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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Plan (02/11/2026)

Communication from Serbia concerning the case of O.H. and Others v. Serbia (Application No. 57185/17)

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Réunion : 1577e réunion (décembre 2026) (DH)

Référence du point : Plan d'action (02/11/2026)

Communication de la Serbie concernant l'affaire O.H. et autres c. Serbie (Requête n° 57185/17) ***[anglais uniquement]***

DH-DD(2026)1458: Communication from Serbia
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DGI
02 NOV. 2026
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

Belgrade, 2 November 2026

ACTION PLAN

O. H. AND OTHERS v. SERBIA

Application no. 57185/17, Judgment of 3 February 2026, final on 3 May 2026

I CASE DESCRIPTION

1. The case concerns the collective expulsion in 2017 of migrants from Afghanistan to Bulgaria, after they had expressed their intention to seek asylum in Serbia (violation of Article 4 of Protocol No. 4), as well as the failure of the authorities to examine whether the applicants would have access to an adequate asylum procedure in Bulgaria before their expulsion (procedural violation of Article 3).

2. It also concerns the unlawful and arbitrary detention of the applicants from the discontinuation of the misdemeanour proceedings against them until their expulsion from Serbia (violation of Article 5§1), as well as their impossibility to challenge the lawfulness of their detention due to the police's failure to provide them with legal assistance (violation of Article 5§4). Finally, the European Court held that the removal of the applicants from Serbia during the night in freezing temperatures amounted to their inhuman treatment (substantive violation of Article 3).

II INDIVIDUAL MEASURES

3. At the time of the Court's judgment, the second applicant was in Germany and the seventh applicant was in France, and both had refugee protection. The Serbian authorities have taken steps to ensure that the violation at hand ceased and that the applicants were redressed for the negative consequences of the violation found by the European Court.

4. With regard to non-pecuniary damage, only the second and seventh applicants submitted a claim before the European Court. Taking into account the amounts already awarded for non-pecuniary damage by the Constitutional Court and paid to the applicants, and in order to avoid double compensation and unjust enrichment, as well as respecting the principle *ne ultra petitum*, the Court considered it appropriate to award each applicant EUR 5,000 in respect of non-pecuniary damage, plus any tax that may be chargeable. The payments have been disbursed to the second and seventh applicants in the total amount of EUR 10,000 on 2 October 2026.

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5. The Government considers that no additional individual measures are required in the circumstances of the present case.

III GENERAL MEASURES

6. Further to the facts of this case, the authorities have taken measures aimed at preventing similar violations as set out below.

A. Measures aimed at addressing the violation of Article 4 of Protocol No. 4 and the procedural violation of Article 3

1. Measures regarding legislative and operational framework concerning access to asylum

7. The authorities have taken a number of legislative and operational measures following the events underlying the present case, with a view to strengthening the legal and institutional framework governing the treatment of foreigners, irregular migrants and persons expressing an intention to seek asylum in Serbia.

8. In particular, on 22 March 2018, the Law on Border Control, the Law on Foreigners and the Law on Asylum and Temporary Protection were adopted, thereby

further defining the respective powers and responsibilities of the competent authorities in the areas relevant to the present judgment.

9. The treatment of persons expressing an intention to seek asylum is now expressly regulated by the Law on Asylum and Temporary Protection. In particular, Article 35 establishes the procedure for registering persons who express such an intention and defines the steps to be taken by the police officer before whom the intention is expressed. The procedure has been further specified by the Rulebook on the manner and procedure for registration and the appearance and content of the certificate of registration of a foreigner who has expressed an intention to submit an asylum application ("*Official Gazette of the Republic of Serbia*", No. 42/2018).

10. In addition to the legislative framework, the Ministry of Interior adopted the Instruction on Standard Operating Procedures for the treatment of irregular migrants and foreigners who express an intention to submit an asylum application, aimed at ensuring the effective and uniform application of the relevant legislation by police officers. The Instruction was adopted in 2020 and is binding upon the organisational units of the Ministry of Interior concerned with the treatment of migrants and foreigners who express an intention to seek asylum.

11. The Instruction provides detailed guidance on the treatment of different categories of migrants and foreigners, including persons belonging to vulnerable groups, and regulates cooperation with other competent authorities and organisations where necessary for the protection of their rights.

