



Заштитник грађана

**SPECIAL REPORT OF THE PROTECTOR OF CITIZENS
ON THE WORK OF THE GROUPS FOR COORDINATION AND
COOPERATION
ON THE TERRITORY OF THE HIGHER PUBLIC PROSECUTOR'S
OFFICE IN NIŠ**



Protector of Citizens

**REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS**

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1. INTRODUCTION

The Law on the Prevention of Domestic Violence¹, the implementation of which began on 1 June 2017, regulates the organization and actions of state bodies and institutions in a general and uniform manner, and at the same time creates conditions for the effective prevention of domestic violence and urgent, timely, and effective protection and support for victims of violence.

This law, in the drafting of which the Protector of Citizens participated by sending numerous recommendations, opinions, proposals, and initiatives to the competent authorities², among other things, provides for the establishment of groups for coordination and cooperation in the jurisdiction of each basic public prosecutor's office, made up of representatives³ of the prosecutor's office, police administrations, and centers for social work.

In the first year of application of the Law, the Protector of Citizens, in cooperation with the Autonomous Women's Center, conducted dedicated research on this topic and produced a Special Report of the Protector of Citizens on the work of groups for coordination and cooperation on the territory of the City of Belgrade, with recommendations⁴. The subject of the aforementioned report was an analysis of the actions of experts from the competent state bodies during the implementation of the Law on the Prevention of Domestic Violence and their joint action in groups for coordination and cooperation, based on data obtained from the City Center for Social Work in Belgrade for May 2018, which represented more than a fifth of the

¹ "Official Gazette of RS", No. 94/16.

² Annual and special reports of the Protector of Citizens available at: <https://www.ombudsman.org.rs/attachments/article/566/Regular%20Annual%20Report%20of%20the%20Protector%20of%20Citizens%20for%202021.pdf>, <http://www.zastitnik.rs/index.php/lang-sr/izvestaji/posebnii>

-izvestaji/3710-2015-02-24-13-35-38; <http://www.rodnaravnopravnost.rs/attachments/article/230/Poseban%20izvestaj%20Zastitnika%20gradana%20%D0%BE%20obukama.pdf>; <http://www.zastitnik.rs/index.php/lang-sr/izvestaji/posebnii-izvestaji/3710-2015-02-24-13-35-38>,

https://www.ombudsman.org.rs/index.php?option=com_content&view=article&id=120:special-report-of-the-protector-of-citizens-on-the-implementation-of-the-general-and-special-protocols-on-protection-of-women-against-violence&catid=12:special-reports&Itemid=14,

https://www.ombudsman.org.rs/attachments/070_SPECIAL%20REPORT%20ON%20THE%20SITUATION%20OF%20DOMESTIC%20VIOLENCE%20AGAINST%20WOMEN%20IN%20SERBIA.doc

Recommendations available at: <http://www.ombudsman.rs/index.php/2012-02-07-14-03-33/4869>

-z-sh-i-ni-gr-d-n-pr-p-zn-i-n-silj-u-p-r-dici

³ All terms used in this publication in the grammatical masculine gender imply the natural masculine and feminine genders of the persons they refer to.

⁴ Available only in Serbian at <https://ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/6804-p-s-b-n-izv-sh-z-sh-i-ni-gr-d-n-r-du-grup-z-rdin-ci-u-i-s-r-dnju-n-p-druc-u-gr-d-b-gr-d>

total number of reported and reviewed cases of domestic violence on a monthly basis for the territory of the Republic of Serbia, which is why it was singled out as a representative sample for research. The special report contained recommendations and conclusions aimed at improving the work of state bodies responsible for preventing domestic violence, such as organizing additional professional training for representatives of the prosecution, police administrations, and centers for social work that make up groups for coordination and cooperation.

Now, after almost four years since its implementation, due to the lack of complete information on the implementation of the Law on the Prevention of Domestic Violence, the Protector of Citizens has conducted extended research on this topic and prepared a new special report. The research includes an analysis of minutes and individual victim protection and support plans developed in January 2021 at the meetings of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš, for the City of Niš and the municipalities of Svrljig, Doljevac and Gadžin Han and the Basic Public Prosecutor's Office in Aleksinac, for the municipalities of Aleksinac, Ražanj and Sokobanja, as well as analysis of the content of focus group discussions with representatives of centers for social work from the same places.

The Autonomous Women's Center, which independently monitors the implementation of the Law since its entry into legal force⁵, together with the Forum of Judges of Serbia, participated in the data gathering and processing. In 2019, the Forum of Judges of Serbia conducted research that examined the way in which competent authorities (judges and prosecutors) acted and interpreted the Law and the consistency and uniformity in its implementation. The research showed that even after more than four years of implementation, consistency in implementation has not been achieved, especially in the part related to the work of groups for coordination and cooperation.

Since no clear records have been established on the implementation of the Law on the Prevention of Domestic Violence, which primarily refers to measures from individual protection and support plans for victims of domestic violence, the selection of data was also made because it was important to shed light on the implementation of this aspect of the action.

The collected data indicates that since the start of its implementation, the Law on the Prevention of Domestic Violence has brought improvements in the system of protection against domestic violence, primarily in terms of communication among bodies responsible for recording, preventing, and sanctioning domestic violence. Additionally, taking measures in cases of domestic violence has become more

⁵ Available at: <https://www.womengo.org.rs/en/independent-reports-on-law-on-prevention-of-dv>

efficient and timely, and acting officials better recognize violence and its forms.

However, there are still shortcomings in the implementation, the elimination of which is necessary for the establishment of a more efficient and effective systemic protection of victims of violence.

A serious problem is the lack of professionals in centers for social work, the absence of a unique electronic database on domestic violence in all competent authorities, and the absence of a central record of domestic violence.

The recommendations and conclusions of this report can be useful for improving the work of state bodies responsible for preventing domestic violence, especially for organizing additional multi-sectoral professional training for representatives of the prosecution, police administrations, and centers for social work that make up groups for coordination and cooperation. In addition, they can be a relevant starting point for planning and implementing additional activities in the field of protection against domestic violence, in order to improve the implementation of the Law.

2. DATA COLLECTION AND PROCESSING METHODOLOGY

In line with the subject and goal of the research, and due to limited resources, in a period of one month, the Protector of Citizens selected a representative sample of cases from the territory under the jurisdiction of the Higher Public Prosecutor's Office in Niš. The data shows that during 2020, about 5.5% of the total number of reported cases of domestic violence for the territory of the Republic of Serbia were reported in the territory of the Niš Police Administration⁶, which, bearing in mind the number of inhabitants in that territory in relation to the number of reports could be the effect of good implementation of the Law on the Prevention of Domestic Violence in terms of adequate prevention of violence in reported cases. In order to gain the best possible insight into the actions of competent authorities in the system of protection for victims of domestic violence, data was collected by reviewing the records of guardianship authorities⁷, minutes from groups for coordination and cooperation, and individual plans for the protection and support of victims of violence, drawn up at meetings of groups for coordination and cooperation, as well

⁶ According to the data of the MoI of the RS, published in the Ninth Independent Report of the Autonomous Women's Center, available at : https://www.womenngo.org.rs/images/resurs-centar/AWC_Ninth_Report_on_Independent_Monitoring_2020.pdf, during 2020, 26,818 incidents of domestic violence were reported on the territory of the RS, of which 1,489 incidents were reported in the Niš Police Administration.

⁷ In Serbia, guardianship authorities are the Centers for social welfare, since they are given the power to monitor parental rights and protect children, as well as to protect victims of domestic violence

as during focus groups discussions⁸ attended by case managers and directors of centers for social work in Niš, Aleksinac, Gadzin Han, Svrljig, Doljevac, Sokobanja, and Ražanj, as well as those who are members of groups for coordination and cooperation.

The report also states the data that the Autonomous Women's Center receives every month from the Ministry of Internal Affairs and the Republic Public Prosecutor's Office based on requests for access to information of public importance, in order to compare the actions of these authorities.

Insight into the records of guardianship authorities, minutes, and individual victim protection and support plans

In the first phase, in March 2021, the Protector of Citizens asked centers for social work in Niš, Aleksinac, Gadžina Han, Svrljig, Doljevac, Sokobanja and Ražanj to submit reports on actions in cases of domestic violence. These authorities were asked to submit anonymized copies of all records, along with individual protection and support plans for victims of domestic violence for all cases reviewed at the meetings of groups for coordination and cooperation held in January 2021. The data from the meetings of the groups from the jurisdiction of the Basic Public Prosecutor's Office in Niš⁹ were reviewed, while the groups from the jurisdiction of the Basic Public Prosecutor's Office in Aleksinac¹⁰ did not submit the minutes because they do not receive copies of the minutes from the competent prosecutor's office.

According to the available data from the submitted minutes of subgroups for coordination and cooperation for the City of Niš and the municipalities of Gadžin Han, Svrljig and Doljevac, during January these two subgroups reviewed a total of 88 cases of domestic violence, 87 newly reported and one ongoing case in the period from 19 December 2020 to 25 January 2021. As the group for coordination and cooperation for the municipalities of Aleksinac, Sokobanja and Ražanj did not submit the minutes, since the competent public prosecution did not submit them, the analyzed sample consists of a smaller number of cases than the number of cases actually reviewed. All minutes and plans were reviewed and analyzed by classifying the data into categories in line with the provisions of the Law on the Prevention of Domestic Violence, and then quantitatively processed (frequencies of each category of data). The content of the minutes was also processed qualitatively by categories of data, topics, and groups for coordination and cooperation.

⁸ A type of qualitative research technique within which participants discuss a given topic.

⁹ Under the jurisdiction of the Basic Public Prosecutor's Office in Niš, two subgroups were formed - one for the city of Niš and the other for the municipalities of Gadžin Han, Svrljig and Doljevac.

¹⁰ The Basic Public Prosecutor's Office in Aleksinac is responsible for acting upon reports for the municipalities of Aleksinac, Sokobanja and Ražanj.

Focus groups discussions

In June 2021, the Protector of Citizens invited the centers for social work in Niš, Aleksinac, Gadžina Han, Svrljig, Doljevac, Sokobanja and Ražanj to ensure the participation of representatives of all departments in the focus groups that will be held according to the previously established schedule.

Five focus groups lasting two hours each were held between 30 June and 2 July 2021, with the participation of 32 representatives of centers for social work in Niš, Aleksinac, Gadžina Han, Svrljig, Doljevac, Sokobanja and Ražanj. namely: seven directors (one acting), three managers, four supervisors and 18 case managers (some of whom have dual roles, e.g., two are managers, two are also supervisors, and one is a director).

In the focus groups discussions, the participants presented their experiences from the implementation of the Law on the Prevention of Domestic Violence with a focus on procedures and the organization of activities within the three stages of acting upon reports of domestic violence:

1) exchange of information and reporting on domestic violence in connection with the imposition of emergency measures 2) preparation for the meeting of the group for coordination and cooperation, experiences in information exchange, joint assessments, and multi-sectoral cooperation with all competent authorities 3) development, implementation, and monitoring of the implementation of individual protection and support plans for victims of domestic violence. With the consent of those present, audio recordings of the meetings were made without indicating the personal data of the participants. The audio recordings were transcribed in detail, after which the text was analyzed, coded, and structured according to data categories, on the basis of which the report was drawn up. The data was processed qualitatively, and in the report, they were presented by topic so as to include the opinions of all participants.

As the research was conducted in 2018 according to the same methodology and regarding the same topics, which included participants from Belgrade - all 17 departments of the City Center for Social Work Belgrade, it will be possible to compare the answers of the participants, taking into account the differences in place (of work), size of municipalities, and differences in the periods when the information was collected. The time difference between the two surveys included the difference in relation to institutional action during the state of emergency declared due to the COVID-19 pandemic.

3. WORK OF GROUPS FOR COORDINATION AND COOPERATION

The Law on the Prevention of Domestic Violence foresees education and defines the work of groups for coordination and cooperation. Groups for coordination and cooperation are established on the territory of each basic public prosecutor's office and are made up of representatives of competent centers for social work, police administrations, and basic public prosecutor's offices. According to the Law, these groups meet at least once every 15 days and review every case of domestic violence that has not been ended by a legally binding court decision, as well as cases when it is necessary to provide support and protection to victims of domestic violence.¹¹ The following is an overview and analysis of the activities of groups for coordination and cooperation by key segments of their work.

3.1. Number and Dynamics of Meetings

In January 2021, the groups for coordination and cooperation for the City of Niš, the group for coordination and cooperation for the municipalities of Gadžin Han, Svrljig, Doljevac and the group for coordination and cooperation for the municipalities of Aleksinac, Sokobanja, and Ražanj held a total of seven meetings, with only five minutes were submitted. The group for coordination and cooperation for the City of Niš held the most meetings - four, while according to data obtained from the Center for Social Work Aleksinac, the group for that municipality met twice. The joint group for coordination and cooperation for the municipalities of Gadžin Han, Svrljig, and Doljevac met only once. The Center for Social Work Ražanj did not state whether it participated in the meetings of the group during January 2021, while the Center for Social Work Sokobanja stated that no meetings were held in January 2021 due to the current epidemiological situation, but the data was sent to the coordinator via message for records. Based on the submitted minutes of groups for coordination and cooperation, it can be concluded that mainly newly reported cases were reviewed, except in one case of the group for coordination and cooperation for the City of Niš, where an ongoing case of domestic violence was reviewed. Extraordinary cases were not reviewed.¹² The meetings lasted from 30 minutes to five hours and were all held online (via the Zoom application), due to the epidemiological situation caused by COVID-19.

¹¹ Groups for coordination and cooperation adopt rules of procedure that more closely regulate their way of working and decision-making.

¹² Newly reported cases are cases that were reviewed for the first time at meetings of groups for coordination and cooperation. Ongoing cases are cases that have already been reviewed one or more times at meetings of groups for coordination and cooperation. Extraordinary cases are cases that, due to their urgency and complexity, are reviewed at extraordinary meetings of groups for coordination and cooperation (e.g., a case of domestic violence committed by a person with mental disorders who was later hospitalized - kept in a health facility without their consent. In this case, the competent police officer assesses the risk, but can neither impose an emergency measure nor issue an order to the perpetrator because there are hospitalized)

3.2. Type and Number of Reviewed Cases

Groups for coordination and cooperation in the jurisdiction of the Basic Public Prosecutor's Office in Niš, whose minutes the Protector of Citizens had access to, reviewed mostly newly reported cases, except in one case of the subgroup for coordination and cooperation for the City of Niš, where an ongoing case was reviewed (see Table 1).

Based on the submitted minutes, it can be concluded that all reported cases were reviewed, that is, those in which no emergency measure was imposed, as well as one case in which a detention measure was imposed. The number of newly reported cases in smaller municipalities ranged from one to three, which is similar to the suburban municipalities of Barajevo and Sopot in Belgrade, while the number for the area of the City of Niš was 82. However, during the analysis of the cases, it was determined that the group for coordination and cooperation for the City of Niš did not describe the case in the minutes, but only the NPT number¹³ was stated with a note that the description would be submitted later, but this was not done. Based on the minutes, it was determined that the group for coordination and cooperation for the City of Niš handles reports as separate reports and separately reviews cases when there are several reported perpetrators and the same victim (three cases) and when both emergency measures are imposed (one case), although it is essentially the same reported event, and makes separate plans. Comparing according to the number of inhabitants, the group for coordination and cooperation for the City of Niš, whose territory has over 260,000 inhabitants¹⁴, reviewed a smaller number of newly reported cases in January 2021 than was reviewed by the municipality of Voždovac in Belgrade in May 2018 (104 newly reported cases in the territory with more than 158,000 inhabitants), but significantly more than the municipalities of Novi Beograd (21 newly reported cases in the territory with over 214,000 inhabitants), the Belgrade municipality of Palilula (30 newly reported cases in the territory with over 173,000 inhabitants) and Zemun (56 newly reported cases in the territory with over 168,000 inhabitants).

Both groups at the Basic Public Prosecutor's Office in Niš mainly reviewed only cases of domestic violence prescribed by Article 194 of the Criminal Code¹⁵, with the fact

¹³ According to the Rulebook on Administration in Public Prosecutor's Offices ("Official Gazette of the RS", No. 110/09, 87/10, 5/12, 54/17, 14/18, 57/19), data from Article 32 paragraph 7 of the Law on the Prevention of Domestic Violence is entered in the "NPT" register (data on the person for whom the extension of emergency measures is proposed, data on the extension of emergency measures, data on filing a lawsuit for the determination of protection measures against domestic violence, the type of protection measure against domestic violence, data on the court's decision regarding the lawsuit for determining a measure of protection against domestic violence, and data on the extension and termination of a measure of protection against domestic violence

¹⁴ According to the 2011 census, data available at: https://www.stat.gov.rs/media/3782/1_stanovnistvo-prema-nacionalnoj-pripadnosti-i-polu-po-opstinamagradovima.xls

¹⁵ "Official Gazette of the RS", Number 85/05, 88/05 – corr., 107/05 – corr., 72/09, 111/09, 121/12,

that in some cases it is concluded that other criminal acts from Article 4 of the Law on the Prevention of Domestic Violence (*stalking, marital rape, and illicit sexual acts*). In cases of suspected sexual violence, the group for coordination and cooperation for the City of Niš stated that the opinion of the Higher Public Prosecutor's Office in Niš was sought regarding the qualification of the act, but by the day of the group for coordination and cooperation meeting, that opinion had not arrived. In none of the two cases of suspected sexual violence, at the group meeting, in the part where these reports were reviewed, the deputy of the higher public prosecutor was not present.

Data from the Republic Public Prosecutor's Office for January 2021 on the work of groups for coordination and cooperation at the Basic Public Prosecutor's Offices in Niš and Aleksinac¹⁶ confirm that the number of group meetings was seven, five at the Basic Public Prosecutor's Office in Niš and two at the Basic Public Prosecutor's Office in Aleksinac. The data obtained by this research and the data obtained from the Republic Public Prosecutor's Office differ in terms of the number of reviewed cases at meetings of groups. Namely, for both groups at the Basic Public Prosecutor's Office in Niš, it was stated that 98 newly reported cases were reviewed, while the records revealed that there were 89 cases, which may also indicate an error, that is, a permutation of numbers when filling in the data. For the groups at the Basic Public Prosecutor's Office in Aleksinac, it was stated that 17 new cases were reviewed, but this information could not be verified because the Basic Public Prosecutor's Office in Aleksinac did not submit the minutes of group meetings to centers for social work. When it comes to ongoing cases, the Republic Public Prosecutor's Office submitted information that the groups at the Basic Public Prosecutor's Office in Niš reviewed 5 ongoing cases during January 2021, although the submitted records revealed that only one was reviewed. The Republic Public Prosecutor's Office states that the group at the Basic Public Prosecutor's Office in Aleksinac reviewed seven ongoing cases, which could not be confirmed by this research because it was impossible to access the files.

In the same period throughout Serbia, according to the statistics of the Republic Public Prosecutor's Office, a total of 3,611 cases were reviewed, of which 1,915 were newly reported, 1,614 were ongoing and 82 were extraordinary cases (cases for the acceleration of the procedure). The data shows that groups for coordination and cooperation in seven municipalities under the jurisdiction of the Higher Public Prosecutor's Office in Niš reviewed 6% of all newly reported cases that were reviewed at the level of the Republic of Serbia in January 2021. However, the fact that the groups under the jurisdiction of the Higher Public Prosecutor's Office in Niš almost do not review ongoing cases (less than 1%), and that they have not at all reviewed extraordinary cases, i.e., the cases for the acceleration of the procedure, is worrying.

104/13, 108/14, 94/16 and 35/19

¹⁶ Data was submitted to the Autonomous Women's Center following a request for access to information of public importance.

Such large differences in the number of reviewed cases at one meeting show that the work of groups for coordination and cooperation is very uneven, often within the same prosecutor's office, and that the deputy prosecutors who lead the meetings of the groups do not have the same workload in terms of the number of meetings held per month and the number of cases reviewed at each meeting.

