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IMPACT ASSESSMENT OF THE DEVELOPMENT STRATEGY FOR THE SYSTEM OF ENFORCEMENT OF CRIMINAL SANCTIONS IN THE REPUBLIC OF SERBIA UNTIL 2020

**(in relation to the Recommendations in the Screening Report for Chapter
23 and Interim Benchmarks set out in the EU Common Position)**

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EXECUTIVE SUMMARY

With respect to the harmonisation of the legal framework with European standards, Serbia has implemented all the activities laid down by the Action Plan for Chapter 23 and has attained a high level of alignment with relevant international standards. However, the introduction of the life imprisonment sentence by virtue of the 2019 amendments to the Criminal Code, without the possibility of conditional release, has caused concern in the European Commission regarding the compliance of such an arrangement with the European standards. In the previous period, significant steps and large investments were made in the construction and reconstruction of infrastructure in the system for enforcement of criminal sanctions. These efforts have also been recognized by the European Commission, which has positively assessed the progress. Over the analysed period, the greatest progress in respecting the rights of persons deprived of liberty was achieved through the enlargement and upgrades of accommodation capacities, planned and systemic reduction of prison overcrowding and improved availability of information to persons deprived of liberty about the rights pertaining to them. Significant progress has also been made regarding the development of new treatment programmes, training courses for their implementation and consequently the standardisation in the operation of the treatment service. Particularly vulnerable categories of sentenced persons are especially involved in this process. Initial steps have been taken to develop conditional release programmes as well as to standardise reports. In the analysed period, the greatest progress with respect to improving the health care of persons deprived of liberty was achieved through the reconstruction of the Special Prison Hospital in Belgrade. The system continues to face a serious shortage of medical staff, as well as inadequate conditions and equipment in certain health care services. Delays in the adoption of the new Job Classification Act in the Administration for the Enforcement of Criminal Sanctions (*Ser.* UIKS), and in the beginning of the operation of the reformed Department for the Enforcement of Non-custodial Sanctions, preclude the full utilisation of broad legal possibilities for imposing and enforcing alternative sanctions. The chronic shortage of staff in commissioners' offices and the fact that a significant portion of their tasks is performed by treatment officers, which results in backlogs in both segments of their work, undermines the sustainability of the current system and affects its quality and efficiency. Underdeveloped inter-institutional cooperation regarding the implementation of prison aftercare, as well as the lack of information, significantly impede the reintegration of former sentenced persons. In spite of the constant engagement of the treatment service staff who work with juveniles, both in training programmes and in the development and piloting of new treatment programmes, their enthusiasm and commitment cannot always compensate for the understaffing, so continuous strengthening of human resources is necessary. Despite the vital importance of the supervisory role of the National Preventive Mechanism, there is still a multi-year delay in broadening its legal powers through amendments to the Law on the Ombudsperson (Protector of Citizens). Significant breakthroughs have been made in strengthening the human resources of the Ombudsperson's Office. It is necessary to maintain the continuity and substance of cooperation of UIKS and the Ombudsperson's Office with NGOs included in the NPM.

1. Introduction

1.1. Project Framework

The Council of Europe (CoE) and the European Union (EU) are providing ongoing support to the authorities of the Republic of Serbia in their efforts to comply with the standards set out in the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and to implement the recommendations of the European Committee for the Prevention of Torture (CPT) and relevant judgments of the European Court of Human Rights (ECtHR). These activities are carried out in close cooperation and in partnership with the Ministry of Justice, the Ministry of the Interior, the Ministry of Health and the Ministry of Labour, Employment, Veterans and Social Affairs, the Office for Human and Minority Rights, the Ombudsperson and the Ministry of European Integration. The activities also involve a wide spectrum of other relevant stakeholders, as well as civil society organisations active in the field of protection and promotion of human rights.

The **overall objective of this project** is to strengthen the human rights of detained and sentenced persons in Serbia, by ensuring compliance with benchmark European standards, particularly the recommendations made in CPT reports and ECtHR judgments, and assist the authorities with advancing further in the process of European integration.

The **objective of the Impact Analysis** of the Development Strategy for the System of Enforcement of Criminal Sanctions in the Republic of Serbia until 2020 is to make an assessment of the impact, i.e., the achievement of the Strategy in relation to the recommendations set out in the Screening Report for Chapter 23 and the interim benchmarks from the EU Common Position, as well as to identify the greatest challenges in reform processes and define recommendations for addressing them in the new strategy.

1.2. Chapter 23 as a Reform Framework

The Development Strategy for the System of Enforcement of Criminal Sanctions in the Republic of Serbia until 2020 (hereinafter: the Strategy)¹ was adopted in December 2013², i.e., a mere three months after Serbia had begun intensive work on the harmonisation with EU standards

¹ Development Strategy for the System of Enforcement of Criminal Sanctions in the Republic of Serbia until 2020, *RS Official Gazette*, no. 114/2013.

² Conclusion on the Adoption of the Action Plan for the Implementation of the Development Strategy for the System of Enforcement of Criminal Sanctions in the Republic of Serbia until 2020, *RS Official Gazette*, no. 85/2014.

under Chapter 23 with the explanatory meeting. In line with that, the Strategy defines Chapter 23, i.e., EU accession negotiations as a reform framework.

Chapter 1.3. (Role and Importance of the Strategy) sets forth that the Strategy is of great importance and a basis for defining guidelines, *inter alia*, which the Administration for the Enforcement of Criminal Sanctions will rely on in the process of meeting European standards and joining the European Union. In addition to this general framework, the EU membership has been highlighted as a reason for planning and undertaking additional reform steps regarding alternative sanctions and measures - Chapter 3.9 which stipulates that the system of alternative measures and sanctions is well developed in most European Union countries, and that the Council of Europe membership and the European Union accession process imply putting in place a whole range of non-custodial measures and sanctions.

Following the screening of the compliance of the RS normative and institutional framework with relevant EU standards under Chapter 23, completed in September (explanatory meeting) and December 2013 (bilateral meeting), the European Union prepared and transmitted to the Republic of Serbia the Screening Report for Chapter 23 in May 2014.³ The screening report featured an overview of the situation in all key areas, including the area of enforcement of criminal sanctions, and defined a series of recommendations that have set the course of further reforms in this area in the years to follow. Guided by these recommendations, the institutions of the Republic of Serbia have developed an Action Plan for Chapter 23 (hereinafter: Action Plan, AP 23)⁴, which was adopted by the Government of the Republic of Serbia in April 2016. In this comprehensive strategic document, the Republic of Serbia has set forth a detailed reform road map aimed at implementing the European Commission's recommendations provided in the Screening Report.

Only a few months after the adoption of the Action Plan, in July 2016, negotiations on Chapter 23 were officially opened in Brussels. On the opening day of the negotiations, the EU Common Position for Chapter 23 was adopted,⁵ containing a comprehensive list of interim benchmarks, whose purpose is to enable the European Commission to efficiently measure the effectiveness of reforms under entire Chapter 23, including the system for enforcement of criminal sanctions.

It is important to mention here that the Negotiating Group for Chapter 23 started to work on the revision of the Action Plan back in 2018, since the time limits for most of the activities planned by this policy document expired at the end of that year. Even after two versions of the revised document, as well as extensive consultations with the European Commission, the revision process

1 Screening Report for Chapter 23, available at: <https://www.mpravde.gov.rs/tekst/7073/izvestaj-o-skriningu.php>, accessed on 25 March 2020

4 Action Plan for Chapter 23, available at: <https://www.mpravde.gov.rs/tekst/12647/akcioni-plan-za-pregovaranje-poglavlja-23-usvojen-na-sednici-vlade-srbije-27-aprila-2016.php>, accessed on 24 March 2020.

5 EU Common Position for Chapter 23, available at: <https://www.mpravde.gov.rs/tekst/13244/pregovaracka-pozicija.php>, accessed on 25 March 2020.

has not yet been completed, so the version of the Action Plan adopted in 2016 remains the only valid version.

Taking into account the list of sources of verification of the achieved results included in the Action Plan, in addition to the content of the report of the Council for the Implementation of the Action Plan for Chapter 23,⁶ the conclusions and recommendations in this Analysis will also be based on the following:

- Reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- Annual progress reports on Serbia in the segment related to the prohibition of torture and inhuman or degrading treatment and punishment;
- Reports of the Ombudsperson regarding the prevention of torture and inhuman or degrading treatment and punishment;
- Report of the National Preventive Mechanism against torture (NPM).

1.3. Relationship between the Strategy, the Action Plan, and the EU Common Position

If we look at the relationship between the Strategy, the Action Plan and the EU Common Position⁷, it is necessary to examine this relationship both from the chronological perspective, i.e., the sequence in which they were adopted, and from the perspective of the hierarchy of legal acts and the level of detail in the approach to the subject-matter.

Bearing this in mind, the EU Common Position as the last adopted document, and the interim benchmarks laid down by it, constitute a reform landmark that should primarily be kept in mind when analysing the accomplished results and defining new reform objectives. Since the interim benchmarks are based on the assumption that the activities defined in the Action Plan, and consequently the recommendations provided in the Screening Report, will be implemented, in addition to the requirements set by the interim benchmarks, it is important to pay attention to those areas as well where the implementation of the Action Plan turned out to be particularly unsuccessful.

