

Non-paper on the state of play regarding chapters 23 and 24 for Serbia

November 2017

1. Introduction and summary

Under the EU negotiation framework with Serbia, the Commission is requested to report to the Council twice a year on the state of advancement of negotiations under the chapters "Judiciary and fundamental rights" (Chapter 23) and "Justice, freedom and security" (Chapter 24). Since the opening of accession negotiations in July 2016, the present report is the third semi-annual stock-taking moment. The report presents Serbia's progress in the implementation of the action plans for chapters 23 and 24. It is based on information provided by Serbia, as well as on other sources, including peer review missions and reports from international organisations and civil society. The action plans encapsulate Serbia's rule of law commitments, accompanied by ambitious timelines. Eighteen months have passed since their adoption in April 2016. In many instances, implementation continues to be at an early stage.

In the area of the judiciary, the constitutional reform process is ongoing. As regards the efficiency and professionalism of the judiciary, old enforcement cases continue to be cleared out, and the trend of court cases being referred to mediation slowly increases. The war crimes prosecutor was appointed in May 2017, and her Office cooperates with counterparts in the region. Little concrete progress was made in anchoring an objective and merit-based system for the appointment of judges and prosecutors, or in enhancing the role of the Councils for the supervision over the judiciary and prosecution. There is also a delay in activities aimed at establishing an effective, transparent and country-wide system to process cases. The adoption of the prosecutorial strategy is further delayed, as well as other activities aimed at enhancing the output of the Serbian war crimes prosecution.

The members of the Board of the Anti-corruption Agency and its Director, and some members of the Anti-Corruption Council, were appointed in July 2017. However, there is no progress in ensuring effective monitoring in the area of anti-corruption. There is a serious delay in the adoption of the Law on the Anti-Corruption Agency, as well as a delay in the adoption of the new Law on Political Party Financing.

Work on upgrading prison infrastructure is ongoing. Progress with providing education in minority languages and Serbian as a second language has been achieved. The Action Plan for the implementation of the 2016-2025 strategy for Roma integration has been adopted and implementation has started, notably as regards progress with education and registration. There are delays with the adoption of the new Strategy for the development of a public information system, and of the amendments to the Laws on the rights and freedoms of national minorities, and on the National Minority Councils, as well as serious delays on the adoption of the new Law on gender equality, the Law on free legal aid and the Law on data protection.

As regards Chapter 24, the strategies and action plans for fighting trafficking in human beings and preventing and fighting terrorism have been adopted. Structural and organisational reforms in the Ministry of the Interior and the police are ongoing. Serbia is continuing its efforts in the areas of migration, asylum, border management and judicial cooperation. An effective asylum procedure in line with the *acquis* remains to be adopted. Serbia needs to step up efforts in the areas of financial investigations, anti-money laundering and assets' seizure and confiscation.

2. Detailed assessment

2.1. Chapter 23 – Judiciary and Fundamental Rights

Judiciary

The main policy document that guides Serbia's commitments in this area, together with the Action Plan for Chapter 23, is the National Judicial Reform Strategy 2013 – 2018 (NJRS) with its dedicated action plan. The adoption of a comprehensive mid-term human resource strategy for the judiciary is further delayed.

Independence and impartiality

As concerns judicial reform, the Office of the Government for cooperation with civil society issued a public call for submission of amendments to the Constitution. Open between 25 May and 1 July 2017, it specified that *"in order to ensure a broad consultative process regarding changes of the most important legal act in the Republic of Serbia and involve all stakeholders in a public debate, the first phase of the consultative process will encompass collection of proposals and suggestions for identification of constitutional provisions that relate to the judiciary and need to be changed, as well as submission of concrete proposals for change with their clear argumentation"*. 15 Civil Society Organisations (CSOs) submitted their contributions. The Ministry of Justice (MoJ) is organising a series of 5 roundtables. By mid-October, 4 had taken place. According to Serbia, the next steps are the preparation of draft amendments, consultation of the Venice Commission (VC) and, after receipt of the VC's opinion, the organisation of a public debate. It is important that these planned steps are fully implemented.

The transfer of the residual **competences for the judicial network** from the MoJ to the High Judicial Council (HJC), including on the judicial **budget**, was postponed until 1 January 2018. In order to allow for a similar transfer of competences from the MoJ to the State Prosecutorial Council (SPC), a revision of the Law on Public Prosecution is delayed. There is also a delay in transferring the competences for monitoring the implementation of the Court Rules of Procedure and the Rules on Administration in Public Prosecution Offices to the Councils. In July 2017, the Constitutional Court (CC) was solicited on the constitutionality of extending the Councils' competences. These transfers would provide additional safeguards for the independence of the judiciary and the autonomy of the prosecution.

10 **Court Presidents** were appointed to courts throughout Serbia in May and June 2017, following a long period when the process was suspended. As of the end of September, there are 11 courts in Serbia with acting Presidents, among them some of the biggest in the country.

An objective, merit-based and transparent **system for the selection and appointment of judges and prosecutors** is essential to promote the professionalism and competence of the judiciary and prosecution, and to ensure the quality of justice and efficiency of the system. With EU assistance, the Councils are improving their capacities in these key areas to align with European best practices. Based on new rulebooks for first time appointments, adopted in November 2016, for judges and prosecutors, the HJC in May organised a selection procedure for the Supreme Court of Cassation (SCC) and several higher courts. The candidates are ranked through a two-stage process including an interview in front of the Councils' election commissions. The Councils then submit a list to the Parliament for appointments. This process was challenged for first-time deputy prosecutors by the Justice Academy (JA) alumni

club (JA graduates) in front of the CC, which, in July 2017 declared the case admissible for the first-time prosecutors and issued a temporary measure bringing appointments to a halt. In mid-September, the SPC's proposal for 18 appointments - put forward according to the contested SPC rulebook - was returned by the parliamentary committee. In order to address the shortage of deputy prosecutors (around 120 vacancies), the SPC replaced its contested rulebook with a new one according to which the interview has no bearing on the ranking of candidates. The SPC then announced a new selection procedure for 54 deputy prosecutors.

According to a recent survey carried out by the professional associations, the judiciary perceived the instances where officials at the highest levels comment on ongoing investigations, indictments or judicial proceedings as a form of pressure upon their work. In April 2017, the HJC reacted, based on its Rules of procedure for taking decisions and informing the public in **cases of political influence over the judiciary**, to a complaint by a court president who considered a series of media articles an attack on her independence. There were also several cases in the first half of 2017, where the SPC's "Commissioner for Autonomy" investigated complaints by deputy prosecutors over undue political influence. Serbia has not provided information on the application of the 2016 Code of Conduct for Members of the Government on restrictions of **commenting judicial decisions and procedures**. In July 2017, the National Assembly adopted a Code of Conduct for Members of Parliament with a similar scope. In instances of public violation of the presumption of innocence in media, some 10 misdemeanour proceedings were initiated in Belgrade.

Accountability

The HJC's Ethics Committee, set up in 2016, has yet to start its work. It is delayed in carrying out an analysis as to whether the **Code of Ethics** for judges has to be amended in order to comply with European standards. In June 2017, the HJC adopted its integrity plan. The SPC's Ethics Committee produced a review of the first report on the Code of Ethics for prosecutors, which, based on an earlier recommendation, had remained unchanged.

