

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 the activities of the Protector of Citizens in the capacity of the National Preventive Mechanism within his scope of his powers under constitution and law and assessed the situation and the quality of exercise and protection of the rights of persons deprived of liberty, highlighting the necessary improvements of the situation and prevention of torture and other forms of abuse.

2. With regard to the assessment of the Protector of Citizens that the competent public authorities fail to comply with their duties in the fight against impunity for torture, that they do not always conduct timely and detailed procedures to determine whether the rights of persons deprived of liberty were violated, that individual responsibility for violation of these rights and responsibility for omissions in work and organization of work was apportioned to responsible persons only in few cases, as well as that few persons responsible for violation of these rights were punished, and particularly having in mind that the Protector of Citizens and the Constitutional Court identified certain cases of abuse, the National Assembly orders the competent public authorities to fully comply with their duties in the fight against impunity for torture, to take all necessary measures and activities to prevent abuse and, in accordance with the law, to conduct timely and detailed procedures to investigate all substantiated allegations of abuse and apportion subjective and objective responsibility and to punish those responsible.

3. With regard to the assessment of the Protector of Citizens that many existing detention rooms in police stations are not compliant with the minimum standards of the European Committee for the Prevention of Torture regarding necessary accommodation conditions, the National Assembly orders the Government to allocate necessary funds for construction or refurbishment of detention rooms in police stations in accordance with the applicable standards in budget proposal for 2015.

4. With regard to the assessment of the Protector of Citizens that the Instructions on Treatment of Arrested and Detained Persons are not compliant with the applicable regulations and standards and decisions of the European Court of Human Rights (use of physical restraint, presence of non-medical staff during physical examinations, lack of duty to install alarms, authorizations of control mechanisms etc.), which results in dilemmas for police officers regarding exercise of police authorities and divergent practices in their actions, the National Assembly orders the Ministry of Internal Affairs to make the Instructions on Treatment of Arrested and Detained Persons compliant with the applicable regulations, standards and decisions of the European Court of Human Rights.

5. Due to significant shortcomings, pointed out by the Protector of Citizens in his Report, regarding active individual and collective correctional work of correctional officers with convicts, work engagement of convicts and their education, use of a system of subsequent reclassification of convicts which enables convicts to progress into a more favorable correctional group in case of good behavior, preparation of convicts for release and establishing of cooperation with social welfare organizations, the National Assembly orders the Administration for the Enforcement of Penal Sanctions of the Ministry of Justice to improve treatment of convicts in order to rectify the said shortcomings and emphasizes the duty to pass regulations for implementation of the law in accordance with the applicable standards without delay.

6. It is particularly important to amend regulations on enforcement of penal sanctions for organized crime without delay, in accordance with the recommendation of the European Committee for the Prevention of Torture, which assessed the existing penal enforcement system as borderline inhuman and degrading.

7. The National Assembly orders the Administration for the Enforcement of Penal Sanctions of the Ministry of Justice to improve its treatment of convicts in terms of provision of health care, in accordance with the applicable regulations and standards. This is based on the assessment of the Protector of Citizens that there are serious shortcomings in the provision of health care to convicts in penal facilities, particularly regarding the provision of necessary medicinal products and therapy, medical examinations after prison intake procedure, lack of unique medical examination protocols, failure to perform periodic medical examinations of convicts and daily medical examinations of patients, inclusion of non-medical staff, placement of convicts with mental disorders in regular prison regime, failure to submit compulsory periodic reports on health condition of convicts, sanitary and hygiene conditions in institutions, the quality of food, physical activities of convicts etc., stipulated by the Law on Enforcement of Penal Sanctions.

8. Taking into account that the Protector of Citizens repeated his assessments stated in all previous annual reports that competence for health care services in penal

facilities should be transferred from the Administration for the Enforcement of Penal Sanctions of the Ministry of Justice to the Ministry of Health, which is one of the preconditions for efficient investigation of allegations of violent treatment of persons deprived of liberty, the National Assembly emphasizes it is necessary for the Government to consider this issue as soon as possible and propose to the National Assembly amendments to the relevant legal arrangements.

9. With the aim of ensuring more efficient and comprehensive control over the work of the Administration for the Enforcement of Penal Sanctions, the National Assembly advises the Ministry of Justice to consider the recommendations of the Protector of Citizens on activities that should be undertaken to separate the supervision unit from the Administration for the Enforcement of Penal Sanctions, so that the work of institutions and the Administration is overseen by the supervision unit as a separate organizational unit of the Ministry of Justice, and also to propose appropriate amendments of laws and other regulations in that regard.

10. 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 and to notify the National Assembly thereof in writing by 31 December 2014 at the latest.

11. This Conclusion shall be published in the "Official Gazette of the Republic of Serbia".

RS No. 73

Done in Belgrade, on 23 October 2014

**NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA**

PRESIDENT

Maja Gojković