

Autonomous Women's Center answers to Serbia's First thematic evaluation round: Building trust by delivering support, protection and justice

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Part I: Changes in comprehensive and co-ordinated policies, funding and data collection in the area of violence against women and domestic violence

Article 7: Comprehensive and co-ordinated policies

1. New policy document since the adoption of GREVIO's baseline evaluation report is *Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the Period 2021-2025* (*Official Gazette of RS*, No. 47/2021). It is the only strategic document that contains the intention to provide comprehensive policies covering the areas of prevention, protection, and prosecution in relation to all forms of gender-based violence (GBV), but such intention is not specified in a consistent manner throughout the document.

Throughout the text, the Strategy uses the syntagma "all forms of gender-based violence" (in planned measures) or the syntagma "all victims of violence". Related to the specific measures (and outcomes), rape/sexual violence and stalking are rarely mentioned, unlike domestic violence, which is stated more often. There is a measure related to femicide. Only output indicators for the measure related to efficient and effective criminal law protection (measure 3.1.) contain named forms of GBV in accordance with the Istanbul Convention. However, the Action Plan for its implementation **has not been adopted**, which means that no financial resources have been provided for the implementation of the planned measures and activities (during the three years of validity of the strategic document).

At the end of March 2024, the *General Protocol on handling and multisectoral cooperation in situations of gender-based violence against women and domestic violence*¹ (hereafter General Protocol) was adopted, which in the definition of terms contains the definition of violence against women ("all acts of gender-based violence against women that lead or may lead to: physical, sexual, psychological, or financial injury and suffering..."), referring to the Convention (Article 3, paragraph 1, point d), as well as domestic violence (all acts physical, sexual, psychological and economic violence) in accordance with the Convention (with Article 3, point b and Explanatory Report, point 41) and gender-based killing of women. It is stated that the General Protocol applies to all forms of domestic violence, as well as when reporting "any form of psychological, physical, sexual or economic gender-based violence against women committed in private or public space and domestic violence, as well as in cases of reporting the danger of committing this type of violence" (Area of application). In the part related to the procedure of protection and support for victims of violence (7.2. Recognizing violence), persecution and sexual harassment are listed **as a subtype** of psychological violence.

The general protocol provides **guidelines** (additional instructions) that regulate the behavior of the police when arriving at the scene, as well as indicators for determining measures. In the

¹ Conclusion of the Government of the Republic of Serbia 05 Number: 56-2476/2024-1, dated March 29, 2024

implementation plan of the General Protocol, it is stated that all participants in the procedure of protection against gender-based violence against women and domestic violence should familiarize employees with its content and the activities they should implement in its implementation (8.1). The obligation to adopt **special protocols** for all competent sectors participating in its implementation within one year after the adoption of the General Protocol has been defined. It is also envisaged that all participants provide training for their employees and evaluation of training effects (8.3). **Monitoring of the implementation** of the General Protocol by the competent ministries, as well as the Council for the Suppression of Domestic Violence, which is responsible for proposing measures to improve coordinated action of the competent authorities, is also foreseen (8.4). Finally, it is foreseen to **keep the records** provided for by law, as well as that "**the public availability** of all statistical data from the updated records that are collected should be ensured" (8.5).

There is no information on whether the General Protocol is applied in practice, whether employees who act in cases of GBV or DV are familiar with the content of the document and whether trainings have been carried out. As for the monitoring mechanism, it has been **ineffective** until now when it comes to the Council for the Suppression of Domestic Violence, which usually holds one meeting a year, after which a statement is issued, but never an analysis of the data on the treatment and a list of measures to improve the coordinated answers². When it comes to data originating from administrative records under the jurisdiction of different sectors, they are mutually **uneven and inconsistent, and there is no publicly available consolidated data**³.

2. After 2016, when *The Law on prevention of domestic violence (Official Gazette of RS, No. 94/2016)* was adopted and the *Criminal Code* was amended, **there have been no further procedures for harmonizing the definitions** of forms of violence specified in the Convention with domestic laws. The recommendations of GREVIO regarding the amended but insufficiently harmonized definitions of violence were not implemented.

