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Protector of Citizens

Ombudsman

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Report

on setting-up of National Preventive Mechanism in Serbia

Initial 6 months: Getting ready, no monitoring

Belgrade, January 2012.

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1. INTRODUCTION

1.1. Reason for submitting the report

By the Law on amending the Law on Ratification of Optional Protocol (OPCAT), adopted on 28 July 2011, the Protector of Citizens shall operate a National Preventive Mechanism (NPM). In performing the duties of NPM the Protector of Citizens shall cooperate with ombudsmen of autonomous provinces and associations whose statute intended goal is the promotion and protection of human rights and freedoms, in accordance with the Law. Protector of Citizens informed the Subcommittee for prevention of torture and other cruel, inhuman or degrading treatment or punishment (Subcommittee) about the mentioned above.

For the purpose of informing relevant authorities and bodies, this report contains all activities conducted by the Protector of Citizens in the past six months of the 2011, in preparation for the beginning of the work and efficient performance of the NPM in accordance with the OPCAT. The Protector of Citizens delivered the report to Subcommittee on 25 January 2012 with all undertaken activities.

1.2. Protector of Citizens

1.2.1. Mandate

Republic of Serbia Constitution

The Republic of Serbia Constitution ("Official Gazette of the Republic of Serbia (RS)" No. 98/2006), Article 138 lays down that the Protector of Citizens is an independent administrative body which safeguards the rights of citizens and controls the activities of the bodies of government administration, of the body in charge of legal protection of property rights and interests of the Republic of Serbia as well as of any other bodies and organizations, companies and institutions entrusted with the exercise of public powers. The Protector of Citizens is not authorized to control the activities of the National Assembly, the President of the Republic, the Government, the Constitutional Court, the courts and public prosecutors offices. The Protector of Citizens is appointed and relieved of duty by the National Assembly in accordance with the Constitution and the law. The Protector of Citizens answers to the National Assembly. The Protector of Citizens enjoys immunity as a Member of Parliament. The immunity of the Protector of Citizens is decided upon by the National Assembly. A law is adopted on the Protector of Citizens.

The Law on the Protector of Citizens

The Law on the Protector of Citizens ("Official Gazette of RS", Nos. 79/2005 and 54/2007) lays down that the Protector of Citizens is independent, autonomous in performing its duties, a state body which safeguards and looks after promotion of citizens' rights and controls the legality and regularity of the work (performed) by bodies of government administration, the body in charge of legal protection of property rights and interests of the Republic of Serbia as well as of other bodies and organizations, enterprises and institutions entrusted with the exercise of public powers.

In performing the duties from its remit the Protector of Citizens acts within the limits of the Constitution, the law, other regulations and bylaws as well as the ratified international treaties and the generally accepted rules of international law.

The Protector of Citizens has the right to submit motions and/or initiate the (procedure for the) passage of bills and amendments to the laws as well as of other regulations and bylaws and is empowered to give opinions in the course of the procedure of drafting regulations. It is further empowered to launch the procedure before the Constitutional Court for assessing the constitutionality and legality of laws and other regulations and bylaws. It is authorized to publicly recommend that any functionary held accountable for a breach of a citizen's right be removed from office and/or to initiate the start of disciplinary proceedings against any employee with an administrative body who is directly held accountable for the committed infringement.

If it is found that the actions carried out by a functionary or an employee with the administrative body had elements of a criminal act or any other punishable act, the Protector of Citizens is authorized to submit to the competent body a request or, better to put it, an application for the relevant criminal proceedings, petty offence proceedings or any other proceedings to be initiated.

Administrative bodies have the task to work together with the Protector of Citizens, enable access to premises and make available all data that are at their disposal and of relevance to the proceedings going on to achieve the goal of its preventive action regardless of the degree of their confidentiality, except when this is in conflict with the law. The Protector of Citizens has the right to conduct an interview with any employee with the administrative body when that is of relevance to the ongoing proceedings.

