



**REPUBLIC OF SERBIA  
PROTECTOR OF CITIZENS  
Belgrade**



**Protector of Citizens  
Ombudsman**

**10 YEARS OF WORK  
OF THE NATIONAL  
PREVENTIVE MECHANISM  
IN THE REPUBLIC OF SERBIA**

Belgrade, June 2022.

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## INTRODUCTORY REMARKS

*The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1: "The term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."*

Dear readers<sup>1</sup>,

Places, where persons deprived of their liberty are located, are conducive to different types of torture and other forms of ill-treatment, because these places are closed to the outside world and everything that happens within them, happens far from the public eye. Therefore, out-of-court measures with a preventive character, which are based on visits to places where persons deprived of their liberty are located and on checking the manner in which they are treated, are of special importance for the prevention of torture, as by discovering the shortcomings and circumstances that favour the occurrence of any form of abuse, they help prevent consequences and raise the level of protection of these persons.

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: the Optional Protocol), drawn up by the United Nations General Assembly in 2002, established 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 intention of the Optional Protocol to enable visits, i.e., the constant presence of mechanisms for the prevention of torture in institutions where persons deprived of their liberty are located, is a consequence of

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<sup>1</sup> All terms expressed in the text in the grammatical masculine gender, imply the natural masculine and feminine gender of the person to whom they refer.

the understanding that the biggest problem of closed institutions is exactly the fact that events within them are hidden from the public eye.

The Optional Protocol stipulates that all signatory states establish national mechanisms for the prevention of torture, which, with regular visits to institutions where persons deprived of their liberty are located, will have a preventive effect in order to improve their treatment and the conditions in which they find themselves. Apart from being preventive, the visits are also based on an approach that includes transparency, which narrows the space for the occurrence of abuse and violation of the rights of persons deprived of their liberty, as well as the occurrence of possible abuse and torture.

In 2006, the Republic of Serbia became a member state of the Optional Protocol. The amendment to the Law on Ratification of the Optional Protocol in 2011 stipulates that the tasks of the National Preventive Mechanism (hereinafter: the NPM) are performed by the Protector of Citizens in co-operation with the Ombudsmen of the autonomous provinces and associations whose statute envisages the promotion and protection of human rights and freedoms as the goal of the association. Since then, the NPM has been conducting unannounced and announced visits to places where persons deprived of their liberty are or may be located, as well as interviews with these persons without the presence of employees of the institutions in which they are located.

Institutions and places visited by the NPM in exercising its mandate are institutions for the enforcement of penal sanctions, including detention units, police administrations, i.e., police stations within their composition, psychiatric hospitals, clinics and wards, social welfare homes, transit zones at international airports, the Shelter for foreigners. Migration flows, fuelled by the devastation of the war in the Middle East, have also directed the NPM to make visits to institutions where migrants and asylum seekers are placed. Since the Law on the Serbian Armed Forces prescribes disciplinary sanctions that may be imposed for a violation of military discipline, and some of them, in the sense of the Optional Protocol, represent the deprivation of liberty, in 2019, the NPM began making visits to military facilities where premises for the enforcement of disciplinary sanctions are located, which consist of the prohibition of removal from special premises in a military facility.

The NPM conducts visits in order to deter state authorities and officials from any form of torture or any other form of ill-treatment, as well as to direct state authorities towards creating accommodation and other living conditions in institutions where persons deprived of their liberty are accommodated in accordance with applicable regulations and standards.

The publication in front of you represents a brief overview of the work of the Serbian NPM so far, which this year marks ten years of existence.

Established as a unique mechanism of the Protector of Citizens for the prevention of torture and the protection of rights of persons located in closed institutions, the NPM has been dedicated and unreservedly committed for years to achieving better living conditions and the treatment of persons deprived of their liberty in accordance with applicable standards of conduct.

By visiting places where persons deprived of their liberty are or may be located, in the past decade, the NPM has dealt in the most direct way with the situation and conditions of persons placed in closed institutions and has published information in its reports that were mostly unknown to the general public until then. It has pointed out unfavourable living conditions and the need to improve them, made recommendations aimed at improving the work of visited institutions and the training of their employees, and has acted preventively in order to eliminate the conditions that are favourable for the occurrence of torture and any other form of abuse. Through continuous dialogue with the authorities, as well as through participation in conferences, professional gatherings and media appearances, it has acted against prejudices and stereotypes towards this social group, which is often stigmatized and marginalized.

Until November 2021, the NPM has conducted nearly 800 announced and unannounced visits and has produced several hundred individual reports and nine annual reports, containing about 3,000 recommendations issued to government agencies. This written material, carefully recorded and documented, also represents a special kind of overview of the position of persons deprived of their liberty during a decade and the manner in which the state authorities and institutions treat them.

In addition to employees from the Protector of Citizens, the Provincial Ombudsman and civil society organizations, medical experts also took part in the visits to the institutions, who, with their approach and expert analyses, have given a special stamp to the work of the NPM.

Since its establishment in 2011, the NPM has developed international cooperation at the bilateral and multilateral level with relevant actors in the field of torture prevention. Cooperation with national mechanisms for the prevention of torture was established through cooperation within professional networks, the implementation of study visits and participation in meetings and thematic conferences. Also, since its establishment in 2011, the NPM has maintained fruitful cooperation with representatives of international and regional organizations.

At the initiative of the Protector of Citizens, the South-East Europe NPM Network was established in March 2013, at a meeting in Belgrade.

Representatives of the NPM attended numerous international conferences where they presented the results of their work, but also learned about

experiences and trends in the field of torture prevention, as well as ways of functioning of the monitoring mechanisms.

By quoting the definition of torture from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: the Convention against Torture) at the beginning of these introductory remarks, my intention was to emphasize the dehumanized nature of torture, which through its various manifestations destroys society as a whole. Therefore, the fight against torture is the fight for the dignity of all of us.

I am proud to present a publication that holds all the key findings and activities of the National Preventive Mechanism in the field of torture prevention in the last ten years.

DEPUTY PROTECTOR OF CITIZENS

*Nataša Tanjević, PhD*

# 1. REASONS FOR ESTABLISHING THE NPM

The work of the National Preventive Mechanism in the Republic of Serbia stems from the obligations of the Republic of Serbia towards its citizens and the international convention to which it has acceded. Namely, the Republic of Serbia is a member state of all the most important conventions that relate to the prohibition, that is, the prevention of torture. One of the most important international instruments in the field of prohibition of torture is the Convention against Torture<sup>1</sup>, which was ratified in 1991<sup>2</sup>.

Under the Optional Protocol<sup>3</sup>, 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<sup>4</sup>.

The Optional Protocol stipulates that each Member State has an obligation to possess, establish or designate one or more bodies at the national level to perform visits in order to prevent torture and other cruel, inhuman or degrading treatment or punishment<sup>5</sup>.

On 28<sup>th</sup> July 2011, in accordance with the Optional Protocol, the Republic of Serbia established, i.e., designated an independent body at the national level, that will regularly conduct visits to places where persons deprived of their liberty are located. The Law on Ratification of the Optional Protocol stipulates that the Protector of Citizens performs the tasks of the National Preventive Mechanism, as well as that it cooperates, in performing those tasks, with the Ombudsmen of the autonomous provinces and associations whose statute envisages the promotion and protection of human rights and freedoms as the goal of association.

The law stipulates that the Protector of Citizens performs the function of the NPM for several reasons. First of all, the mandate of the Protector of Citizens, according to the Law on the Protector of Citizens<sup>6</sup>, includes the

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<sup>1</sup> Adopted on 10<sup>th</sup> December 1984 in New York.

<sup>2</sup> "Official Gazette of the SFRY – International Agreements", number 9/91.

<sup>3</sup> Adopted on 18<sup>th</sup> December 2002 in New York, at the 57<sup>th</sup> session of the United Nations General Assembly, by resolution A/RES/57/199, entered into force on 22<sup>nd</sup> June 2006.

<sup>4</sup> Optional Protocol, Article 1.

<sup>5</sup> Optional Protocol, Article 3.

<sup>6</sup> "Official Gazette of RS", number 79/05, 54/07.

competencies and powers of the NPM provided by the Optional Protocol, including visits to institutions in which persons deprived of their liberty are located, interviews with those persons, access to information, as well as issuing recommendations to the competent authorities and informing the public about the occurrence of torture and the improvement of the position of persons deprived of their liberty.

In addition to the above, intensive preventive activities of the Protector of Citizens were noticed, whose expert team for monitoring the institutions where persons deprived of liberty are located – the Preventive Mechanism of the Protector of Citizens, for full two years before the establishment of the NPM, has performed continuous and systematic collection, verification and processing of information related to the protection and exercise of the rights of persons deprived of their liberty.

Also, one of the decisive reasons is that the Protector of Citizens is recognized as a body that bases its actions on the Paris Principles, which is why in April 2010, it was accredited with the "A" status, as a national human rights institution in the United Nations system.

The Preventive Mechanism ceased to function in July 2011, after it was determined that the Protector of Citizens would perform the activities of the NPM.

## 2. PREPARATIONS FOR THE START OF WORK OF THE NPM

Following the designation of the NPM in Serbia in mid-2011, the Protector of Citizens did not immediately start visiting institutions in which persons deprived of their liberty are or may be located, but used the first six months exclusively to carry out the necessary preparatory activities as a condition for effectively conducting the monitoring visits and organizing the adopted complex model of the NPM, which includes the cooperation of the Protector of Citizens in performing the activities of the NPM with the Ombudsmen of the autonomous provinces and associations whose statute envisages the promotion and protection of human rights and freedoms as the goal of association.

Pursuant to the guidelines of the UN Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: the SPT), the Protector of Citizens has established a special organizational unit within the Secretariat of the Protector of Citizens, whose main task is to conduct preventive actions in order to deter public authorities and officials from any form of ill-treatment or torture, as well as to direct them to create conditions and treat persons deprived of their liberty in accordance with the applicable regulations and standards, all with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment.

It is envisaged that the organizational unit of the NPM shall be headed by the Deputy Protector of Citizens in charge of the protection of rights of persons deprived of their liberty. In addition to having the same head, this preventive unit shall be functionally separated from the organizational unit for the protection of rights of persons deprived of their liberty, which, through acting on the complaints from persons deprived of their liberty regarding the violations of their rights, has a reactive function.

A proposal for the description of job positions in the special organizational unit of the NPM was made. In addition to visits to places of deprivation of liberty, it was determined that the NPM will compile reports on the conducted visits to institutions, as well as periodic work reports, issue recommendations to the competent state authorities and initiate acts of the Protector of

Citizens proposing laws and amendments to the laws in relation to torture prevention. Performing the work of the NPM also envisages direct cooperation with the SPT and other international mechanisms for the protection of human rights and the prevention of torture, with state authorities, national mechanisms for the prevention of torture of other countries and non-governmental organizations, as well as the development and maintenance of a database and a special sub-site of the NPM on the website of the Protector of Citizens.

A proposal for the systematization of job positions was also made, in order to, with a sufficient number of employees, also ensure the principle of gender balance and the balance of different areas of professional knowledge, as provided for in Article 18 of the Optional Protocol.

In order to acquaint the administrative authorities and the public with the role, competencies and powers of the NPM, the Protector of Citizens delivered a specially printed brochure to all police administrations, institutions for the enforcement of penal sanctions, psychiatric hospitals, stationary social welfare institutions and the Administration for the Enforcement of Penal Sanctions, that is, to the ministries under whose jurisdiction these institutions are. In addition to Serbian, the leaflet was also printed in the Albanian and Hungarian language.



*Round table at which the NPM was presented*

On 13<sup>th</sup> December 2011 in Belgrade, with the support of the OSCE Mission to Serbia, the Protector of Citizens held a round table at which the NPM was presented. In addition to the Deputy Protector of Citizens who heads the NPM and the representative of the Provincial Protector of Citizens – Ombudsman of AP Vojvodina, this meeting was also attended by representatives of civil society who during the public debate expressed their desire to participate in the NPM, representatives of government agencies, international organizations, the academia and the media.

Also, a large number of lectures were held on the rights of persons deprived of their liberty for judges, public prosecutors, police and prison officials, participants in the Judicial Academy, students, journalists and civil society representatives, in order for them to get acquainted with the competence and the role of the NPM in preventing torture and other forms of abuse.

A special NPM website has been set up, at <http://www.npm.rs>, which contains the activities of the NPM, information on visits, recommendations issued to the authorities, publications, etc. Relevant domestic and international regulations and standards are also available on the website. The website is available in the Serbian and English languages.

The Plan of visits of the NPM for 2012 was adopted, which was made in accordance with the agreement of the Protector of Citizens, the Ombudsman of AP Vojvodina and civil society organizations chosen through a public call, in order to systematically monitor the position of persons deprived of liberty.

A draft Methodology for conducting visits of the NPM to institutions in which persons deprived of their liberty are located has been made, which is based on the previously adopted methodology of the Preventive Mechanism of the Protector of Citizens for monitoring the institutions in which persons deprived of their liberty are located. For the purpose of more efficient and systematic work, questionnaires were made which the team members use, i.e., fill in during the visits, as well as collections of excerpts from relevant regulations and standards in certain areas of work.

In order to evaluate the methodology of visits to prison institutions, on 5<sup>th</sup> December 2011, the Protector of Citizens conducted a pilot visit to Pavilion VII of the Penal-Correctional Institution in Požarevac – Zabela. The team led by the Deputy Protector of Citizens for the protection of rights of persons deprived of their liberty and the head of the NPM included employees of the Secretariat of the Protector of Citizens, one psychiatry expert and two forensic doctors, as well as a representative of the non-government organisation Helsinki Committee for Human Rights in Serbia. The aim of the visit was to establish the existence of torture. The visit was not previously announced. Members of the monitoring team, divided into three groups, visited all 90

cells, as well as all other rooms in the pavilion. Physician team members conducted brief unsupervised interviews with all 240 convicts individually in order to obtain information on whether they had been subjected to torture or any form of ill-treatment in the past six months.

The Protector of Citizens submitted to the National Assembly and other competent authorities of the Republic of Serbia a report on the activities carried out regarding the organization of the NPM, and the English version of the report was also submitted to the Subcommittee on the Prevention of T

### 3. MANDATE, METHODOLOGY AND GOALS OF THE NPM

The NPM has an exclusively preventive approach in its work. The NPM does not perform control of the legality and regularity of work of the competent authorities in individual cases, but it timely informs the organizational unit of the Protector of Citizens about it, which acts on the complaints of persons deprived of their liberty.

