

The OSCE Secretariat bears no responsibility for the content of this document and circulates it without altering its content. The distribution by OSCE Conference Services of this document is without prejudice to OSCE decisions, as set out in documents agreed by OSCE participating States.

FSC.EMI/149/23  
16 May 2023

ENGLISH only



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

No. 586/23 P50702/A-VIII-1a

**Note Verbale**

The Permanent Mission of the Republic of Serbia to the OSCE and other International Organizations in Vienna 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 response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of the Republic of Serbia to the OSCE and other International Organizations 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, 15 May 2023

All Missions/Delegations to the OSCE  
The Conflict Prevention Centre

**REPUBLIC OF SERBIA**



**Annual Exchange of Information on the OSCE Code of Conduct  
on Politico-Military Aspects of Security**

May 2023

**Exchange of Information on the OSCE Code of Conduct on  
Politico - Military Aspects of Security**

**SECTION I – INTER-STATE ELEMENTS**

**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 to are listed below:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Official Gazette of the SFRY – International Treaties, No. 54/76;
- International Convention against the Taking of Hostages, Official Gazette of the SFRY – International Treaties, No. 9/84;
- International Convention for the Suppression of the Financing of Terrorism, Official Gazette of the FRY –International Treaties, No. 7/2002;
- International Convention for the Suppression of Bomb Attacks, Official Gazette of the FRY – International Treaties, No. 12/2002;
- International Convention for the Suppression of Acts of Nuclear Terrorism, Official Gazette of Serbia and Montenegro –International Treaties, No. 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 Serbia and Montenegro –International Treaties, No. 11/2005;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, Official Gazette of the SFRY – International Treaties, No. 47/1970;
- Convention for the Suppression of Unlawful Seizure of Aircraft, Official Gazette of the SFRY, No. 33/72;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Official Gazette of the SFRY, No. 33/72;
- Convention on the Physical Protection of Nuclear Material, Official Gazette of the SFRY – International Treaties, No. 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 Treaties, No. 14/89;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Official Gazette of Serbia and Montenegro –International Treaties, No. 2/2004;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Official Gazette of Serbia and Montenegro – International Treaties, No. 6/2004;
- European Convention on the Suppression of Terrorism, Official Gazette of the FRY - International Treaties, No. 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 of the Republic of Serbia – International Treaties, No. 19/2009;

- Protocol on the Amended European Convention on the Suppression of Terrorism, Official Gazette of the Republic of Serbia –International Treaties, No. 19/2009;
- Council of Europe Convention on the Prevention of Terrorism, Official Gazette of the Republic of Serbia –International Treaties, No. 19/2009;
- European Convention on Extradition, Official Gazette of the FRY – International Treaties, Nos. 10/2001, 12/10;
- Additional Protocol to the European Convention on Extradition - Official Gazette of the FRY, International Treaties, No. 10/2001 and Official Gazette of the Republic of Serbia – International Treaties No. 12/2010;
- Second Additional Protocol to the European Convention on Extradition, Official Gazette of the FRY – International Treaties, No. 10/2001;
- Third Additional Protocol to the European Convention on Extradition, Official Gazette of the Republic of Serbia – International Treaties, No. 1/2011;
- Fourth Additional Protocol to the European Convention on Extradition, Official Gazette of the Republic of Serbia – International Treaties, No. 13/2013;
- 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 the Republic of Serbia has withdrawn the reservation made in respect of Articles 6 (1) (a ) and 21 (2) regarding the extradition and transit of its citizens;
- International Convention for the Protection of All Persons from Enforced Disappearance, Official Gazette of the Republic of Serbia – International Treaties, No. 1/2011;
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Official Gazette of Serbia and Montenegro - International Treaties, No. 16/2005, 2/2006;
- European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette of the FRY, International Treaties, No. 10/2001;
- Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette of the FRY, International Treaties, No. 10/2001;
- Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette of Serbia and Montenegro - International Treaties, No. 2/2006;
- European Convention on Transfer of Proceedings in Criminal Matters, Official Gazette of the FRY, International Treaties, No. 10/2001;
- Convention on Cybercrime, Official Gazette of the Republic of Serbia, International Treaties, No. 19/2009;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereinafter: the Vienna Convention), adopted in 1988, Official Gazette of the SFRY – International Treaties, No. 14/90;
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (hereinafter: the Strasbourg Convention), adopted in 1990, Official Gazette of the FRY- International Treaties, No. 7/02, and Official Gazette of Serbia and Montenegro – International Treaties, No.18/05;
- United Nations Convention against Transnational Organized Crime with its Additional Protocols (hereinafter: the Palermo Convention), adopted in 2000, Official Gazette of the FRY - International Treaties, No. 6/01;
- 1999 Council of Europe Criminal Law Convention on Corruption, FRY Official Gazette - International Treaties, No. 2/02, and Official Gazette of Serbia and Montenegro – International Treaties, No.18/05;
- United Nations Convention against Corruption, adopted in 2003, Official Gazette of Serbia and Montenegro – International Treaties, No. 12/05;

- Convention on offences and Certain other Acts Committed on Board Aircraft, signed in Tokyo, on 14th September 1963, Official Gazette of the SFRY, No. 47/1970;
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed in the Hague, in December 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal, on 23rd September 1971;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against Safety of Civil Aviation signed in Montreal, on 24th February 1988, Official Gazette of the SFRY – International Treaties, No. 14/1989;
- Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, passed by the United Nations General Assembly on 14th December 1973, Official Gazette of the SFRY – International Treaties, No. 54/1976;
- International Convention against Taking of Hostages, passed by the United Nations General Assembly on 17th December 1979, Official Gazette of the SFRY – International Treaties, No. 9/1984;
- Convention on the Physical Protection of Nuclear Material, signed in Vienna, on 3rd March 1980, Official Gazette of the SFRY – International Treaties, No. 9/1985;
- International Convention for the Suppression of Terrorist Bombing, passed by the United Nations General Assembly on 15th December 1997, Official Gazette of the FRY – International Treaties, No. 12/2002;
- International Convention for the Suppression of the Financing of Terrorism, passed by the United Nations General Assembly on 9th December 1999, Official Gazette of the FRY – International Treaties, No. 7/2002;
- Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation, in Rome, on 10th March 1988, Official Gazette of Serbia and Montenegro – International Treaties, No. 2/04, Official Gazette of the Republic of Serbia – International Treaties, No. 1/10;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, in Rome, on 10th March 1988, Official Gazette of Serbia and Montenegro – International Treaties, No. 6/04;
- European Convention on the Suppression of terrorism, passed in Strasbourg, on 27th January 1977, Official Gazette of the FRY – International Treaties, No. 10/2001;

B) Agreements/arrangements related to regional, sub-regional or bilateral cooperation:

- Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in Its Organized Forms with the 2008 Additional Protocol on Combating Terrorism; Official Gazette of the Republic of Serbia – International Treaties, No. 8/2011;
- Additional Protocol to the Agreement between the Governments of the BSEC on cooperation in the fight against crime, particularly in its organized forms, Official Gazette of the Republic of Serbia, Official Gazette of the Republic of Serbia – International Treaties, No. 8/2011;
- Protocol on Enhanced Trilateral Cooperation in Combating Crime and Especially Trans-Border Crime (Serbia, Romania and Bulgaria), Official Gazette of Serbia and Montenegro – International Treaties, No. 5/2003;
- Convention of the Southeast European Law Enforcement Centre, Official Gazette of the Republic of Serbia (Albania, Bosnia and Herzegovina, Serbia, Hungary, Moldova, Romania, Turkey, Greece, Macedonia, Montenegro, Bulgaria), Official Gazette of Serbia and

Montenegro – International Treaties, No. 8/2011;

- CoE Convention on the Prevention of Terrorism (2003), Official Gazette of the Republic of Serbia – International Treaties, No. 9/2009;
- 2014 Agreement on Operational and Strategic Co-operation between the Republic of Serbia and European Police Office, Official Gazette of the Republic of Serbia – International Treaties, No. 5/2014;
- Update of the Agreement on Operational and Strategic Co-operation between the Republic of Serbia and European Police Office was signed in November of 2018 by exchange of letters and ratified in Parliament on 14 November 2019, Official Gazette of the Republic of Serbia – International Treaties, No. 13/2019;
- 2006 Police Cooperation Convention for Southeast Europe (Albania, Bosnia and Herzegovina, Macedonia, Moldova, Romania, Bulgaria, Serbia, Montenegro), Official Gazette of the Republic of Serbia, No.70/2007;
- Memorandum of Understanding concerning cooperation in fighting corruption through the South Eastern European Anti-Corruption Initiative and Protocol amending the Memorandum of Understanding concerning cooperation in fighting corruption through the South Eastern European Anti-Corruption Initiative were ratified on the 29<sup>th</sup> of February 2020 (“*Official Gazette of the RS*”, no. 4/20 (MU));
- Cooperation Agreement between the Republic of Serbia and EUROJUST was signed on 12 November 2019 and ratified in Parliament on 9 December 2019 (“*Official Gazette of the RS*,” no. 14/19 (MU));
- Agreement between the parties to the Police Cooperation Convention for South East Europe on the automated exchange of DNA data, dactyloscopic data and vehicle registration data with the Implementing Agreement, signed on 13 September 2018 and ratified in Parliament on 7 December 2018, Official Gazette of the Republic of Serbia – International Treaties, No. 15/2018;
- Memorandum of Understanding with Regional Anti-Corruption Initiative concerning regional cooperation in fighting corruption dated 2007 and Protocol amending MoU were both signed in 2010 and 2013 respectively. Ratification process is currently underway, Official Gazette of the Republic of Serbia – International Treaties, No. 4/2020;

The Republic of Serbia has concluded the following bilateral agreements/arrangements concerning cooperation in criminal matters in the respective area with the following states: Bosnia and Herzegovina, Montenegro, Bulgaria, Croatia, Austria, Romania, Slovakia, Russia, Greece, Italy, Cyprus, Hungary, Belgium, Switzerland, France, Albania, Turkey, Azerbaijan, Belarus, Kazakhstan, Lithuania, Poland, Finland, Czech Republic, Spain, United Arab Emirates, United States of America and Israel.

Protocols on cooperation which the Ministry of Justice of the Republic of Serbia signed with Justice Departments of other countries, such as the member states of the European Union, neighboring countries and other countries from the region during the period from 2004 to 2018 are the following:

1. Agreement on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Belarus (05.11.2007);
2. Agreement on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Russian Federation (12.02.2008);
3. 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 of the Republic of the Serbia – International Treaties, No. 11/2011;
4. 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 of the Republic of the Serbia – International Treaties, No. 11/2011;
  5. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Federation of Bosnia and Herzegovina (28.04.2006);
  6. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Romania (30.01.2007);
  7. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Austrian Federal Ministry of Justice (27.03.2006);
  8. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Hellenic Republic (09.02.2006);
  9. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Albania (08.02.2006);
  10. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Croatia (05.12.2005);
  11. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Bulgaria (18.11.2005);
  12. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Former Yugoslav Republic of Macedonia (29.09.2004);
  13. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Montenegro (concluded in June 2004, period of existence of the State Union of Serbia and Montenegro);
  14. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the French Republic (27.10.2008);
  15. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Slovenia (28.09.2004);
  16. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Hungary (28.09.2009);
  17. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Montenegro (28.05.2009);
  18. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Slovak Republic (05.05.2009);
  19. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Srpska (07.04.2009);
  20. Memorandum of Understanding between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Portuguese Republic (24.05.2010);
  21. Memorandum on strengthening regional and transnational cooperation as a precondition for successful fight against organized crime in South Eastern Europe, concluded between the Ministry of Justice, Ministry of Interior and State Prosecutors of the Republic of Serbia, Albania, Macedonia, Bosnia and Herzegovina, Montenegro, Romania, Bulgaria, Croatia and Slovenia (5.10.2010);
  22. Memorandum of Understanding between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of Spain (16.09.2010);
  23. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Kingdom of Morocco of April 2, 2018, Official Gazette of the Republic of Serbia – International Treaties, No. 15/2018;
  24. Memorandum on Cooperation between the Ministry of Justice of the Republic of Azerbaijan and the Ministry of Justice of the Republic of Serbia of May 21, 2018, Official Gazette of the Republic of Serbia – International Treaties, No. 15/2018;

25. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Hungary of May 4, 2015, Official Gazette of the Republic of Serbia – International Treaties, No. 12/2015;

These Agreements fully incorporate the harmonization of relevant legislation, education and trainings intended for the employees of the Ministry of Justice, reform of the enforcement of penal sanctions system, as well as cooperation in combating organized crime, terrorism, human trafficking, money laundering, corruption and other criminal offences.

By ratifying the said international agreements, they have all been integrated into the internal legal order of the Republic of Serbia.

The Ministry of Justice of the Republic of Serbia is dedicated to put in place necessary measures to effectively prevent and combat terrorism. Typically individuals and groups involved in terrorist acts utilise specialist criminals and criminal groups / networks and engage in common crimes themselves, with an aim to obtain goods and services for funding their terrorist operations. In order to be able to proactively investigate and prosecute these crimes Serbia has signed and ratified a number of agreements and arrangements at universal, regional, sub-regional and bilateral level. In the previous period, the Ministry of Justice concluded the following bilateral agreements:

- Agreement between the Republic of Serbia and the Republic of Italy on facilitating the implementation of the European Convention on Mutual Legal Assistance in Criminal Matters of 20 April 1959 (signed in February 2017, ratified in September 2018 and in application since September 4<sup>th</sup>, 2019), Official Gazette of the Republic of Serbia – International Treaties, No. 12/2018;
- Agreement between the Republic of Serbia and the Republic of Italy on facilitating the implementation of the European Convention on Extradition of 13 December 1957 (signed in February 2017, ratified in September 2018 and in application since September 4<sup>th</sup>, 2019), Official Gazette of the Republic of Serbia – International Treaties, No. 12/2018;
- Agreement between the Republic of Serbia and the Republic of Kazakhstan on Mutual Legal Assistance in Criminal Matters (signed in 2016, ratified in September 2018. Agreement entered into force in October 2018), Official Gazette of the Republic of Serbia – International Treaties, No. 12/2018;
- Agreement between the Republic of Serbia and the Republic of Kazakhstan on the Extradition (signed in 2016, ratified in September 2018. Agreement entered into force in October 2018), Official Gazette of the Republic of Serbia – International Treaties, No. 12/2018;
- Agreement between the Republic of Serbia and the Republic of Kazakhstan on the transfer of sentenced persons (signed in 2016, ratified in September 2018. Agreement entered into force in October 2018), Official Gazette of the Republic of Serbia – International Treaties, No. 12/2018;
- The Law on ratification of the Agreement between the Republic of Serbia and the Republic of Turkey on extradition -Agreement entered into force on March 1<sup>st</sup>, 2020;
- The Law on ratification of the Agreement between the Republic of Serbia and the Republic of Turkey on Mutual Legal Assistance in Criminal Matters -Agreement entered into force on 3<sup>rd</sup> May 2018;
- Agreement on extradition between the Republic of Serbia and the United States of America 2016 – ratified on 14 February 2019 (“*Official Gazette of the RS,*” no. 2/19 (MU) and in application since April 23<sup>rd</sup>, 2019);



- Treaty between the Republic of Serbia and the Republic of Argentina on legal assistance in criminal matters (signed on October 14<sup>th</sup>, 2019), Official Gazette of the Republic of Serbia – International Treaties, No. 10/2021;
- Treaty between the Republic of Serbia and the Republic of Argentina on transfer of sentenced persons and cooperation in the execution of criminal sanctions (signed on October 14<sup>th</sup>, 2019), Official Gazette of the Republic of Serbia – International Treaties, No. 10/2021;
- Treaty between the Republic of Serbia and the Republic of Argentina on extradition (signed on October 14<sup>th</sup>, 2019);
- Agreement between the Republic of Serbia and the Republic of Belarus on extradition (signed on December 3<sup>rd</sup>, 2019).

Please see an exhaustive list of concluded bilateral agreements in the area of mutual legal assistance in criminal matters available at the official website of the Ministry of Justice.

### ***1.2. What national legislation has been adopted in your State to implement the abovementioned agreements and arrangements?***

By ratifying the above-mentioned international agreements/arrangements, all laws/legislation form an integral part of the internal legal order of the Republic of Serbia.

Article 16 (2) and (3) of the Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 98/2006 and 115/2021) 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.

As stated, the legal basis for the anti-terrorist action is contained in the national legislation as follows:

- 1) The Law on Defence (*Official Gazette of the RS*, Nos. 116/07, 88/09-as amended, 88/09, 104/09-as amended, 10/15 and 36/18);
- 2) The Law on the Serbian Armed Forces (*Official Gazette of the RS*, Nos. 116/07, 88/09, 101/10, as amended 10/15,88/15-Constitutional Court Decision, 36/18, 94/19 and 74/21-Constitutional Court Decision);
- 3) The 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 the RS*, Nos. 88/2009 and 36/18);
- 4) The Law on Foundations for the Regulation of Security Services of the Republic of Serbia (*Official Gazette of the RS* Nos. 116/07 and 72/12);
- 5) The Law on Military Security Agency and Military Intelligence Agency (*Official Gazette of the RS* Nos. 88/09, 55/12-Constitutional Court Decision and 17/13);
- 6) The Law on Security Information Agency (*Official Gazette of the RS* Nos. 42/02, 111/09, 65/14 – Constitutional Court Decision, 66/14and 36/18);
- 7) Law on Police (OfficialGazette of the RS Nos. 6/2016, 24/2018 and 87/2018);
- 8) Law on the Prevention of Money Laundering and the Financing of Terrorism (AML/CFT Law), Official Gazette of RS, 113/17, 91/19 and 153/20);
- 9) The Law on Organisation and Competence of State Authorities in Combating Organised Crime, Terrorism and (Official Gazette of the RS Nos. 94/16 and 87/2018 – other law and 10/23);

- 10) The Law on International Legal Assistance in Criminal Matters (*Official Gazette of the RS* No. 20/09);
- 11) The Law on the Execution of the Prison Sentence for Criminal Offences of Organised Crime (*Official Gazette of the RS* No. 72/09 and 101/10);
- 12) The Law on Organisation and Competence of State Authorities in Combating High Technology Crime (*Official Gazette of the RS* No. 61/05, 104/09 and 10/23);
- 13) The Law on Assumption of Jurisdiction of Military Courts, Military Prosecution and Judge Advocate General (*Official Gazette of the RS* No. 137/04);
- 14) The Criminal Procedure Code (*Official Gazette of the RS* No. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14, 35/19, 27/21 – Constitutional Court Decision and 62/21 – Constitutional Court Decision);
- 15) The Criminal Code (*Official Gazette of the RS*, Nos. 85/2005, 88/2005 – correction, 107/2005 – correction, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019);
- 16) The Law on Confiscation of Property deprived of Criminal Activity ("Official Gazette of the RS", Nos. 32/2013, 94/2016 and 35/2019).