An analysis of the legal framework and practice regarding **disciplinary responsibility** for judges and prosecutors is ongoing. In the period from January to September 2017, 429 disciplinary reports were filed with the HJC's Disciplinary Prosecutor. He filed seven disciplinary proceedings against judges before the Disciplinary Commission (over serious disciplinary violations), and the Commission took 3 decisions (one public warning, one salary reduction, and one rejection). One judge was dismissed in March 2017, after he was sentenced for a criminal offence. During the first half of 2017, 95 disciplinary reports were filed with the SPC's Disciplinary Prosecutor. They led to disciplinary sanctions (public warning, salary reductions) imposed in 3 disciplinary proceedings. There were no dismissals of public prosecutor's office holders.

Efficiency and professionalism

A **comprehensive electronic case (and document) management system**, ideally **inter-operable** between the judiciary and the prosecution networks, and with proper technological support, is indispensable for an efficient and professional justice system, and an essential tool to ensure an objective and transparent case allocation system. A methodology whereby the complexity of individual cases is an additional criterion in this allocation was developed with EU assistance and was adopted by the HJC in May 2017. Its application is being tested for one of the existing ICT systems in 20 pilot courts. At the level of the prosecution, the situation is unchanged since 2015, when the working group on case weighing in public prosecution offices submitted its draft to the SPC President.

Information and communication technology (ICT) possibilities are generally not yet fully exploited. There is a delay in several activities that will eventually lead to a **country-wide system to process and manage cases across the judicial and prosecutorial networks**. While some progress was made through the introduction of a new statistical reporting system for basic and higher courts located in the SCC since August 2017, Serbia is not yet, for instance, in a position to produce comprehensive statistical data about the efficiency of the judiciary. As a first step towards an overall enhanced strategic vision on ICT solutions in the judicial and prosecutorial networks, still to be developed, an inter-operability roadmap with directions for sustainable inter-operability solutions among the different judicial information systems was developed. It determines, among others, preconditions for inter-operability with the police, business registration, social insurance, and tax administration systems. Serbia is preparing methodological data "cleaning" instructions through the development of tailor-made instructions for 20 pilot courts. Data-integrity experts identified more than 80 software change requests aimed at preventing data entry errors in the future. Court (IT) staff was trained. However, there is a delay in developing universal data cleaning instructions, necessary before the entry into operation of a future comprehensive case management system. There is also a delay in efforts to ensure data being processed according to unified methods across the judiciary.

The 2016 **amended Law on Enforcement and Security**, which extended the authority of the enforcement agents, has an important impact on the "utility bill" cases, constituting the majority of the pending cases in the Serbian judicial system. In the first half of 2017, about 95 000 enforcement cases were solved in the courts (year 2016: 811 322). Still, a large number of those cases remain in the (basic) courts. The MoJ and the Chamber of Enforcement Agents intensified their supervision over the enforcement agents through on-sight monitoring, initiating supervision and disciplinary proceedings, and addressing several hundred complaints by citizens.

The late 2016 adopted **Uniform Backlog Reduction Plan** provides the basis for annual tailor-made programmes for each court, the implementation of which is monitored locally and centrally. The trend of court cases being referred to mediation slowly increases. By the end of June 2017, Serbia had 517 licensed mediators in its public central database. Further initial actions were taken to promote alternative dispute resolution (ADR) mechanisms. In order for ADR to become an effective alternative to court proceedings, a more efficient system for transferring court cases to mediation and a much broader promotion campaign are needed. As a first step, the SCC, the HJC and the MoJ jointly developed guidelines which were presented at a meeting of all court presidents in August 2017.

The establishment of the **notary system** in 2015 was a means to alleviate the civil courts of a part of their workload. There are 160 established notaries, not yet covering the entire territory. In June 2017, the Notary Chamber adopted a rulebook on the notaries' supervision, and prepared a number of further bylaws such as a Code of Ethics. The MoJ exercised its supervisory role, and developed an online address book allowing citizens to determine, in a given case, which notary, court or municipal administration could authenticate signatures, copies and manuscripts.

The February 2017 instruction for improving **consistency in national-wide jurisprudence** is yet to be adopted by all four appellate courts, which would ensure its implementation in practice. With a view to improving access to regulations and case law, and with EU assistance, the SCC is also developing a new electronic case law database which will enable more precise filtering and search for decisions and rulings, and include case law from all

second and third instance courts in Serbia as well as of selected international courts. The software development was finalised in August 2017, and the system is now being configured. In parallel, the official gazette maintains a database with court decisions and legal opinions.

As regards enhancing the efficiency of judicial proceedings, Serbia is further delayed in **amending its Civil Procedure Code** in a number of areas including the service of documents and recording of hearings, aligning the provisions with European and international standards and best practices. As a first step, a working group has been established within which work has started. Serbia plans to revise the Criminal Procedure Code to the same end.

The Judicial Academy (JA- established 2010) is the centre for **initial and continuous training** for judges, prosecutors, and judicial and prosecutorial staff in particular. For the initial training, it is important to note that Serbia's current legislative framework foresees a two-track system of access to the judicial professions, one through the JA. This system creates tensions which in turn affect the credibility and purpose of the JA, and draws attention and resources away from the continuous training curriculum. Overall, the programmes provided by the JA need to be improved in terms of quality, and better respond to training needs by, *inter alia*, focusing on judicial skills. A Rulebook on Training Needs Assessment was adopted. There is a further delay in the establishment of a quality review mechanism to evaluate the effectiveness and adequacy of the judicial training provided. To this end, the JA's expertise and administrative capacity need to be reinforced.

Domestic handling of war crimes

The implementation of the 2016 National Strategy for Investigation and Prosecution of War Crimes has started. For instance, the Criminal Code provision on crimes against humanity was amended to include "enforced disappearances", harmonising it with the International Convention for the Protection of All Persons from Enforced Disappearances. However, a monitoring mechanism for implementing the strategy is not yet agreed upon. The monitoring body merely held its constitutive meeting. So far, only one new indictment was filed in 2017.

In May 2017, the National Assembly elected Snežana Stanojković, former deputy prosecutor, as the War Crimes Prosecutor. This position had been vacant since January 2016. The delay in the appointment had repercussions on the work of the Office, most notably in the delay in the adoption of the Prosecutorial Strategy. The draft prepared by a working group is being reviewed by the Prosecutor, with the support of a newly formed working group. The draft is intended to be subject to a public debate with stakeholder representatives. This strategy is also planned to underpin the systematisation of the war crimes prosecution and further recruitments, including of psychologists, both further delayed. For the same reason, there is a delay in the assessment of the confidentiality rules (disclosure of confidential information during investigations and/or tampering of evidence). There is also a delay in the publication of a report on the work of the Office of the War Crimes Prosecutor (OWCP) pending its approval by the War Crimes Prosecutor.

Serbia did not provide information on its follow-up to the internal analysis carried out in 2016 of the legislative status and operational needs of the **War Crimes Investigation Service (WCIS)** of the Ministry of the Interior (MoI).

As regards activities to ensure **proportionality of sentences**, the Serbian expert round-table that took place in 2015 with the participation of representatives from the region and the ICTY, has not resulted in the adoption of conclusions (there is a further delay in their adoption).

