

# Local Institutional Barometer

Belgrade, April 2023



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### Publisher

Belgrade Centre for Security Policy  
Đure Jakšića 6/5, Belgrade  
[www.bezbednost.org](http://www.bezbednost.org)  
(for the prEUgovor coalition)

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### Print

Unagraf, Belgrade

**Copies:** 100

**ISBN-978-86-6237-228-4**



This report has been produced with the financial assistance of the European Union, as part of the project *PrEUgovor Policy Watch: building alliances for stronger impact in uncertain future*. The contents of this document are the sole responsibility of the authors and can under no circumstances be regarded as reflecting the position of the European Union.

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## LIST OF ABBREVIATIONS

AP	Autonomous Province
CSW	Center for Social Work
EU	European Union
HPPO	Higher Public Prosecutor's Office
IOM	International Organisation for Migration
LAF	Local Anti-Corruption Forum
LaP	Local Action Plan for tackling the issues of refugees, internally displaced persons and returnees in the City of Subotica for the 2014-2016 period
LAP	Local Anti-Corruption Plan
LSC	Local Safety Council
Mol	Ministry of Interior
NS	Novi Sad
NSHC	Novi Sad Humanitarian Center
NGO	Non-governmental organisation
PD	Police Department
SCCM	Standing Conference of Cities and Municipalities
SCRM	Serbian Commissariat for Refugees and Migration
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
WSH	Women's Safe House



## Introduction

Coalition prEUgovor traditionally monitors the effects of reforms in the process of European integration of the Republic of Serbia. It has already produced two Institutional Barometers, whose objective is to monitor the measurable effects of reforms and progress in the process of accession to the European Union by applying a unique methodology and developed indicators. Bearing in mind that the reform process is often more visible at the local level of government, from the citizens' point of view, the Coalition decided for the first time to prepare a Local Institutional Barometer. This pioneering undertaking includes analysing the work of six selected institutions from lower levels of government that exercise their competencies in the areas of Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Rights, Freedom, Security).

The Local Institutional Barometer follows a methodology that has already been tried in practice and was developed for the needs of the Institutional Barometer at the national level. To assess the efficiency of the analysed institutions, the methodology and created indicators are divided into three different 'baskets' that reflect three dimensions of institutional functioning: internal efficiency, institutional embedment and institutional legitimacy.

The subject of the Local Institutional Barometer was the analysis of the work of the following six institutions that operate at the lower levels of government: the Provincial Protector of Citizens – Ombudsman, the Anti-Corruption Mechanisms of the City of Novi Pazar, Shelter for Women and Children at Risk of Domestic Violence "Women's Safe House" of the Center for Social Work of the City of Novi Sad, the Higher Public Prosecutor's Office in Užice, the Migration Council of the City of Subotica and the Safety Council in Požega.

One of the main conclusions of the Local Institutional Barometer is the limited internal efficiency of some of the analysed institutions. The analysis showed that in the case of the Migration Council of the City of Subotica and the Safety Council in Požega, council bodies have not had a single meeting since November 2020 and 2019, respectively. In the case of Anti-Corruption Mechanisms in Novi Pazar, the analysis showed that there was not even one recorded case of internal whistle-blowing, violation of the Code of Ethics for Public Officials, or breach of the Code of Conduct for Employees.

As for the transparency of the analysed institutions' work, it is essential to note that additional efforts need to be made to ensure that certain institutions publish relevant data about their work and performance. For example, in the case of the Provincial Ombudsman, since 2017 it has not been possible to find publicly available opinions and recommendations or proposals for the assessment of constitutionality and legality, either on the official website or

in publicly available documents. Regarding the Higher Public Prosecutor's Office in Užice, some sections of the official website do not contain any information, while some were last updated in February 2018.

Finally, regarding the institutional embedment of the analysed institutions, it is important to point out that despite the above-mentioned shortcomings and difficulties they face in their daily work, we can conclude that there is a good basis for institutional embedment with other actors at the local government level. As an example, we can highlight the "Women's Safe House" from Novi Sad, which has been recognised as an important and indispensable local actor in the fight against all forms of violence against women and girls.

## Summary

### Provincial Protector of Citizens – Ombudsman

The *Bečej Youth Association* analysed the work of the Provincial Protector of Citizens – Ombudsman in 2021. Based on the analysis, the general assessment is that the Ombudsman is successfully implementing the tasks from its purview. The main objections, i.e. “weak links” are the absence of complete and consistent application of all available powers, primarily in dealings with other provincial bodies, and the insufficient transparency of the institution’s work. Namely, since 2017 it has not been possible to find publicly available opinions and recommendations either on the Ombudsperson’s website or in publicly available documents. The situation is the same with proposals for the assessment of constitutionality and legality, as well as with opinions related to regulations from relevant areas and the number of opinions that had been complied with.

### The Anti-Corruption Mechanisms of the City of Novi Pazar

The organisation *Urban-In* analysed the anti-corruption mechanisms of the city of Novi Pazar. Although the City Administration of Novi Pazar has adopted all anti-corruption decisions on paper, with the exception of the Integrity Plan, the analysis of publicly available data and the submitted information shows that these are insufficiently applied or not applied at all, i.e. that they were adopted only to meet the statutory obligations. Analysis of the work of the local self-government of Novi Pazar revealed that in the last few years there was not a single case of whistle-blowing, violation of the Code of Ethics for Public Officials, or violation of the Code of Conduct for Employees. Also, citizens did not file a single complaint about the work of the local authorities. This, however, does not mean that the City Administration of Novi Pazar is immune to such phenomena.

### Shelter for Women and Children at Risk of Domestic Violence “Women’s Safe House” of the Center for Social Work of the City of Novi Sad

The organisation *Freedom is Priceless* analysed the work of the “Women’s Safe House”, intended to provide women and children threatened by violence with physical safety and existential security, making it possible for the cycle of domestic violence to be broken and providing conditions for women to build their own strategies for living their lives free of violence. Despite the fact that it is recording a constant growth in the number of beneficiaries, the “Women’s Safe House” managed to respond positively to all inquiries for provision of accommodation in 2021. Also, the employees of the “Women’s Safe House” have been recognised as important and indispensable local actors in the fight against all forms of violence against women and girls, as evidenced by their presence in all local activities involving the above topic.

## The Higher Public Prosecutor's Office in Užice

The *Užice Centre for Human Rights and Democracy* analysed the work of the Higher Public Prosecutor's Office in Užice in 2021. The analysis showed that the prosecutor's office does not decide on its own staff and financial resources, and decides on material and technical equipment only to a small degree. As regards to efficiency, it is necessary to increase the number of prosecutors and assistant prosecutors. Also, it is important to improve the transparency of the work of the prosecutor's office, which it can improve by using the powers and resources it already has, without any additional investments. Based on the performed analysis, it can be concluded that the Higher Public Prosecutor's Office in Užice conducts its activities successfully despite the above mentioned limitations.

## The Migration Council of the City of Subotica

The *Humanitarian Centre for Integration and Tolerance* from Novi Sad analysed the measures and activities carried out by the local Migration Council of the City of Subotica and its effectiveness in working with refugees from the former Yugoslav republics, internally displaced persons from the area of Kosovo and Metohija, returnees under the readmission agreement, migrants without established status, and asylum seekers. Research findings show that the Migration Council of the City of Subotica is not using its resources, although it does have the capacity to respond to the demands and achieve goals for which it was founded. This is supported by the fact that the Council has not met once since its was established (in November 2020). Other institutions are not at all responsive to the concrete activities of this institution and activities are more often implemented through the institutions from which the members of the Council come, as well as through the specially established Working Body in charge of migration. Citizens are not familiar with the work of the Migration Council, and the users are usually referred to the local Commissioner for Refugees.

## The Safety Council in Požega

Organisation *Forca* from Požega analysed the work of the Local Safety Council of the municipality of Požega. Although the Council has clear powers and explicit responsibilities, it has yet to achieve a satisfactory level of work efficiency. Although the Council was active in the period immediately after it was established, its activities simmered down after the year 2019 – or at least there is no formal evidence or minutes of its work. Namely, the Safety Council does not keep records of its activities. It is also possible that those records are not archived properly, since data are not available. Despite the fact that, based on the available facts, we can conclude that crime in the Municipality of Požega has decreased, this decrease did not occur because of the actions and activities of the Safety Council, but as a result of the actions of the Mol, i.e. the police stations in Požega.

# Provincial Protector of Citizens – Ombudsman



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**Organisation:**  
Bečej Youth Association

## Summary

„The Bečej Youth Association has analysed the work of the Provincial Protector of Citizens – Ombudsman in 2021. Based on the analysis, it can be concluded that in general the Ombudsman carries out its activities successfully. Here, we are primarily referring to the work that is carried out through affirmative activities. Weak links that require improvement are the complete and consistent implementation of all envisaged powers, primarily in dealings with other provincial bodies, and greater transparency of the work through the publication of opinions, recommendations, and views, which have not been available on the Ombudsman’s website since 2017..

## Basic information

The Provincial Protector of Citizens – Ombudsman is an autonomous and independent body of the Autonomous Province of Vojvodina, whose work and activities should not be influenced by anyone. It serves to protect the rights of citizens and supervises the work of provincial administrative bodies, public enterprises and institutions that exercise administrative and public powers in connection with their actions in the execution of decisions and other legal acts of the Autonomous Province of Vojvodina.

As an institution, the Ombudsman first appeared in 1809 in Sweden, and its task was to control the executive power. In Swedish, the word ‘ombudsman’ means a person who “can hear what people are saying”. The first ombudsman was tasked with preventing the king and government from ignoring the laws. It used its power to demand reports from the executive on the implementation of the laws, as well as the power to initiate appropriate procedures to determine the responsibility of administrative officials.

In the Autonomous Province of Vojvodina, the institution of ombudsman was established 194 years later. The decision to establish the institution of the Provincial Ombudsman was made in December 2002, and the first Ombudsman was elected on 24 September 2003. The office began to operate in January 2004. Based on the Provincial Assembly’s new decision<sup>1</sup>, the Provincial Protector of Citizens – Ombudsman has four deputies, three of whom are specialized and are elected for the area of national minority rights, children’s rights, and gender equality, while one deputy is responsible for the area of general jurisdiction.

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1 *“Official Gazette of the Autonomous Province of Vojvodina”, nos. 37/2014, 40/2014 – corrigenda, and 54/2014*

To protect human rights, the Provincial Protector of Citizens receives, and reviews complaints related to the violation of human rights, supervises the implementation of regulations, and controls the legality, expediency, and efficiency of the actions of administrative bodies and investigates their work. The Ombudsman also monitors the application of international standards in the field of human rights, collects information on the application of laws and other regulations in the field of human rights, prepares the annual report on the exercise of human rights, informs the competent authorities and the general public about violations of human rights, and proposes the initiation of criminal, disciplinary and other procedures to the competent authorities in case of violation of human rights. The main principles that apply to the work of the Ombudsman are legality, impartiality, independence, and fairness.

## **Map of institutional arrangement**

In its work, the Provincial Protector of Citizens (hereinafter: Ombudsman) controls the work of administrative bodies and protect the rights of citizens from violations caused by unlawful, ineffective and inefficient actions of these bodies; monitors the processes of passing provincial regulations and amending and supplementing the current ones; proposes provincial parliamentary decisions and other general acts the Assembly passes within its purview; and provides opinions and recommendations to the Provincial Government and the Assembly in relation to proposed decisions when these govern issues of importance for the protection of citizens' rights. In addition, the Ombudsman continuously supervises and monitors the implementation of international treaties, standards and regulations in the field of human rights and, based on the information collected that way, proposes measures to improve the situation in the field of human rights; conducts surveys to gain insight into the state of human rights, identify problems and formulate recommendations in order to resolve them; informs citizens about regulations and provides them with legal advice on the possibilities of exercising their rights.

The Ombudsman is authorised to publicly recommend the dismissal of a public official responsible for violating citizens' rights, i.e. to start the initiation of a procedure to determine the responsibility of an employee in the administrative body who is directly responsible for said violation. If it finds that the action of a public official or employee in the administrative body contains elements of a criminal or other punishable offence, the Ombudsman is authorised to submit a request to the competent authority, that is, to submit a request for the initiation of criminal, misdemeanour, or other appropriate proceedings.

The Ombudsman submits to the Assembly of the Autonomous Province of Vojvodina a regular annual report, which includes data on activities that have been undertaken in the previous year, data on observed deficiencies in the work

of administrative bodies, a general evaluation of the work of administrative bodies from the point of view of the application of regulations, and proposals for improving the position of citizens in relation to administrative bodies. The report includes data on the number and structure of complaints, observed omissions and recommendations for their elimination, as well as criticism and praise for certain administrative bodies and public officials. It also contains special parts that cover the area of rights of national minorities, rights of the child and rights based on gender equality. The report is submitted no later than on 31 March for the previous year and is published on the Ombudsman's official website. If it deems that particularly important reasons require it, or if the Assembly requests it, the Ombudsman may also submit a special report. This report, too, is published on the official website.

The Ombudsman informs competent authorities and the public about human rights violations and organises consultations and campaigns in the field of education on the topic of human rights. It is authorised to initiate proceedings before the Constitutional Court for the review of constitutionality and legality of laws and other regulations or general acts. The Ombudsman has the right to attend the sessions of the Assembly and parliamentary committees, and to participate in the discussion on issues that fall under its purview, as well as the right to cooperate and exchange experiences with ombudsmen in the country and abroad.

The Ombudsman can be addressed by anyone who believes that his/her human right has been violated by an act or action of an administrative body, as well as by the heir, guardian or attorney of the person whose right has been violated. If in possession of a written authorisation, a citizens' association can also contact the Ombudsman on behalf of a person who believes that his/her human rights have been violated. Persons who have been deprived of liberty also have the right to address the Ombudsman using a sealed envelope, and the employees of the correctional institutions have the obligation to deliver the envelope intact, without opening or delaying it.

The Ombudsman cooperates with the Protector of Citizens of the Republic of Serbia in carrying out the work of the National Mechanism for the Prevention of Torture, and regularly visits venues that host persons deprived of liberty in order to prevent torture and other cruel, inhuman or degrading punishments and procedures.

Representatives of public authorities, as well as representatives of the civil society and the media, often talk about the culture of human rights. The impression is, however, that it is necessary to focus more attention on penal policy and the issue of sanctioning those responsible. The sentence that mentions "zero tolerance for violence" sounds great, but if the bully is not sanctioned, it loses both meaning and credibility.



Trust in institutions is especially important when it comes to the rights of the most vulnerable categories of the population – children, the elderly, minorities, the indigent, the unemployed, people with disabilities and migrants. The public is particularly sensitive to violence against children. The Ombudsman has found that the trend of increasing cases of sexual abuse of children has continued, but that this type of violence is very rarely reported to the competent institutions. There are many reasons for this – children’s fear that they will not receive support, that they will be rejected and condemned by the environment, or that they will be punished or stigmatised. The situation is similar when it comes to violence against members of the LGBT population. Fear of consequences and mistrust are key reasons why members of this population do not report violence.

The mistrust of the society further traumatises the victims of violence, so in addition to punishing the perpetrators it is also necessary to change cultural patterns. The media, educational institutions and civil society play a major role in this.

## Internal efficiency

### Staffing resources

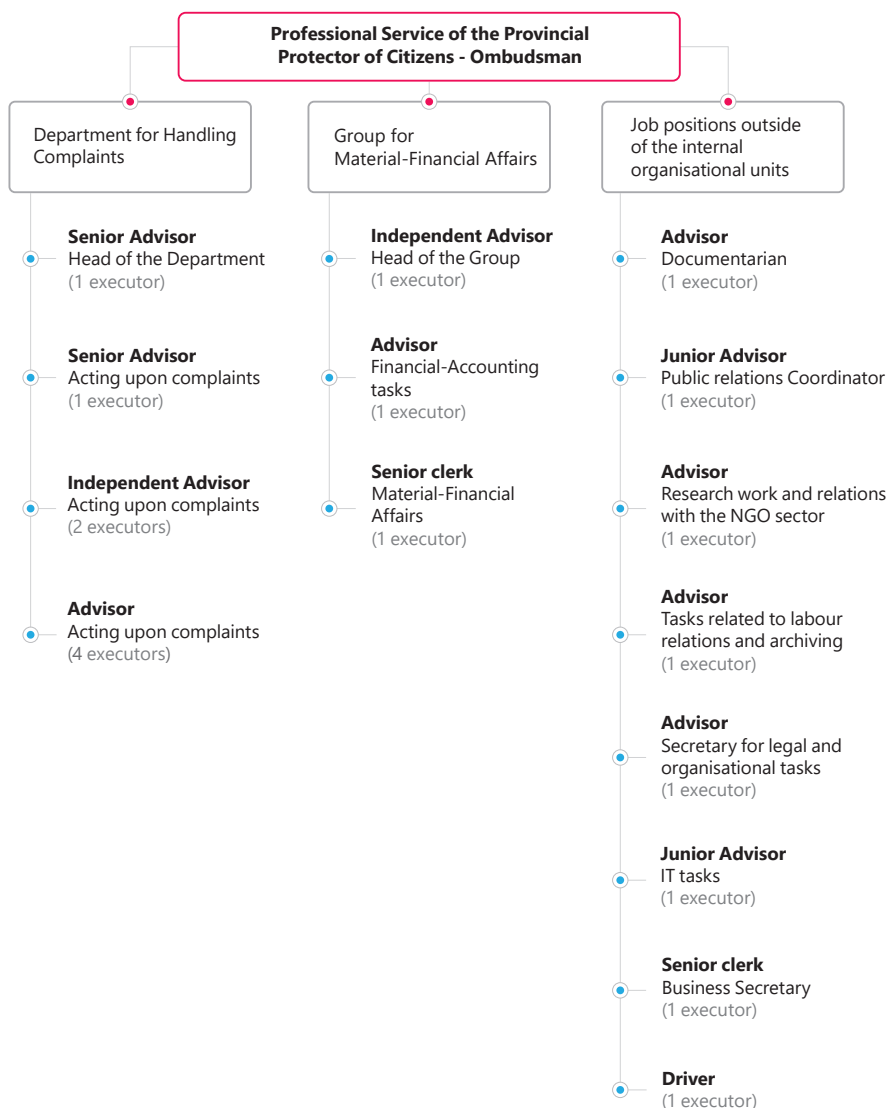
Internal organisation and classification of job positions is based on the Rulebook on the Internal Organisation and Classification of Job Positions in the Professional Service of the Provincial Protector of Citizens – Ombudsman.

Table 1: Number of employees in the Professional Service of the Provincial Protector of Citizens – Ombudsman

Civil servants – executors	No. of job positions	No. of civil servants
Senior advisor	2	2
Independent advisor	2	3
Advisor	6	9
Junior advisor	3	3
Senior clerk	2	2
<b>Total:</b>	<b>14 job positions</b>	<b>18 civil servants</b>

Appointed persons	No. of job positions	No. of appointed persons
The fourth type of job positions	1	1
Total number of appointed persons	1 job position	1 appointed person
<b>Total</b>		<b>19</b>

Illustration 1: Internal organisation and systematisation in the Professional Service of the Provincial Protector of Citizens – Ombudsman



The Department for Handling Complaints and the Group for Material and Financial Affairs were established as internal units of the Professional Service.

The following belong outside of the internal units: the job position of documentarian, the job position of public relations coordinator, the job position involving research work and relations with the non-governmental sector, the job position involving employees' labour relations and archiving, the job position of secretary for legal and organisational tasks, the IT job position, the job position of business secretary, and the job position of driver of motor vehicles.

The Department for Handling Complaints performs tasks related to the protection and improvement of human rights, children's rights, rights of national minorities and rights of citizens based on gender equality; supervision of the work and control of respect for human rights, legality, expediency, efficiency and regularity in the work of provincial administrative bodies, public enterprises and institutions that exercise administrative and public powers and were founded by AP Vojvodina; acting upon citizen complaints and acting on own initiative; preparing proposals for initiating procedures on own initiative; receiving citizens, informing them about regulations, and providing advice on the possibilities of exercising their rights, i.e. referring them to initiate the appropriate procedure before the competent authority; monitoring the process of applying international treaties, standards and regulations in the field of human rights and initiating measures to improve the situation in the area of protection and promotion of human rights; monitoring the process of passing provincial regulations in all in the areas of exercising human rights; initiating and preparing proposals for provincial and parliamentary decisions and other general acts passed by the Assembly of AP Vojvodina if the rights of citizens are violated because of deficiencies in regulations; initiating and preparing draft opinions and recommendations to be submitted to the Provincial Government and the Assembly of the AP Vojvodina in the process of preparing regulations, if these regulate issues of importance for the protection of citizens' rights; preparing and drafting annual reports; preparing and drafting special reports; cooperating with the Protector of Citizens of the Republic of Serbia in performing the duties of the National Mechanism for the Prevention of Torture; and mediation and offering advice and opinions for the purpose of acting preventively, improving the work of administrative bodies and improving the protection of human rights.

The Group for Material-Financial Affairs performs material-financial tasks and related study-analytical, accounting and administrative tasks related to the preparation, planning and execution of the budget and financial plan of the Provincial Protector of Citizens; preparation and drafting of financial reports (periodical and annual) and the annual report on the work; keeping business books and compiling accounting reports; preparing requests for the assumption of obligations and requests for payment; tasks in the field of public procurement for the needs of the Provincial Protector of Citizens;

and other material-financial and accounting tasks related to the work and tasks of the Provincial Protector of Citizens.

In terms of internal efficiency of the work of the Provincial Ombudsman, according to information that was collected through research of publicly available data and from the Annual Report, in 2021 there were a total of 1,022 appeals to the Ombudsman. Out of this number, no case files were opened in 725 cases. Whenever a case file was opened, appropriate advice was provided. Among the case files that were not opened, citizens approached the Ombudsman in 20% of the cases by coming to the office in person, while in 80% of cases they did so by telephone. For the sake of comparison, these numbers were very similar in 2020 – the total number of appeals was 1,033, and a case file was not opened in 750 cases.

