REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
417- 33/24
B e l g r a d e

ref. no. 17227 date: 18th July 2024

Protector of Citizens
Ombudsman

NATIONAL PREVENTIVE MECHANISM

Report for 2023

Belgrade, July 2024

Contents:

FOREWORD 5

1. INTRODUCTION 11

1.1. Mandate 11

1.2. Most important data on activities in 2023 12

2. METHODOLOGY, RESOURCES AND ORGANIZATION 14

2.1. Methodology 14

2.2. The NPM budget 15

2.3. Special unit of the NPM 15

2.4. Participation of the Provincial Ombudsman and the civil sector 15

2.5. Employee training and participation in conferences, seminars, round tables, etc. 15

3. IMPLEMENTATION OF THE MANDATE 17

3.1. Visits to institutions 17

3.2. Visit reports and recommendations 17

3.3. Oversight of the procedure of forced return of foreigners 18

3.4. Dialogue with the authorities 19

3.5. Promotion of the NPM/torture prevention 19

3.6. Cooperation within the NPM Network 20

3.7. Other forms of cooperation 21

3.8. Annual report 22

4. SITUATION AND ACTIVITIES BY AREAS 23

4.1. Police / prosecutorial detention 23

4.2. Enforcement of penal sanctions 25

4.3. Detention of persons in social welfare institutions 29

4.4. Detention of persons with mental disorders in psychiatric hospitals 33

4.5. Treatment of refugees / migrants 37

ADDENDUM I Recommendations issued to authorities 42

I-1 – Recommendations issued to the Ministry of Interior, police departments and police stations . 42

I-2 – Recommendations issued to the Administration for the Enforcement of Penal Sanctions and the institutions for the enforcement of penal sanctions 46

I-3 - Recommendations issued to the Ministry of Labour, Employment, Veteran and Social Affairs and social welfare institutions 51

I-4 – Recommendations issued to the Ministry of Health and psychiatric institutions 59

I-5 – Recommendations issued to improve the treatment of refugees / migrants 64

ADDENDUM II Decision on fees for participation in performing the tasks of the National Preventive Mechanism 67

ADDENDUM III Cooperation Agreement 69

ADDENDUM IV Memorandum of Cooperation 71

FOREWORD

Dear reader,

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

During 2023, the National Preventive Mechanism (NPM) conducted 90 visits to places where persons deprived of their liberty are or may be located. Numerous police departments and their constituent police stations were visited, as well as pre-trial detention units, prisons, psychiatric clinics, social welfare homes, reception centres for foreigners, transit zones at international airports. Also, three oversights of the procedures of forced returns of 18 foreigners were carried out. A total of 234 recommendations were issued from reports on visits to places where persons deprived of their liberty are or may be located.

Institutions where persons deprived of their liberty are located, and which the NPM visited during the reporting period and issued recommendations to, achieved good cooperation that enabled the NPM to act in accordance with its mandate established by the Optional Protocol to the UN Convention against Torture (enabling it to conduct announced and unannounced visits to detention facilities, access to all premises and installations, insight into all the data, as well as to conduct interviews with all persons deprived of their liberty, employees and any other persons chosen by the NPM). Also, in this reporting period as well, the competent authorities have shown that they follow the recommendations of the NPM and are undertaking activities aimed at improving their procedures, and the percentage of acting on the issued recommendations is close to 94%.

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

The largest number of visits in this reporting period, the same as in the previous one, were visits to police departments, i.e. their constituent police stations, which were carried out in order to monitor the treatment of apprehended and detained persons in connection with the respect of their fundamental rights, which are also a safeguard against abuse: the right of access to a lawyer and a doctor, rights to inform a close person about the deprivation of liberty and the right of the apprehended and detained person to be informed on his/her rights. The treatment of detained persons was also monitored during visits to institutions for the enforcement of penal sanctions, considering the practice that in certain police departments, facilities in these institutions are used to detain persons in criminal proceedings. Also, during the visits to the institutions for the enforcement of penal sanctions, the NPM conducted interviews with the detained persons, in order to collect information about the conduct of police officers towards them during their deprivation of liberty, detention, as well as during the application of other police powers.

Acting on the recommendations of the NPM, in the largest number of visited police stations, the records kept for detained persons were improved, and the recording of the exercise of the

right of apprehended and detained persons to access a lawyer was especially improved, in such a way that police officers now record information about the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she conducted an undisturbed interview with the person. However, in this reporting period, the same as in the previous one, the NPM observed that in several visited police stations, in some cases, detention records are not given to detained persons after the end of their detention, as well as that persons detained in criminal proceedings are not given an appropriate notice on the rights of detained persons, and in relation with this, recommendations were issued in order to improve the procedure in this part. Finally, even though the Ministry of Interior has continued to undertake activities aimed at improving the conditions for the stay of detained persons in detention premises, the NPM indicates that additional efforts to continue these activities are needed, in order to ensure that all detention premises are in compliance with valid standards.

During the reporting period, the NPM also monitored the conduct of the police towards persons who were arrested during the protests held in front of the Belgrade City Assembly after the parliamentary elections held in December, and in this regard, it visited four police stations within the Police Department for the City of Belgrade. Upon inspection of the documentation, it was established, and also confirmed through interviews with the detained persons, that all persons were given notices of their rights, decisions on detention and that they had the opportunity to contact a lawyer of their own choice, i.e. they were assigned a lawyer ex officio. A medical examination was made possible for the persons who needed it. Also, no persons were admitted with visible injuries, nor did they complain of having received any injuries.

With regard to the rights of persons who have been imposed the measure of pre-trial detention or who are serving a prison sentence, the NPM determined that the Administration for the Enforcement of Penal Sanctions continued to invest in the material conditions for the accommodation of persons deprived of their liberty, by building new facilities and pavilions and adapting existing ones. However, the problem of overcrowding in accommodation facilities is still present in some detention departments, especially in closed departments of the institutions, due, among other things, to the fact that convicted persons rarely move to semi-open departments. Also, although the adoption of the new systematization of job positions in the Administration has increased the number of prison officials, especially in the security service, there is still a shortage of prison staff, which can negatively affect the protection and exercise of the rights of persons deprived of their liberty, their safety, resocialization and preparation for dismissal, as well as maintaining order and security.

During visits to prisons, it was observed that specialized programs for group work with convicts are being implemented, as well as that there is significant progress in organizing purposeful activities for convicts. Further efforts should be focused on hiring a sufficient number of treatment officials, creating conditions for the employment of as many persons deprived of their liberty as possible, as well as on improving the treatment work, which would ensure the achievement of the purpose of serving the prison sentence and enable a mechanism of progress in the treatment that would facilitate the classification of convicts to more favourable educational groups.

During the reporting period, the NPM conducted a systematic visit to the Special Prison Hospital in Belgrade (SPH) and, among other things, established that the number of persons in the SPH significantly exceeds the accommodation capacities of this institution, that there is an insufficient number of employees, and that there is a large number of persons in it for social reasons, i.e. due to the lack of adequate social acceptance and support in the community. In the Report on the visit, the NPM drew the attention of the Administration for the Enforcement

of Penal Sanctions to the alarming situation in the SPH in terms of overcrowding and lack of employees, and indicated that it is necessary to solve all the problems that this institution faces in its work without delay, through the implementation of the issued recommendations. Also, bearing in mind that there are a large number of persons in the SPH due to the lack of adequate social acceptance and support in the community, the NPM pointed out the need for the Ministry of Labour, Employment, Veteran and Social Affairs to take measures and activities within its competence to ensure adequate social acceptance for persons under the direct guardianship of centres for social work, who are subject to the security measure of mandatory psychiatric treatment and custody in a healthcare institution, and for whom the medical reasons for further enforcement of the measure have ceased.

In this reporting period as well, the NPM continued to visit institutions in order to check for the existence of torture and other cruel, inhuman or degrading treatment or punishment, by placing the focus of the visits on the implementation of measures to maintain order and security in the institution, treatment of persons deprived of their liberty in closed departments of the institutions and the method of documenting injuries of persons during the enforcement of their sentence. In this regard, the fact that during a large number of unsupervised interviews with persons convicted and in pre-trial detention, the majority of them did not complain that they were victims of torture or other forms of abuse by the prison staff, is encouraging. On the other hand, although in many institutions the performance of the first medical examination and the examination after the application of coercive measures has been improved, as well as the method of documenting injuries and undertaking further activities regarding those above, i.e. the forwarding of information to the competent public prosecutor's office, in some of the institutions visited, the NPM observed shortcomings in the procedure in this part, and issued recommendations in order to improve the procedure, indicating that the role of doctors in protection against abuse is a very important segment in the fight against impunity for torture.

After the conducted visits to all special hospitals for psychiatric diseases and psychiatry clinics within clinical centres in the previous years, in this reporting period, the NPM continued with visits to psychiatric services/departments within general hospitals. During these visits, the need to undertake activities to improve the material accommodation conditions was observed, in order to fully comply with the current standards. In this reporting period as well, the same as in the previous one, it was observed that the records on the application of measures of physical restraint of persons with mental disorders, in some cases, are not complete, and do not provide reliable data on the frequency of its application, duration and other significant data, so recommendations have been issued towards improving the procedure in this part. Further efforts should also be directed towards further individualization of the individual treatment plans of patients, as well as towards organizing enough different modalities of psychosocial activities for patients. In the reports from the visits, the NPM also pointed to the need to provide continuous specialist education for middle-level medical staff in the area of mental health and work with people with mental disorders, as well as special trainings for health workers for the application of the measure of physical restraint of the patients.

During the reporting period, the NPM visited the newly opened Centre for Mental Health in Pančevo, a branch of the Special Hospital for Psychiatric Diseases "Kovin", which was formed on the recommendation of the NPM. The modern concept of work of that centre is aimed at prevention, preservation, post-hospital treatment of patients in the community and the improvement of mental health in order to attain the highest standard of mental health, which, in addition to the right to protection from risk factors and the right to available, accessible and quality care and the right to freedom, also includes

independence and inclusion in the community. In this regard, the NPM expresses expectation that the Ministry of Health will continue to undertake activities aimed at effective interdepartmental and intersectoral cooperation of competent republic and local self-government unit bodies, in order to establish mental health centres in the community based on this Centre, and contribute to the creation of conditions for further development of the system of protection of mental health in the community and improvement of the position of persons with mental disabilities.

In some of the visited social welfare homes, material conditions and the process of informing beneficiaries on their rights were improved, and the practice of physically restraining beneficiaries was discontinued. However, there is still a need to improve accommodation conditions so that they are fully in line with current standards. Also, the lack of staff to work with beneficiaries is still evident, which can adversely affect the quality of the provision of health and psychosocial services. During the visits, the NPM also observed that bed-ridden and partially mobile beneficiaries often do not spend their time meaningfully, they do not have any daily activities and content, and in some of the visited institutions, there are shortcomings in terms of recording the injuries of beneficiaries and the manner in which they occur, as well as shortcomings in terms of acting on the complaints of beneficiaries, considering that in some of the visited institutions, this procedure was not in accordance with the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection. Also, in some cases, it was observed that the guardians in the centres for social work are not sufficiently involved in the life of the beneficiaries and in satisfying their interests, especially in situations when the residence of the beneficiary and the headquarters of the social welfare home are far away from each other or in different places. Therefore, further challenges are related to the employment of the missing number of employees to work directly with the beneficiaries, their continuous education, strengthening the capacities of centres for social work and undertaking activities aimed at improving the actions of centres for social work in terms of providing effective guardianship protection to beneficiaries in institutions, as well as the development of services in the community.

In this reporting period, the NPM paid special attention to the position of children in conflict with the law and, in this regard, made the first systematic visits to the Institution for the Education of Children and Youth in Belgrade and the Institution for the Education of Youth in Niš. It was observed that there is room for improvement in terms of organization of free time and activities, as well as that the Institution for the Education of Children and Youth in Belgrade has the potential to expand social welfare services, in accordance with the needs of social protection of children and youth, the use of which would also benefit the residents (beneficiaries of social welfare services and juveniles subject to educational measures), but also the social welfare system as a whole.

Monitoring the treatment of migrants/asylum seekers, in the reporting period, the NPM visited the Reception Centre for Foreigners in Plandište, as well as the Reception Centre for Foreigners in Padinska Skela, and visits were also made to "Nikola Tesla" Airport in Belgrade, "Konstantin Veliki" Airport in Niš and "Morava" Airport in Kraljevo.

During visits to reception centres for foreigners, the NPM noted that for several foreigners, the basis for determining, or extending their stay in the shelter, is disputable, because there was not enough grounds for them to be forcibly returned. In this regard, the NPM indicated, among other things, that reception centres for foreigners are not places for depriving of liberty those suspected of having committed a criminal offence or misdemeanour, but that they are facilities for accommodating foreigners who are not allowed to enter the country or for whom a decision on expulsion, removal from country or return was made, but it is not

possible to immediately return them, and issued recommendations in order to improve the procedure in this part.

While exercising oversight of the procedures of forced return of foreigners, in this reporting period as well, the NPM observed improvements in the preparation of foreigners for forced returns, which are reflected in timely notifying the foreigners about the upcoming forced return and allowing them to inform third parties about the upcoming return, as well as in connection with providing access to legal assistance for foreigners who have been assigned to stay in a reception centre. Further efforts should be focused on improving the method of provision of healthcare, as well as on ensuring specific safeguards against the risk of foreigners being extradited to a country where there is a risk that they will be subjected to death penalty, torture, inhuman or degrading treatment or punishment, i.e. where they are threatened by serious violations of the rights guaranteed by the Constitution.

Finally, in the reporting period, the Ministry of Justice, in accordance with the submitted opinion of this body, started working on a more detailed normative regulation of the institute of importance for achieving the purpose of serving a prison sentence in the Special Department for the serving of the prison sentence for organized crime offences, and adopted the Rulebook on Amendments to the Rulebook on House Rules of the department, which entered into force on 10th June 2023. The provisions of this rulebook, which supplemented the content of the treatment programs in the part related to determining the individual goals of the convicted person in a certain period, provide for the possibility of subsequent classification, i.e. changes to the treatment program during the enforcement of the prison sentence in the Special Department in part on determining the group, as well as the provisions that more closely regulate the granting of special rights and their scope within groups, represent a systemic improvement of the normative framework in the area of enforcement of prison sentences for criminal offences of organized crime.

However, apart from the above, in the reporting period, no significant activities were undertaken on the normative level in terms of improving the treatment of persons deprived of their liberty and the prevention of torture. The provisions of the Criminal Code are still not harmonized with the definition of torture from Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Also, the announced Law on Internal Affairs and the Law on Amendments to the Law on the Protection of Persons with Mental Illnesses have not yet been adopted, and during the adoption of the Law on Amendments to the Law on Foreigners, the objections pointed out by the NPM, both during recent years and the public hearing, were not accepted. In addition to the above, the NPM observed during visits to social welfare homes that the employees in these institutions were not sufficiently familiar with the provisions of the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection, as well as that no by-laws have been adopted in this reporting period either, which would regulate the actions of institutions in incident situations.

Suppression of inadequate treatment, in addition to the adoption of appropriate legal norms, also implies taking the necessary steps to ensure their application, including the timely forwarding of information about inadequate treatment to the competent prosecutorial and judicial authorities, as well as conducting effective investigations into allegations about inadequate treatment, all with the aim of achieving "zero tolerance" for torture and building a culture of punishment, establishing individual responsibility and sanctioning the perpetrators. The aforementioned also requires the improvement of internal control mechanisms and the efficiency of prosecutor's offices and courts in order to effectively and efficiently fight against torture. For the prevention of torture, the urgent implementation of effective investigations into all allegations of possible abuse, adequate and timely support for

all victims of abuse, and the certainty of punishing the perpetrators are particularly important. It is also necessary to develop a system of continuous training on human rights for all those who treat persons deprived of their liberty, so that certain actions would not turn into degrading or inhuman treatment.

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

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

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

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

DEPUTY PROTECTOR OF CITIZENS

Nataša Tanjević, PhD

1. INTRODUCTION

1.1. Mandate

With the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] (Optional Protocol), the member states have agreed to establish a system of regular visits to places where persons deprived of their liberty are located by independent international and domestic bodies, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

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

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

The NPM has the right:

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

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

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

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

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

---

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

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

Serbia has signed the Optional Protocol on 25th September 2003, and ratified it on 1st December 2005.[2]

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

In Serbia, a new NPM body was not formed, but an authentic, complex model of the NPM was chosen, which implies that the tasks of the NPM are performed by an existing independent state body, in cooperation with the authorities of decentralized units and the civil sector. The NPM was established by the Law on Amendments to the Law on the Ratification of the Optional Protocol, adopted on 28th July 2011.[3]

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

1.2. Most important data on activities in 2023

During the reporting period, the NPM carried out 90 visits to institutions where persons deprived of their liberty are or may be located, and three oversights of procedures of forced return of 18 foreigners. 59 visits were made to police departments, and constituent police stations, 15 to institutions for the enforcement of penal sanctions, six visits to social welfare homes and five to psychiatric institutions. Also, five visits were carried out in order to monitor the treatment of refugees and migrants.