In terms of the level of generality, the AP 23 constitutes an umbrella policy document in the justice sector, and therefore its activities are limited exclusively to the priorities from the standpoint of the European Commission, while the Strategy recognizes all areas of importance to the efficient

⁶ Available at: <https://www.mpravde.gov.rs/tekst/26470/izvestaji-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>, accessed on 14 April 2020

⁷ Given the extremely poor quality of the translation of the Screening Report and the EU Common Position for Chapter 23, in the analysis we relied primarily on their original texts in English, thus departing from the translations of these two documents available on the website of the Ministry of Justice.

functioning of the system for the criminal sanctions enforcement in conformity with relevant international standards.

Finally, when it comes to hierarchy, the mentioned policy documents are all adopted by the Government of the Republic of Serbia, so in that sense it is necessary to only take account of their mutual alignment in terms of content and sequencing, including the new Strategy whose drafting is at its nascent stage.

Having all the above in mind, in the text below we will first identify those priority areas of the Strategy which are also recognized by the Action Plan and the interim benchmarks as pivotal in the European integration process, and then analyse the extent to which activities planned in these areas have been implemented, with a view to identifying slippages and/or setbacks in the already planned reform processes, and in defining new priorities in accordance with the requirements of the European Commission.

2. Reform Priorities of the System for Enforcement of Criminal Sanctions in the Context of Chapter 23

2.1. Screening Report for Chapter 23

As previously mentioned, the first "list of priorities" concerning the system for enforcement of criminal sanctions is contained in the Screening Report, whose segment featuring an overview of the situation in the field of prohibition of torture and inhuman or degrading treatment and punishment, that is, the situation that prevailed in this field in early 2014 when this document was drafted, noted the following: "Torture and inhuman or degrading treatment are prohibited by the Constitution and constitute criminal offences under the Criminal Code. The relevant international instruments have been ratified. Since 2011, monitoring is provided by the State Ombudsman as the national prevention mechanism. However, its administrative capacities need to be further strengthened."... "Regarding prison conditions, there have been some recent measures to improve living conditions in prisons (e.g. through the amnesty law and the increased use of home imprisonment monitored by electronic tagging) but these are still not fully aligned with the European standards, in particular as regards prison overcrowding and health care services for prisoners". The report also noted that new strategy for further development of the correctional system for the period 2013-2020 was adopted in December 2013, as well as that a new Law on Enforcement of Criminal Sanctions and a new Law on Enforcement of Non-custodial Sanctions and Measures (i.e. Law on Probation) were under preparation at that point in time and that they should help in further improving the situation.

In addition to the above, the EC pointed out that, although "the legal framework on the prohibition of torture is largely in place", its practical and consistent implementation and its institutional set-up required further alignment with international standards, including the case law of the European Court for Human Rights. "This includes, *inter alia*, the full implementation of the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Education and training of judiciary and law enforcement staff regarding prevention of torture and ill-treatment need to be enhanced."⁸

With regard to the status of juveniles in the justice system, special programmes tailored to the needs of children and youth are consistently established and efforts are made to improve detention facilities that are currently not in line with international standards.

Based on both observations, the European Commission has defined the following recommendations:

Prohibition of torture and inhuman or degrading treatment or punishment

- Fully implement the recommendations provided by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The position of the Ombudsperson, the provincial and local Ombudspersons services

- Strengthen the capacity of the Ombudsperson (in particular in view of his role as national preventive mechanism), the provincial and local Ombudspersons services.

Prison system

- Further improve prison conditions and take measures to reduce the prison population, in particular alternative sanctions could be further explored. Take measures to effectively reduce ill treatment in police custody.
- Improve the protection and enforcement of rights of the children and of persons with disabilities, including by strengthening the relevant institutions, ensuring better cooperation between the judiciary and the social sector and by fully implementing legislation on juvenile justice in line with EU standards.

The following can be noticed even at first glance:

- The EC treats reforms of the system for the enforcement of criminal sanctions from four different angles:

⁸ For more information, please see: Screening Report for Chapter 23, available at: <https://www.mpravde.gov.rs/tekst/7073/izvestaj-o-skriningu.php>, accessed on 25 March 2020.

- 1) From the angle of guiding institutions in Serbia towards implementation of reform measures in the service of fulfilling the CPT recommendations. This has twofold significance in practice. First, the EC takes a position here to leave details to the expertise of the CPT. Moreover, this approach allows for flexibility in the implementation and in the revisions of the Action Plan, considering the fact that, in such a context, reform steps are always adjusted to the "most recent" CPT recommendations;
- 2) From the angle of strengthening the supervisory mechanisms of the NPM, which exert indirect impact on the quality of the system for the enforcement of criminal sanctions;
- 3) From the angle of improving living conditions in prisons and reducing their overcrowding – while recognizing wider application of alternative sanctions as the primary mechanism for this;
- 4) From the angle of improving the status of juveniles.

2.2. Action Plan for Chapter 23

In the introductory part of the Action Plan, the Subchapter entitled *Fundamental Rights*, it is pointed out that "In the field of prevention and prohibition of torture and ill-treatment, the Republic of Serbia plans to strengthen the capacity of the Ombudsperson, particularly with regard to its role as the National Preventive Mechanism, through the provision of the necessary number and composition of staff for the efficient performance of tasks within its purview and improvement of its organisational, functional and financial independence. Also, by establishing specific communication channels between police officers, the NPM and civil society organisations, it is planned to increase the level of coordination and raise general awareness about the necessity of full elimination of all forms of torture. Through initial and continued training intended for police officers, staff at the correctional institutions and enforcement judges, a higher level of competence and awareness of the necessity to establish zero tolerance of torture will be achieved."⁹

Furthermore, it was underlined that "adequate infrastructure at the correctional institutions constitutes an important aspect of the prevention of torture, hence the Republic of Serbia plans to invest considerable efforts to build new correctional institutions and renovate the existing facilities during the period of implementation of the Action Plan for Chapter 23. In addition to the renovation of the correctional institutions, considerable attention will be paid to the improvement of conditions in the Special Prison Hospital in Belgrade. Besides the infrastructure of the correctional institutions, significant efforts will be made to improve the infrastructure of the detention facilities in police stations. The problem of overcrowding in the correctional institutions will be addressed by using a dual-track approach, both through infrastructure investments and through the development and further improvement of the alternative sanctions system. In the

⁹ Screening Report for Chapter 23, available at: <https://www.mpravde.gov.rs/tekst/7073/izvestaj-o-skriningu.php>, accessed on 25 March 2020, p. 33.

formulation of all measures for the prevention and suppression of torture and ill-treatment, special attention is paid to the Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the implementation of the received recommendations is the main focus of all activities in this area. “¹⁰

With a view to creating a clearer picture of the situation preceding the definition of activities set forth in the Action Plan, the introductory part of this policy document features an overview of reform achievements in the course of 2014 and 2015, with these years being also the first two years of the implementation of the Strategy.

Thus, with regard to the **reconstruction of the existing accommodation capacities of correctional institutions** in line with European standards, until that point in time, one accommodation block in the Belgrade District Prison was refurbished and occupied, as well as in the Special Prison Hospital in Belgrade. A walking area for psychiatric patients undergoing the measure of mandatory treatment was developed. At the same time, one accommodation block was refurbished and occupied, while works on the second block in the Valjevo Penal Correctional Institution (PCI) were in progress, and the design documentation was developed for the Požarevac Women's Penal Correctional Institution. The construction of new facilities aimed at improving living conditions at the PCIs began with the preparation of the design documentation for the PCI in Pančevo. In order to ensure more effective judicial review and supervision of the respect for the rights of persons deprived of liberty, the Law on Enforcement of Criminal Sanctions and the rulebooks governing the status of detained persons have been printed and distributed. Also, the Manual for Sentenced Persons and the Manual for Remand Prisoners, as well as complaint and grievance forms, have been printed and distributed.

When it comes to **improving the position of the Ombudsperson**, the Provincial Ombudsperson and ombudspersons of local self-government units, it was pointed out that with regard to strengthening the capacity of the Professional Support Service of the Ombudsperson's Office, the Rulebook on Organisation and Job Classification was adopted.

In addition to the above, the Action Plan also highlights progress in the training of enforcement judges in the area of rights of detained persons, with the support of the OSCE, as well as the establishment of a network of alternative sanctions offices (25 offices in total). The establishment of a network of alternative sanctions offices was accompanied by the implementation of continued training for judicial office holders and newly appointed commissioners for alternative sanctions.¹¹ „In order to strengthen cooperation and ensure conditions for efficient social reintegration of

¹⁰ *Ibidem*

¹¹ In the course of 2014 and 2015 training courses were held for 40 persons performing the tasks related to alternative sanctions.

sentenced persons after they have served their sentences, two protocols on cooperation were signed between the alternative sanctions offices and local self-government units in Valjevo and Niš.¹²

In the segment related to the rights of the child, it was indicated that, for the purpose of full implementation of the European standards, the work on improvement of the juvenile justice system will be continued, in particular by enabling annual increases in the number of children who benefit from the child-oriented judiciary, through the more extensive use and the introduction of new educational orders, tailored preparation for release carried out by trained judicial and other professionals, infrastructure improvements and wider application of alternative sanctions.¹³

When it comes to measures and activities which set the course of the reform in the Action Plan, it is important to emphasize that, in accordance with the recommendations made in the Screening Report, they are grouped into four units, following the structure and sequencing of the said recommendations. This has resulted in the fact that the set-up of this policy document differs significantly from the manner in which the priority areas have been identified and addressed by the Strategy. In addition, entire units or series of identical activities are repeated for each of the mentioned recommendations.