In addition to the abovementioned, the following laws are also of great importance to the fight against terrorism: the Law on the Liability of Legal Entities for Criminal Offences (*Official Gazette of the RS* No. 97/2008), Law on the Freezing of Assets with the Aim to Prevent Terrorism and Proliferation of Weapons of Mass Destruction (*Official Gazette of RS*, nos. 29/2015, 113/2017 and 41/2018), the Law on State Border Protection (*Official Gazette of the RS* No. 97/2008 и 20/2015- as amended), the Law on Border Control (*Official Gazette of RS* No. 24/ 2018), the Law on Foreigners (*Official Gazette of the RS* No. 24/2018 и 31/2019), the Law on Asylum and Temporary Protection (*Official Gazette of the RS* No. 24/2018), the Law on Citizenship of the Republic of Serbia (*Official Gazette of the RS* No. 135/2004, 90/2007 and 24/2018), the Law on Foreign Trade in Arms, Military Equipment and Dual-Use Goods, the Law on export and import of military arms and equipment (*Official Gazette of the RS* No. 107/2014), the Law on export and import of Dual-Use Goods (*Official Gazette of the RS* No. 95/2013 and 77/2019) and the Law on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (*Official Gazette of RS* No. 87/11), etc.

Among the acts passed by the Republic of Serbia for the purpose of fulfilling the aforementioned international commitments, we emphasise the Criminal Code of the Republic of Serbia. Specifically, Chapter XXXIV of the Criminal Code entitled *Criminal Offences Against Humanity and Other Rights Guaranteed by International Law* criminalises the offenses of terrorism in full compliance with international standards and undertaken international obligations. Within the scope of the said Chapter, we point out to the following offenses: terrorism, public instigation to commission of the acts of terrorism, recruiting and training for the commission of terrorist acts, the use of a lethal device, the obliteration of and damage to a nuclear facility, imperilling the persons under international protection, financing terrorism and terrorist association (please see art. 391-393 of the Criminal Code). Part of the Chapter XXVI of the Criminal Code is also a direct result of the implementation of the abovementioned Conventions in the domestic law of the Republic of Serbia. We highlight the following criminal acts: endangering air traffic safety by violence; hijacking an aircraft, ship or other means of transport.

In addition to the law, basic political and legal framework for combating terrorism is the National Security Strategy of the Republic of Serbia (*Official Gazette of the RS*, No 94/19)<sup>1</sup>, the Defence Strategy of the Republic of Serbia (*Official Gazette of the RS*, No. 94/19)<sup>2</sup> and the Serbian Armed Forces Doctrine.

In December 2012, the Law on amendments and changes to the Criminal Code was adopted in order to conform to international and regional conventions. Provisions of the Law related to financing of terrorism and money laundering were changed and sentences pronounced for these criminal offences increased in order to be in line with international standards. Specifically, the issue of combating terrorism is dealt with in the following chapters and articles of the Criminal Code (*Official Gazette of the Republic of Serbia*, Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019): Criminal offences against general safety of people and property (Chapter XXV); Unlawful Acquiring and Endangerment of Safety with Nuclear Material (Article 287); Criminal road traffic safety offences (Chapter XXVI); Endangering Air Traffic Safety by Acts of Violence (Article 292); Hijacking an Aircraft, Ship or Other Means of Transport (Article 293); 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 under international law - (Chapter XXXIV); Unlawful Production, Sale and Possession of Prohibited Weapons (Article 377); Terrorism (Article 391); Public Instigation of Terrorist Acts (Article 391a); Recruitment and training for terrorist acts (Article 391b); Use of a deadly device (Article 391c); Destruction and damaging of a nuclear facility (Article 391d); Endangering of a person under international protection (Article 392); Financing Terrorism (Article 393); Terrorist conspiracy (Article 393a).

The Law on the execution of the prison sentence for criminal offences of organized crime (*Official Gazette of the Republic of Serbia*, numbers 72/2009, 101/2010) specifies in its Article 1 that the provisions of the Law are also applicable to the execution of the prison sentence for the criminal offences covered by the Criminal Code related to terrorism. The Special Department for serving the prison sentence for organized crime at the closed type, high security penal and correctional institution has been established. The Special Department is created to carry out prison sentences imposed for criminal offences under Article 1.

The following relevant laws are also in effect:

1. Law on Foundations for the Regulation of Security Services of the Republic of Serbia (*Official Gazette of the Republic of Serbia*, Nos. 116/07 and 72/12);
2. Law on Military Security Agency and Military Intelligence Agency (*Official Gazette of the Republic of Serbia*, Nos. 88/09, 55-12- Constitutional Court Decision and 17/13);
3. Law on Security Information Agency (*Official Gazette of the Republic of Serbia*, Nos. 42/02, 111/09, 99/11, 65/14– Constitutional Court Decision, 66/14 and 36/18);
4. Law on the Prevention of Money Laundering and the Financing of Terrorism (AML/CFT Law), *Official Gazette of RS*, 113/17, 91/19 and 153/20);
5. Law on the Freezing of Assets with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction (*Official Gazette of the Republic of Serbia*, No 29/2015, 113/17 and 41/18 );

---

<sup>1</sup>On the date of the publishing of this Strategy, the Decision on adopting the National Security Strategy of the Republic of Serbia (“*Official Gazette of the Republic of Serbia*”, No. 88/09) ceased to be valid.

<sup>2</sup>On the date of the publishing of this Strategy, the Decision on adopting the Defence Strategy of the Republic of Serbia (“*Official Gazette of the Republic of Serbia*”, No. 88/09) ceased to be valid.

6. Law on Organization and Competence of State Authorities in Combating Cybercrime (Official Gazette of the Republic of Serbia, Nos. 61/05, 104/09 and 10/23);
7. Law on International Legal Assistance in Criminal Matters (Official Gazette of the Republic of Serbia No. 20/09);
8. Law on the Execution of the Prison Sentence for Criminal Offences of Organized Crime (Official Gazette of the Republic of Serbia, Nos. 72/09 and 101/10);
9. Law on Organization and Competence of State Authorities in War Crimes Proceedings (Official Gazette of the Republic of Serbia, Nos. 67/03, 135/04, 61/05, 101/07, 104/09 and 101/11- as amended) and
10. Law on Assumption of Jurisdiction of Military Courts, Military Prosecution and Judge Advocate General (Official Gazette of the Republic of Serbia, No. 137/04).

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. 94/19), National Strategy of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 94/19), the Strategy for Fight against Organized Crime (Official Gazette of the Republic of Serbia, No. 23/09), the Action Plan for the Implementation of the Strategy for Fight against Organized Crime (Official Gazette of the Republic of Serbia, No. 81/09), the National Anti-Corruption Strategy of the Republic of Serbia for the period 2013-2018 (Official Gazette of the Republic of Serbia No. 57/2013) and an accompanying Action Plan, the Financial Investigation Strategy for the period 2015-2016, the National Strategy against Money Laundering and the Financing of Terrorism for the period 2020-2024 and the accompanying Action Plan were adopted on 13 February 2020 (AML/CFT Strategy). This AML/CFT Strategy builds on the previous two national strategies and aims to further develop the AML/CFT system in Serbia in order to face the risks found by the National ML/TF Risk Assessment exercise in an effective manner, and in order to adopt measures in line with international standards set by the Financial Action Task Force (FATF).

In 2021, Serbian AML/CFT authorities conducted the national risk assessment (NRA) exercise and Government adopted, on 30 September 2021, four national risk assessment reports: (1) Money Laundering (ML) NRA; (2) Terrorist Financing (TF) NRA; (3) ML/TF NRA in the Digital Assets Sector; and (4) NRA in the area of Financing of Proliferation of Weapons of Mass Destruction.

In order to reallocate the resources based on the 2021 NRA findings, the Government updated its Action Plan for implementing the National 2020-2024 Strategy Against Money Laundering and the Financing of the Terrorism (AML/CFT Strategy) on 17 March 2022.

The Republic of Serbia adopted the following national legislation in order to facilitate and improve fight against terrorism:

***The Law on organization and jurisdiction of state bodies in combating organized crime, terrorism and corruption "Official Gazette of the RS", no. 94/2016 and 87/2018 – other law and 10/2023)***

Primary aim of introducing new legislation in this field is to redefine organisational structure of competent authorities, provide effective coordination mechanisms, and improve mutual cooperation and data exchange between national authorities for the purpose of detecting, prosecuting and hearing cases of corruption and other forms of grievous crimes (including terrorism cases). The law is fully in line with and it implements the National Strategy against

Corruption for the period covering 2013-2018 and its corresponding Action Plan as well as the Strategy for Financial investigations 2015-2016.

It implies the establishment of *task force* units, *liaison officers* and connections between a wide circle of competent government authorities that cooperate and exchange information received, which is then processed by specialised police departments and public prosecution offices, throughout the entire process covering not only the investigation stage, but also gathering evidential material for raising the indictment, including the court proceedings stage until the final judgement is brought. It is worth mentioning that the new Law is fully in line with 40 revised FATF recommendations.

The law consists of nine Chapters, clearly prescribing the pool of criminal offences to which the law is applicable and providing organization and competence of state bodies in combating organized crime and terrorism, organization and competence of state bodies in fighting corruption, financial forensics department, continuous professional training, information on the financial status and the vetting procedures, protection of classified information and transitional and final provisions.

***The Criminal Code (Official Gazette of the RS, Nos. 85/2005, 88/2005 – correction, 107/2005 – correction, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019);***

Criminal legislation of the Republic of Serbia is well regulated and does not lag behind the criminal law of most European countries, however, partial amendments were necessary in order to align national legislation with the *EU Acquis*. As a result, special attention was afforded to, *inter alia*, criminal offences against economic interests, modifying existing provisions, introducing seven new criminal offences and decriminalising three criminal offences. For example, abuse of office offence was modified to provide for a more precise definition stipulating that acquisition of an ‘unlawful gain’ is necessary as opposed to a wide interpretation of ‘any benefit’ previously defined by the Code. New criminal offences include but are not limited to Art. 223 fraud during the course of conducting economic activities, Art. 224 (a) abuse of trust in the course of conducting economic activities and Art. 228 (a) abuse of privatisation process. Article 366 of the Code was also modified to define with greater precision criminal offence of trade in influence.

Article 292 of the Criminal Code was modified, which regulates the crime of endangering safety of air traffic violence, incriminating actions of threats to commit the alleged offense. This amendment is in accordance with Resolution A33-4 of the Assembly of the International Civil Aviation Organization (ICAO), which recommended Member States to adopt regulations to appropriately respond to certain types of unacceptable behaviour in air transport. Hence, Art. 292 reads the following:

*Article 292*  
*(Provisions applicable from 1 June 2017)*

*(1) Whoever resorts to violence in an aircraft, by placing or bringing inside the aircraft explosives or other dangerous devices or substances, or by destroying or damaging the navigation device, or causing other damage to the aircraft endangering the safety of air traffic, shall be punished by an imprisonment sentence of two to ten years.*

- (2) *If the offense referred to in paragraph 1 of this Article, results in grievous bodily harm of a person or causes substantial damage, the offender shall be punished by imprisonment of two to twelve years.*
- (3) *If the offense referred to in paragraph 1 of this Article, results in the death of one or more persons, the offender shall be punished by imprisonment of five to fifteen years.*
- (4) *When threatening to commit the act referred to in paragraph 1 of this Article, shall be punished with imprisonment from six months to five years.*

Articles 347 and 348 of the Criminal Code were modified, concerning criminal offences of ‘creating and acquiring arms and other means designed for the execution of the criminal offences’ and ‘unauthorized production, storage / possession, carrying and trade of firearms and explosive material,’ in order to harmonise these offenses with the new Law on Weapons and Ammunition (“Official Gazette, no. 20/15, 10/19, 20/20 and 14/22)). As a result, penalties for these criminal offences were raised. Penalties for criminal offences of illegal border crossing and smuggling of human beings are also raised.

Additionally, Article 304 (a) was modified in order to ensure better alignment with the Convention on Cybercrime.

For the criminal offense, that is executed after entering into force The Law on Amendments to the Criminal Code (Official Gazette of the RS, No. 35/2019), that is after 1. December 2019, to perpetrator of that criminal offense which was previously convicted the sentence is to be considered by enforcement of provisions of the Articles 8. And 9. of this law, that includes the criminal offenses from Chapter 28 of this law, that is criminal offenses against constitutional arrangement and security of the Republic of Serbia.

***The Law on Amendments to the Seizure and Confiscation of Proceeds of Crime Act "Official Gazette of the RS", no. 32/2013, 94/2016 and 35/2019.***

Considering that, the main reason for and motivation behind most criminal offences is financial gain, which could be used to fund terrorist operations, it is of utmost importance to introduce effective tools to enable permanent seizure of proceeds of crime. Forfeiture of assets that results from a criminal offence supports the rule of law and the moral principle that no one can benefit from a committed criminal offence.

With this in mind, amendments to the law on seizure and confiscation of proceeds of crime were adopted, due to the identified need to rectify certain deficiencies in effectiveness of the judicial proceedings for *temporary* confiscation of assets. i.e complaint as a legal remedy against the court decision is abolished, which decides upon the request of the public prosecutor for temporary confiscation, whereas right to appeal against such decision remains available.

The scope of application of the Law was extended to include criminal offences such as offenses against intellectual property and aggravated murder. Amendments redefined and introduced new competences of the Financial Investigation Unit [FIU] and the Directorate for the Administration of Seized Assets.

In order to meet international obligations in terms of international cooperation, art. 6 of the Law was modified anticipating the establishment of a specialized Office within the FIU responsible for acting upon international cooperation requests regarding detection and identification of proceeds of crime, aimed at enabling temporary or permanent confiscation.

Another novelty brought by the amendment to the Law, enables confiscation of another asset of equivalent value in case where direct confiscation of proceeds of crime is not available. This greatly resolves practical obstacles previously encountered with in practice.

The Action Plan for Chapter 24, Subchapter 7 - Fight against Terrorism, foresees the development of a National Strategy for the Prevention and Countering of Terrorism and the Action Plan. The OSCE provided financial and professional support during the development of strategic documents. The draft strategic documents were sent to the European Commission in July 2017 for an opinion. Comments are considered and integrated into the text. After receiving the opinion from the competent state agencies, the Government adopted the National Strategy and the Action Plan at a session held on 12 October 2017.

National Strategy for the Prevention and Countering of Terrorism for the period 2017-2021, defines the basic and permanent commitments, values and goals of the Republic of Serbia's policy in the field of prevention and fight against terrorism, and establishes a strategic-doctrinal framework for a comprehensive response to this threat, with an emphasis on the prevention of possible attacks with the support and participation of the wider community.

During the development of the Strategy, generally accepted international standards and assumed international legal obligations were used, in particular those established by the UN Charter, the Global Strategy of the UN in the fight against terrorism and the Council of Europe Convention on the Prevention of Terrorism. Also, the Strategy supports the objectives and values of the Counter-Terrorism Strategy of the European Union, as well as other basic international instruments for the fight against terrorism

The documents are based on four principles of the European Union: Prevention, Protection, Prosecution and Response.

Prevention requires a built-in protection system that allows timely identification and reduces the potential causes of radicalization and violent extremism leading to terrorism and at the same time demotivates an individual or group to resort to terrorism or support terrorists in any other way.

Protection from terrorism in terms of this strategy implies a built-in system that regulates procedures and defines the activities and measures of responsible actors, whose application will reduce the threat of a terrorist act, that is, prevent a concrete terrorist attack by spotting and removing weaknesses in the protection system and limiting the individual's ability or groups to commit a terrorist attack.

The criminal prosecution of terrorists implies a built-in system for investigating acts of terrorism and charging those responsible for the commission of a criminal offense of terrorism, that is, criminal offenses related to terrorist organizations and terrorist activities, which are characterized by equity and efficiency.

The response to the terrorist attack involves the preparation of institutions and systems that provide vital services to citizens, as well as citizens themselves, to manage the consequences and reduce the consequences of a terrorist attack, including the help to the victims of attacks.

In previous period, contributions were collected from all stakeholders from the Action Plan of the National Strategy for Prevention and Fight against Terrorism for 2017-2021. The Multidisciplinary Working Group for Drafting Reports and Analytical Materials on the current National Strategy for Prevention and Combating Terrorism and the AP for Implementing the Strategy is currently jointly combining these annexes for the entire time period of the Strategy implementation. Individual operators must be asked to supplement or clarify the attachment. After the analysis, a draft of a new planning document would be initiated.

The Republic of Serbia adopted the Strategy on Small Arms and Light Weapons Control in the Republic of Serbia for the period 2019-2024 and Action Plan for the period 2019-2020 ("Official Gazette of the Republic of Serbia", No. 44/2019) at the Government's session on 13 June 2019. The Strategy was adopted for the purpose of further harmonization with the Roadmap for sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW) and their ammunition in the Western Balkans by 2024, endorsed at the EU.

This strategic document represents a continuation and expansion of activities aimed at strengthening the efficiency of all entities in the field of small arms and light weapons control in the Republic of Serbia. It is specifically aimed at continuing the harmonization of the legislation with international standards, further improvement of the control of domestic and foreign trade in firearms, reducing incidents caused by firearms and the number of illegal firearms possessed by citizens, removing surpluses of small arms and light weapons, ammunition, and explosives for civilian use in the Republic of Serbia and close multilateral and bilateral cooperation in this area. The Strategy includes basic mechanisms envisaged in the Roadmap, which have been set up to combat the illicit possession and misuse of firearms, ammunition and explosives for civilian use.

The Strategy defines five specific goals for improving the control of small arms and light weapons:

1. Harmonized and improved legal framework for the control of SALW and explosives for civilian use;
2. Improved national mechanisms for reduction of SALW, ammunition and explosives for civilian use in illegal possession;
3. Improved national capacities for stockpile management of SALW, ammunition and explosives for civilian use;
4. Improved national capacities for the control, testing, marking and tracing of SALW, as well as for record-keeping;
5. Strengthened cooperation at the international, regional and national level, as well as with the civil society sector.



This Strategy is primarily based on data and recommendations received on the basis of the Evaluation of the Strategy on Small Arms and Light Weapons Control in the Republic of Serbia for the Period 2010-2015, Situational analysis related to the small arms and light weapons control in the Republic of Serbia, prepared by the OSCE Mission to the Republic of Serbia in cooperation with the Ministry of the Interior.

### ***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?***

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 use of its territory for the preparation and execution of terrorist activities in other countries.

Preventing and combating terrorism at the national level is governed by the law complying with all international resolutions, conventions and other legal acts under the competence of the Ministry of the Interior and the Security Information Agency.

