



REPUBLIC OF SERBIA  
Ministry of Interior

# CODE OF POLICE ETHICS

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Pursuant to the Article 12. para 5. of the Law on Police ("Official Gazette of the Republic of Serbia", n° 101/05), the Government enacts

## **CODE OF POLICE ETHICS**

### **Part One**

#### **BASIC PROVISIONS**

##### Article 1

The Police adopt this Code of Police Ethics (hereinafter: the Code) for the purpose of achieving the highest national and international standards of the police procedure and support to the rule of law.

##### Article 2

Police officers perform police duties in compliance with law and international standards accepted by the Republic of Serbia, ruled by the objectives of the police in a democratic society and principles of the rule of law.

The main objectives of both the police and police officers are maintaining of public order and implementation of law, safeguarding and respect of human rights, prevention and revealing of criminal offences as well as other aspects of fighting against criminal, providing of help and serving to people in conformity with the Constitution and Law.

##### Article 3

In performing of police duties and training for such performance, i.e. administering of the laws and other regulations, police officers and other police members are guided by ethnic principles determined by this national Code, in conformity with the European Code of Police Ethics – Recommendation (2001)10 adopted by the Committee of Ministers of the Council of Europe on September 19<sup>th</sup> 2001. (hereinafter: European Code).

### **Part Two**

#### **LEGITIMACY AND RULE OF LAW**

##### Article 4

By upholding legitimacy and the rule of law, the police forces contribute that the laws and executive regulations for administration of laws to be implemented, become publicly accessible and clear and accurate enough.

##### Article 5

Police officers enjoy the same civil and political rights as other citizens, but also respect the limitations of those rights necessary for carrying out the function of the police in a democratic society,

in compliance with the Law and European Convention of Human Rights and Fundamental Freedoms (hereinafter: European Convention).

Police officers and other citizens are obliged by the same laws and other regulations, and the exceptions are based only on reasons of adequate performing of police duties in a democratic society.

### **Part Three**

#### **POLICE AND JUDICIARY**

##### Article 6

By affirming the police as modern component of criminal justice system, police officers promote cooperation and take care of mutual approaching of the internal affairs and judiciary in compliance with law and at the same time, consistently respect independence in the work of courts.

##### Article 7

The Police do not opt for laws that would grant them judiciary functions or that would grant them judiciary authorizations, but the laws, that in conformity with the Constitution and European Convention, would provide judiciary safeguarding of basic human rights and freedoms.

##### Article 8

By respecting the role of lawyers, the police officers neither interfere in their work nor hinder it in any way, in criminal proceedings as defenders or in any other procedure. Whenever it is possible, they provide assistance, especially in the cases when protecting interests of the persons deprived of liberty.

##### Article 9

The Police do not have the role of prison personnel, except in emergency cases.

### **Part four**

#### **ORGANIZATION AND FUNCTIONING OF THE POLICE**

##### Article 10

The Police set and promote its internal organization so as to improve good relations of the police and the citizens, and where possible, efficient cooperation with other authorities, agencies, local communities, non-governmental and other civil organizations, minority ethnical groups included.

##### Article 11

By taking care on recognition, with regard to the members of other authorities, police officers, in conformity with the law, identify themselves in the course of intervention, i.e. provide evidence on their status and official position and take care on personal responsibility for directly undertaken official actions and for orders given to the subordinates.

##### Article 12

Police officers take care on the position determined by the Constitution, according to which the Ministry of Interior (hereinafter: the Ministry) is independent in execution of its competencies set by the Constitution and Law.

#### Article 13

In conformity with independence of the Ministry, police officers are responsible for operative independence of police forces in carrying out police tasks in relation to other authorities.

#### Article 14

A police officer entrusted the function of command is responsible for given orders, for their execution and for the consequences. A police officer is also liable for actions of his subordinate authorized to act on his behalf, as well as for actions that the subordinates carry out within their regular jobs and received orders.

#### Article 15

Except in cases when an execution of a given order would constitute a criminal offence, the subordinate is obliged to abide by the orders and instructions of his superior and to loyally execute orders, to be responsible for their execution and consequences of failing to execute them.

Should he estimate that the execution of orders would not constitute criminal offence, but that the order is evidently illegal, i.e. that it can seriously endanger public interest, the subordinate is obliged to duly call attention of the superior who gave an order.

If the order is still in effect, and the subordinate insists on its contesting despite the explanations and interpretations offered to him, the subordinate notifies his senior superior whom he can turn to. His opposition must be recorded.

Every refusal to carry out orders implies responsibility of the subordinate, except if otherwise predicted by the law.