The monitoring of institutions where persons deprived of their liberty are located is carried out primarily through visits to these institutions, as well as through collecting data on the treatment of these persons and the conditions of their stay, especially by using questionnaires that the institutions fill out and submit at the request of the NPM, as well as reports on the work of these institutions, etc.

The NPM methodology recognizes the following types of visits: regular, follow-up visits (for monitoring the handling of the recommendations), thematic and special (*ad hoc*) visits. Visits can be announced or unannounced.

The NPM is authorized to regularly check the treatment of persons deprived of their liberty in detention facilities, to issue recommendations to the competent authorities in order to improve the treatment and position of persons deprived of their liberty and to prevent torture, in accordance with the provisions of the Optional Protocol. The NPM has the right to: unhindered, unannounced and access at any time to all institutions and all premises where persons deprived of their liberty are or may be located; to talk in private with such persons and with the officials, who are obliged to cooperate on that occasion, as well as with all other persons who may have information relevant to the treatment of persons deprived of their liberty; to access all documentation that relates to those persons; to issue recommendations to the competent authorities in order to improve the treatment of persons deprived of their liberty and to improve the conditions in which they are detained or imprisoned.

As part of the preparation for the visit to an institution, the existing information about the institution is considered. The division of responsibilities, as a rule, is done by dividing the visiting team into thematic groups for each area of observation. In order to increase efficiency in gathering relevant information during the visit, all team members are provided with working

materials in advance (questionnaires, structure and models of parts of the report), which serve to them as a guide for monitoring.

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

Regular visits, as a rule, are performed in predetermined phases. The first phase is a conversation with the management of the institution, the second part is a joint tour of the institution. In the third phase, representatives of the thematic groups of the NPM team (legal, treatment, security, health group) conduct interviews with the heads of the reference services and perform inspections of the relevant documentation. In the fourth phase, interviews are held with persons deprived of their liberty, and in the fifth phase, after a short meeting of the NPM team, a final interview is held with the management of the institution, at which preliminary impressions of the visit and the observed situation are presented. Acting according to the established phases is not mandatory and it depends on the type of visit.

In accordance with the methodology of work, reports are usually prepared according to a predetermined structure. However, depending on the type of visit and the data collected during a particular visit, the predefined report structure may be changed and adjusted to the nature of the visit. In the reports on visits to institutions where persons deprived of their liberty are or may be located, the NPM determines the conditions and circumstances that may be conducive to the occurrence of any form of abuse and issues recommendations for eliminating the identified shortcomings. When the NPM determines that certain conditions and circumstances may be conducive to the occurrence of abuse, it issues recommendations to the visited institution in order for that institution to improve its treatment and harmonize it with the applicable regulations and standards. The recommendation is also accompanied by relevant regulations and standards with which the procedure should be harmonized. The reports are submitted to the visited institution and the competent ministry, which, as a rule, are given a deadline within which it is necessary to state their opinion on handling the issued recommendations. After that, if necessary, a dialogue is established with the visited institution, i.e., the competent ministry, with the aim of reviewing 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 visit.

In order to maintain a balance between confidentiality and transparency in its work, the NPM publishes the report on the visit to an institution, in which all personal data are anonymized, after receiving the response of the visited institutions and the competent ministry on the actions taken in handling the recommendations from the NPM report. The reports and responses

of the authorities are published on the website of the Protector of Citizens and the NPM sub-site.

The NPM methodology envisages that special attention is to be paid to the protection against possible retaliation against persons deprived of their liberty, employees of detention institutions, as well as all other persons who had contact with the NPM, provided it with information on the treatment of persons deprived of their liberty or pointed out the occurrence of abuse. In the methodology, special importance is given to preventing the occurrence of retaliation, by protecting the source of information, i.e., the data on the persons who provided the information. If their identity is recognized, the NPM realizes its preventive activity by subsequently visiting these persons and by monitoring their position, that is, the treatment of employees in detention institutions towards them. In addition, responsible persons are reminded that retaliation against persons who cooperated with the NPM is not allowed.

The NPM methodology envisages intensive activities in order to combat impunity for torture or any other form of ill-treatment. The occurrences, i.e., actions that represent torture, that is, abuse, are pointed out to the competent authorities, with the expectation that in such cases, they will take available measures and activities within their competence in order to determine the responsibility of the employees



*NPM team with representatives of the Council of Europe*

In order to further improve the efficiency during the NPM visits and to develop the methodology of work, in 2020, the NPM, with the support of the Council of Europe, started revising the Methodology and the monitoring questionnaires used during visits to places of detention.

With the Law on Foreigners from 2018, the competencies of the NPM have been extended to also supervising the procedures of forced removal of foreigners<sup>77</sup>.

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<sup>77</sup> "Official Gazette of RS", number 24/18 and 31/19, Article 82.



## 4. NPM COOPERATION 2011-2021

### 4.1. INTERNATIONAL COOPERATION

Since its establishment, the NPM has continuously developed and strengthened regional and international cooperation at the bilateral and multilateral level with relevant actors in the field of torture prevention. Cooperation with monitoring mechanisms for the prevention of torture in other countries is improved through cooperation within professional networks, the implementation of study visits and participation in meetings and thematic conferences.

In the context of raising awareness on the prevention of torture, in 2014 the NPM, in cooperation with the OSCE Mission to Serbia and UNHCR, organized the First South-Eastern European Forum of Mechanisms provided for in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Procedures and Conference on Prevention of Torture and Other Forms of Torture and the Fight against Impunity, dedicated to deepening cooperation between state bodies and national mechanisms for the prevention of torture.

The NPM actively participates in conferences dedicated to the protection of migrants' rights. During the refugee / migrant crisis, in addition to intensive monitoring of respect for migrants' rights, the NPM organized events to initiate a dialogue between relevant actors on the challenges in exercising migrants' rights. The adoption of the Declaration on the Protection and Promotion of the Rights of Refugees and Migrants in November 2015 ended an international conference organized by the Protector of Citizens on the challenge of exercising human rights during the refugee / migrant crisis.

Representatives of the NPM attended numerous international conferences where they presented the results of their work but also learned about experiences and trends in the field of torture prevention and ways of functioning of monitoring mechanisms.

Recognition of the NPM in the field of torture prevention aroused interest of monitoring mechanisms of other countries in sharing experiences, so the NPM hosted representatives of the NPM of Georgia, Public Monitors from Russia, the NPM of Ukraine (2014) and representatives of the Institution for Human Rights and Equality of the Republic of Turkey (2019). During all

visits of foreign delegations, except for the presentation of the Serbian NPM, its methodology of work and aspects to which the Serbian NPM pays special attention in its work, study visits were also conducted to institutions where persons deprived of their liberty are or may be located.

In order to encourage further cooperation and exchange of good practices, the NPM representatives conducted, among other things, study visits to monitoring mechanisms in Albania, Denmark, Slovenia, Spain (2012), as well as the Human Rights Defender of Armenia (2016) and the Institution for Human Rights and Equality of the Republic of Turkey (2019).

In order to raise and strengthen the capacity and increase the visibility of the NPM in the Republic of Serbia, the OSCE Mission to Serbia provided significant support to activities aimed at promoting the work and role of the NPM, educating the staff and conducting study visits, as well as support for establishing cooperation with monitoring mechanisms for the prevention of torture in other European countries, the mechanisms for the prevention of torture of the United Nations and the Council of Europe and other relevant partners.

In the field of asylum and migration, the NPM has been actively cooperating with the Office of the United Nations High Commissioner for Refugees (hereinafter: the UNHCR) since 2014. UNHCR provided significant support, especially when it comes to the implementation of NPM visits to institutions responsible for dealing with asylum seekers and refugees, as well as the engagement of interpreters during visits to asylum centres, reception centres, the Shelter for foreigners, etc.

Since its establishment, the NPM has been cooperating actively and constructively with the Association for the Prevention of Torture (APT) and the European Border and Coast Guard Agency (FRONTEX).

During meetings with high representatives of international organizations, the NPM also organized joint visits to places of detention: in 2012 with the member of the United Nations Subcommittee on Prevention of Torture, Mari Amos, in 2013 with the then United Nations High Commissioner for Human Rights, Navanethem Pillay, and in 2013 and 2015 with the then Council of Europe Commissioner for Human Rights, Nils Muižnieks. Also, in 2017, representatives of the NPM met with the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Nils Melzer, who was on a working visit to the Republic of Serbia.

To mark the 30th anniversary of the establishment of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2019 in Strasbourg, a meeting of the NPM Council of Europe member states was held, dedicated to ensuring effective protection measures in order to prevent torture in the first hours of police detention, in which representatives of the NPM of Serbia also participated.

Within the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey", within the project *Strengthening the protection of human rights of persons deprived of their liberty and convicted persons in Serbia*, three compilations of NPM recommendations were published, as follows: "Review of findings and recommendations of the Protector of Citizens on the protection of persons with mental disabilities in social and health care institutions (2011-2016)", "Review of findings and recommendations of the Protector of Citizens on the protection of rights of detained persons in police stations (2008–2017)" and "Review of findings and recommendations of the Protector of Citizens on the protection of rights of persons deprived of their liberty (2008-2017)".<sup>8</sup> Within this program, trainings were also organized for representatives of associations with which the NPM has concluded cooperation agreements, aimed at informing representatives of the associations on CPT standards and the methodology of work of the NPM during visits to places where persons deprived of their liberty are or may be located. Particularly important for improving the work of the NPM is the cooperation organized within the project with an international expert, CPT member George Tugushi, and as a result of this cooperation, the NPM methodology for conducting visits to institutions where persons deprived of their liberty are located has been revised, as well as the monitoring questionnaires used during the visits.

Representatives of the NPM also had meetings with the CPT delegation during their periodic and *ad hoc* visits to the Republic of Serbia, where they presented their findings on the current situation in the institutions visited with regard to the prevention of torture. The last meeting was in March 2021, when the CPT delegation paid a regular visit to the Republic of Serbia.

On International Women's Day, 8<sup>th</sup> March 2021, for the first time, the Serbian NPM signed a joint statement with the APT and 36 other monitoring bodies from around the world, calling on all state authorities to act continuously, with the aim of protecting women in prison.

Recognizing the importance of continuous professional improvement, NPM representatives participated in numerous trainings, workshops and seminars. As a member of the Working Group of the European Network of National Human Rights Institutions (ENNHRI) for Asylum and Migration, the NPM very actively participates in all activities of the Working Group. The NPM participated in the ENNHRI project dedicated to monitoring the treatment of migrants at the borders and submitted its contribution to the regional report<sup>9</sup>.

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<sup>8</sup> Available at: [https://npm.rs/index.php?option=com\\_content&view=article&id=850:публикације-савета-европе-у-оквиру-пројекта-јачање-људских-права-притворених-и-осуђених-лица-у-републици-србији&catid=90:2011-10-24-12-48-00&Itemid=77](https://npm.rs/index.php?option=com_content&view=article&id=850:публикације-савета-европе-у-оквиру-пројекта-јачање-људских-права-притворених-и-осуђених-лица-у-републици-србији&catid=90:2011-10-24-12-48-00&Itemid=77).

<sup>9</sup> Available at: <https://ennhri.org/wp-content/uploads/2021/08/Serbian-National-Report.pdf>.

In its first report<sup>10</sup> from a visit to one country, the Association Observatory of National Preventive Mechanisms Against Torture<sup>11</sup> praised the transparent approach and cooperation of the Serbian NPM and made suggestions for improving the methodological approach. The NPM has accepted and implemented many of the proposals in the Report.

In 2021, Nataša Tanjević, Ph.D., Deputy Protector of Citizens and Head of the NPM, was elected a member of the Board of the Independent Police Complaints Authorities' Network (IPCAN), in whose work she actively participates.

As part of its reporting activities, in 2015, the NPM submitted its observations to the Committee against Torture ahead of the consideration of the Second Periodic Report of the Republic of Serbia. Also, in 2021, the NPM submitted its observations on the application of the Convention against Torture before the consideration of the Third Periodic Report of the Republic of Serbia at the 72nd session of the Committee.

In accordance with its legal obligation, the NPM submits its annual work reports to the National Assembly of the Republic of Serbia, and for information, to other state authorities as well. Also, the NPM regularly submits these reports to the SPT, CPT, APT and other relevant international organizations.

The NPM is also happy to respond to numerous calls for submitting contributions on good practices and challenges on topics within its mandate.

## 4.2. SOUTH-EAST EUROPE NPM NETWORK

At the initiative of the Protector of Citizens, the South-East Europe NPM Network (hereinafter: the NPM Network) was established in March 2013 at a meeting in Belgrade, with significant support from the OSCE Mission to Serbia, especially in forming the Medical Group within this Network. The founders of the NPM Network are the monitoring mechanisms of Albania, Croatia, Northern Macedonia, Montenegro, Slovenia and Serbia. Later, the monitoring mechanisms of Bulgaria, Greece, Hungary, Romania and Austria were also admitted to membership, while the monitoring mechanisms of Bosnia and Herzegovina and Kosovo\* have the status of observers.

In October of the same year, also in Belgrade, members of the Medical Group of the NPM Network gathered to analyse the current situation in the region, the role of doctors in the work of the NPM, as well as the current standards in the area of health protection of persons deprived of their liberty.

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<sup>10</sup> Available at: [https://npm.rs/index.php?option=com\\_content&view=category&layout=blog&id=90&Itemid=77](https://npm.rs/index.php?option=com_content&view=category&layout=blog&id=90&Itemid=77).

<sup>11</sup> Observatory of National Preventive Mechanisms Against Torture (NPM Obs.).

Cooperation between national preventive mechanisms in South East-Europe is designed to operate on the basis of exchange of experiences, as well as synergies created with a common goal: to increase the effectiveness of national preventive mechanisms in order to eradicate torture in institutions where persons deprived of their liberty are located.

After its establishment in 2013, the cooperation within the NPM Network continued in 2014, when its members gathered in Ljubljana, where a meeting was held on the topic of the methodology of drafting the NPM report.

The following year, a meeting was held, organized by the NPM of Albania, dedicated to the development of a special monitoring methodology in the context of the refugee crisis and migration, and a conference entitled Asylum seekers, migrants - treatment in South-East Europe.



