



***Permanent Mission of the Republic of Serbia  
to the OSCE and other International Organizations in Vienna***

No. 726/2012 (PS-0702/A/VIII-1-a)

**Note Verbale**

The Permanent Mission of the Republic of Serbia to the OSCE presents its compliments to all Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre and, in accordance with Decision 2/09 of the Forum for Security Co-operation, has the honor to submit the Information Exchange on the Code of Conduct on Politico-Military Aspects of Security, valid as of 15 April 2012.

The Permanent Mission of the Republic of Serbia to the OSCE avails itself of this opportunity to renew to all Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 6 June 2012

All Missions/Delegations to the OSCE  
The Conflict Prevention Centre

**SERBIA'S CONTRIBUTION TO  
Information Exchange on the OSCE Code of Conduct on  
Politico - Military Aspects of Security**

**1. Account of measures to prevent and combat terrorism**

1.1 To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?

*a) Agreements/arrangement related to combating terrorism which the Republic of Serbia is a Party are listed below:*

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Official Gazette of the SFRY – International contracts, number 9/85;
- International Convention against the Taking of Hostages, Official Gazette of the SFRY –International contracts, number 9/85;
- International Convention for the Suppression of the Financing of Terrorism, Official Gazette of the SRY –International contracts, number 7/2002;
- International Convention for the Suppression of Terrorist Bombings, Official Gazette of the SRY –International contracts, number 12/2002;
- International Convention for the Suppression of Acts of Nuclear Terrorism, Official Gazette of the Serbia and Montenegro –International contracts, number 2/2006;
- Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime, Official Gazette of the Serbia and Montenegro – International contracts, number 11/2005;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, Official Gazette of the SFRY –International contracts, number 47/1970;
- Convention for the Suppression of Unlawful Seizure of Aircraft, Official Gazette SFRY International contracts, number 3/72;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Official Gazette of the SFRY –International contracts, number 9/85;
- Convention on the Physical Protection of Nuclear Material, Official Gazette of the SFRY –International contracts, number 9/85;
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Official Gazette of the SFRY – International contracts, number 14/89;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Official Gazette of the Serbia and Montenegro –International contracts, number 2/2004;

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Official Gazette of the Serbia and Montenegro – International contracts, number 6/2004;
- European Convention on the Suppression of Terrorism, Official Gazette of the SRY – International contracts, number 10/2001;
- Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, Official gazette Republic of the Serbia –International contracts, number 19/2009;
- Protocol on European Convention on the Suppression of Terrorism, Official Gazette Republic of Serbia –International contracts, number 19/2009;
- Council of Europe Convention on the Prevention of Terrorism, Official Gazette Republic of the Serbia –International contracts, number 19/2009;
- European Convention on Extradition, Official Gazette FRY – International contracts no. 10/2001, 12/10;
- Additional Protocol to the European Convention on Extradition - Official Gazette FRY, International contracts no. 10/2001;
- Second Additional Protocol to the European on Convention Extradition, Official Gazette FRY – International contracts no. 10/2001;
- Third Additional Protocol to the European Convention on ExtraditionInternational Convention for the Protection of All Persons from Enforced Disappearance;
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette FRY, International contracts no. 10/2001;
- Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette FRY, International contracts no. 10/2001;
- Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette Serbian and Montenegro- International contracts no. 2/2006;
- European Convention on Transfer of Proceedings in Criminal Matters, Official Gazette FRY, International contracts no. 10/2001;
- Convention on Cybercrime, Official Gazette Republic of Serbia, International contracts no. 6p.19/2009;
- United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereinafter: Vienna Convention), adopted in 1988 ('SFRY Official Gazette – International Agreements', No. 14/90);
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (hereinafter: Strasbourg Convention), adopted in 1990 ('FRY Official Gazette - International Agreements', No. 7/02 and 'SCG Official Gazette – International Agreements', No.18/05);

- United Nations Convention Against Transnational Organized Crime with its Additional Protocols (hereinafter: Palermo Convention, adopted in 2000 ('FRY Official Gazette - International Agreements', No. 6/01) ;

- 1999 Council of Europe Criminal Law Convention on Corruption ('FRY Official Gazette - International Agreements', No. 2/02 and 'SCG Official Gazette – International Agreements', No.18/05);

- United Nations Convention against Corruption, adopted in 2003 ('SCG Official Gazette – International Agreements' No, 12/05);

**Agreements/arrangements related to regional, sub regional or bi-lateral cooperation:**

- Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in Its Organised Forms with the 2008 Additional Protocol on Combating Terrorism),

- Protocol on Enhanced Trilateral Cooperation in Combating Crime and Especially Trans-Border Crime (Serbia, Romania and Bulgaria).

The Republic of Serbia has concluded bilateral agreements/arrangements, referring cooperation in criminal matters in respected area with the following states: Bosnia and Herzegovina, Montenegro, Bulgaria, Croatia, Austria, Romania, the Slovak Republic, Russia, Greece, Italy, Cyprus, Hungary, Belgium, Switzerland, France, Albania and Turkey.

Protocols on cooperation which Ministry of Justice of the Republic of Serbia signed with ministries of justice of other countries, such as member states of the European Union, neighbouring countries and other countries from the region in the period from 2004 to 2012 are the following:

1. Agreement on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Russian Federation (12.02.2008.)
2. Agreement on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Belarus (05.11.2007.)
3. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Romania (30.01.2007.)
4. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Federation Bosnia and Herzegovina (28.04.2006.)
5. Memorandum on cooperation between Ministry of Justice of the Republic of Serbia and Austrian Federal Ministry of Justice (27.03.2006.)
6. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Greece (09.02.2006.)
7. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Albania (08.02.2006.)
8. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Croatia (05.12.2005.)

9. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Bulgaria (18.11.2005.)
10. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Former Yugoslav Republic of Macedonia (29.09.2004.)
11. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Montenegro (concluded in June 2004, period of existence of the State Union of Serbia and Montenegro)
12. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of France (27.10.2008.)
13. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Slovenia (28.09.2004.)
14. Memorandum on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Hungary (28.09.2009.)
15. Memorandum on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Montenegro (28.05.2009.)
16. Memorandum on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Slovak Republic (05.05.2009.)
17. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Srpska (07.04.2009.)
18. Memorandum of Understanding between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Portuguese Republic (24.05.2010)
19. Memorandum on strengthening regional and translational cooperation as a precondition for successful fight against organised crime in South Eastern Europe concluded between Ministry of Justice, Ministry of Interior and State Prosecutors of Republic of Serbia, Albania, Macedonia, Bosnia and Herzegovina, Montenegro, Romania, Bulgaria, Croatia and Slovenia (5.10.2010)
20. Memorandum of Understanding between Ministry of Justice of the Republic of Serbia and Ministry of Justice of Spain (16.09.2010).

Agreements enclose harmonization of relevant legislation, modernization of judiciary, education and trainings of employees in the Ministry of Justice, reform of the system for enforcement of penal sanctions, as well as cooperation in combating organized crime, terrorism, human trafficking, money laundering, corruption and other criminal offences of great danger for society.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

By ratifying the above mentioned international agreements/arrangements, all laws/acts have been integrated into the internal legal order of the Republic of Serbia.

The Constitution of the Republic of Serbia ("Official Gazette of the RS" No. 98/2006) in Article 16 paragraph 2 and 3 stipulates that generally accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly. Ratified international treaties must be in accordance with the Constitution. On March 31, 2011 National Assembly of Republic of

Serbia adopted the Law on Ratification of the Third Additional Protocol to the European Convention on Extradition and Law on Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance ("Official Gazette RS – International contracts" no. 1/2011). On July 28, 2011 National Assembly of Republic of Serbia adopted the Law on Ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ("Official Gazette RS – International contracts" no. 7/2011). On October 18, 2011 National Assembly of Republic of Serbia adopted the Law on Ratification of the Agreement between the governments of the BSEC (Organization for Black Sea Economic Cooperation) member states on cooperation in the fight against crime, particularly organized forms, the Additional Protocol to the Agreement between the Governments of the BSEC cooperation in the fight against crime, particularly organized forms and additional protocol on terrorism relating to the Agreement between the Governments of the BSEC in the fight against crime, especially its organized forms ("Official Gazette RS – International contracts" no. 8/2011). On December 26, 2011 the National Assembly of Republic of Serbia adopted the Law on Ratification of the Agreement on Cooperation between the Government of the Republic of Serbia and the Republic of Turkey in the fight against serious crime, especially terrorism and organized crime ("Official Gazette RS – International contracts" no. 11/2011) and the Law on Ratification of the Agreement on cooperation in the fight against organized crime, international drug trafficking and international terrorism between the Government of the Republic of Serbia and the Council of Ministers of the Republic of Albania ("Official Gazette RS – International contracts" no. 11/2011).

In December 2010, the National Assembly of Republic of Serbia adopted the Law on Amendments to the Law on Ratification of the European Convention on Extradition, by which Republic of Serbia withdrawn the reservation made to the articles 6 (1) (a) and 21 (2) regarding the extradition and transit of its citizens.

In March 2009, the National Assembly of the Republic of Serbia adopted the Law on recognition of the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism.

In September 2009, the Law on amendments and additions to the Criminal Code and the Law on amendments and additions to the Criminal Procedure Code were adopted in order to be in line with international and regional conventions. Provisions of these laws related to financing of terrorism and money laundering were changed and sentences related to these criminal offences were increased in order to be in line with international standards. Concretely, the issue of combating terrorism is stipulated in following chapters and articles of the Criminal Code (Official Gazette of the Republic of Serbia, number 85/2005, 88/2005, 107/2005, 72/2009, 111/2009):

Criminal offences against general safety of people and property (Chapter XXV), Unlawful Acquiring and Endangerment of Safety with Nuclear Material (article 287), Criminal offences against road traffic safety (Chapter XXVI), Endangering Air Traffic Safety by Violence (article 292), Hijacking an Aircraft, Ship or Other Means of Transport (article 293), Criminal offences against the constitutional order and security of the Republic of Serbia (Chapter XXIX), Terrorism (article 312), Offences against public peace and order (Chapter XXXI), Illegal Production, Possession, Carrying and Sale of Firearms and Explosives (article 348), Criminal offences against humanity and other rights guaranteed

by international law (Chapter XXXIV), Unlawful Production, Sale and Possession of Forbidden Weapons (article 377), International Terrorism (article 391), Taking Hostages (article 392) and Financing Terrorism (article 393).

Chapter XIX of the Criminal Procedure Code, titled Special Provisions related to Procedure for Criminal Offences of Organized Crime, Corruption and Other Criminal Offences of great danger for society has been adjusted in order to be in line with international standards. More precisely, paragraph 1 of the article 504a states that provisions of this title contain special rules of procedure related to criminal offences of organized crime, corruption and other exceptionally severe criminal offences. The other exceptionally severe criminal offences referred to in paragraph 1 of this article are the following criminal offences: murder (Article 113 of the Criminal Code), aggravated murder (Article 114 of the Criminal Code), abduction (Article 134 paragraphs 1 through 4 of the Criminal Code), robbery (Article 206 paragraph 2 of the Criminal Code), extortion (Article 214 paragraphs 3 and 4 of the Criminal Code), money forgery (Article 223 paragraphs 1 through 3 of the Criminal Code), money laundering (Article 231 paragraphs 1 through 4 of the Criminal Code), unauthorized production and illicit traffic in narcotic drugs (Article 246 paragraphs 1 and 3 of the Criminal Code), criminal offences against constitutional order and security of the Republic of Serbia (Articles 305 through 321 of the Criminal Code), illegal production, carrying and sale of guns and explosives (Article 348 paragraph 3 of the Criminal Code), illegal border crossing and trafficking in persons (Article 350 paragraphs 2 and 3 of the Criminal Code), trade in human beings (Article 388 paragraphs 1 through 6, 8 and 9 of the Criminal Code), trade in minors for adoption (Article 389 paragraphs 1 and 2 of the Criminal Code), international terrorism (Article 391 of the Criminal Code), taking hostages (Article 392 of the Criminal Code) and terrorism financing (Article 393 of the Criminal Code).