2. Measures regarding an effective access to the asylum procedure and referral to reception facilities

12. The current framework provides for specific safeguards aimed at ensuring that persons expressing an intention to seek asylum are effectively informed of their rights and are able to access the asylum procedure.

13. Under the Law on Asylum and Temporary Protection, a foreigner who expresses an intention to seek asylum is entitled to be informed of his or her rights and obligations throughout the asylum procedure in a language which he or she understands or can reasonably be presumed to understand. Access to legal assistance is also facilitated through the possibility for representatives of organisations providing legal assistance to asylum seekers to have effective access to persons seeking international protection.

14. Information on access to the asylum procedure is additionally made available at border crossing points, police stations, reception facilities and asylum centres. In cooperation with UNHCR, the Ministry of Interior prepared an information leaflet for asylum seekers in the most frequently used languages of persons seeking international protection. The leaflet was published on the Ministry's website in December 2022 and was subsequently further distributed, including through the Ministry's organisational units and at airports in Belgrade, Niš and Kraljevo. During the first quarter of 2025, information materials containing information on access to the asylum procedure were again distributed to potential asylum seekers.

15. The registration procedure has also been specifically regulated. A foreigner expressing an intention to submit an asylum application is registered by an authorised police officer and is subsequently referred to an asylum centre or another facility designated for the accommodation of asylum seekers by the Commissariat for Refugees and Migration. Registration includes the collection of fingerprints and photographs and the issuing of a registration certificate.

16. The Ministry of Interior has further clarified that an intention to seek asylum may be expressed orally or in writing before an authorised police officer, both at the border and within the territory of Serbia. The person expressing such an intention is registered immediately by the authorised police officer and referred, in accordance with the disposition of the Commissariat for Refugees and Migration, to an asylum centre or another designated accommodation facility. The registration involves the taking of fingerprints and a photograph and the issuance of a registration certificate. The person is

required to report to the designated accommodation facility within 72 hours of the issuance of the registration certificate.

17. The Ministry has also provided information on the subsequent stages of the asylum procedure. An application for asylum is submitted to an authorised officer of the Asylum Office on the prescribed form, as a rule within 15 days from registration. An applicant who has been issued a certificate of intention to seek asylum may submit the application within eight days from the expiry of the initial 15-day period. The applicant is subsequently interviewed by an authorised officer of the Asylum Office concerning all facts and circumstances relevant to the decision on the application, including his or her identity, the reasons for seeking asylum, movements after leaving the country of origin or habitual residence and whether asylum has previously been sought in another State.

18. Following the examination of the application and the establishment of the relevant facts, the Asylum Office adopts a first-instance decision. The decision may grant asylum in the form of refugee status or subsidiary protection, reject the application, discontinue the procedure or refuse the application where the statutory conditions for such a decision are met. A decision of the Asylum Office may be challenged before the Asylum Commission, and judicial review of the Commission's decision may subsequently be sought before the Administrative Court.

19. Police officers of the Border Police Directorate register every foreigner who expresses an intention to submit an asylum application at the border and, in accordance with the disposition of the Commissariat for Refugees and Migration, refer the person to one of the asylum centres.

20. The Ministry has expressly confirmed that this procedure is applied by Border Police officers at the border, who register every foreigner expressing an intention to submit an asylum application and refer the person to an asylum centre in accordance with the disposition of the Commissariat.

21. These arrangements constitute an important safeguard against situations in which a person who has expressed an intention to seek asylum could be removed from Serbia without first being afforded access to the asylum procedure, as occurred in the circumstances underlying the present case.

22. In addition, the Ministry has stated that the applicable operational procedures specifically regulate the treatment of irregular migrants and foreigners who express an intention to submit an asylum application. The Standard Operating Procedures adopted in 2020 are binding on police officers of all organisational units who come into contact with such persons and provide, *inter alia*, for their registration, the identification and differentiated treatment of vulnerable persons, and cooperation with other competent authorities and organisations.

3. Measures regarding individual assessment and safeguards against refoulement and collective expulsion

23. The authorities have further strengthened safeguards aimed at ensuring that any decision concerning the removal or return of a foreigner is taken in compliance with the principle of non-refoulement and following an assessment of the individual circumstances of the person concerned.

