Development of Monitoring Instruments for Judicial and Law Enforcement institutions in the Western Balkans 2009-2011

Technical Assessment Report
Serbia

CARDS Regional Action Programme

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Comments on this report are welcome and can be sent to:
Statistics and Survey Section
United Nations Office on Drugs and Crime
PO Box 500
1400 Vienna
Austria
Tel: (+43) 1 26060 5475  
Fax: (+43) 1 26060 7 5475  
E-mail: sass.crime@unodc.org
Website: www.unodc.org

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Local research and organization of research mission:
Miroslav Prljевич (UNODC National Project Officer, Belgrade)
Marina Matic (local focal point)

Research coordination and report preparation:

TRANSCRIME:  Barbara Vettori (research and drafting)  
Ernesto Savona (research coordination)

UNODC:  Michael Jandl (report editor)  
Steven Malby (research coordination)  
Anna Alvazzi del Frate (research coordination)  
Carla Ciavarella (project management)  
Angela Me (project management)
1. Introduction and Background

This report has been written within the context of the project ‘Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans’ funded by the European Union CARDS Regional Action Programme. It describes the Serbian data collection systems on crime and criminal justice as well as on migration, asylum and visa on the basis of the information gathered during the on-site research mission to Belgrade from 22 - 26 February 2010. The research mission was carried out by the United Nations Office on Drugs and Crime (UNODC), in partnership with the Joint Research Centre on Transnational Crime (TRANSCRIME) and was supported by the local UNODC focal point in Belgrade. The whole mission was made possible through the cooperation and assistance of the Serbian authorities and benefited from the time and inputs of the many institutions and individuals visited during the mission.

The goal of the technical assessment presented here is to describe and assess the collection, analysis and use of justice and home affairs statistics in Serbia against international and EU standards. It is thus part of a series of project activities with the ultimate goal of bringing existing national statistics mechanisms in justice and home affairs institutions of the countries and territories of the Western Balkans towards compliance with relevant international and EU acquis, standards and best practices. Project activities to date include a first desktop research study entitled ‘Background Research on Systems and Context. Justice and Home Affairs Statistics in the Western Balkans’ and a second study entitled ‘Developing standards in crime and criminal justice statistics – International and EU Acquis’. Further project activities will comprise the development of technical guidelines, the development of regional indicators and targeted capacity building in the area of data collection and statistics for justice and home affairs institutions.

The standards used for assessment in this report are expanded in further detail in the study ‘Developing standards in crime and criminal justice statistics – International and EU Acquis’. As set out in the study, standards related to justice and home affairs statistics remain in their infancy at EU level. Many ‘standards’ are to be found in the (non-binding) work of EU-mandated expert groups and relevant actions of EU organizations such as the Statistical Office of the European Communities (Eurostat), rather than in EU Acquis having the force of law. As such, in the set of standards used in this assessment report, EU level norms are supplemented by relevant work at the international level, including that developed by the United Nations in the Manual for the Development of a System of Criminal Justice Statistics. The assessment standards should therefore be taken as representative of core themes that are common both to developing norms and standards at the EU and international level. Where an individual standard has seen particular development at EU level or is clearly contained in binding acquis, then this is indicated in the standard by means of a clear note.
2. Crime and Criminal justice statistics

2.1 Police statistics

2.1.1 Introduction

2.1.1.1 Institutions responsible for data collection and management

The General Police Directorate is organized within the Ministry of the Interior, in compliance with the Law on Police of 2005, and comprises a number of services, each including several departments:
- the Service for Crime Suppression (including departments for economic crime suppression and general crime suppression);
- the Service for Combating Organized Crime (including departments for the suppression of classic organized crime; drugs smuggling; financial organized crime and high-tech crime);
- the Service for War Crime Investigation;
- the Service for Special Investigative Methods;
- the Service for Criminal Intelligence and Undercover Agents;
- in addition to these Services, there are other departments (e.g. Department for Operational Analysis,).

At the regional and local levels, the General Police Directorate comprises 27 regional police directorates and 128 police stations. The organizational units within the MoI Headquarters are operationally linked with the counterpart organizational units within regional police directorates and police stations.¹

In addition to the General Police Directorate, there are four Sectors within the Ministry of Interior. The Sector relevant for crime data collection is the Sector for Analytics, Telecommunications and Information Technology, which includes three Directorates and assists the work of all other Sectors.

2.1.2 Data input (recording of crimes)

2.1.2.1 Data entry

**Standard**

Any reported or suspected crime incident coming to the attention of the police should be recorded as a crime incident by the responsible authority (either before or after some initial investigation). The threshold for recording a suspected crime incident should be clearly defined. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system.
When recording crimes, the police should make use of a unit record-based system that contains details of each individual incident and person accused (‘formal contact’ with the police as a suspect).

**Assessment**

Every reported or suspected crime incident coming to the attention of the police is first recorded in a book of daily events. The event reported to the police or discovered by the police will be recorded as a crime only after a crime scene investigation and

qualification of the event has been performed. Based on the performed crime scene investigation it is established whether there is reasonable doubt that a crime prosecuted ex officio had been committed, and only then a criminal report is drafted. If the recorded event is considered a crime (either by known or unknown perpetrators), it is then registered into the crime registry (KU) of the police station, or, if the competence is regional, by the regional police directorate. Furthermore, before the criminal report is submitted to the public prosecutor the event is also entered into the online Unified Information System (UIS) into a program called “Crime and offenders” by the police officer in charge of the case (all 128 police stations have access to the online UIS).

The counting unit in the crime registry is the case, which can include several persons as perpetrators and several crimes. If more than one perpetrator is involved in a given case, or if a case involves more than one offence, all offences and all suspects are recorded under this case. Information recorded in the crime registry includes: date of entry and case number; data on the criminal charge made (who and when); data on the victim (name, address, etc.); data on the offender (name, date and place of birth, ethnicity2, citizenship, address, etc.); name and legal qualification of the offence by article of the Criminal Code; data on criminal procedures (arrest, detention, search, seizures, investigations); data on the consequences of the crime; progression of the criminal charge (name of prosecutor to whom the charge was submitted, etc.). For a full list see Annex I.

The threshold for recording an incident as a crime in the crime registry is a certain level of suspicion, based on concrete evidence. In parallel to the recording of the crime in the crime registry, a report in form of a criminal charge is submitted to the public prosecutor. In this early stage the public prosecutor also assists the police as regards the correct legal qualification of the offence, especially in complex cases.

2.1.2.2. Person records

<table>
<thead>
<tr>
<th>Standard</th>
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</thead>
<tbody>
<tr>
<td>Person records on the suspected offender (and, where applicable, the victim) should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence. The person record clearly states the charge with reference to relevant legal provisions. The relationship between the charge and the incident classification is clear.</td>
</tr>
</tbody>
</table>

Assessment

When the event it recorded in the crime registry, it is at the same time recorded, both for operational and statistical purposes, into a computerized database, the so called Unified Information System (UIS). The UIS has been in use since 1991.

Data are inputted into the system by the police officer in charge of the case, on the basis of the information contained in the criminal charge. The UIS of the MoI of the Republic of Serbia is a centralized, unified information system containing several sub-systems or data bases on all activities of the Ministry of Interior (reported crimes, offences, traffic accidents, data on the residency of foreigners and so on). For entering data into the UIS a number of different “masks” are used. The “masks” define a certain number of data entry fields as obligatory while others do not have to be filled obligatorily. Separate data are collected for minors and adults.

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2 This refers to the ethnicity/nationality of the suspects (Serb, Hungarian, Romanian, Bulgarian, Croat, etc). The filling of this column is optional.
The UIS section on “Criminal Offences and Offenders”, contains very detailed information on the offence, the offender or offenders, the victims, the modus operandi as well as on the activities undertaken. Information recorded in the UIS includes: case number in the KU, date of recording; date of offence; date of sending criminal charge to prosecution; number of criminal offences within the case; number of offenders; legal qualification by article of the Criminal Code; and operational data on the crime modus and crime scene.

Recorded data on the offender include: personal I.D. number; sex, age; residence status; education; employment status; criminal status (recidivist or not); occupation; civil status (married or not); case file number; citizenship; ethnicity; residence address; names of parents; measures taken.

Recorded data on the victim include: personal I.D. number; date of victimization; amount of material damage; residence status; citizenship; ethnicity; occupation. Recorded data include sex and age, and whether the identity of the victim is known. No further information on the victim-offender relationship is recorded.

Additional data are recorded on activities undertaken in relation to the criminal case (e.g. activities by the police, whether the case has been rejected by the prosecutor or whether there was a change in legal qualification of the crime). Finally, data on the modus operandi of the crime are coded and recorded. For a full list of data recorded in the UIS see Annex II.

In all cases, all offenders, offences and victims are inputted into the system, based on instructions provided by the Ministry of Interior. When new information about a case becomes available, the police officer in charge of the case has the duty to update the system with new incoming information, e.g. with the prosecutor’s decision on the case.

2.1.2.3. Case file numbering and integrated file numbers

<table>
<thead>
<tr>
<th>Standard</th>
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</thead>
<tbody>
<tr>
<td>It is good practice for a system to assign an ‘incident number’ to reported events, and an ‘integrated file number’ (IFN) to persons suspected of having committed a crime. The person is linked to the incident through the IFN and incident number. The IFN should be retained once the file moves from the level of the police to prosecution and later to court and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.</td>
</tr>
</tbody>
</table>

Assessment

In the crime registry (KU), as well as in the Unified Information System (UIS), a unique ‘KU number’ is assigned to each case. This unique identifier is reported to the prosecution office, but the criminal charge accepted by the prosecution service is assigned a distinct file number.

2.1.2.4. Offence classification system

<table>
<thead>
<tr>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported incidents should be classified using a standard offence classification system and should have a clearly defined relationship with the ‘charge’ assigned to a suspected offender. The crime classification scheme should be applied uniformly by all police stations.</td>
</tr>
</tbody>
</table>

Assessment
In recording offences and compiling crime reports, a standard offence classification scheme is used that is based on the Criminal Code, as well as on special criminal provisions in other laws (e.g. the 2009 Law on Secrecy, the 2009 Law on Transplantation of Organs, etc.).

2.1.3. Data flow

2.1.3.1. From local to central level

<table>
<thead>
<tr>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data from local police stations should be reported in a uniform format, using the standard crime classification scheme to a central institution.</td>
</tr>
</tbody>
</table>

Assessment

Data are first recorded in the crime registry (KU) by the police officer in charge of the case on the basis of the information contained in the book of daily events. Data are then inputted into the Unified Information System by the police officer in charge of the case, on the basis of the information contained in the criminal charge and on other police-internal sources. The system comprises more than 120 data entry masks, only some of which are relevant in any given case.

Statistics are extracted from the Unified Information System on a monthly basis (on the 5th of the month following the one to which statistics are referring to) by the Directorate for IT of the Ministry of Interior using various standard tables, with a breakdown by offence type. The system is currently under revision in order to enable the Directorate for Analytics to directly extract the data, which is presently possible only partly.

In total, there are 13 standard tables (T1 to T13) for statistical production, including:

- T1 (basic indicators of the situation of public security) collects the following information on crimes registered by each regional police directorate in the period to which statistics refer to and in the same period in the previous year as a comparison: total number of offences registered in the year and in the past three years, percentage change, percentage solved. The table collects similar data on misdemeanours; traffic offences with injured persons; and fires and explosions;
- T2 (structure of offences according to areas of criminality) collects the following information on crimes registered by each regional police directorate in the year to which statistics refer to and in the previous year as a comparison: total number of offences; total number of general criminality; total number of commercial criminality; total number of cyber crime; total number of environmental criminality; total number of political criminality;
- T3 (number and structure of offenders) collects the following information on offenders for each regional police directorate: total number of reported persons; number of reported persons for offences of general criminality; number of reported persons for commercial crimes; number of reported persons for cyber crimes; number of reported persons for environmental crimes; number of adults; minors (total; older minors (16-18 years); younger minors (14-16 years); children (below 14 years); number of arrested persons; number of persons in custody; total number of repeat offenders (convicted perpetrators); foreigners;
- T4 (structure of general criminality according to chapters of Criminal Code groups) collects detailed information on the offences of general criminality (total number and by type of specific offences of general criminality (e.g. murder, robbery, extortion);
- T5 (structure of severe offences of general criminality) does the same as T4 in relation to the severest crimes of general criminality only;
- T6 (overview of offences according to the way of identifying the offender at the moment of recording the crime) collects the following detailed information on general criminality: total number of offences of general criminality; number of offences with known offender; number of offences with offender in flagrantia; number of offences with unknown offender; number of unsolved cases; number and % of solved cases; number of offences reported by police station; number of offences discovered by police station;

- T7 collects the following information on the number of reported persons for offences of general criminality: number of reported persons; number of arrested persons; number of persons in custody; number of repeat offenders (convicted perpetrators); number of minors; number of foreigners;

- the remaining tables collect information on the activities of organizational units on discovering offences of general criminality (T8), as well as on specific offences of commercial criminality (T9 - 12 different offences), crimes with elements of corruption (T10 - 12 different offences), cyber crimes (T11.1) and environmental crimes (T11.2), and on reported persons for offences of cyber crimes and environmental crimes (T11.3).

All tables provide information with a regional breakdown (i.e. for each of the 27 regional police directorates). On request, data on the local level can be produced as well. Other tables can be produced on request for specific users, either by the Directorate for IT or by the Directorate for Analytics.

2.1.3.2. Counting rules

<table>
<thead>
<tr>
<th>Standard</th>
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<tbody>
<tr>
<td>Guidelines at the international level suggest that it may be appropriate to apply a ‘Principal Offence’ rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.</td>
</tr>
</tbody>
</table>

Assessment

In compiling aggregate statistics, standard procedures exist and are disseminated to all units. The following basic counting rules are applied: if one person commits more than one offence simultaneously, all offences are counted separately (no principal offence rule is applied) but the offender is only counted once; if more than one offender is involved in a crime, the offence is only counted once but all offenders are counted separately; if a person is charged with separate charges for offences in the same case, the person will be counted only once.