2.4. Interim Benchmarks as the Reform Imperative

Bearing in mind that the interim benchmarks in the EU Common Position were formulated on the basis of the assumption of successful implementation of the Action Plan for Chapter 23, their content clearly points to the narrowing of the reform focus, i.e., a smaller number of areas to which the European Commission will devote its attention in the future.

Thus, **interim benchmark 36** sets out:

- Serbia further amends the law on the Ombudsperson so as to strengthen its independence in line with international standards. Serbia strengthens the institutional capacity of its ombudsperson structures, including its role as National Preventive Mechanism for Torture. Serbia actively and continuously gives public support to relevant independent human rights institutions.¹⁴

This interim benchmark shows that efficient supervision of the system for enforcement of criminal sanctions remains in the focus of the European Commission.

¹² Action Plan for Chapter 23, available at: <https://www.mpravde.gov.rs/tekst/12647/akcioni-plan-za-pregovaranje-poglavlja-23-usvojen-na-sednici-vlade-srbije-27-aprila-2016.php>, accessed on 24 March 2020.

¹³ *Ibidem*

¹⁴ 36. Srbija dalje menja Zakon o Zaštitniku građana sa ciljem jačanja njegove nezavisnosti u skladu sa međunarodnim standardima i jača institucionalne kapacitete Ombudsmana, uključujući njegovu ulogu kao Nacionalnog preventivnog mehanizma protiv torture. Srbija aktivno i kontinuirano pruža javnu podršku relevantnim nezavisnim institucijama za zaštitu ljudskih prava.

In addition to the above, **interim benchmark 37** sets out:

- Serbia implements all recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) and invests in improving infrastructure and living conditions in prisons (including healthcare), detention centres and psychiatric institutions. Serbia actively works on reducing overcrowding and conducts training and awareness raising on the rights of persons in detention.¹⁵

It is clear from the second interim benchmark that the EC will continue to rely on the CPT's assessments and recommendations in the future, while nevertheless singling out several areas that it sees as priority areas:

- improving living conditions in prisons, including reducing overcrowding;
- increasing the level of competence/training;
- awareness raising about the rights of persons deprived of liberty.

The above areas, together with the activities referred to in the AP 23 which have not been implemented, should form the pillar of the future strategy.

With all this in mind, in the text below we will opt for an approach that implies assessing the level of implementation of those activities laid down by the Strategy which have also been recognized as priorities by the European Commission, and addressed by the Action Plan for Chapter 23 and the EU Common Position.

3. Level of Implementation of the Strategy relative to the Requirements of Chapter 23

Area 3.1: Legal Framework and Regulations

This priority area of the Strategy provides for the adoption of laws and bylaws that provide a legal framework for further development of a stable, efficient, and humane system for enforcement of criminal measures and sanctions in line with European standards. The priority activities in this area include:

¹⁵ 37. Srbija primenjuje sve preporuke Evropskog komiteta za prevenciju torture i nehumanog ili degradirajućeg postupanja (*CPT*) i investira u unapređenje infrastrukture i uslova života u zatvorima (uključujući zdravstvenu zaštitu), pritvorskim jedinicama i psihijatrijskim ustanovama. Srbija aktivno radi na smanjenju prenaseljenosti u zatvorima i sprovodi obuke, kao i podizanje svesti o pravima lica lišenih slobode.

- Organizing public panel discussions at which the texts of the Draft Law on Enforcement of Criminal Sanctions and the Draft Law on Enforcement of Non-custodial Sanctions and Measures will be presented to the professional circles and other members of the public;
- Drafting relevant bylaws, a prison designation model document, and a job classification act of the Administration;
- Organizing seminars for employees of the Administration for the purpose of familiarizing them with new arrangements provided for by laws and bylaws;
- Proposing amendments to the criminal law legislation aimed at introduction of new forms and types of alternative measures and sanctions and alignment with European standards in this area.

Bearing in mind that a set of new laws was adopted during the early stage of the implementation of the Strategy, i.e., during the drafting of the AP 23, the European Commission's focus on improving the legal framework, as part of monitoring the progress achieved by the Republic of Serbia in the negotiations, was on the last activity on the list, and on the broadening of powers vested with enforcement judges. Since the Strategy devotes a separate chapter to the extended application of alternative sanctions, in the text below we will discuss statutory powers of enforcement judges in more details.

In this regard, Chapter 3.1. of the Strategy identifies the following priority activities:

- Training enforcement judges in the field of the rights of persons deprived of liberty, contemporary developments in the enforcement of criminal sanctions and accepted trends in the field of treatment and prison aftercare of such persons;
- Informing persons deprived of liberty about their rights and the possibilities for protecting them in proceedings before an enforcement judge.

Furthermore, it was noted that the competences of an enforcement judge will be extended over time, in accordance with the competences they have in developed systems.

The AP 23 has also taken this direction, by setting out the following in measure 3.3.1.: "Further improve prison conditions and take measures to reduce the prison population, in particular alternative sanctions could be further explored. Take measures to effectively reduce ill treatment in police custody" and in activities 3.3.1.8-3.3.1.10: "Ensure more effective judicial review and supervision over the rights of individuals deprived of liberty by establishing sustainable systems of provision of information to individuals deprived of liberty on the content of their rights and protection mechanisms in the proceedings before the enforcement judge" (activity 3.3.1.8.), then, "Development of a plan to expand competences of enforcement judges in the Law on Enforcement of Criminal Sanctions" (activity 3.3.1.9, Q2 – Q3 2016), and then "Amend the Law on Enforcement of Criminal Sanctions in order to broaden competences of enforcement judges" (activity 3.3.1.10, Q1 2017).

As part of the implementation of the above activities, in 2016, the Administration for the Enforcement of Criminal Sanctions, in cooperation with the OSCE Mission to Serbia, initiated the preparation of a comparative legal analysis into the responsibilities of enforcement judges in those legal systems where the enforcement judge has broader powers during the serving of a sentence and after the legal validity of the judgment, and the study was completed in 2017, as a starting point for drafting proposals for amendments to criminal legislation in this area. In the next step, in the same year, a working group comprising representatives of the Administration for the Enforcement of Criminal Sanctions and enforcement judges, with the support of the OSCE Mission, devised a plan for broadening the powers of enforcement judges in the Law on Enforcement of Criminal Sanctions.

The plan has envisaged the definition of new alternative measures which change the manner of enforcement of prison sentences, namely:

- issuing a decision to commute a prison sentence not longer than one year to a ban on leaving the premises where the sentenced person resides (house arrest);
- issuing a decision that a sentenced person, who has been classified to a semi-open or an open ward of the correctional institution, can be sent to work full time with the employer outside the correctional institution, and stay at the correctional institution the rest of the time, which contributes to more efficient implementation of the treatment programme and easier integration into society after they have served their sentence, to prevent their reoffending in the future;
- issuing a decision on early release of a sentenced person from prison in certain cases, such as: serious illness, severe disability, or age of the sentenced person, where further execution of the prison sentence would be inhumane.

The plan to broaden the competences of enforcement judges, which provides for the prescribing of new alternative measures to change the manner of execution of prison sentences, was presented to the members of professional circles at a regional round table organised with the support of the OSCE Mission to Serbia, on the topic of "Alternative Sanctions", held in June 2018.

Based on the Plan, in May 2019, the Law on Amendments to the Law on Enforcement of Criminal Sanctions was adopted (*RS Official Gazette* No. 35/2019). The new legal arrangements have broadened the powers of enforcement judges to include the issuance of the following decisions:

- a decision that a legally valid prison sentence not longer than one year may be enforced on the premises where the sentenced person resides (house arrest) if the purpose of sentencing can be achieved by changing the manner in which the prison sentence is executed;
- a decision that a sentenced person who has been classified to a semi-open or an open ward of the correctional institution may be sent to work full time with the employer outside the correctional institution, and stay at the correctional institution the rest of the time. Working with the employer will contribute to more efficient implementation of the treatment

programme and easier integration into society after they have served their sentence, to prevent their reoffending in the future;

- a decision on early release of the sentenced person from prison, at most 12 months prior to the expiry of the sentence, if the sentenced person has served half of their prison sentence, due to serious illness, severe disability or age of the sentenced person, if further execution of the prison sentence would constitute inhuman treatment.

When it comes to the EC's assessment of the enacted amendments, it is important to note that they have remained overshadowed by the introduction of life imprisonment. In the Serbia 2019 Report, the EC did not *a priori* negatively comment on this change, but pointed out that there is relevant case law of the European Court of Human Rights on this subject-matter, and that it is necessary to analyse this segment of the Criminal Code in light of the provisions of the European Convention on Human Rights and relevant case law of the European Court of Human Rights.¹⁶

Conclusion: With respect to the harmonisation of the legal framework with European standards, Serbia has implemented all the activities laid down by the Action Plan for Chapter 23 and has attained a high level of alignment with relevant international standards. However, the introduction of the life imprisonment sentence by virtue of the 2019 amendments to the Criminal Code, without the possibility of conditional release, has caused concern in the European Commission regarding the compliance of such an arrangement with the European standards.