Moreover, the Law on Organisation and Jurisdiction of Government Authorities in the Suppression Against Organised Crime, Corruption and Other Severe Criminal Offences (Official Gazette of RS, no. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 - oth. law, 45/2005, 61/2005, 72/2009, 72/2011-other law and 101/2011 – other law)prescribes establishment, organisation, jurisdiction and authorities of government authorities and specialised organisational units of government authorities for the detection, criminal prosecution and processing of criminal offences stipulated by this Law. By amendments and supplements of this Law from 2009, the application of this Law was extended (apart from the offences of organised crime) on the, *inter alia*, criminal offences of terrorism, international terrorism, financing of terrorism and criminal offence of money laundering if the property which is the object of money laundering originates from the criminal offences of organised crime, criminal offences against official duties as prescribed by this law, criminal offence of abuse of public office as prescribed by this law and from criminal offence of financing terrorism and international terrorism. Pursuant to this law, the Prosecutor's Office for Organised Crime, Special Department of the Higher Court in Belgrade for Organised Crime, Special Service for Suppression of Organised Crime within Ministry of Interior and special prison unit are competent in the cases of criminal offences referred above.

The provisions of Article 15a and Articles 15ž to 15m of the Law on organization and jurisdiction of government authorities in the Suppression Against Organised Crime, Corruption and Other Severe Criminal Offences ("Official Gazette of the RS" No.

42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 – other law, 45/2005, 61/2005, 72/2009 i 72/2011 – other law), shall expire on 15th January 2012, based on the Criminal Procedure Code (“Official Gazette of the RS” No. 72/2011 and 101/2011).

Law on the execution of the prison sentence for criminal offences of organize crime (Official Gazette of the Republic of Serbia, number 72/2009, 101/2010) precise in article 1 that the provisions of the law are also applicable to the execution of the prison sentence for the criminal offence of terrorism specified in Article 312 of the Criminal Code and the criminal offence of international terrorism referred to in Article 391 of the Criminal Code. Special Department for the serving of the prison sentence for organized crime at the closed type, high security penal and correctional institution has been established. Special Department is formed for the execution of the prison sentence imposed for the criminal offences mentioned in Article 1.

National legislation pertaining to the AML/CFT area, adopted in March 2009, implements the above-specified international legal instruments, and also incorporates the FATF (Financial Action Task Force) and EU AML/CFT standards (Criminal Code, AML/CFT Law).

The Republic of Serbia also passed following strategies: the National Security Strategy of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 88/09), the Defence Strategy of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 88/09), the Strategy for Fight against Organised Crime (Official Gazette of the Republic of Serbia, No. 23/09), the Action Plan for the Implementation of the Strategy for Fight against Organised Crime (Official Gazette of the Republic of Serbia, No. 81/09).

### 1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Preventing and combating terrorism within the Republic of Serbia is a matter for the Ministry of Interior and Security Information Agency.

The position of the Serbian Armed Forces is regulated by the Constitution and the acts generated on the basis of the Constitution (Act on the Armed Forces, Act on Defence). According to the said regulations, the Serbian Armed Forces is an organised armed force defending the Republic of Serbia against external armed threats and it performs other missions and tasks in compliance with the Constitution, law and the principles of international law. The President of the Republic or the Minister of Defence, upon the authorisation of the President, may decide that the Serbian Armed Forces provide assistance to a competent state body or organisation, autonomous provinces body or local authorities, upon their request in order to protect lives and security of people and property, provide environmental protection or for any other reason stipulated by the Law, and especially in case of non-military challenges, risks and threats to security such as: terrorism, national and religious extremism, organised crime and corruption, natural disasters, industrial and other accidents and epidemics. The key role within the Ministry of Defence in combating terrorism is played by the Military Security Agency. Its position is regulated by the Act on the Foundations of the Security Services System in the Republic of Serbia and the Act on the Military Security Agency and the Military Intelligence Agency.



Pursuant to Article 33 of the Act on Defence, any form of paramilitary organisations or associations for performing defence tasks is forbidden.

- 1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:
- Financing of terrorism;
  - Border controls;
  - Travel document security;
  - Container and supply chain security;
  - Security of radioactive sources;
  - Use of the Internet and other information networks for terrorist purposes;
  - Legal co-operation including extradition;
  - Safe havens and shelter to terrorists and terrorist organizations.

Terrorism is one of the greatest risks and threats to global, regional and national security. In such conditions, the Republic of Serbia can be a target of terrorist activities both directly and through the usage of its territory for the preparation and execution of terrorist activities in other countries. Article 393 of the Serbian Criminal Code criminalises "financing of terrorism", as follows:

(1) Whoever, directly or indirectly, provides or collects funds intended for a full or partial financing of the commission of the criminal offence specified in Articles 312, 391, and 392 of this Code, shall be punished by imprisonment of one to ten years.

(2) Whoever aids and abets the provision or collection of funds for the commission of the criminal offence laid down in Articles 312 (*Terrorism*), 391 (*International Terrorism*) and 392 (*Taking of hostages*) of this Code, irrespective of whether such an offence was committed or whether such funds were used for the commission of such offences, shall be punished by imprisonment of six months to five years.

(3) The funds referred to in paragraph 1 of this article shall be seized.

The Republic of Serbia has in place an anti-money laundering and counter-terrorism financing (AML/CFT) system, including a preventive component embodied in the Law on the Prevention of Money Laundering and Terrorism Financing. The AML system in Serbia was set up in 2002 with the adoption of the Law on the Prevention of Money Laundering. Since then two other laws have been adopted, in 2005 and 2009 respectively. The 2009 AML/CFT Law, which entered into force on 27 March 2009, includes also the explicit provisions on the prevention of the financing of terrorism. A range of financial institutions and Designated Non-Financial Businesses and Professions (DNFBP's)<sup>1</sup> are

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<sup>1</sup> Banks; Licensed bureaux de change; Investment fund management companies; Voluntary pension fund management companies; Financial leasing providers; Insurance companies, insurance brokerage companies, insurance agency companies and insurance agents with a licence to perform life insurance business; Persons dealing with postal communications; Broker-dealer companies; Organisers of special games of chance in casinos; Organisers of games of chance operated on the Internet, by telephone, or in any other manner using telecommunication networks; Auditing companies; Licensed auditors; as well as both entrepreneurs and legal persons exercising the following professional activities: Intermediation in real-estate transactions; Provision of accounting services; Tax advising; Intermediation in credit transactions

obliged to fulfill the reporting requirements laid down in the AML/CFT Law according to a new approach adopted in the 2009 AML/CFT, namely the risk-based approach. According to this new approach, the reporting entities are required to apply *normal*, *enhanced*, or *simplified* customer due diligence in accordance with the AML/CFT risk analysis and assessment of the specific transaction, client, or business relationship. The same reporting requirements apply both in case of suspicion on money laundering and terrorism financing. The reporting entities send to the Administration for the Prevention of Money Laundering (APML – Serbian FIU) cash-transaction reports (CTR's), the threshold being EUR 15,000, and all suspicious transactions (STR's) in case of suspicion on money laundering or terrorism financing irrespective of the amount involved. All the reporting entities are supervised by the supervisors specified in the AML/CFT Law.<sup>2</sup>

The Financial Intelligence Unit (FIU) of Serbia was established in 2002 as a Federal Commission for the Prevention of Money Laundering. Meanwhile, it became part of the Serbian Ministry of Finance, as the Administration for the Prevention of Money Laundering (APML). The APML, as an administrative FIU, collects, analyzes and keeps data and information and, where it suspects money laundering or terrorism financing, it notifies the competent State bodies (the police, judicial, and supervisory authorities) so that they can take measures within their competence. The finances for the operation and functioning of the APML, as a direct budget user, are provided for in the Republic of Serbia budget. To prevent illegal physical transportation of cash across the state border, the Rulebook Concerning the Declaration of Physical Cross-Border Transportation of Bearer Negotiable Instruments was adopted in September 2009, the threshold being EUR 10,000 or its equivalent in RSD or in foreign currency. The Rulebook was developed on the basis of the EU Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community. Pursuant to the Criminal Code, article 91, no one may retain the material gain obtained by a criminal offence. The gain shall be seized under the conditions stipulated by this Code and by a decision of the court which determined the commission of a criminal offence. The provisions on the confiscation of material gain are applied for all criminal acts, prescribed by the Criminal Code, from which a person has obtained the gain. Money, valuables and all other material gains obtained by a criminal offence will be seized from the offender, and if such seizure should not be possible, the offender will be obligated to hand over another material goods corresponding to the value of the assets gained by the commission of the criminal offence, or pay a pecuniary amount commensurate with obtained material gain. Material gains obtained by a criminal offence will also be seized from persons to whom they were transferred without compensation, or with compensation that was obviously disproportionate to their actual value and where material gain is wrongfully obtained for another (article 92 of Criminal Code).

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and provision of loans; Factoring and forfeiting; Provision of guarantees; Provision of money transfer services, as well as lawyers and lawyer partnerships.

<sup>2</sup> APML; National Bank of Serbia; Securities Commission; Tax Administration; Ministry competent for trade supervision; Foreign Currency Inspectorate; Administration for Games of Chance; Ministry competent for finance; Ministry competent for postal communication; Bar Association; Chamber of Licensed Auditors.

New Criminal Procedure Code adopted on September 26<sup>th</sup> 2011 (Official Gazette of RS", No. 72/2011 and 101/2011) introduces prosecutorial investigation as the most important novelty in the judicial system of Serbia, as it leads to radical changes in the criminal proceedings. Investigation that, according to the old regulation, was under the responsibility of the investigating judge will be managed by a public prosecutor who will now play a larger role in the process, and have more authority in prosecuting perpetrators of criminal acts and collecting evidence. Namely, the prosecutorial investigation predicts that the public prosecutor bears the burden of proving the charges (adversarial procedure) instead of the previous solution according to which the court took evidence *ex officio*, and in this way, the public prosecutor takes the responsibility for the collection of evidence which allows more efficient handling of criminal cases. The right to collect evidence and other materials that can be taken voluntarily belongs also to the defence. Considering that only public authorities (public prosecutor and the court) are authorised to take evidence, the defence may request from them to undertake certain evidentiary proceedings.

The Law on the Protection Programme of participants in the Criminal Proceedings (Official Gazette of the Republic of Serbia" No. 85/05) provides for the possibility of protection of defendant, witness collaborator, witness, injured party, expert witness and expert person as well as of close person for whom the participant in criminal proceedings demands to be included in the Protection Program in case of the following criminal offences: 1) against the constitutional order and security (which includes terrorism); 2) against humanity and other values protected by international law (which include international terrorism, financing of terrorism, taking of hostages etc); 3) organized crime.

Border control should be observed in the light of the Integrated border management strategy in the Republic of Serbia ("Official Gazette of the Republic of Serbia", No. 11/06), according to which, the services present at the border are: Border Police of the Ministry of Interior, Customs Department of the Ministry of Finances and Veterinary and Phytosanitary Inspection of the Ministry of Agriculture, Forestry and Water Industry which are obliged, by their joint work at the border, to facilitate basic preconditions for the efficient system of border control and supervision.

Safety of Travel Documents is within the exclusive jurisdiction of the Ministry of Interior. The said area is particularly regulated by the Law on Travel Documents ("Official Gazette of the Republic of Serbia", No. 90/07, 76/10).

Safety of containers and the chain of supply falls within the jurisdiction of the Ministry of Interior, Ministry of Finance, Ministry of Infrastructure and Customs Department.

Security of radioactive sources is the area where the fundamental regulation is the Law on the Protection against Ionizing Radiation and on Nuclear Safety ("Official Gazette of the Republic of Serbia", No. 36/09). The competent authority for the implementation of the measures of radiation and nuclear safety and security is the Agency for the Protection against Ionising Radiation and Nuclear Safety of Serbia. The role of Serbian Armed Forces in this area arises from the provision of Article 2, paragraph 2 of the Law on Serbian Armed Forces ("Official Gazette of the Republic of Serbia", No. 88/09 and 101/10) according to which the President of the Republic or the Minister of Defence, authorised by the President may decide that the Serbian Armed Forces provide assistance to a competent state body or organisation, autonomous provinces body or local authorities, upon their request in order to protect lives and security of

people and property, provide environmental protection or for any other reason stipulated by the Law.