<table>
<thead>
<tr>
<th>Counting Rules</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>When are data collected for inclusion in statistics?</td>
<td>When the crime report is submitted to the prosecutor, with a high level of suspicion based on concrete evidence</td>
</tr>
<tr>
<td>Principal offence rule applied?</td>
<td>No</td>
</tr>
<tr>
<td>How are multiple offences counted?</td>
<td>Each offence is counted separately</td>
</tr>
<tr>
<td>How is an offence committed by more than one person counted?</td>
<td>One offence</td>
</tr>
<tr>
<td>How many persons are counted in joint offence?</td>
<td>All offenders are counted</td>
</tr>
</tbody>
</table>
2.1.3.3. Coverage: Geographic and institutional

**Standard**
Data on reported crime incidents in all geographical regions and by all responsible law-enforcement authorities should be recorded and included in national aggregate statistics.

**Assessment**
Crime data are recorded and reported by all relevant police offices and specialized units. The entire country is covered in the aggregate statistics.3

2.1.3.4. Timeliness and periodicity

**Standard**
Data on reported crime incidents, victims and suspected offenders should be regularly reported to a central authority.

**Assessment**
Statistics are extracted from the Unified Information System on a monthly basis (on the 5th of each month) by the Directorate for IT.

2.1.4. Output (Production of Statistics)

2.1.4.1. Data validation

**Standard**
Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed.

**Assessment**
The Unified Information System has some internal logical controls during the data input stage to ensure the consistency, completeness and quality of the data inputted. In addition, the Ministry of Interior supervises regional and local police offices to verify that they have properly inserted the required information.

2.1.4.2. Statistical analysis of data

**Standard**
Analysis of crime and criminal justice statistics helps to demonstrate to intended users the value of such statistics. Whilst policy analysis and data interpretation should be performed by subject-matter specialists, much analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

**Assessment**
Statistical tables are passed from the Directorate for IT to the Directorate for Analytics, where analysis is performed. Analysis involves trend analysis (as data are available since 1991), both for general crime and for specific crime types, as well as the

3 Data from Kosovo under UNSCR 1244 are not included in the aggregate statistics.
calculation of crime rates for each regional police directorate. Maps are used to graphically display crime rates, so as to compare them across the different regional police directorates and to enable quick identification of hot spots.

2.1.4.3. Reporting

<table>
<thead>
<tr>
<th>Standard</th>
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<tbody>
<tr>
<td>Data on reported crime incidents, victims and suspected offenders should be regularly reported (at least once a year on the previous year) in aggregate form by a central authority. The number of recorded incidents during one year should be reported disaggregated by crime type, while the number of persons brought into formal contact with the police during one year should be reported by crime type; age; sex and citizenship. Crime type disaggregation of recorded incidents and persons brought into formal contact should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Cybercrime and Crime involving racism and xenophobia.</td>
</tr>
</tbody>
</table>

Assessment

The crime analyses mentioned above are typically produced periodically (both monthly and annually) for the needs of the criminal police, the Minister and the Director of the Police, i.e. for both operational and strategic needs. They are also produced for informing external users (National Parliament and the Government of the Republic of Serbia or at requests and for reporting needs of international organizations— like the United Nations or the Council of Europe, etc.). The reports are normally in Serbian but some reports for exchanging information with other countries are in English.

Similar analyses are carried out at the regional level (police districts), where crime data are also integrated with resource data to monitor the work of police units and to calculate the work load of single police officers, each police station and police districts. Such data are included in the regular activity reports of the police stations to the police districts and of the police districts to the Police Directorate.

2.1.4.4. Dissemination of police statistics

<table>
<thead>
<tr>
<th>Standard</th>
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</thead>
<tbody>
<tr>
<td>Dissemination of data should ensure that statistics on crime and criminal justice are actually used and useful to their users. Dissemination can be in the form of internal or externally published reports, responses to information requests, in special tabulations or in academic and scientific forums. The use of the Internet is a cost-effective and timely method of reaching a wide range of users. In addition to statistics, the methods used in the collection, processing and analysis of data as well as the definitions, counting rules and other metadata should be disseminated to provide meaning and context and to enable a correct interpretation of the data.</td>
</tr>
</tbody>
</table>

Assessment

Police data are not publicly disseminated in regular publications or on the internet. However, according to the Law on Access to Information of public interest, the police is obliged to provide data of general interest if any citizen makes a justified request. Some information is provided in press conferences.

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4 There is no specific cooperation with the Republic Statistical Office to obtain population data at the regional level.
5 At the EU level, core crime types for reporting used by Eurostat are intentional homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, motor vehicle theft, and drug trafficking. In addition, EU acqui indicates that data should be collected on money laundering, trafficking in persons and crime involving racism and xenophobia.
2.2. Prosecution statistics

2.2.1. Introduction

The prosecution system in Serbia is organized as follows:
- the Republic Prosecutor’s Office is the highest prosecution office in the country;
- at a lower level there are basic (covering several municipalities each), higher and appeal prosecution offices (64 prosecution offices in total).

There are two main forms of prosecution data collection and management:

a. The first one is internal and is managed by the Republic Prosecutor’s Office;
b. The second one is carried out by the Republic Statistical Office, to which all basic and higher prosecution offices (i.e. all prosecution offices carrying out first instance procedures) supply statistical forms of unit records. Crime statistics are collected within the Sector for Social Statistics, Unit for Statistics on Judiciary and Elections.6

2.2.2. Data input (recording of crimes)

2.2.2.1. Data entry

**Standard**

<table>
<thead>
<tr>
<th>Data on all charges initiated and persons prosecuted should be recorded by the responsible authorities. The threshold for initiating a prosecution record (‘persons prosecuted’) should be clearly defined and a unit record should be opened for each person. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. The person record (unit record) should clearly state the charge (one or more charges) and details of case disposition (e.g. court appearance, conviction or other disposition by the prosecutor). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.</th>
</tr>
</thead>
</table>

Assessment

Each prosecution office registers the criminal charge in one of the criminal registries, either *ex officio* or upon receipt of the police report. There are 34 different registries in use, covering different areas (for crime, commercial offences, misdemeanours, minors, etc.). Not all registries are relevant at all levels (for example, the criminal registry for minors is only filled in by higher prosecution offices, as basic prosecution offices do not have competence in juvenile justice).

In the criminal registry each case – which appears on a row – is assigned a progressive number. The first column contains the progressive number assigned to the case; the other columns include information on the date of receipt of the case; who submitted it; the number of offenders (if there is more than one offender, all offenders are listed) and their personal details (sex, age and unique I.D. number); the legal qualification of the offences by article of the Criminal Code (if there is more than one offence, all offences are listed); the actions undertaken by the prosecution office; relevant actions by other institutions.

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6 The Statistical Office of the Republic of Serbia comprises 9 regional departments in Central Serbia (in Valjevo, Zajecar, Kragujevac, Kraljevo, Leskovac, Nis, Smederevo, Uzice and Sabac) and 5 regional departments in the autonomous province of Vojvodina (in Novi Sad, Zrenjanin, Pancevo, Sremska Mitrovica and Subotica). The Unit for Statistics of Judiciary and Elections is currently staffed by one person only, who has been trained on the job.
In all prosecution offices the criminal registry exists on paper. In addition, in about 50% of the prosecution offices, there is an electronic recording system in place that will be built up to a full case management system in all prosecution offices over the coming years. Each prosecution office is free to use its own software, but all have to keep paper registries in parallel.

2.2.2.2. Case file numbering and integrated file numbers

**Standard**

It is good practice for individual prosecuted persons to be assigned an ‘integrated file number’ (IFN). The person should be linked to police-recorded records through the IFN. Differences between the charge and the police incident classification scheme should be clearly identified. The same IFN should be kept in court records and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

**Assessment**

Each case the prosecutor decides to take up is assigned a progressive number (per year) in the criminal registry. This number is specific to each prosecutor’s office and is not shared by other criminal justice actors (police and courts).

2.2.2.3. Offence classification system

**Standard**

Unit records on persons prosecuted contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all prosecutors.

**Assessment**

The standard offence classification system used by the prosecutor’s offices and in the statistical forms of the Statistical Office is based on the articles and paragraphs of the Criminal Code, as well as of any other special criminal law. The system of the Statistical Office in particular is very detailed, with a breakdown by article and paragraph of the Criminal Code.

2.2.3. Data flow

2.2.3.1. From local to central level

**Standard**

Data from all prosecutor’s offices should be reported in a uniform format to a central institution.

**Assessment**

Standardized forms are used for data transmission from the local to the central level. As mentioned above, there are two separate data flows:

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7 The electronic records are basically copies of the paper registries. Automatisation dates back to 1996, when a first pilot computerization was conducted at local level in one municipality; it continued in 2001/2002 in Belgrade, at municipal and district level. At present, the prosecution offices in all major cities in Serbia have an electronic system, though further extension to more offices is hindered by financial constraints.
a. The internal data flow from prosecution offices at each level to the immediately superior level (i.e. from basic to higher prosecution offices, from higher to appeal prosecution offices and, finally, from appeal prosecution offices to the Republic Prosecutor’s Office);

b. Data collection with statistical forms from the basic prosecution offices to the Statistical Office.

With reference to the first data flow, the same standard tables are used at all levels to produce statistics. There are 11 tables in total; each office fills in the parts relevant to its own work only, which does not necessarily concern all fields. In addition, in some years additional tables have to be filled upon request of the Republic Prosecutor’s Office, focusing on crimes particularly relevant at the time. Each prosecution office has at least one staff member competent in statistics who is assigned the task to fill in the tables.

Since 2007 the tables are available electronically in Excel. Statistics are compiled annually, by manually extracting and counting the information recorded in the crime registries and inserting the totals in the Excel tables. The tables collect mainly procedural information on the work performed by each public prosecutor’s office, though there are some breakdowns of the cases dealt with by offence type. In particular, statistics are collected on the caseloads of district and municipal prosecution offices; the work of municipal and district prosecution offices (unsolved reports from previous year, new reports received, solved reports, decisions) and appeals. Similar statistics are also reported in the tables by offence type by articles of the Criminal Code (if there are multiple offences in one case, only one case by the most serious offence is counted). There are more detailed statistics required on the work of prosecution offices in cases involving minors. For a full list of tables, see Annex III.

Regarding the data flow from prosecution offices to the Republic Statistical Office, each basic prosecution office supplies statistical data to the Unit for Statistics on Judiciary and Elections within the Sector for Social Statistics at the Republic Statistical Office. Data are sent as individual person records in one of two standard forms (SK1 and SK3). These forms are filled in as soon as the public prosecutor has taken a decision on the case.

In particular, the prosecutor’s offices fill in the forms ‘SK-1’ for prosecuted adults and ‘SK-3’ for prosecuted minors (minors are persons between 14 and 18 years)

Form SK1 collects personal and prosecution-related information on prosecuted adults, including whether the prosecuted person is known or unknown; name and surname; sex, date of birth; legal qualification of the (most serious) offence by article and paragraph of the Criminal Code or other criminal laws; data on the procedure and decision of the prosecutor and the length of the procedure.

Form SK3 collects the same information on prosecuted minors and in addition data on the municipality of residence; work status; ethnicity; citizenship; education; whether the minor has been convicted before. There are also special data about the family situation of the minor such as whether the parents are actively working, etc. See Annex IV for a full list of data requested in forms SK1 and SK3.

The forms as well as the methodology to fill them in are revised from time to time (the last revision was in 2007).

The forms are filled in on paper on a monthly basis by the administrative staff in the registry office, under the responsibility of the prosecutor in charge of the case. They are
then sent by post to the Republic Statistical Office, where they are first received by the RSO Registry Office, then passed to the Department of Statistical Processing/ Special Department for Coding, where codes are assigned and data from valid questionnaires are inputted into an electronic database. Questionnaires that are only partially completed are not handled directly, but are forwarded to the Unit for Statistics on Judiciary and Elections for revision and checks with the prosecutor’s offices.8

2.2.3.2. Counting rules

<table>
<thead>
<tr>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guidelines at the international level suggest that it may be appropriate to apply a ‘Principal Offence’ rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.</td>
</tr>
</tbody>
</table>

Assessment

With respect to the internal data collection, there are written instructions regulating statistical production. There are several articles in the rule book number 110-00-242/2009-05 on the work of prosecution offices (articles 135-148). These provisions are rather general and identify only the types of registry books to be used with the general description of each book. In general, cases are to be recorded by article of the Criminal Code and in some tables by chapters of the Criminal Code. If more than one person is involved in a case, or more than one offence is committed within one case, only one case is counted under the principal offence rule. More precise instruction are currently under preparation by the Republic Prosecutor’s Office.

With respect to the data flow to the Statistical Office, the office provides the reporting prosecution offices with written rules on how to fill in the statistical tables. Among these instructions, there are the following counting rules: if one perpetrator committed several criminal offences or minor offences, only the principal offence is to be counted (but the other offences are recorded as well). When more than one person participates in committing a crime, each person prosecuted is counted separately on a separate unit record. These instructions seem to be applied consistently by all prosecution offices.

2.2.3.3. Coverage: Geographic and institutional

<table>
<thead>
<tr>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data from unit records should be collated from all prosecutors in the territorial jurisdiction by a central institution.</td>
</tr>
</tbody>
</table>

Assessment

Regarding the internal data collection, prosecutors of all over the country submit their statistics to the next higher levels, so statistics received by the Republic Prosecutor’s Office cover the entire territory and all prosecutors. Regarding the data collection of the Republic Statistical Office, data are received from all basic and higher prosecutors offices and cover the final decisions of the prosecutors, including the appeal levels.

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8 This seems to occur especially with tables completed in the larger prosecution offices, where due to time constraints some fields may be left empty
2.2.3.4. Timeliness and periodicity

**Standard**

Data from all prosecutor's offices should be regularly collected and reported.

**Assessment**

Regarding the internal data collection of the Republic Prosecutor’s Office, statistics are sent annually from each level to the immediately superior level where data are aggregated (i.e. from basic to higher prosecution offices, from higher to appeal prosecution offices and, finally, from appeal prosecution offices to the Republic Prosecutor’s Office).

With respect to the data collection by the Republic Statistical Office, forms are filled in on paper by the administrative staff of each basic prosecution office and sent monthly to the Department of Statistical Processing of the Republic Statistical Office.