Recommendation 1: Carry out an analysis of the alignment of recent amendments to the Criminal Code, in the segment relating to life imprisonment without the possibility of conditional release, with the relevant provisions of the European Convention and case law of the European Court of Human Rights.

Area 3.2: Infrastructure Upgrades in the Criminal Sanctions Enforcement System

The Strategy (Chapter 3.2. Infrastructure) stipulates that, in accordance with the analysis of the trends in the number of persons deprived of liberty and the structure of the imprisonment type and length, the current situation regarding accommodation conditions in correctional institutions, costs and available material resources, the accommodation capacities are to be aligned with prescribed standards by 2020. To that end, the following activities are planned:

¹⁶ European Commission, Serbia 2019 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2019 Communication on EU Enlargement Policy {COM(2019) 260 final}, Brussels, 29.5.2019, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>, last accessed on 5 May 2020, p.24.

- Construction of new facilities and correctional institutions;
- Reconstruction of accommodation capacities of the existing correctional institutions in accordance with European standards;
- Analysis of material savings and introduction of modern technologies.

Moreover, the Strategy plans for these infrastructure activities to be accompanied by measures to improve the system for enforcement of criminal sanctions, by developing the probation service and introducing new measures and sanctions to be implemented in the community, as well as the development of prison aftercare of sentenced persons.¹⁷

The Action Plan for Chapter 23 addresses the issue of infrastructure improvements in the system for enforcement of criminal sanctions in three out of four relevant recommendations, namely through the following measures and activities:

Measure: 3.1.1. Fully implement the recommendations provided by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The implementation of this measure is more specifically regulated through activity 3.1.1.9. "Construction of new buildings and departments in order to improve living conditions in prisons:

- Initiate the construction of prisons in Pančevo and Kragujevac;
- Finalisation of works on the construction of prisons in Pančevo and Kragujevac enabling the start of their operation, (Finalisation of works: 2018)", as well as through activity 3.1.1.10. **which envisages** "Reconstruction of existing accommodation capacity of the current correctional institutions in accordance with European standards and their alignment with existing standards, namely:

- Belgrade District Prison
- Užice District Prison
- PCI Valjevo
- PCI Zabela
- PCI Čuprija
- PCI Niš
- Penal Correctional Institution for Women Požarevac
- Juvenile Educational-Correctional Institution Kruševac
- Special Prison Hospital Belgrade“ with the implementation deadline by end-2018.

The same activities are envisaged under measure 3.3.1. "Further improve prison conditions and take measures to reduce the prison population, in particular alternative sanctions could be further explored. Take measures to effectively reduce ill treatment in police custody", designated as

¹⁷ Development Strategy for the System of Enforcement of Criminal Sanctions in the Republic of Serbia until 2020, *RS Official Gazette*, no. 114/2013.

3.3.1.1. and 3.3.1.2. Finally, the segment related to the reconstruction of the Belgrade Special Prison Hospital is represented under measure 3.6.2. as well: "Improve the protection and enforcement of rights of the child and of persons with disabilities, including by strengthening the relevant institutions, ensuring better cooperation between the judiciary and the social sector and by fully implementing legislation on juvenile justice in line with EU standards", i.e., activity 3.6.2.18. which provides for "Setting up a separate department for the enforcement of the measure of mandatory psychiatric treatment and custody imposed on juveniles in a special prison hospital," with the implementation deadline in Q4 of 2017.

In light of the above, it is clear that the state of infrastructure in the system for enforcement of criminal sanctions in 2013 was at a disturbingly low level. Moreover, it is important to note that at the same time this area constitutes one of the areas where the greatest progress has been made during the implementation of the Strategy, as well as the entire Action Plan for Chapter 23.

This is also corroborated by the fact that:

- In January 2016, the planned investment works were completed at the **Užice District Prison** - annexing a floor, and thus securing new premises for medical examinations of persons deprived of liberty and for the work of treatment officers.
- Reconstruction has been completed of all accommodation capacities for persons deprived of liberty in the boarding house building at the **Juvenile Correctional Institution in Valjevo**, which was occupied on 1 December 2015.
- In December 2015, a part of the fifth residential building for the accommodation of the elderly and persons with disabilities at the **Penal Correctional Institution in Požarevac-Zabela** was put into operation.
- Towards the end of 2017, the reconstruction of one block in the **Belgrade District Prison and one block in the Belgrade Special Prison Hospital** was completed, as well as the reconstruction of the **hospital for the accommodation of patients at the Penal Correctional Institution in Sremska Mitrovica**. The planned reconstruction of the **Special Prison Hospital** was completed with the reconstruction of the block for the execution of the security measure of the treatment of drug addicts.
- Reconstruction of one block at the **District Prison in Belgrade** was completed in November 2019.
- A facility for accommodating 169 female inmates at the **Požarevac PCI for Women** has been furnished and equipped.
- The construction of a pavilion for accommodation of 216 inmates at the PCI in Požarevac-Zabela was completed, while the construction of two more pavilions for the accommodation of 440

persons deprived of liberty is in progress, with May 2020 as the completion deadline for Pavilion no. IV and December 2020 for Pavilion no. III

- The construction of a new pavilion for accommodation of 320 inmates is underway at the **PCI Sremska Mitrovica**, with September 2020 as the completion deadline, and of a new pavilion at the **District Prison in Leskovac** for accommodation of 200 inmates, with May 2020 as the deadline.

- The newly built PCI in **Pančevo** commenced operations in October 2018. The accommodation capacity of the correctional institution is for 555 persons deprived of liberty. It is built in accordance with European standards in terms of accommodation for inmates - an indoor gym, a workshop, a room for accommodation of persons with disabilities, fully equipped health care services, patient rooms, and a dental office. The correctional institution is equipped with the latest security systems.

In addition to the listed facilities where works have been completed, in December 2019 the construction of a prison in **Kragujevac** commenced, for accommodation of 400 persons deprived of liberty.

Despite all the above measures, the annual report of the National Preventive Mechanism states that there are still many inadequate facilities used for accommodation of convicted and remand prisoners. "Prisons in Serbia have been overcrowded for years, with poor material conditions and located in buildings that do not meet modern requirements for the treatment of persons deprived of liberty," says the Report. Understaffing has been identified as a problem in most correctional institutions, especially in the security and treatment services, together with their unresolved employment status. In its reports, the NPM specifically points out that, due to the lack of activity, remand and convicted prisoners from closed wards spend most of their time in their dormitories.¹⁸ The Administration for the Enforcement of Criminal Sanctions was recommended to find a more durable solution for the prisons in Sombor, Kruševac, Užice and Zrenjanin.¹⁹

The underlying tone of the European Commission's reports is different; thus, the *Non-paper* as a summary report on progress made with regard to Chapters 23 and 24 for 2019 states that, regarding the prison system, the renovation and modernisation of prisons continued in line with the Strategy²⁰ for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia until 2020.²¹ The assessment of progress in the annual Serbia 2019 Report is in the same

¹⁸ Ombudsperson, National Preventive Mechanism against torture, *Report for 2018*, Belgrade, 2019, available at: <https://www.ombudsperson.rs/index.php/izvestaji/posebnii-izvestaji/6186-2018>, accessed on 12 May 2020, p. 3.

¹⁹ *Op. cit.* p. 15

²⁰ Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia until 2020, RS *Official Gazette*, no. 43/2017

²¹ European Commission, *Non-paper on the state of play regarding Chapters 23 and 24 for Serbia*, Brussels, 13 November 2019, p. 9.

tone²², with a particular emphases being placed on the construction of the new prison in Pančevo and the renovation and modernisation of several prisons, including the prison hospital in Belgrade.

Conclusion: In the previous period, significant steps and large investments were made in the construction and reconstruction of infrastructure in the system for enforcement of criminal sanctions. These efforts have also been recognized by the European Commission, which has positively assessed the progress in the construction and reconstruction of infrastructure in the system of execution of prison sentences, indicating that in this segment the implementation of the Strategy is in line with the requirements set out in Chapter 23.

Recommendation 2: Continue to improve infrastructure in accordance with the recommendations of the Ombudsperson and the CPT recommendations.

Area 3.3: Respect for Human Rights of Persons Deprived of Liberty and Protection of Particularly Vulnerable Categories, and

Area 3.4: Treatment

Considering the previously mentioned differences in the set-up of the Strategy and of the AP 23, thematic areas 3 and 4 of the Strategy are covered by the same activities of AP 23, so the assessment of their implementation will be presented in a single section.

Within Chapter 3.3., the Strategy sets the following priority objectives:

- Continuous work on education of all employees at the Administration in human rights protection;
- Establishment of sustainable systems for informing persons deprived of liberty about their rights and methods for protecting those rights;
- Improving material conditions in correctional institutions and solving the problem of overcrowding in correctional institutions in accordance with the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia for the period 2010 - 2015;

²² European Commission, Serbia 2019 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2019 Communication on EU Enlargement Policy {COM(2019) 260 final}, Brussels, 29.5.2019, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>, last accessed on 5 May 2020, pp. 23-24.