In May 2022, the AWC submitted proposals to the working group for amendments to the *Criminal Code of the Republic of Serbia* in connection with Chapter 18 *Crimes against Sexual Freedom*, for the purpose of harmonization with the Convention⁴. The working group **has not yet developed proposals** for amendments to the Criminal Code. It has been proposed to omit *Sexual Intercourse with a Helpless Person*, art. 179 of the Criminal Code (CC); to amend *Sexual Intercourse with a Child*, art. 180 CC; amend and supplement *Sexual Intercourse through Abuse of Position*, art. 181 CC; amend and supplement *Prohibited Sexual Acts*, Article 182 of CC; supplement and amend *Sexual Harassment*, art. 182a CC; It was proposed that within Chapter 14 – *Criminal offenses against the Freedoms and Rights of Man and the Citizen*, introducing a new criminal offense of 'misuse of recordings of sexual content, art. 145a, after Art. 145 (Unauthorized Publication and Presentation of Another's Texts, Portraits and Recordings).

² Independent reports on the implementation of the Law on prevention of DV, available at: <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv>

³ *Ibid.*

⁴ Coalition prEUGovor (2022) *Proposals for Amendments and Supplements to the Criminal Code of Republic of Serbia* (<https://preugovor.org/Amendments/1750/Proposals-for-Amendments-and-Supplements-to-the.shtml>)

3. There are provisions in the strategic documents and the new *General Protocol* which put women's rights and their empowerment at the center and measure taken to enhance the intersectionality of such policies, but **their application is insufficient and there is no reliable and valid public data** on the application of such measures in practice.

Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the Period 2021-2025 **placed the victim in a center** of all measures in the special goal 2 (adequate and effective protection) formulated as "integrated approach", and in special goal 3 (improved position of victims and witnesses and right of a victim to compensation for damages), in measure 3.2. related to the full protection during and after the ending of the criminal proceedings. There are **no outcome** indicators of the realization of these measures and goals.

National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Acts for the period 2020-2025, adopted as part of Serbia's EU accession process to align with the Directive 2012/29/EU, without any mention of the standards that Serbia accepted by ratifying the Istanbul Convention. Therefore, the Strategy envisages measures for the improvement of victim's rights but **fails to place victims in a center** of all measures.

The *Law on prevention of domestic violence* **places victims in a center** of all measures by determining the jurisdiction of the court where victims reside for the prolongation of emergency measure(s) and by requesting that the Coordinated Community Response Group (called Groups for Coordination and Cooperation) where the victims reside to be in charge of reviewing the reported violence and creating an Individual Plan for the protection and support of victim (IPPS). **Victims can be invited** to participate in the meeting of the Group "if the victim wants it and if her emotional and physical state allows it" (art. 31 par. 2 of the Law).

AWC Independent Reports⁵ on the implementation of the Law on prevention of domestic violence show that the victim's participation in these meetings **is minimal**: in 2020, 16.923 IPPS were created and only 85 victims participated in the meetings of the Groups; in 2021 there were 17.424 IPPS and 151 victims participated at the Group meetings; in 2022, there were 21,690 IPPS and 655 victims who participated in the meetings of the Groups; in 2023, there were 25,396 IPPS and 2,858 who participated in the meetings of the Groups. However, the increase in the number of victims participating in the meetings of the Groups for Coordination and Cooperation is the result of the activities of **only a few Groups**⁶, so there are still Groups in which no victims participated in the meetings, or where their number is extremely small (only one or two throughout the year).

Analyzes of the work of the Groups for Coordination and Cooperation conducted by the Protector of Citizens (in cooperation with the AWC) for the areas of the Higher Public Prosecutor's Office (HPPO) in Belgrade and Niš⁷ show that the Centers for Social Work (CSW) (case managers) **do not conduct**

⁵ Independent reports on the implementation of the Law on prevention of DV, available at <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv>

⁶ *Ibid.*

⁷ *Special report of the Ombudsman on the work of groups for coordination and cooperation in the area of the Higher Public Prosecutor's Office in Niš, 2022* (available at:

interviews with victims even before of the Group meeting in order to check what they see as the need for their protection, nor is it checked with them whether the plans were effective, when current cases are discussed at the Group meeting. Similar are the data of AWC service users who generally **do not know or are not sure** whether their "case" has been discussed at the Group, or whether an individual plan of protection and support measures has been drawn up (or whether the CSW has drawn up a plan of provided services)⁸.