The total number of case files that were opened based on citizens' appeals in 2021 was 297, while the Ombudsman initiated 83 on its own initiative. Of the mentioned total of 380 cases, 347 were resolved, while 33 were transferred to 2022. In 2020, there were a total of 392 opened case files – 283 were opened based on citizens' complaints, while 109 proceedings were initiated on own initiative. Of the above number, 343 cases were resolved, while 49 were transferred to 2021.

Of the observed 347 cases that were resolved in 2021:

- The Ombudsman had no authority to act in 48% of them, but in 90% of these cases legal advice was provided based on Article 19 of the Provincial Assembly Decision on the Provincial Protector of Citizens – Ombudsman. This decision stipulates that the Ombudsman is authorised to inform citizens about regulations and provide legal advice on the possibilities of exercising their rights, directing the complainant to initiate appropriate legal proceedings before the competent authorities if such proceedings are envisaged;
- In 9% of the cases, the irregularity in work that was determined by the Ombudsman was eliminated by the authority in the course of the procedure;
- In 18% of the cases, it was established after the investigation that no human rights had been violated, that is, no irregularity was found;
- In 16% of the cases, it was concluded that not all regular legal remedies were previously exhausted; based on five complaints, the Ombudsman submitted an opinion to the competent authority to eliminate irregularities that were observed in its work;
- In other cases in which an investigation was initiated, cases were resolved by either being handed over to another authority for resolution, or were withdrawn by the complainant.

Table 2: Statistical overview of the work and appeals to the Provincial Protector of Citizens – Ombudsman

	2021	2020
Total number of appeals to the Ombudsman	1,022	1,033
Number of appeals that did not result in an opened case file	725	750
Number of case files opened upon citizens' complaints	297	283
Number of case files opened at own initiative	83	109
Total number of case files	380	392
Number of resolved cases	347	343
Number of cases transferred to the following year	33	49

In the largest number of cases, citizens approached the Ombudsman because of problems related to the realisation of rights in the area of property-legal relations, problems in connection with the provision of communal services and other activities of general interest, the realisation of social and economic rights such as rights based on employment, rights in the field of social protection, rights to health care, and consumer rights. There were also complaints related to the work of the courts and good administration.

Of the total number of 83 cases that were opened on own initiative, most were initiated within the specialised areas dealt with by the Ombudsman: rights of national minorities, protection of children's rights and gender equality. The ombudsman reacted most often in areas related to culture, domestic violence and child protection.

As for the workload of the Provincial Ombudsman, there were 40 backlog cases in 2020 and 33 in 2021. On the other hand, in terms of the workload of employees in 2021, according to the information contained in the Report on the Work, 380 opened cases were distributed among 8 employees who directly worked on resolving them, which in practice means that each employee has an average of four cases per month.

The total budget of the Provincial Ombudsman for 2021 was RSD 47,920,720, and the institution spent 91% of it (RSD 43,565,016). Viewed through a financial prism, the amount of the budget for one opened case file in 2021 was RSD 126,107. On the other hand, if we look at the cases in which the institution issued a formal opinion, this amount turns into RSD 9,584,144 per issued opinion in the observed year.

In 2021, the Provincial Ombudsman submitted a total of five opinions, i.e. requests to administrative bodies, while in 2020 it submitted a total of 10 opinions (the result of these is still unknown). It is not possible to find publicly available opinions and recommendations on the Ombudsman's website or in publicly available documents. The situation is the same with proposals for the review of constitutionality and legality, as well as with opinions related to regulations in relevant areas and the number of opinions that have been complied with.

One of the important powers that is available to the institution and was only briefly mentioned above, is the possibility of publicly recommending the dismissal of a public official responsible for violating the rights of citizens, i.e. the possibility of initiating the procedure for determining the responsibility of an employee in an administrative body who is directly responsible for a committed violation. In addition, if it finds that the actions of a public official or employee in the administrative body contain elements of a criminal or other punishable offence, the Ombudsman is authorised to submit to the competent authority a request, i.e. an application for the initiation of criminal, misdemeanour or other appropriate proceedings.<sup>2</sup> Unfortunately, there is no publicly available data on the implementation of these powers in practice, either on the internet presentation or in the institution's annual reports. As regards the annual reports, the analysis showed that the Classification of Job Positions, as well as the scope and amount of information the reports contain, has been significantly changed since 2016. Until that year, the annual reports of this institution were highly comprehensive, containing a large number of data and examples from practice. For the sake of illustration, the Annual Report for 2015<sup>3</sup> was 142 pages long, while the Report for the observed year (2021) had 89 pages and the Report for 2020 only 73. Since there had been no changes in terms of statutory requirements, it remains unclear why this change occurred. Earlier reports contained much more useful information, and were significantly more suitable for analysis and for understanding the real situation in the areas in which the institution operates; also, the way data was presented and the text organised was much better and user-friendly. Additionally, unlike the current practice (described below, in the part related to the institutional embedment of the institution itself), earlier reports contained a clear overview of the recommendations, as well as a description of how these fared – whether they were complied with (in whole or in part), whether the Ombudsman received feedback from the authorities, and so on. It remains unclear why this harmful trend occurred in practice, but it is certain that in the period ahead the institution should devote itself to improving the quality of its Annual Report.

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2 These powers are governed by Article 20, paragraphs 1 and 2 of the Provincial Assembly's Decision on the Provincial Protector of Citizens – Ombudsman

3 For additional information, see: [https://www.ombudsmanapv.org/riv/attachments/article/1768/Godisnji\\_izvestaj\\_PZG-ombudsmana\\_2015.pdf](https://www.ombudsmanapv.org/riv/attachments/article/1768/Godisnji_izvestaj_PZG-ombudsmana_2015.pdf)

## Financial resources

In 2021, the Provincial Protector of Citizens – Ombudsman had the following financial resources at its disposal:

Table 3: Annual budget for 2021 year of the Provincial Protector of Citizens – Ombudsman

Account	Title of account	Plan	Execution	Execution, in %
4111	Employees' salaries, allowances and compensations	35,723,955.37	33,528,773.80	93.86
4121	Contribution for pension and disability insurance	4,108,254.87	3,855,808.86	93.86
4122	Contribution for health insurance	1,839,783.70	1,726,731.80	93.86
4131	In-kind compensation	412,185.13	351,345.84	85.24
4141	Payment of benefits during absence from work, at the expense of the funds	413,491.35	71,830.02	17.37
4143	Severance pay and assistance	400,000.00	250,282.00	62.57
4144	Assistance for medical treatment of the employee or a member of his/her immediate family, and other employee assistance	720,000.00	703,875.20	97.76
4151	Reimbursement of employees' expenses	765,201.10	565,960.79	73.96
4161	Employee awards and other special expenditures	639,000.00	379,497.20	59.39
4211	Costs of payment transactions and banking services	10,000.00	1,443.32	14.43
4214	Communication services	140,000.00	64,839.18	46.31
4221	Expenses of business trips in the country	130,000.00	0.00	0.00

Account	Title of account	Plan	Execution	Execution, in %
4222	Expenses of business trips abroad	50,000.00	0.00	0.00
4131	Administrative services	10,000.00	0.00	0.00
4232	Computer services	10,848.92	0.00	0.00
4233	Education and training services for employees	100,000.00	21,550.00	21.55
4234	Information services	60,000.00	8,467.20	14.11
4235	Professional services	1,400,000.00	1,251,874.74	89.42
4237	Representation	560,000.00	528,618.00	94.40
4239	Other general services	38,000.00	35,616.00	93.73
4261	Administrative materials	10,000.00	0.00	0.00
4263	Materials for employee education and training	300,000.00	177,225.06	59.08
4441	Negative currency exchange differences	10,000.00	0.00	0.00
4621	Current fees of international organisations	50,000.00	41,277.95	82.56
4651	Other current fees and transfers	10,000.00	0.00	0.00
4821	Other taxes	5,000.00	0.00	0.00
4822	Mandatory fees	5,000.00	0.00	0.00
<b>TOTAL:</b>		<b>47,920,720.44</b>	<b>43,565,016.96</b>	<b>90.91</b>

## Material and technical equipment

The offices of the Provincial Ombudsman are located in Novi Sad, in Bulevar Mihajla Pupina St. 25, on the ground floor. The Ombudsman is the user of the office space. It is also the user of a 'Skoda Superb' vehicle, and the owner of the basic means necessary for work, as well as other movable property managed by the Administration for Joint Affairs of Provincial Authorities.



## **Institutional embedment**

Through its activities, the Provincial Protector of Citizens affirmatively cooperates with a number of different institutions, bodies and associations, with whom it organises various scientific and professional conferences, round tables, educational gatherings, lectures, human rights schools, etc.

In the field of protection of the rights of national minorities, the Ombudsman has established excellent cooperation with provincial secretariats, educational institutions, faculties, schools, and pre-schools in the territory of all local self-government units in Vojvodina. Through the affirmation of culture and information, the Ombudsman successfully cooperates with a large number of institutions, educational institutions, media outlets and associations from the territory of Vojvodina.

In general, the Provincial Ombudsman has excellent cooperation with a very large number of subjects from the territory of AP Vojvodina, both at the provincial and local level, above all in the area of promotion and affirmation of its competences, objectives and scope of work. On the other hand, according to publicly available documents, the Provincial Ombudsman has no published acts, opinions or recommendations provided to other bodies, or any feedback therefrom, so the question arises as to whether the primary task and the very purpose of the existence of the Ombudsman has fallen into the background.

## **Legitimacy of the institution**

Transparency of the work of the Provincial Protector of Citizens is governed by Article 21 of the Provincial Assembly's Decision on the Provincial Protector of Citizens – Ombudsman. The Ombudsman submits an annual report to the Assembly of the Autonomous Province of Vojvodina, no later than on 31 March for the previous year. The report contains a description of last year's activities, data on perceived deficiencies in the work of administrative bodies, a general assessment of their work from the point of view of implementation of regulations, as well as proposals for improving the position of citizens in relation to administrative bodies. The report contains data on the number and structure of complaints, observed omissions and recommendations for their elimination, criticism and praise for certain administrative bodies and public officials, as well as special sections dealing with the areas of national minority rights, children's rights and rights based on gender equality. The report is published on the Ombudsman's official website.

Pursuant to the Rules of Procedure of the Provincial Protector of Citizens – Ombudsman (number IV-OM-R-56/2019, dated 18 October 2019), the Ombudsman informs the public about its work by issuing press releases,

holding press conferences, giving interviews, creating publications, publishing information on the website or in other appropriate ways.

The Ombudsman decides how it will inform the public about its work and on persons who will be authorised to provide such information.

Since there are no sources from which we could derive data required to assess the legitimacy of the institution in terms of its recognition and citizens' trust in its work, indirect information that can serve as an illustration is the number of visits to the internet presentation and social network accounts, presented in the institution's Annual Reports.<sup>4</sup> The website was visited 15,494 times in 2020, and 16,486 times in 2021. The institution is also present on social networks Facebook, Twitter and Instagram, as well as on the video platform YouTube. In addition, the institution has a survey for visitors on its website, which they can use to say whether they were able to find the information they needed. The institution should be praised for its presence in the digital sphere and its efforts to get closer to citizens and provide additional information precisely through these channels. Without additional data, it is however difficult to say how useful all this has proven to be in practice.

## Recommendations

- After the analysis of the work of the Provincial Ombudsman from the aspect of the general exercise of its powers, and starting from its competences, the most important recommendation is to improve the work of the Ombudsman by ensuring full implementation of all its statutory powers;
- Although a large amount of information about the work of the Provincial Ombudsman is publicly available on the Internet and in the available acts, it is necessary to further improve the transparency of its work by publishing opinions, comments on laws, recommendations to review the constitutionality and criminal, disciplinary and other procedures pending with competent authorities, especially the recommendations and the results of the authorities' compliance therewith;
- It is necessary to improve the Annual Report of the institution in terms of the amount of data it contains, with special attention paid to the institution's recommendations and their later "fate".

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4 For additional information, see: <https://www.ombudsmanapv.org/riv/index.php/dokumenti/godisnji-izvestaj.html>.

# The Anti-Corruption Mechanisms of the City of Novi Pazar



**Author:** Nikola Kočović

**Organisation:**  
Urban-in Novi Pazar

## Summary

Although, on paper, the City Administration of Novi Pazar has adopted all anti-corruption decisions but the Integrity Plan, the analysis of publicly available data and submitted information shows that these are not implemented at all, or are implemented insufficiently, i.e. that they were adopted just to meet the statutory obligations. The analysis of the work of the local self-government of Novi Pazar has shown that in the last few years there was not a single case of internal whistle-blowing or violation of the Code of Ethics for Public Officials,<sup>5</sup> that is, the Code of Conduct for Employees,<sup>6</sup> On top of that, there has not been a single complaint from citizens about the work of the local authorities. However, this absolutely does not mean that the City Administration of Novi Pazar is immune to such phenomena. Rather, it tells us that citizens are not sufficiently informed and encouraged, or are not at all interested in influencing its work. Also, discouraged by ineffective legal protection, employees do not report irregularities in the work of local self-government or improper behaviour of officials in fear of retaliation or loss of jobs.

## Basic information

The city of Novi Pazar is located in the southwestern part of of Serbia. Territorially, it belongs to the administrative district of Raška and is its second largest city, after Kraljevo. Novi Pazar received the status of a city in 2008, and the Statute lists the City Assembly, the Mayor, the City Council and the City Administration for Original and Entrusted Affairs – whose work we will mostly be dealing with in this analysis – as its bodies.

The City Assembly is the highest local self-government body of Novi Pazar. It performs the basic local government functions established by the Constitution of Serbia, the laws and the city Statute. The Assembly of Novi Pazar is made up of 47 councilors elected by citizens in direct elections by secret ballot. The Speaker of the Assembly of Novi Pazar is Anela Šemsović Halilović, member of the Sandžak Democratic Party (SDP), who was elected to this position on 17 August 2020. Her deputy is Albin Šabotić, also a member of the Sandžak Democratic Party.<sup>7</sup>

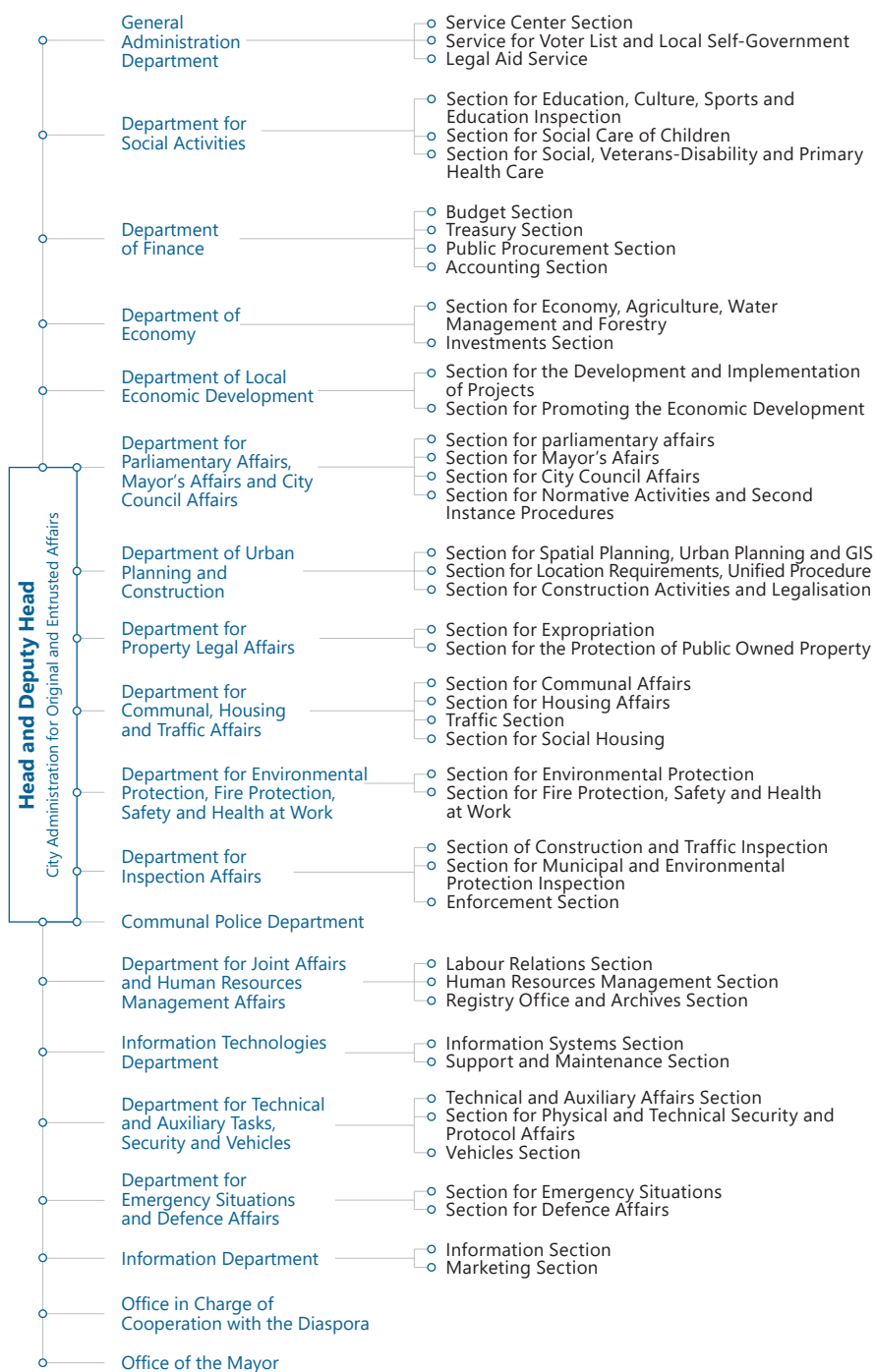
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5 For additional information, see: [http://www.novipazar.rs/images/dokumenti/Eticki\\_kodeks-Ponasanje\\_funkcionera.pdf](http://www.novipazar.rs/images/dokumenti/Eticki_kodeks-Ponasanje_funkcionera.pdf)

6 For additional information, see: [http://www.novipazar.rs/images/dokumenti/Kodeks\\_ponasanja\\_sluzbenika\\_i\\_namestenika.pdf](http://www.novipazar.rs/images/dokumenti/Kodeks_ponasanja_sluzbenika_i_namestenika.pdf)

7 For additional information, see: <http://www.eskupstina.novipazar.rs/sastav-skupstine/predsednik-skupstine>

Illustration 2: Organisation of the City Administration for Original and Entrusted Affairs-Anti-Corruption Mechanisms of the City of Novi Pazar



The Mayor, along with the City Council, is the executive body of the City of Novi Pazar. The Mayor has a deputy who replaces him/her in case of absence and incapacity. The Mayor of Novi Pazar can have five assistants, whom s/he appoints and dismisses him/herself.<sup>8</sup> The mayor of Novi Pazar is Nihat Biševac, a member of the Sandžak Democratic Party.<sup>9</sup> He has been serving on that position since 2016.

The City Council of Novi Pazar consists of the mayor, his/her deputy and 9 members who are elected by the Assembly on the proposal of the mayor, for a period of four years, by secret ballot and by a majority vote of the total number of councilors. The previous practice has shown that the work of the City Council is non-transparent; although the sessions should be public, the media are not informed about their scheduled times, and their agendas are published retroactively on the website, without any minutes or taken decisions.

The City Administration for Original and Entrusted Affairs has been organised with the aim of performing administrative tasks within the rights and duties of the City, impartially and in a politically neutral fashion. It also has a duty to make it possible for citizens to exercise their rights quickly and effectively.<sup>10</sup> The head of the City Administration is appointed by the City Council for a period of five years, based on a public competition. The current head of the City Administration for Original and Entrusted Affairs of Novi Pazar is Džemil Divanefendić.<sup>11</sup>

## **Internal efficiency of the City Administration of Novi Pazar**

The total number of classified job positions in the City Administration for Original and Entrusted Affairs of the City of Novi Pazar is 232; namely, there are two appointed officials, 289 persons in executive job positions, and 78 state employees, which means that the maximum number of employees in that Administration is 369.<sup>12</sup> The total number of employees, last updated on 13 December 2022, was 319. Of these, 265 are employed for an indefinite period, 43 for a fixed period, while 11 are engaged to perform temporary, occasional jobs based on part-time contracts and the like.<sup>13</sup>

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8 Statute of the City of Novi Pazar (<http://www.novipazar.rs/dokumenti#statut-grad>)

9 For additional information, see: <http://www.novipazar.rs/lokalna-samouprava/gradonaceln>

10 Statute of the City of Novi Pazar (<http://www.novipazar.rs/dokumenti#statut-grad>)

11 For additional information, see: <http://www.novipazar.rs/lokalna-samouprava/gradska-uprava-za-izvorne-poverene-poslove>

12 For additional information, see: [http://www.novipazar.rs/images/dokumenti/pravilnik/Pravilnik\\_o\\_sistemizaciji\\_07-11-2022.pdf](http://www.novipazar.rs/images/dokumenti/pravilnik/Pravilnik_o_sistemizaciji_07-11-2022.pdf)

13 For additional information, see: <http://www.novipazar.rs/dokumenti#podaci-o-zaposlenim-i-radno-angazovanim-licima-u-gradskoj-upravi-za-izvorne-i-poverene-poslove-grad-novog-pazara>

Comparing these data, it is obvious that the City Administration for Original and Entrusted Affairs could employ additional 50 people, i.e. almost 15 percent of the total number of classified job positions. In an interview that was conducted as part of this research, head of the City Administration Džemil Divanefendić stated that the absence of such a large number of employees is compensated by additional engagement of the existing workers so as not to affect the overall quality of providing services to citizens and the execution of all the tasks that are entrusted to the City Administration within the legally stipulated deadlines.

