GENERAL RECOMMENDATIONS FOR RECTIFYING THE DEFICIENCIES

The Administration for the Enforcement of Penal Sanctions should increase the number of employees at penal institution services to enable the treatment of persons deprived of their liberty in accordance with the applicable regulations and standards.

The Administration for the Enforcement of Penal Sanctions should ensure that sentenced persons placed at closed wards have sufficient activities at their disposal and should allow them to be allowed to spend time during the day in communal areas with other sentenced persons.

The Administration for the Enforcement of Penal Sanctions should improve the performance of medical examinations after the use of means of coercion.

The Administration for the Enforcement of Penal Sanctions should enhance opportunities for sentenced persons to progress to a more favourable educational group.

The Administration for the Enforcement of Penal Sanctions should enable female prisoners and juveniles to serve their sentences as close as possible to the place of their residence.

The Administration for the Enforcement of Penal Sanctions should ensure that all persons with mental disorders who serve prison sentences are removed from the regular prison regime.

The Administration for the Enforcement of Penal Sanctions should ensure that remand prisoners have sufficient activities at their disposal and should allow them to spend time during the day in communal areas with other remand prisoners in cases where no court-ordered contact restrictions apply.

The Administration for the Enforcement of Penal Sanctions should undertake measures to ensure that remand prisoners do not effectively serve their remand measure in solitary confinement due to their relatively low number.

4.3. Detention of Persons at Residential Care Institutions

In 2019, the NPM visited 13 residential social welfare institutions, including: Gerontology Centre in Kragujevac - Building 3/Increased Surveillance Block, Retirement Home in Voždovac, Inpatient Clinic for Children and Youth with Autism, Residential Facility for Persons with Mental Illness "Čurug", Adult Residential Facility "Trbunje", Residential Facility for Persons with Mental Disabilities "Srce u jabuci", Residential Facility for Children and Youth with Developmental Disorders "Veternik", Working Unit for the Placement of Adults and the Elderly with Intellectual and Mental Difficulties in "Tešice", Inpatient Clinic of the Centre for the Protection of Infants, Children and Youth, Adult Residential Facility "Male Pčelice", Residential Facility for Children and Persons with Developmental Disorders "Dr Nikola Šumenković" in Stamnica and Residential Facility for Persons with Mental Diseases "Sveti Vasilije Ostroški - Čudotvorac" in Novi Bečej.

Out of the total number of visits to residential care institutions, 5 visits were thematic²⁸, 2 were scheduled²⁹, 4 were study visits³⁰ carried out jointly with representatives of the Turkish NPM and the Dutch Ombudsman, 1 was unscheduled³¹ and 1 was a follow-up visit³². The visits resulted in the compiling of 3 reports³³, with 48 recommendations issued to the competent bodies. Out of that number, the competent bodies have implemented 17 recommendations, 9 recommendations have not been implemented, while the largest number of the recommendations – 22 of them – will need to be followed up.

In this reporting period, the NPM again noted that many users were in long-term placement at residential care institutions because conditions for community-based care have not been provided. However, one encouraging development is that, towards the end of the reporting period, the Government of the Republic of Serbia passed the Mental Health Protection Programme of the Republic of Serbia for 2019-2026³⁴, with an Action Plan providing for measures and activities to implement the Programme, including with regard to deinstitutionalisation.

The use of restrictive measures against users has continued throughout the reporting period, although this practice is not provided for by a law and is instead governed by internal bylaws of the residential care institutions that apply this measure. These measures are still applied by medical staff who have not undergone special training, and in some cases even by non-medical staff³⁵. Furthermore, users are still subject to restriction of movement outside of the facility, although there are no valid legal grounds for that or any procedures that would govern their detention at the facility. Indeed, even the restrictions on users' right to freedom of movement inside the facility, which are in practice justified by claims it is done with their best interest in mind, have no valid legal grounds under the applicable regulations. In addition, users whose rights are restricted in this way do not have the basic guarantees of protection from arbitrary restriction of the right to freedom of movement.

To provide legal basis for involuntary placement and detention of users at residential care institutions, at the beginning of the reporting period the Ministry of Labour, Employment, Veteran and Social Affairs prepared the Draft Law on the Protection of Persons with Mental Disorders using Residential Care Services. To improve the treatment of institutionalised

²⁸ Residential Facility for Children and Youth with Developmental Disorders "Veternik", Working Unit for the Placement of Adults and the Elderly with Intellectual and Mental Difficulties in "Tešice", Adult Residential Facility "Male Pčelice", Residential Facility for Children and Persons with Developmental Disorders "Dr Nikola Šumenković" in Stannica and Residential Facility for Persons with Mental Diseases "Sveti Vasilije Ostroški - Čudotvorac" in Novi Bečej. The report of these visits is currently being compiled and will be published in the course of 2020.

²⁹ Gerontology Centre in Kragujevac and Adult Residential Facility "Trbunje".

³⁰ Retirement Home in Voždovac, Residential Facility for Persons with Mental Disabilities "Srce u jabuci", Centre for the Protection of Infants, Children and Youth in Belgrade and the Centre's Inpatient Clinic.

³¹ Residential Facility for Persons with Mental Illness "Čurug"

³² Inpatient Clinic for Children and Youth with Autism

³³ Report of the Visit to the Gerontology Centre in Kragujevac – Building 3/Increased Surveillance Block, No. 414 – 4/19, Report of the Visit to the Inpatient Clinic for Children and Youth with Autism, No. 414 –13/19 and Report of the Visit to the Adult Residential Facility "Trbunje", No. 414-31/19.

³⁴ 05 number: 500-11682/2019, of 21 November 2019.

³⁵ Report of the Visit to the Adult Residential Facility Blace - Trbunje, No. 414-31/19.

persons with intellectual and mental disorders, the NPM issued an opinion on this Draft Law to the Ministry of Labour, Employment, Veteran and Social Affairs³⁶.

Housing conditions at certain residential care institutions³⁷ and the conditions for protecting users' privacy remain unsatisfactory and non-compliant with the applicable standards. In this reporting period, a chronic issue faced by the visited residential care institutions³⁸ remains the shortage of front-line staff, which adversely affects the quality of health care and psychosocial services provided to users. In response to the recommendation regarding sufficient staffing levels, the Ministry of Labour, Employment, Veteran and Social Affairs notified the NPM it would step up efforts to obtain approval from the Commission on Approval of New Employment and Additional Work Engagement by Public Spending Units. However, from the statistics submitted to the NPM by residential care institutions concerning the number and structure of employees relative to the number of users at those institutions it is evident that they still face a shortage of front-line staff.

Some institutions³⁹ still face a shortage of orthopaedic aids (wheelchairs, walkers and other aids) for immovable users and users with reduced mobility, which, coupled with the understaffing issue, makes it even more difficult for users to exercise their right to freedom of movement within the institution and access to outdoor areas and fresh air. During the visits,⁴⁰ the NPM also found that users are not informed of their rights on admission, nor are they provided with notice/brochures concerning their rights, due to perceived or reduced mental capacity of users, which could create scope for breaches and abuses of users' rights.

Poor housing conditions, lack of privacy, understaffing of front-line services and lack of meaningful activity could, if experienced cumulatively and in continuity, lead to inhuman and degrading treatment of users at residential care institutions.

GENERAL RECOMMENDATIONS FOR RECTIFYING THE DEFICIENCIES

The Ministry of Labour, Employment, Veteran and Social Affairs shall review the staffing situation at residential care institutions to ensure a sufficient number of medical, nursing and other staff, according to the assessed level necessary for proper treatment of users and functioning of the institutions.

The Ministry of Labour, Employment, Veteran and Social Affairs should intensify its activities aimed at ensuring that conditions and procedures for restricting the freedom of movement of users placed at residential care institutions are duly governed by law.

³⁶ Available at: <https://ombudsman.rs/index.php/2011-12-11-11-34-45/6105-ishlj-nj-z-sh-i-ni-gr-d-n-n-n-cr-z-n-z-sh-i-i-pr-v-lic-s-n-lni-s-nj-risni-uslug-s-sh-u-s-ci-ln-z-sh-i-i>

³⁷ Report of the Visit to the Gerontology Centre in Kragujevac – Building 3/Increased Surveillance Block, No. 414 – 4/19 and Report of the Visit to the Adult Residential Facility “Trbunje”, No. 414–31/19.

³⁸ Report of the Visit to the Gerontology Centre in Kragujevac – Building 3/Increased Surveillance Block, No. 414 – 4/19, Report of the Visit to the Inpatient Clinic for Children and Youth with Autism, No. 414 –13/19 and Report of the Visit to the Adult Residential Facility Blace-Trbunje, No. 414–31/19.

³⁹ Report of the Visit to the Gerontology Centre in Kragujevac – Building 3/Increased Surveillance Block, Report of the Visit to the Inpatient Clinic for Children and Youth with Autism, and Report of the Visit to the Adult Residential Facility Blace-Trbunje.

⁴⁰ Report of the Visit to the Gerontology Centre in Kragujevac – Building 3/Increased Surveillance Block and Report of the Visit to the Adult Residential Facility “Trbunje”.

4.4. Detention of Persons with Mental Disorders at Psychiatric Hospitals

During the reporting period, the NPM made 8 visits to psychiatric institutions and/or psychiatric clinics at clinical centres and psychiatric units in general hospitals.

For the first time, scheduled visits covered all psychiatric clinics at clinical centres (Clinical Centre of Kragujevac, Clinical Centre of Serbia, Clinical Centre of Niš, Clinical Centre of Vojvodina), the General Hospital of Jagodina – Psychiatric Unit and the Mental Health Protection Centre at the Clinical Centre of Niš, which incorporates the Children’s and Adolescents’ Psychiatry Ward with an inpatient clinic.