Based on the experiences from the implementation of the Support Program to Groups for Coordination and Cooperation in Serbia¹⁷, it is possible to review up to 30 newly reported cases at one four-hour meeting of groups, if all services are well prepared for the meeting. The group for coordination and cooperation at the Basic Public Prosecutor's Office in Niš was included in that program, which resulted in the separation of one large group into two subgroups - one for the City of Niš and the other for the municipalities of Gadžin Han, Svrlijig, and Doljevac.

3.3. Method and Dynamics of Reviewing Newly Reported Cases

The number of newly reported cases in the two groups for coordination and cooperation formed at the Basic Public Prosecutor's Office in Niš ranged from 7 to 82, and the subgroup for coordination and cooperation for the City of Niš held four meetings in a month, while the subgroup for the municipalities of Gadžin Han, Svrlijig, and Doljevac held only one. Although the Law on the Prevention of Domestic Violence did not regulate in detail after how long newly reported cases will be reviewed at the meeting of the group for coordination and cooperation, the obligation to hold at least two meetings per month indicates the legislator's intention that newly reported cases will be reviewed at the first subsequent meeting, i.e., within 15 days at the latest, so that during that period – during the extended emergency measure or detention of up to 30 days - individual protection and support plan would be drawn up, which would agree on measures and activities to ensure the victim's further safety.

Unlike a large number of groups for coordination and cooperation in Belgrade, whose minutes stated in which period the cases under review were reported, this type of statement was not mentioned in the minutes of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš. The following could be determined for the subgroup for coordination and cooperation for the City of Niš:

- at the meeting held on 11 January 2021, 26 newly reported cases were reviewed in the period from 19 December to an unspecified date in 2020,
- at the meeting held on 15 January 2021, 26 newly reported cases¹⁸ were

¹⁷ The support program for groups for coordination and cooperation in Serbia was jointly implemented by the Ministry of Justice and the Autonomous Women's Center.

¹⁸ There were 27 cases specified in the minutes, but since no data was provided for one case, that case was not part of this research.

- reviewed in the period from 27 December 2020 to 1 January 2021,
- at the meeting held on 20 January 2021, 11 newly reported cases were reviewed in the period from 2 January to 6 January 2021, and
- at the meeting held on 26 January 2021, 19 newly reported cases were reviewed in the period from 7 to 14 January 2021.

The subgroup for coordination and cooperation for the municipalities of Gadžin Han, Svrlijig, and Doljevac reviewed at the meeting held on 29 January 2021:

- three newly reported cases in Gadzin Han in the period from 6 to 25 January 2021,
- three newly reported cases in Svrlijig in the period from 30 December 2020 to 18 January 2021, and one newly reported case in Doljevac on 8 January 2021.

While the subgroup for coordination and cooperation for the City of Niš reviewed newly reported cases within 15 to 20 days from the day those cases were reported, the subgroup for coordination and cooperation for the municipalities of Gadžin Han, Svrlijig, and Doljevac reviewed some newly reported cases only before their expiration of the prolonged emergency measures. On the one hand, it can be understood why the subgroup for coordination and cooperation of the municipalities of Gadžin Han, Svrlijig, and Doljevac met only before the expiration of the emergency measure, because it is not cost-effective to hold two meetings a month considering the number of reported cases, but the question still arises whether this subgroup for coordination and cooperation has a method of emergency response and scheduling an extraordinary meeting in cases of high risk.

3.4. Individual Victim Protection and Support Plans

Groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš prepare individual victim protection and support plans in accordance with the Law on the Prevention of Domestic Violence, while this could not be determined for groups at the Basic Public Prosecutor's Office in Aleksinac. The submitted plans contained support measures, and rarely protection measures, and the executors of concrete measures and deadlines for their undertaken were specified. The inspection of the plans gave the impression that groups for coordination and cooperation did not understand how the monitoring and evaluation of the effectiveness of the planned and undertaken measures were planned, and those parts of the plans were either incomplete or not adequately filled out.

The actions of the groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš can be characterized as an example of good practice, because decisions on whether an individual plan is drawn up in each individually reviewed case are made based on the group's assessment, regardless of the level of assessed risk. The

Law does not define the obligation to draft individual protection and support plan related to the assessment of the degree of security risk, but its preventive purpose indicates that in all situations where a risk is identified, regardless of the level, an individual plan should be drafted.

Groups for coordination and cooperation did not make plans when it was assessed that there was no risk (10 cases) or that the risk was low (five cases), as well as in cases when the possible perpetrators were detained in the Special Hospital for Psychiatric Diseases “Gornja Toponica” because of alcoholism (six cases) and when they were fugitives (three cases).

However, in situations where the possible perpetrator is undergoing treatment, as well as in situations where they are fugitives, it is also necessary to draw up an individual protection and support plan for the victims in a timely manner, i.e., to plan for the protection of the victims, because these are precisely the situations in which there is an increased/high risk from violence or even murder in a family-partner context.

By reviewing the only case that was listed as ongoing in the minutes of the subgroup for coordination and cooperation for the City of Niš, which was reviewed after the possible perpetrator was released from treatment and there was a potentially high risk for the victim, it leads to the conclusion that in such cases, protection planning and ensuring the safety of the victim is not timely. Protection planning and ensuring the safety of victims should be done while the perpetrator is in treatment, not after discharge, especially in high-risk cases.

At the same time, the subgroup for coordination and cooperation for the City of Niš, in the only case in this research in which the perpetrator was detained, and at the same time, an emergency measure was imposed and prolonged, victim protection and support plan was developed.

Bearing in mind the above, one gets the impression that the members of groups at the Basic Public Prosecutor's Office in Niš believe that a prerequisite for risk assessment is the existence of a risk assessment performed by a specialized police officer, which is not in accordance with the goal that the Law wanted to achieve. The manner in which this issue is regulated in the Law indicates that the intention of the legislator was for groups for coordination and cooperation, based on all available information possessed by all three institutions, to assess whether the measures taken when reporting the event led to the cessation of violence and the reduced risk in which the victim is or the risk has remained the same, i.e., assessed as high, and that it is necessary to agree on new measures and activities that need to be undertaken in order to protect the victim.

In January 2021, groups for coordination and cooperation at the Basic Public

Prosecutor's Office in Niš developed 65 plans - 64 in newly reported cases and one in an ongoing case, of which 50 were submitted to the Protector of Citizens, - 48 by the Center for Social Work Niš, one by Center for Social Work Svrljig, and one from the Center for Social Work Doljevac (see Table number 2).

According to the data of the Republic Public Prosecutor's Office¹⁹, groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš drafted 64 plans, while groups for coordination and cooperation at the Basic Public Prosecutor's Office in Aleksinac drafted no plan, not only during January 2021, but from the beginning of the implementation of the Law on the Prevention of Domestic Violence. The data confirms the statements of the centers for social work in the municipalities of Aleksinac, Sokobanja, and Ražanj, saying that no plans are drawn up at the meeting of the group for coordination and cooperation at the Basic Public Prosecutor's Office in Aleksinac.

What can be observed from the submitted plans is that the method of drafting and content of the plans did not differ among the groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš. The only difference was the number indicating the plan, which was the same on the minutes of the groups for coordination and cooperation and on the plans submitted by the Center for Social Work Svrljig and Doljevac, unlike the plans submitted by the Center for Social Work Niš, whose numbers differed from the numbers those plans got at group meetings. Since groups for coordination and cooperation do not review or rarely review ongoing cases and do not check the fulfillment of the tasks and measures provided for in the plans, it can be concluded that they did not deal with monitoring the plans, and therefore the number on the plan was not relevant data, in contrast to the plans drafted by groups of certain municipalities in Belgrade, which are taking the lead in reviewing ongoing cases (Palilula, Grocka, Čukarica).

3.5. Participation of Victims of Violence in Meetings

In January 2021, victims of domestic violence did not participate in the meetings of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš. The same is confirmed by the data of the Republic Public Prosecutor's Office²⁰, that the victims did not attend the meetings of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš and Aleksinac, by looking at the data for the Basic Public Prosecutor's Office in Niš, it could be established that since the beginning of the implementation of the Law, only one victim attended the meeting, in June 2018, while the group for coordination and cooperation at the

¹⁹ Data was submitted to the Autonomous Women's Center following a request for access to information of public importance.

²⁰ Data was submitted to the Autonomous Women's Center following a request for access to information of public importance.

Basic Public Prosecutor's Office Aleksinac never invited a victim to any meeting of the group.²¹

Bearing in mind that groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš held meetings through the Zoom application during January 2021, the presence of the victim in the part of the meeting where their case is reviewed could have been organized, especially for those victims with experience in applications for online meetings, or the arrival of the victim at the premises of the guardianship authority, so that at the moment the risk is reassessed, the group for coordination and cooperation is aware of the current situation. The Zoom application would also make it easier for victims to participate because they would not have to be absent from work and/or incur the costs of traveling to the prosecutor's office, which is often a problem in such situations.

3.6. Participation of Representatives of other Institutions in Meetings

Like the victims, representatives of other institutions and organizations were not invited to attend the review of the cases about which they have knowledge or can provide help and support. Similar to the participation of victims, the fact that the meetings are conducted via the Zoom application also allows representatives of health institutions, schools, kindergartens, and organizations that provide assistance and support to victims to be included in the part of the meeting where a specific case is reviewed and measures are planned not only in order to protect the adult victim, but also underage children.

It has already been said that, although in two cases of the subgroup for coordination and cooperation for the City of Niš, cases that could have been under the jurisdiction of the Higher Public Prosecutor's Office were reviewed, the Deputy Higher Public Prosecutor, who completed specialized training, neither participated in the work of the subgroup for coordination and cooperation nor presided over it.

The Law on the Prevention of Domestic Violence²² stipulates that the group for coordination and cooperation is chaired by a member of the group belonging to deputy public prosecutors. The Law provides for an exception²³ in the event that the Higher Public Prosecutor's Office is responsible for prosecuting the perpetrators of the criminal acts referred to in the Law, and then the Higher Public Prosecutor appoints their deputy who has completed specialized training to participate in the work of the group and preside over it.

²¹ *Ibid.*

²² Article 26, paragraph 3.

²³ Article 26, paragraph 4.

The minutes of the group for the City of Niš, did not state that the Deputy Higher Public Prosecutor chaired/participated in part of the meeting where the case that could have been under the jurisdiction of the Higher Public Prosecutor's Office was reviewed, and there was no information as to whether he was invited, although these were cases in connection with which police officers consulted the Higher Public Prosecutor's Office for the qualification of the criminal act, which the Higher Public Prosecutor's Office did not give an opinion on:

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21, following a report of violence by the victim in relation to the possible perpetrator, the father. The victim went to the Niš Police Administration with her brother and reported that her father touched her on the body, i.e., breasts and genitals at his place, before New Year's Eve. The Criminal Police Department consulted the deputy higher public prosecutor, who did not give an opinion on the qualification of the act. The center for social work interviewed the victim, who is a person with developmental disabilities. The father was searched for, he was not found, a pursuit was launched. He was found on 15 January 2021, and an emergency measure was issued. There were no previous reports. The representative of the center for social work states that the victim has been on the records of the center for social work since he was a minor as a person under guardianship. Guardianship continued even after reaching the age of majority. The brother is also under guardianship. Further protection and determination of circumstances continued. The deputy public prosecutor states that the case was registered in the prosecution as NPT number ../21, the proposal to prolong the emergency measure was rejected. GROUP'S DECISION: The group assesses that this is a high degree of risk and that there is an immediate danger that requires the development of individual protection and support plan, because it is about possible sexual violence.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21, following a report of violence by the victim in relation to the possible perpetrator, the former common-law partner. The victim reported that from 4 December 2021, the possible perpetrator harassed, insulted, strangled, slapped, and forced her into sexual acts. The Criminal Police Department - Department for Homicide and Sexual Offenses was involved, the deputy higher public prosecutor was informed, who did not give an opinion on the qualification of the act. In the presence

of the patrol, the victim took her things and left the place of residence. The second emergency measure was issued to the possible perpetrator. There are several more reports and proceedings in cases of protection against domestic violence ../19, ../19, ../19, ../19, ../19, ../20 and ../20. The representative of the center for social work states that the victim has been on the records of the center for many years. The victim was deprived of parental rights over her four children, the fifth child was taken from her and placed in a foster family. The victim is known for conflict behavior, prone to conflicts, unrealistic expectations, uncooperative, focused on personal gain and benefit, prone to arbitrary interpretations of events. The possible perpetrator was repeatedly reported for domestic violence by the victim (April and September 2019, May 2020), then for violence against a female person (March 2020), for violence against the father (October 2020), as well as for violence against another female person (October 2020, his girlfriend). All the previous reports contain suspicion of possible physical violence from the possible perpetrator. A possible perpetrator is known as a beneficiary whose behavior is conditioned upon gaining material benefit and profit. He is difficult to cooperate with, that is, only for his personal gain and benefit. Conflict relations may still occur between the victim and the possible perpetrator due to personality structures, but it is not entirely the clearest description and sequence of events, considering that after the reports, both decide to continue living together, despite reports about problems, violence, "false reports", etc. The deputy public prosecutor states that the case was registered in the prosecution as NPT number ../21. The measure has been prolonged. GROUP'S DECISION: The group assesses that it is a medium level of risk, and there is an immediate danger that requires the development of individual protection and support plan, because it is a matter of chronic violence. The Higher public prosecutor's office in Niš should be consulted for competent action due to the fact that the victim has been indicating the criminal act of rape.

3.7. Minutes from Meetings

During each meeting, the group for coordination and cooperation prepares minutes containing data on each of the cases reviewed at the meetings. When it comes to the content of the minutes prepared by groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš in the observed period, they differ in their content, even though they belong to the same prosecutor's office.

In the minutes of the subgroup for coordination and cooperation for the municipalities

of Gadžin Han, Svrlijig, and Doljevac, the actions of the institutions are described in detail, but not the actual description of the events that were acted upon. The police data contains detailed data on the action taken on the reported event, but there is no description of the reported event itself, and often the date of the report was not specified. The data of the centers for social work contains information about the family's history, while the Basic Public Prosecutor's Office, in addition to the information about whether the emergency measure was prolonged, also provides information about earlier reports.

The minutes of the subgroup for coordination and cooperation for the City of Niš are mostly reduced to the most important information. Information from the police is scarce, the dates of reports and descriptions of events are often missing, but there are descriptions of the actions of police officers. The data of the center for social work generally contains the most important information, while the Basic Public Prosecutor's Office only provides information on whether the emergency measure was prolonged or not.

The minutes of both subgroups at the Basic Public Prosecutor's Office in Niš contain information on the date of the meeting, the time of the start and end of the meeting, the place and the method of holding the meeting via the Zoom application, the present members of the group, signatures of the group members, and the person who kept the minutes. However, there is no information of the period for which the newly reported cases are reviewed, and for half of the cases that were reviewed, the report dates were not specified.

In relation to the reviewed cases, the groups gave the assessment of the degree of risk, except in cases when the possible perpetrator was unavailable (under treatment or fugitive) when no plans were drafted.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20, following a report of the victim of violence in relation to the possible perpetrator, the former common-law partner. The victim reported that she met the possible perpetrator near Fortress, where there was a brief argument about their child, and then about a man with whom the victim allegedly knows, after which the possible perpetrator punched the victim in the face and leg and walked away. There are no visible injuries. A pursuit was launched. Upon finding the perpetrator, further processing ensues. Multiple mutual reports, possible perpetrator for criminal act 344, 122, 194, 121 of CC, victim for the criminal act 194 of CC. The representative of the center for social work states that there are a number of reports from the victim against the possible perpetrator. As a result of procedure before the center, the issuance of protection measures against domestic violence is proposed. The deputy

public prosecutor states that the case has not been registered in the prosecutor's office. GROUP'S DECISION: The risk assessment will be carried out after finding the possible perpetrator.

The specialized police officer of the Niš Police Administration presents the case of protection against violence, case number ../21, following a report of violence by a victim of violence in relation to the possible perpetrator, the son. The victim reported that her son broke things around the house, as well as the car. The site was inspected and documented. The possible perpetrator was under the influence of alcohol and was admitted to the Special Hospital for Psychiatric Diseases "Gornja Toponica". Further processing follows after the discharge of the person. The representative of the center for social work states that the possible perpetrator has already been recorded as the perpetrator against the victim FOUR times, in 2016, 2017, 2020 and now in 2021. Each report indicates the abuse of alcohol by the possible perpetrator, so it is necessary to pay due attention to the problem of consumption and possible alcohol addiction when deciding on measures against the possible perpetrator. The deputy public prosecutor states that the case has not been registered in the prosecutor's office. GROUP'S DECISION: A risk assessment will be carried out after the discharge of the possible perpetrator from the hospital.

The minutes of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš contain a special subheading titled *Group's Decisions*, where it is stated how the group assessed the risk.

After each case in which it was decided to create an individual victim protection and support plan, groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš stated that an integral part of the minutes is the plan under a specific number.

The minutes indicate whether this is the first report of violence between family members or whether there were earlier reports that were briefly described. From the text of the minutes, it was generally possible to conclude whether emergency measures were imposed and prolonged, but sometimes the statement that a *second emergency measure was imposed* creates confusion as to whether the possible perpetrator was imposed an emergency measure for the second time or restraining and no contact emergency measure.

At the end of the minutes, groups for coordination and cooperation at the Basic

Public Prosecutor's Office in Niš did not state the date and time of the next meeting of the group, nor do they have a section summarizing the data on the reviewed cases, which would make it easier for employees of the prosecutor's office who submit statistical data to the Republic Public Prosecutor's Office.

3.8. Conclusion

Although the Law on the Prevention of Domestic Violence did not regulate in detail after how many days a newly reported case will be reviewed at a group meeting, it prescribed the obligation to hold group meetings at least twice a month in order to ensure that a newly reported case is reviewed at the first subsequent meeting, no later than from 15 days. The aim of that provision is to create an individual protection and support plan while the prolonged emergency measure or detention lasts up to 30 days, in order to agree on measures and activities that will enable the victim's further safety. The results of the analysis of the work of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš showed differences that are characteristic of the work of groups with a large and a small number of reports. The subgroup for coordination and cooperation for the city of Niš does not review newly reported cases at the first subsequent meeting of the group, but reviews them within 15 days, as prescribed by the Law, in which way they should achieve timely and effective protection of victims of violence. The subgroup for coordination and cooperation for Gadžin Han, Svrlijig, and Doljevac, which has only one meeting per month, does not review all cases within the legally prescribed time limit, but since the number of cases reported during a month is very small, it is assumed that the institutions can react quickly if the risk increases before the subgroup meeting is held. The positive aspect is that groups for coordination and cooperation reviewed all reported cases of violence, and not only those for which emergency measures were imposed. The data also shows a small number of reviewed cases of other criminal offenses from Article 4 of the Law on the Prevention of Domestic Violence.

Efficient work of groups for coordination and cooperation and measures are timely undertaken to help and support victims of violence is conditioned by quality preparation and exchange of information by all members of the group and continuous multi-sector cooperation, which is the case at the meetings of groups at the Basic Public Prosecutor's Office in Niš. For each newly reported case, the police station and the center for social work had basic anamnestic data and data from the records, while this was not the case in earlier proceedings²⁴ conducted before the Basic Public Prosecutor's Office.

²⁴ Data from the records of the prosecutor's office about previous reports and actions involving the same parties, if any.

Although the Law on the Prevention of Domestic Violence stipulates that the victim also participates in the development of an individual victim protection and support plan, if they wish and if their emotional and physical condition allows it, in the researched sample there was no case in which the victim was invited to participate in the meeting of the group for coordination and cooperation and in the development of the individual plan. Active participation of the victim in making decisions that concern them is very important, because the victim knows the abuser best and from their own experience can predict future reactions of the abuser; current information can be immediately available to the group; the victim can provide information and guidelines regarding their protection and safety. In order for the victim's participation to be constructive and their presence to contribute to the creation of the best protection and support plan, it is necessary to prepare the victim for participation in the meeting of the group for coordination and cooperation. In this way, additional traumatization of the victim is prevented, and the efficiency of the group's work is ensured.