It has been stipulated in particular that the Protector of Citizens should have the right of unhindered access to the institutions for enforcement of penal sanctions and to any other places where persons deprived of liberty (PDLs) are held as well as the right to talk to such persons behind closed doors.

The Protector of Citizens has one Deputy in charge of protecting the rights of PDLs.

1.2.2. Action-taking

Reactive work

The Protector of Citizens initiates the procedure for control of the legality and regularity of the activities of the administrative bodies upon a complaint from citizens or on its own initiative. Any natural or juridical person, be it domestic or foreign, holding the view that by any act of an administrative body, its action or through its omission to act their rights have been infringed upon, may submit a complaint to the Protector of Citizens.

The complaint is submitted in writing or verbally for the record and no administrative tax nor is any other fee charged for its submission. The complaint includes the name of the body whose activities it concerns, a description of the breach of the right concerned, any facts and pieces of evidence corroborating the complaint, data on which legal remedies have been exhausted and details about the individual submitting the complaint.

PDLs have the right to submit the complaint in a sealed envelope. Appropriate envelopes must be provided in a visible and public manner at all the institutions where PDLs are held, which should be taken care of by the administrations of such institutions as well as the ministry in charge of judicial affairs.

Any complaints submitted by PDLs are acted upon by a special Department for Protection of PDLs at which there are three (3) employees. The Department is managed by the Deputy Protector of Citizens in charge of protection of PDLs' rights.

In case it is established, during the course of the implemented procedure, that there were certain shortcomings in the activities of an administrative body, the Protector of Citizens will address a recommendation to the body concerned to remove the identified shortcoming.

The Protector of Citizens has addressed to the competent authorities around 40 recommendations to remove identified deficiencies in the activities of the institutions holding PDLs.

The procedures for the control of legality and regularity of the work of administrative bodies initiated in response to the complaints lodged by citizens or on own initiative are administered by the Deputy Protector of Citizens in charge of protection of PDLs' rights.

Promotion and pro-active work

The Protector of Citizens looks after the promotion of citizens' rights, has the right to act preventively, by providing good offices, mediation and advice on issues from his preview, in order to enhance the work of administrative bodies and promote protection of human rights and liberties.

In order to promote and safeguard the rights of PDLs as well as to prevent torture and other cruel, inhuman or degrading treatment or punishment the Protector of Citizens set up the "Preventive Mechanism of the Protector of Citizens" on 2 July 2009, as a team of the Protector of Citizens (set up) to monitor the institutions where PDLs are held.

The "Preventive Mechanism of the Protector of Citizens" has for as long as two years been persistently and systematically gathering, checking and processing all data concerning the protection of PDLs' rights.

In order to work efficiently, the Methodology of the "Preventive Mechanism of the Protector of Citizens" was established specifying how to act before, during the course and after a visit to the institutions where PDLs are held.

Apart from the employees with the Protector of Citizens, the "Preventive Mechanism of the Protector of Citizens" includes, as its members, experts, primarily lawyers, physicians-forensic experts, psychiatrists and psychologists.

The "Preventive Mechanism of the Protector of Citizens" has to date completed around 50 visits to the institutions at which PDLs are held and drawn up reports suggesting over 200 actions to take in order to eliminate the identified shortcomings.

The activities and duties of the "Preventive Mechanism of the Protector of Citizens" for monitoring the institutions at which PDLs are held were administered by the Deputy Protector of Citizens in charge of protection of the rights of PDLs.

The "Preventive Mechanism of the Protector of Citizens" ceased its activities after the Protector of Citizens was designated as the NPM.

1.3. Optional Protocol

1.3.1. State Party

The Republic of Serbia signed the OPCAT on 25 September 2003, it passed the Law on Ratification on 1 December 2005 and became a State Party of the OPCAT on 26 September 2006.

1.3.2. Designation of the NPM

Under the Law amending the Law on the Ratification of the Optional Protocol, adopted on 28 July 2011 at the sitting of the Republic of Serbia National Assembly, the Protector of Citizens was designated as the authority performing the duties of the NPM.