The usage of Internet and other information networks for the purpose of terrorists may be subsumed under the preparatory activities for the execution of terrorist criminal act, in the sense of the provision of Article 312 and regarding Article 320 of the Criminal Code of the Republic of Serbia or as some of the accessory activities in terms of the provisions of Article 312 and regarding Articles 33 to 37 of the same Code. Within the Ministry of Defence and Serbian Armed Forces, the Military Security Agency is responsible for detecting, investigating and documenting such misuse of Internet and other information networks.

The cooperation in the area of justice including extraditions is the exclusive responsibility of the Ministry of Justice, as a part of executive power in the Republic of Serbia and competent courts as parts of judicial power in the Republic of Serbia.

Republic of Serbia has concluded 50 bilateral agreements with 30 states in area of mutual legal assistance in criminal matters.

The shelters and refuges for terrorists and terrorist organisations should also be observed in the light of criminal-legal regulations referring to terrorism and related criminal offences.

Criminal offence of providing safe heaven and shelter to terrorists is covered by article 35 of the Criminal Code of Republic of Serbia which provides for the following:

- 1) Whoever with intent aids another in the commission of a criminal offence shall be punished with the penalty prescribed for that criminal offence, or a mitigated penalty.
- 2) The following, in particular, shall be deemed as aiding and abetting in the commission of a criminal offence: providing instructions or advice on how to commit the criminal offence, placing at the disposal of the perpetrator the necessary means to commit the criminal offence, creating the necessary conditions or removing obstacles for the commission of the criminal offence, issuing prior promises to conceal the commission of the criminal offence, the offender, evidence of the criminal offence, and items acquired by the commission of the criminal offence.

The cited article refers to all criminal offences prescribed in the Criminal Code, and thus also on the criminal offence of terrorism, international terrorism and financing of terrorism as well.

Furthermore, article 391 of the Criminal Code, which incriminates “international terrorism” has been amended in 2009, by specifying in paragraph 5 what is considered as the preparation for the international terrorism, as following: acquisition of the means for the committing criminal offences, removal of obstacles, and agreeing, planning or organising with others activities that create conditions for direct commission of the crime.

## **2. Stationing of armed forces on foreign territory**

- 2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

On the basis of the pronounced need and already signed agreements with UN, the members of the Ministry of Defence and Serbian Armed Forces are currently engaged in five peacekeeping missions (in Liberia, Ivory Coast, Congo, Cyprus and Lebanon), with

the total of 66 members of the Ministry of Defence and Serbian Armed Forces in the following manner:

- Four military observers in the UNMIL mission in Liberia,
- Three military observers in UNOCI mission in Ivory Coast,
- One medical team, consisting of six members, for MEDEVAC AMET and one staff officer and one NCO in MONUSCO peacekeeping operation in DR Congo,
- Seven members of the Serbian Armed Forces within the Hungarian contingent and 39 SAF members within the Slovak contingent in UNFICYP peacekeeping mission in the Republic of Cyprus and
- Five staff officers in UNIFIL peacekeeping operation in the Republic of Lebanon.

Apart from the mentioned missions, there is a plan for 2012 to augment the engagement in the already existing missions MONUSCO and UNIFIL, and to initiate the engagement in the UNTSO peacekeeping mission in the Middle East. In addition, the plan is to commence the engagement in European Union operations for crisis management with two officers in the multinational operation “EUNAVFOR ATALANTA” in the Republic of Somalia and with a medical team of up to five personnel and eight members within the staff element in the multinational operations “EUTM Somalia” for the training of the security forces of the Somali Republic in Uganda.

### **3. Implementation of other international commitments related to the Code of Conduct**

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

As a UN member, the Republic of Serbia has accepted a full range of agreements and resolutions in the field of arms control, CSBMs and disarmament and has been implementing them consistently. Inter alia, Serbia has undertaken and fulfilled all the commitments from following international documents:

- the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction,
- the Treaty on Non proliferation of Nuclear Weapons (NPT), the Comprehensive Nuclear Test Ban Treaty (CTBT),
- the Convention on Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC) and
- the Chemical Weapons Convention, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

As an OSCE participating state, Serbia is a State Party to the 1999 Vienna Document (which, with certain technical amendments entered, was reissued on 30<sup>th</sup> November 2011 under the title the 2011 Vienna Document), and pursuant to Title X of the said Document, it has become a State Party to bilateral agreements with the Republic of Hungary signed by the respective governments, and with the Republic of Bulgaria signed

by the respective ministries of defence. Serbia has been fulfilling commitments from the all OSCE Documents as well as on Small Arms and Light Weapons and SCA. The Republic of Serbia aligns itself to the EU Code of Conduct related to arms exports. Also, Serbia is a State Party to the Dayton Peace Accords. Based upon Article V of the Annex 1b to the said Agreement, a bilateral agreement has been signed with the Bundeswehr Verification Centre (the Federal Republic of Germany). Since the signing of the Dayton Peace Treaty in 1996, a significant downsizing of the armed forces personnel has been executed and, in accordance with that, the reduction of major weapon systems for over 3500 pieces, out of which 53 items of major weapons systems in 2011.

The Republic of Serbia takes an active part in international arms control and CSBMs consultations and negotiations.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

The arms control is carried out in accordance with provisions of all signed agreements. Since it rejoined OSCE in 2001, the Republic of Serbia has, within the Vienna Document 1999 and/or the Vienna Document 2011, accepted in its territory 36 inspections and 15 evaluations in accordance with obligatory quotas and 38 activities on the basis of bilateral agreements. Concurrently, 81 arms control activities have been conducted abroad.

On 13<sup>th</sup> May 2010, the Government of the Republic of Serbia adopted the National Strategy of small arms and light weapons control. The development of a National Action Plan for the implementation of the said National Strategy is in progress.

On the basis of the provisions of the Dayton Peace Treaty, Article IV of Annex 1b, the Republic of Serbia has, from the beginning of the implementation thereof in 1996, accepted in its territory 134 inspections of arms control encompassing the total of 210 objects of inspection. At the same time, 117 arms control inspections have been realised abroad on 216 objects of inspection in total.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

Defence funding/budgeting rests on an annual basis and is executed from the budget of the Republic of Serbia. The resources from self-generated revenue and other kinds of income as stipulated by the Budget Act may be used for supplementary financing purposes. Pursuant to the Guidance for the Preparation of the Budget of the Republic of Serbia, for each budget year, the Ministry of Defence produces a Draft Defence Fiscal Distribution Plan particularly taking care that this Plan accord with the defence system development and operation plans and programmes. Transparency in defence planning and budgeting is achieved through the procedure for the budget development, adoption,

execution, control and audit. The planning, development, adoption and execution of the Defence Fiscal Distribution Plan are carried on the basis of a single budget classification.

The Ministry of Defence is responsible for the budget accounting of its own transactions and reporting as per a methodology established by the Ministry of Finances. In addition, the Ministry of Defence submits reports on military expenditure to certain international organisations based on its international commitments arising from the ratified international conventions. Control and audit are performed in all stages of defence planning and budgeting being of internal and external types. The internal control and audit are carried out by the competent bodies of the Ministry of Defence. The external control and audit are conducted by the authorised bodies of the Republic of Serbia.

In the year 2011, the Ministry of Defence adopted a new Rulebook on Planning, Programming, Budgeting and Execution in the Ministry of Defence and the Serbian Armed Forces governing the planning, programming, budgeting and execution of the plans and programmes within the scope of activity of the Ministry of Defence and the Serbian Armed Forces. In addition, the Defence Planning Council was formed as an expert body of the Ministry of Defence. Long-term planning is based on the National Security Strategy of the Republic of Serbia and the Defence Strategy of the Republic of Serbia, and the primary document in this area is the Long-Term Defence System Development Plan of the Republic of Serbia. This is a defence planning document that sets forth the strategic orientation in view of the development of the defence system of the Republic of Serbia, the required capabilities of the Armed Forces, the contents and dynamics of organisational changes, the development of human and material resources, defence system budgeting/funding and other issues relevant for the defence system operation in accordance with the missions and tasks in defending the Republic of Serbia.

Mid-term planning rests on the Long-Term Defence System Development Plan of the Republic of Serbia, and the basic documents relevant for the mid-term planning are: the Strategic Defence Review of the Republic of Serbia; Guidelines for Mid-Term Planning and Programming; the Mid-Term Defence System Development Plan and Programme, and mid-term function plans. Short-term planning is based on the Strategic Defence Review of the Republic of Serbia and the Mid-Term Defence System Development Plan and Programme, and the basic documents in view of the short-term planning are: the Ministerial Guidance, annual function plans, the Ministry of Defence Fiscal Distribution Plan, the annual work plan of the Ministry of Defence and the annual work plans of the internal organisational units of the Ministry of Defence and of the commands, units and institutions of the Serbian Armed Forces.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

The National Security Strategy of the Republic of Serbia, in its part referring to the main orientation and preferences of the national security policy, precisely defines that the Republic of Serbia is devoted to honouring the commitments that stem from the United Nations Charter, principles of the Universal Declaration on Human Rights and the Helsinki Final Act. The said Strategy particularly highlights the quality of being refrained from threatening by force or from employment of force for the purpose of threatening the

territorial integrity or independence of any state. It also emphasises honouring the internationally recognised borders and solving disputes and open issues in a peaceful manner. The Republic of Serbia pleads for compliance with international law, the strengthening of the roles of the UN, OSCE and EU, and for the creation of mechanisms for preserving the security in the world with equal appreciation of the interests of all states, peoples and ethnic groups. The national security of the Republic of Serbia is closely connected with the security in the region of SEE and of the European continent as a whole due to which the Republic of Serbia is constantly improving its relations with the EU member states as well as with the NATO member and partner countries on the basis of a direct, close and long-term cooperation and joint action. By its accession to the NATO PfP Programme, the Republic of Serbia has confirmed its long-term commitment to contribute to common democratic values and to the strengthening of the regional and global security. Simultaneously, the Republic of Serbia emphasises its readiness to engage in the EU Common Security and Defence Policy activities. A matter of particular importance to the Republic of Serbia is the development and enhancement of bilateral relations and cooperation with the neighbouring states, and the participation in regional security initiatives, which considerably contributes towards the strengthening of confidence and consolidation of peace and stability in the Southeast Europe region. The Defence Strategy of the Republic of Serbia sets forth the commitment of the Republic of Serbia to building and strengthening its own defence capacities and capabilities, and to acting jointly with other countries and contributing to the enhancement of the national, regional and global security through its integration into European and international security and defence structures. Serbia also reiterates its readiness to fulfil its obligations in the areas of arms control and arms proliferation prevention in a timely manner. The Republic of Serbia is determined to engage its defence potentials based on the Constitution, the UN Charter and the principles of international law governing the employment of force, and to deploy part of its forces to foreign countries' territories solely in the framework of multinational operations, following the UN resolutions and international obligations, in compliance with a decision of the National Assembly of the Republic of Serbia and pursuant to the orientation and interests of the Republic of Serbia. The participation in building and preserving the peace in the region and worldwide is one of the missions of the Serbian Armed Forces which is fulfilled through the participation in international military cooperation and multinational operations. At the proposal of the Government, the National Assembly of the Republic of Serbia enacts laws governing the participation of the members of the Serbian Armed Forces and other defence forces in multinational operations (Law on Defence, Article 5, item 4, and Article 40 and the Law on the Employment of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Abroad). The members of the Ministry of Defence and the Serbian Armed Forces are deployed to UN-mandated multinational operations based on the Annual Plan for the Employment of the Serbian Armed Forces and Other Defence Forces in Multinational Operations, which is approved by the National Assembly. In the period to come, Serbia is planning to augment the participation in UN and EU multinational operations, and to increase the engagement therein on the basis of the Memorandum of Understanding with the UN on the contributions to stand-by arrangements, which has been signed by the Republic of Serbia, thus making certain



capacities of the Ministry of Defence and the Serbian Armed Forces available to UN in case of urgent necessity for rapid deployment to a multinational operation.

