



**РЕПУБЛИКА СРБИЈА**

**ПРЕГОВАРАЧКА ГРУПА ЗА ПОГЛАВЉЕ 24**

**ЗБИРНИ КОМЕНТАРИ ОРГАНИЗАЦИЈА ЦИВИЛНОГ ДРУШТВА НА**

**АКЦИОНИ ПЛАН**

**ЗА ПОГЛАВЉЕ 24**

**- октобар 2015. године -**

1. MIGRATIONS				ORGANIZATION
No.	CSO RECOMMENDATION	STATUS	REASONING/EXPLANATION	
INTRODUCTION				AWC
	<p><i>“In the period 1. January - 30. November 2014, a total of 27,339 temporary stay permissions were granted to foreign nationals in the Republic of Serbia. Out of the total number of permissions, 13,207 were issued for the purpose of family reunification, 10,904 for employment, 2,009 for education and 374 for ownership over immovable property and other purposes. Moreover, in the reference period a total of 8,197 foreigners had permission for permanent residency.”</i> The data presented should be segregated by sex in the sentence and the period should be 1.1.-31.12.2014</p>	Will be Adopted	<p>Suggestions or comments of the AWC relating to the introductory part of the subsection MIGRATION should be amended with the data on the number of foreign nationals who have been granted temporary or permanent residence in the Republic of Serbia, separated by gender. Also, while implementing activities relating to the amendment to the Law on Foreigners it should be taken into account certain provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence and the Council of Europe Convention on preventing and combating violence against women and domestic violence. In this regard, we inform you that the above mentioned shall be taken into account during revision of the Action Plan.</p>	
	<p><i>“This Action Plan is going to continue with carrying out activities for gradual harmonizing with the <i>acquis</i> and with the final result of full harmonisation with the EU Directives. In the first phase, harmonization with the relevant pieces of the <i>acquis</i> will be in the areas of: granting temporary residence to third-country nationals for the purpose of family reunification; granting permanent residence to third- country nationals; granting temporary residence to third- country nationals for the purposes of studies, pupil exchange, professional training or voluntary service, as well as scientific research; returning illegally staying foreigners- which defines illegal entry, transit and residence; strengthening of the penal framework to prevent facilitation of unauthorised entry, transit and residence; the residence permit issued to third- country nationals who are victims of trafficking in human beings or have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities - these have been partially implemented in the national legislation.”</i></p> <p>By ratifying <b>CoE Convention on Preventing and Combating Violence against Women and Domestic Violence</b><sup>3</sup> the State of Serbia accepted</p>	Adopted	<p>This shall be taken into account when drafting the new Law on Foreigners.</p>	

to make legislative changes in accordance with this Convention, which means that new Law on foreigners should be in line with the articles prescribed in the **Chapter VII of the Convention – Migration and asylum**

**Article 59 – Residence status**

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.
2. Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.
3. Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:
  - a. where the competent authority considers that their stay is necessary owing to their personal situation;
  - b. where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.
1. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

**In the view of the previous, the suggested sentences should be**

	corrected.		
<b>1.1. RECOMMENDATION: 1</b>			<b>AWC</b>
1.1.	In the proposed activity, and CoE Convention on Preventing and Combating Violence against Women and Domestic Violence should be added.	Adopted	This shall be taken into account when drafting the relevant legal provisions.
<b>1.1. RECOMMENDATION: 1</b>			<b>GROUP 484</b>
1.1.4	It is commendable that the activity 1.1.4 stipulates the importance of the mechanism for inter-sectoral coordination in the area of migration management. However, the way this activity is formulated reflects the lack of a general idea for the areas of migration and asylum. Namely, the Action Plan foresees no activities related to the defining and adopting the national migration strategy, or a unified and coherent strategic framework. All of the migration policy segments that are covered by the AP are interconnected, so there must exist a unified approach and clearly defined goals of the national migration policy. Is there any intention for creating a new, strategic framework for managing migrations and, if yes, how it will be integrated with the AP for Chapter 24?	Not Adopted	Regarding this suggestion that within the framework of the Action Plan should be defined actions related to the adoption of a new national migration strategy we have to point out that the measures and activities from the AP are being formulated to identify the existing problems in the migration management and harmonize with the EU Acquis. In this sense, the strategic framework of the Republic of Serbia for migration management and coordination mechanisms that have been enhanced in the past by the existing Strategy for migration management and the Law on migration management are being analyzed in detail, on which occasion we did not estimate that there is a need to adopt a new strategy in this area.
<b>2. AZYLUM</b>			<b>ORGANIZATION</b>
<b>No.</b>	<b>CSO RECOMMENDATION</b>	<b>STATUS</b>	<b>REASONING/EXPLANATION</b>
<b>INTRODUCTION</b>			<b>AWC</b>
	<i>"The Republic of Serbia is facing a significant increase in the number of persons expressing the wish to apply for asylum in the Republic of Serbia. The vast majority of these move on at relatively short notice but nevertheless pose a considerable pressure on the Serbian asylum system. Recent data are as follows : in 2008 there has been 77 of</i>	Will be Adopted	Comments indicating that the statistical data on expressed intention and filed applications should be shown by a person's gender shall be considered during possible revision of the Action Plan. Please note that the Asylum Office disposes of the specified

