

Pursuant to Article 8, paragraph 1 of the Law on National Assembly (“Official Gazette”, No. 9/10) and Article 238, paragraph 5 of the Rules of Procedure of the National Assembly (“Official Gazette of RS”, No. 20/12 - consolidated text),

On the Fourth Sitting of the Second Regular Session in 2014 held on 23 October 2014, The National Assembly hereby passes this

C O N C L U S I O N
BASED ON A REVIEW OF THE REPORT ON ACTIVITIES OF
THE NATIONAL PREVENTIVE MECHANISM
FOR 2013

1. The National Assembly finds that in his report on the activities of the National Preventive Mechanism for 2013, the Protector of Citizens comprehensively presented activities of the Protector of Citizens in capacity of the National Preventive Mechanism in the field of protection and improvement of human and minority freedoms and rights.

2. With regard to the findings of the Protector of Citizens that as a rule detainees do not have an opportunity to spend free time during the day outside their cells in communal rooms with other detainees in cases where no court-ordered contact restrictions apply; that in most cases they do not have an opportunity to do productive work, nor are they included in social and cultural activities; that detainees are not grouped together according to the type of criminal offence of which they are indicted, the National Assembly orders the Administration for the Enforcement of Penal Sanctions of the Ministry of Justice to improve treatment of detainees, i.e. to allow them to exercise all their rights in accordance with the applicable regulations and standards.

3. With regard to the assessment of the Protector of Citizens that women in detention are mostly and commonly isolated for long periods because their number in detention units tend to be low, whereas this is meant to be a disciplinary or a special measure of strictly limited duration for men in the penal enforcement system, the National Assembly orders the competent authorities to exercise increased caution with the aim of reducing isolation of female detainees for a long periods during detention.

4. With regard to the findings of the Protector of Citizens that many convicts in closed units do not have an option to spend free time during the day in communal rooms with other convicts, including in particular persons under increased supervision, the National Assembly orders the Administration for the Enforcement of Penal Sanctions of the Ministry of Justice to enable all convicts, except to those in solitary confinement or isolation, to spend free time during the day in communal rooms with other convicts.

5. With regard to the assessment of the Protector of Citizens that there are significant shortcomings in active, individual and collective correctional work of correctional officers with convicts, the National Assembly orders the Ministry of Justice to improve treatment of convicts in penal facilities in terms of more intensive an

effective work of correctional officers with convicts, increasing their work engagement where possible, education and the highest level of exercise of religious rights and to pass new or modify the existing regulations without delay, which would ensure implementation of the law in accordance with the applicable standards in that regard.

6. With regard to the assessment of the Protector of Citizens that there are numerous illegalities and irregularities in the treatment by competent authorities of irregular migrants and foreigners who expressed their intention to seek asylum in the Republic of Serbia, the National Assembly, endorsing all recommendations the Protector of Citizens gave to the Ministry of Internal Affairs and the Commissariat for Refugees and Migration in that regard, orders the authorities to which those recommendations were given to fully implement them without delay, particularly to register all migrants who entered into the territory of the Republic of Serbia, to keep migrants under full control of the competent authorities pending final resolution of their status, i.e. deportation in accordance with the applicable regulations, as well as to pass decisions on asylum requests in an expedited procedure, while thwarting all attempts to abuse rights, with full respect for all minimum rights of irregular migrants and asylum seekers, in accordance with the rules of the international law and the applicable standards.

7. The National Assembly endorses the recommendations the Protector of Citizens gave in the capacity of the National Preventive Mechanism to the competent public authorities with the aim of improving the position of persons deprived of liberty, i.e. to prevent abuse, and orders the competent authorities to implement these recommendations without delay, as well as to notify the National Assembly thereof in writing by 31 December 2014 at the latest.

8. This Conclusion is to be published in the "Official Gazette of the Republic of Serbia".

RS No. 72

Done in Belgrade, on 23 October 2014

NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA

PRESIDENT

Maja Gojković