In the reporting period, a total of 32 reports on the conducted visits were made. In some cases, unique reports were prepared for several visited institutions, due to the need for a systematic overview of a certain problem.

A total of 234 recommendations were issued from reports on visits to places where persons deprived of their liberty are or may be located.

In the reporting period, representatives of the NPM participated in two meetings of the South-East Europe NPM Network, chaired by the Greek NPM. The first meeting was devoted to monitoring the mental health departments within correctional institutions, and the second to the policies and practices of prison education, vocational training and development of skills, as a right of prisoners and a means to support their rehabilitation and reintegration into society.

Also, two meetings of the Working Group on Asylum and Migration of the European Network of National Human Rights Institutions (ENNHRI) were held, in the work of which a representative of the NPM participates. During 2023, the emphasis in the work of the Working Group was placed on the impact of new technologies on human rights in migration.

---

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

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

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

In terms of international cooperation, in the reporting period, the NPM achieved cooperation with the OSCE Mission, that is, the Office for Democratic Institutions and Human Rights (ODIHR). Representatives of the NPM participated in the regional workshop for Southeast Europe "Monitoring of detention and protection of human rights in the prevention and suppression of violent extremism and radicalization that lead to terrorism in prisons", which was held in Sarajevo, Bosnia and Herzegovina, as well as in the Sixth regional meeting for national preventive mechanisms and civil society organizations on the topic of "Mental health in detention", which was held in Copenhagen, Denmark.

During 2023, the Dialogue on Migration continued, organized by Group 484 and the OSCE Mission in Serbia, and a representative of the NPM participated in two thematic meetings: "Horizontal alignment of the newly adopted regulations in the area of treatment of foreigners and employment of foreigners with provisions regulating the administrative procedure and with special focus on the procedure for issuing a single work permit", and "Misdemeanour punishment of foreigners and legal entities that employ foreigners contrary to the provisions of regulations in the area of treatment of foreigners and employment of foreigners".

Also, representatives of the NPM conducted a study visit to the Office for Fundamental Rights of the European Border and Coast Guard Agency (FRONTEX) in Warsaw, and they also participated in a meeting with representatives of FRONTEX during their visit to the Republic of Serbia.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited the Republic of Serbia in March 2023. Representatives of the NPM met with the delegation of the Committee before their visits to institutions, and the Protector of Citizens, Zoran Pašalić, MSc, and the Deputy Protector of Citizens, Nataša Tanjević, PhD, also attended the final meeting held in the Palace of Serbia in Belgrade.

In the reporting period, Deputy Protector of Citizens and head of the NPM, Nataša Tanjević, PhD, participated in the work of the Board of the Independent Police Complaints' Authority Network (IPCAN), as well as in the work of the Management Board of the project of the Council of Europe "Enhancing human rights protection of detained and sentenced persons in Serbia", phase III.

In the reporting period, the NPM sent an Initiative for Amendments to the Law on the Enforcement of the Prison Sentence for Criminal Offences of Organized Crime[5], as well as the Initiative to amend the Rulebook on House Rules of the Special Department for serving prison sentences for criminal offences of organized crime[6][7]. The NPM also submitted an Opinion on the text of the Draft Law on Amendments to the Law on Foreigners.[8]

[5] No. 4110-2/23 dated 9th January 2023
[6] No. 4110-38/23
[7] The Protector of Citizens did not receive an answer about the handling of the mentioned initiatives.
[8] No. 4110-11/23 dated 27th February 2023

2. METHODOLOGY, RESOURCES AND ORGANIZATION

2.1. Methodology

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

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

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

The NPM teams for visits to institutions where persons deprived of their liberty are located are multidisciplinary, and as a rule, composed of experienced lawyers, psychiatrists, forensic scientists and psychologists.

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

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

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

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

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

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

2.2. The NPM budget

For the purposes of performing the tasks of the NPM, within the adopted budget of the Protector of Citizens for 2023, financial resources in the amount of 4,100,000 dinars have been provided, and after the rebalancing in the fall of the same year, they amounted to 3,300,000 dinars.

2.3. Special unit of the NPM

In the institution of the Protector of Citizens, a special organizational unit was formed, the National Preventive Mechanism Department, which performs the professional tasks of the NPM. According to the Rulebook on internal organization and systematization of job positions in the Secretariat of the Protector of Citizens, six employees are foreseen – three independent and three senior advisers, one of whom is the head of the Department. Also, it was determined that the head of the Department reports for his/her work to the Protector of Citizens, i.e. the Deputy Protector of Citizens in charge of the NPM affairs, and manages the visit team in the absence of the Protector of Citizens, i.e. the deputy Protector of Citizens in charge of the NPM affairs, etc. The Secretariat of the Protector of Citizens performs administrative and technical tasks needed for the work of the NPM.

2.4. Participation of the Provincial Ombudsman and the civil sector

In accordance with the concluded Memorandum on Cooperation,[9] during 2023, the Protector of Citizens continued cooperation with the Provincial Protector of Citizens – Ombudsman of AP Vojvodina (Provincial Ombudsman) in conducting visits to places of detention on the territory of AP Vojvodina.

Representatives of the Provincial Ombudsman participated in 14 visits to institutions located on the territory of AP Vojvodina.

In the reporting period, the Protector of Citizens continued cooperation with the associations with which it concluded agreements on cooperation in performing the tasks of the NPM: the Human Rights Committee Valjevo, the Centre for Youth Integration, the Victimology Society of Serbia, the Helsinki Committee for Human Rights in Serbia, the Lawyers' Committee for Human Rights - YUCOM and Klikaktiv – Centre for Development of Social Policies.

In the reporting period, representatives of the above-mentioned associations participated as members of the NPM team in 52 visits to institutions where persons deprived of their liberty are or may be located.

2.5. Employee training and participation in conferences, seminars, round tables, etc.

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

On 23rd and 24th May 2023, a representative of the NPM participated in a training on the impact of new technologies on human rights in asylum and migration, organized by ENNHRI.

[9] Signed on 12th December 2011

A representative of the NPM participated in the Sixth Regional Meeting of the NPM and civil society associations on the prevention of torture, which was held in Copenhagen on 9-10 November 2023.

A representative of the NPM took part in an online discussion on the topic *Strengthening the role of the NPM in the prevention of torture,* organized by the SPT Regional Team for Europe on 7th June 2023.

Representatives of the NPM participated in the presentation of the Council of Europe project "Enhancing co-operation in the Western Balkans in managing violent extremism in prisons and preventing further radicalization after release", which was held on 22nd February 2023 in the CoE office in Belgrade.

Representatives of the NPM participated in the workshop *Detention monitoring and the protection of human rights while preventing and countering violent extremism and radicalization that lead to terrorism in prisons,* OSCE, Sarajevo, on 13-14 September 2023, during which the head of the NPM, Nataša Tanjević, PhD, presented the activities of the NPM in connection with the above.

A representative of the NPM took part in a discussion on the topic of *Visits to military facilities*, organized by APT, during which he presented the activities of the NPM in connection with visits to military facilities, primarily the visits made during 2019, as well as the report on visits to military facilities with the issued recommendations.

A representative of the NPM attended the celebration on the occasion of 20 years since the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and 15 years of the UN Subcommittee on Prevention of Torture (SPT) in Geneva on 9th February 2023.

Representatives of the NPM attended the presentation of the annual report of the Belgrade Centre for Human Rights "The right to asylum in the Republic of Serbia 2022", as well as the presentation of the analysis "Compliance with the non-refoulement principle in extradition procedures in Serbia from 2017 to 2021".

On 27th and 28th April 2023, a representative of the NPM visited the Frontex Headquarters in Warsaw.

A representative of the NPM participated in the Round Table entitled *Technology and human rights of refugees and migrants at the borders,* which was held in Belgrade on 28th July 2023.

Representatives of the NPM participated in the celebration of the International Day for Street Children, organized by the Centre for Youth Integration.

During the reporting period, the Deputy Protector of Citizens and head of the NPM, Nataša Tanjević, PhD, was invited to give introductory presentations at a number of conferences and forums, that were dedicated to the quality of life in the prison, the convict population, the situation of persons addicted to psychoactive substances in institutions for the enforcement of penal sanctions, etc.

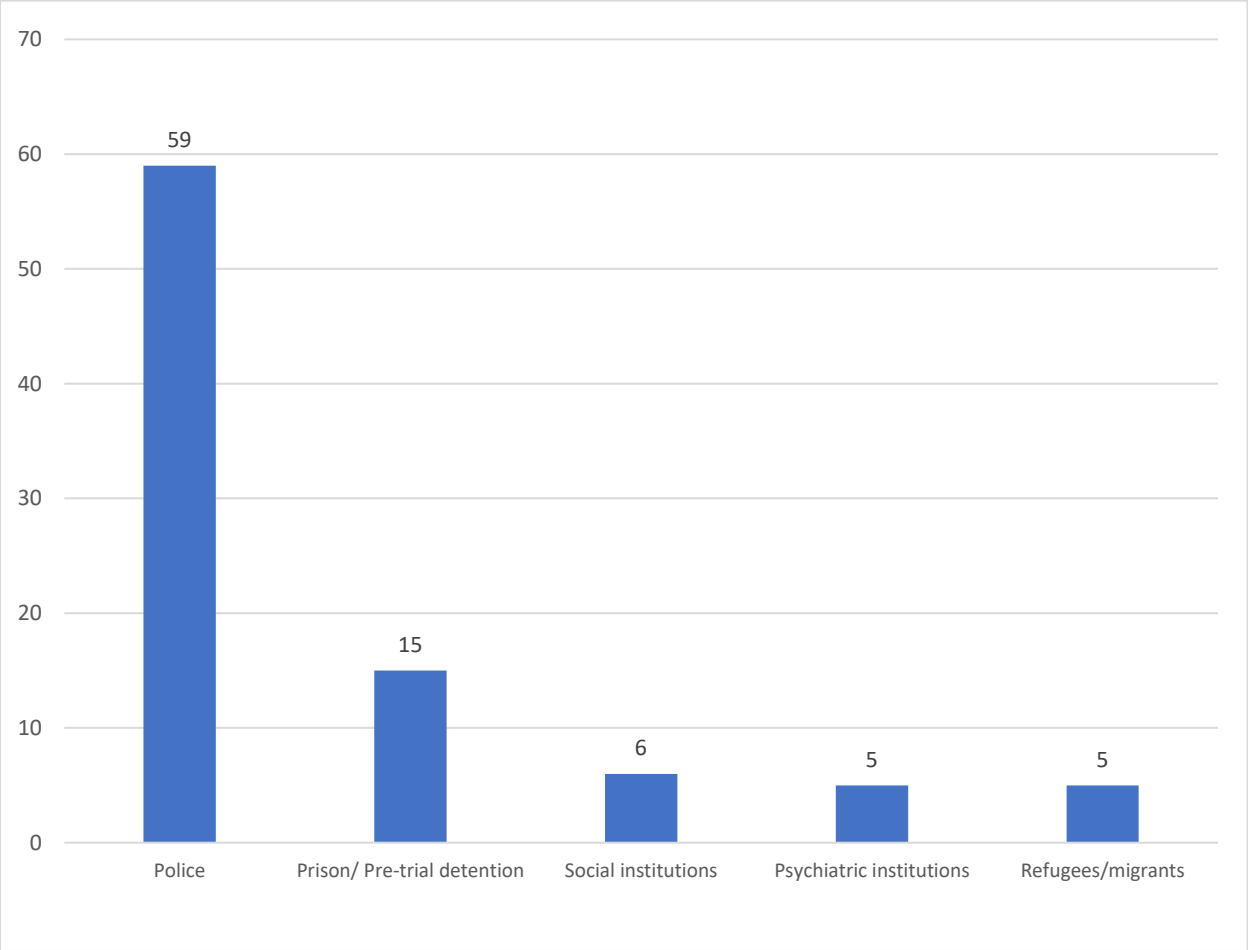
During 2023, the Dialogue on Migration continued, organized by Group 484 and the OSCE Mission in Serbia, and a representative of the NPM participated in two discussion forums.

3. IMPLEMENTATION OF THE MANDATE

3.1. Visits to institutions

During the reporting period, the NPM made 90 visits to institutions where persons deprived of their liberty are or may be located, and three oversights of the procedures of forced return of 18 foreigners. 59 visits were made to police departments, that is, their constituent police stations, 15 visits to institutions for the enforcement of penal sanctions, six visits to social welfare homes and five visits to psychiatric institutions. Also, five visits were made in order to monitor the treatment of refugees and migrants.

Chart 1 – Visits of the NPM in 2023

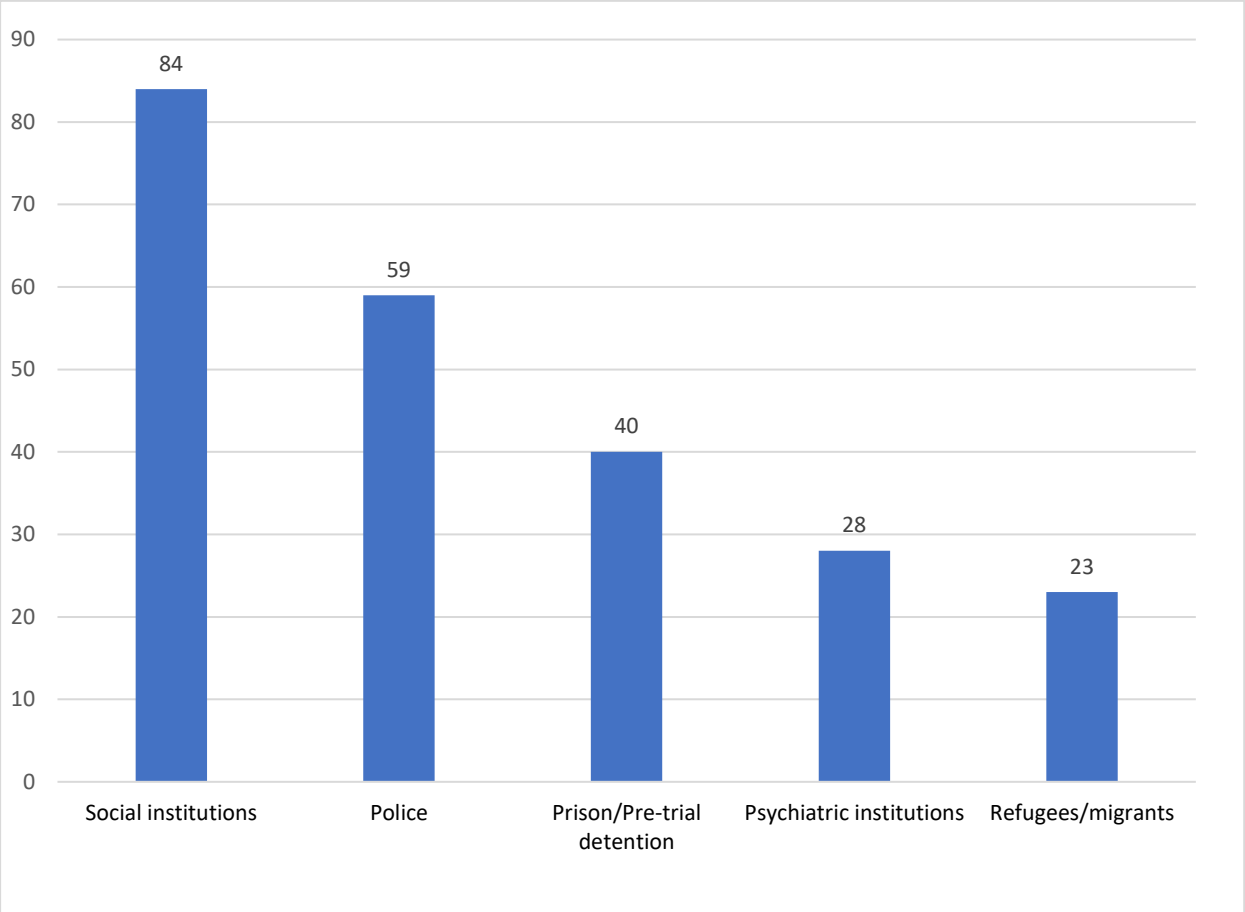


3.2. Visit reports and recommendations

In the reporting period, a total of 32 reports were made on the conducted visits. In some cases, unique reports were prepared for several visited institutions, due to the need for a systematic overview of a certain problem. Accordingly, 10 reports were made on the basis of visits conducted to police departments and stations within their composition, eight reports on the basis of visits to institutions for the enforcement of penal sanctions, eight reports on the basis of visits to social welfare homes, two reports on the basis of visits to psychiatric institutions, while four reports refer to the treatment of migrants by the competent authorities.