2.2.4. Output (Production of Statistics)

2.2.4.1. Data validation and statistical analysis of data

**Standard**

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

**Assessment**

With reference to the internal data collection, each prosecution office guarantees the validity of its statistics. Experienced registry staff is normally employed to properly produce the aggregate statistical tables. In addition, the computerized Excel tables have some internal automatic controls of the data inputted.

Data are first reviewed by the immediately superior level receiving the data through aggregation and other checks (e.g. totals). In case of inaccuracies, these offices contact the sending offices for necessary clarifications.

Only limited statistical analysis is carried out on internal prosecution data. Data are normally presented in absolute numbers per year and compared to the previous year through the calculation of a percentage change.

Regarding the data collected by the Republic Statistical Office, data validation is done directly by the Unit for Statistics on Judiciary and Elections. First, some automatic logical controls are performed after data input into the database. In addition the unit visually checks the consistency and completeness of the data and, when needed, contacts the sending offices for clarifications. About 50 tables are produced annually from the data extracted from the statistical unit records. No special analysis is performed by the unit. Most of the tables produced aggregate absolute numbers and, in a few cases, some indices and percentage changes to assess variations over time.
2.2.4.2. Reporting and Dissemination

**Standard**
The number of persons prosecuted during one year should be reported disaggregated by criminal charge, with reference to the relevant legal provisions. Crime type disaggregations of persons prosecuted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Cybercrime and Crime involving racism and xenophobia.

**Assessment**

The Republic Prosecutor’s Office produces an Annual Report that presents statistics on criminal cases, misdemeanours and civil cases and the work of the prosecutors’ offices. As regards criminal cases, all the aggregate tables filled in by prosecution offices (See Annex III) at all geographical levels (including basic prosecution offices) are reproduced in the Annual Report without any additional analysis, but with some narrative comments.

The report is published in Serbian language. Its purposes are to understand crime trends in the country, to understand the concentration of certain crimes in certain areas (hot spots) and to assess the performance of prosecution offices. Though it is a public document, it is normally made available to a restricted number of users only: 200 copies of it are printed annually and disseminated to the Ministry of Justice, Ministry of Interior, National Assembly, Government, as well as to all prosecution offices. The Annual Report of each year is produced in March of the following year.

Statistics produced by the Statistical Office are made available to the wider public and to every interested institution in an annual publication (available on paper and on the website of the Statistical Office in Serbian and English). There are two separate annual publications, one for adults and one for minors. The time lag between the reference period and the publication of these reports is about 12 months. There are also other publications about the judiciary available in Serbia on the web site of the Statistical office.

In addition to this annual statistical report on Administration of Justice, a summary of each of the two reports is published around May or June of each year, in the form of a short annual communication.

There is a wealth of prosecution data collected by both the Republic Prosecutor's Office and the Republic Statistical Office that is not used for further analysis.

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10. The Communications are available at: http://webbrz.statserb.sr.gov.yu/axd/drugastrana.php?Sifra=0012&izbor=publikacija. These short reports include the number of perpetrators, both in the reference period and in the previous three years, with a breakdown by categories of criminal offences, as well as by more detailed offences within each category; and the number of perpetrators, both in the reference period and in the previous three years, by age and gender.
2.3. Court statistics

2.3.1. Introduction

2.3.1.1. Institutions responsible for data collection and management

Since 1 January 2010\textsuperscript{11} the judicial system of the Republic of Serbia comprises:

- the Supreme Cassation Court, which is the highest judicial authority in the country. It is competent only as court of law, not as a court of merit;
- 4 appeals courts, as second instance courts;
- 26 higher and 34 basic courts as courts of first instance (higher courts are first instance courts for serious crimes).

There are two main forms of data collection from courts:

a. The first one is managed by the Statistical Unit of the Ministry of Justice\textsuperscript{12};

b. The second one is administered by the Republic Statistical Office, which receives data directly from each first instance court.

2.3.2. Data input (recording of crimes)

2.3.2.1. Data entry

\textbf{Standard}

Data on all charges and persons brought before the courts should be recorded by the responsible authorities. The threshold for initiating a trial (‘person brought before the criminal court’) should be clearly defined. International and EU level standards suggest that court authorities should make use of a unit record-based system that contains details of the charge or charges assigned to each person (by relevant section/articles of the Criminal Code) and the final court disposition (acquittal or conviction and sentencing details). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

\textbf{Assessment}

At the local level, once the report of the prosecutor with the indictment arrives at the court, it is manually registered as a case in the court registry. This registry is normally on paper only, though in some cases it also exists in electronic form (e.g. at the Supreme Cassation Court since 2002, where there are different registries depending on the legal remedies in the Supreme Cassation Court. Information on appeals is also registered in the first instance court. To do so, the information is communicated back to the first instance court by the appeal court.

2.3.2.2. Case file numbering and integrated file numbers

\textbf{Standard}

It is good practice for individual accused persons to be assigned an ‘integrated file number’ (IFN) in the court file. This IFN should be the same as that assigned to the person record at the police and prosecution levels. The person record can then be linked to police and prosecution records through the IFN in order to calculate specific attrition rates, average processing times and other performance indicators. Differences between the charge and the police incident classification scheme should be clearly identified.

\textsuperscript{11} Before January 2010, the judicial system was organized as follows: at the top there was the Supreme Court (competent as a court of merit as well), and at the lower levels, courts of appeal, 30 districts courts (first instance courts for offences carrying a sentence of more than 10 years imprisonment and also other specific offences) and 138 municipal courts (first instance court for criminal offences sanctioned by fine or imprisonment of maximum 10 years).

\textsuperscript{12} This Unit is composed of 2 persons (including the Head of Unit).
Assessment

Upon receipt of the prosecutor’s indictment by the court’s registry office, a case file is opened by the first instance court and the case is assigned a unique identifying number. As the police, prosecution and court do not use the same (automated) case-tracking systems, they also do not keep the same identifier when the case passes from the police to the prosecutor and the court.

2.3.2.3. Offence classification system

**Standard**

Unit records on persons brought before the courts contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all courts.

Assessment

The standard offence classification system used by the courts and in the statistical forms of the Statistical Office is based on the articles and paragraphs of the Criminal Code, as well as of any other special criminal law.

2.3.3. Data flow

2.3.3.1. From local to central level

**Standard**

Data from all courts should be reported in a uniform format using the crime classification scheme to a central institution.

Assessment

Standardized forms are used for data transmission from the local to the central level. As mentioned above, there are two separate data flows:

a. from the courts to the Ministry of Justice; in particular, all courts draft reports on the performance of the court, the departments and the judges using a unified methodology and then submit it to the Minister and to the directly higher Court, Supreme Court of Cassations and High Court Council);

b. from all first instance courts to the Republic Statistical Office.

With reference to the internal data flow, two standard forms are used to aggregate data on the cases dealt with by each court on a quarterly basis (in month 3/6/9/12, plus every 3 years).

The first form is on the work of each court and includes data on the number of old, new and total cases in court; the average case load per judge; the number of solved cases and unsolved cases at the end of the period; and data on the quality of work (number and percentage of appeal decisions confirming/changing/annulling the first decision). The second statistical form collects almost the same information on the work of each judge. The tables are filled manually in an Excel spreadsheet and then sent by email to the immediately higher level, where data from the lower levels are aggregated. See Annex V for a reproduction of the forms used.
Statistics produced by courts do not provide disaggregations by type of crime. Instead, they contain the number of cases by type of field they are dealing with (for example, K, P, R and so on). The Ministry of Justice occasionally files a request for a report on the type of crimes dealt with and on penal policy representing heightened criminal danger (for example, money laundering or corruption).

Regarding the second data flow (first instance courts to Republic Statistical Office), data are sent from all first instance courts to the Unit for Judicial and Gender Statistics within the Sector for Social Statistics at the Republic Statistical Office as individual person records in standard forms. Filling the forms is performed at the moment when a decision is defined as enforceable in accordance with legal provisions. The units of observation are perpetrators of criminal offences. Statistics are gathered separately for adults and minors (minors are persons between 14 and 18).

More specifically, form SK2 collects data on convicted adults, including name; sex; date of birth; municipality of residence; work status; occupation; ethnicity; citizenship; civil status; education; recidivism; the legal qualification of the (most serious) criminal offence; whether more than one crime was committed and if so, how many; the type of decision and the main sanction; the total number of victims, by sex and by age; and data on the length of the procedure.

Form SK4 collects the same data on convicted minors plus additional data, including sanctions to juvenile prison or educational measures and data about the family situation of the minor (occupation and work status of parents, etc.). See Annex VI for a full list of data requested in Forms SK2 and SK4.

The forms as well as the methodology to fill them in are revised from time to time (the last revision was in 2007).

The forms are filled in on paper on a monthly basis by the administrative staff in the court’s registry office, under the responsibility of the judge in charge of the case. They are then sent by post to the Republic Statistical Office, where they are first received by their RSO Registry Office, then passed to the Department of Statistical Processing/Special Department for Coding, where codes are assigned and data from valid questionnaires are inputted into an electronic database. Questionnaires that are only partially completed are not handled directly, but are forwarded to the Unit for Statistics on Judiciary and Elections for revision and checks with the courts’ registry offices.\(^\text{13}\)

### 2.3.3.2. Counting rules

<table>
<thead>
<tr>
<th>Standard</th>
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</thead>
<tbody>
<tr>
<td>Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how a person who is convicted of more than one offence of the same type is counted (as one person or as two or more people), and how a person dealt with more than once during the same year is counted.</td>
</tr>
</tbody>
</table>

**Assessment**

With respect to the internal data collection by the Ministry of Justice, there are written instructions regulating statistical production since 2006. Courts are sending statistical

\(^{13}\) This seems to occur especially with tables completed in the larger court registry offices, where due to time constraints some fields may be left empty.
data to the Ministry of Justice in accordance with the provisions of the Courts Rulebook.

With respect to the data collection of the Republic Statistical Office, the office provides the courts with written rules. Among these instructions, there are the following counting rules: if one perpetrator committed several criminal offences or minor offences, only the principal offence is to be counted (but the other offences are recorded as well). When more than one person participates in committing a crime, each person is counted separately on a separate unit record. These instructions seem to be applied consistently by all courts.

2.3.3.3. Coverage: Geographic and institutional

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Data from unit records should be collated from all courts in the territorial jurisdiction by a central institution.</td>
</tr>
</tbody>
</table>

Assessment

Regarding the internal data collection, courts of all over the country submit their statistics to the next higher levels, so statistics received by the Ministry of Justice cover all courts. Regarding the data collection of the Republic Statistical Office, data are received from all first instance courts and cover all final decisions, including decisions at the appeal levels.

2.3.3.4. Timeliness and periodicity

<table>
<thead>
<tr>
<th>Standard</th>
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</thead>
<tbody>
<tr>
<td>Data from all courts should be regularly collected and reported.</td>
</tr>
</tbody>
</table>

Assessment

Regarding the internal data flow (from courts to the Ministry of Justice), statistics are produced on a quarterly basis (months 3/6/9/12), plus every 3 years.

With respect to the data collection by the Republic Statistical Office, forms are filled in on paper by the administrative staff of each first instance court. The Statistical Office receives data first when cases have been decided in first instance procedures and then again after legal remedies have been used and when the procedure is officially closed (including decisions at appeal level) The data are sent monthly to the Department of Statistical Processing of the Statistical Office.

2.3.4. Output (Production of Statistics)

2.3.4.1. Data validation and statistical analysis of data

<table>
<thead>
<tr>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.</td>
</tr>
</tbody>
</table>

Assessment
Regarding the internal data flow (from the courts to the Ministry of Justice), the Statistical Unit at the Ministry of Justice performs some data validation when aggregating the data (e.g. to discover wrong totals). In case inconsistencies are detected, the unit contacts the sending court for clarifications.

Regarding the data collection of the Republic Statistical Office, data validation is done directly by the Unit for Statistics on Judiciary and Elections. First, some automatic logical controls are performed after data input into the database. In addition the unit visually checks the consistency and completeness of the data and, when needed, contacts the sending offices for clarifications. About 50 tables are produced annually from the data extracted from the statistical unit records. No special analysis is performed by the unit. Most of the tables produced include absolute numbers, and in a few cases, some indices and percentage changes to assess variations over time.

2.3.4.2. Reporting and Dissemination

<table>
<thead>
<tr>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of persons convicted during one year should be reported disaggregated by crime type; age; sex and citizenship. Crime type disaggregations of persons convicted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Drug-trafficking; Cybercrime and Crime involving racism and xenophobia.</td>
</tr>
</tbody>
</table>

Assessment

The Ministry of Justice does not publicly disseminate internal statistics on the work and performance of the courts. These are in general kept for internal evaluation purposes only, aimed at rationalizing the judiciary system. Some statistics may also be used for public statements of the Minister, as well as in official meetings. Statistical data on the work of the courts are also provided to the regular data collection by the Council of Europe (CEPEJ).

Statistics produced by the Statistical Office are disseminated to the wider public and to every interested institution in an annual publication in Serbian language that is available only on paper. There are two separate annual publications, one for adults and one for minors. There are no two separate publications on minors and adults.

The time lag between the reference period and the publication of these reports is about 12 months.

There is a wealth of court data collected by both the Ministry of Justice and the Republic Statistical Office that is not used for further analysis.

14 Only the Annual Report on the work of the Supreme Court is available online and available at [http://www.vrh.sud.rs/code/navigate.php?id=27](http://www.vrh.sud.rs/code/navigate.php?id=27)
### 2.4. Statistics on Money laundering

<table>
<thead>
<tr>
<th><strong>Standard</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering contains a number of minimum items on which statistics should be available. A Eurostat working group is currently carrying out a pilot-collection on a very specific list of money-laundering data based on Directive 2005/60/EC.(^\text{15}) The list includes data on the number of Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs), postponement orders, money laundering investigations, detected cash smuggling operations, suspicious cash activities at the borders, STRs investigated by law enforcement and STRs not investigated as well as the number of staff dedicated full time (or full time equivalent) to money laundering in the FIU and in law enforcement agencies. In addition, data on the number of charges initiated, disaggregated by the above named grounds, as well as data on the number of convictions and acquittals for such charges should be collected. Data on persons sentenced and acquitted should be broken down by “third party” and “self-laundering”, by charge, type of sentence, age, sex and nationality. Statistics on the number of freezing and confiscation procedures and the number of requests received for freezing and confiscation orders should indicate the value of frozen and confiscated assets and the amounts recovered. The primary source of the data is envisaged to be a Financial Intelligence Unit (FIU) within law enforcement authorities.</td>
</tr>
</tbody>
</table>

### Assessment

#### 2.4.1. Institutions involved in data collection and production of statistics

The Administration for the Prevention of Money Laundering (APML) is the Serbian Financial Intelligence Unit (FIU), responsible for implementation of the Law on the Prevention of Money Laundering and the Financing of Terrorism. It is an administrative body within the Ministry of Finance. The law, first adopted in 2002, has been subsequently amended, lastly in 2009 to bring it in line with the Third EU Anti Money-Laundering Directive.\(^\text{16}\)

#### 2.4.2. Data input

For data collection purposes, the relevant definitions of money-laundering and terrorism financing are contained in article 2 of the Law on the Prevention of Money Laundering and the Financing of Terrorism. The entities obliged to report financial transactions to the FIU are specified in articles 4 and 5 of the Law. The list is in line with the Third Anti Money Laundering Directive and includes banks, money exchange offices, investment funds, insurance companies and other providers of financial and non-financial services (for a full list of reporting entities see Annex VII).