In the Ministry of the Interior, the prevention, detection and clarification of criminal offenses of terrorism, and the detection and apprehension of perpetrators of these offences is under the jurisdiction of the Service for Combating Terrorism within the Criminal Police Directorate. The Service for Combating Terrorism and Extremism includes two Departments (Department for Combating and Prevention of Terrorism and Department for Combating and Prevention of Extremism) and four regional Departments (in Belgrade, Novi Sad, Vranje and Novi Pazar) that cover the entire territory of the country. Department for Combating and Prevention of Terrorism includes: the Section for Combating and Prevention of Terrorism, the Section for Preventing Misuse of Internet and Open Sources and the Section for International Exchange of Operational and Intelligence Data. The Department for Combating and Prevention of Extremism includes: the Section for Prevention of Extremism that Leads to Terrorism and the Section for Combating Extremism that leads to Terrorism. The Ministry of the Interior also includes the Special Anti-Terrorist Unit, which provides assistance to other organizational units of the Ministry of the Interior and state authorities during the execution of tasks related to the suppression of terrorism (deprivation of liberty of the members of terrorist groups, solving hostage situations, securing persons and objects threatened by direct terrorist threats, etc.).

The Government of the Republic of Serbia, in accordance with the National Strategy for the Prevention and Fight against Terrorism for the period 2017-2021, on April 18, 2019, adopted the Decision on the formation of the National Coordination Body for Preventing and Combating Terrorism and appointment of National coordinator for Preventing and Combating Terrorism („Official Gazette of RS“, Nos. 29/19, 38/19, 41/19, 81/19, 74/21, 132/21 and 104/22), which has the task of coordinating the activities on prevention and combating terrorism, radicalism and violent extremism leading to terrorism at the national level, as well as to ensure the effective implementation, monitoring, evaluation and reporting of the implementation of the National Strategy. The permanent members of the National Coordination Body are composed of representatives of the following national bodies: the Ministry of Interior, the Security Information Agency, the Ministry of Defense, the Prosecutor's Office for Organized Crime, the Ministry of Foreign Affairs, the Ministry of Finance, the Republic Public Prosecutor's Office and the Office of the National Security Council and Classified Information

Protection. By decision of the Government of the Republic of Serbia in June 2019, for the National Coordinator for Preventing and Combating Terrorism in the Republic of Serbia, police director, general of police, Vladimir Rebic was appointed. For the purpose of exchanging data and coordinating activities related to the fight against terrorism at the operational level, the Operational working group continues its work, in which representatives of the Service for Combating Terrorism (Ministry of Interior), the Security Information Agency and the Prosecutor's Office for Organized Crime participate.

The Ministry of Defence fights against terrorism at political, strategic and doctrinal, normative, security and intelligence, and the Serbian Armed Forces levels. As for the political level, the Ministry of Defence is consistent in implementing the policy of the Republic of Serbia taking numerous actions with a view to establishing and increasing the scope of international cooperation in the area of combating terrorism. At the strategic and doctrinal level, there are the National Security Strategy, of the Republic of Serbia the Defence Strategy of the Republic of Serbia, and the Serbian Armed Forces Doctrine that have been enacted and implemented. Speaking of the normative level, the fight against terrorism rests on the Constitution of the Republic of Serbia, ratified international conventions and treaties, bilateral and multilateral agreements, but also on extensive legislation relevant to this area. As for the security and intelligence level, the Military Security Agency and the Military Intelligence Agency are structured and their work is based on the provisions of the Law on the Military Security Agency and the Military Intelligence Agency (*Official Gazette of the RS*, Nos. 88/09, 55/12-Constitutional Court Decision and 17/13).

The Military Security Agency (VBA), as an administrative body within the Ministry of Defence, is responsible for the security and counter-intelligence protection of the Ministry of Defence and the Serbian Armed Forces. In fighting terrorism, it is responsible for detecting, tracking and precluding internal and international terrorism, extremism and other forms of organised violence targeted against the Ministry of Defence and the Serbian Armed Forces by taking appropriate counter-terrorist measures in order to reduce the susceptibility and vulnerability of the units' headquarters and of establishments, i.e. their personnel, infrastructure, communication and information systems and other particularly sensitive military targets. In fighting terrorism, the VBA plays a predominantly preventive role consisting of detecting, tracking and precluding terrorist actions targeted against the Ministry of Defence and the Serbian Armed Forces by way of: collecting information with a view to the timely detection of a terrorist threat that may menace the security of the Ministry of Defence and the Serbian Armed Forces; analysing such threats and taking proactive actions to forestall them, and informing the decision makers and relevant governmental bodies so that they may take appropriate measures within their purviews in order to prevent such threats from becoming reality. In the scope of counter-terrorist measures, the VBA is authorised to apply special procedures and measures for undercover collection of information aimed at preventing terrorist acts and in order to detect, investigate and document criminal acts of terrorism falling under their area of responsibility. It is furthermore authorised to apply special evidence hearing procedures and/or special investigation techniques for undercover data collection.

The Military Intelligence Agency (VOA), as an administrative body within the Ministry of Defence, performs intelligence activities relevant to the defence of the Republic of Serbia in the scope of which they collect and analyse (collate), protect and safeguard the data and information regarding potential and actual threats, activities, plans or intentions of groups and individuals related to external terrorist threats targeted at the defence system of the Republic of Serbia. The role of the VOA in the fight against terrorism is of preventive nature exclusively.

Representatives of VBA and VOA are members of National coordination body for preventing and combating terrorism.

The role of the Serbian Armed Forces is governed by the Constitution and laws enacted on the basis of the Constitution (Law on the Serbian Armed Forces, Law on Defence, Law on Employment of the Serbian Armed Forces and other Defence Forces in Multinational Operations etc.).

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 governing the use of force (Article 4 point 5, Article 30 of the Law on Defence and Article 2(1) of the Law on the Serbian Armed Forces).

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 (Article 2(2) of the Law on the Serbian Armed Forces).

The Serbian Armed Forces exercises its 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; of the Law on the Serbian Armed Forces).

The Serbian Armed Forces plays its role in contributing to the combat against terrorism through the third mission of the Serbian Armed Forces – rendering support to civilian authorities in countering threats to security and by way of taking combat counter-terrorist operations.

In addition, by participating in multinational operations abroad, the missions and tasks of the Serbian Armed Forces cover, inter alia, the preservation of national, regional and global security and peace, as well as joint defence operations in compliance with the regulations on defence, and relief operations to eliminate the consequences of international terrorism and larger-scale terrorist attacks.

In combating terrorism, the Military Police, provides, inter alia, anti-terrorist protection for the Ministry of Defence and the Serbian Armed Forces (Article 53(1) of the Law on the Serbian Armed Forces).

Chief of the General Staff of the Serbian Armed Forces, that is, chief of the responsible command of the Serbian Armed Forces, acting upon special authorization by the President of the Republic of Serbia, and for the purpose of protection and rescue of people, material and cultural wealth from natural disasters, technical and technological accidents” and disasters, „consequences of a terrorist act and any other large scale accidents”, may „issue an order to introduce the state of alert measures and engage the parts of the Serbian Armed Forces in remedying harmful

consequences resulting from non-military threats to security (Article 43(3)) of the Law on Defence).

Non-military challenges, risks and threats are manifested in the following forms: terrorism, organized crime, corruption, natural disasters, technical-technological accidents and other accidents and threats (Article 4, point 11, of the Law on Defence).

In addition to the institutionalised framework above, the Ministry of Justice, the Ministry of Finances, as well as the judicial bodies (courts and prosecution authorities) provide an extremely significant contribution to the fight against terrorism in their respective areas of responsibility.

We particularly emphasise that setting up any paramilitary organisation is forbidden by Article 55(3) of the Constitution). Pursuant to Articles 33 and 117 of the Law on Defence, any kind of a paramilitary organization and association aimed at execution of defence tasks pertaining to defence of the country shall be forbidden and is subject to criminal liability. The same prohibition is stipulated in Article 2(4) of the Law on Citizens' Associations (*Official Gazette of the RS*, No 51/09).

## COORDINATION BODIES

It is undisputable that the first line of the fight against terrorism is a unified security-intelligence system of the Republic of Serbia that was established and shaped by the Law on the Bases Regulating Security Services of the Republic of Serbia (*Official Gazette of the RS*, No. 116/07 and 72/2012) and that consists of the Security Information Agency (BIA) as a separate organisation, Military Security Agency (VBA) and Military Intelligence Agency (VOA) as administrative bodies within the Ministry of Defence.

However, the experiences so far have shown that in order to successfully fight terrorism it requires a constant, systematic and coordinated cooperation of all competent state entities and to that end, several such bodies have been established:

The National Security Council is the central national body of the Republic of Serbia responsible for national security in a way that it considers security issues, coordinates the work of state bodies that make the security sector and deliberates on the measures for the enhancement of national security, guides and harmonises the work of security services. The operational body of the Council is the Coordination Bureau which operationally harmonises the work of security services and executes the conclusions of the National Security Council.

What is particularly important for the fight against terrorism is the work of AML/CFT Coordination Body, which was established by the Decision of appointment of Coordination Body for the Prevention of Money Laundering and the Financing of Terrorism, on 12 July 2018 (*Official Gazette of RS*, no. 54/2018, 84/2019, 6/21 and 6/23). The Government of the Republic of Serbia adopted the Decision amending Decision on Coordination Body for the Prevention of Money Laundering and the Financing of Terrorism on 21. January 2021 (*Official Gazette of RS* No 6/21). The chairmanship of the AML/CFT Coordination Body was taken over from Deputy Prime Minister and Minister of the Interior by the Minister of Finance. Equally important is the work of the National Coordination Body for Preventing and Combating

Terrorism, which was established by the Decision of appointment of National Coordination Body for Preventing and Combating Terrorism and appointment of National Coordinator for Preventing and Combating Terrorism on 12 April 2019 (Official Gazette of RS, no. 29/19, 38/19, 41/19, 81/19, 74/21, 132/21 and 104/22) and amended in July and December 2021 (Official Gazette of RS No. 74/21 and 132/21).

Furthermore, it has been envisaged to set up other permanent and ad-hoc groups, consisting of experts who monitor the state of affairs in this field in order to coordinate the monitoring of the state and work by specific fields, such as the National (interdepartmental) team for chemical, biological, radiological, and nuclear materials, which at the national level deals with the strategy for preventing illegal trade in these materials, which makes a significant segment of the fight against terrorism.

***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 most serious risks and threats to global, regional and national security. Under such circumstances, the Republic of Serbia can be a target for terrorist activities both directly and through the use of its territory for the preparation and perpetration of terrorist activities in other countries.

The Ministry of Justice of the Republic of Serbia is actively involved in cross border legal cooperation via MLA and formally appointed contact points for EUROJUST and European Judicial Network (EJN)<sup>3</sup> that are responsible for facilitating the execution of EUROJUST requests for judicial cooperation by providing necessary information on competent authorities and applicable national legislation, monitoring the execution of requests and upon urgency speeding up the process of handling MLA requests as well as improving the international cooperation of investigations and prosecutions via preparation of agreements for setting up Joint Investigation Teams (JITs) and coordination meetings.

In 2016 and 2017, Serbia had 17 and 28 registered EUROJUST cases respectively and has been involved in operational meetings concerning the work of JITs. It participated in tactical meetings that were aimed at combating terrorism. Nevertheless, none of the registered cases were related to the criminal offence of terrorism or other associated crimes.

Judicial Academy provides specialised continuous trainings to both public prosecutors and judges equipping them with necessary skills and knowledge to effectively deal with cases of organised crime, corruption and terrorism, according to its annual training programme.

---

<sup>3</sup> For further information please see [https://www.ejn-crimjust.europa.eu/ejn/EJN\\_InfoAbout.aspx?Id=364](https://www.ejn-crimjust.europa.eu/ejn/EJN_InfoAbout.aspx?Id=364)

Service for Combating Terrorism in Criminal Police Directorate of the Ministry of the Interior of the Republic of Serbia deals with the prevention and fight against terrorist financing. In all cases when terrorism is investigated, in parallel with the pre-investigation actions that are carried out in order to detect, prove and prosecute the possible commission of the criminal offense of Terrorism under Art. 391 of the Criminal Code of the Republic of Serbia, at the same time, pre-investigation activities are being carried out in order to detect, prove and prosecute the possible commission of the criminal offense of Financing Terrorism under Art. 393 CC RS. Security information related to terrorist financing are exchanged at the operational and strategic level, with the involvement of the competent prosecutor in cases related to terrorist financing, from the appearance of intelligence or operational information, through procedural actions, to possible criminal prosecution.

Intensive cooperation is carried out through the international police cooperation organizations Interpol and Europol. Service for Combating Terrorism has made a significant contribution to the implementation of Europol's analytical projects and cases (Lifeline, TFTP and SyrianWallet), i.e. to the fight against the financing of the activities of foreign terrorist fighters. A channel for the exchange of internationally operational police data with Europol has been established through CT SIENA, through which operational data on several hundred entities that have been linked to possible terrorist financing have been exchanged so far.

From 2018 we have been working on the constant improvement of human resources for the fight against terrorist financing. We are working on timely informing the repressive bodies about the latest financial products, services, especially those that are performed electronically, and the possibilities of their misuse for the purpose of financing terrorism. Work is also being done to prevent the misuse of new technologies for the purpose of financing terrorism. Police officers attended several trainings on the topic of misuse of the Internet and crypto assets for the purpose of financing terrorism. Through constant training, experiences and best practices in work are made available to a wide range of employees, who are engaged in the prevention, detection and prosecution of the crime of terrorist financing. Activities have been undertaken to regulate the provision of alternative money and value transfer services and to strengthen the capacity to detect suspicious or undeclared cash at the border, through training programs and the introduction of more sophisticated control systems.

Service for Combating Terrorism, in cooperation with the Ministry of Finance (Administration for the Prevention of Money Laundering), the Prosecutor's Office for Organized Crime and the Security Information Agency, participated in the development of the Terrorism Financing Typologies in the Republic of Serbia, which indicates the circumstances that may lead to the recognition of situations of transfer of funds aimed at carrying out terrorist activities. Police officers of this Service participate in the work of the Working Group for the control of non-profit organizations, and in the period from 2018, the work of dozens of non-profit organizations was controlled. We are working on a guide on the vulnerabilities of this sector when it comes to the financing of terrorism, based on previous empirical experience.

The National Strategy for the Prevention and Countering of Terrorism for 2017–2021 and the Action Plan is in line with the EU Counter-Terrorism Strategy and defines four priority areas: the prevention of terrorism, violent extremism and radicalization that lead to terrorism; protection, detection and elimination of threats from terrorism and weaknesses in the

protectionsystem; prosecuting terrorists, respecting human rights, the rule of law and democracy, and the response of a system in the event of a terrorist attack.

In accordance with the National Strategy and the Action Plan, special attention shall be paid to preventing radicalization, especially of young people, in the coming period, and preventing the development of any kind of extremism at its early stage, through the integrated performance of various competent institutions, religious communities and citizens' associations.

In the period from 2016 to 2018, Service for Combating Terrorism participated in the regional project "First line Practitioners", which was aimed at creating initial conditions for the establishing a network of people who in their daily work directly come into contact with citizens, according to the EU model RAN.

From 2017 in cooperation with the OSCE in Serbia, the project "Supporting prevention of violent extremism and terrorism in Serbia" is being implemented with the aim of strengthening the capacity of the Republic of Serbia to more effectively prevent and suppress violent extremism and radicalization that leads to terrorism, through the improvement of police cooperation with other state institutions at the local level. As part of the project, seven trainers were trained, and six trainings were held for local police officers, as well as two trainings for representatives of local security councils, and four trainings for tax inspectors and administrative inspectors (who are responsible for controlling non-profit organizations). A manual was published for the professional development of police officers of the Ministry of Interior of the Republic of Serbia on the topic of prevention of terrorism, violent extremism and radicalization leading to terrorism, and a brochure "Prevention of radicalization and terrorism" was prepared for employees of institutions and organizations that are in direct contact with citizens (educational, health and others), which aims to introduce the concepts of radicalization, violent extremism and terrorism, with special reference to the factors and indicators of radicalization. This brochure has been distributed since December 2019. It is also planned to implement phase 2 of the said project, ie to continue cooperation with the representatives of the OSCE Mission. In this regard, additional project activities entitled "Strengthening the capacity to recognize the first signs of radicalization and prevent violent extremism and radicalization leading to terrorism" have been agreed - with a special focus on training additional trainers, developing a training plan that would cover the entire territory R. Serbia, as well as the development of teaching materials and training of members of local security councils, local police, educators and social workers. Internal procedures have already been initiated to obtain the necessary approvals for the implementation of these project activities."

In terms of making a multi-agency individualized approach and dealing with persons at increased risk of radicalization, in mid-2019 the Service for Combating Terrorism initiated the formation of an Initial Assessment Team at the central level, which would collect information on persons at risk of radicalization, assess the validity of that information, assess the degree of radicalization and riskiness of that person, and if necessary collect information from other institutions, and provide support to other institutions in working with such persons. The establishment of the prevention system in the Republic of Serbia would take place in two phases: the first phase would include the formation of a multi-agency working group that would be in charge of preparing the necessary conditions for the establishment of the Team; the second phase would involve forming a Team and improving its functionality. In March 2022, a Working Group was formed to create the necessary conditions for the formation of an Initial

## Assessment Team within the Model of Prevention of Radicalization and Violent Extremism Leading to Terrorism.

The implementation of the multi-beneficiary IPA project for 2016 "Support to Prevention and Countering Violent Extremism in the Western Balkans" funded by the European Commission is underway, which aims to provide assistance to the Western Balkan countries in preventing and combating violent extremism, primarily through model of the "Radicalization Awareness Network" (RAN) in the Western Balkans, as well as by conducting small actions with specialized (international) organizations (especially civil society organizations). The upcoming activity is the visit of the expert team of the European Commission in order to assess the situation and needs and define the next steps for the implementation of the project.

Ministry of Defence, the Military Security Agency in particular, give significant contribution regarding some of the mentioned issues and thus contribute to the fight against terrorism.

As for the matter of financing terrorism, on the basis of operationally gathered information, the Military Security Agency produces analysis, and conducts antiterrorist evaluation and through pre-emptive measures and a proactive approach prevents financing of the terrorism, in cooperation with other competent state bodies. Thus, the Military Security Agency continuously contributes to averting the creation and "dismantling" certain elements of the networks for financing terrorism thus deterring possible financiers of terrorist activities that could jeopardise the Ministry of Defence and Serbian Armed Forces. Within the Ministry of Defence and Serbian Armed Forces, the Military Security Agency is responsible for taking measures and actions directed towards detecting, examining and gathering evidence for a criminal offence of financing terrorism in line with Article 393 of the Criminal Code of the Republic of Serbia, when the offence is directed against the Ministry of Defence and Serbian Armed Forces.

