



**REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS**

22-21/14
Belgrade



Заштитник грађана
Zaštitnik građana

ref.no. 33738 date 18/11/2014

**SPECIAL REPORT
OF THE PROTECTOR OF CITIZENS
ON THE IMPLEMENTATION OF
THE GENERAL AND SPECIAL PROTOCOLS
ON PROTECTION OF WOMEN AGAINST VIOLENCE**

**Belgrade
November, 2014**

CONTENTS

- I. ASSESSMENT OF THE SITUATION AND RECOMMENDATIONS
- II. ANALYSIS OF THE WORK OF RELEVANT AUTHORITIES IN THE PROTECTION OF WOMEN AGAINST DOMESTIC AND INTIMATE PARTNER VIOLENCE

- 1. INTRODUCTION

- 2. DATA COLLECTION AND ANALYSIS

- 3. GENERAL AND SPECIAL PROTOCOLS ON THE PROTECTION OF WOMEN AGAINST VIOLENCE

- 4. ESTABLISHED FACTS

- 4.1. Knowledge about the phenomenon of violence against women

- 4.2. Femicide

- 4.3. Training for the implementation of the General and Special Protocols

- 4.4. Agreement on cooperation at the local level

- 4.5. Reporting violence against women in intimate partner relationships and violence against women in the family

- 4.6. Recording and documenting violence

- 4.7. Exchange of information and cooperation among relevant authorities

- 4.8. Acting upon reports on incidents of violence against women

- 4.8.1. Conduct of police officers after receiving a report on an incident of violence against women

- 4.8.2. Action of the Prosecutor's Offices upon receipt of the report on violence against women

- 4.8.3. Action of the Misdemeanor Courts upon receipt of the requests to initiate misdemeanor proceedings

- 4.8.4. Action of the general jurisdiction courts

- 4.8.5. Action of social welfare centers

- 4.8.6. Action of health care providers

- 4.9. Prevention, support services, victim's rehabilitation and psychological and social treatment of perpetrators of violence

- 4.10. Resources of the competent authorities

ANNEX 1 " TABLES"

ANNEX 2 "NORMATIVE FRAMEWORK"

I.

ASSESSMENT OF THE SITUATION AND RECOMMENDATIONS

In an examination of the implementation of the *General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in Situations of Domestic and Intimate Partner Violence against Women*¹ (hereinafter: **General Protocol**), the *Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women*², the *Special Protocol for Action of Social Welfare Centers – Guardianship Authorities in Cases of Domestic and Intimate Partner Violence against Women*³, the *Special Protocol of the Ministry of Health for the Protection and Treatment of Women Victims of Violence*⁴ and the *Special Protocol for Judicial Bodies in Cases of Domestic and Intimate Partner Violence against Women*⁵ (hereinafter: **Special Protocols**), the Protector of Citizens has established the following:

1. Caseworkers⁶ are not fully informed about the existence and contents of the General and Special Protocols⁷; there are still bodies and institutions whose employees are aware neither of the adoption of the protocols, nor of their purpose.
2. Caseworkers do not properly recognize or adequately understand the position of women suffering domestic and intimate partner violence, the imbalance of power between the victim and the perpetrator of violence, the cyclicity of violence and its consequences for the victim. Lack of understanding and the failure to identify violence and victims' reactions to violence give rise to incorrect views and expectations which the competent authorities have in relation to them, inappropriate decisions of the authorities and an inadequate choice of measures for the protection of women against violence.
3. Violence which occurred for the first time is often interpreted as a domestic or intimate partner conflict which does not require a response from the authorities, except for counselling or warnings. It is being overlooked that violence that occurred only once also calls for urgent response by the competent authorities in accordance with law and operating standards⁸.
4. The system for the protection of women against violence does not pay proper attention to the fact that murders of women in the family or intimate partner relations in most of the cases constitute the final outcome of long-lasting violence against the victim.

¹ The General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in Situations of Domestic and Intimate Partner Violence against Women adopted by the Government of the Republic of Serbia in November 2011.

² The Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women adopted by the Ministry of the Interior in February 2013.

³ The Special Protocol for Action of Social Welfare Centers – Guardianship Authorities in Cases of Domestic and Intimate Partner Violence against Women adopted by the Ministry of Labor, Employment and Social Policy in March 2013.

⁴ The Special Protocol of the Ministry of Health for the Protection and Treatment of Women Victims of Violence adopted by the Ministry of Health in June 2010.

⁵ The Special Protocol for Judicial Bodies in Cases of Domestic and Intimate Partner Violence against Women adopted by the Ministry of Justice and Public Administration in January 2014.

⁶ This expression is used to denote staff in the police, social welfare centers, courts, public prosecutor's offices, health care providers, bodies of local self-government units and other agencies and public services, whose competences include acting in case of reports of violence against women in the family and intimate partner relationships.

⁷ Significant effort towards information and training of its staff have been undertaken by the Ministry of Interior. It had prepared "pocket edition" of the Special Protocol and trained 2000 police staff for its implementation, during 2014.

⁸ Decision of the Appellate Court in Belgrade, Kž2 1400/13, of 04/04/2013 and Decision of the Appellate Court in Kragujevac, Kž1. 5922/10 of 29/12/2010.

Femicide⁹ is almost invariably preceded by multiple incidents of violence against the victim, and often against family members and third parties outside the family circle, too, which remained without an appropriate and timely response from the competent authorities.

5. As a rule, relevant authorities do not check the history of (domestic / intimate partner) violence in cases of femicide. History of violence is often not incorporated in the reports and decisions of the relevant authorities in the proceedings conducted after murders of women, nor does it influence the final decision on the guilt of the perpetrator or the decision on sanctions.
6. The number of specialized training courses for the implementation of the General and Special Protocols and training courses about violence against women, its causes and dynamics, and measures to be taken, is not sufficient. The number of caseworkers who participated in training events is low and disproportionate to the incidence of violence which these officers encounter in their work. Training of staff is imbalanced - in some bodies no employee has participated in any training related to the protection of women from violence, while in others a significant number of employees have participated in training. The outcome is inconsistent action of different bodies in the system for protection and, consequently, low efficiency and functionality of the entire system.
7. The authorities responsible for the protection of women against violence do not have adequate information about the training needs of their employees, the training courses in which their employees have participated, the effects of training and the way in which the acquired knowledge is applied in work; moreover, they do not have a training plan which is aligned with the needs of these bodies and the requirements of their jobs.
8. Agreements on cooperation among the authorities responsible for the protection of women against violence have not been concluded in all local self-government units, and in those units where they are in place, they are often not applied, nor are all the employees, who should apply them in their work, aware of their existence.
9. The Cooperation Agreement is often a document of the guardianship authority, rather than a joint document of all bodies that play a role in the prevention and protection of women from violence. As a consequence, the relevant authorities do not have a feeling of ownership of this document, which guides them in the use of powers and performance of duties.
10. Where they have concluded an agreement, relevant authorities do not always analyze its implementation and results, hence there is no assessment of the need to adjust the agreement to specific circumstances prevailing in a particular local community.
11. In combating violence against women, the potential of civil society is not fully tapped into. The agreement on cooperation is provided for by the General Protocol as a document that will also include in the prevention and protection of women against violence, besides representatives of public authorities (government bodies, bodies of local self-government units, institutions, organizations in the territory of a local self-government unit), also citizens and/or representatives of civil society. However, there are few agreements which have included individuals and organizations outside the

⁹ "Femicide is generally understood to involve intentional murder of women because they are women, but broader definitions include any killings of women or girls.... the narrower definition commonly used in policies, laws and research: intentional murder of women " („Understanding and addressing violence against women“, World Health Organization, 2010, available at http://apps.who.int/iris/bitstream/10665/77421/1/WHO_RHR_12.38_eng.pdf

government system, too, into these activities. As a consequence, certain resources at the disposal of the local community have been ruled out, and this has reduced the possibility to influence public awareness in the local community about violence against women, its consequences and its impermissibility.

12. Women who suffer violence feel most comfortable turning to the police and health care providers and, to a lesser extent, to social welfare centers, which are defined by the protocols as a coordination body for the protection of women from domestic and intimate partner violence.
13. The number of criminal reports filed with prosecutor's offices by social welfare centers, and the number of judicial proceedings which they initiated for the protection against domestic violence, is several times lower than the number of reports and lawsuits filed by victims themselves. Instead of these and other activities for the protection against violence (such as case conferences and multidisciplinary planning and implementation of protective measures), victims usually get advice from the guardianship authority and instruction to address other bodies by themselves.
14. The number of criminal reports that some police directorates and stations have submitted to the competent prosecutor's offices in relation to violence against women is ten times lower than the number of cases reported to the police. The number of requests for instituting misdemeanor proceedings which these police directorates and stations filed is even lower. In these bodies, the work on preventing and stopping domestic and intimate partner violence, in three quarters of the cases or even more, ends with the measure of warning.
15. Prosecutor's offices dismiss a quarter of criminal charges filed for domestic violence, while in 15.2% of the cases they have applied the institute of deferred criminal prosecution (the opportunity principle), mostly by imposing an obligation to pay a certain amount of money for humanitarian purposes. A mere 25% of criminal reports submitted to prosecutor's offices for the criminal offence of domestic violence reach the stage of indictment and the trial. In such a manner, victims are not afforded adequate protection, which in turn gives rise to their distrust in the system.
16. Judicial proceedings take a long time; the number of concluded proceedings in the period from 01/01/2013 to 30/06/2014 was just about 60% of the number of instituted proceedings. Although the majority of cases are concluded with convictions, imposition of suspended sentences prevails - in more than two-thirds of the cases.
17. Guardianship authorities and public prosecutors insufficiently use their power to initiate litigation for imposing the measure of protection from domestic violence. Victims of violence are left on their own and it is largely up to their ability and circumstances of the case to initiate, conduct and conclude formal and complex judicial proceedings.
18. Certain final, binding, and enforceable court decisions, particularly those in family law matters, remain not only unexecuted but they are also- due to the non-execution and the inability of the authorities to prevent abuse of the system by the defendant - eventually replaced by new decisions, milder or even in favor of the defendant.
19. A significant number of unconfirmed first instance judgments in criminal and especially civil proceedings point to the need for further improvement of work and organization of the judicial bodies and the need for additional professional advancement in dealing with cases related to protection against violence (be it in

criminal or in civil proceedings). Although it is not possible to determine the respective shares of acquittals and convictions in the total number of confirmed judgments, the mere fact that the number of fully confirmed first instance judgments is small, points to the problem whose weight is shouldered primarily by the victim, who has to go through a new cycle of trials after typically lengthy proceedings.

20. The shortcomings in the recording, documenting and reporting on cases of violence against women in the family and intimate partner relationships include: lack of a single set of records, incompatibility and inconsistency of records kept by different systems, as well as different criteria used for data collection. Therefore, verification and comparisons of data are almost impossible. The problem is of a systemic nature and its solution does not depend on an individual body or official.
21. In more than 10% of the cases, health care providers identify violence, but do not report it, and in some cases they do not even record it, nor do they inform other bodies and institutions to that effect.
22. Some health care providers charge victims of violence for issuance of medical certificates of injuries they sustained due to violence in the family or intimate partner relationships.
23. Social welfare and health care systems collect and analyze data on women who suffer intimate partner or domestic violence, and belong to multiply marginalized social groups (women with disabilities, Roma women, immigrant women, refugee and internally displaced women, women from rural areas), but the police and the justice system do not do that. The records that exist point to the fact that the number of women from marginalized groups who report violence is disproportionately low compared to the total number of cases of violence that are reported.
24. Cooperation and exchange of information between authorities responsible for the protection of women against violence in the family and intimate partner relationships are insufficient. In those cases where cooperation has been established, it mainly depends on the attitudes, initiative and personal relations of heads of the bodies and individual officers. The individual is the one who maintains and improves, often against the backdrop of strong resistance and disagreement, a system which should be based on duties and responsibilities, not on anybody's free choice.
25. Reporting predominantly goes in one direction, mainly from the police, the guardianship authority and health care providers toward the judicial bodies. Feedback, two-way communication and exchange of information, particularly toward the guardianship authority, are almost non-existent. Important information therefore remains unavailable to the guardianship authority, which has been designated as a coordination body in the system for protecting women against violence.
26. Services for rehabilitation of women victims of domestic and intimate partner violence have not been established or developed in a planned manner, and the resources of local communities are insufficiently used. Victims are mostly offered to be relocated from their homes, for a short period of time, with few (pilot) programs for economic, social and psychological emancipation of women and their empowerment to become self-reliant.
27. Psychosocial treatment of abuser - although it is a measure which has an impact on the cause of violence and (may) affect the dynamics of family and intimate partner relationships, and contribute to the correction of behavior - is rarely used, usually

pursuant to the decision of the prosecutor in the application of the institute of deferred criminal prosecution and rarely pursuant to a court decision or referral by the guardianship authority. The number of cases in which the prosecution has opted for this obligation when deferring criminal prosecution is several times lower than the number of cases in which the obligation was imposed to pay a sum of money for humanitarian purposes.

28. The resources at the disposal of bodies and institutions responsible for prevention and protection of women against violence are insufficient, and the use of already existing resources in local communities is insufficiently encouraged. The introduction of new models of acting, organization of adequate training for staff, provision of new services to victims, are mainly project-based activities which are of limited duration, and therefore do not produce long-term effects. In such a situation, the resources are used for (limited) response, while preventive activities are not included in the agenda of government and other authorities responsible for policy making and prevention strategies for the protection of women against violence.
29. Preventive measures at the national, regional and local levels are organized occasionally, they are not planned, and mainly aimed at raising awareness of staff, fostering establishment of links among bodies, and developing an interdisciplinary approach in response to violence. Measures aimed at changing social attitudes toward violence against women are sporadic and invisible to the general public.

Proceeding from its constitutional and statutory powers and responsibilities, the Protector of Citizens hereby makes the following

RECOMMENDATIONS

to the relevant authorities:

I.

It is necessary to regularly disseminate information and organize training courses for caseworkers in police directorates, guardianship authorities, courts, public prosecutor's offices and health care providers about the contents of, and obligations arising from, the General and Special Protocols, in a planned, coordinated, monitored and ongoing manner.

During such training it is necessary to develop understanding for the position of women who suffer violence, the imbalance of power between victim and perpetrator of violence and the cyclicity of violence and its consequences.

It is necessary to ensure that the response to violence, when it occurs for the first time, is consistent with the protocols.

Police officers need to provide complete information to the competent authorities, when they file criminal charges and reports to the public prosecutor's office, that is, requests to initiate misdemeanor proceedings, on the existence of earlier incidents, complaints or convictions related to domestic, intimate partner or other violence involving the alleged offender, that is, the suspect. Attention should be paid to the history of domestic / intimate partner violence in all proceedings before the relevant authorities.

II.

It is necessary for social welfare centers to initiate the drafting and conclusion of cooperation agreements in local self-government units in which this agreement has not been concluded.

All stakeholders need to be involved in the drafting of the agreements, including individuals, associations and organizations that provide services to victims of domestic and intimate partner violence, and/or deal with the status of women victims of violence.

Parties to agreements on cooperation should carry out regular periodic joint analyses of the effects of implementation of the agreement in the territory of a local self-government unit, for the purpose of adjusting the agreement to the needs and specific circumstances of the local community.

III.

It is necessary for the competent authorities and/or caseworkers to file criminal charges and initiate misdemeanor proceedings for domestic / intimate partner violence whenever there are grounds for that.

It is necessary for the relevant authorities and caseworkers to take all actions they are authorized to take, and to collaborate with other agencies and officials, rather than instructing victims of violence to take actions on their own, where they could have taken these actions *ex officio*.

Public prosecutor's offices should more carefully examine, in each individual case, whether the purpose of deferred criminal prosecution is really achieved only by paying an amount of money for humanitarian purposes, and should monitor the effects of the use of this institute for possible adjustments to the policy for its use, as well as consider the possibility to impose such obligations on the offender that will address the causes of violence, in a larger number of cases.

It is necessary for public prosecutors to increasingly use their power to initiate proceedings for issuing measures of protection against domestic violence.

It is necessary for guardianship authorities to cooperate more with other authorities (by organizing case conferences and in other ways), press charges as appropriate and initiate judicial proceedings in order to protect victims of domestic and intimate partner violence.

IV

It is necessary to respect the obligation of urgency in all proceedings for the protection against domestic and intimate partner violence.

It is necessary to improve the efficiency in execution of court decisions and prevent situations where the failure to enforce a decision works in favor of the offender.

V

Suspended sentences and fines should be imposed in cases of domestic violence and other criminal offences with elements of violence against women in the family and intimate partner relations in line with the objectives of general and specific prevention, and accepted standards in the protection of women from domestic and intimate partner violence.

VI

It is necessary to secure a two-way channel for reporting on violence against women in the family and intimate partner relationships between the police, the guardianship authority, health care providers, public prosecutor's offices and courts.

It is necessary for the courts to regularly and promptly inform the guardianship authorities about all decisions rendered with a view to providing protection from domestic or intimate partner violence.

VII

It is necessary to improve the records on cases of violence against women in the family and intimate partner relationships, and internal rules on documenting and reporting on these cases, while the records and rules need to be mutually harmonized, in accordance with the General Protocol, as well as the Special Protocols.

Police stations and directorates, social welfare centers, public prosecutor's offices, courts and health care providers should regularly keep their records, bring them up to date, and submit them to the relevant authorities.

VIII

It is necessary for health care providers to record violence against women whenever health workers have information or suspicion that injuries are a consequence of violence, and issue medical certificates to victims of violence, indicating health consequences of violence suffered, free of charge.

IX

It is necessary to provide victims of domestic and intimate partner violence with accessible safe houses and programs for economic, social and psychological emancipation of women and for their empowerment to become self-reliant.

X

It is necessary to develop:

- services for protection and rehabilitation of victims of domestic and intimate partner violence;
- services of psychosocial treatment of perpetrators of domestic and intimate partner violence, in the cooperation with the programs for protection and support of victims and with the full security of victims;
- preventive measures and activities aimed at raising public awareness about the prevalence and harmful effects of violence against women, its impermissibility and zero tolerance to violence;
- new services to help and support victims, especially those that can ensure that the victim does not have to leave her home.

Having in mind its powers and responsibilities, the Protector of Citizens calls on the relevant authorities to furnish information to it, in the spirit of good cooperation, on activities undertaken with respect to the recommendations made, within three months from the date of receipt of this Report, with a view to advancing the exercise of women's rights to protection against domestic and intimate partner violence.

II. ANALYSIS OF THE WORK OF RELEVANT AUTHORITIES IN THE PROTECTION OF WOMEN AGAINST DOMESTIC AND INTIMATE PARTNER VIOLENCE

1. INTRODUCTION

The Republic of Serbia has ratified all the most important international treaties relating to the protection of women against violence, but the domestic legal framework has not yet been adequately amended, while practice in the work of the authorities has not been aligned with the commitments which the state has undertaken by the ratification of international treaties. The fact that over 40 women were killed in intimate partner violence in 2013, and the number and contents of complaints about the work of the police, social welfare centers, judicial authorities and health care providers that have been lodged with the Protector of Citizens in 2013 and 2014, point to the need to change and improve both the normative framework and practices.

The General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in Situations of Domestic and Intimate Partner Violence against Women and Special Protocols on Actions by relevant authorities in cases of domestic and intimate partner violence against women constitute a new tool in the hands of caseworkers, for a systemic, interdisciplinary, professional and comprehensive approach to domestic and intimate partner violence against women.

The application of the General and Special Protocols in daily work of the relevant authorities is crucial in developing a system of protection of women against domestic and intimate partner violence. Its full implementation ensures not only adequate subsequent (post factum) measures in the event of domestic or intimate partner violence against women, but also prevention through the development of professional competencies, a better understanding of the phenomenon, elimination of stereotypes and prejudices and building of "zero tolerance" toward violence against women in the family and intimate partner relationships and, consequently, all other forms of violence. By adopting and applying the protocols, the authorities will fully achieve their role in the prevention and protection of women from violence, and provide the victim with assistance, support and protection, which are - after the violence she has survived - the most important to her¹⁰.

Within its purview and with a view to improving the work of the public authorities, the Protector of Citizens of the Republic of Serbia conducted an analysis of the work of relevant authorities¹¹ which are included in the system for protection of women against domestic and intimate partner violence, in the period from March to October 2014. The objective of the analysis is to monitor the implementation of the General and Special Protocols on Actions of relevant authorities in cases of domestic and intimate partner violence against women. Its result is a Special Report on the implementation of the General and Special Protocols for the protection of women against violence, with an assessment of the situation and recommendations of the Protector of Citizens.

All gender-defined terms in the Report are used in a gender-neutral manner, and denote and equally refer to persons of both sexes.

¹⁰ Opinion with Recommendations of the Protector of Citizens on the Adoption of the Special Protocols on Action in Cases of Domestic and Intimate Partner Violence against Women, no. 13-4174/12 of 11/12/2012, ref.no.31464

¹¹ police, social welfare centers, basic and higher prosecutor's offices, basic, higher and appellate courts, misdemeanor courts and health care providers

2. DATA COLLECTION AND ANALYSIS

For the purposes of this report, the Protector of Citizens applied two types of data collection and analysis - for the national level and for the level of local self-government units.

For the purpose of collecting data from the authorities at the national level, the already existing records of competent state bodies were used, which they are obliged to maintain under the law. On the basis of this data, a descriptive analysis of the data collected was performed. The Protector of Citizens requested the Ministry of the Interior, the Ministry of Labor, Employment, Veterans' and Social Affairs, the Ministry of Health, the Republic Public Prosecutor's Office, the Misdemeanor Appellate Court and the Supreme Court of Cassation to provide precise statistical data on recorded cases of intimate partner / gender-based violence for the categories which these bodies are obliged to monitor in conformity with the General and Special Protocols.