The Law stipulates that representative of educational, educational, and health institutions and the National Employment Service, as well as other legal and natural persons who provide protection and support to the victim, may attend the meetings of groups for coordination and cooperation, but representatives of other institutions and organizations were not present at the group meetings in the sample. The absence of representatives of the Higher Public Prosecutor's Office at meetings of groups for coordination and cooperation is noticeable, when cases that could be under their jurisdiction were reviewed. The exchange of information with health institutions is of great importance for the development of individual plans and the implementation of protection and support measures for the victim in cases where the possible perpetrator of violence is a person with mental disorders or a person with an addiction disease, especially in situations where there is a significant number of possible perpetrators in the researched sample was referred for treatment at the Special Hospital for Psychiatric Diseases "Gornja Toponica". The participation of educational institutions is of great importance in situations where a child is a victim of violence, abuse, and neglect. In Niš, there are civil society organizations that provide support and assistance to victims of all criminal acts, then organizations that provide assistance only to victims of sexual, partner, and domestic violence, while some organizations also provide free legal assistance. There is also a safe house for women victims of violence in Niš, and it is therefore unclear why groups do not include other providers of services and support for victims in the exchange of information and planning.

The content and structure of the minutes from the meetings of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš were not uniform, and the data entered in the minutes did not in all cases contain all the information of importance for all participants in the system of protection against

violence and support for victims, such as the description of the reported event, the records of the participants in the prosecution and specific instructions on how professionals should act in those cases.

Protection measures must ensure the safety of the victim, stop the violence, prevent its recurrence, and protect the rights of the victim. They are undertaken by the police and public prosecutor's office. Support measures should enable the victim to be provided with psychosocial and other support for their recovery, empowerment, and independence, and they are undertaken by the center for social work, the safe house (in situations where the victim is provided with accommodation), and specialized civil society organizations, regardless of whether the victim already addressed them or was directed to address them. The Law stipulates that the group for coordination and cooperation is obliged to draw up individual protection and support plans whenever a risk assessment has established an immediate danger of domestic violence. The individual victim protection and support plan must contain measures for protection and support for the victim, and it also determines the executors of concrete measures and deadlines for their implementation, as well as a plan for monitoring and evaluating the effectiveness of planned and undertaken measures.

The analysis of the work of the groups determined that individual protection and support plans are not prepared in all cases, and that the drafting of the plan depended on whether the specialized police officer was able to assess the risk of immediate danger of violence in situations where the possible perpetrator was fugitive or sent to the Special Hospital for Psychiatric Diseases "Gornja Toponica". However, the obligation to create a plan is not and must not be linked to the risk assessment performed by the specialized police officer, who may also make a mistake in the assessment. The obligation to develop a plan must be in line with the established immediate danger of domestic violence, which is assessed at the group meeting in line with all the obtained and exchanged information. Additionally, the preventive purpose of the plan suggests that it should be drafted, in all situations where a risk is identified, regardless of the assessed level.

3.9 Recommendations for Improvement

- The Republic's Public Prosecutor's Office should, in addition to the quantitative, monitor the qualitative work of groups for coordination and cooperation in order to achieve a uniform action during the meetings, in accordance with the Law;
- Groups for coordination and cooperation should ensure that all members have access to important information that exists in the records of all three institutions when reviewing the case at the group meeting;
- Groups for coordination and cooperation should take care that the data they enter in the minutes is clear and contain all the essential information of

importance for all participants in the system of protection against domestic violence and support for victims;

- Groups for coordination and cooperation should ensure the presence of the victim at the meeting and, if possible, their participation in the drafting of the individual protection and support plan;
- Groups for coordination and cooperation should prepare an individual victim protection and support plan in all situations where an immediate danger of domestic violence is established, regardless of whether the specialized police officer has performed a risk assessment or not;
- Groups for coordination and cooperation should submit the minutes from group meetings to all bodies that participate in their work;
- Groups for coordination and cooperation should ensure the participation of representatives of other institutions and organizations at group meetings in all cases where multisectoral cooperation and information exchange with representatives of other competent authorities, especially health and educational institutions, as well as civil society organizations that provide assistance and support for victims, are of particular importance for the development of individual plans and the implementation of protection and support measures for the victim, in order to better prevent and stop domestic violence;
- It is necessary for groups for coordination and cooperation to hold regular and continuous meetings, while respecting the deadlines set by the Law on the Prevention of Domestic Violence, in order to ensure timely action in newly reported cases of domestic violence, as well as a continuous review of current cases, in order to check the fulfillment of earlier prepared tasks and measures provided for in the individual victim protection and support plans;
- It is necessary for groups for coordination and cooperation to achieve full cooperation with the Administration for the Enforcement of Criminal Sanctions and health institutions and to receive notification from these institutions before the release of the possible perpetrator from serving a prison sentence, their discharge from the institution voluntarily, with the aim of timely drafting or re-drafting of the already prepared individual victim protection and support plan related to the assessment of the degree of security risk, in order to achieve its preventive purpose.

4. ANALYSIS OF CASES REVIEWED AT GROUP MEETINGS

In January 2021, groups for coordination and cooperation on the territory of the Basic Public Prosecutor's Office in Niš reviewed a total of 89 newly reported cases of domestic violence for the period from mid-December 2020 to the end of January 2021, of which 88 were submitted to the Protector of Citizens in the minutes of the groups and they constitute the research sample.

4.1. Gender Dimension of Domestic Violence

The analysis of the gender structure of possible perpetrators and victims of violence in the cases reviewed at the meetings of groups for coordination and cooperation indicates that domestic violence was most often represented in a partnership relationship and that it is primarily directed towards females, which also applies to other kinship ties. The possible perpetrators of violence were male in 76.4% of the reviewed cases, and female in 23.6% of the reviewed cases. The sex of the victim of domestic violence in 63.9% of cases was female, in 36.1% of the reviewed cases the victim was male. In 7 out of 88 cases, the victims were both male and female, and in the same number of cases, the victims were (also) underage children (see Table 3).

4.2. Relationship of Possible Perpetrators and Victims

When it comes to the type of relationship between the possible perpetrator of violence and the victim, the most frequent is the presence of a former or current *partner relationship*, namely violence by the husband/common-law partner towards the wife/common-law partner (23 cases), followed by violence by the former husband/common-law partner towards the former wife/common-law partner (20 cases), which accounts for 48.8% of all newly reported cases of domestic violence. The violence of female partners against male partners was reported incomparably less frequently, in six cases by the current female partner, and in five cases by the former female partner, which in total accounts for 12.5% of all newly reported cases reviewed in January 2021 (see Table 4).

Other kinship ties in order of frequency of occurrence are the relationships of sons/brothers (17) or fathers (12), who were more often reported as possible abusers against male family members (son/brother against father/brother in 12 cases, against sister in four, to the mother in one case, the father against the daughter in six cases, as well as the father against the son in six cases). Daughters/sisters appear as

possible perpetrators of domestic violence against the father in two cases, against the mother in one case, and against the sister in one case. Mothers are possible perpetrators of violence against their sons in four cases, against daughters in two cases, and against the underage son and daughter in one case. Other family members (brother-in-law, grandfather, father-in-law, mother-in-law) are among the possible perpetrators in four cases. There were no cases of violence in which other relatives participated (see Table 4).

5. ACTIONS IN NEWLY REPORTED CASES OF DOMESTIC VIOLENCE REVIEWED AT GROUP MEETINGS

The Law on the Prevention of Domestic Violence foresees, among other things, measures to prevent different, arbitrary, and personal conviction-based actions of officials in the same or similar reports by prescribing the obligation of risk assessment by the specialized police officer in every newly reported case of domestic violence or immediate danger of violence. An inspection of the minutes of groups for coordination and cooperation under the jurisdiction of the Basic Public Prosecutor's Office in Niš revealed that this was not the case in all analyzed cases.

The reviewed minutes provided information on the actions of competent authorities, primarily police officers, when reporting domestic violence. The procedure refers to the obligation to inform the specialized police officer about a case of domestic violence or imminent danger of it, the obligation of the specialized police officer to assess the risk of domestic violence, the obligation to forward the risk assessment to the competent authorities, the imposition of emergency measures on the perpetrator in the event of establishing an imminent danger of domestic violence after the risk assessment, as well as evaluation of the risk assessment by prosecutors.

5.1. Risk Assessment Conducted by Police Officers

The Law on the Prevention of Domestic Violence²⁵ stipulates that the following risk factors must be taken into account during the risk assessment: whether possible perpetrators have committed domestic violence before or immediately before the risk assessment and whether they are prepared to repeat it, whether they have threatened to kill someone or to commit suicide, whether they own a weapon, whether they are persons with mental illnesses and disorders or abuse psychoactive substances, is there a conflict over the custody of the child or over the personal relations between the child and the parent who is the possible perpetrator, whether emergency measures are imposed on the possible perpetrators or a certain measure of protection against domestic violence, whether the victims experience fear and how they assess the risk of violence.

In 10 out of 88 newly reported cases, police officers assessed that there was no risk and did not impose emergency measures. In some of the mentioned 10 cases, according to the described history of reporting violence, it is clear why the assessment of the police officers was that there was no risk, and no emergency

²⁵ Article 16.

measures were imposed. However, in some of the 10 analyzed cases, the assessment of the police officers that there is no risk is questionable and no emergency measures were issued, especially when the report was submitted by the center for social work in a situation where the victim was in a Safe house.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20, based on a report of violence by the victim against the possible perpetrator, the former common-law partner. It was acted upon the letter from the center for social work, where the maltreatment of the victim by the possible perpetrator was reported. No risk was assessed. There were no previous events. The representative of the center for social work states that the possible perpetrator is on the records of the center from 2003 to 2020, related to social aid. The victim has been on the records of the center for social work since October 2020, when she was thrown out of the house with two underage children by the possible perpetrator and her father-in-law, and then she was placed in a safe house with the children. The deputy public prosecutor states that the case has not been registered in the prosecutor's office. GROUP'S DECISION: The group assesses that there is no risk.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20, based on the report of violence that states that the victims are underage children, against the possible perpetrator, the mother. The father of the underage children, the husband, reported the mother of the underage children for mentally and physically abusing the children who are staying with her during the weekend. An employee of the center for social work handed the children over to the father. It was assessed that there is no risk of violence. A divorce is ongoing. The first report was in 2018, when the police station of another municipality, assessed that there was no risk according to the SNP system²⁶. The mother of the underage children showed the court decision according to which the children's father was sentenced to four months of house arrest for that incident. The representative of the center for social work states that underage children are not on their record. The mother of the children was recorded as a victim of violence before this center for social work in July 2018 (from her husband) and in May 2020 (from her father-in-law), and in connection with the letter and report of the center for social work of another municipality. The parents are involved in the divorce dispute, manipulation with the children during the said

²⁶ Database of the Ministry of Interior that incorporated risk assessment list

procedure is not excluded. The deputy public prosecutor states that the case has not been registered in the prosecutor's office. GROUP'S DECISION: The group assesses that there is no risk.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20 of 31 December 2020, based on the report of violence by the victim against the possible perpetrator, the former girlfriend. The victim reports economic violence by the possible perpetrator, with whom he does not live and has not been in a relationship for a year. Event number/20 of 26 November 2020, when both emergency measures were issued to the victim. The representative of the center for social work states that the victim was not registered as a victim at the center for social work. He was registered as a perpetrator in December 2020 against the now possible perpetrator, his girlfriend. It is known that they were in a common-law relationship, that they have a child, but that he is married and has other children. He continued to harass and stalk his ex-partner, he did not want to end contact, under the pretext of seeing the child he continued to harass his ex-partner, which is why she reported him to the police in December. In this specific case, there are no elements of violence. The deputy public prosecutor states that the case has not been registered in the prosecutor's office. GROUP'S DECISION: The group assesses that there is no risk.

In nine cases, police officers did not assess the risk, and therefore did not issue emergency measures, because the possible perpetrator was not available to them - either because they were fugitives (three) or because they were hospitalized in the Special Hospital for Psychiatric Diseases "Gornja Toponica" (six).

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21, following a report of violence by the son in relation to the possible perpetrator, the father. The victim reported that the father, in a visibly intoxicated state, threw glass plates and bottles at him, causing him to be injured in the form of a cut on his head and hand. He also insulted and threatened him. The possible perpetrator was placed for treatment in the Special Hospital for Psychiatric Diseases "Gornja Toponica". He was previously convicted three times under Article 194, para. 2 and 194, para. 3 with the measure of compulsory treatment. The representative of the center for social work states that in 2018, the victim reported his father for psychological violence for the first time, that his father threatened him, insulted him, that it was assessed that

“the family ... is dysfunctional, bearing in mind that it is a family whose members are verbally abusive due to unresolved property relations (that is, the father's wish for the son to deregister from the given address) and inadequate communication, which is why individual counseling work was applied, and in order to overcome the mentioned problem. Bearing in mind all of the above, we are of the opinion that there is no need to apply forms and measures from the field of social protection, they are already beneficiaries of social assistance, and the applied temporary restraining and no-contact measures are expedient at the current moment, because this reduces the possibility of recurrence of violence between the father and the son. This is the second report of violence.” The deputy public prosecutor states that the case has not been registered in the prosecution. GROUP'S DECISION: A risk assessment will be carried out after the discharge of the possible perpetrator from the hospital.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20 of 31 December 2020, based on the report of violence by the victim in relation to the possible perpetrator – the former boyfriend. The victim reported that her former boyfriend called her and threatened her. The patrol searched, but he was not found. The possible perpetrator has been registered for the criminal act referred to in Articles 122 and 203 of the Criminal Code. The representative of the center for social work states that the victim was previously on the records of the center only as a beneficiary of social aid. Now, for the first time, she has been registered as a victim of violence. The possible perpetrator has no previous records in the center for social work, now he is registered as a perpetrator for the first time. The party should be referred to measures of family legal protection if necessary. The deputy public prosecutor states that the case has not been registered in the prosecutor's office. GROUP'S DECISION: The risk assessment will be carried out after the person is found.

In these cases, group members did not need a possible perpetrator to assess the risk and create a protection and support plan. By doing this, i.e., delaying planning the victim's safety, especially in cases where the possible perpetrator is fugitive, the group for cooperation and coordination failed to make a timely safety plan with the victim and prevent possible re-injury of the victim.

It is positive that, in contrast to the actions of the police officers of the Belgrade Police Administration who in similar cases issued verbal warnings, which is in

accordance with the Law on Police²⁷, but is contrary to the Law on the Prevention of Domestic Violence, according to which police officers are obliged to immediately notify the specialized police officer of any case of domestic violence or imminent danger of it, such actions in the analyzed cases was not recorded by the police officers of the Niš Police Administration.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20 of 29 December 2020, following a report of violence by the victim in relation to the possible perpetrator, the former husband. The victim submitted a written complaint, where she states that her ex-husband called her on the phone, insulted her and allegedly threatened her. The woman was contacted, on which occasion she stated that she wanted her ex-husband to be warned. It was estimated that there is no risk of further violence. There were no previous reports. The representative of the center for social work states that the victim is not on the records of the center. The deputy public prosecutor states that the case has not been registered in the prosecutor's office. GROUP'S DECISION: The group assesses that there is no risk.

In the remaining 69 cases that were the subject of analysis, the specialized police officers of the Niš Police Administration imposed emergency measures, of which both emergency measures in 40 cases.

5.2. Evaluation of Risk Assessment

In line with the purpose of passing the Law on the Prevention of Domestic Violence, the risk assessment determined by the specialized police officer when reporting violence is reviewed and verified by groups for coordination and cooperation after all the services have checked their records and reviewed the case.

In the minutes of groups at the Basic Public Prosecutor's Office in Niš, there is information on whether the victim and the possible perpetrator are in the records of the center for social work, and on what basis, data from the police records of earlier reports and criminal history, but in almost all reviewed cases data from the prosecution records was missing. By reading the minutes, one got the impression that when assessing risk, groups for coordination and cooperation most often agreed with the assessment of the specialized police officer rather than re-examined the case with the information that did not exist at the time of the police assessment. In

²⁷ "Official Gazette of the RS", Number 6/16, 24/18 and 87/18.

the cases in which emergency measures were imposed (69), the group generally estimated that it was a medium risk (55), while in seven cases the risk was estimated to be low, and for that reason, no plan was made (five), while in seven cases a high risk was assessed.

Although we can agree with most of the assessments of groups at the Basic Public Prosecutor's Office in Niš, there are certain cases from which it was not possible to conclude how the group assessed the risk of repeating violence, i.e., it seemed that there was not enough understanding of the severity of certain risk factors when assessing the risk for the victim.

The risk assessment by groups at the Basic Public Prosecutor's Office in Niš failed when it comes to cases in which the specialized police officer did not impose an emergency measure, although in some cases the center for social work stated that it was a case of high risk.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20 of 31 December 2020, following a report of violence by the victim in relation to the possible perpetrator, the former common-law partner. The victim reported that the possible perpetrator approached her on the street and threatened to kill her if she did not go with him to Aleksinac. A police search was launched for the possible perpetrator... The representative of the center for social work states that the victim's report was processed several times by the center in connection with reports of violence by the same possible perpetrator. The victim would leave him, but he continued to "search and find" her, then they would live together, she stated that he threatened and intimidated her. Four children were taken from them by the center for social work from another municipality, where he also had several reports filed by this victim. This center for social work proposed to the Basic Public Prosecutor's Office that there is expediency in determining protection measures against violence, but considering the constant reports, there is a high degree of risk that the violence will be repeated; it is not possible to predict the dimension of violence, given that the possible perpetrator is uncooperative and unavailable to the guardianship authority, and at the same time there are reports of alcohol abuse. The victim constantly changes her place of residence in order to "hide" from the possible perpetrator, according to her statements. The deputy public prosecutor states that the case has not been registered in the prosecutor's office. GROUP'S DECISION: The assessment will be carried out after the possible perpetrator is found.

From the submitted minutes, it could be established that at the meetings of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš, all newly reported cases were reviewed, regardless of whether or not an emergency measure was imposed, in which the possible perpetrator was ordered to be detained. In the research sample, there was not a single case in which the possible perpetrator violated the emergency measure, although data from the Ministry of Internal Affairs of the Republic of Serbia on the actions of all police administrations in Serbia²⁸ show that the Niš Police Administration filed 19 misdemeanor reports for violating emergency measures during January 2021. Failure to provide information about this, i.e., whether the possible perpetrator complied with or violated the emergency measure, makes it impossible to perform an adequate assessment of the risk for the victim. This is particularly important because the violation of the emergency measure by the possible perpetrator shows that the emergency measure will not stop him from committing violence and that other, longer-term measures to protect the victim need to be applied.

Data on compliance with the emergency measure, i.e., the current situation after the imposed emergency measure, were listed only in the minutes of the subgroup for coordination and cooperation for the municipalities of Gadžin Han, Svrlijig, and Doljevac, by the center for social work, as follows:

The specialized police officer of the Niš Police Administration, police station.... presents the case of protection against domestic violence No. ../21 of 18 January 2021, following a report of violence by a victim from, who reported her husband that on 13 January 2021 attacked her in their family house. The Basic Public Prosecutor on duty was informed.... and worker of the center for social work on duty... A risk assessment for the victim was carried out, it was estimated that there is a risk of immediate danger of violence, and the possible perpetrator was issued a temporary²⁹ restraining and no-contact measure. By decision of the Basic Court in Niš NP number ../21 of 21 January 2021, the emergency measure was prolonged for a period of 30 days. There were no previous actions following reports of domestic violence, persons were not registered as perpetrators of criminal acts. The worker of the center for social work declares that there is a risk of immediate danger of domestic violence, that the possible perpetrator did not violate the imposed measure, and the victim currently lives with her father and has contact with the children in the premises of the

²⁸ Data was submitted to the Autonomous Women's Center by the Ministry of Internal Affairs following a request for access to information of public importance.

²⁹ The minutes say a temporary measure, although it is an emergency measure.