Border control, strictly observed, is not within the purview of the Ministry of Defence and Serbian Armed Forces but these institutions provide a systemic support to competent authorities and that support consists of taking measures, activities and actions in case of non-military challenges, risks, and threats to security. Article 39 of the Law on Defence reads as follows: In cases when the border belt, the border or the lives and health of people and animals and material wealth in the border area are endangered, the Government will organise joint police and military forces for the execution of joint task on a joint proposal of the Minister of Interior and Defence Minister, with the approval of the President of the Republic. In executing the said tasks, the police and military forces report to the Serbian Armed Forces commanding officer authorised by the President of the Republic, at the joint proposal of the Minister of Interior and Minister of Defence. Pursuant to the provisions of Article 53(1) of the Law on the Serbian Armed Forces, the Military Police conducts the activities of counterterrorist protection in the Ministry of Defence and Serbian Armed Forces, or pursuant the provisions of Article 6(2) of the Law on MSA and MIA, the Military Security Agency detects, traces and prevents internal and international terrorism, extremism and other forms of organised violence targeting the Ministry of Defence and Serbian Armed Forces; detects, investigate and document criminal acts against constitutional system and security of the Republic of Serbia, criminal acts against humanity and other values protected by the international law, criminal acts of organised crime, criminal acts of money laundering and criminal acts of corruption (abuse of office, trade in influence, bribery) even when they are not the outcome of activities of an organised criminal group within the Ministry of Defence and Serbian Armed Forces. Moreover, it is important to stress that in 2016, the Joint Force of the Serbian Armed Forces and the Ministry of Interior



(Serbian Police) was established as the result of migrant crisis, all for the purpose of protecting the state border and controlling the migration caused by the war conflicts in the Middle East, where at the goal is to prevent the terrorist threat not only to Serbia but to the EU states and the OSCE member states.

Regarding possible use of the Internet and other information networks for the needs of terrorists, the Ministry of Defence, the Military Security Agency in particular, primarily reacts by the measures of pre-emptive nature which are reflected in gathering data for timely detection of those threats that may jeopardise the security of the Ministry of Defence and the Serbian Armed Forces. In this regard, the provisions of the Law on Military Security Agency and Military Intelligence Agency stipulate that MSA conduct security protection of information and telecommunication systems and crypto protection. Within these activities, MSA deals with identifying security omissions, risks evaluation, participation in the control of security procedures implementation and proposing measures for the purpose of improving the state. In the framework of counterterrorist measures, MSA is authorised to apply special procedures and measures for covert gathering of information aimed at preventing the use of the Internet and other information networks for the needs of terrorists, and for the purpose of detecting, examining and gathering evidence of criminal acts of terrorism within its area of responsibility. MSA is also authorised to apply particular evidence activities, or special investigation techniques for covert gathering of information.

Amendments to the Criminal Code (Official Gazette of the Republic of Serbia No. 108/2014,94/2016) in Articles 386a and 386b criminalize participation in war or armed conflict in a foreign country or organizing participation in war or armed conflict in a foreign country as follows:

#### Article 386a

“Participation in war or armed conflict in a foreign country”

- (1) A Serbian citizen who participates in a war or armed conflict in a foreign country, as a member of military or paramilitary groups that are party to the conflict, and is not a citizen of the foreign country or a member of the official mission of the international organization whose member is Serbia, shall be punished with imprisonment from six months to five years.
- (2) If the offence referred to in paragraph 1 of this Article is committed by a group, the offender shall be punished by imprisonment of one to eight years.

#### Article 386b

“Organizing participation in war or armed conflict in a foreign country”

- (1) Person who with the intent of committing a criminal offence under Article 386a of the Code on the territory of Serbia solicits or induces another person to commit that offence, or who organizes the group or trains another person or group to carry out that criminal offence, equips or makes available equipment for commission of that criminal offence, or provides or raises funds to carry out that criminal offence, shall be punished with imprisonment from two years to ten years.
- (2) For the offence referred to in paragraph 1 of this Article, offender shall be punished by imprisonment prescribed for those offences, even when persons that the offender organizes are not citizens of Serbia.

As regards the efforts the Republic of Serbia is making in terms of prevention and combating terrorism, it is important to note that the Criminal Code of the Republic of Serbia, in its Chapter 34, which refers to crimes against humanity and other property protected by international law, criminalizes the following crimes related to terrorism:

- Article 391. Terrorism
- Article 391 (a). Public Incitement to commit terrorist offences
- Article 393. Financing of terrorism
- Article 393 a) Terrorist Conspiracy

Article 393 of the Serbian Criminal Code criminalizes financing of terrorism as follows:

(1) Whoever directly or indirectly gives or collects funds with the intention to use them or knowing that they will be used, fully or partially, for commission of criminal acts referred to in Articles 391 to 392 herein or for financing of persons, a group or organized crime group who intend to commit these acts, shall be punished with imprisonment from one to ten years.

(2) The funds specified 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 put in place in 2002 with the adoption of the Law on the Prevention of Money Laundering. Since then, several AML/CFT laws have been adopted, including in 2005, 2009 and 2017, as well as a number of amendments, the most recent being in December 2020. Among other things, The AML/CFT Law also includes explicit provisions on the prevention of the financing of terrorism.

A range of financial institutions and Designated Non-Financial Businesses and Professions (DNFBPs)<sup>4</sup> are obliged to comply with the AML/CFT Law using a 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 of money laundering and terrorism financing. The obliged entities file 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 (STRs) irrespective of the amount involved. All the obliged entities are supervised by the supervisors listed in the AML/CFT Law.<sup>5</sup> In order to harmonize the Serbian AML/CFT legislation with the most recent FATF standards and the Fifth EU Anti-Money

---

<sup>4</sup> 1) banks; 2) authorised currency exchange offices business entities performing currency exchange operations based on a special law governing their business activity; 3) investment fund management companies; 4) voluntary pension fund management companies; 5) financial leasing providers; 6) insurance companies licensed to perform life-insurance business and insurance brokerage companies when they perform life-insurance brokering; insurance agency companies and insurance agents with a licence to perform life-insurance business, except for insurance agency companies and insurance agents for whose work the insurance company is responsible according to the law; 7) broker-dealer companies; 8) organisers of special games of chance in casinos and organisers of special games of chance through electronic communication means; 9) auditing companies and independent auditors; 10) e-money institutions; 11) payment institutions; 12) intermediaries in the trade or lease of real estate; 13) factoring companies; 14) entrepreneurs and legal persons providing accounting services; 15) tax advisors; 16) public postal operator headquartered in the Republic of Serbia, established according to the law governing postal services, offering payment services under the law governing the provision of payment services; 16a) persons engaging in postal communication; 17) virtual asset service providers.

<sup>5</sup> APML; National Bank of Serbia; Securities Commission; Tax Administration; Administration of Games of Chance; Market Inspectorate, Ministry competent for postal communication; Bar Association; Chamber of Notaries.

Laundering Directive<sup>6</sup> as well as the most recent Council of Europe MoneyVal Report for Serbia (13 April 2016), a Law on the Prevention of Money Laundering and the Financing of Terrorism was adopted on 14 December 2017, and amended twice, in 2019 and 2020 (Official Gazette of the Republic of Serbia, 113/17, 91/19, and 153/20). These amendments have the aim of addressing the issues concerning the implementation of the FATF recommendations found in the MoneyVal 2016 Mutual Evaluation Report for Serbia and subsequent Enhanced Follow-Up Reports.

The Financial Intelligence Unit (FIU) of Serbia was established in 2002 as a Federal Commission for the Prevention of Money Laundering. Meanwhile, it became an operationally independent administrative body under the Ministry of Finance, under the name Administration for the Prevention of Money Laundering (APML). The APML, as an administrative-type FIU, collects, analyses 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 are provided for in the Republic of Serbia budget. To prevent illegal 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 a 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. The Rulebook was amended in March 2018 to reflect the most recent changes to the relevant EU declaration form and to take into account the new AML/CFT Law. 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 determining the commission of a criminal offence. The provisions on the confiscation of material gain are applied to 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 the 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).

The Criminal Procedure Code (Official Gazette of the Republic of Serbia, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021- Constitutional Court Decision and 62/21 – Constitutional Court Decision) introduced prosecutorial investigation as the most important novelty in the judicial system of Serbia, as it leads to radical changes in criminal proceedings. Investigation, according to the former regulation under the responsibility of the investigating judge, will be conducted by a public prosecutor who will now play a greater role in the process, and have more authority in prosecuting perpetrators of criminal acts and ingathering evidence. Namely, the prosecutorial investigation envisages 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

---

<sup>6</sup> Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directives 2009/138/EC and 2013/36/EU

efficient handling of criminal cases. The right to collect evidence and other material evidence that can be taken voluntarily belongs also to the defense. Considering that only public authorities (public prosecutor and the court) are authorized to take evidence, the defense may request from them to undertake certain evidentiary proceedings.

The Code provides that the public prosecutor is authorized to conduct pre-investigation proceedings, or decide on to not undertake or defer criminal prosecution (principle of opportunity), conduct investigations, conclude plea agreements and agreements on giving testimony with the defendant or convicted person, thus simplifying and shortening criminal proceedings. It introduces new grounds for granting bail, defines the measure of home detention, provides also for the fine for taking actions that are obviously aimed at delaying the proceedings, then the special rules for summoning defendants and witnesses, introduces new, independent measures to ensure the presence of the defendant (prohibition of leaving a temporary residence or abode), and many other procedural novelties that are to facilitate the efficiency of the proceedings.

The Code introduces novelties also in respect of taking special evidentiary actions which include covert interception of communications, covert surveillance and recording, simulated deals, computer data search, controlled delivery and undercover investigator.

The procedure for confiscation of proceeds from crime shall also apply the provisions of Articles 538-543 of the Criminal Procedure Code. According to these articles property obtained by criminal offence shall be determined in criminal proceedings *ex officio*. The authority is required to process the evidence collected during the procedure and verify the circumstances that are important for determining the gain. When the confiscation of proceeds of crime from other persons may be considered, the person to whom proceeds from crime were transferred free of charge or with compensation obviously not commensurate with the true value, or a representative of a legal person, shall be summoned for questioning in the preliminary proceedings and at the trial. This person shall be cautioned in the summons that the proceedings shall be conducted even in his/her absence. When proceeds from crime may be confiscated, the court shall order temporary measures of securing claims, acting *ex officio*, according to the provisions of the law which regulates the proceedings of enforcement and securing claims. In this case, the provisions of Article 257, paragraphs 2 to 4, of this Code shall apply *mutatis mutandis*.

The Law on seizure and confiscation of the proceeds of crime (Official Gazette of the Republic of Serbia, No. 32/13 and 94/2016) prescribes the requirements, the procedure and the authorities responsible for tracing, seizing/confiscating and managing assets of natural persons or legal entities that are the proceeds from crime. Provisions of this Law are applied to criminal offences listed in Article 2 including the criminal offence of financing terrorism (Article 393 of the Criminal Code) if the material gain acquired from crime, that is, the value of objects acquired from crime exceeds the amount of one million five hundred thousand dinars.

The Criminal Procedure Code and the Law on Seizure and Confiscation of Proceeds from Crime allow for international cooperation in the confiscation of material gains and in the seizure and confiscation of the proceeds from crime.

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 Programme 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.

The Border Police Directorate undertakes the following measures and actions regarding the prevention and fight against terrorism:

- with the use of all available technical means and equipment, the Border Police Directorate controls the passage of persons, means of transport and goods at the state border;
- within the framework of its powers and tasks, provides support to all services in the fight against terrorism

Implementation of border controls regulated by the Law on Border Control, which governs the protection of the state border, the organization and the way of protection. The state border protection in accordance with this Law includes the control of border crossing points and the provision of state borders in order to ensure the inviolability of state borders, the prevention and detection of criminal acts and the perpetrator of those acts, the protection of life and health of people and the environment and preventing irregular migration.

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, Nos. 55/05, 71/05-correction, 101/07, 65/08, 16/11, 68/12-CCD and 72/12), according to which, the services present at the border are the Border Police of the Ministry of Interior, Customs Department of the Ministry of Finance 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. Previously are adopted: STRATEGY for integrated border management in the Republic of Serbia ("Official Gazette of the PC", No. 111 of 22 November 2012), which covered the period from 2012-2017, and STRATEGY for integrated border management in the Republic of Serbia 2017-2020 ("Official Gazette of the PC", No. 9 of February 10, 2017). The Draft STRATEGY for Integrated Border Management in the Republic of Serbia 2022-2027 has been prepared, which is in the process of adoption by the Government of the Republic of Serbia. Safety of Travel Documents is within the exclusive jurisdiction of the Ministry of Interior. The said area is more specifically regulated by the Law on Travel Documents (Official Gazette of the Republic of Serbia" Nos. 90/07, 76/10). In the meantime, the Law on Travel Documents has been amended ("Official Gazette of RS", no. 90 of 1 October 2007, 116 of 22 December 2008, 104 of 16 December 2009, 76 of 22 October 2010, 62 of 13 June 2014, 81 of 15 November 2019).

Regarding the security of travel documents during their preparation, security standards for the protection of forms as well as international electronic security elements are applied, the so-called EAC Protocol that prevents data theft when reading travel documents on the appropriate devices.

In addition, the standard physical elements of the security of the travel document form, such as cinegram, are applied, as well as the ICAO standards relating to the layout of the travel document form and international standard 9303 relating to the photo of a travel document holder.

Also, in technical terms, the safety of travel documents is at a high level and we have had no knowledge of the case of forging our travel documents so far.

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

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 related to radiation and nuclear safety and security is the Agency for the Protection against Ionizing 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, Nos. 116/07, 88/09, 101/10 – as amended, 10/15, 88/15 – Constitutional Court Decision, 36/18, 94/19 and 74/21 – Constitutional Court Decision) according to which the President of the Republic or the Minister of Defense, authorized by the President, may decide that the Serbian Armed Forces provide assistance to a competent state body or organization, autonomous province's body or local authorities, upon their request to protect lives and security of people and property, ensure environmental protection or for any other purpose stipulated by the Law.

The usage of internet and other information networks for the purpose of terrorism may be sub-summed under the preparatory activities for the perpetration of a 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 Defense and Serbian Armed Forces, the Military Security Agency is responsible for detecting, investigating and documenting such misuse of the Internet and other information networks. Section for Preventing Misuse of Internet and Open Sources in the Service for Combating Terrorism (SBPT) within the Criminal Police Directorate includes monitoring the public sources (internet) with the aim of suppressing the criminal act of public incitement to commit terrorist acts (Article 391a, Criminal Code) and criminal act of recruitment and training for terrorist acts (Article 391b, Criminal Code).

The Service for Combating Terrorism deals with the prevention of the abuse of the Internet for the terrorist purposes in cases where the Internet is a means of attack, or when terrorist organizations and their supporters use the Internet for recruiting, financing, propaganda, training and incitement to terrorist acts.

The abuse of the Internet for terrorist purposes has been recognized as one of the risk factors for the security of the Republic of Serbia, as well as an integral part of the strategic goal of prevention in the National Strategy for the Prevention and Countering of Terrorism. In this regard, the task in the coming period is to improve the legal framework, in accordance with the right to freedom of expression and privacy, which will contribute to the establishment of a system for preventing the use of the Internet and other public media, which, among other things, includes the development of a system for tracking, eliminating and blocking illegal content.

In 2019 in cooperation with the OSCE in Serbia, Service for Combating Terrorism started activities within the project "Strengthening national capacities for fighting against misuse of the Internet for terrorist purposes" with the aim of improving the capacity of the Service for Combating Terrorism to locate, identify, collect and process information on incriminated terrorist activities on the Internet in a way that they can be used as evidence in possible criminal proceedings. Planned project activities include: participation in study visits to units responsible

for the prevention of Internet misuse (Italy, IRU EUROPOL, Germany, Estonia) for police officers of Service for Combating Terrorism and competent prosecutors, material and technical equipment for the Service (appropriate hardware and software tools), organizing seminars, workshops, expert meetings, development of information materials, as well as the establishment of effective communication with other actors responsible for combating the use of the Internet for terrorist purposes. The project is expected to last for two years (beginning on January 1, 2019, and ending on December 31, 2020, In the meantime, the project has been extended until December 2023, based on the approval of the Minister of the Interior, given that due to the COVID pandemic, not all planned activities have been implemented).

Regarding the use of the Internet and other information networks for terrorist purposes, the security of the Information and Communication Technologies (ICT) system of the Ministry of the Interior of the Republic of Serbia falls within the scope of the Sector for Analytics, Telecommunication and Information Technologies.

There is a strict security policy and control of this system and it has not been noticed that this system was the target of terrorist attacks and that the resources of this system were used for terrorist purposes.

The cooperation in the area of justice including extraditions is the exclusive responsibility of the Ministry of Justice, as a part of the executive power in the Republic of Serbia, and competent courts as parts of the judicial power in the Republic of Serbia. The Republic of Serbia has concluded 52 bilateral agreements with 31 states in the area of mutual legal assistance in criminal matters. Please see an exhaustive list of concluded bilateral agreements in the area of mutual legal assistance in criminal matters available at the official website of the Ministry of Justice.

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

Criminal offence of providing a 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 more lenient 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 concerns the criminal offence of terrorism, international terrorism and financing of terrorism as well.

In order to harmonize the AML/CFT system with the relevant international standards, the National

Assembly of the Republic of Serbia adopted on 20 March 2015 (Official Gazette of the Republic of Serbia, No 29/2015) a Law on Freezing of Assets with the Aim of Preventing Terrorism. This Law intended to implement the International Convention on the Suppression of the Financing of Terrorism, relevant United Nations Security Council Resolutions and relevant European Union *acquis communautaire*. On 14 December 2017, this Law was amended to take into account the relevant recommendations of the most recent Council of Europe Money Val Committee's Mutual Evaluation Report for Serbia (of April 13, 2016). These amendments fully align Serbia with the relevant international standard concerning the implementation of targeted financial sanctions for terrorism. This law was again amended in 2018 in order to apply the financing of proliferation of weapons of mass destruction. As of its most recent amendment, the full name of this piece of legislation is Law on the Freezing of Assets with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction (*Official Gazette of the Republic of Serbia*, nos. 29/2015, 113/2017, 41/2018) – herein after referred to as: the LFA.

The effectiveness of relevant legislation has been fully tested in practice, with a domestic list of designated persons issued by the Government. The domestic list includes persons for whom there was reasonable belief that they were terrorists, terrorist financiers that they were involved in a terrorist group or the commission of a terrorist act, and/or they were related to proliferation of WMD.

In cooperation with *Mihajlo Pupin* Institute the Administration for the Prevention of Money Laundering developed **a search engine for the list of persons subject to UN sanctions, that is, designated persons**. The search engine enables all natural and legal persons to check in a time-saving and simple manner whether they have any contact and/or cooperation with this category of persons for the purpose of timely application of measures and actions provided in the Law on the Freezing of Assets with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction.

The search engine is located on the official website of the Administration for the Prevention of Money Laundering; it includes the lists of designated persons created by the UN Security Council and it automatically downloads any change in the lists in the original form in the English language. In addition to the UN Lists, the search engine enables a search of persons placed on the domestic list of designated persons, which was established by the Government decision. Additionally, any change in the lists is published as news on the Administration for the Prevention of Money Laundering website.