The following information was requested from the Ministry of the Interior (hereinafter: MOI)¹²:

- number of reports of intimate partner/gender-based violence;
- number of reports filed by the phone;
- number of reports filed verbally on police premises;
- number of reports classified according to the person who has filed the report, where the filer is not the victim of violence (a relative or a friend of the victim, a neighbor);
- number of anonymous reports;
- number of reports classified on the basis of the relationship between victim and perpetrator (former/current spouse or common-law partner);
- number of reports where victims are women with disabilities;
- number of reports where victims are women who identified themselves as members of the Roma national minority, if such data may be available;
- number of issued verbal warnings;
- number of instituted misdemeanor proceedings;
- number of filed criminal reports (indicating for which the criminal offences these reports have been filed).

The following information was requested from the Ministry of Labor, Employment, Veterans' and Social Affairs, for all social welfare centers in the Republic of Serbia (hereinafter: SWC)¹³:

- number of reports concerning intimate partner/gender-based violence filed with SWCs;
- number of reports filed verbally on SWC premises;
- number of cases where a SWC found out about violence from the police;
- number of cases where a SWC was informed about violence from other services, institutions or persons;
- number of reports classified according to the sex and age of victim and/or perpetrator;
- number of cases of violence against women with disabilities, women who do not hold the citizenship of the Republic of Serbia or identify themselves as members of the Roma or another national minority;
- number of cases involving violence against women from rural areas and women who are beneficiaries of social assistance benefits;
- number of cases involving violence in which the perpetrator is or was an officer of the MOI or the Serbian Armed Forces;
- number of judicial proceedings instituted *ex officio* in order to protect the victims;
- number of instituted judicial proceedings, classified by type of proceedings;

¹² Protector of Citizens' document no. 5-1-434/14 of 05/09/2014, ref.no. 25752

¹³ Protector of Citizens' documents no. 5-1-434/14 of 05/08/2014, ref.no. 25749 and no. 5-1-434/14 of 13/10/2014, ref.no. 29698.

- number of registered cases of murder or attempted murder of women by partners or ex-partners and members of the extended family.

The following information was requested from the Ministry of Health for all health care providers in primary and secondary health care in the Republic of Serbia (hereinafter: HCP)¹⁴:

- number of registered cases involving intimate partner/gender-based violence;
- number of cases in which the police was informed;
- number of cases in which the BPPO was informed;
- number of cases in which a SWC was informed;
- number of cases in which no other body was informed;
- number of victims who requested help from HCPs;
- number of victims who are women with disabilities, pregnant women, new mothers or elderly women;
- number of victims who identified themselves as members of the Roma national minority, if such data may be available;
- number of cases in which a physician reported a case of intimate partner/gender-based violence to the police, a BPPO or a SWC;
- number of cases in which violence was identified by physicians, but they have not filed a report with the above authorities.

The following information was requested from the Republic Public Prosecutor's Office for all basic public prosecutor's offices and special departments within these offices (hereinafter: BPPO)¹⁵:

- number of received reports related to intimate partner/gender-based violence;
- number of reports filed by the police;
- number of reports filed by victims;
- number of reports received by other bodies, institutions and organizations (SWCs, HCPs, NGOs)
- number of reports by women with disabilities, women who do not hold the citizenship of the Republic of Serbia or who identify themselves as members of the Roma or another national minority;
- number of reports in which the perpetrator is or was an officer of the MOI or the Serbian Armed Forces;
- number of reports where a BPPO considered that there was no offence prosecuted *ex officio*;
- number of cases in which criminal prosecution was deferred based on the principle of opportunity, and the information on the obligations imposed on the suspects in those cases;
- number of cases in which a BPPO abandoned criminal prosecution in the course of criminal proceedings and reasons for abandonment;
- number of cases in which an indictment /bill of indictment was brought.

The following information was requested from the Misdemeanor Appellate Court for all the departments of misdemeanor courts in the Republic of Serbia (hereinafter: MC)¹⁶ :

- number of received requests for instituting misdemeanor proceedings related to intimate partner/gender-based violence;
- number of requests for instituting misdemeanor proceedings filed by the police;

¹⁴ Protector of Citizens' documents no. 5-1-434/14 of 05/09/2014, ref.no. 25750 and no. 5-1-434/14 of 13 /10/2014, ref.no. 29691.

¹⁵ Protector of Citizens' document no. 5-1-434/14 of 05/ 09/2014, ref.no. 25751

¹⁶ Protector of Citizens' document no. 5-1-434/14 of 05/09/2014, ref.no. 25748

- number of requests for instituting misdemeanor proceedings filed by victims;
- number of requests for instituting misdemeanor proceedings received from other bodies (SWCs, BPPOs, HCPs)
- number of requests for instituting misdemeanor proceedings disaggregated according to the sex and age of victim and/or perpetrator;
- number of requests for instituting misdemeanor proceedings in cases involving violence against women with disabilities, women who do not hold the citizenship of the Republic of Serbia or who identify themselves as members of the Roma or another national minority;
- number of requests for instituting misdemeanor proceedings in the cases where the perpetrator is or was an officer of the MOI or the Serbian Armed Forces;
- number of instituted and concluded misdemeanor proceedings and the manner in which they were concluded;
- number of cases in which proceedings were suspended pending a decision in criminal proceedings;
- number of misdemeanor cases fallen under a statute of limitations and reasons for statute-barring;
- number of cases involving murders or attempted murders of women by their partners or former partners and members of the extended family, where such cases were prosecuted in misdemeanor proceedings.

The following information was requested from the Supreme Court of Cassation for all courts of general jurisdiction, and/or court units/ departments outside the seats of courts in the Republic of Serbia (hereinafter: court)¹⁷:

- number of instituted criminal proceedings for criminal offence of domestic violence under Article 194 of the Criminal Code¹⁸ (disaggregated according to the sex of perpetrator and victim and by form of this criminal offence);
- number of initiated civil proceedings for the issuance of protective measures against domestic violence;
- number of proceedings for the issuance of protective measures against domestic violence instituted as autonomous proceedings or as ancillary proceedings (together with proceedings in divorce cases, children's rights litigation, exercise or deprivation of parental rights proceedings);
- number of proceedings instituted by the guardianship authority or public prosecutor;
- number of judgments and number of rulings pronouncing measures of protection from domestic violence;
- number of concluded criminal proceedings classified according to the manner of conclusion;
- number of criminal proceedings currently at the stage of appeal;
- number of acquittals (in the first instance and final and binding, with sex-disaggregated data on perpetrators and victims);
- number of convictions (in the first instance and final and binding, with sex-disaggregated data on perpetrators and victims);
- number of judgments imposing a suspended sentence (in the first instance and final and binding, with sex-disaggregated data on perpetrators and victims);
- number of judgments imposing a prison sentence (in the first instance and final and binding, with sex-disaggregated data on perpetrators and victims);
- number of judgments imposing a fine (in the first instance and final and binding, with sex-disaggregated data on perpetrators and victims).

¹⁷ Protector of Citizens' document no. 45-434/14 of 09/09/2014, ref.no. 26021

¹⁸ RS *Official Gazette* no. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014)

The data analysis is aimed at determining how the General and Special Protocols are implemented with respect to the actions of state and other bodies in the protection of women against violence, how developed statistical compilation is (particularly for certain categories of women victims of violence, such as women with disabilities, women who do not hold the citizenship of the Republic of Serbia or who identify themselves as members of the Roma or another national minority), the comparability of different sets of records and accuracy in their maintenance, bearing in mind that a single database on violence against women has not been established yet.

At the local level, the analysis of the implementation of the General and Special Protocols was carried out on the basis of data collected during visits made by the Protector of Citizens to local self-government units in 16 municipalities and cities¹⁹ from March to October 2014. The Protector of Citizens organized in those local self-government units technical meetings with representatives of municipal administrations, community health centers, social welfare centers, police stations, misdemeanor courts and public prosecutor's offices²⁰. Technical meetings were preceded by surveys aimed at collecting data; before the visits, special questionnaires had been developed for each of the bodies at the local level and sent to them for completion. The analysis is based on the data from the questionnaires and information provided to the Protector of Citizens in technical meetings with bodies of local self-government units²¹.

By applying the random sample method, 16 municipalities and cities were selected, and the selection included almost half of the districts in the Republic of Serbia. Data collection and working visits were organized in the following 14 local self-government units²²: Ada²³, Bačka Topola²⁴, Bor²⁵, Vranje²⁶, Zrenjanin²⁷, Loznica²⁸, Mali Zvornik²⁹, Niš³⁰, Novi Pazar³¹, Novi Sad³², Paraćin³³, Požarevac³⁴, Priboj³⁵, Čačak³⁶.

The objective of the technical meetings at the local level was to monitor the implementation of the General and Special Protocols, and in particular whether cooperation agreements have been concluded between bodies, institutions and organizations at the local level and if yes – whether they are implemented and how. The bodies were also requested to provide specific statistical data on the number of reports on violence against women in the family and intimate partner

¹⁹ The Protector of Citizens visited 16 local self-government units, but the analysis was made for the mentioned 14 municipalities/cities.

²⁰ In Ada, Priboj and Paraćin, meetings and discussions with citizens were also organized, where their complaints were received.

²¹For the purposes of this Report, the collected information from the questionnaires was collated by Tanja Ignjatović from the citizens' association Autonomous Women's Center. Technical support for data processing was lent by Svetlana Arsović and Aleksandra Radisavljević.

²² Table 1 shows institutions which submitted data (replies to questions) to the Protector of Citizens, and Table 2 provides information on the presences of representatives of invited institutions at the working meeting with representatives of the Protector of Citizens – Annex to the Special Report "Tables"

²³ North Banat District

²⁴ South Bačka District

²⁵ Bor District

²⁶ Pčinja District

²⁷ Central Banat District

²⁸ Mačva District

²⁹ Mačva District

³⁰ Nišava District

³¹ Raška District

³² South Bačka District

³³ Pomoravlje District

³⁴ Braničevo District

³⁵ Zlatibor District

³⁶ Moravica District

relationships, disaggregated according to the sex and age of perpetrators and victims, as well as data on reports on violence against women with disabilities, women who do not hold the citizenship of the Republic of Serbia or belong to national minorities or Roma women, and/or in which the perpetrator is or was an officer of the MOI or the Serbian Armed Forces.

The Ministry of Labor, Employment, Veterans' and Social Affairs sent³⁷ almost all the requested information, obtained from the database of the Republic Institute for Social Protection in accordance with the *Special Protocol for Action of Social Welfare Centers – Guardianship Authorities in Cases of Domestic and Intimate Partner Violence against Women* – with the exception of the number of cases of violence against women from rural areas and those who are recipients of social assistance benefits. However, due to the fact that the Republic Institute for Social Protection did not have data from all social welfare centers (data was sent by 101 out of the total number of 176 social welfare centers including departments), the sent information is not complete.

The MOI sent³⁸ an overview in the format of tables presenting criminal offences of domestic violence under Article 194 of the Criminal Code of the Republic of Serbia, criminal complaints, sex-disaggregated data on alleged perpetrators and on victims. The MOI has not sent other requested information, since they do not keep these types of records. As data of this body only covered cases qualified as domestic violence or murder, it is not possible to determine the total number of all cases of violence reported to the police over the reporting period³⁹.

The Ministry of Health sent⁴⁰ an overview in the format of tables containing statistics on recorded cases of intimate partner/gender-based violence against women in primary, secondary and tertiary health care providers. Data is provided for state-owned HCPs, and records are kept by district to which health care providers belong, and by individual health care provider at all levels. All the requested data was sent, including the recorded cases of violence against women according to the type of the body and institution to which a HCP reported violence, violence which was not reported but was identified, as well as a number of autonomous reports by women to health care services. Likewise, the Ministry of Health collects and has submitted requested disaggregated data on women belonging to vulnerable groups (women with disabilities, pregnant women, new mothers, elderly women, Roma Women) from among women victims of violence.

The Misdemeanor Appellate Court sent a letter to inform that, in accordance with orders of the High Judicial Council, it maintains certain statistics on the work of misdemeanor courts whose type and contents are prescribed by the court rules of procedure but that it "does not have statistical data on recorded cases of intimate partner/gender-based violence, with the exception of information on the number of cases pending in misdemeanor courts, which are related to the Law on Public Order and Peace, the provisions of which also define unlawful acts which constitute petty offences of domestic violence and any similar violence, within the chapter on breaches of public order and peace"⁴¹.

The Republic Public Prosecutor's Office sent⁴² data on the number of criminal reports which were received in the reporting period, classified based on whether a report was filed by the MOI or other bodies, institutions and persons; on the number of reports which were dismissed; the

³⁷ Document of the Ministry of Labor, Employment, Veterans' and Social Affairs no. 551-00-00267/2014-14 of 07/10/2014.

³⁸ Ministry of the Interior's document no. 01-9641/14 of 19/09/2014.

³⁹ Ministry of the Interior during 2014 established unique electronic evidence of data on all reported cases of domestic violence which contains all categories of data requested by the Protector of Citizens

⁴⁰ Ministry of Health's document no. 531-01-160/2014-16 of 13/10/2014.

⁴¹ Email of the Misdemeanor Appellate Court of 11/11/2014.

⁴² Document of the Republic Public Prosecutor no. 599/14 of 30/09/2014.

number of cases dropped; the number of bills of indictment brought; and the number of cases in which criminal prosecution was or is currently being deferred. No statistical data was submitted on the number of reports filed by women with disabilities, women who do not hold the citizenship of the Republic of Serbia or who identify themselves as members of the Roma or another nationality, nor the data on the number of criminal reports against members of the MOI or the Serbian Armed Forces because public prosecutor's offices do not keep records of criminal complaints according to the mentioned criteria.

The Supreme Court of Cassation sent⁴³ data for all basic, higher and appellate courts with the exception of the Basic Court in Majdanpek, the Higher Court in Požarevac and Appellate Courts in Niš and Kragujevac. A data request was not sent to the Basic Court in Kosovska Mitrovica.

In the field of criminal law protection, the data of the Supreme Court of Cassation covered the number of instituted criminal proceedings for the criminal offence of domestic violence under Article 194 of the Criminal Code; the number of concluded criminal proceedings for this offence; the number of convictions and acquittals; the number of imposed suspended sentences, prison sentences, fines and corrective measures. Although the courts were requested to submit sex-disaggregated data on both perpetrators and victims, a large number of courts failed to submit this data, so it is not possible to analyze information about the course of criminal proceedings from the gender perspective. Even where this data was submitted, it is not possible to find out how many criminal offences of domestic violence included the gender aspect (a male perpetrator, and a female victim, regardless of their relationship), and how many involved an intimate partner aspect (an intimate partner relationship between perpetrator and victim), bearing in mind that courts do not have such data, nor do they keep this type of records.

In the field of family law protection, data submitted by courts in relation to proceedings for protection against violence (data on the number of proceedings - autonomous or ancillary - for issuance of protective measures against domestic violence, the number of issued measures of protection against violence and the number of proceedings instituted by the authorities exercising relevant powers - the guardianship authority and public prosecutor) is not coherent. Different courts submitted different data, ranging from data on family disputes, which did not fall within the scope of the survey by the Protector of Citizens in this analysis (for instance, alimony proceedings) to data on issued security measures in criminal proceedings, including the restraining order and the prohibition of communication with the victim.

Out of four appellate courts, data was sent by two⁴⁴. Both courts sent data on actions in second-instance proceedings for imposing measures of protection against domestic violence, and one sent⁴⁵ also for second-instance criminal proceedings for the criminal offence of domestic violence under Article 194 of the Criminal Code.

A general characteristic of the received responses to the questions posed to relevant services in 14 municipalities and cities is diversity in the manners in which the responses were provided and in the type of data. Some answers are exclusively focused on the contents and time period indicated in the questions, while some included other, related data, or a longer period. Some data referred only to the territory of the respective municipality/city, and some to broader areas falling within the jurisdiction of a body (e.g. data of police directorates cover information on several municipalities and cities). Some bodies did not send data; others sent it, but not in the required format and to all the questions. Some questions were answered in a vague, descriptive manner, while answers to other questions were absolutely precise. There was no body which was able to

⁴³ Act of the Supreme Court of Cassation no.VIII Su 482/14-1 of 13/10/2014.

⁴⁴ in Belgrade and Novi Sad

⁴⁵ Appellate Court in Novi Sad

send data classified into all the requested categories, because official records are not kept in the manner which was requested, and due to the large number of cases the bodies were not in a position to prepare a direct overview of data, or count the cases „manually“.

3. GENERAL AND SPECIAL PROTOCOLS FOR THE PROTECTION OF WOMEN AGAINST VIOLENCE

General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in Situations of Domestic and Intimate Partner Violence against Women.

In November 2011, the Government adopted the General Protocol in order to provide a legal and professional framework for actions by relevant authorities in the prevention of violence against women and protection of women against domestic and intimate partner violence.

Protection and support for women who suffer violence is a complex process and establishment of good cooperation between caseworkers from all socially organized systems (the systems of health care, education, social welfare and family law protection, police, judiciary) is the main prerequisite for establishing an efficient multisectoral support and protection system. The objective is to ensure the provision of fast and efficient protection to women victims of violence, namely immediately after the incident, during criminal and/or misdemeanor proceedings, upon the conclusion of proceedings, that is, irrespective of these proceedings.

Participants in the system for protection of women who suffer domestic and intimate partner violence are required to provide a process of ongoing training for their employees to develop and maintain competences of employees in institutions in the field of domestic violence; to keep records on cases of violence against women in the family and intimate partner relationships in the manner prescribed by law, to monitor the effects of actions in cases of domestic and intimate partner violence against women and to ensure that data is processed and made available to the public; the Ministries in charge of internal affairs, social protection, health and justice, are under an obligation, for the purpose of promoting actions in cases of domestic and intimate partner violence against women, to monitor the implementation of the General and Special Protocols, as well as the effects of actions by the relevant authorities.

Special Protocol of the Ministry of Health of the Republic of Serbia for the Protection and Treatment of Women Victims of Violence

In 2010, the Ministry of Health adopted the Special Protocol intended for health workers at all levels of health care, defining procedures and describing in detail the role of health workers in relation to violence against women in the family and intimate partner relationships. The Protocol defines preventive activities and interventions which health workers should undertake in order to adequately react to cases of domestic violence, with best practice examples in the provision of health services to women who have experienced violence, as well as types of training courses for employees in health care institutions for the implementation of the Protocol. The Protocol also contains the Form for recording and documenting violence against women, which is important for uniform documenting of violence by health workers, and is of great forensic and medical importance.

Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women.

The Protocol, which the MOI adopted in February 2013, is a normatively defined procedure for conduct of police officers in cases of domestic violence, aimed at standardizing the conduct of police officers in cases of domestic and intimate partner violence against women, and specializing individual police

officers who will be engaged in the police response in these cases. The Protocol governs the conduct of police officers after finding out about a case of domestic and intimate partner violence; actions aimed at ensuring safety of the victim of violence and her referral to the system of protection; cooperation with other agencies and institutions dealing with violence in the family and intimate partner relationships; as well as the implementation of the Protocol and monitoring of its implementation including keeping records on cases of violence against women in the family and intimate partner relationships.

Special Protocol for Action of Social Welfare Centers – Guardianship Authorities in Cases of Domestic and Intimate Partner Violence against Women.

The aim of the Special Protocol, which the Ministry of Labor, Employment, Veterans' and Social Affairs adopted in March 2013, is to lay out the structure of procedures carried out in social welfare centers-guardianship authorities in implementing public competencies, and ensure that violence is terminated immediately, prevent the reoccurrence of an act of violence, provide for the safety of the person suffering violence, meet the fundamental existential needs of the person suffering violence, empower and enable the victim of violence to take over responsibility for the quality and organization of her own life free from violence with or without support, and to provide for a comprehensive coordination role of this institution in responding to the incidence of domestic and intimate partner violence. Specific objectives of this Protocol include: to define internal procedures of social welfare centers – guardianship authorities at all stages of work on cases of domestic and intimate partner violence, as well as to identify priorities in responding and providing emergency protective measures for victims of domestic and intimate partner violence; to put a social welfare center-guardianship authority under an obligation to elaborate in more detail its actions with the view to ensuring better protection of women from domestic and intimate partner violence, through the establishment of a special in-house team of staff, specially educated to tackle the phenomenon of domestic violence, intimate partner violence and the provision of assistance and support to victims; to point to the statutory obligation of the social welfare center to enter into local level cooperation agreements, in conducting its coordination role at the local level with a view to meeting the needs of persons suffering domestic and intimate partner violence, and in light of the fact that services of social and family law protection may be provided simultaneously and in combination with services provided by other systems, with institutions and other organizations whose cooperation is necessary for efficient protection of victims of domestic and intimate partner violence.

Special Protocol for Judicial Bodies in Cases of Domestic and Intimate Partner Violence against Women

The Protocol, adopted by the Ministry of Justice in January 2014, regulates the activities of judicial bodies in cases of domestic and intimate partner violence against women, while bearing in mind independence of judicial power guaranteed by the Constitution, constitutionally and legally governed judicial proceedings and judicial decisions in cases of domestic and intimate partner violence against women, the constitutionally and legally defined function of public prosecutors to prosecute perpetrators of criminal offences and other punishable acts in relation to the cases of domestic and intimate partner violence against women.

The Protocol puts courts and public prosecutor's offices under an obligation to apply the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, the Law on the Protection Program for Participants in Criminal Proceedings, the Law on Misdemeanors, the Law on Personal Data Protection, the Law on Special Measures for Prevention of Crimes against Sexual Freedom Involving Minors, while exercising special care in proceedings in which women are victims of domestic and intimate partner violence.