As the reason for not hiring new employees, Divanefendić cited the ban on new employment in the public administration sector, as well as the lack of adequate, highly skilled staff in Novi Pazar, especially from the construction profession, who are necessary for the work of certain departments/sections of the City Administration for Original and Entrusted Affairs. He also claims that job positions of all employed and engaged persons are provided in the Rulebook on the Classification of Job Positions, and that they all meet the requirements in terms of the education level and work experience prescribed by said Rulebook.<sup>14</sup>

Despite the mayor's assurance that the performance of local self-government tasks is not suffering due to the lack of 50 employees, and accepting that all the current employees have education and work experience necessary to perform their tasks, it is clear that the efficiency of work has been reduced. Unfortunately, the efficiency of the City Administration bodies in making decisions in specific procedures based on citizen complaints, conflicts of interest of officials or internal whistleblowing could not be measured because, according to official data of the local self-government, there were no such examples at all.

## Anti-corruption public policies

Although Novi Pazar was among the first cities to adopt the Local Anti-Corruption Plan (LAP) in April 2019, and to form – three months later – an independent parliamentary body (Local Anti-Corruption Forum – LAF) to monitor its implementation, the city eventually became another example of bad practices in the functioning of that anti-corruption mechanism. The LAP of Novi Pazar prescribed specific measures divided into 17 areas, which the local self-government, the Assembly and public enterprises and institutions were obliged to implement by the end of 2021.<sup>15</sup> However, after almost three years of existence, without a single report prepared and presented to

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<sup>14</sup> Interview with the Head of City Administration, Džemil Divanefendić.

<sup>15</sup> For additional information, see: <http://www.novipazar.rs/dokumenti#lokalni-antikorupcijski-plan-za-grad-novi-pazar>

the members of the local parliament and the public on whether, and how, the measures from the Local Anti-corruption Plan are being implemented, the president of the Local Anti-Corruption Forum and its members all resigned, with the exception of one member. As the reason for this, they cited "ignorant and bad attitude of local self-government, and the non-existence and impossibility – despite several attempts on our part – of establishing cooperation and communication with the aim of performing tasks that were entrusted to us by the Assembly of Novi Pazar". They also remarked that they "existed only on paper".<sup>16</sup>

As a mitigating circumstance of such attitude of the City Administration towards the body that it had formed itself, it can be stated that the Coronavirus pandemic resulted in less work in 2020 and 2021, that numerous processes were stopped or halted, and that deadlines for the implementation of the measures prescribed in the LAP were broken. After the resignation of the members of the LAF, and since the deadlines for the implementation of the LAP have expired, the City Council of Novi Pazar adopted a Conclusion extending the deadlines until the end of 2023, while the mayor adopted a Decision in which he established a working group in charge of the areas prescribed by the LAP. It is expected that a Commission that will elect new members of the Local Anti-Corruption Forum will soon be formed (however, according to the response from the local self-government, the deadline for the establishment of said Commission has not been specified).

The City of Novi Pazar has not yet adopted the Integrity Plan in the third cycle. However, at the beginning of April 2022, the head of the City Administration for Original and Entrusted Affairs appointed a four-member working group to draft this document, as well as a coordinator for adopting, implementing and reporting on the implementation of the Plan. The working group had the following task: to assess the current state of local self-government's exposure to corruption risks by the end of September 2022, and propose measures, deadlines and persons who will be responsible for their implementation. However, it is not known whether this has been done.

In 2009, the Assembly of Novi Pazar adopted the Code of Ethics for Local Self-Government Officials of Novi Pazar,<sup>17</sup> which applies to the Mayor, Deputy and Assistant Mayors, the Assembly Speaker and Deputy Speaker, the Secretary and Deputy Secretary of the Assembly, councilors, members of the City Council, heads of city administrations and their deputies, the City Attorney and his/her deputies, directors of public enterprises and institutions, as well as members of the administrative and supervisory boards of companies and

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16 For additional information, see: <https://www.radiostoplus.com/clanovi-laf-a-podneli-ostavke/>

17 For additional information, see: [http://www.novipazar.rs/images/dokumenti/Eticki\\_kodeks-Ponasanje\\_funkcionera.pdf](http://www.novipazar.rs/images/dokumenti/Eticki_kodeks-Ponasanje_funkcionera.pdf)



institutions founded by the City. The Code prescribes the way office should be discharged, the prohibition of conflicts of interest, the obligation to declare assets, as well as other anti-corruption measures.

In December 2017, the Assembly of Novi Pazar adopted the Code of Conduct for State Employees and Appointed Officials of the City of Novi Pazar,<sup>18</sup> which prescribes a set of rules as well as professional and ethical standards for the performance of official duties and communication with parties, with the aim of ensuring the quality and availability of services, as well as encouraging confidence in the integrity, impartiality and efficiency of bodies and services that make up the system of local self-government.

Both documents were published on the city's official website, but no training or lectures presenting the details of the codes of conduct have been organised for either officials who have just taken up their duties or new employees. Instead, it is their superiors who are acquainting them with the content of those acts, and they also have the obligation to read it themselves. An eleven-member Monitoring Council<sup>19</sup> was formed on 12 September 2022 to monitor whether the Code of Ethics for Officials is being applied and whether it is being violated. It is an Assembly body composed of representatives of political parties that have councilors in the local assembly, headed by Mersud Curić, appointed on the proposal of the opposition Justice and Reconciliation Party. According to official local self-government data, there had been no documented violations of the Code of Ethics and the Rulebook on the Conduct of State Employees and Appointed Officials. On the other hand, there had been some minor offences which, as they told us in the City Administration, required no more than a verbal warning.

In November 2015, the Assembly of Novi Pazar adopted the Rulebook on the Internal Whistleblowing Procedure,<sup>20</sup> which determined not only how to act in such cases, but also prescribed the whistleblowers' rights to protection. In October 2020, the head of the City Administration of Novi Pazar issued a Decision on the appointment of a person authorised to receive information and handle the procedure related to whistleblowing.<sup>21</sup> Also, an employee who worked in the field of fire protection, safety and health at work was appointed as authorised person. Official data of the local self-government show that in 7 years there has not been a single whistle-blowing procedure,

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18 For additional information, see: [http://www.novipazar.rs/images/dokumenti/Kodeks\\_ponasanja\\_sluzbenika\\_i\\_namestenika.pdf](http://www.novipazar.rs/images/dokumenti/Kodeks_ponasanja_sluzbenika_i_namestenika.pdf)

19 For additional information, see: [http://www.eskupstina.novipazar.rs/images/dokumenti/saveti/Savet\\_za\\_pracenje\\_primene\\_etickog\\_kodeksa.pdf](http://www.eskupstina.novipazar.rs/images/dokumenti/saveti/Savet_za_pracenje_primene_etickog_kodeksa.pdf)

20 For additional information, see: <http://www.novipazar.rs/images/dokumenti/pravilnik-o-postupku-unutrasnjeg-uzbunjivanja-guipp.pdf>

21 For additional information, see: <https://bit.ly/3YD2ruk>

which raises the question of whether the employees are sufficiently familiar with the above Decision and the mechanisms that guarantee their protection..

It is also possible that the examples of internal whistleblowers from other cities and organisations – where whistleblowers were targeted by people in power and certain media, and where some lost their jobs and were returned to them only by court decisions after several years – further discouraged the employees of the local self-government of Novi Pazar to point to irregularities and illegalities in work and conduct. Although the information that there was not a single case of internal whistleblowing is not exactly unexpected, it is a real surprise that in the 7 years since the establishment of the Commission for Petitions and Complaints, not a single petition or complaint has been submitted to it about the work of the bodies and local self-government service, although it is the Commission that is competent to act upon them. Possible reasons for this could be that citizens are not sufficiently familiar with the possibility of submitting complaints about the work of the authorities, but also that they do not believe that they would be able to change anything by doing so, that is, to change the decision of the authorities that acted upon their submitted request. On the other hand, the website of the local self-government there has a special section for submitting complaints, appeals and petitions by citizens, where most are addressed to the mayor and involve requests that he help with or solve some communal problem.

## **Institutional embedment**

In the local self-government of Novi Pazar there is no body, working body or authorised person to act in cases of potential conflict of interest, so such cases are forwarded to the Agency for the Prevention of Corruption for opinion, in accordance with the Law on the Prevention of Corruption. In rare cases, according to the official response of the City Administration, the City Council can also decide on a potential conflict of interest, which happened only once, when consent was given to an official to simultaneously discharge another office.

The data of the Agency for the Prevention of Corruption also shows that there had been no violations – or at least, no recorded violations – of the provisions of the Law on Prevention of Corruption. Namely, since the beginning of 2020, the Agency has conducted only two proceedings against officials from Novi Pazar.<sup>22</sup> It has established that the councilor of the Assembly of Novi Pazar, Meho Mahmutović, violated the Law by discharging several offices without notifying the Agency and obtaining its consent. Namely, Mahmutović, as the acting director of the General Hospital, assumed the duties of councilor in

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22 Response of the Agency for the Prevention of Corruption, 037-00-0123/22-09

the Assembly of Novi Pazar, but also those of a member of the Supervisory Board of the Public Enterprise "Djerdap" National Park, without notifying the Agency within the proper time limit and obtaining its consent.<sup>23</sup> As the Agency on that occasion imposed on Mahmutović only the measure of public disclosure of the violation of the Law on Prevention of Corruption, and not dismissal from office, the local self-government – specifically, the Assembly of Novi Pazar – was under no obligation to initiate any proceedings against him.

The second case, which has not yet been concluded, involves the Novi Pazar Assembly member M. P. from the Justice and Reconciliation Party, who has allegedly violated the provisions of Article 68, paragraph 1 of the Law on Prevention of Corruption, which stipulates that an official is obliged to submit a report on his/her assets and income, the assets and income of his/her spouse or common-law partner, as well as those of minor children, within 30 days from the day of assuming office.

The Basic and Higher Prosecutor's Offices in Novi Pazar were no more active. There, local government officials were prosecuted mostly based on private criminal charges, due to the suspicion that they had committed acts unrelated to their offices. In the last three and a half years, the Basic Prosecutor's Office conducted three proceedings based on criminal charges filed against public officials, i.e. councilors in the local parliament. The first was conducted against K. Z. (Democratic Party of Sandžak), and it ended with the dismissal of the report that was filed against him on suspicion of him having committed a criminal offence of 'jeopardising security', because it was established that the crime for which he was reported was not prosecuted *ex officio*. The proceedings against S. R. (Justice and Reconciliation Party), conducted on suspicion that he had committed the criminal offence of 'unauthorised use of someone else's business name and other special markings of goods or services', was finally terminated by the application of the institution of postponement of criminal prosecution, i.e. S. R. paid a certain amount of money for humanitarian purposes. The Basic Prosecutor's Office forwarded the criminal report against A. M. for the criminal offence of 'endangering security by inciting' to the Special Department for Combating High-Tech Crime of the Higher Prosecutor's Office in Belgrade because the criminal offence was committed on the social network Facebook. This prosecutor's office is also acting in two proceedings against councilors (A. M. and F. B.) but as they are still in the pre-criminal phase, information about the types of criminal offences is not publicly available.<sup>24</sup>

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23 For additional information, see: <https://www.radiostoplus.com/agencija-mahmutovic-nezakonito-obnasao-vise-funkcija/>

24 Response of the Basic Public Prosecutor's Office to the request for free access to information of public importance.

The Higher Prosecutor's Office in Novi Pazar acted in three proceedings against local self-government officials by forwarding two cases to other prosecutor's offices, while in one case the proceedings were suspended because it was established that the reported actions did not contain elements of a criminal offence that could be prosecuted *ex officio*.<sup>25</sup> As regards the criminal report that was filed against members of the City Council (U. D. , M. J. , F. M. , L. D. and T. R. ) on suspicion of abuse of office, the Higher Prosecutor's Office decided to forward it to the Special Department for Combating Corruption of the Higher Prosecutor's Office in Kraljevo because it assessed that the criminal offence was under their jurisdiction. That Prosecutor's Office stated that they did receive the report and ask the police to verify the allegations contained therein, but until the time of this report they did not receive any feedback on whether the police were in fact doing anything or what they have discovered so far. The Higher Prosecutor's Office also received a report against the councilor of the Assembly of Novi Pazar and the acting director of the General Hospital in the city, M. M., due to the suspicion that he, together with several other persons, joined a criminal group for the purpose of committing criminal acts. It forwarded the report to the Prosecutor's Office for Organised Crime, which said Office then forwarded to the Special Department for Combating Corruption of the Higher Prosecutor's Office in Kraljevo. As for the criminal report that was filed against councilor A. Š. for the criminal acts of 'endangering security and recognition of capitulation or occupation', having investigated the case the Prosecutor's Office established that reported actions did not contain elements of the reported criminal acts, or any other acts that are prosecuted *ex officio*.

None of these proceedings have, so far, ended in convictions that would require adequate reactions of the local self-government in the form of removal from office, which is why it was not possible to assess how Novi Pazar acts upon decisions – in this case, those of the judicial authorities.

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25 Ibid.

### **Malfeasances involving public procurement**

Proceedings against five officials due to malfeasances involving public procurement are pending before the Special Department for Suppression of Corruption of the Higher Court in Kraljevo.<sup>26</sup> They were arrested in November 2020, and the Special Department for Suppression of Corruption of the Higher Prosecutor's Office in Kraljevo filed indictments in June of last year against Assistant Mayor E.Š. and City Administration employee M.D. for the extended criminal offence of 'trading in influence'. The former director of the Institute for Urban Planning S.Lj. was accused of a prolonged criminal offence of 'abuse of office', while local self-government employees S.A. and A.I. were charged with the criminal offence of 'abuse in connection with public procurement'. The same action included also the former director of the City Cleaning Company, E. O., who settled with the Prosecutor's Office and received a suspended prison sentence. Although the defendants are the mayor's assistant and the head of a department of the City Administration, they have not been removed from their positions, at least not while the trial is pending.

## **Legitimacy of the institution**

Representatives of non-governmental organisations, independent working bodies and journalists<sup>27</sup> who follow the work of the City Administration of Novi Pazar believe that the responsibility for the absence of public participation in the work of local self-government, the fact that there are no proceedings involving corruption or conflict of interest, and the fact that there are generally no complaints about the work of employees and public officials should be divided between the holders of power and the inhabitants of the city. They claim that citizens are often apathetic, that many of them know their rights in relation to local self-government and are generally aware of the mechanisms for realising them, but that they are more willing to publish their views and criticisms of the City Administration on social networks than to initiate official procedures before the competent authorities.

Our interlocutors agree that such a situation suits the local power holders, who are not sufficiently willing to encourage the public to participate in making (and monitoring the implementation of) decisions, and in controlling

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26 For additional information, see: <https://www.danas.rs/vesti/drustvo/nastavlja-se-sudjenje-lokalnim-funkcionerima-novog-pazara-zbog-korupcije/>

27 Interviews with Enes Radetinac, editor of the internet portal A1tv.net; Ishak Slezović, editor of Radio Sto Plus; Esma Lotinac, former president of the Local Anti-Corruption Forum; and Sead Biberović, director of the non-governmental organisation Urban-In.

the work of the bodies and the spending of public funds. They add that the transparency of the work of the City Administration of Novi Pazar has improved in the last three years, but that it is necessary to strengthen efforts aimed primarily at establishing better interaction with the public, so that the population would view local self-government as an open service for citizens, and not an authority that a certain political party has appropriated as its prey.



Our country is definitely moving towards good regulations, but citizens somehow rely less and less on them. Does the absence of reports tell us that the work of the local bodies is flawless, or it shows that society of not sufficiently interested in participating in public life? This was a rhetorical question, so I will not answer it. But a community that has lost trust in institutions, having pointed out shortcomings for years and seen institutions turning a completely deaf ear to their requests, has slowly anesthetised itself. Guided by the thought that “it will not change anything”, citizens ceased to react and accepted the established models of behaviour. And that is how we come to the fact that no new instruments, tools or reporting possibilities will be able to change our minds.

**Esma Lotinac**

Former president of the Local Anti-Corruption Forum

## Recommendations

It is necessary to:

- perform an analysis of job positions and define staffing needs based on the analysis;
- announce competitions and hire new staff to fill vacant classified job positions;
- develop an Integrity Plan in the third cycle;
- announce a competition and elect new members of the Local Anti-Corruption Forum;
- create a register of conflicts of interest;
- design an action or strategy, or implement a campaign, that will inform citizens about their rights and opportunities to participate in local self-government decision-making;

- inform citizens about the ways in which they can file complaints about the actions of the City Administration authorities and encourage them to do so;
- educate employees about their rights related to internal whistleblowing procedures and encourage them to point out all irregularities in the work of local self-government;
- establish the practice of publicly announcing all the decisions of competent bodies that act in cases of conflict of interest, violations of the Code of Ethics for Public Officials, violations of the Rulebook on the Conduct of Officials and State Employees, as well as in internal whistleblowing.





# Shelter for Women and Children at Risk of Domestic Violence "Women's Safe House" of the Center for Social Work of the City of Novi Sad



**Autotrs:** Dobrila Marković and Ivona Miklić

**Organisation:**

Freedom is Priceless Novi Sad

## Summary

Women's safe houses are reception centers and shelters intended for all the women, together with their children, who are at risk of physical, sexual, psychological, or economic violence in their families, or exposed to stalking. As a type of temporary accommodation, their aim is to provide such women and children protection and support in putting violence behind. Safe houses' locations are secret, in order to facilitate complete safety for the beneficiaries. Staying in a safe house is free of charge for the beneficiaries, while the costs of their accommodation are covered by the local municipal governments. The function of women's safe houses is to protect women and secure their displacement from the environment in which they experienced violence. The aim is for such women to be enabled to return to their ordinary lifestyle in the community and be offered a possibility to organize a violence-free life. The women are thus encouraged to gradually become once again included in the community.

Shelter for women and children at risk of domestic violence "Women's Safe House" is a part of the Center for Social Work of the City of Novi Sad (hereinafter: CSW Novi Sad), i.e. it is a social protection service. Between 2006 and 2009, the Women's Safe House functioned as a project fully funded from the budget of the City of Novi Sad – City Administration for Social and Child Protection. According to the Decision on Realization of the Rights in the Field of Social Protection of 2009,<sup>28</sup> the range of the activity of the CSW Novi Sad was widened and the Women's Safe House began to function as a regular activity of the CSW. The Women's Safe House represents a new, comprehensive mode of the social protection for the women and children facing domestic violence, functioning as a specialized shelter and reception unit.<sup>29</sup>

Within the Women's Safe House in Novi Sad (hereinafter: NS WSH), in 2011, the Shelter for Human Trafficking Victims was opened, at the time the first of its kind in Serbia supported by an institution from the social protection system, i.e. the Centre for Social Work. This Shelter was opened as a part of the program "Protection and Integration of Human Trafficking Victims in AP Vojvodina", which was realized in cooperation with the Novi Sad Humanitarian Center (NSHC), and with the support from the joint program by the United Nations High Commissioner for Refugees (UNHCR), United Nations Office on Drugs and Crime (UNODC) and International Organisation for Migration (IOM). Even after the completion of the project, the Women's Safe House in Novi Sad has continued with providing support to human trafficking victims, even though this has not been its primary task. In a great number of cases,

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28 For additional information, see [Official Gazette of the City of Novi Sad](#), no. 46/09..

29 More information (in Serbian) available at: <https://www.csrns.org.rs/prihvatiliste-sa-prihvatnom-stanicom-za-zene-i-decu-ugrozene-porodicnim-nasiljem-sigurna-zenska-kuca/?script=lat>

domestic violence and human trafficking are intertwined, and it is thus possible to continue the provision of support to the beneficiaries who have been victims of trafficking in human beings. However, the Novi Sad CSW's Report on Operation presents only the data concerning victims of domestic violence, while the accommodation of and the services provided to human trafficking victims are not mentioned. During the consultations, it has been emphasized that not all human trafficking victims from the territory of Novi Sad are accommodated in the WSH in Novi Sad, as NGO Atina also has its shelter, as well as the Center for the Protection of Human Trafficking Victims.

Function of the WSH is to secure physical safety, existential security, psychosocial support and legal aid to the women and children at risk from violence, facilitating discontinuation of the vicious circle of domestic violence and offering conditions for thus strengthened women to develop their own strategies of organizing the life without violence.<sup>30</sup>

For the benefit of this research and in order to facilitate the creation of the Institutional Barometer, the WSH's management supplied a filled-in questionnaire, while the Coordinator of the Novi Sad WSH subsequently orally responded to some additional questions of the researchers and explained to them the manner in which the WSH functions, the process of working with beneficiaries, as well as the challenges that they encounter in their work. Additionally, the research involved using the Report on Operation of the CSW of Novi Sad for 2021, Info Booklet of the CSW for 2021, financial reports of the CSW for earlier years, Annual Report for 2021 of the Vojvodina Institute of Social Protection, different decisions available in the Official Gazette of the City of Novi Sad and other pieces of information available on the website of the Center for Social Work of the City of Novi Sad.