1.3.3. Model of the NPM

The Model of the NPM in the Republic of Serbia is defined by the relevant law. It stipulates that the Protector of Citizens shall carry out the duties of the NPM in collaboration with the Ombudsmen of the autonomous provinces and the associations whose statute intended goal is the promotion and protection of human rights and freedoms.

1.3.4. Reasons for selection

The Law stipulates that the Protector of Citizens discharges the function of the NPM for a number of reasons.

Namely, the mandate of the Protector of Citizens under the Law on the Protector of Citizens covers the competences and powers of the NPM stipulated by the OPCAT, including visits to the institutions at which PDLs are kept, interviews with them, access to data, making recommendations to the competent authorities, informing the general public on the presence of torture and promoting the status of PDLs.

In addition to the above, it was observed that the Protector of Citizens had been pursuing intensive preventive activities as its team of experts, i.e. the "Prevention Mechanism of THE Protector of Citizens", kept paying visits over a period of two (2) years to police stations, detention units, prisons, stationary-type social welfare institutions, mental institutions, shelters for asylum-seekers, etc.

In addition to the above, a decisive reason was also the fact that the Protector of Citizens has been recognized as the body acting on the basis of the Paris Principles, which is why in April 2010 it was accredited as a National Human Rights Institution (NHRI) within the system of the United Nations and given "A" status.

The reason for stipulating cooperation between the Protector of Citizens and the Ombudsmen of the autonomous provinces and associations in performing the NPM duties is that the provincial Ombudsman of the Autonomous Province of Vojvodina and numerous associations of citizens have for many years now been extremely active in protecting the rights of PDLs and in preventing torture as well as that they hold a wealth of know-how in monitoring the institutions where PDLs are held.

2. INITIAL SIX MONTHS: GETTING READY TO START WORK OF NPM

2.1. Proceeding point - Plan of activities for the initial 6 months: preparation

After designation of the NPM in Serbia in mid-2011, the Protector of Citizens did not start right away visiting the institutions at which PDLs are kept but made use of the first six months exclusively to get the adopted complex model of the NPM organized and complete the necessary preparatory steps as a pre-requisite for efficient implementation of monitoring visits.

2.2. Re-organization - setting up a separate organizational unit

Following the Subcommittee's guidelines the Protector of Citizens set up a separate organizational unit within the Experts Service of the Protector of Citizens - "NPM". The main task of this unit is to pursue activities of a pro-active nature to act preventively in order to preclude torture or any other form of ill-treatment and enhance the status of PDLs.

The organizational unit NPM is administered by the Deputy Protector of Citizens in charge of protection of the rights of PDLs. While it has the same administrator, this pro-active unit is totally functionally separate from the existing Department for the Protection of the Rights of PDLs, which plays a re-active role.

The Jobs Description for the separate organizational unit of the NPM has been drafted. In addition to the visits to the institutions where PDLs are held, the NPM will draw up reports on visits to those institutions as well as periodic reports on work done, will address recommendations to the competent administrative bodies and submit motions in the form of acts of the Protector of Citizens, thereby proposing bills and amendments to the laws concerning prevention of torture. As part of the duties of the NPM also envisaged are direct cooperation with the Subcommittee and other international and regional human rights protection mechanisms and mechanisms for the prevention of torture, with state bodies, national mechanisms for the prevention of torture of other countries and NGOs as well as development and keeping (up to date) of a database and a separate website.

The Staffing Scheme has been drafted envisaging four (4) new job positions: a mid-level adviser, an adviser and two junior advisers. For the time being, pending the adoption of the Staffing Scheme, one mid-level male adviser and two younger female advisers are employed under fixed-term contracts. This shows that the gender balance principle has been complied with. Of the mentioned employees there are two lawyers and one employee is a teacher of special education, which is how a balance in terms of different fields of professional expertise has been achieved, as stipulated under Article 18 of the OPCAT.