With respect to the **support and protection to witnesses**, a protocol was signed in June 2017 between the MoI and the OWCP, setting out modalities of cooperation and initiation of a protection programme. To date, no requests for protection have been made. In April 2017, a support service was established within the OWCP (three staff members). A similar Witness and Victim Information and Support Service became operational in February 2017 with a country-wide coverage, although to date only established in the higher Public Prosecutor's Offices. Information tends to be provided by phone or leaflets. CSOs, the OSCE and the World Bank are involved in awareness-raising and information activities. There is a delay in implementing most of the recommendations of the analysis of the Witness Protection Unit of the Ministry of the Interior carried out in 2016. There is also a further delay in legislative changes to enable the effective implementation of a change of identity as a protective measure. Meanwhile, the Republic Public Prosecutor's Office developed a protocol on the mandatory provision by all prosecution offices of information to victims about all trial aspects relevant to them. Overall, Serbia still lacks a comprehensive victims and witnesses support system, in particular one which includes a systematic referral mechanism to CSOs before, during and after criminal proceedings.

Regional co-operation continues through exchanges of requests for information. According to the Serbian authorities, the OWCP (all data since the beginning of 2017) granted 30 and returned 10 requests for assistance (out of 48 received) from its Bosnian counterpart. Serbia's requests to Bosnia (27) were granted in 14 cases while 13 remained without response. From the Croatian State Prosecutor, the OWCP received 14 requests out of which 5 have been granted and 9 are still being processed. The OWCP submitted 5 requests to Croatia, all still pending. Requests to (2) and from (4) EULEX are pending. The OWCP also responded to 4 requests received from the Kosovo Special Chamber prosecutor, and 2 from Montenegro. The ongoing work in dealing with requests for international legal assistance contrasts with the absence of strategic co-operation in the context of the Palic-Brijuni process. No meetings took place for over a year.

Co-operation on **missing persons** continues within the scope of the various bilateral arrangements. The working group meeting, as part of the Belgrade-Pristina dialogue, last met in May 2017 in Pristina. A number of sites of suspected mass graves in Kosovo were surveyed but no new bodies found. The protocol with Croatia is being implemented. A new mass grave was discovered in Glina (Croatia) in April 2017. Works on a potential mass grave site on the Sava river are ongoing.

In his report in May 2017 to the UN Security Council, the prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Residual Mechanism for International Criminal Tribunals (MICT) stated that *"the Office of the Prosecutor continued to have appropriate access to documents, archives and witnesses in [...] Serbia."* Serbian liaison officers at the ICTY/MICT also identify and analyse materials in the ICTY/MICT archives with a view to transferring evidence to Serbia. Also in May 2017, the ICTY prosecutor reported that *"regarding cooperation, Serbia continues to be in violation of its legal obligation to cooperate with the ICTY. Serbia has failed to repeatedly to arrest three indictees and transfer them into the custody of the Tribunal to face contempt proceedings, and has also failed to repeatedly to adhere to judicial orders to provide biweekly reports on its efforts to execute the arrest warrants. The Office of the Prosecutor deplores the fact that Serbia has returned to a practice of non-cooperation with the Tribunal, which unfortunately casts further doubt on Serbia's commitment to justice for war crimes [...] and the rule of law."*

Overall, Serbia needs to demonstrate an increased commitment in this area and lead by example, fostering mutual trust and reconciliation, as well as establish an atmosphere conducive to meaningful regional cooperation and effectively addressing all war crimes related issues.

Anti-corruption

Serbia's main policy documents in this area the National Anti-Corruption Strategy and its action plan, adopted in 2013, as well as the dedicated section in the Chapter 23 Action Plan. Extending the competences of the Coordination Body for the implementation of the former to also cover the latter is further delayed. Hence, no meetings take place at Prime Minister or ministerial level to coordinate their implementation. As regards monitoring, there is a delay in amending the Government's rules of procedure to mandatorily consider the reports of the Anti-Corruption Council within three months of their submission, as well as in introducing an obligation by the Government on how to take these reports forward via National Assembly conclusions. There is also a delay in conducting campaigns to further encourage citizen's participation in the fight against corruption, despite a working group formed in 2014. An empowered civil society, enhanced institutional ownership, coordination and monitoring, accompanied by high level political leadership, are needed to achieve tangible results.

Prevention of corruption

In July 2017, the Government appointed two new members of the **Anti-Corruption Council**, without however consulting the existing members of this body, contrary to previously established practice. The Council thus has 8 (out of 13) members. It is still not systematically consulted on draft legislation which according to the Council's own assessment has a potential impact on corruption in Serbia. There is a further delay in ensuring a regular qualitative analysis of the Council's reports. Overall, the Serbian authorities still need to establish a more constructive relationship with the Council.

There is a serious delay in the adoption of the new Law on the **Anti-Corruption Agency** (ACA). Thereafter, a number of activities and the adoption of bylaws and rules of procedures, currently delayed, have to be carried out. A training needs assessment for the agency has already been carried out, and a limited number of training sessions took place.

In July 2017, the National Assembly appointed four new members of the ACA Board. For several months, this board, by law consisting of 9 members with nomination from different institutions or interest groups, had only 2, after resignations or end of the mandates. The July appointments were based on the respective nominations by Serbia's President, the State Audit Institution (SAI), the SCC and the Socio-Economic Council. Thereby, the Board had a quorum to operate and could select (unanimously) Majda Kršikapa as the Agency's Director (vacant since December 2016, when the previous Director was appointed to the CC). Earlier in June, the competent parliamentary committee had revoked the proposals, *inter alia*, for appointments by the independent institutions, and the media associations. The positions of members nominated by the independent institutions (vacant since 2015), the media organisations (vacant since 2013) and the Bar association (vacant since 2017) thus remain further vacant. Overall, the ACA needs to be given the tools and political support as an independent body in order to fully play its corruption preventive role.

There is a delay in amending the Law on **Political Party Financing**. Already in 2015, a public hearing was carried out and the VC provided an opinion. During the first half of 2017, the ACA conducted 11 seminars on the submission of financial reports and election campaign

cost reports for political parties and citizen groups in several cities across Serbia. It has yet to submit the report on the 2017 Presidential election campaign. The ACA is also working on upgrading its software aimed at enhancing the efficiency in controlling political party financing through, *inter alia*, enabling electronic data exchange with the MoI.

Work on the amendments to the Law on **Free Access to Information** of Public Importance continues with the assistance of SIGMA, while an analysis of the implementation of the current law with a focus on privatisation, public procurement and expenditures is being carried out with international assistance. The Commissioner for Free Access to Information of Public Importance and Personal Data Protection has yet to be consulted. The Commissioner continues to implement tailor-made training programmes in the area of freedom of information and personal data protection for the public sector.

As regards the improvement of the legislative and administrative framework on **conflicts of interest**, the activities from the last reporting period continue. In particular, the analysis to clarify the ramifications of 'illicit enrichment' - in terms of criminal, administrative, and misdemeanour implications – is still ongoing. Also an analysis of the legal framework for civil servants on conflicts of interest is being carried out, planned to subsequently inform amendments to the Law on Civil Servants. The preparation of a Guidebook on the prevention of conflicts of interest was postponed to after the adoption of the new ACA Law.