A total of 234 recommendations were issued in reports on the conducted visits to places where persons deprived of their liberty are or may be located.

Chart 2 – Recommendations issued in 2023



All recommendations issued to the visited institutions/competent ministries in 2023 can be found in the section of the Report – ADDENDUM I.

3.3. Oversight of the procedure of forced return of foreigners

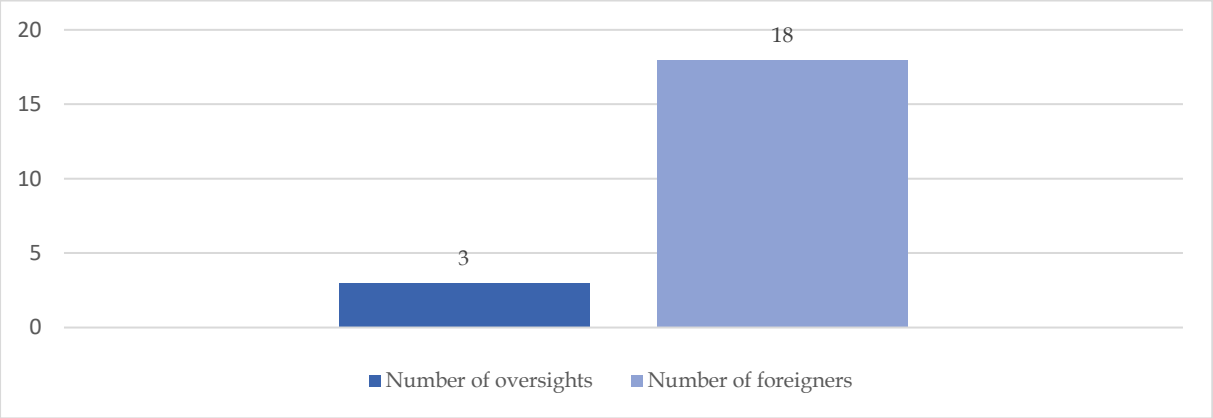
During the reporting period, the NPM carried out 3 oversights of the procedures of forced return of 18 foreigners.

In two cases, oversight of the forced return of a total of 16 citizens of the Syrian Arab Republic from the Reception Centre for Foreigners in Dimitrovgrad was carried out, which was done by road to the border crossing with the Republic of Bulgaria, and in one case, oversight of the return of two foreigners was carried out, who were citizens of the Republic of India and the Islamic Republic of Pakistan, from the Reception Centre for Foreigners in Padinska Skela to "Nikola Tesla" Belgrade Airport.

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

In connection with the above, a group report was prepared and sent in January 2024, and the findings and recommendations from it will be discussed in more detail in the AR of the NPM for 2024.

Chart 3 – Oversights of forced returns in 2023



3.4. Dialogue with the authorities

In order to establish a continuous dialogue regarding the possible implementation measures of the NPM recommendations and to improve cooperation in the field of torture prevention, in the reporting period, individual meetings were held with representatives of the Administration for the Enforcement of Penal Sanctions, the Ministry of Interior and the Ministry of Health.

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

Also, the NPM notices good practice in the actions of the Ministry of Health, which implies that the Department for Inspection Supervision, after the Report on the visit of the NPM was sent to the visited institution and the Ministry, carries out inspection supervision in order to monitor the handling of the issued recommendations of the NPM and informs the NPM thereof, i.e. it submits the minutes.

3.5. Promotion of the NPM/torture prevention

Representatives of the NPM presented their activities, findings and recommendations at numerous seminars, conferences, workshops, round tables, etc. which were dedicated to the prevention of torture and the improvement of the situation in this area.

The Deputy Protector of Citizens, Nataša Tanjević, PhD, gave presentations at numerous events which were dedicated to the prevention of torture and the situation of persons deprived of their liberty in places of detention, during which she drew attention to certain problems in this area that the NPM observed during the visits, the most significant findings and recommendations, improvements that have been achieved, as well as further challenges and efforts that need to be undertaken in order to ensure that everything is done in accordance with current regulations and international standards in this area. She also participated in social dialogues organized by the Ministry of Human and Minority Rights and Social Dialogue in the reporting period, which were dedicated to resocialization and reintegration of convicted persons, the problem of homelessness, protection of mental health.

On the occasion of the International Human Rights Day, on 10th December 2023, Tanjević, PhD, received a letter of appreciation from the Ministry of Human and Minority Rights and Social Dialogue for her special contribution and engagement in the protection of human rights of the most vulnerable social groups and for her special support for social dialogue in the area of combating discrimination of persons who were deprived of their freedom.

3.6. Cooperation within the NPM Network

In the reporting period, representatives of the NPM participated in two meetings of the South-East Europe NPM Network, chaired by the NPM of Greece. The first meeting was devoted to the monitoring of mental health departments within correctional institutions, and the second to the policies and practices of prison education, vocational training and development of skills as a right of prisoners and a means to support their rehabilitation and reintegration into society. Representatives of national preventive mechanisms from Austria, Bulgaria, Greece, North Macedonia, Croatia, Albania and Slovenia participated in the meeting of the Network, as well as a representative of the Association for the Prevention of Torture (APT).

The participants presented the international and national legal frameworks related to the right to education, individual findings from the visits of the NPM to institutions where persons deprived of their liberty are located, and emphasized the importance of education, vocational training for various professions and training for the improvement of basic and social skills in preparation for life in freedom, as well as the positive influence of purposeful activities (artistic, sports, etc.) on the development of self-esteem and self-confidence and the reduction of stress among the prison population. The need to improve the treatment of persons with mental disorders deprived of their liberty was also pointed out.

Representatives of the NPM presented to the members of the Network their findings, experiences and the most important recommendations related to the topics of the meetings, as well as further plans in terms of conducting visits with the aim of monitoring the treatment of the elderly, persons with physical and mental disabilities, as well as children and adolescents in places of detention.



Meeting of the South-East Europe NPM Network in Thessaloniki

The NPM of Serbia has been actively participating in the work of the Network since 2013, as one of the founders. Cooperation between national preventive mechanisms in South-East Europe is intended to function on the basis of the exchange of experiences, as well as synergies created with a common goal: increasing the efficiency of national preventive mechanisms in order to eradicate torture in institutions where persons deprived of liberty are located. The most important information about the activities of the Network and the conclusions adopted at the meetings, are published on the website of the Network.[10]

3.7. Other forms of cooperation

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

Also, two meetings of the Working Group for Asylum and Migration of the European Network of National Human Rights Institutions (ENNHRI) were held, in the work of which a representative of the NPM participates. During 2023, the emphasis in the work of the Working Group was placed on the impact of new technologies on human rights in migration.

The NPM actively participated in the forums organized by Group 484 in cooperation with the OSCE Mission in Serbia on the topic of establishing independent supervision at the borders. In October, a regional panel was organized, at which national human rights institutions from Slovenia, Croatia and Greece presented their experiences in monitoring the border procedures, and the relevant international organizations presented their views on the functioning of such a mechanism – the Office for Democratic Institutions and Human Rights (OSCE), the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), CPT, as well as citizen associations from Serbia and the region that are active in this area. Then, in December, a national panel was organized, at which representatives of the relevant domestic authorities participated – the Ministry of Interior, the Commissariat for Refugees and Migration, misdemeanour courts, the Commissioner for the Protection of Equality, the Commissioner for Information of Public Importance and Personal Data Protection and others. The institution of the Protector of Citizens is recognized as the institution that is the most expedient solution to be the holder of such a mechanism, bearing in mind its constitutional position and competences.

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

She also participated in the meetings of the Management Board of the project *Enhancing human rights protection of detained and sentenced persons in Serbia*, which is implemented within the framework of the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey".

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited the Republic of Serbia in March 2023. Representatives of the NPM met with the delegation of the Committee before their visits to institutions, and the Protector of Citizens, Zoran Pašalić, MSc, and the deputy Protector of Citizens, Nataša Tanjević, PhD, also attended the final meeting held in the Palace of Serbia in Belgrade.

[10] https://see-npm.net/.

Finally, the NPM regularly submits information about its activities that are presented at the plenary session of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

3.8. Annual report

The NPM Report for 2022 was submitted to the National Assembly, the Ministry of Justice, Ministry of Interior, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Family Welfare and Demography and the Commissariat for Refugees and Migration.

Until the submission of this Report, the NPM Report for 2022 has not been considered by the National Assembly or any of its committees.

The NPM indicates that it is the duty of the competent authorities to consider the recommendations from the annual report of the NPM.[11]

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

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

[11] Optional Protocol, Article 22.

4. SITUATION AND ACTIVITIES BY AREAS

4.1. Police / prosecutorial detention

In order to monitor the conduct of the police towards the apprehended, arrested and detained persons, during 2023, the NPM made 59 visits to police departments and police stations within their composition. All visits were unannounced, individual and at night, and the cooperation of police officers with the NPM team in all visits was complete and professional.

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

On the basis of the visits to police departments and their constituent police stations , 10 reports were made and 59 recommendations were issued. 50 recommendations were acted on, one was not acted on and eight recommendations require further monitoring.

In this reporting period, the Ministry of Interior continued to improve the conditions for the stay of detained persons in detention facilities. Although progress has been observed in this area, the NPM noticed in some of the police stations visited that the detention facilities are not in accordance with current standards and has issued recommendations to the Ministry to take these facts into account when planning activities aimed at the further adaptation and construction of detention facilities, in order to ensure that all detention facilities comply with applicable standards. On the other hand, acting on the recommendations of the NPM, in some of the police stations visited, missing parts of bedding were obtained, notices were posted about video surveillance of detention premises, and measures were taken to improve artificial lighting.



Detention facilities in PS Ub and PS Stara Pazova

In this reporting period as well, the NPM notes progress regarding the realization of the rights of apprehended and detained persons, which is confirmed by written documentation,

statements of police officers in charge of dealing with apprehended and detained persons, but also by numerous statements of persons deprived of their liberty with whom the NPM conducted interviews. They stated that they were informed immediately, in a language they understood, about the reasons for the deprivation of liberty, as well as about their rights, and that they were given the opportunity, immediately after the deprivation of liberty, to notify a person of their choice about their deprivation of liberty and to hire a defence counsel. However, in this reporting period, the same as in the previous one, in several police stations visited, in cases of detention of persons in criminal proceedings, the NPM observed that the written form – notice of rights, is not appropriate, and recommendations were issued in order to ensure that all persons detained in criminal proceedings are delivered written notices on the rights of detained persons, that is, a form in which the rights of the detainee from Article 29 of the Rulebook on Police Powers will be specified. Also, in a smaller number of police stations visited, it was observed that persons are were not given a copy of the detention records after the end of detention. This is most often the case when the person is detained on the premises of the institution, and the police station is located in another city that is far from the institution. The NPM issued recommendations in connection with the above as well, in order to improve the procedure.

Acting on the recommendations of the NPM, in the largest number of visited police stations, the records kept by police stations for detained persons were improved, while the recording of the exercise of the right of apprehended and detained persons to access a lawyer was especially improved, in such a way that police stations started recording data about the lawyer, the time when he/she was contacted, the time when he/she approached the apprehended and detained person and the time when he/she conducted an undisturbed interview with the person.

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

During the visits, the NPM interviewed nearly 200 persons deprived of their liberty, both in police custody and pre-trial detention, regarding the conduct of police officers towards them during the arrest, detention, as well as during the application of other police powers. In this regard, the fact that during these visits the largest number of interviewed persons did not complain about the conduct of police officers and the possibility of exercising their rights is encouraging, and that by reviewing the documentation, it was established that these rights are respected in the majority of cases.

During these visits, the NPM received several reports of alleged ill-treatment by police officers that occurred mainly during arrests. The reports indicated that, most often, crime inspectors inflicted blows with their fists on the heads and bodies of persons, kicked them or slapped them a few times. Although in the majority of these allegations it could not be determined that there was an illegal or excessive use of force or other illegal conduct by police officers, because at the first medical examination upon admission to the institution, the persons had no visible injuries, nor did they complain about them, in every visit report in which it received such allegations, the NPM drew attention to the fact that police officers should be regularly instructed and reminded, including through appropriate training programs, that they should not use more force than necessary during arrests and that, when arrested persons are brought under control, there can be no justification for further use of force. Also, the NPM sent certain

reports to the Commission for the implementation of standards of police treatment in the area of torture prevention of the Ministry of Interior, in order for it to continue with the activities it undertakes to raise awareness about the prohibition of any form of inadequate treatment of persons deprived of their liberty.

During the reporting period, the NPM also monitored the conduct of the police towards the persons who were arrested during the protests held in front of the Belgrade City Assembly after the elections held on 17th December 2023. The police stations within the PD for the City of Belgrade were visited, namely PS Zemun, PS Novi Beograd, PS Stari grad and the headquarters of the PD for the City of Belgrade. All visits were unannounced, and the NPM team, in addition to representatives of the Protector of Citizens, also included a representative of the Lawyers' Committee for Human Rights-YUCOM. During the visits to police stations, 14 detained persons were found, with whom the NPM team conducted undisturbed interviews. By reviewing the documentation, it was established, and also confirmed through conversations with the detained persons, that all persons were given notices of their rights, decisions on detention, and they had the opportunity to contact a lawyer of their own choice, i.e. they were assigned a lawyer ex officio. For one person, who stated that he was not allowed to inform a close person about the deprivation of liberty, the documentation stated that he did not want to inform anyone about it, while all other persons stated that they were given an opportunity to inform a family member or a close person about their deprivation of liberty. A medical examination was made possible for all persons who needed it. No persons were admitted with visible injuries, nor did they complain of having received any injuries.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

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

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

4.2. Enforcement of penal sanctions

During 2023, the NPM made 15 visits to institutions for the enforcement of penal sanctions, including the Special Prison Hospital in Belgrade. Eight reports were made and 40 recommendations were issued to eliminate the observed shortcomings and improve the actions of the authorities. 33 recommendations were acted on, three were not, and four required further monitoring. All conducted visits were unannounced, and the cooperation of the management and institution officials with the NPM team in all visits was complete and professional.

During the visits to institutions for the enforcement of penal sanctions, emphasis was placed on the conduct of police towards persons deprived of their liberty before they were brought to the institution. The visits were carried out by visiting the local police station and the institution, which made it possible to cross-reference the data obtained from the persons and the official statements and documentation. In this way, PCI Šabac, PCI for Juveniles Valjevo, PCI Kragujevac, DP Novi Sad and DP Užice were visited. During these visits, special attention

was paid to performing the first medical examination upon admission to the institution, i.e. to documenting injuries and undertaking further activities regarding the aforementioned, i.e. the forwarding of information to the competent public prosecutor's office. In this regard, the NPM observed shortcomings in the procedures in this part in some institutions[12] and issued recommendations in order to improve the procedure, indicating that the role of doctors in protection against abuse is a significant segment in the fight against impunity for torture.

In this reporting period, the NPM carried out a control visit to the Penal-Correctional Institution in Požarevac – Special Department for the serving of the prison sentence for organized crime offences and stated that all the recommendations were acted on, i.e. that the management undertook numerous activities in order to improve the conduct towards the convicted persons. In the special department, areas for the stay of prisoners in the fresh air were equipped with greenery and other forms of visual stimulation, which humanized those areas. An informative document was also created, with practical information and activities in the Special Department, and the information about it was prominently displayed in the common rooms used by all convicted persons. Treatment programs for all convicts were additionally individualized, in such a way that they were adapted to the risks and needs of each specific convict, and the treatment program was also reviewed. Finally, taking into account their conduct, their efforts in the implementation of the treatment program, i.e. the degree of implementation of the treatment program, certain convicted persons, who met the conditions, were subsequently classified into more favourable educational groups and they were granted special rights.

In addition to the above, during this visit, as a good practice example , the NPM stated that within this department, occupational therapy with painting was organized and realized, and that an art section was formed, as well as that a specialized program – General cognitive behavioural program was implemented, which was attended by almost all convicted persons.



Area for the stay in fresh air – PCI Požarevac, Special Department

In order to further improve the exercise of the rights of prisoners in this department, and bearing in mind the Initiative for amendments and supplements to the Law on the Enforcement of the Prison Sentence for Criminal Offences of Organized Crime sent to the

[12] PCI Šabac, PCI Kragujevac, DP Užice, PCI for juveniles Valjevo.