The visit to the Psychiatry Unit of the General Hospital “Dr Laza K. Lazarević” in Šabac was carried out jointly with representatives of the Human Rights and Equality Institution of Turkey, as part of their study visit to the NPM, while the visit to the Neurology and Psychiatry Clinic for Children and Youth was carried out as part of activities to mark the International Human Rights Day.

In 2019, four reports of scheduled, systemic visits were compiled and 42 recommendations were issued in total concerning the treatment of persons placed and treated at the visited institutions. Out of the total number of issued recommendations, 29 have been implemented, 4 have not been implemented, while 9 will need to be followed up. Two of the reports of the visits⁴¹ were compiled and submitted in 2020.

Most of the issued recommendations focus on improving the treatment when applying the physical restraining measure of binding the patients, to ensure this measure is applied and recorded in full compliance with the established standards.

After conducting the visits and submitting the reports with recommendations⁴², the NPM was notified by the visited clinics of the activities they had undertaken to comply with the recommendations. The activities focused on better application and recording of information on the use of physical restraints, more systematic and regular keeping of medical documentation, development of an education plan for mid-level medical staff⁴³, improving the material conditions, developing special forms for patients’ informed consent to subsequently introduced medical measures and expanding the psychosocial rehabilitation plan according to patients’ needs and abilities.

The Psychiatry Clinic of the Clinical Centre of Kragujevac also notified the NPM that, for the purpose of providing a positive therapeutic environment, permitted decorations had been made to the patients’ rooms, pictures had been hung and decorative jardinières placed in the halls, places for respite and short breaks had been provided, night stands next to the patients’ beds had been repaired or replaced with new ones and funds had been allocated to improve

⁴¹ Report of the Visit to the Psychiatry Clinic of the Clinical Centre of Vojvodina (No. 413-50/19) and Report of the Visit to the Psychiatric Unit at the the General Hospital of Jagodina (No. 413-67/19).

⁴² Report of the Visit to the Psychiatry Clinic of the Clinical Centre of Kragujevac 413-6/19, available at: <https://npm.rs/attachments/article/867/Izvestaj%20o%20poseti%20Klinici%20za%20psihijatriju%20KC%20Kragujevac.pdf>

Report of the Visit to the Psychiatry Clinic of the Clinical Centre of Serbia 413-36/19, available at: <https://npm.rs/attachments/article/895/Izveštaj%20o%20poseti%20Klinici%20za%20psihijatriju%20KCS.PDF>

Report of the Visit to the Psychiatry Clinic of the Clinical Centre of Niš 413-45/19.

⁴³ Psychiatry Clinic of the Clinical Centre of Kragujevac.

the conditions for patients' stay and create a better working environment for employees. It would also appear from the response that an education plan for mid-level medical staff was developed, since nurses and paramedics do not undergo formal specialised education in the field of mental health protection and working on psychiatric wards while schooled for their jobs.

The Psychiatry Clinic of the Clinical Centre of Serbia notified the NPM it had undertaken activities to maintain the Clinic in a satisfactory condition and equip it with the requisite equipment for conducting standard diagnostic procedures, while the Clinical Centre of Serbia had undertaken activities to hold a public procurement for any missing equipment. Furthermore, the Clinic, in compliance with the issued activities, undertook activities to develop special forms for patients' informed consent to subsequently introduced medical measures, improve the regularity of keeping medical documentation and expand the psychosocial rehabilitation plan according to patients' individual needs and abilities.

A frequent issue faced by the visited institutions is shortage of funds needed to improve the material conditions of patients' housing and to develop psychosocial rehabilitation programmes for all patients. Housing conditions are particularly unfavourable for patients at the Psychiatry Clinic of the Clinical Centre in Niš, which is situated in an old, dilapidated building within the complex of the Special Hospital for Psychiatric Diseases Gornja Toponica, dislocated outside of the Clinical Centre. Notwithstanding the difficult working conditions, the procedure for involuntary detention and placement of detention and placement of persons with mental disorders at this clinic stands out as an example of good practice, as it is carried out within the timeframe and in the manner provided for by the law⁴⁴, with the Clinic presenting the detained person with a mental disorder with a court decision and allowing him/her to exercise the right to appeal. In addition, a psychiatrist employed at the Clinic cannot be appointed court expert in judicial proceedings. Courts pass decisions after holding a hearing at the Clinic and taking a statement from the person with a mental disorder, within the timeframe set by the law.

During visits to certain institutions which report to the Ministry of Health⁴⁵, the NPM's monitoring team faced difficulties in establishing cooperation and was met with refusal to grant access to documentation relating to conducted procedures of involuntary detention and involuntary placement of persons with mental disorders at psychiatric institutions, and the Protector of Citizens therefore suggested to the Ministry of Health to hold thematic meetings and trainings to introduce health care professionals to the mandate of the National Preventive Mechanism, past findings and issued recommendations based on applicable regulations and standards of treatment of persons with mental disorders, as well as the importance of their implementation.

During the reporting period, the NPM focused in particular on the conditions of inpatient psychiatric treatment of children and youth, as a particularly vulnerable group. Visits were carried out to children's and adolescents' psychiatric wards at the Mental Health Protection Centre of the Clinical Centre of Niš and the Psychiatry Clinic of the Clinical Centre of Vojvodina. To mark the International Human Rights Day, a visit was also made to the Neurology and Psychiatry Clinic for Children and Youth. It was observed that employees

⁴⁴ A psychiatrist will pass a decision to detain a person with a mental disorder without delay where medical reasons pertain; an urgent examination by a medical advisory board will be conducted and the competent court will be provided with a substantiated notice of involuntary detention of a person with a mental disorder, with enclosed medical documentation, within 24 hours of the examination date.

⁴⁵ Clinical Centre of Kragujevac.

work in such conditions that make it difficult to adapt psychosocial activities to the needs and abilities of each patient, especially given the different ages, needs and abilities of children and adolescents. In addition, only two institutions are available for treating emergency conditions in juvenile adolescents, both of them in Belgrade, so that not all patients are able to undergo treatment near their families.

Similarly as in the previous reporting period, it is once again noted that the number of community-based mental health care services remains small (with only five community-based mental health care centres open in total), which should enable comprehensive treatment as close as possible to the family of the person with mental disorders. An encouraging development is that the importance of establishing community-based mental health care centres has been recognised in the Mental Health Protection Programme of the Republic of Serbia of 2019-2026.

Another persisting issue is understaffing, especially with regard to paramedics/nurses, and the lack of their continual specialist education, which might be conducive to the emergence of behaviours that could be characterised as ill-treatment. The posts of child psychiatrists and occupational therapists are also understaffed.

In the coming months, the NPM intends to intensify its dialogue with the Ministry of Health regarding possible modalities for implementing certain recommendations. This concerns primarily general recommendations for rectifying systemic deficiencies.

GENERAL RECOMMENDATIONS FOR RECTIFYING THE DEFICIENCIES

The Ministry of Health should improve the material housing conditions at psychiatric institutions, which are not fully compliant with the applicable standards.

The Ministry of Health should increase the number of employees at psychiatric institutions, to enable patients to be treated in compliance with the applicable regulations and standards.

The Ministry of Health should undertake measures within its mandate to improve the use of physical restraining measure by binding patients at psychiatric hospitals.

The Ministry of Health shall undertake activities aimed at establishing community-based mental health care centres and providing them with the required resources, to enable community-based prevention, treatment and rehabilitation of patients and improvement in their mental health.

4.5. Treatment of Refugees / Migrants

The NPM continued to monitor the status of migrants in Serbia during the reporting period. According to the data the NPM received from the Commissariat for Refugees and Migration, there were 5,199 migrants at the centres as of 31 December 2019. The number of migrants who were genuine asylum seekers remained low. The Reception Centre in Preševo was made operational again towards the end of the year, bringing the total number of reception and asylum centres in use up to 17 according to the data of the Commissariat for Refugees and Migration. Unaccompanied migrant minors were accommodated in asylum centres in Krnjača and Sjenica – operated by the Commissariat for Refugees and Migration, correctional facility “Vasa Stajić” (the building in the Vodovodska Street), the Children and Youth Education Facility in Niš and “Zmaj” (Zvečanska Street) – operated by the Ministry of Labour, Employment, Veteran and Social Affairs, as well as in two houses managed by non-governmental organisations: the “Pedro Arrupe” House in Belgrade – operated by the Jesuit Refugee Service, and a house in Loznica operated by No Border Serbia.

The NPM made an unannounced visit to the Reception Centre for Foreigners in Padinska Skela, which was the sixth visit to this institution; however, notwithstanding the visits and the recommendations made, many issues remained unresolved. Writs containing important information were still served on foreigners in the Serbian language, deficiencies were found with regard to access to lawyers, organisation of health care, notification of third persons and diplomatic and consular missions of foreign countries about the admission of foreigners to reception centres and contact with the outside world. While implementation of the issued recommendations resolved some of these issues, some important ones remained open. At the end of the year, the NPM made its first visit to the Border Police Station Niš and the “Constantine the Great” Airport. The visit included monitoring the treatment of foreign nationals who were refused entry to the country and the conditions of their stay until their departure from the airport. A report on the visit, with recommendations for elimination of identified deficiencies, was submitted to the competent bodies in 2020 and will be presented in more detail in the NPM’s annual report for 2020.

The NPM reviewed the proposed Resolution on Adoption of the Migration Profile of the Republic of Serbia for 2018 and proposed that the Statistics relating to prevention on illegal entry and stay should be supplemented by statistics on forced return. This proposal was not accepted.

During the reporting period, the Government passed the Regulation establishing the Support Programme for Voluntary Return of Foreigners for 2019-2021.⁴⁶ The Regulation provides that the programme is to be implemented by the Commissariat for Refugees and Migration, in cooperation with relevant international or non-governmental organisations.