*First meeting of the NPM Network in Belgrade in 2013*

During 2016, four meetings of the NPM Network were held in Salzburg, Vienna, Zagreb and Belgrade. Accommodation conditions and treatment in social welfare institutions with a special focus on homes for the elderly and restrictions on freedom with excessive medication, were the topic of the NPM Network meeting in Salzburg, while at the meeting in Vienna, members of the NPM Network discussed homes for the elderly, that is, the standards of treatment of persons placed in social protection institutions. Improvement of monitoring of the handling of recommendations of national mechanisms, implementation of the UN Standard Minimum Rules for the Treatment of Prisoners - Mandela Rules, as well as the role of the NPM in protecting refugees and migrants, were the topics which the meeting in Zagreb addressed,

while the topic of the NPM Network meeting in Belgrade was the preventive approach to the protection of human rights of refugees and migrants.

In 2017, the NPM of Serbia, as the chair of the NPM Network, organized two meetings in Belgrade. The first one was in May on the topic of treatment of persons with mental disabilities in detention, and the second in December, dedicated to the methodology of visits to detention facilities. Representatives of the NPM participated in the third meeting of the NPM Network, which was held in Podgorica, on the topic of health protection in prisons and psychiatric institutions.



*Meeting of the NPM Network in Belgrade in 2017*

Detention in the context of migration and effective alternatives and suicide prevention and overdose in detention facilities, were the topics of meetings held in 2018. In the same year, the NPM of Serbia chaired the Medical Group within the NPM Network.

In 2019, representatives of the NPM participated in two meetings of the NPM Network, which were held in Skopje, with a focus on the prevention of retaliation and the specific needs of juveniles in detention institutions.

On 12<sup>th</sup> and 13<sup>th</sup> October, as well as on 7<sup>th</sup> December 2020, the Serbian NPM participated in the meeting of the NPM Network, chaired by the NPM of Croatia, which was organized via the Internet due to the epidemiological situation. The topic of the meetings was the treatment of persons arrested and detained in the first hours of deprivation of their liberty, i.e., the manner of exercising and respecting their basic rights, which are at the same time a guarantee against abuse: the right to inform a family member or other close person about

their deprivation of liberty; right to a defence counsel and the right to medical examination. In addition to the above, attention was also paid to the exchange of experiences regarding the method of planning the visits, collecting information relevant to the planning of visits, forwarding information, etc.

As the chair of the Medical Group of the NPM Network, on 22<sup>nd</sup> December 2020, the Serbian NPM organized an online meeting to draw attention to the need to monitor the treatment of addicts to psychoactive substances, an especially vulnerable category of persons deprived of their liberty. On that occasion, the Thematic Report "Monitoring the treatment of addicts to psychoactive substances in institutions for the enforcement of penal sanctions"<sup>12</sup> was presented, made after five visits to penal-correctional facilities and five visits to district prisons, which were realized during 2019 and 2020 in order to monitor the treatment of this category of persons.



*Meeting of the NPM Network in Belgrade in 2020*

In 2021, the Serbian NPM participated in two meetings of the NPM Network, chaired by the NPM of Hungary. The first meeting was dedicated to the realization of the NPM's mandate in the conditions of the COVID-19 disease epidemic, and the other to the techniques of interviewing vulnerable categories of persons deprived of their liberty.

<sup>12</sup> Available at: [https://npm.rs/index.php?option=com\\_content&view=article&id=1026:npaће-ње-поступања-према-зависницима-од-психоактивних-супстанци-у-заводима-за-извршење-кривичних-санкција&catid=89&Itemid=82](https://npm.rs/index.php?option=com_content&view=article&id=1026:npaће-ње-поступања-према-зависницима-од-психоактивних-супстанци-у-заводима-за-извршење-кривичних-санкција&catid=89&Itemid=82).

### 4.3. COOPERATION WITH STATE AUTHORITIES

The relationship between the NPM and state authorities is based on the principle of trust and cooperation. The institutions where persons deprived of their liberty are located, which the NPM has visited during the previous ten years, have mostly achieved good cooperation, which has enabled the NPM to act in accordance with its mandate<sup>13</sup>.

An example of good practice in this regard is the cooperation with the Ministry of Interior (hereinafter: the MoI), especially bearing in mind that all visits to police stations in recent years have been unannounced, and some during the night, as well as with the Administration for the Enforcement of Penal Sanctions, considering that the visits to the institutions for the enforcement of penal sanctions were carried out unhindered, regardless of whether they were announced or unannounced, during the day or night. The NPM also achieved exceptionally good cooperation with the Commissariat for Refugees and Migration and the Ministry of Defence, i.e., the Serbian Armed Forces. Also, all administrative authorities responsible for the institutions visited by the NPM have designated a contact person in charge of communication, i.e., cooperation with the NPM.

In order to establish an ongoing dialogue on possible measures to implement the NPM recommendations and improve cooperation in the field of torture prevention, the NPM regularly holds meetings with relevant authorities, primarily with representatives of the Commission for the implementation of standards of police treatment in the field of torture prevention of the Ministry of Interior, the Administration for the Enforcement of Penal Sanctions, Ministry of Labour, Employment, Veteran and Social Affairs, the Commissariat for Refugees and Migration and the Border Police Directorate.

At the meetings, the main challenges related to the situation of persons deprived of their liberty and the conditions in which they reside were highlighted, as well as the key observations of the NPM monitoring teams during visits to places where persons deprived of their liberty are or may be located.

### 4.4. PARTICIPATION OF THE PROVINCIAL OMBUDSMAN AND THE CIVIL SECTOR IN THE ACTIVITIES OF THE NPM

On 12<sup>th</sup> December 2011, the Protector of Citizens and the Provincial Protector of Citizens - Ombudsman of AP Vojvodina (hereinafter: the Provincial Ombudsman) signed a Memorandum of Cooperation, which further regulates the cooperation of the Protector of Citizens in performing the work

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<sup>13</sup> Enabling announced and unannounced visits to detention facilities, access to all premises and installations, access to all data, as well as interviews with all persons deprived of their liberty, employees and all other persons chosen by the NPM.

of the NPM with the Provincial Ombudsman. The Memorandum stipulates that this cooperation will be realized by the Provincial Ombudsman actively participating in the visits of the monitoring team of the NPM to institutions on the territory of AP Vojvodina where persons deprived of their liberty are accommodated. It is also envisaged that the Provincial Ombudsman participates in the planning of visits to these institutions, the compiling of reports, recommendations, opinions and other acts of the NPM.

Within its mandate, the NPM cooperated with a large number of civil society organizations through concluded cooperation agreements: the Lawyers' Committee for Human Rights (YUCOM), the Belgrade Centre for Human Rights, the Victimology Society of Serbia, Dialogue - Valjevo, the International Aid Network (IAN), the Human Rights Committee Valjevo, Mental Disability Rights Initiative (MDRI-S), the Helsinki Committee for Human Rights in Serbia, the Centre for Youth Integration, Group 484, A11 - Initiative for Economic and Social Rights and the Centre for human rights - Niš



*Signing of the Cooperation Agreement, 2020*

With the concluded agreements, each association undertook an obligation to participate in monitoring the position of persons deprived of their liberty in certain areas of work of the NPM, some in certain types of institutions (police stations, detention facilities, prison, psychiatric hospitals, residential social welfare institutions, asylum centres and shelters for foreigners), and some in relation to particularly vulnerable groups (juveniles, women, people with disabilities).

External top experts in the field of forensic medicine, psychiatry, special education and rehabilitation, etc. were also engaged in the work of the NPM, whose engagement contributes to the quality of the work of the NPM.

It is very important for the cooperation between the NPM and civil society organizations and external experts that they all receive training on the work, mandate and methodology of work of the NPM, that they are familiar with all international standards related to the prevention of torture, that they are involved in all phases of work of the NPM (phase of preparation, implementation of the visit and preparation of reports).



*The NPM team visiting the PCI Pančevo*

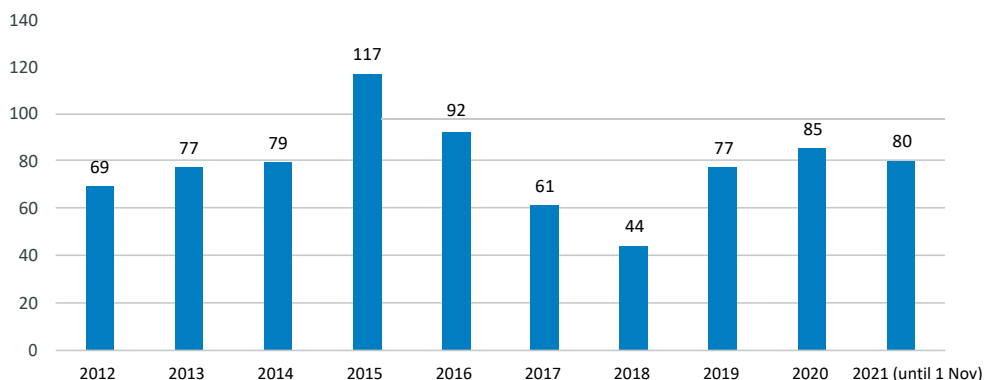


*The NPM team visiting the SHPD "Sveti Vračevi" in Novi Kneževac*

## 5. NPM ACTIVITIES – VISITS (2011-2021)

At the beginning of the work of the NPM, the plan was to visit all institutions where persons deprived of their liberty are located in the first four years of work, in order to review the situation in institutions regarding the respect for the rights of persons deprived of liberty and to undertake activities with the aim of preventing torture and improving the situation in the area.

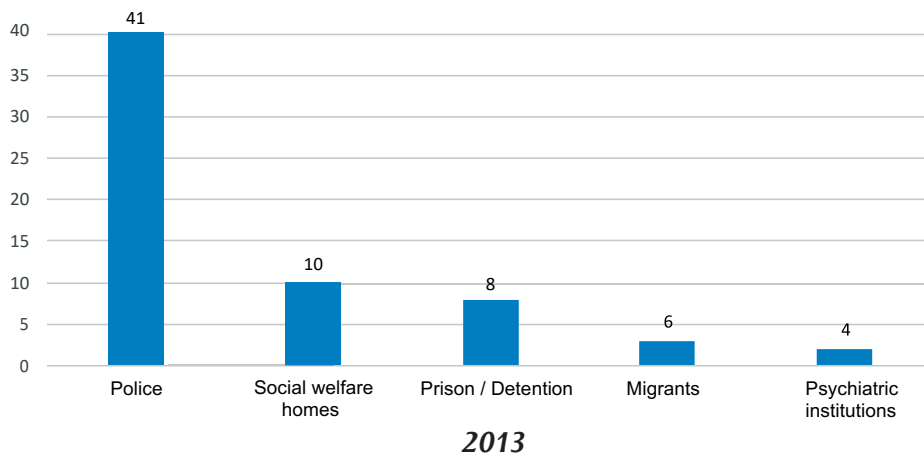
From the beginning of work until the day of compiling this publication, the NPM has made 781 visits to places where persons deprived of their liberty are or may be located.



### 2012

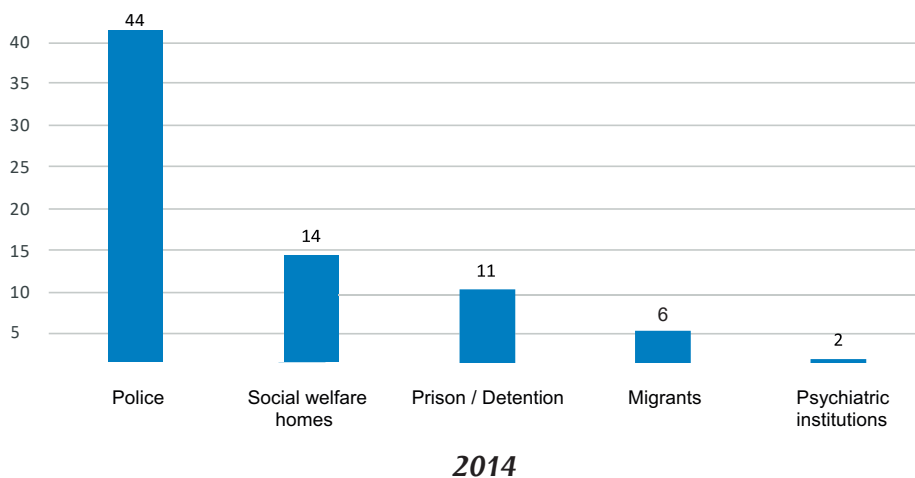
In 2012, the NPM conducted 69 visits to places where persons deprived of their liberty are or may be located.

Based on the visits made, the NPM submitted reports on the visits to the institutions visited, with recommendations on how to eliminate the conditions and circumstances that may be conducive to the occurrence of ill-treatment. Along with each issued recommendation, in addition to the established facts, i.e., shortcomings in the work, the relevant regulations and standards are also stated, with which the institution visited, that is, the competent authority, should harmonize its actions. The prepared reports were submitted to the visited institutions and the competent ministries, and if necessary, meetings were organized to discuss the possibilities for implementing the recommendations. 52 reports were made and 229 recommendations were issued.



In this year, the NPM made 77 visits to places where persons deprived of their liberty are located. For the first time, 13 private homes for the elderly were visited, and 4 monitoring procedures were performed of the admission of persons returned in the readmission procedure at the "Nikola Tesla Airport" in Belgrade.

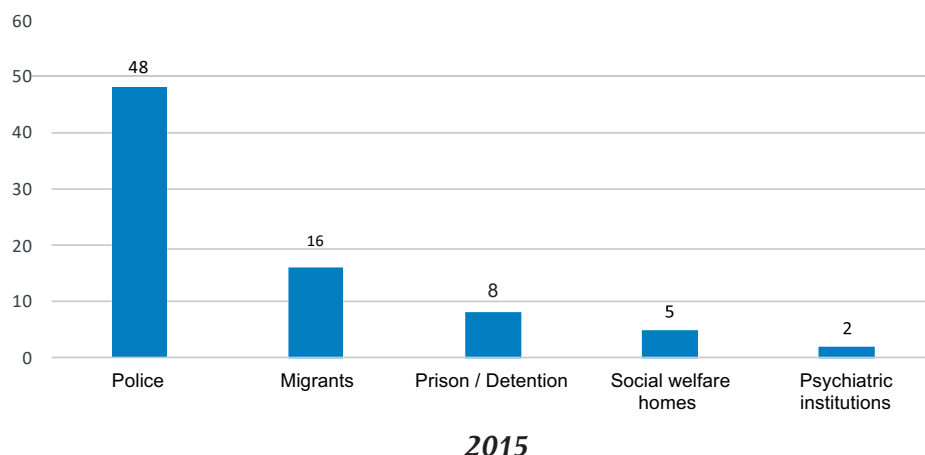
47 reports were made on performed visits to institutions where persons deprived of their liberty are accommodated, with 263 recommendations for improving their actions.