## Internal efficiency

According to the data from the questionnaire sent to the NS WSH and focused on 2021, the NS WSH has seven employees. On the other hand, according to the responses received from the NS WSH, the present systematisation of work positions envisages for the Safe House to employ just 1 coordinator and 1 associate (host). According to the Report by the Center for Social Work of Novi Sad, in 2021, the Women's Safe House employed expert workers of the following professional profiles: coordinator-psychologist, social worker, educationalist/pedagogue and psychologist. Additionally, the WSH engaged two porters (permanent full-time employees of the CSW's Technical Services) and one associate (host – permanent full-time employee of the WSH). The oral

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30 More information (in Serbian) available at: <https://www.csrns.org.rs/prihvatiliste-sa-prihvatnom-stanicom-za-zene-i-decu-ugrozene-porodicnim-nasiljem-sigurna-zenska-kuca/?script=lat>

consultations have made it clear that the social worker has worked in the WSH since 2010 (she has worked in the WSH all the time, it is just that her contract has been with the Daycare Service), coordinator-psychologist has also been engaged under a permanent contract with the WSH, while the psychologist and educationalist/pedagogist have had time-limited employment contracts. Also, the professionals employed as assisting personnel (2 porters) have continuously been working in the WSH, and their primary employment has been with the CSW Technical Services. According to the systematisation, no physical security for the Women's Safe House is envisaged, although the researchers were said in the course of the consultations that such security was indeed desirable and needed. When it comes to the need for professional physical security, it was said in the consultations that, due to the nature of the services, it would be advisable for these services to be provided by women employees.

The direct, professional and organisational work with women and children involves 5 persons (expert workers – coordinator, psychologist, educationalist/pedagogist, social worker and additional personnel, associate/host – technical part of the work dealing with food, clothes, hygiene, accommodation, inventory, etc.) engaged in different segments of offering support to the beneficiaries, but also participating in realization of other tasks, such as participation in capacity building and educational activities (trainings, seminars and other educational activities), community awareness raising activities concerning the problem of partner violence and other related topics, media appearances, tasks concerning donations, etc., which leads to the employees being overburdened, even though that staff capacities have already been identified as problematic.<sup>31</sup> Among the activities it works on, the Women's Safe House also lists other activities, such as participation in the Local Team for the Support to Human Trafficking Victims, participation in developing documents such as local action plans, as well as performance of other tasks in line with the law, standards and other regulations.

The surface area of the rooms in the NS WSH is 552m<sup>2</sup> and the building is fully equipped for counselling and therapeutic work, as well as for the protected living of the accommodated women and children. The capacity of the NS WSH is 20 beds, while the building of the WSH received the real estate legalization decision in 2021.<sup>32</sup> When it comes to the conditions for work in the Novi Sad CSW, the report for 2021 mentions that the conditions are gradually improving, which is a reference to expanding of the work space, as well as purchasing of new and restoration of the existing furniture and equipment, yet this report does not offer an opportunity to distinguish what portion of the changes refers to the Women's Safe House, as it is presented

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31 [Report on Operation of the Centre for Social Work of the City of Novi Sad for 2021](#), Novi Sad, March 2022.

32 Ibid.

as a social protection service – Shelter for Women and Children at Risk of Domestic Violence “Women’s Safe House” (organisational unit).

When it comes to CCTV and security systems, we are informed that the WSH is equipped with 11 cameras. In the Report by the Center for Social Work of the City of Novi Sad (hereinafter: Novi Sad CSW) for 2021, it is stated that the CSW has five cars at its disposal (two of which are on the verge of being functionally unusable).<sup>33</sup> The Women’s Safe House is not adapted for the beneficiaries with physical disabilities who use wheelchairs, but attaining accessibility is mentioned as one of the priorities for the following period, and also stated in the Novi Sad CSW’s Report for 2021.

## Referring and services

The shelter for women and children at risk of domestic violence “Women’s Safe House” is intended for temporary accommodation of beneficiaries and primary urgent provision of their safety in the situation of crisis of being exposed to domestic violence.<sup>34</sup> Additionally, it provides support to human trafficking victims, though this is not the primary task of this safe house. However, this service is necessary in certain situations.

After a beneficiary’s safety is secured by placing her in the shelter, planned and time-defined program activities serve to the establishment and maintenance of the sense of security, strengthening of the beneficiary, overcoming of the critical situation and identification of sustainable solutions for independent living in the community and without violence. The service of shelter accommodation is intended for adult women victims of domestic violence and their children of both sexes, who are directly or indirectly exposed to violence. The service of shelter is provided to victims of psychological, physical, sexual and economic violence, as well as those exposed to the violence of stalking by (a) member(s) of the family, and it can be simultaneously provided to 20 beneficiaries (women and children). Placement in the shelter can last for six months at the most.<sup>35</sup> In line with the needs of beneficiaries, who sometimes ask for a prolonged stay, such concessions are always made and, with the request by the WSH employees as the expert team, longer stays are approved. The longest stay thus far lasted for two years.

The WSH works non-stop (24/7), with telephone contact availability and expert workers on duty at all times. The work is organized in two shifts and nighttime duty. When it comes to the nighttime duty shifts, it has been emphasized that 3 expert workers are passively on duty every week, while the

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33 One of the WSH’s vehicles was provided by the City of Novi Sad – City Administration for General Affairs.

34 Ibid.

35 Ibid.

nighttime duty operations are actually activated when beneficiaries are taken care of and moved in, and one needs to react in new, unforeseen situations both in relation to the beneficiaries placed in the shelter and when a report of violence made by a person who contacted the WSH via the phone needs to be addressed.

According to the answers provided in the questionnaire, the following services are provided to beneficiaries in the Women's Safe House:

- accommodation,
- counselling,
- psychosocial support,
- informing,
- economic empowerment,
- referring to other community institutions and agencies,
- employment support, and
- legal aid and representation.

Records of the number of the services provided is not available and, as stated during the oral consultations, the obstacle to keeping such records is the lack of the rulebook on operation of safe houses on the level of the Republic of Serbia, which would regulate this issue.

A part of the services needed by the beneficiaries is secured by referring the beneficiaries to other service providers who thus become involved in the provision of services to the beneficiaries. Especially prominent among these service providers are the Counselling Office for Marriage and Family, NGOs, National Employment Service and the Office for the Provision of Legal Aid. After leaving the WSH, beneficiaries are referred to institutions, agencies and services available in the local community, in line with the beneficiaries' needs.

When asked about the WSH's filing complaints concerning the work and actions by other bodies/institutions, it has been clarified that in such situations they try to organize case conferences and solve the problems in that way.

During 2021, the Women's Safe House accommodated the total of 99 beneficiaries (45 women and 54 children), 93 of which were newly admitted, while 6 beneficiaries had been admitted in 2020, yet their placement was extended into 2021.

When compared to 2020, there was a significant increase in the number of beneficiaries in 2021, amounting to 45% (there were 68 beneficiaries in 2020), this being the greatest rise since 2017, the year that monitoring of this trend began.

Even though this was not registered in the official records, in 2021 the WSH accommodated 3 Serbian nationals who were victims of trafficking in human beings. During the oral consultations, it has been confirmed that such services are not to be denied to foreign nationals either, in case that such human trafficking victims are identified.

When it comes to the number of the cases where the inquiries concerning provision of accommodation in 2021 were approved, we have been informed that there were 93 of these (90 victims of domestic violence and 3 victims of human trafficking). Bearing in mind that in 2021, 93 new beneficiaries were admitted to the WSH, we can conclude that all the inquiries received approval.

Table 4: Statistical overview of the beneficiaries admitted during 2021 year in the Women's Safe House

Beneficiaries' age	The total number of the newly admitted beneficiaries in 2021 (1 January 2021 – 31 December 2021) <sup>36</sup>		
	M	F	Total
0 – 5 years	9	12	21
6 – 14 years	12	9	21
15 – 17 years	0	8	8
18 – 25 years	0	12	12
26 – 64 years	0	30	30
65 – 79 years	0	1	1
80 years and more	0	0	0
<b>Total <sup>37</sup></b>	<b>21</b>	<b>72</b>	<b>93</b>

It can be concluded from the analysis of beneficiaries of the Women's Safe House presented in the 2021 Report by the Center for Social Work that 74% of the beneficiaries (33 women and 44 children) had their primary residence

<sup>36</sup> Table 4 shows only the beneficiaries newly admitted in 2021, of which there were 93. Six of the beneficiaries were admitted in 2020 and they are not represented in this table.

<sup>37</sup> Out of the total of 51 children admitted in 2021, 42 were children younger than 14 admitted together with their mothers. Out of the total number, 41% were children younger than 5, while 41% belong to 5-14 age category. In line with the NS WSH Rulebook, male children older than 18 were not represented as service beneficiaries, while the greatest number of female beneficiaries belonged to 26-64 age category..

in Novi Sad, while 26% of the beneficiaries (11 women and 7 children) had residence outside the territory of the City of Novi Sad.<sup>38</sup> The majority of female beneficiaries belonged to the age category between 26 and 64. When it comes to education, the most of the beneficiaries had finished IV grade secondary school (34%). 68% of the beneficiaries were unemployed at the time of their admission into the WSH, while out of the total number of the beneficiaries who provided the data concerning their property-owning status, the majority did not have any property to their name. Out of the total number of beneficiaries, 11% of the adults had a psychiatric condition diagnosed.<sup>39</sup> When it comes to the distribution of the forms of abuse experienced by the beneficiaries, the greatest share of the victims were dominantly exposed to psychological abuse (52%) which was also present simultaneously with other forms of abuse.

Table 5: Overview of the distribution of the forms of abuse among the beneficiaries residing in the Women's Safe House in 2021

The dominant form of abuse <sup>40</sup>	Victims in %
Physical abuse	37
Sexual abuse	5
Stalking	3
Economic abuse	3
Psychological abuse	52

During 2021, the WSH's expert team realized different types of assistance and support for the total of 230<sup>41</sup> victims of domestic violence. The analysis shows that this number of 230 victims is in fact the sum of the number of beneficiaries who self-initiatively turned to the WSH for support via the phone (the total of 96 women), the number of victims who contacted the WSH via e-mail due to domestic violence (35 victims) and the number of beneficiaries who stayed in the Women's Safe House (99 in total).

38 The persons who do not have registered residence on the territory of the city, in case they come into a social need which requires urgent provision of services, i.e. securing social protection. Social protection beneficiaries can also be foreign nationals and persons without citizenship, in line with the law and international agreements. – Official Gazette of the City of Novi Sad 38/11

39 [Report on Operation of the Centre for Social Work of the City of Novi Sad for 2021.](#)

40 Trafficking in human beings is not separately presented in the Report, even though it has been confirmed that 3 of the beneficiaries accommodated in the WSH were indeed human trafficking victims.

41 The Report on Operation of the Centre for Social Work of the City of Novi Sad for 2021, on page 14, reads: "In 2021, 28,430 citizens of Novi Sad turned to the CSW for different services... 131 persons to the Shelter for Women and Children at Risk of Domestic Violence "Women's Safe House".



Considering all the aforementioned numbers, it may be concluded that one expert worker was responsible for 24.75 beneficiaries, if we count only those beneficiaries who stayed in the safe house during the researched year (99 beneficiaries – 45 women and 54 children<sup>42</sup>). Also, answers in the questionnaire highlighted that the employees of the Women's Safe House were also delegated tasks in relation to the transport of beneficiaries, donations, procurement of medicines, etc.

According to the questionnaire answers, the average monthly number of beneficiaries in the observed year was 23 (women and children), which leads to the conclusion that the Women's Safe House provides support to beneficiaries, which exceeds its capacities (20 beds).

Table 6: Total number of beneficiaries per month in the Women's Safe House

Month	Number of beneficiaries (* WSH capacity = beds)
January	19 (6 of which from 2020)
February	25 (6 of which from 2020)
March	23 (5 of which from 2020)
April	30 (4 of which from 2020)
May	28
June	30
July	26
August	25
September	22
October	19
November	19
December	15

When it comes to the negative responses by the WSH to accommodation inquiries, it was answered in the questionnaire that there had been no such cases, but that this referred to the instances where some other protection measures needed to be applied first, mainly pertaining to the beneficiaries with mental health challenges. After their dismissal from the safe house, the beneficiaries are referred to the institutions, agencies and services available

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42 42 women were newly admitted in 2021, while 3 beneficiaries had been admitted in 2020, and their stay concluded in 2021. 51 children were newly admitted with their mothers in 2021, while 3 children had been admitted in 2020, and their stay finished in 2021.

in the community, according to their needs. When asked about the existence and application of any formal criteria or procedures used to refer beneficiaries to the safe house, it was emphasized that they did not exist, but that the beneficiaries were referred to this service based on assessment.

Table 7: Number of referred beneficiaries to the WSH by different competent authorities/organisations

Competent authority/organisation	Number of referrals
Police	15
Center for social work	20
Healthcare institution	1
Center for the protection of human trafficking victims	1
Beneficiaries self-initiatively	4

## Funding of the Women's Safe House

The operation of the Centre for Social Work of the City of Novi Sad is funded from the budget of the Republic of Serbia, i.e. the funds of the Ministry of Labor, Employment, Veteran and Social Affairs, and from the budget of the City of Novi Sad and the funds of the City Administration for Social and Child Protection, the budget of which provides for the full financing of the Women's Safe House as a social protection service (service of placement – accommodation in shelter).<sup>43</sup> Financial report of the Novi Sad Centre for Social Work was not published on the official website of the CSW by the end of 2022, so the data pertaining to the funds allocated for the WSH are available only in the Info Booklet about the CSW's operation for 2021. In this document, it is stated that the received income and earnings for the Safe House in 2020<sup>44</sup> amounted to 9,145,885.51 RSD.<sup>45</sup> In additional oral consultations, it was confirmed that the approximate annual budget of the Safe House was around 9,000,000 RSD. By analyzing previous financial reports, it can be concluded that the structure of costs for the Women's Safe House includes: salaries, material costs, transport costs, accommodation costs, severance payments and anniversary bonuses and solidarity allowance. The WSH also regularly receives donations, largely in goods, but money donations are also possible<sup>46</sup> via payments to the account of the CSW.

<sup>43</sup> [Official Gazette of the City of Novi Sad 38/11.](#)

<sup>44</sup> Report on Operation for 2021 contains data on income and costs for 2020..

<sup>45</sup> [Info Booklet on Operation of the Centre for Social Work of the City of Novi Sad for 2021.](#)

<sup>46</sup> The financial reports of earlier years also show significant money donations.

## Institutional embedment

The Women's Safe House has direct responsibility towards the Centre for Social Work as its organisational unit. In addition to cooperating with other organisational units and departments, the WSH also collaborates with all the institutions relevant in the field of suppression and prevention of violence against women and human trafficking, first locally, but also in the wider context. Among the WSH's collaborators, especially prominent are police, other CSWs, judicial authorities, nongovernmental and international organisations, and especially: Police administration of the City of Novi Sad, Office for the Provision of Legal Aid from Novi Sad, "Novi Sad" Healthcare Center, National Employment Service – branch in Novi Sad, Preschool Institution "Radosno detinjstvo", "Jovan Jovanović Zmaj" Primary School in Sremska Kamenica, Women Councilors' Network and the Gender Equality Committee of the City of Novi Sad.<sup>47</sup> A part of the WSH's activities are also aimed at wider public – citizens, as potential beneficiaries, and through prevention activities.

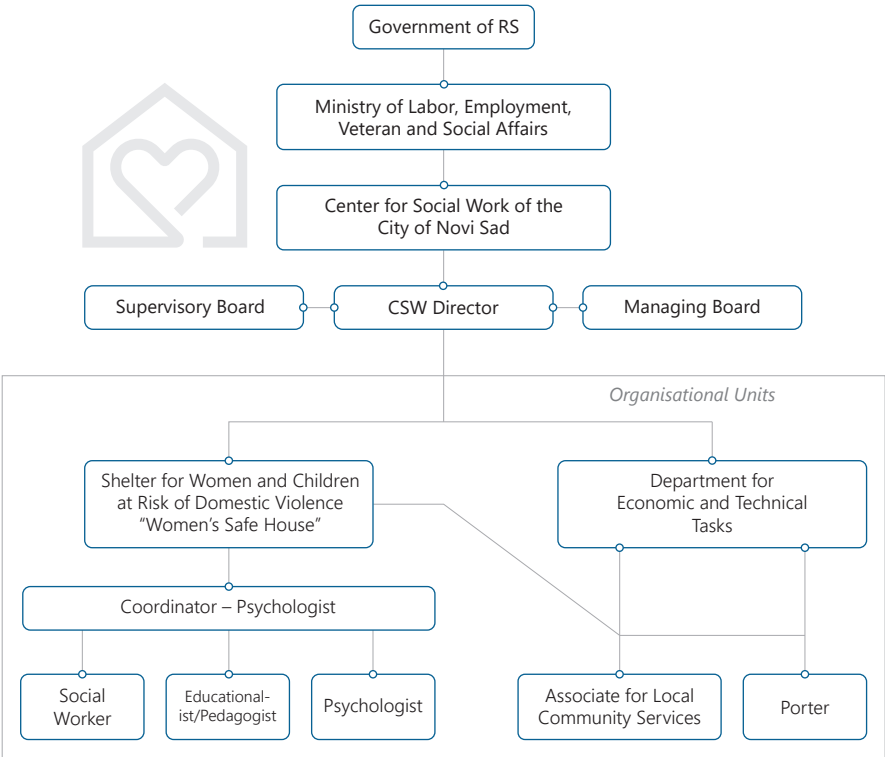
During 2021, 4 case conferences were held. In only 5 cases in 2021, an expert worker of the WSH was invited to provide findings and professional opinion in writing, or by coming to a hearing. There were only 8 protection plans made for the beneficiaries of the Safe House in 2021. Associates of the WSH have faced obstacles in working with the Group for Coordination and Cooperation (they had to argue in order to be invited to the group, there were delays in work, etc.), but they also emphasize that in their cooperation with the Higher Public Prosecutor's Office in Novi Sad, they have already started the initiative for the improvement of the protocol. Eleven meetings with the Group for Coordination and Cooperation were held in 2021. All the aforementioned facts indicate that, in spite of good connections and cooperation of the WSH with other local actors, there is still room for improvements. When it comes to the assessment of safety for the victims, it has been noted that the WSH indeed receives them, but the information concerning the number of sought and received safety assessments for the victims in 2021 is unavailable.

It has been emphasized in the questionnaires that fluctuations in referrals to the Safe House are largely influenced by the actors in the process of referring (CSW, police) and that the process of informing about available services needs to be improved. In 2021, the first contact with the Women's Safe House was initiated by CSW employees (45%), police (35%) and in 7% of the cases healthcare and education institutions. In 13% of the cases, the first contact was initiated by the victim of violence herself. The questionnaire also shows that in the case of only one beneficiary, a human trafficking victim, referral was made by the Center for the Protection of Human Trafficking Victims.

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<sup>47</sup> Report on Operation of the Centre for Social Work of the City of Novi Sad for 2021.

Illustration 3: Institutional map of the Women’s Safe House in Novi Sad



## Legitimacy

It has been stated by the WSH that in 2021, there were no complaints about their work by the beneficiaries. In line with the procedure, before her departure, each beneficiary fills in the Questionnaire on Evaluation of the Services in the Women’s Safe House, and the WSH employees continuously review these questionnaires and improve their work in line with the answers contained therein. In evidence of the responsible and dedicated work is the fact that 12 beneficiaries with whom group support sessions were organized after their dismissal from the WSH, continued to attend the activities. When it comes to control of the work, answers from the questionnaire highlight that the WSH employees regularly prepare reports submitted to the Center for Social Work, which are reviewed by the Supervisory Board of the Center.

The Supervisory Board of the Center for Social Work of the City of Novi Sad consists of 3 members (2 representatives of the founder and 1 member proposed by the CSW’s employees). The chair and members of the Supervisory Board are appointed and resolved by the Novi Sad City Assembly, their term

is 4 years, and one of their obligations is to supervise the work of the CSW.<sup>48</sup> Information concerning the number of the Supervisory Board's sessions in 2021 is not available.

When it comes to the control and monitoring of the WSH's operation, it has been confirmed that they are also monitored by the inspection of the Vojvodina Secretariat for Social Protection, by means of control sheets and visits. In 2021, the Vojvodina Institute of Social Protection responded to a request for professional support in one instance, by providing expert opinion in a case which involved a family with a child, where the mother was placed in the Women's Safe House.<sup>49</sup>

A part of the questionnaire referred to capacity building and improvement of professional knowledge of the WSH employees. According to the answers received in questionnaires and oral consultations, it has been established that 100% of the employees possess the license by the Chamber of Social Protection for the performance of basic tasks in social protection. All the employees have continuously attended accredited trainings, while they are also able to attend other trainings, in line with their needs and affinities. It has been emphasized that, in addition to trainings concerning domestic violence, trafficking in human beings and related topics, the employees also need and attend trainings on working with children, since children (both sexes, directly or indirectly exposed to violence) are also accommodated, together with their mothers, in the Women's Safe House.

In the Report on Operation of the Centre for Social Work of the City of Novi Sad for 2021, the section which deals with the practical work by the service, i.e. the Women's Safe House, lists 36 training programs, roundtable discussions, workshops, meetings and conferences attended and participated in by the WSH employees.

Additionally, the Women's Safe House organized conference "Stop the Silence" to mark the 15th anniversary of its founding and operation, participated in by experts in different fields from Vojvodina and Novi Sad. The Report notes that the employees of the WSH were involved in continuous informing of citizens about the phenomenon of domestic violence, manners of fighting it and opportunities to solve this problem, by either participating in different events, or through media appearances. Particularly important is the participation in the global campaign titled "16 Days of Activism against Gender-Based Violence".

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48 Statute of the Centre for Social Work of the City of Novi Sad.

49 Vojvodina Institute of Social Protection, Annual Report for 2021

According to the experience of the “Freedom is Priceless” association, the Women’s Safe House employees are active in prevention, awareness-raising and knowledge-improving efforts in the fields of partner violence and human trafficking, equally oriented towards professional and general public and citizens.

The employees of the Women’s Safe House have been recognized locally, in Novi Sad as important and unavoidable actors in combating all forms of violence against women and girls, which has been shown by their presence in all local activities concerning these issues.