- Developing new treatment programmes, training, vocational education, as well as assistance through occupational therapy for particularly vulnerable categories of individuals (women, juveniles, persons with disabilities, mentally ill persons, addicts, etc.).

At the same time, Chapter 3.4 of the Strategy envisages the following priority activities:

- Improvement of an integrated strategy and guidelines in the field of treatment and preparation for release of sentenced persons, as well as the implementation of appropriate treatment programmes for different categories of sentenced persons;

- Continued training of treatment staff with an emphasis on reviews and revisions of treatment programmes, the application of specialised programmes and programmes that will facilitate better social reintegration and acceptance of sentenced persons after they have served their sentences;

- Development and introduction of specialised treatment programmes related to the prevention of addiction to psychoactive substances, anger control, for perpetrators of sexual and gender-based violence, as well as separate specialised programmes for vulnerable categories of inmates (juveniles, women, persons sentenced to long-term imprisonment, persons with special needs, the elderly, the mentally ill, etc.);

The AP 23 recognizes these priority areas partly under measure 3.1.1. "Fully implement the recommendations provided by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment", and partly through measure 3.3.1 - "Further improve prison conditions and take measures to reduce the prison population, in particular alternative sanctions could be further explored. Take measures to effectively reduce ill treatment in police custody." Further elaboration of these measures is provided through activities 3.1.1.11-3.1.1.12.

Activity 3.1.1.11. reads as follows: "Ensure more effective judicial review and supervision over the rights of convicted persons and detainees by establishing sustainable systems of provision of information to sentenced persons and detainees on the content of their rights and protection mechanisms in the proceedings before the enforcement judge."

With a view to implementing this activity, after amendments to the key pieces of legislation and relevant bylaws, the Law on Enforcement of Criminal Sanctions and the rulebooks governing the status of sentenced persons were printed and distributed. A Guide was prepared for sentenced persons who have just started serving their prison sentences, in order to inform them about their rights and obligations in the correctional institution in a more user-friendly way. A Manual for Remand Prisoners and a Manual for Sentenced Persons have been developed, which inform persons deprived of liberty in a more user-friendly manner about their rights during the execution of a sentence or measure and with prescribed mechanisms for filing complaints, appeals and requests for a judicial review with enforcement judges. In addition, forms were printed, intended for persons deprived of liberty, to be used to file requests for all forms of legal protection, both internal within the Administration and external - with the enforcement judge, and they are an

integral part of the Directive of the Administration Director, which has been circulated to all correctional institutions.²³

In addition to the above, the EC requirements regarding respect for the rights of sentenced persons have been implemented through activity 3.1.1.12. set out in the AP 23, which envisages the following: “Conduct training of staff for the implementation of specialised treatment programmes for sentenced individuals and vulnerable categories of sentenced individuals (juveniles, mentally ill individuals, individuals with substance abuse problems, women, persons with disabilities, elderly persons) for the purpose of their successful reintegration.”

As early as 2016, training of staff was conducted in the implementation of specialised programmes for juvenile offenders, and manuals for the training of penology educators and penology instructors were developed.

In 2017, as part of the project "Strengthening capacities for training, education and employment of sentenced persons" under the EU project - IPA 2013 Funds, specialised treatment programmes for sentenced persons and for particularly vulnerable categories of sentenced persons were developed (cognitive self-assessments, a programme for addicts, a programme for perpetrators of crimes against sexual freedom and programmes for particularly vulnerable categories of sentenced persons, such as juveniles).

In 2018, as part of the EU twinning project "Improving Capacities and Capabilities within the Prison System in the Republic of Serbia", workshops were held for the staff of the treatment services on the topic of the implementation of specialised programmes for sentenced persons, namely: programmes for perpetrators of crimes against sexual freedom, motivational interview and programmes for sentenced persons with mental disabilities. In addition, the Working Group completed the development of two specialised treatment programmes (a general behavioural programme and a group work programme for psychoactive substance addicts), within the project "Enhancing human rights protection for detained and sentenced persons in Serbia", implemented by the Council of Europe. Furthermore, workshops were held for the staff of the treatment service devoted to the implementation of treatment programmes for sentenced persons with mental disabilities within the EU twinning project "Improving Capacities and Capabilities within the Prison System in the Republic of Serbia", and workshops for the staff of the treatment service and security services about work with and treatment of vulnerable categories of inmates.

In 2019, within the EU/Council of Europe funded project under the *Horizontal Facility* (Enhancing human rights protection for detained and sentenced persons), four new specialised treatment

²³ For more information, please see: Reports on the implementation of the Action Plan for Chapter 23, available at: <https://www.mpravde.gov.rs/tekst/26470/izvestaji-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>, accessed on 14 April 2020

programmes for group work with sentenced persons have been developed and were piloted in several correctional institutions. Also, a release preparation programme for persons serving prison sentences of five or more years was developed, with the participation of representatives of the treatment service in correctional institutions, probation officers, the civil sector and the National Employment Service, and its piloting has started.

In cooperation with the OSCE Mission, guidelines have been developed for the compilation of conditional release reports, with a view to achieving their standardisation. The guidelines were presented to treatment officers from all correctional institutions at round tables in the format of an interactive dialogue.

Activity 3.6.2.19. in the Action Plan envisages the development and implementation of specialised treatment programmes and release preparation programmes for juvenile offenders. In that context, a project was implemented in the Kruševac Juvenile Educational-Correctional Institution, within which a new programme was developed for working with juveniles (they are trained to work in a dog shelter, which implies acquiring knowledge and skills necessary for daily care of dogs, socialisation and rehabilitation of dogs and their preparation for adoption). Juveniles also have an opportunity to obtain a certificate that enables them to find employment in animal shelters. In addition, as part of the marking of International Children's Day, the juvenile inmates of the Educational-Correctional Institution in Kruševac performed a theatre play, which has resulted from the idea that problems can be solved through communication and the use of verbal and dramatic expression. A brochure is being drafted, which is intended for non-governmental organisations included in post-penal care of juvenile offenders.

Besides the development of programmes and training of treatment officers, in activity 3.3.1.7. the Action Plan provides for the training of enforcement judges in the fields of: rights of persons deprived of liberty; contemporary trends in the enforcement of criminal sanctions; recognized standards in the field of treatment and prison aftercare.

The last block of activities in which the AP 23 addressed the issue of improving living conditions in correctional institutions (activities 3.3.1.3-3.3.1.6) related to an analysis of the implementation and impact of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia in the period from 2010 to (31/12/2014) 2015, which was carried out in 2015. Based on the recommendations from this analysis, the Administration developed a new Strategy (activity 3.3.1.4.). In May 2017, the RS Government adopted the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia until 2020 (*RS Official Gazette* no. 43/2017), and its integral part is the Action Plan for the implementation of the Strategy, whose development and adoption are envisaged by activity 3.3.1.5. Additionally, activity 3.3.1.6. provides for the full implementation of the Action Plan for the implementation of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions.

As regards the ongoing evaluation of the results achieved in this area by the European Commission, the Serbia 2019 Report on progress states that the revision and improvement of treatment programmes are under way and in line with the CPT Recommendations.²⁴

In the NPM annual report, the issue of organisation of daily activities in correctional institutions was separately covered, so it was recommended that the Administration for the Enforcement of Criminal Sanctions should offer to persons deprived of liberty, especially remand prisoners and sentenced persons classified in closed wards, a sufficient number of available activities and a period in the course of a day to spend in common areas. The Ombudsperson also defined a recommendation related to the improvement of respect for the human rights of sentenced persons, stating that the correctional institutions should improve the process of documenting injuries of persons deprived of their liberty.²⁵

Conclusion: Over the analysed period, the greatest progress in respecting the rights of persons deprived of liberty was achieved through the enlargement and upgrades of capacities for accommodation, planned and systemic reduction of prison overcrowding and improved availability of information to persons deprived of liberty about the rights pertaining to them. Significant progress has also been made regarding the development of new treatment programmes, training courses for their implementation and consequently the standardisation in the operation of the treatment service. Particularly vulnerable categories of sentenced persons are especially involved in this process. Initial steps have been taken to develop conditional release programmes as well as to standardise reports.

Recommendation 3: Undertake an impact assessment of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia until 2020 and define a set of recommendations for the development of a new strategy.

Recommendation 4: Draft and adopt a Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia by 2025 with an action plan to accompany it.

Recommendation 5: Continue with training courses for the implementation of the newly developed treatment programmes, and with work on the development of additional programmes.

²⁴ European Commission, Serbia 2019 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2019 Communication on EU Enlargement Policy {COM(2019) 260 final}, Brussels, 29.5.2019, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>, last accessed on 5 May 2020, pp. 23-24.

²⁵ Ombudsperson, National Preventive Mechanism against torture, *Report for 2018*, Beograd, 2019, available at: <https://www.ombudsperson.rs/index.php/izvestaji/posebni-izvestaji/6186-2018>, accessed on 12 May 2020, p. 16.

Recommendation 6: Continue to develop tailored conditional release preparation programmes for different categories of sentenced persons.