This year, the NPM made 79 visits, 38 regular and 41 thematic visits. This year, the first unannounced night visit to the Kruševac Police Department was conducted. After that, the plan of visits for 2015 envisages that unannounced visits are to be conducted most often, which has become a common practice in the further work of the NPM, and during 2020 and 2021, all visits to police stations were unannounced. This year, the NPM paid special

attention to thematic visits related to the prevention of abuse of refugees and migrants in the Republic of Serbia.

Based on the performed visits, 43 reports on visits were submitted to the visited institutions, and 345 recommendations were issued to the competent authorities to improve their actions and eliminate the identified shortcomings in work that may lead or lead to torture or ill-treatment.



During 2015, the NPM made a large number of visits while monitoring the treatment of migrants and asylum seekers, since in that period, a large number of migrants and refugees passed through the Republic of Serbia on their way to Western European countries. Thus, in 2015, 117 visits were made to places where persons deprived of their liberty are or may be located, half of which were visits aimed at monitoring the treatment of refugees/migrants.

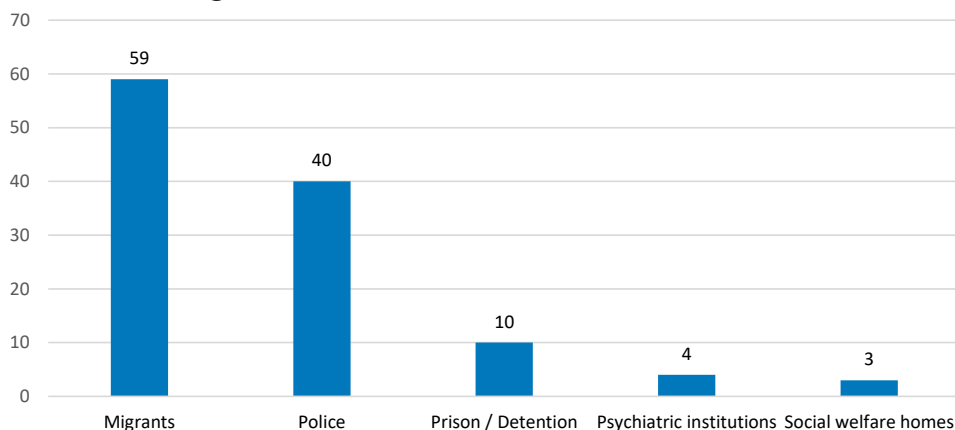
A total of 265 recommendations were issued to the competent authorities to improve their actions.

In 2015, with the support of the UNHCR, the NPM, in cooperation with the Belgrade Centre for Human Rights, conducted 59 thematic visits to institutions responsible for dealing with asylum seekers and refugees.

By monitoring the forced return of persons whose asylum requests were rejected in the EU countries, a significant preventive element in protecting against torture and other cruel, inhuman or degrading treatment has been achieved. Namely, in 2015, the NPM started monitoring the forced return of Serbian citizens from European Union countries whose asylum applications were not accepted. The representative of the NPM monitored the actions of the police towards the persons who were returned from Dusseldorf to Serbia by a special charter flight. The forced return was carried out in cooperation with the police of Germany, the Netherlands, Belgium and Serbia, and organized by the European Border and Coast Guard Agency (FRONTEX).

In the same year, special attention was paid to monitoring the handling of CPT's recommendations, issued through previous reports on visits to the Republic of Serbia. In accordance with the above, the NPM made four visits: to the Special Prison Hospital in Belgrade, the Penal-Correctional Institution in Požarevac - Zabela, the Clinic for Psychiatric Diseases "Dr Laza Lazarević" and the Special Hospital for Psychiatric Diseases "Gornja Toponica".

In this year, the NPM conducted seven thematic visits with the aim of investigating allegations of torture. Four visits to institutions (PCI Niš, PCI Požarevac - Zabela, DP Leskovac and detention unit of DP Belgrade) and three visits to the headquarters of police administrations (PA Niš, PA Leskovac and PA Požarevac) were made. The visits were unannounced and took place in the evening. Without the presence of members of the authorities, a total of 210 persons deprived of their liberty were interviewed, none of whom made allegations of torture.



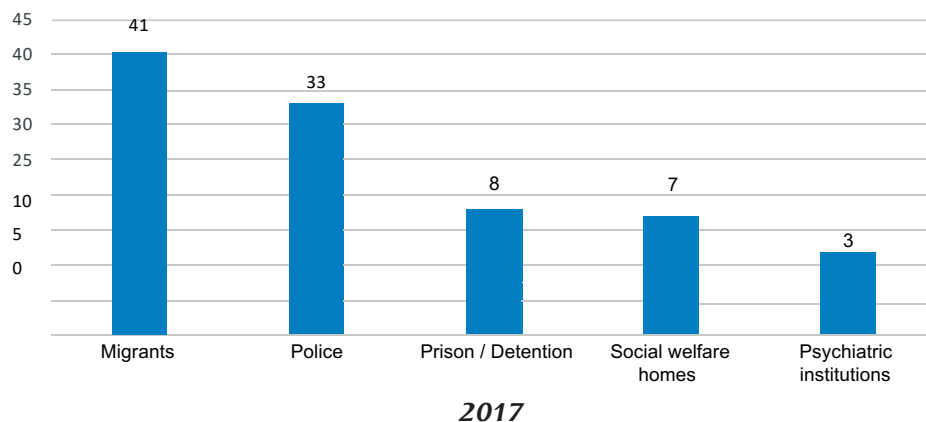
### 2016

During 2016, the NPM conducted 92 visits to institutions where persons deprived of their liberty are accommodated, and a total of 318 recommendations were issued to the competent authorities and institutions visited to eliminate the identified omissions in work, which may lead or lead to abuse.

With the support of the UNHCR, in 2016 as well, the NPM conducted a number of thematic visits to institutions responsible for dealing with asylum seekers and refugees. The thematic reports on visits provided 72 recommendations issued for improving treatment.

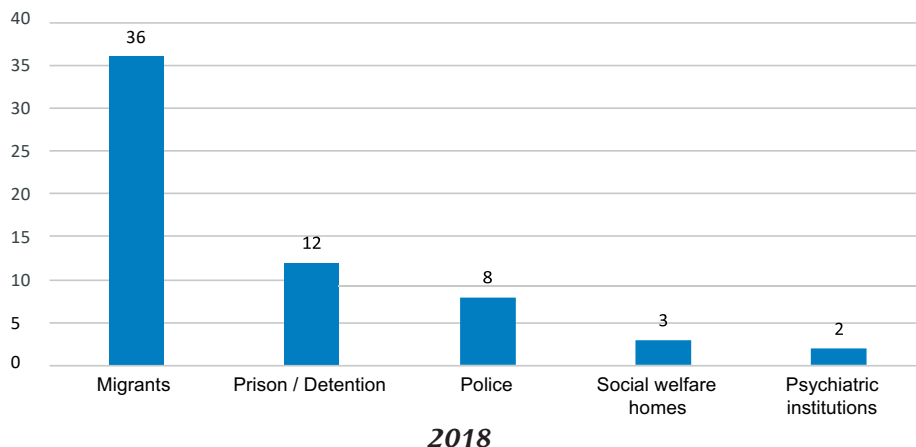
During 2016, the NPM dealt for the first time with the position of transgender persons deprived of their liberty. The competent authorities were recommended to enable the transgender person to choose, on admission to the institution, whether that person's personal body search and physical examination will be performed by an official of a certain sex, or a combined

personal body search and physical examination will be performed, that officials address transgender people in the gender to which they feel they belong, unless the person requests otherwise, as well as that appropriate trainings for the staff are held on how to treat lesbian, gay, bisexual, transgender and intersex prisoners.

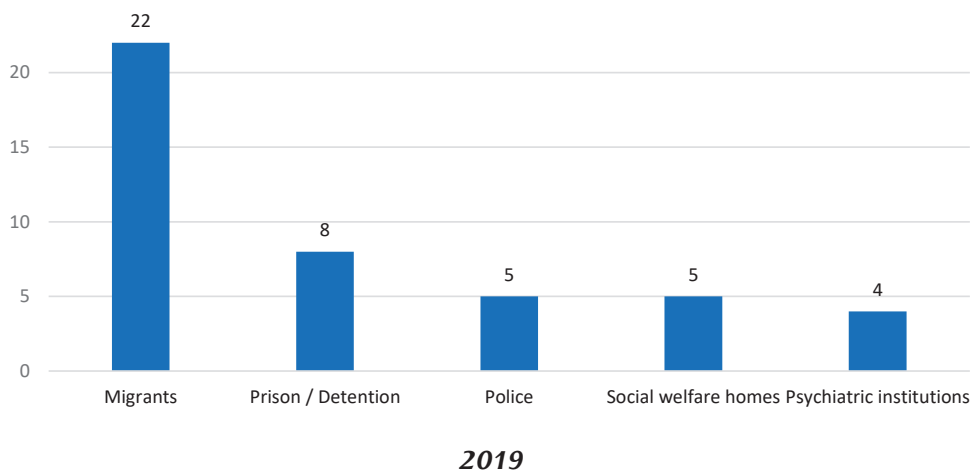


In 2017, the NPM made 61 visits to institutions where persons deprived of their liberty are located, and a total of 309 recommendations were issued to the competent authorities and visited institutions.

In addition to thematic visits to monitor the treatment of refugees and migrants, this year, the NPM also paid attention to monitoring the manner in which institutions for the enforcement of penal sanctions were handling the previously submitted NPM recommendations, and it conducted 8 control visits (DP Pančevo, PCI Sremska Mitrovica, PCI Niš, DP Novi Sad, DP Belgrade, JCF Kruševac, PCI Belgrade and PCI Belgrade - Padinska Skela). Also, three systematic visits were made (PCI Čuprija, DP Vranje and DP Novi Pazar) and one thematic visit (Special Prison Hospital). Visits to police stations were aimed at monitoring the handling of the previously issued recommendations of the NPM and recommendations from the Report on the CPT's visit to the Republic of Serbia in 2015, as well as in order to monitor the treatment of detained persons.



During 2018, the NPM conducted 44 visits to institutions where persons deprived of their liberty are or may be located. During this period, the NPM compiled 40 reports on visits in which 296 recommendations were issued.



In order to monitor the actions of the competent authorities towards refugees and migrants, in addition to reception centres and asylum centres, the Horgoš and Kelebija border crossings, the Regional Border Police Centre towards Bulgaria and the Belgrade Border Police Station were also visited, as well as the transit zone at the "Nikola Tesla Airport". This year, attention was also focused on visits to institutions for the enforcement of penal sanctions, so in addition to three control visits, five regular systematic visits were also made (DP Kruševac, DP Zrenjanin, DP Užice, PCI Belgrade-Padinska Skela, PCI Sombor).

This year, 77 visits were made to institutions where persons deprived of their liberty are or may be located. A novelty in relation to all the previous years is that this year, the NPM started supervising the procedures of forced removal of foreigners.

24 reports on performed visits and oversights of forced removals of foreigners were made. A total of 198 recommendations were issued, of which 195 were from the report on visits to places where persons deprived of their liberty are or may be located.

For the first time this year as well, the NPM made 16 visits to military facilities<sup>14</sup>. Namely, since the Law on the Serbian Armed Forces prescribes disciplinary sanctions that can be imposed for the violation of military discipline, and some of them, in terms of the Optional Protocol, represent a deprivation of liberty, during 2019, the NPM began the practice of conducting visits to military facilities in which there are premises for the enforcement of disciplinary sanctions, which consist of a ban on removal from special premises in a military facility. The NPM considers that in this way, the Republic of Serbia is also acting on the recommendation of the Committee of Ministers of the Council of Europe to member states to take measures to protect members of the armed forces from exposure to torture or inhuman or degrading treatment or punishment, with paying special attention to more sensitive categories such as recruits. In addition, NPM visits are a form of civilian and democratic control of the Serbian Armed Forces provided by the Constitution, as well as the Law on the Serbian Armed Forces, which stipulates that democratic and civilian control of the Serbian Armed Forces is exercised by the National Assembly, the Protector of Citizens and other state authorities, in accordance with their power, as well as the citizens and the public.<sup>15</sup>

For the first time, regular visits were made to all psychiatric clinics within clinical centres (CC Kragujevac, CC of Serbia, CC Niš, CC Vojvodina), the General Hospital in Jagodina - Psychiatry Service, as well as the Centre for Mental Health Protection of the CC Niš, which in its composition has the Department of Child and Adolescent Psychiatry with a dispensary. Visit to the Psychiatry Department of the General Hospital "Dr. Laza K. Lazarević" in Šabac was conducted together with representatives of the Human Rights and Equality Institution of the Republic of Turkey, as part of their study visit to the NPM, while the visit to the Clinic of Neurology and Psychiatry for Children and Youth was held as part of the celebration of the International Human Rights Day.

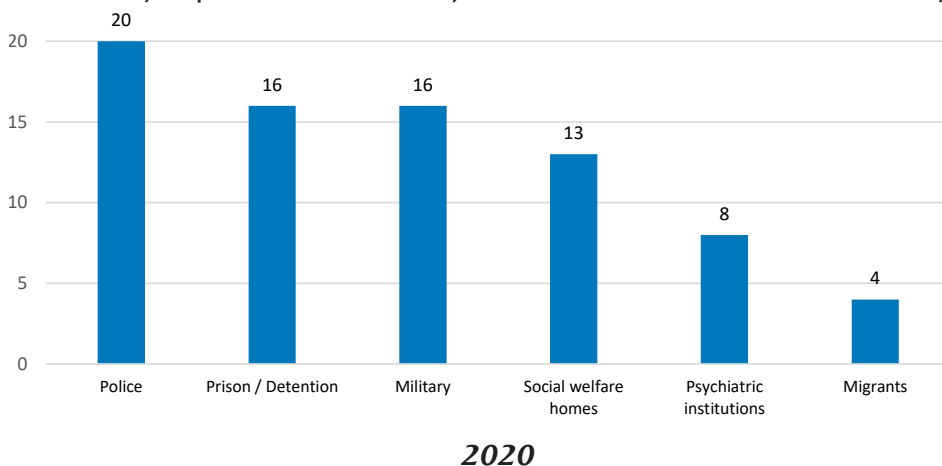
During this year, the attention of the NPM was also focused on social welfare homes, so in addition to regular and control, four study visits were also conducted with representatives of the NPM of Turkey and the representative of the Ombudsman of the Netherlands (Home for the Elderly Voždovac, Home for Persons with Mental Disabilities "Srce u Jabuci", the Centre for the

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<sup>14</sup> Military facilities in Jakovo, Požarevac, Valjevo, Šabac, Pančevo, Bujanovac, Vranje, Leskovac, Niš, Raška, Kraljevo, Kruševac, Bačka Topola, Sombor, Novi Sad and Prokuplje.