With respect to **transparency and integrity within the public administration**, the situation is largely comparable to May 2017. There is a delay in amending the Law on Civil Servants with a view to streamlining basic civil service principles such as merit-based recruitment, and improving the aforementioned conflict of interest provisions. In May 2017, Serbia adopted the Public Internal Financial Control Strategy (PIFC) with its dedicated action plan for 2017 – 2018, on the basis of which the internal audit regulations and manuals will be amended. There is a delay in strengthening the staff capacities of the Central Harmonisation Unit, which directs and coordinates public internal control.

During the first half of 2017, ACA performed asset verifications of 234 public officials, and filed 11 misdemeanour claims. As regards the judiciary and prosecution, the Agency, based on its 2017 Annual Verification Plan is also verifying the assets of 86 judges and 20 deputy prosecutors. It filed 2 misdemeanour claims for lack of timely submission of reports.

In the area of **public procurement**, Serbia still needs to adopt amendments to the Public Procurement Law, and the Law on Public-Private Partnership and Concessions, establish a comprehensive database and strengthen the capacities of state authorities that implement, supervise and control the public procurement system. The Public Procurement Office presented a special report on how to increase the effectiveness of its monitoring.

In the area of **public health**, one of the **areas considered particularly vulnerable to corruption**¹, Serbia timely carried out a corruption risk analysis of its legislative framework. On this basis, amendments to the Law on Health Care and the Law on Health Insurance are being prepared. The implementation of the action plan for the fight against corruption in the field of **education** is not yet being monitored. While inspections of higher education institutions are being carried out since March 2017 based on more objective standards, there is a delay in adopting amendments to the Law on Education Inspection. Regulations that aim at improving transparency for entry to educational institutions, as well as their exams,

¹ For information on the integrity of the police, see the part on Chapter 24 in this report.

assessment and evaluation, were adopted but there is a delay in designing non-compliance procedures. The **Customs** Administration carried out a corruption risk analysis of its legal framework, based on an earlier one by ACA. It demonstrated the need to broaden the competences of the customs officers. This requires legislative changes of both the Law on Customs Service and the Criminal Procedure Code, currently slightly delayed.

Repression of corruption

The introduction of a team of economic forensic experts in the prosecution offices, currently delayed, is envisaged with the entry into force of the Law on Organisation and Jurisdiction of State Authorities in Combatting Organized Crime, Terrorism and Corruption. On the follow-up to legislative changes, in particular the aforementioned law, see under “Police and Organised Crime”.

Fundamental rights

As regards cooperation with the Department for Execution of Judgements of the **European Court of Human Rights (ECtHR)**, there were 1,484 applications in respect of Serbia pending before the ECtHR as of 1 July, showing a steadily decreasing trend over the last three years.

Concerning **promotion and enforcement of human rights**, the new Ombudsman was elected in July. There is a further delay in adopting the Law amending the Law on the Ombudsman. Reports of the Ombudsman, the Data Protection Commissioner and the Equality Commissioner were discussed by parliamentary committees. For the third year, however, the National Assembly failed to discuss them in plenary and issue conclusions for review by the Government.

In the area of **prevention of torture and ill-treatment**, a working group to prepare the Rulebook on police powers including provisions on the treatment of detainees and persons remanded in custody was established by the Ministry of the Interior. A methodology for investigation of cases of torture by police officers was developed by the Ministry of the Interior and the Public Prosecutor's Office at the beginning of the year. There are regular inspections to ensure that the use of physical restraint and isolation of people with mental disabilities who are undergoing treatment in psychiatric institutions, are applied in conformity with the rules.

Regarding the **prison system**, construction works are under preparation, ongoing or nearing completion in several locations, including Pančevo, Kragujevac, Kruševac, the female prison in Pozarevac, the prison hospitals in Belgrade, Valjevo and Niš. A Strategy for reducing overcrowding in institutions for enforcement of criminal sanctions and its accompanying Action Plan were adopted in May. Procedures for cooperation between the offices for alternative sanctions and local self-government authorities for social reintegration of convicted individuals upon release are in preparation. A decision for the reorganisation of the existing Service for treatment and alternative sanctions was adopted in May, but has yet to be implemented. A Working Group for the revision and improvement of treatment programmes in prisons and prison medical facilities has been established in July.

The adoption of a new Law on **data protection** is further delayed. While the Commissioner for Free Access to Information of Public Importance and Personal Data Protection has put forward a draft law on data protection, the legislative process is seriously delayed. A new Rulebook on the internal organisation of the Office of the Commissioner for Free Access to Information of Public Importance and Personal Data Protection, adopted in May, should enable strengthening its administrative capacity by recruiting additional staff.

Regarding **freedom of expression and media**, Serbia continues to face important challenges as regards establishing an enabling environment for a pluralistic media landscape. Media legislation still needs to be fully implemented. Transparent ownership and funding of private media, state funding of media outlets and co-financing of media content need to be effectively monitored, including at local level, and implemented according to existing legislation. Ensuring that broadcasters meet their programming obligations will necessitate strengthening of the regulator's independence, capacities and mandate. Reported attacks on, and intimidation of journalists remain a concern. Strengthening self-regulation, improving professional standards and the implementation of the journalists' code of ethics remain essential. This will require effective support from the authorities to regulatory bodies and journalists' associations.

Analysis of the expired Strategy for the Development of a Public Information System has been provided to the working group tasked with the preparation of a new media strategy. The Strategy and its accompanying Action Plan are being drafted under the responsibility of the Ministry of Culture and Media and are further delayed. Stakeholder consultations still ongoing, but the Working Group's representativeness has been weakened by resignations of two representatives of independent media associations. A Registry of media services provided via internet (web casting, live streaming, etc.) has been made available by the Regulatory Body for Electronic Media (REM). The regular calls for proposals for the current year providing co-financing for projects with content of public interest have been launched. The predictability and transparency of the award procedures for the projects need to be reinforced.

The Public Prosecutor's Office and independent journalists' associations have held meetings and exchanged information on the implementation of the agreement on cooperation and measures to raise the level of safety of journalists. The Commission for investigating the killings of journalists has continued its work, but progress has been very slow. The police and the prosecutor's office continued carrying out investigations of cases of internet threats against journalists, but very few cases have been fully processed by the law enforcement authorities and transmitted to the judicial authorities. Ensuring a zero-tolerance policy as regards threats and attacks against journalists requires mobilisation of law enforcement and political actors leading by example. There have been repeated claims by numerous stakeholders that fiscal inspections have been used disproportionately to exert economic pressure on media outlets.

REM needs to ensure full implementation of the legislation providing for equal access to the media for all candidates during election campaigns. Journalists' associations and the civil society need to cooperate closely in order to ensure support to regulatory bodies and respect for the professional code of ethics.

On **non-discrimination**, the process of amending the Law on anti-discrimination continues following the completion of an analysis of its implementation. Further amendments are necessary to bring the law fully in line with the *acquis*. The Serbian authorities continued with regular monitoring of the implementation of the Action Plan on antidiscrimination for the period 2014-18 and assessing experience in order to prepare the new strategy. The capacity of the Commissioner for the Protection of Equality and of the Office for Human and Minority Rights to implement their tasks under the Law on anti-discrimination has still not been increased to the full capacity foreseen in the organisational chart.