## **2. Existing structures and processes**

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

In accordance with the Constitution of the Republic of Serbia, the Serbian Armed Forces and security services are under democratic civilian oversight (Article 99, item 6 and Article 141, paragraph 1 of the Constitution), and secret and paramilitary associations are forbidden (Article 55 of the Constitution). Article 29, paragraph 3 of the Law on the Serbian Armed Forces stipulates that democratic and civilian oversight of the Serbian Armed Forces is performed by the National Assembly, Ombudsman and other state bodies in accordance with their responsibilities, and citizens and public. Under Article 99, paragraph 1 of the Constitution, the National Assembly oversees the work of the security services. The President of the Republic under Article 112, paragraph 2, in accordance with the Law commands the Armed Forces, while the Government, in compliance with Article 123, item 5 guides and coordinates the work of governmental bodies and consequently the work of the Ministry of Defence. Pursuant to Article 138, paragraph 1 of the Constitution, the Ombudsman is an independent state body authorised to protect the rights of the citizens and to control the work of the governmental bodies. The National Security Council has been established pursuant to Article 3, paragraph 2 of the Law on Foundations for the Regulation of Security Services of the Republic of Serbia as a body of the Republic of Serbia, which in addition to the work relating to taking care of the national security in general, guides and coordinates the work of the security services, considers the mutual cooperation among the bodies responsible for defence, the bodies responsible for interior affairs and the security services and their cooperation with other competent state bodies as well as their cooperation with the security agencies and services of foreign countries and of international organisations. The Coordination Bureau has been set up pursuant to Article 3, paragraph 3 of the same Law and it operationally coordinates the work of the security services and executes the conclusions of the National Security Council. Article 16 of the said Law stipulates the responsibility of the National Assembly to oversee the operation of the security services via a competent committee through the prescribed obligation to report to the Committee on the part of the Directors of the security services and through direct oversight (access to premises of a service, access to documentation etc). Article 21 of the same Law stipulates the obligation of the security services to inform the public on their work through the bodies to which they submit reports or directly on certain security occurrence or event. An appeal may be filed to the Constitutional Court of the Republic of Serbia against specific acts or activities of state bodies or organisations vested with public authority, which violate or deny human or minority rights and freedoms guaranteed by the Constitution if all other legal resources are exhausted or are not envisaged for their protection.

## Democratic oversight of the Serbian Armed Forces

Democratic and civilian oversight pursuant to the Law encompasses the procedures for the control of the use and development of the Serbian Armed Forces, the internal and external control of expenditures for the military purposes, monitoring the state and informing the public on the state of preparations of the Serbian Armed Forces, enabling free access to the information of public significance and determining the responsibility for the execution of military duties (Article 29 of the Law on the Serbian Armed Forces). Democratic and civilian oversight of the Serbian Armed Forces is conducted by the National Assembly, Ombudsman and other state bodies in compliance with their responsibilities, and citizens and public. The regulations on the Ombudsman referring to the protection and exercising rights of the citizens are also applied to the professional members of the Serbian Armed Forces.

### Parliamentary control

Parliamentary control is exercised by the National Assembly through the Security Committee under the conditions prescribed by the Law on Defence (Article 9, paragraph 1 and paragraph 2 point 12) and the Rules of Procedure of the National Assembly (Official Gazette of RS, No. 52/10). The Committee, inter alia, regularly discusses also the issues related to exercising the parliamentary control over the Serbian Armed Forces and defence system; the reports from the Ministry of Defence, submitted by Minister of Defence to the Committee on a quarterly basis, during the sessions of the National Assembly; the issues related to public and state security, the reports by the Ministry of Interior about the security situation in the Republic of Serbia, submitted to the National Assembly upon request (Article 49 of the Rules of Procedure of the National Assembly).

### Direct control

Control by the President of the Republic and the Minister of Defence, exercised in accordance with law, over the Serbian Armed Forces Chief of General Staff through regular review and evaluation of operational and functional capabilities of subordinate commands, units and institutions of the Serbian Armed Forces. The Serbian Armed Forces General Staff notifies and reports to the President and the Minister of Defence on the work and the situation in the Serbian Armed Forces (Article 36 of the Law on Defence).

### Public control

Way of informing the public about the activities of the Ministry of Defence and the Serbian Armed Forces is regulated by the Instruction for informing the public about the work of the Ministry of Defence and the activities of the Serbian Armed Forces (Official Military Gazette No. 35/08) according to the authorisation under Article 30 of the Law on the Serbian Armed Forces. Informing the public is done through the website of the Ministry of Defence, which has published the Register of regulations that is updated

monthly and Bulletin on the work of the Ministry of Defence which has been prepared in accordance with article 40 of the Law on Free Access to Public Information (Official Gazette of RS, No. 120/04, 54/07, 104/09 and 36/10).

#### Procedures of democratic and civilian control of the security services

Democratic and civilian control of the security services is governed by the Law on the Foundations for the Regulation of the Security Services in the Republic of Serbia (Official Gazette of RS, No. 116/07).

#### Parliamentary control

Parliamentary control is exercised by the National Assembly through the Security Committee under the conditions prescribed by the Law on Defence (Article 9 paragraph 1 and paragraph 2 point 12) and Article 49 of the Rules of Procedure of the National Assembly (Official Gazette of RS, No. 52/10)). Articles 17-20 of the Law on the Foundations for the Regulation of the Security Services in the Republic of Serbia stipulate that the Director of the Security Service is obliged to answer the call to a session of the Committee. If the Director of the Security Service is not able to attend the session of the Committee, he is obliged to send his deputy or authorized representative to the session. The session of the Committee may be closed to the public. In this case, the Committee Chair informs the public about the work of the Committee, in accordance with the decisions made at the session of the Committee (Article 17 of the Law).

The Director of the Security Services submits a report on the work of the service (regular report) to the Committee at least once during the regular National Assembly session or at the request of the Committee, an extraordinary report, as appropriate (Article 18 of the Law). The Director of the Security Services shall, at the request of the Committee, grant the members of the Committee access to the premises of the service, allow access to documentation, provide data and information on the work of the service and answer to their questions related to its work (Article 19, paragraph 1 of the Law). Committee members cannot require from the security services the following information: identity of present and former collaborators and informants of the Service; third persons whom the disclosure of those data could harm; methods of acquisition of security and intelligence data; current actions; methods of implementation of special procedures and measures; and the data and information that were acquired through exchange with foreign services and international organizations and classified data and information by other state bodies that are in possession of the service (Article 19 paragraph 2 of the Law). In terms of the obligation to safeguard classified information, Article 20 of the Law prescribes that the Committee members and persons participating in its work are required to protect and safeguard the confidentiality of information they get hold of participating in the work of the Committee even after the cessation of their membership or their work in the Committee. The Committee members sign the statement of commitment to secrecy after their election to the Committee, and the persons participating in the work of the Committee sign it before they start with their engagement in the Committee (Article 20).

## Government

Government via the Ministry of Defence exercises control provides necessary resources for the work of Military Security Agency and Military Intelligence Agency and exercises other powers in accordance with the law, via the Ministry of Defence and Inspector General (Article 53 of the Law).

## Inspector General

Inspector General: 1) oversees implementation of the principles of political, ideological and interest neutrality in the activities of MSA and MIA and their personnel, 2) oversees legality of implementation of special procedures and measures for covert data collection, 3) oversees legality of budget and other resources spending for their activities, 4) offers opinion on draft laws, other regulations and general acts within the competences of the MSA and the MIA, 5) establishes the facts regarding observed illegal or irregular actions in the activities of the MSA and the MIA and their personnel and 6) reports to the Minister of Defence on the findings of the oversight including further measures. Inspector General shall be appointed by the Government for a period of five years at the proposal from the Minister of Defence, taking into consideration an opinion of the National Security Council. Inspector General shall be accountable to the Minister of Defence. Inspector General shall report on the implemented oversight at least once a year to the relevant Committee of the National Assembly. Inspector General cannot be a member of a political party or hold any other public office (Article 54 of the Law).

The method of exercising internal control of the Military Security Agency and the Military Intelligence Agency and other issues of importance for the work of the Inspector General shall be prescribed by the Minister of Defence (Article 56).

## Internal Control

Internal Control of the Military Security Agency and the Military Intelligence Agency shall carry out inspection of the legality of their work and the implementation of powers and authorities of their personnel. Internal Control manager shall be directly subordinate to the Director of the Military Security Agency or the Military Intelligence Agency, to whom he/she shall regularly submit reports on their activities and on potential abuses and irregularities in the operations of the Military Security Agency and the Military Intelligence Agency. Internal Control manager shall inform Inspector General, and as appropriate, relevant Committee of the National Assembly, when they have findings that the MSA or the MIA Director did not rectify the illegality or irregularity in the work identified by the Internal Control. At the request of the Internal Control and as a result of the decision of the MSA or the MIA Director, the MSA or the MIA member is obliged to undergo security check, inspection of psychological and physical capability, inspection of health condition, polygraph testing and other checks (Article 57 of Law ).

## Public control of the military security services

Public oversight in accordance with Article 21 of the Law means the obligation of the security services to inform the public about their work through the bodies to which they submit their reports, in a way that does not infringe the rights of citizens, national security and other interests of the Republic of Serbia, and may directly inform the public about certain security occurrences and events.

### Regular reporting to the competent authorities about the work of the military security services

Law on Military Security Agency and Military Intelligence Agency prescribes the obligation of regular reporting on the work of the military security services. Article 34 of the Law provides that the Military Security Agency and the Military Intelligence Agency shall regularly, when needed and upon request, deliver reports, information and assessments from their scope of work, that are of importance for defence to the President of the Republic, Minister of Defence and the Serbian Armed Forces Chief of Staff. Provided there is an immediate danger threatening the security of the Ministry of Defence and the Serbian Armed Forces commands, units and establishments, the Military Security Agency and Military Intelligence Agency shall promptly inform the competent leadership and command bodies (President of the Republic, Minister of Defence and Serbian Armed Forces Chief of General Staff) on the data they acquired while discharging their duties and powers prescribed by this law. Reports, information, and assessments from paragraphs 1 and 2 of this Article shall present classified information, in compliance with the law governing the protection of classified information. Article 35 of the Law stipulates that the Military Security Agency and Military Intelligence Agency shall provide accurate, true and complete information on data collected on persons and data of public significance in compliance with the regulations governing data protection on persons, free access to information of public significance and provisions of this Law. The right to information and access to information from Paragraph 1 of this Article is limited in accordance with regulations governing the area of free access to public information, protection of classified information, protection of data on persons and provisions of this Law. The right to information and access to information from Paragraph 1 of this Article shall not be related to data on: authorized official personnel of the Military Security Agency and the Military Intelligence Agency who were undertaking measures; identity of present and former collaborators and informants of the Service; third persons whom the disclosure of those data could harm; methods of acquisition of security and intelligence data; current actions; methods of implementation of special procedures and measures; and the data and information that were acquired through exchange with foreign services and international organizations and classified data and information by other state bodies that are in possession of the service.

## Democratic oversight of the Serbian Police

Democratic-political control of Police has been established under the Policing Act, Article 9, stipulating that the minister submits to the National Assembly annually or more frequently, at the request of the National Assembly or as appropriate, a report on the work of the Ministry of Interior and the security situation in the Republic of Serbia. The minister also submits to the National Assembly's working body in charge of security, at its request, reports regarding issues within his area of responsibility. Under Article 170 of the Policing Act, the National Assembly is responsible for carrying out external control of the police, in accordance with Article 9 thereof, any other law or regulation. Police operations are externally also controlled by the Government, relevant judicial authorities, state authorities responsible for certain oversight activities and other relevant authorities and bodies as designated by the law. The powers of the authorities and bodies referred to in paragraph 2 of this Article include the powers established by a separate law, concerning access to relevant information, contact with responsible police officers, the right to receive answers to questions posed and other rights defined by the law. Internal police operations are overseen by the Internal Police Control Sector under Article 171, paragraph 1, of the Policing Act. At the request of the Government and the National Assembly body in charge of security and police affairs, the minister submits a progress report on the Police Internal Control Sector in accordance with Article 179. It follows from the above that oversight procedures are regulated primarily by a general enactment, i.e. the law and that different state authorities may carry out control depending on their powers and responsibilities. Another type of control is exercised by citizens, because everyone is entitled to file charges with the Ministry against a police officer if he/she considers that their rights or freedoms have been violated as a result of unlawful or improper conduct by the police officer concerned.