	<p><i>them, in 2009 – 275, in 2010 – 520, then great increase of 3134 confirmations issued in 2011, in 2012 - 2723, in 2013 – 5066, in 2014 16,500. In the period 1. January - 30. February 2015, there were 4962 confirmations issued. from which there was 2226 accommodated in the Asylum Centres, Out of that number was registered 114 persons, 112 asylum applications submitted 8 interviews conducted and 98 decisions were made.”</i></p> <p>The data in the suggested sentences should be segregated by sex so to acknowledge whether women asylum seekers applied for individual asylum or within the family.</p>		<p>data.</p>
	<p><i>“The legislative framework of the area of asylum is partly in accordance with the EU acquis related to the area of asylum. This Action Plan is going to continue with carrying out activities for gradual harmonizing with the acquis and with the final result of full harmonisation with the EU Directives, especially Directive (2005/85/EC) and recast 2013/32/EU Directive 2011/95/EC, Directive 2001/55 /EC and Directive 2013/33 / EU. In the first phase, harmonization with the relevant pieces of the acquis will be in the areas of : Granting access to asylum procedures in Serbia in case when the safe third country does not allow applicant to enter its territory; The fact that recording of asylum seekers currently is not treated as the asylum application; Estimation of age; Definition of the act of persecution; Definition of an Acting of persecution; Basis for exclusion; Definition of "safe country of origin", "first country of asylum", "safe third country", "unacceptable request" and "border procedures", Requirement to formally terminate the procedure in case of implicit withdrawal or cancellation procedure; the rights of international protection beneficiaries.”</i></p> <p>By ratifying CoE Convention on Preventing and Combating Violence against Women and Domestic Violence<sup>4</sup> the State of Serbia accepted to make legislative changes in accordance with this Convention, which means that new Law on Asylum should be in line with the articles prescribed in the Chapter VII of the Convention - Migration and asylum</p>	<p>Adopted</p>	<p>As regards the comments which relate to the fact that the persecution of women must be included in one of the bases for the approval of one of the forms of international protection, we inform you that the Law on Asylum provides that the right to international protection has a person who, inter alia, has a reasonable fear of persecution because of his/her gender, regardless of whether he/she is a man or woman. Also, a special procedure towards women, who in accordance with the current regulations fall within the category of vulnerable persons, is already being applied.</p> <p>It is to be pointed out that the procedure related to vulnerable categories shall be completely adjusted through the process of national legislation harmonization referring to the asylum field with the Directives 2013/32/EU, 2011/95/EC, 2001/55 / EC and 2013/33/ EU.</p>

	<p><b>Article 60 – Gender-based asylum claims</b></p> <ol style="list-style-type: none"> <li>1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.</li> <li>2. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.</li> <li>3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.</li> </ol> <p><b>Article 61 – Non-refoulement</b></p> <ol style="list-style-type: none"> <li>1. Parties shall take the necessary legislative or other measures to respect the principle of <i>non-refoulement</i> in accordance with existing obligations under international law.</li> <li>2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.</li> </ol> <p><b>In the view of the previous, the suggested sentences should be corrected.</b></p>		
<b>2.1.1. RECOMMENDATION: 1</b>			<b>BHCR</b>
2.1.1.	While we commend the decision to have officers who are constantly present in the centers, it would have been much more efficient to have	Clarified	In each asylum center there is a police officer responsible for registration of persons who have expressed intention to seek