The search engine is actually a demonstration of the implementation of targeted financial sanctions without delay because the lists of designated persons introduced by the UN SC and international organizations where Serbia is a member are downloaded directly, without delay, in the original form in the English language, including any change to such lists. In addition, the Administration for the Prevention of Money Laundering notifies all natural and legal person required to apply the Law on the Freezing of Assets of the lists of designated person, introduced by the UNSC and international organizations where Serbia is a member, as well as of any change in such lists. The manner of notification is prescribed by the Rulebook on the Manner of Notifying Natural and Legal Persons about Modifications to the Lists of Designated Persons and on the Manner of Filing Reports, Information and Data Concerning a Designated Person and their Assets. This Rulebook states that the Administration notifies without delay all natural and legal persons required to apply the actions and measures for the prevention of terrorism financing and/or proliferation of weapons of mass destruction, of any change to the list of designated persons, electronically or by publishing such news on its website.

application of actions and measures prescribed by the LFA.



Developing this kind of tool has enabled a direct search of UN SC Designated persons lists, relating to the Resolution 1267 (1999), 1989 (2011) and 2253 (2015) on ISIL, Al-Qaida and related individuals, groups of persons, undertakings and other entities; to the Resolution 1718 (2006) and successor resolutions on DPRK, as well as to the Resolution 1988 (2011) on the Taliban and related individuals, groups of persons, undertakings and other entities, and also Resolution 2231 (2016) related to Iran.

Data on designated persons are automatically downloaded from the relevant UN lists database on a daily basis, which enables accurate and timely results when using the engine.

According to the filed criminal charges of the Criminal Police Directorate in the Ministry of Interior of the Republic of Serbia from 2014 against seven (7) persons, in the conducted criminal proceedings on the indictments of the Prosecutor's Office for Organized Crime against seven (7) citizens of the Republic of Serbia - three (3) of them were not available to the competent state authorities, on April 4, 2018, the Special Department of the High Court in Belgrade passed a first instance verdict sentencing these persons to prison for a total of 67 and a half years (persons in prison and persons who are not available to the judicial authorities, and who were tried in absentia) for committing the following crimes: Terrorism (Article 391 CC), Terrorist conspiracy (Article 393a CC), Recruitment and training for terrorist acts (Article 391b CC), Public Instigation of Terrorist Acts (Article 391a CC) and Financing Terrorism (Article 393 CC). The Special Department for Organized Crime of the Court of Appeals in Belgrade passed a second-instance verdict on January 18, 2019, which confirmed the first-instance verdict of the Special Department of the Higher Court in Belgrade, and which thus became final.

In accordance with the Law on the Freezing of Assets with the Aim to Prevent Terrorism and Proliferation of Weapons of Mass Destruction, by a decision of the Government of the Republic of Serbia, convicted persons were put on the domestic list of designated persons on December 20, 2018. This was immediately followed by five decisions on asset freezing, passed by the Minister of Finance in line with the Law on the Freezing of Assets. The five decisions referred to five convicted persons mentioned above, whereas another two persons were found not to possess any assets.

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

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

Based on the expressed needs and the written memorandum of understanding with the UN, as well as technical arrangements with partner countries, during the year 2022, members of the Ministry of Defense (MO), the Serbian Armed Forces (SRB), the Ministry of Internal Affairs and Ministry of Justice were deployed in nine peacekeeping missions, six under the mandate of the United Nations and three under the mandate of the European Union.

It was planned that the Armed Forces would send up to 700 members to multinational operations in the course of 2022. A total of 513 members were deployed, of which 97 (18.9%) were women. In the course of the year, a total of 791 members were deployed in multinational operations (counting the members who were sent in 2021 and whose engagement was carried over to 2022). The maximum achieved was 285 members of the Armed Forces and 3 members

of other defense forces (2 members of the Ministry of Internal Affairs and 1 member of the Ministry of Justice).

Deployment by mission was as follows:

- MONUSCO in the DR Congo – 1 officer of the Serbian Armed Forces (staff officer - engagement ended as of March 29, 2022),
- UNFICYP in the Republic of Cyprus – 8 troops of the Serbian Army (three staff officers and 5 members of the military police) and 2 members of the Ministry of Internal Affairs (UNPOL officers),
- UNIFIL in the Republic of Lebanon – 182 troops of the Serbian Armed Forces (staff officers, infantry company, national support element and force protection platoon),
- UNTSO in the Middle East – 1 military observer,
- EUNAVFOR ATALANTA in Somalia – 3 staff officers),
- EUTM SOMALIA in Somalia – 6 troops of the Serbian Armed Forces (staff officer and a medical team),
- EUTM RCA in the Central African Republic – 7 troops of the Serbian Armed Forces (staff officer and a medical team),
- MINUSCA in the Central African Republic – 78 troops of the Serbian Armed Forces (staff officers, military observers and military hospital level 2+), and
- UNMISS in the Republic of South Sudan – 3 members of the Ministry of Justice (prison officers).

The deployment to MONUSCO in the DR Congo was terminated after the death of a staff officer on 03/29/2022. The Autonomous Vessel Protection Detachment was not deployed to EUNAVFOR ATALANTA in June 2022 due to problems with the extension of the mission's mandate. The number of troops for in the force protection platoon in the sector West in UNIFIL has been increased from 33 to 38 troops in accordance with the amendment of the Technical Agreement with the Republic of Italy.

### **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 range of agreements and resolutions in the field of arms control and disarmament and has been implementing them consistently. Inter alia, Serbia has undertaken and fulfilled all the commitments from the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. The Chemical Weapons Convention (the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction) was adopted in 2000, and a new Law on the Implementation of the Chemical Weapons Convention, which additionally defined the measures regarding the prohibition of chemical weapons that had been in place until then, was passed in 2009. As an OSCE member, the Republic of Serbia has been fully implementing the Vienna Document 2011, and pursuant to Title X of the said Document, it is a State Party to bilateral agreements with the Hungary signed by the respective governments, and with the Republic of Bulgaria signed by the

respective ministries of defence. Likewise, Serbia has been implementing the OSCE Document on Small Arms and Light Weapons and has accepted the criteria under the EU Code of Conduct on Arms Exports.

In addition, Serbia is a State Party to the Dayton Peace Accords, and 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 Accords in 1996, the armed forces strength has been considerably downsized to the required level and, accordingly, the number of major equipment items and systems has been reduced by more than **4.280 pieces, during 2022 there were no changes.**

The Republic of Serbia meets all its commitments stemming from internationally recognized documents in the field of arms control fully and in a transparent manner, by timely submitting all relevant information with accurate and complete data. All evaluation visits and inspections of specific area according to the Vienna Document 2011 are accepted, and the visits to the Air Base and military facility are organized in stipulated intervals. Arms control inspections are conducted pursuant to the Agreement on sub-regional arms control, as well as the reduction inspections and certification inspections. Furthermore, the Republic of Serbia also accepts regular OPCW inspections in its territory.

***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 and fully complies in accordance with provisions of all signed agreements. Since it re-joined OSCE in 2001, the Republic of Serbia has, within the Vienna Document 1999 or the Vienna Document 2011, accepted in its territory 63 specific area inspections and 24 evaluations in accordance with obligatory quotas, and 35 activities pursuant to bilateral agreements. Concurrently, 153 arms control activities have been conducted abroad.

On 19th June 2019, the Government of the Republic of Serbia adopted the National Strategy of small arms and light weapons control for the period 2019-2024 and the Action Plan for its implementation.

According to the provisions of the Dayton Peace Accords, Annex 1b, Article IV, the Republic of Serbia has, since the beginning of the implementation thereof in 1996, accepted in its territory 184 inspections of arms control covering a total of 263 objects of inspection. At the same time, 164 arms control inspections have been realised abroad on 267 objects of inspection altogether.

## **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 funds generated through other kinds of income may be used for supplementary financing purposes as stipulated by the Budget Act.

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 accords 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 Finance. In addition, the Ministry of Defence submits reports on military expenditures 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.

A Defence Planning Council was established in the Ministry of Defence in 2011 as an expert body of the Minister of Defence. Late in 2015, a new Rulebook on Planning, Programming, Budgeting and Execution in the Ministry of Defence and Serbian Armed Forces was adopted, which regulates the manner and the procedure of planning, programming, budgeting and execution of plans and programmes within the purview of the Ministry of Defence and Serbian Armed Forces. With the adoption of the Rulebook on Defence System Development Planning, in May 2019, the Rulebook on planning, programming, budgeting and execution in the Ministry of Defence and the Serbian Armed Forces ceased to be valid.

The new Rulebook on Defence System Development Planning regulates that the first document in the new defence system development planning process is the Strategic Defence Review of the Republic of Serbia. The Strategic Defence Review of the Republic of Serbia is a long-term development planning document that gives the overview of the state of defence capabilities and the achieved level of development of the defence system, determines necessary capabilities, strategic orientations and priorities of the defence system development, as well as other issues relevant for the defence system operation and development. The document will cover not less than 10 years period, herewith until 2035. The ongoing process of drafting the new Strategic Defence Review of the Republic of Serbia started after the National Security Strategy of the Republic of Serbia and the Defence Strategy of the Republic of Serbia have been adopted by the National Assembly late in 2019.

According to the new Rulebook which regulates the defence system development planning process, the process of drafting the Long-Term Defence System Development Plan should follow after the process of adopting the new Strategic Defence Review has been finished. The Long-Term Defence System Development Plan is based on the National Security Strategy of the Republic of Serbia and the Defence Strategy of the Republic of Serbia, as well as on the data within the Strategic Defence Review. The document will also cover not less than 10 years period and determine long-term objectives and priorities of the defence system development, future capabilities of the defence system, contents and dynamics of the defence system development, financing of the defence system and other issues relevant for the defence system operation and development until 2035.

The documents relevant for The Mid-Term Planning are: the Mid-Term Defence System Development Plan and Programme, and mid-term plans and programmes for development of functions in the Ministry of Defence and the Serbian Armed Forces. The Mid-term Defence System Development Plan and Programme operationalises the positions from the Long-Term Defence System Development Plan of the Republic of Serbia. Mid-Term Plans and Programmes for Development of functions are based on the Mid-Term Defence System Development Plan and Programme.

The Ministerial Guidance is a short-term development planning document that guides the operation of the Ministry of Defence and the Serbian Armed Forces and gives the foundation for development of annual operation plans and other short-term planning documents in the Ministry of Defence and 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?***

New strategic documents in the field of security and defence (National Security Strategy of the Republic of Serbia and Defence Strategy of the Republic of Serbia) were adopted in the National Assembly of the Republic of Serbia at the end of December 2019. Action plans for implementation of these strategies were adopted by the Government and their implementation is in progress. The Ministry of Defence submits to the Government annual reports on the realization of the action plans for the implementation of both strategies and the Government submits yearly reports to the National Security Council and responsible committees of the National Assembly.

The orientations stated in the National Security Strategy of the Republic of Serbia express in particular the readiness of the Republic of Serbia to actively participate in cooperation processes and joint actions with other states and actors involved in international relations aimed at building and enhancing national, regional and global security. In that context, preserving peace and stability in the region and world as well as European integration and membership of the Republic of Serbia in the European Union are determined in that document as the national interests of the Republic of Serbia.

The Republic of Serbia is committed to the non-violent resolution of open issues in international relations and opposes all forms of threats to international peace and security, for the purpose of creating a stable and peaceful environment that enables unhindered economic and political development of society. In the context of preservation of international peace and security, respect for international law and the promotion of mutual confidence is of particular interest for

the Republic of Serbia as well as developing responsible and active relations within the United Nations and with other international organizations.

Regional stability and responsible actions within the region are the primary and lasting interest of the Republic of Serbia, and therefore its permanent orientation is contribution to strengthening regional stability and the improvement of good neighborly relations. A matter of particular importance to the Republic of Serbia is the participation in regional initiatives, considering that in this way it contributes to accelerated progress in the process of integration of states aspiring towards membership of the European Union.

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 active participation in 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.

The Defence Strategy of the Republic of Serbia sets forth the determination of the Republic of Serbia, in accordance with the decision on military neutrality, to build and strengthen its own defence capabilities and capacities, as well as to contribute to strengthening national, regional and global security through cooperation with the European Union's security and defence actors, participation in the Partnership for Peace Programme, and cooperation with other international security and defence actors. In that context, cooperation and partnership with states and international organizations in the field of security and defence as well as the preservation of peace and security in the region and world are determined as the defence interests of the Republic of Serbia. In addition, it is determined that reservation of peace and security in wider environment will be pursued, inter alia, by participation in multinational operations and also by fulfilling obligations in the areas of arms control and arms proliferation prevention in a timely manner.

The Serbian Armed Forces perform their missions and tasks in accordance with the Constitution, laws and principles of international law governing the use of force. Participation in building and maintaining peace in the region and world, as one of the missions of the Serbian Armed Forces, is fulfilled through the participating in international military cooperation and multinational operations.

The Republic of Serbia remains committed to continued participation in multinational operations and missions under the auspices of the United Nations, European Union and Organization for Security and Cooperation in Europe.

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.

Through participation in multinational operations and missions under the auspices of the United Nations, European Union and OSCE, the Republic of Serbia will contribute to the maintenance of peace and security, both in the region and world. In this regard, the engagement of the Serbian Armed Forces and other defence forces in multinational operations and missions outside the Republic of Serbia will continue, and their capabilities and capacities for participation will be improved.

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.

The improvement of the normative-legal and institutional framework to prevent the participation of citizens of the Republic of Serbia in armed conflicts in the world will be continued, with the focus on combating all forms of extremism.

## **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(1) of the Constitution), and secret and paramilitary associations are forbidden (Article 55 of the Constitution).

Article 29(3) of the Law on the Serbian Armed Forces (*Official Gazette of the RS*, Nos. 116/07, 88/09, 101/10 as amended, 10/15, 88/15 – Constitutional Court Decision, 36/18, 94/19 and 74/21 - Constitutional Court Decision) 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, citizens and the public.

Pursuant to Article 99 (1) of the Constitution, the National Assembly oversees the work of the security services. The President of the Republic under Article 112(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(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.

Pursuant to Article 3(2) of the Law on Foundations for the Regulation of Security Services, the National Security Council was established 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(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 of the Serbian Armed Forces pursuant to this law encompasses the procedures for the control of the employment and development of the Serbian Armed Forces, the internal and external control of expenditures for the military purposes, monitoring the situation 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.

### **Procedures for democratic and civilian oversight of the Serbian Armed Forces**

#### Parliamentary control

**Parliamentary control** exercised by the National Assembly through the Defence and Internal Affairs Committee under the conditions prescribed by the Law on Defence (Article 9(1) and (2)(12) and the Rules of Procedure of the National Assembly (*Official Gazette of the RS*, No. 20/12 – consolidated text).

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 activities of the Ministry of Defence and the Serbian Armed Forces (*Official Military Gazette* Nos. 3/15 and 3/17) 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 the RS*, No. 120/04, 54/07, 104/09, 36/10 and 105/21).

## **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 the RS*, No. 116/07 and 72/12),

## Parliamentary control

**Parliamentary control** is exercised by the National Assembly through the Defence and Internal Affairs Committee under the conditions prescribed by the Law on Defence (Article 9(1) and (2)(12) and Article 49 the Rules of Procedure of the National Assembly (*Official Gazette of the RS*, No. 49/12 – consolidated text).

Articles 17-20. 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. 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(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(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 of the Law).

#### Public control of the military security services

Pursuant to Article 21 of 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 and civilian control of military security services**

#### National Assembly

The National Assembly supervises the work of the Military Security Agency and Military Intelligence Agency, in accordance with the provisions of the Law on Military Security Agency and Military Intelligence Agency, which provides that the National Assembly exercise control of the military security services in a manner governed by the Law on the Foundations for the Regulation of the Security Services in the Republic of Serbia (Article 52 of the Law).

#### Government

The 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 the Law).

In accordance with the provisions of the Law on Police ("Official Gazette of the Republic of Serbia", No. 6/16), Internal affairs are a public administration function stipulated by the law, performed by the Ministry, committed to achieving and improving the safety of citizens and property, upholding the rule of law and ensuring the exercise of human and minority rights and freedoms laid down by the Constitution and statutory provisions, as well as other related tasks within the established purview and competence of the Ministry. The Police shall be the central organizational unit of the Ministry, which in the performance of interior, i.e. police duties, protects and improves the safety of citizens and property, abiding by the Constitutionally guaranteed human and minority rights and freedoms and other protected values in a democratic society, with a possibility of using the means of coercion set out in the Constitution and law.

Employees of the Ministry and the Police shall treat everyone equally, regardless of their race, gender or nationality, their differences stemming from social origin, birth, religion, political or other belief or orientation, gender and gender identity, property, culture, language, age, and mental or physical disability.

The Ministry shall directly cooperate with security services in the Republic of Serbia through the exchange of information and technical cooperation, in accordance with the law. Cooperation shall be based on the rights and duties established by the Constitution, law, other regulations and general acts, and on special forms of organization and information sharing during the performance of joint tasks. The Ministry shall, in accordance with the law, directly cooperate with public administration authorities, other authorities, territorial autonomy authorities, local self-government units, and holders of public powers. The Ministry shall cooperate directly with citizens who provide assistance in the performance of police work.

During the preliminary investigation and investigation proceedings, the Police shall exercise police powers stipulated by the Criminal Procedure Code and act upon the order and requests of the public prosecutor and the court. In misdemeanour proceedings the Police shall also act upon the orders of the misdemeanour court

The Ministry and the Police may also establish international cooperation in accordance with the Law. The Ministry may second its representative outside the territory of the Republic of Serbia to be engaged in a diplomatic and consular representative office of the Republic of Serbia or in an international organization with a view to achieving cooperation in the field of security.

At the request of international organizations in which the Republic of Serbia is a member or based on a ratified international agreement, the Ministry employees may, based on the decision of the competent authority adopted in accordance with the law, participate in the performance of police and other tasks abroad.

The Police shall perform police duties with the aim and in such a manner as to provide everyone with equal protection of security, rights and freedoms, by implementing the law and the constitutional principle of rule of law.

Policing shall be based on the principles of professionalism, depolitization, cooperation, cost-effectiveness and efficiency, legality of work and proportionality in the use of police powers, as well as other principles regulating the activities of public administration authorities, and of civil servants, and the procedure in administrative matters.

In the performance of police duties, only those measures and means of coercion may be applied that are specified by law and that provide the result without any or with the minimum of harmful consequences for the persons subjected to such measures. When performing police duties, the Police shall abide by the established and achieved standards of police procedure taking into consideration the internationally accepted standards of procedure.

A police officer shall keep confidential the data acquired while performing police duties or related duties thereto, in accordance with the law. Police officers in the status of authorized officers shall perform police duties and exercise police powers also outside the working hours.