Representatives of courts and public prosecutor's offices are under an obligation to carry out activities aimed at informing, notifying and educating all interested holders or judicial offices and other interested parties in courts and public prosecutor's offices about violence in the family and intimate partner relationships through cooperation with the participants in the procedure for protection and through training courses organized by the Judicial Academy. Courts and public prosecutor's offices are under an obligation to secure statistical data and records on cases involving violence against women in the family and intimate partner relationships in accordance with law. A special obligation of courts and public prosecutor's offices is to produce guidelines or instructions for their employees in order for them to acquire basic knowledge about the phenomenon of domestic and intimate partner violence against women, identification of victims of violence against women and action in cases where they have a suspicion that they have come across a victim of domestic and intimate partner violence against women on the premises of a judicial building while performing their regular duties falling within their purview. Bearing in mind the right and duty of everyone to report domestic violence, and that non-reporting of violence is a criminal offence, staff of judicial bodies are obliged to press criminal charges with relevant authorities in all instances where they have learnt of the perpetrated criminal offense of domestic violence.

4. ESTABLISHED FACTS

4.1.

Knowledge about the phenomenon of violence against women

"Protection from domestic violence begins by recognizing and detecting violence. Investigation of suspected or reported violence is the obligation of all bodies, institutions and services where staff come across women victims of violence. In establishing (non-)existence of violence, one has to bear in mind that violence is not just physical violence, and that consequences of violence are not necessarily physically manifested. The guardianship authority, as the body on the "first line of defense" from violence against women and abuse and neglect of children, is under an obligation to examine manifestations of suffered violence, and comprehensively and thoroughly investigate all allegations and information in relation to the suspicion of committed violence against a women, and or abuse and/or neglect of a child"⁴⁶

"Employees of the agencies in the system of protection from domestic / intimate partner violence must use all professional methods in their work to determine whether violence is occurring, as well as its intensity. It cannot be assumed that violence did not occur just because the victim has not clearly defined the perpetrator's behavior as violence in her contact with the relevant authority"⁴⁷

"In institutions and organisations in which the staff come across women victims of violence, they should keep in mind that traces of violence are not necessarily in the form of injuries, bruises or other physical manifestations. It is the professionals' duty to detect and recognise other signs of violence and express suspicion about it, as well as to document it appropriately. This can be achieved by asking certain questions during their regular activities and providing other services, that is, perform a check of violence in all indicated situations. Except in situations when traces of violence are visible, the check for violence must be performed upon a credible statement of the victim or a witness, or when there are other circumstances, medical or psychological symptoms indicating the existence of violence. Whenever possible, it is necessary to ask the usual questions about violence, whether it is a police, health service or centre for social welfare intervention.

Protection from violence in the family begins by detecting violence. Detecting violence is a part of all institutions' regular activities. Detection can be the result of the report by the victim to any institution within the protection system, or notice of physical, psychological or other traces and manifestations of violence by any official or professional or by a third party reporting the violence to the institution "

General Protocol, Chapter 9.1

Recognizing (identifying) violence is of utmost importance in the process for protection of the victim, and with respect to the total number of registered cases of violence. Since it is the obligation of all bodies to recognize violence in the performance of their regular duties, the staff of these bodies should strive to develop their skills for detecting and identifying violence even where its traces are not visible at first sight. Recognizing violence includes not only recognition of symptoms caused by the already suffered violence, but also the knowledge about expected reactions of the perpetrator and woman who suffers violence in the course of the procedure as such, as well as the planning of appropriate measures for those cases.

According to the opinion of most of the staff in the bodies, the causes of violence are predominantly of an economic nature („lack of money, inability to accommodate basic living needs“), addictions ("addiction to alcohol or narcotic drugs of the spouse or other family

⁴⁶ Protector of Citizens document with recommendations, no. 13-513/2013, of 10.04.2014, ref.no.10546

⁴⁷ Protector of Citizens document with recommendations, no. 13-2018/12, of 10.10.2013, ref.no.29383

members, which in turn creates a feeling of inferiority on the part of the addict, lack of interest to contribute to the household budget, so that outstanding bills can be paid“), as well as reluctance to use the help of professional services („unwillingness of spouses and/or members of the nuclear and extended family to solve potential problems and arguments by consulting professionals in specific fields - psychologists, marriage counselors, staff of the SWC, medical professionals for treatment of addictions“).

According to the opinion of the staff, women do not report violence because of fear and a feeling of shame. They are afraid, according to the officers, of new violence, „gossiping by relatives, acquaintances and friends, as well as the feeling that revealing the truth would be detrimental to the reputation of the family, or to an individual family member“⁴⁸, particularly in the communities which cherish the patriarchal model in which "violence is viewed as acceptable behavior and a private matter of the individual“⁴⁹.

Based on (small) number of cases of violence registered in SWCs and health care institutions might be concluded that numerous manifestations of (longlasting) psychological violence toward women, users of services or patients, remain unrecognized. Such cases are also identified as disturbed family relations and this, in the opinion of SWCs, results in its untimely reporting, with the final outcome being inadequate protection of the victim⁵⁰. Some guardianship authorities treat reports of such violence as „intimate partner conflicts without threats to the safety of the injured party“, so their actions are reduced to counseling and support.

⁴⁸ information provided in conversations with representatives of the police in Mali Zvornik

⁴⁹ information provided in conversations with representatives of the SWC in Mali Zvornik

⁵⁰ information provided in conversations with representatives of the SWC in Požarevac

4.2. Femicide

According to the assessment of the Protector of Citizens, the bodies have made a mistake when - despite the information about ... long-standing intimate partner violence suffered [by the woman]... the health status [of her former spouse], his prior convictions for domestic violence and possession of weapons, the fact that he is a repeat domestic violence offender - they failed to take preventive and operational measures and actions ... when only a day before the tragic event, he repeated that he would commit suicide if his [wife] did not return with the child so that they can continue living together, on the premises of the social welfare center, for God knows which time. Instead... police officers arranged for a meeting and a conversation between one-time partners where [the women] said she did not want that relationship to continue, and that is how they concluded the pursuance of activities aimed at her protection against intimate partner violence⁵¹.

"... The Committee remains concerned about the increasing number of women murdered by their husbands, exhusbands or partners and women victims of other forms of violence, including psychological, physical, economic and sexual violence..."

Committee on the Elimination of Discrimination against Women, Concluding observations on the combined second and third periodic reports of Serbia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

„Murders of women or femicide – unlike murders of men – often carry an additional indication of gender based violence. As indicated by the Special Rapporteur on Violence against Women, Rashida Manjoo, the term refers not only to murder as such, but also to impunity and aspects of institutional violence of such crimes. She describes femicide as a crime tolerated by state institutions and their representatives through their inability to prevent it, to protect and guarantee lives of women“¹⁸⁰ - Rashida Manjoo, UN Special Rapporteur on violence against women

The data of the MOI⁵³ on the number of reported murders committed in the family, provided for the entire territory of the Republic of Serbia, is classified according to the relationship between victim and perpetrator⁵⁴.

In the reporting period, 78 murders were committed as a consequence of violence in the family and intimate partner relationships. Out of this number, in 31 cases murders were the result of violence in intimate partner relationships⁵⁵, and in 47 it was the result of domestic violence⁵⁶.

Out of the total number of 78 murders in the reporting period, 54 murders were committed in 2013 and 24 murders in the course of the first semester of 2014. Victims were mainly female(42)⁵⁷: 13 spouses, 3 former spouses, 6 common-law spouses and 1 former common-law spouse were killed in intimate partner violence, while in domestic violence 15 mothers, 3 daughters and 1 sister were killed⁵⁸. In the same period, the total number of male victims in these criminal offences was 25⁵⁹.

⁵¹ Protector of Citizens' document no. 13-691/11 of 21/01/2013, ref. no.1289

⁵² CEDAW/ C/SRB/SO/2-3 of 25 July 2013

⁵³ Document of the MOI of 19/9/2014 no. 01-9641/14

⁵⁴ Table 10 in Annex 1. of this Report

⁵⁵ 22 cases in 2013 and 9 cases in 2014.

⁵⁶ 32 cases in 2013 and 15 cases in 2014.

⁵⁷ 30 in 2013 and 12 in 2014; this number is not completely accurate, since the MOI also included the category "other" in the provided reports, without more precise information as to what it includes

⁵⁸ 2013: 9 spouses; 3 former spouses; 4 common-law spouses, 1 former common-law spouse, 10 mothers and 3 daughters 2014: 4 spouses, 2 common-law spouses, 5 mothers and one sister

⁵⁹ in 2013 15, and in 2014 - 10; the information is not precise because of the category „other“

In monitored local self-government units bodies of the municipalities of Ada, Bačka Topola, Mali Zvornik and Priboj and the cities of Novi Sad and Požarevac have reported that no femicide had occurred there, i.e., that they have no information about any such cases. The bodies of the city of Niš also replied that there had been no femicide, but a report of the Niš Police Directorate (for the period 2003 – 2013 and for the entire territory covered by the Police Directorate) has recorded criminal offences of murders of women (committed or attempted) in the territory of the city of Niš⁶⁰.

In eight municipalities and cities⁶¹ some of the services reported on murders or attempted murders of women by current or former partners or family members, not only for 2013, but also for the previous years, which was one of the reasons for discrepancies among the sent data. Still, regardless of the period, in these eight municipalities and cities 16 murders of women have been recorded, in which another 8 persons were killed – children in four cases (one newborn baby), two mothers of the victim and two friends/partners of the victim. There were four attempts to commit the criminal offence of murder of a female partner and one attempted murder of a step-daughter⁶².

According to the data received from representatives of the police in 14 municipalities and cities, there is no information in most of the cases on the number of occasions when the victim reported violence before the murder was committed, or it is stated that the perpetrator has no prior convictions for criminal offences or misdemeanors. From some reports, it is possible to conclude that the victim called the police, because the police filed several reports for criminal offences and misdemeanors, or the perpetrator received criminal or misdemeanor sanctions for criminal offences and misdemeanors with elements of violence, sometimes even several times. Complaints about „phone threats“ are not investigated with due care, nor is an assessment made in those cases of security risks. This is not done by the BPPO either, when the police send an official report about the event.

4.3.

Training for the implementation of the General and Special Protocols

"The Director of the social welfare center ... and the Head of the Police Directorate ... will organize additional training courses and undertake all the measures in order for the professional staff of the center and police officers of police directorate to get acquainted with all the obligations set out in the General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in Situations of Domestic and Intimate Partner Violence against Women, the Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women and the Special Protocol for Action of Social Welfare Centers – Guardianship Authorities in Cases of Domestic and Intimate Partner Violence against Women, for the purpose of using all the powers and competences of the relevant bodies in all future cases of reported domestic violence" ⁶³

⁶⁰ These offences were not committed in 2013, but there were three cases in 2012.

⁶¹ Bor, Vranje, Zrenjanin, Loznica, Niš, Novi Pazar, Novi Sad, Paraćin and Čačak

⁶² None of these criminal offences was committed in 2013, and one was committed in early 2014

⁶³ Protector of Citizens' document no. 13-2018/12 of 10/10/2013, ref.no. 29383

„All participants shall provide continuous process of staff training, in order to develop and maintain staff capacities in the area of domestic violence. Staff training and development programmes shall be implemented in accordance with the principles in this General Protocol.

The participants shall, in accordance with their abilities, provide training of appropriate number and structure of staff in the institutions within the system for implementation of the General and special protocols of action in cases of violence against women within the family and in intimate partner relationship. All employees in the police, the prosecutor's office, centres for social work and health institutions should have basic knowledge of the phenomenon of violence against women within the family and be acquainted with the procedures laid out in the General Protocol.

The participants shall, in accordance with their abilities, train individuals or teams (specialised training) to act in cases of violence against women in the family in accordance with the principles of this Protocol“

According to the data from the guardianship authority from 14 local self-government units, 78 professional staff from eight SWCs⁶⁴ underwent some kind of training about domestic violence, violence against women, or on functioning of internal victim protection teams; in the Novi Sad social welfare center 95% of the professional staff took part in these training courses⁶⁵. Three social welfare centers⁶⁶ did not have training about the implementation of the General Protocol, but it is not known whether the professional staff of these centers participated in some other training courses related to the topic of domestic violence or violence against women. The number of trained professional staff in centers varies significantly, from one person to 95% of the professional staff.

Police officers, 487 of them in nine police directorates and police stations⁶⁷, participated in various training events, but the number of trained police officers varies enormously. In the Niš Police Directorate 342 police officers have been trained, in the Vranje Police Directorate 59, in Čačak 40 officers, while in the remaining six police directorates and stations a total of 81 police officers participated in one of training events in this field. The data on the participation of other police officers in training events is not known, because this information has not been sent to the Protector of Citizens.

It is not known to which extent judges and prosecutors participated in training events related to the implementation of the General and Special Protocols, because these bodies have not sent this data to the Protector of Citizens. On the basis of the submitted information, it is obvious that judges and prosecutors did participate in some training events, but not what these training events were about, or how many judges and prosecutors took part in them⁶⁸.

There is no precise information on health workers, either, bearing in mind that over a half of the institutions have not submitted the requested data or the data sent was general and vague⁶⁹. An example of good practice, however, is the Community Health Center from Niš, in which 94 doctors and 209 nurses underwent training on the implementation of the Special Protocol on the accredited course of this institution.

⁶⁴ Ada (5), Bačka Topola (7), Bor (2), Vranje (9), Zrenjanin (35), Mali Zvornik (1), Niš (16), Novi Pazar (3)

⁶⁵ These are training courses of the Autonomous Women's Center („Domestic Violence and Institutional Protection“, „Case Conference Organizing for Protection of Women in Family and Partner Relationships“ and „Coordinated Action in the Local Community in Prevention and Protection from Domestic Violence“), the Republic Institute for Social Protection („Standardization of practice in the work of SWCs in treatment and functioning of the internal teams for the protection of victims of violence in the family and victims in intimate partner relations“), seminars „Multisectoral Cooperation – Institutional Response to Violence Against Women“ and „Due Diligence in Combating Violence against Women in Serbia“;

⁶⁶ in Požarevac, Priboj and Čačak

⁶⁷ Ada (2), Bor (2), Vranje (59), Loznica (5), Mali Zvornik (8), Niš (342), Novi Pazar (25), Paraćin (4) and Čačak (40)

⁶⁸ The BPPO Čačak said „yes“ in reply to the question, the competent BPPO in Senta said „all“, and only misdemeanor courts in Zrenjanin and Čačak specified that one misdemeanor judge from each court attended the training courses.

⁶⁹ The health care facility in Vranje said in its reply "yes, in a small number", and the hospital in Niš - „there were internal training courses“

In Priboj none of the services provided data on the participation of the staff members in the training courses on the implementation of the General and Special Protocols or in relation to protection of women against violence.

The lack of trained staff, in the opinion of the employees, resulted in the absence of the "desire on the part of a case leader to participate in the setting up of an internal team", which should be specially trained for dealing with the problem of domestic violence⁷⁰.

Some HCPs did not have the information about the existence of the Special Protocol (adopted back in 2010), and some found out about it from the health inspection service.

The MOI has invested significant efforts in the previous period to train its officers. Two coordinators have been designated for each police directorate, and in some directorates a large number of police officers have undergone basic training. Representatives of the police have themselves noted the advantages and effects of training courses: "officers certified for work with children have more knowledge about conduct in the case of violence". Police officers highly appreciate activities undertaken by the MOI with respect to training and printing of the Special Protocol's „pocket edition“ for police officers, which enables them to „refresh their memory of special procedures at any time“.

4.4.

Agreement on cooperation at the local level

"Social welfare center ... will draft and enter into an agreement on cooperation as soon as possible among all the institutions and other organizations at the local level whose cooperation is required to efficiently provide and apply protection of victims of violence in the family and intimate partner relationships"⁷¹

"Social welfare centers - guardianship authorities are under obligation to undertake the signing of a cooperation agreement on the local level among institutions and other organizations whose cooperation is necessary for an efficient achievement and delivery of protection of victims of domestic and intimate partner violence, within a year of the day of adoption of the Special Protocol in view of their coordination role on the local level in order to meet the needs of persons suffering violence in the family and in partner relations, pursuant to Article 58 of the Law on Social Welfare"

Special Protocol for Action of Social Welfare Centers – Guardianship Authority in Cases of Domestic Violence and Intimate Partner Violence against Women, Chapter IX - Special Obligations of Social Welfare Centers – Guardianship Authority in the Implementation of the Special Protocol

SWCs were tasked with initiating the conclusion of cooperation agreements among relevant bodies and institutions at the local level.

In seven out of 14 municipalities and cities cooperation agreements have been concluded⁷². In the remaining seven local self-government units agreements have not been concluded, but in most of the cases, their drafting is underway⁷³. Some municipalities/cities have cooperation agreements from before⁷⁴, some have cooperation agreements among local bodies, organizations and institutions for protection of children against abuse and neglect. For the most part, agreements

⁷⁰ information provided in conversations with representatives of the SWC in Čačak

⁷¹ Protector of Citizens' document no. 13-2018/12 of 10/10/2013, ref.no.29383

⁷² Bačka Topola, Bor, Vranje, Loznica, Novi Pazar, Priboj and Paraćin

⁷³ Ada, Zrenjanin, Mali Zvornik, Niš, Novi Sad, Požarevac and Čačak

⁷⁴ Novi Pazar of 2009, Novi Sad of 2010, Požarevac of 2012

were not a product of joint work of bodies and institutions; instead, draft documents were prepared by SWCs, by applying a document prepared by the Association of SWCs and the Republic Institute for Social Protection as a model agreement. The exception is the SWC Novi Sad, where the implementation of the 2010 Agreement was monitored, workshops were organized in February and May to analyze its effects, and after the analysis a new agreement will be drafted. Insight into some of the agreements is showing that cooperation procedures are not sufficiently operationalized and adjusted to local context and needs.

Due to the lack of multidisciplinary approach and active participation in the drafting of the agreement, it is actually not implemented, and certain bodies which were supposed to take part in its drafting do not even know whether it has been adopted, and if yes – when it was adopted and whether its implementation has commenced⁷⁵.

The participation of women's civil society organizations in the preparation of the agreement was almost non-existent, despite the fact there in some of these municipalities and cities there are women's organizations engaged in provision of support to women suffering violence. The exception here is Novi Sad, where the participation of the organization "SOS Women's Center" has been mentioned.

4.5.

Reporting violence against women in intimate partner relationships and violence against women in the family

"It is particularly important to empower victims of domestic and intimate partner violence in smaller communities to report violence. Following that, all institutions, lead entities in the system for protection against intimate partner violence and domestic violence, and particularly social welfare centers, police and health care providers, must protect victims of violence through constant multisectoral cooperation...The reluctance to report violence is often the result of victims' fear for their safety and lack of trust in institutions; therefore the General Protocol has clearly underlined that the provision of services aimed at protection against domestic violence must not depend on the willingness of the victim to press charges or testify against the perpetrator"⁷⁶

*"... The Committee remains concerned about the significant obstacles faced by women, in particular Roma women and women with disabilities, seeking protection from violence...
... The Committee urges the State party to encourage women to report incidents of domestic and sexual violence by raising awareness of the criminal nature of such acts..."*

Committee on the Elimination of Discrimination against Women, Concluding observations on the combined second and third periodic reports of Serbia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

⁷⁵ SWCs in Loznica and Bor stated that the agreement had been signed, which was also confirmed by the HCI, but the police indicated that the agreement was not signed, i.e., that they were not aware „of the level of cooperation attained because the Police Station did not participate in the signing of the mentioned Agreement". In Paraćin, the SWC did not indicate whether the Agreement was signed, but other services (Police Directorate, BPPO and HCI) indicated the date of their signing.

⁷⁶ Protector of Citizens document with recommendations, no. 13 – 3575 / 12 of 20. 08. 2013, ref.no.23407

"It is the right and duty of everyone to report domestic violence. Not reporting domestic violence is a criminal act. A person with knowledge of a criminal act of domestic violence has the duty to report it to relevant institutions and bodies.

The Family Law stipulates that everyone has, in accordance with the law, the right to protection from domestic violence. Health workers, professionals in social protection and education have a special duty to report domestic violence to the police and the public prosecutor.

According to official data, in the majority of cases domestic violence is reported by women victims of violence, followed by police officers, professionals in social welfare centers and civil society organisations, as well as health workers"

General Protocol, Chapter 9.1

The largest number of reports on violence against women is submitted to the police, namely by the telephone or verbally. The Ministry of the Interior keeps records on filed criminal reports by criminal offense. According to these records, domestic violence was reported to the police 5352 times in the reporting period. In the largest number of cases victims were women (4399, as opposed to 1276 male victims), and suspects were mostly men (4861, compared to 349 women). Women are, hence, almost three and a half times more likely to be victims of domestic violence than men, and men are 14 times more likely to be suspected of violence than women⁷⁷.

On the other hand, representatives of the police in 14 municipalities and cities provided data on violence against women in a broader sense, including both the acts which, according to the opinion and assessment of the police, provided grounds for suspicion that a criminal offence was committed (not only domestic violence), and the acts which constituted disturbance of public order and peace, or had elements of another offence according to the police assessment. In 2013, a total of 3713 reports⁷⁸ of violence against women were filed with the police in these municipalities and cities, of which a mere 10% was included in criminal charges pressed by the police. With respect to other reports on incidents of violence against women, the police issued a warning or filed a request for instituting misdemeanor proceedings, and there are cases with respect to which police failed to take any measure whatsoever⁷⁹.