In the first half of 2017 the Equality Commissioner received 440 cases and issued 204 recommendations. The Equality Commissioner's Office has prepared a manual for identifying cases of discrimination and continued providing training to Local Self-Government employees. This manual has not yet been presented to law enforcement authorities. Under the responsibility of the Ministry of the Interior, Memoranda of Understanding were signed on a

local level promoting identification and adequate response to discrimination and promoting good practices in multi-ethnic and multicultural communities.

The Criminal Code, already amended aiming at aligning with the Framework Decision on combating Racism and Xenophobia, is still not aligned with the Council Decisions of 2002 and 2003 on the investigation and prosecution of publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes .

As regards **equality between women and men**, and as part of its National Strategy for Gender Equality (2016 – 2020) and related Action Plan (2016 - 2018), Serbia provided further training to budget beneficiaries for introduction, implementation and monitoring of gender-responsive budgets. While extensive consultations with civil society and other relevant stakeholders have been carried out, the adoption of the draft Law on Gender Equality has been further delayed.

Following the adoption last November of the Law on the Prevention of Domestic Violence, training and capacity building measures have been carried out among law enforcement agencies and social services, while its implementation by the courts resulted in 117 prison sentences from 1 June to 11 July, according to the Serbian authorities. The adoption of a new National Strategy and Action Plan for combating violence against women has been further delayed. The provision of adequate protection mechanisms from violence against women remains a priority.

Upon initiative of the Council for the **Rights of the Child**, a working group has been formed for preparing a new Strategy for Prevention and Protection of Children from Violence. In May the Government adopted a Regulation on Determining Dangerous Work for Children. Additional funds compared to the previous year have been made available for child support services. Deinstitutionalisation is progressing with 90% of children placed in foster care and only 10% in institutions. The national authorities are cooperating with UNICEF for the conversion of existing residential institutions into family service centres. Community welfare services, as well as occasional foster care, are being developed and support to this end is being provided to municipalities and civil society organisations. Amendments to the Law on juveniles in order to align this law to the forthcoming amendments to the Criminal Procedure Code have been further postponed to next year.

As regards the situation of **persons with disabilities**, challenges remain for the access to rights, including justice, education and employment, forced placement in medical institutions and lack of sufficient means for deinstitutionalisation and community-based support.

As regards preventing discrimination against **LGBTI persons**, the MoI appointed a national liaison officer and has held regular contacts with civil society in Belgrade and other municipalities across the country. In September the holding of the Pride Parade in Belgrade took place without incident for the third consecutive year.

As regards **procedural rights and victims' rights**, there are delays with the adoption of a Law on Free Legal Aid aligned with the EU *acquis*, affecting other activities depending on its adoption. An analysis of EU *acquis* with regard to rights to access to a lawyer, translation, free legal aid and providing information to the defendants at the first instance of communication with the authorities has been carried out, as well as analysis of the necessary adaptations of the Serbian legal framework to the EU *acquis* on protection of victims of crime. The related intended amendments to the Criminal Procedure Code have, however, been rescheduled to 2018. The Prosecutor's Office is implementing an MoU with the NGO sector for the provision of additional assistance to victims, and for setting up a specialised phone line.

Regarding the rights of persons belonging to **minorities**, Serbia has continued implementing the activities of the Action Plan for Chapter 23 together with the dedicated "*Action Plan for the Realisation of the Rights of National Minorities*". Its implementation is being monitored by the Council of National Minorities with the support of the Office for Human and Minority Rights. Amendments to the legal framework on the rights of minorities are delayed. Consultations on the amendments to the Law on Protection of Rights and Freedoms of National Minorities are still ongoing. The working group set up to prepare draft amendments to the Law on National Councils of National Minorities continues its work.

Progress has continued with the preparation and printing of schoolbooks for national minorities, although there are still problems to be resolved, notably with regard to the Albanian and Bosniak national minority. The Ministry of Education adopted and started the implementation of a Rulebook on General Standards of Achievement for Serbian as a second language.

In January-May 2017, the share of minority languages on the second programme of Radio Television Vojvodina was 70%. Public broadcasting in minority languages has still not been extended outside of Vojvodina. An annual call for co-financing projects of media content of public information in minority languages has been carried out. 87 projects (79 to be co-financed in 16 languages of national minorities, as well as eight multilingual) will be supported. In addition, this year's programme for the allocation of funds from the Budgetary Fund for National Minorities supports the sustainability of media in languages of national minorities. However, this year's funds have been insufficient to cover a number of other planned activities in support of national minorities and interethnic relations. The fund still needs to be endowed with adequate resources. State and provincial support to privatised media needs to be allocated in a timely and transparent manner. REM should be adequately mandated in order to monitor local media broadcasting.

Serbia needs to follow up on the comparative legal analysis on the status of churches and religious communities on the basis of best practices of neighbouring EU Member States on the basis of further needs identified and through dialogue with relevant religious institutions.

The amendments to the Regulation on work of the State Prosecutorial Council, aiming to regulate the nomination and election of public prosecutors taking into account the ethnic composition of the population, adequate representation of national minorities and knowledge of professional legal terminology in the language of national minority in official use in court, were adopted in March. The Serbian authorities still need to amend the Law on Local Self-Government in order to enable the functioning of Councils of Interethnic Relations and to promote understanding of their role and mandate.

As regards **Roma integration**, the coordination body for monitoring of the implementation of the Strategy for Social Inclusion of Roma, established in March and chaired by a Deputy Prime Minister, has met only once. Its work is supported by an expert group, including representatives of CSOs and the National Roma Council. Its secretariat needs to be established to make this coordination body fully operational. The Action Plan for the implementation of the 2016-2025 strategy for Roma integration, including indicators and budget estimates, was adopted in June, and an initial donor coordination meeting was organised. The database on Roma inclusion, set up for monitoring the strategy for social inclusion of Roma, needs to be regularly updated. Strengthening coordination between the national and local authorities and budgeting at local level still need to be reinforced. The MoI has successfully continued the civil registration and provision of personal documents to "legally invisible" persons and persons living in informal settlements.

A model for preventing student drop-out in education has been developed. This involves risk identification, and provision of support measures, such as extra classes, and cooperation with the local community. 2 500 students of the Roma minority have applied to date for secondary school enrolment under affirmative action conditions. A Task Force has been formed for the implementation of the Rulebook on discrimination at school and addressing matters of segregation in educational establishments. Overall, addressing segregation and offering incentives for pre-school and early development remain a priority.

756 scholarships were provided to secondary school Roma pupils. There is a delay in establishing the legal basis for Roma coordinators and pedagogical assistants. A viable solution for the systematisation of Roma health mediators as health care assistants needs to be found. Active employment measures need to be better targeted, including the transition from education to the labour market.

The Law on Housing and Building Maintenance, establishing provisions for regulating evictions and relocations, has come into force. It is important to ensure the assessment of all possibilities for the legalisation of existing housing settlements under the newly adopted Roma integration action plan. Technical assistance is being provided for the improvement of living conditions in informal settlements across 11 municipalities.

Regarding **refugees and IDPs**, a regional housing programme, co-funded by the EU, continues providing housing solutions for refugees. The final objective of the Serbian authorities is to close the five remaining collective centres for IDPs, who remain in a very vulnerable position.