A police officer shall perform police duties in accordance with the law, other regulations and rules of the profession and in compliance with the provisions of the Code of Police Ethics which consist of a set of rules on ethical conduct of police officers.

Before exercising police powers, a police officer shall ascertain that all legal requirements are met for such exercise of powers and shall be accountable for such assessment. The police officer shall exercise police powers on his own initiative, upon the order of his superior officer, upon the order of a public prosecutor or other competent authority issued in accordance with another separate law.

In exercising police powers, the police officer shall act in accordance with the law and other regulations and shall abide by the standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the European Code of Police Ethics and other international acts relating to the Police.

In exercising police powers, a police officer shall act impartially, providing equal legal protection to everyone, without discrimination on any grounds. The exercise of police powers shall be proportionate to the need for which they are used.

The work of the Ministry shall be under democratic oversight. The work of the Ministry shall be overseen through external control and internal control. External oversight shall be performed by: the National Assembly of the Republic of Serbia; assemblies of the provincial autonomy units or local self-government units, including town municipalities; judicial authorities; independent state authorities in charge of oversight and other authorized state authorities and bodies; citizens and the public.

## **Parliamentary oversight**

The National Assembly shall oversee the work of the Ministry directly and through the competent internal affairs committee. The Committee shall in particular: examine the semi-annual and extraordinary reports on the security situation in the Republic of Serbia; examine the semi-annual and extraordinary reports on the work of the Ministry; examine the annual reports on the work of the Sector of Internal Control; oversee the legality of spending budgetary and other resources; oversee the legality of implementing special evidentiary actions defined by the code regulating criminal procedure, targeted search measures and integrity testing; oversee the upholding of political, ideological and interest neutrality in the work of the Police; establish the facts on detected illegalities or irregularities in the work of the Ministry and issue conclusions thereon; report its conclusions and proposals to the National Assembly. The Minister or the person authorized by the Minister shall submit to the Committee the semi-annual report on the security situation in the Republic of Serbia, as well as the regular report on the work of the Ministry. The Ministry shall, as needed or at the request of the Committee, also submit extraordinary reports to the Committee.

### **Oversight role of the assemblies of provincial autonomy or local self-government units, including town municipalities**

The assembly and the executive authorities of the provincial autonomy or local self-government units, including town municipalities, shall: examine the report on the security situation in their territories; assume positions on priorities for safety of people and property, and submit proposals to the manager of the competent organizational unit of the Ministry. The assembly and/or the executive authority of the provincial autonomy or local self-government units, including town municipalities, may establish advisory bodies.

### **Oversight of work of the police officers and employees of the Ministry of the Interior**

Internal control of the work of the police officers and other employees of the Ministry shall be performed by the Sector of Internal Control. The Sector of Internal Control shall be led by the Head of Sector of Internal Control. The Head of Sector of Internal Control shall regularly and periodically submit reports on the work of the Sector of Internal Control to the Minister, and on actions taken to detect criminal offenses to the competent public prosecutor. At the request of the Government and the working body of the National Assembly in charge of internal affairs, the Minister shall submit a report on the work of the Sector of Internal Control. The Sector of Internal Control shall, within three months from the end of the calendar year, publish the work report for the previous year, including the basic statistics on the activities undertaken and the results achieved.

### **Forms and manner of performing internal control**

The Sector of Internal Control shall oversee the legality of work of police officers, as well as other employees of the Ministry, especially in terms of their respect and protection of human and minority rights and freedoms while performing official tasks and exercising police powers, namely while performing activities within their purview.

The Sector of Internal Control shall take measures and actions in accordance with the law regulating criminal procedure to detect and prevent criminal offenses of corruption and other forms of corruptive behaviour, as well as other criminal offenses of police officers and other employees of the Ministry, committed at work or in relation to work. Methods of performing internal control are prescribed by the Minister.

The Sector of Internal Control shall be overseen by external control which shall be performed by the National Assembly of the Republic of Serbia; judicial authorities; independent state authorities in charge of oversight and other authorized state authorities and bodies; citizens and the public. The Head of Sector of Internal Control shall report to the Minister for his own work and for the work of the Sector of Internal Control. The work of the Head and employees of the Sector of Internal Control shall be under the Minister's control. The Minister shall issue guidelines and binding work instructions to the Sector of Internal Control, except for actions taken in preliminary and investigation proceedings at the request of the competent public prosecutor.

In accordance with the Law on Police ("Official Gazette of the RS", no. 6/2016, 24/2018, 87/2018), Sector of Internal Control also conducts following activities for the prevention of corruption:

**Corruption risk analysis** - The corruption risk analysis in the Ministry includes creation of the methodology for the recognition, identification, and assessment of corruption risks, and for the definition of institutional and individual factors that enable corruption.

**Control of declaration and change in the assets declaration of the police managers** (in strategic, high, medium and operational level) and of the employees at high-risk work places as determined by the corruption risk analysis.

**Integrity testing** is control of reaction of the employee in simulated situation, which is identical to his work activities.

### **Oversight by handling complaints**

A complaint may be submitted by any person who believes that his human and minority rights and freedoms were violated by an act or failure to act of an employee during the performance of official tasks, within 30 days after the day when the act subject to complaint occurred. A complaint may also be submitted against the work of the Ministry. The complainant shall be allowed to participate in the complaints procedure. Based on the submitted complaint, the complaints procedure or the summary procedure shall be conducted. The submitted complaints shall be forwarded to the competent organizational unit of the Ministry for further handling. The complaint which is not duly submitted shall be resolved in the summary procedure.

If the complaint contains elements of a criminal offense, it shall without delay be brought to the attention of the competent public prosecutor, Sector of Internal Control, as well as the manager of the organizational unit where the respondent works, who shall inform the complainant thereof. If the complaint contains elements of violation of official duty, the manager of the organizational unit where the respondent works shall without delay initiate a disciplinary procedure against the respondent and inform the complainant thereof.

### **Complaints procedure**

The complaints procedure shall be conducted by the manager of the organizational unit where the respondent works, or a person authorized by him or the Complaints Committee. Upon receiving a complaint, the manager of the organizational unit shall inform the complainant about the initiation of the complaints procedure and call him for an interview within 15 days after receiving the complaint. The manager shall settle the complaint through reconciliation of positions with the complainant. If the positions on the presence of a threat or breach of human and minority rights and freedoms are not reconciled, the complaint shall be transferred to the Committee.

The complaint shall also be transferred to the Committee when the duly called complainant fails to appear for the interview and informs the manager that the Committee shall handle the complaint. If the complainant fails to respond to the call of the manager and does not request that the Committee handles the complaint, the complaint shall be considered withdrawn by the complainant. The complaints procedure before the manager of the organizational unit shall be concluded within 30 days after receiving the complaint. The procedure before the Committee shall be concluded with the delivery of a written response to the complainant within 30 days after the complaint is transferred for resolving.

A complaints unit shall be the organizational unit in charge of complaints at the headquarters of the Ministry and in police departments, or the organizational unit designated for that by the manager. The complaints procedure shall, on the basis of subsidiarity, be subjected to the law regulating general administrative procedure. The manner of handling complaints during the complaints procedure shall be prescribed by the Minister.

If the complaints procedure establishes that the respondent's actions breached or threatened human and minority rights and freedoms of the complainant, managers of organizational units of the Ministry shall take appropriate measures against the respondents. The managers referred to in paragraph 1 of this Article shall submit the report on measures taken to the competent complaints unit and shall inform the complainant of the measures taken.

### **Complaints committee**

The complaints committee shall consist of three members: chairperson of the committee, one member from the Ministry and one representative of the general public. The Minister shall appoint and dismiss members of the Committee by a decision.

The Chairperson of the Committee shall be a police officer proposed by the Police Directorate or another competent organizational unit of the Ministry. The Committee members shall be employees of the Ministry, proposed by the Police Directorate or the organizational unit of the Ministry where the employee-respondent works. Representatives of the public in the Committee at the headquarters of the Ministry shall be appointed by the Minister at the proposal of organizations of professional public and nongovernmental organizations. Representatives of the public in committees at the headquarters of police departments shall be appointed by the Minister at the proposal of the local self-government authorities from the territory of respective Police Departments. The Committee members shall be appointed for a period of four years. The Committee shall sit in the required number of panels at the headquarters of the Ministry and at the headquarters of police departments.

### **Supervision of settling of complaints in complaint procedure**



The conduct of the complaints procedure by the manager of the organizational unit shall be supervised by the competent complaints unit and the Police Directorate. The conduct of the complaints procedure by the Committee shall be supervised by an expert authorized by the Minister for that purpose. The modus operandi during the supervision of the complaint handling procedure shall be regulated by the act prescribed by the Minister in accordance with the Law.

## ***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.

We point out to the following regulations:

- The Law on Defence, in its Article 9, and the Law on the Serbian Armed Forces, in its Article 29, 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 of the Law on the Military Security Agency and Military Intelligence Agency 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. of 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 of the RS*, Nos. 109/07, 99/11, 18/13 – Constitutional Court Decision, 103/15 and 40/15 as amended).

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 the RS*, No. 105/21), Article 29(3) of the Law on the Serbian Armed Forces 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(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.

### **Coordinating Instructions:**

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).

The work of the Ministry shall be transparent. The Ministry shall regularly, promptly and fully inform the public of its work, except when taking measures and activities in accordance with the law regulating criminal procedure and when it would hinder operational police work, or if it would: violate the data secrecy regulation; violate the dignity of citizens; jeopardize the right to personal freedom and security. The Ministry shall, once a year and not later than within three months from the end of a calendar year, publish the following: the report on the security situation in the Republic of Serbia, informing the public in a transparent and open manner on the security assessment, crime trends, and other security issues of importance for the safety and rights of citizens; the report on the work of the Ministry, informing the public, in a transparent and open manner on police service development, statistics on the conducted activities and their outcomes. In addition to these reports, the Ministry shall post quarterly on its website information about its work, adopted by the committee of the National Assembly of the Republic of Serbia in charge of internal affairs.

### *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 Defence 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 the RS*, No. 88/09 and 36/18).

### **The role of paramilitary forces**

Organising into paramilitary formations is prohibited pursuant to Article 55(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. Organising into paramilitary formations is prohibited pursuant to Article 2(4) of the Law on Defence (*Official Gazette of the RS*, Nos. 116/07, 88/09, 88/09 - as amended, 104/09 -as amended, 10/15 and 36/18).

### **The role of the military security forces**

The role of the military security forces is regulated by the Law on the Foundations of the Security Services System in the Republic of Serbia. 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 forces in the field of defence is governed by Article 20 of the Law on Defence, which provides that the security and intelligence affairs that are of importance to the defence include security activities, counter-intelligence activities, intelligence activities and military police activities that are conducted subject to separate laws.

Responsibilities, tasks and activities of the bodies conducting security and intelligence activities relevant to 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 (*Official Gazette of the RS*, No 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 RS*, Nos. 88/09, 95/10 and 36/18).

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 who have not served their military service may be invited to training for the needs of the country defence.

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, pursuant to Article 33 of the Law on Defence, prohibited the formation of paramilitary organizations and associations with the aim of performing the tasks pertaining to the defence of the country (*Official Gazette of the RS*, Nos 116/07, 88/09, 88/09 – as amended, 104/09 – as amended and 10/15 and 36/18).

The Law on Police stipulates the conditions for the establishment of employment in the Ministry of Internal Affairs. When establishing an employment relationship, the Ministry shall be mindful of the ethnic structure of the population, the appropriate representation of persons belonging to national minorities, and the knowledge of the language and script in official use in the territory of the local self-government unit for which the organizational unit where the person is to be employed was formed, in order to achieve full equality between persons belonging to national minority and citizens belonging to the majority.

The Ministry employees may not perform activities whereby they commercialize their knowledge and skills acquired in the Ministry. The Ministry employees may not engage in free-lance or other business activities, perform the functions or activities that are incompatible with official duties, or which may lead to the conflict of interest or impact the impartiality at work.

### ***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 (*Official Gazette of the RS*, Nos 98/2006 and 115/21) 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 (*Official Gazette of the RS* No. 88/09).

Furthermore, military conscript can file a conscientious objection four years after military service. Normative legal regulation that defines this right is Civil service law of the Republic of Serbia (*Official Gazette of the RS* No. 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 (*Official Gazette of the RS* No 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, 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 (*Official Gazette of the RS* No 116/07, 88/09, 101/10 as amended 10/15, 88/15 - Constitutional Court Decision, 36/18, 94/19 and 74/21-Constitutional Court Decision) stipulates the following:

The Serbian Armed Forces exercises its 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;

Participation of the professional members of the Serbian Armed Forces in union-like groups shall be in accordance with the Military Service Rules,

Superiors are obliged to protect their subordinates' interests at all levels and through the chain of command report on all common problems they have been informed about.

Police officers and other employees shall be entitled to trade union, professional and other forms of organization and action in the manner provided by law. In addition to the right to trade union organization and strike, the employees shall also have the right to *accelerated accrual rate*, as well as other rights established by the Law. Police officers may not be members of political parties, may not organize themselves into political parties and may not be politically active in the Ministry. Police officers may not attend political party meetings and other political gatherings wearing a uniform unless engaged in the line of duty. Acting contrary to provisions of the Law shall be a reason for initiating a procedure to establish disciplinary responsibility as referred to in the provisions of this Law regulating disciplinary responsibility of the employees of the Ministry. The employees of the Ministry shall have the right to strike in accordance with the law and collective agreement and to freely decide on their participation in a strike.



#### **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.

Implementation of the three-year Strategy on the realisation of the course on “The Law of Armed Conflict” for 2012-2014 in the Serbian Armed Forces is underway, and it is conducted with the support by partner countries the Kingdom of the Netherlands, UK of Great Britain and Northern Ireland, Canada and the Kingdom of Norway. The Course on “The Law of Armed Conflict” has a regional character, and besides the members of the Armed Forces, the representatives of the armies from the region have also participated in it. Also, the on-line distance learning course on the International Humanitarian Law has been developed as support to education and training in this field in the Ministry of Defence and the Serbian Armed Forces.

*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.

Pursuant to Article 33 of the Law 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 Defence."

Pursuant to 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, other regulations and commanding acts, 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 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 provision under Article 53 (1) 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 Law on the Serbian Armed Forces provides that the SAF members are prosecuted for criminal acts, economic offence and violation according to common regulations. Accountability 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 such action, pursuant to the Criminal Code 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.

The rules of the employment of the Serbian Armed Forces include the manner of implementing the rules of international humanitarian law and procedures for the implementation thereof in the process of planning and execution of operations and commanding in operations. The rules of employment (engagement) are developed to support operational plans and/or operational orders for conducting combat operations with a view to more precisely defining the conduct of individuals and units involved in combat actions, in accordance with the norms of international humanitarian law. The rules of employment that are further elaborated and prescribed for specific operations or tasks of the SAF are called “The Rules of Employment Profiles”. They contain appropriate level details required for operation at all command and conduct levels.

*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).

The 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.

When performing his/her service, a Serbian Armed Forces member shall be obliged, acting in accordance with Article 13(1) points 1 through 7, (2) and (3), of the Law on the Serbian Armed Forces): 1) act in accordance with the Constitution, law, other regulations and commanding acts, 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, particularly for his/her race, religious and national affiliation or gender, background or any other personal feature; The Code of Honour of the SAF members (*Official Military Gazette* 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**

Article 29(3) of the Law on the Serbian Armed Forces 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.**

In order to exercise the **freedom of religion** in the Serbian Armed Forces, the Chaplain's Service is organized (Article 25 of the Law on the Serbian Armed Forces).

Participation of the professional members of the Serbian Armed Forces in union-like groups shall be in accordance with the Military Service Rules Superiors are obliged to protect their subordinates' interests at all levels and through the chain of command report on all common problems they have been informed about. Professional Serbian Armed Forces personnel shall not be entitled to the right to go on strike. Article 14 (3) -(5) of the Law on the Serbian Armed Forces).

A professional Serbian Armed Forces member may with prior Defence Minister's consent be allowed to take part in the activities of associations through which the following goals are achieved: reform of the defence system 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 14a of the Law on the Serbian Armed Forces).

A serviceperson may receive and wear a medal awarded by a foreign country or an international organisation following the approval from the President of the Republic of Serbia.

A request for the approval shall be submitted through the Ministry of Defence. A serviceperson may become a member 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(3) of the Law on the Serbian Armed Forces).

### **Prohibition of Political Activities**

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. A professional member of the Serbian Armed Forces, a student or cadet of military education facilities and personnel attending other officers' and NCOs' training courses cannot be members of a political party (Article 14(1) and (2) of the Law on the Serbian Armed Forces).

Military personnel are obliged to wear uniform in accordance with the service regulations. Following the proposal of the Defence Minister, the President of the Republic regulates the appearance of the military uniform and rank insignia. Persons who are not servicemen/servicewomen shall not be allowed to wear military uniform bearing the Serbian Armed Forces insignia, ranks and titles, except for cases when they have a special approval from the Defence Minister (Article 48 of the Law on the Serbian Armed Forces).

Article 2(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 and international security organizations 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 the Law on Defence 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 Law on Defence stipulates that the defence of the country is ensured, inter alia, by participating in multinational operations as well.

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.

Article 13. of the Law on Defence 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. The rules of the employment of the Serbian Armed Forces include the manner of implementing the rules of international humanitarian law and procedures for the implementation thereof in the process of planning and execution of operations and commanding in 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 Law 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 Law 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 is to be published by the Ministry of Defence within a six-month period as of the date of the entry into force of the said Law. The Ministry of Defence has regularly released information for the public in June and December in accordance with the Law since June 2008.

The provision under Article 30 of the Law 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 (*Official Military Gazette* Nos. 30/15 and 3/17),

##### ***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?***

This issue is within the purview of the Ministry of Foreign Affairs. Currently, there is no additional information related to the Code of Conduct that has been made publicly available in our country.



### ***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 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, official social media accounts and the *Odbrana* (Defence) magazine.

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 CoE  
Kneza Miloša 24-26, 11000 Belgrade, Serbia  
Tel.: + 381 11 306 8502, Fax: + 381 11 306 8136

**IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL  
RESOLUTION 1325 – WOMEN, PEACE AND SECURITY**

**(Report according to Indicative List of Issues Pertaining to Women, Peace and Security to be provided in the Questionnaire on the OSCE Code of Conduct)**

## 1. PREVENTION

A. Checklist of key commitments taken by participating States

### LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Please indicate if your State is party to the following universal and regional legal instruments relevant to protecting women, peace and security. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g., undergoing inter-ministerial co-ordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc.)

<b>Name of the treaty</b>	<b>Party by: ratification P(R), accession P(a), succession P(s), acceptance P(A), approval P(AA), or Not party</b>	<b>Law and date of ratification, accession, succession, acceptance, or approval</b>
<b>Universal legal instruments</b>		
1.	Protocol Supplementary to the United Nations Convention Against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)	P(R)  Act on Confirmation of UN Convention Against Transnational Organized Crime and Supplementary protocol ("Official Gazette FRY – international treaties, No. 6/2001) of September 6,. 2001.