4.6. Enforcement of Disciplinary Sanctions – Prohibition of Leaving Designated Rooms at the Military Facility

Given that the Law on Serbian Armed Forces specifies disciplinary sanctions which can be imposed in the event of violation of military discipline, some of which constitute deprivation of liberty within the meaning of the Optional Protocol, during the course of 2019 the NPM initiated the practice of visiting military facilities which have rooms for enforcement of disciplinary sanctions that involve prohibition of leaving designated rooms at the military facility.

The NPM believes that in this manner the Republic of Serbia also complies with the Recommendation of the Committee of Ministers of the Council of Europe to Member States to take measures to protect members of armed forces from subjection to torture or inhuman or degrading treatment or punishment, with particular emphasis on the most vulnerable categories, such as recruits.

In addition, such visits by the NPM are a form of civilian and democratic oversight of Serbian Armed Forces provided for by the Constitution, as well as the Law on Serbian Armed Forces, under which democratic and civilian oversight of Serbian Armed Forces is to be conducted by the National Assembly, the Protector of Citizens and other state bodies within their mandate, by citizens and by the public.⁴⁷

Visits were announced to the Ministry of Defence. The NPM team for visits to military barracks of the Serbian Armed Forces in the territory of the Autonomous Province of

⁴⁶ *Official Gazette of the Republic of Serbia* No. 10/19.

⁴⁷ Law on Serbian Armed Forces, Article 29 paragraph 3.

Vojvodina also included representatives of the Protector of Citizens – Ombudsman of the Autonomous Province of Vojvodina.

In preparation for the visits, the Ministry of Defence was requested to provide data on the number of imposed disciplinary sanctions, including: prohibition of leaving designated rooms at the military facility and prohibition of leaving military barracks or other military facilities, in the period from 2014 to 2018, as well as data on places/military barracks where special dedicated rooms are located for enforcement of disciplinary sanctions that involve prohibition of leaving designated rooms.⁴⁸ As the Ministry of Defence submitted the requested data, the NPM visited 16 military barracks of the Serbian Armed Forces to identify the modalities of enforcement of these disciplinary sanctions and treatment of punished persons; of that number, 15 military barracks have rooms intended for enforcement of the prohibition of leaving designated rooms at the military facility, while one military barracks⁴⁹ was visited because in 2018 two cases involved disciplinary measures of prohibition of leaving the military barrack or other military facilities.

During its visits to military barracks, the NPM found no persons serving the disciplinary sanctions that involve prohibition of leaving designated rooms at the military facility, nor were any such sanctions imposed in the course of 2019 prior to the NPM's visit. In the majority of units of the Serbian Armed Forces and the majority of visited military barracks, such sanctions have not been imposed or enforced since 2011, when compulsory military service was abolished.

A report on visits to military facilities which have special rooms for enforcement of disciplinary sanctions, with recommendations for bringing these sanctions in compliance with the applicable standards, was submitted to competent bodies in 2020 and will be presented in detail in the NPM's annual report for 2020.

4.7. Monitoring of forced returns of third country nationals

In 2019, the NPM performed 8 supervisions of forced return of foreign nationals. In this context, 5 reports were prepared and 3 recommendations were issued for rectifying the identified deficiencies, of which two were implemented, while one needs to be followed up.

As part of its monitoring activities, the NPM established cooperation with the Border Police Directorate of the Ministry of the Interior, specifically with the Reception Centre for Foreigners in Padinska Skela. This cooperation was also supported by the United Nations High Commissioner for Refugees (UNHCR), which provided interpretation for the NPM. During the supervisions, it was found that police officers who conducted the forced returns respected the integrity and dignity of foreign nationals and demonstrated a high degree of professionalism in the discharge of those duties. However, certain deficiencies were found regarding the preparation of third country nationals for return, including belated notification of foreign nationals of their forthcoming return, lack of psychological support and inability of foreign nationals to inform third persons of the forthcoming return. In that regard, the NPM issued relevant recommendations and established dialogue with the Ministry.

GENERAL RECOMMENDATIONS FOR ELIMINATING DEFICIENCIES

⁴⁸ Ombudsman's enactment 419-17/19, ref. number 9596 of 29 March 2019.

⁴⁹ Military barracks "Rastko Nemanjić" in Pančevo.

The Ministry of the Interior shall undertake activities to improve the preparation of foreign nationals for returns.

APPENDIX I Recommendations Issued to Administrative Authorities

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

Police Station Velika Plana

The Ministry of the Interior shall undertake activities to provide natural lighting, natural ventilation or ventilation appliances, as well as to install heaters in detention rooms at PS Velika Plana.

PS Velika Plana shall provide full bedding sets in detention rooms (mattresses, pillows, pillowcases, bed sheets, blankets and blanket cases) and shall regularly keep the bedding clean.

The Ministry of Interior shall undertake necessary measures to ensure that footage recorded by video surveillance at PS Velika Plana is kept for a period of minimum 30 days, and shall, where necessary, do the same at other police stations within the Police Administration Smederevo.

The facial recognition room at PS Velika Plana which is provided with technical equipment for audio and video recording shall be used both for its intended purposes and for suspect interrogations.

At PS Velika Plana, in detention orders in accordance with the Criminal Procedure Code, the start of detention shall be the moment of arrest or the moment of responding to police summons, where the conditions for detention in criminal proceedings are met.

Police Station Novi Beograd

PS Novi Beograd shall not enforce police detention until the existing detention rooms are adapted and/or new rooms are constructed in accordance with the requirements specified by the Bylaw on the Requirements that Must Be Complied with by Detention Rooms.

The Ministry of Interior shall undertake activities to ensure that special interrogation rooms at PS Novi Beograd are provided with technical equipment for audio and video recording of interrogation procedures.

PS Novi Beograd shall provide a special storage room for items seized in connection with criminal offences, shall mark items appropriately (specifying the case to which they relate) and shall keep special records of that.

The duty service of PS Novi Beograd shall obtain a first aid kit.

PS Novi Beograd shall improve the fire protection system by appropriately placing evacuation plans and emergency fire safety and evacuation instructions at visible spots in the building, to protect detainees' physical integrity.

At PS Novi Beograd, information on the exercise of detainees' right to food shall be recorded in detention reports.

At PS Novi Beograd, in detention orders pursuant to the Misdemeanours Law, the stated start of detention shall be the time when the exercise of the police power to bring in persons began.

Police Station Stari grad

The Ministry of Interior shall undertake activities to ensure that special interrogation rooms at PS Stari grad are provided with technical equipment for audio and video recording of interrogation procedures.

The Ministry of Interior shall organise and implement relevant training for criminal investigators on questioning techniques in suspect interrogations.

PS Stari grad shall provide a special storage room for items seized in connection with criminal offences.

In its future work, PS Stari grad shall not keep seized items obtained through the commission of criminal offences in the offices of criminal investigators, and each such item shall be marked appropriately (with indication of a case to which they relate).

PS Stari grad shall provide to each person who must be detained a written notification on his/her rights and shall insert its copy in a case file.

The Ministry of Interior shall undertake necessary measures to ensure that video recordings made by video surveillance at PS Stari grad are kept for a period of minimum 30 days, and shall, where necessary, do the same in other police stations within the Police Administration for the city of Belgrade.

PS Stari grad shall provide appropriate clothes for each person brought to a detention room in wet or otherwise unsanitary clothes.

PS Stari grad shall, in its future work, use means of restraint on citizens in full compliance with the applicable regulations, so that restrained persons do not suffer unnecessary physical pain or injury as a result of excessive fastening or otherwise.

At PS Stari grad, in detention orders in accordance with the Criminal Procedure Code, the beginning of detention shall be the moment of arrest or responding to police summons where the conditions for detention in criminal proceedings are met.

At PS Stari grad, police officers shall, in their future work, pass detention orders and serve them on detainees in accordance with the law on the basis of which detention is ordered, that is, within two hours of the beginning of detention at the latest if detention was ordered under the Criminal Procedure Code.

PS Stari grad shall issue certificates on temporary seized items to detainees which shall be signed by detainees, or shall, where appropriate, state that detainees refused to sign them.

PS Stari grad shall issue detainees with a receipt for temporarily seized items which will contain information on the basis of which such item is distinguishable from other items.

In its future work, PS Stari grad shall provide all information on exercised rights in the detention reports, including information on a person's possible refusal to eat where applicable.

Police Administration Jagodina - head office

At the head office of the PA Jagodina necessary measures shall be undertaken to ensure that video recordings are kept for minimum 30 days. PA Jagodina shall do the same in its other police stations where video recordings are kept for less than 30 days.

At the head office of the PA Jagodina a special room shall be provided for keeping seized items in connection with criminal offences, items shall be marked appropriately (specifying the case to which they relate) and special records shall be kept thereof.

The Ministry of Interior shall undertake activities to provide special interrogation rooms in the PA Jagodina which have technical equipment for audio and video recording of interrogations.

At the head office of the PA Jagodina, detainees' medical documentation shall not be inserted in detention case files; instead, it shall be provided to detainees.

Police officers shall demand from physicians who performed medical examinations or undertook another medical measures to provide information as to whether special treatment should be provided to a detainee based on his/her health status, i.e. to enable the exercise of his/her right to health care (e.g. any special diet, medicines, therapy, taking detainees to specialist examinations etc.).

Police officers shall make official notes of any information they receive, which shall constitute an integral part of detention case files.

At the head office of the PA Jagodina, information on the exercise of detainees' right to food shall be entered in detention reports.

At the PA Jagodina, after completion of detention in the Penal and Correctional Institution Čuprija, printed copies of detention reports shall be made available to detainees. Reports shall be signed by police officers and detainees, or notice shall be made accordingly if a person refuses to sign such report.

A signed copy of a detention report must be inserted in a detention case file.

Police Station Čuprija

PS Čuprija shall undertake necessary measures to ensure detainees' privacy while they maintain personal hygiene.