2.3. Securing means of labor

At the building used by the Protector of Citizens the Organizational Unit NPM has been given separate premises in its own right.

The premises are fully outfitted with office furniture, telephones lines and personal computers with Internet access. Employees at this organizational unit have been given cell phones and lap-top computers.

In order to create tangible conditions for performing the duties of the NPM, primarily for transport to the institutions at which PDLs are accommodated, in December 2011 a Hyundai H1 van was purchased with 7 + 1 seats with the funds from the budget of the Protector of Citizens.

The adopted budget of the Protector of Citizens for 2012 envisages separate funds intended for performing the duties of the NPM and amounting to RSD 7,670,000 (approx. EUR 75,000); this amount does not cover the salaries and contributions for the four (4) envisaged jobs in the separate organizational unit NPM.

The Financial Plan of the NPM for 2012 has been made specifying as the purpose the approved funds are intended to serve the execution of the tasks of the NPM. The envisaged disbursements are for travel expenses, per diems, commission fees to experts and NGO representatives participating in visits and writing reports, equipment, fuel, development of a publication, translation of documents, etc.

2.4. Establishing cooperation in performing the duties of the NPM

2.4.1. Provincial Ombudsman

A number of working meetings were held with the representatives of the Provincial Ombudsman of AP Vojvodina in order to identify the forms of cooperation prescribed by the Law in performing the duties of the NPM. Despite the problems that are commonplace worldwide when it comes to cooperation between the national and regional/provincial Ombudsmen, especially when it is necessary to introduce joint institutional (modalities of) work, agreement was reached fast, to the mutual satisfaction. The Protector of Citizens and the Provincial Ombudsman of AP Vojvodina signed on 12 December 2011 a Memorandum on Cooperation between the Protector of Citizens and the Provincial Ombudsman in performing the duties of the NPM.

The Cooperation Memorandum regulates in more detail the cooperation between the Protector of Citizens and the Provincial Ombudsman in performing the duties of the NPM. It is envisaged that this cooperation will be pursued through the Provincial Ombudsman's active participation in the NPM monitoring team's visits to the institutions where the PDL are held in the territory of the AP Vojvodina. Likewise, it has been envisaged that the Provincial Ombudsman will also take part in the planning of visits to these institutions, drawing up of reports, making recommendations, (giving of) opinions and (drafting of) other documents of the NPM. The Provincial Ombudsman will also be involved in cooperation between the NPM and representatives of civil society, the state organs and bodies as well as in other activities of the NPM.

2.4.2. Associations

Several working meetings were held with the representatives of the associations whose statute intended goal is the promotion and protection of human rights and freedoms. Further, a public debate took place with the participation of the academia, former convicts and the media so as to exchange views in order to identify the best model of cooperation between the Protector of Citizens and the associations prescribed by the Law in executing the tasks of the NPM. Despite the delicate nature of the problems when it comes to the cooperation between the state bodies and the civil (society) sector, a dynamic debate identified a model appropriate to the current state of play in the Republic of Serbia and acceptable to all the potential participants in execution of these tasks. The public debate lasted around two (2) months, which shows that the principle of transparency, stipulated by the guide of the Association for the Prevention of Torture (APT), was adhered to.

The Protector of Citizens announced on 29 December 2011 in the *"Official Gazette of the Republic of Serbia"* and on the website of the Protector of Citizens a Public Call for selection of the associations with which it would cooperate in executing the tasks of the NPM. The Call mentioned that the cooperation would cover participation of the associations in visits to places where PDLs are held, drawing up of reports, recommendations, opinions and other documents as well as executing other tasks of the NPM. The deadline for submission of applications in response to the Public Call was 15 days as of the date of its publication in the *"Official Gazette of the Republic of Serbia"*. It was pointed out that individual associations would be selected for systemic monitoring of the status of PDLs and presence of torture at police stations, detention units, prisons, stationary-type social welfare institutions and mental hospitals as well as of the status of special vulnerable groups among PDLs, primarily minors and women.