Area 3.5: Health Care of Persons Deprived of Liberty, and Area 3.6: Enforcement of the Security Measure

Chapter 3.5. of the Strategy sets out the following as priority activities in the field of health care of persons deprived of liberty:

- On the basis of the adopted act on internal organisation and job classification of the Administration, fill the vacancies for health care workers in all correctional institutions;
- Continue with the initiated reconstruction of the Special Prison Hospital in Belgrade, and of dedicated health care premises in other correctional institutions, and improve regularity in the procurement of medicines, medical supplies and equipment;
- Improve the system of dental care for all inmates in correctional institutions;
- Establish a department for the enforcement of the security measure of mandatory psychiatric treatment and custody in a medical institution which is imposed on juveniles;
- In cooperation with the ministry in charge of health-related matters, provide medicines for the treatment of HIV (AIDS), Hepatitis C, tuberculosis, and substitution therapy for drug addicts;
- Ensure continued training of health care workers for the implementation of harm reduction programmes for substance addictions and prevention of sexually transmitted and blood-borne diseases and tuberculosis, and secure the sustainability of the programmes in the system for enforcement of criminal sanctions.

Furthermore, in area 3.6. of the Strategy – Enforcement of the security measure of mandatory psychiatric treatment and custody in a medical institution, the following is highlighted in terms of priority activities:

- Continue with the reconstruction of the Special Prison Hospital in Belgrade and introduce new and develop existing specialised programmes;
- Change legal arrangements and introduce the competence of an enforcement judge into the procedure for deciding on the replacement of the security measure;
- Raise awareness about, and train holders of judicial offices, health care workers and staff of the Administration in various positive practices related to security measures that exist in other countries;

- Gradually introduce the responsibilities of the Probation Service in monitoring the enforcement of the security measure of mandatory psychiatric treatment at liberty and assistance in securing the acceptance and reintegration of individuals after the discontinuation of the security measure of mandatory psychiatric treatment and custody in a medical institution.

The Action Plan for Chapter 23, as well as the interim benchmarks, cover these two areas in a single unit, without recognizing all the mentioned priority activities; instead, they focus on infrastructure upgrades at the Special Prison Hospital (as discussed earlier), establishment of a separate department for the enforcement of the security measure of mandatory psychiatric treatment and custody in a medical institution imposed on juveniles at the Special Prison Hospital (activity 3.6.2.18) as well as the need to strengthen human resources in the health care system.

According to all available data, it could be noted that the area of health care is still one of the critical points in the system for enforcement of criminal sanctions in the Republic of Serbia. Namely, the health care system has been struggling with the shortage of medical staff for many years, which is why it is not surprising that the National Preventive Mechanism expressed concern in its report over the fact that, due to the shortage of medical staff it is not possible to ensure their permanent presence in correctional institutions, so therapy in night shifts is administered by non-medical staff - members of the Security Service, while physicians often do not fulfil all the obligations provided for by the regulations, primarily regular medical check-ups of persons in isolation and periodic inspections of conditions in correctional institutions and medical check-ups of persons deprived of liberty. Health care services at correctional institutions often lack equipment, and rooms for patients are not adequate in terms of material conditions and their accessibility.²⁶ Based on these Conclusions, the NPM has recommended to the Ministry of Justice to carry out activities in cooperation with the Ministry of Health aimed at the organisational relocation of the health care services from correctional institution.

As regards mentioned activity 3.6.2.18., only limited progress has been made, with separate accommodation being provided for this category of juveniles at the Special Prison Hospital, but without establishing a separate department.

The European Commission has also noted that a new organisation of the health care system in correctional institutions is yet to be implemented, although it commends the progress made in developing new treatment programmes in prison medical facilities. The EC has recalled that employment of additional staff has been planned in the segment of enforcement of alternative sanctions.²⁷

²⁶ Ombudsperson, National Preventive Mechanism against torture, *Report for 2018*, Beograd, 2019, available at: <https://www.ombudsperson.rs/index.php/izvestaji/posebni-izvestaji/6186-2018>, accessed on 12 May 2020, p. 3.

²⁷ European Commission, Serbia 2019 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2019 Communication on EU Enlargement Policy {COM(2019) 260 final}, Brussels, 29.5.2019, available at:

Conclusion: In the analysed period, the greatest progress with respect to improving the health care of persons deprived of liberty was achieved through the reconstruction of the Special Prison Hospital in Belgrade. The system continues to face a serious shortage of medical staff, as well as inadequate conditions and equipment in certain health care services.

Recommendation 7: Continue with the reconstruction of health care services within the correctional institutions.

Recommendation 8: In cooperation between the Ministry of Justice, the Ministry of Health and the Ministry of Finance, design affirmative measures to encourage the employment of adequate health care staff in the system for enforcement of criminal sanctions.

Area 3.9: Alternative Measures and Sanctions, Social Reintegration and Prison Aftercare

Chapter 3.9 of the Strategy, Alternative Measures and Sanctions, Social Reintegration and Prison Aftercare, sets forth the following priority activities:

- Recruitment of new employees for the tasks of enforcing alternative sanctions and measures;
- Establishment of a separate service for alternative sanctions within the Administration for the Enforcement of Criminal Sanctions;
- Rolling out of the network of commissioners' offices, and the creation of a new organisational framework in accordance with the new legal arrangements and increased needs in the system for enforcement of alternative measures and sanctions;
- Raising awareness about alternative sanctions among representatives of state authorities (for the purpose of putting in place the necessary conditions for their implementation), judges (who should pronounce such measures), and citizens (in order to accept these measures);
- Training for holders of judicial offices, commissioners, authorised officials of regional police authorities and others who will participate in the implementation of alternative sanctions;

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>, last accessed on May 5th 2020, pp. 23-24.

- Preparation of pilot projects for the purpose of establishing new types of alternative sanctions (both those that require a higher degree of supervision, and those that require a lower degree of supervision during their enforcement);
- Harmonisation of mechanisms and coordination in the enforcement of alternative sanctions, as well as preparation of short-term and long-term cost-benefit analyses;
- Provision of conditions for the commissioners' service, enabling it to lend adequate support to sentenced persons after they have served their sentences, aimed at efficiently reintegrating them into the community.

The Action Plan for Chapter 23 covers the area of alternative sanctions from two angles:

On the one hand, through changes in the normative framework aimed at creating prerequisites for wider application of alternative sanctions (activity 3.3.1.12. Amend criminal legislation in order to introduce new forms and types of alternative measures and sanctions and align them with European standards in this area). In addition to the above, the AP 23 provides for the drafting of a rulebook governing the enforcement of non-custodial sanctions (activity 3.3.1.15.) and development of a rulebook for supervision of the efficient implementation of alternative sanctions (activity 3.3.1.16.); therefore, in 2016 the Rulebook on the manner of supervising the enforcement of non-custodial sanctions and measures was adopted, which was published in the *RS Official Gazette* no. 16/2016 dated 01/03/2016.

On the other hand, the AP 23 recognizes the need for changes in the organisation of the institutional framework, and the strengthening of administrative capacity for wider and more efficient application of alternative sanctions. In that context, activity 3.3.1.13. envisages "Reorganisation of existing services for the treatment and alternative sanctions within the Administration for enforcement of criminal sanctions by establishing a separated special department for alternative sanctions in accordance with the new job classification."

Although the issue of reorganisation and strengthening of administrative capacities is of key importance, these changes have been in the pipeline for several years, since the UIKS was limited by the austerity measures of the Government of the Republic of Serbia that were in force, which restricted employment. In 2019, a "detailed plan for the reorganisation of the Division for Treatment and Alternative Sanctions was devised, together with a plan for the establishment of a separate Department for the Enforcement of Non-custodial Sanctions and Measures that will have several internal organisational units and be completely separated from the Department for Enforcement of Custodial Sanctions." Commissioners have already been provided with official identification cards, and their status has been further strengthened by the latest amendments to the Law on Enforcement of Criminal Sanctions of May 2019, which have introduced criminal executive titles that will also apply to commissioners (new criminal executive titles will only be applied after the entry into force of the new Law on Salaries of Civil Servants and Government Employees). While respecting these priorities, so far the Administration has received approval

from the competent New Employment Committee of the Government to recruit 200 employees in 2018 and 270 employees in 2019, which were urgent measures to put the newly built prison in Pančevo into operation and to compensate for the staff attrition. “²⁸

Bearing this in mind, it is of crucial importance to draft the Act on Job Classification and put into operation the reformed Department for the Enforcement of Non-custodial Sanctions, which is conditional upon the adoption of the new Law on Salaries of Civil Servants.

In addition to the above, the Action Plan also provides for the implementation of training courses for judicial office holders and newly appointed commissioners for alternative sanctions (activity 3.3.1.14.).

As of 2016, in cooperation with the Belgrade Centre for Human Rights, the Administration organised seminars for judicial office holders and commissioners for the enforcement of alternative sanctions on the topic "Wider application of alternative measures to secure the presence of the defendant and for the smooth conduct of criminal proceedings in relation to the measure of detention" and then in June 2018, a regional round table was held, organised with the support of the OSCE Mission to Serbia, on the topic of "Alternative Sanctions", which was attended by representatives of the judiciary, the bar, universities, commissioners and guests from countries in the region. The systems of alternative sanctions in the criminal legislation of the countries in the region were presented, with an emphasis on improvement, both in the criminal-legal regulation of this matter, and in the enforcement of non-custodial measures and sanctions.

The third segment through which the AP 23 deals with this area is the issue of prison aftercare, through activity 3.3.17. which envisages the signing of protocols on cooperation between offices for alternative sanctions and local self-government units in order to strengthen cooperation and put in place conditions for efficient social reintegration of sentenced persons after serving their sentences.