2. MLJMPDD	United Nations Convention on All Forms of Discrimination Against Women (1979)	P(R)	The Law on the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women ("Official Gazette SFRJ – international treaties " No. 11/81) SFRY ratified the Convention in 1981, and it entered into force in 1982
<b>The Council of Europe legal instruments</b>			
3.	European Convention Against Trafficking in Human Beings (2005) CETS No: 197		
4.	European Convention on Preventing and Combatting Violence Against Women and Domestic Violence (2011) CETS No: 210	P(R)	Ratified by R. Serbia in 2013 (Official Gazette RS – International treaties 12/13)

	<b>Other arrangements</b>	<b>Yes</b>	<b>No</b>
5.	National Action Plan on UNSCR 1325  The period of implementation of the NAP for Resolution 1325 of the UN Security Council in the Republic of Serbia ended in 2020, as the National Action Plan was drafted for the period 2017-2020.		X
6.	National legislation to implement the UN CEDAW convention (if a party), with particular reference to combating discrimination in employment, education, access to health services and participation in institutions ensuring democratic oversight and public scrutiny of the security sector.  The Republic of Serbia prepares periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and submits them to the Committee on the Elimination of Discrimination against Women	X	
7.	Other related information, clarification or details to share:  United Nations Convention on All Forms of Discrimination Against Women (1979) came into force in SFRY in 1982.  Apart from the Convention, FRY became a member of the Optional Protocol attached to the		

Convention, adopted by the UN in October 1999, which came into force in 2000 (Official Gazette RS – International agreements No13/2002)

Following the political changes in October 2000, FRY presented a successor's statement in UN referring to the renewed accession to the legal documents regulating human rights, including the Convention and the Optional Protocol.

The Constitution and laws and by-laws of the Republic of Serbia guarantee equal right for men and women in the Republic of Serbia. The Constitution (2006) guarantees human rights in accordance with the affirmed international treaties, established rules of the international law and regulations, while an Act cannot in any way affect the essence of the guaranteed right (Article 18, Paragraph 1). The Article 19 of the Constitution of the R. of Serbia stipulates that the purpose of the constitutional guarantees is "preservation of human dignity and achieving full freedom and equality for each individual." The Article 15 defines the policy of equal opportunities as the obligation of the state and guarantees equality of men and women.

The top legal document of the Republic of Serbia recognizes the principle of equality before law and Constitution and prohibits direct and indirect discrimination on any basis, including the discrimination based on gender (Article 21, Paragraph 3). It guarantees access to equal legal protection (Article 21 Paragraph 2), and court protection (Article 36), legal protection of all basic human rights for all citizens without discrimination, including addressing the international institutions to protect guaranteed rights (Article 22, Paragraph 2). The Constitution of the Republic of Serbia states that the R. of Serbia can introduce special measures "in order to achieve full equalities of an individual or a group who are essentially unequal with other citizens" (Article 21, Paragraph 4.). This constitutional stipulation lays the basis for development of gender opportunity policies and improvements of the legal framework, as well as introduction and application of measures to eliminate discrimination of women.

The application of the principle of equal pay for the same work is guaranteed by the Constitution in the Republic of Serbia and the Article 104, Paragraphs 1 and 2, on the Law on Labor. The same work means requires same qualifications, same working ability, responsibility and physical and intellectual effort. The labor inspection monitors the application of these regulations, in accordance with the Articles 269 and 270 of the Law on Labor. It can order elimination of the confirmed violations of the Law in specified time period, or initiate legal proceedings.

However, key documents improving the status of women are Law on prohibition of discrimination, Law on gender equality and the Law on Prevention of Domestic Violence. The legal framework includes anti-discrimination regulations in the fields of education and healthcare.

In Article 39, the Law on gender equality mandates the application of the principle of gender equality in defense and security area. According to the Law, the public administration and employers in the areas of defense and security must ensure application of the equal opportunity policies and improvement of gender equality, while contributing to elimination of the gender stereotypes in exercising rights and obligations by persons of both genders in areas of defense and security. In order to achieves the policies from the paragraph 1 of this Article, special measures and activities are performed, including: improving security of women in peace, conflicts and post-conflict reconstruction of society, in country and abroad – including prevention, participation, protection and recovery; increasing the participation and involvement of women in decision-making positions in all processes concerning the maintaining of peace and security; improving the availability and effectiveness of women's protection; improvement of the support system for the recovery of women who have suffered any form of security threat; active participation in the coordinated implementation of systemic policies and planned activities aimed at improving gender equality in society; active participation in improving the safety and protection of women and men;

cooperation with other public authorities in preventing and suppressing violence, especially domestic violence, gender-based violence and violence against women.

When it comes to the strategic framework, the Strategy for Gender Equality for the period from 2021 to 2030 was adopted in 2021, which created normative and social assumptions for the equal exercise and protection of basic human rights, within the framework of special objective 2. "Equal opportunities for the exercise and protection of human rights", as a prerequisite for development and a safe society - foresees, especially human security, gender-based discrimination, gender-based violence, violence against women and domestic violence, equality of women and men in political life and decision-making on public affairs as a prerequisite for the development of a safe a society in which the rule of law will be ensured, equality in access to justice for women and men, and especially for vulnerable groups, in accordance with international standards, effective instruments for the protection of rights, in accordance with the principle of the rule of law and inalienable human rights which forms the basis of the constitutional order of the Republic of Serbia (Article 3 of the Constitution).

Measure 2.2. Improved safety of women in peace, conflict and post-conflict recovery of society, crisis and emergencies, through the integral implementation of Resolution 1325 of the UN Security Council - Women, peace and security in the Republic of Serbia. It is aimed at improving the institutional and normative framework for increased representation, inclusion and women's decision-making in all processes concerning the preservation of peace and security, development of prevention mechanisms to increase women's safety in peace, conflict and post-conflict recovery of society, crisis and emergencies, available and effective protection of women, as well as an improved system of support for women's recovery, which are have suffered any form of threat to security, in accordance with the Law on Gender Equality (Article 39), the CEDAW Convention, UN Security Council Resolution 1325, as well as relevant EU documents in this area (AP for Gender Equality EU III 2021-2025 and AP EU Women , peace and security 2019–2024.).

In addition, this measure includes an assessment of the impact of the second NAP 1325 (2017-2020) and the services provided to women and girls who are victims of violence related to conflict, crises and emergencies, as well as the development and adoption of new strategic documents in the field of security (the new NAP 1325), bearing in mind the UN Security Council Resolution 1325 (2000) on women, peace and security and subsequent related resolutions, general recommendation no. 30 of the CEDAW Committee on women in conflict, conflict prevention and post-conflict situations, as well as the conclusions of the CEDAW Committee regarding the Fourth Periodic Report of the Republic of Serbia. The measure also includes harmonization of acts in the field of security with the obligations arising from the implementation of the Law on Gender Equality (area 5. Gender equality in the field of defense and security, Article 39).

The aim of the measure is to ensure the equal participation of women in all areas related to peace and security and all activities related to the prevention and resolution of conflicts and in post-conflict public life, crisis and emergencies, while achieving the complete safety of women and girls in the public and private spheres of life, through elimination of all forms of violence, including human trafficking, sexual and other forms of exploitation, especially during crises and emergencies. Furthermore, measure 2.3. - Improved safety of women and girls in the public and private sphere through the elimination of all forms of violence, including human trafficking, sexual and other forms of exploitation, especially in times of crises and emergencies- is aimed at improving the comprehensive normative, political and institutional framework for the prevention and suppression of all forms of gender-based violence against women and domestic violence.

In addition, this measure improves of the legal framework for prevention and protection against gender-based violence against women, including its criminalization and compensation of victims, in

	<p>accordance with the international standards established by the Istanbul Convention, as well as the harmonization of legal definitions of various forms of violence. This measure also contributes to the implementation of the Law on Gender Equality and makes additional efforts to improve the system of protection and support that will be able to respond adequately to the needs of women and men, girls and boys, even during crisis and emergencies. The aim of the measure is to achieve the full safety of women and men, girls and boys, in the private and public sphere of life, through the prevention and suppression of all forms of gender-based violence.</p> <p>In order to implement the goals and measures from the Strategy for Gender Equality for the period from 2021 to 2030, the Action Plan for the period 2022-2023 was adopted in 2022.</p>
--	---

**B. Checklist of key measures taken by participating States**

Please indicate if your State has the following preventative measures in place. More detailed information of the preventative measure can be included in Part B below.

	<b>Type of Measure</b>	<b>Yes</b>	<b>No</b>
1.	<p><b>Mechanism to assess risk of abuse of small arms to commit or facilitate serious acts of gender-based violence and violence against women and children</b></p> <p>Strategy for the control of small arms and light weapons in the Republic of Serbia for the period 2019-2024 stipulates the following: Strengthened cooperation at the international, regional and national levels, as well as with the civil sector. The possession, use, misuse and effects of SALW demonstrate clear gender aspects. Special focus will be on the implementation of preventive measures to prevent violence against women, domestic violence and other forms of gender-based violence. One of the activities will be taking measures related to prevention, informing and raising public awareness about the connection between gender-based violence and the possession of small and light weapons. Risk assessment in cases of gender-based violence committed against women and children with the use of small arms is carried out exclusively in accordance with the provisions of the Law on Prevention of Domestic Violence, ie only in reported events committed within the family and partner relationships.</p>	<b>X</b>	
2.	<p><b>Inclusion of women’s organisations and women in religious, ethnic minority or community groups in measures</b></p> <ul style="list-style-type: none"> <li>- <b>to counter and prevent terrorism and violent extremism</b></li> <li>- <b>to raise awareness of the potential risks of exploitation and radicalization<sup>7</sup></b></li> </ul> <p>As part of the Action Plan for the implementation of the National Strategy for the Prevention and Combating of Terrorism for the period 2017-2021, the activity "Promote intercultural and interreligious dialogue through media support" was established, state financial support was provided to the activities of citizens' associations with the aim of improving the contribution of women to the development of local communities, customs, linguistic identity, as well as fostering a culture of diversity, dialogue and tolerance (e.g. the project of</p>	<b>X</b>	

<sup>7</sup> See also similar question 3a in form to input to UN SG UNSCR 1325 report.

	the Information Center Priboj, "Bosniak women speak").		
3.	<p><b>Inclusion of gender perspective and special needs of women and girls in a national counter-terrorism strategy<sup>8</sup></b>  Implementation of the National Strategy for the Prevention and Combating of Terrorism for the period 2017-2021 with the Action Plan ending in 2021. Within the framework the Action Plan, certain measures were implemented, also with women in the focus.</p> <p>As part of the activity "Improve the economic and social environment, by encouraging the employment of hard-to-employ unemployed persons, through the creation and implementation of active employment policy measures" by applying the measures determined by the National Employment Action Plan, encouraging the employment of women (and with the aim of addressing unemployment and poverty as factors of radicalization)</p>	X	
4.	Inclusion of specific matters related to the protection of women's and girl's rights in the basic education of armed forces.	X	
5.	Availability of specialised in-service training for armed forces personnel on the protection of women's and girl's rights.	X	
6.	Inclusion of specific matters related to the protection of women's and girl's rights in the pre-deployment training for international peacekeeping missions.	X	
7.	Plans to address and gather information from local women's populations in areas at risk of conflicts.	X	
8.	Mechanisms to monitor and evaluate the implementation of gender mainstreaming into operations	X	
9.	Feedback mechanisms: - from operations to chiefs of defence or military planners - between forces leading multi-national missions and forces providing personnel to such missions	X	
10.	Membership of a regional network or leadership network such as the WPS Chiefs of Defence Network	X	
11.	<p>Other related information, clarification or details to share:  In relation to question 10 - As a result of the partnership between UNDP SEESAC and the AFs in the Western Balkans, the Regional Network of Gender Military Trainers was established in 2014. The Network of Gender Military Trainers in the Western Balkans is part of The Strengthening of Regional Cooperation on Gender Mainstreaming in Security Sector Reform in the Western Balkans project.</p>		

<sup>8</sup> See also similar question 3a in form to input to UN SG UNSCR 1325 report.

## C. More detailed information for sharing good practice between participating States

### 1. National Action Plan on UNSCR 1325

1.1 In case you have a National Action Plan on WPS, how is your NAP developed, implemented and its impact assessed, including involvement of women's organisations and other civil society organisations and co-ordination across government?

In the past year, the Ministry of Defense, as the government organization responsible for implementation of Resolution 1325 of the United Nations Security Council in the Republic of Serbia, coordinated activities related to the preparation of the final report of the Political Council of the Government of the Republic of Serbia for the NAP for the implementation of Resolution 1325 of the UN Security Council Women, peace, security in the RS for the period 2017 -2020. The report was adopted at the session of the RS Government on October 20, 2022. By the adoption of the final report on the implementation of the second NAP, the prerequisites for preparatory activities for the preparation of the third NAP were met. All relevant actors at the national level are involved, including civil society organizations, and the preparation of the third NAP is in progress and adoption is expected in the second half of the year.

1.2 In case you have a National Action Plan on WPS, who takes the lead and owns the budget? What contribution is made by your defence ministry and security forces?

The Ministry of Defence is the leading institution in this process, but many governmental institutions and civil society organizations participate in the process. The third National Action Plan is in the process of development at the moment. The adoption is expected in the second half of 2023.

1.3 In case you have a National Action Plan on WPS, how does the NAP support enhancement of institutional capacity in defence and security?

The Report on the second NAP showed that the institutional capacities had been significantly improved through activities from the NAP, especially in the defence sector. The third National Action Plan is in the process of development at the moment. The adoption is expected in the second half of 2023.

1.4 In case you have a National Action Plan on WPS, how do you publicise progress on implementation of your NAP?

The experience from previous NAPs shows that many activities regarding the improvement of the position of women that were performed were publicized on websites of various participating institutions and in the media. The third National Action Plan is in the process of development at the moment. The adoption is expected in the second half of 2023.

## 2. Measures to prevent sexual and gender-based harm

### 2.1 Horizon scanning, intelligence and risk?

- How do you include systematic gender analysis of areas at risk of conflict, including gender disaggregated socio-economic indicators, power over resources and decision-making, increases in sexual and gender-based violence, on-line and other threats of violence against women in public life, journalists and those providing humanitarian assistance?



- How do you incorporate a gender perspective into actions preventing and combating the tensions which lead to conflict, such as increases in sexual and gender-based violence, terrorism, violent extremism and human trafficking?
- What is the role of your military, police and other security personnel in such activities?

The Ministry of Internal Affairs, with the aim of developing security prevention in the Republic of Serbia, as well as building confidence in state institutions that deal with issues of domestic and partner violence and increasing personal and women's safety, implemented projects dedicated to various types of prevention within the law enforcement domain .

We point out the projects that were implemented in 2022, primarily dedicated to the prevention and protection of children and the protection of women from domestic violence:

- „Say no to domestic violence " - Police Department Niš and Police Department Kikinda

- "Respond to domestic violence" - Police Department in Kruševac and 4 projects in 4 municipalities called "Stop domestic violence" - Police Department Pirot.

Implementation of the program, “Fundamentals of children safety”

Also, with the support of the Ministry of Education, Science and Technological Development, since 2017, the "Fundamentals of Children Safety" program has been implemented, intended for the education of 1st, 4th and 6th grade students of all elementary schools in the Republic of Serbia, to introduce security topics on the risks and threats they may be exposed to, methods of prevention and skills to achieve security protection.

Of the eight thematic units intended for students of the fourth and sixth grades, we point out the topic "Violence as a negative social phenomenon", which includes all forms of violence encountered by elementary school students (girls and boys) and how to recognize them.

Of the three thematic units intended for first-grade students, we point out the topic "What the police are doing and together against violence", which also includes all forms of violence encountered by elementary school students (girls and boys) and how to recognize them, as well as who they can contact for help.

Since the 2020/2021 school year, due to the epidemiological situation in the Republic of Serbia, the "Fundamentals of Children Safety" Program in schools has been implemented through an online platform (RTS Planeta and the "My School" application), broadcasting recorded videos according to the subject of the program's teaching units.

## **2.2 Planning.**

- How do you incorporate a gender perspective into operational planning?

In accordance with the Law on Gender Equality, gender perspective is incorporated into all public policy and planning documents by defining gender goals, measures and indicators.

Republic of Serbia participates in UN and EU-led multinational operations, where gender perspective is always incorporated into planning process.

- How do you plan to address and gather information from local women's populations in areas at risk of conflict?

In UNIFIL mission in Lebanon, Serbian Armed Forces have a member of personnel who is a part of a Female Assessment/Analysis and Support Team (FAST), a special team of uniformed and civilian female members of the peacekeeping mission to ensure a gender perspective is present when various battalions interact with female members of the host communities. Serbian Armed Forces in UNIFIL deploy female soldiers, staff officers and commanders, in accordance with the UN recommendation

### **2.3 Awareness and understanding of WPS at all levels and types of security personnel.**

- What training do you give on incorporating a gender perspective and protecting the rights of women and girls to security personnel at basic education, officer training and specialised in-service training? \*\*\*

**MoD and SAF :** Training on this topic is performed according to the Instruction for Training of Employees at the Ministry of Defence and Serbian Armed Forces which requires that all training plans and curriculums, at all levels, contain content from the National Action Plan for implementation of UNSCR 1325 – Women, Peace and Security and gender equality. Some of the topics are: NAP for implementation of UNSCR 1325, sex, gender and gender equality; gender stereotypes, prejudice and discrimination; women and men in the Republic of Serbia – gender and security sector reform; discrimination and antidiscrimination legislation, and other.

**Ministry of Interior:** In the Center for basic police training of the Ministry of Internal Affairs, under the subject Psychology for police officers, through debates, case studies and modified lectures, there are following topic: 1. Forms of gaining power and control over the victim of domestic violence, phases of the domestic violence cycle; 2. Different forms of endangering children and minors.

Through the subject Police work in the community, human rights and the code of police ethics, the following topics are covered: 1. Sex and gender equality; 2. Police work in a multi-ethnic and multicultural environment resulting in participants being able to recognize the most common people diversity elements, to distinguish the forms of discrimination defined by the Law on Prohibition of Discrimination, understand the importance of language in promoting equality and recognize hate crimes; 3. multi-confessional society and the issue of social groups that promote violence. Currently, there are no specialist trainings with the aforementioned topics, nor have specialist trainings on the topics been implemented in the Police Training Center.

- How do you train security personnel to protect women and girls, men and boys from sexual and gender-based violence?<sup>9</sup>

**MoD and SAF :** During the pre-deployment training for SAF members for participation in multinational operations in the Peacekeeping Operations Centre of the Operations Directorate (J-3) , men and women go through training on gender topics according to the UN Core Pre-Deployment Training Materials which cover the following topics “Prevention of sexual exploitation and abuse“ and “Gender equality in multinational operations“.