On 26 December 2011 the Protector of Citizens issued a Decision to appoint a Commission to select the associations under the Public Call for cooperation in executing the tasks of the NPM. The Commission members include the Deputy Protector of Citizens, deputy Provincial Ombudsman, Deputy Commissioner for Information of Public Importance and Personal Data Protection, Madam Assistant Commissioner for Protection of Equality and Madam Secretary General of the Protector of Citizens' Technical Service.

Under the Public Call for cooperation in performing the duties of the NPM nine (9) applications were submitted, there were no applications received upon the expiry of the set time limit. The applications were submitted by the following: the Victimology Society of Serbia; Belgrade Center for Human Rights; the Helsinki Committee for Human Rights in Serbia; Dialogue; the Committee for Human Rights - Valjevo; the Human Rights Center - Niš; the International Aid Network (IAN); Mental Disability Rights International Serbia (MDRI-S); and the Lawyers' Committee for Human Rights (YUCOM).

On 20 January 2012 the Protector of Citizens' Commission for Selection of Associations under the Public Call for cooperation in performing the NPM duties was in session. The session made an expert evaluation of the applications received. The Commission recommended to the Protector of Citizens to establish cooperation in performing the duties of the NPM with all the associations that had submitted applications, because all the applicant associations complied with all the requirements envisaged under the Public Call.

However, it also recommended that particular associations should systematically monitor the status of PDLs and presence of torture: at police stations - Belgrade Center for Human Rights; in prisons - Helsinki Human Rights Committee in Serbia; at stationary-type social welfare institutions - MDRI-S; in mental hospitals - IAN; the position of minors in prisons and detention units - Dialogue and the Committee for Human Rights - Valjevo; the position of women in total institutions - the Victimology Society of Serbia. The decision was forwarded to all the applicants under the Public Call and it was made public via the Protector of Citizens' website.

Following the Commission's recommendation for selection of associations under the Public Call, the Protector of Citizens will conclude agreements with all the associations that had submitted applications, to establish cooperation in performing the duties of the NPM, and with the relevant associations - those recommended by the Commission to administer systemic monitoring of the status of PDLs and of presence of torture in particular sectors - accepting unconditionally the duty thus specified.

2.5. Cooperation with external entities

2.5.1. National level

In order to perform efficiently the duties of the NPM on the national level the Protector of Citizens reached agreement with the Commission for the Control of Enforcement of Penal Sanctions, appointed in July 2011 under a decision of the Republic of Serbia National Assembly, on a number of joint activities. The Commission's goal is to carry out control of enforcement of penal sanctions and detention measures; to take stock of the situation in the field of enforcement of penal sanctions; and to propose measures to eliminate irregularities and measures to improve life, treatment and protection of PDLs.

The intensive cooperation was reached with The Directorate for Human and Minority Rights of the Ministry of Human and Minority Rights, Labour and Social Policy. In October 2011 the Directorate organized a round table on „Establishing National Preventive Mechanism in the Republic of Serbia and the Challenges of the Future Cooperation“, with participation of representatives from APT, Swiss NPM, Spanish Ombudsman and NPM, European Commission, Council of Europe, OSCE Mission to Serbia and representatives of state authorities and NGOs.

2.5.2. International level

OSCE Mission to Serbia has in the recent period provided support to the Protector of Citizens in the process of establishment and creating conditions for the efficient work of NPM, thus continuing the provision of long-term support to the activities of the Protector of Citizens in protection of the PDLs.

The Protector of Citizens has provided timely information to the Subcommittee as well as a number of other relevant international and regional bodies regarding the designation of The Protector of Citizens to act as NPM in accordance with the law amending the law on OPCAT ratification. In direct contacts with Mary Amos, member of Subcommittee, the activities undertaken by the Protector of Citizens with the view to preparing for efficient performance of duties of NPM have been discussed.