In the reporting period, 101 SWCs in the Republic of Serbia⁸⁰ received a total of 5847 reports on incidents of intimate partner and gender-based violence against women, committed against 3658 women. The majority of the reports received by SWCs were from the police. Most of the women who suffer violence are in the age bracket from 26 to 64 years (3141), while the number of those under the age of 25 and above the age of 64 who are victims of violence is more or less the same (502 and 468 respectively). The guardianship authorities have recorded that 366 women victims of violence were from marginalized groups (53 women with disabilities, 16 women who do not hold the citizenship of the Republic of Serbia and 397 women belonging to the Roma or other national minorities). Perpetrators of violence were mainly men (3734), and women were abusers 15 times less often (241). In most of the cases, violence is perpetrated by persons in the age bracket from 26 to 64 years (2947), while elderly perpetrators (above 64 years of age) and young abusers account for almost the same number (290 perpetrators under 26 years of age and 291 perpetrators above the age of 64 years). In 44 cases, perpetrators were members of the police or

⁷⁷ Table 5 in Annex 1 of this Report

⁷⁸ This number does not contain data from Police Directorates for towns Novi Sad, Zrenjanin, Pozarevac and for municipality Backa Topola

⁷⁹ Table 3 in Annex 1 of this Report

⁸⁰ As mentioned, the data of the Republic Institute are based on the data supplied to the Institute by the social welfare centers. Bearing in mind that not all the centers have submitted data to the RISP, this body drew up an overview of data on the basis of information made available to it.

the Serbian Armed Forces⁸¹. In 14 selected municipalities/towns SWCs registered in total 821 case of domestic violence.

In the reporting period, the MOI pressed a total of 5352 criminal charges for the criminal offence of domestic violence (of which 4399 were related to offences whose victims were women)⁸².

According to the data from 14 municipalities and cities, in the largest number of reports on violence (71%) the epilogue was a verbal warning by the police to the perpetrator of violence. Out of the total number of 3713 reports on violence against women in the police directorates and stations in 14 municipalities and cities, police warnings to the perpetrator were issued and were the only action of the police in 2629 cases. The police pressed 395 criminal (10.6%) and 205 misdemeanor charges (5.5%)⁸³.

The police singled out as a problem the "failure on the part of HCPs to act in accordance with Protocol" – first and foremost the failure to complete forms for recording and inadequate documenting of violence, as well as insufficient activities of SWCs in the cases of violence and "non-responding to the police calls, which is a particular problem in the case of emergency interventions". The problem in the view of the police is also related to the fact that it is "difficult to secure witnesses of the incident who are willing to make a statement in the police", "lack of adequate medical documentation and prolonged periods for obtaining it"⁸⁴ and the fact that "spouses reconcile before the beginning of the judicial proceedings and the perpetrator is acquitted"⁸⁵.

The establishment of "daily and periodical analyses of the implementation of the Protocol on Conduct of Police Officers, on which basis then measures will be taken to eliminate deficiencies in the work of police officers in specific cases"⁸⁶ is a road towards improving their work, as perceived by police officers. The constructiveness and efficiency of this approach has been also demonstrated by the fact that the concrete Police Directorate successfully implemented the project "Stop Domestic Violence" in 2013, in cooperation with the OSCE Mission to the Republic of Serbia.

On the local level, almost all charges pressed with the BPPOs came from the police, as well as all the cases reported by the misdemeanor courts. Both bodies have a small number of cases of violence compared to the total number of reports registered by the police⁸⁷. The Misdemeanor Court in Zrenjanin, however, stated that it had 189 cases of domestic violence in 2013, unlike other courts in the remaining 13 cities and municipalities, which had a dozen or so cases. In Novi Pazar, no misdemeanor proceedings have been instituted for offences of violence, and in Čačak the number of misdemeanor charges relative to criminal charges is negligible⁸⁸.

In the reporting period, a total of 3023 cases of intimate partner /gender-based violence were reported to HCPs⁸⁹. The largest number of cases is recorded by HCPs in primary health care (1517 cases recorded in community health centers), followed by HCPs in secondary health care

⁸¹ Table 6 in Annex 1 of this Report

⁸² Table 5 in Annex 1 of this Report

⁸³ Table 4 with an additional explanation, Annex 1 of this Report

⁸⁴ information provided in conversations with representatives of the Niš Police Directorate

⁸⁵ information provided in conversations with police officers from Ada

⁸⁶ information provided in conversations with police officers from Čačak

⁸⁷ The largest number of BPPOs and Misdemeanor did not submit information on number of cases of domestic violence/violence against women – Table 3 in Annex 1 of this Report

⁸⁸ Table 4, Annex 1 of this Report

⁸⁹ Table 7 in Annex 1 of this Report

(566 cases recorded in general hospitals and 369 cases recorded in health centers). In providers of tertiary health care and other institutions (institutes, facilities, special hospitals) the number of recorded cases is the lowest (287 in clinical and university hospital centers and 284 in institutes, facilities and special hospitals). The number of women who asked for help in HCPs, due to violence, is 1759, of which 318 were women with disabilities, pregnant women, new mothers and elderly women and 170 women belonging to the Roma national minority. The report of the Ministry of Health indicates a lack of uniformity in the recording of cases of violence against women among health care providers, so there are cases where the number of recorded cases is zero, that is, there is no data. This is further corroborated by the fact that the information at the disposal of representatives of HCPs in 14 selected towns and municipalities is very inconsistent⁹⁰.

Out of the total number of 6624 criminal charges pressed with the BPPOs, the majority of them were pressed by the police - 5284, followed by victims - 1051, and other bodies and institutions - 289⁹¹.

Violence against women in the family and intimate partner relationships is reported mostly to the police or HCPs. The guardianship authority receives information on violence from the police in 40% of the cases, while the remaining 60% "is split" among citizens and all other bodies, organizations, establishments and institutions⁹². The data received from 14 selected municipalities and cities show that the number of reports on violence filed with the police is four and a half times higher than the number of reports filed with the guardianship authority⁹³, which, also, implies on the lack of systemic exchange of data on reported cases of violence.

Bodies on the local level mostly did not submit complete data, or did not submit data on violence against women with some specific personal characteristics and needs. Seven SWCs did not submit these data⁹⁴, and in the remaining seven SWCs among the victims of the violence have been registered: only 8 women with disabilities; 24 women members of national minority communities⁹⁵; 41 Roma women who experienced violence⁹⁶; only 23 women from rural areas; and only 7 women users of financial aid who experienced problem of violence in partnership or in the family context.

The data of the MOI for the territory of the whole state indicate that in 2014 there was no increase or decrease in the number of reported criminal offences of domestic violence (3602 in 2013 and 1774 in the first semester of 2014). The data of SWCs for the territory of Serbia, however, show a rise in the number of recorded cases of intimate partner/gender-based violence (3590 in the whole of 2013 and 2257 in the first six months of 2014).

⁹⁰ The Community Health Center in Loznica indicated that since March 2014 in each individual case a form is completed and that the police and the SWC are informed in each individual case; the Community Health Center in Novi Pazar reports that they did not have forms and that they did not record cases of violence, but also that there were no such cases; Community Health Center and the General Hospital in Vranje stated that „doctors complete the prescribed form to a lesser extent “

⁹¹ Table 11 in Annex 1 of this Report

⁹² data obtained through comparative analysis of Tables 5, 6 and 7, in Annex 1 of this Report

⁹³ Table 3 in Annex 1 of this Report

⁹⁴ Novi Sad, Cacak, Novi Pazar, Pozarevac, Paracin, Vranje

⁹⁵ In these areas (Backa Topola, Priboj and Ada), these national minorities represent predominant or highly represented population

⁹⁶ Only in Nis on the evidence of the SWC in the reporting period were 33 Roma women, while in the other 6 municipalities only 6 Roma women were in the evidence, which confirms the importance of existence of local women's organizations which has SOS telephone for support to victims in the Romany language and which is mediating between Romani Women and the institutions (Association of Roma women "Osvit")

4.6. Recording and documenting violence

"... The Committee remains concerned about the lack of disaggregated data on all forms of violence against women..."

"The Committee urges the State party... To enhance the system of data collection by ensuring that the data are disaggregated by type of violence and by relationship between perpetrator and victim, supporting research in this field and ensuring that such information and data are available to the public "

Committee on the Elimination of Discrimination against Women, Concluding observations on the combined second and third periodic reports of Serbia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

"Participants in the system of protection of women victims of domestic violence shall keep records of cases of domestic violence in accordance with the law.

The participants shall monitor the effects of procedures in cases of violence against women within the family and intimate partner relationship and ensure data processing as well as their availability to the public"

General Protocol, Chapter 11

"Any institution that receives information raising reasonable suspicion of perpetrated domestic violence will document the information appropriately along with all the knowledge of important circumstances it has acquired. The aim of documenting information is to make a report containing quality, accurate and reliable information about the event, its history and consequence"

General Protocol, Chapter 9.2

"By only documenting injuries in medical reports, an omission is made and the form prescribed by the Special Protocol for the Protection and Treatment of Women Victims of Violence is not completed, which would constitute a valid document that could be admissible in court as evidence"⁹⁷

The systems of justice, internal affairs, social welfare and health care maintain independent and mutually incomparable records on violence against women. The records kept by the judicial system do not cover the relationship between perpetrator and victim, nor do they contain specific information on the personal characteristics of perpetrators and victims (disability, ethnicity, economic status, a member of the police or armed forces, etc.). The records of the health system also have no information about the relationship between victim and the person who perpetrated the violence. The records of the social welfare system and the MOI contain certain (but not all) data on personal characteristics of perpetrators and victims and details of their relations. Records of the justice sector and the MOI are maintained according to the "nomenclature" of criminal offenses and misdemeanors; bearing in mind the fact that violent behavior can be an important element of various criminal offenses or misdemeanors⁹⁸, on the basis of these records it is not possible to determine the number of cases in which these bodies have prosecuted acts which possess the characteristics of violence against women.

Another issue of importance for the protection of victim is documenting violence. Guardianship authorities and health care providers have documenting standards (structure and the content of the findings and opinion which is drafted by the SWC-guardianship authority and Form for recording and documenting violence against women for HCPs have been prescribed), but other bodies and institutions do not have them, which makes exchange and mutual comparison of information, as well as, joint planning of measures and services, more difficult.

⁹⁷ Protector of Citizens document with recommendations, no. 13 - 3575 / 12 of 20. 08. 2013, ref.no.23407

⁹⁸ Violence against women may be qualified not only as domestic violence but also as one of the criminal offences against life and limb violent behavior, threatening a person's safety, etc.; the misdemeanor of breach of public order and peace includes a wide range of types of unpermitted behavior, including several forms of violence

4.7.

Exchange of information and cooperation among relevant authorities

"Since they failed to inform other entities in the system for protection against domestic violence, police officers ... and health workers of violence... they prevented other institutions, first and foremost the social welfare center ..., to help in resolving the problem within their different purviews and areas of responsibility"⁹⁹

"The Police Directorate needs to... ensure that police officers, in performing police tasks related to domestic violence, submit to the competent public prosecutor's office all the information important for taking a decision on institution of criminal proceedings, including information on prior reports of incidents of violence and measures and actions undertaken by police officers"¹⁰⁰

With a view to establishing efficient intersectoral cooperation, the ministries for internal affairs, social protection, health and justice should:

- *develop in the special protocols internal procedures within each system in more detail, in accordance with the basic principles and objectives of the General Protocol;*
- *Within their jurisdictions, recommend to institutions and other organisations to develop in more detail their procedures for better protection of women against violence in the family and intimate partner relationship;*
- *Encourage entering into cooperation agreements on the local level between the necessary institutions and other organisations in order to efficiently implement the protection of women against violence within the family and in intimate partner relationship. Measures and plans for the improvement of cooperation and implementation of this Protocol should be considered during meetings with the representatives of different institutions on the local self-government level."*

General Protocol, Chapter 10.2

„Bearing in mind the specificity and complexity of violence in the family, in order to prevent and stop the violence in the family, and as the protection of victims of domestic violence, it is necessary to simultaneously activate all legal forms of protection, in which the aim of all institutions that are authorized to initiate certain forms of protection should be to be simultaneously informed of every case of domestic violence in order to take adequate, effective and timely measures.

Special Protocol for Judicial Bodies in Cases of Domestic and Intimate Partner Violence against Women, item 3.1

The exchange of data between relevant authorities and their cooperation is a prerequisite for efficient actions of all systems and comprehensive and accurate assessments, planning and taking protective measures. The bodies recognize this need, and their representatives demand that local agreements on cooperation be operationalized and to "preserve the network and enhance procedures." The bodies observed that " cooperation of competent institutions is insufficient and inadequate and exchange of information poor "¹⁰¹; that „cooperation is not synchronized " between the police and SWCs¹⁰², SWCs and BPPOs¹⁰³, SWCs and HCPs¹⁰⁴ and SWCs and courts ; that "courts do not regularly forward judgments with pronounced measures for protection against domestic violence"¹⁰⁵; that the work of the services is not coordinated; that

⁹⁹ Protector of Citizens document with recommendations, no. 13 – 3575 / 12 of 20/08/2013, ref.no.23407

¹⁰⁰ Protector of Citizens document with recommendations, no. 13 – 3383 / 12 of 24/10/2013, ref.no.30805

¹⁰¹ information provided in conversations with representatives of the SWCs in Novi Pazar and Loznica

¹⁰² information provided in conversations with representatives of the SWC in Bačka Topola

¹⁰³ information provided in conversations with representatives of the SWCs in Vranje and Niš

¹⁰⁴ information provided in conversations with representatives of the SWC in Zrenjanin

¹⁰⁵ The SWC in Niš has stated that „it has not been informed since 2011 by the (civil) court on issued measures for protection against domestic violence, on which the SWC is obliged to keep records, and that records on persons against whom the measure was issued are thus rendered unreliable.“

„legal aid services are poor and as is education“; that „there are no Protocols“¹⁰⁶; even that the previously established good practices have been discontinued¹⁰⁷.

Bearing in mind the observed inconsistency between the number of cases reported to the police and social welfare centers, in some municipalities new practice has been introduced (since 2014) for the police to inform the guardianship authority of each report on incident of violence¹⁰⁸. To the guardianship authorities it is important to „get the information from the police even in the situations where the abuser has not been processed for preventive purposes“¹⁰⁹, while other guardianship authorities report that the police officers are already doing that - informing SWCs about all the cases, as well as „sending cases which go beyond the scope of domestic violence“.

On actions of representatives of BPPOs there was more information in meetings than in questionnaires¹¹⁰. For prosecutors it is of importance to get reports both from the police and the guardianship authority, and from the latter particularly when it comes to „border-line cases“, because it helps to „have the best understanding of all the circumstances which determine the type of the offence concerned, whether it is a misdemeanor or a criminal offence“. Prosecutors note that domestic violence „is extremely prevalent“, but „that they were not able to submit the requested data, as records are not kept in the requested manner“. There are different pieces of data on procedures for communicating with the police directorate: from the "standard procedure" which has been put in place, but on which "no written document has been made" to the view of the police that „prosecutors do not use their powers“, and that for the time being „there are no positive experiences with the changes that occurred with the prosecutor-led investigation“.

The lack of exchange of information and feedback between the guardianship authority, police, BPPOs and courts, as well as the failure to monitor the issued measures of protection from domestic violence, which the guardianship authority is (obliged) to record, but whose execution is essentially not monitored by any body, are the most serious problems in achieving multidisciplinary cooperation.

¹⁰⁶ information provided in conversations with representatives of the HCI in Požarevac

¹⁰⁷ representatives of the SWC Zrenjanin indicated that the practice of holding meetings which had been regularly organized by the deputy BPP in Zrenjanin does not exist anymore..

¹⁰⁸ information provided in conversations with representatives of the SWC in Čačak

¹⁰⁹ information provided in conversations with representatives of the SWC in Loznica

¹¹⁰ Representatives of the BPPOs in Čačak and Vranje did not attend the meetings with representatives of the Protector of Citizens.

4.8.

Acting upon reports on incidents of violence against women

"After failing to take: a) measures based on the complaint of the complainant about domestic violence; b) activities aimed at efficient application of the pronounced protective measures; v) measures in the case of repeated violence and in the case of violation of protective measures; g) activities aimed at empowering the victim, the guardianship authority has - with strong interference of personal views of the professional staff with regard to the role of the wife and the mother in the family system - informed the complainant of their expectation regarding her „adjustment“ of her behavior to traditional family patterns, and then requested her to „prove“ her parental functionality... The Protector of Citizens has pointed out several times¹¹¹ that mere exposure of a child to domestic violence makes a child a victim of abuse and neglect. By not recognizing to the child the status of a victim of violence, bodies and institutions fail to afford emergency protection to the child, which suffers grave and often irreparable consequences for his or her wellbeing and development, and to apply all available measures for securing the child's recovery from suffered violence and for rehabilitation and reintegration"¹¹².

"... The Committee remains concerned about ... the significant disparity between the number of police interventions, the number of criminal charges filed and the number of persons convicted of domestic violence against women;... the lack of emergency protection orders...

The Committee urges the State party to review and revise the Criminal Code, the Family Code and other relevant laws with a view to effectively preventing all forms of violence against women and protecting victims... to ensure effective investigation of cases of violence against women and to prosecute and punish perpetrators of such crimes with sanctions commensurate with the gravity of the crime... To ensure that the relevant authorities are aware of the importance of issuing emergency protection orders for women at risk and of maintaining such orders until the women are no longer at risk...

Committee on the Elimination of Discrimination against Women, Concluding observations on the combined second and third periodic reports of Serbia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

"Violence against women within the family and in intimate partner relationship shall be reported to the police and the public prosecutor, in accordance with the law. It is necessary for the participants in the protection system to assess at each moment the risk to the victim and adjust their actions to provide maximum security for the victim"

General Protocol, Chapter 9.7

"During treatment, public prosecutors in their work should be guided by the generally accepted principles in the process of organizing the protection of the family and providing support to victims, in what sense the primary goal should be to stop the violence and maintain the security of victims"

Special Protocol for Judicial Bodies in Cases of Domestic and Intimate Partner Violence against Women, Chapter 3.1

„The misdemeanor court is an important partner in identifying cases of violence against women in the family and intimate partner relationships. This body often deals with border-line cases of misdemeanors and violence against women as a form of domestic violence, and sometimes even cases of this type of violence when such cases are not recognized by the police as a criminal offense. Such cases require cooperation between the misdemeanor court, the public prosecutor and the social welfare center in order to provide to the victim a complete and adequate type of protection.“

Special Protocol for Judicial Bodies in Cases of Domestic and Intimate Partner Violence against Women, Chapter 3.2.1

¹¹¹ Protector of Citizens' documents with recommendations, no. 14-654/11 of 31/08/2011, no. 14-857/12 of 07/03/2013 and no. 14-1046/13 of 21/03/2013.

¹¹² Protector of Citizens document with recommendations, no. 13 - 513/ 12 of 10/04/2014, ref.no.10546

Bodies responsible for the protection of women against violence face situations where the victim "is not willing to cooperate": does not want to follow through with the proceedings, changes the statements she has made, fails to respond to summons for interviews¹¹³, does not accept solutions offered, or does not stick to the plan of measures and services¹¹⁴. Professionals believe that such behavior makes it more difficult to conduct proceedings and provide assistance to women who suffer violence and makes it more difficult or even impossible to prove it, thus, consequently, leading to the discontinuation of proceedings. Officers see the reasons for that in the difficult financial situation, economic dependence of women, the fact that they have nowhere to go, belief that violence will stop if they do not follow through with criminal prosecution and compassion for the perpetrator of violence who is a family member. They also indicated some other factors which influence or may influence women who suffer violence to withdraw charges, such as inefficiency of the system. Officers believe that the system is dependent on the victim and witness statements but, at the same time, it has failed to secure that they are efficiently and timely obtained and recorded, with appropriate mechanisms to prevent unpermitted influence of the perpetrator on persons giving the statements (victim or witnesses)¹¹⁵. The system has not established in practice a mechanism which would prevent the suspect and/or defendant to control the course of the proceedings and impede and prevent its proper and efficient conduct and conclusion.

4.8.1. Action of the Prosecutor's Offices upon receipt of the report on violence against women

The competent Prosecutor's Offices in the Republic of Serbia received a total of 6624 criminal reports (5284 reports filed by the Ministry of the Interior, 1051 report filed by injured parties, while other authorities, institutions and organizations filed 289 reports. The reports have been dismissed in 1702 cases, the Prosecutor abandoned criminal prosecution process in 73 cases, the institute of deferring criminal prosecution was used in 493 cases, whereas the number of cases in which the above institute is in progress is 517. Motions to indict have been filed in 1631 cases¹¹⁶.

The above data indicate the following:

- in more than 25% of cases, the criminal act report is dismissed, namely the Prosecutor assesses that there are no elements to justify the initiation of the criminal proceedings;
- the motion to indict filed in 25% of the cases;
- 15% of actions of BPPOs are not ended by criminal proceedings but by criminal procedure diversion, namely the application of the mechanism of deferred criminal prosecution;
- In additional 1% of cases the Prosecutors abandon the criminal prosecution in the course of criminal proceedings.

On professional meetings representatives of the BPPOs differently interpret and express their respective positions on the application of the mechanism of deferred criminal prosecution. Some say that the above mechanism „is very frequently used in relation to the criminal act of domestic violence, after the application of which the criminal act is very rarely reported“; that the motive for the above mechanism application resides in the fact that „the victims are often afraid and they benefit from their right not to testify“, due to which the „prosecution is often forced to dismiss the cases“; and that „in case of serious bodily injuries it is always insisted on conducting

¹¹³ information provided in conversations with representatives of the police in Niš, Bor, Novi Pazar and Priboj and representatives of the misdemeanor courts in Niš and Zrenjanin

¹¹⁴ information provided in conversations with representatives of SWCs in Bor, Priboj, Bačka Topola and Ada

¹¹⁵ information provided in conversations with representatives of SWCs in Priboj, Bačka Topola and Čačak

¹¹⁶ Table 11, Annex 1 to this Report

the criminal proceedings". When applying the mechanism of deferred criminal prosecution, the suspect is most frequently imposed an obligation to pay certain funds for humanitarian purposes, sometimes to undergo psychological and social treatment and perform community work, but it comprises differences among different Prosecutor's Offices. Some BPPOs apply this mechanism „with particular attention, taking care of the consent of the injured party, of the fact that the person in question had not been convicted in the past, that up to that moment the opportunity principle had not been applied, as well as taking into account a special assessment on the best interest of the injured party". Other BPPOs indicate the recommendations of the Appellate Public Prosecutor's Offices to increasingly apply this mechanism (given the number of cases and the problem with the human resources in all Prosecutor's Offices).