24. The Constitution of the Republic of Serbia prohibits the expulsion of a foreigner to a territory where the person would face persecution on account of his or her race, sex, religion, nationality, citizenship, membership of a particular social group or political opinion, or where the person would face a serious risk of a violation of human rights and freedoms.

25. The principle of non-refoulement is expressly incorporated into Article 6 of the Law on Asylum and Temporary Protection. In particular, the law prohibits the expulsion or return of a person to a territory where his or her life or freedom would be endangered, and, irrespective of the exceptions applicable in specific circumstances, expressly

prohibits removal to a territory where there is a risk of torture or inhuman or degrading treatment or punishment.

26. Corresponding safeguards are provided by Article 83 of the Law on Foreigners, which prohibits the forced removal of a foreigner to a territory where the person would face persecution or a serious risk of violations of fundamental rights, including the risk of torture or inhuman or degrading treatment.

27. When deciding on asylum applications, as well as in the context of decisions concerning return or cancellation of short-term stay, the competent authorities assess the danger of persecution or serious harm which the person concerned may face upon return. Importantly, asylum cases are assessed individually, taking into account the circumstances of each particular case and the individual circumstances of each asylum seeker, irrespective of the person's country of origin or habitual residence.

28. The Instruction on Standard Operating Procedures further contributes to the uniform implementation of these safeguards by providing operational guidance to police officers dealing with migrants and foreigners who express an intention to seek asylum.

29. The authorities consider that the combination of the formal registration and referral mechanism, access to the asylum procedure, individual examination of asylum applications, assessment of risks upon return and the applicable non-refoulement safeguards provides a structured framework intended to prevent the removal of persons who have expressed an intention to seek international protection without first enabling them to access the relevant procedures and without appropriate consideration of the risks arising from their return.

B. Measures aimed at addressing the procedural and substantive violation of Article 3

1. Measures regarding the procedural violation of Article 3

30. The Court found a violation of Article 3 in its procedural limb on account of the failure of the authorities, before removing the applicants to Bulgaria, to examine whether they would have access to an adequate asylum procedure there and whether they would be protected against treatment contrary to Article 3 of the Convention.

31. The authorities have further strengthened safeguards aimed at ensuring that any decision concerning the removal or return of a foreigner is taken in compliance with the principle of non-refoulement and following an assessment of the individual circumstances of the person concerned. The applicable framework includes the Constitution of the Republic of Serbia, the Law on Asylum and Temporary Protection and the Law on Foreigners, which establish safeguards against removal where the person concerned would face persecution or a serious risk of violations of fundamental rights.

32. A more detailed account of the applicable legislative and operational framework, including the relevant provisions of the Law on Asylum and Temporary Protection and the Law on Foreigners, is provided in section A below.

33. The Instruction on Standard Operating Procedures further contributes to the uniform implementation of these safeguards by providing operational guidance to police officers dealing with migrants and foreigners who express an intention to seek asylum. The Instruction, adopted in 2020, is binding on the relevant organisational units of the Ministry of Interior and complements the statutory framework governing the treatment of persons who may require international protection.

34. The authorities note that the European Convention on Human Rights and Protocol No. 4 form an integral part of the applicable legal framework and that police officers, including officers of the Border Police Directorate, are required to act in accordance with the absolute nature of Article 3 of the Convention and Article 4 of Protocol No. 4.

35. Taken together, these legislative and operational safeguards are aimed at ensuring that persons who express an intention to seek international protection are not

removed without an individual assessment of their circumstances and without adequate consideration of the risks to which they may be exposed upon return.

36. The authorities further recall that the measures described in section A concerning the registration of persons expressing an intention to seek asylum, their referral to the competent authorities and their access to the asylum procedure are also relevant to the prevention of violations of Article 3 in its procedural limb. In particular, these arrangements enable the competent authorities to identify persons seeking international protection and to ensure that the relevant protection procedures are accessible before a removal takes place.

37. The authorities consider that the legislative and operational safeguards described above provide a framework for individual examination of protection needs and for preventing removal where the requisite assessment has not been carried out. The violation found in the present case concerned the failure to undertake the necessary examination before the applicants' removal to Bulgaria. The authorities consider that the safeguards now in place are designed to prevent a recurrence of such a failure by requiring the competent authorities to identify protection needs, apply the principle of non-refoulement and act in accordance with the Convention.