	<p>them conduct the entire RSD procedure there, and not just register the asylum-seekers. However, the results are what really matters, and we would like to remind the MOI that the Law on Asylum, art. 25, obliges the Asylum Office to allow the submission of the asylum application within 15 days following registration - which means that RSD officers would have to travel regularly to the asylum centers, including the ones in Sjenica and Tutin.</p>		<p>asylum, even before the official filing the asylum application, which accelerates the procedure. It has to be pointed out that there is very small number of migrants placed in the asylum centers at the moment, regardless of increased inflow of migrants coming to the Republic of Serbia who are not staying there more than 24h.</p> <p>However, if this trend ceases, i.e. if the persons who have expressed their intention to seek asylum end up joining the asylum system, they will be enabled to do so in accordance with the law, meaning, they will be able to file an application within 15 days from the registration and a decision upon their request shall be brought during the sixty days, having in mind the increased number of police officers working in the Asylum Office on determining the right to asylum.</p> <p>Also, we are pointing out that going to asylum centers (Tutin and Sjenica) for the purpose of being able to file an asylum application and perform interview has already been done so far in accordance with deadlines laid down by the law.</p>
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<b>2.1.2. RECOMMENDATION: 2</b>	<b>PRAXIS</b>
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2.1.2.1.	<p>At the last meeting, we were told that new Rulebook on internal organization and job classification in the Ministry of Interior confidential document, please provide basic background information on the establishment, composition and powers of the new Asylum Office, since the establishment of the Office is first major step towards the implementation of the announced reforms of the asylum system.</p>	Noted	<p>Regarding the comments relating to basic information on the newly established Asylum Office, we hereby inform you that the Asylum Office was established pursuant to the Rulebook Amending the Rulebook on Internal Organisation and Job Classification of the Ministry of the Interior, secret, ref.no. 01-9681/14-8, dated 14 January 2015. Up to that date the asylum procedure had been conducted by the Asylum Section. The job classification envisages 29 work posts in the Asylum Office. The legal basis for the asylum procedure activities performance and the powers of the Asylum Office personnel are stipulated by the Law on Asylum.</p>
2.1.2.2.	<p>At the last meeting, we were informed that the employees of the Asylum Office have already had one training. What was the purpose/subject of that particular training?</p>	Clarified	<p>In the framework of the EACO training programme, the Asylum Office personnel has participated in the training courses relating to the interviewing technique and common EU asylum systems.</p>

2.1.3. RECOMMENDATION: 3			BCHR
2.1.3.2.	We applaud the decision of the MoI to organize an outreach campaign, but there is nothing in the Action Plan of any substance concerning this issue. There are no indicators of success apart from the campaign having been conducted. We suggest that the following be taken into consideration for use as indicators: the number of citizens who have been informed about the nature of the asylum system; the number of training sessions / workshops conducted; direct advocacy with the citizens (the general public but those living close to asylum centers particularly), etc.	Adopted	Report on implemented activities will contain detailed results and indicators as it is general reporting standard.
2.1.4. RECOMMENDATION: 4			BCHR
2.1.4.1.	The previous version of the Action Plan foresaw that the gap analysis be finished by June 2015. We have not been informed about the reasons for this change. We request that the MoI bear in mind the time needed to draft a proper Law on Asylum in light of the fact that the adoption of the new Law is planned for the first quarter of 2016 and that the gap analysis should be done as soon as possible.	Adopted	The timeframe is aligned with twinning project IPA 2013.
2.1.4.2.	We appreciate that the MoI has informally let us know that civil society and UNHCR will be part of the process of drafting the new Law on Asylum, but it would have been more appropriate to have made this known in the Action Plan.	Not adopted	In line with the Twinning Program “Support to the national asylum system” , after performance of the gap analysis of the national legislation done by Swedish experts responsible for the component referring to bringing the new law, a workshop for representatives of the civil society shall be delivered, representing reached results of the performed analysis, gaps as well as possible solutions. The workshop is planned for December 2015, and in the course of bringing the final draft of the Law on Asylum, comments and recommendations of the civil society shall be taken into consideration.



2.1.4.4.	<p>There are a number of by-laws that should have been adopted even before the entry into force of the new Law on Asylum - most of them, the ones concerning integration, are within the jurisdiction of the Commissariat for Refugees, but the one concerning a travel document for refugees must be adopted by the MoI, as envisioned by the 2008 Law on Asylum. We urge the Ministry to take steps ASAP, fully in line with international and domestic law, to enact all of the necessary by-laws, and not to wait for the passing of the new law. CSOs are interested to get information about the progress re: this proposal.</p>	Clarified	<p>The adoption of the new by-laws will follow the adoption of the new Law on Asylum. Thus, the by-law on refugee travel document will also be adopted in accordance with the new law, or, in case of favourable technical capacities, even before its adoption and in accordance with the applicable legislation.</p> <p>In the harmonisation procedure of our national legislation with the EU Acquis in the asylum area, except for those pieces of legislation that were particularly referred to, the Ministry of the Interior will bear in mind and take into account all other comments and suggestions given to date, as well as those that will follow, by the non-governmental organisations as important actors in the national asylum system.</p>
2.1.4.5.	<p>We find the process of developing the by-laws that would regulate integration to be non-transparent. We request that civil society and UNHCR be allowed to offer their expertise to the Commissariat for Refugees in this regard. We also request to be informed about how the entire integration policy in Serbia will look like, as, at present, there is talk only of accommodation (the previous version of the Action Plan contained a reference to integration at this point, but it has since been discarded).</p>	Adopted	<p>The integration programmes will be developed through twinning project and relevant stakeholders will be involved in appropriate way.</p>
<b>2.1.4. RECOMMENDATION: 4</b>			<b>PRAXIS</b>
2.1.4.1.	<p>How do you plan to involve CSOs in drafting of the Gap Analysis of the existing asylum legislative framework and in the new draft of the Law on Asylum? At the last meeting, it was mentioned there was going to be “full commitment to system reform” , why NGOs are not mentioned in the AP as responsible for these activities together with the Ministry of Interior, the Commissariat for Migration and Asylum Office (as it was done for the activity 6.2.8.2.)</p>	Adopted	<p>In line with the Twinning Program “Support to the national asylum system”, after performance of the gap analysis of the national legislation done by Swedish experts responsible for the component referring to bringing the new law, a workshop for representatives of the civil society shall be delivered, representing reached results of the performed analysis, gaps as well as possible solutions. The workshop is planned for December 2015, and in the course of bringing the final draft of the Law on Asylum, comments and recommendations of the civil society shall be taken into consideration.</p>