The work on the implementation of these activities started with the holding of a series of workshops and round tables at which issues of importance for the establishment of an efficient system of prison aftercare in Serbia were discussed. Thus, a round table was held on the topic of improving the prison aftercare of former sentenced persons at the Faculty of Law in Niš within the EU twinning project "Improving Capacities and Capabilities within the Prison System in RS" with the participation of commissioners, representatives of the judiciary, social welfare centres, professors, NGOs and representatives of local self-government, and then two round tables on the topic "Resocialisation of sentenced persons into society - the role of the social protection system" in Niš and Kragujevac in November and December 2017, with the support of the OSCE Mission

²⁸ For more information, please see: Reports on the implementation of the Action Plan for Chapter 23, available at: <https://www.mpravde.gov.rs/tekst/26470/izvestaji-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>, accessed on 14 April 2020

to Serbia. Representatives of the social welfare centres and the commissioners' offices for the enforcement of alternative sanctions and measures exchanged experiences regarding joint work in the field of re-socialisation of former sentenced persons at these round tables. With the organisation of these two events, the process of informing representatives of social welfare centres from the entire territory of the Republic of Serbia about this topic was completed, because during 2016, events were held at the seats of the other two appellate courts. In 2018, within the EU twinning project "Improving Capacities and Capabilities within the Prison System in RS" workshops were held with the participation of representatives of the treatment service and commissioners from the offices for enforcement of alternative sanctions and measures on cooperation in drafting and implementing release preparation programmes for sentenced persons and prison aftercare programmes.

Only in September 2018, a working meeting was held on the topic of reintegration of sentenced persons and coordination of work and cooperation between various institutions involved in the post-penal acceptance of sentenced persons. The meeting was attended by the staff of the treatment services from correctional institutions, commissioners, representatives of civil society organisations and the national employment service. Then, with the support of the OSCE Mission to Serbia, training was held for employees of civil society organisations on how to participate in the process of prison aftercare of sentenced persons.

In 2019, as part of the EU/Council of Europe funded project *Horizontal Facility for the Western Balkans and Turkey* under the action "Enhancing human rights protection for detained and sentenced persons" a programme was developed of preparations for release of sentenced persons, in whose development representatives of the treatment service in correctional institutions, probation officers, the National Employment Service and NGOs took part. With the support of the OSCE Mission to Serbia, a network has been established of non-governmental organisations dealing with prison aftercare for sentenced persons and provision of assistance and support after release from prison. Offices for alternative sanctions cooperate with the above institutions and organisations in the process of prison aftercare of persons who have served their prison sentences, through the provision of assistance and support.

Despite the fact that in the 2017-2019 period the topic of prison aftercare, following a long hiatus, has gained topicality in the professional and scientific circles, and that progress has been made in standardizing activities in the preparation for release, there are still serious shortcomings in the field of inter-institutional cooperation in the post-release period, as well as almost insurmountable obstacles for released persons in their efforts to obtain information on the rights pertaining to them and the manner in which they can exercise them. A significant obstacle to successful reintegration is the confrontation with prejudices in the process of job-seeking due to the lack of information on the part of potential employers.

When it comes to the assessment by the European Commission of the progress made so far, the report for 2019 states that the decision on reorganizing the system for enforcement of alternative

sanctions has not been implemented yet, while the fact that was praised increased application of alternative sanctions has contributed to a stable prison population. Furthermore, the report commended the fact that the Amendments to the Law on Enforcement of Non-Custodial Sanctions and Measures were adopted in November 2018 to improve the application of alternative sanctions,²⁹ as well as Amendments to the Law on Enforcement of Criminal Sanctions, which introduce new forms of alternative sanctions, adopted in May 2019. The EC recalled that additional employment is planned in the segment of enforcement of alternative sanctions.³⁰

Interestingly enough, the statistics actually do not fully support this claim. Regarding the Report of the Statistical Office of the Republic of Serbia as a source of verification of the wider application of alternative sanctions listed in the attached table, it can be observed that the share of alternative penalties has been stable since the beginning of the AP 23 and that there is no significant increase with the exception of house arrest, which has recorded a certain rise.

Table no. 1 *The number of convicted adult perpetrators in the territory of the Republic of Serbia from 2015 to 2017, by type of criminal sanctions pronounced.*³¹

	House arrest	Community service	Driving license withdrawal	Total number of sentenced persons in RS
2017	2,122 5.9%	348 0.97%	4 0%	31,759
2016	1,858 5.7%	329 1%	2 0%	32,525
2015	1,134 3.4%	353 1.1%	6 0%	33,189

Conclusion: Delays in the adoption of the new Job Classification Act in UIKS, and in the beginning of the operation of the reformed Department for the Enforcement of Non-custodial Sanctions, preclude the full utilisation of broad legal possibilities for imposing and enforcing alternative sanctions. The chronic shortage of staff in commissioners' offices and the fact that a significant portion of their tasks is performed by treatment officers, which results in backlogs in both segments of their work, undermines the sustainability of the current system and affects its

²⁹ European Commission, Serbia 2019 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2019 Communication on EU Enlargement Policy {COM(2019) 260 final}, Brussels, 29.5.2019, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>, last accessed on May 5th 2020, pp. 23-24.

³⁰ European Commission, *Non-paper on the state of play regarding Chapters 23 and 24 for Serbia*, Brussels, 13 November 2019, p. 9.

³¹ Statistical Office of the Republic of Serbia, *Adult perpetrators of criminal offences in the Republic of Serbia, 2017 – Crime reports, charges and convictions* - <http://publikacije.stat.gov.rs/G2018/Pdf/G20185643.pdf> p. 63. Published in 2018.

quality and efficiency. Underdeveloped inter-institutional cooperation regarding the implementation of prison aftercare, as well as the lack of information, significantly impede the reintegration of former sentenced persons.

Recommendation 9: Adoption of a new Job Classification Act at the UIKS and putting into operation the reformed Department for the Enforcement of Non-custodial Sanctions.

Recommendation 10: Intensify work on improving cooperation and standardisation of cooperation mechanisms among relevant entities which are key to the efficient implementation of prison aftercare (commissioner's offices), the National Employment Service, local self-governments, social welfare centres, the educational system, the health care system and civil society organisations).

Area 3.10: Training and Professional Development of Staff in the Sanctions Enforcement System - Strengthening Human Resources

Chapter 3.10. of the Strategy - Training and professional development of staff in the enforcement system, sets out the following priority activities:

- Development of a new Rulebook on training and professional development of employees in the Administration;
- Reconstruction and expansion of existing capacities and legal regulation of the use of the facilities of the Centre for Training and Professional Development;
- Procurement of additional teaching aids in order to ensure efficient teaching;
- Selection and education of trainers in the Centre for Training and Professional Development;
- Definition of clear responsibilities and procedures on the basis of which all employees in the system for enforcement of criminal sanctions in the Republic of Serbia will be integrated within the field of professional development. This includes determining the priority needs of employees for training and professional development, preparing an annual training and professional development plan, selecting participants, selecting lecturers, assessing the quality of teaching, etc.;
- Continuation of development, implementation, and evaluation of curricula for training and professional development (employees and managers) with agreed priority areas;
- Establishment of a body for coordinating and monitoring the performance of the Administration staff and human resource planning.

At the same time, bearing in mind the differences in the priorities and the setup of the Strategy and the AP 23, in addition to the previously mentioned capacity building in the segment of the treatment and alternative sanctions service (which we will not repeat here), the Action Plan for Chapter 23 also provides for the strengthening the human resources at the Administration for the Enforcement of Criminal Sanctions in order to improve the treatment of juveniles and the rights of juveniles through continuous training of staff in all correctional institutions where juvenile offenders are accommodated. (activity 3.6.2.17.)

Although this activity implied two-fold capacity building, in terms of both headcount and professional capacity of employees, for the above reasons that prevented the recruitment of the required number of professionals, strengthening administrative capacity was largely limited to the training segment, mostly related to the implementation of new treatment programmes that have been developed in the meantime (General Behavioural Programme). In 2018, two candidates were selected to work in the on-the-job treatment service for the implementation of educational activities towards juveniles in the Educational Correctional Institution in Kruševac, and one treatment officer was employed at the Valjevo Juvenile Correctional Institution.

In addition, in 2016, manuals were developed for the training of penology educators and penology instructors for work with juvenile offenders.

At the Valjevo Juvenile Correctional Institution, in cooperation with a civil society organisation, training was conducted in 2017 for the staff of all services on "Improving the treatment of sentenced persons and improving the work of officials in the prevention of suicide and self-harm of sentenced persons." In 2019, employees of the treatment service in the Juvenile Educational Correctional Institution in Kruševac participated in the implementation of an EU-funded project related to the preparation of juvenile offenders for their release from the institution, as well as assistance in finding employment. A brochure is being prepared for non-governmental organisations involved in the procedure of aftercare for juvenile offenders.

Conclusion: In spite of the constant engagement of the treatment service staff who work with juveniles, both in training programmes and in the development and piloting of new treatment programmes, their enthusiasm and commitment cannot always compensate for the understaffing, so continuous strengthening of human resources is necessary.

