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PERMANENT MISSION OF THE REPUBLIC OF SERBIA TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS
СТАЛНА МИСИЈА РЕПУБЛИКЕ СРБИЈЕ ПРИ УЈЕДИЊЕНИМ НАЦИЈАМА И ДРУГИМ МЕЂУНАРОДНИМ
ОРГАНИЗАЦИЈАМА

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No. CG/1

The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights – Sub-Committee on Prevention of Torture, and has the honour to enclose herewith the information on existing legal provisions for the establishment of the national preventive mechanism in the Republic of Serbia, prepared by the Office of Human and Minority Rights of the Government of the Republic of Serbia.

The Permanent Mission of the Republic of Serbia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights – Sub-Committee on Prevention of Torture, the assurances of its highest consideration.

Geneva, 4 January 2008



3 pages enclosed (including this one)

Sub-Committee on Prevention of Torture
Office of the High Commissioner for Human Rights
GENEVA
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РЕПУБЛИКА СРБИЈА
ВЛАДА

Служба за људска и мањинска права

Број 59-00-1/2007-05

26/12 2007. године
Београд

THE AGENCY OF HUMAN AND MINORITY RIGHTS
OF THE GOVERNMENT OF REPUBLIC OF SERBIA

Belgrade, December 26th 2006

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – information on existing legal provisions for the establishment of the national preventive mechanism in the Republic of Serbia

Dear Madame,

Republic of Serbia ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in September 26th 2006. The legal provision for the establishment of the preventive mechanism is contained in the Article 278 of Law on Enforcement of Penal Sanctions of the Republic of Serbia that was adopted on September 9th 2005 (Official Gazette of the Republic of Serbia, No.85/2005 of October 6th 2005) and entered into force on January 1st 2006:

For the purpose of control of the enforcement of penal sanctions provided under this Law, the National Assembly of the Republic of Serbia shall form, at the recommendation of the Judicial and Administration Committee, a five-member commission.

The Commission referred in paragraph 1 of this Article comprises persons experienced in issues related to enforcement of sentences and who are not employed in the Prison Administration.

The Commission is independent in its work and the Prison Administration shall provide the Commission with all data relevant for its work. The Commission shall have all powers conferred on the authorized person specified in Articles 270 and 271 hereof.

The Commission referred to in paragraph 1 of this Article shall report on the status of enforcement of penal sanctions regulated by this Law at least once a year and submits it to the Republic of Serbia Assembly, the Judicial and Administrative Committee and the minister in charge of the judiciary.

Sylvia Cassale
Chairperson
Sub-Committee on Prevention of Torture
Office of the High Commissioner for Human Rights
Geneva
SWITZERLAND

As mentioned in the quotation, the provisions contained in Article 270 (*Supervision of the Work of Penal Institutions in General*)¹ and 271 (*Rights and Duties of the Person Authorized to Monitor*)² guarantee private interviews with inmates and access to all records and information to persons involved in monitoring. Also, they provide that external scientific institutions and experts may be engaged in such a monitoring.

So far, the Administration of the Execution of Penitentiary Sanctions as a part of the Ministry of Justice of Republic of Serbia has practiced regular visits based on the mentioned two Articles to the establishments occupied by persons deprived of their liberty and run by the Ministry exclusively.

The monitoring mechanism under Article 278 (*Parliamentary Control*) is expected to be established soon. It will be initiated by the Ministry of Justice in cooperation with the Agency of Human and Minority Rights of the Government of the Republic of Serbia. As expected, this would lead to the creation of regular independent national mechanism with a preventive role and the Subcommittee on Prevention of Torture will be kept closely informed about the progress in this regard.

Since the above-mentioned procedure has been envisaged for the facilities under the jurisdiction the Ministry of Justice, namely, correctional establishments and district jails, the Agency of Human and Minority Rights of the Government of Republic of Serbia will initiate dialogues with other national authorities, which are also in charge for specific places of detention (centers for immigration detainees, psychiatric hospitals) such as Ministry of Labour and Social Policy, Ministry of Health and Ministry of Interior in order to extend the monitoring mechanism to their facilities, too. Some of their establishments were subjects of the recent second periodic visit of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) to the Republic of Serbia.

The Agency of Human and Minority Rights of the Government of the Republic of Serbia will stay active in following the establishment of the national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from its early stage.

I avail myself of the opportunity to renew the assurances of my highest consideration.

Director.

Petar LADJEVIC
Petar LADJEVIC

¹ The work of the penal institutions is supervised by the Administration through authorized persons. The Prison Administration oversees implementing of regulations and the professional work of an institution in enforcement of sanctions, in particular organization and work of establishments, lawful and proper treatment of inmates, their rehabilitation process, a set up of inmates occupations, the state of and use of measures to ensure proper order and discipline, disciplinary measures, the guard service, implementing health and hygiene measures, catering and clothing of inmates and their accommodation. Research and expert institutions and individuals may be engaged to conduct supervision of the professional aspects of work (Article 270 Law on Enforcement of Penal Sanctions).

² Authorized persons are entitled to talk to prisoners without the presence of penal institution staff. The prison governor is obliged to enable an authorized person unhindered work and to make available all data necessary for carrying out of supervision (Article 271 Law on Enforcement of Penal Sanctions).