Article 8: Funding

4. Article 58 of the *Law on Gender Equality (GE)* (*Official Gazette of RS*, No. 52/2021) **proscribes** diverse funding for specialized services to be provided in the budget of the Republic of Serbia, the budget of the Autonomous Province and the budget of the local self-government unit. Obligation for funding majority of services from January 1, 2024 with the provision that Safe houses and Rape crises centers (art. 55. par. 1, point 2 and 4) will be provided **only** by the local self-government unit while financial resources for programs for perpetrators of violence (art. 56) will be provided in the budget of the Republic of Serbia. These provisions are not in accordance with the Istanbul Convention. Article 58 of the Law on GE **privileges** funding of the perpetrator's programs over funding for Safe houses and Rape crises centers, due to a fact that 1/3 of local self-governments in Serbia are poor and receive funds from state budget, while another 1/3 do not have funds for establishing and running a Safe house.

There is no data on whether the budget for 2024 of the Republic of Serbia, the autonomous province and the local self-government unit involve funds for specialized services. However, by the Decision of the Constitutional Court of the Republic of Serbia dated June 28, 2024. (IUz-85/2021) on the initiation of the procedure for the evaluation of the constitutionality of the *Law on Gender Equality* (with a deadline for the National Assembly's statement in 30 days, from the date of delivery of the Decision), the execution of individual acts or actions taken on the basis of the provisions of the Law on Gender Equality **has been suspended**, so the further fate of this Law is unknown⁹.

As stated before, the Action Plan for the *Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the Period 2021-2025* hasn't been adopted, and therefore, **there was no plan nor budget** for the realization of activities.

<https://www.ombudsman.rs/attachments/article/7518/Poseban%20izvestaj.pdf>); *Special report of the Protector of Citizens on the work of groups for coordination and cooperation in the area of the City of Belgrade, 2020* (available at: <https://www.ombudsman.rs/attachments/article/7518/Poseban%20izvestaj.pdf>);

<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>).

⁸ Ignjatović, T. (2023). UNDERSTAND AND SUPPORT – analyzing the needs of women with experience of partner violence and their children in achieving protection and support, 2023

(https://www.womenngo.org.rs/images/publikacije-dp/2023/UNDERSTAND_AND_SUPPORT_analyzing_the_needs_of_women_with_experience_of_partner_violence_and_their_children_in_achieving_protection_and_support.pdf)

⁹ Announcement from the 8th session of the Constitutional Court <https://ustavni.sud.rs/sednice-suda/saopstenja-sa-sednice-suda/saopstenje-sa-8-sednice-ustavnog-suda-odrzane>

On June 30, 2022, the Ministry of Justice adopted the *First Report on the implementation of the National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Acts*¹⁰, for the period from the adoption of the Strategy to the end of the first quarter of 2022. In the two-year period since its adoption, 47 out of 79 (59.5%) activities listed within the four strategic objectives have either **not been implemented** or there is **no information** about implementation, while 15 (19%) activities can be considered implemented. There was **no state nor project funding** for the services for victims.

5. Analysis of the public calls for the allocation of state funds for budget line 481 of grants to civil society organizations (and line 472 of social protection services, which includes projects to support victims of GBV) indicates a **high level of corruption**. The largest parts of the funds were awarded to organizations completely unknown to the public (which won contests held by various ministries). Requests sent to the authorities to obtain criteria for the allocation of funds, or reports on how the funds were spent, remain **unanswered**, as do complaints and lawsuits against the authorities.