---

<sup>9</sup> See also similar question 6a in the NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

**Ministry of Interior:** The professional training program for police officers of the Ministry of Internal Affairs envisages the compulsory theoretical classes. The classes are intended for all police officers as authorized officials and consist of 12 topics, including "Notion, recognition and reaction of the police on apparent forms of discrimination" which was attended by a total of 30,339 police officers in 2022. In 2022, 3 seminars "Recognizing and reacting to discrimination" were held in with participation of 65 police officers.

## 2.4 Vetting of security personnel, especially pre-deployment

- What measures do you take to vet and prevent the recruitment, retention, promotion and deployment of security personnel with a record of sexual or gender-based violence or other violations of human rights?<sup>10</sup>

Law on the Serbian Armed Forces stipulates certain conditions for admission of personnel into service, such as:

That their employment in a state organization was not terminated earlier due to a serious breach of duty; that they have not been sentenced to a prison sentence of at least six months; that they have been security checked and that there are no security obstacles for admission to professional military service, in accordance with the regulations governing security checks in the Ministry of Defence, etc.

In addition, before recruitment and promotion as well as deploying any member of personnel to a peacekeeping mission, there is a mandatory security check conducted, so only personnel with satisfactory records are allowed to continue with the procedure. In case of any potential breach of the Code of Conduct, especially sexual or gender-based violence or other violation of human rights **during mission**, this person will be banned from any further deployment abroad.

## 2.5 Other preventative measures

- What other preventative measures do you have, for example to prevent sexual abuse or sexual exploitation on deployments and other forms of engagement of security forces abroad?<sup>11</sup>

Serbian Armed Forces (Peacekeeping Operations Center) conduct pre-deployment training that includes training on SEA and gender mainstreaming. It is followed by induction training and in-mission training, both including these topics. There are welfare activities organized in mission, which focus on quality free time of the personnel deployed, and there is also a regular information update on any cases of SEA, including measures taken against the perpetrators.

## 3 Leadership, accountability and assurance

### 3.1 Integrating WPS into the command climate

- How do you integrate a gender perspective and WPS into your policy and operational framework, including military manuals, national security policy frameworks, codes of conduct, protocols, standard operating procedures and command directives?

The new Law on Gender Equality, adopted in 2021 permeates the security and defence sector and regulates the internal procedures directly.

---

<sup>10</sup> See also similar question 2 and 8 in the NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

<sup>11</sup> See also similar question 7 in the NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

### **3.2 Accountability and Performance assessment**

- What measures, systems or procedures do you have on individual and collective accountability for acting in accordance with such policies or directives?

There are internal protection mechanisms, both informal and formal. Informal are, the so called persons of trust who provide primary peer support – counselling, mediation and resolving of disputes. If the person of trust is not able to resolve the issue, they refer the person to other protection mechanisms according to the law. The formal procedure is regulated by the provisions of the Law on the Serbian Armed Forces related to military disciplinary courts and the Rules of Military Discipline. It recognizes military infractions – a minor violation and military offence – a more serious violation of discipline. The Law on Serbian Armed Forces, specifically Articles 148 and 149 proscribe these violations.

### **3.3 Assurance**

- How do you provide specialist advice to operational commanders on WPS?
- Specialist advice to operational commanders on WPS is provided through Gender Unit in mission and through Gender Focal Points for contingents who are given Training of Trainers in mission on this topic. In accordance with NAP, a mechanism of advisor to the minister is established who reports to the minister about the status of gender equality in the defence system twice a year.
- What systems or measures do you use to co-ordinate specialist advice on WPS throughout your security forces and to provide democratic oversight?

The various mechanisms which provide guidance and advice on gender mainstreaming such as persons of trust, Analytical group for implementation of NAP for 1325, advisor to the defence minister on implementation of NAP for 1325 in the defence sector perform regular coordination of their activity through joint participation on workshops and meetings and through regular reports that are being made on their work and activities.

## **4 Sharing of good practice**

### **4.1 How do you share good practice and learn from others?**

Within the regional project with the UNDP SEESAC programme a network of gender trainers was established containing trainers from Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia. This network meets several times a year on workshops, seminars and conferences where they exchange experiences, best practices and recent achievements and perform planning of future activities. Within this network several major publications were developed which serve as knowledge base, a platform for exchange of experience and planning of future steps. Some of them are: Gender Training Manual for the MoD of the Republic of Serbian and SAF; Regional Handbook on preventing and responding to gender-based discrimination, sexual harassment and abuse; studies – The position of women in the armed forces in the Western Balkans and Integration of gender perspective into military education and training. Besides this, there are regular meetings on different levels of persons who are included in the implementation of Resolution 1325 within the Serbian Ministry of Defence. Also, persons involved in gender mainstreaming in the MoD and SAF participate and present at international conferences for the purpose of gaining additional knowledge and experience.

## 2. PARTICIPATION

### A. Checklist of key measures taken by participating States

Please indicate if your State has the following measures in place to increase women's participation in security forces and decision making, including at all stages of any peace-making process. More detailed information of such measure can be included in Part B below.

	<b>Type of Measure</b>	<b>Yes</b>	<b>No</b>
1.	Collection and monitoring of sex disaggregated statistics on applicants to armed forces	<b>X</b>	
2. UOJ	Policies to attract female candidates (targeted campaigns, review of accession tests etc)	<b>X<sup>12</sup></b>	
3. UOJ	Policies to promote equal opportunities for women and men across the security sector	<b>X<sup>13</sup></b>	
4.	Collection and monitoring of sex disaggregated statistics of armed forces personnel: <ul style="list-style-type: none"> <li>- By rank</li> <li>- By promotion</li> <li>- By retention</li> </ul>	<b>X</b>	
5.	Collection and monitoring of sex disaggregated statistics of complaints by armed forces personnel of: <ul style="list-style-type: none"> <li>- Discrimination</li> <li>- sexual harassment</li> <li>- gender based harassment</li> <li>- sexual violence</li> <li>- gender-based violence</li> </ul>	<b>X</b>	
6.	Collection and monitoring of sex disaggregated statistics of complaints by civilian personnel in the security sector of: <ul style="list-style-type: none"> <li>- discrimination</li> <li>- sexual harassment</li> <li>- gender based harassment</li> <li>- sexual violence</li> <li>- gender-based violence</li> </ul>	<b>X</b>	
7.	Anonymous staff surveys/climate assessment surveys or similar (monitoring incidences of behaviour contrary to military standards of conduct)	<b>X</b>	
8.	Collection and monitoring of sex-disaggregated statistics of: <ul style="list-style-type: none"> <li>- personnel deployed on operations and peace-keeping missions</li> <li>- and by rank</li> </ul>	<b>X</b>	

<sup>12</sup> The Ministry of Defence and Serbian Armed Forces actively participate in the promotion of gender equality and inform the public about this issue. In preparation of the MoD and SAF personnel for public appearances, it is emphasized that men and women are equal in the military profession. When selecting presenters or selecting multimedia content for publication on the MOD and SAF websites, efforts are made to ensure that both men and women are represented.

<sup>13</sup> Public Relations Department attaches great importance to gender equality and tries to address employees of both sexes in the same way. Regarding the recruitment of women, female presenters are hired to present in public by their examples that women have a place in the military system, that they can stand side by side with men and invite them to be part of the Ministry of Defense and the Serbian Armed Forces. Also, a frequent example is the highlighting of successful women in the Mod and SAF, such as women who have achieved significant results in sports, literature or other fields.

9.	Collection and monitoring of sex-disaggregated statistics of decision makers in the security sector	X	
10.	Other related information, clarification or details to share:		

B. More detailed information for sharing good practice on participative measures between participating States

**1. Measures to increase the number of women in general and in decision-making positions in the armed forces and the ministry of defence (and other security forces- optional).**

1.1 What are the numbers and percentages of women and men applying for and recruited to your military forces?

During 2022 18% of women applied for voluntary military service, as opposed to 82% of men.

1.2 What are the numbers and percentages of women and men in your military forces, disaggregated by rank?

Officers: women 9.7%, men 90.3%, NCOs: women 3.6% men 96.4%; professional soldiers: women 17.3%, men 82.7%; civilians: 54% women, 46% men.

1.3 If you regularly analyse retention and promotion statistics disaggregated by gender and rank, what are the trends and what action, if any, are you taking as a result?

The analysis of data and statistics disaggregated by gender and rank shows a positive trend of increasing numbers of women in general and in higher positions which is evident in all annual reports.

1.4 What are the numbers and percentages of complaints raised by women and men about discrimination, harassment, sexual or gender-based violence?

In 2022, the MoD recorded the appeals of employees, mostly women, to the internal mechanism - "Persons of trust" in order to receive advice and help in connection with controversial issues related to gender equality. In relation to harassment, blackmail or some other treatment that results in gender based discrimination, there were several reports by women, which served as the basis for initiating internal procedures. In the course of 2022, there were no court cases in the Ministry of Defence that involved gender based discrimination.

1.5 How do you monitor outcomes?

Internal mechanisms used to gather data on outcomes of such procedures are defined, and measures to prevent potential new cases are in place.

1.3. How is a gender-perspective integrated into a 'climate assessment' or similar anonymous staff survey, if used?

We do not perform climate assessment.

## 2 Measures to increase the numbers of women and specialist WPS advisers in peacekeeping forces.<sup>14</sup>

2.1 What are the numbers and percentages of women and men in peacekeeping forces, disaggregated by rank?

Currently, Serbian Armed Forces deploy 285 personnel in peacekeeping missions, out of which 40 are female, which makes 13,7%. Out of 40 female personnel currently deployed, 31 are civilians, and 9 are military personnel, 5 being professional soldiers, and 4 officers (two lieutenants and two captains).

2.2 What are the numbers and percentages of international missions to which you appointed Gender Advisers, Gender Focal Points or Women Protection Advisers?

Serbian Armed Forces do not deploy Gender Focal Points as such, but in contingents we have personnel who are trained to become Gender Focal Points along with their primary duty in a mission. One such gender focal point from the Serbian Armed Forces is deployed in UNIFIL mission. We do not have a position of a Gender Adviser or Women Protection Adviser.

## 3. Democratic oversight of Security Forces and WPS

3.1 How do your security forces publicise, report on and account for their actions on policies and plans related to WPS?

**Mod and SAF:** The Ministry of Defence performs regular reporting on implementation of National Action Plan on UNSCR 1325 – Women, Peace and Security to the Coordination Body for Gender Equality of the Republic of Serbia, other state institutions in charge of these issues, various international organizations – OSCE, UN, NATO, as well as the general public through media coverage.

**Ministry of Interior:** During the period of implementation of the NAP for Resolution the UN SC 1325, the Ministry of Internal Affairs submitted Reports on the implementation of activities from the NAP to the relevant state institutions, the Coordinating Body for Gender Equality, the Ministry of Human and Minority Rights and Social Dialogue, as part of the Report on the State of Protecting and Improving gender equality in the Republic of Serbia and the Commissioner for the Protection of Equality.

In addition, in March 2022, the Report on the implementation of NAP 1325 , prepared in the form of answers to six questions in the questionnaire submitted by the UN, with the request that the attachments be submitted to the United Nations Agency for Gender Equality and Empowerment of Women - UN Women. The response of the Ministry of Internal Affairs was sent to the Ministry of Foreign Affairs, as the competent institution.

3.2 What is the representation of women in decision-making positions in institutions ensuring democratic oversight and public scrutiny?

**The National Parliament,** as the highest representative body and the constitutional and legislative power in the Republic of Serbia, is composed of 250 Members. The 13th assembly consists of: 162 male MPs (64.8%) and 88 female MPs (35.2%)

-The Committee for Defence and Internal Affairs consists of 17 members and 17 deputy members from the ranks of MPs: 25 male MPs (73.53%) and 9 female MPs (26.47%)

---

<sup>14</sup> See also similar question B1 in form to input to UN SG UNSCR 1325 report.

- The Committee for the Control of Security Services consists of 9 members and 9 deputy members from the ranks of MPs: 14 male MPs (77.77%) and 4 female MPs (22.23%)

In particular, it should be pointed out that during the sessions of the Committee for Defence and Internal Affairs, MPs demonstrated a high degree of interest in the participation of women in the highest command positions in the Serbian Armed Forces and in the Police, as well as the number of Serbian Armed Forces female personnel who participate in multinational operations abroad.

### 3. PROTECTION

#### A. Checklist of measures taken by participating States

Please indicate if your State has the following protective measures in place. More detailed information of the protective measure can be included in Part B below.

	<b>Type of Measure</b>	<b>Yes</b>	<b>No</b>
1.	Specialist Advisers on WPS: - Gender Advisers - Gender Focal Points - Women Protection Advisers	<b>X</b>	
2.	Policies to protect women and others in conflict and post-conflict areas from sexual abuse and exploitation by your State's security personnel <sup>15</sup>	<b>X</b>	
3.	Policies which set out the duties of commanders and other superiors to prevent abuse or exploitation by their subordinates.	<b>X</b>	
4.	Collection and monitoring of reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces: -referred -investigated - acted upon	<b>X</b>	
5.	Measures to increase your State's capacity to investigate alleged violations of human rights and fundamental freedoms in areas of conflict or post-conflict including sexual and gender-based violence <sup>16</sup>	<b>X</b>	
6.	National legislation conferring powers to prosecute alleged extra-terrestrial violations of human rights	<b>X</b>	
7.	Other related information, clarification or details to share:		

<sup>15</sup> See also similar question B2 in form to input to UN SG UNSCR 1325 report as well as question 3a in NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

<sup>16</sup> See also similar question 4a in Similar question in NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.



- B. More detailed information for sharing good practice on protective measures between participating States

## **1 Measures to embed protection of women and girls in operations and international missions**

- 1.1 How do you define conflict-related violence in your policies, manuals, standard operating procedures and training material?

Serbian Armed Forces Peacekeeping Operations Center uses the UN Core Pre-deployment Training Materials (UN CPTMS) and Specialized Training Materials (UN STMs) as standard for all pre-deployment training, so we use the definition of the Conflict-related Sexual Violence (CRSV) as described in UN Specialized Training Materials that can be found in the UN Peacekeeping Resource Hub.

- Does it include sexual and gender-based violence, forced sterilisations and abductions, also of men and boys, and forced pregnancy and forced abortions?

Yes.

- Does it include victims of terrorism or other armed groups?

Yes.

- 1.2 Number and percentage of participating State's international missions that address specific issues affecting women and girls in their terms of reference and the mission reports.

Serbian Armed Forces are deployed in 4 UN and 3 EU missions, and only 1 mission, MINUSCA, is mandated with addressing specific issues affecting women and girls, within the mandatory protection of civilians and preventing conflict-related sexual violence.

- 1.3 How are military, para-military and security forces trained to respond to sexual violence and gender-based harm?

Serbian Armed Forces (Peacekeeping Operations Center) conduct pre-deployment training that includes training on SEA and gender mainstreaming. There are also 3 UN certified courses conducted in the Peacekeeping Operations Center, UN Protection of Civilians Course, UN Staff Officers Course and UN Military Observers Course, all of which have SEA and gender awareness as integral topics.

## **2 Investigating alleged violations**

- 2.1 How do you identify, record, investigate and prosecute any alleged violations, cases of exploitation and abuse perpetrated by military, para-military and security forces? What experience do you have of such investigations and prosecutions?

- 2.2 What are the number and percentage of reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces that are referred, investigated and acted upon?

- 2.3 How do you ensure access to justice for victims of conflict related violence including cases of exploitation and abuse by military, para-military and security forces?

## **3 Other measures to protect women and girls**

- 3.1 What lessons could you share in relation to protective measures?

## 4. SUSTAINING PEACE

### A. Checklist of key measures taken by participating States

Please indicate if your State has the following measures in place to sustain peace, especially with regard to relief and recovery and to post-conflict situations. More detailed information of such measures can be included in Part B below.

	Type of Measure	Yes	No
1.	Measures to ensure the involvement of women from the outset in seeking a peaceful settlement of potential or actual conflicts.	X	
2.	Measures to support those who have experienced sexual or gender-based violence during or post-conflict to support their recovery from trauma	X	
3.	Measures to support the role of women as agents of change and transformation in areas emerging from conflict	X	
4.	Measures to support capacity building in the security and other sectors of fragile states or post-conflict situations to protect human rights and fundamental freedoms, especially relating to women and girls	X	
5.	Other related information, clarification or details to share:		

### B. More detailed information for sharing good practice between participating States

#### 1.1 How do security personnel support and seek to embed the involvement of women in peacekeeping and throughout the peace building and post -conflict process?

In the UN invitation for the nomination of members of the Serbian Ministry of Defence and the Serbian Armed Forces for multinational operations, the UN Department for Peace Operations states that the nomination of qualified female personnel is desirable and strongly encourages it. Likewise, one of the special measures that the Ministry of Defence and the Serbian Armed Forces apply during the application of candidates for the training courses for multinational operations is a measure encouraging the participation of women, according to the UN recommendations.

#### 1.2 What training are your security personnel given as regards survivor focus?

**MoD and SAF:** Serbian Armed Forces (Peacekeeping Operations Center) conduct pre-deployment training that includes training on SEA and gender mainstreaming. There are also 3 UN-certified courses conducted in the Peacekeeping Operations Center - UN Protection of Civilians Course, UN Staff Officers Course and UN Military Observers Course, all of which have SEA and gender awareness as integral topics.

**Ministry of Interior:** At the Center for basic police training, on the subject 'Psychology for police officers through the exercise "Statements of support and harmful statements of a police officer when intervening in cases of domestic violence", participants are trained to empower a person who has

survived violence. The professional training program for police officers of the Ministry of the Interior provides mandatory theoretical classes. The training is intended for all police officers as authorized officers and consists of 12 topics, including "Police action in cases of domestic violence and in partner relationships", which was attended by a total of 30,347 police officers in 2022 and 2022, and the topic "Whistleblower Protection Act", attended by a total of 30,309 police officers in 2022.

1.3 What roles do your security personnel or other personnel play in support of demobilisation, access to humanitarian assistance or to facilitate re-integration post-conflict?

Serbian Armed Forces personnel are deployed as military observers in MINUSCA, and they are involved in DDR process as observers. In addition, in UNIFIL, our personnel are involved in assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons, by providing safe and secure environment.

1.4 What lessons could you share in relation to recovery and relief issues in the WPS agenda?

### **3.5 Final reflections**

1. What do you consider biggest obstacles as well as what are the priorities for your country on WPS in the context of the Code of Conduct?

The biggest priority for our country regarding WPS agenda is continuous adhering to the Code of Conduct as well as further implementation of the UNSC Resolution 1325, including the increase of the number of women in the armed forces, preventing SEA and constant education and training in this field.

2. Would you like to share any additional information, clarification or details?

No.