Granting the victim the status of a particularly sensitive witness is related to the victim's choice. There is also a practice of „warning the victim that it is important for her to be ready to proceed with the action all the way to the end, as well as to confirm all the allegations in the evidence procedure at the main hearing". Deputy Prosecutor of one unit of a local authority says that in more than 90% of the cases „the women insist on being discharged from the duty to testify", so that in such cases the Prosecutor's Office „cannot do anything", that is „the women are to be blamed for their situation"(!). That common position is agreed upon by the representatives of the police and the social welfare centers (SWCs) in their respective communities, but by other actors as well, saying that „the victim's testimony is the main evidence, and the Prosecutor's Office cannot allow the court to render judgments of acquittal". Abandonment of the case by the victim is stated as the „main reason why the perpetrators remain unpunished". On the other hand, the authorities and institutions very often do not believe women's statements, considering that there are „abuses of using violence protection services", false reporting „particularly in the course of the post-divorce period, because in that way the former spouses are getting revenge on each other", as well as that women „frequently call the police only to intimidate their spouses, without wishing to initiate court proceedings".

Contrary to the position that „the woman is to be blamed for her situation" some authorities indicate that the victim's situation in the course of proceedings is bad adding that in the period to come they will take up measures for the protection against multiple repeated testimonies, and will work more actively on gathering more evidence to be used in the court¹¹⁷.

Other authorities also identify and express as a negative remark the fact that a high number of cases have been closed at the stage of misdemeanor procedure and by the application of the institute of deferred criminal prosecution¹¹⁸. The BPPOs „haven't taken up a unique position on the domestic violence criminal act", „for similar cases of violence against women they impose different measures, that is, there is no harmonized practice in case management"¹¹⁹, while some „regularly use the opportunity principle"¹²⁰.

4.8.2. Action of the Misdemeanor Courts upon receipt of the requests to initiate misdemeanor proceedings

According to the data from the local level, the biggest number of cases in which the misdemeanor charges had been filed did not end with convictions: out of a number of 258 charges, establishment of misdemeanor responsibility and imposing of a misdemeanor punishment were done in 99 cases (38%)¹²¹. Suspension of the proceedings remains rare, as well as the statute of limitations regarding the initiation of misdemeanor proceedings. Security

¹¹⁷ Information provided in conversations with police officers from Kikinda

¹¹⁸ Social Welfare Centers, Police

¹¹⁹ Information provided in conversations with the police representatives of the Police in Niš and SWC in Bačka Topola

¹²⁰ Information provided in conversations with the representatives of SWC Vranje

¹²¹ Table 4 with additional explanation, Annex 1 to this Report

measures of banning the access to the injured person, facilities and site of the misdemeanor commission have been very rarely imposed¹²².

Representatives of the authorities in 14 municipalities and cities consider that the advantage of the misdemeanor proceedings resides its dynamics - „the sanctions are pronounced immediately and the offender can be affected by the consequences of his behavior immediately, while the criminal proceedings can last up to several years“, and „in case the violence is taking place due to alcoholism issues, a security measure of alcoholism medical treatment is adopted“¹²³. Number of misdemeanor charges filed for domestic violence act is in decrease in the past years; according to the opinion of judges the reason to that is the increase of number of criminal charges filed. The situations vary among the courts: in Bačka Topola in the past two years there haven't been any cases of domestic violence, nor the security measures of mandatory alcoholism medical treatment have been imposed, nor summary proceedings have been conducted; in Novi Sad, due to a great number of cases per one judge (1600), all the proceedings are conducted with regular dynamics, and the fines are the most frequently imposed sentences (30000); in Zrenjanin, the proceedings are conducted as a matter of urgency, scheduled immediately and they include breath tests for abusers.

4.8.3. Action of the general jurisdiction courts

In the reporting period, the total number of criminal proceedings initiated before the basic and higher courts on the territory of the Republic of Serbia for the domestic violence act amounts to 3172¹²⁴. A total of 1989 proceedings were finalized (63%), out of which 1390 ended with convictions (71%), while 136 cases ended with acquittals (7%)¹²⁵.

The convictions most frequently comprised suspended sentences- in 951 cases (67%). Prison sentences have been imposed in 392 cases (28%), fines in 38 cases (3%) and educational measures against minor perpetrators of criminal acts in 83 cases (6%)¹²⁶.

In the course of the reporting period, on the territory of Republic of Serbia, basic courts initiated 1359 proceedings for imposing the security measures against domestic violence, both independent and ancillary measures. Out of that number, slightly more than 10% (185) were initiated by the guardianship authorities or public prosecutor. A good practice example is the BPPo of Zrenjanin which still continues to file *ex officio* a huge number of charges for the purpose of imposing protection orders in litigations¹²⁷.

Protection orders have been imposed in 815 cases (60%).

¹²² Only one case recorded in Čačak

¹²³Information provided in conversations with the misdemeanor courts representatives from Ada, Bor, Vranje, Loznica and Novi Pazar

¹²⁴ Some higher courts have provided data even for the criminal proceedings against minors, whereas other courts haven't.

¹²⁵ The remaining 22% comprise other means to end the proceedings (rejection of the indictment, suspension of the proceedings, etc.) ; it should be taken into consideration that the relationship between the number of initiated and number of finalized criminal proceedings on the annual level does not necessarily comprise the same proceedings, due to the length of criminal proceedings.

¹²⁶ Table 8, Annex 1 to this Report

¹²⁷ In 2010 this BPPo, based on criminal charges reported, filed motions to indict in 127 cases and 47 accusations for protection orders, whereas in 2011 a number of 207 motions to indict were filed and 40 complaints for the purpose of imposing protection orders; for more details, please see Vanja Macanović, Right to Exercise Equal Family and Legal Protection for all Domestic Violence Victims in Serbia- analysis of the procedures for separating the protection orders against domestic violence, Women against Violence Network and the European Women's Lobby Network, Belgrade, 2013.

The Appellate Courts of Belgrade and Novi Sad received 518 appeals against the court decisions made in criminal proceedings for the domestic violence criminal act according to Article 194 of the Criminal Code and in litigations for imposing the protection orders against domestic violence. The Courts didn't indicate the nature of relation between the convictions and acquittals, namely the court decisions adopting and the decisions rejecting the motion to indict. Out of the above number, 505 cases (97,4%) have been decided upon in second instance; 270 first instance court decisions have been confirmed (53%), 85 decisions have been abolished (17%). A number of 75 court decisions (16%) have been completely or partially reversed.

Lenient sentencing policy, long duration of court proceedings and lack of cooperation between courts and other authorities pose an obstacle not only to put into place an efficient protection for the victims, but also for establishing the relations of victims' trust in the institutions of the system. The authorities state that „the court proceedings are most frequently ended by suspending the proceedings or imposing lenient sentences, which, together with long lasting court proceedings and failure to execute court decisions brings about lack of trust in institutions“. The final outcome is that „insufficient number of victims turn to the authorities“¹²⁸.

4.8.4. Action of Social Welfare Centers

Within the reporting period, a number of 101 SWCs in the Republic of Serbia received a total of 5847 reports on intimate partner/gender based violence against women. In majority of the cases, the guardianship authority received the reports from the police (2351). Acting upon reports, the guardianship authority initiated court proceedings in 707 cases¹²⁹, which makes 12% of the cases reported to it.

The guardianship authorities conducted other activities within their competence: helped the victims to formulate the charges intended for imposing the protection orders against domestic violence¹³⁰; submitted findings and opinion to the police, BPPO and the Court; performed standard procedures of assessing, planning and providing guidelines; provided advisory, empowering and assistive services. Accommodation of women in safe houses is another procedure SWCs take up in cases of receiving reports on violence against women¹³¹. The interventions of the guardianship authorities have primarily been focused on providing advisory services to women (talk, advising, empowering, support), material assistance and referral to other authorities.

SWCs have their mobile teams, passive duty or phone hotline, the number thereof is not publicly accessible/published, but it is accessible to other authorities (Health Care Providers-HCPs, Police, Misdemeanor Courts- MCs). Some SWCs emphasize the problem residing in the fact that other services give this number to the users. The professionals consider that in relation to establishing internal teams¹³² it is not sufficiently defined what their role is and they expect from the national Fond for Social Welfare to provide assistance to overcome the difficulties.

¹²⁸Information provided in conversations with the representatives of SWC Požarevac

¹²⁹ Table 6, Annex 1 to this Report

¹³⁰ Their number, in the cases where SWCs have submitted the data, is small- up to five charges on the annual level; the procedures intended for imposing the protection orders against domestic violence most often have been initiated by the victims

¹³¹ Number of these proceedings is, also, small, although the largest number of SWCs did not report on the number of users; SWC Priboj stated that in 2013 they had 11 women in their safe house, and SWC Nis that they had six women and four children.

¹³² Establishment of „internal teams“ comprising specially trained officers to act in domestic violence cases is the obligation of SWCs under the Special Protocol, 6 months upon its adoption.

Diversity of opinions and interpretations of legal provisions among professionals working for the guardianship authorities is also expressed when it comes about the obligation to press criminal charges, namely about informing the police on the violence against women. Some SWCs exercise the practice of filing report when „it is clear that violence is taking place and the perpetrator has admitted it“, while the SWCs don't file reports „in case there is no consent and engagement by the victim, because the center cannot file complaints *ex officio* for obtaining the protection orders against domestic violence“.

A particular form of work of the guardianship authorities, particularly bearing in mind its role of a coordination authority for the protection of women against violence, is a case conference. It represents a multisectoral and multidisciplinary meeting of the representatives of the relevant authorities in charge of tackling violence against women and domestic violence issues. A case conference is (most frequently) initiated and organized by SWCs, whenever in the course of their work on a particular case they come across complex elements affecting decision making, in order to provide a detailed insight into all the aspects of a situation and needs of the users, in the assessment phase, planning of measures and services and monitoring of the effects of the applied measures. All other authorities and institutions can also initiate and organize case conference in SWCs, but also organize such meetings, provided they have elementary basics on the content, process and desired outcomes¹³³.

In 2013 SWCs organized in ten municipalities and cities minimum 29 case conferences as well as four „telephone consultation“¹³⁴, that according to the allegations of the SWCs representatives, had the same purpose as the case conference. In four municipalities/cities¹³⁵, case conferences were not organized in 2013¹³⁶. Employees of other authorities have stated that they had been invited to the case conference by the SWCs although those SWCs¹³⁷ report that they didn't organize that kind of meetings¹³⁸. Majority of the municipalities/cities organized in the course of 2013 one or two case conferences, except for the SWC Vranje where eight such conferences were held, and SWC Niš where ten case conferences were organized.

Attendance by other authorities and institutions at an organized case conference varies, as well as the number of invitations for participation at a case conference addressed to the authorities. The most frequent participants at case conferences are the police and the guardianship authority, then health and educational institutions, while the justice authorities are among the last ones on the list¹³⁹.

¹³³ More details on the case conferences can be found in the Manual on Organizing the Case Conference for the Protection against Domestic Violence including the Good Practice Examples; Ivana Slavković and Tanja Ignjatović, Autonomous Women's Centre, Belgrade 2006.

¹³⁴ SWC Bor reports that in one case „due to a high risk for the victim's security, when urgent action was needed, the case conference was not convened, but the information exchange was done by phone and the conduct procedure established for the health center, police, PPS. In three cases the information exchange and consultations were done with the Regional police directorate of Bor“.

¹³⁵ Mali Zvornik, Novi Sad, Paraćin and Priboj

¹³⁶ The Misdemeanor Court of Paraćin reports that „There weren't real conferences organized, but the employees of the institutions, signatories of the agreement held meetings containing the elements of the conferences“

¹³⁷ Ada, Novi Pazar and Čačak

¹³⁸ Čačak SWC claims that they haven't convened or attended any case conferences organized by other institutions, which is confirmed by the police. However, the PPO stated they had attended such meetings in SWC, whereas the MC also reports that they had been invited by the SWC; SWC Novi Pazar reports that they didn't organized or attended case conferences in 2013; which is also confirmed by the MC and HCP. Nevertheless, the police reports that it attended a case conference organized by the SWC; SWC Ada had not organized a conference on the domestic violence case (but a conference on a case of deprivation of parental rights and they had been invited once to a conference on a case of human trafficking), while the police reports that in two cases they were invited by the SWC.

¹³⁹ of Vranje, Zrenjanin and Niš

Except for the Social Welfare centers, just a few case conferences were organized by other authorities, such as schools¹⁴⁰ or some other providers of social services¹⁴¹.

"Lack of specialized medical treatments for the women who have suffered domestic violence"¹⁴², the fact that „a lot of time elapses while waiting with the victim to be provided medical care and to document the injuries"¹⁴³ and the fact that the police, educational and health institutions fail to timely report the violence cases „which can bring about inadequate protection"¹⁴⁴ – are the main problems identified by the guardianship authorities.

4.8.5. Action of Health Care Providers

Out of the total number of 3023 recorded cases of intimate partner/gender based violence, the health institutions on the territory of the Republic of Serbia, reported most of them to the police by (2590 - 86%). The next authority to which the HCPs reported violence against women cases were SWCs (1131 - 38%). HCPs seized the Prosecutor's Office in 165 (472). Ministry of Health recorded that in 172 cases (6%) the information on violence and recording of the violence acts by the health care providers was not followed by filing reports with the competent authorities, in 164 cases the doctor did establish that violence act had occurred, but did not report it.

In 14 towns and municipalities HCPs report on two typical means of conduct. The first one is to „treat the case“ as any other, not to register it or document it specifically (some institutions are not aware of the existence of a form stipulated by the Special Protocol), but each and every injury is reported to the police, medical reports contain the notes on „what the patient stated as the cause of the injury“ (without verifying the credibility of the allegations), certificates on the injuries inflicted are issued upon request of the victim, but the certificate issuance needs to be paid by the victim. Clinical centers are of the opinion that the manner of conduct as stipulated by the Special Protocol is not corresponding to the urgent care medical practice. The other manner, established by some HCPs, comprises internal procedures, according to which the victims are given priority to be provided with medical care, they are directed to specialists and social welfare workers within the HCPs. They inform about the cases of violence thereon the SWC and the Police and the doctors complete a form to register and document violence. The form is kept in the patient's medical file, or submitted to the Police.

HCPs identify as a problem the lack of unified procedure and they expect that „at the state level this area be regulated thoroughly, as well as to establish a general unique procedure that would be applicable to all health care providers“¹⁴⁵. They also state that a small number of their representatives underwent a training course for the Protocol implementation and that the training course is necessary¹⁴⁶, but they also underline the problem relating to „a progressively increasing work overload“ and the lack of human resources in charge of „the administrative affairs“.

¹⁴⁰ Information provided in conversations with the representatives of the authorities of Vranje

¹⁴¹ Information provided in conversations with the representatives of the authorities of Ada (Service for protection of victims of trafficking in human beings)

¹⁴² Information provided in conversations with the representatives of the SWC Novi Sad

¹⁴³ Information provided in conversations with the representatives of the SWC Zrenjanin

¹⁴⁴ Information provided in conversations with the representatives of the SWC Požarevac

¹⁴⁵ Information provided in conversations with representatives of the Health Care Provider in Zrenjanin

¹⁴⁶ Information provided in conversations with the representatives of the Health Care Provider in Vranje

4.9.

Prevention, support services, victim's rehabilitation, psychological and social treatment of perpetrators of violence and the prevention of violence in the local community

"... The Committee calls upon the State party... to take the measures necessary to enact as soon as possible the draft law on free legal aid in order to enable women to claim their rights properly and satisfactorily... to ensure that all women victims of violence have adequate assistance and unhampered access to effective protection from violence, including by ensuring a sufficient number of shelters funded by the State and improving cooperation with relevant non-governmental organizations in this respect..."

Committee on the Elimination of Discrimination against Women, Concluding observations on the combined second and third periodic reports of Serbia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence devotes the whole chapter to the issues of protection and support to the victims, emphasizes that general obligations of the state are to provide mechanisms for effective cooperation among state bodies in charge, including non-governmental organizations and other relevant organizations in providing protection and support to the victims and witnesses of all forms of violence, focused on avoiding of secondary victimization, empowerment and economic independence of women suffering violence, adequate for the specific needs of vulnerable groups, including children who are victims. Services shall be accessible, and their provision shall not depend on willingness of the victim to file charges or testify against any of the perpetrators. Similar provisions are prescribed in the General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in Situations of Domestic and Intimate Partner Violence against Women.

Only few of the visited municipalities /cities have the services of free legal assistance providing this service to the women suffering violence. The lawyers providing free legal assistance identified increased number of cases, that „the number of divorce proceedings has increased, conferring of children due to failure to pay the alimony“, but that great number of women who initiated proceedings „very soon after that, due to lack of support system- no job, no safe place to live, they are afraid to whom their children will be conferred- they drop charges and go back to their respective families where they suffer violence“¹⁴⁷. All services of free legal assistance formulate the court documents, but they do not represent victims, except in Novi Sad. Legal counselling of the victim represents „a general support service“.

Local self-government units mostly do not finance special services for the victims of violence, with the exception of „safe houses“ and shelters, where appropriate, but a whole series of other services is financed and they can be used by the women victims of violence too. The city of Niš, in addition to the safe house, finance a series of particular rights, such as one-term financial support, voluntary work which is beneficial for women during the period of acquiring economic independence, while the employees of the safe house invest their efforts into teaching those women to use computers and to provide them with as many educational courses as possible, so that they could find job easier“. The city is planning to start monitoring the implementation of the signed Agreement on Cooperation, but to monitor the work of justice sector as well „which is identified as the biggest problem in the system“. Since 2006, Loznica has participated in the action „Let's Network the Community“¹⁴⁸. There was also an SOS phone line for the domestic violence victims, managed by the civil society organizations, but those organizations are no longer active.

¹⁴⁷Information provided in conversations with the representatives of the municipality of Čačak

¹⁴⁸ Actions in the period 2006-2009 in 10 cities of Serbia were initiated by the Autonomous Women's Centre.

In Novi Sad, Niš and Zrenjanin there are safe houses for women victims of violence, within the social welfare centers, financed by the funds of the local authorities units. The data on the Novi Sad safe house did not contain information on the staff, disposable capacities and the manner of work, but we were said that the safe house is not accessible for disabled women (more precisely, women with impaired hearing), nor for the women who do not speak Serbian language. We were said that there were no obstacles for accommodating women who do not originate from the Novi Sad territory and that SWC does not refuse to receive women even in case their respective municipalities are not able to pay for accommodation. In the safe house of Zrenjanin a small number of female users are registered, but those facilities accommodate the domestic violence victims and human trafficking victims. This safe house is evidently understaffed. The safe house of Niš (presently, six women and four children are accommodated) has a good human resources structure and seeks to provide support for women to become economically independent.

Representatives of SWC and local authorities of Čačak report on the work and services of the Shelter in Čačak (general type of a refuge) for violence victims and uncared-for persons: „as a rule, the victims remain very shortly accommodated“; none of the women did not stay longer than 10 days, and when they leave „they go back to the family where they had suffered violence“. SWC provides psychological and social support to these women and one-term financial assistance, but without pressing criminal charges, or legal actions *ex officio* for the protection against domestic violence, or organizing case conferences, or establishing cooperation with the National Employment Service¹⁴⁹.

The Domestic Violence Shelter of Priboj¹⁵⁰, governed by the SWC, in the past 10 years has accommodated „over 250 domestic violence victims (children and non-violent parents, human trafficking victims) from many municipalities and cities from the whole territory of the Republic of Serbia“. „There is a full team of professionals working with the victims“ that „in addition to urgent care provision, in accordance with the Rulebook, conducts an initial assessment with the family at risk, psychological, social and legal support, focused assessment (where needed), plan of services and cooperates with other institutions from the local community“. Neither this Social Welfare Centre initiated in 2013 court proceedings *ex officio*¹⁵¹.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence obliges the states to build or provide support to the programs that are focused on domestic violence perpetrators to learn how to act in a non-violent manner, in order to change their behavior forms and prevent further violence. At the same time, the states commit, while conducting such programs, to guarantee security and support for women suffering violence, to guarantee primary importance for respect of their human rights and to develop such programs in close cooperation with specialized services in charge of supporting women who found themselves in a situation of violence.

Such interventions require skilled and well trained instructors. Considering that such programs may influence the victim's decision or give her false feeling of security, the focus should primarily be put on her needs. These programs should not be conducted in an isolated manner, but in cooperation with the support services for women, law enforcement authorities, courts, suspended sentences services and child protection services.

¹⁴⁹ Information provided in conversations with the representatives of SWC Čačak

¹⁵⁰ Information provided in conversations with the representatives of SWC Priboj

¹⁵¹ „...„but the assessment says that in 2014, after monitoring of the parental rights exercise (child neglect in 2013) the procedure for partial deprivation of parental rights will be initiated in two cases *ex officio*“.

Psychological and social treatments for perpetrators of violence in intimate partner relation are organized sporadically, as pilot projects¹⁵². The center conducts checks of suitability to be included in the treatment, and if the assessment says that the „violence act perpetrator is not an eligible candidate for the program, the Prosecutor’s Office is informed thereon and continues the criminal prosecution“.

Professionals had completed a training course for treatment of the domestic violence perpetrators, but they don’t have no one to treat; „although the court was informed on the existence of this service and could impose to the perpetrators the order of undergoing the psychological and social treatment, the court does not impose it“¹⁵³.