These reporting entities are requested to report to the FIU information on two main types of transactions:
- suspicious transactions reports (STR), i.e. transactions where there is a suspicion of money laundering or terrorism financing. A list of common indicators to identify suspicious transactions has been developed by the FIU;\(^\text{17}\)
- cash transactions reports (CTR) exceeding EUR 15,000.

In addition, the FIU receives data sent by foreign FIUs, as well as data from the police, supervisors and other competent State bodies.

The following statistics are collected on the above activities:

\(^{15}\) The set of indicators piloted by Eurostat do not (yet) represent binding EU standards but they nonetheless provide importance guidance as to evolving priorities for money laundering data within the European Union.

\(^{16}\) The law is available at the website of the Serbian FIU (http://www.apml.org.rs/).

\(^{17}\) The set of indicators is available at the Internet address of the Serbian FIU (http://www.apml.org.rs/).
− Number of STRs submitted to APML, by reporting entity;
− Number of CTRs submitted to APML, by reporting entity;
− Number of reports of cross-border currency transfers (above 10,000 EUR);
− Number of reports received from other state bodies, including supervisory authorities, by body (Prosecutor’s Office, Police, Tax Administration, Foreign Currency Inspectorate, Customs Administration, Security and Information Agency, National Bank of Serbia, Securities Commission);
− Number of reports disseminated to other state bodies, including supervisory authorities, by body (Prosecutor’s Office, Police, Tax Administration, Foreign Currency Inspectorate, Customs Administration, Security and Information Agency, National Bank of Serbia, Securities Commission);
− Information exchange with foreign FIUs (number of requests sent, received, total);
− Data on prosecutions and convictions for ML: number of criminal reports, number of charges brought, number of convicting court decisions, number of final decisions;
− Data on prosecutions and convictions for economic offences: number of criminal reports, number of charges brought, number of convicting court decisions, number of final decisions.

Though statistics collected by the APML itself are quite comprehensive, the received criminal justice data contain only few details on the profile of the offenders.

2.4.3. Data flow

Data on individual transactions are transmitted on a daily basis when reporting entities pinpoint over-threshold cash transactions and suspicious transactions. Cooperation from the non banking system – especially from the real estate sector, where there was a significant underreporting until recently – has improved over the past years.

A number of reporting entities (e.g. banks, insurance companies, exchange offices) input and transmit data through an electronic system called Transaction Management Information System (TMIS). One person in each of these reporting entities has access to the system. As soon as a form is submitted, the system confirms receipt. In order to enable a bi-directional communication through the system that allows the FIU to ask and receive all the information related to a reported transaction, the system is currently under amendment. The system performs some automatic controls of the quality of submitted reports. If any inconsistency is noted, the sending entity is contacted by phone.

Those entities who do (yet) not have access to the online reporting system fill in the required forms on paper and send them to the FIU by courier. Submission of data by other State bodies is also done in paper form.

Immediately upon receipt paper forms are inputted into the electronic Case Document Management System (CDMS). Electronically submitted forms are automatically imported into this system. Each case entered is assigned a unique identifying number by the system. The CDMS is used for data analysis and allows specific searches by different criteria.

2.4.4. Data output

Statistics on transaction reports and other issues are extracted from the Case Document Management System on an annual basis (and more frequently when needed). The system allows only the automatic production of totals for the search
criteria requested. The data are then copied into Excel tables for presentation and analysis. Statistics are produced on the entire procedure, i.e. from the reporting of a case to the FIU to the criminal conviction (if applicable).

The statistical tables are reproduced in the Annual Report of the FIU for reporting to the Government. Analysis of data in the report is very basic, with absolute numbers and some percentages to assess variations over time. The report is kept confidential. The only form of public dissemination of the statistics contained in the report are press releases with some key figures (e.g. the number of STRs or CTRs; number of ML convictions).

Every six months statistics are also produced for the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) of the Council of Europe.

In addition the FIU produces tables analysing the quality of reporting (e.g. by banks), which are for internal use only.

Statistics are mainly used to train the reporting entities, to assess the quality of their reporting activities as well as to monitor the efficiency of FIU staff.

2.5. Statistics on Trafficking in Persons (TIP)

### Standard

Based on the relevant EU Council Framework Decisions and Council Directives on trafficking in persons, as well as the United Nations Protocol to prevent, suppress and punish trafficking in person the European Commission DG-JLS has commissioned an expert report that contains recommendations for standardized, comparable data on victims, traffickers, the trafficking process and the criminal justice response to trafficking.\(^\text{18}\) The data to be collected\(^\text{19}\) comprise: The total number of identified victims per country per year (disaggregated by gender, age, nationality, country of birth, and type of exploitation); The total number of victims per country per year cooperating with law enforcement; the total number of traffickers per country per year (by persons arrested, persons charged (under which charges), number of investigations started, and number of investigations successfully completed (disaggregated by gender, age, nationality, country of birth and type of exploitation). In addition, statistics on the number of prosecuted and sentenced traffickers per year (by charge, disaggregated by gender, age, nationality, country of birth and type of exploitation) as well as data on sentences and on victims testifying in court and filing claims for compensation, by charge, should be collected.

### Assessment

#### 2.5.1. Institutions involved in data collection and production of statistics

Statistics on the victims of human trafficking (both adults and minors) are collected by the Agency for Co-ordination of Protection of Victims of Trafficking in Human Beings, set up in 2004 within the Ministry of Labour and Social affairs. Its mission is to identify and assist human trafficking victims and to protect their rights. For data collection purposes, trafficking in persons is defined according to the Serbian Criminal Code (Art. 388 ‘Human Trafficking’).


\(^\text{19}\) It should be noted that the recommendations are non-binding but represent a good starting point for the eventual development of EU standards on specific crime and criminal justice statistics on trafficking in persons.
In addition, statistics on traffickers (as well as some data on victims) are kept by the Ministry of Interior, Border Police Directorate.

2.5.2. Data input

The Agency for Co-ordination of Protection of Victims of Trafficking in Human Beings maintains a database on identified victims of trafficking in persons, whose software has been developed as part of a project carried out by ICMPD. A victim may be identified by different institutions: in most cases by the police, but also by centres for social work, shelters, NGOs, UNHCR, and by the Agency itself. A uniform list of indicators has been developed by the Agency and is used by all relevant bodies to identify a victim.

A standard form is used to record information on each victim. The information requested includes the following data on the victim and the trafficking case: name, sex, date and place of birth, country of birth, country and address of residence, citizenship, civil status, education, work experience, data on the family, data on the assistance provided, data on the trafficking route and time, type, duration and other details of exploitation. See Annex VIII for a full list of data recorded.

Information on traffickers is recorded in a special database on THB by the Border Police, Department for the Suppression of Cross-border Crime in the Ministry of Interior. Furthermore, data on trafficking in human beings (according to Article 388 of the Penal Code of the Republic of Serbia), as well as on perpetrators and injured parties - victims, are entered into UIS of the MoI within the program "Crimes and perpetrators", as are all other crimes prosecuted ex officio. A standard form is first filled in on paper by the responsible police officer before the criminal charge is forwarded to the prosecutor. The data recorded include basic data about the offence (type of exploitation, time and place); a more elaborate description of the offence (modus operandi, counterfeit documents, etc.); personal data of the offender (name, sex, age, date and place of birth, citizenship, occupation, whether there are elements of organized crime present, etc.); and data about the victims (number of victims, citizenship, sex, age, etc.). See Annex IX for a full list of data recorded.

2.5.3. Data flow

The standard form on victims of THB is normally filled in by one of the two persons at the Agency who are in charge of outreach to victims wherever they are located and also of administering the database. Forms are filled in electronically into an electronic database, though paper copies are also kept.

The database has been in operation since 2005 (an updated version of the ICMPD database is not active yet). Data are recorded on the victims according to the information items set out above. In addition, some data are also recorded on the traffickers, though the major part of information on perpetrators is stored in the database at the Ministry of Interior.

The database on traffickers is administered by the Ministry of Interior and has been in use since 2005. Data are recorded on the traffickers according to the information items set out above. In addition, some data are also recorded on the victims, though the major part of information on victims is stored in the database at the Agency for Co-ordination of Protection of Victims of THB.

No information from the subsequent stages of judicial proceedings (prosecution and courts proceedings) are inserted into the database on human traffickers. The forms are
entered in the electronic database on a monthly basis, through the ICMPD software and are submitted to the Ministry of Labour and Social Policy and the Ministry of Interior.

2.5.4. Data output

Regarding the database on victims, statistics are manually extracted and calculated on a monthly basis. Reported data on victims include the total number of identified victims; the number of victims confirmed by the police; the number of potential victims; the type of exploitation (sexual, labour, forced marriage, forced commission of offences, adoption); age (minors, adults); sex; country of origin of victims. Statistics are calculated on identified victims; on a monthly basis. These statistics are sent to the monthly to the Ministry of Interior, to the Ministry of Labour and Social Policy and the Ministry of Interior.

In addition to these monthly statistical tables is the Agency for Co-ordination of Protection of Victims of THB produces an Annual Report with comments on the statistical tables and other developments. The report is sent to the Ministry of Labour and Social affairs and other ministries. While the report is not strictly confidential, it is not publicly available. Data analysis in the report is very basic, as only absolute numbers and some percentages are presented.

Regarding the database on traffickers, statistics are extracted and calculated on a monthly basis. Statistics are published online on the website of the Ministry of Interior every six months for the past half year. Finally, statistics are also reported in the Annual Report on THB produced by the Ministry of Interior, including the following data:

- Number of criminal charges, number of suspects, number of victims and number of committed offences on a yearly basis since 2000
- Number of reported offenders for the offence of THB, by gender
- Number of victims of human trafficking by age and sex
- Number of victims of human trafficking by citizenship
- Number of victims of human trafficking by type of exploitation, sex and age
- Number of identified victims of THB settled in the shelter for female victims of THB according to citizenship on a yearly basis since 2000
- Number of criminal charges for the suspicion that it is a offence of THB according to article 388 of Criminal Law, by organizational unit submitting the criminal charges
- Number of criminal charges by type of exploitation (sexual, labour, forced marriage, begging, forced to commit offences, trafficking in organs).
- Number of offenders of THB, by sex and citizenship
- Number of victims of THB, by sex and age (up to 14 years, 14-18 years, over 18 years)
- Number of victims of THB by citizenship
- Number of victims of THB by type of exploitation, sex and age (minor/adult)

20 Automatic extraction of statistics from the database has not been possible in the old version of the database but will become possible in the new version.
21 Automatic extraction of statistics from the database has not been possible in the old version of the database but will become possible in the new version.
22 http://www.mup.gov.rs/cms_cir/sadrzaj.nsf/trgovina-ljudima.h
2.6. Statistics on Crimes involving racism and xenophobia

<table>
<thead>
<tr>
<th>Standard</th>
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<tbody>
<tr>
<td>While national criminal law in the EU on crimes involving racism and xenophobia is still diverse(^{23}), EU Member States must take the necessary measures to comply with European Council Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law by 28 November 2010.(^{24}) In the European Union, data on police-recorded racist crime, anti-Semitic crime and crimes with extremist right wing motive are collected and reported by the European Union Agency for Fundamental Rights (FRA).(^{25}) Data reported include both specific acts of incitement, and criminal incidents with a suspected racist, anti-Semitic and extremist right wing motive.(^{26}) While non-binding, the reporting on these three broad crime types suggests a developing standard at EU-level that should include the following data: Annual number of police-reported ‘racist crimes’, ‘anti-Semitic crimes’ and crimes with an ‘extremist right-wing motive’; annual number of person prosecuted and number of charges initiated for each of these 3 crime types; annual number of persons sentenced and acquitted from charges for each of these 3 crime types (by charge, age, sex and citizenship).</td>
</tr>
</tbody>
</table>

2.6.1. Data collection on crimes involving racism and xenophobia

Crimes involving racism and xenophobia and other hate crimes are partially covered in the Serbian Criminal Code by Article 317 (Instigating National, Racial, Religious Hatred and Intolerance) and are counted as offences under this Article.\(^{27}\)

On the basis of this provision, the Ministry of Interior has reported statistics on criminal charges for interethnic, inter-religious and racially motivated incidents. All criminal charges filed for committing the above mentioned crimes - from Article 317 of the Penal Code of the Republic of Serbia (with already stated data on perpetrators and the crime itself), but also all other crimes that could be included in this category (from Articles 129, 130, 131, 174, 370 and 387 of the Penal Code of the Republic of Serbia) are reported in the statistical program "Crimes and perpetrators" of the UIS. Furthermore, in the Directorate for Analytics and in analytical departments of all regional police services data on all other crimes, offences and other incidents motivated by national, racial or any other intolerance are collected and processed. Data both on perpetrators and injured parties are presented by sex, age and national affiliation (if the person declares this affiliation by her/himself). Regular monthly and periodical reports are written on this issue for internal needs as well as for reporting needs of external users, among which are also numerous international organization and their bodies.

Besides the Criminal Code, the Anti-discrimination Law of 2009 (Official Gazette 22/09, from March 26, 2009) has provisions on discriminating behaviour.