2.2. Chapter 24 - Justice, Freedom and Security

Migration

Overall, Serbia significantly contributed to the management of the mixed migration flows by playing an active and constructive role and cooperating effectively with neighbouring countries and EU member states.

Serbia is encouraged to adopt a **multi-annual strategy for the fight against illegal migration**. It is currently working on a draft that aims at covering gaps in the strategic framework and at complementing, *inter alia*, the Integrated Border Management (IBM) Strategy. The revised “response plan for an increased number of migrants on the territory of the Republic of Serbia” covers the period until December 2017. There is a further delay in setting up a comprehensive early warning, preparedness and crisis management mechanism in full alignment with the *acquis*: however, a regular information exchange in this respect is taking place between the authorities responsible.

Following the changes in the Government after the Presidential election, there is no longer a designated counterpart for donor coordination, nor does the 2016 established migration working group meet on a regular basis at technical level. Coordination among all institutions involved, in particular at a strategic policy level in order to improve migration management in a systematic manner, still needs to be further strengthened.

The Commission provided comments on Serbia's draft law on Foreigners in May 2017. The law has yet to be adopted. Serbia also established a central register/ database on foreigners, and is working on aligning the Law on Employment of Foreigners with the *acquis*. The

envisaged amendment to the Criminal Code regarding illegal border crossing and smuggling is delayed.

Serbia continued its efforts, with substantial EU support, to ensure that the basic **humanitarian needs of third country nationals** are addressed in line with European standards. Around 92% of Serbia's migrants are currently hosted in a total of 18 accommodation centres, with a total capacity of around 6 500, out of which 6 000 can be considered adequate to support long-term stay.

The 2008 EU-Serbia **readmission** agreement is facilitated by implementing protocols concluded with 21 EU Member States. The procedure to conclude a protocol with Croatia is ongoing, while a bilateral readmission agreement between Serbia and Croatia is still in force. Cooperation on readmission between the EU and Serbia is very satisfactory as far as Serbian nationals are concerned with a return rate of around 90%. During the readmission committee in October 2017, Serbia committed itself to also fully implement the agreement as regards the provisions on third country nationals. The lack of enforceable readmission agreements with third countries is weakening Serbia's capacity to manage returns effectively. Serbia has bilateral readmission agreements with 9 third countries, including Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Montenegro. On that basis, during the first half of 2017, the former Yugoslav Republic of Macedonia received 53 requests from Serbia (all refused), while 7 third country nationals were returned from Serbia to Montenegro. Serbia approached Afghanistan, Pakistan, Iraq, Morocco, Algeria, UAE, Belarus and Georgia for the conclusion of readmission agreements. Negotiations with Turkey and Ukraine have started but according to the Serbian authorities are discontinued due to legislative changes on the Turkish side, and a lack of Ukrainian feedback on Serbian comments made in 2016. Serbia continued to benefit from a programme for Assisted Voluntary Returns run by the International Organisation for Migration, which assisted 185 persons to return until mid-October 2017. According to Serbia's national statistics, 2 345 Serbian nationals and 65 third country nationals returned to Serbia during the first half of 2017 (compared to 3 198 and 85 respectively during the second half of 2016). Serbia is making efforts to support the re-integration of returnees, and has developed a new set of indicators for the migration profiles under the readmission agreement.

According to Serbia's national statistics, a total number of 1 882 persons were intercepted at the borders until mid-September 2017, the biggest number of which at the border with Croatia. 109 criminal charges were filed for illegal border crossing and human trafficking against 183 perpetrators for attempting to smuggle 1 351 persons during the same period.

The joint "Permanent Task Force on People Smuggling" arrested 35 smugglers during the first half of 2017, allegedly responsible for the smuggling of 575 persons. Overall, the Serbian authorities arrested 167 smugglers (for 1 275 persons) thus far in 2017.

Asylum

There is a further delay in the adoption of a new Law on Asylum together with all by-laws which is intended to ensure further alignment with the *acquis* and to provide the basis for the implementation of an asylum procedure in line with European standards. The draft law was approved by the Government in September 2017. It has to be ensured in particular that the asylum applications' appeal system is applied in line with the EU *acquis*. Serbia cooperates

with the European Asylum Support Office, in particular with a view to finalising a national roadmap for setting up an asylum system in line with European standards and EU *acquis*.

Serbia planned to increase the staff of the Asylum Office in the Border Police Directorate to a total of 29 since 2016. However, additional positions are still vacant. The internal competition for nine positions, including the deputy head and a number of case file handlers is ongoing.

Serbia continued to implement training programmes on topics such as advanced interview techniques, and capacity building activities targeting officials involved in the asylum system. The Commissariat for Refugees and Migration, jointly with local self-governments and CSOs, continues to implement awareness-raising for host communities. In the first half of 2017, funds were allocated to promote tolerance and dialogue, as well as to help build capacities of local self-governments.

The 2016 Decision on inclusion of beneficiaries of international protection in social, economic and cultural life is being implemented on the basis of individual integration plans. These include, for instance, Serbian language classes, health support and the granting of financial assistance for the use of temporary accommodation. An information brochure was prepared on integration into social, cultural and economic life.

According to Serbia's national data, 3 251 persons expressed an intention to seek asylum in the first half of 2017 (compared to 8 268 in the second half of 2016). In the same period, 151 persons lodged an asylum request, while nobody received either refugee status or subsidiary protection (compared to 11 and 9 respectively during the second half of 2016). 24 persons were concerned by an inadmissible file (compared to 30 during the second half of 2016). There were four negative decisions (compared to 26 during the second half of 2016). However, most common was the closing of procedures after the applicant had absconded.

Visa policy

Serbia is working on an analysis of financial, legal and administrative measures as well as of its infrastructure necessary for the implementation of its visa information system for alignment with the EU Visa Information System (VIS). At the same time, there is a continuous training plan on VIS for consular staff. During the first half of 2017, 41 visas were issued at the borders.

Serbia continued its efforts in addressing the phenomenon of unfounded asylum applications lodged by Serbian nationals in Schengen and associated countries, and intensively cooperated with EU Member States at an operational level in this respect. According to the Serbian authorities, five criminal charges were brought against seven persons for facilitating the abuse of the right to asylum in a foreign country during the first half of 2017 (compared to three charges against four persons during the second half of 2016). Efforts to improve the socioeconomic situation of people most likely to migrate, in particular Roma, have started to be more systematically funded. The total figure for those from Serbia seeking asylum in the EU was 4045 for the first half of 2017, compared to 7 000 for the second half of 2016².

External borders and Schengen

² Eurostat, Asylum and first time asylum applicants by citizenship, age and sex Monthly data (rounded).

The revised integrated border management (IBM) strategy and its dedicated action plan, adopted during the first half of 2017 (already reported in May), has been assessed by the Commission as being largely in line with the 2006 EU IBM concept. Following the introduction of a new definition of the EU IBM concept, included in Regulation EC 1624/2016 on the European Border and Coast Guard Agency, Serbia is encouraged to revise its IBM strategy in due time in the next year. Serbia is then also invited to define border services in charge of IBM in a clearer manner. The procedure for drafting a Schengen Action Plan is still at an early stage. The related necessary comprehensive assessment of the legal, technical, infrastructural and human requirements is delayed.