Research of BIRN (Balkan Investigative Research Network) and their publicly available database¹¹ showed that almost half of the funds allocated by the Ministry of Family Care and Demography in the 2022 in the public calls for the support for women and prevention of DV - 1.3 out of 3 million euros – was allocated to a network of related **fake CSOs** (without website, legal representatives that do not even know the name of the CSO nor the name of the project that received funds) **and GONGOs**, and that there are no results of their work. This was continuation of the four competitions of the same Ministry in 2021, when 5.6 million euros were distributed, so that 18 organizations received almost 3.9 million euros and the other 89 organizations received 1.7 million euros. The new Minister for Family Care and Demography suspended the competition in progress (April 2024) for the allocation of funds to civil society organizations in the field of Family Law protection due to "objective reasons" (without explaining what the reasons are. A new public call was posted only on July 22, 2024, and the decisions were made only on October 18, 2024 (which leaves organizations with just over two months to implement the activities). 45 projects were supported (out of a total of 106 projects received¹²), mostly by small and unknown organizations, with amounts from 150,000 dinars (1,280 euros) to 850,000 dinars (7,265 euros), and only one project was financed with 1,000,000 dinars (8,547 euros). Among the funded projects, only one was submitted by an (obscure) women's organization (Women's Association FEMININA, founded in September 2021, so far without a single funded project). They are not supported (and there is no publicly available data on the scoring and ranking of projects that are not supported, nor is the publication date specified in the list of scored and ranked organizations and projects, which makes it impossible to follow the deadline for appeals¹³). This way of decision-making does not allow a transparent insight into how the received

¹⁰<https://www.mpravde.gov.rs/files/REPORT%20NUMBER%20%201%20ON%20THE%20IMPLEMENTATION%20OF%20THE%20ACTION%20PLAN-NATIONAL%20STRATEGY%20ON%20THE%20RIGHTS%20OF%20VICTIMS%20AND%20WITNESSES%20OF%20CRIMES%20IN%20THE%20REPUBLIC%20OF%20SERBIA.docx>

¹¹ BIRN data base available only in Serbian at <https://birn.rs/baza-o-javnim-konkursima/>

¹² The list of received project proposals is available in Serbian at: <https://www.minbpd.gov.rs/wp-content/uploads/2024/09/Lista-pristiglih-prijava-porodicnopravna-zastita.pdf>

¹³ The list of scored and ranked organizations and projects is available in Serbian at: <https://www.minbpd.gov.rs/wp-content/uploads/2024/10/Lista-vrednovanja-i-rangiranja-PPZ-1.pdf>

projects become more valuable, and thus the continuation of the corrupt activities for which this Ministry was ill-reputed.

At the *local level*, the situation is similar, but it is **more difficult to monitor** (there are 174 local self-governments in Serbia). It is more difficult to trace the misuse of budget funds at the local level, like in Leskovac, where for the second time, the city awarded funds to the Association of Single Parents "Dads and Moms", legally represented by a convicted perpetrator of domestic violence, for the provision of SOS Helpline services to women who survived violence. The city explained the decision by stating that the "allocation of the funds goes to the organization, not to the individual", without any reflection regarding the possible damage such a decision could cause beneficiaries. The same Association of Single Parents "Dads and Moms", represented by the convicted perpetrator of domestic violence, was involved in the working group, established by the Ministry for Labour, Employment, Veteran and Social Policy with the support of UN Agencies, to draft the National Strategy against VAW. After raising their voice against the credibility of a convicted perpetrator of violence to provide support to women survivors, WCSO "Women for Peace" from Leskovac faced **treats and cyber-attacks**.

Attacks, harassment, threats (direct and indirect) against the organization in Leskovac are relentless, and are also present in relation to other organizations from the south of Serbia, which is why the Women Against Violence Network, on behalf of 28 organizations and three associations of organizations, submitted an **Open Letter with demands** to the Ministry for Human and Minority Rights and Social Dialogue (within which the Sector for Cooperation with Civil Society and to the Council for the Creation of an Encouraging Environment for the Development of Civil Society operates). The Open Letter contains demands that the planned measures and activities in the *new Action Plan for the period 2024-2026 for the implementation of the Strategy for the creation of a stimulating environment for the development of the civil sector in the Republic of Serbia for the period 2022-2030* **guarantee** the organizations and their members full protection of physical and psychological integrity, free legal protection against verbal and physical attacks, a responsible and transparent decision-making process of the evaluation committees, rank and select project proposals, transparent financing of projects and activities of organizations, transparent and publicly available information about the implemented activities for which budget funds have been approved¹⁴.