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\(^{23}\) Whilst exact wordings differ, national criminal law typically makes `incitement to [discrimination], [hate], or [violence] on the grounds of [race], [colour], [national or ethnic origin]` an offence. In addition, some national laws identify racist, xenophobic, or anti-Semitic motivations as an aggravating factor in other offences.


\(^{26}\) See, for example, FRA, A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004, Summary Report, at p.27. Available at: http://fra.europa.eu/fraWebsite/material/pubs/comparativestudy/CS-RV-05-SUM.pdf

\(^{27}\) (1) Whoever instigates or exacerbates national, racial or religious hatred or intolerance among the peoples and ethnic communities living in Serbia, shall be punished by imprisonment of six months to five years. (2) If the offence specified in paragraph 1 of this Article is committed by coercion, maltreatment, compromising security, exposure to derision of national, ethnic or religious symbols, damage to other persons, goods, desecration of monuments, memorials or graves, the offender shall be punished by imprisonment of one to eight years. (3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article by abuse of position or authority, or if these offences result in riots, violence or other grave consequences to co-existence of peoples, national minorities or ethnic groups living in Serbia, shall be punished for the offence specified in paragraph 1 of this Article by imprisonment of one to eight years, and for the offence specified in paragraph 2 of this Article by imprisonment of two to ten years.
3. International Reporting of crime and criminal justice data

3.1.1.1. Reporting of data at European level

**Standard**
At the EU level, basic crime types on which data should be reported to Eurostat include total crime, homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, theft of a motor vehicle, and drug trafficking. Within the confines of national criminal law, the crime classification scheme used should be aligned so far as possible with definitions applied by Eurostat. In addition, specific indicators on crime involving racism and xenophobia, money laundering and trafficking in persons are under development at the European level.28

**Assessment**
As an EU potential candidate country, Serbia has been covered by Eurostat’s data collection efforts in the field of crime and criminal justice published in 2009. Police data on total crime, homicide, violent crime, robbery, domestic burglary, theft of a motor vehicle, drug trafficking have been reported to Eurostat. No data on police officers were reported to Eurostat. According to the metadata supplied to Eurostat, data on homicide include murder, manslaughter, euthanasia and infanticide. Data on violent crime include simple assault, aggravated assault, brawl participation, serious theft, robbery, armed robbery and crimes against sexual freedom. Data on robbery include serious theft, robbery and armed robbery. Data on domestic burglary include theft in a dwelling and irruption of dwelling. Data on thefts of a motor vehicle include theft of motor vehicles and unauthorized use of motor vehicles. Data on drug trafficking include all drugs offences (such as possession and abuse of drugs).

With the possible exception of data on drug trafficking, the categories of crimes reported to Eurostat generally correspond to the suggested crime categories.

3.1.1.2. Reporting of data at UN level (CTS)

**Standard**
The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) is now in its twelfth edition, covering the year 2009. The UN-CTS is implemented by UNODC and requests all UN Member States to supply standardized data on crime and criminal justice collected by police, prosecution, courts and penitentiary institutions. Differences between the crime classification scheme used and definitions applied by the UN-CTS should be clearly identified.

**Assessment**
Serbia provided data for the 10th UN-CTS covering the years 2005-2006. The data supplied related only to police, where most data requested could be provided. No data were reported for prosecution, courts and prisons. By April 2010, Serbia had not yet replied to the 11th UN-CTS.

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28 It should be noted that the proposed indicators for these three crime types are non-binding but nonetheless provide importance guidance as to evolving priorities for crime data within the European Union.
3.2.1. Coordination

3.2.1.1. Focal point for crime and criminal justice statistics

**Standard**

International standards for data collection on crime and criminal justice recommend the designation of offices or bodies responsible for the coordination of data collection at the country level with a view to improving cooperation with the UN.29 This could be achieved through the establishment of a network of national contact points for crime and criminal justice statistics. The network should include contact points in national statistical offices, law enforcement, prosecution, courts and national penal administrations. Internal coordination of data collection at the national level, including through the possible use of a single contact point is explicitly encouraged.30

**Assessment**

Serbia has a Directorate for Analytics in the Ministry of Interior that is responsible for collecting and compiling police crime statistics on the national level. Regarding judicial data from prosecutors, the Republic Prosecutor’s Office compiles data from all prosecution offices in Serbia and issues an Annual Report. Regarding courts data, the Supreme Cassation Court first receives data from all courts in Serbia and forwards them to the Ministry of Justice for annual reporting on the work of the courts. Regarding person-based criminal justice data from prosecutors and courts, the Statistical Office is charged with collecting and compiling data from prosecution offices and courts. Given that the Statistical Office is also the institutional focal point for the Eurostat data collection on police-recorded crime statistics, the Statistical Office would be the natural choice for an overall focal point for national and international data collections on crime and criminal justice.

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29 Ecosoc Resolution 27/2007, para. 1
30 Commission on Crime Prevention and Criminal Justice, Eighteenth session, Vienna, 16-24 April 2009, Conclusions and Recommendations, para. 9
4. Migration statistics

4.1.1. Institutions responsible for data collection and management

Data on the migration of foreigners and Serbian citizens are collected in various databases of the Ministry of Interior of Serbia. In addition, the Republic Statistical Office receives and processes data on internal migration from the Ministry of Interior.

4.1.1.2. Data on stocks and flows of immigrants and emigrants

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States must report annually on migration stocks and flows. Thus, a system for recording and monitoring such stocks and flows should be in place, including through general population registers, through the generation of unit records for registration of immigrants and emigrants or through registers of residence permits. In particular, Member States should report the stock of foreigners and foreign-born in the country as well as the flow of immigrants and emigrants to and from the country (with a usual residence in the country of more than 12 months) broken down by a number of characteristics (sex; age group; citizenship; country of birth; and where possible, country of previous residence or country of next residence).

Assessment

The Directorate for Administrative Affairs at the Ministry of Interior administers the central population register. In this database, the address of the permanent residence of each Serbian citizen and each foreigner with a permanent residence permit living in the country is recorded. The local police station is responsible for registering each change of permanent residence (even within the same municipality) declared to it and entering it into the database. These person-based unit records include information on the unique personal I.D. number, name, sex, place of birth, citizenship, occupation, place and date of past and future place of registration. See Annex X for a list of data recorded.

In practice the registration and change of residence may often not be declared, especially when citizens leave the country for residence abroad. In addition, many refugees and (internally) displaced persons have not yet been properly registered. As a consequence, no comprehensive statistics on stocks and flows of Serbian citizens emigrating abroad are available.

The rights of foreigners to entry and residence in Serbia are regulated by the Law on Foreigners of 2009.

When a foreigner enters the country, the Border Police first checks his/her visa and passport. At present, there is no individual person record of the entry or exit at the border crossing even if the establishment of such an entry-exit recording system is under consideration.

When the foreigner has entered the county, and irrespective of the time period the foreigner wishes to spend in the country, the form ‘registration of residence (stay) of the foreigner’ should be filled in (normally by the person hosting the foreigner or the hotel) and handed over to the local police station within 24 hours from his/her arrival. This

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Data are also sent from the Ministry of Interior to the Republic Statistical Office on a monthly basis in individual statistical forms for further processing.
form records person-based information on the foreigner, including name, date and place of birth, citizenship, number of travel document, date of entry to Serbia, date until the right to stay is granted, residential address in Serbia, and the date of entry and estimated time of departure. See Annex XI for a list of data recorded.

The data recorded on this form are inserted by the police officer receiving the form into a special section called PBS (registration of stay for foreigners) of the Unified Information System (UIS) on a daily basis. From this database statistics on registered foreigners in Serbia can be extracted. However, there is no regular production of statistics on foreigners in Serbia.

In addition, if a foreigner wants to stay longer than 90 days in Serbia, she or he will have to apply for a residence permit (see below).

The latest census was held in 2002. It includes all citizens of Serbia and foreigners having Serbia as their usual country of residence.

### 4.1.1.3. Residence permit data

**Standard**

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should report the stock of valid residence permits at the end of each year (by citizenship; type; and duration), the stock of valid long-term residence permits at the end of each year (by citizenship), the number of new first-time residence permits (by type; duration; and citizenship) and the number of changes in residence permits (by type; duration; and citizenship).

**Assessment**

Foreigners wishing to reside in Serbia for more than 90 days have to apply for a temporary residence permit with a maximum validity period of one year (with the possibility to renew it, and also to apply for a permanent residence permit). When applying, the foreigner has to fill in a standard application form (‘application for issuance of approval for temporary stay’), which includes the following information: name, surname, sex, date of birth, place and country of birth, citizenship, occupation, place of residence and address abroad, address of residence in Serbia, phone number, date and place of entry into Serbia, purpose of stay, number of family members, date of issue and date of expiry of passport, data relating to the person on the basis of whose status in Serbia the residence permit is requested (inviting person), university, school or other institution attended by the applicant or other organization where the foreigner is engaged or employed. The form should be submitted on paper to the administration for foreigners of the competent police district.

When the residence permit application has been made, the data from this form are entered into a database on foreigners by the competent police district on a daily basis. This database forms a specific section of the Unified Information System called OKS (certain categories of foreigners).

From the OKS database statistics on residence permits are extracted by the Sector for Analytics of the Ministry of Interior and then sent to the Border Police Directorate on a monthly basis. For temporary stay, statistics extracted include the number of persons who made a residence permit application disaggregated by citizenship, sex, education,

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32 A similar form is available for permanent stay in Serbia. Permanent residence can be requested after 3 years of marriage with a Serbian citizen, after 5 years of residence for family reunification purposes, or after 10 years of working in Serbia.

33 In addition, foreigners with a temporary residence permit are at the same time registered in the local population register of their new place of residence (but not in the central population register of Serbia).
profession, reasons for the application (student, entrepreneur, family member, worker, private visit, etc.). For permanent stay, statistics extracted are more limited, and include the number of persons who made an application by sex, citizenship and reasons for the application. In both cases statistics refer separately to adults and minors.

The statistics received are included in the monthly reports of the Border Police Directorate, Department for Foreigners, as well as in their Annual Report, which includes the statistics with tables and graphs and some additional comments. The Annual Report is disseminated only within the Ministry of Interior.

4.1.1.4. Updating of records and registers

**Standard**
In order to be able to produce update and accurate data fulfilling Regulation (EC) No 862/2008 on Community Statistics on Migration, data on change of residence and other important status changes (e.g. extension or cancellation of residence permits) should be passed from the local to the central level at regular intervals and be used to update the migration statistics supplied to Eurostat.

Assessment

One problem with the residence permit database in Serbia is that records are not systematically updated when a foreigner leaves the country. While temporary residence permits can be excluded for statistical purposes from the residence permits database once they expire, there is no such possibility for foreigners holding permanent residence permits. In this case, the records are only updated when new information becomes available to the authorities. The same is true for foreigners with permanent residence permits included in the central population register (foreigners with temporary residence permits are not included in the central population register).

4.1.1.5. Data on the prevention of illegal migration

**Standard**
According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should report statistics on the prevention of illegal entry and stay. These statistics should include the number of persons refused entry at the border (by age; sex; grounds for refusal; citizenship of persons refused; and type of border: land, sea or air), the number of persons found to be illegally present in the territory under national law (by age; sex; citizenship; grounds for apprehension; and place of apprehension), the number of persons issued with an order to leave the territory (by age; sex; citizenship; and reason for the order), and the number of persons who actually left the territory following an order to leave (by age; sex; citizenship; and reason for the order).

Assessment

Illegal border crossing and illegal residence is generally not a crime but a misdemeanour in Serbia (according to articles 65 and 66 of the Law on the Protection of the State Border). However, unlawful border crossing can be a crime if done by an armed person or by using force or if transferring other people unlawfully across the border and is considered an aggravated crime if done as part of an organized crime group (Art. 350 a to d of the Criminal Code).

Illegal immigration is further defined by Article 10 of the Law on Foreigners, which states that “Entry into the Republic of Serbia shall be considered illegal if it is gained: 1) Out of the place or time prescribed for crossing the state border; 2) By avoiding the border control; 3) By using another person’s, invalid, and/or forged travel or other document; 4) By providing incorrect information to the border police; or 5) During the period in which the protective measure of removal of foreigners from the Republic of
Serbia, the security measure of banishing foreigners from the country, or the measure of cancellation of the permission to stay is in effect”.

Based on this definition, data on the prevention of illegal migration are recorded by the Border Police.

Statistics on illegal migration are recorded and aggregated by the Border Police of the Ministry of Interior. At the local level there are 40 border police stations on border crossings points and 47 police stations for securing the state border. In all seven34 fully functional regional centres for border affairs of the Ministry of Interior there are departments for the supression of cross-border crime, illegal migration and human trafficking.

When the local border police detects a case of illegal border crossing they send an official note to the regional and central level (Službena beleška) with a detailed description of the event. Data on illegal migration are recorded at the local, regional and central levels in the form of Excel tables that are in accordance with Frontex (FRAN) standards. Every month aggregate statistics are sent from the local level (border police stations) to the regional centres. Regional centres consolidate the data and send them to the central level where the data are aggregated for the whole territory of Serbia.

Statistics on illegal migration are first of all used internally for planning purposes and are disseminated to the regional and local levels for operational purposes and to produce regular risk analysis and early warning reports. Internal situational analysis reports are produced quarterly and annually. In addition, the data are also shared at the regional level (Western Balkan countries and Frontex). The statistical tables produced are uploaded monthly at the secure CIRCA internet platform of the European Commission as a part of WBRAN (Western Balkan Risk Analysis Network).

Data on the prevention of illegal migration are shared between the respective Ministries of Interior of Albania, BiH (Ministry of Security), Croatia, Montenegro, The former Yugoslav Republic of Macedonia and Serbia. In a Memorandum of Understanding of 20 November 2008, the Ministries of Interior (MoS for BiH) agreed to share statistical data from 1 January 2009 onwards on a monthly basis, through a designated National Contact Point, on the number of persons

- detected crossing the border illegally outside a border crossing point;
- detected crossing the border illegally at a border crossing point;
- detected as facilitators;
- detected staying illegally in the country;
- who have been refused entry into the country;
- as well as the number of submitted asylum requests (inland and at the border) and the number of detected false or falsified travel documents according to their type and country of issuance at border crossing points.

All of these statistics are to be disaggregated by citizenship. Data are exchanged electronically, in the form of templates and in English language. See Annex XII for more details of this reporting mechanism.