Ministry of Justice by this body, as well as the obligations assumed by the Republic of Serbia through ratification of international documents, which also include accepting and acting on the recommendations of the CPT, the NPM expresses expectation that the competent authorities will take all available measures within their competence in order to implement the aforementioned recommendations, i.e. to propose changes to the current regulations in the recommended direction.

The visit to the District Prison in Smederevo was also a control visit, and it was carried out in order to monitor the manner in which the ten recommendations for rectifying identified shortcomings and improving the treatment of persons deprived of their liberty were handled, which were issued in the Report on the visit to that institution in 2021. Acting on the recommendations of the NPM, the District Prison in Smederevo, among other things, started implementing appropriate procedures for the exclusion of individual convicts from the regular prison regime, i.e. for their separation from the common regime under which sentences are served, and undertook activities to improve individual treatment work and the implementation of the specialized program for group work with psychoactive substance addicts. Also, when he discovers an injury during the examination of persons deprived of their liberty, the doctor gives his opinion in the reports on the performed examinations on the connection between the statements given by the person about the manner in which the injuries occurred and the resulting injuries, draws the injuries into the body diagram and photographs the person. The recommendation which was not acted on, implies that convicted persons classified in closed departments and detained persons should be allowed to spend at least two hours a day in the fresh air outside the closed premises, and the NPM will continue to monitor the handling of this recommendation.

In the reporting period, a Thematic Report was sent from the thematic visits to institutions for the enforcement of penal sanctions that the NPM carried out in 2022 in order to monitor the treatment of persons deprived of their liberty who are in solitary confinement, or another form of isolation in relation to other persons deprived of their liberty. In the aforementioned report, 17 recommendations were issued for the improvement of the procedure in this part, and, among other things, the NPM issued recommendations that the Administration for the Enforcement of Penal Sanctions should ensure that all persons deprived of their liberty subject to the measure of coercive separation have the opportunity to stay in the fresh air for at least 1 hour and to exercise their right to a telephone conversation, in accordance with the house rules; that all institutions should record all significant information about the course of application of the coercive measure of separation: the beginning and end of separation, visits to persons, meals, time in the fresh air, telephone conversations, etc.; that all institutions should undertake activities in order to mitigate the negative consequences of isolation and to that end, they should strive to make the duration of the application of the special measure of isolation as short as possible, as well as to allow the persons deprived of their liberty who are isolated to gradually be included in common activities; that in all institutions, persons deprived of their liberty who are subject to the special measure of solitary confinement are visited at least in accordance with the prescribed frequency (a doctor once a day, a treatment officer twice a week, the head of the institution or a person who replaces him once every 15 days); that the disciplinary measure of solitary confinement for the whole day and night is imposed only exceptionally, etc.

Based on the response of the Administration for the Enforcement of Penal Sanctions, it can be concluded that the director of the Administration ordered all heads of institutions to act in accordance with the issued recommendations, and the Inspection Department of the Administration also to control the implementation of the recommendations of the NPM from the report in question when carrying out supervision over the work of the institution.

In the reporting period, four thematic visits to institutions were carried out, with the aim of checking for the existence of torture and other cruel, inhuman or degrading treatment or punishment. During these visits, the persons deprived of their liberty interviewed by the NPM had no objections to the conduct of the prison officials towards them. In the sent reports, the NPM pointed out the need to ensure the conditions for the employment of as many convicts as possible in the closed departments of the institution, as well as to ensure enough available purposeful activities. Also, the NPM pointed out that the measure of increased supervision should also include increased treatment activities of educators, both group and individual, and issued recommendations for the institutions to organize a program for treatment and purposeful activities, and to include convicts to whom this special measure is applied in the activities provided for in the treatment program. In the following period, NPM will monitor the manner in which this recommendation is handled.

Acting on the recommendation of the NPM, PCI Niš undertook activities aimed at renovating the premises of the basement of Pavilion II so that the living conditions in them would be in accordance with the applicable regulations and standards. Also, in order to act on the recommendation and organize a program of purposeful activities within the facility in which the measure of increased supervision is implemented, and to include the convicted persons to whom that special measure is applied in the activities provided for in the treatment program, another treatment officer was included in the work of the pavilion in which those persons are located, in order to make the work more intensive and of better quality, the interests and needs of convicted persons were recognized and activities were planned in connection with literary creativity, chess, etc. Finally, the Administration for the Enforcement of Penal Sanctions informed the NPM that it is undertaking measures within its competence to reduce the overcrowding of accommodation capacities in this institution, and measures have also been taken to recruit new employees in the security service.

During the visit to PCI Niš, the NPM also noticed that in this institution, there are a large number of extraordinary events related to conflicts – fights between persons deprived of their liberty and, in this regard, in the Report on the visit, it was indicated that it is extremely important to analyse the causes that lead to violence among convicts and to focus increased attention on undertaking activities in order to prevent this phenomenon.

Acting on the recommendation of the NPM, PCI Sremska Mitrovica improved the method of performing medical examinations after the application of coercive measures, and in accordance with the recommendations of the NPM, a copy of the medical report on the examinations performed after the application of coercive measures is placed in the health record of the person who was subjected to coercive measures, and the colour photographs of the injuries, except in electronic form, are also kept in the health record of the person who was subjected to coercive measures.

During the reporting period, the NPM also conducted a systematic visit to the Special Prison Hospital in Belgrade (SPH) and, among other things, established that the number of persons in the SPH significantly exceeds the accommodation capacities of this institution, that there is an insufficient number of employees, as well as that a large number of persons are there for social reasons, i.e. due to the absence of adequate social acceptance and support in the community. In the visit Report, the NPM drew the attention of the Administration for the Enforcement of Penal Sanctions to the alarming situation in the SPH in terms of overcrowding and lack of employees and pointed out that it is necessary to solve all the problems that this institution faces in its work without delay, by implementing the recommendations. Also, in the subject report, the NPM pointed to the worrying practice and passivity of the competent authorities when it comes to ensuring social acceptance and suspending the security measure of mandatory psychiatric treatment and custody in a healthcare facility and replacing this

measure with a measure of mandatory treatment at liberty, so it also referred the Report on the visit to the SPH to the Higher Court in Belgrade – the enforcement judge, and to the Ministry of Labour, Employment, Veteran and Social Affairs.

According to the findings of the NPM, in this reporting period as well, the Administration for the Enforcement of Penal Sanctions continued to invest in the improvement of accommodation conditions for persons deprived of their liberty. It was also observed that specialized programs for group work with prisoners are implemented in institutions. Further efforts should be focused on hiring a sufficient number of treatment officers, implementing the aforementioned programs and improving the treatment of persons deprived of their liberty, which would, among other things, ensure the achievement of the purpose of serving the prison sentence and enable a mechanism of progress in the treatment that would facilitate the classification of convicts to more favourable education groups. Finally, there is still a need to provide sufficient available activities to all persons in pre-trial detention and convicted persons classified in the closed wards of the institution, as well as to enable them to stay during the day in common rooms with other convicts, i.e. persons in pre-trial detention with whom the court has not restricted their contact due to the conduct of criminal proceedings.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

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

The Administration for the Enforcement of Penal Sanctions should undertake activities in order to reduce the overcrowding of accommodation capacities in the Special Prison Hospital, as well as to employ the missing staff.

The Administration for the Enforcement of Penal Sanctions should continue with activities to improve treatment work, in order to, among other things, create opportunities for convicts to be classified in more favourable educational groups and achieve the purpose of serving the prison sentence.

The Administration for the Enforcement of Penal Sanctions should provide convicts classified in closed wards with sufficient available and purposeful activities, and enable them to stay during the day in common rooms with other convicts.

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

4.3. Detention of persons in social welfare institutions

Of the six visits to social welfare homes, three were regular[13], one was a control visit in order to monitor the handling of the recommendations of the NPM[14], and two were thematic (one[15] in order to monitor the handling of the recommendations of the CPT issued to the Republic of Serbia after the visit in 2021, and the other[16] was a pilot visit aimed at exercising the right of beneficiaries to privacy, contact with the outside world and access to health care).

[13] Institution for Education of Youth in Niš, Institution for Education of Children and Youth in Belgrade, Home for the elderly in Smederevo.
[14] Home for disabled adults Zemun.
[15] Home for accommodation of adults Kulina.
[16] Home for accommodation of adults and the elderly at the Centre for Social Work Novi Pazar.

During the visits, the NPM observed that there is still an evident lack of staff to work with the beneficiaries, that bed-ridden and partially mobile beneficiaries often spend their time in an unstructured way and without any daily activities and content, that in some of the visited institutions there are shortcomings regarding the recording of injuries of beneficiaries and the manner in which they occurred, as well as shortcomings in acting on the complaints of beneficiaries, bearing in mind that this procedure is not in accordance with the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection. In some institutions, it has been observed that the guardians from centres for social work are insufficiently involved in the life of the beneficiaries and in satisfying their interests, especially in situations where the residence of the beneficiary is far away from the institution in which he is placed, so the competent centre for social work is also far away from that institution.

In this reporting period, the NPM paid special attention to the position of children in conflict with the law and, in this regard, made the first systematic visit to the Institution for the Education of Children and Youth in Belgrade and the Institution for the Education of Youth in Niš. It was observed that there is room for improvement in terms of organizing free time and activities, as well as that the Institution for the Education of Children and Youth in Belgrade has the potential to expand social protection services, in accordance with the needs of social protection of children and youth, the use of which would benefit and residents (beneficiaries of social welfare services and juveniles subject to the enforcement of an educational measure), but also the social welfare system as a whole.

In its response to the handling of recommendations, the Institution for the Education of Youth in Niš informed the NPM, among other things, that the priority will be to improve the conditions and quality of life of beneficiaries in the institution, that a written information sheet is being prepared that will include all important information about the stay in the institution, which will be delivered to beneficiaries upon admission, and that the institution will insist on continuous professional training and improvement of professional workers and associates.

Acting on the recommendations of the NPM, the Institution for the Education of Children and Youth in Belgrade undertook activities with the aim of informing residents about the right to free legal aid prescribed by the Law on Free Legal Aid, provided forms for submitting requests for free legal aid and for providing support to the residents who need or wish to exercise this right. Also, an internal procedure has been drawn up, which regulates the actions of the employees and the plan for the protection of residents in case of incident situations.



Institution for the Education of Children and Youth, Belgrade

During the reporting period, the NPM made a thematic visit to the Home for accommodation of adults and the elderly at the Centre for Social Work in Novi Pazar. The general impression during the tour of the Home is that the accommodation conditions are good and that a pleasant environment has been created for the stay of beneficiaries, and that the space in the rooms is adapted to their needs. However, shortcomings were also observed in terms of the fact that the Home does not have a full-time doctor or other healthcare workers, that there is a lack of nursing and other staff, as well as shortcomings related to the recording of injuries of beneficiaries, respect for the privacy of beneficiaries, etc., so in its visit Report, the NPM issued eight recommendations for improving the procedure.



GC Novi Pazar

The Centre for Social Work Novi Pazar informed the NPM that, in accordance with the issued recommendations, mobile screens are used in the home to protect the privacy of beneficiaries, that notices about the existence of video surveillance have been placed in visible places in all areas and rooms that are under video surveillance, that the room for visits is arranged in such a way as to provide conditions for a pleasant stay of

beneficiaries and visitors in it, that the recording of injuries of beneficiaries and the mechanisms of their occurrence has begun, and that the actions taken are recorded in the records on beneficiaries, as well as that the procedure for dealing with complaints and objections is harmonized with the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection. The handling of the recommendations related to the undertaking of activities and actions to employ the appropriate number and type of healthcare workers, as well as the missing nursing and other staff in the home, in accordance with the needs of the beneficiaries, will be subject to further monitoring by the NPM.

Acting on the recommendations of the NPM, the Home for Adults with Disabilities in Zemun established unique records of complaints of beneficiaries, highlighted the boxes for submitting complaints and made available the contacts of legal aid services at local self-government units, contacts of civil society organizations and information on independent bodies for the protection of human rights. Also, all beneficiaries, including immobile/bed-ridden beneficiaries, are given the opportunity to stay in the fresh air with the help of the institution's staff, and detailed descriptions of injuries and conclusions of doctors about the connection between the circumstances of occurrence of the injury and the established injuries have begun to be entered into the existing Injury Protocol.

In the report on the visit to the Home for the accommodation of adults Kulina, the NPM praised the efforts and activities undertaken to improve the material conditions for the stay of beneficiaries in the Home. Also, it was observed that the beneficiaries of the Home, regardless of the required level of support, are involved in some form of rehabilitation and/or occupational-work activities. In order to improve the procedure, the NPM, among other things, issued recommendations to undertake activities so that all beneficiaries have unlimited access to fresh air, in a reasonably spacious and protected environment, which is equipped with means that allow resting and provide protection from bad weather, to ensure the necessary number of medical, nursing and other personnel in accordance with the assessed needs for adequate treatment of beneficiaries and the functioning of the Home, as well as measures and activities to improve the actions of guardianship authorities in terms of provision of appropriate guardianship protection to beneficiaries of the Home in accordance with the law.

In the report on the control visit to the Home for Persons with Developmental Disabilities "Otthon" in Stara Moravica, the NPM pointed to very poor accommodation conditions, as well as an insufficient number of employees who work directly with the beneficiaries in this institution, and issued a recommendation for the Ministry of Labor, Employment, Veteran and Social Affairs to take all available measures and activities to implement the transformation plan of the "Otthon" Home or to revise it, so as to ensure the relocation of the beneficiaries from the Home, bearing in mind that due to the inappropriate location of the Home, the beneficiaries are not provided with adequate participation in the social community or contact with the outside environment. Among other things, the need to provide the necessary number of medical, nursing and other staff, in accordance with the estimated needs for adequate treatment of beneficiaries and the functioning of the Home, was also pointed out.

Finally, during the visits, the NPM noticed that the employees in the visited institutions were not sufficiently familiar with the provisions of the new Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection, as well as that no by-law was adopted in this reporting period that would regulate the actions of institutions in incidents situations, meaning that social welfare institutions, following the order of the Ministry from 2016, have internal procedures for actions of employees and a beneficiary protection plan in cases of incidents. In this reporting period as well, the NPM pointed out that it is necessary to

regulate the actions of institutions in incident situations in a unique manner, and to establish measures that would achieve the protection of beneficiaries, employees and property, while respecting the limitations prescribed by law and ensuring that the purpose of the stay in the institution is achieved.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

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

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

The Ministry of Labour, Employment, Veteran and Social Affairs should, in accordance with the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection, adopt a by-law that regulates the manner and closer conditions of the actions of institutions in incident situations.
The Ministry of Labour, Employment, Veteran and Social Affairs shall undertake activities to organize trainings for employees in centres for social work and social welfare homes, i.e. licensed service providers, on the manner of applying the provisions of the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection.

The Ministry of Labour, Employment, Veteran and Social Affairs shall draft and adopt a by-law that regulates the actions of institutions in incident situations.

4.4. Detention of persons with mental disorders in psychiatric hospitals

In the reporting period, the NPM conducted five visits to psychiatric institutions. Two visits were systematic, first visits made to the Health Centre Valjevo – Department of Psychiatry of the General Hospital Valjevo and to the Department of Psychiatry of the General Hospital in Požarevac. Also, a visit was made to the General Hospital in Smederevo in order to establish a continuous dialogue regarding the implementation of the recommendations issued in the report on the visit to this hospital in the previous reporting period. The newly opened Centre for Mental Health in Pančevo was also visited.

During the visits to the departments of psychiatry of GH Požarevac and GH Valjevo, it was observed that it is necessary to undertake activities to improve the material accommodation conditions, so that they are fully in accordance with the current standards. Also, it was observed that individual treatment plans of patients are not sufficiently individualized and do not contain therapeutic and rehabilitation activities that are to be carried out for a specific patient. There is room for improvement in terms of records on the application of measures of physical restraint of persons with mental disorders, in order to ensure that they provide reliable data on the frequency of its application, duration and other significant data. In the reports from the visits, the NPM also pointed to the need to provide continuous specialist educations for middle-level medical staff in the area of mental health and work with people with mental disorders, as well as special trainings for healthcare workers on the application of measures of physical restraint of patients.

In accordance with the issued recommendations, the visited institutions undertook activities aimed at improving the procedures. In the responses regarding the handling of the recommendations, the "Sveti Luka" General Hospital in Smederevo informed the NPM that measures to eliminate the observed deficiencies have been taken, and that, among other things, written notices about the rights of patients and the mechanisms of their protection had been reposted at the Department of Psychiatry, that activities aimed at planning the continuous education of the staff of the Department of Psychiatry for the coming year have been undertaken, as well as activities aimed at improving the procedure for admitting the persons with mental disorders to hospital treatment. Based on the content of the response, it can be concluded that the treatment of persons with mental disorders will also be improved when it comes to the informed consent of the patient to the proposed medical measure, that is, that medical measures will be applied only with the consent of the patient, and in exceptional, legally prescribed situations, in which it is allowed to treat these persons without their consent, and on the basis of a decision made by the medical advisory committee. The NPM was also informed that, in addition to educated experts of various profiles, the patients themselves will be involved in the creation of individual treatment plans, as well as that the individual treatment plans will be updated once a week.