Center; she takes her underage daughter at the center on Fridays, and the underage son refuses to go to his mother. It is necessary to work with the family in an advisory capacity in the future, and the risk is of medium intensity and there are unresolved relationships and jealousy on the part of both partners, as well as alcohol abuse on the part of the possible perpetrator. The deputy public prosecutor states that the case was registered in the prosecution under NPT .../21, the case is handled by the deputy public prosecutor A proposal was submitted to the Basic Court to prolong the emergency measure on 19 January 2021, and the court accepted the proposal by Decision NP ../21 of 21 January 2021. GROUP'S DECISION: The group assesses that there is a risk of domestic violence, that it is of medium intensity, and that it is necessary to create an individual protection and support plan.

Among the analyzed cases, there are also those in which the group assessed that the risk was low after emergency measures were imposed and prolonged to the possible perpetrator, which should indicate that the emergency measures fulfilled their preventive purpose - to stop the violence. We can cite the following case as an example of this action:

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21 of 1 January 2021, following a report of violence by the victim in relation to the possible perpetrator, the former boyfriend. The victim reported the possible perpetrator that on 1 January 2021 sent her text messages and calls in which he cursed and insulted her. Emergency measure 2³⁰ was issued to the possible perpetrator. There were no previous reports. The representative of the center for social work states that the victim was registered in 2017 in the process of reporting violence against her then-husband. Now she is reporting the possible perpetrator for the first time. The former boyfriend is now the possible perpetrator for the first time. The deputy public prosecutor states that the case was registered in the prosecutor's office NPT .../21. The measure was prolonged. GROUP'S DECISION: The group estimates that it is a lower level of risk, a lawsuit for protection measures might be filed in accordance with the Family Law.

³⁰ Emergency measure 2 – restraining and no-contact measure. Article 17 of the Law on the Prevention of Domestic Violence prescribes that the emergency measures are: measure of temporary removal of the perpetrator from the apartment and measure of temporarily prohibiting the perpetrator from contacting and approaching the victim of violence. Both emergency measures can be imposed by police order.

The imposed emergency measure, even if it was not prolonged, could be considered an adequate intervention by the specialized institutions for insults and profanities via SMS messages and calls, and if there were no violations, it is justified to consider that the intervention of the police led to a reduction in the risk of repeated violence.

However, by reading the minutes of groups at the Basic Public Prosecutor's Office in Niš, it can be established that the group for coordination and cooperation assessed that the risk was low, even in a situation where the police officers specified in their statements that they saw injuries on the victim's neck.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21, following a report of violence by the victim in relation to the possible perpetrator, the boyfriend. The traffic police patrol reported that they saw a male and a female at a bus terminal, pulling each other, the patrol checked their ID, and they noticed injuries in the form of scratches. The procedure was continued by the other patrol, who took the persons to the police station since they were former partners. It was established that after a short discussion and insults, there pushed each other, and that the victim threw a trash can at the possible perpetrator as he was walking away from her. The victim had scratches on her hands and a bruise on her neck. Emergency measure 2³¹ was issued to the possible perpetrator. There were no previous reports. The representative of the center for social work states that the victim was reported in 2014 by her ex-husband, regarding the child contact problem. In 2005, the possible perpetrator was reported as a minor (other cases), while this is the first time he is reported as the perpetrator. There are no other records. The deputy public prosecutor states that the case was registered in the prosecution NPT ../21, no prolongation of the measure was requested. GROUP'S DECISION: The group estimates that it is a lower level of risk, a lawsuit might be filed.

This conclusion of the group for coordination and cooperation indicates that strangulation of the victim is not recognized as a high-risk factor, even when the physical violence left visible marks on the hands and neck of the victim, when it happened in a public place, and when the violence was witnessed by a traffic police patrol. It is not clear on what basis the group for coordination and cooperation concluded that the imposed emergency measure, which was not extended, could

³¹ *ibid*

have led to the assessment that it was a case of a lower level of risk. This is especially so when there is no information from either the police or the Center for Social Work about how the possible perpetrator behaved after the emergency measure of 48 hours expired, so that it could be discussed whether there is real lower level of risk of repeating violence.

If we compare this and the previously mentioned case in which a low risk of repetition of violence was assessed, which has the only common fact that it is the first reported violence between former partners, it remains unclear how the group at the Basic Public Prosecutor's Office in Niš recognizes and evaluates risk factors when there is such a big difference in the way the possible perpetrator committed violence.

The same problems were observed in the cases in which groups for coordination and cooperation assessed that there was a medium risk of repeating violence, which was most frequent, because it was observed that for an adequate assessment, a large number of basic data was missing on:

- victim and possible perpetrator, especially their age, education, employment,
- about the event itself, such as a description of the physical violence and the consequences it left behind,
- about the fear of the victim/victims from a possible perpetrator,
- about the behavior of the possible perpetrator after the issuance of the emergency measure/s.

Thus, from some cases it is not possible to conclude which of the actors was recognized as a victim of violence for whose protection an individual protection and support plan was drawn up (one case):

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20, following a report of violence by the victim in relation to the possible perpetrator, the former girlfriend. The victim reported that the alleged perpetrator was insulting him, cursing, and spitting on him. Emergency measure 2 was issued to the possible perpetrator. There were no previous reports. The representative of the center for social work states that the possible perpetrator was on the records of the center from 2012 to 2019, related to social aid. In December 2019, she as a victim of violence (without accessing the existing files). In 2020, she was a beneficiary of social aid. In July 2020, a report of violence (also without accessing the existing files). In October 2020, she also reported violence. In November 2020, she also reported violence. The victim of

violence was on the records of the center for social work in 2012, 2014, 2015 as a beneficiary of social aid. The deputy public prosecutor states that the case was registered in the prosecutor's office NPT .../20. Prolongation of the measure was not requested. GROUP'S DECISION: The group estimates that it is a medium level of risk, and there is an immediate danger that requires the drafting of individual protection and support plan, due to psychological violence over a long period of time.

Additionally, it cannot be concluded why the group for coordination and cooperation estimates that it is a medium risk when the Center for Social Work states that high risk is possible (two cases):

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number .../20 of 31 December 2020, following a report of violence by the victim in relation to the possible perpetrator, the former boyfriend. The victim reported that the possible perpetrator came to her place at work and threatened her that she could only be with him and no one else. Both emergency measures were issued to the possible perpetrator. There were no previous reports. The representative of the center for social work states that this is the first time victim is reported as a victim of violence. Previously, the victim was registered only for social aid. The possible perpetrator is not under the jurisdiction of the center for social work. All the quotes about "if you're not with me you're not going to be with anyone" should be examined, as possible pathological jealousy that may indicate a high level of risk. At the same time, based on the available data, protection measure from domestic violence - a restraining order could be revised. The deputy public prosecutor states that the case was registered in the prosecutor's office NPT .../21. The measure was prolonged. GROUP'S DECISION: The group assesses that it is a medium level of risk, and there is an immediate danger that requires the drafting of individual protection and support plan, due to a serious threat.

Medium risk is assessed even though the victim described strangulation, and the possible perpetrator has already been reported three times for intimate partner violence against his ex-partner:

The specialized police officer of the Niš Police Administration presents

the case of domestic violence number ../21 following a report of violence by the victim in relation to the possible perpetrator, the former boyfriend. The victim reported that the possible perpetrator insulted her, and then grabbed her by the neck with both hands. An emergency measure 2 was issued to the possible perpetrator. The representative of the center for social work states that the victim is registered as a victim of violence before the center for the first time. Prior to the concrete report in relation to the victim, the possible perpetrator was reported as a perpetrator THREE times in relation to the former common-law partner, in 2015, 2017, and 2018. Family law protection measures should be requested. The deputy public prosecutor states that the case was registered in the prosecutor's office as NPT ../21. The measure was prolonged. GROUP'S DECISION: The group estimates that it is a medium level of risk, and there is an immediate danger that requires the creating individual protection and support plan, due to physical violence.

The group for coordination and cooperation did not state that the possible perpetrator violated the issued protection measures from domestic violence, nor did it undertake actions within its jurisdiction with the aim of sanctioning the possible perpetrator of violence for the aforementioned behavior (one case):

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21, following a report of violence by the victim in relation to the possible perpetrator, the husband. The victim reported that after a long period under the influence of alcohol, the possible perpetrator came upstairs, where she lives with their son and insulted her. Emergency measures 1 and 2³² were issued to the possible perpetrator. Previously, the following emergency measures were issued to the possible perpetrator - ZNP ../20, ZNP ../20, ZNP ../19, ZNP ../18. The representative of the center for social work states that they worked with family, and the possible perpetrator had been issued a non-harassment protection measure, according to the center for social work. They live on separate floors. Disturbing behavior of the ex-husband under the influence of alcohol is detected. The possible perpetrator reported the victim that she had insulted him. The victim points to the abuse of alcohol and gambling, but as they live separately, that they are divorced, family law protection measures are appropriate, as well as therapeutic activities. The deputy public prosecutor states that the case was registered in the

³² Emergency measure 1 – temporary removal of the perpetrator from the house/apartment.

prosecutor's office as NPT .../21. The measure was prolonged. GROUP'S DECISION: The group estimates that it is a medium level of risk, and there is an immediate danger that requires creation of individual protection and support plan, due to alcohol abuse and chronic violence.

It could not be concluded on the basis of what factors the medium level of risk was estimated (two cases):

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21 following a report of violence by the victim, the son, in relation to the possible perpetrator, the mother. The victim reported that after a short dispute, his mother hit him several times in the arm with the handle of a vacuum cleaner. Both emergency measures were issued. The mother refused to sign the order. There were no previous reports. The representative of the center for social work states that the victim is reported as a victim of violence for the first time, previously received social aid in 2016. The mother is on the records of the center for social work only on the basis of one-time social aid. There were no previous reports. The deputy public prosecutor states that the case was registered in the prosecutor's office as NPT .../21. The measure was prolonged. GROUP'S DECISION: The group estimates that it is a medium level of risk, and there is an immediate danger that requires creatoin of individual protection and support plan, due to physical violence against an underage person.

The specialized police officer of the Niš Police Administration presents the case of domestic violence number ../21 following a report of violence by the victim, the son and the granddaughter in relation to the possible perpetrator, the father and the grandfather. The son reported that his father first insulted his daughter and then him, after which he physically assaulted him and hit his granddaughter by mistake, intending to hit him. Both emergency measures were issued. There were no previous reports. The representative of the center for social work states that the son is registered in the center for social work for the first time, previously only social aid was recorded. The possible perpetrator was not in the records of the center for social work. The deputy public prosecutor states that the case was registered in the prosecutor's office as NPT .../21, no prolongation of the measures were requested. GROUP'S DECISION: The group estimates that it is a medium level of risk, and there is an immediate danger that requires

creation of individual protection and support plan, due to physical violence.

Cases in which the research sample assessed a high degree of risk of recurrence of violence (eight) have a more detailed history of violence, but basic anamnestic data on the actors, as well as on the reported event itself, is still missing.

The specialized police officer of the Niš Police Administration, Police Station presents the case of domestic violence number ../21 of 25 January 2021, following a report of violence by the victim, Municipality, that his common-law partner from ..., municipality, committed violence against him. A risk assessment was carried out and it was established that there is a risk of immediate danger of violence, and that the possible perpetrator was issued by the specialized police officer of the police station an emergency measure of temporary removal from the house in the village and a temporary restraining and no-contact measure was issued to common-law male partner,... the center for social work was informed... and the deputy Basic Public Prosecutor Niš on duty By decision of the Basic Court in Niš NP number ../21 of 26 January 2021, emergency measures issued to the possible perpetrator were prolonged for a period of 30 days. The victim of violence, the common-law female partner, was not previously registered as a possible perpetrator of domestic violence, and from the implementation of the new law, she was registered in one case, and was not registered as a perpetrator of a misdemeanor or criminal offense. The common-law male partner was recorded as a perpetrator of domestic violence against the common-law female partner in 5 cases. He was not recorded as the perpetrator of a misdemeanor or criminal offense. An employee of the center for social work declares that there is a risk of recurrence of domestic violence. The social worker in charge of the case is The deputy public prosecutor states that the case was registered in the prosecution under NPT ../21, the case was handled by the deputy public prosecutor... a proposal was submitted to the basic court in Niš to prolong the emergency measure on 26 January 2021, the judge adopted the proposal of the prosecution and issued Decision NP ../21 of 26 January 2021, with which the emergency measures were prolonged. Additionally, the case KT../2017 was registered in the prosecutor's office, the case was handled by the deputy public prosecutor... because of the criminal act from Art. 194 para. 1 of the Criminal Code. The Decision to dismiss the criminal charge in accordance with the Art. 284 para. 1 point. 3 of the Criminal Code was

reached. GROUP'S DECISION: The group assesses that there is a risk of domestic violence, the risk is of high intensity, and that it is necessary to create an individual protection and support plan.

Although the police action was initiated after the common-law husband reported that he was the victim, the action of the specialized police officer is an example of good practice, due to the fact that after taking statements and assessing the risk, it was determined that the victim was in fact the common-law wife, and not "the person who first reported". However, the record does not describe the incident of alleged violence, nor do the statements of the common-law partners, on the basis of which the said assessment could be verified.

Only in one high-risk case, the possible perpetrator, who was fugitive, was ordered to be put in police custody and then detained, and both emergency measures were imposed and extended at the same time.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21, following a report of violence by the victim in relation to the possible perpetrator, the common-law partner. The medical staff of the emergency center reported examining a person with injuries inflicted by her husband with his hands in the area of the head. Minor injuries were found. It was been estimated that there is a further risk of violence. A search was launched for the possible perpetrator. The possible perpetrator was found on, when he was put in custody for up to 48 hours by order of the Basic Public Prosecutor. After the hearing, the possible perpetrator was detained for up to 30 days. Emergency measures 1 and 2 were issued to the possible perpetrator. The representative of the center for social work states: In relation to the aforementioned report, the current assessment is that there is a high degree of risk of violence, both due to the history of violence, as well as due to the intensity of the violence suffered, as well as due to reports of long-term alcohol abuse. The proposal was that, in addition to the prosecution, an expert assessment should be carried out "he has a bad temper, he gets angry easily, he punches the table several times, and physically attacks his wife.... the victim often suffered, covered up...did not want to live with his". She reported the violence for the first time in 2018, but she continued the live with him, without a clear risk assessment, passive, lacking initiative. Long-term violence was assessed through contacts. The deputy public prosecutor states that the case was registered in the prosecutor's office NPT ../21. The measures were prolonged. GROUP'S DECISION: The group estimates that this is a high degree of risk, and there is an immediate danger that requires the drafting of

individual protection and support plan, due to alcohol abuse and physical violence.

In this case, the group for coordination and cooperation validated the actions of the institutions upon reports and confirmed with its evaluation that it was a high-risk case. However, the submitted minutes do not show what specific activities the group planned for the protection and support of the victim, who will again be at high risk of further harm after the extended emergency measure expires and the perpetrator is released from detention.

5.3. Issuance of Emergency Measures

The Law on the Prevention of Domestic Violence³³ stipulates that if, after a risk assessment, it is determined that there is an immediate danger of domestic violence, the specialized police officer issues an order imposing an emergency measure on the perpetrator (the order can impose both emergency measures: the measure of temporary removal of the perpetrator from the apartment/house and the measure of temporary restraining and no-contact order of the perpetrator toward the victim of violence) in order to effectively protect the victim of violence, but in practice, this is not always the case.

Based on the reviewed minutes in 88 newly reported cases of domestic violence that were submitted to the Protector of Citizens (for the period mid-December 2020 - January 2021), in 69 cases one or both police emergency measures were issued, which makes up 78.4% of the total number of reviewed cases. According to data from the Ministry of Internal Affairs of the Republic of Serbia³⁴, in January 2021, 93 incidents of violence were reported to the Niš Police Administration, of which emergency measures were imposed in 67 cases (72%)³⁵. Data for all Police Administrations in Serbia shows that in the same month emergency measures were imposed in 75.3% of all reported incidents in Serbia, while this percentage in 2020 was 73.5%³⁶. It can be concluded that the actions of the Niš Police Administration when imposing emergency measures do not deviate from the average actions of other police administrations in Serbia. Although from the way the minutes were kept it was sometimes not possible to establish whether both emergency measures

³³ Article 17 paragraph 1.

³⁴ Which were submitted to the Autonomous Women's Center upon request for access to information of public importance.

³⁵ The Niš Police Administration consists of the Niš Police Station, the Gadžin Han Police Station, the Svrlijig Police Station, the Doljevac Police Station, the Aleksinac Police Station, and the Ražanj Police Station, while the Sokobanja Police Station belongs to the Zaječar Police Administration.

³⁶ According to the data of the MoI of the RS, published in the Ninth Independent Report of the Autonomous Women's Center, available at: https://www.womenngo.org.rs/images/resurs-centar/AWC_Ninth_Report_on_Independent_Monitoring_2020.pdf

were imposed or only one, it is unquestionable that in 69 cases an emergency measure of temporary restraining and no-contact order was imposed, while in at least 40 cases, an emergency measure of temporary removal from the apartment/house was imposed (see Table 5).

It was important to establish whether, in cases where emergency measures were not issued, the specialized police officers acted in line with the Law on the Prevention of Domestic Violence and assessed the risk of immediate danger. When it comes to reports after which the possible perpetrators was sent to the Special Hospital for Psychiatric Diseases “Gornja Toponica”, the risk assessment was performed twice, as in the following example:

The specialized police officer of the Niš Police Administration, police station.... presents the case of protection against domestic violence number ..21 of 2 January 2021, following a report of violence by from who reported his son for disturbing members of the household in an intoxicated state. The on-duty deputy of the Basic Public Prosecutor in Niš.. and the on-duty employee of the center for social work ...were notified. After an examination at the Institute for Mental Health Protection in Niš, the possible perpetrator was sent to the Special Hospital for Psychiatric Diseases “Gornja Toponica”, where he was kept for further treatment after the examination. A risk assessment was carried out for the possible perpetrator, and due to the fact that the person was kept for treatment in the institution, it was estimated that there is no risk of immediate danger of domestic violence. After the person was discharged from treatment, a re-assessment of the risk was carried out and it was determined that the person was in good condition, which is why he was discharged from treatment, the victims stated that they were not afraid of the possible perpetrator and that the imposition of measures would only harm his further treatment, and it was determined that there is no risk of violence and that no emergency measures had been issued. The employee of the center for social work declares that there is no risk of immediate danger of violence. The deputy public prosecutor states that the prosecution registered the perpetrator in the case KT.../18, due to the criminal act from Article 138a of the Criminal Code, the case was handled by the deputy public prosecutor, a decision on the dismissal of the criminal complaint was passed on 2 September 2019. GROUP'S DECISION: The group assesses that there is no risk of domestic violence and that it is not necessary to create an individual protection and support plan.

The group's assessment in this case that there is no risk of domestic violence cannot be considered correct, although the victims – parents - at the specific moment considered that emergency measures could be harmful to the treatment of the possible perpetrator. However, the lack of fear among the victims must not deceive the institutions that there is no risk, especially when the possible perpetrator had one criminal charge for the criminal act of stalking, and when he was treated in the Special Hospital for Psychiatric Diseases “Gornja Toponica”. The protection of the victims could have been achieved in another way, not only by emergency measures, but by introducing regular control and monitoring of the family.

5.4. Prolongation of Emergency Measures

The Law on the Prevention of Domestic Violence³⁷ stipulates that the emergency measure issued by the specialized police officer lasts 48 hours from the surving of the order to the perpetrator, and that the court can prolong the emergency measure for another 30 days at the proposal of the basic public prosecutor. The basic public prosecutor has the obligation to submit to the court a proposal to prolong the emergency measure within 24 hours from the time of surving of the order to the person to whom the emergency measure was issued, with the submission of evidence indicating an immediate danger of domestic violence, if after reviewing the notice and evaluation of the risk assessment of the specialized police officer establishes an immediate danger of domestic violence.