#### Article 16

Lawful refusal to carry out orders and report to a senior superior pursuant to the Article 15 of the present Code does not imply responsibility of the subordinate, and if for that reason he should be called to account or any other harassment, he/she is entitled to turn directly to the minister and inspection body of the police.

#### Article 17

The police realizes cooperation with the media in conformity with the law and pursuant to the professional guidelines.

In cooperation from the aforesaid para 1. of this Article the Police is organized so as to offer to the public unbiased information on their activity, without disclosure of confident information.

#### Article 18

Police officers support measures and activities that are taken in the Ministry in order to effectively implement in practice ethical and other principles set by this Code, and therefore, improvements regarding the aims of the police in a democratic society, its legal position and contribution to the rule of law, relations with judiciary authorities, its organization, activities and responsibilities, control of the Police, scientific researches on the Police and the international cooperation that the Police forces realize.

#### Article 19

A Police officer opposes to every act of corruption, does not procure illegally any advantage either for himself or for other person, does not receive gifts and does not practice jobs incompatible with the line of duty and which could affect his work and violate reputation of the Police and the state.

#### Article 20

Measures for efficient prevention and fighting against corruption are taken at all organizational levels of the police.

### **Part Four**

#### **RECRUITMENT OF POLICE PERSONNEL**

#### Article 21

The candidates recruitment and their admission is based on personal qualifications and experience of the candidates relevant for police jobs and tasks.

#### Article 22

Persons convicted for felonious acts cannot work in the Police forces.

#### Article 23

The procedure of admission to office is based on unbiased and non-discriminatory conditions for admission, and upon the necessary testing of the candidates. The policy of admission tends to employ both males and females from different social groups, minorities included, with a final objective to create police forces that correspond to the structure of the society they serve to.

#### Article 24

In the course of their work, the police officers are to develop their personal abilities, showing thus sound judgment, open attitude, maturity, honesty, communication skills and when necessary abilities of leadership and management.

In the sense of para 1. of this Article, police officers also develop their personal abilities to understand the society they serve to, especially the social, cultural and issues of the local community.

### **Part Six**

#### **TRAINING OF POLICE OFFICERS**

#### Article 25

General police education is oriented so as to be as much as possible open towards the society. Police education entirely respects the necessity to fight against racism and xenophobia.

#### Article 26

By professional improvement, based on the values of democracy, the rule of law and protection of human rights, police officers develop skills to carry out police tasks.

Professional improvement from the para 1. of this Article encompasses as open as possible training with regard to society, appropriate for real conditions within local community, as well as the required specialist, leadership and managerial training.

#### Article 27

Practical training at all levels on use of force and its restrictions is based on the principles contained in the Constitution, law and international contracts, particularly in the European Convention.

## **Part Seven**

### **DUTIES AND RIGHTS OF POLICE OFFICES**

#### Article 28

Police officers do not act in the way that could harm the reputation of the office.

#### Article 29

Having in mind a specific character of police duty, police officers, as well as public servants, enjoy social and economic rights to the maximal possible extent, in conformity with law.

#### Article 30

Disciplinary measures pronounced against police officers are subject to inspection, in conformity with law.

#### Article 31

Police officers, even off-duty, at his own initiative offers help to any person in danger, prevents or stops actions that can violate public order or to endanger life, integrity and property of citizens, community property and the order set by the Constitution.

#### Article 32

Police officers enjoy legal and other assistance of the Ministry, in compliance with law

## **Part Eight**

### **POLICE JOBS AND POWERS**

#### Article 33

In all their interventions (actions, operations) the police respects everyone's right of life.

#### Article 34

Nobody in the Ministry is allowed to order, carry out, cause or tolerate torture or any other brutal and inhuman treatment which humiliates human personality, or any other action that imperils right of life, liberty, personal security, respect of private and family life, gathering and association or any other right or freedom granted by the provisions of the European convention.

#### Article 35

Police officers resort to the use of force, especially to use of arms, only in cases and on conditions predicted by law and other regulations, avoiding to apply more force than necessary and only when absolutely unavoidable and to the extent ordered by the realization of legitimately set goal.

Police officer that would witness to any prohibited action from the para 1. of this Article, is obliged to notify such a case to his superior, Sector of internal control of the police and of outer civil surveillance bodies of the Ministry work..

#### Article 36

In their work police officers are guided by the principle of impartiality in execution of law regardless of national or ethical origin, race, language or social status of the person to whom the law

should be applied, of his political, religious and philosophic convictions or his age, marital status, sex or any physical or psychical defect.

In carrying out of their jobs, police officers treat politely and responsibly the citizens in the street, at counter, border posts and other venues of execution of official action.

