



Last update: 15/03/2021

Serbia

Membership to the Council of Europe	3 April 2003
Entry into force of the European Convention on Human Rights	3 March 2004
First case under supervision of execution	Matijašević (23037/04) Judgment final on 19 December 2006
Total number of cases transmitted for supervision since the entry into force of the Convention	530
Total number of cases closed by final resolution	492

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Security forces – use of force and effective investigations

Ill-treatment or death in hands of the police and lack of an effective investigation in this respect; use of confessions made under torture as evidence during criminal proceedings conducted against the applicants.

Stanimirović (26088/06)
Judgment final on 08/03/2012

Status of execution
Standard supervision

> Protection of private and family life – retention of private information

Failure to provide credible information to a mother as to the fate of her son, allegedly deceased in a maternity ward in 1983; his body was neither given to her, nor information about where he was buried. Lack of official record and investigation into the child's death.

Zorica Jovanović (21794/08)
Judgment final on 09/09/2013

Status of execution
Standard supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Protection against ill-treatment

The offence of hate crime and hatred as a motivation, including religious hatred, was introduced as aggravating circumstance in the Criminal Code in 2012. In 2017, the Chief Public Prosecutor furthermore issued the Guidelines for the Prosecution of Hate Crimes for the appellate, higher and basic public prosecutor's offices to achieve legality, effectiveness, and uniformity of the conduct of public prosecutors in criminal cases for hate crimes. Moreover, information offices to victims of hate crimes were set up in this respect.

Milanović (44614/07)
Judgment final on 20/06/2011

Final Resolution
CM/ResDH(2019)365

> Lawfulness of detention and related issues

The right to be brought before a judge within 48 hours is guaranteed at the constitutional level since 2006 and is enshrined in the Criminal Procedure Code of 2011. The Constitutional Court developed case-law to prevent excessive length of pre-trial detention even in special circumstances and complex cases.

Vrencev (2361/05+)
Judgment final on 23/12/2008

Final Resolution
CM/ResDH(2018)52

> Detention and other rights

Prisoners were granted a right to unrestricted correspondence - to be limited only by judicial decision - in an amendment of Law on Enforcement of Criminal Sanctions of 2009.

Stojanović, Jovančić & Milošević
(34425/04+)
Judgment final on 19/08/2009

Final Resolution
CM/ResDH(2011)77

> Functioning of justice

Acceleration and better efficiency of criminal proceedings in 2013, in particular the prosecutors' obligation to prove grounds for indicting a person before trial, and not during the trial as before. A special Law of 2005 provides that criminal proceedings are urgent when victims are minor.

Ristić (32181/08)
Judgment final on 18/04/2011

Final Resolution
CM/ResDH(2014)18

Judicial review available against administrative authorities' registration decisions in the new Cadastre Act of 2009.

Backović (47997/06)
Judgment final on 07/05/2012

Final Resolution
CM/ResDH(2013)44

New composition of the Supreme Court of Cassation chambers; decisions are adopted by three judges, following the adoption of the new civil Procedure Act 2013. Introduction in 2007 of a constitutional appeal offering an effective domestic remedy to challenge a deficient composition of a court.

Momčilović (23103/07)
Judgment final on 02/07/2013

Final Resolution
CM/ResDH(2015)64

Practicing lawyers are given right to represent themselves in the

Maširević (30671/08)

** This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.



SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

proceedings before the Supreme Court pursuant to the 2011 Civil Procedure Code.

Judgment final on 11/05/2014

Final Resolution
CM/ResDH(2015)151

Abolishment of the “party-administered mandates” and blank resignations concerning the early termination of parliamentary mandates; introduction of an exclusive competence of the Constitutional Court (constitutional appeal) to examine the electoral disputes.

Paunović and Milivojević (41683/06)

Judgment final on 24/08/2016

Final Resolution
CM/ResDH(2017)193

> Enforcement of domestic judicial decisions

Increased efficiency of enforcement proceedings concerning debts of socially-owned companies or municipal/local authorities: change of practice of the relevant local authorities and introduction in 2011 of an effective remedy for the non-enforcement of final decisions. Suppression of socially-owned companies in the 2006 Constitution. The CM decided to continue its examination of the root causes of the problems related to socially owned companies and municipal/local authorities.

EVT company (3102/05)

Judgment final on 21/09/2007

Final Resolution
CM/ResDH(2017)183

> Private life - specific situations

The provision that a police officer could be dismissed if criminal proceedings were pending against him was repealed by the 2005 Police Act providing that a police officer can only be suspended pending criminal proceedings.

Milojević and Others (43519/07+)

Judgment final on 12/04/2016

Final Resolution
CM/ResDH(2018)93

> Freedom of expression

The Constitutional Court changed its case-law regarding the amounts to be paid for damages and costs in civil defamation proceedings.

Tešić (4678/07+)

Judgment final on 11/05/2014

Final Resolution
CM/ResDH(2018)70

> Protection of rights to property

The Ališić Implementation Act introduced a repayment scheme for the deposits held by citizens of SFRY successor States in Serbian banks was adopted in July 2016. The amount determined in the verification proceedings will be reimbursed to the depositors in the form of government bonds by February 2023.

Ališić and Others (60642/08)

Judgment final on 16/07/2014

Final Resolution
CM/ResDH(2020)184

Public invitation addressed to persons concerned in Serbia to apply for resumption of the payment of pensions earned in Kosovo***.

