

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/SRB/CO/2)

SERBIA

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

9. While noting that the domestic legislation contains the fundamental legal safeguards against torture, the Committee is concerned at reports that medical examinations of detainees are often conducted in the presence of police officers and that medical reports frequently fail to include a detailed description of injuries or an interpretation of the findings. The Committee is also concerned at reports about the low quality of the work of ex officio lawyers, who often meet their clients only in court, and about the fact that persons summoned and interrogated by the police as witnesses, but later charged as defendants, have a right to counsel only from the moment they are charged. The Committee also takes note of reports indicating that the registration of detainees is often incomplete (arts. 2, 11 and 12).

The Committee urges the State party to ensure in practice that every person deprived of his or her liberty is afforded legal safeguards against torture from the outset of deprivation of liberty by, inter alia:

- (a) **Ensuring that detained persons undergo an independent medical examination from the outset of the deprivation of liberty, which should be conducted out of hearing and, unless the doctor concerned explicitly requests otherwise in a given case, out of sight of police staff. The State party should also ensure that the record drawn up after the medical examination contains, inter alia: (i) an account of statements made by the person that are relevant to the medical examination (including his or her state of health and any allegations of ill-treatment); (ii) a full account of objective medical findings based on a thorough examination; and (iii) the health-care professional's observations in the light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings. The results of the examination should also be made available to the detained person concerned and his or her lawyer. Health-care professionals should not be exposed to any**

form of undue pressure or reprisals from management staff when they fulfil this duty, nor should the detained persons concerned;

(...)

Attacks on journalists, human rights defenders and minorities

19. The Committee is highly concerned that human rights defenders, journalists, lesbian, gay, bisexual, transgender and intersex persons and members of the Roma community continue to be attacked, threatened and intimidated. It regrets the lack of complete statistics on the number of complaints of and convictions for threats and attacks on these groups and on measures taken to prevent such acts. The Committee is also greatly concerned at reports that law enforcement authorities fail to act with due diligence in investigating and punishing these cases and in applying legal provisions for crimes motivated by hate (arts. 2, 12, 13 and 16).

The Committee calls on the State party to publicly condemn threats and attacks on human rights defenders, journalists, lesbian, gay, bisexual, transgender and intersex persons and members of the Roma community and refrain from supporting, through action or omission, such attacks by ensuring:

- (a) The effective protection of these groups against threats and attacks to which they may be exposed on account of their activities, sexual orientation or ethnic origin;**
- (b) Prompt, thorough and effective investigations of all threats and attacks targeting these groups, including any alleged discriminatory motives that may provoke these actions, and guaranteeing that those responsible are tried and punished in accordance with the gravity of their acts;**
- (c) Effective training of law-enforcement officials and the judiciary on hate-motivated crimes and the systematic monitoring of such crimes;**
- (d) Awareness-raising measures to counter prejudice and stereotypes, and policies to combat and prevent hate-related crimes and discrimination, in particular on the basis of sexual orientation, identity or ethnic origin.**

(...)

Follow-up procedure

23. The Committee requests the State party to provide, by 15 May 2016, follow-up information in response to the Committee's recommendations on taking steps to ensure in practice that detained persons undergo an independent medical examination from the outset of the deprivation of liberty (see para. 9 (a) above) and publicly condemning and investigating threats to and attacks on human rights defenders,

journalists, lesbian, gay, bisexual, transgender and intersex persons and members of the Roma community (see para. 19 above).

(...)