2.1.4. RECOMMENDATION: 4			AWC
2.1.4.2.	In the proposed activity the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence should be added.	Adopted	2.1.4.1.-2.1.4.2. Bearing in mind that drafts of all strategic and other legal acts are subject to public debates enabling all stakeholders to express their remarks, comments and suggestions before the above mentioned acts are adopted, the comments and suggestions of non-governmental organisations relating to the existing legal framework in the asylum area will be taken into consideration and integrated into the new asylum-related legislative farmework.

5. JUDICIAL COOPERATION IN CRIMINAL AND CIVIL MATTERS			ORGANIZATION
No.	CSO RECOMMENDATION	STATUS	REASONING/EXPLANATION
INTRODUCTION TEXT			AWC
	<p>The data in the sentence <i>“With the adoption of the Law on international private law, as well as amendments to the other relevant national legislation, in line with the results of Impact assessment, the legislation of the Republic of Serbia shall be harmonized with respective EU Aquis.”</i> do not present current state of play with regard to draft of the new Private International Law.</p> <p>Ministry of Justice published draft of the new Private International Law, which preserved the regulation of the existing law with regard to judicial recognition of foreign judgments, which will not be in accordance with the <i>Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations</i> nor with <i>Regulation 2013/606/EU of the European Parliament and of the Council of 12 June 2013 on mutual recognition protection measures in civil matters</i>. The new version of the draft proscribes recognition and enforcement of protection</p>	Not adopted	EC requested external expert to prepare Impact assessment where the „roadmap“ for legal harmonization will be determined (separate International Private Law or ammdements to the current legislation). This CSO comment is actually referring to a working version of the Law that will wait for expert analysis and related changes in accordance with respective EU Aquis.

	measures in easier procedure than regular, having in mind that right now Serbia cannot accept certificate proscribed in art. 7 of the above mentioned Regulation. Serbia still doesn't have a law which will regulate the procedure in respect of <i>The Hague Convention on the Civil Aspects of International Child Abduction</i> .		
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<b>5.1. RECOMMENDATION: 1</b>			<b>AWC</b>
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5.1.1	In the proposed Activity 5.1.1. it should be added and 11. Regulation 2013/606/EU of the European Parliament and of the Council of 12 June 2013 on mutual recognition protection measures in civil matters.	Adopted	Impact assessment will include Regulation 2013/606/EU.
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<b>5.3. RECOMMENDATION: 3</b>			<b>AWC</b>
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5.3.1	In proposed Activity 5.3.1. it should be added and 15. Directive 2011/99/EU on the European protection order (in criminal matters).	Adopted	Impact assessment will include Directive 2011/99/EU.
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<b>5.6. RECOMMENDATION: 6</b>			<b>AWC</b>
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5.6.	Proposed Indicators of impact for the Recommendation 6 will not demonstrate how created material conditions in courts and prosecution offices will allow for international judicial co-operation.	Passed to AP CH23	Since this is activity from AP for Chapter 23, it is copied in this subchapter. Responsible colleagues received this comment .
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<b>6. Police cooperation and fight against organised crime</b>			<b>ORGANIZATION</b>
<b>6.1. Police cooperation</b>			