Furthermore, more than 40 civil society organizations have expressed their **disappointment** with the fact that funds collected by violating the basic rights of victims through decisions to defer prosecution have **not been awarded** by the Ministry of Justice to any project aimed at providing assistance and support to victims and free legal aid¹⁵. **Nothing has changed** in the Ministry's decision in 2024. No

¹⁴ About the Open Letter and the meeting of representatives of the Ministry, the Sector for Cooperation with Civil Society and the Council for Creating a Supporting Environment for the Development of Civil Society, see more on the link <https://www.womenngo.org.rs/en/policy-activities/advocacy/2240-2024-open-letter-from-women-s-organizations-to-the-ministry-for-human-and-minority-rights-and-social-dialogue>

¹⁵ Public statement (2022) available only in Serbian at <https://www.womenngo.org.rs/vesti/1864-saopstenje-za-javnost-organizacija-civilnog-drustva>

organization specialized in providing support to victims of any violence, including providing free legal support, received a grant, out of a total of 500,000,000 dinars, which is about 4,235,288 euros¹⁶. All these data prove that Serbia has allocated significant amount of funds for CSOs, but these funds were not used to foster long-term and sustainable financial support for non-governmental organizations working to support victims and prevent violence.

When it comes to **human resources** in state bodies and institutions that are responsible for prevention and protection from gender-based violence (GBV) against women and domestic violence (DV), the situation has not changed since the period when the GREVIO recommendations were received in the basic report on the assessment of the situation, in connection with art. 8 (para. 32), as well as after Serbia received conclusions on the implementation of the recommendations in respect of Serbia adopted by the *Committee of the Parties to the Convention on the Prevention of Violence against Women and Domestic Violence* (IC—CP/Inf (2023)11).

Article 11: Data collection and research

6. There was **no improvement** in administrative records on GBV. Data are still mostly collected for DV, and inconsistent definitions in different systems create inconsistent data. Such an example is the difference in the registered total annual number of DV events in the police and centers for social welfare in Serbia (for more than 10,000 events)¹⁷ which should not happen, because there is an obligation of all state authorities to submit every report of violence to the police (*Law on Prevention of DV*, art. 13).

There is **no information** about the establishment of a single electronic record of DV in the courts (in accordance with the provisions of the *Law on Prevention of DV*, art. 32), and **no central electronic database** has been established that would connect data from different systems (also required by the *Law on Prevention of DV*). The data published by the Ministry of Justice on the "Exclude violence" portal contain a monthly display of statistics on victims and perpetrators of DV (sorted by gender and kinship).¹⁸

There is **no evidence** that the collection of data on all types of GBV in the police has been improved, but this data still remains unavailable to the public, and it is not known whether, in addition to the sex of the perpetrator and the victim, information on kinship is also kept. The annual reports on the work

¹⁶ The decision on the allocation of funds collected on the basis of the deferred criminal prosecution was adopted by the Government of the RS on July 4, 2024, available only in Serbian at <https://www.mpravde.gov.rs/sr/tekst/43652/resenje-o-dodeli-sredstava-prikupljenih-po-osnovu-odlaganja-krivicnog-gonjenja-2024.php>

¹⁷ The total number of domestic violence events registered by the police in 2022 was 27,693. In all CSWs in Serbia in 2022, 38,896 reports of domestic violence were recorded. It can be assumed that this difference is due to the different labeling of "reports", but the question remains whether CSWs reported all information about the events of violence to the police and how many reports of violence were not recorded by the police, because they assessed them as "something else". At the same time, the question is whether the police record all reports of domestic violence as violence (or as "something else), because the experiences of women (shared on social networks under #Nisamprijavila, as well as the experiences of women who turn to AWC) say that the police do not record every report of violence.

¹⁸ Data available only in Serbian at: <https://iskljuci-nasilje.rs/statistika-2/>

of Public Prosecutors' Offices in Serbia in combating crime show data for certain criminal acts, but not all acts of GBV that are named in the Convention¹⁹.

The Republic Institute for Social Protection (which publishes a summary report on CSWs activities in Serbia)²⁰ shows data on domestic violence (DV), namely physical, psychological, sexual and economic (disaggregated by gender and age of the victim), and mentions data on human trafficking (for adults²¹), as well as the number of procedures undertaken by CSWs, **but not other acts of GBV** in accordance with the Convention. **There is no data on the gender structure** of perpetrators of domestic violence, and the kinship relationships between perpetrators and victims are not shown in a gender-sensitive manner (so it is impossible to establish who is violent towards whom).