Acting on the recommendation to provide trainings for healthcare workers on the conditions and procedure for applying measures of physical restraint to agitated patients, as well as trainings on the application of advanced techniques of non-violent physical restraint, and in accordance with the special training plan for healthcare workers on the method and procedure for applying measures of physical restraint, the Hospital informed the NPM that the nurses from the department of psychiatry went on organized visits to the Special Hospital for Psychiatric Diseases in Kovin, and participated in the work of nurses who work with patients to whom this measure is applied.

The General Hospital in Požarevac submitted a notice on the handling of the recommendations of the NPM, from which it can be concluded that the bed mattresses in the department of psychiatry were renewed and replaced, the rooms were painted, the walls and space were decorated, and the patient library was equipped with books and magazines. In addition, a book of complaints and impressions was made available to the patients, and information on the rights of patients and mechanisms for their protection was highlighted. An occupational therapist was hired at the Department of Psychiatry, and material for work and occupational therapy was provided, and, according to the response, the procedure was improved so that the medical documentation is now properly kept, individual treatment plans are developed and updated with the participation of patients and experts of various profiles, and the informed consent is obtained from each patient for a proposed medical measure.

The NPM was also informed that restraints were provided and that the book of records is properly kept, and that only healthcare workers participate in the implementation of the measure. The hospital, however, did not act on the recommendation to provide healthcare workers with training on the conditions and procedure for applying physical restraint measures to agitated patients, as well as training on the application of advanced techniques of non-violent physical restraint, in accordance with the special training plan for healthcare workers on the method and procedure of applying physical restraint measures, explaining that such trainings were not organized by the competent ministry.



General Hospital in Požarevac – Department of Psychiatry

The General Hospital in Valjevo, in response to the issued recommendations, informed the NPM that in the first phase of the planned construction of the new hospital complex, a new facility for the department of psychiatry will be built, which will house the outpatient and inpatient sections, as well as the day hospital, thus improving the material conditions of accommodation and providing a positive therapeutic environment for the patients, that the patient admission procedure was arranged, that the medical history data is kept properly and that individual patient treatment plans are drawn up, as well as that an autopsy will be performed on all deceased psychiatric patients who die at the Department of Psychiatry. Also, based on the response of the hospital, it can be concluded that information about the weekly and daily activity plan is displayed in a visible place accessible to patients, a book of complaints and impressions and a box for objections, remarks and praise were placed, and information about the rights of patients and the mechanisms of their protection were highlighted. An education plan for the application of measures of physical restraint was drawn up, as well as a continuous education plan for nurses and technicians, and the Book of Records on the application of the measure of physical restraint for persons with mental disorders was created, while the records of the application of this measure is placed in the medical history of persons with mental disorders. Also, a procedure has been established that refers to the application of the measure of physical restraint to persons with mental disorders.

In connection with the recommendation issued to the Ministry of Health to make an analysis of the existing needs for appropriate services for the protection of mental health in the community that can take care of patients after their discharge from treatment and to undertake activities for the establishment of services for the protection of mental health in the community, the Ministry of Health informed the Protector of Citizens that the plan and the number of necessary centres will be developed by the commission, and that the opinion will be given by the Republic Expert Commission for Mental Health.

In its responses about the handling of the recommendations from the control visit, the Clinic for Psychiatry of the UCC Kragujevac informed the NPM that the material conditions have been improved and the necessary repairs have been made to sanitary devices, that toilet seats have been placed on the toilets and doors have been replaced on

the shower cabins and toilets for patients, as well as that the walls have been painted and the space inside the clinic decorated with pictures.

The NPM was also informed that patients are included in the creation of individual treatment plans, and that in the coming period, the Club of Treated Alcoholics will continue to work, as well as that after discharge from the Department for addiction treatment, patients will receive psychosocial treatment in addition to outpatient treatment, through work with a pedagogue, a psychologist and a social worker. The Clinic for Psychiatry of the UCC Kragujevac also accepted other recommendations of the NPM and undertook activities in order to implement them and eliminate the observed shortcomings.

On World Mental Health Day, the NPM visited the newly opened Centre for Mental Health in Pančevo, a branch of the Special Hospital for Psychiatric Diseases "Kovin", which was formed on the recommendation of the NPM. It was observed that in the Centre, a team of experts from different areas provides ambulatory-consultative services and psycho-social rehabilitation services, performs individual and group psychotherapy work, psychoeducation, carries out home visits through mobile teams and works with the families of beneficiaries. Also, it was stated that the modern concept of work of the centre is aimed at prevention, preservation, post-hospital treatment of patients in the community and improvement of mental health in order to reach the highest standard of mental health, which, in addition to the right to protection from risk factors and the right to available, accessible and quality care, also includes the right to freedom, independence and inclusion in the community.

The NPM believes that the establishment and operation of this centre, as well as the dedication of the employees at the Centre, is an example of good practice in acting in accordance with the valid standards of care for the mental health of citizens in the community, with the least possible restrictions and as close as possible to the place of residence, i.e. the patient's family, as well as an example of successful cooperation with the local self-government, which ceded a facility in the city centre to the Special Hospital for Psychiatric Diseases, so that the Centre could be opened.

The NPM expresses expectation that the Ministry of Health, in accordance with its mandate prescribed by law, will draw up the necessary plan and intensify activities to establish effective interdepartmental and intersectoral cooperation of the competent republic and local self-government unit bodies, in order to establish mental health centres in the community, and contribute to the creation of conditions for the further development of the system of protection of mental health in the community and improvement of the position of people with mental disorders.



Centre for mental health in Pančevo

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

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

The Ministry of Health should take measures within its competence in order to improve the application of the measure of physical restraint of patients in psychiatric hospitals.

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

4.5. Treatment of refugees / migrants

In the reporting period, the NPM made two regular visits to the Reception Centre for Foreigners in Dimitrovgrad and the Reception Centre for Foreigners in Padinska Skela, and the first systematic visit was also made to the newly opened Reception Centre for Foreigners in Plandište. Also, two control visits were made to "Nikola Tesla" Airport in Belgrade and "Konstantin Veliki" Airport in Niš, while the visit to "Morava" Airport in Kraljevo was a regular visit.

Acting on the recommendations of the NPM, measures were taken to ensure the conditions for the registration of foreigners who have expressed their intention to apply for asylum, and information about legal aid providers was displayed in visible places in the premises for the accommodation of foreigners who have been refused entry to the country.

Acting on the recommendations of the NPM from the Report on the visit to the Reception Centre for Foreigners in Padinska Skela and the Reception Centre for Foreigners in Plandište, activities were undertaken with the aim of improving material conditions.

The NPM has been pointing out shortcomings in the provision of health care in reception centres for some time, and considers this the most important problem related to the conditions of stay of foreigners in these institutions. In this regard, in the reporting period, the MoI undertook activities aimed at improving the provision of health care to foreigners and, to that end, held several meetings with representatives of the Ministry of Health, and in addition to the above, public procurement for the provision of medical services is being considered as a way to overcome that problem. The method of providing health care to foreigners will be subject to further monitoring by the NPM.

The NPM was also informed that the systematized job positions of police officers are still not filled in, and that this is expected in the coming period. With regard to the recommended trainings, the NPM was informed only about the trainings that are already provided for in the professional development Program for border police officers, such as "Working with marginalized minority and socially vulnerable groups" and "Concept, recognition and actions of the police in response to emerging forms of discrimination".

The MoI indicated in its response that it is still working on the plan to improve the quality of stay and sports and recreational activities for foreigners in the reception centre.



Reception Centre for foreigners Plandište

The NPM notes a positive development regarding the provision of access to legal aid for foreigners who have been ordered to stay in the reception centre. The Bar Association of Serbia, acting on the recommendation issued by the NPM in carrying out oversight of the procedure of forced return of foreigners, created lists of lawyers interested in providing legal aid to foreigners placed in reception centres for foreigners, according to the order of their registration, headquarters of their law office and the bar association. These lists, together with contact information, were delivered to the reception centres and during the visits, the NPM noticed that the lists were prominently displayed in the living rooms and available to foreigners staying in the reception centres.

Although this is not free legal aid, which would ensure effective and equal access to justice, the list of lawyers who are interested in providing legal aid in this area can contribute to ensuring that the search and selection of a lawyer is not completely left to the foreigners, who often do not know the language and have limited opportunities, and are insufficiently informed to do so.

In its opinion on the text of the Draft Law on Amendments to the Law on Foreigners, the NPM suggested that the amendments should be used to eliminate the shortcomings in the access to legal aid for foreigners who are in the process of forced return, since, contrary to international standards, this category of persons are not potential beneficiaries of free legal aid, by allowing certain categories of foreigners in the procedure of forced return to obtain the right to free legal aid and regulating the conditions under which they can obtain it. The aforementioned was not accepted in the adopted law.

During visits to reception centres for foreigners, the NPM noticed that in some cases, foreigners were denied stay in the territory of the country because it was determined that their stay represented an unacceptable security risk, which was supported by appropriate reports from the competent services. However, as the security risk cannot be the basis for determining one's stay in a Reception Centre, everyone is assigned a stay, because there is a risk that they will not be available to the competent authorities for the purpose of carrying out forced return. The NPM drew attention to the fact that only the organizational units of the Ministry of Interior, which are established by law,[17] can determine the stay in the reception centre, while judicial authorities have other measures at their disposal to ensure the presence of the accused person or other participants in the proceedings and the smooth conduct of criminal or other judicial proceedings. In this regard, in the reports from the visits, the NPM indicated, among other things, that the purpose of the stay in the reception centre is to prepare for the return or to carry out a forced return, that the stay of foreigners in the reception centre should last as short as possible and that during their stay, there must be sufficient likelihood that the foreigner can be forcibly removed, and that it is necessary to review the reasons for which the foreigners stay in the Reception Centre and determine whether there is a sufficient likelihood that they will be forcibly removed from the country, and if not, to release them from the Reception Centre, because there is no basis for their further stay.

The NPM was informed that the aforementioned recommendation was acted on, in such a way that the majority of foreigners were dismissed from the reception centres due to the fact that it was not sufficiently likely that it will be possible to forcibly remove them from the country and they were sent to centres under the jurisdiction of the Commissariat for Refugees and Migration.

Acting on the recommendations of the NPM, the "Morava" airport in Kraljevo has highlighted information about legal aid providers in the premises for the accommodation of foreigners who have been refused entry to the country and has established a diary in which all data relevant to the stay of foreigners in those premises will be entered, such as the period of their stay, information about meals, about provided health care and other. Also, the MoI informed the NPM that, in connection with the recommendation to take the necessary measures so that the registration of foreigners who have expressed their intention to apply for asylum in the Republic of Serbia can be carried out at the Kraljevo Border Police Station, the procedure for acquiring the equipment for registration is in progress.

During the reporting period, in the process of preparation of the Draft Law on Amendments to the Law on Foreigners, the NPM sent an Opinion on the text of the draft law on amendments to the Law on Foreigners. In its opinion, the NPM had numerous

---

[17] In accordance with the Law on Foreigners (Art. 87, para. 1, in relation to Art. 3, items 2 and 3): an organizational unit outside the headquarters that performs tasks related to the movement and residence of foreigners and an organizational unit at the headquarters that performs border control tasks and tasks related to the movement and residence of foreigners; in accordance with the Law on Asylum and Temporary Protection (Art. 78, para. 1, item 3, in relation to Art. 77, para. 1): Asylum Office.

proposals for improving the text of the Draft, among other things, to remove from the Draft Law the provision on the mandatory procedure of direct decision-making when it comes to the procedure of return and forced removal, as well as to regulate the procedure of return by amending the Law, in such a way to enable the foreigner to indicate that he is threatened with persecution in a certain country, that is, that there is a risk that he will be subjected to the enforcement of the death penalty, torture, inhuman or degrading treatment or punishment, i.e. a serious violation of the rights guaranteed by the Constitution; that the circumstance that the forced removal of a foreigner would constitute an unjustified interference in his family life should also be prescribed as a reason for postponing the forced return; to more precisely regulate the detention of a foreigner for the purpose of establishing the identity or legality of his residence on the territory of the Republic of Serbia, i.e. to enable the forced return etc. However, the mentioned proposals of the NPM were not accepted, that is, they were not implemented in the text of the adopted law.



Rooms for the accommodation of foreigners, Belgrade Airport and Kraljevo Airport

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Ministry of Interior shall take the necessary measures so that the stay in reception centres for foreigners is determined only for foreigners who are likely to be subject to the forced removal from the country.

The Ministry of Interior shall provide adequate health care in reception centres for foreigners.

The Ministry of Interior shall enable foreigners staying in reception centres for foreigners to participate in sports-recreational, social, cultural and other organized activities, in accordance with the length of their stay in the reception centre.

The Ministry of Interior shall hire enough police officers to work directly with foreigners in reception centres for foreigners and it shall organize and conduct appropriate trainings.

ADDENDUM I Recommendations issued to authorities

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

Police Department Belgrade

PS Rakovica and PS Voždovac shall use a unique form for written notification of the rights of a detained person, which shall indicate the rights of the detainee from Article 29 of the Rulebook on Police Powers.
In PS Rakovica, detained persons shall be given notices of rights in a language they understand, and if a foreign citizen understands Serbian, this will be indicated in writing.

PS Zvezdara shall enable the detained persons to keep the documentation related to the detention with them for the duration of the detention, if they wish to do so.

PS Voždovac shall hand over a copy of the custody registers to the detained persons upon termination of detention.

In PS Vračar, PS Palilula and PS Rakovica, data on occasional visits and conversations with detained persons shall be entered in all custody registers of persons, as well as notes in this regard, if there are any.

In PS Vračar, PS Palilula and PS Zvezdara, all custody registers of a person detained for up to 24 or 48 hours shall contain information on whether the person was offered a meal and whether the person refused to eat.

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

PS Vračar and PS Rakovica shall provide complete bedding for the beds in the detention premises (mattresses, pillows, pillow cases, sheets, blankets and blanket covers) and shall keep them clean.

PS Vračar and PS Rakovica shall display notices about video surveillance in visible places inside the detention facilities.

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

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

Police stations Mladenovac and Lazarevac shall provide adequate lighting in detention rooms where it is insufficient.

PS Sopot shall always include in the custody registers information about the time when the detained person was offered a meal, which the person refused.

PS Mladenovac shall provide mattresses for beds in the detention facilities.

PS Sopot shall provide a mattress for the bed in the detention room and organize regular changing and washing of the bed linen, so that each detained person receives clean bed linen to use.

Police department Valjevo

PD Valjevo-headquarters and PS Mionica shall deliver written notices to all persons about the rights of apprehended and detained persons.
PS Mionica shall deliver to all persons detained in criminal proceedings written notices on the rights of detained persons, i.e. a form in which the rights of the detained person shall be specified from Article 29 of the Rulebook on Police Powers.

PD Valjevo shall prepare custody registers for each detained person, which shall contain all the necessary data, and after the termination of detention, a copy shall be handed over to the person who was detained, and if the person refuses to sign it, a note shall be made on the custody register, stating the reasons for the refusal.

In PS Mionica, data on the medical examination carried out before the beginning of detention shall be entered in the custody registers.

The Šabac Bar Association shall point out to its members their importance in the protection against abuse and shall remind them of the obligation to approach the defence of all persons deprived of their liberty in accordance with regulations and the code.

PS Ljig shall provide artificial lighting of sufficient intensity in the detention room.

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

PS Lajkovac shall provide a clean mattress for the bed in the detention room and shall organize regular changing and washing of the bed linen, so that every detained person shall have clean bed linen to use.

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

PD Valjevo shall provide one meal to all detained persons who are detained in the premises of the police stations within the composition of this police department, within six hours from the moment of beginning of detention.
In case the detention lasts longer than 12 hours, the detained person shall be provided with three meals, of which at least one complete meal.
Information on the meals, including information that a detained person refused the offered meal, shall be recorded in the custody registers.

Police Department Šabac

PS Loznica, PS Koceljeva, PS Šabac-headquarters and PS Ljubovija shall deliver to all persons detained in criminal proceedings written notices on the rights of detained persons, i.e. a form in which the rights of the detained person shall be stated from Article 29 of the Rulebook on Police Powers.

PS Loznica, PD Šabac-headquarters and PS Krupanj shall, upon termination of detention, in accordance with all legal basis, offer the detained person to sign the custody register. If the person refuses to do so, a note shall be made on the custody register, along with the reasons for the refusal.