No.	CSO RECOMMENDATION	STATUS	REASONING/EXPLANATION
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<b>6.1.4. RECOMMENDATION: 4</b>			<b>BCSP</b>
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6.1.4.2.	Add the following activity: Initiative establishment of the additional Task Force within the SELEC organizational structure which will be responsible for prevention of violent acts on sport events in SEE by (1) development of a policy action in order to propose the model of the regional co-	Clarified	With regard to the comment to the Draft Action Plan for Chapter 24 in the part which is within the competence of the Department for Public Peace and Order in the area of the prevention of violence at sports events, we are of the opinion that they are constructive.
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	<p>operation framework for prevention of hooliganism in SEE, (2) presentation of that model to the SELEC, RCC and law enforcement agencies in SEE and (3) implementation of the policy action by the end of 2017.</p> <p><i>Responsible authorities:</i> The Ministry of Interior (Bureau for International Cooperation and European Integration, Directorate for international Operative Police Cooperation, Department for the Monitoring and the Prevention of Violence at Sports Event)</p> <p><i>Deadline:</i> December 2017</p> <p>Result: Hooliganism Prevention Task Force within SELEC established</p>		<p>However, in compliance with the Council Decision 2002/48/JHA of 25.04.2002 concerning Security in Connection with Football Matches with an International Dimension, which the Ministry of the Interior of the Republic of Serbia is to implement in the process of the EU Integration in accordance with the Recommendation of the European Commission, the police of Serbia is to establish the National Information Football Point, which each EU Member State has. This National Information Football Point already exists and it is the Department for Public Peace and Order. International Police Cooperation already takes place in relation to all crime areas and thus the international cooperation relating to fight against violence and misbehavior at sports events already takes place via INTERPOL, EUROPOL and SELEC channels as well. For instance, the latest example of information exchange via SELEC via the Serbian Liaison officer is the football match between Albania and Serbia, which took place in Tirana in October this year.</p>
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<b>6. Police cooperation and fight against organised crime</b>			<b>ORGANIZATION</b>
<b>6.2. Fight against organised crime</b>			
<i>No.</i>	CSO RECOMMENDATION	STATUS	REASONING/EXPLANATION
<b>6.2.2. RECOMMENDATION: 2</b>			<b>AWC</b>
6.2.2.2.	<p>This activity could not be performed in this manner because the Constitution and Law on protection of data requires that any data exchange should be regulated only by Law</p>	Adopted	<p>The exchange of the information through the criminal intelligence system (CIS) relates to information that state authorities already possess and exchange in classic manner in line with their competences prescribed by the law. The MOI has developed a business case for the CIS project, together with foreign experts. The implementation of this system requires the adoption of law which would establish CIS, as well as the change of the existing Law on police and Law on public prosecution to prescribe the exchange of data through CIS, and also requires adoption of the by-laws which would regulate the manner of exchange of each IT</p>

			system with CIS, type of data, etc.
<b>6.2.8. RECOMMENDATION: 8</b>			<b>ASTRA</b>
	The Action Plans for Chapter 23 and 24 need to be more harmonized in the area of combating human trafficking (related to the area of combating human trafficking, the position and protection of victims in criminal proceedings and compensation for victims of violent crimes, including trials for organized crime)	Adopted	Chapter 23 has whole one subchapter on Fundamental rights, including victims' rights. This Action Plan stipulates as an activity 6.2.8.4 "conduct an overall analysis", and this analysis will provide overview of EU acquis and recommendations for all changes that need to be made in legislation, including the mentioned principles, in order to achieve harmonization with the acquis. Furthermore, section 6.11. of the Action Plan has provisions on witness protection and victim witness support. Even though only very small percentage of missing children relates to trafficking in human beings, as this is very important mechanism, known abroad as Amber alert, in order not to be missed from the picture, it will be included in the analysis in the activity 6.2.8.4. we included CSOs, possessing relevant expertise and experience. However, the analysis will be conducted by a TAIEX expert, so these funds cannot be redirected to other subjects.
Introduction text	NGOs should read: CSOs	Adopted	Accepted and redefined.
6.2.8.	Overall result should state as follows - Full harmonization with the <i>acquis</i> in the field of trafficking in human beings and implementation of EU THB policies.	Adopted	Accepted and redefined. Overall result is now defined as Full harmonisation with the <i>acquis</i> in the field of trafficking in human beings and implementation of EU THB.
6.2.8.3.	Evaluation Report on the implementation of the Strategy containing for changes and additions is too comprehensive and basically it is not an indicator, and this needs to be more precise.	Adopted	The indicator for this measure is now defined as Evaluation in line with the indicators envisaged in Action Plan for implantation of Anti trafficking.

6.2.8.5.	The Law on Free Legal Aid does not yet exist and therefore this cannot be used as an indicator for this measure.	Adopted	
6.2.8.6.	The indicator suggested for this cannot be an indicator for this activity, but the list of common indicators (or “criteria”) for recognizing/identifying trafficked persons - available on Centre’s website or disseminated to relevant actors (specified) and instructions developed on the basis of this document etc.	Adopted	This is not relevant anymore, since this column “source of verification” according to EC will not be needed.
6.2.8.8.	Reformulate this activity to make it more clear and to clearly distinguish and emphasize difference between this activity and the activity of setting up the office of National Rapporteur	Adopted	EC deleted activity <i>Finalize the steps to appoint the National Anti-Trafficking Coordinator according to the Strategy</i> , since it is envisaged in the Strategy to be adopted.
6.2.8.8.	The Ministry of Interior is listed as the only responsible authority for implementation of this measure. Although this is clearly a project activity, if an activity foresees education of police officers and prosecutors, it is logical that the Ministry of Justice and the Republic Prosecutor’s Office should be listed also as responsible authorities.	Adopted	Accepted and adopted. Responsible authority for implementation of this measure are <b>Ministry of Interior</b> /General Police Directorate/Criminal Police Directorate /Service for Suppression of Organized Crime, Republic Public Prosecutor Office and Judicial Academy.
6.2.8.9.	The suggested indicator for this measure is <i>Strategic picture developed, first SOCTA</i> , whereas <i>First SOCTA</i> is also listed as a source of verification. An indicator and a source of verification should not be one and the same. Therefore, it is suggested that the SOCTA part of the indicator is deleted and left as a source of verification.	Adopted	Indicator for this measure is now defined as Strategic picture developed, First SOCTA.
6.2.8.10.	It is not clear why prosecutor’s office, court and inspectorates are put as the indicator for the activity exclusively related to the improvement of organizational capacities of the criminal police.	Adopted	In new draft version there is no such sentence.
6.2.8.11.	In the new draft, activity 6.2.8.11. has been omitted. Here we suggest to return the activity from the previous draft regarding the setting up of the office of the National AT Coordinator.	Not adopted	EC deleted this activity.
6.2.8.13.	The indicator for this measure should essentially show whether the “technical goods” have been installed, whether they are used, whether	Adopted	Accepted and redefined (Purchase of technical equipment, training of equipment users).