PS Čuprija shall obtain a first aid kit.

The Ministry of Interior shall undertake activities to provide special interrogation rooms at PS Čuprija which will have technical equipment for audio and video recording of interrogations.

At PS Čuprija, detainees' medical documentation shall not be inserted in detention case files; instead, it shall be provided to detainees.

Police officers shall demand from physicians who performed medical examinations or undertook another medical measures to provide information as to whether special treatment should be provided to a detainee based on his/her health status, i.e. to enable the exercise of his/her right to health care (e.g. any special diet, medicines, therapy, taking detainees to specialist examinations etc.).

Police officers shall make official notes of any information they receive, which shall constitute an integral part of detention case files.

Police Administration Kragujevac

PA Kragujevac and its subordinated police stations shall also provide persons detained according to the Criminal Procedure Code with written notice detailing all rights under section 4 of the Instructions, in addition to the notice detailing all rights provided for in the Criminal Procedure Code.

Police Station Lapovo

PS Lapovo shall undertake necessary measures to provide artificial lighting in the detention room.

Police Administration Leskovac

PA Leskovac shall undertake activities to ensure appropriate lighting and inflow of fresh air in detention rooms.

Head office of PA Leskovac shall provide missing bed linen in detention rooms (bed sheets and blanket cases).

PA Leskovac shall undertake necessary measures to ensure detainees' privacy when using toilet facilities.

PA Leskovac shall, in its future work, use means of restraint on citizens in full compliance with the applicable regulations, so that restrained persons do not suffer unnecessary physical pain or injury as a result of excessive fastening or otherwise.

At the PA Leskovac, in orders for detention of up to 24 hours in accordance with the Misdemeanours Law, the stated start of detention shall be the time when the exercise of the police power to bring in persons began.

At the head office of PA Leskovac, police officers shall, in their future work, visit detainees from time to time and shall make note of such visits to detainees in the detention reports, specifying whether they talked to detainees.

Police Administration Požarevac

The Ministry of Interior shall undertake activities to provide special interrogation rooms at the head office of PA Požarevac, which will be provided with technical equipment for audio and video recording of interrogation procedures.

The Ministry of Interior shall organise and implement relevant training for criminal investigators on questioning techniques used in suspect interrogation.

At the PA Požarevac, in detention orders in accordance with the Criminal Procedure Code, the moment of arrest or responding to police summons where the conditions for detention in criminal proceedings are met shall be and shall be indicated as the beginning of detention.

PA Požarevac shall not place detainees in the Penal and Correctional Institution Požarevac - Zabela if they cannot be placed there separately from remand prisoners.

Police Administration Zaječar

PA Zaječar shall undertake activities to ensure appropriate inflow of fresh air in the detention room.

PA Zaječar shall fit police detention rooms with a device for calling an on-duty police officer.

The Ministry of Interior shall undertake activities to provide special interrogation rooms at the head office of PA Zaječar, which will be provided with technical equipment for audio and video recording of interrogation procedures.

The Ministry of Interior shall organise and implement relevant training for criminal investigators on questioning techniques used in suspect interrogation.

At the head office of PA Zaječar, a special room shall be provided for keeping seized items in connection with criminal offences.

Police officers at the PA Zaječar shall not be present during medical examinations of detainees, unless a physician who is performing examinations requires so for security reasons.

Physician asks for police officers to be present, he/she shall state so in writing, and the police officers who will be present during medical examinations must not be able to hear the conversation between the physician and the detainee.

Police officers must warn physicians about all security aspects which are relevant for the physician's decision as to whether non-medical staff should be present during medical examinations.

At the head office of PA Zaječar, detainees' medical documentation shall not be inserted in detention case files; instead, it shall be provided to detainees.

Police officers shall demand from physicians who performed medical examinations or undertook another medical measures to provide information as to whether special treatment should be provided to a detainee based on his/her health status, i.e. to enable the exercise of his/her right to health care (e.g. any special diet, medicines, therapy, taking detainees to specialist examinations etc.).

Police officers shall make official notes of any information they receive, which shall constitute an integral part of detention case files.

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

Penal and Correctional Institution in Sremska Mitrovica

The Administration for the Enforcement of Penal Sanctions shall provide to all institutions for enforcement of penal sanctions with forms which physicians will have to use when compiling reports on the use of means of coercion and on injuries inflicted on persons deprived of liberty. The NPM would like to point to forms used in the Penal and Correctional Institution Belgrade – Padinska Skela (*Forms A1, A2 and B*) as an example of good practice.

The Penal and Correctional Institution Sremska Mitrovica shall provide a separate bed for each convict placed in the intake unit.

The Penal and Correctional Institution Sremska Mitrovica shall undertake all available measures to ensure that convicts are kept at the intake unit for a maximum of 30 days.

The Penal and Correctional Institution Sremska Mitrovica shall undertake relevant technical measures to ensure that hot water is available more frequently and for longer periods of time, so that convicts at the intake unit could maintain personal hygiene.

The Penal and Correctional Institution Sremska Mitrovica shall provide hygiene packages for convicts, with sufficient razor blades for shaving, in accordance with their needs.

The Penal and Correctional Institution Sremska Mitrovica shall regularly perform pest control in all rooms at the intake unit.

The Penal and Correctional Institution Sremska Mitrovica shall undertake appropriate measures, in terms of human and other resources, to ensure that convicts can use toilets during walks in the yard.

The Penal and Correctional Institution Sremska Mitrovica shall provide an appropriate communal room of sufficient size and fitted with appropriate equipment.

The Administration for the Enforcement of Penal Sanctions shall undertake measures to ensure that sufficient Security Service members are hired at the intake unit of the Penal and Correctional Institution Sremska Mitrovica based on the number of persons deprived of liberty.

District Prison in Kragujevac

The Administration for the Enforcement of Penal Sanctions and the District Prison in Kragujevac shall undertake measures within their respective mandates to address the issue of insect infestation in dormitories, to refurbish the shared bathroom at the detention unit and to fix the roof of the building.

The District Prison in Kragujevac shall provide sufficient cutlery for all persons deprived of liberty.

The District Prison in Kragujevac shall include more fruits and dairy products in the menu.

The District Prison in Kragujevac shall visibly place the menu in the dining room and shall make it available also to persons who do not use the dining room.

The District Prison in Kragujevac shall establish and keep records of legal assistance provided to persons deprived of liberty.

The Administration for the Enforcement of Penal Sanctions shall train employees assigned to treatment duties at the District Prison in Kragujevac how to implement specialised programmes for working with convicts.

The Administration for the Enforcement of Penal Sanctions shall undertake measures to ensure that correctional officers at the District Prison in Kragujevac are freed from duties involved in enforcing extrainstitutional sanctions and measures.

Correctional officers at the District Prison in Kragujevac shall evaluate whether convicts need assistance after completion of prison sentence.

If correctional officers at the District Prison in Kragujevac evaluate that a convict needs assistance or a convict himself/herself requests assistance, the District Prison in Kragujevac shall notify the Probation Office in Kragujevac thereof, so a probation Officer could timely initiate the development of an assistance programme.

Correctional officers at the District Prison in Kragujevac shall cooperate with the probation officer in the development of such assistance programmes.

The District Prison in Kragujevac shall undertake measures to provide paid and meaningful work activities for more persons deprived of liberty, including in particular convicts placed in closed units and remand prisoners.

At the District Prison in Kragujevac, presence of non-medical staff during medical examinations of persons deprived of liberty shall be recorded in writing in medical documentation.

At the District Prison in Kragujevac, first medical examinations of persons deprived of liberty shall include examination of all bodily parts, that is, examination of persons without their clothes on.

If a physician observes injuries which may be indicative of ill-treatment or a person deprived of liberty claims he/she was abused, the District Prison in Kragujevac shall notify the competent prosecutor's office. Relevant documents (written statement, official notes, documentation on injuries etc.) shall also be submitted to the prosecutors' office.

At the District Prison in Kragujevac, medical documentation formed during convicts' stay in detention shall be enclosed to their medical records.

The District Prison in Kragujevac shall consider a change in the daily activity regime, so that persons deprived of liberty who take specific therapy could be present during roll calls.

The Administration for the Enforcement of Penal Sanctions shall pass job classification rules at the new institution to address the issue of status and number of employees.

The Administration for the Enforcement of Penal Sanctions shall provide uniforms and replace parts of uniforms for Security Service members at the District Prison in Kragujevac in accordance within the statutory timeframe.⁵⁰

At the District Prison in Kragujevac, employees who are entitled to reduced years of service for retirement shall be sent to medical examinations without delay.

At the District Prison in Kragujevac, employees who are entitled to reduced years of service for retirement shall in the future be sent to medical examinations at least once every three years.

Penal and Correctional Institution y Niš

The Administration for the Enforcement of Penal Sanctions shall undertake measures to ensure medical staff are present at the Penal and Correctional Institution Niš 24 hours a day.

The NPM repeats its recommendation issued to the Administration for the Enforcement of Penal Sanctions to provide complete sets of uniforms for the Security Service members in Penal and Correctional Institution in Niš.

The NPM recommends that the Institution also undertake appropriate measures and, in accordance with recommendations of the Committee, provide persons deprived of liberty with 4 square metres of living space, excluding toilet facilities.

The NPM recommends that the Institution replaces the remaining old mattresses with new ones in the dormitories of persons deprived of liberty and paints and repairs the damaged walls and eliminates dampness in Pavilion 2.

Hygiene products shall be provided to persons detained on the basis of the Criminal Procedure Code in detention rooms in Penal and Correctional Institution in Niš.

Based on good practice examples in other countries, the NPM is of the opinion that the Penal and Correctional Institution in Niš should equip dormitories with clocks or other devices for remand prisoners and detainees to keep time during the day.

District prison in Zaječar

The District Prison in Zaječar shall provide full bedding sets for detainees.