In communication with citizens, police officials respect human personality and dignity and safeguarding of high standing of the Ministry.

Qualification for procedures pursuant to the paragraphs 1 - 3. of this Article is integral part of the police officers' training.

Right of privacy of an individual is to be violated only when necessary in order to attain a legitimate objective.

#### Article 37

In compliance with the law, police officers protect personal data on citizens collected, elaborated and used by the Ministry for the purpose of carrying out jobs of their competence.

#### Article 38

Police officials fulfill their duties observing the principle of legitimacy, upholding the rule of law, protecting the legal order and the institutions and granting realization of human rights and freedoms in line with the Constitution and law provisions, with Universal declaration on human rights and with other international acts in the field of human rights that the Republic of Serbia is obliged to implement.

#### Article 39

Within the jobs of his working position, whenever possible, a police officer undertakes all the necessary measures and activities that will enable citizens an unhindered and efficient realization of their rights, obligations and interests.

Police officer should perform jobs entrusted to him in a professional way – in line with the rules of his profession, conscientiously, impartially and in a disciplined way.

#### Article 40

Police proceedings pursuant to the law regulating criminal, tortuous and other proceedings in which the police applies the powers regulated by those laws, towards certain persons (hereinafter: police investigations) is based on, as minimum, bases of suspicion on committed or possible criminal act or offence i.e. other punishable act.

Police respect the presumption of innocence as well as the rights of the suspect, accused or other person, especially the right to be informed immediately with the charges against him and to prepare his defense, personally or with legal assistance at his own choice.

Police provide unbiased and fair police investigation, careful and applicable to special needs of certain persons, as children and other minors, women and members of minority groups including national minorities and sensitive persons.

Starting from para 2. of this Article, professional guidelines will provide fair investigation during which the interrogated person is to be informed about the reasons of investigation as well as with other relevant facts and the minutes are taken about it.

#### Article 41

Police take care of special needs of the witnesses, implements rules of their protection and support during the proceedings, especially in case of the existing danger of intimidation of witness.

Police, without any discrimination, provide the necessary support, assistance and information to the victims of criminal offences.

In the course of police investigation the police provides an interpreter when necessary.

#### Article 42

Police are liable for and protect each person deprived of liberty.

Police officer who is entrusted the person with special care, is obliged to turn to medical personnel and in case of necessity to protect life and health of such a person.

#### Article 43

In compliance with the law, police immediately read all the prescribed data related to such depriving of liberty.

Police provide security, health care, hygienic, accommodation conditions (light, ventilation) and adequate conditions for rest and nutrition, in line with conditions determined for detained persons.

In conformity with law, the police ensure the notification of the third persons about detention, at choice of the detained person, as well as provide them access to legal assistance and medical visit, when possible at their choice.

Persons deprived of liberty are segregated from other persons, and males are separated from females, and the minors are separated from the adults when detained.

### **Part Nine**

#### **LIABILITIES AND CONTROL OF POLICE**

#### Article 44

Lawfully determined external control of the police, implemented by the legislative, executive and judiciary bodies, secures accountability of the police towards the state, the citizens and their representatives.

The Police carries out the obligations in proceedings in which the complaints about the work of the police are considered as well as representations, notes and similar letters related to police work.

Police participates at promotion of mechanisms of liability, based on communication and mutual understanding of citizens and police.

#### Article 45

Upon request of competent authorities and at personal initiative the police offer the necessary data and prepares reports, other materials and proposals related to promotion and application of ethical and other principles contained herewith, as well as recommendations with which they are harmonized – contained in the European Code.

### **Part Ten**

#### **RESEARCH AND INTERNATIONAL COOPERATION**

#### Article 46

Police research, independent and organized by other state authorities or non-state subjects, is promoted and stimulated by the police in conformity with overall activities that in this respect are taken by the Republic of Serbia.

Pursuant to the para 1. of this Article, the Police also participate in upholding of the international cooperation regarding the issues of police ethics and human rights offered by the Republic of Serbia.

## **Part Eleven**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### *Article 47*

This Code is appropriately applied by both members of assisting police and citizens who, in conformity with law, offer assistance to the police in carrying out police duties, during the engagement of assisting police officers, i.e. providing of help.

#### *Article 48*

This Code, as an educational material, shall be included in the program of professional training and improvement of police officers within 30 days from its entering into force.

#### *Article 49*

This Code enters into force eight days from the date of its publishing in the "Official Gazette of the Republic of Serbia".

05 n° 110-9126/2006  
In Uzice, 19<sup>th</sup> October 2006

**Government**

President,  
**Vojislav Kostunica**, signed