The Institute of Public Health of Serbia publishes annual reports on reported cases of GBV (without specifying the type of violence) in healthcare institutions (the last publicly available report for 2020²²). In the annual reports on public health in Serbia, the wording "cases of partner/gender-based violence" is used, so it is **not clear** which forms of violence are in question in the data presented²³. These reports also record data on "vulnerable" groups of women, but their number is extremely small²⁴.

When it comes to GBV as criminal acts, the Republic Institute of Statistics publishes judicial records (criminal acts - applications, accusations and convictions) in the annual bulletins (latest report available for 2023²⁵) classified by gender (**no data on the relationship** between the perpetrator and the victim).

The Supreme Public Prosecutor's Office keeps records for crimes of *gender-based violence against women* – persecution (art. 138a CC), sexual harassment (art. 182a CC), female genital mutilation (art. 121a CC) and forced marriage (art. 187a CC), and they are submitted by AWC upon request for access to information of public importance. In 2023 (and not even in previous years), there were no reports of the criminal offense of female genital mutilation, nor were there any reports of the criminal offense of forced marriage. Every year, a large gap is registered between the number of reported and the number of convicted persons for the criminal acts of persecution and sexual harassment, but also a **significant discrepancy** between the data on these acts received by the AWC and the data that can

¹⁹ Report available only in Serbian at: <http://www.vrhovnojt.gov.rs/sr/informacije-o-radugodi%20izve%20taj-o-radugodnjizve%20javnih-tu%20BEila%20Atava>

²⁰ Reports for 2022 available in Serbian, at: <https://sn.rs/ohbit>

²¹ Report on persons of legal age in the social protection system available in Serbian at: <https://www.zavodsz.gov.rs/media/2585/пунолетни-у-систему-социјалне-заштите-2022.pdf>

²² Report available in Serbian and in English at https://www.batut.org.rs/index.php?category_id=66

²³ In addition, the number of recorded cases of GBV in the health system is extremely low - 3,282 in 2020 - compared to the number of events registered by the police and centers social welfare in the same year. Report available only in Serbian at <https://www.batut.org.rs/download/izvestaji/Godisnji%20izvestaj%20rodno%20nasilje%202020.pdf>

²⁴ For example, in the category "women with disabilities, pregnant women, mothers in labor or elderly women" in 2020, only 33 women with experience of GBV were recorded, while the number of women who declared themselves as Roma was only 156 (out of 3,282 registered women experiencing GBV).

²⁵ Bulletins available in English at: <https://www.stat.gov.rs/en-us/publikacije/>

be found in the Report on the work of the Public Prosecutor's Offices in Serbia for the same year²⁶, or data on the same acts recorded by the Republic Institute of Statistics²⁷.

AWC Independent Reports on the implementation of the *Law on Prevention of DV*²⁸ remain the only constant source of information, analyses and recommendations with regard to the implementation of the Law.

7a. As stated before, there is **no information** about the establishment of a single electronic record of DV in the courts, and **no central electronic database** has been established that would connect data from different systems. The Police (Ministry of the Interior) and the prosecution (Supreme Public Prosecutor's Office) keep records of the number of orders for emergency measures (48h), the number of proposals for extending emergency measures (30 days) and the number of accepted proposals (court decisions), which are determined in accordance with *The Law on Prevention of Domestic Violence*. These data **are not consolidated and publicly presented**, except in the annual reports on the implementation of the Law expressed by the AWC²⁹. Also, data is kept on the number of violations of emergency or extended emergency measures, **but not on sanctions** (which are violations for which a prison sentence of up to 60 days can be imposed).

In 2023, according to the data collected and processed by AWC, in 2023, 28,413 incidents of domestic violence were registered, the police issued 21,882 orders for emergency measures within 48 hours (77% of the number of incidents of violence). Prosecution offices proposed the extension of 20,900 emergency measures (95.5% of the number of police orders), and the court adopted 20,276 proposals for the extension of measures for 30 days (97% of the number of prosecutorial proposals). During 2023, 2,103 emergency/prolonged measures were violated (only 9.6% of the total number of police orders), and 10,365 perpetrators repeated domestic violence³⁰. **There is no information** on sanctions for violations of emergency measures or on sanctions for repeated acts of violence.