District prison in Zaječar shall install video surveillance at the dormitory intended for police detention to ensure constant surveillance over persons placed therein, while observing the requirements of privacy protection.

Penal and Correctional Institution in Požarevac - Zabela

The Penal and Correctional Institution in Požarevac – Zabela shall remove beds which are not used from the dormitory in the Detention Unit intended for placement of detainees.

⁵⁰ The Bylaw on Uniforms, Insignia, Weapons, Special Vehicles and Other Equipment at the Security Service of the Administration for the Enforcement of Penal Sanctions (Official Gazette of the Republic of Serbia No. 29/16, 74/16, 3/17, 89/17 and 7/19).

The Penal and Correctional Institution in Požarevac-Zabela shall install video surveillance in the dormitory intended for police detention to ensure constant surveillance over persons placed therein, while observing the requirements of privacy protection.

The Penal and Correctional Institution in Požarevac – Zabela shall refurbish the sanitary facilities in the detention room of the Detention Unit.

At the Penal and Correctional Institution in Požarevac – Zabela, basic hygiene packages shall be provided to every detainee during the intake procedure without special request.

At the Penal and Correctional Institution in Požarevac-Zabela, injuries shall be photographed and recorded on a special form showing a body map, and the photographs made, together with the body map showing the injuries, shall be kept in detainees' medical records.

Medical examinations of detainees shall be performed with only health professionals present, except in cases when a health professional demands otherwise.

Security Service members must warn physicians of all security aspects which are relevant for making a decision by a physician whether non-medical staff should be present during medical examinations.

If a physician demands the presence of non-medical staff during examinations and/or other medical actions, the fact of such a demand and information on attending non-medical staff shall be recorded in the medical documentation for the detainee in question.

The Penal and Correctional Institution in Požarevac shall ensure that all detainees spend minimum two hours in fresh air every day.

At the Penal and Correctional Institution in Požarevac-Zabela, medical records shall contain relevant statements as appropriate: that a full body examination without clothes was performed during which no bodily injuries were identified, or, where such injuries are identified, a mandatory description of such injuries.

Where bodily injuries exist, a medical report shall include a detailed description of their size, precise location, appearance, number etc. Based on such findings, the type of injury shall be determined, a diagnosis shall be provided in Latin and, where possible, the mechanism by which the injury was inflicted should be described in detail, or an opinion should be given on the connection between the applied measure and the inflicted injuries.

Penal and Correctional Institution in Čuprija

The Penal and Correctional Institution in Čuprija shall ensure privacy for detainees while they use toilet facilities or maintain personal hygiene.

The Penal and Correctional Institution in Čuprija shall undertake necessary measures to ensure sufficient natural lighting in the detention room.

The Penal and Correctional Institution in Čuprija shall provide bed linen and personal hygiene products for all detainees.

The Penal and Correctional Institution in Čuprija shall pay special attention to appropriate maintenance of toilet facilities in detention rooms.

The first medical examination of detainees must include examination of all bodily parts, that is, examination of patients without their clothes on for the purpose of identifying possible bodily injuries which can be connected to violent treatment of a detainee.

During the first medical examination, physicians at the Penal and Correctional Institution in Čuprija shall record all pieces of information they obtained in the medical records.

At the Penal and Correctional Institution in Čuprija, all injuries identified on detainees during their first medical examinations shall be photographed and photographs of injuries shall be kept in detainees' medical records.

At the Penal and Correctional Institution in Čuprija, physicians shall include findings of medical examinations previously performed at a medical institution in detainees' medical records.

I-3 – Recommendations issued to the Ministry of Labour, Employment, Veteran and Social Affairs and residential care institutions

Gerontology Centre in Kragujevac

The Ministry of Labour, Employment, Veteran and Social Affairs shall review the human resources situation at the institution in order to provide the required number of medical, nursing and other staff based on the needs assessment for proper treatment of users and operation of the institution.

The institution shall undertake measures to grant users unlimited access to open space and fresh air if appropriate given their health.

The institution shall ensure that each user has at his/her disposal a surface area of 10 square metres in a single room and 5 square metres in multiple-bed rooms.

Rooms where users stay shall be decorated in such a way as to create a more humane environment and reflect the unique nature of users.

The institution shall repair closets and ensure that each user has the use of a separate wing of a closet with shelves for clothes. In addition, user shall be provided with closet keys.

The institution shall undertake measures and inspect and repair the malfunctioning SOS mechanism used to call duty staff.

The institution shall repair the malfunctioning door locks and install window handles.

The institution shall eliminate dampness, replace the worn-out joinery and repair malfunctioning sinks in users' rooms.

The institution shall visibly place a notice of video surveillance at the block.

The institution shall remove video surveillance cameras from all users' rooms.

In the future, when reviewing individual user's service plans, the expert team of the institution shall specify whether individual objectives have been achieved and whether new objectives have been set or, if not, why new specific objectives have not been set if the previous ones have been achieved.

The justifiability of application of the physical restraint measure called "placement on the increased supervision block" must be reviewed at least twice a year and shall be applied for a limited duration only, when it is found there is a high level of risk for the user's life.

The institution shall apply the mechanical restraint measure, the so-called fixation, in full compliance with the regulations and the established standards for the treatment of persons with mental disorders, including in particular the following:

1. The mechanical restraint measure shall be applied exceptionally, when it is the only way of preventing users from putting their lives and safety or the lives and safety of other persons at a serious risk;
2. Before applying the mechanical restraint measure, less restrictive measures shall be considered and attempted;
3. Mechanical restraint of users shall be carried out by means of medical measures that will ensure the shortest possible period of application of the measure;
4. Mechanical restraint of users shall be carried out in a safe place and in the least harmful way to the life and health of users;
5. Mechanical restraint of users shall be carried out using means designated for such purposes (belts, etc.) which are suitable for restraining persons in a way that minimises the risk to life and health of users;
6. A psychiatrist decides on the application of the mechanical restraint measure and its duration, bearing in mind that the period of application of the measure should be as short as possible, in accordance with the applicable standards and rules of the medical profession;
7. If, in the absence of a psychiatrist, another health professional applies mechanical restraint on a user where he/she considers the procedure necessary and urgent at the time, he/she shall immediately inform the nearest psychiatrist thereof, who shall immediately attend to the user and assess whether the applied mechanical restraint was justified and whether it is still necessary, and shall make an appropriate decision accordingly;
8. The psychiatrist who decided the mechanical restraint measure shall, during the application of that measure and in a reasonable period after removal of the measure, periodically visit the user subjected to the measure and monitor his/her health with due care;
9. When, during the application of mechanical restraint, a psychiatrist finds that a user subjected to such measure no longer poses a threat to himself or to another person, the user shall be immediately released from restraint;
10. Shortly before the expiry of the period for application mechanical restraint, a psychiatrist shall assess whether continued application of the measure is necessary and make an appropriate decision, ordering the immediate release of the mechanically restrained user if continued application of the measure is not considered necessary;
11. During the application of mechanical restraint, medical staff shall pay special attention to and, as much as possible, be directly present by the side of the user who is mechanically restrained, to ensure this measure does not become tantamount to solitary confinement of the user;
12. The mechanical restraint measure shall not be applied in a room where users who are not subjected to such measure are placed and other users shall not be allowed to enter that room;
13. The psychiatrist who makes the decision to apply the mechanical restraint measure shall immediately inform the director of the hospital or another person authorised by the director, who shall immediately inform the legal representative or an immediate family member of the user subjected to such measure;
14. Separate records shall be kept of application of the mechanical restraint measure, in which all relevant information on the application of the measure shall be entered, including: the reasons for applying the mechanical restraint measure; a description of measures applied before mechanical restraint; the type of means used for mechanical restraint; information on the place (room) where the mechanical restraint measure was applied; the exact time (day/hour/minute) of the beginning of the mechanical restraint measure; name of the psychiatrist who made the decision to apply the mechanical restraint measure; name of the health professional who, in the absence of a psychiatrist, for reasons of urgency, mechanically restrained the agitated user before a psychiatrist made the decision; the time when the psychiatrist was informed of mechanical restraint; the psychiatrist's opinion on the justification of the applied mechanical restraint; a description of medical measures applied

during mechanical restraint; a description of all possible injuries to the user subjected to the mechanical restraint measure (occurring before and during the application of the measure) and possible injuries to other users or health professionals (occurring in the event that preceded the mechanical restraint); information on periodical visits to the user subjected to the mechanical restraint measure and monitoring of his/her health by the psychiatrist (number of visits, exact time and duration of visits, actions performed); information on the time of notification of the director of the hospital or other person authorised by the director about the applied mechanical restraint measure and information whether and when a legal representative or an immediate family member of the user subjected to the measure was notified; statements and comments by the user during and immediately after the mechanical restraint measure was applied against him/her; the exact time (day/hour/minute) of completion of the mechanical restraint measure.

The institution shall provide training for health professionals concerning the conditions for and the procedure of applying physical restraint against agitated users and trainings on the application of advanced non-violent physical restraining techniques, in accordance with a special training plan for health professionals on the manner and procedure of application of the physical restraint measure.

The institution shall undertake measures to ensure a more meaningful daily activity schedule for users, with more engaging activities tailored to their needs.

The institution shall provide more varied occupational activities at the increased supervision block and shall encourage as many users as possible to join them, in accordance with their interests and affinities.

The expert team shall specify in individual service plans the concrete rehabilitation activities in which users should be involved.

The institution shall provide a separate room for isolation of users with infectious diseases.

Inpatient Clinic for Children and Youth with Autism

The Ministry of Labour, Employment, Veteran and Social Affairs shall undertake necessary measures to bring the actual state and the actual needs of the institution in compliance with the normative framework and provide an appropriate facility to house users.