<sup>15</sup> Law on the Serbian Armed Forces, Art. 29, para. 3.

Protection of Infants, Children and Youth and the Center's Dispensary), and five thematic visits, dedicated to human, sexual and reproductive rights of women with disabilities (Home for Children and Youth with Developmental Disabilities "Veternik", Working unit for accommodation of adults and the elderly with intellectual and mental disabilities Tešica, Institute for accommodation of adults "Male Pčelice", Home for children and persons with disabilities "Dr Nikola Šumenković" in Stamnica and the Home for accommodation of mentally ill persons "Sveti Vasilije Ostroški - Čudotvorac" in Novi Bečej)



The year 2020 was a particularly challenging one for the work of the NPM, given the COVID-19 disease pandemic<sup>16</sup>, which brought numerous challenges to all countries of the world, including the Republic of Serbia. In such extraordinary circumstances, within which the Constitution of the Republic of Serbia allows necessary deviations from human and minority rights, it was necessary to provide, on the one hand, all the necessary activities to organize the work of employees, to ensure the safe and uninterrupted functioning of institutions and the implementation of protection measures against possible virus infections, and on the other hand, it was necessary to ensure the functioning of the NPM in the new circumstances and adjust the methodology of work of the NPM and continue to conduct visits to places of detention, while respecting the do no-harm principle.

The COVID-19 disease pandemic has particularly affected vulnerable social groups located in closed institutions. Immediately after the introduction of the state of emergency, declared due to the contagious disease pandemic,

<sup>16</sup> The World Health Organization declared the COVID-19 pandemic on 11<sup>th</sup> March 2020, and four days later, the Serbian Government imposed a state of emergency on the entire territory of the Republic of Serbia in order to prevent the spread of this contagious and deadly disease, that lasted from 15<sup>th</sup> March to 6<sup>th</sup> May 2020.

the NPM sent letters to all administrative authorities under whose jurisdiction there are institutions in which persons deprived of their liberty are or may be located, in which the NPM once again reminded that the prohibition of torture and inhuman or degrading treatment or punishment is absolute and that the protective measures taken by the state in the suppression of COVID-19 must never result in any form of ill-treatment of persons deprived of their liberty. The CPT's statement of 20th March 2020 was also submitted to all above-mentioned authorities, in which the principles relating to the treatment of persons deprived of their liberty during the coronavirus disease pandemic were stated, and all authorities were invited to adhere to them.

During this period, the NPM intensified its work in order to verify how measures to combat the spread of coronavirus are being implemented in places of detention and how the basic rights of persons deprived of their liberty and protection from ill-treatment are ensured in these circumstances. Also, during the state of emergency, the NPM opened a special telephone line that was available all 7 days a week, in the period from 8 am to 10 pm.

The usual methodology of visits of the NPM during this period was adjusted to the circumstances of the pandemic. The NPM team conducted visits in such a way that persons deprived of their liberty and employees were not exposed to the risk of infection. Protective equipment was used, the recommended physical distance was maintained, and individual interviews were conducted through the protective glass where possible.



*The NPM team visiting the PCI Sremska Mitrovica*

During 2020, the NPM made 85 visits to institutions where persons deprived of their liberty are located.

A total of 37 reports were made on the conducted visits and 334 recommendations were issued.

This period was marked by a large number of visits to police stations, as well as thematic visits conducted by the NPM in order to examine the situation in certain areas. In this regard, the NPM conducted visits during the state of emergency with the aim of monitoring the implementation of the CPT's principles on the treatment of persons deprived of their liberty during the COVID-19 disease pandemic. The following were visited: PCI in Sremska Mitrovica, PCI Belgrade, DP Belgrade, PCI Belgrade - Padinska Skela and the Shelter for foreigners in Padinska Skela<sup>17</sup>.

In addition to the above, and recognizing that addicts to psychoactive substances are a special group within the prison population that requires a specialized approach, this year, the NPM conducted visits to institutions for the enforcement of penal sanctions, in order to eliminate circumstances that could favour the occurrence of any form of abuse. Within the above, five penal-correctional institutions were visited (PCI Sremska Mitrovica, PCI Belgrade, PCI Pančevo, PCI Niš, PCI Požarevac) and five district prisons (DP Čačak, DP Kraljevo, DP Novi Sad, DP Smederevo, DP Belgrade).

During this period, the NPM also paid attention to thematic visits to institutions where forensic patients are treated in order to monitor the treatment of persons who are in the process of enforcement of security measures of compulsory psychiatric treatment and care in a health institution, mandatory treatment of drug addicts and mandatory treatment of alcoholics, as well as in the process of enforcement of appropriate protective measures imposed in misdemeanour proceedings. SHPD "Gornja Toponica" in Gornja Toponica, SHPD "Sveti Vračevi" in Novi Kneževac, SHPD "dr Slavobulj Baka- lović" in Vršac and the Special Prison Hospital in Belgrade were visited.

This year, thematic visits were also conducted in order to monitor the treatment of unaccompanied minor migrants, as the most sensitive category of the migrant population<sup>18</sup>.

During the state of emergency, the NPM visited the reception centres for migrants and asylum centres in order to check the situation and conditions in them, the treatment of persons in these centres and the measures taken by the Commissariat for Refugees and Migration in order to protect against the spread of the corona virus<sup>19</sup>.

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<sup>17</sup> Available at: <https://npm.rs/attachments/article/916/Izvestaj.pdf>.

<sup>18</sup> Available at: <https://npm.rs/attachments/article/1063/Izvestaj.pdf>.

<sup>19</sup> Available at: <https://npm.rs/attachments/article/934/Izvestaj.pdf>.

Visits to police administrations and police stations within their composition were aimed at monitoring the handling of the CPT's recommendations, that were sent after the visit to the Republic of Serbia in 2017, as well as to monitor the

treatment of person arrested and detained in the context of respecting their fundamental rights, which are at the same time a guarantee against abuse: the right to access a lawyer and a doctor, the right to inform a close person about the deprivation of liberty and the right to be acquainted with the rights. The treatment of detained persons was also monitored during visits to institutions for the enforcement of penal sanctions, given the practice that in some police administrations, premises in institutions for the enforcement of penal sanctions are used for detaining persons on the basis of the Criminal Procedure Code. Also, during the visits to institutions for the enforcement of penal sanctions, the emphasis was placed on the treatment of persons deprived of their liberty by the police, before being brought to the institution. Thus, during the visits to institutions for the enforcement of penal sanctions, the NPM conducted interviews with detainees who were brought to the enforcement of that measure after police custody, in order to collect information on the conduct of police officers towards them during the deprivation of liberty, custody and during the exercise of other police powers. Visits were carried out by visiting both the local police station and the institution, which enabled the data obtained from persons deprived of their liberty to be cross-referenced with official allegations and documentation.

This year, for the first time, the NPM monitored the conduct of the police during the public gatherings of citizens in Belgrade in July<sup>20</sup>. The NPM methodology was adapted to include the following activities:

1. Monitoring the conduct of the police during the deprivation of liberty of persons, i.e., during arrests on the streets during the protest;
2. Visits to police stations with the aim of interviewing persons deprived of their liberty during the protest and inspecting the relevant documentation, in order to determine the manner in which police officers treated them during their deprivation of liberty and the exercise of other police powers, as well as the manner in which their rights were exercised after being brought to the police station, that is, during police detention;
3. Visits to the DP in Belgrade and the PCI in Belgrade - Padinska Skele, with the aim of interviewing persons who have been remanded in

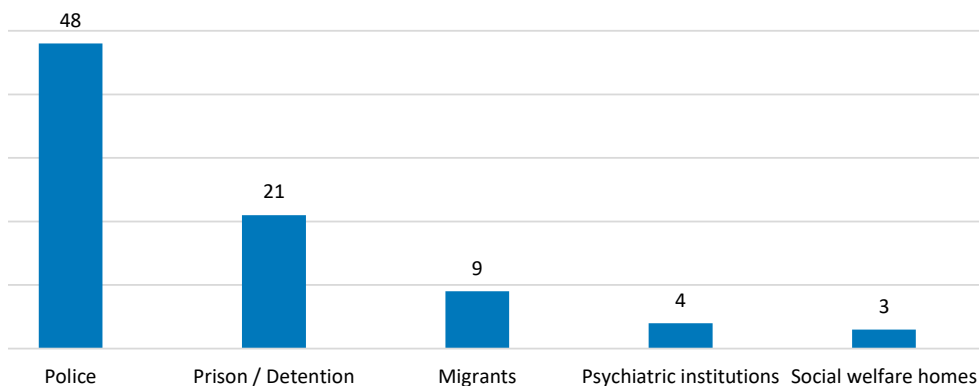
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<sup>20</sup> Starting from 8<sup>th</sup> July 2020, until 25<sup>th</sup> July 2020, the NPM attended gatherings every evening in order to monitor the conduct of the police towards the citizens.

custody, i.e., who have been fined for participating in the events during the protest, in order to determine the manner in which police officers treated them during the deprivation of their liberty and the exercise of other police powers, the manner in which their rights were exercised after being brought to the police station, i.e., during police detention, as well as the manner in which they were treated after admission to the institution (with special attention to the manner of performing the medical examination upon admission to the institution);

4. Monitoring the conduct of the police and citizens during the protest, in order to consider the manner in which police powers were exercised and the possible initiation of own-initiative investigations of the Protector of Citizens.

Regarding the monitoring of actions of the police towards citizens during public gatherings in July in Belgrade, the NPM prepared a Thematic Report with 11 recommendations for eliminating the shortcomings and improving the situation in the area<sup>21</sup>. The report was also sent to the Commission for implementing standards of police conduct in the prevention of torture, in order to continue with the activities that it undertakes in order to raise awareness about the prohibition of any form of abuse.



### ***2021. година***

From the beginning of 2021 until 1<sup>st</sup> November 2021, the NPM conducted 80 visits to places where persons deprived of their liberty are or may be located. This year, special attention was paid to the position of women and juveniles in detention institutions, so the PCI for women in Požarevac and the

<sup>21</sup> Available at: [https://npm.rs/index.php?option=com\\_content&view=article&id=1040:мын-одговорио-на-тематски-извештај-поступање-полиције-према-лицима-лишеним-слободом-јавних-окупљања-у-београду&catid=89:2011-10-24-12-47-48&Itemid=82](https://npm.rs/index.php?option=com_content&view=article&id=1040:мын-одговорио-на-тематски-извештај-поступање-полиције-према-лицима-лишеним-слободом-јавних-окупљања-у-београду&catid=89:2011-10-24-12-47-48&Itemid=82).

JCF for juveniles in Kruševac were visited twice. The NPM also monitored the position of juveniles and women during visits to detention facilities within the Administration for the Enforcement of Penal Sanctions.

In its work, the NPM is also guided by international standards in the area of persons deprived of their liberty and prevention of torture when issuing recommendations to the competent authorities to improve the treatment and the position of persons deprived of their liberty and prevent torture.<sup>22</sup> For example, the NPM dedicated the visit to PCI for women in Požarevac, the only women's prison in the Republic of Serbia, to monitoring the implementation of the UN

Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the Bangkok Rules, in order to determine the extent to which these United Nations standards are applied in practice.<sup>23</sup>

Also, this year the NPM paid special attention to monitoring the treatment of migrants at the borders with the Republic of Northern Macedonia<sup>24</sup>, the Republic of Bulgaria<sup>25</sup> and the Republic of Croatia, about which reports with recommendations were made and sent.

When it comes to visits to prisons, the NPM conducted visits focusing on allegations of ill-treatment and compliance with measures for the protection against ill-treatment in the institutions visited. In this way, DP Leskovac, DP Smederevo, DP Zaječar and DP Negotin were visited. During the visits, the NPM conducted interviews with persons deprived of their liberty who are at greater risk of ill-treatment - persons who are in the closed department of the institution for the enforcement of disciplinary and special measures for maintaining order and security in the institution, inspected records and other documentation on complaints of torture or other ill-treatment, application of coercive measures, injuries to persons deprived of their liberty and other extraordinary events, and conducted individual interviews with persons who participated in events that carry a risk of abuse.

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<sup>22</sup> Article 19, item b) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>23</sup> Available at: <https://npm.rs/attachments/article/1054/Izvestaj%20o%20poseti.pdf>.

<sup>24</sup> Available at: <https://npm.rs/attachments/article/1062/Izvestaj.pdf>.

<sup>25</sup> Available at: <https://npm.rs/attachments/article/1056/Izvestaj.pdf>.



***The NPM team visiting the DP Leskovac and the Home for Children with Developmental Disabilities "Kolevka" Subotica***

Also, during 2021, the NPM visited ten social welfare homes and four psychiatric institutions.

During the visits to police stations, activities related to the monitoring of the treatment of arrested and detained persons and the manner of exercising their basic rights, which are also a guarantee against ill-treatment, continued.

## 6. OVERSIGHT OF THE PROCEDURE OF FORCED REMOVAL OF FOREIGNERS

As mentioned above, the competencies of the NPM have been extended by the Law on Foreigners from 2018, to include the oversight of the procedure of forced removal of foreigners.

During 2019, the NPM conducted 8 oversights of the procedures of forced removal of 22 foreigners.<sup>26</sup> 5 reports were made and three recommendations were issued.