A third type of control is carried out by the Ombudsman and Commissioner for information of public importance and protection of personal data, whose powers and responsibilities are defined in the Law on Free Access to Information of Public Importance, the Law on the Protection of Personal Data and the Law on the Protection of Citizens.

### 2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

According to the Constitution, bodies of the Republic of Serbia which are responsible for carrying out the procedures in the area of democratic and political control of the Armed Forces and the security services in the Serbian Armed Forces are: the National Assembly, the President of the Republic, the Government, courts, and the Ombudsman. The procedures for exercising democratic political control over the military and security forces defined by the Constitution only in general terms are elaborated in a wide range of acts. The Law on Defence, in its Article 29, and the Act on the Serbian Armed Forces, in its Article 129, indicate that the Serbian Armed Forces (SAF) is under democratic and civil control and that this control includes: control over the employment and development of SAF, internal and external control of expenses for military purposes, monitoring the state of affairs and informing the public about the current status of the SAF preparations,

ensuring a free access to information for the public and determining the responsibilities for the discharge of service duties in compliance with law. This democratic and civil control is being exercised by the National Assembly of the Republic of Serbia, by the Ombudsman and other governmental bodies in accordance with their responsibilities as well as by the citizens and the public. The Law on Ombudsman regulates in detail the procedure for protecting the rights of the citizens if they think that any of their human or minority rights has been violated by an act of a governmental body or an organisation entrusted with public authorisations. This equally refers to both the Serbian Armed Forces and the security services. Pursuant to the Law on Basic Structure of the Security Services in the Republic of Serbia, two types of control have been established. First of all, the National Security Council exercises control over the operation of the security services by guiding and coordinating the work of these services. In addition, the National Assembly of the Republic of Serbia oversees, either directly or via its Supervisory Committee, the work of the security services in terms of constitutionality and legality, compliance with the highest-level political documents defining the intelligence and security policy of the country as well as the political, ideological and interest neutrality in the work of these services, and the spending of the budget and other working resources of the security services. According to the Law on the Military Security Agency and the Military Intelligence Agency, oversight and control over the work of the Military Security Agency are exercised by the Internal Control and the Government via the Ministry of Defence (external control). For the purposes of external control, the Government appoints an Inspector General. Article 57 stipulates that the Internal Control as an organisational unit within the MSA and the MIA shall carry out inspection of the legality of their work and the implementation of powers and authorities of their personnel, and when they have findings that the MSA or the MIA Director did not rectify the identified illegality or irregularity they may turn to Inspector General or the relevant Committee of the National Assembly, as appropriate. This Article also prescribes that the members of the services are obliged to undergo security check, inspection of psychological and physical capability, inspection of health condition, polygraph testing and other checks if so required by the Internal Control. Pursuant to the Constitution, the bodies/agencies responsible for carrying out these are as follows:

#### Constitutional Court

The Constitutional Court is an independent and autonomous state body which shall protect constitutionality and legality and human and minority rights and freedoms. Decisions of the Constitutional Court are final, enforceable and generally binding (Article 166 of the Constitution). Proceedings for assessing the constitutionality may be instituted by state bodies, bodies of territorial autonomy or local self-government, and at least 25 deputies. The proceedings may also be instituted by the Constitutional Court. Any legal or natural person has the right to initiate the proceedings on the constitutionality and legality. The Law or other general act which is not in compliance with the Constitution or the law shall cease to be effective on the day of publication of the Constitutional Court decision in the official journal. Before passing the final decision and under the terms specified by the Law, the Constitutional Court may suspend the enforcement of an individual general act or action undertaken on the grounds of the Law or other general act

whose constitutionality or legality it assesses. The Constitutional Court may assess the compliance of the Law and other general acts with the Constitution, compliance of general acts with the Law, even when they ceased to be effective, if the proceedings of assessing the constitutionality has been instituted within no more than six months since they ceased to be effective (Article 168 of the Constitution).

### Constitutional appeal

A constitutional appeal may be lodged against individual acts or actions performed by state bodies or organisations exercising delegated public powers which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal remedies for their protection have already been applied or not specified (Article 170, the Constitution).

### Ensuring the enforcement of the decision of the Constitutional Court

Everyone is obliged to observe and enforce the Constitutional Court's decision. The Constitutional Court shall regulate in its decision the manner of its enforcement, whenever necessary. Enforcement of the Constitutional Court's decisions shall be regulated by the Law (Article 171 of the Constitution). The Law on the Constitutional Court was passed (Official Gazette RS, No. 109/07). Article 104 of the Law on the Constitutional Court stipulates that state and other authorities, organisations vested with public powers, political parties, trade unions, citizens' associations or religious communities have an obligation to enforce decisions and orders of the Constitutional Court, within the scope of their rights and duties. If necessary, enforcement of decisions and rulings of the Constitutional Court will be secured by the Government, in a manner established by a special Constitutional Court ruling.

### Ombudsman

Ombudsman is an independent state body that protects the rights of citizens and monitors the work of state administration, the authority responsible for the legal protection of proprietary rights and interests of the Republic of Serbia, as well as other bodies and organizations, companies and institutions entrusted with public powers. Ombudsman is not authorised to monitor the work of the National Assembly, President of the Republic, Government, Constitutional Court, courts and public prosecutors' offices. Ombudsman shall be elected and dismissed by the National Assembly, in accordance with the Constitution and the Law. Ombudsman reports to the National Assembly (Article 138 of the Constitution). Ombudsman shall enjoy immunity as a Member of Parliament. The National Assembly shall decide on the immunity of the Ombudsman (Article 138 of the Constitution). The Law on Ombudsman was enacted (Official Gazette of RS, no. 79/05 and 54/07). Article 29 Paragraph 3 Law on the Armed Forces of Serbia stipulates that the regulations on the Ombudsman relating to the protection and exercise of the rights of citizens, directly apply to professional members of the Serbian Armed Forces.



## Commissioner for Information of Public Importance

In order to exercise the right of access to public information held by public authorities, the Commissioner for Information of Public Importance was established by the law as an autonomous state body, independent in exercising his/her authority (Article 1, paragraph 2 of the Law on Free Access to Information of Public Importance).

## National Security Council

Directing and coordinating the work of security services in the Republic of Serbia is governed by the Law on the Foundations for the Regulation of the Security Services in the Republic of Serbia and it is done via a specially established body of the Republic of Serbia, the National Security Council. Article 5 of the Law prescribes that the National Security Council is the body of the Republic of Serbia which performs certain tasks and duties in the field of national security that ensures national security by directing and coordinating the work of security services and ensures harmonised implementation of regulations and standards for the protection of personal data and other regulations that protect human rights which may be compromised by exchanging information, or other operational activities. In accordance with Article 6 of the Law, members of the Council are: President of the Republic, Prime Minister, Minister of Defence, Minister of the Interior, Minister of Justice, Chief of General Staff of the Serbian Armed Forces and directors of the security agencies.

## Coordination Bureau

In accordance with Article 11 of the Law, operational coordination and execution of the conclusions of the Council, are performed by the Coordination Bureau, in particular: establishes the tasks that are executed by operational harmonisation of activities of security services and between the security services and other state bodies and in this regard co-ordinates their activities, establishes the mode of operational harmonisation in certain cases, establishes mixed working groups for operational tasks performed through operational harmonisation of the activities and determines their tasks, analyses the results of operational harmonisations and reports about that to the Council, as appropriate, and at least every six months. The work of the Coordination Bureau is regulated in more details in the Rules of Procedure of the Council. Coordination Bureau consists of directors of security services and the Secretary and the following persons may be invited to participate: representatives of the Ministry of Foreign Affairs, Director of the Police and chiefs of police departments, the State Public Prosecutor, Director of the Customs Department and other executives of state bodies, organizations and institutions (Article 12 of the Law) who are obliged, in compliance with their constitutional and legal position, to cooperate with the Council on matters within the competence of the Council, especially in the execution of the conclusions of the Council, and in case they do not cooperate with the Council or fail to execute the conclusions of the Council, the Secretary promptly notifies the Council about it, that in this case can call upon the head of a state body to take all measures stipulated by the law for the state body to establish cooperation with the Council or execute the conclusion of the Council (Article 13 of the Law).

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

The roles and missions of the military forces and how they are used are set out in Article 139-141 of the Constitution.

The Serbian Armed Forces performs the assigned missions and tasks prescribed by the law, established in the basic strategic and doctrinal and planning defence documents (Article 6 of the Law on Defence). The role of the military forces in the field of defence is governed by Article 31 of the Law on Defence, which provides that the Serbian Armed Forces is organized armed forces and the holder of the combat operations and all other forms of armed resistance, whose powers are laid down in the Constitution and the law. Serbian Armed Forces integrates all participants in combat operations and commands, all the forces involved in combat operations in the state of war and the state of emergency based on the law and in accordance with the Doctrine of the Serbian Armed Forces. Serbian Armed Forces Doctrine is based on the Defense Strategy of the Republic of Serbia. The tasks of the Serbian Armed Forces under the Law on the Serbian Armed Forces are governed by Article 12 of the Law on the Serbian Armed Forces, which provides that the Serbian Armed Forces exercises its competences in accordance with the Constitution, law, other regulations and general legal documents and international treaties and agreements concluded or acceded to by the Republic of Serbia, in accordance with the Defence Strategy (adopted by the National Assembly), the Doctrine of the Serbian Armed Forces (as determined by the President of the Republic) and the principles of the international law governing the use of force. The Serbian Armed Forces is neutral in terms of ideology, interests and political parties. The decision on the use of the Serbian Armed Forces outside the territory of the Republic of Serbia is made solely by the National Assembly (Article 9 of the Law on Defence), and in the country it can be ordered only by the President of the Republic and this right cannot be transferred to other officers (Article 11 of the Law on Defence). Use of the Serbian Armed Forces abroad is governed by a special Law on the use of the Serbian Armed Forces and other defence forces in multinational operations outside the borders of the Republic of Serbia (Official Gazette of RS, No. 88/09).

#### The role of paramilitary forces

Paramilitary association is prohibited pursuant to Article 55 paragraph 3 of the Constitution. According to Articles 33 and 117 of the Law on Defence, any kind of paramilitary organization and association aimed at execution of tasks pertaining to defence of the country in the country is prohibited and subject to criminal liability. The same prohibition is stipulated by Article 2 Paragraph 4 of the Law on Associations of Citizens ("Official Gazette of RS", No. 51/09).

#### The role of the military security forces

The role of the military security forces is regulated by the Law on Foundations for the Regulation of Security Services. Article 2 stipulates that security services operate

pursuant to the Constitution, laws, regulations and general legal documents, the national security strategy, defence strategy and established security and intelligence policy of the Republic of Serbia. Members of the security services are obliged to act in accordance with the Constitution, laws, regulations and general legal documents, according to rules of profession, impartially and politically neutral. Members of the security services may not be members of political parties. The role of the military security forces in defence is governed by Article 20 of the Law on Defence, which provides that the intelligence and security affairs of importance for the defence are: 1) intelligence activities, including: intelligence-operational and intelligence-reconnaissance activities, 2) security activities, including: general security, counterintelligence and military police activities. Responsibilities, tasks and activities of the bodies conducting intelligence and security activities relevant for the defence, as an administrative body within the Ministry of Defence, are set forth in the Law on the Military Security Agency and Military Intelligence Agency.

### **3. Procedures related to different forces personnel**

#### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

Upon entry into force of the Decision to put the compulsory military service in abeyance ("The Official Gazette of the Republic of Serbia", issue N<sup>o</sup> 95/10) on 01 January 2011, the military service under arms in the Serbian Armed Forces is based on a voluntary principle. The military service applies to conscripts at the age of 19 to 30. For conscripts who voluntarily wish to do their national service under arms in the Serbian Armed Forces, the provisions of the Law on Military, Labour and Material Obligations shall apply ("Official Gazette of the Republic of Serbia", issues N<sup>o</sup> 88/09 and 95/10). Other persons are subject to registering in the military records as of the calendar year in which they turn 18 and they have the obligation to serve in the reserve force until the end of the calendar year in which they turn 60 for men and 50 for women. The competent territorial authorities invite to medical examinations and psychological testing and recruitment only the conscripts who have signed up for the voluntary military service under arms in the Serbian Armed Forces to assess their fitness for the military service. The reserve force members may be invited to military exercises in the Serbian Armed Forces for up to 90 days in a calendar year. Conscripts who have an assigned wartime posting in the Ministry of the Interior are not invited to military exercises, but they perform their duties according to the Law on Police.