The findings of the peer review assessment carried out during the second half of 2016 (already reported in May) still largely reflect the situation. A substantial challenge concerns the technical equipment and infrastructure for border checks and border surveillance. The border police have a corruption prevention plan, and have carried out a risk assessment of corruptive behaviour of border management staff. However, the adoption of an overall preventive Action Plan for Combatting Corruption for Border Police, Customs, Veterinary Administration and Plant Protection Administration, including monitoring and evaluation, is delayed. Also the signature of a memorandum of understanding and the creation of joint investigative teams (police, prosecutors and customs officers) to fight corruption on the border is delayed.

As regards **cooperation with Serbia's neighbours**, there are Common Contact Centres with Bulgaria, the former Yugoslav Republic of Macedonia, Croatia, Hungary, Romania and a trilateral one with Bosnia and Herzegovina and Montenegro enabling information exchange in the field of border security, such as within the early warning system, established under the Police Cooperation Convention, for false/forged documents. All are functioning, while not staffed 24/7. A mechanism for joint patrolling at the Serbian-Romanian border was established through a dedicated protocol, and joint patrols have been taking place since July 2017. Joint patrols are also being organised with all neighbouring countries, except for with Croatia.

A national strategy for green border surveillance has yet to be put in place. The Law on State Border Control is being prepared. Discussions on blocking unauthorised crossing places at the border with Montenegro are ongoing. According to Serbian authorities, works on concluding agreements on local border traffic are on-going with Bosnia and Herzegovina and Montenegro. Working arrangements with Frontex are being implemented smoothly. Joint Operations during the first half of 2017 mainly took place on the Hungarian border. Serbia also actively participated in regional workshops and meetings.

Judicial cooperation in civil, commercial and criminal matters

Assessments of Serbia's national legislation in view of an alignment with the *acquis* in this area have been finalised for judicial co-operation in criminal and civil matters. The assessment on the latter requires further work. Furthermore, there is a delay in carrying out an analysis of administrative, budgetary and training needs to ensure this alignment. The bilateral agreements on judicial cooperation in criminal matters signed in 2016 and 2017 with Italy and Kazakhstan have not yet been ratified. There is also a delay in the start of negotiations on an operational agreement with Eurojust, as a new Data Protection Law has not yet been adopted.³

³ See under Fundamental Rights in Chapter 23.

Judicial cooperation takes place mainly with EU Member States and within the region. During the first half of 2017, Serbia handled 3 563 incoming judicial cooperation requests as well as 1 817 outgoing judicial cooperation requests. By comparison, during the second half of 2016, Serbia handled 3 248 incoming judicial co-operation requests as well as 1 848 outgoing judicial cooperation requests. For incoming requests, this represents an increase of almost 10% in handling, while for outgoing requests there is a slight decrease of 1,7%.

Furthermore, Serbia during the first half of 2017 had 3 142 new incoming requests, as well as a total of 1 628 outgoing requests. By comparison, during the second half of 2016, Serbia had a total of 3 321 new incoming requests, as well as a total of 1 571 outgoing requests.

Due to the increase in handling and decrease in new requests, there were less pending requests at the end of June 2017, than at the end of 2016. At the end of June 2017, there were 10 805 pending incoming requests, as compared to 11 286 pending incoming requests at the end of 2016. For the outgoing requests, this number amounted to 11 126 pending requests as compared to 12 188 pending requests at the end of 2016. Serbia needs to continue its efforts in addressing the backlog and dealing with the cases in a reasonable timeframe.

Police cooperation and the fight against organised crime

The Law on Police foresees the adoption of a number of bylaws within a year from the entry into force of the law (February 2016). This includes in particular the Rulebook on Internal Organisation and Systematisation of the Ministry of the Interior (**Systematisation Rulebook**), which has yet to be adopted. This would provide the basis for a number of structural and personnel changes in the MoI and the Police, including the creation of strategic and operational management teams at the central, regional and local level prescribed in the **“Police Intelligence Model”**. The adoption of three bylaws that define new preventive concepts in the fight against corruption (risk analysis of corruption, integrity test and asset declarations) has been postponed to after the adoption of further legislative amendments to the Law on Police. As concerns **police integrity**, a Code of Police Ethics was adopted in March 2017 (already reported in May), as well as a regulation on conducting disciplinary proceedings in the MoI. In May 2017, the MoI adopted the Rulebook on Complaints Procedure.

The new Law on Organisation and Jurisdiction of Government Authorities in **Suppression of Organised Crime, Terrorism and Corruption**, which enters into force in March 2018, foresees the establishment of specialised authorities for investigating, prosecuting and adjudicating cases in these fields. The establishment of the envisaged system is at an early stage. The higher prosecution offices in Kraljevo, Niš, Novi Sad and Belgrade are conducting needs assessments for the establishment of specialised departments for combatting corruption. For the police, the setting up of organisational units for the fight against corruption, as well as the creation of eight territorial coordination sections that will act upon requests from the aforementioned higher prosecution offices is foreseen in the Systematisation Rulebook.

The establishment of a **single centralised criminal intelligence system** (a National Criminal Intelligence System (NCIS)) as a safe platform for communications between law enforcement bodies is ongoing with EU assistance. As a measure to reinforce pro-active investigations into organised crime, the Prosecutor’s Office for Organised Crime (POOC) is keeping a special registry of pro-active investigations that is linked to the POOC’s case management system. Furthermore, the technical capacities of the POOC have been strengthened through the

introduction of the so-called SIDDA/SIDNA software, preparing the POOC also for cooperation with the EU Member States, also within Eurojust. While respecting personal data protection principles, this case management, business intelligence and exchange system allows, since September 2017, for secure, rigorous and timely exchange of data, and facilitates the analysis of complex criminal activities by establishing links between individual cases. A draft law which foresees the establishment of a National DNA Register has been submitted to the Government. The Commissioner for Free Access to Information of Public Importance and Personal Data Protection has raised doubts about the draft text, in particular as regards the absence of clear definitions regarding data storage periods, or the differentiation between alleged perpetrators and victims of criminal acts. Serbia is delayed in carrying out an analysis of the roles and practices of security services and the police in implementing special investigative measures (SIMs) in the criminal investigation phase in order to bring them in line with best practices and the fact that the new law on organisation foresees a decentralised system for corruption.

Serbia is delayed in adopting a new **Financial Investigation Strategy** and corresponding action plan, after the previous strategy expired in 2016. A draft strategy was prepared and an implementation coordination body, consisting of the MoJ, the MoI, the SCC and the Republic Public Prosecution Office, is envisaged. The Financial Investigation Unit (FIU) has 63 staff after reinforcement in 2017. Serbia is delayed in conducting an analysis of harmonisation of all national legislation with the Financial Action Task Force (FATF) recommendations, while the aforementioned Law on Organisation and Jurisdiction of Government Authorities is already in line with these recommendations. The risk of assets being taken out of the country, due to the lack of a pro-active approach in financial investigations, including in being carried out in parallel to criminal investigations, persists. The FIU is being set up to perform the functions of **Asset Recovery Offices** related to the exchange of police data in line with the *acquis* (for mutual legal assistance, responsibility will be with the MoJ). While the FIU team is enabled to perform its functions, a few final steps are required, namely the establishment of a secure connection (so-called SIENA channel) between Serbia and the EU Member States/Europol, the installation of some IT equipment, and some further legislative alignment. There is a delay in the adoption of bylaws to the 2016 Law on Amendments for the Law on Seizure and Confiscation of the Proceeds from Crime regarding record keeping, management of seized assets and value assessment. The value of confiscated proceeds of criminal activities so far remains low. Various training activities continued to take place on asset confiscation to the benefit of both police officers and prosecutors.