Regarding dissemination, data on illegal migration are reported in the annual report ‘Migration profile of Serbia’ and there is a short paragraph on illegal migration included in the annual report on the work of the Ministry of Interior.

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34 In fact, officially 9 regional centres are planned to be established, out of which 7 are now fully functional – the regional centre for Romania and Albania have not been established yet.
4.1.1.6. Data on facilitated illegal migration

**Standard**
The Eurostat data collection on the prevention of illegal migration (CIREFI database) further collects data on the number of apprehended facilitators by citizenship and the number of apprehended facilitated aliens (by citizenship; and type of border entered: land, sea or air). These data should be supplied by border guard services or the responsible Ministries of Interior to CIREFI on a monthly basis.

**Assessment**

The smuggling of migrants is a criminal offence in Serbia according to Article 350 of the Criminal Code.\(^{35}\) As such, based on the available evidence, all data on migrant smugglers (facilitators) are entered into the Uniform Information System by the competent police bodies (This can be all competent organizational units of the MoI (Criminal Police, Border Police, etc., but in practice, cases of migrant smuggling are recorded mostly by the Border Police and the Division for Combating Illegal Migration and Human Trafficking (an organizational unit of the Service for Combating Organized Crime within the Criminal Police).

When reporting cases of illegal migration and migrant smuggling, the regional police directorates or regional centres inform the Border Police Administration also on operational measures and intelligence, such as personal data of detected unauthorized migrants and migrant smugglers, the position of mobile phones and numbers, on vehicles, and descriptions in the case of unknown persons.

In addition to data on migrant smugglers, there are also data on the number and nationality of smuggled migrants reported from the local to the regional level. The statistics are then forwarded and further aggregated at the central level, where the Ministry of Interior prepares monthly, quarterly and annual reports. All these reports are internal and can be shared with other parties only on the approval of the Minister.

In addition to the internal reporting of the Border Police, the Department for Foreigners of the MoI is provided by the Directorate for Analytics with the following statistics, that are extracted from theUnified Information System:

- number of criminal charges for the criminal act of illegal crossing of the state border and smuggling of persons (article 350 of the criminal code), by organizational unit submitting criminal charges;
- number of offenders for the criminal act of illegal crossing of the state border and smuggling of persons, by sex;
- smuggled persons in criminal charges for the criminal act of illegal crossing of the state border and smuggling of persons, by age (minors/adults) and sex;
- number of deported persons, by age (minors/adults), sex and country to which they have been deported.

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\(^{35}\) Article 350 (Illegal Crossing of State Border and Human Smuggling): (1) Whoever without a required permission crosses or attempts to cross the border of Serbia, under arms or by use of force, shall be punished by imprisonment up to one year. (2) Whoever enables another illegal crossing of the Serbian border or illegal sojourn or transit through Serbia to a person with intent to acquire a benefit for himself or another shall be punished by imprisonment of six months to five years. (3) If the offence specified in paragraph 2 of this Article is committed by an group, by abuse of authority or in a manner endangering the lives and health of persons whose illicit crossing of the Serbian border, sojourn or transit is being facilitated or if a larger number of persons is being smuggled the perpetrator shall be punished by imprisonment from one to ten years. (4) If the criminal act from paragraph 2 of this article done by the organized criminal group, the perpetrator will shall be punished by imprisonment from 3 to 12 years. (5) The means intended or used for commission of the offence specified in paragraphs 1 through 3 of this Article shall be impounded.
5. Asylum statistics

5.1.1.1. Institutions responsible for data collection and management

Since 1 April 2008, the Unit for Asylum at the Department of Border Police of the Ministry of Interior of Serbia is responsible for asylum issues and collects data on asylum applications and decisions.

5.1.1.2. Data input

<table>
<thead>
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<th>Standard</th>
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<tbody>
<tr>
<td>According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States must report annually on stocks and flows of asylum-seekers in their countries. Thus, a system for recording and monitoring such stocks and flows should be in place. As a good practice, the recording of individual asylum claims in unit records (person records), containing clear details of case disposition and type of final decision on the application, are preferable. Such recording practices allow the linking of decisions in first and subsequent instances and the calculation of average processing times and other performance indicators.</td>
</tr>
</tbody>
</table>

Assessment

In most cases foreigners ask for asylum in shelters or detention centres for foreigners, where they are escorted and accommodated after illegal crossing the state border.

The intention to ask for asylum can first be expressed in many forms: by email (e.g. from outside Serbia), at the border crossing point, in a police district, in a centre for asylum, in a shelter for foreigners or in prison. All these institutions have the same form to record the intention to apply for asylum. After this form has been filled in and submitted, the applicant is escorted to a centre for asylum or to the Unit for Asylum of the MoI, where the fingerprints are taken and personal details are recorded. The person is then accommodated in a centre for asylum.

Within 15 days of expressing the first intention to apply for asylum, the applicant should fill in and submit the full asylum application. The standard form used is filled in at the centre for asylum, if needed with the assistance of NGOs assisting the asylum seeker. The form includes the following information: name and surname; father’s name; mother’s name; date and place of birth; sex; marital status; place of residence; citizenship; religion; education; professional occupation; other relevant data (e.g. family members’ personal data, reasons for leaving the country of origin); and a photograph.

The staff of the Unit for Asylum is present when the form is filled in and they receive the application form. All data are manually inserted by them in simple Excel tables as unit records (one person per line). The unit record is continuously updated with new data on decisions on the asylum application as well as decisions on appeals. There are no written rules regulating the recording and counting of asylum data yet.
5.1.1.3. Stock and flow data

| Standard |
|------------------|-------------|
| According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should annually report the stock of persons with open asylum applications at the end of the year (by sex; age; and citizenship), the number of persons submitting first time applications (by sex; age and citizenship) and the number of decisions on asylum applications (by sex; age; citizenship; and type of decision). In addition, the United Nations High Commissioner for Refugees collects data on the number of recognised refugees with positive asylum decisions living in the country (by type; and year of decision). |

Assessment

From the data entered into the Excel tables, the staff of the Unit for Asylum is able to manually produce statistics on asylum applications and decisions on a weekly, monthly and quarterly basis.

The statistics extracted cover the entire procedure, from the application until the final decision on it (including data on appeals against the first instance decision of the Unit for Asylum). The statistical reports of the Unit for Asylum include the following statistics:

- Number of persons who expressed the intention to seek asylum in Serbia according to country of origin, by sex and age
- Number of persons by place of expressed intention to seek asylum (on border crossing point, in police administration, in shelter for foreigners, in centre for asylum, in prison)
- Number of submitted applications for asylum by country of origin, sex and age (adults or minors)
- Number of issued ID cards for asylum seekers
- Number of interviews
- Number of persons accommodated in the centre for asylum
- Number of decisions in first instance, by type of decision (refused applications, rejected applications, accepted applications, etc.)
- Number of decisions in second instance, by type of decision (confirmed first instance decisions, annulled first instance decisions, etc.)

Data on asylum applications and decisions are regularly reported internally and sent also to the local office of UNHCR. Data are also made available on request to media and other interested parties. Only very basic summary data are available to the public.

It is not clear whether summary data distinguish between first-time applications and repeat applications.
6. Visa statistics

6.1.1.1. Institutions responsible for data collection and management

The Directorate of Consular Affairs at the Ministry of Foreign Affairs (MFA) collects data on visas in Serbia.

6.1.1.2. Visa-related indicators

**Standard**

Article 17 of Regulation (EC) No 767/2008 on the Visa Information System (VIS) is entitled ‘Use of data for reporting and statistics’ and provides a list of data items to which competent visa authorities shall have access for the purposes of reporting and statistics. While not strictly binding EU acquis yet, a possible list of visa-related indicators that countries must regularly report on, includes the following data items: stock of persons with valid visa (by citizenship and type and duration of visa), number of visa applications (by citizenship and country of application) per year, number of visas granted (by citizenship, country of application, type and duration of visa) per year, and number of visas refused (by citizenship, country of application, type and duration of visa and reasons for refusal). The recording of individual visa applications in unit records (person-based visa application records) is preferable as this enables decisions on visa applications by the same person to be linked.

**Assessment**

Data on visa applications are first gathered by Diplomatic Missions and Consular Posts (DMCPs) abroad. When a new application for a visa is made at a DMCP, the applicant has to fill in a standard visa application form and submit it together with all required supporting documents such as a letter of guarantee of the inviting person.

The application form is on paper and comprises a large number of personal data, including: name, surname, maiden name, date and place of birth, ID number, current citizenship, original citizenship at birth, sex, marital status, type and number of passport, occupation, name and address of employer, country of destination, type of visa requested (A= airport transit visa; B= transit visa; C= travel visa), number of entries requested, length of visit, previous visits to the Republic of Serbia, purpose of travel (official, cultural, family visit, medical reasons, tourism, business, other), spouse’s name and date and place of birth, name of children.

The full application forms are sent by fax from the DMCPs to the Department for Foreigners at the MoI to make background checks. Once the checks are completed, the DMCP is notified of outcome of the background check.

On the basis of the data gathered by means of the individual application forms, the DMCPs can issue the visa. In terms of record-keeping, each DMCP is requested to fill in standard statistical tables in Excel and on paper on a monthly basis. These tables include information on the number of people applying for a visa, by sex and citizenship; type of visa, duration of stay, and the percentage of visa applications (by sex and citizenship) refused.

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36 A database integrating the information from the MFA and the MoI is currently under development. It will enable the MFA to directly perform electronic checks within the MoI database.
The aggregate tables received from all DMCPs are further aggregated by the MFA in an Annual Report, which is kept mainly for internal and operational purposes (such as the number of refusals by citizenship). Data analysis in the report is basic, with absolute numbers and some comparisons with the previous year. Statistics are also made available every 6 months to the Migration, Asylum, Refugees Regional Initiative (MARRI) Centre in Skopje.

The introduction of an electronic system handling visa applications and granting (so-called e-visa) is currently in the preparatory phase. The system should also enable automated data extraction for visa statistics. The change will also imply the setting up of a special unit dealing with visa within the Directorate of Consular Affairs of the MFA.

7. Victimization Surveys

7.1. The role of crime victimization surveys

<table>
<thead>
<tr>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Both international and EU standards strongly recommend the regular or periodic conduct of standardized and comparable crime victimization surveys as a complement to police-recorded statistics. These surveys should be government-led and should ideally be implemented by an independent National Statistical Office. International standards suggest that crime victimisation surveys should aim to produce both prevalence and incidence estimates of a number of key survey-based indicators. These include 12-month victimization by crime type for: household burglary; theft of vehicles; other theft; robbery; physical assault; and sexual offences.</td>
</tr>
</tbody>
</table>

Assessment

The Institute for Criminological and Sociological Research (IKSI) carried out the international crime victimization survey (ICVS) in the capital city of Belgrade in 1996, involving 1,094 face-to-face interviews. IKSI was set up in 1971 as the result of a merger between the Institute for Criminological and Criminal Research (established in 1960) and the Institute for Sociological Research (1961). It has 39 full-time staff and is state-owned.37

The WHO Multi-country Study on Women’s Health and Domestic Violence against Women was carried out in Belgrade in 2003. The study involved interviews with 1,456 women aged between 15 and 49 years and was conducted by the Autonomous Women’s Center in Belgrade.38

The Republic Statistical Office has not carried out any crime victimization survey in Serbia to date, though the country Republic Statistical Office planning to carry out a pilot victimisation survey with Eurostat.

37 http://www.cee-socialscience.net/archive/serbia-montenegro/index.html
Annex I

The following information is recorded in the crime registry:

- Crime registry number (KU) and date of entry
- Data on criminal charge (who submitted the charge; date of charge)
- Data on the victim (surname, name or title of legal entity, address, personal identification number, or registry number of legal entity)
- Data on offender (surname, name, name of parent, data and place of birth, ethnicity, citizenship, residence, personal identification number)
- Name and legal qualification of the offence
- Arrest (art 227 of CPC)
- Detention (art 229 CPC)
- Search of apartment
- Search of person
- Temporary seizure of goods
- Crime scene investigation (police officer; investigative judge)
- Consequences of offence
- Progression of criminal charge (Public Prosecutor office to which the criminal charge is submitted and date of submission; Request of public prosecutors for collection of information: Rejection; Dismissal)
- Police officer who is in charge for criminal charge
- Notes

Annex II

The following information is recorded in the section “Criminal Offences and Offenders” of the Unified Information System:

1. Offence
   1. Police administration responsible for Crime Registry (KU)
   2. Year for which Crime Registry is valid
   3. KU number from Crime Registry
   4. Number of offence within the (KU number) case
   5. Number of offences committed in conjunction (joint perpetrators)
   6. Number of offences in criminal charge
   7. Organizational unit which submits criminal charge
   8. Personal identification number of the responsible police officer who records the case data
   9. Date of recording
   10. Personal identification number of person who submits the criminal charge
   11. Date when the offence was registered in the crime registry
   12. Date when system updated
   13. Date when police station is informed about the act
   14. Date of submitting the criminal charge
   15. Date of sending criminal charge to prosecution
   16. To which prosecution office the criminal charge is submitted
   17. Type of criminal charge (reported offence or discovered)
   18. Hour and minute when police station was informed about the act
   19. Status of reported crime
   20. Number of offenders
   21. Person who reported offence or source of information
   22. Modus of information on offence
   23. Services which discovered the offence
   24. Organizational unit responsible for that offence
   25. Personal identification number of police officer responsible for offence
   26. Date when offence was delivered to officer
   27. Date when delivering was inserted in register
   28. Type of offence
   29. Basic Law qualification
   30. Law qualification in relation to:
- Conjunction
- Attempt
- Date when offence was executed
- Date from and date until (when it is a prolonged offence or when the date is unknown)
- Hour and minute of execution of offence
- Effects of offence
- Type of victims
- Number of dead persons
- Number of heavily injured persons
- Number of lightly injured persons
- Number of victims – natural persons
- Number of victims – legal entities
- Material damage
- Pecuniary benefit