The Republic of Serbia prohibited the formation of paramilitary organizations and associations with the aim of performing the tasks pertaining to the defence of the country as stipulated by Article 33 of the Law on Defence ("The Official Gazette of the Republic of Serbia", issues N<sup>o</sup> 116/07, 88/09, 88/09 – as amended and 104/09 – as amended).

Police recruitment procedures are regulated by Policing Act Chapter 5: Labour Relations. We draw particular attention to Article 112 of this chapter. It is also important to draw attention to Article 16 of the Law on the organization and powers/responsibilities of state authorities in organized crime control.

3.2 What kind of exemptions or alternatives to the military service does your State have?

Article 43 of the Constitution of the Republic of Serbia (“The Official Gazette of the Republic of Serbia”, issue N<sup>o</sup> 98/2006) guarantees the freedom of thought, conscience, beliefs and religion, and the right to stand by one's belief or religion or change them by one's own choice. Pursuant to Article 45 of the Constitution, no person shall be obliged to perform military or any other service involving the use of weapons if this opposes his/her religion or beliefs. Until the effective date of the Decision to put the compulsory military service in abeyance, the alternative to the military service in our country had been the civil service done in governmental bodies, organizations, institutions and legal entities performing activities of general public importance and financed from the Budget of the Republic of Serbia. The civil service was allowed to a conscript, who for religious, moral or other justifiable reasons of the conscientious objection wished to replace the conscription service under arms with the civilian service, under the terms and conditions stipulated by the Law on the Alternative Civil Service (“The Official Gazette of the Republic of Serbia”, issue N<sup>o</sup> 88/09). As of 01 January 2011, the military service under arms in the Serbian Armed Forces has been done on a voluntary principle. Concerning the fact that the mandatory military service no longer exists, there is no conscientious objection pertaining to the fulfilment of the compulsory military service obligation. The claims of conscientious objectors shall from the moment of possible entry into force of the decision on the reactivation of the compulsory military service be resolved under the conditions prescribed by the Law on the Alternative Civil Service (“The Official Gazette of the Republic of Serbia, issue N<sup>o</sup> 88/09).

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

All the members of the Ministry of Defence and the Serbian Armed Forces, and likewise the conscripts on the voluntary base, are guaranteed human and minority rights according to the Constitution. All are equal before the Constitution and the law. Everyone has the right to equal legal protection without discrimination. Everyone has the right to judicial protection, when any of their human or minority rights guaranteed by the Constitution have been violated or denied, they shall also have the right to elimination of consequences arising from the violation. Human dignity is inviolable and everyone shall be obliged to respect and protect it. The members of the armed forces and conscripts have the right to life, inviolability of physical and mental integrity, protection against slavery, servitude and forced labour, and the right to freedom and security. The Law on the Serbian Armed Forces (“The Official Gazette of the Republic of Serbia, issues N<sup>o</sup> 116/07, 88/09 and 101/10 as amended) stipulates the following:

- The members of the Serbian Armed Forces exercise their competences in accordance with the Constitution, laws, other regulations and general legal documents and international treaties and agreements concluded or acceded to by the Republic of Serbia, in accordance with the Defence Strategy, the Doctrine of the Serbian Armed Forces and the principles of international law governing the use of force ;

- A member of the Serbian Armed Forces in performing his/her duty has the right to refuse to execute an order or a command given by his/her superior or senior whose execution would imply a criminal act;
- No one shall exercise influence on the Serbian Armed Forces members to do something or fail to do something contrary to regulations;
- It is forbidden to favour or deprive a Serbian Armed Forces member of his/her rights and duties, particularly for his/her race, religious and national affiliation or gender, background or any other personal feature;
- The professional members of the Serbian Armed Forces are entitled to organise themselves in trade unions in accordance with the Government's regulations.

The Constitution of the Republic of Serbia guarantees human and minority rights and proclaims that everyone is entitled to equal protection before the law. Article 87 of the Policing Act guarantees legal assistance free of charge to every authorized official if criminal proceedings have been instituted against him/her for using means of coercion or for committing other acts in the performance of their official duties in accordance with the law.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

Within the defence system reform process, we have completed a regulatory framework for the implementation of the norms, principles and positions of the International Humanitarian Law in the military educational system and the training of the commands and units of the Serbian Armed Forces. During 2010 and 2011, four titles of military technical literature in the field of International Humanitarian Law were compiled (Serbian Armed Forces IHL Handbook, Application of IHL in the SAF – Handbook for Commanders, Code of Conduct for Combatants in Armed Conflicts, IHL Practicum for training of command and staff officers) and a document entitled Strategic guidelines for the integration of international humanitarian law in military education and training system in the Serbian Armed Forces, approved by the Minister of Defence in 2010. The Handbook is intended to support the actual training of the members of the Serbian Armed Forces in developing the awareness and application of the LOAC rules. The LOAC rules are embedded in and make an integral part of the military training whose purpose is acquiring the knowledge and skills in implementing the LOAC rules as an indispensable part of the overall military knowledge and skills. IHL Practicum for training of command and staff officers completely rounds off and defines the integration of IHL into the defence system. The practicum enables officers in different positions to comprehend the necessity and manner of implementation of the IHL provisions in the decision making process by applying staff procedures incorporating the rules of international humanitarian law in the realization of exercises. “Strategic Guidelines for the LOAC integration into the military educational system and the training system in the Serbian Armed Forces”, which was approved by the Minister of Defence in

2010, identifies the goals, priorities, activities and resources for the improvement of the situation in this area during the period from 2010 to 2015 in a holistic and unique manner. The Guidelines provide the necessary regulatory, organizational, personnel and material conditions for the consistent application of IHL in accordance with the international commitments. While producing the abovementioned documents and in the conduct of training in the LOAC area within the Ministry of Defence and the Serbian Armed Forces, the Training and Doctrine Department (J-7) of the SAF General Staff, has established solid cooperation with the International Red Cross Committee and the Centre for LOAC and International Organisations of the Faculty of Political Sciences in Belgrade.

#### 4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The provision under Article 8 of the Law on Defence provides that the members of the Serbian Armed Forces and of other defence forces are always and in all circumstances while conducting both combat and non-combat operations obliged to comply with the rules of international humanitarian law pertaining to how to treat the wounded and prisoners and how to protect the population as well as to other rules of the said law and international standards on the employment of force in accordance with the Constitution, law and the ratified international agreements. A member of the Serbian Armed Forces and of other defence forces is entitled to disobey an order requiring from him/her to act contrary to the Constitution, law and the rules of international humanitarian law. The provision under Article 33 of the Act on Defence reads as follows: "Any kind of a paramilitary organization and association aimed at execution of defense tasks pertaining to defense of the country shall be forbidden. Any use of the Serbian Armed Forces for the purposes of political parties, ideological or religious purposes shall be prohibited. Any use of insignia, symbols and other emblems of the Serbian Armed Forces by legal entities, entrepreneurs and associations shall be prohibited, unless approved by the Minister of Defense." The provision under Article 13 of the Law on the Serbian Armed Forces stipulates that "when performing his/her service, a Serbian Armed Forces member shall be obliged to the following: 1) act in accordance with the Constitution, law and other regulations, rules of profession, in an unbiased and politically neutral manner;", and "7) act in accordance with the Service Regulations of the Serbian Armed Forces and the Code of Honour of the Serbian Armed Forces personnel." "No one should exercise influence on the Serbian Armed Forces members to do something or fail to do something contrary to regulations. It is forbidden to favour or deprive a Serbian Armed Forces member of his/her rights and duties especially for his/her race, religion, gender or nationality, background or another personal feature." The provision under Article 53, paragraphs 1, 2, 3 and 4, of the Law on the Serbian Armed Forces provides that the Military Police is responsible for the affairs related to the suppression of crime, the control and maintenance of the military order and discipline, the security of the most important military facilities, of certain persons, documents and armaments, the management and control of military road traffic and antiterrorist protection in the MoD and SAF. Authorized personnel of the Military Police conduct criminal processing of the Ministry of Defence employees and the Serbian Armed Forces personnel if there are grounded suspicions that they have committed a criminal activity during their service or

in relation to their service and they prosecute them officially unless the law prescribes differently. The provision under Article 143 of the Act on the Serbian Armed Forces provides that the accountability of the SAF members for a criminal act, economic offence and violation does not exclude disciplinary responsibility if the act, which is the subject of a criminal offence, procedure for determination of responsibility for economic offence or misdemeanour, implies the violation of duty from service.

Disciplinary procedure is conducted regardless of the course of criminal trial, trial for responsibility for economic offence or misdemeanour. For a criminal act against the Serbian Armed Forces, with a stipulated prison sentence up to three years, a disciplinary procedure may be taken against a military person and a disciplinary penalty, i.e. disciplinary measure may be pronounced in line with this Law, instead of a criminal penalty, provided the offence is considered to be a light one and the service interests require this action, pursuant to the Penal Law provisions. In terms of raising awareness and individual responsibility for their own actions, the members of the Serbian Armed Forces shall bear the disciplinary responsibility for the violation of service duties for which the Law on the Serbian Armed Forces and the Rules on Military Discipline stipulate disciplinary actions for disciplinary faults or disciplinary punishments for disciplinary offences, which are applied upon the report or request by the responsible officer. The law stipulates obligatory training and career management for all members of the Serbian Armed Forces, which is realized on the basis of the adopted curricula for education in military schools or Plan for Professional Development in the country and abroad, providing instruction in international law governing the use of force, or international humanitarian law and international standards on the use of force. Advanced education of the Serbian Armed Forces members in the areas of importance to the national defence by organizing training courses is regulated by the Rulebook on the courses and other forms of advanced education in the Ministry of Defence and the Serbian Armed Forces, and is conducted based on the decision of their organization in military schools and units or establishments of the Serbian Armed Forces or the organizational units of the Ministry of Defence. The courses include, *inter alia*, the area of international humanitarian law and are intended, apart from the acquisition of knowledge in this field, also for training of trainers in this area. The Law on Military Schools and Military Research Institutions and Career Development Strategy prescribes organisation of advanced training for acquiring the prescribed command staff and general staff titles of officers during their military service, and for persons with higher degrees of education received in civilian universities admitted to professional military service, professional training for initial duties of officers or the commanding of tactical units in branches and appropriate command and managerial duties in the service.

- 4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Article 20 of the Constitution provides that that the human and minority rights guaranteed by this document may be restricted by the law if the Constitution permits such restriction and for the purpose allowed by the Constitution to the extent necessary to meet the constitutional purpose of the restriction in a democratic society and without encroaching

upon the substance of the relevant guaranteed right. The achieved level of the human and minority rights may not be lowered. When restricting human and minority rights, all state bodies, particularly the courts, shall be obliged to consider the substance of the restricted right, pertinence of restriction, nature and extent of restriction, relation of restriction and its purpose and possibility to achieve the purpose of the restriction with less restrictive means.(measure determining criteria). Article 202 of the Constitution provides that upon proclamation of the state of emergency or war, derogations from human and minority rights guaranteed by the Constitution shall be permitted only to the extent deemed necessary. Measures providing for derogation shall not bring about differences based on race, sex, language, religion, national affiliation or social origin. Measures providing for derogation from human and minority rights shall cease to be effective upon ending of the state of emergency or war. The deviation measures are on no circumstances allowed vis-à-vis the rights guaranteed by the Constitution: Article 23 (Dignity and Free Development of Individuals), Article 24 (Right to Life), Article 25 (Inviolability of Physical and Mental Integrity), Article 26 (Prohibition of Slavery, Servitude and Forced Labour), Article 28 (Treatment of Persons Deprived of Liberty), Article 32 (Right to a Fair Trial), Article 34 (Legal Certainty in Criminal Law), Article 37 (Right to Legal Person), Article 38 (Right to Citizenship), Article 43 (Freedom of Thought, Conscience and Religion), Article 45 (Conscientious Objection), Article 47 (Freedom of Expressing National Affiliation), Article 49 (Prohibition of Inciting Racial, Ethnic and Religious Hatred), Article 62 (Right to Enter into Marriage and Equality of Spouses), Article 63 (Freedom to Procreate), Article 64 (Rights of the Child) and Article 78 (Prohibition of Forced Assimilation). Position and responsibilities of the Serbian Armed Forces are prescribed in Article 2 of the Law on Serbian Armed Forces according to which the Serbian Armed Forces is an organised armed force defending the country from external armed threats and executing other missions and tasks in accordance with the Constitution, law and principles of international law governing the use of force, and the engagement of the Serbian Armed Forces in activities within the competence of civil authorities is possible only at the request of these authorities and with the consent of the President of the Republic, provided that the Serbian Armed Forces may be employed only to assist in protecting the lives and safety of persons and property, environmental protection or for other reasons determined by the law, while the use of the Serbian Armed Forces outside the Republic of Serbia shall be regulated by the law.