2. Measures regarding the substantial violation of Article 3

38. The Court found that the applicants' removal from Serbia during the night, in freezing temperatures, amounted to inhuman treatment contrary to Article 3 of the Convention. The relevant general measures therefore concern not only the legal framework governing removal, but also the manner in which removal operations are organised and carried out, with due regard to the dignity, safety and physical integrity of the persons concerned.

39. The Ministry of Interior has reported that its Standard Operating Procedures, adopted in 2020, regulate the treatment of irregular migrants and persons expressing an intention to seek asylum, including the identification and differentiated treatment of

vulnerable persons. The procedures are binding on the relevant police organisational units.

40. These procedures form part of the operational framework governing the initial identification and treatment of migrants by the police. Their implementation is supported by the training measures described in section G below, including training on access to the asylum procedure and respect for human rights in integrated border management.

41. The authorities consider that the requirement to identify persons expressing an intention to seek asylum, to refer them to the competent authorities and to take account of individual circumstances is also relevant to preventing situations in which migrants are removed without appropriate consideration of their safety and basic needs. The safeguards described in sections A and B above therefore contribute to preventing removals that could expose persons to treatment contrary to Article 3.

42. The authorities consider that the violation found in the present case arose in the specific circumstances in which the applicants were removed, namely during the night and in freezing temperatures. The existing legislative and operational framework, including the binding Standard Operating Procedures and the training of the relevant officers, provides a basis for ensuring that removal operations are carried out in a manner consistent with the State's obligations under Article 3 of the Convention.

43. The authorities therefore consider that the measures described above are relevant to preventing a recurrence of the violation. They further note that the substantive violation identified by the Court concerned the particular circumstances of the applicants' removal and does not, in itself, establish the existence of a general legislative deficiency. The effective implementation of the applicable safeguards remains essential to ensuring that persons under the control of the authorities are treated in a manner compatible with Article 3 of the Convention.

C. Measures regarding institutional cooperation and monitoring mechanisms

44. The current system also provides for mechanisms aimed at ensuring effective coordination between the authorities involved in the reception and treatment of asylum seekers.

45. The Border Police Directorate, the Asylum Office and the Commissariat for Refugees and Migration cooperate on a continuous basis. In particular, where a person expresses an intention to seek asylum, the relevant police officers inform the Asylum Office and obtain the information necessary for referring the registered person to an appropriate accommodation facility in accordance with the disposition of the Commissariat.

46. The cooperation between the Ministry of Interior and the Commissariat for Refugees and Migration was further formalised by a Protocol on Cooperation and Exchange of Information concluded in 2018. The information exchanged includes, *inter alia*, information concerning referrals to accommodation facilities, persons accommodated in such facilities, the status of asylum applications, decisions adopted in asylum proceedings and the special reception needs of persons concerned. This provides an additional mechanism for ensuring continuity between the initial police contact, registration and referral of an asylum seeker and the subsequent asylum procedure.

47. An additional monitoring mechanism is provided within the asylum procedure itself. Persons seeking asylum are able, at all stages of the procedure, to raise before the competent officer of the Asylum Office any concerns concerning the conduct of officials at the border or in transit areas, including concerns relating to possible violations of their fundamental rights. The Ministry has indicated that no such complaints have so far been registered in practice.

48. These mechanisms strengthen institutional accountability and facilitate the identification and follow-up of possible irregularities in the treatment of persons expressing an intention to seek asylum.

D. Measures regarding statistical information and monitoring of implementation

49. The information provided by the Ministry of Interior contains statistical data concerning the practical application of the system for registering persons who express an intention to seek asylum, as well as data on subsequent asylum applications and decisions adopted in the asylum procedure.

