

# *Council of Europe contribution for the 43<sup>rd</sup> UPR session (April-May 2023) regarding Serbia*

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## ***Prevention of torture (CPT)***

The CPT's report on the 2021 periodic visit to Serbia



**CPT\_inf\_2022\_03\_Serbia.pdf**

The visit focused on the treatment and safeguards afforded to persons detained by law enforcement agencies. It also looked into the treatment and conditions of detention of persons held in three prison establishments, both on remand and sentenced. A further focus of the visit was the treatment and living conditions afforded to psychiatric patients under civil and forensic measures and of residents placed in social care homes.

Executive summary



**CPT\_inf\_2022\_03\_part\_Serbia.pdf**

Government response



**CPT\_inf\_2022\_04\_Gov\_Response\_Serbia.pdf**

## ***Council of Europe Commissioner for Human Rights***

### **Life Imprisonment**

In May 2019, the Commissioner wrote a [letter](#) to the Serbian Minister of Justice, regarding draft legislation on introducing the sentence of life imprisonment without eligibility for conditional release for persons convicted of some of the gravest crimes. In her letter, the Commissioner urged the Serbian authorities to reconsider the draft law, expressing concerns about the possibility of reducing such sentences, and the lack of transparency of the procedure of its introduction, due to lack of public debate.



**CommHR\_Letter\_Minister\_Justice\_May2019\_5**

## Police Violence

Following anti-government protests in Belgrade in July 2020, the Commissioner issued a [statement](#), calling for effective investigations into cases of police violence. The Commissioner called on the Serbian authorities to carry out effective investigations to establish responsibility and punish the officers responsible, in line with the relevant case-law and to ensure that persons claiming to be victims of police misconduct can file a complaint to obtain redress.

## The rights of LGBTI people

In September 2022, the Commissioner issued a [statement](#), calling on the Serbian authorities to withdraw the announced ban on the Europride march.

## *Fight against racism and intolerance (ECRI)*

Conclusions on the implementation of the priority recommendations made to Serbia in 2017 (adopted on 7 April 2020 / published on 2 June 2020)



**ECRI\_2020\_27\_Serbia.pdf**

## *Protection of minorities*

### *Framework Convention for the Protection of National Minorities*

The Advisory Committee on the Framework Convention adopted its 4<sup>th</sup> Opinion on Serbia on 26 June 2019.



**ACFC\_OPV\_2019\_001\_Serbia.pdf**

The CM/ResCMN(2021)11 on the implementation of the Framework Convention for the Protection of National Minorities by Serbia was adopted by the Committee of Ministers on 15 April 2021 at the 1401<sup>st</sup> meeting of the Ministers' Deputies.



**FCNM\_CM\_Res\_CMN\_2021\_11\_Serbia.pdf**

## *European Charter for Regional or Minority Languages*

The Committee of Experts adopted its fourth evaluation report on Serbia on 23 March 2018.



**ECRML\_CM\_2018\_144  
\_Serbia.pdf**

The Committee of Ministers adopted Recommendation CM/RecChL(2019)2 on the application of the European Charter for Regional or Minority Languages by Serbia on 4 April 2019 at the 1343<sup>rd</sup> meeting of the Ministers' Deputies.



**ECRML\_CMRecChL\_2  
019\_2\_Serbia.pdf**

## *Action against trafficking in human beings (GRETA)*

[GRETA evaluation report \(2<sup>nd</sup> evaluation round\)](#) (the 3<sup>rd</sup> evaluation report is under preparation and will be published in June 2023)



**GRETA\_2017\_37\_Serbi  
a.pdf**

[Press release](#)

## *Preventing and combating violence against women and domestic violence (GREVIO)*

Serbia ratified the Convention in 2013. GREVIO published its first baseline evaluation report on Serbia in 2020 (Executive summary can be found on pp. 6-8). The Committee of the Parties to the Convention issued its Recommendations in respect of Serbia, based on GREVIO's findings, in 2020.



**GRVIO\_baseline\_evalu  
ation\_report\_Serbia.p**



**GREVIO\_Committe\_of  
\_parties\_Serbia.pdf**

## *Protection of children against sexual abuse (Lanzarote Convention)*

Serbia ratified the Lanzarote Convention on 29 July 2010 and it entered into force in its respect on 1 November 2010.