Based on the reviewed minutes in 88 newly reported cases of domestic violence, which were submitted to the Protector of Citizens, it was determined that the Basic Public Prosecutor's Office in Niš requested the prolongation of emergency measures in 60 out of 69 cases (86.9%), and that only in one case³⁸ the court did not prolong the emergency measure (see Table 5). Data for the Basic Public Prosecutor's Office Aleksinac were not submitted³⁹.

By reviewing the data of the Republic Public Prosecutor's Office for January 2021⁴⁰ it was stated that the Basic Public Prosecutor's Office in Niš requested prolongation of emergency measures in 47 cases, while the Aleksinac Basic Public Prosecutor's

³⁷ Article 21.

³⁸ As stated on page 17 of this report.

³⁹ The Basic Public Prosecutor's Office Aleksinac is responsible for the municipalities of Aleksinac, Ražanj, and Sokobanja, while the Sokobanja Police Station is the only one that is not part of the Niš Police Administration, but of the Zaječar Police Administration. Given that the group for coordination and cooperation at the Basic Public Prosecutor's Office in Aleksinac had not held meetings for a long time, the Center for Social Work in Sokobanja submitted handwritten data about 11 reported cases in January 2021, but from the data it could not be determined whether emergency measures were issued by the Sokobanja Police Station, for which the Basic Public Prosecutor's Office Aleksinac requested prolongation or not.

⁴⁰ Which were submitted to the Autonomous Women's Center upon request for access to information of public importance.

Office requested prolongation in 14 cases. Courts prolonged emergency measures in almost 100% (46, i.e., 14 cases), which during the four-year implementation of the Law on the Prevention of Domestic Violence has already established as a standard in court proceedings⁴¹.

Unfortunately, the data that the Republic Public Prosecutor's Office submits to the Autonomous Women's Center every month, according to the Law on Free Access to Information of Public Importance, does not contain data on the number of emergency measures for which prolongation was not requested. Namely, that number cannot be obtained by simple subtraction, due to cases in which the emergency measure was issued at the end of the month, and the prolongation was requested at the beginning of the following month.

5.5. Failure to Comply with Emergency Measures

The Law on the Prevention of Domestic Violence⁴² stipulates that a person who violates the emergency measure that was issued or prolonged will be punished for a misdemeanor with a prison sentence of up to 60 days.

In the submitted minutes of the groups at the Basic Public Prosecutor's Office in Niš, there was no case in which the possible perpetrator violated the emergency measure, although data from the Ministry of Internal Affairs of the Republic of Serbia for January 2021 shows that 19 misdemeanor reports were filed by the Niš Police Administration for violations of emergency measures.

The experience of the Autonomous Women's Center in providing free legal aid shows that often public prosecutors, and even specialized police officers for domestic violence, are not informed about the report of a violation of an emergency measure, but that the consultations regarding the submission of a misdemeanor report are carried out only with the on-duty misdemeanor judge. This action of police officers shows an insufficient understanding of the phenomenon of domestic violence and violence against women, and leads to a serious failure to assess the risk the victim is in, including the fatal outcome⁴³.

⁴¹ Data available in the Ninth Independent Report of the Autonomous Women's Center available at: https://www.womenngo.org.rs/images/resurs-centar/AWC_Ninth_Report_on_Independent_Monitoring_2020.pdf

⁴² Article 36 paragraph 1.

⁴³ The case of the murder of Desanka Mošić at a bus stop, after her husband violated the emergency restraining and no-contact order while Desanka was in the Safe house in Pancevo. The report of the breach of measure was submitted to the police by the Center for Social Work Pancevo, based on to the information from employees of the Safe house.

5.6. Filing Criminal Charges

From the submitted minutes of groups at the Basic Public Prosecutor's Office in Niš, it could be concluded that out of 88 newly reported cases of domestic violence, criminal charges have been filed or will be filed in six cases (6.8%). However, the content of the submitted protection and support plans drafted within groups of the Basic Public Prosecutor's Office in Niš indicates that groups for coordination and cooperation in 25 cases (28.4%) gave a proposal to the prosecution in which it was written to conduct “pre-criminal proceedings” or “criminal proceedings”. The data of the Republic Public Prosecutor's Office for the Basic Public Prosecutor's Office in Niš for January 2021 shows that out of 47 cases in which the extension of the emergency measure was requested, only five (10.6%) were transferred from NPT to KTR⁴⁴ or KT⁴⁵ register, while the Basic Public Prosecutor's Office in Aleksinac transferred all 14 cases in which the prolongation of emergency measures was proposed. In 2020, the percentage of filed criminal charges in relation to the total number of reports of incidents of violence under the Law on the Prevention of Domestic Violence in Serbia was 21%.⁴⁶

In one case, the group for coordination and cooperation at the Basic Public Prosecutor's Office in Niš stated that a criminal charge would be filed for the act under Article 122 of the Criminal Code (Light bodily injury), in another case, for Article 23 of the Law on Public Peace and Order (Obstructing an officer in the performance of official duties), and only in one case was it stated that a transfer was made in KT .../21 for 194 para. 3 (Domestic violence). In the remaining three cases, it was stated that the criminal charge will be filed in the ordinary procedure.

⁴⁴ The Rulebook on Administration in Public Prosecutor's Offices, “Official Gazette of RS”, No. 110/09, 87/10, 5/12, 54/17, 14/18, 57/19. Register for other criminal cases: the “KTR” register’s evidence includes various appeals, complaints, suggestions, reports and other submissions of state institutions, legal entities and citizens, as well as instructions for submitting articles in public gazettes and registering information about events important for the work of the public prosecutor’s office, for criminal charges that are incomprehensible so they cannot be considered as a source of information about the criminal act or perpetrator and are for other reasons inadequate for “KT” register.

⁴⁵ The Rulebook on Administration in Public Prosecutor's Offices, “Official Gazette of the RS”, No. 110/09, 87/10, 5/12, 54/17, 14/18, 57/19. Register for adult perpetrators of criminal acts: “KT” register’s evidence includes basic data about persons of legal age reported by the police or other state institutions, as well as by other persons if the public prosecutor or a person designated by them determines that from the submitted evidence or in another way it is probable that there are grounds for suspecting that they have committed criminal acts for which prosecution is undertaken *ex officio*, as well as the basic data on received notifications, actions taken, decisions of prosecutors and acting courts.

⁴⁶ Data available in the Ninth Independent Report of the Autonomous Women Center, available at : https://www.womenggo.org.rs/images/resurs-centar/AWC_Ninth_Report_on_Independent_Monitoring_2020.pdf

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ..21, following a report of violence by the victim in relation to the possible perpetrator, the former common-law partner. The victim reported that the possible perpetrator sent her threatening messages. A criminal charge was filed against the possible perpetrator in the ordinary procedure. Emergency measure 2 was imposed on the possible perpetrator. Previously imposed emergency measures ZNP .../18, ZNP .../19, ZNP .../19, ZNP .../19. The representative of the center for social work states that since 2018, the victim has been recorded several times as a victim of violence. In the proceedings, it was pointed out several times that there is a high degree risk of further violence and that violence is constantly repeated. In addition to criminal processing, Family law protection measures should be urgently requested, i.e., restraining order, non-approaching order to the place of residence and the prohibition of further harassment. The risk is high given the behavioral patterns. The deputy public prosecutor states that the case was registered in the prosecutor's office NPT .../21. The measure was prolonged. GROUP'S DECISION: The group assesses that this is a high degree of risk, and there is an immediate danger that requires the creating of individual protection and support plan, due to chronic violence.

In only one case, the Center for Social Work stated that it was a violation of protection measures against domestic violence⁴⁷ (Article 194, paragraph 5 of the Criminal Code), but it could not be seen from the minutes that a criminal charge had been filed. Similarly, it could not be established whether the violation of the protection measure against domestic violence was reviewed as a risk factor, although the specialized police officer was obliged to ask and verify this information according to the Law on the Prevention of Domestic Violence.

The Law on the Prevention of Domestic Violence stipulates that it regulates the prevention of domestic violence and the actions of state bodies and institutions in preventing domestic violence and providing protection and support to victims of domestic violence, as well as that it applies to cooperation in the prevention of domestic violence in criminal proceedings for criminal acts contained in Article 4 of the Law on the Prevention of Domestic Violence, as well as to providing protection and support to victims of criminal acts stipulated by this Law. In the researched sample, there were only two cases in which criminal charges for criminal acts against sexual freedom were reviewed.

⁴⁷ Issued in accordance with the Family law

5.7. Implementation of Measures for Ensuring the Presence of the Accused and for Unhindered Conduct of Criminal Procedure

In only one case from the sample, the measure from the Criminal Procedure Code was applied – keeping a suspect in custody⁴⁸ and detention order⁴⁹. However, in none of the newly reported cases was the measure of the prohibition of approaching, meeting or communicating with a certain person and visiting certain places proposed or imposed⁵⁰. As an example of such behavior, we cite the following case:

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21, following a report of violence by the victim in relation to the possible perpetrator, the former common-law partner. The victim reported that the possible perpetrator sent her threatening messages. A criminal charge was filed against the possible perpetrator in the regular procedure. Emergency measure 2 was imposed on the possible perpetrator. Previously imposed emergency measures ZNP .../18, ZNP .../19, ZNP .../19, ZNP .../19. The representative of the center for social work states that since 2018, the victim has been recorded several times as a victim of violence. In the proceedings, it was pointed out several times that there is a high degree of risk of further violence and that violence is constantly repeated. In addition to processing, measures of the family - legal protection should be urgently examined, i.e., prohibition of approaching the victim and victim's place of residence and prohibition of further harassment. The risk is high given the behavioral patterns. The deputy public prosecutor states that the case was registered in the prosecutor's office NPT .../21. The measure was extended. GROUP'S DECISION: The group assesses that this is a high degree of risk, and there is an immediate danger that requires the drafting of individual protection and support plan, because it is a case of chronic violence.

Although according to this description of the events and actions of the institutions, it would be faster and more efficient if the public prosecution, in accordance with Article 23 of the Law on the Prevention of Domestic Violence, suggests that the court issue a prohibition of approaching, meeting or communicating with a certain

⁴⁸ Article 294 of the Criminal Procedure Code, "Official Gazette of RS", No. 72/11, 101/11, 121/12, 32/13, 45/13, 55/14 and 35/19.

⁴⁹ Article 211 and Article 212 of the Criminal Procedure Code, "Official Gazette of RS" No. 72/11, 101/11, 121/12, 32/13, 45/13, 55/14 and 35/19

⁵⁰ Article 197 of the Criminal Procedure Code.

person Article 197 of the Criminal Procedure Code, groups did not state such orders either in the minutes or in the plans.

5.8. Concluding Plea Agreements and Security Measures

In no case that was reviewed at the meetings of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš during January 2021 was it stated that the criminal proceedings against the perpetrator ended with a plea agreement, nor was there a proposal for the court to impose a security measure of restraining and no-contact order with the injured party.⁵¹ Only in rare cases described in the minutes, but also from the content of the protection and support plans in which the “procedure for the adoption of a mandatory treatment measure” was proposed to the prosecutor's office, it could be concluded that in cases where there is a suspicion of addiction or mental illness, safety measures of mandatory medical treatment were reviewed in accordance with articles 81, 82, 83, and 84 of the Criminal Code.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../20, following a report of violence by the victim, the father, in relation to the possible perpetrator, the son. The father reported that the son was shouting around the house, and then broke a plate in the dining room and three windowpanes on the front door of the house, after which he walked away. The son went to a health facility because of injuries to his hands. After helping the son, both emergency measures were issued to him. There were many reports, in the cases ZNP ../18, ZNP ../18, ZNP ../19, ZNP ../19, ZNP ../20, ZNP ../20., ZNP ../20 and ZNP ../20. The representative of the center for social work states: there is a number of reports against the son. According to the center, the person is of questionable mental health, there is information about the need for medical expert assessment (an order was issued) in criminal proceedings, but that person refuses expert assessment. He is prone to conflict and aggressive behavior. The deputy public prosecutor states that the case was registered in the prosecutor's office NPT ../20. The measure was prolonged. GROUP'S DECISION: The group assesses that this is a high degree of risk, and there is an immediate danger that requires the creating of individual protection and support plan, due to the chronicity of violence and the possible illness of the perpetrator in the sphere of mental health.

⁵¹ Article 89a of the Criminal Code.

5.9. Protection Measures against Domestic Violence

In several cases described in the minutes of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš, it was stated that the Center for Social Work suggested that Family law protection measures should be urgently requested, without specifying whose duty will be to file a lawsuit. From the content of the submitted plans, it could be established that in nine cases a proposal to the Prosecutor's Office for “procedure for protection measures” was stated, but the data of the Republic Public Prosecutor's Office⁵² show that the Basic Public Prosecutor's Office in Niš in 2021 did not file lawsuits for the imposition of protection measures against domestic violence. Or, if it did, then they did not report it to the Republic Public Prosecutor's Office.

According to the provisions of Article 284 of the Family Law, the public prosecutor can file a lawsuit for the issuance of protection measures against domestic violence in order to protect the family member against whom the violence was committed. According to the data of the Republic Public Prosecutor's Office, all prosecutor's offices in Serbia submitted 297 in 2018, 377 in 2019, and 231 lawsuits in 2020 for the issuance of protection measures against domestic violence. The involvement of the prosecution in civil proceedings has its purpose in situations where the prosecution does not have enough elements to initiate criminal proceedings, which are repressive in nature, or when there are no grounds to request the imposition of measures to ensure the presence of the accused and the unhindered conduct of criminal proceedings, as provided for by the Criminal Procedure Code, but there is a grounds for initiating a civil procedure that imposes longer-term preventive measures for the protection of the victim.

5.10. Reviewing Cases of Underage Perpetrators of Domestic Violence

Given that the Law on the Prevention of Domestic Violence does not apply to underage perpetrators of domestic violence, it is not surprising that in the submitted minutes of groups at the Basic Public Prosecutor's Office in Niš, there were no reviewed cases in which a minor commits domestic violence. The question remains as to how in such cases the victim and the underage perpetrator can be provided with the necessary help and support, taking into account that the task of the group for coordination and cooperation is to create an individual plan of protection and support, in which measures can be aimed not only at the victim of violence, but also the perpetrator (psychosocial treatment of the abuser, etc.). Determining appropriate measures of protection and support is the best prevention when working with minors.

⁵² Submitted to the Autonomous Women Center in accordance with the Law on Free Access to Information of Public Importance.

5.11. Individual Victim Protection and Support Plans

The content of the 50 anonymized plans, that were submitted to the Protector of Citizens, were analyzed. Detailed data on the measures of protection and support for the victim, contained in the individual plans, is given in Table 6. The Law on the Prevention of Domestic Violence⁵³ stipulates that upon receipt of a risk assessment that establishes an immediate danger of domestic violence, the groups for coordination and cooperation create an individual victim protection and support plan, which contains comprehensive and effective protection and support measures for the victim, but also for other family members who need support. The victim also participates in the creation of an individual victim protection and support plan, if they wish and if their emotional and physical condition allows it. Protection measures must ensure the victim's safety, stop the violence, prevent its recurrence, and protect the victim's rights, and support measures must enable the victim to be provided with psychosocial and other support for their recovery, empowerment, and independence. The individual victim protection and support plan determines the executors of concrete measures and the deadlines for their implementation, as well as the plan for monitoring and evaluating the effectiveness of the planned and undertaken measures. The individual victim protection and support plan is created for victims of criminal acts from Article 4 of the Law on the Prevention of Domestic Violence. By analyzing the submitted minutes of groups for coordination and cooperation groups, the following can be concluded regarding the content of the individual victim protection and support plan:

- Although the Republic Public Prosecutor's Office submitted to all groups for coordination and cooperation a form in which the individual protection and support plan should be entered, inconsistency was observed in the way data was entered into the form.
- The deadline/period for the implementation of measures from the individual protection and support plan was clearly indicated by the date by which the measure must be implemented. The deadline for assessing the implementation of the planned measures in most cases coincides with the date specified for the implementation (the same day), which ranged from 7 days to 3 months. These deadlines would make sense if groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš reviewed the same cases as ongoing ones, after the expiration of the set deadlines. However, it is not known whether the set deadlines for the implementation of certain activities in the protection of the victim are respected at all, and if they are respected, in what way they are respected.
- As could be seen from the above quantitative data on the created individual

⁵³ Article 31

protection and support plans, they do not provide an answer as to how protection was provided to victims of domestic violence and other criminal acts from Article 4 of the Law on the Prevention of Domestic Violence in each specific case, but only to whether groups for coordination and cooperation acted in line with Article 31 of the Law on the Prevention of Domestic Violence.

- In all the submitted plans, the group for coordination and cooperation directed the order/s to the center for social work, stating, quite generally, the task of the center for social work. The orders given to the guardianship authorities were: psychological help, expert-advisory help, advisory guidance, monitoring and support, legal assistance, but also more specifically: referral to other institutions and procedures for protection measures.
- The difference compared to the plans of other prosecutor's offices in Serbia is the description of the ways the task is monitored, such as: contact, conversations, report, which is the practice of centers for social work, and in only few plans the name of the responsible person in the center for social work is mentioned.
- Orders to the police were specified in only seven (out of 50) plans, with only two types of orders: periodic official visiting in order to preserve the safety of the victim and imposing emergency measure. One month was given as the deadline for implementation, except when ordering the imposition of an emergency measure, the deadline was the day of the adoption of the plan at the meeting of the group for coordination and cooperation.
- In slightly more than half of the submitted plans (31), groups for coordination and cooperation gave orders to the prosecutor's office that read: pre-criminal proceedings, criminal proceedings, proceedings for protection measures and/or proceedings for measures of mandatory treatment. The deadline for the prosecution's action was stated to be between 15 days and two months.
- There were no orders issued to other institutions or organizations, as could be seen in only few plans of groups in the Belgrade area, which is a consequence of the fact that representatives of other institutions and organizations were not invited to attend group meetings, nor recognized as equal actors in providing help and support.

5.12. Conclusion

Although the Law on the Prevention of Domestic Violence prescribes that the specialized police officer assesses the risk immediately upon receiving a notification of violence or imminent danger of it from police officers, in a number of cases the specialized police officers did not assess the risk.

In the minutes of groups for coordination and cooperation, there were also cases in which the police officer determined that there was no risk, with the fact that in those cases the group for coordination and cooperation generally agreed with the assessment of the specialized police officer. The subgroup for coordination and cooperation for the City of Niš does not assess the risk in a situation where the police officer did not assess the risk, because the possible perpetrator is fugitive or placed in the Special Hospital for Psychiatric Diseases “Gornja Toponica”, which is a very worrying practice.

The analyzed cases from the record show that certain risks were not properly taken into account (such as strangulation, violation of protection measures against domestic violence, sexual violence, mental disability of the victim). Of particular concern is the fact that in a certain number of cases the level of violence was assessed as low, despite the fact that the perpetrator committed the violence in a public place, in front of a traffic police patrol, and that he strangled the victim so that injuries were visible, which indicates that it is necessary improving knowledge about risk factors, their severity and correlations.

Contrary to the provisions of the Law on the Prevention of Domestic Violence, it seems that the meetings of groups for coordination and cooperation in Niš did not review cases in which the police submitted a request to initiate misdemeanor proceedings for violation of emergency measures, although data from the Ministry of the Interior shows that there were such cases.

The question remains how, in cases where a minor is the perpetrator of a criminal act of domestic violence, the victim and the underage perpetrator will be provided with the necessary help and support, given that they are exempt from the implementation of the measures prescribed by the Law on the Prevention of Domestic Violence. Considering that the task of the group for coordination and cooperation is to create individual victim protection and support plan in which measures can be directed not only to the victim of violence but also to the perpetrator (psychosocial treatment of the abuser, etc.), determining appropriate protection and support measures would be the best prevention in working with minors. Amendments to the Law in this direction would simultaneously ensure that the provisions of the Law on the Prevention of Domestic Violence, which refer to the provision of protection and support to victims of violence, are also applied to victims of domestic violence committed by minors.