Municipalities/cities, in accordance with their roles and capacities, work on raising awareness and organize campaigns. Although preventive measures have been recognized as an important factor in combating violence against women, in most of the cases the activities of the units of local authorities are reduced to allocate funds from the budget for the need indicated by the SWCs, but those funds are not directly intended exclusively for servicing the victims, though the victims use them too. The exception are the cities where safe houses, shelters and reception points are financed from the budget, or (rarely) the work of specialized organizations for women (SOS Vranje). They stated also that the assistance is provided to vulnerable groups, including male and female Roma people, in cases where it is obvious that violence is taking place.

In some municipalities/cities, the councils/commissions for gender equality work actively on increasing the visibility of the problem of domestic violence, while in other municipalities/cities “there is no interest to tackle this problem“. The Gender Equality Council of Vranje „developed LAP¹⁵⁴ for gender equality (2013-2015), containing six topics, one of them being domestic violence. In cooperation with the Gender Equality Administration, in rural areas, panel discussions were organized on the situation of women and domestic violence, mobbing, human trafficking and discrimination. A priority was defined to establish a Safe house for Women“. In some municipalities there is no authority in charge of gender equality, but only one person in charge¹⁵⁵. In some places there are networks of women municipal assembly deputies that are active, but they do not participate in advancing budget proposals (they have no powers).

4.10.

Resources of the Competent Authorities

Lack of financial means is a considerable obstacle for providing support to women- victims of violence, „particularly for the employment process and the housing issue“¹⁵⁶. The number of safe houses, shelters, reception points, namely „accommodation and other capacities for providing care to violence victims“¹⁵⁷ is insufficient. There is no possibility in the community for women suffering violence „to be provided counselling service and psychological and social support

¹⁵² SWC of Niš in cooperation with the BPPO conducts a project financed by UNDP, tailored by the program „Alternative to Violence“, that has been applied in Norway since late 80ies, „the point thereof being to work on changing the state of mind and beliefs with the aim of preventing further violence“ (information provided by the SWC Niš).

¹⁵³ Information provided in conversations with the representatives of SWC Kragujevac

¹⁵⁴ Local Action Plan

¹⁵⁵ Bačka Topola

¹⁵⁶ Information provided in conversations with the representatives of SWC Novi Sad

¹⁵⁷ Information provided in conversations with the representatives of the Police of Bor, SWC and Police of Novi Pazar and SWC Mali Zvornik

outside Social Welfare Centers¹⁵⁸, while small places face another particular problem which is the lack of Prosecutor's Office and Courts¹⁵⁹.

In case there is no accommodation in cities where women suffer violence, and in cases the intervention cannot be delayed, the victims are accommodated in other cities. Financing of this service poses a particular problem; some SWCs have financial means to rent the apartments where a woman is accommodated until the end of court proceedings, or until she acquires right to financial support, but not for a longer period of time. There is an expert opinion that safe houses are not good solutions for small towns, while some guardianship authorities „manage“ by using urgent foster care services. The municipalities that stated they offered the service of „non-profit housing“, victims of violence are not identified as potential beneficiaries of such services.

Women organizations that provide specialized service of SOS phone line and have multiannual experience, are mostly not identified and recognized as subjects for cooperation in local community, nor they are financed as service providers, except rarely¹⁶⁰.

Resources of civil society organizations are used in rare cases, for preventive purposes.

Employees do not dispose of sufficient knowledge on violence against women¹⁶¹, they haven't undergone training course for the implementation of General and Special Protocols (information and training courses needs are very often highlighted by the HCPs), „insufficient number of employees to ensure efficient action“¹⁶², while „the professionals are not sufficiently trained for the programs and work with the violent acts perpetrators, which, again, reduces the capacities of the expert services to find more adequate, long-term solutions in this area“¹⁶³.

¹⁵⁸ Information provided in conversations with the representatives of SWC Zrenjanin

¹⁵⁹ Information provided in conversations with the representatives of SWC Mali Zvornik

¹⁶⁰ Exptions are services in Vranje, Novi Sad and Ada

¹⁶¹ Information provided in conversations with the representatives of SWC Čačak

¹⁶² Information provided in conversations with the representatives of SWC Zrenjanin

¹⁶³ Information provided in conversations with the representatives of SWC Požarevac

ANNEX 1

TABLES

Table 1

Table of the authorities that provided the data (answers to the questions) to the Protector of Citizens

Municipality/ City	SWCs	Police	BPPOs	Misdemeanor court	Community Health Center	General hospital	Local authority
Ada	YES	YES	YES	YES	YES	NO	YES
Niš	YES	YES	Illegible	YES	YES	YES	YES
Novi Sad	YES	NO	NO	NO	YES	NO	YES
Bor	YES	YES	NO	NO	YES	YES	NO
Čačak	YES	YES	YES	YES	NO	NO	YES
Zrenjanin	YES	NO	NO	YES	NO	YES	YES
Mali Zvornik	YES	YES	NO	NO	YES	NO	YES
Novi Pazar	YES	YES	YES	YES	YES	NO	YES
Požarevac	YES	NO	YES	YES	YES	NO	NO
Vranje	YES	YES	NO	NO	YES	YES	YES
Priboj	YES	YES	NO	YES	NO	NO	YES
Bačka Topola	YES	NO	NO	NO	YES	NO	NO
Paraćin	NO	YES	YES	NO	YES	NO	NO
Loznica	YES	YES	NO	NO	YES	YES	YES

Table 2

Data on the attendance of male and female representatives of the authorities invited to working meetings with the representatives of the Protector of the Citizens (tables attached).

Municipality City	SWC	Police	BPPO	Misdemeanor. court	Community Health Center	General hospital	Local authority	Others
Ada	YES	YES	YES		YES	-	YES	Gender Equality Council
Niš	YES	YES	YES	YES	YES	NO	YES	Clinical Centre; Pulmonology Clinic;
Novi Sad	YES	YES	YES	YES	YES	NO	YES	Local Protector of citizens; Safe house; Gender Equality Office; Network of Women Deputies;
Bor	YES	YES	YES	NO	YES	YES	YES	Gender Equality Council;
Čačak	YES	NO	NO	YES	YES	NO	YES	
Zrenjanin	YES	YES	YES	YES	NO	YES	YES	Gender Equality Council; Safe house
Mali Zvornik	YES	YES	YES	YES	YES	-	YES	
Novi Pazar	YES	YES	NO	YES	YES	NO	YES	Gender Equality Council;
Požarevac	YES	YES	YES	YES	YES	YES	YES	
Vranje	YES	YES	NO	NO	NO	NO	YES	Gender Equality Council; Roma People Office
Priboj	YES	YES	YES	NO	YES	-	YES	

Bačka Topola	YES	YES	NO	YES	YES	-	YES	Local Protector of citizens; Free Legal Service; Media;
Paraćin	YES	YES	YES	YES	YES	YES	YES	
Loznica	YES	YES	YES	YES	YES	YES	YES	

Table 3

Total number¹⁶⁴ of cases of domestic violence reported in 2013 to different authorities in 14 selected municipalities/cities

Municipality/ City	SWC	Police	BPPO	Misdemeanor. court	Community Health Center	General hospital
Ada	7	43	6	0	5	
Niš	55	(1680) ¹⁶⁵		8	22	-
Novi Sad	98				0	
Bor	20	198			0	0
Čačak	74	333	53	2		
Zrenjanin	109			189		
Mali Zvornik	1	5			1	
Novi Pazar	38	(343)	71	0	0	
Požarevac	31		58	-		0
Vranje	91	631			-	-
Priboj	42	44	21	21		
Bačka Topola	24					
Paraćin	210	264	30	38		-
Loznica	21	172		-	-	-

¹⁶⁴ Empty fields mark that organ in charge have not submitted answer to the question on number of reported cases of violence in 2013.

¹⁶⁵ In Nis and Novi Pazar, data on the number of reported cases is attributed to Police Directorate, not to Police Station (numbers in the brackets)

Table 4

Table of the procedures taken up by the authorities upon reported domestic violence acts¹⁶⁶

Municipality/ City	Police				BPPO			Misdemeanor Court	SWC	
	Charges	Warnings	CP	MC	CP	MI	MP	Convictions	Charges	PO
Ada	43	43	6	0	6	6	0	-	7	0
Niš	(1680)	1295	237	132	-	-	8	6	55	0
Novi Sad	-	-	-	-	-	-	-	-	98	0
Bor	198	207	42	0	-	-	-	-	20	(1)
Čačak	333	151	25	0	53	9	2	2	74	0
Zrenjanin	-	-	-	-	-	-	189	76	109	6
Mali Zvornik	5	1	0	4	-	-	-	-	1	0
Novi Pazar	(343)	278	65	-	71	16	0	0	38	0
Požarevac	-	-	-	-	58	-	-	-	31	0
Vranje	631	423	0	7	-	-	-	-	91	1
Priboj	44	17	0	0	21	-	21	15	42	0
Bačka Topola	-	-	-	-	-	-	-	-	24	0
Paraćin	264	169	8	21	30	10	38	-	210	-
Loznica	172	88	18	41	-	-	-	-	21	0
TOTAL	3173	2629	395	205	239	41	258	99	821	

Attachment to Table 4

- The Police in Ada states that 43 oral warnings were issued, in six cases criminal proceedings were initiated and no misdemeanor charges were filed; BPPO reports that all the reports had been processed; the institute of deferred criminal prosecution was not applied, in all cases the motion to indict was filed; the Misdemeanor Court did not report; the SWC states that „various forms of social care were provided, two criminal charges were filed, four reports by the victims, one criminal proceeding and four litigations are ongoing; the HCPs stated that the violence was reported to the SWC and the Police, so those data are separately kept in the legal service inside the medical file of the person who had suffered violence.
- PD Niš received 1680 reports on intimate partner/domestic violence, 1295 oral warnings were issued, 132 misdemeanor proceedings were initiated and 237 criminal charges were filed; BPPO does not report on the outcome of these criminal charges; the Misdemeanor court mentions only eight misdemeanor charges, six thereof being ended by a final

¹⁶⁶ Empty fields mark that the body have not submitted the data, not the fact that there were not proceedings (this data is not known for marked municipalities and cities)

conviction, two proceedings are ongoing, and there were no proceedings in which the statute of limitations of the misdemeanor prosecution began. The SWC reported that it had filed two criminal charges and that in both proceedings the mechanism of deferred criminal prosecution was applied, as well as that in both proceedings eight domestic violence perpetrators, following the decision of the BPPPO, underwent psychological and social treatment which was partially successful, which is considered as an accomplished order before the Prosecutor's Office. The Health Centre stated that the SWC was informed on all 22 cases, and the Police was informed on 14 cases. Two cases of psychological violence and six cases of light bodily injuries were not reported; the records are kept for the cases reported (central registry, but not in accordance with the required categories, characteristics of the victim, because they don't consider it necessary), they have their internal conduct guidelines and most frequently they send the psychiatrist and a social worker to a Medical Welfare Centre and schedule control medical examinations.

- In Novi Sad, the Police, BPPPO and the Misdemeanor court did not send answers to our questions. The SWC did not file any criminal charges, but the finding and the opinion were forwarded to the police and the BPPPO. At the same time, the victims initiated the procedures for imposing the protection orders against violence, while SWC delivered the expert opinion on the purposefulness of measures. The Centre conducted standard procedures of assessment (initial and focused), planned services and measures, revisions of medical examination and assessment, made decisions on closing the case if the needs of the user had been met, the consequences reduced and there were no further risks of further violence. The Health Care Provider reported that since 2014 it has started informing the SWCs, but it does not monitor the victims who reported the violence.
- In Bor, the Police reports that 207 warnings were issued and 42 criminal charges were pressed, nine persons were detained for eight hours; upon receipt of every report the Police informs thereon the SWC; although the SWC delivered data on 20 registered cases of violence, it stated that in 14 cases thereof it had not been the matter of violence, but „an intimate partner conflict without endangering the security of the injured party“, so the counselling support was provided; in four cases the victim was provided legal assistance for formulating the complaint for imposing the protection orders against domestic violence; in one case „the assessment said that there was a need to initiate the procedure for imposing orders against domestic violence, but no consent by the victim was obtained to conduct the proceedings *ex officio* or her engagement in the proceedings“ (at that hearing the SWC filed criminal charges for domestic violence to the Police and the BPPPO and delivered findings, opinion and necessary evidence (medical reports). In 2013 SWC Bor did not initiate any court proceedings. The BPPPO and the Misdemeanor Court did not report on the proceedings, and the Health Care Provider stated that there was a special procedure, but there were no reports of violence.
- In Čačak, the Police issued 151 warnings, initiated 24 criminal proceedings for the act of domestic violence and one for the criminal act of murder. The BPPPO reports on seven cases of dismissing the criminal charges, three applications of the mechanism of deferred criminal prosecution and nine motions to indict filed. In the Misdemeanor Court there were only two cases, in both of them the accused persons were fined, while in one case a protection order- ban of approaching the injured party, facilities and site of misdemeanor was imposed. The SWC reports in general terms on the procedure and they provide interventions without delay 24 hours per day (the list of professionals on duty is made available to the Police), as well as that that the SWC did not initiate court proceedings *ex officio*.
- The BPPPO and the Police of Zrenjanin did not deliver data. The Misdemeanor Court of

Zrenjanin reports on a huge number of cases and 174 court decisions (2013), 76 thereof are convictions, 55 are acquittals and in 43 cases the proceedings were suspended. In two cases the procedure was stopped until the moment of making decision in the criminal proceedings, whereas in 43 cases the statute of limitations began (most frequent reasons therefor: the order to bring the accused was not executed, unknown address of the accused, the requests not fulfilled). SWC described in detail the standard procedure of work and reported that, *ex officio*, it started 11 proceedings (six proceedings were started for imposing the protection order against domestic violence, one indictment was filed for full deprivation of parental rights and one indictment for partial deprivation of parental rights, as well as three criminal charges); in five cases the victim was provided legal service assistance in formulating the complaint for the protection against domestic violence, whereas in the biggest number of cases the SWC delivered evidence and expert opinion of the BPPO with elaborated proposal to start the proceedings. In eight cases, when the case leader recognized the domestic violence in the procedures of exercising parental rights, these data and evidence were also submitted to the court and proposed to the court to impose the protection order. The HCPs treat the violence victims without delay, but they do not follow them up. The data are recorded in standard recording system. Employees in charge of urgent reception inform the police, the injuries inflicted are qualified on a form specially stipulated for that. The gynecology department in cases of violence against a minor reports to the social worker of the General Hospital.

- The Police in Mali Zvornik stated that in one case they applied the warning against the perpetrator, in four cases they filed misdemeanor charges, there were no criminal charges. The SWC provided advisory and material support, while the BPPO was provided with the findings and opinion. The Health Care Provider informs the SWC.
- The Regional Police Directorate of Novi Pazar reported on 278 warnings issued, there were no misdemeanor charges filed, 65 criminal proceedings were started (55 criminal charges for the criminal act of domestic violence, two criminal charges for violent behavior, four for the act of endangering the security, two for light bodily injuries, one for serious bodily injury and one criminal charge for the criminal act of rape). BPPO reports that the indictment was filed in 16 cases, in seven cases the mechanism of deferred criminal prosecution was applied, in one case the BPPO considered there were no elements of criminal act and in one case they abandoned the criminal prosecution. The Misdemeanor Court did not file a single charge for domestic violence. The SWC described the service of immediate intervention and other standard services (interviews, information gathering, empowering victims and provide oral information for the perpetrators that the violence represents a criminal act). In 2013, the SWC did not file a single criminal charge to the competent BPPO, or an accusation for imposing the protection order against domestic violence, or for the extension of protection order against domestic violence. The SWC did not start court proceedings *ex officio* for the purpose of protecting the violence victims, or submitted the finding and the opinion on the purposefulness of the measure required, because the Basic Court did not ask from the guardianship authorities to provide assistance in obtaining evidence and express their opinions on the purposefulness of the measure required. The Court decisions on the protection orders against domestic violence were not submitted to the SWC since the Family Law had been adopted, until the guardianship authorities asked through written urgent request from the Basic Court of Novi Pazar to regularly submit all the court decisions to the SWC. The Health Care Providers have no records on violence and activities taken up.

- The SWC Požarevac states that they „conducted advisory assistance, provided material support, the victims were displaced from their respective families, accommodated in safe houses and foster care families, the proceedings were initiated for the deprivation of parental rights. The Court was also given opinion relating to the initiated court proceedings for the purpose of applying safeguard measures against domestic violence. The persons were provided assistance relating to formulating the divorce legal action, but the Centre did not initiate a single proceeding aimed at protecting the victims from violence. One procedure was started aimed at depriving of parental rights and three proceedings for the protection of interests and rights of a child.“
- The Police of Vranje reports that it issued 423 warnings and seven misdemeanor proceedings were initiated. No criminal proceedings were initiated. SWC reports on legal procedures (measures) indicating that they act *ex officio* when the victims are children (four procedures for imposing the special protection order against domestic violence—three cases in which the victims are children and one case of an adult victim, eight procedures for complete and one procedure for partial deprivation from parental rights, four criminal charges filed, seven procedures for the protection of interests and rights of a child and 67 notifications for the BPPO that did not report on its activities. The Misdemeanor Court did not inform on its activities either.
- The Police of Priboj reports on issuing 17 warnings to persons in cases in which „there were no elements of domestic violence criminal act, or the elements to file misdemeanor charges“. However though, the Misdemeanor Court states that in 15 cases of violence, a sanction was imposed, while six cases are ongoing. The BPPO did not submit the data. The SWC states that in 2013, 12 victims were accommodated in the Domestic Violence Victims Shelter that is within the SWC, and that in that past 10 years the BPPO did not submit the data. The SWC states that in 2013, the Domestic Violence Victims' Shelter, which is under the umbrella of the SWC, accommodated 12 victims and that in the past 10 years the Shelter had accommodated over 250 domestic violence victims (children and non-violent parents, human trafficking victims) from many municipalities and cities from all over the Republic of Serbia. „The victims are treated by a full expert team from SWC Priboj, but when it comes about victims from other cities and municipalities, cooperation is established with the centers having territorial jurisdiction. In addition to urgent provision of care, in accordance with the Rulebook, an initial assessment is made with a family facing a risk of becoming a victim, psychological and legal support, focused assessment (where appropriate), services plan and cooperation is made with other institutions of local authorities“. In 2013 the SWC did not start any legal actions *ex officio*, „but the assessment says that in 2014, after the monitoring of the parental rights exercise (child neglecting in 2013), in two cases a procedure will be started *ex officio* for partial deprivation of parental rights“.
- The SWC Bačka Topola did not start any court proceedings, but it offered initiatives to the competent authorities for the purpose of starting the proceedings, directed the parties to the service of free legal assistance in municipal administration, where the complaints were formulated and they participated in the proceedings upon request by the competent authorities. The other services did not report on the proceedings.
- In Paraćin, the Police stated a number of 169 warnings issued, 21 request for starting misdemeanor proceedings and eight criminal charges pressed. The BPPO reports that 14 criminal reports were dismissed, that in three cases the mechanism of deferred criminal prosecution was applied (payment of funds into humanitarian purposes), one case was

suspended due to lack of evidence, 10 motions to indict were filed, out of which in eight cases final court decisions were adopted. The SWC did not report.

- The Police of Loznica pronounced 88 warnings, while 25 reports „ended with establishing that the allegations from the charges had not been true“, 41 misdemeanor procedures were initiated and 18 criminal charges were filed. He SWC did not start court proceedings *ex officio*, while BPPO and the Misdemeanor Court did not report on their activities.