The Ministry of Labour, Employment, Veteran and Social Affairs shall review the human resources situation at the institution in order to ensure the required number of medical, nursing and other staff in accordance with the needs assessment for appropriate treatment of users and operation of the institution.

The institution shall provide users with hot water for face and hand washing.

The institution shall install a halfway up partition door in toilets or other means of protecting users' privacy, which will also ensure their safety.

The Inpatient Clinic shall undertake measures to ensure that serology testing is performed on users where necessary.

The institution shall purchase the required medical devices (glucose meters, inhalators, medical aspirators, medical oxygen tanks with manometers, ECG machines).

The Inpatient Clinic shall establish a Protocol for Recording Deaths and shall record the following information therein: the number of deaths in the current year; name, surname and a parent's/guardian's name of the deceased; date of birth of the deceased; date and time of death; place of death; cause of death based on the information contained in the Death Certificate form; whether an autopsy was required; name and surname of the physician who

examined the deceased and issued the death certificate; whether an autopsy was performed, and if it was, at which institution; and a conclusion on the cause of death based on the autopsy and notes.

The Residential and Day Care Centre for Children and Youth with Developmental Disorders shall undertake measures to ensure that employees at the Inpatient Clinic responsible for psychosocial treatment with users undergo relevant trainings, with a focus on cognitive and behavioural programmes. In addition, trainings on international human rights standards (Convention on the Rights of Persons with Disabilities, Universal Declaration of Human Rights etc.) shall also be organised for all front-line employees at the Inpatient Clinic.

The Inpatient Clinic shall engage users in activities set out in individual service plans in accordance with their diagnoses, needs and abilities. This includes adjustment of higher-than-necessary doses of psychopharmaceuticals, as well as provision of varied activities as part of psychosocial rehabilitation.

The Inpatient Clinic shall make additional to ensure a more meaningful daily activity schedule for users, with more engaging activities tailored to their affinities, needs and age.

Residential Centre for Adults Blace - Trbunje

The Ministry of Labour, Employment, Veteran and Social Affairs shall review the human resources situation in the Centre in order to ensure the required number expert employees in accordance with the needs assessment for appropriate treatment of users and operation of the institution.

The Centre shall undertake measures to adapt the housing conditions at the institution in terms of accessibility for immobile users and users with restricted mobility.

The Centre shall place male and female users in separate rooms, except in case of de facto partners or spouses.

The Centre, in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs, shall undertake measures to ensure that each room accommodates a maximum of four users and shall fit the rooms with new furniture, in accordance with the Bylaw on Detailed Requirements and Standards for Provision of Social Welfare Services.

The Centre, in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs, shall undertake measures to provide decent conditions for users to maintain their personal hygiene at the Centre in accordance with the Bylaw on Detailed Requirements and Standards for Provision of Social Welfare Services.

The Centre shall undertake measures and provide all users with full sets of clean clothes and footwear appropriate for the weather conditions.

The Centre shall undertake measures to ensure a more meaningful daily activity schedule for users, with more engaging activities tailored to their needs and individual service plans.

The Centre shall visibly place a notice of video surveillance inside the building.

The Centre shall apply the mechanical restraint measure against highly agitated users using leather belts intended for that purpose.

The Centre shall provide training for health professionals about the conditions for and the procedure of applying physical restraint against agitated users and trainings on the application of advanced non-violent physical restraining techniques, in accordance with the special training plan for health professionals on the manner and procedure of application of the physical restraint measure.

The Centre shall, in the future, regularly keep records of the application of restrictive measures and shall not place users in isolation as a pedagogical measure; instead, it shall order isolation exclusively on medical grounds and in accordance with the applicable standards.

During the intake procedure, users shall be notified of their rights in a way that is comprehensible to them and adapted to their abilities.

The Centre shall develop brochures on the rights of users, which shall be provided to users during the placement procedure, as well as to their guardians, and shall visibly place a notice of users' rights inside the building.

The Centre shall appoint an expert to provide legal assistance and support in accordance with users' needs.

The Centre shall place a box for complaints in a communal room.

The Ministry of Labour, Employment, Veteran and Social Affairs shall undertake necessary measures to provide an ambulance for the Centre in Trbunje.

The Centre shall provide sufficient aids for immobile users and users with restricted mobility (wheelchairs and other aids) to facilitate their movement.

The institution shall establish a special Protocol of Injuries, where the following information shall be recorded: name and surname; type of injury; manner in which the injury occurred (by the user himself/herself or by another user, by the staff); seriousness of the injury; whether medicines were used; whether it was an accident or the injury was inflicted intentionally; circumstances under which the injury occurred (specifying the source of information – amnestic/heteroamnestic); detailed description of the identified injuries and a physician's conclusion on the connection between the circumstances under which the injury occurred and the identified injury.

The Centre shall establish a Protocol for Recording Deaths and shall record the following information therein: the number of deaths in the current year; name, surname and a parent's/guardian's name of the deceased; date of birth of the deceased; date and time of death; place of death; cause of death based on the information contained in the Death Certificate form; whether an autopsy was required; name and surname of the physician who examined the deceased and issued the death certificate; whether an autopsy was performed, and if it was, at which institution; and a conclusion on the cause of death based on the autopsy and notes.

The NPM is of opinion that Poor housing conditions, lack of privacy, understaffing of front-line services and lack of meaningful activity could, if experienced cumulatively and in continuity, lead to inhuman and degrading treatment of users, which is why urgent steps should be taken to improve the position of users in the Centre.

The NPM once again draws the attention of the competent ministry to the need to have the procedure of and conditions for restriction of freedom of movement of users placed residential care institutions, both inside and outside of the institutions, governed by a law rather than internal rules.

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

Clinical Centre of Kragujevac – Psychiatry Clinic

The Psychiatry Clinic shall, in the future, grant the National Preventive Mechanism access to all requested documentation and to the data on treatment of involuntarily detained and confined patients who are or were placed at the Clinic and undergo medical treatment there, in accordance with the applicable regulations.

The Clinic shall keep the documentation of all patients in full compliance with the applicable regulations.

The Ministry of Health shall forward the recommendation to all psychiatric hospitals and wards at clinics and general hospitals and shall ensure that management of all these health care institutions is informed of the competences and authorities of the NPM, to enable unhindered and effective exercise of the NPM's mandate in the field of torture prevention.

The Clinic shall provide material conditions to ensure a positive therapeutic environment: by remodelling or purchasing new night stands for each patient, repairing sanitary facilities and the stall doors and fully equipping the toilets at the "men's ward", as well as by decorating walls and space where patients spend their time (corridors, dining room).

The Clinic shall undertake the necessary activities to repair the roof and paint the building of the psychiatric day hospital.

When a patient who is committed based on his/her consent to commitment wishes to revoke such consent, the Clinic shall not keep the patient committed based on his/her written consent; instead, if in the meantime the medical reasons occurred for involuntary commitment of such patient, the Clinic shall initiate the procedure for involuntary commitment of the patient, in accordance with regulations providing for involuntary commitment and placement of persons with mental disorders.

The Clinic shall apply the mechanical restraint measure, the so-called fixation, in full compliance with the regulations and the established standards for the treatment of persons with mental disorders, including in particular the following:

1. The mechanical restraint measure shall be applied exceptionally, when it is the only way of preventing users from putting their lives and safety or the lives and safety of other persons at a serious risk;
2. Before applying the mechanical restraint measure, less restrictive measures shall be considered and attempted;
3. A psychiatrist decides on the application of the mechanical restraint measure and its duration, bearing in mind that the period of application of the measure should be as short as possible, in accordance with the applicable standards and rules of the medical profession;
4. A psychiatrist who made the decision to apply the mechanical restraint measure shall immediately inform the director of the Clinic or another person authorised by the director about it, who shall immediately inform the legal representative or the immediate family members of the patient subjected to such measure;
5. The psychiatrist who decided the mechanical restraint measure shall, during the application of that measure and in a reasonable period after removal of the measure, periodically visit the user subjected to the measure and monitor his/her health with due care;
6. When, during the application of mechanical restraint, a psychiatrist finds that a user subjected to such measure no longer poses a threat to himself or to another person, the user shall be immediately released from restraint;
7. During the application of mechanical restraint, medical staff shall pay special attention to and, as much as possible, be directly present by the side of the user who is

mechanically restrained, to ensure this measure does not become tantamount to solitary confinement of the user;

8. Mechanical restraint of users shall be carried out using means designated for such purposes (belts, etc.) which are suitable for restraining persons in a way that minimises the risk to life and health of users;
9. The mechanical restraint measure shall not be applied in a room where users who are not subjected to such measure are placed and other users shall not be allowed to enter that room;
10. Separate records shall be kept of application of the mechanical restraint measure, in which all relevant information on the application of the measure shall be entered, including:
 - The reasons for applying the mechanical restraint measure;
 - A description of measures applied before mechanical restraint;
 - The type of means used for mechanical restraint;
 - Information on the place (room) where the mechanical restraint measure was applied;
 - The exact time (day/hour/minute) of the beginning of the mechanical restraint measure;
 - Name of the psychiatrist who made the decision to apply the mechanical restraint measure;
 - A description of medical measures applied during mechanical restraint;
 - A description of all possible injuries to the user subjected to the mechanical restraint measure (occurring before and during the application of the measure) and possible injuries to other users or health professionals (occurring in the event that preceded the mechanical restraint);
 - Information on periodical visits to the user subjected to the mechanical restraint measure and monitoring of his/her health by the psychiatrist (number of visits, exact time and duration of visits, actions performed);
 - Information on the time of notification of the director of the hospital or other person authorised by the director about the applied mechanical restraint measure and information whether and when a legal representative or an immediate family member of the user subjected to the measure was notified;
 - Statements and comments by the user during and immediately after the mechanical restraint measure was applied against him/her;
 - The exact time (day/hour/minute) of completion of the mechanical restraint measure.