In the submitted plans, the least stated measures were those related to the protection of victims, even in cases where high risk was assessed, while there was no plan in which support measures were missing, mainly for victims and perpetrators as partners/parents, by issuing orders to centers for social work. There were no orders

sent to other organizations and institutions involved in the protection and support system, even when it could be concluded from the minutes that the group had knowledge of the involvement of others (safe house, citizens' association, special hospital).

The method of entering data into the plan forms is uneven, and although the plans clearly state the deadlines for the execution of protection and support measures and the method of implementation, groups at the Basic Public Prosecutor's Office in Niš do not return cases to the meetings of the group for coordination and cooperation as ongoing, in order to for the fulfillment of the measures to be reviewed, the risk reassessed and the plan possibly revised.

5.13. Recommendations for Improvement

- Specialized authorities should ensure that all cases in which domestic violence is reported or an imminent threat of it, including cases in which the police submitted a request to initiate misdemeanor proceedings for violation of emergency measures, are reviewed at meetings of groups for coordination and cooperation with mandatory risk assessment based on a comprehensive review of all relevant facts and factors;
- **Groups for coordination and cooperation** should without delay assess the risk in all cases, including situations where the police officer did not assess the risk because the possible perpetrator is fugitive or placed in a special psychiatric hospital, taking into account all risk factors, their seriousness, and correlation (e.g., violence in a public place, strangulation of the victim, violation of protection measures against domestic violence, sexual violence, mental disability of the victim, mental disorders of the possible perpetrator and addiction to alcohol and psychoactive substances) and create individual victim protection and support plans without delay;
- **The Ministry of Internal Affairs** should provide training on the implementation of the Law on the Prevention of Domestic Violence and risk assessment for all police officers who act or will act upon reports of domestic and partner violence and reports of violence, abuse and neglect of children;
- **The Ministry of Family Welfare and Demography and the Republic Institute for Social Protection**, in cooperation with the Judicial Academy, HR Management Service and other bodies and institutions, should provide continuous training for professionals in social work centers that apply the Law on the Prevention of Domestic Violence;
- The Ministry of Family Care and Demography and the Republic Institute for Social Protection should establish a unique record of individual plans, in line with the Law, so that it is possible to prepare an annual review of the protection and support measures contained in the plans, as well as their effects;
- Competent authorities should, by amending the Law on the Prevention of

Domestic Violence, ensure the implementation of the Law to underage perpetrators of domestic violence in relation to the provisions that prescribe the obligation to carry out risk assessments, review such cases in groups for coordination and cooperation and prepare individual victim protection and support plans;

- The **Republic Public Prosecutor's Office** should standardize the actions of groups so that in their individual victim protection and support plans, they direct the focus of interventions on protection and not only on support, determine clear deadlines for the implementation of measures to protect the victim by the competent authorities, but also deadlines for their verification as well as possible revisions of the individual protection plan, especially in cases of medium and high risk.
- **Groups for coordination and cooperation** should, in their individual victim protection and support plans, give clear and precise orders to authorities, group participants, as well as other authorities and institutions whose involvement is necessary to protect and support victims of violence and prevent violence;
- **Groups for coordination and cooperation** should, in all cases in which there is suspicion of addiction or mental illness, consider proposing safety measures for mandatory treatment for alcoholism and drug addiction from articles 81, 82, 83 and 84 of the Criminal Code.

6. ACTIONS IN CASES OF DOMESTIC VIOLENCE AGAINST CHILDREN REVIEWED AT GROUP MEETINGS

By ratifying the United Nations Convention on the Rights of the Child⁵⁴, the Republic of Serbia undertook to take measures to prevent and suppress violence against children, to ensure the protection of children from all forms of violence, abuse, and neglect in the family, as well as support measures for the recovery of child victims of violence. Domestic violence is a serious form of violation of the child's rights, which is why this phenomenon must not be treated as a personal matter or considered a personal problem of family members. The presence of domestic violence in a child's family obliges all competent authorities to take protection measures, because the mere exposure of a child to domestic violence makes the child a victim of violence. The adoption of the Law on the Prevention of Domestic Violence prescribed a framework for the actions of competent authorities in the fight against domestic violence, which improved the position of child victims of domestic violence.

6.1. Actions of Competent Authorities

The analysis of the minutes of groups for coordination and cooperation at the Basic Public Prosecutor's Office in Niš demonstrated the same actions of the specialized police officers of the Niš Police Administration relative to other police administrations in Serbia. Namely, during the four years of implementation of the Law, the number of child victims of violence who were protected by emergency measures was 5%⁵⁵, which does not correspond to the number of children as direct and indirect victims recognized by the social protection system⁵⁶.

The submitted minutes of groups for coordination and cooperation show that in the

⁵⁴ Law on the Ratification of the United Nations Convention on the Rights of the Child. “*Official Gazette of SFRY – International Contracts*”, No. 15/90 and “*Official Gazette of FRY – International Contracts*”, No. 4/96 and 2/97.

⁵⁵ Data available in Independent Reports of the Autonomous Women Center, are accessible at: <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv>

⁵⁶ Republic Institute for Social Protection's reports on the work of CSWs during 2020, accessible at: <http://www.zavodsz.gov.rs/sr/biblioteka/izve%C5%A1taji-iz-sistema/izve%C5%A1taji-iz-sistema-2020/> state that in Serbia CSWs initiated 21,903 procedures for adult persons and 5,174 procedures for underage victims of domestic violence, while according to the Republic Public Prosecutor Office 2020 data, published in the Autonomous Women Center's Ninth Independent Report, accessible at: https://www.womenngo.org.rs/images/resurs-centar/AWC_Ninth_Report_on_Independent_Monitoring_2020.pdf emergency measures were prolonged to protect 1,182 minors.

period that was the subject of the analysis of this report, a total of six (6) cases were reviewed at group meetings in which it was stated that underage children were direct victims (6.8%), while in most cases it could not be established whether emergency measures were imposed (also) for the protection of underage children.

Only from the minutes of one case, it could be established that emergency measures were imposed to protect the underage daughter as a victim of violence.

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21, following a report of violence by the victim and underage daughter in relation to the possible perpetrator, The wife reported that her husband physically assaulted their underage daughter by pulling her hair, because she did not want to go to buy him cigarettes. The victim stated that in the earlier period he was aggressive towards her and underage daughter. The possible perpetrator was issued emergency measure 1 and emergency measure 2. There were no previous reports. The representative of the center for social work: this is the first time a report of violence has been registered for the child, there are no previous records. The deputy public prosecutor states that the case was registered in the prosecutor's office NPT ../21. The measure was prolonged. GROUP'S DECISION: The group estimates that it is a medium level of risk, and there is an immediate danger that requires the creation of individual protection and support plan, due to physical violence against an underage person.

In this example, an underage child is also recognized as a victim of violence:

The specialized police officer of the Niš Police Administration presents the case of protection against domestic violence number ../21 following a report of violence by the victims, underage daughter and wife in relation to the possible perpetrator, the father i.e., the husband. The wife reported that her husband, for no reason, in an intoxicated state, grabbed their underage daughter by the neck and pushed her towards the table she was sitting at. He was not threatening, but he was outraged because they were both on Facebook all the time. There was a previous record on 30 October 2019, when the possible perpetrator was issued both emergency measures in relation to his wife, when several events were recorded and the possible perpetrator was detained in the Special Hospital for Psychiatric Diseases "Gornja Toponica" for alcoholism treatment. The representative of the center

for social work states: the wife has been recognised as a victim of violence since October 2019. During the 15 years of marriage, there were frequent conflicts due to the consumption of alcohol by her husband, she left him 6 times, but returned every time. The husband was hospitalized and stayed for some time in the Special Hospital for Psychiatric Diseases “Gornja Toponica” due to a relapse in alcoholism. Therapeutic treatment was suggested, along with treatment for alcoholism. There is a history of alcohol-induced violence, which should be given due consideration. The child is now reported as a victim for the first time, but she was previously present during the violent events between her father and mother, so she directly suffered from it. The deputy public prosecutor states that the case was registered in the prosecution NPT .../21, the measure was prolonged. GROUP'S DECISION: The group estimates that it is a medium level of risk, and there is an immediate danger that requires creation of individual protection and support plan, due to alcohol abuse and physical violence.

In the remaining cases, underage children were not recognized by police officers as victims of violence. In these cases, the child was not given the status of a victim at the meeting of groups for coordination and cooperation, nor did the groups give orders to the Center for Social Work to assess whether there is violence against children in the specific case.

Among the reviewed cases, there were none that were reviewed for the criminal act of failure to provide child support/alimony (Article 195) or abduction of child (Article 191) of the Criminal Code.

6.2. Conclusion

The analyzed cases showed that children exposed to domestic or intimate partner violence are still not fully recognized as victims of violence, abuse, and neglect, which is why measures for their protection are often missing. Additionally, in cases where domestic violence is committed against both an adult and a child, police officers rarely impose emergency measures to protect the child, there is often no risk assessment by the police officers, and the child is not covered by an individual protection plan.

The untimely action of the competent state authorities after learning about the existence of domestic violence makes it impossible to provide timely help and support to the child, the victim of violence, abuse, and neglect, while the competent authorities still do not sufficiently use the possibility of taking a statement from the

child with the help of modern electronic devices, and thus the child is exposed to secondary victimization through multiple interrogations, as indicated by the Protector of Citizens in his annual reports⁵⁷.

It is also noticeable that children are often heard only in the presence of persons who are not trained to work with child victims of violence, and there are not rare cases when the hearing is also attended by a person who has been identified as a perpetrator of domestic violence, which is additionally confirmed by cases during the previous years in which, the Protector of Citizens led procedures to control the legality and regularity of the work of competent authorities. Namely, since 2011, the Protector of Citizens has been pointing out to the competent authorities the possibility of using the so-called screen rooms for taking a child's statement in order to prevent the child from repeatedly giving statements and thus going through the traumatic experience every time. Precisely because of the continued existence of additional victimization and traumatization of child victims of violence, the Protector of Citizens sent an opinion⁵⁸ to the Ministry of Justice in which he pointed out the need to amend the current Court Rules of Procedure, in order to protect child victims.

Insufficient training of employees in recognizing all forms of domestic violence, as well as the position of the child victim of domestic violence, contributes to the lack of recognition of children as victims of violence, which results in the absence of an adequate and timely reaction of the competent authorities in the fight against domestic violence and the protection of children in all cases in which children have been directly or indirectly exposed to violence.

⁵⁷ During 2021, Protector of Citizens initiated a large number of procedures on his own initiative where he reacted to cases in which information about possible child vulnerability from violence, abuse and neglect was obtained. The identified omissions in institutions' work in these cases were primarily related to the lack of timely and coordinated cooperation between competent entities, which brought about a delay in conducting activities to protect the rights and best interests of children. Because of that, children were not timely protected from all forms of violence to which they were exposed, that is to say, the violence was not stopped. In the forwarded recommendations (accessible at https://www.pravadeteta.com/index.php?option=com_content&view=article&id=1038: надлежни-органи-нису-заштитили-децу -из-блаца-од-злостављања-и-занемаривања&catid=55&Itemid=89 and <https://ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/7324-13-3>) the Protector of Citizens pointed out that in their future work the competent entities should act timely, lawfully and continuously undertake competent activities aimed at protecting the rights and best interests of the child

⁵⁸ Accessible at: <https://ombudsman.rs/index.php/2011-12-11-11-34-45/6894-z-sh-i-ni-gr-d-n-r-iz-iz-nu-suds-g-p-sl-vni-zb-g-z-sh-i-pr-v-d>

6.3. Recommendations for Improvement

- Competent authorities should, by amending the Law on the Prevention of Domestic Violence, prescribe special provisions on actions in case of violence against children, including provisions that stipulate that a child is a victim of violence whenever they witness domestic violence against a family member or an emotionally close person;
- **The Ministry of the Interior, the Ministry of Family Welfare and Demography, the Ministry of Health, the Ministry of Education, Science and Technological Development and the Republic Public Prosecutor's Office** should ensure that in the procedures for the protection of children from domestic violence, abuse, and neglect in the family with special attention and urgency the necessary activities and measures are undertaken, with the awareness that any delay and failure to fulfill obligations, especially long-lasting, ineffective, untimely and inefficient actions, worsen the child's position and expose the child to additional victimization and traumatization;
- **The Ministry of the Interior, the Ministry of Family Welfare and Demography and the Republic Public Prosecutor's Office** should provide the conditions to protect a child victim of violence, abuse, and neglect in the family from secondary traumatization by hearing in the presence and with the participation of experts and trusted persons, in specially equipped or child-friendly rooms;
- **The Republic Public Prosecutor's Office, the Ministry of Family Care and Demography and the Ministry of Internal Affairs** should provide continuous training for employees who act in cases of domestic violence and who are members of groups for coordination and cooperation, for the acquisition and improvement of knowledge and competences for prevention, suppression, and protection from domestic violence and child abuse and neglect.

7. IMPLEMENTATION OF THE LAW ON THE PREVENTION OF DOMESTIC VIOLENCE FROM THE PERSPECTIVE OF PROFESSIONALS OF CENTERS FOR SOCIAL WORK

7.1. Cooperation, Exchange of Information and Harmonization of Risk Assessment with the Police and Prosecutor's Office about Reported Cases of Domestic Violence

All the professionals from the centers for social work agree that the cooperation with the police is excellent (since the establishment of the Protocol on Actions). Information on reported cases of domestic violence is regularly exchanged, and representatives of the center for social work always go on the field with the police, take part in the taking of statements and jointly perform risk assessment. Sometimes they do not agree on the risk assessment, and the role of the center for social work is particularly important when the victims are underage or elderly and infirm persons, who are always talked to (both in the police station and on the field) by a psychologist and/or pedagogue from the centers for social work.

Both the prosecutor's office and the court rely on the evaluations of the center for social work when the case of domestic violence is related to the violation of the child's rights, child's contact with the other parent, child support/alimony, and child property issues. Personal acquaintances between professionals from different services are a great advantage of small towns. Professionals from smaller towns emphasize the importance of improving cooperation with deputy prosecutors, who are available for direct consultation at any time, which was not the case before the adoption of the Law.

Directors of centers for social work and heads of services confirm the experience of case managers and supervisors of good cooperation with the police. The availability of on-call workers during the epidemiological crisis was improved by procuring tablets (Center for Social Work Niš). Everyone is networked, and the employees have acquired a routine in information exchange and cooperation. Disagreements in risk assessments are rare but do happen. Representatives of the center for social work can exclude their opinion (exceptions are rare when professionals are present in the police but "do not have the right to ask questions").

The participants of the focus group discussion agree that the procedures are more respected: the police regularly deliver police documentation on issued emergency

measures, and when the center for social work does not agree with the risk assessments made by the police, they have 48 hours to collect additional information. The specialized police officer on duty regularly enters notes into the internal records (the contents of which are submitted to the deputy prosecutor).

High-security risk and detention cases are reviewed immediately upon reporting, while the internal domestic violence team meetings in centers for social work are generally once a week (due to the lack of time). There is a delay in delivering the decision on the prolongation of emergency measures to the centers for social work, but the information is exchanged by phone. The short distance between institutions and the personal acquaintances of professionals are factors that facilitate communication.

Professionals from centers for social work say that there is no security risk assessment list intended for the social protection system, nor do they check police assessments according to the indicators used by the police. They rely primarily on their knowledge and experience, and teamwork (especially in services for children), but emphasize insufficient training (as well as a small number of employees), which represents a challenge in their work. They believe that experience is the main guiding principle in assessments, and the advantage is that they can collect and verify additional information about the case and actors within 48 hours.

However, they comment that sometimes “the same persons are both perpetrators and victims”, that sometimes “the first to call is considered the victim”, and that this is sometimes the categorical position of deputy prosecutors (although rarely). According to their estimation, at least half of the reports of violence come from possible perpetrators, and they have to determine with the police who is actually the victim and who is the perpetrator. Some believe that family members “fight each other”, or that “they are both the abuser and the victim”. In such situations, an emergency measure is imposed on both sides. The only problem that some of them perceive lies in the fact that the partners have a child together, stating that “they [the parents] can fight until tomorrow, but how I can protect the child?”. The vast majority conclude that the police, as well as the prosecution, are ready to hear their risk assessments. The heads/supervisors generally confirm the statements of the professionals, although some mention that the prosecution never contacts them regarding the risk assessments.

Professionals believe that there are many misuses, i.e., that women “quite often reported violence with an ulterior motive”, that “they aim to obtain financial benefits, take the property, throw the husband out of the house”, and conclude that, “I think we have usurped our rights to equality a bit”.

The heads/supervisors are even more specific in this position (“false reporting 80%, and out of 20%, two are really high risk. Now try to recognize the real case. And real

cases are not reported.”). They are also of the opinion that those people who often report violence are generally not victims and that they are often abusers, and that “most victims have been living with violence for years and are silent”.

Some professionals are of the opinion that the victims themselves should contribute to better protection (“we say, 'get a divorce, go to your relatives, file property suit, you will get your child back', she doesn't want to, and you have to protect yourself a bit!”).

In addition to the above, some professionals declare that the cases qualified as disturbed family relations are resolved in the center for social work. Some professionals are confused in situations where the perpetrator of violence is intoxicated, that is, why he receives an emergency measure instead of detention or mandatory medical treatment. Due to the complexity of the situations and the requirements for valid assessments, some heads/supervisors suggest that the Protector of Citizens has an open online line for direct consultations (instead of acting only upon complaints). However, the essential problem is not the assessments and decisions immediately after reporting the violence (because at that moment important data may be missing), but what is done after that period.

Professionals from centers for social work say that “the police do not have the knowledge to quickly assess people with mental disabilities or mental illnesses”, which can easily result in misuse (“victims use their partner's handicap to constantly report them as an abuser”). When it comes to elderly people, they agree that reports of domestic violence are rarely received, more often when it comes to long-term mental illnesses of the perpetrators, and that these victims call the police “to threaten” the perpetrator, but not to apply other measures. The heads/supervisors also confirm this, pointing out that elderly people rarely want to report their children as perpetrators of violence. Some believe that there is no difference in actions when it comes to reports originating from people from rural areas and reports from the city.

Representatives of centers for social work say that an assessment of security risks is made before the perpetrator is released from detention or prison. The Administration for the Enforcement of Criminal Sanctions regularly informs them and requests assessments, which they work on together with the police. Additionally, they receive information from the court on whether the detention has been extended or not, which enables security planning. Talking to the victim (at the police and the center for social work) is crucial in those situations, and if there were threats and the victim declares that they are afraid, emergency measures are automatically imposed from the moment of release from detention or prison. They review particularly risky situations when perpetrators go to prison for violating emergency measures (“there is almost always about revenge”). However, they state that sometimes on the field they find that the victim has no information about when the perpetrator is released from prison. They also state that it is risky to let the perpetrator see the children, as well as that the center

for social work in such situations reacts first with advice, and only later with protection measures.

The work of ensuring safety for victims in these situations is a big burden for the employees of the center for social work. Some believe that the deadline for information is short (two or three days before release from prison, and it also happens that it is only a day in advance). When it comes to treated psychiatric patients or those addicted to alcohol and narcotics, they have good cooperation with the Special Hospital for Psychiatric Diseases “Gornja Toponica”, as well as a mandatory assessment of security risks with the police and family immediately after discharging the hospital, and representatives of the special hospital are often included in the preparation of individual plans.

Despite such good cooperation, they note that there is no evaluation of the effects, although such monitoring and evaluation would be important for everyone, because they do not have the capacity for it. Some say that such cases are returned, so they are monitored as “ongoing cases”. The individual plan is developed after discharge, as an “ongoing case”, not before discharge. The center for social work organizes mandatory monitoring of the family, but there is no information as to whether and how the police and the prosecutor's office do this. Additionally, they are not sure whether the individual plan drawn up by the group for coordination and cooperation is binding for the deputy prosecutor during the investigative procedure.

The opinion of some professionals is that the police impose emergency measures “so that they are safe”, and “not because the existence of violence has been established”, because it later turns out that there was no violence. They point out that the police are “especially careful” when there are children in families, so the majority of those reports are assessed as risky. Some conclude that the police are “interested in the event, without a wider context”, but also that “the police became more skillful” and are now issuing warnings rather than emergency measures for every report of violence.