	people are trained to use them, etc.		
6.2.8.14.	The indicator suggested for this measure is <i>At least 20 officers educated</i> . Such indicator does not reflect the success of this very important activity.	Adopted	Accepted and adopted as At least 40 officers to participate in continuous trainings.

<b>6.2.9.1 RECOMMENDATION: 9</b>	<b>AWC</b>
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Introduction	<p>The data in the suggested sentence do not present current state of play with regard Cyber-crime. <b>The following data should be added to this part:</b> here are problems in prosecuting most criminal acts of cyber crime against person, especially the ones conducted against an adult, because the prosecution is not <i>ex-officio</i>. There is also the need to revise current legislative with the <i>Directive on the sexual abuse and sexual exploitation of children and child pornography</i> and <i>Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Convention”)</i>.</p>	Partially adopted	<p>We agree with the need to revise current legislation with the <i>Directive on the sexual abuse and sexual exploitation of children and child pornography</i> and <i>Council Of Europe Convention On The Protection Of Children Against Sexual Exploitation And Sexual Abuse (“Lanzarote Convention”)</i>. In this respect, Draft Law on Amendments and Addenda to the Criminal Code introduces new form of commission of criminal offence “Showing, procuring and possession of Pornographic Material and Juvenile Pornography”, from Art 185 of CC, (penalizing knowingly access, through information and communication technologies, to child pornography). Also the Draft Law introduces the definition of term “child pornography”.</p> <p>We disagree with the comment that the most of the cyber-crime offences are not prosecuted <i>ex officio</i>, as very small percentage of these offences are not prosecuted <i>ex officio</i>. Namely, criminal offences against security of computer data, Criminal offences against intellectual property, property, commerce and industry and legal traffic, gender freedoms, public order and peace, Constitutional system and security are prosecuted <i>ex officio</i> by cyber-crime prosecutor’s office while the public prosecutor’s offices of general jurisdiction prosecute these criminal offences <i>ex officio</i> if they are below the threshold stipulated in the Law on Cyber-crime. Only several criminal offences are not prosecuted <i>ex officio</i>.</p>
6.2.9.3.1	It is unclear how the proposed Activity 6.2.9.3.1 will strengthen cooperation among state authorities and with civil society institutions in fighting cyber-crime if civil society organizations are not, for instance,	Clarified	As the activity 6.2.9.3.1 envisions strengthening cooperation among state authorities and civil society institution in fighting cyber-crime in practice (i.e. in specific cases of cyber-crime), this activity is not connected with legislative analysis and legislative

	included in any form in the activities 6.2.9.2.1 and 6.2.9.2.2.		drafting stipulated in the activities 6.2.9.2.1 and 6.2.9.2.2. In any case, if CSO have interest in the activities 6.2.9.2.1 and 6.2.9.2.2., they are welcome to participate in public debates and roundtables, which are integral part of legislative drafting process.
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7. FIGHT AGAINST TERRORISM			ORGANIZATION
No.	CSO RECOMMENDATION	STATUS	REASONING/EXPLANATION
INTRODUCTION TEXT			BCSP
	Introduction should be developed so to clearly state which state authorities are currently responsible for prevention and fight against terrorism, existing overlaps and division of competencies. It is especially important to clarify the competencies of Standing Cooperation Group in charge of coordinating activities related to implementation of National Strategy against Money laundering and Terrorism Financing and Permanent Joint Task Force established on 9 January 2015.	Not Adopted	The presentation of the Republic of Serbia at the bilateral screening for the Negotiating Chapter 24, in December 2013, contained the legal framework and the list of competent public authorities in the area of counter-terrorism. We draft this Action Plan in order to meet the recommendations given by the European Commission in its Screening Report of 25 July 2014. The Permanent Counter-Terrorist Joint Task Force was formed on 9 January 2015. The Government of the Republic of Serbia plans to adopt this year the National Strategy for the Prevention and Fight against Terrorism and related implementing Action Plan. Bearing in mind all the above, 2015 is a year when the Republic of Serbia will have its normative framework and needed capacities building completed in the above mentioned area.
	The description of current scope of problem of foreign fighters should include also information about estimates of Serbian citizens fighting in Ukraine, besides those who are in Syria and Iraq.	Not Adopted	The assessment of the second version of the Draft Action Plan by the European Commission says that the current situation concerning this subchapter is positive. Actually, it only found that preventive measures relating to radicalisation are lacking, but were subsequently introduced in the third draft.
	All existing projects supported by international community (.e.g. ICITAP) should be listed and presented in the section on sources of funding for the activities. The clarification should be made if the project "First Line	Clarified	We are still waiting the approval for the above mentioned project. Upon approval, it will be elaborated in more detail in the Action Plan.



