***Responses of the Republic of Serbia to the Questionnaire of the Office of the High Commissioner for Human Rights - Implementation of UNSCR 38/11***

 The use of modern means of communication has facilitated the rapid flow of information and facilitated the organization of gatherings, given that citizens are also invited to meetings through social media posts, web portals and forums.

Article 54 of the Constitution of the Republic of Serbia[[1]](#footnote-1) stipulates that peaceful assembly of citizens is free. Gathering indoors is not subject to approval or registration. Meetings, demonstrations and other gatherings of citizens outdoors shall be reported to the state authority, in accordance with the law. Freedom of assembly may be restricted by law only if it is necessary to protect health, morals, rights of others or the safety of the Republic of Serbia.

The Law on Public Assembly[[2]](#footnote-2), in Article 12, paragraph 2 stipulates that outdoor gatherings are to be reported to the Ministry of Interior - an organizational unit competent by the place of gathering, or by the place of commencement of the gathering on the move. The gathering is reported by submitting a written application by the organizer of the gathering, personally, by registered mail or electronically. Registration must be submitted no later than five days before the date set for the meeting to begin.

Also, the referred law, in Article 13, paragraph 1, item 4 stipulates that spontaneous peaceful gatherings, without an organizer, are not reported, as a direct reaction to a specific event after that event, whether held outdoors or indoors, for the sake of expressing opinions and attitudes about the event.

Police officers in their work, act in accordance with the Law on Police[[3]](#footnote-3), which in Article 105 defines, among other things, the following means of coercion: an irritant spray, electromagnetic and chemical agents.

Also, the Police Act defines that an irritant spray and electromagnetic means can be used on a group of persons, as well as what the use of a coercive agent entails:

- the use of a spray with an irritant means the use of spray doses filled with tear gas or a chemical substance of а milder effect than tear gas, that is, a specially designed substance with an intolerable odor;

- the use of electromagnetic means is considered the use of electro-shockers and electric batons, which emit an electromagnetic pulse of short-term effect;

-use of chemical agents is considered the use of tear gas for short-term use and chemical substances of milder effect than tear gas, which upon the termination of effect do not leave consequences for psychophysical and general health.

Video systems with intelligent video analytics have been installed to monitor public areas to identify license plates and to analyze events in a defined space monitored by the camera (leaving objects, removing objects, breaking into a defined space, creating crowds, aimless movement, etc.). The aforementioned systems, with appropriate upgrades, can also have a face recognition functionality.

In order to effectively implement the Law on Records and Data Processing in the Internal Affairs[[4]](#footnote-4), the competent Ministry of the Interior has drafted the Instruction on keeping records in the field of video acoustic recording and the document "Assessing the impact of processing on the protection of personal data using video surveillance systems" under the Law on protection of personal data[[5]](#footnote-5).

1. „RS Official Gazette“, No.98/06 [↑](#footnote-ref-1)
2. „RS Official Gazette“, No.6/16 [↑](#footnote-ref-2)
3. RS Official Gazette“, No.6/16,24/18 and 87/18 [↑](#footnote-ref-3)
4. „RS Official Gazette“, No.24/18 [↑](#footnote-ref-4)
5. „RS Official Gazette“, No.87/18 [↑](#footnote-ref-5)