31. Place where data on person are registered
32. Personal identification number on holder of premises or legal entity
33. Sector of business
34. Type of place of execution
35. Code address of place of crime or real address if place of crime is between two places
36. Local community
37. Security sector
38. Crime scene
39. Distance in km
40. Role of offender
41. Home number of crime scene
42. Entrance
43. Floor
44. Apartment
45. Other data (vehicle, registration number, etc)
46. Rejection or withdrawal of criminal charge
47. Date of rejection or withdrawal
48. Reasons for rejection or withdrawal
49. Personal identification number of responsible police officer which entered data on rejection or withdrawal
50. Date of registration of the rejection of withdrawal
51. Area of criminality
52. If offence is according to MOS
53. If case is obligatory
54. If victim is obligatory
   - type of crime
   - group of offence
   - seriousness of offence
   - short title of offence
   - short title of case of offence
   - Amount of pecuniary benefit (from-to)
55. Working organization responsible as place of execution
56. Vehicle as place of execution
57. Offender

2. Offender
   1. Personal number of offender
   2. Sex
   3. Age
   4. Data base where personal data of offender are registered
   5. Date of recording of offence in crime registry (KU)
   6. Whether the case is recorded for the first time or updated
   7. Type of criminal charge (complete or incomplete according to known or unknown offender)
   8. Classification (known, later identified, in flagranti)
9. Role
10. Status of residence of person
11. Reason for presence at the place of crime
12. Motive
13. State of offender at the time of crime execution (alcohol, drug, medicine, …)
14. Employed in damaged legal entity
15. Position in damaged legal entity
16. Date of identification
17. Date of submission of criminal charge
18. Date when criminal charge was sent to prosecution office
19. Modus of identification of offender
20. Subjects and sources of identification of offender
21. Organizational unit which reported offender
22. Services which reported offender
23. Education of offender
24. Status of employment in the period of execution of offence
25. Criminal status of offender in the period of execution of offence (whether recidivist or not)
26. Occupation
27. Measures taken against offender
28. Number of measures for the same offence
29. Number of measures for other offences
30. Number of correctional measures
31. Sentenced for…..
32. Civil Status (married or not)
33. Skills
34. Characteristics and preferences
35. Characteristics of person
36. Behaviour of offender before and after execution of offence
37. Police administration where the case file is
38. Number of case
39. Fault name and surname
40. Registration number of legal entity where offender is employed
41. Nickname of offender
42. Name of group to which the offender belongs
43. Citizenship of offender
44. Ethnicity of offender
45. Name of parents
46. Family name of mother
47. ID number of offender
48. Occupation of offender
49. Address of offender
50. Real address of offender
51. Home number
52. Entrance
53. Floor
54. Number of apartment
55. Measures taken against offender (arrest, custody)
56. Decision on measures
57. Date of decision
58. Hours and minute of measures
59. Date of withdrawal of measures
60. Hour and minute of withdrawal of measures
61. Procedure

3. Victim – natural person
   1. Personal identification number of victim
   2. Database where are personal data about the victim are registered
   3. Date of recording in crime registry (KU)
   4. Whether the case is recorded for the first time or updated
   5. Status of victim
6. Date when victimization happened
7. Amount of material damage
8. Amount of compensation
9. Date of payment of compensation
10. Consequences
11. Status of residence
12. Characteristics, preferences, distraction of person
13. Citizenship
14. Ethnicity
15. Occupation
16. Other

4. Victim – legal entities
1. Registration number of legal entity
2. Data base where data on the legal entity are registered
3. Date of recording of offence in crime registry
4. Whether the case is recorded for the first time or updated
5. Sector of ownership
6. Data when damage is caused
7. Amount of material damage
8. Amount of Pecuniary benefit
9. Amount of resources remove outside country
10. Amount of resources transfer to private sector
11. Other circumstances
12. Amount of compensation
13. Date of payment of compensation

5. Activities
1. Informed about the act
2. Activities that was taken
3. Panning activities
4. Received case for unknown
5. Information collected
6. Additional – new offender
7. Prosecution office to which the charge was sent
8. Addition of criminal charge on the request of the prosecution office
9. Rejection of criminal charge by the prosecutor
10. Withdrawal of procedure
11. Changing of legal qualification
12. Relation of offence with the leading crime
13. Data about leading crime
14. Request of public prosecutor
15. Description of unknown offender
16. Transfer of case into passive mode
17. Changing of status of the act as undiscovered

6. Modus Operandi

<table>
<thead>
<tr>
<th>Subject to execution (weapons)</th>
<th>Drugs</th>
<th>Counterfeit Money</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
<td>Amount</td>
<td>Year</td>
</tr>
<tr>
<td>Unit</td>
<td>unit of drug seized</td>
<td>number produced</td>
</tr>
<tr>
<td>Cost</td>
<td>Value</td>
<td>Number in the market</td>
</tr>
<tr>
<td>Quantity</td>
<td>amount_from</td>
<td>Total number of seizure</td>
</tr>
<tr>
<td>unit_from</td>
<td>unit_from</td>
<td>Number of seizure</td>
</tr>
<tr>
<td>amount_from</td>
<td>value_from</td>
<td>Denomination</td>
</tr>
<tr>
<td>color</td>
<td>State of production</td>
<td>Type of money</td>
</tr>
<tr>
<td>Photo</td>
<td>State of procurement</td>
<td>br_kvadranta</td>
</tr>
<tr>
<td>drawings</td>
<td>State of refining</td>
<td>br_kl_lica</td>
</tr>
<tr>
<td>date_seizure</td>
<td>State from which is sent</td>
<td>br_kl_nalic</td>
</tr>
</tbody>
</table>
Find State to which is sent
State Organizational unit tip
Registration_mark customs indikativ
Mark Way of obtain of drug srbr
type_model Foreign institution kon slovo
caliber Enter year
No_mfs Exit number_produced
chassis Transit state 1 Number in the market
Description Transit state 2 Total number of seizure

1. Arrival on crime scene
2. Used circumstance
3. Preparation of offence
4. Approach to the person
5. Enter into object
6. Modus operandi
7. Overcoming obstacles
8. Security from prosecution
9. Type of commercial crime according to Criminal Code
10. Circumstances in favour of offence
11. Modus operandi for offences from the area of commercial crime
12. Concealment
13. Appearance of material benefit
14. Special mark of crime
15. Manner of trafficking

Annex III

Reporting tables for prosecution offices on the work of the office

Overview of caseload of district and municipal prosecution offices in the year .... (number of criminal cases, number of civil cases, number of other cases, total cases), by prosecution office

Overview of work of municipal prosecution offices (per prosecution office):
- Unsolved reports from previous year
- Reports received in reporting period
- Requests for collection of information
- Requests for investigation actions
- Solved reports (rejected, indictment, sent to investigative judge)
- Unsolved investigations
- Solved investigations (withdrawal, decisions, indictment)
- Prison sentences
- Fines
- Work in public interest

Appeals of public prosecutors:
- Total number of appeals
- Appeals on sanctions
- Total number of adopted appeals
- Adopted appeals on sanctions
- Total number of rejected appeals
- Reject appeals on sanctions

General criminality (according to offence by article of the Criminal Code):
- According to unsolved report from previous period
- According to received reports in the reporting period
- Rejected reports
- Unsolved reports
- Accused persons by prosecutors
- Direct indictments
- Unsolved investigations from previous period
- According to requested investigations
- According to withdrawals
- According to breach
- According to indictments after investigation
- According to unsolved investigations at the end of reporting period
- Offence executed in reporting period
- Offence executed before reporting period
- First instance judgments (prison sentence, fine, work in public interest, seizure of driving license, warning measure – warning and conditionally sanction; security measure, without sanction)
- Total number of sanctions
- Fines as secondary sanction
- Withdrawal of procedure after indictment
- Acquittals
- Refused cases
- Security measure (1. obligatory psychiatric guardianship and treatment in institution or freedom; 2. Obligatory treatment of alcoholics; 3. Forbidden exercise of occupation; seizure of objects)
- Number of accused persons against whom the first instance decision has not been adopted (by the first instance court)
- Appeals of public prosecutor (total number of appeals, appeals on sanctions, adopted appeals, adopted appeals on sanctions, rejected appeals, rejected appeals on sanctions)
- Custody over 3 days
- Criminal charges solved in another way
- Investigations solved in another way
- Indictment transfer to jurisdiction of other prosecution office

**Same tables are for:**
1. Offences against commercial and official duty
2. Offences against constitutional order and security of Serbia
3. Offences against humanity and other goods protected by international law
4. Offences against Serbian Army

**Review of work of public prosecutors in all cases involving minors (per prosecution office):**
- Number of reported persons/ unsolved from previous year
- Number of reported persons in reported period
- Rejected cases (children, opportunity, from other reasons, total number of rejected)
- Correctional orders
- Request for preparation procedure (cases)
- Unsolved persons in preparatory procedure in previous criminal procedures
- Decisions (by person) in finalized preparatory procedure (proposal for withdrawal of procedure – opportunity, court decision on correctional measure; breach; number of cases sent to court – younger minors (14-16 years), older minors (16-18 years), for sanctions);
- Number of persons – decisions in first instance (sent to minor prisons, institutional correction sanction, correctional measures outside institution; breach – principle of opportunity (diversionary measure or mediation), other reasons; total solved in court;
- Appeals of public prosecutor (appeals per person; reasons for appeal – sanctions, other reasons, for sanctions and other reasons)
- Appeals of minors
- Results of appeals (appeals of public prosecutors – adopted, not adopted; appeals of minors – adopted, not adopted)
- Number of persons whose cases were not solved before 31.12.2008 (unsolved reported persons – in proceedings in prosecution, in proceedings in other bodies; unsolved persons in preparatory procedure)
- Number of persons according to reports solved by other means
- Number of persons solved in preparatory procedure by other means
- Unsolved cases in court
- Custody over 3 days

Overview on work of prosecution offices on legal remedies (per prosecution office)
- Appeal procedures (received cases in consideration – II instance, III instance; public or closed sessions)
- Requests for protection of legality (unsolved requests from previous period, received proposals from parties, received proposals from public prosecutors, rejected proposals, number of requests for protection of legality were raised by prosecutors, adopted requests, rejected requests, unsolved requests at the end of reporting period)
- Received appeals for repeating of criminal procedure
- Received cases for extraordinary legal remedy to commute sanction to a lower sanction
- Received cases for request of examination of finally/legally binding court decisions
- Number of cases on request for abolition
- Other cases (total number, petitions, petitions on work of public prosecutor)
- Requests - initiatives solved in another way

There are also separate tables on:
- work of public prosecutions in cases of commercial offences
- dealing with cases of commercial offences in specific laws
- work of Republic Prosecution Office in misdemeanor cases according to initiative for request for protection of legality
- work of public prosecution offices in civil cases
- work of public prosecution offices in administrative cases
- work of public prosecution office in organized crime cases

In addition, statistics on the performance on each single public prosecutor are reported in aggregate tables every three months.

Annex IV

Unit-record statistical forms for statistical reporting of basic prosecution offices to Republic Statistical Office

SK1 collects the following information on prosecuted adults:

Section A. Personal data on the person who committed the crime (at the time of crime commission)
1. whether person is known or unknown
2. name and family name
3. sex
4. date of birth

Section B. Data on criminal offence (if more than one offence, only the most serious)
5. legal qualification of the criminal offences (article, paragraph; whether committed in conjunction with other criminal offences)
6. applicable law (Criminal Law of the Republic of Serbia, special laws)
7. year of crime commission
8. whether there was any property damage

Section C. Data about the procedure
9. who submitted the criminal charge (victim, other citizens, inspections, MoI)
10. how the charge was submitted to the public prosecutor (directly or through MoI)
11. type of decision and reasons for it (e.g. rejected, investigation interrupted, investigation stopped, accepted)
Section D. Data about length of the procedure
13. date of submission of the charge
14. date of beginning of investigation
15. date of decision

SK3 collects the following information on prosecuted minors:
Section A. Personal data on the minor who committed the crime (at the time of crime commission)
1. name and family name
2. sex
3. date of birth
4. municipality of residence
5. work status (e.g. employed, unemployed, inactive, such as students, housewife)
6. ethnicity
7. citizenship
8. education (highest level)
9. whether the crime was committed alone or together with other people (as complice, as instigator, as supporter)
10. with whom the minor committed the crime (alone, with adults, with minors or children, etc.)
11. how many people took part in the crime
12. whether the minor has been convicted before (yes, no, unknown)
13. whether the minor has been taken into custody and for how long
14. measures applied against minor during preparatory proceedings (e.g. shelter, in other families or social security institutions)

Section B. Data on criminal offence (if more than one offence, only the most serious)
15. legal qualification of the criminal offence (article, paragraph; whether committed in conjunction with other offences)
16. applicable law (Criminal Law of the Republic of Serbia, special laws)
17. whether there was any property damage
18. whether the crime was an attempt or not
19. date of crime commission
20. municipality of crime commission
21. whether the person has committed more than one crime (if so, whether the same crime or other crimes, etc.)
22. number of other crimes

Section C. Data about procedure
23. who submitted the criminal charge (victim, other citizens, inspections, MoI)
24. how the charge was submitted to the public prosecutor (directly, or through MoI)
25. type of decision and reasons for it (e. procedure was not started because charge rejected, preparatory procedure stopped, accepted)

Section D. Data about family situation (at the time of crime commission)
26. child status (from marriage, outside marriage, adopted, etc.)
27. if parental rights over the minor are suspended
28. parents’ status (living together, separate, mother died, father died…)
29. with whom the minor lives (both, mother, father, relatives)
30. work status of the father (employed, unemployed)
31. father’s occupation
32. work status of the mother (employed, unemployed)
33. mother’s occupation

Section E. Data about length of the procedure
34. date of submission of the charge
35. date of beginning of preparatory procedure
36. date of decision
Annex V

Standard form for reporting aggregate data on cases dealt with by each court on a quarterly basis. The form collects statistics on:

- Total number of cases
- Substantive (criminal, civil, administrative)
- Number of judges in substance
- Cases not solved at the beginning of reporting period (total; old)
- New cases received
- Average case load per judge
- Total cases in work
- Solved cases (total; final; old)
- Average number of cases solved per judge in department
- Number of unsolved cases at the end of reporting period (total; old)
- Average number of cases in work per judge in department (total; old)
- Quality of work (number of judgments in appeal procedure; Confirmed (number; percentage); Changed (number; percentage); Annulled (number; percentage));

<table>
<thead>
<tr>
<th>SERIAL NUMBER</th>
<th>SUBJECT MATTER</th>
<th>UNRESOLVED AT THE START</th>
<th>RECEIVED</th>
<th>RESOLVED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>Old</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total</td>
<td>New</td>
</tr>
</tbody>
</table>

Table continued...