Bearing in mind that the employees of the Women’s Safe House deal with the daily stress inherent in the care-related professions, and especially those dealing with protection of victims from violence, as well as with a wide range of professional tasks, a part of the questionnaire aimed at examining availability of support programs to the employees (supervision, intervention, mentoring, etc.). We have thus found out that there are no support programs for employees, but that they would be extremely important should they become available.

## Recommendations

- When compared to earlier years, the Center for Social Work of the City of Novi Sad improved availability of the information concerning their work (the CSWs website contains the Info Booklet on Operation, Report on Operation, Rulebook and systematisation). It is necessary to provide accessibility and transparency of the data on operation, planning, coordination, service provision and protection by the Shelter for Women and Children at Risk of Domestic Violence “Women’s Safe House”.
- The lack of the staff capacities has been recognized in the Report on Operation of the CSW. Bearing in mind the number of beneficiaries and children who reside in and use the services of the Women’s Safe House, it is obvious that the existing systematisation is not adequate for the situation in the field and that there is a staff deficit. Accordingly, it is recommended that the improvement of staff capacities is worked on, in addition to new assessment of the required profiles of both expert and assisting personnel.
- In line with the fact that the work by the Women’s Safe House largely involves their accommodation capacities, both the capacities for accommodation and the spatial capacities dedicated to leisure of the beneficiaries and their children need to be improved.

- Since the Women's Safe House currently does not possess physical security, it is recommended to secure professional physical security in the following period, provided by a female security professional.
- The Women's Safe House should implement an independent external evaluation with a view to improving its services.





# The Higher Public Prosecutor's Office in Užice



**Author:** Dragomir Pop-Mitić

**Organisation:**

Užice Centre for Human Rights and Democracy

## Summary

The Užice Centre for Human Rights and Democracy has analysed the work of the Higher Public Prosecutor's Office in Užice in the year 2021, which was largely marked by the preparation of constitutional amendments. In the meantime, these have been adopted and now constitute an introduction to amending and supplementing the laws that govern the work of the Public Prosecutor's Office in Serbia.

According to the strict hierarchical division which has existed for decades, the Higher Public Prosecutor's Office in Užice belongs to the network of public prosecutor's offices of Serbia. Its work is autonomous but essentially limited. It does not decide on staff and financial resources, and is allowed to decide on material and technical equipment only to a degree. If it wishes to increase the above capacities, it needs the consent of other authorities. If its work is to become more efficient, it is necessary to increase the number of prosecutors and prosecutors' assistants.

The text describes the institutional embedment of the public prosecutor's office based on the current legal framework; however, the Constitution envisages some major changes, which should be regulated in greater detail by harmonising the legal solutions. It remains to be seen how this will affect the Higher Public Prosecutor's Office in Užice.

Based on the analysis, it can be concluded that the Higher Public Prosecutor's Office in Užice performs its tasks successfully despite the above mentioned limitations, and that the weak link is the transparency of its work, which the office can improve simply by using the powers and resources it already has, without having to make any additional investments.

## Basic information

The seat of the Higher Public Prosecutor's Office is in Užice, and its jurisdiction covers most of the administrative district of Zlatibor, i.e. the city of Užice and 8 municipalities (with the exception of the municipality of Sjenica). According to the estimates of the Statistical Office of the Republic of Serbia, there were approximately 234,000 people living in this area in 2021. Their average age is close to 43 years. According to official data, about 30% of the population is employed. Their average gross salaries are about RSD 75,000, i.e. approximately 80% of the national average.

As part of the judiciary, a public prosecutor's office is an autonomous state authority whose status, jurisdiction and functioning are governed

by the Constitution of the Republic of Serbia<sup>50</sup> and the Law on the Public Prosecutor's Office.<sup>51</sup> It is established to prosecute perpetrators of criminal acts that pose a danger to the public, which is why prosecution is conducted *ex officio*, independent of the will of the person who has been harmed by the committed criminal act..

Pursuant to Article 14 of the Law on the Public Prosecutor's Office and in accordance with the provisions that apply to determining the subject-matter jurisdiction of the court, the main rights and duties of the higher public prosecutor's office are as follows: prosecution of perpetrators of criminal offences that carry a prison sentence of more than 10 years as the main punishment, prosecution of perpetrators of crimes against humanity and other goods protected by international law, against the Serbian Armed Forces, disclosure of state and official secrets, calls for violent changes to the constitutional order, incitement of religious, national and racial hatred and other unconstitutional acts, initiation of criminal proceedings for all criminal offences committed by juveniles, and prosecution of perpetrators of other criminal offences that, based on special statutory provisions, fall under the subject-matter jurisdiction of the higher court, and thus also the higher public prosecutor's office.

The Higher Public Prosecutor's Office in Užice is part of a system that consists of the Republic Public Prosecutor's Office, four appellate public prosecutor's offices (in Belgrade, Kragujevac, Niš and Novi Sad), 25 higher and 58 basic public prosecutor's offices, as well as two public prosecutor's offices with special jurisdiction: the Prosecutor's Office for Organised Crime and the Prosecutor's Office for War Crimes. Hierarchically, it belongs to the Appellate Public Prosecutor's Office in Kragujevac and it directs and supervises the work of three basic public prosecutor's offices: in Užice, Požega and Prijepolje (with a department in Priboj).

As the legal successor of the District Public Prosecutor's Office in Užice, the Higher Public Prosecutor's Office in Užice (hereinafter: HPPO Užice) began to operate on 1 January 2010. It was established by the Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices,<sup>52</sup> which also governs local jurisdiction. The HPPO Užice is thus territorially in charge of the area covered by the Higher Court in Užice, i.e. for the areas of the Basic Courts in Požega, Priboj, Prijepolje and Užice.

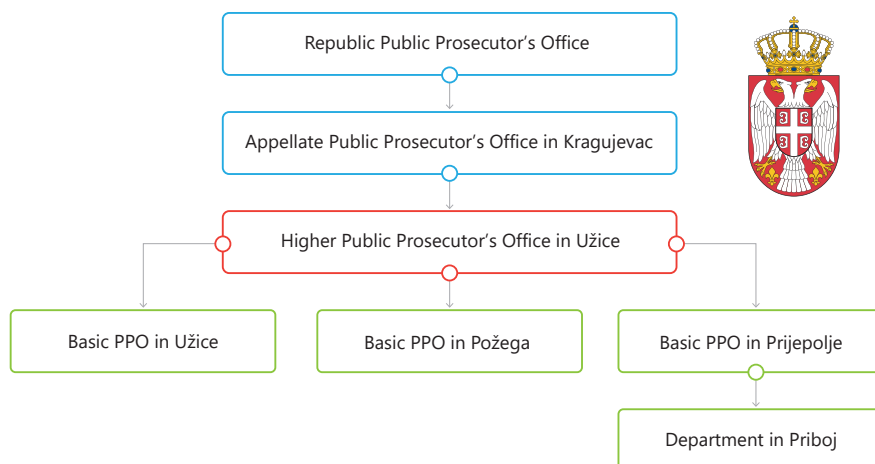
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50 "Official Gazette of the Republic of Serbia (RS)" no. 98/06.

51 "Official Gazette of the Republic of Serbia (RS)" nos. 116/08, 104/09, 101/10, 78/11, 101/11, 38/12, 121/12, 101/13, 111/14, 117/14, 106/15 and 63/16.

52 "Official Gazette of the RS" no. 101/13.

Illustration 5: The hierarchical structure of HPPO Užice



On 1 March 2018, a Special Department for the Suppression of Corruption was established at the High Public Prosecutor's Office in Kraljevo, relieving the Public Prosecutor's Office in Užice of the obligation to deal with this type of crime.

## Institutional arrangement map

In its work, the HPPO Užice is directed towards a wide network of the highest bodies of the legislative, judicial and executive branches of power, as well as other authorities, organisations and institutions. This embedment can be observed from four different aspects: the election of public prosecutors and deputy public prosecutors to their positions; ensuring the conditions for the work of public prosecutor's offices; the performance of functions in public prosecutor's offices; and the transparency of the work.

The National Assembly of the Republic of Serbia elects public prosecutors from among the candidates proposed for these positions by the Government of the Republic of Serbia and the State Prosecutorial Council. Elected public prosecutors take an oath before the Speaker of the National Assembly. The same bodies also participate in the process of dismissing public prosecutors.<sup>53</sup>

An initiative to dismiss a public prosecutor or a deputy public prosecutor may be submitted by any person, while the dismissal procedure can be initiated on the proposal of a public prosecutor, an immediately senior public

<sup>53</sup> Constitutional amendments of February 2022 regulated this matter differently, and it was further elaborated in a set of judicial laws adopted on 9 February 2023. However, since these regulations were not current at the time of this research, we are presenting the regulation that was valid during the research period.

prosecutor, the Republic Public Prosecutor, the Minister of Justice, bodies responsible for performance evaluation, the Disciplinary Commission, as well as *ex officio* by the State Prosecutorial Council.

A public prosecutor or deputy public prosecutor has the right to appeal to the Constitutional Court against the decision of the National Assembly or the State Prosecutorial Council on the termination of his/her office.

In addition to submitting proposals for the election of public prosecutors, the State Prosecutorial Council elects deputy public prosecutors who perform their duties permanently; decides on their number in each prosecutor's office; establishes criteria for evaluating the performance of prosecutors; proposes the scope and structure of budget funds necessary for the current expenses related to the operation of public prosecutor's offices, except for funds intended for employees; distributes those funds to public prosecutor's offices and controls their spending.

The Minister of Justice passes the Rulebook on administration in public prosecutor's offices and supervises its implementation; gives consent to the State Prosecutorial Council when determining the number of deputy public prosecutors in each public prosecutor's office; establishes criteria for determining the number of staff in a public prosecutor's office and gives consent to the number of staff in the public prosecutor's office determined by the public prosecutor in the Act on Internal Organisation and Classification of Job Positions; gives an opinion to the Republic Public Prosecutor's Office on the proposal of the scope and structure of budget funds required for the work of public prosecutor's offices and supervises their spending.

Besides the State Prosecutorial Council and the Minister of Justice, the Ministry of Finance also supervises the spending of public prosecutor's offices' budget funds.

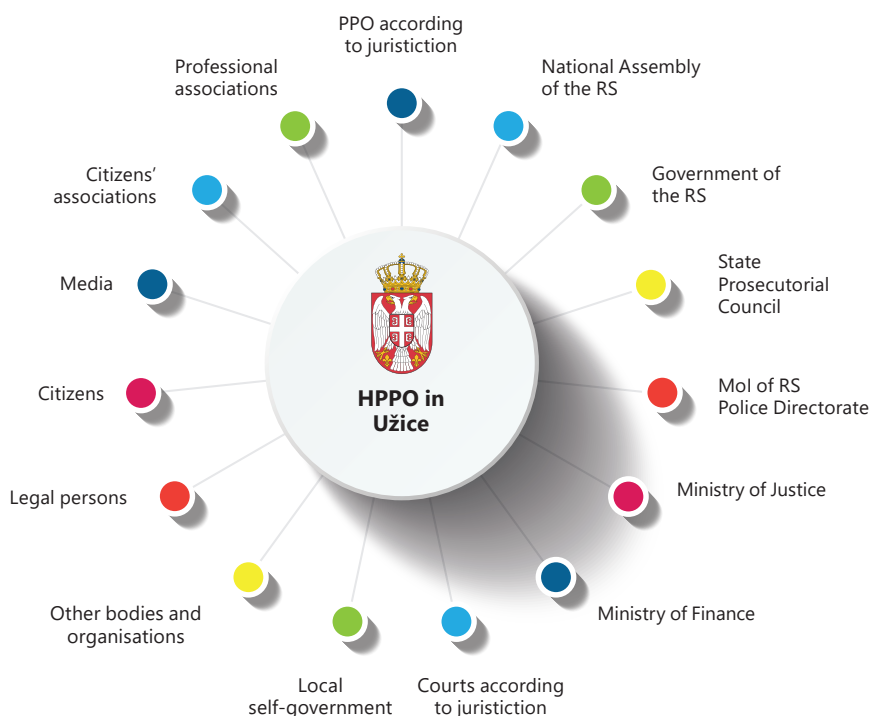
At the request of the public prosecutor's office, courts, other state authorities, bodies of local self-government units and autonomous provinces, as well as other organisations and legal persons are obliged to submit files and documents necessary for the work of the public prosecutor's office.

A necessary collaborator of the public prosecutor's office is the Ministry of the Interior, especially the Police Directorate with its police departments. In the case of HPPO Užice, these are the Police Department in Užice and the Police Department in Prijepolje.

The public prosecutor's office may inform the public about the state of criminality and other phenomena it observes in its work. Within the limits of its powers and under certain conditions, it may also inform the public about individual pending cases.

A public prosecutor and deputy public prosecutor cannot be members of political parties or act politically in any other way, while prosecutors' assistants and trainees – in addition to public prosecutors and deputy public prosecutors – have the right to create/join professional associations to protect their interests and preserve the autonomy of their work.

Illustration 6: Graphic presentation of institutional embedment of HPPO Užice



## Internal efficiency

### Staffing resources

The organisational structure was determined by the Act on Internal Organisation and Classification of Job Positions in HPPO Užice, while the decision of the State Prosecutorial Council determined the number of deputy public prosecutors in the same Office.

The Higher Public Prosecutor's Office in Užice has a total of 13 employees. In addition to the higher public prosecutor (whose duties are currently performed by the Acting Higher Public Prosecutor), there are four deputy

public prosecutors and one prosecutor's assistant, while 7 executors have been classified in six job positions to perform supporting tasks (administrative technical secretary, registrar, record taker, independent executive in charge of financial affairs, IT support technician and postal expedition worker).

## **Financial resources**

Article 33 of the Law on the Budget of the Republic of Serbia 2021 prescribes the authority of the President of the State Prosecutorial Council to issue orders for the transfer of funds to public prosecutor's offices within section 8 – Public Prosecutor's Offices (except for chapters 8.1 – Republic Public Prosecutor's Office, 8.2 – Prosecutor's Office for War Crimes, and 8.3 – and Prosecutor's Office for Organised Crime). The transfer of funds is carried out for all expenses and expenditures, except for expenses that have to do with employees in public prosecutor's offices. The President of the State Prosecutorial Council is also responsible for the transfer of funds from own revenues.

Issuance of payment orders is the responsibility of the heads of public prosecutor's offices, except for the payment of obligations based on joint public procurements, which are the responsibility of the President of the State Prosecutorial Council.

In the Law on the Budget of the Republic of Serbia 2021, the revenues of the prosecution are planned from three sources: 01 – General revenues and funds from the budget, 04 – Own revenues, and 13 – Undistributed surplus revenues and budget funds from previous years. However, the report of the HPPO Užice on budget execution for 2021 does not present realised revenues by source, nor is there any data on the purposes for which these were used, i.e. from which revenues the expenses and expenditures were financed.

A detailed tabular presentation of the availability of funds of HPPO Užice can be found in Table 8.

## **Material and technical equipment**

The Higher Public Prosecutor's Office in Užice uses a part of the building of the Higher Court in Užice. The accommodation capacities consist of 11 offices with a corresponding corridor and toilet, two small auxiliary rooms and a single garage.

As regards moveable property, it has two official vehicles – one 17 and the other 10 years old – furniture, computers and office equipment (15 desktop computers, five laptops, 14 printers, 22 monitors, two photocopiers and one fax machine). Computer equipment and equipment for video surveillance in the amount of RSD 267,204.00 was purchased in 2021.

With the staffing, financial and material-technical resources described above, the HPPO Užice has managed to respond to its tasks. The overview of these tasks is presented in the table which shows the inflow of cases, by register (Table 9). It was primarily the year 2021 that was observed, while 2020 and 2019 were added to illustrate the change in the number of cases by year.

Starting from the basic duties of public prosecutors, their work must be viewed in the context of the state of criminality. According to the report of the Police Department in Užice for the year 2021, the total number of detected and reported crimes decreased by 4% compared to the previous year, while economic crime decreased by 10% and general crime by 5%. According to the records of the Užice Police Department, a total of 1,248 crimes were detected and reported in 2021.

Illustration 7: Graphic presentation of the structure of criminal offences in the area of general crime 2020/2021, according to the Report of the Užice Police Department



In the table of HPPO Užice, published in its Information Bulletin on the Work, it can be seen that the total number of cases is constantly increasing from one year to the next. The number of criminal offences committed by adult offenders is also higher compared to the previous year, while there are 61 fewer criminal offences committed by juveniles, and one fewer criminal report against unknown perpetrators. The largest part of the total number of cases relates to other criminal cases, where one can see the biggest increase compared to the previous year; these are various petitions, proposals, complaints, but there are also criminal reports that are incomprehensible,



which cannot be considered a source of knowledge about the criminal act or the perpetrator, and as such cannot be placed in the "KT" register. The presented situation is somewhat different from that in the Republic of Serbia, where the number of reports against known adult and juvenile perpetrators of criminal offences has decreased by 1.97%, while the number of reports against unknown perpetrators has increased by 13.5%.

A slight decrease in the number of orders to initiate investigations can be observed as well, but there is also a simultaneous increase in the number of concluded plea agreements, as well as a certain number of reports that were resolved by applying the principle of opportunity. Here, too, the situation is somewhat different than at the level of the entire country, where the number of plea agreements is 4.97% lower, while resolution of cases by applying the principle of opportunity has increased by 7.31%.

In total, 107 criminal reports were filed during the reporting period: the Police Department filed 63, other state authorities – one, and injured parties – 43. There were a total of 56 orders to conduct investigations. Three investigations were resolved by suspension, two by termination, and in 51 cases an order was issued to complete the investigation. Once the investigations were completed, 51 people were charged. There were 26 guilty verdicts; all the defendants were imposed prison sentences and there were no acquittals. No security measures were imposed along with the main sanction. The HPPO Užice filed two appeals against decisions on punishment, of which one was upheld. Three cases were resolved by applying the principle of opportunity under Article 283 of the CPC, i.e. by paying a sum of money to a humanitarian organisation or fund, in the total amount of RSD 315,000.

Of the 24 proposals to conclude plea agreements, 22 were accepted by court decisions. In 19 cases, the proposed criminal sanctions referred to imprisonment, and in three cases criminal sanctions were recorded as 'Other', showing a total of 26 years and 7 months of imprisonment and RSD 130,000 in fines.

85 reports were filed against juvenile offenders. Seventeen were dismissed: 13 by applying the principle of opportunity and four for other reasons. 19 juvenile correctional orders and 50 requests for preparatory proceedings were issued as well. Suspension of proceedings based on Article 18 of the Criminal Code.<sup>54</sup> was proposed in 12 cases, while 17 younger and 52 older juveniles were handed over to the court. At the end of the year, there were three unresolved cases pending in the public prosecutor's office and 34 in other authorities.

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54 "Official Gazette of the RS" nos. 85/05, 88/05, 107/05, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19

Detailed information on the work of HPPO Užice can be found in the annual report of the Republic Public Prosecutor's Office.<sup>55</sup>

The Acting Higher Public Prosecutor is satisfied with the existing human, material and technical resources of HPPO Užice. However, he believes that it is necessary to increase the number of employed deputy public prosecutors, as well as the number of prosecutors' assistants.<sup>56</sup>

## **Institutional embedment**

Criminal prosecution and the criminal proceedings based thereon are carried out in prescribed stages, with legally prescribed participants who have different roles and responsibilities.

Upon receiving a report of a committed criminal offence that is to be prosecuted *ex officio*, the public prosecutor conducts a pre-investigation procedure – as a rule, with the help of the police, but s/he can also do it independently – to determine the existence of grounds for indictment. State and other authorities, as well as legal and natural persons, can file a criminal report based on things they know.

If s/he does not dismiss the criminal report, the public prosecutor issues an order to initiate the investigation against a specific person (a suspect) or against an unknown perpetrator of a criminal act. The investigation is conducted with the possible assistance of the police, other state authorities and legal persons at the request of the public prosecutor.

If the investigation establishes that there are grounds for filing an indictment, the public prosecutor will submit the indictment to the competent court, and the court panel will deliver it to the defendant. The court panel examines the indictment, following which it takes a decision to suspend proceedings, reject the accusation or confirm it. These decisions can be appealed.

If the accusation is confirmed, the president of the court panel schedules the main hearing, which is attended by all the parties: the prosecutor (or his/her deputy), the injured party and his/her attorney or proxy, and the defendant and his/her defence attorney; if necessary, there is also a translator or interpreter, as well as witnesses, experts and expert advisors. If the public prosecutor or the person replacing him/her fails to appear at the scheduled main trial, and if it is not possible to appoint a replacement, the State Prosecutorial Council is notified under certain circumstances.

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55 Report of the Republic Public Prosecutor's Office, "The work of public prosecutor's offices on the suppression of crime and protection of constitutionality and legality in 2021".

56 Response of HPPO Užice to the request for access to information of public importance of 17 Nov 2022.

Depending on the imposed criminal sanctions, there may also be institutional embedment with other institutions – the appropriate health or other specialised institution and their experts or expert advisors.

The above described procedural embedment is the same for all prosecutor's offices, and thus also for the HPPO Užice, which is connected with the High Court in Užice, the Appellate Court in Kragujevac, the Police Departments in Užice and Prijepolje, as well as with other state authorities, organisations and institutions.

The Acting Higher Public Prosecutor in Užice is satisfied with the Office's cooperation with the police, but believes that it is absolutely necessary to work on its further improvement.<sup>57</sup> Representatives of the Police Department in Užice also feel that cooperation with the HPPO Užice is good.<sup>58</sup>

## Legitimacy of the institution

The transparency of the work of HPPO Užice is established by the Law on the Public Prosecutor's Office, and governed more closely by the Rulebook on Administration in Public Prosecutor's Offices,<sup>59</sup> which also regulates the relationship between the Office and citizens.