In PS Mali Zvornik and PS Loznica, data on the medical examination performed before the beginning of detention shall be entered in the custody registers.

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

PS Krupanj, PS Koceljeva, PS Ljubovija shall display the notification about video surveillance in the detention room in a visible place inside the room.

PS Krupanj and PS Koceljeva shall provide all parts of bedding for beds in detention rooms and shall regularly keep them clean.

PD Šabac shall provide one meal to all detained persons who are detained in the premises of the police stations within the composition of this police department, within six hours from the moment of beginning of detention.
In case the detention lasts longer than 12 hours, the detained person shall be provided with three meals, of which at least one complete meal.
Information on the meals, including information that a detained person refused the offered meal, shall be recorded in the custody registers.

Police Department Novi Sad

In PS Srbobran, if the detained person, upon termination of detention, refuses to sign the custody registers, the PS shall ask that person for the reason for the refusal, and a note shall be made in the register stating the reason given by the person for the refusal.

In PD Novi Sad, police officers shall enter data on the time when they visited the detained person in the custody registers, as well as notes related to this, if there are any.

In PS Temerin, data on the medical examination performed before the beginning of detention shall be entered in the custody registers.

The PO for on-call duty, interventions and security shall repair damaged parts of the walls and paint the detention room.

The PO for on-call duty, interventions and security shall ensure the supply of fresh air in the detention premises.

PS Bačka Palanka shall ensure the supply of fresh air and natural light in the detention premises.

PS Bačka Palanka shall install buttons in the detention premises for calling the police officer on duty.

In PS Titel, no person shall be detained for longer than 24 hours.

In the detention facilities in PS Titel, video surveillance and a system for communication between the detained persons and police officers shall be installed.

PS Srbobran shall display notices about audio-video surveillance in detention facilities in visible places within the premises.

In PS Srbobran, video surveillance footage of detention facilities shall be kept for a period of no less than 30 days.

PS Bečej shall provide artificial lighting in detention facilities.

PS Bečej shall display notices about video surveillance in detention facilities in visible places within the premises.

PD Novi Sad shall provide all parts of the bedding for the beds in detention facilities in all police stations within its composition and shall regularly keep them clean.

Police Department Kragujevac

PD Kragujevac and police stations within its composition shall deliver to all persons detained in criminal proceedings written notices on the rights of detained persons, i.e. a form stating the rights of the detained person under Article 29 of the Rulebook on Police Powers.

In PD Kragujevac and police stations within its composition, if a detained person refuses to receive the written notice of rights or refuses to sign it or is illiterate, police officers shall indicate this in the notice.

PD Kragujevac and police stations within its composition shall deliver the custody registers to the detained persons upon termination of detention.
The detained person shall be offered to sign the custody register. If the person refuses to do so, a note shall be made in the register, stating the reasons given by the person for the refusal.

In PD Kragujevac and police stations within its composition, police officers shall supervise the detained persons by conducting occasional visits and interviews with them, and shall enter data on the time when they visited the detained person in the custody registers, as well as notes related to this, if there are any.

PD Kragujevac and police stations within its composition shall duly record the exercise of the right of detained persons to inform a person of their choice of the time and place of detention, by entering the necessary data into the custody registers, including the information that the person did not wish to exercise this right.

PD Kragujevac and police stations within its composition shall duly record the health condition of detained persons at the beginning of detention, by entering all the required data into the custody registers (injuries observed upon admission, medical care provided, therapy, etc.).

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

The Ministry of Interior shall provide a sufficient number of detention facilities in PD Kragujevac and police stations within its composition, in accordance with the usual number of detained persons and the need for these facilities to be accessible to all organizational units of the PD.

PS Aranđelovac shall provide sufficient lighting in the detention room.

PD Kragujevac and police stations within its composition shall enter into the custody registers data on the meals of detained persons, including information that the detained person was offered a meal that the person refused.

Police officers in PD Kragujevac and police stations within its composition shall use means of restraint without causing unnecessary pain by excessively tightening official handcuffs or other means of restraint.

Police Department Čačak

PD Čačak and police stations within its composition shall deliver to all persons detained in criminal proceedings written notices on the rights of detained persons, i.e. a form stating the rights of the detained person under Article 29 of the Rulebook on Police Powers.

PD Čačak and police stations within its composition shall deliver the custody registers to the detained persons upon termination of detention.
The detained person shall be offered to sign the custody register. If the person refuses to do so, a note shall be made in the register, stating the reasons given by the person for the refusal.

PD Čačak and police stations within its composition shall enter into the custody registers data on the health condition and medical assistance provided to the detained persons before their placement in the detention room.

PS Gornji Milanovac shall appropriately organize the regular replacement and washing of bed linen in the detention room.

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

Administration for the Enforcement of Penal Sanctions

The Administration for the Enforcement of Penal Sanctions shall ensure that all persons deprived of their liberty to whom the coercive measure of separation is applied have the possibility:

- to stay in the fresh air for at least 1 hour;
- to exercise the right to a telephone conversation, in accordance with the house rules.

The Administration for the Enforcement of Penal Sanctions shall ensure that all institutions record all significant information about the course of application of the coercive measure of separation: the beginning and end of separation, visits to persons, meals, time spent in the fresh air, telephone conversations, etc.

The Administration for the Enforcement of Penal Sanctions shall ensure that all institutions undertake activities in order to mitigate the negative consequences of solitary confinement, and that they strive, to that end, to make the duration of the special measure of solitary confinement as short as possible, and that persons deprived of liberty in solitary confinement are gradually included in common activities.

The Administration for the Enforcement of Penal Sanctions shall ensure that all persons deprived of their liberty, to whom the special measure of solitary confinement is applied, have the opportunity, in accordance with the house rules:

- to exercise the right to a telephone conversation;
- to exercise the right to visits, including visits in a separate room.

The Administration for the Enforcement of Penal Sanctions shall ensure that in all institutions, persons deprived of their liberty, who are subject to the special measure of solitary confinement, are visited at least in accordance with the prescribed frequency (a doctor once a day, a treatment officer twice a week, the director of the prison or a person who replaces him once in 15 days), as well as that proper records are kept about these visits.

The Administration for the Enforcement of Penal Sanctions shall ensure that the rule of joint serving of the sentence is respected in all institutions, by allowing all convicted persons to have significant daily contact with other persons, and the exclusion of convicts from the regular regime of serving the sentence shall be carried out on the basis of an appropriate decision, adopted in the procedure provided by the law.

The Administration for the Enforcement of Penal Sanctions shall ensure that all institutions undertake activities in order to mitigate the negative consequences for female detainees who stay alone in the dormitory, by enabling them to have more frequent contact and greater support from officers, as well as to participate in extra-cellular activities, in accordance with the possibilities.

The Administration for the Enforcement of Penal Sanctions shall ensure that all convicted persons separated in disciplinary proceedings have the opportunity:

- to stay in the fresh air for at least 1 hour a day;
- to exercise the right to a telephone conversation, in accordance with the house rules;
- to acquire items for personal use from the store – canteen of the institution, in accordance with the house rules.

The Administration for the Enforcement of Penal Sanctions shall ensure that in all institutions, the head or a person authorized by him makes a written, reasoned decision on separation of a convicted person in disciplinary proceedings, with legal remedy.

The Administration for the Enforcement of Penal Sanctions shall ensure that all institutions record all significant information about the course of separation of convicts in disciplinary proceedings: beginning and end of separation, visits to persons, meals, time spent in the fresh air, telephone conversations, etc.

The Administration for the Enforcement of Penal Sanctions shall ensure that in all institutions, the disciplinary measure of solitary confinement for the whole day and night is imposed only exceptionally.

The Administration for the Enforcement of Penal Sanctions shall ensure that in all institutions, the reports of the competent services of the institution obtained by the acting body in the disciplinary procedure do not in any way prejudge the existence of a disciplinary offence and the responsibility of the convicted person, but that they only contain facts on the basis of which the acting body can make a decision on the type and amount of the possible disciplinary measure: conduct of the convicted person during the enforcement of the prison sentence, his attitude towards work and work obligations, etc.

The Administration for the Enforcement of Penal Sanctions shall ensure that all convicted persons subject to the disciplinary measure of solitary confinement have the possibility, in accordance with the house rules:

- to exercise the right to a telephone conversation;
- to exercise the right to visits.

The Administration for the Enforcement of Penal Sanctions shall ensure that the possibility of using a bed is not denied to convicted persons who are subject to the disciplinary measure of solitary confinement.

The Administration for the Enforcement of Penal Sanctions shall ensure that all institutions record all significant information about the enforcement of the disciplinary measure of solitary confinement for the whole day and night: the beginning and end of the measure, visits to the person, meals, time spent in the fresh air, telephone conversations, visits, etc.

The Administration for the Enforcement of Penal Sanctions shall ensure that in all institutions, persons subject to the disciplinary measure of solitary confinement are visited at least in accordance with the prescribed frequency (medical check-up once a day, the director and educator once every 7 days), as well as that proper records are kept about these visits.

The Administration for the Enforcement of Penal Sanctions shall ensure that in all institutions for the enforcement of penal sanctions, the material conditions in the premises intended for the enforcement of measure of solitary confinement correspond to the conditions in the dormitories used in regular accommodation, especially that:

- all rooms are equipped with cupboards for storing personal belongings;
- all pieces of furniture and sanitary appliances are in good condition;
- the premises are painted;
- the premises are sufficiently lit;
- the premises are ventilated;
- beds are equipped with clean and proper mattresses;

- in rooms that are under video surveillance, notices about this are displayed in visible places inside the rooms;
- premises are equipped with devices for calling the officials and communicating with them.

District prison Smederevo

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

DP Smederevo shall provide conditions for the employment of convicted persons classified in the closed ward and persons in detention.

DP Smederevo shall enable convicted persons classified into the closed ward and persons in detention to spend at least two hours a day outside the closed premises, in the fresh air.

DP Smederevo shall continue improving individual treatment work, by making the correctional workers directly present more often, especially in the closed ward of the Institution, in order to carry out planned activities and thematic discussions with the convicts in connection with the set individual goals, regardless of whether the convict submitted an application for conversation or not, and the observed changes in behaviour shall be recorded in detail in the reports on the implementation of the treatment program.
DP Smederevo shall organize and implement a specialized program for group work with psychoactive substance addicts.
DP Smederevo shall provide help and support by the treatment service, in accordance with the law, to detained persons who show signs of self-destructive behaviour.

In DP Smederevo, in cases where the doctor determines that a person deprived of his liberty has injuries, in the reports on the performed examinations, he shall give his opinion on the connection between the allegations of the person about the manner in which the injuries occurred and the resulting injuries.
In DP Smederevo, the doctor shall always photograph the injuries and draw them into a body diagram.

Penal-Correctional Institution for Juveniles Valjevo

In PCI for juveniles Valjevo, the first medical examination of persons deprived of their liberty upon admission to the Institution shall be performed no later than 24 hours after admission and shall always include a visual examination of the person's entire body.
Medical examinations of persons deprived of their liberty shall be performed without the presence of non-medical staff. If the doctor, for security reasons, requests the presence of a member of the Security Service during the medical examination, the examination shall be attended by a security officer who is of the same gender as the person being examined, in such a way so as not to hear the conversation between the person and the doctor. The presence and the reason for the presence of non-medical staff shall be recorded in the medical report.
When it is established that a person deprived of liberty has injuries, the doctor shall, in the reports on the performed examinations:

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

The doctor shall establish and keep a record of the injuries of persons deprived of their liberty, which shall also include the injuries observed at the admission.

Penal-Correctional Institution Šabac

In PCI Šabac, the first medical examination of persons deprived of their liberty upon admission to the Institution shall be performed no later than 24 hours after admission and shall always include a visual examination of the person's entire body.
Medical examinations of persons deprived of their liberty shall be performed without the presence of non-medical staff. If the doctor, for security reasons, requests the presence of a member of the Security Service during the medical examination, the examination shall be attended by a security officer who is of the same gender as the person being examined, in such a way so as not to hear the conversation between the person and the doctor. The presence and the reason for the presence of non-medical staff shall be recorded in the medical report.
When it is established that a person deprived of liberty has injuries, the doctor shall, in the reports on the performed examinations:

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

The doctor shall establish and keep a record of the injuries of persons deprived of their liberty during admission.

Penal-Correctional Institution Sremska Mitrovica

PCI Sremska Mitrovica shall organize a program of purposeful activities within the facility where accommodation under increased supervision is carried out, and shall include the convicts to whom this special measure is applied in the activities provided for in the treatment program.

In PCI Sremska Mitrovica, one copy of the medical report on the examinations performed after the application of coercive measures (as well as all other medical reports related to that person) shall be placed in the health record of the person to whom the coercive measure was applied.

In PCI Sremska Mitrovica, photographs of the observed injuries of persons deprived of their liberty shall be placed in the health record of that person, along with the medical report in which the injuries were indicated.

In PCI Sremska Mitrovica, electronic records shall be kept properly, so that photographs of injuries are entered into the SAP program for the person to whom these injuries were ascertained.

The Penal-Correctional Institution in Sremska Mitrovica shall organize and conduct internal professional training of all healthcare workers in relation to their special tasks in terms of documenting injuries to persons deprived of their liberty, reporting on it and properly keeping documentation, in accordance with current regulations and standards.

Penal-Correctional Institution Kragujevac

In PCI Kragujevac, the first medical examination of persons deprived of their liberty upon admission to the Institution shall be performed no later than 24 hours after admission and shall always include a visual examination of the person's entire body.
Medical examinations of persons deprived of their liberty shall be performed without the presence of non-medical staff. If the doctor, for security reasons, requests the presence of a member of the Security Service during the medical examination, the examination shall be attended by a security officer who is of the same gender as the person being examined, in such

a way so as not to hear the conversation between the person and the doctor. The presence and the reason for the presence of non-medical staff shall be recorded in the medical report.
When it is established that a person deprived of liberty has injuries, the doctor shall, in the reports on the performed examinations:

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

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

Special Prison Hospital Belgrade

The Administration for the Enforcement of Penal Sanctions shall inform the competent courts about the overcrowding of the SPH, so that the courts, when referring a person to the enforcement of a medical security measure, shall bear in mind that exceptional circumstances occurred that justify the referral to another health institution, i.e. a suitable health or other specialized institution, in terms of provisions of Article 195, paragraph 2 of the Law on Enforcement of Penal Sanctions and Article 83, paragraph 2 and Art. 84, para. 2 of the Criminal Code.

The Ministry of Justice – Administration for the Enforcement of Penal Sanctions shall undertake measures and activities within its competence in order to propose and amend valid by-laws and general acts so that the working conditions, including competitive salaries and other incomes from the employment of healthcare workers employed in the SPH, are equalized in this regard with those of employees in healthcare institutions of secondary and tertiary level of health care, for work of the same type.

The Ministry of Justice - Administration for the Enforcement of Penal Sanctions shall undertake, without delay, all activities within its competence, including the filling of vacant job positions by taking over employees, using contracts on supplementary work, etc., in order to employ the missing staff in the SPH.

The SPH shall undertake measures to reduce overcrowding, by submitting proposals to competent courts for the transfer to another health institution of persons who are still undergoing mandatory psychiatric treatment and custody in a health institution, and for whom the medical reasons for treatment in a closed healthcare institution have ceased and are in it due to the lack of social acceptance, in the sense of the provisions of Article 195, paragraph 4 of the Law on the Enforcement of Penal Sanctions.

Penal-Correctional Institution Niš

Premises of the basement of Pavilion II shall not be used for long-term accommodation of persons deprived of their liberty, and in the meantime, activities shall be undertaken to ensure that the living conditions in them are in accordance with current regulations and standards.

PCI Niš shall organize a program of treatment and purposeful activities within the facility in which accommodation under increased supervision is carried out, and shall include convicts to whom this special measure is applied in the activities provided for in the treatment program.

The head of PCI Niš shall send a clear message to the employees that torture and other cruel, inhuman or degrading treatment or punishment is absolutely prohibited and shall show a clear position that there shall be zero tolerance for such acts.

The head of PCI Niš shall send a clear message to the employees that no person deprived of liberty or employees may suffer any sanctions or other negative consequences for providing information to the NPM team, that such behaviour shall not be tolerated and shall be subject to appropriate sanctions.

PCI Niš shall undertake activities without delay in order to ensure video surveillance and its functioning in all detention premises.

District prison Belgrade

In DP Belgrade, the first medical examination of persons deprived of their liberty upon admission shall always include a visual examination of the person's entire body, that is, an examination of the body without clothing.

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

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

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

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

Ministry of Labour, Employment, Veteran and Social Affairs

The Ministry of Labour, Employment, Veteran and Social Affairs shall undertake measures and activities within its competence to ensure adequate social acceptance for persons under the direct custody of centres for social work, who are subject to mandatory psychiatric treatment and custody in a healthcare institution, and for whom the medical reasons for further enforcement of that measure have ceased.