Pursuant to Article 13, paragraph 1, items 1-7, and paragraphs 2 and 3, of the Law on the Serbian Armed Forces, When performing his/her service, a Serbian Armed Forces member shall be obliged to the following:

- 1) act in accordance with the Constitution, law and other regulations, rules of profession, in an unbiased and politically neutral manner;
- 2) not to expose political party and other political emblems and express his/her political beliefs;
- 3) execute orders, i.e. instructions of his/her superior officers related to service, or orders and instructions issued by a senior person in the absence of his/her superior officer when it is necessary to undertake urgent measures for the execution of urgent and important service tasks, except for orders the execution of which would imply a criminal act;



- 4) if he/she receives an order, the execution of which would be violation of law, he/she shall demand that the officer who issued such an order should repeat it in a written form;
- 5) refuse execution of the repeated order or instruction of his/her superior officer or a senior officer if its execution would imply a criminal act;
- 6) immediately inform the person superior to the person who issued the repeated illegal order or command, or another competent person;
- 7) act in accordance with the Service Regulations of the Serbian Armed Forces and the Code of Honour of the Serbian Armed Forces personnel;

No one shall exercise influence on the Serbian Armed Forces members to do something or fail to do something contrary to regulations. It is forbidden to favour or deprive a Serbian Armed Forces member of his/her rights and duties especially for his/her race, religion, gender or nationality, background or another personal feature. The Code of Honour of the SAF members (Official Gazette of the Republic of Serbia, issue 29/10) has been enacted. Failure to comply with these duties is subject to criminal, penal, disciplinary and material accountability, which is regulated by Articles 143-180 of the Law on the Serbian Armed Forces. Activities and employment of the Serbian Armed Forces are under democratic and civil control. Democratic and civil control of the Serbian Armed Forces especially includes control of the use and development of the Serbian Armed Forces, internal and external control of expenditures for the military needs, monitoring of the conditions in the Serbian Armed Forces, and information for the public on the state of the Serbian Armed Forces preparations, enabling free access to information of public importance and definition of responsibilities for execution of military duties in accordance with the law. Democratic and civil control of the Serbian Armed Forces shall be exercised by the National Assembly, the Ombudsman and other state bodies in accordance with their competences, the citizens and the public. Regulations on the Ombudsman pertaining to the protection and exercise of the citizens' rights apply also to the professional members of the Serbian Armed Forces.

- 4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

#### Protection of the Rights of the Serbian Armed Forces members

In compliance with the provision under Article 29, paragraph 3, of the Serbian Armed Forces Act, the Law on the Ombudsman (Official Gazette of the Republic of Serbia, issues 79/05 and 54/07) stipulates that the regulations on the ombudsman pertaining to the protection and the exercise of the citizens' rights directly apply to professional members of the Serbian Armed Forces as well. In order to exercise the freedom of religious confession in the Serbian Armed Forces, the Chaplain's Service is organized (Article 25 of the related law). Professional military personnel shall be entitled to the right to trade union organization in accordance with the Government regulations. The subject of trade union organization and activities cannot be provisions and implementation of laws and other regulations pertaining to: composition, organization

and formation of the Serbian Armed Forces, operational and functional capability, use and manning of the Serbian Armed Forces; readiness and mobilization; weapons and equipment; command and management of the Serbian Armed Forces and the defence system management; participation in multinational operations and internal relations in the Serbian Armed Forces that are based on subordination and single command principles. Professional Serbian Armed Forces personnel shall not be entitled to the right to go on strike. (Article 14, paragraphs 3 and 4, of the Law). A professional Serbian Armed Forces member shall not be allowed to take part in activities of associations fulfilling the following objectives: reform of the defence and the Serbian Armed Forces, harmonisation of regulations with generally accepted standards and regulations of the European Union, drafting of the Defence Strategy and the Doctrine of the Serbian Armed Forces stipulating composition, organisation and formation of the Serbian Armed Forces; operational and functional capability, deployment and manning of the Serbian Armed Forces; preparedness and mobilisation; weapons and equipment; command and management of the Serbian Armed Forces and the defence system management; participation in multinational operations and internal relations in the Serbian Armed Forces. (Article 14 a of the Law). Military personnel can receive a foreign medal following the approval of the President of the Republic of Serbia. A request for the approval from Paragraph 1 of this Article shall be submitted through the Ministry of Defence. Military personnel can become members of a foreign expert association or an international organization, with the approval of the Defence Minister or a person authorized by him/her. (Article 50 of the related Act). Military personnel are forbidden to attend political party gatherings in their uniform and to be engaged in any other political activity except for their active right to vote. Professional military personnel, a pupil or cadet of military education facilities and personnel attending other officers and NCOs training cannot be members of a political party. (Article 14, paragraphs 1 and 2). Military personnel are obliged to wear uniform in accordance with the service regulations. Military uniform, a sign of belonging to the Serbian Armed Forces and insignia of ranks and titles, are defined with a regulation passed by the President of the Republic of Serbia, following the proposal of the Defence Minister. Persons who are not military servicemen shall not be allowed to wear military uniform with the Serbian Armed Forces insignia and ranks and titles, except for cases when they have a special approval of the Defence Minister. (Article 48 of the related Act). Article 2, paragraph 4, of the Law on Defence stipulates that the defence of the Republic of Serbia is implemented autonomously and may also be implemented in coordination with other countries within the institutions of the systems of national, regional and global security.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

The planning and the employment of the Serbian Armed Forces in peacetime, in a state of emergency and in wartime rest on the regulations of the national legislation, international treaties and agreements/arrangements, the customs in the field of international humanitarian law, the international acts on the armed conflict and on international humanitarian law and principles of the employment of the Serbian Armed Forces. The decision makers at all levels in the Serbian Armed Forces are required to respect and observe the provisions of the international humanitarian law. The provision under Article

139 of the Constitution of the Republic of Serbia provides that the Serbian Armed Forces defends the country against external armed threats and performs other missions and tasks in compliance with the Constitution, the law and the principles of international law regulating the employment of force. Article 16 of the Constitution of the Republic of Serbia stipulates that the foreign policy of the Republic of Serbia rests on the generally recognised principles and rules of international law. The generally accepted rules of international law and the ratified international treaties constitute an integral part of the legal order of the Republic of Serbia and are consistently implemented. The said Article also emphasises that the ratified international treaties must be in compliance with the Constitution of the Republic of Serbia. Article 3 of the Law on Defence stipulates that in the field of defence, the Republic of Serbia cooperates with other nations, and with international organisations and the institutions of the national, regional and global security systems in building and preserving the peace in the world, and it fulfils the commitments arising from its membership in the United Nations and from ratified international treaties. Article 4, item 23) of this Act provides that multinational operations are activities that are undertaken within the collective security system and within the collective defence system in accordance with international law and ratified international treaties. The employment of the Serbian Armed Forces outside the borders of the Republic of Serbia is regulated by the Law on the Employment of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Abroad. Article 5, item 4) of the Act stipulates that the defence of the country is ensured, *inter alia*, by participating in multinational operations as well. Article 8. of the Law stipulates that "At any given time and under any circumstances when performing combat and non combat operations, the members of the Serbian Armed Forces and other defense forces shall have to stick to the rules of the international wartime and humanitarian law with regard to the treatment of prisoners of war and the wounded and to the protection of population, and other rules defined by the said law and the international standards for the use of force, in accordance with the Constitution, law and the ratified international agreements" A member of the Serbian Armed Forces and other defense forces has the right to reject an order that will make the member act contrary to the Constitution, law and the rules of the international humanitarian law. Article 13, item 3, of the Law stipulates that "during the state of war or emergency, the Government of Serbia implements the resolutions passed by the National Assembly and the President of the Republic pertaining to undertaking measures for fulfilment of international obligations pertaining to the treatment of the prisoners of war, foreign citizens and their property".

The procedure for the development and approval of the contents of the Serbian Armed Forces Doctrine implies that it passes different levels and types of control and harmonisation with the provisions of the aforementioned regulations. The Doctrine is, in addition, harmonised with the provisions of the International Humanitarian Law.

The provisions of the international humanitarian law form an integral part of the Serbian Armed Forces doctrine, and doctrines of branches, and rules arising from the use of these doctrines on the use of the Armed Forces in various operations. The contents of the Doctrine of the Serbian Armed Forces at all levels of organisation and use of the Armed Forces in operations provide standard principles, policies, procedures, guidelines, in accordance with international humanitarian law, during the planning, preparation and execution of operations in peacetime, state of emergency and state of war. The

employment of the Serbian Armed Forces in operations is defined by the rules of employment. Rules of engagement of the Serbian Armed Forces contain the way of implementation of the rules of international humanitarian law and procedures for their application in the process of planning and execution of operations and command of operations. As a UN member state, the Republic of Serbia affirms its readiness to fulfil the commitments arising from the UN Charter which are regulated by the international legal instruments in the area of human rights and by other ratified international treaties and agreements/arrangements. The Republic of Serbia is committed to employ its defence potentials on the basis of the Constitution, the UN Charter and the principles of international law regulating the employment of force.

### **Section III: Public access and contact information**

#### **1. Public access**

##### **1.1 How is the public informed about the provisions of the Code of Conduct?**

The provision under Article 75 of the Act on Defence provides that the legal entities in the field of public informing, electronic and print media while performing their regular activities are obliged to timely and truthfully inform the public during wartime or a state of emergency in accordance with the act and regulations on public informing. The Ministry of Defence and the governmental bodies are obliged to make available all information and data of public significance in the field of defence for the public in accordance with the act and regulations on free access to information of public significance. The legal entities under paragraph 1 of this Article are obliged to convey urgent announcements of the governmental bodies regarding defence. The provision under Article 125 of the Act on Defence stipulates that for the purpose of informing the public about the legal changes in the field of defence and within the Serbian Armed Forces and other acts regarding the security of the country, international defence cooperation and military cooperation, the Ministry of Defence publishes information for the public with a list of acts and explanations on the legal changes twice a year. The first information under paragraph 1 of this Article is to be published by the Ministry of Defence within a six-month period as of the date of the entry into force of this act. The provision under Article 30 of the Act on the Armed Forces provides that the Minister of Defence regulates the way of informing the public about the activities of the Serbian Armed Forces. The Minister has issued a Directive on informing the public on the work of the Ministry of Defence and the activities of the Serbian Armed Forces (The Official Gazette of the Republic of Serbia, issues 35/08 and 1/0).

##### **1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

1.3 How does your State ensure public access to information related to your State's armed forces?

The Public Relations Department of the Ministry of Defence is responsible for informing the public on the work of the Ministry of Defence and the activities of the Serbian Armed Forces by: providing the answers to journalists' questions and meeting the requests for the provision of information to the media and the citizens by telephone and via e-mail; organising press/media briefings and conferences; releasing statements and notifications; arranging the interviews and appearances of the MoD employees and the SAF members in the media; holding gatherings, conferences and seminars; issuing publications, advertisements, information papers; organising special events for the media and the public (the Open Day, the Serbian Armed Forces Day, the Air Show, exhibitions, and the like); organising visits to the institutions, commands and units of the Serbian Armed Forces, ensuring the presence of journalists at military exercises, editing the websites of the Ministry of Defence and the Serbian Armed Forces, [www.mod.gov.rs](http://www.mod.gov.rs), and the magazine "Odbrana" (Defence). There is a specific decision in the Ministry of Defence and Serbian Armed Forces identifying the persons designated to process the requests for free access to information of public significance.