During 2020, the NPM conducted 18 oversights of the procedures of forced removal of 40 foreigners. Two reports were made and 10 recommendations were issued in order to eliminate the identified shortcomings. Foreigners were removed from the Shelter for Foreigners in Padinska Skela, and in one case from the Administration for Foreigners of the PA for the City of Belgrade. The removals were made by road to the border crossings with Bulgaria, Croatia, Northern Macedonia and Romania or to the international "Nikola Tesla Airport" - Belgrade. In most cases, the citizens in question were from Afghanistan (12), Iran (11) and Turkey (8).

From the beginning of 2021 to 1<sup>st</sup> November 2021, 11 oversights of the procedures of forced removal of 22 foreigners were conducted and one report for the period January-June 2021<sup>27</sup> was made.

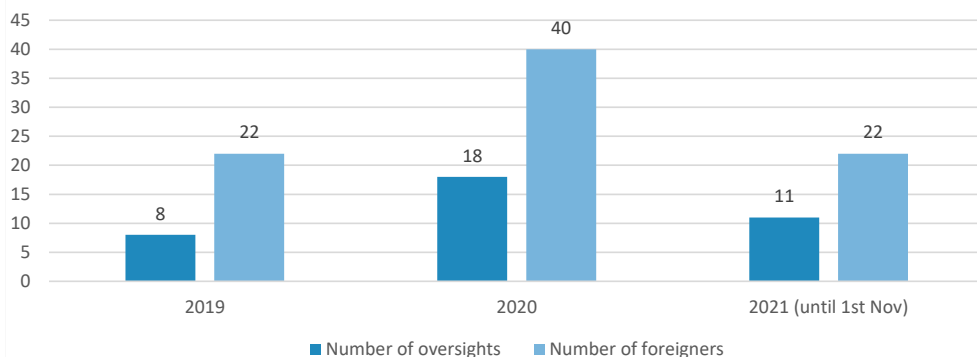
Oversights included interviews with foreigners who were awaiting the forced removal, regarding the manner in which the officials treated them during the deprivation of their liberty, during their stay in the institution and regarding the respect for their rights, inspections into cases kept about them in the Shelter for Foreigners and the Administration for Foreigners, as well as oversights of procedures which precede the removal. After that, in most cases, the NPM monitored the transport of foreigners to border crossings and the handover of foreigners to foreign officials.

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<sup>26</sup> Oversights of the removal of sixteen citizens of the People's Republic of China, two citizens of the People's Democratic Republic of Algeria, one citizen of the Republic of Northern Macedonia, one citizen of the Republic of India, one citizen of the Islamic Republic of Afghanistan and one citizen of Bosnia and Herzegovina were conducted.

<sup>27</sup> Since 2020, the NPM has been compiling quarterly or six-monthly group reports on the conducted oversights of the procedures of forced removal of foreigners.

As part of its oversight procedures of the forced removal of foreigners, the NPM established cooperation with the MoI - the Border Police Administration and especially the Shelter for Foreigners in Padinska Skela. This cooperation was also supported by the UNHCR, which provided interpreters to the NPM.



## 7. IMPROVEMENT OF REGULATIONS IN THE FIELD OF TORTURE PREVENTION

The NPM sent opinions and positions to the competent authorities in order to improve regulations in the area of protection of rights of persons deprived of their liberty and prevention of torture.

Starting from 2013, the NPM pointed out that the Instruction on the treatment of arrested and detained persons of the Ministry of Interior contains a number of provisions that are not in accordance with applicable regulations and standards (competence of control mechanisms, mandatory binding during transport/escort of persons, mandatory presence of police officers during medical examinations of detained persons, non-obligation to install an alarm to call the police officer on duty when there is video surveillance of the premises).<sup>28</sup> The mentioned omissions created doubts among police officers about the correctness of the manner of application of police powers, and it was recommended that it is necessary to harmonize the Instruction with the applicable regulations and standards without further delay.

The MoI adopted the Rulebook on the manner and conditions of exercising police powers against juveniles<sup>29</sup> and the Rulebook on police powers<sup>30</sup>, in the text of which the remarks and recommendations of the Protector of Citizens were largely implemented, which are aimed at preventing the reduction of the achieved level of realization of rights in proceedings before the police, as well as at making a clear distinction between which police powers, and in which manner, are applied to adults and which to juveniles.

Also, it was noticed that many shortcomings of the Rulebook on the manner and conditions of exercising police powers against juveniles stem from shortcomings in the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, so the NPM pointed to the need to amend that law.

Regarding the treatment of arrested and detained persons and the respect for the rights of citizens during detention, the NPM indicated in its annual reports that detention should be carried out in dedicated premises, and that

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<sup>28</sup> Case number: 78-6/13 and Report on the NPM visit to the PA for the City of Belgrade, number 71-71/13.

<sup>29</sup> "Official Gazette of RS", number 83/19.

<sup>30</sup> "Official Gazette of RS", number 41/19.

necessary adaptations should be made to detention facilities in those police stations where such premises do not meet the applicable standards in terms of material conditions, as well as that the stay in adequate and safe conditions should be made possible for the detained citizens and that police officers should be allowed to perform their duties without hindrance. The MoI has adopted a Rulebook on the conditions that need to be met by detention facilities<sup>31</sup> and so far, a large number of detention facilities have been renovated and adapted to meet applicable standards.

The NPM submitted an initiative to the Ministry of Interior for the adoption of regulations that will regulate in more detail the technical characteristics and manner of applying coercive means<sup>32</sup>, which has not been acted upon, but regarding the above, the NPM maintains a continuous dialogue with representatives of the MoI, to improve actions in this area.

The MoI also adopted a Rulebook on the manner of performing internal control<sup>33</sup>, and the NPM pointed out the need to adopt this act in its annual reports.

Regarding the conduct of a thorough, effective and efficient investigation of reports and complaints of abuse of police powers and any form of abuse, representatives of the MoI, in cooperation with the Republic Public Prosecutor's Office, developed a Methodology for conducting investigations in cases of ill-treatment by the police.

In accordance with the NPM's recommendations from annual reports and reports from visits to institutions where persons deprived of their liberty are or may be located, the legal framework for the protection of mental health has been improved. In May 2013, the Law on Protection of Persons with Mental Disorders<sup>34</sup> was adopted, followed by the Rulebook on the type and closer conditions for the establishment of organizational units and the performance of mental health care activities in the community<sup>35</sup>.

The NPM also sent an opinion on: the Draft Law on Amendments to the Law on Social Protection, an opinion on the Draft Law on Foreigners, and in 2018, an opinion on the Draft Law on Amendments to the Law on Asylum and Temporary Protection. During 2021, the NPM sent an opinion on the Draft Law on Amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, an opinion on the Draft Strategy for the

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<sup>31</sup> "Official Gazette of RS", number 34/18.

<sup>32</sup> Case number 286-98/17 dated 20<sup>th</sup> Nov 2017, available at: [http://npm.rs/index.php?option=com\\_content&view=article&id=741:initijativa-za-uredenje-primene-sredstava-pri-nude&-catid=108:2012-01-18-20-51-23&Itemid=71](http://npm.rs/index.php?option=com_content&view=article&id=741:initijativa-za-uredenje-primene-sredstava-pri-nude&-catid=108:2012-01-18-20-51-23&Itemid=71).

<sup>33</sup> "Official Gazette of RS", number 39/18.

<sup>34</sup> "Official Gazette of RS", number 45/13.

<sup>35</sup> "Official Gazette of RS", number 106/13.

development of enforcement of penal sanctions for the period 2021-2027, an opinion on the Draft Law on the Protection of Rights of Beneficiaries of Temporary Accommodation Services under Social Protection and an opinion on the Draft Strategy for deinstitutionalization and development of community social protection services for the period from 2021 to 2026.

Given the fact that the NPM noticed during the visits that migrants stay longer in Serbia, so the problem of their care is much more complex and complicated, the NPM, in its Annual Report for 2015, sent a proposal to the Government of the Republic of Serbia to make a Plan for the care of refugees and migrants who found themselves in or were returned to Serbia, a Plan for the treatment of those who have not been granted protection in Serbia and the Integration plan for those who were granted asylum in Serbia. At the end of the year, the Government passed a Decree on the manner of inclusion in the social, cultural and economic life of persons who were granted asylum<sup>36</sup>, which stipulates that the Commissariat for Refugees and Migration ensures the integration of these migrants by fully and timely informing them on their rights, possibilities and obligations; teaching them the Serbian language; introducing them to Serbian history, culture and constitutional order; assisting them with the inclusion in the education system; assisting them in exercising the right to health and social protection and in entering the labour market.

The NPM has for many years pointed out a shortcoming at the normative level, which is reflected in the fact that the provisions of the Criminal Code are not in line with the definition of torture in Article 1 of the Convention against Torture, but by the time this publication was made, there has been no improvement in torture prevention regulations in this regard.

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<sup>36</sup> "Official Gazette of RS", number 101/16.



## 8. ACHIEVEMENTS AND FURTHER CHALLENGES

### 8.1. POLICE STATIONS

In the first years of its mandate, the NPM, during its visits to police stations, noticed as the biggest problem the inadequacy of the premises for the enforcement of police/prosecutorial detention measures: poor material conditions; inadequate sanitary equipment, lack of buttons for calling the officials; lack of opportunities for citizens to stay in the open air, insufficient number of rooms in police administrations, coverage by video surveillance of the area around the sanitary block, which violates the privacy of detained persons and does not respect their dignity, etc. Also, during the visits, the NPM encountered omissions in keeping the documentation on the procedure of detaining citizens. Records of measures and actions taken during the detention were kept irregularly, some documents were missing in the cases on detention, detained citizens were often not allowed to keep written notices of their rights, medical records of citizens were found in cases on detention, etc.

In contrast to the above findings, in the last three years, significant achievements have been noticed in the treatment of arrested and detained persons, which are primarily reflected in the improvement of material conditions in detention facilities and the improvement of records on detention and exercise of basic rights of arrested and detained persons. Thanks to the recommendations of the NPM, the premises that do not meet the minimum prescribed conditions for residence have been put out of use and the Mol has undertaken activities to renovate a larger number of detention facilities, in accordance with applicable regulations and standards, which significantly improved the living conditions of detained persons.



***Detention room in PS Voždovac and Room for medical examination of detained persons at the headquarters of the PA for the city of Belgrade***

The practice of police officers attending medical examinations has been discontinued and the medical documentation is no longer kept in the records.

Acting on the NPM's recommendations, the records kept by police stations for detained persons have been improved. During visits to police stations, the NPM increasingly notices that the information about the time of informing a close person about the deprivation of liberty is entered into the detention records, as well as a note that police officers attended a medical examination at the request of a doctor and the reasons why the detained person refused to sign the record of detention.

Progress has been noted in exercising the rights of arrested and detained persons, as confirmed by the written documentation, allegations of police officers in charge of dealing with arrested and detained persons, but also by the numerous allegations of detainees interviewed by the NPM, who testified that they were immediately, in a language they understand, informed of the reasons for the deprivation of liberty, of the charges against them, as well as of their rights and that they were allowed, immediately after the deprivation of their liberty, to inform the person of their choice and the defence counsel about it. Also, the NPM did not encounter cases where persons who requested medical assistance before or during detention were not provided with it. Persons who have visible injuries are allowed a medical examination before the start of detention. In addition, in smaller communities, all persons are examined by a doctor before being detained, in order to give an opinion on whether the person is fit to be detained.

Detention decisions that the NPM team had access to during the visits in the last two years were delivered to the detained persons in a timely manner.

Acting on the recommendations of the NPM, police officers in a larger number of police stations obtain written statements from persons who have been subjected to coercive measures in connection with the circumstances of

the use of coercive measures and the occurrence of possible injuries, in order to better assess all the circumstances of the case and assess the justification and regularity of the use of coercive means in the most objective way possible, which shows that the described practice should be continued.

As an important activity for the prevention of torture, and at the same time for acting on the recommendations of the CPT and the NPM, the Mol began specialist trainings during 2020 of criminal inspectors on interrogation techniques during the interrogation of suspects, which should continue in the following period.

Although efforts have been made to provide special premises for the needs of police stations intended for the storage of temporarily seized items, it is necessary to continue undertaking these activities and to provide these premises in all police stations.

Having in mind that the NPM, during the monitoring of the treatment of citizens by the police during the protests in Belgrade in July 2020, found illegalities and irregularities in the work of the Mol, in its Thematic Report, among other things, it especially pointed out the need to conduct systemic and permanent education of police officers on the role of the police during public gatherings and the prohibition of all forms of torture and it is necessary to ensure that the use of coercive means is in accordance with the applicable regulations and standards, i.e., it is necessary to ensure, through additional trainings, that the level of professional trainings of police officers in the application of police powers is constantly raised, in order to ensure that police actions in the application of police powers are based exclusively on legal regulations. The Ministry of Interior has undertaken activities to implement the NPM's recommendations, both in terms of trainings and other recommendations, among which is the recommendation regarding the need for the Mol to ensure that all police officers, when dealing with citizens, that is, when applying police powers, have prominent police insignia on their uniforms, as well as markings on the basis of which it would be possible to identify each police officer who treats citizens, and which, as stated in the response of the Ministry of Interior, will be implemented in the text of the new law and in the Regulation on uniforms, insignia and equipment of police officers.

During the conducted visits in 2019 and 2020, the NPM conducted interviews with over 200 persons deprived of their liberty, both the persons detained and persons in custody, on the treatment of police officers towards them during their deprivation of liberty, during detention, as well as during the application of other police powers. In this regard, it is encouraging that during these visits, most of the persons interviewed did not complain about the actions of police officers and the possibility of exercising their rights,

and that the inspection of the documentation showed that these rights are respected in most cases.

In order to further improve in this area, in the coming period, the NPM will pay special attention to monitoring the exercise of the right of persons deprived of their liberty to access a counsel. Namely, during 2021, the NPM pointed out that it is necessary for the MoI to improve the recording of the exercise of the right of arrested and detained persons to access a counsel, by taking the necessary activities to enter in the detention record of persons information on whether the person wanted to hire a defence counsel of his/her choice, whether he/she was assigned a defence counsel *ex officio*, when it is required by law, and whether he/she conducted an uninterrupted conversation with the defence counsel, with recording all the relevant information on the exercise of this right: information about the defence counsel, the time when he/she was contacted, time when he/she approached the arrested and detained person and the time when he/she had an interview with the person.

In the coming period, the NPM will monitor the handling of the recommendation to provide rooms for interrogation of persons equipped with technical equipment for audio and/or video recording, given that the existence of such premises is a form of preventive action and a significant measure to protect the persons deprived of their liberty against possible ill-treatment of police officers.