Grudić (31925/08)

Judgment final on 24/09/2012

Final Resolution
CM/ResDH(2017)427

*** All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

Administrative authorities are no longer able to order confiscation of an item in respect of persons who have not been convicted in criminal proceedings and have to refer this issue to the court for decision; confiscation of an item can only be operated on the ground of a court order.

Milosavljev (15112/07)
Judgment final on 22/10/2012

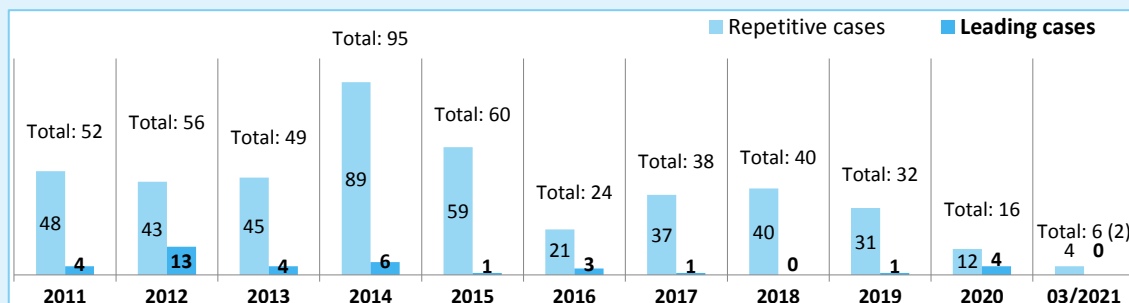
Final Resolution
CM/ResDH(2015)62



STATISTICS***

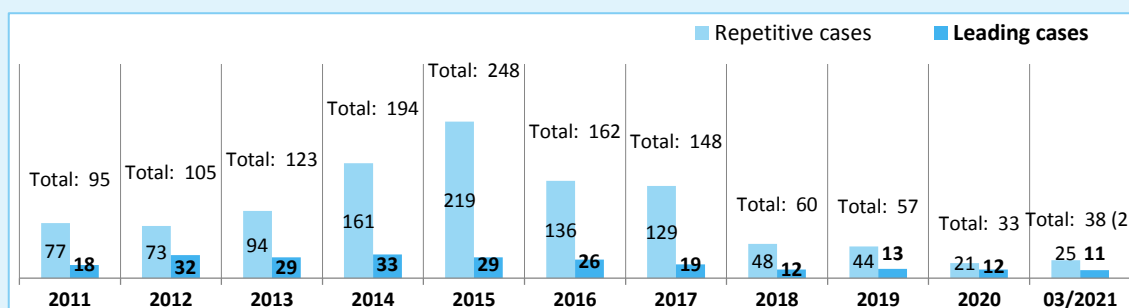
New cases

(judgments transmitted for supervision of their execution during the year)



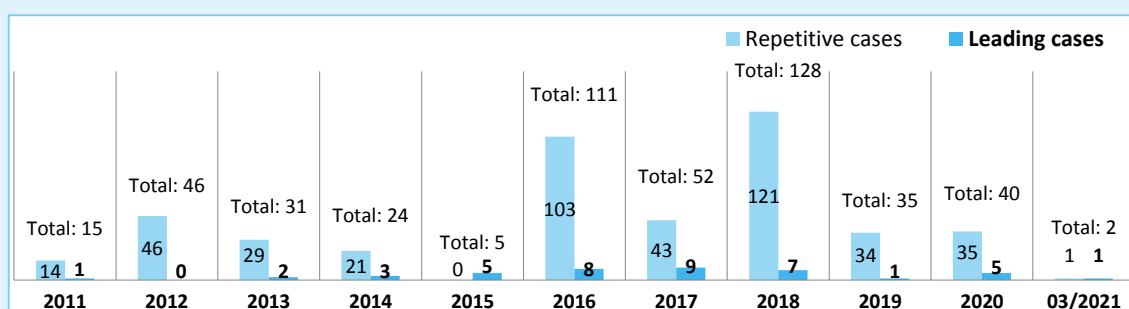
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

Pending cases

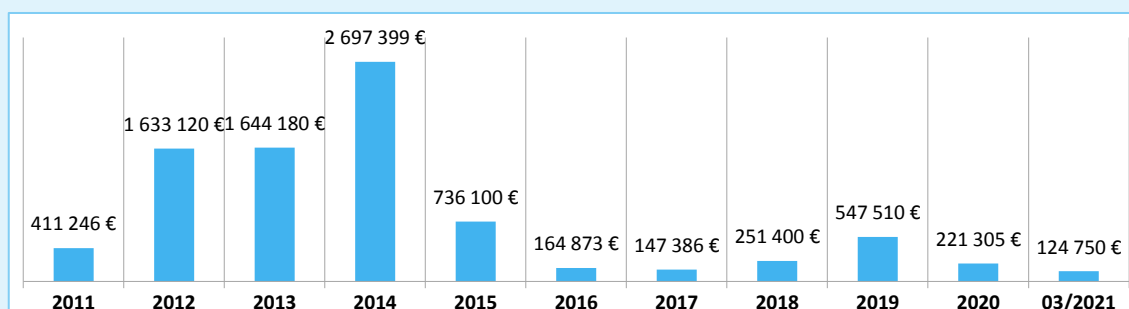


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

Cases closed by final resolution



Just satisfaction awarded by the European Court

*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.