The Clinic shall provide training for health professionals concerning the conditions for and the procedure of applying physical restraint against agitated users and trainings on the application of advanced non-violent physical restraining techniques, in accordance with a special training plan for health professionals on the manner and procedure of application of the physical restraint measure.

The Clinic shall prepare a special medical treatment plan for each patient and/or specify activities during hospital treatment, as well as activities as part of a post-release support plan, to be applied to the patient concerned.

In addition to qualified experts of various profiles, the patients themselves shall also be included in the development preparation of medical treatment plans.

The Clinic shall without delay prepare and submit to the Ministry of Health an analysis of the current needs for relevant community-based mental health care services capable of assuming

care for patients after their release from treatment, in the territory of the district served by the Clinic.

Medical history shall be recorded on the medical history form and shall be systematized, detailed and understandable. Medical history must contain all pieces of diagnostic information (including the results of any specialist examinations the patient underwent) and current records of the patient's mental and somatic condition and his/her treatment.

In the existing infrastructural conditions, the Clinic shall:

- Develop available and adapted psychosocial rehabilitation activities for patients and include all patients in psycho-social rehabilitation programmes, in accordance with their needs and adapted to their abilities;
- Organise group psychotherapy for patients in the same diagnostic categories;
- Provide conditions and enable patients to spend some time outdoors, regardless of the weather conditions.

The Clinic shall prepare and submit to the Ministry of Health an analysis of the required number and expert profiles of employees, capable of providing health care to all patients in accordance with the applicable regulations and standards.

The Clinic shall develop a training programme for mid-level medical staff based on needs assessment, develop a potential plan of cooperation with other educational institutions and organisations and implement procedures for monitoring the organisation of trainings and evaluating the results achieved and the knowledge and skills acquired.

The Clinic shall provide training for nurses and paramedics on acquiring the knowledge and developing the skills necessary for successful psychosocial rehabilitation of patients.

The Clinic shall ensure that information on patients' rights and mechanisms for their protection is clearly visible and available in an appropriate form to all patients (posters, brochures etc.).

Psychiatry Clinic of the Clinical Centre of Serbia

The Clinical Centre of Serbia, in cooperation with the Ministry of Health, shall undertake all necessary activities to maintain the building of the Psychiatry Clinic in a satisfactory condition and to improve its energy rating and other characteristics and provide appropriate insulation.

The Clinical Centre of Serbia, in cooperation with the Ministry of Health, shall undertake all necessary activities within its mandate to install an outside lift at the Psychiatry Clinic to enable the provision of emergency care to critically ill patients where necessary, facilitated relocation of immobile patients and unobstructed access for persons with disabilities who use wheelchairs and persons with limited mobility to units for hospital treatment of patients.

The Clinical Centre of Serbia shall undertake activities to fully equip the Psychiatry Clinic with cleaning and washing devices in the kitchen.

The Psychiatry Clinic shall ensure that, whenever a new measure is subsequently imposed, the patient's consent on a special form is required for that particular measure, subject to prior provision of information to the patient about his/her condition and the proposed measure.

The mechanical restraint measure shall not be applied in a room where users who are not subjected to such measure are placed.

The Clinic shall provide a special room or a place for application of mechanical restraint of patients, where other patients will not be allowed access while a patient is fixated.

The mechanical restraint shall never be applied at discretion; instead, a psychiatrist shall decide on application of the measure after visiting the patient, when the psychiatrist finds that the patient's condition warrants its application, and the medical measures used shall ensure that the restraint is applied for the shortest possible period, in accordance with the applicable standards and rules of the medical profession.

The psychiatrist who made a decision shall, during application of that measure and in the relevant period after suspension of the measure, periodically visit the patient subjected to such measure and monitor his/her health with due care; when, during application of the measure, the psychiatrist finds that the patient subjected to such measure no longer poses a threat to himself or to others, the patient shall be immediately removed from the restraint.

The Clinical Centre of Serbia, in cooperation with the Ministry of Health, shall undertake activities to provide the Psychiatry Clinic with the full equipment required under the law for the provision of health care and for performing standard diagnostic procedures.

The Clinic shall ensure detailed, legible and continual keeping of patients' medical history so that the medical history contains all pieces of diagnostic information, as well as the current records of the patient's mental and somatic condition and his/her treatment course.

The Clinic shall increase efforts to ensure greater availability of attending physicians to patients for the purpose of conducting timely interviews in private, while ensuring confidentiality of personal data and protection of patients' privacy.

The Psychiatry Clinic shall expand the psychosocial rehabilitation plan by further developing the available and adapted psychosocial rehabilitation activities for patients in accordance with their needs and adjusted to their abilities and shall organise group psychotherapy for patients in the same diagnostic categories.

The Clinical Centre of Serbia, in cooperation with the Ministry of Health, shall undertake activities to provide relevant means necessary for implementation of psychosocial rehabilitation activities for patients in the Psychiatry Clinic.

The Clinic shall undertake measures to increase the staffing levels of wards during night shifts.

Psychiatry Clinic of the Clinical Centre Niš

The Clinical Centre Niš, in cooperation with the Ministry of Health, shall undertake all necessary measures within its mandate to replace joinery and renew the water supply and sewerage networks and electrical wiring, in order to ensure appropriate material conditions for the safe operation of the Psychiatry Clinic and for keeping the building in a satisfactory condition.

The Clinical Centre Niš, in cooperation with the Ministry of Health, shall undertake all necessary activities within its mandate to renovate toilets and bathrooms and ensure privacy for patients while they are having a bath.

The Clinic shall not use the general consent form for obtaining patients' consent to a medical measure, i.e. the Clinic shall not ask patients to give their consent to a proposed medical measure on such form.

The Clinic shall ensure that consent is requested from the patient or his/her guardian whenever a new medical measure is subsequently imposed.

The mechanical restraint measure shall not be applied in a room where users who are not subjected to such measure are placed.

The Clinic shall provide a separate room or a place for application mechanical restraint on patients, which other patients will not be allowed to access while the measure is being applied.

The Psychiatry Clinic shall stop using bedsheets to physically restrain patients.

The Clinical Centre Niš shall obtain restraints with magnetic safety clips for the Psychiatry Clinic.

The Psychiatry Clinic shall carry out mechanical restraint, the so-called fixation, in full compliance with regulations and established standards for treatment of persons with mental disorders, which means that the patient must be released from restraints as soon as the emergency situation has subsided and/or when the threat caused by actions of the person with mental disorders has been neutralised.

The Clinic shall ensure that any application of physical restraint on persons with mental disorders is recorded fully and in detail, i.e. that all required data are recorded in fixation lists.

Then Clinic shall ensure that copies of individual fixation lists/reports of all patients subjected to the physical restraint measure is inserted in the Record Journal, regardless whether they have been released from the Clinic or not.

The Clinic shall provide training for health professionals on the conditions for and the procedure of application of physical restraint against agitated patients and trainings on application of advanced non-violent physical restraining techniques, in accordance with the special training plan for health professionals on the manner and procedure of applying the physical restraint measure.

The physical restraint measure in the Clinic shall be carried out exclusively by health professionals trained for that purpose, while in cases where absolutely necessary they may be assisted by specially trained non-medical staff.

The Clinical Centre Niš, in cooperation with the Ministry of Health, shall undertake activities to provide the Psychiatry Clinic with the full equipment required under the law for the provision of health care and for performing standard diagnostic procedures.

The Psychiatry Clinic shall prepare and submit to the Clinical Centre Niš an analysis of the required number and expert profiles of employees, capable of providing health care to all patients in accordance with the applicable regulations and standards.

The Clinical Centre Niš shall submit the prepared analysis to the Ministry of Health.

The Ministry of Health shall undertake measures and activities to employ the missing health professionals and occupational therapists in the Psychiatry Clinic of the Clinical Centre Niš.

Mental Health Protection Centre of the Clinical Centre Niš

In the Child and Adolescent Psychiatry Unit of the Mental Health Protection Centre of the Clinical Centre Niš, the physical restriction measure shall in the future be carried out exclusively by health professionals trained for that purpose, while in cases where absolutely necessary they may be assisted by specially trained non-medical staff.

The mechanical restraint measure shall not be applied in a room where users who are not subjected to such measure are placed.

The Centre shall provide a separate room or a place for application mechanical restraint on patients, which other patients will not be allowed to access while the measure is being applied.

The Clinical Centre Niš shall obtain restraints with magnetic safety clips in sizes adjusted to adolescents for the Mental Health Protection Centre.

The Centre shall provide special training for health professionals on treatment of children, the conditions for and the procedure of applying physical restraints, and trainings on the application of advanced non-violent physical restraining techniques, in accordance with the special training plan for health professionals on the manner and procedure of application of the physical restraint measure.

The Clinical Centre Niš shall prepare an analysis of the employee structure at the Mental Health Protection Centre, focusing on their years of service, specialisation and subspecialisation, and shall notify the Ministry of Health thereof.

The Ministry of Health shall undertake activities to timely plan for the employment of health professional and to timely educate the human resources required for future operations.

The Centre shall develop a continual specialist education programme for mid-level medical staff based on needs assessment, develop a potential plan of cooperation with other educational institutions and organisations and implement procedures for monitoring the organisation of trainings and evaluating the results achieved and the knowledge and skills acquired.

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

Reception Centre for Foreigners in Padinska Skela

The Ministry of Interior shall inform foreigners ordered to be placed at in the Reception Centre for Foreigners in writing, in a language they understand or can reasonably be expected to understand, of the reasons for their placement at the Reception Centre.

The Ministry of Interior shall regulate the procedure for exercise of the right of access to a lawyer for foreigners placed at the Reception Centre for Foreigners.