Centers for Social Work (CSWs) keep records of protection measures against domestic violence based on the implementation of the Family Law (five measures that can last up to one year and can be extended if necessary), and the Republic Institute for Social Protection consolidates those data in annual reports.³¹ However, the reports on the protective measures imposed are displayed based on the total number of measures, not according to the number of protected persons, nor in relation to the number of lawsuits filed³². According to the types of measures, the most frequent measure is the prohibition of harassment of a family member (in 2022 there were 1,923 measures), and the least represented measures are the issuance of an order for moving into an apartment/house (only 15 in

²⁶ Report available in the Serbian language at http://www.vrhovnojt.gov.rs/docs/SKM_95824041013280.pdf.

²⁷ Bulletins available in English at: <https://www.stat.gov.rs/en-us/publikacije/>

²⁸ Independent reports on the implementation of the Law on prevention of DV, available at: <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv>

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ The reports for 2022 are available in Serbian at the link <https://sn.rs/ohbit>

³² Therefore, it is not possible to determine the percentage participation of this type of protection in relation to the number of reported incidents of domestic violence.

2022) and the issuance of an order for eviction from a family home apartments/houses (in 2022, there were only 534). There is no information on whether the increase in the number of measures to separate adults from the family is related to the extremely low number of measures to move into an apartment/house and to the decrease in the number of measures to evict perpetrators of violence from an apartment/house in the same year. Also, in the report of Republic Institute for Social Protection, **there is no data** on how many lawsuits for protection against domestic violence were filed by CSWs on official duty. The Basic Public Prosecutor's Office, who are also authorized proposers of protection measures for domestic violence, file an extremely small number of these lawsuits (in 2023, only 291 lawsuits)³³.

7b. There are no records in the civil courts that act in accordance with the Family Law, from which information could be obtained on the number of times custody decisions have resulted in the restriction and withdrawal of parental rights because of violence perpetrated by one parent against the other.

Rare research on the subject shows that courts are reluctant to limit or terminate parental rights, especially not because one parent has been violent toward the other and has been detained or sentenced to criminal prison terms. On the contrary, **contact with the parent is favored**, including with the one who perpetrates domestic violence/partner relationship (mainly the father), and when the contact is supervised (under controlled conditions), it is only of a temporary nature, so that at the end of the court proceedings the procedure most often leads to the extension of the contact model (into the so-called "standard model" of contact, which implies spending weekends, holidays and a larger number of days during school holidays with the parent who was violent towards the other parent).

There is no thorough examination of the violence experienced or witnessed by children, nor is there an examination of the safety risks and potential risks following parental separation, the adverse effects on children and their needs for recovery and appropriate context³⁴. An approach that marginalizes most of the surviving violence, including children's testimony of domestic violence, with a preference for maintaining contact between the child and parents, may be the reason why **children did not receive temporary protection measures** against domestic violence.

In 2023, the police in Serbia registered only 2,211 minor victims of domestic violence, which is 9% of all victims who had preventive protection. Nevertheless, that number is even 40.6% higher than the number of minor victims in 2022, and rather reflects an increase in the awareness of acting police officers and prosecutors about the exposure of children to domestic violence, rather than the real number of child victims. This improvement in results is the result of increased activity in only a few police departments and prosecutor's offices, while in the largest number of places in Serbia, children

³³ Independent reports on the implementation of the Law on prevention of DV, available at: <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv>

³⁴ Ignjatovic, T. (2020). Assessments of the Centers for Social Work on the consequences, security risks and recovery needs of children witnesses of violence in parental relationships, *Temida*, 23/3, pg. 307-332. <https://doi.org/10.2298/TEM2003307I>

do not enjoy the protection of emergency and extended protection measures³⁵. There is also a **significant difference** in the number of child victims of domestic violence registered by Centers for Social Work in Serbia in 2022, which was 8,531 (21.9% of the total number of victims recorded by these institutions) compared to the data from the prosecution, which recorded 1,572 children in the same year. From the records of the CSWs on protection against domestic violence (according to the Family Law), **it is not possible** to establish how many children received this type of protection.