**2. Contact information**

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

Ministry of Foreign Affairs of the Republic of Serbia  
Department for OSCE and Council of Europe  
Kneza Milosa 24-26, 11000 Belgrade, Serbia  
Tel.: + 381 11 306 8502, Fax.: + 381 11 306 8136

## Implementation of UNSCR 1325 “Women, Peace and Security” in the MoD and SAF

### Background

Recognising the importance of the compliance with the principles of gender equality, on 23<sup>rd</sup> December 2010, the Government of the Republic of Serbia *adopted the National Action Plan for the Implementation of the UN SC Resolution 1325 – Women, peace and security in the Republic of Serbia (2010-2015)* (“The Official Gazette of the Republic of Serbia”, issue N<sup>o</sup> 102/10). In producing a draft of this document, the Working Team of the Ministry of Defence had a coordinating role providing expert and administrative and technical support to the interdepartmental Working Group of the Government that consisted of eleven line ministries. Following the decision of the Government of the Republic of Serbia, the following institutional bodies have been established: the Political Council and the Interdepartmental Coordination Body for the NAP Implementation tasked to consider the issues pertaining to the implementation of NAP and evaluate the progress and/or perform operational activities related to the achievement of the goals and tasks that NAP provides, and to submit reports to the competent authorities. The Ministry of Defence has been designated to provide expert and administrative and technical support to the work of the Political Council, and the Ministry of the Interior has been designated to provide expert and administrative and technical support to the work of the Interdepartmental Coordination Body for the NAP Implementation. It is planned to set up the National Assembly Advisory Body for the Implementation of NAP to comprise the representatives of the relevant committees of the National Assembly, the Ombudsman’s Office, the Office of the Commissioner for Equality Protection and others. Independent monitoring throughout the period of the implementation of the said document is carried out by the representatives of the non-governmental sector, academia and the media.

National Action Plan (NAP) for the Implementation of the UN SC Resolution 1325 – Women, peace and security in the Republic of Serbia (2010-2015), Ministry of Defence and the Serbian Armed Forces

Pursuant to the Defence Minister’s Decision on the performance of actions within the areas of activity of the MoD and the SAF determined in the NAP for the Implementation of the UN SC Resolution 1325 – Women, peace and security in the Republic of Serbia (2010-2015), the Ministry of Defence has commenced the realisation of the activities provided for by the aforementioned document. The NAP for the Implementation of the UN SC Resolution 1325 is executed based on the annual plans for the activities of the MoD and the SAF on the implementation of the NAP for the Implementation of the UN SC Resolution 1325 – Women, peace and security in the Republic of Serbia. All tasks related to the conduct of the activities under NAP clearly indicate the responsibilities of the gender focal points and their associates and what is expected from them in the performance thereof. The said plans include seven thematic areas contained in the NAP and they refer to: building and operation of institutionalised bodies and mechanisms of gender equality for the implementation of NAP in the MoD and the SAF; increasing the

representation of female in the MoD and the SAF and their influence on the issues pertaining to the position of women, peace and security; increasing the participation and influence of female on decision making in defence and security; increasing the participation of female from the MoD and the SAF in resolving conflicts, post-conflict situations and augmented participation in multinational operations; using the instruments of legal protection for women and girls; education and advancement studies/courses for the members of the MoD and the SAF in the spirit of the UN SC Resolution 1325; and providing media support for the National Action Plan goals in the MoD and the SAF. As for the implementation of the UN SC Resolution 1325, the members of the MoD and the SAF were directly involved in the process of research, development, harmonisation, public hearing and adoption of the NAP; they have participated in the working table discussions, seminars and other expert gatherings held in the Republic of Serbia, and in international and regional conferences dedicated to the gender equality issues, and they have actively promoted the NAP goals and the recommendations under the UN SC Resolution 1325 regarding the role of a female as an active actor in promoting stability and security. The MoD and SAF Analytical Group for Analysing the NAP Implementation was set up and it is responsible for measuring the progress made in the implementation of the NAP in the MoD and the SAF by the utilization of the national indicators developed on the basis of a recommendation from the Report of the UN Secretary General (Women, peace and security, Report of the UN Secretary-General, S/2010/173, 2010) and the EU indicators for the implementation of the UN SC Resolution 1325 (Indicators for the Comprehensive Approach to the EU Implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security, Council of the European Union, 11948/10, Brussels, 2010).

The MoD has designated a female person to discharge the duties of the Gender Equality Advisor to the Minister of Defence, and it is planned to introduce both male and female gender advisors to the commanders of the national contingents in multinational operations as “trustworthy persons”. In implementing the NAP, the MoD closely cooperate with the UNDP, the UN Entity for Gender Equality and Empowerment of Women – “UN Women”, the OSCE Mission to Serbia and the relevant organisations of the civil society, and with the states that have expressed their interest in supporting the MoD activities. In 2011, the Serbian MoD signed a Memorandum of Understanding with the UN Women, and in the framework of this cooperation, it is planned to hold several seminars with the view to educating both male and female members of the MoD and SAF Analytical Group, “trustworthy persons” and male/female advisors to the commanders of the national contingents in multinational operations. In cooperation with the said Entity and with the financial support of the Kingdom of Norway, there was a seminar conducted in 2011 whose topic was “the Case of the Serbian National Action Plan – Indicators related to women, peace and security”. In addition, in the year 2012 the Entity and the Serbian MoD jointly organised an educational seminar for the members of the analytical groups for monitoring the execution of the NAP for the Implementation of the UN SC Resolution 1325. The OSCE Mission to Serbia financed the printing of the NAP, and in the framework of the project “Consolidating the democratization process in the security sector in the Republic of Serbia” has organised a cycle of seminars titled “ Gender Mainstreaming in the Security Sector Reform” also attended by the MoD and SAF representatives.

Starting from the year 2012, the MoD has been included in the regional project “Support for the Gender Mainstreaming in the Security Sector Reform in the Western Balkans” conducted by the UNDP with the aim of integrating the gender issue in the security sector reforms thus contributing to a greater efficiency of the security sector. At the gathering organised to mark the commencement of the said project by the UNDP in cooperation with the Serbian MoD in March 2012, the representatives of the defence ministries of Bosnia and Herzegovina, Montenegro, Macedonia (FYROM) and Serbia signed a Joint Statement regarding the cooperation on the enhancement of the security sector reform process in the Western Balkans through gender mainstreaming in the security and defence policies and institutions. There is a plan to conduct the activities by way of experience exchange, expert talks and lectures on gender issues with several states in the framework of bilateral military cooperation. In order to achieve higher level of gender equality among the members of the MoD and SAF and to overcome gender stereotypes, the curricula of military-educational institutions at all levels (Military Grammar School, Military Academy, Command and Staff Course and General Staff Course) have been adapted through topics addressing the gender equality issues. Particularly important are the topics related to the implementation of international humanitarian law in terms of protection of women and girls against violence in conflict and post-conflict situations, which are an integral part of training of the MoD and SAF members for participation in UN multinational operations. In addition, the courses for the participation in multinational operations to be carried out at the SAF GS JOC Peacekeeping Operations Centre further include gender-sensitive issues, with workshops organized to introduce the participants in the courses to gender mainstreaming in the security sector reform. Also, in the SAF JOC Peacekeeping Operations Centre, in cooperation with the UN Women, a course has been conducted, aimed at training for the duties of male/female advisers to the commanders of national contingents in multinational operations, in accordance with the UN, EU and NATO standards, to ensure the gender mainstreaming in the process of planning and execution of tasks and activities in multinational operations. Bearing in mind that the Serbian Armed Forces has been professional since 1 January 2011, the female interested in getting employed as professional soldiers apply to competition under equal terms as male. The total number of admitted female depends on their interests, the needs of units, as well as meeting the criteria stipulated by the competition. Although the NAP provides a minimum quota of 30% for the representation of female in all forms of education and training in the security sector, the Plan for Education and Advancement of personnel in the MoD and SAF provides education and training for greater numbers, in accordance with the needs of defence, which is up to 40% of female. In the academic year 2011/12, compared to the previous period, there is an increasing trend of interest of female in enrolling on the Military Academy and Medical Faculty of the Military Medical Academy. An intense media campaign for promoting the military profession, conducted by the MoD, has contributed to it. Training of female in the Serbian Armed Forces is adequately addressed and there is full equality in terms of choice of job position and training. By introducing the voluntary military service, men and women are completely equalised in terms of training for initial duties. The training is carried out in training centres according to a single training programme. The difference exists only in the standards for physical fitness tests that are adjusted to the physical capabilities of female. The training of future male/female peacekeepers in gender issues is carried out in



accordance with the UN training materials for peacekeeping missions of July 2009 (Core Pre-deployment Training Material), the UN Directive of November 2008 (Gender Equality in Peacekeeping Operations), the publication of the Department for Peacekeeping Operations – DPKO of July 2004 (Gender Resource Package for Peacekeeping Operations), a set of manuals on gender issues (Set of manuals on gender issues and security sector reform translated for the use in the Western Balkans - DCAF) and other relevant documents such as NATO doctrine (Allied Joint Doctrine For Non-article 5, Crisis Response Operations AJP-3.4 (a)), the UN Convention on Elimination of All Forms of Discrimination against Women (Official Gazette of the SFRY – International Treaties, No. 11/81), the Optional Protocol to the Convention on Elimination of all Forms of Discrimination against Women (Official Gazette of the FRY – International Treaties, No. 13/02), the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, 1995. The International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights (Official Gazette of the FRY – International Treaties, No. 4/01), the Declaration on equality between female and male as a fundamental criterion of democracy, the Council of Europe, 1997 and Handbook on CSDP, Gender and SSR, EU SSR European Security and Defence College. In addition to the standards contained in the "Basic standardized module of the United Nations for Training in multinational operations", the training also incorporates similar standards of the EU, OSCE and the Council of Europe, as well as standards of conduct towards the civilians in war and peace (women, children and elderly people), prisoners, etc. arising from the Geneva Conventions and additional protocols and other international political and legal acts signed and ratified by the Republic of Serbia.

The contribution of the National Action Plan for the implementation of United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010-2015)

The Republic of Serbia, as a European Union candidate country, recognizing the fact that on several occasions, the European Commission and the Council of Europe in their decisions and documents, have underlined the importance of equal participation of men and women in preventing and resolving conflicts and promoting the culture of lasting and sustainable peace, in order to achieve standards of gender equality existing in the developed countries, especially the standards of the European Union, adopted a number of normative, strategic and planning documents including protection of women, non-discrimination and gender equality, starting with the Constitution, through special legislation, the National Strategy for the Empowerment of Women and Promotion of Gender Equality for the period from 2009 to 2015 (Official Gazette of RS, No. 115/09) and the Action Plan for the Empowerment of Women and Promoting Gender Equality for the period from 2010 to 2015 (Official Gazette of RS, No. 67/10). NAP for the implementation of UNSCR 1325 refers to the enhancement of the position of women in the security sector in Serbia. In this context, development and implementation of the NAP for the implementation of UNSCR 1325 represents a significant contribution to the reform of the defence and national security system as a whole in the Republic of Serbia, through the incorporation of international standards, especially standards of the UN, EU

and OSCE into the national legislation and strategic and planning documents. In this regard, there has been recognized the possibility of better and more efficient use of human resources for a more effective response to crisis and post-crisis situations, as well as proposals of NGO sector aimed at enhancement of the position of female in the society. The result of such an open approach to the problem is the synergy of representatives of state institutions, NGOs and international organizations, owing to which a draft NAP has been made, which, after the public hearing and refinement of the contents, was passed in less than six months. What is an important contribution to NAP is also the establishment of new policies, plans, educational and media contents and institutional mechanisms for the implementation of NAP, as well as mechanisms for gender equality in the defence and security system, such as: trustworthy persons, male/female advisors for gender equality to the Minister, male/female advisors for gender equality to commanders of national contingents in multinational operations, analytical groups and research teams, as well as gender responsive budgeting, which represent the standards in the security systems of the developed countries, especially the EU members. In this way the Republic of Serbia is among those countries in transition that have already adopted and implemented the NAP for implementation of Resolution 1325 and one of countries in the region which apply the standards and recommendations of the UN, EU and the OSCE in this field.