Table 1 – Persons expressing an intention to seek asylum

Year	Persons expressing an intention to seek asylum	Registered at border crossing points
2017	6,193	164
2018	8,410	1,024
2019	12,935	1,107
2020	2,813	1,107
2021	2,306	589
2022	4,179	1,575
2023	1,654	982
2024	847	254
2025	626	281
1 Jan – 20 Jul 2026	226	86

Table 2 – Access to the asylum procedure

Year	Asylum applications	Asylum interviews
2017	235	106
2018	341	176
2019	251	178
2020	147	84
2021	172	89
2022	319	108
2023	196	88
2024	219	107
2025	133	151
1 Jan – 20 Jul 2026	84	51

Table 3 – Outcomes of asylum proceedings

Year	Refugee status/asylum	Subsidiary protection	Rejections	Dismissals*	Discontinuations
2017	3	3	42	9	112
2018	11	6	34	21	128
2019	13	12	56	10	131
2020	17	12	74	2	120
2021	7	7	51	4	73
2022	10	20	63	—	259
2023	7	2	56	2	115
2024	4	3	79	4	113
2025	2	5	122	2	87
1 Jan – 20 Jul 2026	6	3	32	4	50

50. The statistical data provided by the Ministry of Interior indicate that the mechanisms for registering persons expressing an intention to seek asylum have continued to operate in practice throughout the period under review. Importantly, the data include persons registered directly at border crossing points, including 281 persons in 2025 and 86 persons between 1 January and 20 July 2026. This demonstrates that the registration mechanism is operational also at the stage of initial contact with the border authorities.

51. The data further demonstrate that access to the formal asylum procedure has remained available in practice. During the period covered, persons expressing an intention to seek asylum submitted asylum applications and were interviewed by the competent authorities, with 133 applications and 151 interviews recorded in 2025 and a further 84 applications and 51 interviews between 1 January and 20 July 2026. The statistics therefore complement the legislative, procedural and institutional safeguards described above by demonstrating their continued practical application.

52. The statistical overview also confirms that asylum claims are subject to individual examination and that the competent authorities adopt different types of decisions depending on the circumstances of each case, including decisions granting refugee status or subsidiary protection, as well as decisions rejecting, dismissing or discontinuing proceedings. In particular, decisions granting asylum/refugee status and subsidiary protection have continued to be adopted throughout the period covered, including in 2025 and during the first part of 2026.

53. Taken together with the safeguards and operational procedures described above, including the registration and referral mechanisms, the individual assessment of protection needs and the applicable non-refoulement safeguards, these developments provide relevant evidence of the continued practical operation of the system for ensuring access to the asylum procedure and preventing the removal of persons without the necessary examination of their protection needs.

54. The authorities consider that the statistical developments, read together with the legislative framework, operational procedures, institutional cooperation and continuous training measures described above, provide relevant evidence that the deficiencies identified in the present case have been addressed through a functioning system of safeguards applicable in practice. In particular, the continued registration of persons expressing an intention to seek asylum, including at border crossing points, their access to the formal asylum procedure and the adoption of individual decisions on their protection claims provide relevant evidence that the safeguards aimed at preventing arbitrary removal and ensuring effective access to international protection are now embedded in the operation of the competent authorities.

E. Measures aimed at addressing the violation of Article 5 §§ 1 and 4 of the Convention

1. Measures regarding Article 5 § 1 of the Convention

55. The authorities wish to emphasise that the Serbian legal framework provides safeguards against arbitrary deprivation of liberty and requires that any restriction of personal liberty have a clear legal basis and remain within the limits prescribed by law.

56. In this connection, Article 27 of the Constitution of the Republic of Serbia guarantees the right to personal liberty and security and stipulates that deprivation of liberty is permissible only on grounds and in accordance with a procedure prescribed by law. It further guarantees the right of every person deprived of liberty to initiate proceedings before a court, which must promptly examine the lawfulness of the deprivation of liberty and order release where it is unlawful. These constitutional guarantees apply to everyone within the jurisdiction of the Republic of Serbia, irrespective of nationality.

57. In addition, the Law on Misdemeanours regulates the circumstances in which a person may be apprehended or detained in connection with misdemeanour proceedings. In particular, Articles 190 and 191 specify the statutory grounds for such measures, while

the relevant provisions establish procedural requirements and limits on their duration. The purpose of these provisions is to ensure that deprivation of liberty remains linked to a legitimate procedural purpose and is not continued arbitrarily. The general safeguards governing the deprivation of liberty are further complemented, where applicable, by the provisions of the Law on Foreigners governing detention and release in the context of return proceedings.