Previously established cooperation with APT, particularly with Matthew Pringle, Europe and Central Asia Programme Officer has been intensified and a series of important issues for NPM have been discussed in the recent period. A APT Global Forum on the OPCAT “Preventing Torture, Upholding Dignity: From Pledges to Actions” which took place on 10 and 11 November in Geneva, Switzerland was attended by Deputy Ombudsman in charge of the NPM.

Previously established collaboration with the European NPM Network has been enhanced, particularly with Markus Jaeger, Head of the Human Rights co-operation division, Directorate General of Human Rights and Rule of Law Directorate of Human Rights, CoE. Deputy Ombudsman in charge of NPM participated in a round table discussion held on 18 October 2011 in Kiev Ukraine, followed by the NPM Thematic Workshop which took place from 20 to 21 October 2011 in Baku, Azerbaijan. In addition, Deputy Ombudsman participated in Annual stock-taking and planning meetings NPMs and NHRs held from 6 to 7 December 2011 in Ljubljana, Slovenia.

The Protector of Citizens has for a long period of time had very intensive collaboration with NPM of Slovenia. In the last period, several mutual visits have been undertaken with a view to discussing issues important for PDLs as well as issues referring to the organization and activities of NPM. During the last visit to Slovenia from 27 to 29 September, a joint tour of one of

the prisons in the vicinity of Ljubljana was undertaken, on which occasion the methodology and/or the procedures applied by NPM of Slovenia were observed firsthand.

The Protector of Citizens has continued previously established cooperation with Ombudsman of Spain, and during a number of contacts experience was exchanged with NPM of Macedonia, the Czech Republic, Lithuania, Switzerland, the UK, Albania, Azerbaijan...

2.6. Education programs

The employees in the Expert Services of the Protector of Citizens have in the course of the past years undergone numerous educational trainings on the position of PDLs, prevention of torture and any other form of abuse. The speakers were renowned experts in the field concerned, inter alia: Manfred Novak, Eric Rosenthal, Matthew Pringle, Marco Mona, Renco Bonn, Ivan Selih, Dainius Puras, Douville Joudicate, Jan Pfeiffer and Robert Van Voren, as well as a considerable number of national experts.

The representatives of the Ombudsman Office attended a seminar entitled "Ombudsman and OPCAT" held in Warsaw, Poland from 13 to 14 September, 2011.

With the support provided by the OSCE Mission to Serbia, a number of education programs have been executed:

In period between 27 and 29 September the representatives of the Protector of Citizens, along with the Provincial Ombudsman, paid a study visit to NPM of Slovenia in Ljubljana, whose model is quite similar to Serbia's NPM model. During the visit a joint tour of one of the prisons in the vicinity of Ljubljana was conducted, on which occasions the methodology and/or the procedures applied by NPM of Slovenia were observed firsthand.

On 13 October Mathew Pringle a representative from APT paid a working visit to the Protector of Citizens, the purpose of which was to share experiences from this field, give a talk on the subject of organization and position of NPM unit within the Ombudsman office, provide examples of good and bad practice regarding the NPM organization and elaborate on different aspects of relationship between Ombudsman and NGOs regarding the work of NPM.

In last period, several workshops have been organised on the position of PDLs, prevention of torture and other forms of ill-treatment. Special attention has been paid on the situation in psychiatric hospitals in Serbia. Representatives of the Provincial Ombudsman and NGO representatives took part in the work of the roundtables.

2.7. Visibility

2.7.1. Website of the NPM

The website of the NPM containing information about all the activities of the NPM, information about the visits, information regarding recommendations addressed to the authorities, publications etc. has been installed. All the relevant legal documents national and international alike are going to be available on the website. For the time being the website is only available in Serbian language, and the English version is under way.