Table 5

Records of domestic violence criminal acts made following the records of the Ministry of the Interior

For the period 1 January 2013- 30 June 2014

Police directorate	Year	Number of criminal acts according to Article 194	Number of criminal charges according to Article 194 .	Number of reported persons- M	Number of reported persons – F	Number of injured parties - M	Number of injured parties-F
Belgrade	2013	561	552	511	25	112	503
	I-VI 2014	169	167	154	11	38	156
Kragujevac	2013	186	183	173	10	52	150
	I-VI 2014	76	74	74	3	14	64
Jagodina	2013	82	81	77	3	23	71
	I-VI 2014	33	32	29	3	11	28
Niš	2013	243	243	222	12	69	196
	I-VI 2014	156	156	148	9	37	134
Pirot	2013	61	60	57	6	25	40
	I-VI 2014	35	35	28	6	10	27
Prokuplje	2013	79	74	73	5	21	64
	I-VI 2014	61	57	59	6	29	38
Leskovac	2013	210	210	175	18	76	145
	I-VI 2014	133	131	110	17	40	95

	2014						
Vranje	2013	90	89	85	7	29	75
	I-VI 2014	47	47	41	4	12	37
Zaječar	2013	49	49	44	2	6	40
	I-VI 2014	39	38	34	4	8	31
Bor	2013	146	144	123	15	39	109
	I-VI 2014	47	46	41	8	14	37
Smederevo	2013	189	185	162	12	36	145
	I-VI 2014	87	87	80	4	22	65
Požarevac	2013	47	46	41	4	77	42
	I-VI 2014	28	28	26	1	6	25
Valjevo	2013	90	90	87	5	29	71
	I-VI 2014	46	46	45	4	11	36
Šabac	2013	65	65	61	2	10	57
	I-VI 2014	28	28	27	4	11	21
Kraljevo	2013	114	114	98	9	24	90
	I-VI 2014	56	56	52	2	15	41
Kruševac	2013	76	75	73	0	15	63
	I-VI 2014	31	31	28	2	11	21
Čačak	2013	55	55	52	2	16	47
	I-VI 2014	29	29	28	0	6	22
Novi Pazar	2013	86	85	77	3	16	65
	I-VI 2014	41	41	38	1	5	35
Užice	2013	59	58	52	5	7	53

	I-VI 2014	25	25	24	1	7	21
Prijepolje	2013	34	34	30	1	2	28
	I-VI 2014	27	27	24	2	5	23
Novi Sad	2013	305	294	266	11	43	264
	I-VI 2014	165	162	150	6	30	144
Sombor	2013	119	118	101	10	24	92
	I-VI 2014	62	62	55	4	16	48
Subotica	2013	122	110	94	16	38	79
	I-VI 2014	70	66	52	14	20	47
Zrenjanin	2013	217	217	185	14	50	177
	I-VI 2014	111	109	95	5	16	89
Kikinda	2013	59	52	48	9	16	45
	I-VI 2014	19	18	17	1	2	16
Pančevo	2013	194	193	171	14	37	149
	I-VI 2014	91	91	84	4	20	71
Sremska Mitrovica	2013	129	126	121	2	27	115
	I-VI 2014	62	61	61	1	11	54
Serbia	2013	3667	3602	3257	222	849	2973
	I-VI 2014	1774	1750	1604	127	427	1426
Total		5441	5352	4861	349	1276	4399

Source: Database of the Ministry of the Interior

Table 6

Records of the cases of intimate partner/gender based violence against women according to the records of the Social Welfare Centers

For the period 1 January 2013- 30 June 2014

Name of the variable	Unit	2013.	2014.	Total
		I-XII	I-VI	
INTIMATE PARTNER/GENDER BASED VIOLENCE BASED ON THE REPORTS				
Number of reports of intimate partner/gender based violence against women received by the SWCs	Number of reports	2653	1642	4295
Number of reports of intimate partner/gender based violence against women submitted orally in the premises of the SWCs	Number of reports	937	615	1552
Total	Number of reports	3590	2257	5847
CASES OF INTIMATE PARTNER/GENDER BASED VIOLENCE BASED ON THE ORIGINS OF REPORTS				
Number of reports of intimate partner/gender based violence against women for which the SWC received information from the Police	Number of cases	1359	992	2351
Number of reports of intimate partner/gender based violence against women for which the SWC received information from other services, institutions or persons	Number of cases	580	306	886
DATA ON THE VIOLENCE VICTIMS				
Total number of women victims of intimate partner/gender based violence	Number of women	2314	1344	3658
AGE				
18-25	Number of women	319	183	502
26-64	Number of women	1884	1257	3141
More than 65	Number of women	322	146	468

Number of murder cases of women by their intimate partners, former intimate partners or members of extended family in cases of intimate partner/gender based violence	Number of women	2	0	2
Number of attempts of murder of women by their intimate partners, former intimate partners or members of extended family in cases of intimate partner/gender based violence	Number of women	5	5	10
Number of disabled female victims of intimate partner/gender based violence	Number of women	37	16	53
Number of women victims of intimate partner/gender based violence who are not citizens of the RoS	Number of women	7	9	16
Number of women victims of intimate partner/gender based violence who declared themselves as Roma women or members of other national minorities	Number of women	168	129	297
DATA ON VIOLENCE PERPETRATORS				
Total number of perpetrators of intimate partner/gender based violence	Number of perpetrators	2165	1379	3544
GENDER				

Male	Number of perpetrators	2241	1493	3734
Female	Number of perpetrators	150	91	241
AGE				
0-17	Number of perpetrators	14	5	19
18-25	Number of perpetrators	169	121	290
26-64	Number of perpetrators	1787	1160	2947
More than 65	Number of perpetrators	174	117	291
Number of cases of intimate partner violence against women where the perpetrator is officer of the MoI or the Serbian Armed Forces	Number of perpetrators	17	27	44
PROCEDURES TO PROTECT VICTIMS OF INTIMATE PARTNER/GENDER BASED VIOLENCE				
Total number of court proceedings initiated by the SWCs	Number of proceedings	427	280	707
TYPES OF PROCEEDINGS				
Proceedings intended for imposing the protection orders against domestic violence	Number of proceedings	161	113	274
Criminal charges	Number of proceedings	315	219	534
Proceedings for the protection of the interests and rights of a child	Number of proceedings	72	38	110
Other	Number of proceedings	254	247	501

Source: Republic Institute for Social Protection

*the table contains the data obtained from 101 Social Welfare Centers, out of a total number of 176 Social Welfare Centers

Table 7

Records of the cases of intimate partner/gender based violence in the health care providers of primary, secondary and tertiary level

For the period 1 January 2013- 30 June 2014

RECORDS	Communi Health Center	General hospital	Medical care centers	Clinics and clinical- hospital centers	Other¹⁶⁷	Total
Number of recorded cases of intimate partner/gender based violence	1517	566	369	287	284	3023
Number of cases on which the police was informed	1268	542	351	271	158	2590
Number of cases on which the Prosecutor's Office was informed	337	98	11	0	26	472
Number of cases on which the Social Welfare Centre was informed	859	159	76	6	31	1131
Number of cases on which no other authority was not informed	111	9	10	11	31	172
Number of injured female parties who asked help from the health	1179	170	281	17	112	1759

¹⁶⁷Institutes, institutions and special hospitals

care provider						
Number of injured female parties that are disabled, pregnant, childbearing or old	138	45	32	95	8	318
Number of injured female parties who declared themselves as members of the Roma national minority	58	3	104	1	4	170
Number of cases in which the doctor reported the intimate partner/gender based violence case to the other service	863	161	241	267	92	1624
Number of cases in which the violence was established but the doctor did not file the report	108	24	10	H/E	22	164

Source: database of the Ministry of Health

Table 8

Data on criminal proceedings initiated or closed for the criminal act of domestic violence pursuant to Article 194 of the Criminal code 3

For the period 1 January 2013- 30 June 2014

Criminal act of domestic violence, Article 194 of the Criminal Code									
Court	Number of initiated criminal proceedings	Number of closed criminal proceedings	Number of acquittals	Number of convictions	Other means of closing the criminal proceedings	Number of court decisions where the suspended sentence was imposed	Number of court decisions where the prison sentence was imposed	Number of court decisions where the fine was imposed	Number of court decisions where the protection order was imposed
Basic	3123	1964	136	1390	438	951	379	25	0
Higher	49	25	5	23	0	0	13	13	83
	3172	1989	141	1413	438	951	392	38	83
		62.70%	7.09%	71.04%	22.02%	67.30%	27.74%	2.69%	5.87%

Table 9

Decisions of the Appellate Courts in second instance proceedings (data provided by the Appellate Courts of Belgrade and Novi Sad)

For the period 1 January 2013- 30 June 2014

Case reference		Received	unsolved	solved:	confirmed	Partially confirmed	reversed	Partially reversed	Abolished	Partially abolished	Solved in other way
CA1/ Novi Sad	Domestic violence Article 194 of the CC	245	14	231	142	0	37	0	42	0	10
LA2/ Novi Sad	Protection against domestic violence	107	0	107	55	1	7	13	17	6	8
LA2/ Novi Sad	Imposing the protection order against domestic violence	8	0	8	4	0	0	0	0	2	2
Litigations for the purpose of imposing protection orders against violence		158	6	159	69	2	3	15	26	17	26

nce/ Belgr ade														
Total		518	20	505	270	3	47	28	85	25	4	6		

Table 10

Records of the Ministry of the Interior on the number of reports of murders committed within family, classified by the relation between the victim and the perpetrator

For the period 1 January 2013- 30 June 2014

Year	Wife	Former wife	Common-law wife	Former common-law wife	Husband	Former husband	Common-law husband	Mother	Father	Son	Daughter	Brother	Sister	Other	Total number of victims by age
2013	9	3	4	1	4	0	1	10	8	1	3	1	0	9	54
I-VI 2014	4	0	2	0	3	0	0	5	6	1	0	0	1	2	24
Total	13	3	6	1	7	0	1	15	4	2	3	1	1	11	78

Table 11

Records of the National Public Prosecutor's Office on recorded cases of intimate partner/gender based violence

For the period 1 January 2013- 30 June 2014

Criminal charges filed by:	Decisions on dismissing the criminal charges	Decision on abandoning the criminal prosecution	Proceedings closed by applying the mechanism of deferred criminal prosecution	The mechanism of deferred criminal prosecution is ongoing	Motion to indict filed
MoI - 5284					
Injured parties - 1051					
Other authorities, institutions and organizations - 289					
Total - 6624	1702	73	493	517	1631

ANNEX 2 NORMATIVE FRAMEWORK

*Constitution of the Republic of Serbia*¹⁶⁸

The State shall guarantee the equality of women and men and develop equal opportunities policy¹⁶⁹.

All are equal before the Constitution and law. Everyone shall have the right to equal legal protection, without discrimination and prohibits any discrimination based on any grounds¹⁷⁰.

The Constitution shall guarantee the following: right to human dignity and free development of personality¹⁷¹; right to life¹⁷²; inviolability of physical and mental integrity¹⁷³; right to equal protection of rights and legal remedy¹⁷⁴ and right to protection of physical and mental health¹⁷⁵.

The Constitution guarantees special protection of families, mothers, single parents and any child¹⁷⁶.

*International Covenant on Civil and Political Rights*¹⁷⁷

By ratifying, confirming or accession to the International Covenant on Civil and Political Rights, the states undertook to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, particularly regarding sex, inter alia¹⁷⁸.

The States Parties undertake to ensure the equal right of men and women to the enjoyment of all political and civil rights set forth in the present Covenant¹⁷⁹.

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as sex, inter alia¹⁸⁰.

Every human being has the right to life¹⁸¹, liberty and security of person¹⁸².

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. States Parties shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children¹⁸³.

The Human Rights Committee asked in its General Comments¹⁸⁴ from the States Parties to include in their periodic reports on the implementation of the Covenant the information on the

¹⁶⁸ RS Official Gazette, no. 98/2006

¹⁶⁹ Article 15 of the Constitution

¹⁷⁰ Article 21 of the Constitution

¹⁷¹ Article 23 of the Constitution

¹⁷² Article 24 of the Constitution

¹⁷³ Article 25 of the Constitution

¹⁷⁴ Article 36 of the Constitution

¹⁷⁵ Article 68 of the Constitution

¹⁷⁶ Article 66 of the Constitution

¹⁷⁷ "Official Gazette of the SFRY- International contracts", no.7/71

¹⁷⁸ Article 2 of International Covenant on Civil and Political Rights

¹⁷⁹ Article 3 of International Covenant on Civil and Political Rights

¹⁸⁰ Article 26 of International Covenant on Civil and Political Rights

¹⁸¹ Article 6 of International Covenant on Civil and Political Rights

¹⁸² Article 9 of International Covenant on Civil and Political Rights

¹⁸³ Article 23 of International Covenant on Civil and Political Rights

¹⁸⁴ General Comment of the Human Rights Committee no.28 (2000) on Article 3 of the International Covenant on Civil and Political Rights (equal rights for women and men)

national legislation and practices relating to violence against women, other forms of violence, including rape.¹⁸⁵

International Covenant on Economic, Social and Cultural Rights¹⁸⁶

By ratifying, confirming or accession to this Covenant, the States Parties undertake to guarantee that the rights enunciated in the present Covenant on economic, social and cultural rights will be exercised without discrimination of any kind such as sex, *inter alia*¹⁸⁷ and to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant¹⁸⁸.

The States Parties to the present Covenant recognize that the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, as well as that special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination¹⁸⁹.

Everyone is entitled to the enjoyment of the highest attainable standard of physical and mental health he/she can achieve¹⁹⁰

Convention on the Elimination of All Forms of Discrimination against Women¹⁹¹

Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field¹⁹².

States parties undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and particularly to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women¹⁹³.

General recommendation no.19 of the Committee for the Elimination of All Forms of Discrimination against Women¹⁹⁴

Violence against women represents a form of discrimination in the sense of Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women and should be

¹⁸⁵ General Comment of the Human Rights Committee no.28(2000) on Article 3 of the International Covenant on Civil and Political Rights (equal rights for women and men)

¹⁸⁶ "Official Gazette of the FSRY- International Covenants", 7/71

¹⁸⁷ Article 2 of the International Covenant on Economic, Social and Cultural Rights

¹⁸⁸ Article 3 of the International Covenant on Economic, Social and Cultural Rights

¹⁸⁹ Article 10 of the International Covenant on Economic, Social and Cultural Rights

¹⁹⁰ International Covenant on Economic, Social and Cultural Rights, Article 12, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>

¹⁹¹ " Official Gazette of the FSRY- International Covenants ", no. 11/81

¹⁹² Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women

¹⁹³ Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women

¹⁹⁴ General recommendation of the Committee for the Elimination of All Forms of Discrimination against Women, no.19, available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> or <http://www.womenngo.org.rs/publikacije-dp/medjunarodni%20dokumenti.pdf>

considered as serious breach of human rights of women. The Committee in its General Recommendation calls on States Parties to take all necessary measures for the purpose of eliminating the discrimination against women and suppression of violence against women, including the adoption of a specific legislation on all forms of violence against women, criminal sanctions against the perpetrators, civil legal remedies, preventive measures (raising public awareness and education and safeguard measures (including the services for violence victims support). In that way, this general provision on the prohibition of the discrimination based on sex is extended in such a way to encompass gender-based violence- violence against woman just because she is a woman or violence which affects women in a disproportionate measure. It includes acts representing physical, mental or sexual abuse or suffering, threats of such acts, coercion and other means of restricting liberty. The position of the Committee is that violence against women represents violation of her internationally recognized human rights, regardless of the fact whether the perpetrator is a public authority officer or a private person.

Declaration on the Elimination of Violence against Women¹⁹⁵

The States and international community should take up measures oriented towards elimination of all forms of violence against women, regardless whether they occur in public or private life. These measures comprise appropriate criminal legislation, development of national plans of action, provision of services and resources for women- victims of violence, training courses and gender sensibilisation of civil servants, as well as provision of funds from the Government's budget with a view to combating violence against women¹⁹⁶.

Resolution of the Human Rights Commission 1994/45¹⁹⁷

Violence against women encompasses various forms on non-traditional practices, such as rape and domestic violence. The Governments are considered responsible for the acts of violence against women perpetrated by a private person.

Convention on the rights of the Child¹⁹⁸

States undertake to take up all appropriate legislative, administrative, social and educational measures for the purpose of protection of a child against all forms of physical or mental violence, injuries or abuse, neglect or negligent conduct, ill-treatment and exploitation, including sexual abuse of the child's parents, legal guardians or other individuals legally responsible for the child. Such protection measures should encompass, where needed, efficient procedures for establishing social programs to provide necessary support for the child and individuals legally responsible for the child, as well as other forms of the prevention, identification, reporting, referral, investigation, conduct and monitoring of the above mentioned child abuse cases and, if needed, court proceedings¹⁹⁹.

General comment no.13 of the Committee for the rights of the child „Right of the child to freedom from all forms of violence“²⁰⁰

Subjecting the child to domestic violence represents a form of mental abuse of the child.

¹⁹⁵ General Assembly of the United Nations adopted the Declaration on the Elimination of Violence against Women (A/RES/48/104) on 20 December 20 1993, available at <http://www.un.org/documents/ga/res/48/a48r104.htm> or <http://www.womenngo.org.rs/publikacije-dp/medjunarodni%20dokumenti.pdf>

¹⁹⁶ Article 4 of the Declaration on the Elimination of Violence against Women

¹⁹⁷ Human Rights Commission adopted the Resolution 1994/45 *The Issue of Incorporating the Rights of Women into the UN mechanisms for the protection and Promotion of Human Rights and the Elimination of Violence against Women* at its 56th session on 4 March 1994. The resolution is available at <http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN-4-RES-1994-45.doc>

¹⁹⁸ "Official Gazette of the SFRY- International Covenants", no.15/90 and „The Official gazette of the FRY- International Covenants“, no. 4/96 и 2/97

¹⁹⁹ Article 19 of the Convention on the Rights of the child

²⁰⁰ General Comment No. 13 of the Committee on the Rights of the Child "The right of the child to freedom from all forms of violence", item 21, available at http://www.pravadeteta.com/attachments/288_OK%2013.pdf

Convention on the Rights of Persons with Disabilities²⁰¹

The States recognize that women and girls with disabilities are subject to multiple discrimination and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms²⁰².

States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects. These measures should provide, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programs designed to serve persons with disabilities are effectively monitored by independent authorities²⁰³.

In addition to that, States Parties shall undertake all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs. States Parties undertake to put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted²⁰⁴.

European Convention for the Protection of Human Rights and Fundamental Freedoms²⁰⁵

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, inter alia²⁰⁶. Everyone's right to life shall be protected by law²⁰⁷. Everyone has the right to liberty and security of person²⁰⁸. No one shall be discriminated against by any public authority on the ground of sex or any other ground²⁰⁹.

Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence²¹⁰

Violence against women is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in

²⁰¹ "Off. Gazette of the RoS", no. 42/09

²⁰² Article 6 of the Convention on the Rights of Persons with Disabilities

²⁰³ Article 16 of the Convention on the Rights of Persons with Disabilities

²⁰⁴ Article 16 of the Convention on the Rights of Persons with Disabilities

²⁰⁵ "Off. Gazette of SMN- International Covenants", no. 9/03

²⁰⁶ Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms

²⁰⁷ Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms

²⁰⁸ Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms

²⁰⁹ Article 1 of the Protocol no.12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms

²¹⁰ "Off. Gazette of the Republic of Serbia- International Covenants", number 12/13, 4/14

public or in private life. Domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim²¹¹

States Parties shall refrain from engaging in any act of violence against women and ensure that public authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors²¹².

Legislative and other measures encompass adoption and implementation effective, comprehensive and coordinated State policies encompassing all relevant measures to prevent and combat all forms of violence and offer a holistic response to violence against women. The rights of the victim at the center of all measures and are implemented by way of effective co-operation among all relevant authorities, institutions and organizations. Measures shall involve, where appropriate, all relevant actors, such as government authorities, the national, regional and local assemblies and authorities, national human rights institutions and civil society organizations²¹³.

States Parties undertake to collect relevant statistical data at regular intervals on cases of all forms of violence and support research in the field of all forms of violence in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of the measures taken.²¹⁴

States Parties undertake necessary measures to promote changes in the social and cultural patterns of behavior of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men, as well as necessary legislative and other measures to prevent all forms of violence against women²¹⁵. These measures encompass appropriate training for the relevant professionals on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimization and coordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women²¹⁶.

States Parties undertake necessary legislative or other measures to protect all victims from any further acts of violence, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state authorities, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organizations and other relevant organizations and entities, in protecting and supporting victims and witnesses of all forms of violence, including by referring to general and specialist support services. The measures taken need to fulfil the following criteria:

²¹¹ Article 3 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²¹² Article 5 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²¹³ Article 7 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²¹⁴ Article 11 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²¹⁵ Article 12 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²¹⁶ Article 15 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

- be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
- be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
- to aim at avoiding secondary victimization;
- to aim at the empowerment and economic independence of women victims of violence;
- to allow, where appropriate, for a range of protection and support services to be located on the same premises;
- to address the specific needs of vulnerable persons, including child victims, and be made available to them.²¹⁷.

The victims are entitled to receive adequate and timely information on available support services and legal measures in a language they understand²¹⁸. The victims have to be provided access to services facilitating their recovery from violence, such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment, access to health care and social services. Those services need to be adequately resourced and professionals are trained to assist victims and refer them to the appropriate services²¹⁹.

States Parties undertake the necessary measures to ensure that the confidentiality rules imposed by international law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organizations or authorities if they have reasonable grounds to believe that a serious act of violence against women has been committed and further serious acts of violence are to be expected.²²⁰

States Parties undertake the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence against women promptly and appropriately by offering adequate and immediate protection to victims and engage promptly and appropriately in the prevention and protection against all forms of violence²²¹. States Parties undertake to ensure an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out in order to manage the risk and if necessary to provide coordinated safety and support.²²² The competent authorities need to be granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk²²³, as well as the power to impose restraining orders are available to victims of all forms of violence against women²²⁴. The breaches of restraining or protection orders shall be effective, proportionate and dissuasive. States Parties undertake that investigations into or prosecution of

²¹⁷ Article 18 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²¹⁸ Article 19 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²¹⁹ Article 20 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²²⁰ Article 28 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²²¹ Article 50 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²²² Article 51 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²²³ Article 52 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²²⁴ Article 53 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

offences established in relation to violence against women and domestic violence shall not be wholly dependant upon a report or complaint filed by a victim and that the proceedings may continue even if the victim withdraws her statement or complaint²²⁵.

There is no separate law in the Republic of Serbia governing exclusively violence against women, so this area is regulated by the provisions of the Criminal Code of the Republic of Serbia, Family Law, Law on Prohibition of Discrimination and the Law on Gender Equality.

*Criminal Code*²²⁶

The criminal act of domestic violence is done everyone who by use of violence, threat of attacks against life or body, insolent or ruthless behavior endangers the tranquility, physical integrity or mental condition of a member of his family. Qualified forms of this act occur in cases if in committing the offence weapons, dangerous implements or other means suitable to inflict serious injury to body or seriously impair health are used; if the offence results in serious bodily injury or serious health impairment or if committed against a minor; if the offence results in death of a family member. A specific form of this act is the violation of a safeguard measure against domestic violence that was imposed on them by the court in accordance with the law²²⁷. The perpetrator of this criminal act can be imposed a prison sentence and in case the conditions stipulated by the Criminal Code are met, warning measures can be pronounced- probation and probation including protective supervision, sentence in form of the work in public interest and in case it is assessed as needed, the security measures can also be imposed.

A special form of this criminal act is the violation of a measure against domestic violence imposed on the perpetrator by the court in accordance with the law and a punishment of imprisonment or fine is stipulated for this form of criminal act²²⁸.

Family members are spouses, their children, direct bloodline ancestors of the spouses, common/law partners and their children, adopted parent and adoptee, foster caregiver and foster caretaker, brothers and sisters, their spouses and children, former spouses and their children and parents of former spouses, in case they live in the same residence, as well as the persons who have a child or a child is to be born, though those persons have never lived in the same family residence²²⁹.