58. The authorities consider that this legal framework provides the necessary normative safeguards to prevent deprivation of liberty without a lawful basis or its continuation beyond the period permitted by law. In particular, the discontinuation of misdemeanour proceedings cannot, in itself, justify the continued deprivation of liberty where no other independent legal basis exists. Any further restriction of liberty must be supported by a separate lawful ground and comply with the applicable statutory requirements.

59. Against this background, the authorities consider that the circumstances giving rise to the violation in the present case were specific to the applicants' individual situation and do not disclose a structural deficiency in the domestic legislative framework. The violation concerned the applicants' continued deprivation of liberty following the discontinuation of the misdemeanour proceedings, rather than the absence of legal provisions governing deprivation of liberty as such. The authorities therefore consider that the existing legal framework, properly applied, is capable of preventing similar violations.

2. Measures regarding Article 5 § 4 of the Convention

60. The authorities further recall that the domestic legal order guarantees persons deprived of liberty an effective opportunity to challenge the lawfulness of that deprivation before a court. Article 27 of the Constitution expressly provides for judicial review of the lawfulness of deprivation of liberty and requires the release of a person where such deprivation is unlawful. Article 29 of the Constitution additionally guarantees specific safeguards to persons deprived of liberty without a court decision, including the right to be informed promptly of their right to remain silent and to receive legal assistance from a

defence counsel of their choice or, where they cannot afford one, from a lawyer providing free legal assistance.

61. These constitutional guarantees are complemented by the Law on Misdemeanours. In particular, Article 190 provides for the possibility of appealing against a decision on detention, establishes a short time-limit for lodging an appeal and requires the competent misdemeanour court judge to decide on it within a similarly short period. The relevant provisions also regulate the formalisation of detention and the information to be provided to the person concerned. Furthermore, the Law on Free Legal Aid provides a statutory framework for access to legal assistance for persons who satisfy the applicable eligibility requirements.

62. Taken together, these provisions establish a domestic framework intended to ensure that deprivation of liberty is subject to judicial scrutiny and that persons concerned are afforded procedural safeguards enabling them to exercise their rights. The constitutional requirement that persons deprived of liberty be informed of their rights, together with the availability of judicial remedies and legal assistance under the applicable legislation, provides an essential basis for the effective implementation of Article 5 § 4 of the Convention.

63. The authorities consider that the violation found in the present case arose from the particular circumstances in which the applicants were deprived of liberty and the practical failure to ensure that they could effectively challenge its lawfulness. It does not, in itself, demonstrate that the domestic legal order lacks the necessary constitutional and legislative guarantees. The authorities therefore consider that the existing framework is capable of preventing similar violations, provided that the relevant safeguards are duly observed by the competent authorities.

64. In view of the above, the authorities consider that the violations of Article 5 §§ 1 and 4 in the present case were isolated incidents arising in the specific circumstances of the applicants' case, rather than manifestations of a systemic deficiency in the applicable legislation. The existing constitutional and legislative safeguards provide an adequate

basis for preventing similar violations, and the authorities remain committed to ensuring their effective implementation in practice.

F. Measures regarding Convention-compliant case law of the Constitutional Court

65. The authorities note that, following the circumstances of this case, no further constitutional complaints raising issues comparable to those examined in *O.H. and Others* have been identified in the Constitutional Court's case-law.

G. Training and awareness raising measures

66. The legislative and procedural safeguards described above are complemented by continuous training of police officers, in particular those who are the first point of contact with potential asylum seekers.

67. The Ministry has reported that the training platform available to police officers includes a dedicated module on the Standard Operating Procedures for the treatment of irregular migrants and foreigners who express an intention to submit an asylum application.

68. With a view to ensuring the proper implementation of the Law on Asylum and Temporary Protection, the module entitled "Implementation of the Law on Asylum and Temporary Protection", as well as the "Human Rights" module, form part of the basic training programme for police officers and the specialised training programme for Border Police officers. In this regard, efforts are being made to continuously enhance the capacities of police officers within police departments and Border Police officers who are the first to come into contact with potential asylum-seekers (a measure implemented on a continuous basis).