According to the provisions of these acts, HPPO Užice may inform the public about the state of criminality and other phenomena within its jurisdiction and the jurisdiction of the basic public prosecutor's offices whose work it supervises and directs. Also, the prosecutor's office may inform the public about certain cases in which it acts, within the limits of its powers and in accordance with the interests of the proceedings, while protecting the privacy of the participants.

Pursuant to the provisions of the Law on Free Access to Information of Public Importance, HPPO Užice is obliged to publish all information about its work and thereby make it available to the public. The website provides the opportunity to publish all information of importance to the public in the form of announcements, notices and relevant documents (Information Bulletin on the Work, various reports, rulebooks and other internal acts), or by giving instructions and providing links to information that is published elsewhere.

The HPPO Užice ensures transparency by publishing annual and periodic reports on its work, which it submits to the Appellate Public Prosecutor's

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<sup>57</sup> Ibid.

<sup>58</sup> Response of the Užice Police Department to the request for access to information of public importance of 4 Nov 2022.

<sup>59</sup> "Official Gazette of the RS", nos. 110/09, 87/10, 5/12, 54/17, 14/18 and 57/19.

Office in Kragujevac and the Republic Public Prosecutor's Office. These offices later publish information therefrom in their own reports.

A higher public prosecutor or a deputy designated by him/her is authorised to inform the public by way of written or oral statements or announcements. Announcements are used to inform journalists about cases that have caused great media attention and public interest. If they are appearing in the capacity of private citizens, the higher public prosecutor or his/her deputy are obliged to make it known.

The public is restricted and excluded in accordance with the provisions of the Law on the Public Prosecutor's Office, the Criminal Procedure Code, the Law on Juvenile Offenders and the Criminal Protection of Juveniles and the Rulebook on Administration in Public Prosecutor's Offices.

The HPPO Užice addressed the media twice in 2021: once when two people died from electric shock, and once during the hunger strike of a citizen who was dissatisfied with the actions of the judicial authorities regarding the criminal charges he had filed and the submissions he had addressed to the prosecution, which were dismissed as unfounded or regarding which the prosecution declared itself incompetent. Both announcements were short and contained just basic information. There is no mention of these announcements on the website of HPPO Užice.

The Higher Public Prosecutor's Office in Užice is obliged to organise its work in a way that enables citizens to efficiently exercise their rights and interests protected by law. To let citizens know which body they are dealing with, identification marks are prominently displayed on the building in which HPPO Užice is located – there is the name of the prosecutor's office, the national flag and the coat of arms. The offices in which prosecutors work display coats of arms, and the stamp contains all the prescribed information about the authority at hand. Prosecutors have official identification cards and badges. On display is also the notice on the working hours of the prosecutor's office, the hours when parties can come to HPPO Užice without an invitation, information about who will see the parties, and who can provide them with information on the pending cases.

The Higher Public Prosecutor's Office is obliged to receive criminal reports, suggestions, petitions, complaints, applications and other submissions used by citizens to address the public prosecutor's office for the purpose of protecting and realising their rights, legal interests and obligations.

The Higher Public Prosecutor, i.e. the deputy prosecutor appointed by him/her, as well as the collegium of the prosecutor's office in cases of special importance, are responsible for handling requests for free access to information of public importance in HPPO Užice. Requests are processed in accordance with the Law on Free Access to Information of Public Importance

and the instructions of the Republic Public Prosecutor. Access to information can be limited only based on regulations, and the Higher Public Prosecutor is the one who decides which data represent an official or professional secret and therefore cannot be provided to the information seeker.

Besides the above, the Information Bulletin on the Work of HPPO Užice also contains all other information necessary for exercising the right to access information of public importance: services that the prosecutor's office provides to interested parties, the procedure for providing said services, types of information in the possession of the prosecutor's office, types of information to which it provides access, how to submit a request and how the prosecutor's office will act upon it, as well as the form to be used for submitting requests.

The Higher Public Prosecutor's Office in Užice has its own website,<sup>60</sup> The website is intended to satisfy the office's need to fulfil the obligation to make its work public, but browsing reveals a lack of content.

In the section "Citizens and the public", sub-pages 'Announcements', 'News', 'Projects' and 'Notice board' do not contain any information. The sub-page 'Useful links' is the only one that contains links to related institutions, with a note that it was last updated on 18 February 2018.

The 'Competitions' page has sub-pages 'Public procurement' and 'Competitions', but these contain no data. Under 'JTRS' (Public Prosecutor's Offices in the Republic of Serbia), there is a Directory with contact information of the Serbian network of public prosecutor's offices. The archive contains only the Information Bulletin on the Work and the Financial Statement, both updated in March 2022. The 'Contact' page contains a section of the map with the marked location of HPPO Užice, as well as the address, telephone and fax numbers, e-mail address, working hours and the time and manner of seeing parties.

As already stated, the Information Bulletin on the Work that was updated in March 2022 can be found on the website of HPPO Užice, but the Unified Information System of Information Bulletins on the Work, on the website of the Commissioner, displays the Information Bulletin on the Work that has been created based on the new instructions and updated on 2 December 2022. The link to this Information Bulletin has not yet been posted on the website of HPPO Užice.

Information is requested from HPPO Užice in a number of ways, the most common being requests for access to information of public importance. The most frequent seekers of information are citizens' associations, other

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60 <https://ue.vijt.rs>

state authorities and the media. Sought information mostly has to do with the work of and actions taken by HPPO Užice in specific cases (questioning of defendants; filed indictments; actions taken based on criminal reports, submitted complaints and petitions), as well as with statistical data and work reports. The number of requests received in the previous three years has been pretty much the same: in 2019 there were 12 such requests, in 2020 – 10, and in 2021 – 11.<sup>61</sup>

Part of the research on the transparency of the work of HPPO Užice referred to its cooperation with local media and attorneys. Attorneys approached by the Užice Centre for Human Rights and Democracy were not willing to say whether and to what extent they were satisfied with their cooperation with HPPO Užice, while journalists said that the Office handles submitted inquiries and requests for access to information of public importance in a satisfactory manner and does not take long to respond. The problem is that its responses contain very little information; some questions are not answered at all, with the explanation that the absence of a response is in the interest of the investigation. Journalists obtain more information in informal conversations, with prosecutors refusing to speak publicly. Situations where HPPO Užice addresses the media on its own initiative are extremely rare and are mostly of protocollary nature..

## Concluding remarks

With the opening of Chapter 23 in the negotiations on Serbia's accession to the European Union, the Republic of Serbia committed itself to reform the judiciary. The first step was to change the Constitution of the Republic of Serbia, which was done through the adoption of constitutional amendments in 2022. The next step was to harmonise the set of judicial laws<sup>62</sup> with the constitutional amendments, which was done when these laws were adopted in February 2023.

The most important changes related to the public prosecutor's office concern the following:

- Election of public prosecutors;
- Prohibition on influencing the prosecution;
- Hierarchical structure of the public prosecutor's office;
- Structure and competences of the High Prosecutorial Council;

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61 Information Bulletin on the Work of HPPO Užice in 2021.

62 The set of judicial laws includes the Law on Judges, the Law on Organisation of Courts, the Law on Public Prosecutor's Office, the Law on the High Judicial Council and the Law on the High Prosecutorial Council.

- Autonomy of public prosecutors;
- Immunity of holders of public prosecutor's offices.<sup>63</sup>

It remains to be seen – in the next research – how amendments and supplements to the laws governing the work of the prosecutor's office will affect the institutional efficiency of the work of the HPPO Užice compared to the current situation.

## Recommendations

After analysing the work of HPPO Užice in the context of general performance when it comes to public prosecutors' activities in Serbia, and starting from the legal framework, the most important recommendation that can be made to HPPO Užice refers to the transparency of its work:

- The Prosecutor's Office should become more open to the public, by providing announcements and more detailed information about its activities;
- It should improve the statistical processing of registers so as to obtain better quality information about the cases and related actions;
- It should update its Information Bulletin on the Work in line with the Instructions of the Commissioner;<sup>64</sup>
- It should improve its website by creating content and publishing documents.

This will increase the Prosecutor's Office's accessibility to citizens, which will also improve its general impression.

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63 Lidija Komlen Nikolić, "Will the working versions of the Law on the Prosecutor's Office lead to citizens' faster access to justice?", Association of Public Prosecutors and Deputy Public Prosecutors of Serbia, 14 Feb 2023. <https://uts.org.rs/da-li-ce-radne-verzije-zakona-o-tuzilastvu-dovesti-do-brzeg-pristupa-gradjana-pravdi/>

64 Instructions for creating and publishing information bulletins on the work of public authorities ("Official Gazette of the RS" no. 10/22).

Table 8: Funds of HPPO Užice in 2021 (in RSD)

#	Title	Approved appropriations	% of execution	Unspent funds
1.	Employees' salaries, allowances and compensation (earnings)	19,197,000.00	99.00%	190,061.65
2.	Social contributions borne by the employer	3,196,880.00	98.99%	32,224.78
3.	In-kind compensation	1,000.00	0%	1,000.00
4.	Social benefits for employees	546,879.00	99.45%	3,000.00
5.	Reimbursement of employees' expenses	1,449,392.26	95.78%	61,023.15
6.	Employees' awards and other special expenses	2,000.00	0%	2,000.00
7.	Fixed costs	900,000.00	77.19%	205,282.62
8.	Travel expenses	50,000.00	0.90%	49,550.00
9.	Contracted services	10,401,000.00	97.89%	218,941.90
10.	Everyday repairs and maintenance	150,000.00	99.77%	348.50
11.	Material	520,000.00	99.80%	1,041.80
12.	Taxes, mandatory fees and fines	61,000.00	69.25%	18,760.00
13.	Fines and penalties based on court decisions	1,000.00	0%	1,000.00
14.	Machinery and equipment	300,000.00	89.07%	32,796.00
<b>TOTAL</b>			<b>97.78%</b>	<b>818,030.40</b>

Information Bulletin on the Work of HPPO Užice for the year 2021



Table 9: Tabular presentation of the inflow of cases in HPPO Užice, by register

Type of record	Number of cases based on requests/reports		
	2019	2020	2021
"KT", register of adult offenders – number of criminal reports	68	89	90
"KTO", register of filed indictments – number of indictments	31	39	37
"KTI", register of orders to conduct an investigation – number of investigations	58	48	50
"SK", register of cases involving submitted proposals and concluded plea agreements – number of agreements	11	17	24
"KTM", register of juvenile perpetrators of criminal offences – number of cases	59	130	69
"OIK", register of confiscated gains from criminal offences – number of cases	1	4	3
"KTR", register of other criminal cases – number of cases	574	793	1038
"KTN", register of unknown perpetrators of criminal acts – number of cases	3	10	9
"MPPU", register of international legal assistance and international cooperation – number of cases	4	1	6
"MPPI", register of international legal assistance and international cooperation – number of cases	0	2	6
"Pov" and "Str. Pov", register of cases marked as 'Strictly Confidential' – number of cases	26	26	26
"A", register of administrative cases and documents – number of cases	185	249	201

Type of record	Number of cases based on requests/reports		
	2019	2020	2021
"P", register of staffing affairs – number of cases	7	6	16
"PI", register of requests and decisions on exercising the right to access information of public importance – number of cases	12	10	11
"R", register of financial and material affairs – number of cases	69	12	84
"KTPO", register of complaints of injured parties – number of cases	70	107	83
"KTNI", register of orders to conduct an investigation against an unknown perpetrator of a criminal offence – number of cases	2	1	1
"O", register of mandatory instructions and other hierarchical decisions of the Higher Prosecutor's Office – number of cases	0	6	2
"MP", register of international legal assistance and international cooperation – number of cases	12	11	10
"KTŽ", register of cases in second instance criminal proceedings – number of cases	83	173	165
<b>TOTAL</b>	<b>1,275</b>	<b>1,734</b>	<b>1,931</b>

Source: Information Bulletin on the Work of HPPO Užice for the year 2021

# The Migration Council of the City of Subotica



**Author:** Ivana Vukašević Beti

**Organisation:**

Humanitarian Centre for Integration and Tolerance Novi Sad

## Summary

This document analyses measures and activities taken by the local Migration Council of the City of Subotica (hereinafter: Subotica Migration Council), examining its efficiency in working with refugees from former Yugoslav republics, internally displaced people from Kosovo and Metohija, returnees under readmission agreements, migrants without legal status and asylum seekers. It particularly examines the extent to which the Council, as an advisory body established under the Law on Migration Management,<sup>65</sup> meets the full range of its responsibilities for which it was founded, in particular the ones related to monitoring and reporting, proposing programmes, measures and activities for the purpose of an efficient migration management on the territory for which it was founded, in this case, the City of Subotica.

Research findings indicate that the Subotica Migration Council does not use its resources, although it has the capacities to meet the demands and goals for which it was founded. Other institutions are not at all responsive to the activities of the institution concerned, and the activities are carried out through the institutions represented by the Council members and through a special working body for migration that has been founded. The citizens are not familiar with the Migration Council's activities, and the beneficiaries have been more oriented toward the local refugee commissioner with regard to exercising their rights and support programmes envisaged by the LaP adopted by the Migration Council itself.

## About the Migration Council

Since the war started in former Yugoslavia, and later since the NATO bombing of the FR Yugoslavia in 1999, the Republic of Serbia has continuously been facing inflows of large numbers of refugees and internally displaced people. According to the Commissariat for Refugees and Migration, which was founded as a special organisational unit in the public administration system under the Law on Refugees,<sup>66</sup> in the end of 2021 there were still 25,300 persons with the refugee status coming from the territories of former Yugoslavia and 196,140 people with the status of internally displaced persons from the AP of Kosovo and Metohija.<sup>67</sup> The Readmission Office at Nikola Tesla Airport registered 518 returnees in 2021, 347 of whom were adults and 171 minors.<sup>68</sup>

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65 'Official Gazette of the RS', No. 107/2012.

66 'Official Gazette of the RS', No. 18/92.

67 Work Report for 2021, Commissariat for Refugees and Migration, Belgrade, March 2022, <https://bit.ly/40U4Pyr>

68 Ibid.

Moreover, for over a decade, there has been a constant influx of persons that might need international protection, refugees and asylum seekers from Africa, Asia, the Middle East, South America and from other parts of the world. The Republic of Serbia is one of the major transit points on the Western Balkan Route of refugees and migrants, taken also by several dozens of vulnerable groups of migrants every year, including foreign unaccompanied minors, women at risk of gender-based violence, foreigners with special medical needs, etc. According to the Commissariat for Refugees and Migration, during 11 months of 2022, until 1 December 2022 to be precise, there were over 110,000 recorded foreigners, asylum seekers and migrants without a determined status who asked for the accommodation for the first time in reception centres across Serbia, which is 55% increase compared to the same period in 2021.<sup>69</sup>

For the purpose of a systematic monitoring of the migration flows in the territory of the Republic of Serbia and for the purpose of taking into account the local context, the National Assembly of the Republic of Serbia adopted the Law on Migration Management<sup>70</sup> in the end of 2012 thus establishing for the first time a coordinated system for migration management and defining the basic terms.

The migration management term is defined in such a way that it covers the following processes:

- collection and analysis of data relevant to migration management;
- establishment of a uniform system for collecting, organising, and exchanging the data;
- defining and proposing objectives and priorities for the migration policy;
- proposing and taking measures for the implementation of the migration policy and
- coordination of the authorities that perform the activities related to migration management.<sup>71</sup>

Article 12 of the Law on Migration Management lays down that local authorities need to establish local migration councils as the bodies to implement migration policies at the local level.

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69 Available at: <https://reliefweb.int/report/serbia/unhcr-serbia-update-november-2022>, accessed on 28/12/2022.

70 'Official Gazette of the RS', No. 107/12.

71 Available at: <https://kirs.gov.rs/lat/migracije/o-migracijama>; accessed on 28/12/2022.

A migration council carries out the duties pertaining to:

1. monitoring and reporting to the Commissariat on migration flows on the territory of the autonomous province and local self-government units;
2. proposing programmes, measures and plans of activities to be undertaken for the purpose of an efficient migration management on their territories;
3. undertaking other activities in the field of migration management, in accordance with the law.

The composition of the Migration Council, which is regulated by the act on its establishment, generally comprises representatives of executive bodies of a local self-government unit (president of a municipality/mayor or a member of the municipal council), centres for social work, police administration, employment service, the commissioner and a representative of the municipal or city administration.

The competent body of the autonomous province and of the local self-government unit that establishes the Migration Council may decide that along with the above mentioned representatives, other persons can be included in the work of the Migration Council, such as representatives of the authorities responsible for health and education, a representative of associations dealing with migration-relevant issues, and other persons engaged in activities significant for migration management on the territory under their jurisdiction.

The Migration Council, at the request of the Commissariat, submits to the Commissariat a report on the measures taken and other issues related to migration management on the territory for which the Migration Council has been established.

According to the Commissariat for Refugees and Migration, by the end of 2022, local migration councils comprising representatives of various institutions were established in 128 local self-government units.<sup>72</sup> Local Action Plans (LAPs) are prepared and adopted by local migration councils as strategic documents of every local self-government unit and as plans to regulate and improve the position of migrant groups on their territories.

So far, 157 local self-government units have been provided with training and included in drafting one or more local action plans. Over the previous period, the specific targets under LaPs have focused on meeting the housing needs and economic empowerment of the most vulnerable categories of refugees, internally displaced persons and returnees under readmission agreements.

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72 Available at: <https://kirs.gov.rs/lat/migracije/o-migracijama>; accessed on 28/12/2022.

As regards asylum seekers and migrants without a determined status, local plans of 47 local self-government units envisage activities aimed at building up capacities of local self-government units and at raising awareness and tolerance of the environments with a larger number of migrants or with a migration centre in it.

The Economic Migration Strategy and the accompanying Action Plan broadened the scope of the activities covered by local action plans: economic migration/diaspora, demography issues, i.e. local population policy, and trafficking as a particularly tricky issue related to migration. So far, the training for improving the methodology of drafting local action plans has been provided to representatives of 51 local self-government units from the Central Serbia and 7 local self-government units from the AP of Kosovo and Metohija.

## Subotica Migration Council

The Subotica Migration Council<sup>73</sup> was first established almost two years after the Law on Migration started being implemented, in October 2014.<sup>74</sup> Over the years, the Council's composition has changed depending on the changes in the institutions that nominated the Council members. However, the decisions on establishment<sup>75</sup> clearly indicate that in 2016 the Chair of the Working Group for monitoring migration, who was also a member of the Subotica City Social Care Council, became a member of the Subotica Migration Council (not mentioned as a Council member in 2020) that in 2020 that got one more member – a representative of the Subotica Red Cross.<sup>76</sup>

In the same month, the Assembly of the City of Subotica made a decision to adopt the first 2014 – 2016 LaP for tackling the issues of refugees, internally displaced persons and returnees in the City of Subotica. This LaP, which defines the tasks of the Migration Council in line with the Law on Migration Management, does not cover refugees from Africa, Asia and other parts of the world, asylum seekers and migrants, i.e. third-country nationals, despite the fact that at the time of its adoption, large numbers of these persons were gathering and staying in this city. The first LaP defined refugees only as refugees and exiled persons from the area of Croatia and Bosnia and

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73 For the purpose of becoming better familiar with the work of the local migration council, a request for exercising the right to access information of public importance was submitted on 13 July 2022 to the Subotica City Council, relating to the activities, measures taken and general performance and efficiency of this local body. The Subotica City Council submitted decisions on the establishment of Subotica Migration Council from 2014, 2016 and 2020. Moreover, it submitted a Decision establishing a Working Group for Migration Monitoring on the territory of the City of Subotica from 10/11/2020, although this Working Group had been first established in 2015.

74 Decision Establishing the Subotica Migration Council, No. III-561-93/2014, on 09/10/2014.

75 Decision Establishing the Subotica Migration Council, No. II-021-68/2016, on 14/07/2016.

76 Decision Establishing the Subotica Migration Council, No. II-02-18/2020, on 10/11/2020.

Herzegovina, and the internally displaced persons were defined as citizens of the Republic of Serbia exiled from Kosovo and Metohija. It was only the next LaP for the 2017-2021 period that introduced these categories of foreigners. From its first establishment until the end of 2022, the Subotica Migration Council adopted two LaPs. The first one was for the 2014-2016 period and the second one for the 2017-2021 period.

At the moment of its establishment, in October 2014, members of the Migration Council were: Mayor of the City of Subotica, who was the Council Chair, a member of the Subotica City Council in charge of social protection, a representative of the Social Care Centre of the City of Subotica, a representative of the Subotica Police Administration, a representative of the National Employment Service, a representative of the Subotica City Administration and a representative of the Subotica Primary Healthcare Centre. In the current Subotica Migration Council term that started in November 2020, the Council composition, besides the above mentioned representatives of the institutions, also includes a representative of the Subotica Red Cross and the Subotica City Commissioner for Refugees.<sup>77</sup>

## Internal efficiency

Individual roles and purviews of each Council member are not defined by any document. Tasks carried out by the Council are defined by the Decision on its establishment and they match the tasks envisaged for the Council by the Law on Migration Management. According to the data from the latest 2017 LaP, 10,500 refugees and 3,500 internally displaced persons were registered in the City of Subotica, which at the time made 9.89% of the total City population (according to the 2011 census, the City of Subotica population was 141,554 people). As for the asylum seekers and migrants without a determined status, so far there are no data indicating that in Subotica there are persons who were granted international protection in line with the Law on Asylum and Temporary Protection ("Official Gazette of the RS", No. 24/2018), and the Subotica reception centre does not accommodate asylum seekers, but only migrants without a determined status. Their number varies over the years. The centre has a total capacity of 300 beds.