Recommendation 11: Take necessary measures to recruit additional treatment officers and other staff engaged in working with juveniles.

Area 3.11: Supervision

Chapter 3.11. of the Strategy defines the following priority activities:

- Improve the normative, organisational, and staffing structure of employees in the supervision department with a view to performing independent and effective supervision of the enforcement of prison and non-custodial sanctions;
- Consider the need to amend regulations to make supervisory reports available;
- Implement training and professional development of persons authorised for supervision in the fields of work techniques and the application of the Rulebook on Supervision of Correctional Institutions for special categories of persons against whom criminal sanctions are enforced, such as juveniles, women, the elderly, persons undergoing compulsory medical treatment, persons convicted of organised crime, etc.;
- Establish constructive cooperation with the Ombudsperson, the Commission for the Control of Enforcement of Criminal Sanctions established by the National Assembly, citizens' associations, and other state authorities.

The Action Plan for Chapter 23 deals with the issue of supervision of the system for enforcement of criminal sanctions exclusively through the role of the National Preventive Mechanism, i.e., measure 3.2.1. (Strengthen the capacity of the Ombudsman (in particular in view of his role as national prevention mechanism), the provincial and local Ombudsperson services), specified through a range of activities that directly or indirectly affect the efficiency and quality of supervision the system for enforcement of criminal sanctions by the National Preventive Mechanism.

Directly, this is envisaged through the amendment of the Law on the Ombudsperson in order to strengthen the independence and improve the efficiency of the Ombudsperson, especially in performing the tasks of the National Preventive Mechanism against torture (activity 3.2.1.3) as well as regularly monitor the effectiveness of acting of the state authority bodies in line with the recommendations of the National Prevention Mechanism. (activity 3.2.1.7.)

The AP 23 also defines a number of activities related to strengthening the administrative capacity of the Ombudsperson, which are indirectly related to the capacity of the NPM, too.

Despite the fact that the working group for amendments to the Law on the Ombudsperson was established several years ago, the law was never sent to the Parliament.

On the other hand, with regard to strengthening administrative capacity, the situation is significantly different. In terms of human resources and staffing, the most recent periodic report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or

Punishment (CPT)³² was prepared on the basis of the data collected during a visit made to Serbia in 2015, and the report was published on 24 June 2016.³³ Consequently, the data available to the CPT were related to the period in which the AP 23 was drafted and the CPT's assessment of the improvement in the NPM capacity could not take into account the changes that occurred during the implementation of the AP 23. In the given report, the CPT invited the Serbian authorities to maintain, and possibly increase, the current level of funding allocated to the NPM within the budget of the Ombudsperson's Office. Furthermore, the Committee suggests giving consideration to the setting up of a separate NPM unit within the Ombudsperson's Office.

Regarding material conditions and financial independence of the NPM, the Annual Report of the NPM for 2017 indicates that in late 2015 the National Assembly of the Republic of Serbia passed a Decision on approving the Rulebook on Internal Organisation and Job Classification in the Professional Support Service of the Ombudsperson, providing for the setting up of a special unit for performing NPM tasks – the NPM Secretariat. Pursuant to the provisions of the Rulebook, the NPM Secretariat is separate from the Professional Support Service of the Ombudsperson and reports directly to the Ombudsperson, i.e., the Deputy Ombudsperson in charge of NPM affairs.³⁴ However, the said report further states that the projected number of staff at the NPM Secretariat is not sufficient and that a separate department needs to be established within the institution of the Ombudsperson, to be headed by the NPM Secretary. The NPM Secretary would be assisted by two assistants. Similarly, it is necessary for the assistant and the staff in charge of monitoring, bearing in mind the nature of the work they perform, have all the rights of staff in inspection services, police officers and staff of the Administration for the Enforcement of Criminal Sanctions who are in direct contact with persons deprived of liberty. For the purposes of fulfilling the mandate of the NPM, it is necessary to introduce a separate budget item within the budget of the Ombudsperson's Office. In order to create conditions for efficient work of the NPM, it is necessary to adopt a separate Law on the NPM without delay or to amend the existing Law on the Ombudsperson, thus regulating the organisation of the NPM and the manner in which it will implement its mandate.³⁵ Report No. 2/2018 on the implementation of the Action Plan for Chapter 23³⁶ includes the information that the current headcount is 98 members of staff, of whom 90 are in permanent positions and 8 civil servants on fixed-term contracts. Therefore, the Professional Support Service

³² The CPT also carried out an *ad hoc* visit to Serbia in 2017 with a view to examining the treatment of persons deprived of their liberty by the police as well as the manner in which complaints of detained persons against police officers were handled, both in terms of disciplinary measures and criminal investigations and proceedings. Consequently, the capacity of the NPM was not considered during this visit

³³ Report to the Government of Serbia on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 26 May to 5 June 2015 <https://rm.coe.int/1680697c94>. 24 June 2016.

³⁴ National Preventive Mechanism- Report for 2017 <https://npm.rs/attachments/article/804/GI%20NPM%20za%202017.pdf>, published on 9 May 2018, p. 19.

³⁵ *ibid.*

³⁶ Report no. 2/2018 on the Implementation of the Action Plan for Chapter 23 <https://www.mpravde.gov.rs/files/Izve%C5%A1taj%20no.%202-2018%20o%20sprovo%C4%91enju%20akcionog%20plana%20za%20Poglavlje%2023.pdf> accessed on 23 January 2019

of the Ombudsperson's Office still does not have the number of employees defined by the AP 23, but compared to the initial situation at the time of drafting the AP 23, new employees were hired.

With regard to the recent assessments by the EC concerning the progress made in the segment of the supervisory function of the Ombudsperson, i.e., the NPM, the 2019 *Non-paper* features a negative assessment and indicates that in the field of prevention of torture and ill-treatment, the Ombudsperson and that in its capacity as the NPM it had fewer visits to relevant places, i.e., police stations, prisons, social welfare institutions and psychiatric hospitals. In addition, NGOs participating in the National Preventive Mechanism informed the Commission that co-operation from the Ombudsperson's Office has decreased.³⁷ In addition, the EC Report states that the share of its Recommendations that have been implemented remains high (2017: 90.6%; 2018: 93.2%), although certain recommendations related to "public interest" have not yet been implemented. The EC also reiterated the observation from the 2018 report that there is a serious delay in amending the Law on the Ombudsperson.³⁸

Conclusion: Despite the vital importance of the supervisory role of the National Preventive Mechanism, there is still a multi-year delay in broadening its legal powers through amendments to the Law on the Ombudsperson (Protector of Citizens). Significant breakthroughs have been made in strengthening the human resources of the Ombudsperson's Office. It is necessary to maintain the continuity and substance of cooperation with NGOs included in the NPM.

Recommendation 12: Adopt amendments to the Law on the Ombudsperson in order to strengthen its independence and improve the efficiency of the Ombudsperson's operation, especially in performing the tasks of the National Preventive Mechanism against torture.

Recommendation 13: Maintain the continuity and substance of cooperation between the Administration for the Enforcement of Criminal Sanctions and the Ombudsperson with NGOs involved in the NPM.

³⁷ European Commission, *Non-paper on the state of play regarding Chapters 23 and 24 for Serbia*, Brussels, 13 November 2019, p. 9.

³⁸ European Commission, Serbia 2019 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2019 Communication on EU Enlargement Policy {COM(2019) 260 final}, Brussels, 29.5.2019, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>, last accessed on 5 May 2020, pp. 23.

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Annex I

List of recommendations for further alignment with Chapter 23 requirements

Item	Recommendation
1.	Carry out an analysis of the alignment of recent amendments to the Criminal Code, in the segment relating to life imprisonment without the possibility of conditional release, with the relevant provisions of the European Convention and case law of the European Court of Human Rights.
2.	Continue to improve infrastructure in accordance with the recommendations of the NPM and the CPT recommendations.
3.	Undertake an impact assessment of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia until 2020 and define a set of recommendations for the development of a new strategy.
4.	Draft and adopt a Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia by 2025 with an action plan to accompany it.
5.	Continue with training courses for the implementation of the newly developed treatment programmes, and with work on the development of additional programmes.
6.	Continue to develop tailored conditional release preparation programmes for different categories of sentenced persons.
7.	Continue with the reconstruction of health care services within the correctional institutions.
8.	In cooperation between the Ministry of Justice, the Ministry of Health and the Ministry of Finance, design affirmative measures to encourage the employment of adequate health care staff in the system for enforcement of criminal sanctions.

9.	Adoption of a new Job Classification Act at the UIKS and putting into operation the reformed Department for the Enforcement of Non-custodial Sanctions.
10.	Intensify work on improving cooperation and standardisation of cooperation mechanisms among relevant entities which are key to the efficient implementation of prison aftercare (commissioner's offices), the National Employment Service, local self-governments, social welfare centres, the educational system, the health care system and civil society organisations).
11.	Take necessary measures to recruit additional treatment officers and other staff engaged in working with juveniles.
12.	Adopt amendments to the Law on the Ombudsperson in order to strengthen its independence and improve the efficiency of the Ombudsperson's operation, especially in performing the tasks of the National Preventive Mechanism against torture.
13.	Maintain the continuity and substance of cooperation between the Administration for the Enforcement of Criminal Sanctions and the Ombudsperson with NGOs involved in the NPM.