



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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THIRD SECTION

Application no. 26822/25
Dragana PAVLOVIĆ and Lajos KOLOMPAR
against Serbia
lodged on 7 August 2025
communicated on 7 September 2026

SUBJECT MATTER OF THE CASE

The application primarily concerns alleged shortcomings in the investigation into the circumstances surrounding the death of the applicants' son.

The applicants are of Roma ethnicity. On 26 May 2019 their seven-year-old son drowned in a canal near their home. The applicants lodged a criminal complaint against a neighbour, alleging a failure to render assistance, and against the neighbour's daughter and another child, whom they accused of having pushed their son into the canal. In support of their allegations, they relied on statements reportedly made by the children to another child, in which they had allegedly admitted doing so. They further maintained that, even assuming that their son had fallen into the canal on his own, the authorities should have investigated the potential responsibility of the owner of the land adjacent to the canal's steep banks for failing to secure them adequately.

On 1 November 2019 the public prosecutor's office rejected the complaint against the children on the ground that, at the material time, they had not attained the age of 14, which was the minimum age for criminal responsibility. On 26 October 2020 the prosecutor's office dismissed the complaint against the neighbour, finding that any attempt on his part to retrieve the boy's body would have exposed him to a risk to life or health, given his inability to swim, and, in any event, would most likely have been

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ineffective, as the child had already been submerged for some time. Those decisions were upheld on appeal.

On 27 November 2019 the applicants lodged a constitutional appeal. On 8 July 2025 the Constitutional Court dismissed it as unfounded.

Relying on Article 2 of the Convention, the applicants complain that the respondent State failed to investigate the circumstances of their son's death and that they were unable to participate in the investigation. The applicants also complain under Article 6 § 1 of the Convention about the length of the proceedings before the Constitutional Court.

QUESTIONS TO THE PARTIES

1. Having regard to the procedural protection of the right to life, was the manner in which the domestic authorities conducted the proceedings in breach of Article 2 of the Convention? In particular:

(a) Notwithstanding the fact that the reported children were below the age of criminal responsibility and could therefore not be prosecuted, were the authorities nevertheless required, under Article 2 of the Convention, to carry out some sort of an official investigation capable of elucidating the circumstances surrounding the applicants' son's death (see *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, §§ 160-64, 25 June 2019)? If so, did the domestic legal system provide for proceedings applicable to the circumstances of the present case that were capable of satisfying the procedural requirements of Article 2 of the Convention, and were such proceedings pursued by the competent authorities (see *Mustafa Tunç and Fecire Tunç v. Turkey* [GC], no. 24014/05, §§ 169-82, 14 April 2015)?

(b) If there was no obligation to conduct an official investigation, did the domestic legal system afford the applicants a remedy, or a combination of remedies, capable of establishing any responsibility and securing appropriate redress (see *Nicolae Virgiliu Tănase*, cited above, §§ 157-59)?

The parties are invited to support their claims with reference to relevant case-law of domestic authorities.

2. Was the length of the proceedings before the Constitutional Court in the present case in breach of the "reasonable time" requirement of Article 6 § 1 of the Convention (see *Frydlender v. France* [GC], no. 30979/96, § 43,

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ECHR 2000-VII, and *Kajganić v. Serbia*, no. 27958/16, § 86, 8 October 2024, and the authority cited therein)?