It is important to emphasise that the Council was most active during the drafting, monitoring and evaluation of 2014 and 2017 local action plans related to improvement of position of refugees and internally displaced persons and returnees in Subotica. The second LaP for the 2017-2021 period identified new groups of potential beneficiaries of services – 'migrants in need, without a determined status' and asylum seekers. As the LaP itself

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77 Decision Establishing the Subotica Migration Council, No.II-02-18/2020, on 10/11/2020.



indicates, in view of a great fluctuation of migrants in need, whose status has not been determined, and the fact that these persons are constantly present in the territory of the City of Subotica, measures to improve the quality of life in the local environment need to be taken.

This LaP was drafted with the professional assistance and support of the Commissariat for Refugees and Migration within the then implemented project "Capacity Building and providing Assistance in Addressing the Refugee Crisis", funded by the Danish Embassy, and implemented by the Danish Refugee Council NGO. This document also mentions for the first time unaccompanied children among migrants and asylum seekers as priority groups defined by the LaP. In general, according to the Serbian Commissariat for Refugees and Migration (hereinafter: SCRM), the European Union allocated 3.7 million Euros and UNHCR allocated 2.7 million Dollars to support local action plans development in 40 municipalities and cities.<sup>78</sup>

As regards the decisions aimed at meeting specific targets of the LaP for the 2017-2021 period, the Migration Council as an advisory body did not make any particular decisions. Rather, Council members, within their purviews in the institutions they represented, participated in preparations and made decisions related to the achievement of specific targets under the LaP. It was particularly underlined that the assistance in tackling housing issues and improving housing conditions was provided to 65 refugee families, 14 families of internally displaced persons, and to two families of returnees under readmission agreements.

From 10 November 2020, when the Council was established with the current composition, until August 2022, the Subotica Migration Council did not have a single meeting. According to the City Administration Secretariat, in charge of social activity tasks and conducting professional, administrative and technical tasks for the Council, the members of the Council were carrying out Council tasks and activities related to the implementation of LaPs within their jobs at the institutions they represented.

Moreover, the Council members had no training in migration management, although the Law on Migration Management envisages this possibility, but rather, the Council members had such training courses also within the institutions they work for, but there are no any special records of this.

At the request of the Commissariat for Refugees and Migration, and in line with the Law on Migration Management, the Subotica Migration Council submitted only one Report on its activities, for 2020. However, depending on their activities, local self-government units on whose territories there are reception centres for migrants, or which are on a transit route, submit monthly

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78 Available at: <https://kirs.gov.rs/lat/lokalni-akcioni-planovi/o-lap-ovima>, accessed on 28/12/2022.

or periodical reports within one year. The 2020 Report<sup>79</sup> of the Migration Council was to inform the Commissariat for Refugees and Migration on the activities it carried out. However, the Report does not specify the activities carried out by the Council, but only the fact that the Migration Council was established by the Decision of the Subotica City Council on 10/11/2020 after the constitution of local authorities in August 2020. Furthermore, it indicates individual and joint activities and meetings held by the Subotica Mayor, as well as joint activities of the SCRM and Subotica Police Administration aimed at relocating migrants from the Subotica Reception Centre and all those who were staying outside the accommodation facilities at the time. Also, it says that Council members attended monthly meetings held at the Reception Centre for Migrants in Subotica. In this regard, it is very important to underline that in October 2020 the Mayor of Subotica established a Working Group for Migration Monitoring in the territory of the City of Subotica, tasked with monitoring, analysing and discussing the migration issues in the territory of the City of Subotica, coordinating activities aimed at addressing migration flow issues, providing analysis of the situation and proposing measures for tackling the identified problems. The Mayor passes a special decision regulating the costs incurred by the Working Group's activities. It is interesting that this special Working Group for Migration Monitoring was established, being composed of the representatives of the same institutions that have representatives in the Subotica Migration Council, which are: a representative of the City Council, Commissioner for Refugees and Migration as a representative of the SCRM, representatives of the social care centre, the primary healthcare centre, Subotica Police Administration, Red Cross, as well as a representative of the Communal Police and the Director of 'Kolevka' residential institution for children with disabilities. The Working Group was established as an operational body and it has meetings once a month in the facilities of the Reception Centre for Migrants. Therefore, based on the annual report on the activities of the Migration Council, it may be concluded that the Council members attended the above meetings at the reception centre more in the capacity of members of the Working Group for Migration Monitoring than in the capacity of members of the Migration Council.

The question is whether the special Working Group was necessary having in mind the existence of the Migration Council that could have been more active in addressing migration and third-country nationals issues, or the issues of migrants in need, without a determined status as defined by the LaP, and not only to be addressing internally displaced people from Kosovo and Metohija and refugees from the territory of former SFRY, i.e. whether the Council capacities could have been better used with regard to the measures and activities taken by the Working Group composed of the same members.

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79 Izveštaj Saveta za migracije Grada Subotice za 2020. godinu, broj: II-561-10/2021, od 9. 2. 2021. godine.

This specific delegation of duties related to migrants from third countries and establishment of a special Working Group dealing only with them, in addition to the existing Migration Council, could only be justified by the fact that the fluctuation of this category has been increased for years now and that there are frequent changes in the field, changes of their needs and hence the need for a faster and more adequate response, as compared to the activities aimed at meeting the needs of refugees from the territories of former Yugoslavia and internally displaced persons from Kosovo and Metohija. Whereas the Council, as an advisory body rarely meet, the need for taking more efficient care measures and for a more efficient response to migration flows in Subotica was met by the establishment of a special Working Group, defined as an operational body. For the purpose of increasing complementarity of these two local bodies with almost the same responsibilities and almost the same composition, we suggest greater engagement of the Migration Council on issues related to persons defined as migrants without a determined status and asylum seekers, the recommendations and opinions of which could be implemented by the Working Group.

Finally, is important to say that during the state of emergency in the Republic of Serbia caused by the COVID-19 pandemic, only the local emergency management centre was dealing with migration issues and the needs of these categories of foreigners, due to the fact that the Council was not in session during this period.

## **Institutional embedment**

The Migration Council, as an advisory body, did not cooperate with other public authorities, international and non-governmental organisations, but this cooperation rather developed within the Council members' tasks and duties in the institutions they represented. Among the concrete joint activities among some of the institutions represented in the Council, the Council Report indicates those of the Commissariat for Refugees and Migration, Ministry of Interior, Subotica Police Department (PD) and the City of Subotica aimed at relocation of migrants from the Subotica Reception Centre and of irregular migrants staying outside the Reception Centre.

Moreover, the Council itself did not cooperate with the Administration of the Reception Centre for Migrants in Subotica, and all the tasks were carried out only by the Working Group that held its meetings once a month in the Reception Centre's facilities. Therefore, with the establishment of this Working Group, all the issues relating to migrants and potential asylum seekers were "transferred" to this WG, and the Commissioner for Refugees and Migration of the City of Subotica and the Migration Council are not dealing with this category of foreigners.

Taking into account the risk of exploitation facing asylum seekers and migrants without a determined status during their journey from their countries of origin to destination countries, among other working bodies established at the level of the City of Subotica in charge of protection of various social groups, it is important to distinguish the Local Team for Combating Human Trafficking.

Having inspected the Decision<sup>80</sup> establishing the Local Team for Combating Human Trafficking, we could see that the Team is composed of representatives of the same institutions as in the Migration Council, and of exactly the same representatives as the ones in the Working Group for Migration Monitoring of the City of Subotica, along with the presence of several local non-governmental organisations, and that the same person chairs this working body – it is a member of the City Council for Social Issues, who is at the same time a member of the Migration Council and the Chair of the Working Group for Migration Monitoring. The tasks and goals of this local team do not mention asylum seekers and migrants without a determined status as a category of persons at risk of human trafficking. On the other hand, based on the available information on the Council's activities, it could be concluded that neither does the Council recognise the cooperation with the Local Team for Combating Human Trafficking as being complementary with its activities.

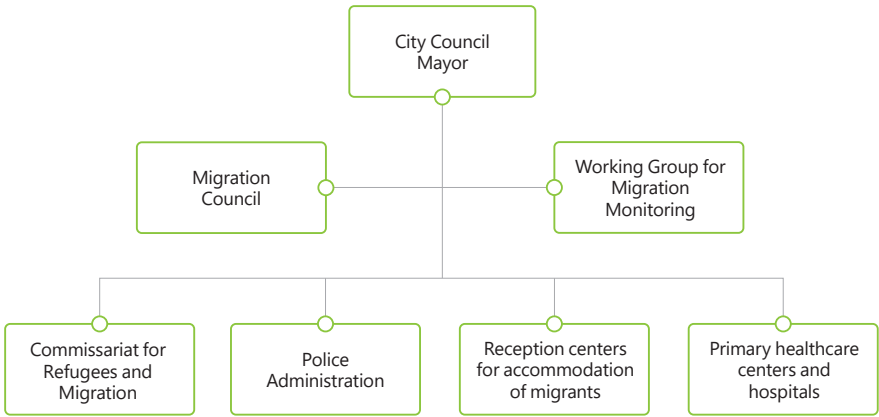
Moreover, the Migration Council did not respond to an increasing xenophobia in the City of Subotica, because, according to the explanation provided in the response to the request for information of public importance, there were no organised xenophobic and anti-migrant activities in Subotica. However, the facts indicate quite the opposite. The first mass anti-migrant protest in Subotica was held just before introducing the state of emergency in 2020. To be precise, about 500 citizens of Subotica gathered downtown on 1 March 2020, demanding from the local authorities to place all the migrants in reception centres, without letting them 'wander the city' freely, because they did not feel safe and they were concerned for their children.<sup>81</sup> The protests continued later on. In this regard, we believe it is pivotal that the Migration Council takes into account carrying out the activities aimed at providing more information to the citizens of Subotica and decreasing xenophobia, having in mind that in a wider context this is an important part of monitoring the situation and managing the migration in the territory of a local self-government.

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80 Decision establishing the Local Team for Combating Human Trafficking, No. III-56-8/2018, of 28/08/2018.

81 "Protests in Subotica because of illegal migrants: Children are afraid of going to school on their own, they steal, burn furniture", *Telegraf* newspapers, 1/3/2020, <http://bit.ly/3YIA0uW>

Illustration 8: Map of the institutional arrangement of the Subotica Migration Council



## Legitimacy of the institution

The Council does not have a particular communication strategy, and the entire communication with the citizens goes through the City of Subotica's Press Service. It says that the citizens of Subotica, i.e. the beneficiaries, are not interested in the work of this advisory body, but rather in achieving their own individual rights, and in the activities related to implementation of the LaP for the improvement of the situation of refugees and internally displaced persons and returnees in Subotica, and in whether there are any competitions and possibilities for new competitions. They find most of the information with the Commissioner for Refugees and Migration; as regards assistance programmes envisaged by the LaP, all the competitions and information are regularly published in the media. In 2021, there were only three requests for the access to information of public importance submitted to the Subotica City Council, and none of them referred to the work of the Subotica Migration Council. Moreover, there were no citizens' inquiries about, nor proposals for the improvement of Subotica Migration Council's work.

## Conclusions

Based on all the above analyses and the above mentioned, we can conclude that, at least with regard to the Subotica Migration Council, the capacities and resources of this advisory body are not used and there is no acceptable explanation for a very limited work of this body. This is indicated by the fact that the Council has not had a single meeting since its last establishment in November 2020 and that at the moment of writing this report (December 2022), this City of Subotica as a local self-government unit has still not adopted a new LaP, whereas the previous one was for the 2017-2021 period. This advisory body has not been involved in some of the key migration-related activities, such as proposing training for the Council members, or an active participation in xenophobia reduction efforts in Subotica, and providing timely information to the public about the presence of migrants and asylum seekers for the purpose of decreasing disinformation and fake news.

As regards the evaluation and proposal of activities related to asylum seekers and migrants without a regulated status, all the responsibilities have been conferred to the local Working Group for Migration Monitoring whose efficiency is much more visible and which is very active, according to the Council's Report. Having in mind that the law clearly lays down the responsibilities of local migration councils, it can be concluded that the role of the Subotica Migration Council has been very limited over the past period of time.

Due to its specific position, the City of Subotica has been on the Western Balkan Route for at least a decade, with a continuous influx of refugees and migrants without a determined status. We should not overlook the fact that there are no reliable indicators based on which we could reasonably expect the suspension of refugees' and migrants' transit in the forthcoming period, which indicates that this local self-government and its citizens will still have the need for most various activities aimed at an efficient migration management. This particularly refers to raising the level of reception and accommodation capacities, working with particularly vulnerable groups, meeting the migrants' humanitarian needs, various communal activities necessary for the city's functioning, as well as to a very important strategy for the prevention and combating xenophobia and hate speech, which was almost not present at all in 2022.

In this regard, it is important to emphasise that the *Decree on the Programme of incentives for implementing measures and activities necessary for achieving the migration management goals in local self-government units*<sup>82</sup> (continuously

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82 Adopted under Article 17 of the Law on Migration Management ("Official Gazette of the RS, No. 107/12) and under Article 42 paragraph 1 of the Law on Government ("Official Gazette of the RS", No. 55/05) laying down incentives, measures and activities, as well as the amount of funds for the incentives aimed at implementing efficient migration management measures at the local self-government level.

adopted on an annual level, since 2015) allocates every year certain funds for all local self-governments if they meet certain criteria (one of the criteria is the existence of a Migration Council), for the purpose of a more efficient migration management in line with the local needs. As regards migrants without a determined status and asylum seekers, the Decree envisages subsidies to local self-governments for two measures and activities: 1) promoting and strengthening tolerance towards migrants in local self-government units in which they are accommodated, by increasing the tolerance, eliminating prejudices and developing communication and dialogue; 2) building up capacities of local self-government units in which there is an increased number of migrants, by providing grants for implementing activities aimed at enhancing local self-government units' capacities for urgent provision of elementary living conditions and mitigating the consequences of the increased number of migrants grouping in territories of local self-government units with asylum and reception centres and in territories of local self-government units that have these centres but face an increased influx of migrants (waste management, waste disposal and transport, water supply and sewerage services, maintenance of hygiene and sanitation, and other services aimed at creating conditions for normal operation of migrants' accommodation facilities, and other similar activities).

In view of the existing negative public opinion on migrants without a determined status, one of the priorities for the coming period, which the Migration Council itself should identify, define and propose as its activity, should be to work towards providing adequate information to citizens and contributing to decreasing xenophobia by holding various public discussions and debates, and supporting and educating journalists with regard to covering this topic in a less sensationalistic and more professional and adequate manner.

## Recommendations

- Greater Migration Council's involvement in issues related to presence of a large number of migrants in Subotica and all related challenges is necessary, regardless of the existence of the Working Group, without just focusing on the 'old' traditional beneficiaries such as refugees from the area of former Yugoslavia, internally displaced persons from the area of the AP of Kosovo and Metohija and returnees;
- Measures and activities aimed at reducing xenophobia should be proposed as well as the ones aimed at provision at timely and accurate information to citizens on the situation in the city related to migrants, particularly having in mind that this activity is set as a priority by the Decree on the Programme of incentives for implementing measures and activities necessary for achieving the migration management goals in local self-government units;
- The Migration Council should meet continuously, more often and at regular basis, at least twice a year or even more often if necessary;
- The work of the Migration Council needs to be more transparent, providing the public with the possibility to know more about the work of this body and with the possibility to raise the issues of interest and importance for themselves;
- Additional professional training should be provided to Council members.



# The Safety Council of Požega



**Authors:** Miroslav Tamburić and Goran Đukić

**Organisation:**

Forum of Civic Actions FORCA Požega

## Introduction

Twenty years have passed since Serbia formed the first local safety councils as part of the development of the concept of community policing. However, only a few have operated continuously since then, and most citizens know nothing about them and are unable to see the results of their work. The number of councils increased significantly in 2016 and 2017.

This dynamic can be linked to the adoption of the Law on Police of 2016,<sup>83</sup> which improved the legal framework for their establishment. This Law enabled local self-government units and city municipalities to form advisory bodies to supervise the work of the police at the local level. The legal basis for the establishment of these bodies however already existed. The Law on Local Self-Government<sup>84</sup> made it possible for a city or municipality assembly, that is, the mayor or president of the municipality, to form working bodies that would consider issues within the jurisdiction of individual local self-governments. In addition, local safety councils can be established by the statutes of municipalities and cities, as well as by the local assemblies' rules of procedure.

The new Draft Law on Internal Affairs from 2022 stipulates that "the police provide support and participate in the work of safety advisory and working bodies within local self-government units" (Article 27). These bodies help the local authorities to consider reports on the safety in their area and take positions on safety-related priorities (Article 182).

The only plan that guides the work of local safety councils in Serbia is the old Community Policing Strategy of 2013,<sup>85</sup> which has expired. Although models that should shape the internal organisation of the councils' work have been created, there are very different practices when it comes to their establishment, membership and work dynamics. One of the key findings from the few studies that dealt with their work is that the cooperation of local self-governments with the police is good and that police officers regularly participate in the councils' work.<sup>86</sup> This is somewhat unexpected because, according to the existing legal framework, police cooperation with local self-government bodies is mostly voluntary, while institutionalisation and a strategic approach are lacking. Hence, local safety councils – as advisory bodies – proved to be the right mechanisms that could enable the local self-

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83 "Official Gazette of the Republic of Serbia", no. 6 of 28 Jan 2016, and no. 24 of 26 March 2018, no. 87 of 13 Nov 2018.

84 "Official Gazette of the Republic of Serbia", no. 129/2007, 83/2014 – other law, 101/2016 – other law, 47/2018 i 111/2021 – other law).

85 "Official Gazette of the Republic of Serbia", no. 43 of 17 May 2013.

86 S. Đorđević, B. Elek and N. Gajić. *Local safety councils in Serbia: Their status and needs*, SCCM, Belgrade, 2018.

governments and the police to plan and coordinate work in improving the safety of citizens at the local level, in cooperation with other actors from the community. Through the councils, this type of cooperation takes on the shape of permanence, and they represent an example of partnership between the police and local self-government.

With the above situation in mind, this report aims to present the challenges and good practices that have been identified by researching the work of the local safety council in Požega. Based on an insight into the founding documents and those that resulted from the work of this body in Požega, as well as interviews with people who were involved in its work, the research aims to stimulate discussion on how the work of this body can be improved, but also to point out how the lessons learned here can be used in other municipalities that have established such bodies or are planning to do so.

## **The Local Safety Council of the Municipality of Požega**

The Local Safety Council of the Municipality of Požega was established in 2015, by the decision of the Požega Municipal Assembly, which passed the Act on the establishment of the Council in accordance with Article 17 of the Rules of Procedure of the Assembly and Article 42 of the Statute of the Municipality of Požega. The Council does not have rules of procedure, but minutes are kept at the meetings. The Council informs the public about its conclusions through local media, TV Požega and Radio Požega.

According to the first decision of 11 June 2015 on the election of members of the Safety Council, the composition of the Council followed the recommendations of the Ministry of the Interior and the Standing Conference of Cities and Municipalities (hereinafter referred to as the SCCM), which were later published in the Instructions on the Work of Safety Councils in Cities and Municipalities.<sup>87</sup>

The Council was composed of the representatives of the following institutions:

- Mol (police station in Požega),
- Centre for social work,
- Local self-government (President of the municipality),
- Judiciary (President of the Basic Court in Požega),
- Health sector (Director of the Health Centre),
- Civil sector, and
- Educational institutions (Director of the secondary school).

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87 Mol, SCCM, Belgrade, 2015, available at: <https://www.osce.org/files/f/documents/a/0/217011.pdf>.

The next decision, that from 2016, changed the appointed persons while maintaining the existing structure of the Council. The decision from 2020 breached the structure in relation to the recommendations; as a result, the new Safety Council has no representatives of the courts, civil society organisations and educational institutions.

The following persons were elected to the Council:

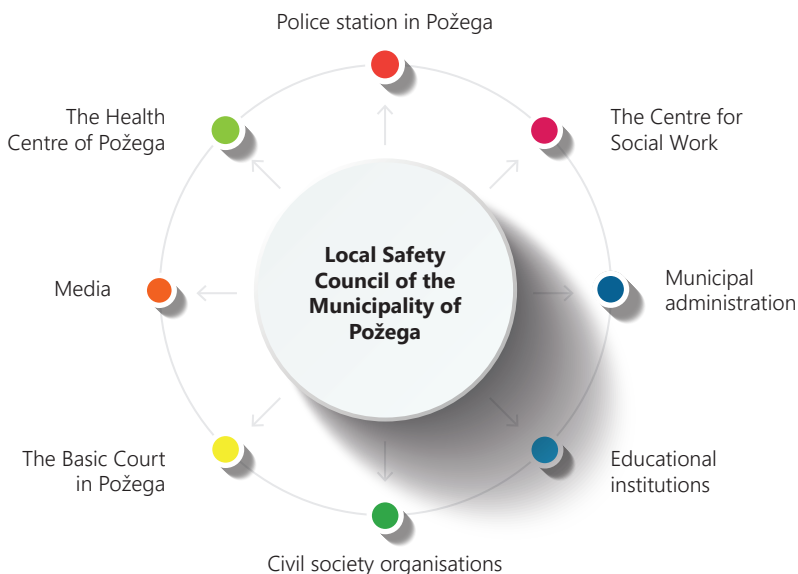
- Two representatives of the local self-government (President and Deputy President of the municipality),
- Representative of the Mol (commander of the police station in Požega),
- Representative of the Cultural Centre of Požega,
- Retired member of the police, and
- Representative of the inspection service.

According to the founding decision, the competences of the Council are as follows:

- To identify the problems of community members, especially those that are the most vulnerable, in terms of safety, sense of safety, and other problems related to the quality of life;
- To develop projects that respond to these problems (in cooperation with other municipal organisations and citizens);
- To promote the importance of safety in the community and preventive activities;
- To acquaint the public with the role and activities of the local safety council.