As regards **money laundering and the financing of terrorism**, Serbia is delayed in strengthening the capacities of the Administration for the Prevention of Money Laundering (APML). This will be carried out with EU assistance focusing on the quality of the analysis of suspicious transactions carried out by APML. The adoption of a new Law on the Prevention on Money Laundering and the Financing of Terrorism is delayed. The Commission provided comments earlier in 2017. According to the Serbian authorities, the 2015 – 2019 Strategy against Money Laundering and the Financing of Terrorism and its related action plan are being implemented while the first regular report is expected only for 2018.

In August 2017, Serbia adopted a new Strategy for the Prevention and Suppression of **Human Trafficking** especially Women and Children and the Protection of Victims for the period 2017 – 2022, together with its accompanying action plan. The strategy is in line with the EU's human trafficking strategy and a human rights based approach. On the basis of this strategy, Serbia needs to take steps towards a pro-active identification and protection of victims of human trafficking. An Office for Coordination of Activities in Combating Trafficking in

Human Beings was established in the MoI (currently four staff) and its head of office appointed in July 2017. The Office is mandated to monitor, coordinate and direct the implementation of the new strategy and action plan, planned to be carried out with CSO participation. The appointment of a National Anti-Trafficking Coordinator is being prepared, while there is a delay in analysing Serbia's national legislation to this end. There is also a delay in appointing specialised investigators at local and regional levels. This is foreseen in the Systematisation Rulebook. During the first half of 2017, eight defendants (same as in the second half of 2016) were convicted for trafficking in human beings (under Art. 388 of the Criminal Code).

Serbia is encouraged to adopt a long-term strategy on how to effectively address the growing threat of **cybercrime**. Although it conducted an analysis of its legislative framework on the steps required to align with the *acquis* in this area, there is a delay in following up on the recommendations. Furthermore, Serbia has to further strengthen its operational capacity within the police to effectively address cybercrime, including through the establishment of specialised sections for investigations of abuse of credit cards, e - commerce and e-banking and suppressing illegal and harmful content on the internet. This is foreseen in the Systematisation Rulebook.

An **operational agreement with Europol** is in place. A Serbian Police Liaison Officer has been posted at Europol since March 2017. Furthermore, five joint investigation teams exist with frequent contacts to the POOC. However, the Europol National Contact Point is not fully staffed, with only three out of nine positions, including the head of the office, being filled. Serbia has a training programme for officers in the field of international operational police cooperation, including for instance on the use of SIENA. There is a delay in the adoption of a manual on procedures for handling personal data and a plan of personal data protection, while a draft has been prepared. Furthermore, there is a delay in the development of Guidelines on International Operational Police Cooperation, in strengthening the capacities of the 24/7 duty service for the needs of international operational police cooperation, and in adopting a rulebook and instructions for domestic and foreign liaison officers. According to the Serbian authorities, assessments of administrative capacity needed to implement EU police co-operation instruments were carried out, while the respective recommendations still need to be acted upon.

The working arrangement with the **European Police College (CEPOL)**, enabling the full implementation of the CEPOL agreement, was signed in September 2017. Providing for a solid basis for mutual support in training activities for law enforcement officials and the exchange of best practices in cooperation mechanisms, this arrangement should help enhancing the effectiveness of fighting cross-border crime in particular.

Fight against terrorism, violent extremism and firearms trafficking

Since 2009, Serbia's National Security Strategy recognises terrorism and violent extremism as one of the greatest threats to its security. In October 2017, Serbia adopted the National Strategy 2017 – 2021 and Action Plan for Preventing and Fighting Terrorism. The Commission had provided comments earlier in 2017. The strategy focuses on prevention of radicalisation, violent extremism and terrorism as well as the prosecution of terrorists, and the protection from systematic response to terrorist attacks. It foresees the establishment of a National Coordinator for Counter-terrorism, tasked to monitor and evaluate implementation. Subject to analysis of the finally adopted version, the strategy is in line with the EU counter-terrorism strategy based on the model Prevent-Protect-Pursue-Respond.

Serbia's Taskforce on Combatting Terrorism continues to meet regularly. The specialised Criminal Police Directorate department, in charge of preventive and countering measures, and the Security-Intelligence Agency (BIA) cooperate and exchange information with Europol, Interpol and its regional counterparts. Regional cooperation should be enhanced. There is a delay in setting up a single national database on terrorism-related information. Serbia reported that no new departures to foreign battlefields were recorded since 2016. So far, the prosecution filed indictments against seven persons for terrorism-related offenses (including radicalisation and recruitment), out of which four were accused of financing of terrorism.

Serbia is participating in implementing the Western Balkan Counter Terrorism initiative (WBCTi) and the Action Plan on the illicit trafficking of firearms between the EU and the South East Europe Region (2015-2019). For the latter, a permanent team is active in the Western Balkans Firearms Expert Group and its joint operations. In both fields, Serbia continuously cooperates with Europol. In July 2017, around 18 000 illegal weapons were destroyed, and an arrangement on joining Europol's firearms focal point was signed. However, there is a delay in adopting a new strategy on small arms and light weapons.

Co-operation in the field of drugs

There is a delay in aligning the Law on the Psychoactive Controlled Substances (PACS) and the Law on Precursors with the *acquis*. Following these amendments, Serbia still has to amend its normative framework on the procedures for the storage and destruction of drugs and prepare destruction programmes in line with European best practices. The Office for Combatting Drugs, an inter-ministerial coordination office for drugs, set up in May 2016, is now operational but its current staffing is insufficient. According to the Serbian authorities, it has set up a network among all stakeholders relevant for the implementation of the strategy and the action plan on suppression of drug abuse. The office is currently working on the first implementation report of the strategy, following inter-ministerial consultations, and on the basis of a report with recommendations on the follow-up action plan received by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

Serbia's cooperation with the EMCDDA is smooth, and runs through its national focal point, the National Monitoring Centre for Drugs located at the Ministry of Health. The centre drafted the Serbian National Drug Report which was published in June 2017 on the EMCDDA website. With EMCDDA technical assistance during 2016 and 2017, Serbia made efforts to align its drug seizure data collection, analysis and reporting with EMCDDA requirements and methodologies. The Ministry of Health is also developing an early warning system on new psychoactive substances among the different institutions involved at national level, currently delayed. A protocol describing the system and the cooperation between all different stakeholders is being finalised at national level. According to the Serbian authorities, a mechanism for submitting information on newly identified psychoactive substances between the Ministry of Health and the Criminal Police Department was established in June 2017.

During the first half of 2017, some activities were carried and cooperation with CSO established with a view to enhancing drug abuse prevention. With EU assistance, a training programme on an improved methodology in narcotics investigations was conducted. Serbia is delayed in providing on-the-spot tests for preliminary field identification of PACS for police and customs administration purposes. During the first half of 2017, a total of over 2 133 tons of various substances, including roughly 9 kg of Heroin were confiscated.