



REFERENCE: CAT/Follow-up

26 June 2023

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the third periodic report of Serbia, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At its 72nd session, held from 8 November to 3 December 2021, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/SRB/CO/3, para. 45) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 8, 12 and 20 (a) of its concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 14 February 2023 providing your Government's response on the above-mentioned paragraphs (CAT/C/SRB/FCO/3) and to make the following comments:

Definition of torture (para. 8 of the concluding observations)

While taking note of the information provided by the State party on the activities of the Working Group for the analysis of the effectiveness of the criminal justice system, the Committee observes with concern that the State party has not taken any concrete measures to incorporate into the legal definition of torture all of the elements contained in article 1 of the Convention, nor to ensure that penalties for torture are appropriate to the gravity of the crime, as required by article 4 (2) of the Convention. It also underscores that the offence of torture should not be subject to any statute of limitations. The Committee is of the view that the application of a statute of limitations is in principle inconsistent with the obligations of States parties under the Convention and risks creating situations of impunity (2/C).

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National human rights institution (para. 12 of the concluding observations)

The Committee takes note of the information provided by the State party on the content of the new Law on the Protector of Citizens, adopted in November 2021, which, inter alia, maintains the national human rights institution as the national preventive mechanism under the Optional Protocol of the Convention against Torture, while enhancing its independence and efficiency, as noted in information submitted by the Protector of Citizens. The Committee also takes note of the information included in the follow-up replies regarding monitoring visits, reports, trainings and other activities conducted by this national preventive mechanism during the period under review. However, it regrets the lack of information on the action taken by the competent authorities in follow-up to the recommendations made by the national preventive mechanism (2/B1).

Impunity for acts of torture and ill-treatment (para. 20 (a) of the concluding observations)

The Committee takes note of the information provided by the State party with regard to the established procedure for the investigation of alleged cases of police abuse. Nevertheless, it regrets that the State party's follow-up replies do not include detailed statistical data on the number of allegations, prosecutions, convictions and sentences handed down in cases of alleged torture and ill-treatment. In this regard, and recalling its previous recommendation, the Committee urges the State party to ensure that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body, and that comprehensive statistical data on such cases is collected (1/D).

Implementation plans (para. 45 of the Committee's concluding observations)

The Committee regrets the lack of information about specific plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Serbia is encouraged to provide additional information, including available relevant statistical data, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the third periodic report of Serbia or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Serbia on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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Rapporteur for follow-up to concluding observations  
Committee against Torture