## 8.2. INSTITUTIONS FOR THE ENFORCEMENT OF PENAL SANCTIONS

In the first years of its work, during its visits to institutions for the enforcement of penal sanctions, the NPM often stated that the accommodation conditions in some institutions are not in accordance with applicable regulations and standards, and that there is overcrowding of accommodation facilities. This is especially true for detention units, which are mostly overcrowded, so that some detainees are not provided with enough living space. In some rooms, the supply of natural light is insufficient, and artificial lighting is of unsatisfactory intensity, i.e., it does not allow reading without visual difficulties.

During the following years of its work, the NPM stated during visits to the detention wards, that some persons have been in detention for a long period of time, that the courts too easily resort to detention measures, which contributes to overcrowding of the accommodation facilities. In this regard, the NPM also submitted reports from the visits to the competent courts, in order to keep these facts in mind when determining the measure of detention,

together with an invitation to take action to use detention only if the same purpose cannot be achieved by another measure, as well as to act with special urgency if the person is in detention.

Acting in accordance with the recommendations of the NPM, activities were undertaken to increase the capacity of institutions for the enforcement of penal sanctions, by building new pavilions in the Penal-Correctional Institution in Sremska Mitrovica, District Prison in Leskovac, PCI in Požarevac - Zabela, building the new Penal-Correctional Institution in Pančevo and the Institution in Kragujevac, whose construction is underway. Also, material conditions have been improved in numerous institutions: District Prison in Novi Sad, Special Prison Hospital, District Prison in Belgrade, Penal-Correctional Institution for Women in Požarevac, JCF Kruševac, etc.



*New facilities in DP Leskovac and PCI for Women in Požarevac*



*Dental office and gym in the PCI Pančevo*



*Gym and the new pavilions in JCF Kruševac*

Some improvements have been made only after a number of years and numerous recommendations, both from the NPM and the CPT. Thus, this year, the PCI in Sremska Mitrovica stopped with the practice of accommodating persons deprived of their liberty in a pavilion that does not meet the conditions for the accommodation of convicts in accordance with applicable regulations and standards.

Although it is indisputable that all of the above contributes to solving the problem of overcrowding, as well as to improving the protection of persons deprived of their liberty, it should be borne in mind that overcrowding is particularly pronounced in closed wards, where living conditions are also the most difficult. In this regard, it is still a challenge for the NPM to achieve a change in the work of the Administration for the Enforcement of Penal Sanctions, related to the treatment of persons deprived of their liberty, which would, inter alia, enable a mechanism for advancing the treatment, that would facilitate the transfer of convicts to more favourable educational groups. The efforts of the Administration for the Enforcement of Penal Sanctions aimed at developing the capacities of prison officials to develop and implement new rehabilitation programs are encouraging, and in 2020, prison staff trainings began, on the implementation of new specialized programs for group work with prisoners, which continued in 2021.

Compared to the previous period, in the last two years, acting on the recommendations of the NPM, some institutions have developed a program of work engagement for detained persons<sup>37</sup>, and there has been a noticeable shift in increasing the employment of convicted persons. However, this needs to be developed for the entire prison system. There is still a need to provide all detainees and convicts placed in closed wards with sufficient available activities, as well as the possibility to stay during the day in common rooms

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<sup>37</sup> DP Belgrade, PCI Pančevo, DP Novi Sad.

with other convicts, i.e., detainees with whom the court did not restrict contact due to current criminal proceedings.

In many institutions, especially the larger ones, the performance of the first medical examination, the manner of documenting injuries and undertaking further activities in this regard, i.e., forwarding information to the competent public prosecutor's office, have been significantly improved. This contributed to strengthening the role of doctors in the protection against abuse, i.e., in the fight against impunity for torture. Acting in accordance with the recommendations of the NPM, the institutions introduced the Book of Injuries of persons deprived of their liberty, as well as the practice of photographing injuries, and non-medical staff stopped regularly attending medical examinations of persons deprived of their liberty. Also, trainings for doctors on the application of the Istanbul Protocol are being conducted, and the institutions have provided continuous availability of medicines for the needs of the treatment of persons deprived of their liberty.

Although health care services have not been relocated from the Ministry of Justice to the Ministry of Health, a positive shift in terms of the provision of health care is reflected in the more frequent oversight of the work of health care services of the institutions by the Ministry of Health. The Health Inspectorate has adopted decisions for several institutions on the fulfilment of conditions for performing certain health care activities in outpatient clinics of those institutions. However, although additional medical staff has been hired in some institutions, there are still not enough of them for a 24-hour presence in the institutions, and the NPM will strive in the coming period to provide a sufficient number of members of medical staff in all institutions.

The change that the NPM wants to contribute to is to provide people with mental disorders with accommodation and assistance suited to their needs, i.e., to remove these people from the regular prison regime and place them in an appropriate type of health care institution, the Special Prison Hospital, possibly to an inpatient health care unit within the institution, in which there are conditions for their treatment.

In the first years of work, during visits of the NPM to prisons, a large number of interviewed persons deprived of their liberty pointed out that abuse was a widespread phenomenon. However, during unannounced visits to institutions for the enforcement of penal sanctions (PCI Požarevac - Zabela, PCI Niš, DP Leskovac and DP Belgrade) conducted in 2015, the NPM representatives conducted unsupervised interviews with over 200 persons deprived of their liberty, without the presence of prison staff, during which none of them stated that they had been physically abused by officials or other convicts, that is, detainees. Also, none of them had visible injuries.

The fact that during a large number of unsupervised interviews with convicted and detained persons during 2019, 2020 and 2021, those persons did not complain that they were victims of torture or ill-treatment by the prison staff, is encouraging.

In the current year, the NPM has developed a special methodology for visits to institutions for the enforcement of penal sanctions and for the first time during the visits, it focused exclusively on the application of coercive measures against persons deprived of their liberty, the treatment of persons deprived of their liberty in closed departments of the institution, and on discovering injuries to persons during the enforcement of their sentence. The methodology includes group, but also unsupervised individual interviews with persons deprived of their liberty who are at a higher risk of ill-treatment because they are accommodated in closed wards of the institution, for the enforcement of disciplinary and special measures or because of certain personal characteristics, participation in extraordinary events, etc. During the visits, the records and other documentation on complaints whose subject is any form of abuse were inspected, as well as records on the application of coercive measures, on injuries to persons deprived of their liberty, all extraordinary events, etc. The NPM will continue to conduct such visits in the coming period.

### 8.3. PSYCHIATRIC INSTITUTIONS AND SOCIAL WELFARE HOMES

In the area of psychiatry, during the visits conducted in the last two years, the improvement of material conditions in the visited institutions is noticeable. Certain adaptations and renovations have been made in some psychiatric hospitals. Patient privacy was ensured in the toilets. Hospitals encourage patients to wear daily clothes during the day, and care is taken to provide the patients with as humane environment as possible, by decorating the rooms in which they stay.

Also, acting on the recommendations of the NPM, the visited institutions improved the keeping of records on the application of physical restraint measures, developed the available rehabilitation psychosocial activities and improved the system of informing the patients on their rights and mechanisms for their protection.

It was also noted that psychiatric hospitals organize information sessions for patients and provide technical support for the functioning of the Patients' Council (among other things, organizing and conducting elections), thus encouraging patient participation in decision-making related to their stay and treatment in hospitals.



***SHPD "Dr Slavoljub Bakalović" in Vršac and SHPD "Gornja Toponica"***



***Clinic for Psychiatry - CC Niš and SHPD Kovin***

However, activities in the field of deinstitutionalisation are still performed slowly. Namely, the NPM has been indicating for years that the practice of keeping persons with mental and/or intellectual disabilities in residential institutions (psychiatric hospitals and social welfare homes) should be stopped in the long term, for some for life. Existing psychiatric hospitals are very large, with hundreds of patients. To a large extent, they acquire the character of asylum, because, in them, many patients are expelled from the community, many for more than ten years, and some for life. There is a phenomenon that a large number of people are kept in hospitals primarily for social reasons - because there is no form of support and treatment for them in the community. This is to a large extent the consequence of the lack of conditions for care and support for these people in the community. In this regard, further challenges are related to the need to intensify deinstitutionalization

activities, in terms of abandoning the practice of long-term hospitalization of patients, as well as the need to establish extra-institutional care and support in the community for people with mental disorders (and their families), all in order to take care of them and enable them to live and be treated in the community, and the need to establish more centres for the protection of mental health in the community than the existing number.

Court decisions on involuntary hospitalizations of persons with mental disorders are mainly based on the expertise of doctors employed in the same hospitals that proposed such measures. In addition, there have been cases where consent to hospital treatment was given by persons brought by the police in a state of agitation, although statements given in such circumstances cannot be taken as legally relevant, so the NPM will continue to strive to improve the conduct in this regard.

During the visits, the NPM paid special attention to the conditions of inpatient psychiatric treatment of children and young people, as one of the most vulnerable groups. It was noticed that employees work in conditions in which it is difficult to adapt psychosocial activities to the needs and possibilities of each patient, especially having in mind the different ages, needs and possibilities of children and adolescents. There is also a lack of capacities for resolving emergency situations of juveniles, which makes it impossible for all patients to receive treatment close to their families.

One of the most significant problems in psychiatric hospitals is the insufficient number of medical staff and occupational therapists. Also, there is still a lack of continuous specialist education of mid-level medical staff.

One of the challenges faced by the NPM during its visits to certain institutions under the jurisdiction of the Ministry of Health is the difficulty in establishing cooperation and the refusal to make available the documentation related to the conducted procedures of detention without consent and accommodation without the consent of persons with mental disorders in a psychiatric institution. Therefore, one of the changes to which the NPM will seek to contribute to is the organization of thematic meetings and trainings, in order for the health care workers to familiarize themselves with the mandate of the NPM, the previous findings and the issued recommendations based on current regulations and standards of treatment of people with mental disabilities, as well as the importance of their implementation.

This challenge is also present when it comes to social welfare homes, especially bearing in mind that during 2020, the NPM could not fully fulfil its mandate in social welfare homes, bearing in mind that the Ministry of Labour, Employment, Veteran and Social Affairs, for a certain period of time, did not allow visits, referring to the Order on the prohibition of visits and restrictions on movement in the facilities of institutions for the accommodation

of older persons<sup>38</sup>. In this regard, the NPM pointed out to the competent ministry that not allowing the exercise of its mandate in social protection institutions represents a violation of legal regulations, international standards and the obligation of cooperation of administrative authorities with the Protector of Citizens, which results in the inability to control the respect for fundamental rights of persons in social protection institutions, and inability to deter state authorities and officials from actions that could have the character of abuse. After the establishment of a continuous dialogue with the competent ministry, visits were resumed again at the end of 2020. On the other hand, the challenge in fulfilling the mandate of the NPM in these institutions is also that, in addition to the state, there are also a large number of private homes for the elderly, which, with rare exceptions, the NPM has not yet managed to visit.

Similar as psychiatric hospitals, large social protection institutions also still house a large number of long-term beneficiaries, because the conditions for their stay in the community were not provided. This is supported by the fact that in some social protection institutions, the number of accommodated beneficiaries has not decreased over the years and exceeds the accommodation capacities of institutions. Problems that complicate the process of deinstitutionalization are still the remote locations of some social protection institutions from the families of beneficiaries, which further complicates their participation and inclusion in the social community.

One of the problems that social welfare homes have been facing for years is the lack of staff, especially medical staff and staff working directly with beneficiaries, which can adversely affect the needs of beneficiaries and the quality of provision of health and psychosocial services.

In the reports on visits, the NPM issued recommendations to establish procedures related to the physical restraint of beneficiaries of social protection services and the establishment of books of records on injuries of beneficiaries. Also, the issued recommendations also referred to the provision of the necessary number of staff to work with the beneficiaries and the necessary orthopaedic aids for beneficiaries. In order to respect the privacy of beneficiaries, recommendations were issued to provide conditions for respecting their privacy.

Following the above recommendations, the material conditions in the visited institutions were improved, as well as providing information on rights and mechanisms of legal protection. Also, the practice of physically restraining beneficiaries was abandoned in most of the visited institutions.

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<sup>38</sup> "Official Gazette of RS" number 28/20, 66/20 and 87/20.



*GC Kruševac*



*Home for children with disabilities "Kolevka" Subotica and GC Vršac*

Further challenges are related to the employment of the missing number of staff in direct work with beneficiaries, their continuous education, strengthening the capacities of centres for social work, development of community services, as well as improving regulations in order to comply with ratified conventions and applicable standards, especially when it comes to the institute of deprivation of legal capacity, which is still a legal practice in the Republic of Serbia, contrary to the provisions of the Convention on the Rights of Persons with Disabilities. Also, despite the Committee's recommendations, the concept of supported decision-making has not yet been introduced into the legal system of the Republic of Serbia. Restrictions on the freedom of movement of beneficiaries are still not legally regulated.

## 8.4. MILITARY FACILITIES

As mentioned above, in 2019, the NPM started the practice of visiting military facilities where there are premises for the enforcement of disciplinary sanctions, which consist of a ban on leaving special premises in a military facility. During these visits, the NPM achieved exceptionally good cooperation with members of the Serbian Armed Forces.

During the visits to the barracks, the NPM did not find any person under the enforcement of the disciplinary sanction consisting in a ban on leaving special premises in a military facility, nor were such sanctions imposed during 2019 until the day of the visit of the NPM. In most units of the Serbian Armed Forces and most of the barracks visited, these sanctions have not been imposed or enforced since 2011, when the military service obligation was suspended.

In practice, disciplinary sanctions consisting of a ban on leaving special premises in a military facility are difficult to enforce. Namely, a member of the Serbian Armed Forces is responsible for a violation of service duty, while in service. In the conditions of voluntary military service, when soldiers are under a contract concluded with the Ministry of Defence, imposing a ban on leaving special premises in a military facility for more than two days would mean that the military service, i.e., the contract, would need to be extended, as well as all the rights and obligations arising therefrom, including the right to a salary. In addition, the consent of the contracting parties is required for the extension of the contract, which the soldier against whom this ban was imposed does not have to give. The NPM concludes that this is exactly the reason why these sanctions are rarely imposed and enforced, that is, why in most units they have not been imposed or enforced for almost a full decade since the suspension of military service obligation, so a question arises of the purpose and the scope of prescribing these disciplinary sanctions. A disciplinary sanction consisting of a ban on leaving special premises in a military facility would be significant in the event of reintroduction of the military service obligation.