	Practitioners Dealing with Radicalisation Issues” has been approved or it is still in waiting.		
	The key clarification should be made in regards to priority actions required for harmonisation with the EU acquis. The purpose of unique national database, joint task force etc. should be briefly described so to make this document comprehensible.	Not Adopted	In the course of this year, since we have been drafting this Action Plan, some activities have been implemented, which is elaborated in the current state of play description. PJTF should become fully operational in the course of 2015. As for the unique national terrorism-related database and for some envisaged activities, we still need to study and select adequate models within the deadlines envisaged by the Action Plan.
	More substantively, we highlight that measures envisaged in the AP do not provide balance between prevention and radicalisation measures with repressive measures against potential terrorist suspects. The EU’s Counter-Terrorism Strategy is based on four pillars, Prevent-Protect-Pursue-Respond. The EU Strategy’s Respond pillar suggests that, regardless of the Member States efforts, acts of terrorism might happen and it is important for the states to have rapid response capabilities and to be able to alleviate the consequences of such actions. The Strategy envisages using the existing civilian structures, the same ones that are used for emergency situation response in the case of natural disasters. As evidenced by the experience of managing the floods that struck Serbia in May 2014, Serbia lacks proper response mechanism for rapid reaction in these cases. Therefore, this should be a priority area addressed in this subchapter.	Adopted	The National Strategy to Prevent and Fight Terrorism will be fully harmonised with the EU Counter-Terrorism Strategy. The Republic of Serbia has adequate capacities. In the course of drafting the above mentioned strategy, the Task Force will consult all relevant social actors, including, of course, the Civil Society Organisations.
<b>7.1. RECOMMENDATION: 1</b>			<b>BCSP</b>
7.1.	Specify the responsible authority chairing the working group for development of National Strategy and Action Plan for Prevention and Fight against Terrorism: BIA or Ministry of Justice. The deadline for producing Counter-Terrorism Strategy is December 2015, whereas for the Law on Critical Infrastructure the set deadline is 2017/18. As far as the Law is concerned, BCSP commends the fact that extensive research and analysis is planned before the adoption of this legislative act. However, this is not the case for the Strategy, whose adoption is envisaged for December 2015 and there seems to be little to no debate regarding the process of its drafting so far. Why is that so? Are there	Clarified	The Chair of the Task Force is representative of the Ministry of Justice, in accordance with the Decision of the Government. He is the first mentioned person in the Action Plan, followed by the list of the competent public authorities and their representatives participating in the development.  As we have already mentioned, the process of adopting the new National Strategy to Prevent and Fight Terrorism will be followed by wide consultations with all relevant social actors.

	better capacities within MoI and other state services to address the topic of counter- terrorism, and are there more data and analyses on this topic? If so, why there are no reports, papers or analyses published on this topic? EUROPOL has the practice of publishing relevant reports (see: <a href="https://www.europol.europa.eu/latest_publications/37">https://www.europol.europa.eu/latest_publications/37</a> ) and this can serve as a good practice that MoI can employ as well.		
7.1.2.	The responsible authority for implementation of Strategy and AP should not be the working group tasked with drafting this document but some more permanent structure. The solution for this could be to task Permanent Joint Task Force within the National Security Council.	Adopted	The implementation will not be monitored by the Task Force.
7.1.3.	Clarify which institutions are envisaged to be part of Working Group for Monitoring and Evaluation. Similarly as in previous comment, the responsible authority for monitoring and evaluation should not be the working group but more permanent structure. Besides possible inter-agency groups composed of executive, this measure has to envisage presentation of monitoring and evaluation reports to the relevant parliamentary committee, so to make sure that democratic control of fight against terrorism is exercised.	Clarified	Answers to these questions will be given by the Task Force during the development of the Strategy. Your suggestion on the presentation of the monitoring report and assessment before the relevant Committee of the National Assembly of the Republic of Serbia is in accordance with our position.
7.1.6.	Same as above, envisage presentation of monitoring and evaluation reports to the relevant parliamentary committee, so to make sure that democratic control of fight against terrorism is exercised.	Clarified	Decision establishing Standing Coordination Group foreseen Standing Coordination Group for the monitoring and implementation of the AML/CFT Strategy submits to the Government reports on The National AML/CFT Strategy 2015-2019 and Action Plan implementation.