A person convicted for criminal act against marriage and family who lives with the damaged party in the same family residence cannot be imposed execution of the prison sentence in a manner that the sentence is served in the premises where the convicted lives²³⁰

For the criminal acts committed for the purpose of profit, a fine as a side punishment can be avoided even if it is not stipulated by law or in case the law stipulates that the perpetrator is to be punished by prison sentence or a fine, and the court impose the prison sentence as the main punishment.²³¹

Punishment in the form of work in public interest can be imposed for the criminal acts for which prison sentence up to three years or a fine are stipulated. When imposing this sentence the court shall, bearing in mind the purpose of sentencing, take into account the type of the committed

²²⁵ Article 55 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence

²²⁶ „Official Gazette of the RoS“ no. 85/05, 88/05 , 107/05 , 72/2009, 111/09, 121/12, 104/2013 and 108/2014

²²⁷ Article 194 of the Criminal Code

²²⁸ Article 194 of the Criminal Code

²²⁹ Article 112 Item 28 of the Criminal Code

²³⁰ Article 54 of the Criminal Code

²³¹ Article 48 of the Criminal Code

criminal act, personality of the perpetrator, as well as his readiness to perform community work²³².

By imposing a suspended sentence on the perpetrator, the court at the same time defines the punishment and that it will not be executed if the convicted person within a timeline determined by the court, which cannot be shorter than one or longer than five years (verification period) does not commit another criminal act.²³³ When imposing a probation the court may determine that the punishment be executed if the convicted person fails to return the assets obtained by committing the criminal act, fails to compensate the damage inflicted by the commission of the criminal act or fails to meet other obligations envisaged by criminal and legal provisions. The timeframe for fulfilling such obligations is established by the court within a certain verification period.²³⁴

The probation judgment can be pronounced when the perpetrator is imposed a prison sentence shorter than two years²³⁵. When deciding on whether to impose a probation the court shall, taking into account the purpose of the probation, particularly take into account his earlier life, his conduct after the commission of the criminal act, degree of guilt and other circumstance of the commission of the criminal act.²³⁶

The court may decide that the perpetrator with a suspended sentence imposed be put under a protective supervision for a certain period of time during the verification period.²³⁷ The protective supervision encompasses all assistance, guardianship, supervision and protection measures envisaged by the law, such as, *inter alia*, restraining from the use of drugs or alcoholic beverages, medical treatment by an appropriate health care provider, visits to specific professional and other advisory bodies or institutions and acting in accordance with their guidelines, elimination or mitigation of the damage inflicted by the commission of the criminal act, and particularly reconciliation with the victim of the committed criminal act²³⁸.

The purpose of security measures is to eliminate circumstances or conditions that may have influence on an offender to commit criminal offences in future.²³⁹ The following security measures may be ordered to offender: compulsory psychiatric treatment and confinement in a medical institution; compulsory psychiatric treatment at liberty; compulsory drug addiction treatment; compulsory alcohol addiction treatment; restraint order to approach and communicate with injured party²⁴⁰. A restraining order prohibiting physical proximity and communication with the injured party may be made if an offender has been sentenced to a fine, community service, revocation of a driving license, or if he has received a suspended sentence or judicial warning.²⁴¹

The Court may prohibit an offender from approaching the injured party at a specified distance, from accessing the area surrounding the injured party's residence or place of work, and further harassment of the injured party, *i.e.* further communication with the injured party, provided it is reasonable to believe that any such further action taken by the offender would pose a threat to the injured party.²⁴²

In accordance with general rules on determining a punishment, the court shall determine a punishment for a criminal offender within the limits set forth by law for such criminal offence, with regard to the purpose of punishment and taking into account all circumstance that could have bearing on severity of the punishment (extenuating and aggravating circumstances), and particularly the following: degree of culpability, the motives for committing the offence, the degree of endangering or damaging protected goods, the circumstances under which the offence

²³² Article 52 of the Criminal Code

²³³ Article 65 of the Criminal Code

²³⁴ Article 65 of the Criminal Code

²³⁵ Article 66 of the Criminal Code

²³⁶ Article 66 of the Criminal Code

²³⁷ Article 71 of the Criminal Code

²³⁸ Articles 72 and 73 of the Criminal Code

²³⁹ Article 78 of the Criminal Code

²⁴⁰ Article 79 of the Criminal Code

²⁴¹ Article 80, Item b of the Criminal Code

²⁴² Article 89a of the Criminal Code

was committed, the past life of the offender, his personal situation, his behavior after the commission of the criminal offence and particularly his attitude towards the victim of the criminal offence, and other circumstances related to the personality of the offender.²⁴³ Special circumstances for determination of sentence are taken into account if a criminal offence is committed from hate based on race or religion, national or ethnic affiliation, sex, sexual orientation or gender identity of another, the court shall consider such circumstance as aggravating except when it is not stipulated as a feature of the criminal offence.²⁴⁴

The court may, in determining punishment for a perpetrator of a criminal offence they committed after serving of sentence, pardon or sentence under limitations or remittance of punishment, upon expiry of period for revocation of parole or warning by the court, take such circumstance as aggravating, and shall give particular consideration to seriousness of the previous offence, whether the previous offence was of the same kind as the latter, whether both offences were committed from same motives, circumstances under which the offences were committed and the time elapsed from the previous conviction or pronounced punishment, pardon or sentence under limitations, remittance of punishment or of the expiry of the time limit for revocation of previous suspended sentence or pronounced caution by the court.²⁴⁵

The court may pronounce to a perpetrator of a criminal offence a penalty which is under statutory limits or a mitigated penalty if, inter alia, the court finds that particularly mitigating circumstances exist and determines that the purpose of punishment may be achieved by a mitigated penalty.²⁴⁶ The court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his obligations from an agreement reached with the victim.²⁴⁷

Family Act²⁴⁸

The family is entitled to special protection of the state²⁴⁹. Domestic violence is the behavior by which one family member endangers the physical integrity, mental health or tranquility of another family member. Domestic violence is in particular: inflicting or attempting to inflict a bodily injury; incitement of fear by threatening to murder or inflict a bodily injury to a member of the family or another person close to him/her; forcing to sexual intercourse; abetting to sexual intercourse or sexual intercourse with a person who has not reached fourteen years of age or an incapable person; restricting of freedom of movement or communication with third persons; insulting, as well as any other insolent, unscrupulous or malevolent behavior²⁵⁰. Domestic violence is prohibited and everyone has the right to protection from domestic violence.²⁵¹ . Members of the family, in terms Family Act, are spouses or former spouses, children, parents and other blood relatives, in-law or adoptive relatives, and persons related by foster care, persons who live or have lived in the same family household, cohabitantes or former cohabitantes, persons who have been or still are in a mutual emotional or sexual relation, or have a common child, or the child is to be born, although they have never lived in the same family household²⁵².

For the purpose of domestic violence protection, the court may impose protection orders against domestic violence. ²⁵³

²⁴³ Article 54 of the Criminal Code

²⁴⁴ Article 54 of the Criminal Code

²⁴⁵ Article 55 of the Criminal Code

²⁴⁶ Article 56 of the Criminal Code

²⁴⁷ Article 59 of the Criminal Code

²⁴⁸ „Official Gazette of the RoS“, no. 18/05 and 72/2011

²⁴⁹ Article 2 of the Family Act

²⁵⁰ Article 197 of the Family Act

²⁵¹ Article 10 of the Family Act

²⁵² Article 197 of the Family Act

²⁵³ Article 198 of the Family Act

Action for imposing a protection order against domestic violence may be initiated by the public prosecutor and the guardianship authority²⁵⁴.

Proceedings in a dispute over protection from domestic violence are particularly urgent. The court undertakes to schedule the first hearing to take place within eight days from the day the action was filed in court. The court of second instance is under the obligation to make a decision within fifteen days from the day the appeal was delivered to the court.²⁵⁵

If the guardianship authority failed to initiate the proceedings in a dispute over the protection from domestic violence, the court may ask the guardianship authority to provide help in acquiring the necessary evidence and state its opinion on the appropriateness of the required measure²⁵⁶.

The court is under the obligation to immediately deliver the judgment in a dispute over protection from domestic violence both to the guardianship authority on the territory of which the family member who was subject to domestic violence has residence or a dwelling place and to the guardianship authority on the territory of which the family member against whom the measure has been ordered has residence or a dwelling place. The guardianship authority is under the obligation to keep records and documentation both on the persons who were subject to violence and the persons against whom the protective measure has been ordered²⁵⁷.

*Law on the Prohibition of Discrimination*²⁵⁸

It is forbidden to deny rights or to grant privileges, be it publicly or covertly, pertaining to gender or gender change. It is forbidden to practice physical violence, exploitation, express hatred, disparagement, blackmail and harassment pertaining to gender, as well as to publicly advocate, support and practice conduct in keeping with prejudices, customs and other social models of behavior based on the idea of gender inferiority or superiority; that is, the stereotyped roles of the genders²⁵⁹.

Gender Equality Law ²⁶⁰

Gender based violence is every conduct endangering physical integrity, mental health or tranquility, or inflict material damage to a person, or a serious threat of such conduct preventing or restricting a person to enjoy rights and freedoms based on the gender equality principle²⁶¹. All family members have equal rights to protection against domestic violence. Special measures and programs intended for the following categories shall not be considered as discrimination: domestic violence victims provided with social, legal and other assistance and compensation aimed at protecting them against domestic violence and elimination and mitigation of the violence consequences; provision of care for violence victims, with a view to preventing violence and exercising their rights to life without violence (safe houses etc.) and for the domestic violence perpetrators with a view to preventing further acts of violence. The public authorities are obliged to plan, organize, conduct and finance measures intended for raising awareness of the public on the need to prevent domestic violence²⁶².

*Criminal Procedure Code*²⁶³

²⁵⁴ Article 284 of the Family Act

²⁵⁵ Article 285 of the Family Act

²⁵⁶ Article 286 of the Family Act

²⁵⁷ Article 289 of the Family Act

²⁵⁸ „Official Gazette of the RoS“, no 22/2009

²⁵⁹ Article 20 of the Law on the Prohibition of Discrimination

²⁶⁰ „Official Gazette of the RoS“, no. 104/2009

²⁶¹ Article 10 of the Gender Equality Act

²⁶² Article 29 of the Gender Equality Act

²⁶³ „Official Gazette of the RoS“, no. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14)

The public prosecutor may defer criminal prosecution for criminal offences punishable by a fine or a term of imprisonment of up to five years if the suspect accepts one or more of the following obligations: to rectify the detrimental consequence caused by the commission of the criminal offence or indemnify the damage caused; to pay into public income account a certain amount of money for humanitarian purposes or other public purposes; to perform certain community service or humanitarian work; to fulfil maintenance obligations which have fallen due; to submit to an alcohol or drug treatment program; to submit to psycho-social treatment for the purpose of eliminating the causes of violent conduct; to fulfil an obligation determined by a final court decision, or observe a restriction determined by a final court decision. The public prosecutor will determine a time limit during which the suspect must fulfil the obligations undertaken, with under the condition that the time limit may not exceed one year. If the suspect fulfils the obligation within the prescribed time limit, the public prosecutor will dismiss the criminal complaint by a ruling and notify the injured party thereof, and the provisions of Article 51 paragraph 2 of this Code ²⁶⁴ will not be applied²⁶⁵.

*The Law on Social Welfare*²⁶⁶

Social welfare is an organized social activity of public interest aimed at providing assistance and empowering individuals and families for independent and productive life in society, as well as prevention of occurrence and elimination of consequences of social exclusion which, *inter alia*, is aimed at preventing abuses, neglecting or exploitation, that is to eliminate their consequences²⁶⁷. Social welfare services are the activities of provisioning support and assistance to individuals and families for the purpose of improving, that is, maintaining the quality of life, eliminating or mitigating the risks of unfavorable living circumstances, as well as creating opportunities for them to live independently in society²⁶⁸. The Law guarantees timely social welfare exercised in such a way that provides timely identification of the needs of users and provision of services for the purpose of prevention of occurrence and development of circumstances endangering security and fulfilment of basic needs of life hindering thereby the inclusion into society even in situations when the court does not require a report or a finding²⁶⁹.

Social welfare services are, *inter alia*, the services of assessment and planning- assessment of circumstances, needs, capacities and risks of a user and other important persons in his/her environment; assessment by the guardians, foster parents and adoptive parents; development of individual or family plan of services provision and legal protection measures, as well as other assessments and plans; advisory-therapeutic and social and educational services- intensive support services for a family facing crisis; counselling and support by the parents, foster parents or adoptive parents, support for a family providing care for its child or an adult family member with mental disabilities; maintenance of family relations and family reunion; counselling and support in cases of violence; family therapy; mediation, SOS phone lines; activation and other advisory and educational services and activities²⁷⁰.

A minor is particularly emphasized as a user of rights and services of social welfare in case there is a danger that he/she will become a victim or, in case he/she is a victim of abuse, neglect, violence and exploitation, that is in case his/her physical, mental or emotional welfare and development are threatened by acts or failures to act by the parents, guardians, or other person

²⁶⁴ Provision of Article 51, Paragraph 2 of the Criminal Procedure Code sets out, the injured party is entitled to submit an objection within eight days of receiving the notification and advice referred to in paragraph 1 of this Article. If the injured party has not been notified, he is entitled to submit an objection within three months of the date when the public prosecutor dismissed the complaint, discontinued the investigation or abandoned criminal prosecution“.

²⁶⁵ Article 283 of the Criminal Procedure Code

²⁶⁶ „Official Gazette of the RoS“, no 24/2011

²⁶⁷ Article 2 of the Law on Social Welfare

²⁶⁸ Article 5 of the Law on Social Welfare

²⁶⁹ Article 29 of the Law on Social Welfare

²⁷⁰ Article 40 of the Law on Social Welfare

taking immediate care of him/her. An adult from 26 to 65 years of age and an adult older than 65 years is a user if his/her welfare, security and productive life in society are threatened by the risks deriving from old age, disability, sickness, family or other life circumstances, and particularly in case of danger that he/she will become a victim or already is a victim of self-neglect, neglect, abuse, exploitation and domestic violence²⁷¹.

In accordance with the social welfare goals and the target user groups, the social welfare center decides on the exercise of rights of users established by this law on the use of services of social welfare ensured by the republic of Serbia, the autonomous province and a local authority unit²⁷². The center assesses the needs and capacities of users and risks he/she faces and plans social welfare services provision; conducts procedures and decides on the rights to financial allocations and on the use of social welfare services; undertakes prescribed measures and ensures the documentation on the users is kept. It is the obligation and the power of the center for social welfare to initiate and develop preventive and other programs that will contribute to meeting individual and joint needs of the citizens in the area of social welfare in the territory of the local authority unit for which it was established, initiates and develops preventive and other programs that contribute to the prevention and suppression of social issues and performs other duties in the area of social welfare, in accordance with the law and other regulations²⁷³.

*The Law on Public Peace and Order*²⁷⁴

Whoever disturbs public order and peace by arguing and shouting or endangers the security of citizens, endangers security of other by threatening his/her life and limb or life and limb of other person close to him/her; insulting or abusing the other, violating the other, provoking fight or participating in it, endangering the tranquility of citizens or disturbs public order and peace shall be fined or imprisoned²⁷⁵.

*Misdemeanor Law*²⁷⁶,

To a misdemeanor offender temporary protective measure can be imposed with the purpose of eliminating the conditions facilitating or inciting the offender to commit further misdemeanors²⁷⁷, inter alia, confiscation of objects, obligatory treatment of alcohol addiction and psychoactive substances, obligatory psychiatric treatment, ban of approaching the injured party, premises or site of committing the misdemeanor.²⁷⁸ Protective measures of confiscating the objects, compulsory treatment of alcohol addiction and psychoactive substances, compulsory psychiatric treatment, ban of approaching the injured party, premises or site of committing the misdemeanor and removal of a foreigner from the territory of the Republic of Serbia can be imposed even if not envisaged by the provision defining the misdemeanor²⁷⁹.

Ban to approach the injured party, premises or site of the misdemeanor commission shall be determined for the purpose of preventing the offender from repeating the misdemeanor or continuing to threaten the injured party²⁸⁰, upon written proposal of the person proposing to initiate the misdemeanor procedure or upon oral request of the injured party expressed at the hearing within the misdemeanor procedure. The court decision determining the ban of approach is communicated to the injured party, the police directorate in charge of executing the measure and the competent guardianship authority in case the measure relates to the ban of approach to

²⁷¹ Article 41 of the Law on Social Welfare

²⁷² Article 119 of the Law on Social Welfare

²⁷³ Articles 120 and 121 of the Law on Social Welfare

²⁷⁴ „Official Gazette of the RoS”, no. 51/92, 53/93, 67/93, 48/94, 101/2005 and 85/2005

²⁷⁵ Article 6 of the Law on Public Order and Peace

²⁷⁶ RS Official Gazette, no. 65/13

²⁷⁷ Article 51 of the Misdemeanor Law

²⁷⁸ Article 52 of the Misdemeanor Law

²⁷⁹ Article 52 of the Misdemeanor Law

²⁸⁰ Article 61 of the Misdemeanor Law

children, a spouse or family members.²⁸¹ In case the imposed ban to approach measure is breached, a sanction is determined according to the provision envisaged for the misdemeanor for which the above measure is imposed²⁸².

*The Law on Police*²⁸³,

The police cooperates with the territorial autonomy authorities and local authorities in taking up measures for the security of people and property, as well as with other authorities and institutions, nongovernmental and other organizations, minority and other organized groups and self-organized individuals for the purpose of developing partnerships for the prevention or detection of criminal acts and their perpetrators, as well as in achieving other security goals²⁸⁴.

In performing police duties, the police duty is to provide individuals with information and advice of relevance for their personal and property security, including other information the police acquired in relation to that, in case it is not contrary to the law. In case a private right of an individual is threatened he/she can seize the police for the purpose of protecting the right in question, if in that concrete case no other legal protection of the above right is ensured and in case that endangering that right is related to his/her personal or property security. He Police is bound to provide assistance to an individual based on this request if the request is in accordance with its scope of work, and if not, the police is bound to refer the request to the competent authority and inform the applicant thereon²⁸⁵.

Police officer shall warn an individual who, by his/her behavior, conduct or failure to act, can bring into danger his/her own security or security of the other or security of the property, disturb public order or road safety or if it is reasonably expected that the individual can make or instigate the other to make a criminal act or a misdemeanor²⁸⁶. The police officer warns the individual indicating that the individual, by his/her behavior, conduct or failure to act in a certain way can put in danger his/her own security or security of the other or security of the property or cause the commission of a criminal act or a misdemeanor, namely to inflict other detrimental consequences²⁸⁷.

*The Law on Personal Data Protection*²⁸⁸.

Personal data can be processed based on free consent of a person in question²⁸⁹, unless the law prohibits processing of the data even with the person's consent²⁹⁰. Data processing without consent is allowed to exercise or protect vitally important interests of a person or the other, and particularly his/her life, health and physical integrity; for the purpose of executing the obligations stipulated by law, act adopted in accordance with the law or a contract concluded between the person and the data handler; as well as for the purpose of preparing the conclusion of a contract; for the purpose of raising funds for humanitarian purposes ; and in other cases stipulated by law, for the purpose of exercising the prevailing justified interest of the person, handler or user²⁹¹.

In the recent period the Government adopted a series of national strategies: *National Strategy for Improving the Situation of Women and Improvement of Gender Equality*²⁹² in 2009; *National Strategy for the Prevention and Suppression of Domestic and Intimate Partner Violence against*

²⁸¹ Article 61 of the Misdemeanor Law

²⁸² Article 62 of the Misdemeanor Law

²⁸³ „Official Gazette of the RoS“, no. 101/2005, 63/2009 и 92/2011

²⁸⁴ Article 6 of the Law on Police

²⁸⁵ Article 189 of the Law on Police

²⁸⁶ Article 39 of the Law on Police

²⁸⁷ Article 2 of the Rulebook on Police Powers (RS Official Gazette, no. 54/06)

²⁸⁸ RS Official Gazette, no. 97/08 and 104/09, 68/12 and 107/12

²⁸⁹ Article 10 of the Law on Personal Data Protection

²⁹⁰ Article 16 of the Law on Personal Data Protection

²⁹¹ Article 16 of the Law on Personal Data Protection

²⁹² RS Official Gazette, no. 15/09

*Women*²⁹³, April 2011, and the *Strategy for the Prevention and protection against Discrimination*²⁹⁴, June 2013.

Basic guidelines for the conduct of the authorities and organizations in the Republic of Serbia in the field of prevention of gender based violence are stipulated in the National Strategy for Improvement of the Situation of Women and Improvement of Gender Equality, namely: strengthening the capacities of the institutes and institutions dealing with the violence victims, establishment and application of mechanisms that would provide for conduct in accordance with international obligations related to human rights in the field of sexual and gender based violence; strengthening of the legislative framework in the field of violence victims protection, raising public and citizens' awareness on unacceptability of violence as a model of behavior aimed at supporting the creation a social ambiance with a preventive function. For the purpose of implementing the said guidelines, as one of the instruments, it is necessary to adopt and implement a General Protocol on Conduct and Cooperation of the Institutions, Authorities and Organizations in Situations of Domestic and Intimate Partner Violence against Women that would stipulate in detail the obligations of the participants and other entities involved in the detection and suppression of violence and provision of protection and support for the persons suffering domestic violence; forms, manner and content of cooperation among competent institutions, authorities and organizations, as well as other factors engaged in the detection and suppression of violence and provision of protection to the persons suffering domestic violence; other activities and obligations relating to the conduct of institutions, authorities and organizations and other factors engaged in the detection and suppression of violence and provision of protection an support to persons suffering domestic violence.

²⁹³ RS Official Gazette, no. 27/11

²⁹⁴ RS Official Gazette, no. 60/13