The procedure should specify the following:

- That all foreigners should be instructed during the intake procedure of their right to contact a lawyer,
- That foreigners should have at their disposal an address book and contact details of lawyers who can provide services to them,
- That, if necessary or if required by the foreigner, police officers will contact a lawyer and record such contact,
- That visits by lawyers as a rule take place in private.

The Ministry of Interior shall ensure that a qualified health professional, as a minimum a qualified paramedic, is present every day in the Reception Centre for Foreigners, who shall perform medical screening of all newly-arrived foreigners, receive requests for medical examinations, ensure purchase and distribution of therapy, keep medical documentation and monitor general hygiene conditions.

The Ministry of Interior shall regulate the procedure for notifying a person of the foreigner's choice about the foreigner's placement at the Reception Centre. The procedure shall specify the following:

- That all foreigners shall, at intake, be instructed of the right to inform one person about their placement at the Reception Centre,
- That such person shall be notified immediately after intake,

- That costs of notification of such person shall not be borne by the foreigner,
- That foreigners can notify such person themselves or this will be done by officer in the Reception Centre directly or with translators' assistance,
- That information on notification of such person shall be recorded (name, relation with the foreigner, who notified the person and date/time, or the fact that the foreigner did not want to inform a third party).

The Ministry of Interior shall regulate the procedure for notifying diplomatic and consular mission of the country of which the foreigner is a citizen or the country that protects the foreigner's interests of the foreigner's placement at the Reception Centre. The procedure shall specify the following:

- That all foreigners shall at reception be instructed of the right to inform diplomatic and consular missions of the country of which the foreigner is a citizen or the country that protects the foreigner's interests,
- That diplomatic and consular missions shall be informed only if the foreigner so desires,
- That diplomatic and consular missions shall be informed through official channels,
- That information on notification of diplomatic and consular missions shall be recorded.

At the Reception Centre, foreigners shall not be denied the right to a phone call.

At the Reception Centre, foreigners shall be denied the right to confidentiality of letters and phone calls only on the basis of court orders.

The Reception Centre for Foreigners shall issue foreigners with confirmation notices for submitted writs.

In the future, the Reception Centre for Foreigners shall not separate families with children even during the night.

I-6 - Recommendations issued in connection with the monitoring of forced return of third country nationals

The Ministry of Interior shall notify all foreign nationals about their forced return in due time, at least 24 hours in advance. Where necessary, in specific cases, psychosocial support shall be provided to foreigners in order to prepare them for return.

The Ministry of Interior shall ensure all foreigners can notify a third party of the forthcoming return in due time.

The Ministry of Interior shall provide interpretation to the Reception Centre for Foreigners when foreigners who are being forcibly returned do not understand languages used by police officers.

APPENDIX II Decision on Fees for Participation in Activities of the National Preventive Mechanism

Consolidated text in force as of 6 November 2018

Article 1

This Decision shall determine the amount of the fee for participation of representatives of associations/experts in activities of the National Preventive Mechanism (hereinafter referred to as the "NPM") and for cooperation with the academic community and research institutions.

Article 2

Based on participation of representatives of associations in activities of the NPM, associations are entitled to a fee for drawing up reports on visits and other written documents.

Article 3

A fee for hired experts shall be paid to associations for the following services provide to the NPM:

1. Analysis, systematisation and structuring of materials for preparation of visits or other activities;
2. Structuring and preparing questionnaires and other supporting materials;
3. Preparation of reports on conducted visits and recommendations for improvement of actions;
4. Development of expert findings and opinions on persons deprived of their liberty;
5. Development of analyses and opinions on regulations and standards and their implementation;
6. Drafting other written documents;
7. Visits to places where persons deprived of their liberty are placed.

Article 4

A fee for hired experts shall be paid to associations, calculated on the basis of the number of started hours the hired expert spent visiting places where persons deprived of their liberty are placed, or on the basis of the number of pages of text in A4 format.

The base for calculating the fee shall be double the amount of average monthly salary per employee in the Republic of Serbia, excluding taxes and contributions, paid for the month preceding that in which the hired expert performed the activities, according to the data of the authority competent for statistics.

The calculated fee for the work shall be the net amount payable to the hired expert, which shall be paid to the association inclusive of the amount of taxes and contributions.

Article 5

The amount of the fee for the work of exerts hired through associations shall be determined and transferred to the association based on the association's invoice, with enclosed calculation and specification of the fee for works performed.

The volume of performed works shall be confirmed by the authorised person of the NPM, the validity of calculation of the fee for works performed shall be confirmed by the authorised

person of the Division for Material and Financial Affairs, while payment shall be approved by the authorised person of the Protector of Citizens.

The transfer of the determined fee shall be made by the Division for Material and Financial Affairs in accordance with the payment rules of the Treasury system.

If works are contracted for multiple months against a fee paid periodically for each month, an invoice shall be prepared for each period in respect of which a payment is made.

Article 6

If the NPM's activities for which an expert was hired must be performed outside the expert's place of permanent or temporary residence for longer than eight hours, including the time required to arrive to the place where the activities are performed and the time required to return, the Protector of Citizens shall arrange and pay for transport and accommodation of the expert on a business trip, in accordance with the Regulation on Cost Compensation and Severance Pay for Civil Servants and State Employees (*Official Gazette of the Republic of Serbia* Nos. 98/2007 – consolidated text, 84/2014 and 84/2015).

Article 7

Funds for the payment of transport and accommodation costs outside the place of permanent or temporary residence and funds for the fees paid for the work of experts hired through associations shall be planned and allocated in the financial plan of the Protector of Citizens for each budget year.

Article 8

This Decision shall enter into force on the day of its publication on the notice board of the Secretariat of the Protector of Citizens.

SECRETARY GENERAL

APPENDIX III Cooperation Agreement

Executed by and between:

The Protector of Citizens of the Republic of Serbia

and

Association

This Agreement shall govern cooperation the Protector of Citizens will establish with the Association in carrying out activities of the National Preventive Mechanism (hereinafter referred to as the "NPM"), based on the Decision of the Protector of Citizens number 285-25/2018, ref. No. 13485 of 24 April 2018 on the selection of associations with which the Protector of Citizens will cooperate in the conduct of NPM activities and in accordance with Article 2a paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (*Official Gazette of Serbia and Montenegro – International Treaties Nos. 16/05 and 2/06 and Official Gazette of the Republic of Serbia – International Treaties Nos. 7/11*).

Cooperation of the Protection of Citizens with the Association in the performance of NPM activities shall take place through the participation of representatives and permanent expert associates of the Association in:

- Visits to places where persons deprived of their liberty (hereinafter referred to as "PDLs") are or may be detained;
- Drafting reports or parts of reports on visits to places where PDLs are or may be detained;
- Development of recommendations to eliminate the identified deficiencies in the work of institutions where PDLs are or may be detained;
- Provision of expert findings and opinions on the health status, in particular physical injuries which occurred and mental suffering resulting from any form of abuse;
- The dialogue between the NPM and competent bodies regarding implementation of the NPM's recommendations and improvement of the status of PDLs;
- Drafting reports or parts of thematic reports on the situation in the field of the status of PDLs;
- Preparation of contributions for the NPM annual reports;
- Development of analyses and/or opinions on regulations or draft regulations governing the status, rights and duties of PDLs;
- Training of the NPM team members on visits to places where PDLs are or may be detained;
- Training of employees in institutions where PDLs are or may be detained;
- Participation and presentation at meetings organised by the NPM to promote torture prevention and combat against impunity for torture,

as well as in the performance of other NPM activities, in accordance with Article 2a paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

In all NPM documents in the creation of which the Association participated, the Association's contribution shall be stated and its logo shall be prominently displayed.

The Association shall be authorised to present its role in performance of NPM activities in its documents and public announcements.

The Association shall keep as a secret confidential information it learns based on its participation in performance of NPM activities.

Personal data shall not be disclosed without explicit consent of the data subject.

The right of access to confidential data shall be granted to legal entities and natural persons in the manner and subject to conditions set out in Article 46 of the Law on Data Confidentiality (*Official Gazette of the Republic of Serbia* No. 104/09) and to persons/entities providing services to the Protector of Citizens under contract.

The persons/entities referred to above shall confirm by a written statement that they are aware of the Law on Data Confidentiality and the Bylaw on Establishing the Procedures and Measures System for Protection of Confidential Data at the Office of the Protector of Citizens (*No. 272-292/2018, ref. No. 10767 of 3 April 2018*).

Access to documents which are assigned higher levels of confidentiality shall be provided to persons having relevant certificates or authorisation from the competent public authority.

A person who uses confidential data or has learned their content shall meaningfully protect such data from everyone (regardless of the way he/she obtained it) even after the termination of his/her employment or position in the office of the Protector of Citizens or his/her duties or membership in the Association.

In case of loss, theft, damage, destruction or unauthorised disclosure of confidential data, a person who learns thereof shall inform the competent (authorised) person at the office of the Protector of Citizens without delay. After that, necessary measures shall be undertaken to identify the circumstances which led to the emergency and assessment shall be made of the possible or caused damage. If damage is caused, activities shall be undertaken to eliminate or mitigate it. The authorised person shall inform the competent body of the measures undertaken in addition to agreement termination.

The Association shall be entitled to reimbursement of costs for activities undertaken pursuant to this Agreement, in accordance with the document of the Protector of Citizens regulating reimbursement of costs incurred in the performance of NPM activities by the Association.

Cooperation established under his Agreement shall be without prejudice to the exercise of competences of the Protector of Citizens and activities of the Association based on the applicable legislation.

After this Agreement enters into force, the Association shall appoint an authorised person for cooperation with the Protector of Citizens in the performance of NPM activities and shall notify the Protector of Citizens thereof.

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

The Agreement is entered into for a term of one year of the date of its execution and may be renewed for another year by mutual consent and in writing.

The Agreement is made in four counterparts, two for each party.

PROTECTOR OF CITIZENS

ASSOCIATION