As a result of acting on the recommendations that the NPM issued in 2020 in the Thematic Report prepared after 16 visits to military facilities<sup>39</sup>, the material conditions in the disciplinary premises were improved, the provisions of the instructions governing the manner of the enforcement of the sanctions were reviewed and updated and written recording of information on the treatment of the sanctioned soldier and important events during the enforcement

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<sup>39</sup> Available at: <https://npm.rs/attachments/article/948/izvestaj%20vojni%20objekti.pdf>.

of the sanction was established. Information on the daily regime of activities was placed in prominent positions in the premises, visits to the sanctioned soldier in private were made possible, a mandatory medical examination was introduced before the start of the sanction, as well as a conversation with a psychologist. It is regulated that the distribution of therapy is performed exclusively by medical staff and the obligation to inform sanctioned soldiers about the possibility of submitting a complaint to the Protector of Citizens is envisaged.



*Premises for the enforcement of disciplinary sanctions  
in the barracks in Požarevac and Leskovac*

## 8.5. TREATMENT OF MIGRANTS AND ASYLUM SEEKERS

The Republic of Serbia, similar to other countries in the so-called Balkan refugee route, has encountered numerous challenges in ensuring the reception, care and protection of migrants. What is noticeable when looking at the previous period is the fact that since 2015, when the refugee crisis reached its peak, the practice of the competent authorities has been gradually changing. At the very beginning of the refugee crisis, migrants stayed in Serbia for only a few days, so the actions of the competent authorities, international and domestic organizations, were reduced to urgent humanitarian assistance. Due to the change in the policies of the countries and the tightening of the conditions for crossing the borders, the average time of stay in Serbia for most migrants is now much longer, lasting for several months or even years. Accordingly, steps had to be taken to ensure their acceptance and protection. The large disproportion between the number of persons who expressed intent to seek asylum and persons who applied for asylum, especially those who took part in the asylum procedure, is an indication that their aim was not to obtain asylum, but a way to obtain the possibility of temporary

accommodation in asylum centres and to legalize their stay in the Republic of Serbia until they find an opportunity to go across the border to Western European countries.

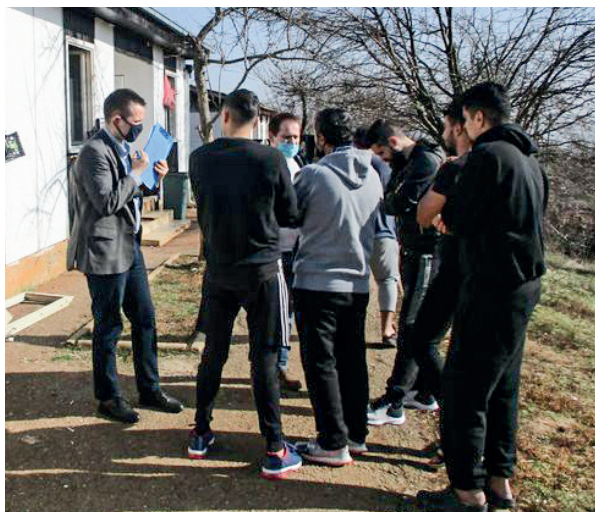
Through the reports on the monitoring of the handling of the recommendations, the NPM established that there are improvements in terms of the treatment of irregular migrants/asylum seekers in the Republic of Serbia. First of all, in accordance with the issued recommendations, the Asylum Office was established, with a significantly increased number of employees compared to the number of employees in the former Asylum Department. The MoI has intensified activities in terms of the identification and registration of foreigners caught in the territory of the Republic of Serbia.

When it comes to informing about the rights and obligations of foreigners while in the territory of the Republic of Serbia, the MoI has improved its actions and produced brochures on rights and obligations in languages that would be understandable to foreigners in the territory of Serbia, and communication between foreigners and police officers is mainly conducted in the English language, or occasionally, interpreters for Arabic, Turkish and English are hired<sup>40</sup>.

As part of the monitoring of the actions of the competent authorities towards migrants, the NPM also visited improvised camps and other informal gathering places. Here, migrants stayed in unacceptable conditions, in which their health was endangered and where they did not have the opportunity to maintain hygiene. Most of them were not registered. In addition, this situation endangered public health and safety in parts of the settlements where the camps are located, and these locations are particularly unacceptable for the stay of minors, who were noticed during the visits. During the repeated visits to the camps along the border crossings Horgoš and Kelebija, it was noticed that the number of migrants who are there has decreased. The NPM took the position that measures should be taken without delay in order to place the migrants in the institutions of the system, and this recommendation was acted upon for the most part.

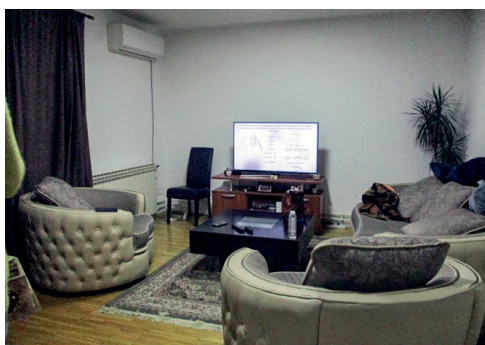
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<sup>40</sup> Reports on visits to PA Vranje, number 71–46/14, and PA Subotica, case number 71–67/14.



*The NPM visiting the RC Pirot*

Significant improvements were noticed during the visits to the centres for accommodation of unaccompanied minors. Namely, unaccompanied minor migrants are now accommodated in asylum centres in Bogovađa and Sjenica - under the jurisdiction of the Commissariat for Refugees and Migration, the "Vasa Stajić" Homes, the Institute for Children and Youth Education in Niš and "J.J. Zmaj" under the jurisdiction of the Ministry of Labour, Employment, Veteran and Social Affairs and in two houses run by non-governmental organizations: House "Pedro Arupe" in Belgrade - organization Jesuit refugee service and "House of Salvation" in Loznica - organization Border free Serbia.



*Common room and terrace in the House of "J.J. Zmaj"  
and Day care in the "House of Salvation"*

The NPM determined that these institutions provide accommodation, health care and food services to unaccompanied minors and cover their transportation costs, so in order to meet the needs of minors and provide social protection services, it proposed to the Ministry of Labour, Employment, Veteran and Social Affairs to increase the financial resources allocated for these institutions. Acting on the recommendations issued by the NPM, funds were provided for the improvement of the system of protection of unaccompanied minor migrants, activities were undertaken to strengthen the capacity of employees in the social protection system, vehicles were procured that will be given for permanent use to social protection institutions that deal with the reception of unaccompanied minor migrants and field workers were hired to work with vulnerable categories of migrants.

Monitoring the actions of the border authorities at the "Nikola Tesla Airport" and the conditions in which persons deprived of their liberty reside in the transit zone, the NPM determined that activities have been undertaken to improve the accommodation conditions in which persons in the transit zone reside, given that works on the reconstruction of the Airport include the construction of a new room for accommodation of foreigners who were denied entry into the country, which will be in accordance with applicable standards.



*Room for mothers with children who were denied entry to the country  
at the "Nikola Tesla" airport*

## 8.6. TREATMENT OF FOREIGNERS IN THE FORCED REMOVAL PROCEDURE

During the conducted oversight procedures, it was noticed that the police officers who carry out the removals respect the integrity and dignity of foreigners and show a high level of professionalism in performing this work. Compared to 2019, when the NPM started conducting oversights of the procedure of forced removal of foreigners, there is a noticeable improvement in the treatment of foreigners by police officers in the preparation for the removal, for example, foreigners are timely, and at least 24 hours earlier, informed about the enforcement of the forced removal, they have the right to inform the person of their choice that they will be removed from the country, etc.

Activities have also been undertaken to expand the capacity of the Shelter for Foreigners and in 2020, the construction of a new facility that will comply with applicable standards began, in connection with which the NPM sent a letter to the Ministry of Interior, pointing out the international standards that should be met by facilities of this type. The facility will contain rooms for accommodation, a dining room and a kitchen, a room for medical examinations and other necessary rooms, and in cooperation with the Ministry of Health, the Shelter will provide medical staff, who would be present daily, perform medical examinations, prescribe and distribute therapy and perform supervision of the general hygienic conditions.

Two new shelters were also built in Dimitrovgrad and Plandište, which have not yet been put into operation until the date of this publication.

As the biggest problem in the procedure of forced removal, the NPM determined that foreigners in the return procedure do not always have the opportunity to point out the existence of facts that would indicate obstacles to their forced removal to a certain country, which may lead to a violation of Article 3 of the Convention against Torture. The NPM issued a recommendation to the Ministry of Interior in order to fully respect the principle of non-refoulement. The Ministry's response stated that there are plans to organize and hold seminars and trainings for officials who deal with foreigners throughout the country, in cooperation with UNHCR, regarding the fulfilment of the conditions for making a decision on return in each specific case, but that due to epidemic measures and the situation related to the epidemic of the infectious disease in the past period, it was not possible to implement these activities. Regarding the above, the NPM has established a dialogue with the Ministry.

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At the end of this chapter, we find it useful to point out the key challenges in the work of the NPM and the changes that the NPM wants to achieve in order to further improve its work. First of all, having in mind the number of places where persons deprived of liberty are or may be located, which the NPM visits, in order to ensure that the NPM visits all places of detention, it is necessary to strengthen the capacities of the NPM, that is, to increase the number of employees, who, in addition to lawyers, need to be experts of other profiles as well (psychologists, special pedagogues, etc.), and who must have the necessary knowledge in the area of torture prevention.

Also, in the field of strengthening the monitoring team, there is a need to engage a greater number of external experts, especially doctors specializing in psychiatry and forensic medicine, whose professional knowledge and skills, in compliance with the NPM methodology, recommendations, regulations and standards of CPT, SPT and other relevant international and regional organizations, will contribute to the quality of work of the NPM.

In the coming period, the NPM will strive to strengthen and develop cooperation with civil society organizations in order to actively and at all levels contribute to the quality and efficiency of work of the NPM.

Finally, a need for greater visibility of the NPM was noticed, so the NPM will be faced with a challenge in the coming period to make efforts to promote its reports and results of work through the organization of various forums, round tables, presence in the media, etc. and at the same time, to continue to take actions to raise awareness of the importance of torture prevention.

The NPM would like to make as many unannounced visits as possible in its further work, especially during night or in the early morning. This has been successfully achieved so far when it comes to visits to police stations, institutions for the enforcement of penal sanctions and reception centres for migrants or asylum centres, but visits to social welfare institutions, psychiatric institutions and military facilities still remain a challenge in this regard. In that sense, the NPM will strive to establish a continuous dialogue and organize thematic meetings and trainings to acquaint the employees in these institutions with the mandate of the NPM, previous findings and issued recommendations based on applicable regulations and standards, as well as the importance of their implementation. The change that the NPM would like to contribute to in connection with the above is the unhindered realization of the mandate of the NPM in these institutions and the realization of continuous cooperation that will contribute to improving the work of administrative authorities and the situation in the area of torture prevention.



## CONCLUDING REMARKS

Based on the ten-year monitoring of the treatment of persons deprived of their liberty, it can be concluded that in the Republic of Serbia there is no torture as an organized and encouraged phenomenon by the authorities. An encouraging fact is that the awareness of civil servants who treat persons deprived of their liberty, as well as their leaders, that torture is an illicit act, prevails. Numerous testimonies of persons deprived of their liberty interviewed during the NPM visits testify to this, who stated to members of the NPM team that they were not victims of abuse, that the conduct of officials towards them was fair and professional and that they were not aware that other persons were exposed to any form of abuse.

However, this does not mean that there is no torture or other forms of abuse in the Republic of Serbia. Individual cases of torture or ill-treatment are always possible, because torture, like any other abuse, is often conditioned or incited by the circumstances of a particular situation or event, but it is never justified. Namely, the prohibition of torture is absolute, and there is no circumstance, situation, incentive, etc. that can justify it.

Analysing the previous ten years of work, the NPM expresses satisfaction that the recommendations from the reports issued by the NPM after the visits were largely acted on. This has contributed to the improvement of the treatment of persons deprived of their liberty, the improvement of the work of the authorities and, in general, the prevention of torture and other forms of ill-treatment.

However, there are still certain systemic problems pointed out in this publication, which we hope will be overcome in the future through continuous dialogue and activities undertaken by the NPM within its mandate, and joint efforts will contribute to the improvement of the situation of persons deprived of their liberty and the prevention of torture.

Also, despite the fact that steps have been taken on the normative level regarding the prevention of torture and other forms of abuse, as well as the improvement of treatment of persons deprived of their liberty, it should be borne in mind that combating inadequate treatment does not only mean that appropriate legal norms need to be adopted, but also that necessary steps need to be taken in order to ensure their implementation, including the

timely transmission of information on inadequate treatment to the competent prosecutorial and judicial authorities, as well as the conduct of effective investigations into allegations of inadequate treatment, all with the aim of achieving "zero tolerance" for torture and building a culture of punishment for crimes, establishment of individual responsibility and sanctioning of the perpetrators. This also requires the improvement of internal control mechanisms, the prosecutor's offices and the courts in order to effectively and efficiently combat torture. For the prevention of torture, it is especially important to urgently conduct effective investigations into all allegations of possible abuse, to enable adequate and timely support to all victims of abuse and to guarantee certainty of punishing perpetrators.

It is also necessary to develop a system of continuous trainings on human rights for all those who treat persons deprived of their liberty, so that certain actions would not turn into degrading or inhuman treatment.

Bearing in mind that the right to physical integrity and human dignity are fundamental human rights and that the prohibition of torture in general international law is treated as an imperative norm which is binding on all states, the Republic of Serbia is obliged to implement activities and measures aimed at ensuring full respect for the prohibition of 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 all of us, and the right to dignity, according to the Constitution, stands before the right to life among the provisions on human rights and freedoms. Human dignity is inviolable and everyone is obliged to respect and protect it<sup>41</sup>!

The publication that stands before you, represents another contribution to building a society without torture that respects the physical and mental integrity and dignity of every citizen, in every situation, without exceptions and regardless of the circumstances.

We thank all the bodies, associations and individuals with whom we have cooperated over the past ten years in performing the tasks of the National Preventive Mechanism.

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<sup>41</sup> Article 23 of the Constitution of the Republic of Serbia



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