### **1<sup>st</sup> monitoring round on the “Protection of children against sexual abuse in the circle of trust”**

This was carried out between 2013 and 2018 and focused on the protection of children against sexual abuse in the circle of trust. It led to the adoption of two implementation reports, one related to the [legal framework](#) and the other to the [strategies](#) to tackle the phenomenon. The information submitted by Serbia in the context of the 1st monitoring round is available [here](#).



**Lanzarote**  
Committee\_1st imple



**Lanzarote**  
Committee\_2nd imple



**Lanzarote**  
Convention\_T-ES\_2014

The recommendations requiring Serbia to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:



**Lanzarote**  
Committee\_recommen

### **Urgent monitoring round on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”**

To respond to the urgent migrant and refugee situation in Europe, the Lanzarote Committee decided in 2016 to address the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse through an urgent monitoring round. This resulted in a [special report](#) published in March 2017. The information submitted by Serbia in the context of this round is accessible [here](#). To follow-up on the Special report and its monitoring findings, the Committee carried out a compliance procedure to assess the conformity of Parties with the recommendations urging them to act (the “urge” recommendations), as well as those considering that they should act (the “consider” recommendations).



**Lanzarote**  
Committee\_special\_re



**Lanzarote**  
Convention\_T-Es\_2016

Following the compliance procedure, the recommendations still requiring Serbia to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:



**Lanzarote**  
Committee\_recommen

**2nd thematic monitoring round: Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): Addressing the challenges raised by child self-generated sexual images and/or videos.**

This was carried out between October 2017 and March 2022 and was dedicated to “Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”, with a focus on “Addressing the challenges raised by child self-generated sexual images and/or videos”. It led to the adoption of an [implementation report](#) in March 2022. The information submitted by Serbia in the context of the 2<sup>nd</sup> monitoring round is available [here](#).



**Lanzarote**  
**Committee\_T-ES\_2022**



**Lanzarote**  
**Convention\_T-ES\_2017**

The recommendations requiring Serbia to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows (editing of the recommendations to be verified with the final version of the implementation report):



**Lanzarote**  
**Committee\_recommen**

**Fight against corruption (GRECO)**

Serbia was evaluated in 2021 under the Fifth Evaluation Round on “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”. The corresponding 5th Round Evaluation Report was adopted by GRECO Plenary and made public in 2022. Additional information from the authorities is due by 30 September 2023.



**GRECO\_eval5rep\_202**  
**1\_1\_Serbia.pdf**

Concerning the Fourth Evaluation Round on “Prevention of corruption in respect of members of parliament, judges and prosecutors” the 4th Round Second Interim Compliance Report was published in 2022 and additional information from the authorities is due by 31 March 2023.



**GRECORCA\_2022\_6\_S**  
**erbia.pdf**

***Execution of judgments and decisions of the European Court of Human Rights***



CoE\_UPR43rd\_Execution of judgments\_Serbia

## Social and Economic Rights (ECSR)



ESC\_Serbia\_factsheet\_s.pdf

## Venice Commission

Since 2018, concerning Serbia and electoral issues, the Commission adopted its Urgent opinion on the draft law on the **referendum** and the people's initiative ([CDL-AD\(2021\)033](#)) and a follow up Urgent opinion on the **revised** draft law on the **referendum** and the people's initiative ([CDL-AD\(2021\)052](#)).



CDL-AD\_2021\_033E\_S\_erbia.pdf



CDL-AD\_2021\_052E\_S\_erbia.pdf

Concerning **judiciary in Serbia**, the Commission adopted three opinions:

- Opinion on the draft amendments to the constitutional provisions on the judiciary ([CDL-AD\(2018\)011](#));



CDL-AD\_2018\_011E\_S\_erbia.pdf

- Opinion on the draft constitutional amendments on the judiciary and draft constitutional law for the implementation of the constitutional amendments ([CDL-AD\(2021\)032](#)) and a follow up opinion ([CDL-AD\(2021\)048](#)).



CDL-AD\_2021\_032E\_S  
erbia.pdf



CDL-AD\_2021\_48E\_Se  
rbia.pdf