Home for Mentally Ill Persons "1. Oktobar" Stari Lec

The Home shall submit to the Ministry of Family Welfare and Demography data on the beneficiaries who do not have the necessary personal documents and with whom the guardianship authorities do not have regular contact, as well as information on the competent guardianship authority.

The Ministry of Family Welfare and Demography and the Provincial Secretariat for Social Policy, Demography and Gender Equality shall undertake measures and activities within the framework of their competences and in accordance with their powers, to improve the actions of guardianship authorities in terms of providing appropriate guardianship protection to the beneficiaries of the Home in accordance with the law.

The Ministry of Labour, Employment, Veteran and Social Affairs shall take the necessary measures to ensure the required number of professional workers and professional associates in accordance with the current regulations and standards.

In the future, when re-examining the individual service plans for beneficiaries, the expert team of the Home shall indicate whether the set individual goals have been met and whether new individual goals are being set, that is, why new individual goals have not been set, if the previous ones have been met.

The Home shall prepare and implement annual Professional Development Plans for employees of the Home on an annual basis.

The Home shall undertake activities to ensure that all beneficiaries accommodated in the "Kaštel", "Škola" and "Ambulanta" facilities are in rooms that meet the standards in relation to the prescribed square footage per beneficiary.

The Home shall undertake activities to ensure that all beneficiaries housed in the "Škola" facility are in rooms that meet the standards in relation to the furnishing of the rooms with appropriate equipment and furniture in accordance with the standards.

The rooms where the bed-ridden and partially mobile beneficiaries stay shall be decorated in such a way as to create the impression of a more humane environment and depict the uniqueness of the people who stay there.
The Home shall enable bed-ridden and partially mobile beneficiaries to watch radio and TV programs.

The Home shall place notices about the existence of video surveillance in visible places.

The Home shall take measures so that every immobile and partially mobile beneficiary whose health condition allows it shall be able to regularly go out into the fresh air and open space, with the help of the staff of the Home.

The Home shall take measures so that every immobile and partially mobile beneficiary whose health condition allows it shall be able to regularly go out into the fresh air and open space, with the help of the staff of the Home.

The Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the Ministry of Family Welfare and Demography, shall issue instructions to centres for social work, i.e. licensed service providers, on how to implement the provisions of the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection, which refer to the informed consent of beneficiaries to placement in a social welfare home and the right to withdraw consent to accommodation at any time.

The Home shall develop a program of continuous specialist education of healthcare workers by determining the needs and creating a plan of cooperation with the Health Council of Serbia and other institutions that deal with professional education in this domain.
The program shall be integrated into the annual Professional Development and Training Plan for the employees of the Home.

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

The Home should pass a Rulebook on rewarding beneficiaries and establish an appropriate procedure for giving rewards for employment, whereby the rewards do not have to be expressed in money, but highlight the principle that a certain type of work is rewarded with certain goods or other benefits.

Reward rules must be clear to all beneficiaries.

The Home shall take measures to organize the time of the bed-ridden and partially mobile beneficiaries of the first level of support more meaningfully on a daily basis and fill it with purposeful activities in accordance with the individual service plan for each beneficiary.

Institution for Education of Youth Niš

IEY Niš shall allow residents to lock their lockers for personal belongings.

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

Upon admission, IEY Niš shall deliver to residents and allow them to keep with them a written information sheet, written in a language they can understand, which shall include all important information about their stay in the Institution, including their rights and obligations and the manner in which they can protect their rights and get legal aid.
This information sheet shall, in accordance with the circumstances, be delivered to the legal representative, the chosen person of trust and members of the close family of the resident.

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

IEY Niš shall establish and maintain records of complaints and objections.

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

IEY Niš shall display notices about the existence of video surveillance in visible places.

IEY Niš shall provide initial specialized training for professional workers and associates.

IEY Niš shall take the necessary measures to employ residents who meet the conditions for this in paid jobs.

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

IEY Niš shall take the necessary measures to ensure the regular presence of healthcare workers, who shall perform medical screening of all newly arrived residents, receive requests for medical examinations, ensure the procurement and distribution of therapy, keep medical documentation and monitor general hygiene conditions.

IEY Niš shall implement addiction treatment and substance abuse prevention programs.

IEY Niš shall implement a program for the prevention of self-harm and suicide.

IEY Niš shall ensure regular systematic health examinations of residents. Reports on the mental state of residents subject to correctional measures shall be regularly submitted to the juvenile judge of the competent court.

Home for disabled adults Belgrade

The Home shall draw up an annual Professional Development Plan for employed professionals, nursing and medical staff, which shall also include trainings in the area of human rights and procedures in the implementation of programs and services intended for people with physical disabilities.

The Home shall undertake measures so that every immobile/bed-ridden beneficiary, whose health condition allows it, and if they wish, shall be able to regularly go out into the fresh air and open space, with the help of the staff of the Home.

The Home shall harmonize the procedure for handling the complaints of beneficiaries with the complaint procedure provided for in the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection.
The Home shall act on the written and oral complaints of beneficiaries in accordance with the Procedure for handling the complaints of beneficiaries.
The Home shall establish a unique record of complaints of beneficiaries.
The Home shall highlight the boxes for submitting complaints in a visible place in the corridor and/or common areas of the institution.

The legal service of the Home shall make available the contacts of legal aid services at local self-government units, the contacts of civil society organizations that are registered providers of free legal aid and support, and shall make available information about independent bodies for the protection of human rights.

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

The Home shall enter a detailed description of the injuries into the existing Injury Protocol, as well as the conclusion of the doctor on the connection between the circumstances of the occurrence of the injury and the established injuries.

The Home shall adopt a plan of action in relation to the protection of beneficiaries in case of incidents.

Institution for Adults and the Elderly "Gvozden Jovančićević" Veliki Popovac

The Ministry of Labour, Employment, Veteran and Social Affairs shall take the necessary measures to ensure the necessary number of employees in direct work with beneficiaries, in accordance with current regulations and standards and the assessment of needs for adequate treatment of beneficiaries and functioning of the Home.

The Home shall equip the multi-bed rooms of the "Men's Pavilion" with the necessary furniture in accordance with the standards and shall allow beneficiaries to "refine" their space with personal items and decorative details.

The Home shall provide accommodation in accordance with standards for all beneficiaries.

The Home shall undertake the necessary activities to enable beneficiaries to exercise their right to privacy and accessibility of the premises in the Dispensary to a greater extent.

The Home shall take measures and procure signalling devices – an SOS mechanism for calling the staff.

During the renovation of the "Women's Pavilion", the Home shall take care that the renovated rooms of this pavilion are in accordance with the regulations and standards regarding the size of the premises, the number of beneficiaries per room, the furnishing and the humanization of the space.

The institution shall place a notice in the block about the existence of video surveillance in a visible place.

The Home shall ensure that beneficiaries who do not have their own mobile phone can, upon request, contact family and relatives without restrictions.

The Home shall regulate the procedure for handling the complaints and objections, in accordance with the current regulations.

The Home shall continuously and in an appropriate manner inform the beneficiaries about the rights that belong to them and the methods in which they can realize and protect them, and shall inform the beneficiaries about the ways of protecting their rights.

In the future, when re-examining the individual service plans for the beneficiaries, the professional team of the institution shall indicate whether the set individual goals have been met and whether new individual goals are being set, that is, why new individual goals have not been set, if the previous ones have been met.
In the future, the Home shall re-examine the individual service plans of the beneficiaries within the stipulated time limits.

The Home shall make an analysis of the required number and professional profile of employees in the healthcare service, suitable to enable the provision of health care to all beneficiaries in accordance with current regulations and standards, and shall submit it to the Ministry of Health.
The Ministry of Health shall undertake measures to hire the necessary number and professional profile of employees in the health service of the Home.
The Home shall undertake activities for the continuous specialized education of the medical staff, in connection with the specifics of the population they deal with and their health needs, as well as education for the use of medical devices that the Home has.

The Home shall ensure the management of health documentation and records in accordance with the regulations in the area of health.

The Home shall include a record of all injuries of the beneficiaries and the mechanisms of their occurrence in the Book of Injuries.

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

The Home shall also organize the opportunity for beneficiaries in the inpatient facility to participate in certain purposeful activities, in accordance with the individual needs and capabilities of each beneficiaries, in order to organize time on a daily basis in a more meaningful way.

The Home shall undertake measures and activities to renovate the gymnasium in accordance with the needs of persons with disabilities and shall provide equipment and other appropriate sports equipment (balls, mats, etc.).

Home for Accommodation of Adults and the Elderly "Novi Pazar" at the Centre for Social Work Novi Pazar

The Home shall use movable screens when changing diapers, changing clothes and maintaining the hygiene of the beneficiaries in the rooms, in order to protect their privacy.

The Centre for Social Work Novi Pazar shall undertake activities in the Home to repair faulty installations, remediate moisture and damage to the corridor wall and enable the use of the men's toilet.

The Home shall place notices about the existence of video surveillance in visible places in all areas and rooms that are under video surveillance.

The Centre for Social Work Novi Pazar shall arrange the visiting room in the Home in such a way as to provide conditions for a pleasant stay of beneficiaries and visitors in it.

The Centre for Social Work Novi Pazar shall undertake all necessary activities and actions, including changing the systematization of job positions and submitting the appropriate request to the Ministry of Labour, Employment, Veteran and Social Affairs, in order to employ the appropriate number and type of healthcare workers in the Home, in accordance with the needs of the beneficiaries, and in accordance with current regulations and standards.
The Ministry of Labour, Employment, Veteran and Social Affairs shall undertake activities within its competence in order to employ the appropriate number and type of health workers for the needs of the Home for accommodation of adults and the elderly "Novi Pazar" at the Centre for Social Work Novi Pazar.

The Centre for Social Work Novi Pazar shall make an analysis of the required number of employees of various profiles in the Home for accommodation of adults and the elderly "Novi Pazar" in order to provide beneficiaries with adequate treatment in accordance with current regulations and standards.
The Centre for Social Work Novi Pazar shall submit the completed analysis to the Ministry of Labour, Employment, Veteran and Social Affairs.
The Ministry of Labour, Employment, Veteran and Social Affairs shall undertake the necessary activities in order to ensure the necessary number of nursing and other staff in accordance with the assessment of the needs for adequate treatment of beneficiaries and the functioning of the Home.

The Home shall start properly recording all injuries of beneficiaries and the mechanisms of their occurrence (unforeseen, self-injury, inflicted by other persons), and all actions taken shall be recorded in the file of the beneficiaries.

The Centre for Social Work Novi Pazar shall regulate the handling of complaints and objections in accordance with the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection.

Home for Persons with Developmental Disabilities "Otthon" Stara Moravica

The Ministry of Labour, Employment, Veteran and Social Affairs shall undertake all available measures and activities and cooperate with the Provincial Secretariat for Social Policy, Demography and Gender Equality in order to implement the transformation plan of the "Otthon" Home or to revise it, so as to ensure the relocation of beneficiaries from the Home, bearing in mind that due to the inappropriate location of the Home, beneficiaries are not enabled adequate participation in the social community, nor contact with the outside environment.

The Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the Provincial Secretariat for Social Policy, Demography and Gender Equality, shall take the necessary measures to ensure the necessary number of medical, nursing and other staff in accordance with the estimated needs for the adequate treatment of beneficiaries and functioning of the Home.

The Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the Ministry of Family Welfare and Demography, the Institute for Social Protection and the Chamber of Social Protection, shall undertake activities for the purpose of training employees in centres for social work and social welfare homes, i.e. licensed service providers, on the manner of applying the provisions of the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection.

The Ministry of Labor, Employment, Veteran and Social Affairs shall undertake measures to ensure that all beneficiaries of the Home, who exercise the right to allowance, are recognized and enabled this right.

The Ministry of Labor, Employment, Veteran and Social Affairs and the Provincial Secretariat for Social Policy, Demography and Gender Equality shall supervise the work of competent centres for social work that failed to provide the Home with the requested information on the legal status and guardians of beneficiaries. On the basis of the established measures, it shall provide all the necessary information and appropriate documentation regarding the legal status and other important facts for each beneficiary accommodated in the Home.

The Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the Home, shall take measures to accommodate a maximum of four beneficiaries in all rooms of the Home and equip them with furniture in accordance with the Rulebook on closer conditions and standards for the provision of social welfare services.

The Home shall not place male and female beneficiaries together in rooms, unless they are common-law partners or married spouses.

The Home shall take measures and activities to ensure that, in accordance with the applicable by-law, the rooms for performing personal hygiene are separated for male and female beneficiaries.

The Home shall take measures to ensure the conditions for respecting the privacy of the beneficiaries in the shower areas (by installing partitions, screens, etc.).

In the future, the staff of the Home shall not engage beneficiaries in assistance when performing care work in the Home.
In the future, the Home shall carry out disciplinary proceedings against the employee who does not comply with the decision of the Director of the Home.

The Ministry of Labour and the Ministry of Health, within the framework of their competences and in mutual cooperation and cooperation with the competent centres for social work and guardians, should take necessary measures and activities in order to provide the beneficiaries of the "Otthon" Home who are dangerous to themselves or others with accommodation, care and treatment that corresponds to their needs and capabilities, in accordance with applicable regulations and standards.

The Ministry of Health, in cooperation with the Ministry of Family Welfare and Demography, shall undertake measures for the purpose of protecting persons with mental and intellectual disabilities and revise the provisions of regulations that generally regulate consent to medical measures. According to the current regulations, if these persons are deprived of legal capacity, consent to the medical measure is given by their guardian, who is rarely present at the moment when it should be applied to them. Also, it is extremely important to prescribe the role of persons with mental and intellectual disabilities in making a decision on the application of a medical measure, i.e. in giving informed consent to it. In the same sense, the regulations should be improved so as to ensure enhanced protection of those persons during the application of medical or scientific experiments.

The Home shall undertake measures and activities in order to obtain a sufficient number of orthopaedic aids for immobile and semi-mobile beneficiaries (wheelchairs, walkers, etc.), in order to enable easier movement of beneficiaries within the Home and outside it, as well as an oxygen bottle.

The Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the Provincial Secretariat for Social Policy, Demography and Gender Equality, shall take measures to provide an adequately equipped room for physical therapy in the "Otthon" Home and shall hire a doctor specializing in physiatry and a physiotherapist.

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

Home for Accommodation of Adults Kulina

The Ministry of Labor, Employment, Veteran and Social Affairs shall draw up an Action Plan for the implementation of the Deinstitutionalization Strategy and development of social protection services in the community for the period 2022-2026, and, if possible, for the period of the entire validity of the Strategy, so that the operationalization and realization of the general and special goals foreseen by the Strategy are realized to the greatest extent possible within the deadlines foreseen by the Strategy.

The Home shall undertake activities to ensure that all beneficiaries have unrestricted access to fresh air, in a reasonably spacious and protected environment, which is equipped with means for resting and protection from bad weather.

The Home shall make an analysis of the required number of employees for adequate work with beneficiaries and submit it to the competent ministry.
The Ministry of Labour, Employment, Veteran and Social Affairs shall without delay take the necessary measures to fill the vacant job positions, i.e. to provide the required number of medical, nursing and other staff in accordance with the assessment of the needs for adequate treatment of beneficiaries and the functioning of the Home.

The Ministry of Labour, Employment, Veteran and Social Affairs shall adopt a by-law that shall regulate the manner and conditions of actions of institutions, that is, service providers in incident situations.

The Ministry of Family Welfare and Demography shall, within its competences and in accordance with its powers, issue an instruction to centres for social work – guardianship authorities, to initiate audit procedures for their residents, i.e. to re-examine the deprivation of legal capacity, in accordance with current regulations.

The Home shall submit to the Ministry of Family Welfare and Demography information on the competent centres for social work – guardianship bodies with which they do not have regular contact.
The Ministry of Family Welfare and Demography shall, within the framework of its competences and in accordance with its powers, take measures and activities to improve the actions of guardianship authorities in terms of providing appropriate guardianship protection to the beneficiaries of the Home in accordance with the law.

The Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the Ministry of Family Welfare and Demography, the Institute for Social Protection and the Chamber of Social Protection, shall undertake activities for the training of employees in centres for social work and social welfare homes, i.e. licensed service providers, on the manner

of applying the provisions of the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection.

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

Clinic for Psychiatry of the University Clinical Centre Kragujevac

The University Clinical Centre Kragujevac shall ensure that the material conditions at the Clinic for Psychiatry are improved and all necessary repairs are carried out, especially the replacement of panels and doors in the bathroom on the shower cabins and toilets for patients, the repair of all sanitary devices, and the installation of toilet seats on the toilets.
The Clinic for Psychiatry shall allow patients to use the dining room and shall undertake further activities to decorate the walls and spaces where patients stay, with the aim of maintaining and improving a positive therapeutic environment.