The police check, but the center for social work also receives information about the violation of emergency measures, goes on the field, and informs the police and the prosecutor's office about the findings. Any knowledge is reported “regardless of the victim's wishes”. However, participation in court (misdemeanor) proceedings is a burden for the center for social work (“in the middle of the night, one goes to court in Niš to testify”). They also state that victims do not report all violations of the measures (“they reach an agreement”). They also comment that fines are imposed for violating the measures, although the Law on the Prevention of Domestic Violence prescribes differently.

There is no consensus on whether the number of reports of domestic violence has

increased or decreased since the beginning of the implementation of the Law. Some centers for social work report that there are currently fewer reports than previously, some that the situation is variable (depending on the period of the year), and others note that the number of reports increased after the state of emergency.

Compared to the data obtained in focus group discussions with professionals and heads/supervisors from the Center for Social Work in Belgrade⁵⁹ (taking into account contextual differences), there is a significant difference in the evaluation of cooperation and exchange of information with the police and the prosecutor's office, which is in Niš and the surrounding areas positive and inclusive in all phases of casework. Although both point to the insufficient number of employees in the centers for social work, in Niš and the surrounding centers for social work there is no mention of “dysfunctional professionals which we don't have any solution for”, nor the pronounced consequences of such a situation (“burnout”, people leaving the system, the lack of adequate professionals, and increasingly difficult management of work process). There is also no mention that cases of low-risk violence “are pending for even a month”, and less emphasis is placed on the fact that there is not much professional support, that the existing training is insufficient for this type of work, the deadlines, and the number of families that are monitored, which is highlighted in the Center for Social Work in Belgrade (resulting in a proposal for the establishment of a special department that would exclusively deal with domestic violence). In Belgrade, too, a lot of personal convictions are expressed related to the expressed “manipulation by the victim and by the perpetrator”, about the fact that “victims violate emergency measures”, as well as proposals to impose emergency measures on both sides because “it is difficult to distinguish when both people are aggressive both verbally and physically”.

7.2. Personnel and Technical Capacities of Centers for Social Work

From an organizational point of view, the existence of simultaneous reports of violence during on-duty work (only in Niš), regarding the transportation of professionals (because not all of them live in the places where they work), and field activities due to scattered municipalities (a large number of villages) is emphasized as a difficulty. Additionally, centers for social work from small towns keep handwritten records because they do not have electronic ones, which slows down searching previous reports, although the fact that the towns are small helps them, and they know the situation and the majority of beneficiaries.

Employees talk about difficulties with being paid for on-duty work, that there are

⁵⁹ Protector of Citizens' report on the work of groups for coordination and cooperation in the region of the City of Belgrade, available only in Serbian at: <https://www.ombudsman.rs/attachments/article/6804/Posebna%20izvestaj%20zastitnika%20gradjana.pdf>

no on-duty workers in the services for adults, that there is no day off after on-duty work, but that people go to work regularly. The heads/supervisors also point to difficulties in the organization of work (passive and active on-duty time), payment of fees, a small number of employees, organization of transportation during on-duty work. For example, only active on-duty duties are paid because there are no funds for passive ones (while waiting to be called), which employees in some centers for social work agreed with. In addition, payments of on-call fees are late, or they are gained only after filling the lawsuit (blocking the account of the center for social work), or the number of on-call hours is more than the allowed number of hours for payment, or payments are made only for employees who are on the budget of the ministry, but not to employees on the budget of municipality. The organization of on-duty work is adapted to the circumstances (employees cannot endure to be on-duty for a long period of time, so they change more often). It depends on the flexibility of the heads/supervisors whether the on-duty employee will be allowed to come to work few hours later the next day, especially if there was an intervention during the night. They point out that the competent ministry has not changed the practice of refusing to pay for on-duty hours, and had given up on requesting centers for the on-duty plan.

Some participants point out that they do not have enough time for assessments, because the number of employees is small in relation to the number of cases, because they are often busy with fieldwork, and they have a small number of lawyers (especially those who go to court hearings). They believe that this leads to “working by inertia”, to “satisfying the formality”, that is, to “failing to process the entire procedure well and with quality”. The number of recognized professionals according to job systematization is small (for example, in the Center for Social Work in Niš, there are 70 employees, and the city pays another 30 professionals). Certain positions are missing in job systematization or in practice (for example, there are no drivers, so the employees drive, sometimes heads drive as well, or hire a driver or use a taxi). They confirm that they are overloaded at work, but that they take care that the parties who have traveled from their places to the center for social work do not wait, that they do not reject to receive them or left unattended.

Regarding the comparison with the situation in the Belgrade center for social work, among the technical problems, the Belgrade departments emphasize poor equipment (lack of paper, fax, e-mail communication, incompatible Word programs, lack of space for meetings), lack of protection of employees, as well as the problem of “privileged” perpetrators of violence and different types of pressures employees are exposed to, which were not topics that were emphasized in the Center for Social Work in Niš and its surroundings.

7.3. Preparation for the Meeting of the Group for Coordination and Cooperation with Representatives of the Police and the Prosecutor's Office at the Meetings

Meetings of the group for coordination and cooperation are organized at the Basic Public Prosecutor's Office in Niš (Centers for social work Niš, Svrlijig, Doljevac and Gadžin Han) - once every two (or three) weeks, except for the Center for Social Work Niš, which due to the number of cases has meetings of the subgroup for coordination and cooperation every week, or in the Basic Public Prosecutor's Office Aleksinac (Centers for social work Aleksinac, Sokobanja, and Ražanj). During the epidemiological crisis, the number of meetings was reduced (once a month), but it is said that this also corresponds to the reduced number of reports of violence (in one case, the reason was a consequence of the replacement of the deputy public prosecutor in charge). Meetings are held via the Zoom application, which enabled the participation of a larger number of employees from centers for social work, but it is emphasized that “live” meetings are much better. Some centers for social work do not have the technical capabilities for Zoom meetings (they do not have cameras on their computers), so communication is done by phone or they go to meetings.

Directors of centers for social work and heads of services confirm what managers and supervisors have said. The methods of internal organization and preparation for meetings of the group for coordination and cooperation differ in relation to the size of the center for social work, the fact that they have or do not have electronic records, in relation to who and how many professionals from centers for social work participate in group meetings.

It is often the same person who goes to meetings of the group for coordination and cooperation, and who has all the information about deputy prosecutors and case managers for specific cases of domestic violence, which facilitates communication among systems. However, they emphasize that the overall communication by phone and e-mails is poorly organized (they do not have official e-mails, but “create” them themselves so that they look like official ones), and that “printed” documentation should be an integral part of the beneficiary's file.

The center is informed about the cases that will be reviewed at the meeting, and the center for social work has the possibility to add to the list cases that are not on the records of the police or the prosecutor's office, but such cases are rare. Most often, the list of cases to be reviewed at the group is prepared by the police and the prosecutor's office a day or two before the meeting. The data is checked with the case managers (or prepared by a person from the center for social work who goes to the group meeting), by reviewing the electronic records. For small centers for social work, the aggravating circumstance is that there is no electronic database, but mostly all cases are already known (it is not difficult to collect information). The

report with the data that the center for social work possesses is sent to the prosecutor's office (by e-mail) on the same day in order to prepare for the meeting.

Additional data from the center for social work (what is not in the previous records) is submitted to the police and the group within two weeks to a month, sometimes longer, because it is not always possible to ensure the participation of beneficiaries. Because of this, the assessments of the center for social work are sometimes missing (which could point to other risk indicators or a difference in assessments compared to the prosecutor's office). It is concluded that it is not easy to meet the deadline for obtaining data for the risk assessments.

Some centers for social work state that at the meeting of the group for coordination and cooperation, individual victim protection and support plans are not drawn up, but all three institutions report about the case and the risks. Some say that an individual plan is drawn up in groups for coordination and cooperation only when it comes to cases with a higher risk, while reported cases of domestic violence in which no risk is registered do not get to the group meeting. Others say that a plan is drawn up for each case where the risk is recognised (if it is low, there may not be protection measures, but there will be support services). Furthermore, some state that the individual plan is drawn up by the deputy prosecutor after the meeting and delivered to the group participants within two to three weeks.

After the meeting, the center for social work receives a copy of the minutes, which is distributed to case managers and becomes part of the beneficiary's file. However, some centers for social work say that they do not receive minutes, but only an individual plan. They emphasize that the individual protection and support plans drawn up by the group for coordination and cooperation help them in making service plans, while others emphasize that they write their own plans, without guidance from the individual plan, or say that they have never seen the individual plan, or even express doubts about its usefulness, when there is a service plan of the center for social work. Furthermore, they say that they do not know exactly what the prosecution is undertaking, which procedures have been initiated, until the final outcome (they get information from beneficiaries or other services, never from the prosecution). They conclude that "the plans did not materialize and that is the problem". They also point out that there is no revision of the plan, although information is exchanged at each meeting of the group (whether something has changed in the specific case).

Directors and heads of services confirm that the minutes arrive at the center for social work (by e-mail), that they are immediately distributed to the managers, but that they lack individual plans. Minutes and plans are not registered in the office of the center for social work but are kept in a separate register. The case in the minutes and the individual plan has a reference number (e.g., 1/2020), which does not match

the number of the service plan in the center for social work, and the number from the center for social work is entered next to the reference number. However, it remains unclear how the same case is “followed” over time (except that in small municipalities people know about such cases), while some point out that they do not have time to evaluate the effects of the planned measures.

Numerous problems with electronic records (called Integral) are pointed out, i.e., that it is impossible to access certain types of data, that individual plans are not an integral part of the records in the center for social work, that when the problem of the beneficiary changes and/or case manager is replaced, it is not possible for a new case manager to access previous data, which can only be accessed by the supervisor. Others form “their own databases” (because they do not have electronic records). They also point out that “the quality is lost over quantity” and that in almost 90% of cases, there is no data on the perpetrators of violence in services for the adult beneficiaries.

The case managers from the centers for social work say that they were not invited to the group meeting, and they do not know whether the victims were invited. In principle, victims are rarely invited, and since the beginning of the epidemiological crisis, their participation has been absent.

Case managers say, “we don't even know what happens at the coordination meetings”, while a number of them think they should not even participate. Additionally, they believe that the participation of victims is mostly ensured in the center for social work and that victims could participate in part of the meeting through the Zoom application if possible. However, in the center for social work, victims are rarely or never informed about the content of individual protection and support plans.

Representatives of other institutions are rarely present at meetings of the group for coordination and cooperation. They point out that cooperation with educational institutions is good (they always contact the center for social work and the police immediately), but cooperation with health centers is poor (especially when it comes to admitting person to a special psychiatric hospital). The majority also say that medical documentation takes a long time to be completed and that it is not acceptable in the formal sense, but there are also exceptions, where documentation is appropriate and where doctors go on the field with the police and representatives of the center for social work.

Case managers have meetings with a supervisor and a member who goes to the meeting of the group for coordination and cooperation, but they can also directly exchange information about their case with the police and the deputy public prosecutor in charge, which is highlighted as a positive practice, especially when the perpetrator, the victim or both are not from the territory of the same or their

municipality. In some centers for social work, weekly meetings of the internal team are organized where information is exchanged and complex cases are resolved, and then cases are selected to be referred to the group meeting for review. When internal team meetings are not organized (due to lack of time) there is always information exchange and consultation.

There is no standard way of exchanging data with acting deputy public prosecutors during the investigation, but the deputy prosecutor who chairs the group for coordination and cooperation usually reveals who the acting deputy prosecutor is. The exchange of information between the case manager and the acting deputy prosecutor is carried out directly, at any time and usually by telephone (not always in writing) and becomes the dominant form of communication. The review of “ongoing cases” depends on the implementers of the measures in the individual plan (whether they will propose that the implementation of the planned measures and effects be discussed at the meeting of the group for coordination and cooperation), while previously there were special tables for these cases in which it was recorded what had been done and what was proposed.

Regarding reviews of other criminal acts (in line with Article 4 of the Law on the Prevention of Domestic Violence) at meetings of groups for coordination and cooperation, in the last two years, cases of stalking or “revenge pornography” have been reviewed more often, usually when it comes to younger victims. The centers for social work say that all reports with elements of violence are reviewed before the group for coordination and cooperation, and the prosecutor decides whether there are elements of a criminal act and which ones. When necessary, police officers from the Department for Murder and Similar Crimes and Sexual Offenses also participate in the meeting of the group for coordination and cooperation. When it comes to children up to 10 years of age, interviews are conducted exclusively by a psychologist from the center for social work (not police officers) and in the center for social work (not in the police station). Only once was the case of violence in the same-sex partnership reviewed at the group for coordination and cooperation, and there were no problems with imposing emergency measures. The heads say that cases of neglect are rarely reviewed, and they are present with the elderly.

Counseling activities are carried out at the center for social work “on their own initiative”, but they do not have enough capacity (trained people and time) for this type of support. Corrective supervision of parents is used as a measure only if the (advisory) plan to work with the family has no effects. The heads state that the center for social work does not file charges for protection measures against domestic violence *ex officio* or rarely (they have no information on whether they are filed by the prosecution or issued by the court *ex officio*), because of the problem of bearing the cost if the lawsuits is lost. Similarly, they generally do not receive judgments or decisions on temporary measures from the court when it comes to measures of

protection against violence, or they are delayed, or they find out about them from beneficiaries, and they receive decisions on temporary measures regarding the parent-child visitation model. When the center for social work files a lawsuit, it cannot provide an opinion, but they agreed that the victim does not have to go to the center in another municipality, but the case manager from the center for social work in charge from another municipality comes in the place of resident of victim. They point out that for a representative of the center for social work, going to court as a witness is a very unpleasant experience, because they are being “cross-examined” by the attorneys at law. They object to the use of the principle of deferral of prosecution because the sanction is not appropriate (it is paid for humanitarian purposes) and the victim is then difficult to encourage to report again. They point out that many victims give up the procedure, but they do not know “where the problem is”. Similarly, they point to “successful appeals by the perpetrators” (vacation/cancellation of prolonged emergency measures⁶⁰) and attorneys at law who “specialized” in this, always when there was no physical violence (but sometimes it is not clear why). Prison sentences for violations of emergency measures were also vacated/canceled⁶¹.

Unlike the departments of the Belgrade City Center for Social Work, the centers for social work in Niš and the surrounding towns manage to prepare data for the meeting of the group for coordination and cooperation, and there is no record of the absence of reviewing of cases of medium and low risk of violence (although the practice is not uniform), as is done in Belgrade. Participants from both locations rate the exchange of information and cooperation at meetings of the group for coordination and cooperation as excellent, although in Belgrade they emphasize that this is the result of personal relationships. A similar experience is shared regarding the reviewing of “ongoing cases” that rarely make it to group meetings, which in Niš and its surroundings is “compensated” by good direct cooperation between the case manager and the acting deputy prosecutor. However, in both locations they say that they remain without information about the proceedings in the prosecutor's office, as well as about the outcome of the case.

In the Belgrade center for social work, they indicate that the promptness and quality of work depend on the person who performs the role of coordinator within the department, as well as that the procedure of recording cases did not change after the Law came into force, which is a common reason for the lack of information for the first meeting of the group for coordination and cooperation. The Belgrade departments do not wait for an individual plan from the meeting of the group for coordination and cooperation, but take measures within their competence, and they do not have an agreed opinion on how to synchronize the procedures from the Law on the Prevention of Domestic Violence and from the Rulebook on the

⁶⁰ by the Higher court

⁶¹ by the Appeal misdemeanor court

Organization, Norms and Standards of Centers for Social Work⁶². In Belgrade too, individual plans are not drawn up at the meeting where information is provided about a (new) case, but at the next meeting of the group for coordination and cooperation. It is also pointed out that constant monitoring and reporting is exhausting compared to the circumstances in which they work.

As in Niš and the surrounding towns, the Belgrade departments also confirm the insufficient involvement of representatives of other systems at group meetings, especially the health system (psychiatric services). Similarly, they consider it a useful practice that the case managers also participate in the meetings of the group for coordination and cooperation, and they state that the victims are rarely invited, due to lack of time. In contrast to the practice in the centers for social work in the Niš area, some departments of the City Center for Social Work Belgrade have an agreement that prosecutors file lawsuits for protection measures *ex officio*, or that they are pronounced by the court, and they consider both ways useful in relation to the position of the center for social work.

7.4 Victims services in the Community

The situation with local support services for victims of violence is different. Some small municipalities state that they do not have any local services at all, that is, they only have advisory support at their disposal within the centers for social work. Additionally, there is a lack of information about the services provided by the civil sector, and some do not even trust them, and say, “We do not consider the possibility of cooperation with nongovernmental organizations at all.” The availability of services is varying (because they depend on funds or projects), and the working hours are also a problem (for example, the Marriage and Family Counseling Center is open until 3 p.m. and is unavailable to beneficiaries who are employed).

As for health services, small towns highlight the lack of resources (there are no psychiatrists, neuropsychiatrists, counseling centers for children and youth), which is why all beneficiaries go to Niš. There is good cooperation with the Institute for Mental Health in Niš and with the Special Hospital for Psychiatric Diseases “Gornja Toponica” (although some complain that it is not easy to meet the admission requirements regarding epidemiological standards). They believe that cooperation with psychiatrists in health centers, especially in the treatment of addicts, is inappropriate. However, the good work of the counseling center of the Health Center in Niš is also worth noting, as well as the fact that doctors fill out forms and injury schemes and submit them to the police when they suspect domestic violence. The good cooperation with the dental and maxillofacial department, as well as with

⁶² “Official Gazette of RS”, No. 59/08, 37/10, 39/11 – other regulation, 1/12 – other regulation, 51/19 and 12/20).

the Institute of Occupational Medicine, is particularly emphasized. However, they also add that doctors always write “necessary referral to social services”, and that the data in the reports is “only elementary” (one or two sentences). Heads of centers for social work emphasize the proposal to influence (through the Protector of Citizens) the establishment of social and health institutions, provided for by the Law on Social Protection, which has not been implemented.

The service of free legal aid is most often provided by one person in the municipality/city, often only for beneficiaries of social assistance (although this is not in accordance with the Law) or for all victims of violence (in Doljevac, Ražnje, Sokobanja and Aleksinac). The center for social work does not have data on the number of beneficiaries and the types of legal services that can be provided. Experiences are different and changeable, and the representatives of the center for social work have the impression that they are simple operators who refer to alternative service providers (at the university, to the attorneys at law, local lawyers). The municipality administrations are mostly staffed by young lawyers who do not feel confident in writing lawsuits for protection measures, and especially in representing them in court, while centers for social work do not have lawyers who have passed the bar exam, so personal acquaintances are used for *pro bono* representation of local attorney at law. Lawyers in centers for social work do not write lawsuits for protection measures (never in the service for adults and very rarely in the service for children), but they help victims in drafting lawsuits for divorces. Some centers for social work approve one-time financial assistance for paying court costs.

Niš has a regional safe house (a purpose-built facility) with the capacity to accommodate 22 women. The service is licensed, there are appropriate personnel, cooperation is good, information is exchanged regularly. The disadvantage is the period of stay (up to six months), and they have no information about any other limitations (such as the age and the number of children). The safe house staff accompany women through institutions and to court. Nevertheless, the fact that the center for social work has to provide all health tests creates the impression that they are “blackmailing them and imposing obligations on them”. At the same time, due to the fact that women cannot leave the safe house during the time of epidemiological measures, victims of violence who are employed refuse to be in the safe house. Other smaller centers for social work also say that they have good cooperation with the Niš Safe House. The safe house services are financed from the local budget, which is why they are rarely used, and professionals say that due to the measures from the Law on the Prevention of Domestic Violence women use the services less likely.

When it comes to working with perpetrators of violence, professionals and heads in centers for social work believe that perpetrators do not take their responsibility

easily. In centers for social work, they mostly provide counseling based on the concept of family therapy, but the perpetrators usually do not accept this type of work. In their opinion, the specialized service is only for “nice perpetrators of violence, those who just offend a bit”, and they add “we literally had no one to send there”. The problem is also the fact that the service depends on the project. There is also a problem when both partners are intoxicated, “you don't know where to go with them”.