## 7.2. RECOMMENDATION: 2

BCSP

7.2.	Impact Indicator should be completely redone so to indicate changes for society. Move European Commission Progress Report to Sources of Verification column.	Not adopted	The impact indicator has been defined in cooperation with the TAIX expert. The European Commission asked to delete "Source of Verification" from the table.
7.2.1.	Correct the name of Responsible Authority from Ministry of Justice into Ministry of Finance: The Administration for the Prevention of Money Laundering. Deadline for drafting this law cannot be from June 2015 till the accession	Clarified	Throughout the Action Plan the legislative activities are defined as "draft a proposal". In the field "deadline" we will define more precisely that years refer to the adoption of laws, while the notion "till accession to the EU" refers to the law implementation.

	to the EU! The same issue exists for the measures 7.2.2. and 7.2.3. Explain why there is 45.048 Eur needed for implementation of this law in 2018, more than it is envisaged for implementation of Strategy for Prevention and Fight against Terrorism. If this activity is planned to be supported by IPA project, please list the name of activity even if it is still not approved by EC.		Following the standard methodology of presenting costs of the Negotiating Chapter 24 Action Plan, the costs of adopting laws amount to 40.008 EUR. The remaining sum of 5.040 EUR up to the amount of 45.048 EUR represents the regular costs of the Task Force who will be engaged in these activities, namely the costs of hiring public authorities representatives expressed in their gross salaries, and paid from the budget of the Republic of Serbia.
7.2.2.	List in Responsible Authorities that MoJ in consultations with interested CSOs, especially those working to provide assistance to victims of crime. This is in line with the best European practices in the fight against organised crime and terrorism.	Will be Considered	Ministry of Justice is informed on this suggestion.
7.2.3.	Official Gazette cannot be source of verification for proposal of law.	Not adopted	As we have already mentioned, all legislative activities in the Action Plane are defined as “draft a proposal”, “deadline” is the timeframe for adopting laws, while “source of verification” is their publication on the “Official gazette of the RoS”, upon adoption by the National Assembly of the Republic of Serbia.

### 7.3. RECOMMENDATION: 3

BCSP

7.3.	The overall result and suggested measures are not in line with the recommendation from the Screening Report that envisages functioning of capacity for not just investigation, but also prevention and response to terrorism. Impact indicator should be redrafted in line with indicators used by EU in the Action Plan for Fight against Terrorism.	Clarified	The National Strategy to Prevent and Fight Terrorism will define the prevention and the reaction in accordance with the EU Strategy. “Overall result” and “impact indicator” have been developed together with the TAIEX expert. The European Commission has not had any comments on that when it was considering the second version of the Draft Action Plan.
7.3.1.	The sources of verification for this activity are the Annual reports of the PJTF. It is not clear whether these will be publically available and, in line with the general recommendations, all sources of verification must be available to the public.	Clarified	PJTF was established on 9 January 2015. It should become fully operational this year. In principle, we agree with you.
7.3.5.	The envisaged budget for this activity amounts to 750 EUR for 2016, and it is foreseen to organize 5 trainings for 300 employees of state authorities. First, this means that an average training will be delivered to a group of 60 attendees, which is well above the optimal number for an efficient training to	Adopted	We plan the training courses process in 10 cycles. Each cycle will cover 30 candidates in the course of two years. Total cost will amount to 6.000 EUR (or 3.000 EUR for each year), given that the standardized training course price is 20 EUR per person a day.

	take place. Second, the budgeting for this activity is unrealistic if it was to be implemented as suggested in the AP.		
7.3.9.	This activity is planned for II quarter of 2017, whereas the following activity that envisages training of trainers (7.3.10) is planned for IV quarter of 2017. It would be more efficient to have the trainers trained first, so as to multiply the effects of trainings. It is suggested that the order of implementation of these activities is swapped.	Adopted	These two activities swapped places.
<b>7.4. RECOMMENDATION: 4</b>			<b>BCSP</b>
7.4.1.	This activity is planned for November 2015, whereas the following activity (7.4.2) envisages conducting the gap analysis based on the chosen model of best practice in line with the Directive 2008/114/EC only in III quarter of 2016. it would be expected that a more efficient approach would first conduct the gap analysis and then learning the best practices, since it is impossible to learn about the best practices prior to selecting them. It is suggested that the order of implementation of these activities is swapped.	Not adopted	In this case, firstly we need to review the best practices of several EU Member States. On that basis we need to conduct the gap analysis in the Republic of Serbia based on the adequate model. The Emergency Management Sector of the MoI of the Republic of Serbia, as an organizational unit within the competent public authority, plans to include in certain phases of the implementation of these activities all relevant social actors, which comprises the Civil Society Organisations
7.4.2.	This activity envisages the Official Gazette as the source of information. It is unclear why such a document would be published in the Official Gazette.	Adopted	It was corrected as a technical mistake.