Standard form for reporting data on the work of each judge on a quarterly basis. The form collects statistics on:

- Number of cases
- Substantive
- Function of the judge in court
- Unsolved cases (total; old)
- Received cases (total; old)
- Total number of cases in work (old and received)
- Solved cases
- Unsolved cases
- % of fulfillment of norm
- Number of judgments prepared by judge
- Working days
- Number of decisions appealed by any party
- Quality of work: decisions confirmed on appeal (number; %); decisions changed on appeal (number; %); decisions annulled on appeal (number; %)
- Open hearings on appeal
- Quality of work in investigation, when disagreement: with request for investigation; adopted in criminal chamber; suggestion for additions; adopted in criminal chamber
- Statute of limitations

| SERIAL NUMBER | SUBJECT MATTER | JUDGE | WORK IN CHAMBERS | OTHER RESPONSIBILITIES | UNRESOLVED AT THE START | RECEIVED | FROM ANOTHER JUDGE | TO ANOTHER JUDGE | TOTAL BEING PROCESSED | RESOLVED | UNRESOLVED AT THE END | OF WHICH OLD CASES | OF WHICH OLD CASES | UNRESOLVED | PERCENTAGE OF RESOLVED CASES | COPING WITH INFLOW | ENFORCEMENT PROCEDURE SUSPENDED | ENFORCEMENT SUCCESSFUL | TOTAL MONTHS WORKED | TOTAL DAYS WORKED | NUMBER OF APPEALS CONSIDERED | QUALITY OF WORK | NUMBER OF INITIATED APPEALS | NUMBER OF OPEN HEARINGS | NUMBER OF APPEALS HEARD | NUMBER OF APPEALS CONSIDERED |
|---------------|----------------|-------|------------------|------------------------|------------------------|---------|-------------------|-------------------|----------------------|----------|------------------------|----------------------|----------------------|----------------|-------------------------------|-----------------------|------------------------------------------------|--------------------------|----------------------|---------------------|-------------------------------|-------------------|-----------------|--------------------------|----------------------|

Annex VI

Form SK2 collects the following information on convicted adults:

Section A. Personal data on the person who committed the crime (at the time of crime commission)
1. name and family name
2. sex
3. date of birth
4. municipality of residence
5. working status (e.g. employed, unemployed, inactive, such as students, housewife)
6. occupation
7. ethnicity
8. citizenship 
9. civil status 
10. education (highest level) 
11. whether the crime was committed alone or with other people (as accomplice, as instigator, as supporter) 
12. how many people took part in the crime 
13. whether the person has been convicted before (for the same crime or other crimes, etc.) 
14. whether person was placed in custody and for how long 

Section B. Data on criminal offence (if more than one offence, only the most serious) 
15. legal qualification of the criminal offence (article, paragraph; if in conjunction with other offences) 
16. applicable law (Criminal Law of the Republic of Serbia, special laws) 
17. whether there was any property damage 
18. whether it was an attempt or not 
19. year of crime commission 
20. municipality of crime commission 
21. whether the defendant has committed more than one crime (if so, the same crime or other crimes, etc.) 
22. number of other crimes 

Section C. Data about Court decision 
23. type of decision and reasons for it (e.g. private charge rejected, procedure stopped or charge rejected, acquitted, charge refused, safety measures, guilty) 

Section D. Data about sanction (24 to 29 to be filled in only if the person is guilty) 
24. main sanction (a. type such as jail, fine, work in the public interest, driving licence suspended, if jail b) number of years and months, if fine c) amount) 
25. whether a conditional sanction was imposed 
26. whether any special additional obligation/measure together with conditional sanction was imposed 
27. whether there was any accessory penalty (if yes, money, suspended driving license, etc.) 
28. whether any security measure was imposed (e.g. psychiatric treatment inside or outside institution, obliged treatment for drug abuse) 
29. whether any asset confiscation took place 

Section E. Data on victim 
30. total number of victims, by sex and by age (below 14, 14-18 years, over 18 years) 

Section F. Data about length of the procedure 
31. date of submission of the charge 
32. date of receiving the charge 
33. when the court decision became enforceable 

Form SK4 collects the following information on convicted minors: 

Section A. Personal data on the minor who committed the crime (at the time of crime commission) 
1. name and family name 
2. sex 
3. date of birth 
4. municipality of residence 
5. work status (e.g. employed, unemployed, inactive, such as students, housewife) 
6. ethnicity 
7. citizenship 
8. education (highest level) 
9. whether the crime was committed alone or together with other people (as accomplice, as instigator, as supporter) 
10. with whom the crime was committed (alone, with adults, with minors or children, etc.) 
11. how many people took part in the crime
12. whether the minor was convicted before (yes, no, unknown)
13. whether the minor was placed in custody and for how long
14. measures applied against minor during preparatory proceedings (e.g. shelter, in other families or social security institutions)

Section B. Data on criminal offence (if more than one offence, only the most serious)
15. legal qualification of the criminal offence (article, paragraph), if in conjunction with other offences
16. applicable law (Criminal Law of the Republic of Serbia, special laws)
17. whether there was any property damage
18. whether it was an attempt or not
19. date of crime commission
20. municipality of crime commission
21. whether the defendant has committed more than one crime (if so, the same crime or other crimes, etc.)
22. number of other crimes

Section C. Data about procedure
23. who submitted the criminal charge (victim, other citizens, inspections, MoI)
24. how the charge was submitted to the public prosecutor (directly, or through MoI)
25. type of decision and reasons for it (e. procedure stopped, only security measure, juvenile prison sentence or educational measure)

Section D. Data about sanction (26 to 28 to be filled in only if juvenile prison sentence or educational measure)
26. sanction: a. juvenile prison, b. educational measure (warnings and directions, increased surveillance, institutional measure)
27. whether any security measure was imposed (e.g. psychiatric treatment inside or outside institution, obliged treatment for drug abuse)
28. whether any asset confiscation took place

Section E. Data about family situation (at the time of crime commission)
29. child status (from marriage, outside marriage, adopted, etc.)
30. whether parental rights over the minor are suspended
31. parents’ status (living together, separate, mother died, father died…)
32. with whom the minor lives (both, mother, father, relatives)
33. work status of the father (employed, unemployed)
34. father’s occupation
35. work status of the mother (employed, unemployed)
36. mother’s occupation

Section F. Data on victims
37. total number of victims, by sex and by age (below 14 years, 14-18 years, over 18 years)

Section G. Data about length of the procedure
38. date of submission of the charge
39. date of submission of the prosecutor proposal for a sanction
40. date when sanction is enforced

Annex VII

Entities obliged to report to the Financial Intelligence Unit
- Banks;
- Licensed bureaux de change;
- Investment fund management companies;
- Voluntary pension fund management companies;
- Financial leasing providers;
- Insurance companies, insurance brokerage companies, insurance agencies
- companies and insurance agents with a licence to perform life insurance business;
Persons dealing with postal communications;
Broker-dealer companies;
Organizers of special games of chance in casinos;
Organizers of games of chance operated on the Internet, by telephone, or in any other manner using telecommunication networks;
Auditing companies;
Licensed auditors;
Entrepreneurs and legal persons exercising the following professional activities:
- Intermediation in real-estate transactions;
- Provision of accounting services;
- Tax advising services;
- Intermediation in credit transactions and provision of loans;
- Factoring and forfeiting;
- Provision of guarantees;
- Provision of money transfer services;
Lawyers.

Annex VIII

Standard form to collect information on victims of trafficking in human beings:

**Basic data:**
- Name and surname
- Sex
- Date of birth
- Place of birth
- Country of birth
- Residence
- Address
- Citizenship
- Civil status
- Number of children
- Living with…. 
- Name and surname of father
- Name and surname of mother
- Number of passport

**Other data:**
- Education of victim
- Informal education
- Present work experience
- Income

**Family data:**
- Relation between parents
- Relation in family
- Economic status of family

**Basic information about assistance:**
- Date of entry into shelter
- Date of leaving shelter
- Date of interview
- Name of person who conducted the interview
- Language of interview
- Name of interpretation
- If victim of THB was interviewed? Yes / No

**Basic data – identification and sending:**
- Organization who assisted in identification of the victim
Which way the victim left the trafficking chain
Level of cooperation with investigative and judicial institutions

**Basic data on case of THB:**
- **Date of start from country of origin**
- **Reasons for leaving the country of origin (work, tourism, marriage, immigration...)**
- **Destination country**
- **Who and where conducted the persuasion and what model was used**
- **Detailed description of route and type of transport from Serbia to destination country (legally/illegally)**
- **Escort persons**
- **Place where victims were living and data about other persons who have victims status**
- **Type and duration of exploitation**
- **Details about exploitation (number of service users, material reimbursement, health care, use of narcotics or alcohol...)**
- **Details about traffickers**

**Programme of assistance and further plans for work:**
- **Behaviour in shelter**
- **Type of measures and involved actors**
- **Security report (in consultation with the police)**
- **Proposals to work in the shelter and out of shelter**
- **Type of reintegration programme that victims wish (education, job)**
- **Plan for continuation of assistance and actors**

**Annex IX**

Standard form on traffickers in human beings:

**A. Basic data about the offence:**
1. **Category of offence** (Sexual exploitation; Labour and begging; Trafficking of internal organs)
2. **Time of execution of offence (date; from - to)**
3. **Place of execution (precise)**
4. **Summary of offence**
5. **Phase of criminal procedure**

**B. Description of the offence:**
1. **Modus operandi**
2. **State in which offence is executed (state of origin, transit and destination)**
3. **Means of transport**
4. **Used telephone numbers (mobile and fix)**
5. **Documents used for the execution of offences (originals, counterfeit passports, IDs, invitation letters, fake contacts, credit cards, etc)**
6. **Counterfeit documents by victims**
7. **Money transactions which are connected to the execution of the offence (special attention on codes and payments trough Western Union)**
8. **Objects used for the execution of offences (vehicles, houses, apartments, boats, etc)**
9. **Type and registry number of vehicles used for the execution of offences**
10. **Consequences of the execution of offence for victims (bodily injures, death)**

**C. Perpetrator:**
(if there are several perpetrators separate questionnaire are filled in for each of them)
1. **Surname of offender**
2. **Name of offender**
3. **Alias**
4. **Date and place of birth**
5. **Present address or residence**
6. **Citizenship of offender**
7. Sex
8. Occupation
9. Role in offence (recruiting, transport, intermediary, etc)
10. Whether there are elements of organized crime
11. Data from identification documents (type of documents and number)
12. Previous offences (repeated offender, or conducted similar offences, sexual violence, robbery, distribution of drugs, weapons, etc)
13. Photograph of offender (enclosed)
14. Finger prints (enclosed)
15. Status in criminal procedure (suspect, accused, sentenced)
16. Findings on property in country or in foreign country which offender possesses or uses (houses, apartments, vehicles, ships, communications means, IT equipment, equipment for daily and night surveillance, cameras for surveillance, etc)
17. Marriage status of offender, residence of spouse or children
18. Other security-relevant data (member of criminal groups, member of political party, connections with governmental structures, police or judiciary)

D. About the victims:
(if there are several victims a questionnaire should be filled in for each of them):
1. Number of victims
2. Citizenship of victim
3. Sex
4. Age
5. What kind of protection is provided to the victim (stay in shelter for victims, sending to social services, granting of humanitarian residence status, special protection of victim as witness, etc.)
6. Does the victim participate in criminal procedure
7. Does the victim request compensation (material and non-material)

Annex X

Unit record form for registering change of address within Serbia

- Data of withdrawal/registration of address (day, month, year)
- Unique personal ID number
- Family name
- Name
- Name of one of the parents
- Sex
- Settlement of birth place
- Municipality of birth place
- Territory of birth place
- Citizenship
- Occupation
- Settlement of withdrawal/registration of address
- Municipality of withdrawal/registration of address
- Ex/future settlement
- Ex/future municipality

Annex XI

Form for registration of residence (stay) of the foreigner

- Name and surname of the foreigner
- Date of birth
- Place and country of birth
- Citizenship
− Type and number of travel document or other ID
− Type and number of visa and place of issuance
− Date and place of entry to the Republic of Serbia
− Date until the right to stay is granted
− Residence and address in the Republic of Serbia
− Previously registered residence in the Republic of Serbia
− Date of registration
− Date of estimated departure
− Note

Annex XII

Regional data exchange through the Western Balkans Risk Analysis Network

Since 1 January 2009, statistics on illegal immigration are reported in aggregate form, through the use of standardized common Excel tables developed by FRONTEX, in the context of the Western Balkans Risk Analysis Network (WB-RAN). At the local level, border police officers fill in standardized tables on a monthly basis, and send them electronically to the regional level (where data are validated) and from here to the Border Police Directorate of the Ministry of Interior. Statistics are reported on:

− number of persons detected by the Border Guard / Border Police authorities of the reporting state (1) as a result of patrol activities in the area between the border crossing points, (2) detected following hot pursuit in the immediate vicinity of the border area or (3) detected during the border checks (both on entry and exit) at border crossing points;

− number of persons who have been detected as assisting/facilitating the illegal border crossing;

− number of persons who have been detected at exit checks for staying illegally in the state (irrespective of whether the initial entry was legal or not);

− number of persons who are formally refused permission to enter the territory of a reporting country at the border because they:
  • had no valid travel document;
  • had a false/counterfeit/forged travel document, visa or residence permit;
  • had no appropriate documentation justifying the purpose and condition of stay;
  • did not have sufficient means of subsistence in relation to the period and form of stay or the means to return to the country of origin or transit;
  • were persons for whom an alert has been issued for the purposes of refusing entry in a relevant national database; or were considered as threat to public policy, internal security, public health or international relations to one or more reporting countries;
  • and in relation to whom there is enough ground to expect that entering into or transit through the territory of the country has been planned solely for the purpose of illegal stay and/or work;

− number of third country nationals having submitted an application for international protection or having been included in such an application as a family member;

− number of persons who are detected by Border Guard / Border Police authorities during the border checks and who provided or were in possession of falsified or forged travel documents (passport, ID, residence permit, etc), by country of origin.