When a patient who has been accommodated on the basis of his declaration of consent to accommodation, expresses his will to revoke the consent, the Clinic shall not detain the patient on the basis of his written consent, but, if medical reasons have arisen in the meantime for the accommodation of that patient without consent, shall initiate the procedure for keeping the patient without his consent, in accordance with the regulations governing the detention and accommodation of persons with mental disorders without their consent.

The Clinic shall carry out the measure of physical restraint by mechanical restraint, the so-called fixation, fully in accordance with the regulations and established standards of treatment of persons with mental disorders, namely:

1. the measure of mechanical restraint of the patient shall be applied exceptionally, when it is the only means to prevent the patient from seriously endangering his own life and safety or the life and safety of other persons by his behaviour;
2. before applying the measure of mechanical restriction, the application of less restrictive measures shall be considered and attempted;
3. the decision on the application of the mechanical restraint measure and its duration is made by a psychiatrist, with the application of medical measures that shall enable the period of application of the measure to be as short as possible, in accordance with the valid standards and rules of the medical profession;
4. the psychiatrist who made the decision to apply the measure of mechanical restraint is obliged to immediately inform the director of the Clinic thereof, or another person authorized by the director, who immediately informs the legal representative of the patient against whom the measure was applied, i.e. a member of the immediate family of the patient to whom the measure was applied;
5. the psychiatrist who made the decision to apply the measure of mechanical restraint is obliged, during the application of the measure, as well as in an appropriate period after the suspension of the application of the measure, to periodically visit the patient against whom the measure was applied and to monitor his health condition with due care;
6. when, during the application of the mechanical restraint measure, it is determined that the patient against whom the measure was applied no longer poses a danger to himself or another person, the patient shall be released from the application of the measure without delay;
7. during the application of the measure of mechanical restraint, the medical staff shall provide increased attention and be directly present, to the greatest extent possible, in near the patient

who is mechanically restricted, so that this measure does not represent his seclusion (isolation);

8. the measure of mechanical restraint of the patient shall be carried out in a safe place and with dedicated means suitable for restraining in a way that endangers the life and health of the patient to the smallest extent possible;
9. the measure of mechanical restriction shall not be applied in the room where the patients are accommodated against whom the measure of mechanical restraint has not been applied, nor shall other patients be allowed to access the room;
10. a special book shall be kept on the application of the measure of mechanical restraint, in which all essential data on the application of the measure must be entered, namely:
    - reasons for applying the measure of mechanical restraint;
    - description of measures applied before the mechanical restraint;
    - type of means used for mechanical restraint;
    - information on the place (room) where the mechanical restraint measure was applied;
    - the exact time (day/hour/minute) of the start of the measure of mechanical restraint;
    - name of the psychiatrist who made the decision to apply the measure of mechanical restraint;
    - description of medical measures applied during the mechanical restriction;
    - description of all possible injuries of the patient against whom the measure of mechanical restraint was applied (occurred before and during the application of the measure), as well as possible injuries of other patients or health care workers (occurred in the event that preceded the mechanical restriction);
    - information on the periodic visits to the patient to whom the measure of mechanical restraint was applied and on the monitoring of his state of health by the psychiatrist (number of visits, exact time and duration of the visits, actions taken);
    - information on the time of notification of the director of the Clinic or another person authorized by the director about the applied measure of mechanical restraint, as well as information on whether and when the legal representative, i.e. a member of the close family of the patient against whom the measure was applied, was notified;
    - allegations and comments of the patient during and immediately after the measure of mechanical restraint was applied against him/her;
    - exact time (day/hour/minute) of the end of the measure of mechanical restraint.

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

The Clinic shall create a separate treatment plan for each patient, i.e. it shall specify activities during hospital treatment, as well as activities within the support plan after discharge, which shall be carried out for each specific patient.
In addition to educated experts of various profiles, the patients themselves shall be involved in the creation of treatment plans.

The Clinic shall ensure that patients are adequately informed about all medical measures to which they are exposed and that consent to accommodation and hospital treatment is clearly distinguished from consent to a proposed medical measure.
The informed consent by which the patient consents to the proposed medical measure is an integral part of the medical documentation and must be attached to the medical history of each patient.

The Clinic shall ensure that during the subsequent introduction of each new medical measure, the written consent of the previously informed patient, i.e. his guardian, is requested for the application of the specific measure.
Medical measures shall be applied only with the patient's consent, except in exceptional, legally prescribed situations, in which it is allowed to treat persons with mental disorders without their consent.

In the existing infrastructure conditions, the Clinic shall:

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

The Clinic shall ensure that information about the rights of patients and their protection mechanisms is clearly visible and accessible to all patients in an appropriate form (posters, brochures, etc.).

In the future, the Clinic shall release a patient, who has been placed without his consent based on a court's decision, before the end of the period of placement determined by the court's decision, if there are no longer any reasons for keeping him in a psychiatric institution without his consent, only after receiving the court's decision on his release, i.e. on the termination of accommodation without consent.

General Hospital Požarevac

The Hospital shall undertake activities for the necessary repairs and for maintaining the Department of Psychiatry in a satisfactory condition, in order to improve the material conditions of patient accommodation.

By decorating the walls and spaces where patients stay (dormitories, corridors, etc.), the Hospital shall provide material conditions in the Department of Psychiatry that shall enable a positive therapeutic environment.

The Hospital shall undertake activities to paint the walls in the bathroom and toilets and carry out moisture remediation, as well as to install toilets, and to replace worn-out sanitary devices with new ones.

The Hospital shall regulate the procedure for admission and treatment of persons with mental disorders in the Department of Psychiatry in accordance with the Law on the Protection of Persons with Mental Ilnesses.
In the Hospital, at the Department of Psychiatry, a psychiatrist shall determine in each specific case the ability of the patient to make a decision on consent to accommodation, and it shall enter in the forms for the declarations of persons on consent to accommodation and hospital treatment and consent to medical measures the date and time of giving the declaration.

In the future, the Hospital shall not detain patients and place them in the Department of Psychiatry without a valid legal basis, but shall implement procedures for admission to a psychiatric institution in accordance with legal regulations.

Medical measures shall be applied only with the consent of the patient, except in the exceptional, legally prescribed situations in which it is allowed to treat these persons without their consent.

In the Hospital, at the Department of Psychiatry, an individual treatment plan shall be drawn up for each hospitalized patient, which shall contain activities during hospital treatment, data on achieved progress, observation and evaluation of implemented interventions, as well as

activities within the support plan after discharge, which shall be carried out according to each patient.
Educated experts of various profiles, as well as the patients themselves, shall be involved in the creation of the treatment plans.
Individual treatment plans shall be updated once a week.

In the Hospital, in the Department of Psychiatry, the medical history shall be kept in an orderly manner, so that it is systematized and detailed. The medical history must contain all diagnostic information, as well as current records of the patient's mental and somatic condition and his treatment.

The Ministry of Health shall carry out an analysis of the existing needs for appropriate mental health services in the community that can take over the care of patients after discharge from treatment.
The Ministry of Health shall undertake activities for the establishment of services for the protection of mental health in the community, while providing the necessary resources, and with the aim of prevention, improvement and post-hospital treatment of patients in the community.

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

The Hospital shall, in the Department of Psychiatry:
- organize appropriate psycho-social rehabilitation activities for patients and include all patients in psycho-social rehabilitation programs, in accordance with their needs and adjusted to their capabilities;
- undertake activities aimed at enabling occupational therapy for all patients;
- organize group psychotherapy with patients from the same diagnostic categories;
- ensure that information about the daily and/or weekly activity plan is visible and accessible to patients.

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

The Hospital shall obtain fixators (with magnetic safety locks or others) for the needs of the Department of Psychiatry.

The Hospital shall ensure that the application of the measure of physical restraint of persons with mental disorders is fully and thoroughly recorded.
The Hospital shall keep records on the application of the measure of physical restraint of persons with mental disorders in an orderly manner and enter in them all relevant data about every case of physical restriction of the patient's freedom of movement using instruments of physical restraint, namely:
- reasons for applying the measure of mechanical restraint;
- description of measures applied before the mechanical restraint;
- type of means used for mechanical restraint;
- information on the place (room) where the mechanical restraint measure was applied;
- the exact time (day/hour/minute) of the start of the measure of mechanical restraint;

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

The Hospital shall carry out the measure of physical restraint by mechanical restraint, the so-called fixation, fully in accordance with the applicable regulations and standards of treatment of persons with mental disorders, which implies the release of the patient from means of restraint immediately after the end of the emergency situation, i.e. after the removal of the danger caused by the actions of persons with mental disorders.

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

In its future work, the measure of physical restraint shall be carried out exclusively by trained health workers in the Hospital, and in cases of extreme emergencies, assistance can only be provided by specially trained non-medical staff, not other patients, under any circumstances.

The Hospital shall create a program of continuous specialist education of mid-level medical staff in the area of mental health and work with people with mental disorders by determining the needs, a possible plan for the cooperation with various educational institutions and organizations and the introduction of procedures for monitoring the organization of training and evaluating the results achieved and the acquired knowledge and skills.
The Hospital shall provide training for mid-level medical staff in acquiring knowledge and developing skills needed for successful psychosocial rehabilitation of patients.

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

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

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

Reception Centre for Foreigners Dimitrovgrad

The Ministry of Interior shall equip the outdoor space in the Reception Centre for Foreigners in Dimitrovgrad with benches, a canopy and other appropriate facilities.

The Reception Centre for Foreigners in Dimitrovgrad shall inform foreigners who have been assigned to stay in the Reception Centre in writing, in a language they understand or can reasonably be assumed to understand, about the reasons for the decision on their stay in the Reception Centre and the possibility of contesting the decision.

The Ministry of Interior shall review the basis for the stay of foreigners in the Reception Centre for Foreigners in Dimitrovgrad and all foreigners for whom the prescribed conditions no longer exist and/or for whom there is not enough likelihood that they can be forcibly removed, shall be dismissed from the Reception Centre.
The Ministry of the Interior shall take the necessary measures to ensure that foreigners for whom there is not enough likelihood that they can be forcibly removed are not ordered to stay in the reception centres for foreigners.

The Reception Centre for Foreigners in Dimitrovgrad shall ensure that all foreigners, immediately upon admission to the Reception Centre, have the opportunity to notify the person of their choice thereof.

The Ministry of Interior shall ensure that a qualified health worker is present at the Reception Centre for Foreigners in Dimitrovgrad, who has the title of at least a medical technician and who shall perform medical screening of all newly arrived foreigners, receive requests for medical examinations, ensure the procurement and distribution of therapy, keep medical documentation and supervise the general hygienic conditions.

The Reception Centre for foreigners in Dimitrovgrad shall organize the procedure for informing the diplomatic and consular representation of the country of which the foreigner is a citizen, i.e. the country that protects his interests, about his admission to the Reception Centre.
The procedure should provide the following:

- that all foreigners are informed about the right to inform the diplomatic and consular representation of the country of which they are citizens, i.e. the country that protects their interests about their admission to the Reception Centre,
- that the diplomatic-consular representation is informed only if the foreigner wishes to do so,
- that the diplomatic-consular representation is notified through the official channel,
- that the information about notifying the diplomatic-consular representation is recorded.

The Reception Centre for foreigners in Dimitrovgrad shall enable foreigners to participate in sports and recreational, social, cultural and other organized activities, in accordance with the length of their stay in the Reception Centre.

The Reception Centre for Foreigners in Dimitrovgrad shall provide a suitable room for performing religious ceremonies.

The Reception Centre for foreigners in Dimitrovgrad shall display notices about video surveillance in visible places in all rooms that have it.

The Ministry of Interior shall hire enough police officers to work directly with foreigners in the Reception Centre for Foreigners in Dimitrovgrad and shall organize and conduct adequate trainings.

Airport "Konstantin Veliki" Niš

The Niš - Airport Border Police Station shall educate all foreigners, who indicate a fear of persecution or a serious violation of rights in the country to which they should return after being refused entry to the Republic of Serbia, about the possibility of requesting asylum in the Republic of Serbia and all foreigners who have expressed such an intention shall be registered and informed about the procedure that applies to them the rights they have.

The Ministry of Interior shall provide conditions for the registration of foreigners who have expressed their intention to apply for asylum at the Niš - Airport Border Police Station.

The "Konstantin Veliki" Airport shall ensure that in all premises for the accommodation of foreigners who have been refused entry into the country:

- buttons for calling officers are installed,
- information about legal aid providers is highlighted,
- hot water is available, if the room has a toilet,
- artificial lighting is correct.

The "Konstantin Veliki" Airport shall allow foreigners who are in the premises for the accommodation of foreigners who have been refused entry to the country for more than 24 hours to have a regular stay in the fresh air for at least 1 hour a day.

Reception Centre for Foreigners in Padinska Skela

The Reception Centre for Foreigners shall improve the hygiene of the sanitary blocks in the dormitories and shared toilets/bathrooms and shall replace worn-out sanitary devices.

The Reception Centre for Foreigners shall replace worn out chairs in the living room.

The Ministry of Interior shall review the basis for the stay of foreigners in the Reception Centre for Foreigners in Padinska Skela and all foreigners for whom the prescribed conditions no longer exist and/or for whom there is not enough likelihood that they can be forcibly removed shall be dismissed from the Reception Centre.
The Ministry of Interior shall take the necessary measures to ensure that foreigners for whom there is not enough likelihood that they can be forcibly removed are not ordered to stay in the reception centres for foreigners.

The Ministry of Interior shall ensure that foreigners with severe mental disorders are not assigned to stay in the reception centres for foreigners.

The Reception Centre for Foreigners in Padinska Skela shall enable foreigners to participate in sports and recreational, social, cultural and other organized activities, in accordance with the length of their stay in the Reception Centre.

The Ministry of Interior shall hire enough police officers to work directly with foreigners at the Reception Centre for Foreigners in Padinska Skela and it shall organize and conduct appropriate trainings.

Airport "Morava" Kraljevo

The Ministry of Interior shall take the necessary measures so that foreigners who have expressed their intention to apply for asylum can be registered at the BPS Kraljevo.

The "Morava" Airport shall highlight information about legal aid providers in visible places in the premises for the accommodation of foreigners who have been refused entry into the country.

The "Morava" Airport shall enter data relevant to the stay of foreigners in rooms for the accommodation of foreigners who have been refused entry into the country. As a minimum, data shall be entered on the time of beginning of the stay of the foreigner in these premises, on meals/nutrition, on the health care provided, on the time of removal from the premises and on the time of final departure from the premises.

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

Consolidated text applied since 6th November 2018

Article 1

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

Article 2

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

Article 3

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

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

Article 4

The association is paid a fee for the work of the hired expert, calculated according to the number of started hours the hired expert spent visiting places where persons deprived of their liberty are located, i.e., according to the number of written pages of the text in A4 format.
The basis for calculating the fee is twice the average monthly salary per employee in the Republic of Serbia, without taxes and contributions, paid for the month preceding the undertaken activities of the engaged expert, according to the data of the authority responsible for statistics.

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

Article 5

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

The scope of work performed is confirmed by an authorized person of the NPM, the validity of the calculation of the fee for performed work is confirmed by an authorized person of the

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

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

Article 6

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

Article 7

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

Article 8

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

SECRETARY GENERAL

_____

ADDENDUM III Cooperation Agreement

Concluded between:

the Republic of Serbia Protector of Citizens

and

the Association

This Agreement regulates the cooperation that the Protector of Citizens will achieve with the Association in performing the tasks of the National Preventive Mechanism (hereinafter: the NPM), and based on the Decision of the Protector of Citizens number 419-41/2022, ref. no. 23148 dated 8th September 2022 on the selection of associations with which the Protector of Citizens will cooperate in performing the tasks of the NPM and in accordance with Article 2a, paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("*Official Gazette of SCG - International Agreements*", *no. 16/05 and 2/06 and* "*Official Gazette of RS – International Agreements*", *no. 7/11*).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Agreement was concluded for a period of two years from the date of its conclusion.

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

PROTECTOR OF CITIZENS **ASSOCIATION**

_____ _____

ADDENDUM IV Memorandum of Cooperation

Concluded between

the Protector of Citizens

and

the Provincial Ombudsman

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

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

According to the plan of visits of the National Preventive Mechanism to institutions where persons deprived of their liberty are located, representative(s)[18] of the Provincial Ombudsman may be designated as the leader(s) of the monitoring team for certain visits to institutions on the territory of AP Vojvodina.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In Belgrade, 12th December 2011.

PROVINCIAL OMBUDSMAN PROTECTOR OF CITIZENS

_____ _____