69. The Officers of the Asylum Office conducted eight training sessions for 129 first-line officers of the Ministry, in accordance with the programme content for the practical training courses “Access to the asylum procedure and implementation of the Law on Asylum and Temporary Protection” and “Respect for and protection of human rights within the integrated border management system”. In addition, officers of the Asylum Office and Border Police officers from Belgrade, Niš and Kraljevo airports participated in the training entitled “Border procedure and procedure in the airport transit zone”.

70. Access to the asylum procedure is ensured not only through the direct application of the provisions of the Law on Asylum and Temporary Protection, but also through the continuous professional development of Asylum Office officers. In this regard, Asylum Office officers undergo various forms of training, seminars, specialised courses and on-the-job training, which further contributes to improving the quality of the asylum procedure, the quality of decisions adopted, and the quality of country-of-origin reports concerning asylum-seekers. In this context, particular importance is attached to training conducted in cooperation with experts engaged by the European Union Agency for Asylum (EUAA) and UNHCR, carried out both through bilateral cooperation between the Ministry of Interior and EUAA, through EUAA’s annual training programme, and within activities carried out under cooperation arrangements or multi-beneficiary projects aimed at regional cooperation in the Western Balkans.

71. Depending on the subject matter of the training, some of the courses intended for Asylum Office officers were also attended by police officers who constitute the first line of contact with asylum-seekers, particularly where the right of access to the asylum procedure is concerned.

72. In addition, on 2 and 3 October 2024, the Judicial Academy, in cooperation with UNHCR in Serbia, organised the first annual round table on asylum in Serbia. The event brought together representatives of relevant state institutions, the judiciary, civil society and academia to discuss asylum procedures, refugee protection and integration, national security and effective remedies. The discussions also addressed relevant European

case-law and international standards, as well as opportunities to improve inter-institutional cooperation and the professional development of judicial office-holders.

73. Furthermore, the Judicial Academy, in cooperation with UNHCR, has organised training activities for judges and judicial assistants of misdemeanour courts, including the Misdemeanour Appellate Court, on the application of Article 31(1) of the Convention relating to the Status of Refugees and Article 8 of the Law on Asylum and Temporary Protection, which concern the principle of non-penalisation of refugees. Seminars on this subject were held on 23 April 2025, 4 November 2025, 21 April 2026 and 30 September 2026. The topics covered included international standards on the principle of non-penalisation, the Serbian asylum system and the application of that principle in the case-law of misdemeanour courts.

74. The Judicial Academy, also in cooperation with UNHCR, organised training entitled “Refugee Law and Asylum Procedure in the Republic of Serbia” on 28 October 2025 and 26 May 2026. The activities addressed refugee law and the asylum procedure and provided a forum for professional exchange on aspects of the asylum system requiring further attention.

75. These measures demonstrate that professional training and awareness-raising concerning asylum and refugee protection involve both the authorities responsible for identifying and referring potential asylum-seekers and judicial professionals dealing with related legal issues. They complement the legislative and operational safeguards described above and support their consistent application in practice.

H. Publication and dissemination measures

76. In 2026, the authorities ensured that publication and dissemination of the present judgment were taken to draw the attention of the relevant domestic authorities on the European Court’s findings in this case. To this end, the European Court’s judgment was translated into Serbian and published in the Official Gazette and on the

Government Agent's official web page. The European Court's findings have therefore been made easily accessible to judges and the legal community nationwide.

77. The Government Agent furthermore prepared an analysis of the European Court's findings in this judgment and ensured its dissemination together with the translated judgment to all relevant domestic authorities, including the Constitutional Court.

78. The above-mentioned measures ensured that all domestic courts and relevant bodies are now aware of the Court's findings and the need to comply with the Convention requirements in similar cases.

IV JUST SATISFACTION

79. The payment of just satisfaction awarded by the European Court to the second and seventh applicants in the total amount of EUR 10,000 has been disbursed on 2 October 2026.

V CONCLUSIONS

80. The authorities consider the individual measures taken ensured that the applicants were redressed for the damages sustained.

81. The authorities furthermore undertake to inform the Committee of Ministers on implementation of possible further general measures in order to comply with Serbia's obligations under the Convention.

82. The authorities take this opportunity to reiterate to the Committee of Ministers its commitment to comply with its obligations under Article 46 (1) of the Convention in this case.