In addition to the Safety Council, the municipality of Požega also established the Traffic Safety Council, which deals exclusively with traffic safety. The Safety Council of the municipality of Požega pays special attention to the work of the police, which is viewed as the key actor in this area. In coordination with the municipal authorities and other actors in the field of safety, it was concluded that the Council is engaged mainly in preventive work.

Illustration 9: Map of institutional embedment of the LSC Požega<sup>88</sup>



The Mol, the Public Prosecutor's Office, the Basic Court of Požega, the Fire Service and the Army are dealing with safety/security affairs in the municipality of Požega. Preventive action through community policing and the work of the local ssafety council creates conditions for the involvement of various subjects of the community in prevention: all levels of government, associations, citizens, the media and the business community. In cooperation with the local self-government, the police must first work on establishing trust and unity, and must take a leadership role in the Council by directing the unity towards safety initiatives in the area of community policing.

The Safety Council of Požega was involved in a number of activities, such as:

- Analysis of the state of safety in the community, gathering information from citizens and key institutions;
- Preparing and implementing a communication plan and providing citizens with a way to convey their views to the local safety council;
- Initiating activities that are not directly related to problems in the field of safety, but which can significantly affect the safety structure of the municipality of Požega.

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<sup>88</sup> According to the recommendations from the Instructions on the Work of Safety Councils in Cities and Municipalities (Mol, SCCM, Belgrade, 2015).

The Safety Council does not have a special venue for meetings, so it uses the Požega municipal administration building for these purposes, as do all other municipal councils.

In line with the founding decision, the Safety Council is accountable and submits reports to the Assembly of the Municipality of Požega, which votes on said reports and adopts them. There is no available information on whether the Assembly had voted and adopted any such reports in the previous period.

## Overview of the Council's plans and activities

According to the founding decision, the Safety Council was mandated to carry out the following activities until the year 2022:

- Analysis of the state of safety in the municipality of Požega (analysis of all regular and extraordinary sports, cultural, artistic and other similar events that carry a safety risk, regardless of the risk level);
- Collecting data on issues related to citizens' safety and sense of safety. This may include data on road safety, workplace safety, threats such as crime or natural disasters, as well as information on social issues concerning citizens' safety and sense of safety;
- Analysis of the impact of the new motorway that passes near Požega and challenges in the transport sector;
- Public opinion polls, by which the local safety council collects useful information about the views of people from the local community;
- Identifying things that make citizens feel unsafe;
- Identifying activities that can be undertaken to improve the citizens' safety and sense of safety.

No information is available as to the part of this plan that was (or was not) realised, or whether the effects of the implemented activities were ever measured. The Safety Council does not keep records of its activities. It is also possible that these records (if they do exist) are not properly archived, as these data are not available.

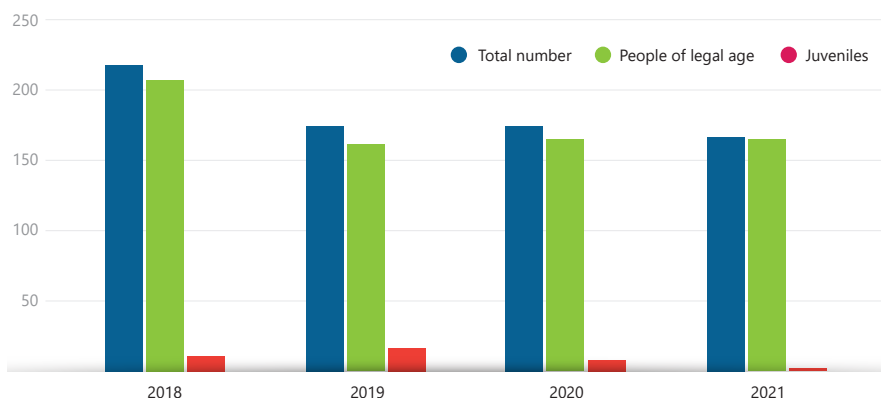
Analysing the statistical data for the period 2019-2021,<sup>89</sup> we can conclude that the overall safety in the area of the municipality of Požega can be assessed as good. A total of 1,060 criminal acts were committed in the territory of the

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89 Source: Supreme Court of Cassation, Statistics on the work of courts of general jurisdiction for 2019, p. 276, <https://bit.ly/40XRGET>. Statistics on the work of courts of general jurisdiction for 2020, p. 262, <https://bit.ly/3lou5N6>. Statistics on the work of courts of general jurisdiction for 2021, p. 271, <https://bit.ly/3YxNt8U>.

municipality in the above mentioned three years, i.e. an average of 353.33 criminal acts per year. Of the above stated number of criminal acts, 440 were committed by unknown perpetrators (146.67 per year on average), while of that number, 334 (75.91%) were solved, i.e. the perpetrators were identified. Regardless of the high percentage of solved crimes committed by unknown perpetrators, it is necessary to direct all efforts towards the goal of reducing the total number of committed crimes, which would greatly affect the level of safety. At the same time, in the period 2018-2021, the number of persons who were finally convicted for criminal offences committed in the territory of the municipality of Požega was, on average, 183 (see Illustration 10).

Illustration 10: Persons who were finally convicted for criminal offences committed in the territory of the municipality of Požega



As regards the number of cases of violation of public order and peace, a total of 735 requests for the initiation of misdemeanour proceedings were submitted in the past three years, i.e. an average of 245 per year. The most common misdemeanour venues were houses/apartments and restaurants/bars (about 40%), so in the coming period it is necessary to plan measures aimed at reducing the number of misdemeanours therein. As for traffic safety, 465 traffic accidents occurred in the Požega municipality in the analysed period, or an average of 155 per year. In those accidents, 233 people suffered minor and 74 serious injuries, while 16 people regretfully lost their lives.<sup>90</sup>

Given the fact that two state roads pass through the territory of the municipality of Požega, that the state road number 23, of level 1-B (Čačak-Užice), is used by an average of 10,000 vehicles per day, and that the municipality of Požega has a developed network of local categorised and uncategorised roads, these statistical data show that the situation is not bad

<sup>90</sup> Source: Statistics on the work of courts of general jurisdiction, Supreme Court of Cassation, 2019 (p. 276), 2020 (p. 262), 2021 (p. 271).

when it comes to the state of the overall traffic safety. However, there is still much room for action to reduce the total number of accidents, especially those with serious consequences.

## Internal efficiency

Although the Council has clear powers and explicit responsibilities, it has not managed to achieve a satisfactory level of efficiency in its work. While in the period immediately after its establishment the Council did conduct activities within its powers, after 2019 these activities stopped, or at least there is no formal evidence thereof (in the form of minutes). According to the minutes that are available, an analysis of the results in the area of safety for 2015 was presented in 2016, together with the analysis of safety risks for the then current year (2016). Both analyses were prepared by the police station in Požega. Besides considering the aforementioned analyses, the Council participated, as a working body, in the drafting of the Development Strategy of the Municipality of Požega for the period 2016-2021. There is no relevant data that shows that the Council met after 2019.

The change in the composition of the Council did not lead to any progress in its work – either that, or the progress was not documented. Based on the available minutes and conversations with individual members of the Council, it was the representatives of the police station in Požega who played the key role in the activities (drafting of analyses, involvement in the development of the strategic plan of the municipality), while the initiative on the part of the local self-government and other members of the Council was lacking. Since the process of drafting the new Development Plan of the Municipality of Požega has not even started, there are no Council activities related to participation in the working group, like there were in 2016.

Table 10: Long-term areas of activity of the Safety Council of the Municipality of Požega, according to the recommendations of the SCCM

Area of action	Measurement indicators
Protection of the safety of persons	Murder, serious bodily injury, domestic violence, rape, endangering safety, causing general danger, drug-related crimes
Protection of the safety of property	Theft, serious theft, damage to other people's property
Juvenile delinquency	Peer violence, theft, fights, drug possession, spraying of graffiti



Area of action	Measurement indicators
<b>Public order</b>	Number of public gatherings, sports events, misdemeanours (quarrels, fights, insolent and reckless behaviour)
<b>Communal order</b>	Problems related to dogs and other unsupervised animals, spraying of graffiti, unlit public spaces, underground passages, parkways, misdemeanours (noise, restaurants/bars open longer than prescribed)
<b>Prevention of discrimination</b>	The position of the LGBT community, the position of minority national communities, criminal acts (inciting racial and religious hatred and intolerance, violation of equality, racial and other discrimination, hate crimes, complaints about discrimination)
<b>Environmental protection</b>	Fires, floods, embankments, waste storage, unauthorised garbage dumps
<b>Traffic safety</b>	Number of vehicles in traffic, traffic accidents, victims, injured persons, children, number of schools, the state of vertical and horizontal traffic signals, monitoring and change of the traffic regime

As for the above mentioned areas of action, there are no documented activities related to their implementation. The field of traffic safety is also dealt with by the Traffic Safety Council, which was established in 2016 and whose activities were covered by local and regional electronic media until 2020. All safety-related activities are carried out by the authorities in charge of them. Inter-institutional cooperation is implemented in accordance with positive legal regulations (e.g. cooperation between the Požega police station and the Centre for Social Work).

Based on available facts, we can conclude that the statistical indicators of the decrease in criminal activity in the municipality of Požega are the result of the work of the MoI, i.e. the police station in Požega, without the active participation of the local self-government and the Safety Council.

## Institutional embedment

Representation in the local Safety Council was better and wider in the first year of its existence than it is today. Cross-sectoral cooperation was visible through participation in the work of the Council and the engagement of the Council as a working group in the process of drafting the Strategic Development Plan of the Municipality of Požega. After that period, the Council had no documented activities, and therefore no institutional embedment with other entities that are relevant for safety in the local community.

## Legitimacy of the institution

Researchers' communication with the members of the Council was timely and highly professional. However, both sides noted the passivity of the Council and the absolute absence of written traces of the Council's activities in the previous years. However, the existing documents related to the constitution and work of the Council were provided very quickly, following a written request that was addressed to the appropriate Assembly service. Certain data were gathered during conversations with the Department of Social Activities, municipal employees, representatives of the police station, as well as with former and current members of the Council. Conversations with municipal employees showed that most of them do not even know that the Council exists. The change of elected persons in the bodies of the Municipal Assembly and of certain acting officials in the municipal administration revitalised the work of some assembly councils (e.g. the Council for Social Affairs), but not that of the Safety Council. From conversations with citizens, politically active individuals, representatives of associations, businessmen, educators and young people, it was concluded that they are not aware of the existence of the Safety Council either. According to the available information obtained from the Assembly services, none of the citizens or associations has addressed the Council to date.

## Recommendations

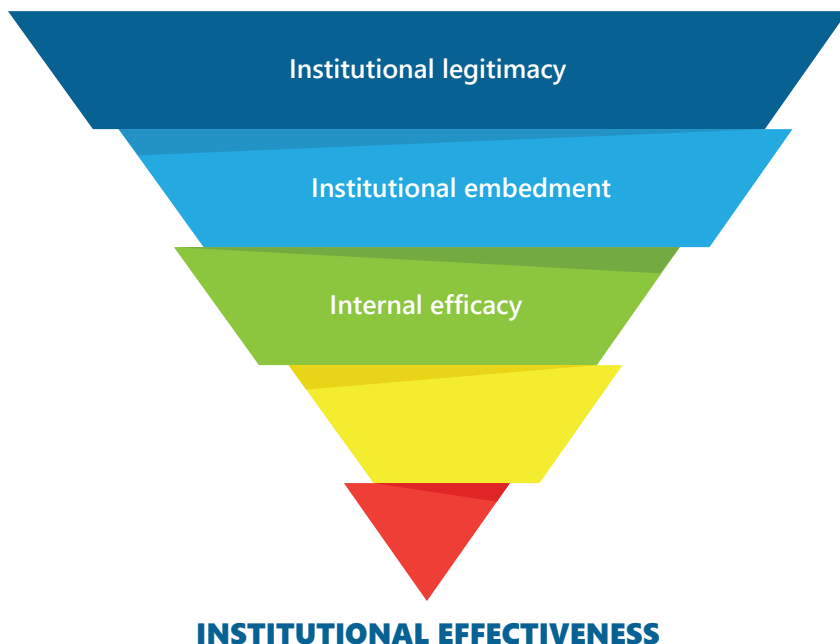
It is necessary to:

- Reactivate the work of the Safety Council of the Municipality of Požega;
- Align the composition of the Council with the recommendations from the 2015 Instructions on the Work of Safety Councils in Cities and Municipalities, so that in addition to representatives of the police and municipal administration, the Council also includes representatives of the Centre for Social Work, educational institutions, the media, the non-governmental and health sector, and representatives of national minorities;
- Create communication plans, internal and external (towards citizens, other institutions);
- Introduce transparency in the work of the Council; actively involve representatives of the media;
- Provide funds in the local self-government budget for the work of the Council, each year, within the appropriate budget lines and in accordance with the Law;
- Revise the Council's existing work plan;
- Exchange experiences with local safety councils of other municipalities in Serbia.

# The methodological approach

The methodological approach used in our analysis is explained in detail in the first edition of the Institutional Barometer,<sup>91</sup> and will not be repeated here; rather, we will present the ‘indicator baskets’ in brief, explain their use, and point out the main advantages of this kind of approach.

## “Baskets” of indicators



### 1) INTERNAL EFFICACY

This “basket” focuses on the internal functioning of the institution and its capacities. Productivity indicators (e.g. funds per employee, time required to handle the case, etc.) reveal the total capacity of the institution (for example, lack/surplus of the workforce or its qualification).

Indicators in this basket should give us answers to the following questions:

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91 *The Institutional Barometer*, 2018, The Preugovor Coalition, pp. 15-18, available at: <http://preugovor.org/Publikacije/1486/Institucionalni-barometri.shtml>

1. Does the institution have adequate capacities to efficiently perform tasks within its competence?
2. Does the institution use available resources in an adequate manner?

## 2) INSTITUTIONAL EMBEDMENT

The second “basket” of indicators focuses on the functioning of the observed institution within the institutional arrangement in which it operates. In this basket we measure responsiveness of other institutions, which together with the observed institution constitute an institutional arrangement, on the inputs they receive from the observed institution. In fact, we observe how the other institutions within an institutional arrangement are responding to the “products of work” of the observed institution. The mentioned “products” represent a prerequisite for the further work of other institutions within the system.

By analyzing these “relations” we can accurately locate a problem within the system, i.e. where there is an “interruption point”, whether in the observed institution or in the other parts of the system.

Indicators in this basket should give us answers to the following questions:

1. How much are other institutions within the institutional arrangement responsive to the “products of the work” of the observed institution?
2. How responsive is the observed institution to the “actions” of the other institutions within the institutional arrangement?

## 3) INSTITUTIONAL LEGITIMACY

The third “basket” of indicators measure the relation between the observed institution and its ultimate “users”, ie, citizens. The basic premise is that effective institutions gain trust, i.e. results gaining trust. This basket has two dimensions – the perception of the citizens about the observed institution and their experience with it.

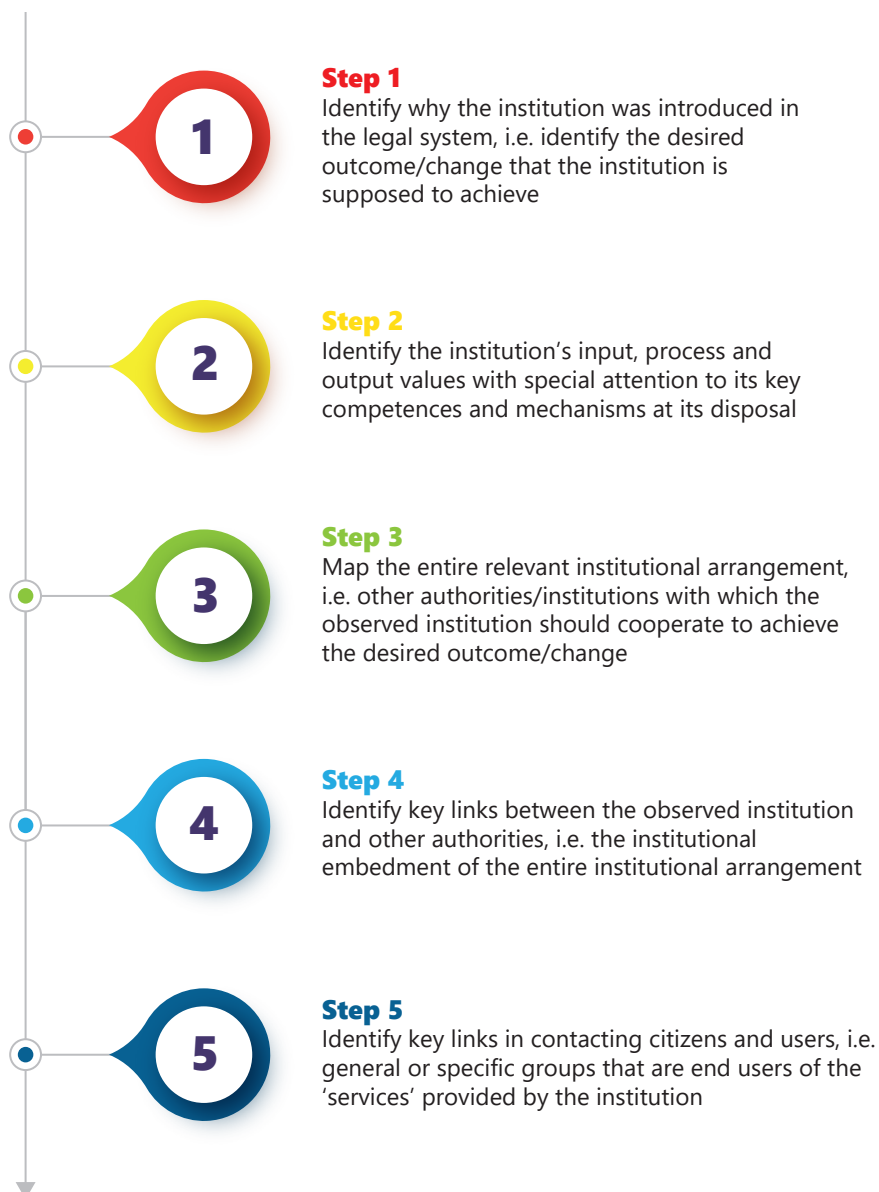
Indicators in this basket should answer the following questions:

1. Do citizens recognize the institution (are they familiar with its role and responsibilities)?
2. Are citizens satisfied with the work of the observed institution?
3. Do citizens have trust in the observed institution?

## Applying the baskets of indicators to specific institution

In order to formulate the best indicators for a specific institution, it is necessary to conduct both qualitative and quantitative analysis of institutional design.

This analysis is conducted in five steps.



## Main advantages of this approach

Our methodology has many advantages as it has allowed us to combine various indicators: administrative and empirical ones and those concerning citizens' trust in institutions. The main advantages are:

1. It gathers the opinions and experiences of all stakeholders, especially citizens, really addressing the inclusivity and accountability of institutions. Effective institutions create trust in end users (citizens) and other specific actors.
2. "Baskets" of indicators can be modified in order to suit the needs of different institutions in the system, which certainly makes it possible to assess the effectiveness of the overall institutional structure. Consequently, it helps to identify poor institutional design or key defects and problems within it and to formulate specific recommendations and solutions for their overcoming.
3. It represents a robust monitoring and analytical "tool" and the results obtained by its implementation can be a good source of information for various stakeholders, both civil society actors and decision-makers.
4. It combines administrative data with perceptions and experiential data and provides a multidimensional perspective.
5. It narrows the space for arbitrary interpretation of the obtained results. "Baskets" of indicators are mutually balanced in order to avoid focusing on the individual indicator. They reflect the three dimensions of institutional effectiveness and create a "checks and balance" system within the measurement framework.
6. The data for the analysis is already there; the records are already kept – they just need to be used in an adequate manner and to be regularly updated. This means that if the government took the same approach, it would not require any extra funding.



CIP – Каталогизација у публикацији  
Народна библиотека Србије, Београд

001.818:[321.022::351/354(497.11)  
341.217.02(4-672EU:497.11)

**LOCAL Institutional Barometer** / [authors Aleksandar Đekić, ... [et al.]] ; [translation Alisa Radić, Dragana Pokrajac, Milan Marković]. - Belgrade : Belgrade Centre for Security Policy, 2023 (Belgrade : Unagraf). - 100 str. : tabele i graf. prikazi ; 24 cm

Tiraž 100. - List of Abbreviations : str. 5. - Napomene i bibliografske reference uz tekst.

ISBN 978-86-6237-228-4

1. Đekić, Aleksandar, 1983- [аутор]

а) Коалиција прЕУговор б) Антикорупцијски механизми Града Новог Пазара (Нови Пазар) -- Ефикасност в) Покрајински заштитник грађана – омбудсман (Нови Сад) -- Ефикасност г) Прихватилиште за жене и децу угрожене породичним насиљем „Сигурна женска кућа“ при Центру за социјални рад Града Новог Сада (Нови Сад) -- Ефикасност д) Више јавно тужилаштво (Ужице) -- Ефикасност ђ) Савет за миграције Града Суботице (Суботица) -- Ефикасност е) Савет за безбедност (Пожега) -- Ефикасност ж) Европска унија -- Придруживање -- Србија

COBISS.SR-ID 113869065





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Coalition prEUgovor is a network of civil society organisations formed in order to monitor the implementation of policies relating to the accession negotiations between Serbia and the EU, with an emphasis on Chapters 23 and 24 of the *Acquis*. In doing so, the coalition aims to use the EU integration process to help accomplish substantial progress in the further democratisation of the Serbian society.

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This report has been produced with the financial assistance of the European Union, as part of the project *PrEUgovor Policy Watch: building alliances for stronger impact in uncertain future*. The contents of this document are the sole responsibility of the authors and can under no circumstances be regarded as reflecting the position of the European Union.

**ISBN-978-86-6237-228-4**