2.7.2. Presentation of the NPM

On 13 October 2011, the Protector of Citizens organized a round table, with the support provided by the OSCE Mission to Serbia, dedicated to promoting the NPM. This meeting was attended by the representatives of the Protector of Citizens and representatives of the Provincial Ombudsman as well as by civil society representatives who in the course of the public debate indicated a desire to participate in NPM. The list of participants in the meeting goes on to include state bodies' representatives, international and regional organization representatives, as well as academia and media representatives while attendance and participation of former convicts in the debate did not go unnoticed.

2.7.3. Getting the professional public acquainted with the work of NPM

Deputy Ombudsman in charge of performing activities related to the NPM has given a number of lectures aimed at getting the judges, police officers, prison staff, the Judicial Academy students, and medical students as well as civil society representatives acquainted with the scope of competences of NPM.

2.8. Other decisions important to the performance of NPM

2.8.1. The plan of visits

The plan of visits to be undertaken by NPM in 2012 was adopted. The Program of visits was drawn up in accordance with agreement reached by The Protector of Citizens, Provincial Ombudsman and selected associations in charge of conducting systematic monitoring of conditions of PDLs, in their special areas of expertise. The intention is to undertake visits to all institutions where people deprived of their liberty are accommodated within the next four years, which consequently means that NPM shall conduct about 80 visits in 2012 alone, 50 of which are to be undertaken to the Police stations, 10 to prisons, 5 to psychiatric hospitals, 6 to social welfare institutions of residential type, one to a shelter for foreigners and 10 to nursing homes for the elderly.

2.8.2. Decisions on the NPM working methods

A draft of Decision on working methods of NPM has been drawn up resulting in the Protector of Citizens regulating the working methods of the NPM more closely.

2.8.3. Methodology of conducting visits

The Methodology of the visits to be undertaken by NPM to institutions providing accommodation to persons deprived of their liberty has been drafted and is to be based on previously adopted „Preventative mechanism of the Protector of Citizens“ methodology for monitoring of institutions where PDLs are held.

2.8.4. Decision on remuneration policy

Decision has been drafted on the remuneration policy for fulfilling the duties of NPM. The aforesaid decision prescribes criteria for setting fee rates for associations with whom The Protector of Citizens closely cooperates in performing functions of NPM as well as fee rates for outside associates for the provision of services in their area of expertise. Representatives of associations and outside associates are entitled to remuneration for covering the transportation costs, daily allowances when conducting visits and fees for drawing up reports by virtue of their engagement in activities of NPM.

2.9. Test Visit

For the purpose of evaluating the existing methodologies for conducting prison visits, the Protector of Citizens carried out a test visit to pavilion VII located at Penal Correctional Institutions in Pozarevac – Zabela. The team, led by Deputy Ombudsman for the protection of rights of PDLs, comprised of the employees in the Expert Services of the Protector of Citizens, one psychiatrist and two forensic doctors as well as the representative of the NGO Helsinki Committee for human rights in Serbia. The purpose of the visit was to establish the presence of torture. The visit has not been pre-announced and upon arrival to the pavilion VII the prison staff was told to keep prisoners within the prison premises and not to enter prison cells if not accompanied by our team members. Members of the monitoring team divided into three groups carried out visits to all 90 cells, as well as to all other premises within the pavilion. Doctors who were in the team conducted brief unsupervised interviews with all of the 220 prisoners individually, with a view to obtaining information whether they (the prisoners) have in the past six months been subjected to torture or any other form of abuse. The prisoners who claimed to have suffered bodily injuries were examined then and there by the forensic doctors and their injuries were photographed.

3. CONCLUSION

The Protector of Citizens has in the last six months of 2011, after being designated by the Law to act as NPM, used his competences solely for the purposes of conducting all necessary preparatory work in order to create conditions for efficient performance of duties of NPM.

We are convinced that the established structure and methodology of this very complex model of Serbian NPM, which includes the engagement of the Protector of Citizens and the Provincial Ombudsman and NGOs as well, shall enable efficient work of NPM starting from the beginning of 2012.

DEPUTY OMBUDSMAN

Miloš Janković