The situation with local services is different in different places, which also depends on the sensibility of the mayor or local administration. For example, in Aleksinac, since 2015, they have had three local providers of home help services for adults, the elderly and children with developmental disabilities with a significant capacity of beneficiaries (financed by the local self-government or from projects and donations), which can be used temporarily for accommodating victims of domestic violence. The center for social work provided referrals for the services, and since 2021 there has been the possibility of direct contracting between the beneficiaries and the service provider (costs are covered by the municipality through dedicated money transfers). The only form of economic empowerment is “voluntary engagement” (for example, 100 hours of work, 100 dinars per hour), which has been operating since 2007. There is no social housing service. In the Center for Social Work in Niš, they say that “there is no apartment to accommodate women and children urgently”, that is, that the existing apartments are intended for other beneficiary groups. There is no emergency accommodation for victims of violence (except for children), and family accommodation is unsafe (especially when it comes to members of the victim's immediate family).

Participants confirm that services for children are modestly represented. In Niš, they rely on the Marriage and Family Counseling Center and on temporary accommodation, and they had successful cooperation with the Unit to Support Children in Criminal Proceedings (which no longer functions, although a psychologist from the Center for Social Work in Niš was a member of that unit - so, resources exist, but are not used due to other obligations). They agree that it is important to prepare children for appearing before court. In the center for social work, they have a “screen room” that is used for supervised child contacts. They state that they do not have good cooperation with the “Duško Radović” Children's Shelter, and the problem is not in the financing, but of an administrative nature (a cooperation agreement has not been concluded). It is especially difficult to accommodate the child during night interventions. They state that SOS Children's Villages was a good service for children with mental disorders. They can use the services of emergency foster families outside the municipality, but they have to pay for them.

Professionals say that elderly people rarely report domestic violence, “parents will

not report their children”, but they also add that “the big failure of centers for social work is that they do not cooperate with local communities and that they are not on the ground”. However, Niš has a different experience, a lot of complaints by the elderly about violence committed by younger family members, and the same actions regardless of whether the elderly are from the village or the city. For them, the bigger problem is that victims do not report violations of emergency measures. Heads believe that cases of violence against the elderly “are sometimes connected with property problems, that they usually last for a long time, but that it is less tense and aggressive, it is usually about insults”.

As for the services for the rural population, the centers believe that reporting violence is a bigger problem, they say “those women are so scared, they believe that they should be like this, that they should leave everything to their brother, and if something happens to them, where can they go, to live on the street”. However, some say that the awareness of the unacceptability of violence has grown in villages as well, that perpetrators are ordered to be removed from the house, that parents will not support a son who beats his wife and children, and this difference is especially visible when women work in the city, that is, when they are economically independent. However, they say that elderly in the rural population are neglected a lot (small pensions, abandoned villages), and they praise the work of the specialized organization Amity. Heads confirm the same, emergency measures are in place in villages as well, “but they report once, then there are no further reports, they take back a bit, I guess they are ashamed”. Furthermore, it is added that “women from villages come to the city, they don't want to live that kind of life anymore. Women have a harder time making a decision, but when they decide - there is no going back, they go out, they don't insult, they don't say anything ugly, but they won't come back. Our women are stronger - it's not 'I've found someone else' but 'I won't live like this anymore”.

When it comes to services for people with disabilities, the problem is organizing support for people with physical disabilities, because when the perpetrator of violence is removed from the apartment/house, they do not have specialized help available. They do not know how many personal assistants (or companions for children) the City of Niš has available and what quality they are. They believe that the service of geronto-housekeepers at the Center for the Integration of Persons with Disabilities is useful, but it is available “for only half an hour” and is needed for a longer period of time, which is why they rely on informal resources (neighbors, relatives). The Center for Social Work Doljevac highlights the excellent cooperation with the Home for Adults with Disabilities. The Center for Social Work Ražanj has excellent cooperation with the association “Sunčev zrak”, which provides services for geronto-housekeepers and covers all villages (since 2017, this municipality has continuously provided home help services in all villages; the need is registered through the center for social work, the plan is drafted by the

association, and the municipality pays for the service, but only because of the sensitivity and understanding of the mayor), while other municipalities give beneficiaries the contacts of trained geronto-housekeepers, and they hire them personally if they can afford it. Financial assistance is an integral part of the service, so the service of a geronto-housekeepers is combined with the occasional medical care and the support of relatives and neighbors. Sometimes the problem is of a formal nature, because the service is not recognized in the local Decision on Social Services and cannot be charged. Some professionals believe that the directors of centers for social work are not flexible, that cooperation agreements with service providers have not been signed.

However, when it comes to people with mental health problems, especially related to the accommodation of people over 26 years old (when they have psychiatric disorders, alcoholism, and there is no one to take care of them), there is no solution, although the problem is pointed out to the competent ministry. Heads of small centers for social work also point out the problem of adult children (over 30, 40 years old) who have mental disorders, and there is a lack of services, voluntary treatment is only pharmacological, and there is no psychotherapeutic treatment. There is also the question of “whether the victim should be part of the support during the treatment of the perpetrator of violence” when it comes to addicts, as well as whether treatment can begin before the situation escalates into violence.

Compared to the situation in Niš and its surroundings, the impression is that there is a significantly poorer practice in Belgrade municipalities when it comes to the content of individual plans, which are general, as well as to the access to services that victims need. In Belgrade departments as well, they point to insufficient resources for psychotherapy services (which all victims need), as well as specialized psychiatric treatment. They emphasize the experience of powerlessness when it comes to expert assessments and psychiatric problems of the perpetrators of violence. The Belgrade Safe House often states that there are no available places or that the beneficiaries do not meet the requirements, which was not mentioned in Niš. Belgrade Center for social work highlight the problem of inflexible rules regarding financial support for victims and families. As in Niš and its surroundings, Belgrade social workers do not have information about all available resources, especially about service providers outside the public system, and they point out that some services exist only on paper (e.g., free legal aid), that some service providers never participated in planning (e.g., National Employment Service). They believe that perpetrators of violence who have adequate income should pay for psychosocial services. They point out that services for children are always present in the plans for support services, but they are not included in the individual plans for protection drawn up by groups for coordination and cooperation (except when children are direct victims of violence). They also point to the problem with the protection and care of children, as well as the fact that they are aware that separating children from

their mother or siblings is not good, but that in some situations they do not have other, more appropriate solutions.

During the conversation, a whole series of topics and challenges faced in social work centers were mentioned, which require more time for discussion, as well as solutions. They discussed expert assessments and forensic interviews with children (Center for Social Work in Niš organized specialized training for professionals, led by a specialist in this field, Prof. Dr. Đurađ Stakić), the role of attorneys at law and misuse of the Law, parents who do not allow contact of the child with the other parent, corrective supervision of parental rights, about the lack of support from the competent ministry, about the fact that health and social services that are needed have not been established. It was also said that “a lot of workers from social work centers have not received training on domestic violence, they are familiar with the Law, they consult with each other, but that is not enough”. Some also point to the fact that the police are not trained well enough and that they “lack empathy”. They propose joint training of professionals in centers for social work, police, and prosecutors.

7.5. Conclusion

All representatives of centers for social work from Niš and the surrounding towns - Aleksinac, Svrlijig, Razanj, Sokobanja, Doljevac, and Gadžino Han, unequivocally confirm excellent communication with the police, which was the same even before the adoption of the Law on the Prevention of Domestic Violence, as well as the significantly improved direct communication with deputy public prosecutors, after the adoption of the Law. They believe that the complementarity of professional assessments of these three systems is important. The procedure for checking and exchanging information among the three systems is immediate and works well. Nevertheless, the method of assessing security risks in centers for social work should be standardized and the training of professionals for this type of assessment should be significantly improved.

It would be important to improve knowledge about the causes and dynamics of domestic violence, especially in partner relationships and in connection with the specific characteristics of the perpetrator and/or victim, in order to assess the abuse of power with more understanding and expertise, and remove prejudices about “typical behavior” of victims, who represent an obstacle in quality assessments and decisions on protection measures.

The purpose of emergency measures is prevention, which means preventing a violent event from happening, as well as stopping the violence that is happening and preventing its recurrence, regardless of the type and form of violence. In this regard, it is expected that violent events are reported to the police in advance or of

low intensity, and the assessment of the situation and the content of the individual plan after the emergency intervention is of crucial importance.

The cooperation and exchange of information between the Administration for the Enforcement of Criminal Sanctions in Niš, as well as the Special Hospital for Psychiatric Diseases “Gornja Toponica”, with the police and centers for social work in assessing security risks after leaving detention, prison, or hospital should be commended. However, it should be ensured that the victim always has information about when the perpetrator is discharged, as well as earlier information about it for the police and centers for social work (for example, a month before discharge), so that, along with the security risk assessment, an individual protection and support plan could be drafted before the release of the perpetrator. According to the experience of professionals from centers for social work, special attention should be paid to the risks from perpetrators who were in prison for violating emergency measures, as well as the risks of perpetrators seeing their children. It would be useful to prepare instructions on standard actions in such situations, which would include guidelines on the elements of monitoring, revision of plans, and assessment of effects.

It is certain that the preventive nature of protection and the obligations that follow burden the system. Difficulties in the organization of work are of a systemic nature - related to the number of employees in relation to the scope and type of work, the need for appropriate profile of employees, the number of recognized hours, payment, organization of on-duty work, organization of transportation, training of employees, and should be solved systemically. Organizational problems should not result in “working by inertia” and “fulfilling the formality”.

Although the centers for social work state that there are no major problems in the preparation for the meeting of the group for coordination and cooperation, the dynamics of the organization of meetings should be harmonized, the technical possibilities for holding meetings remotely should be improved, and the participation of case managers and victims of violence should be ensured, when importance for the case, improve the records (and the links) between the documents kept by the centers for social work and the documents prepared for the group meeting.

It is necessary to ensure that the individual plan is drawn up at the group meeting, and that the content of the minutes and the plan correspond to the norms set by the Law. For this reason, it is necessary to improve the knowledge, not only of employees in centers for social work, about the purpose, content, and way the individual victim protection and support plan is drawn up, but also the way the content of the plan of services drawn up by the center for social work is integrated into it. It is necessary to monitor, revise, and evaluate the effects of the planned

measures and services, and all of the above is related to the issue of the number of employed professionals in centers for social work, as well as to the issue of training and professional assistance during work.

If it is not possible to ensure the physical participation of the victim or through an online chat application, they should be informed about the conclusion of the group for coordination and cooperation and about the content of the individual protection and support plan, so as to ensure their opinion/feedback, which would be conveyed to group participants. It is necessary to improve cooperation with representatives of other systems, especially the health system, and include them in assessments and procedures for the development of plans, measures, and services. It is also necessary to ensure that each case is monitored through all the procedures and throughout the entire process through the formal exchange of information among the systems (especially from the prosecution and the court to the centers for social work).

The *ex officio* actions of centers for social work remain to be improved for the protection of victims, to establish better cooperation with the prosecutor's office and the court in filing or initiating lawsuits for protection measures, but also more frequent use of the measures available to the center for social work in protecting children's rights at an early stage of the proceedings. It would be useful to review options for better synchronization of actions in order to undertake all the available measures and achieve the expected effects at expert meetings with participants from the judicial and social protection systems.

There are not (enough) local services, which should be improved, as well as their stability, working hours, referral criteria, information on quality, but also information on services provided by the civil sector. It is necessary to ensure available, sufficient, and quality free legal aid for all victims of domestic violence (without socio-material criterias), which implies well-trained and professional service providers in municipalities, but also the development of alternative service providers (university and civil sector).

Although the conditions and cooperation with the Regional Safe House in Niš are positive, the existing limitations should be removed (period of stay, conditions for the stay of children related to their number, age, and sex, referral during epidemiological measures). However, it is necessary to review and improve formal and practical aspects for the development of services that support victims of violence in the long term, such as addressing housing and economic empowerment. Additionally, it would be useful to evaluate the effects of the service for working with perpetrators of violence, and based on the data, make efforts to improve it.

Specialized support services for child victims and witnesses of domestic violence are lacking, and should be established, maintained, and developed (from appropriate

psychological support to appropriate assessments and accommodation facilities). It would be important to re-establish and/or use the existing resources of the Unit to Support Children in Criminal Procedures.

The same applies to services for the elderly, although some municipalities have permanent and well-organized home help support, which can also be used in situations of domestic violence. When it comes to the availability of services to the rural population, the situation is different, with some small towns having a positive practice in continuity, which could be an example of good practice for other municipalities.

A serious problem is the organization of support for people with physical disabilities (which relies heavily on informal resources), as well as support for the mental disabilities (especially in connection with accommodation and psychotherapy treatment), which would have to be solved systemically and interdepartmentally. The obstacle in organizing and providing services should not be of a formal nature (lack of local decisions on social services).

Finally, employed professionals, heads of services, and directors of centers for social work emphasize a number of other topics that require discussion and solutions. Similarly, heads of centers for social work believe that the Protector of Citizens could influence the establishment of social-health institutions, provided for in the Law on Social Protection, but their establishment has not happened, despite the obvious and great need.

7.6. Recommendations for Improvements

- It is necessary to provide available and high-quality free legal aid for all victims of domestic violence, to promote and improve services in the community, including specialized support services for child victims and witnesses of domestic violence, persons with physical, sensory, mental, and psychological disabilities, as well as the elderly;
- It is necessary for the Ministry of Labor, Employment, Veteran and Social Affairs, the Ministry of Health, the Provincial Secretariat for Social Policy, Demography and Gender Equality and the Provincial Secretariat for Health to establish a social-health service in line with the Law on Social Protection;
- It is necessary for the Ministry of Health to ensure the full cooperation of health institutions with groups for coordination and cooperation, including the provision of all relevant information;
- It is necessary for the Ministry of Labor, Employment, Veteran and Social Affairs and the Ministry of Finance to take the necessary measures and actions so that the number of professionals in guardianship authorities enables the full implementation of professional work standards and

- adequate actions of centers for social work;
- It is necessary to regularly and continuously, in a planned and coordinated manner inform and organize multi-sector training of acting officers in police administrations, centers for social work, courts, public prosecutor's offices and health institutions on the content and obligations arising from the Law on the Prevention of Domestic Violence and the General and Special Protocols, with special reference to risk assessment;
 - It is necessary for the Administration for the Enforcement of Criminal Sanctions to ensure that the institutions for the execution of criminal sanctions timely inform the competent center for social work and the police administration and stations about the planned discharge of persons convicted of criminal acts and misdemeanors that include domestic violence, violence in partner relationships and violence, abuse, and neglect of a child, as well as procedures for parole requests of these persons and court decisions in procedures for said requests;
 - It is necessary for the Administration for the Enforcement of Criminal Sanctions to ensure that institutions for the execution of criminal sanctions, in all cases when they carry out assessments for persons convicted of criminal acts and misdemeanors that include domestic violence, violence in partner relationships and violence, abuse and neglect of a child (in the procedures following a request for parole, when reviewing the extending privileges, when reviewing the effects of treatment, other procedures), they always seek information and expert assessments from centers for social work and police administrations and stations. Moreover, when extending privileges to these persons, from centers for social work, police administrations and stations, they need to request information and expert assessments on the behavior of the convicted person during the use of benefits, as well as to submit their assessments of the person serving the sentence to the mentioned authorities and participate in the activities of assessing the risk of repetition of violence after the end of the prison sentence and the risk of recidivism in committing criminal acts.

ANEX 1 OVERVIEW OF STATISTICAL DATA

Table 1: Data on meetings of groups for coordination and cooperation from the territory of Higher Public Prosecutor's Office in Niš held during January, 2021

Group for coordination and cooperation	Number of meetings in January	Number of received minutes of the meetings	Duration of the meetings	Total of reviewed cases in all meetings	Number of reviewed newly reported cases	Number of reviewed ongoing cases	Number of reviewed extraordinary cases
City of Niš	4	4	5 hours	82	81	1	0
Gadžin Han, Svrljig and Doljevac	1	1	30 min.	7	7	0	0
Aleksinac, Ražanj and Sokobanja	n/a	n/a	n/a	n/a	n/a	n/a	n/a
TOTAL	5	5		89	88	1	0

Table 2: Total number of individual protection and support plans created at the meetings of groups for coordination and cooperation from the territory of Higher Public Prosecutor's Office in Niš and number of plans submitted to Protector of Citizens

Group for coordination and cooperation	Total of created plans	Created plans in newly reported cases	Created plans in ongoing cases	Plans submitted to Protector of Citizens
Niš	60	59	1	48
Gadžin Han	3	3	0	0
Svrljig	1	1	0	1
Doljevac	1	1	0	1
Aleksinac, Ražanj and Sokobanja	0	0	0	0
TOTAL	65	64	1	50

Table 3: Gender dimension in reviewed newly reported cases at the submitted minutes of the groups for coordination and cooperation on the territory on the Basic Public Prosecution Office in Niš

Perpetrators/victims	Male	Female	Both male and female	Minors	Total
Sex of the perpetrators	68	21	0	0	89
Sex of the victims	35	62	7	7	97

Table 4: Relationship between perpetrators and victims in reviewed newly reported cases at the submitted minutes of the groups for coordination and cooperation on the territory on the Basic Public Prosecution Office in Niš

Relationship between perpetrators and victims:	
Husband/wife (matrimonial and common-law)	23
Wife/husband (matrimonial and common-law)	6
Ex-husband/ex-wife (matrimonial and common-law)	20
Ex-wife/ex-husband (matrimonial and common-law)	5
Father/daughter	6
Father/son	6
Father/minor children	5
Mother/daughter	2
Mother/son	4
Mother/minor children	2
Son/father	10
Son/mother	1
Daughter/father	2
Daughter/mother	1
Brother/brother	2
Brother/sister	4
Sister/sister	1
Grandfather/granddaughter	1
Brother-in-law/sister-in-law	1
Father-in-law/daughter-in-law	1
Mother-in-law/daughter-in-law	2

Table 5: Issued and prolonged emergency measured in reviewed newly reported cases at the submitted minutes of the groups for coordination and cooperation on the territory on the Basic Public Prosecution Office in Niš to the Protector of Citizens

Emergency measures	yes	no	total
Police emergency measure of temporary removal of the perpetrator from the apartment	40	48	88
Police emergency measure of temporary no-contact and restraining order	69	19	88
Proposal for the prolongation of emergency measure(s)	60	9	69
Prolonged emergency measure(s)	59	1	60

Table 6: Measures of protection and support in individual plans created at the meeting of the groups for coordination and cooperation on the territory on the Basic Public Prosecution Office in Niš that were submitted to the Protector of Citizens

Measures of protection and support	Total number of measures of protection and support	Total number of orders given to each individual institution (prosecution, police, social service)	Total number of submitted plans
Protection measured against domestic violence	9	31	50
Criminal proceeding	10	31	50
Pre-criminal proceeding	15	31	50
Proceeding for the measure of obligatory medical treatment	3	31	50
Periodical visits with the aim to preserve the safety of victim	5	7	50
Issue emergency measure	2	7	50
Psychological help	39	50	50
Counseling help	40	50	50
Counseling guidance	2	50	50
Legal aid	3	50	50
Financial aid	2	50	50
Monitoring and support	3	50	50
Referral to other institutions	8	50	50
Urgent medical help	1	50	50
Shelter	1	50	50

Table 7: Data on the number of cases reviewed at the meetings of groups for coordination and cooperation from the territory of Higher Public Prosecutor's Office in Niš in January, 2021

Group for coordination and cooperation	Total reviewed cases in all meetings	Total reviewed newly reported cases	Number of repeated reviewed cases in which there is the same event but different actors	Total reviewed ongoing cases	Total reviewed extraordinary cases
City of Niš	83	82	4	1	0
Gadžin Han, Svrlijig and Doljevac	7	7	0	0	0
Aleksinac, Ražanj and Sokobanja	unknown	unknown	unknown	unknown	unknown
TOTAL	90	89	4	1	0