Researches of judicial practice point to **uneven protection of children**, preference for contact with the parent in relation to the safety of the children (and the victim's parents). Thus, the analysis of 24 court cases for entrusting children and determining the model of contact with the parent to whom the child is not entrusted shows that some judges are of the opinion that domestic violence/partner relationship has no effect on children, and in the explanation of their decision they say: "It is also without influence that the prosecutor was convicted for the crime of domestic violence, because he was given a suspended sentence, as well as the fact that this verdict imposed measures to protect the plaintiff from violence, given that this does not relate to his ability to independently exercise parental rights and does not reduce his parenting competencies"³⁶.

This is also contributed to by the Instruction of the Ministry of Family Care and Demography from 2021, which determines how to act in accordance with the *Professional Methodological Instruction for the work of guardianship authorities in the process of maintaining a child's personal relationship with a parent, relatives and other persons with whom he/she has special closeness in controlled conditions*, which was prepared by the Republic Institute for Social Protection (RISP, 2021)³⁷. This instruction, contrary to the GREVIO recommendations (in relation to art. 31, recommendations in par. 172), **does not contain** the determination of children as victims of domestic violence in the case when they witness violence. More about the Professional Guidelines in connection with Article 31: Custody, visitation rights and safety.

8. State response regarding this question is only partially correct. The Statistical Office of the Republic of Serbia, like Statistical Offices in every country, only collects data relevant for the year in which data are collected. That means that cases that have been reported in one year will hardly be indicted or convicted in that same year. Even though the Law on Prevention of Domestic Violence prescribes in art. 32 establishment of the Central data base of all separate data bases in police, prosecution, court and social services, **that Central data base, even after eight years after the adoption of the Law, has not been established in the Supreme Public Prosecutor's Office.**

One of the main reasons for non-establishment of the Centar data base, that would allow for the cases to be tracked from the reporting to conviction, is that all these separate data bases of police,

³⁵ Independent reports on the implementation of the Law on prevention of DV, available at: <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv>

³⁶ Analysis report in preparation for press (Ignjatović, T., Pavlov, T., Lukić, M. (2024). *Domestic violence hidden behind the concept of "alienation from parents": Analysis of court proceedings related to confiding and maintaining personal contacts of children with the other parent*. Belgrade: Autonomous Women's Center).

³⁷ Professional Guidelines available in Serbian: <https://www.zavodsz.gov.rs/media/2151/strucno-metodolosko-upustvo-vidjanje-u-kontrolisanim-uslovima.pdf>

prosecution, court and social service have been created in different IT databases programs, that cannot be merged into central database³⁸.

Part II: Information on the implementation of selected provisions in priority areas in the field of prevention, protection and prosecution

Article 12: General obligations

9. No significant primary prevention measures undertaken in a systematic, comprehensive and systemic manner with the aim of changing mentalities and attitudes in relation to violence against women and to reduce women's exposure to gender-based violence were recorded. On the contrary, in the observed period, the conservative, (extreme) right-wing and anti-gender front **strengthened** (individuals, influential intellectuals, groups and movements), connected with the (very influential) Serbian Orthodox Church, which took advantage of the passivity of the state to impose its ideas on "gender ideology" and its disastrous influence on Serbian values and traditions.

Thus, under the influence of representatives of the **anti-gender** ideological orientation, seven proposals were submitted for the evaluation of the constitutionality of the *Law on Gender Equality* (which most often referred to the obligation to use gender-sensitive language, provisions on education and the obligation to change the curriculum and content, as well as the use of the term "gender", because the Constitution of Serbia does not mention that category, but guarantees the equality of men and women). As stated, the decision of the Constitutional Court (IUZ-85/2021)³⁹ **suspended** the execution of individual acts or actions undertaken based on the provisions of the *Law on Gender Equality*, so the further fate of this Law is unknown.

Also, the fact that the Action Plan for the implementation of the *Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the Period 2021-2025* was not adopted, **means were not provided** for the implementation of all primary prevention measures planned by that strategic document. Funds for preventive activities, such as campaigns or conferences marking "16 days of activism against violence against women" mostly come from foreign donations, not from the budget. At the same time, the National Day of Remembrance for women victims of violence (May 18) remains unnoticed.

³⁸ Information received during a meeting with the MoJ in 2023

³⁹ Announcement from the 8th session of the Constitutional Court <https://ustavni.sud.rs/sednice-suda/saopstenja-sa-sednice-suda/saopstenje-sa-8-sednice-ustavnog-suda-odrzane>

Article 14: Education

10a. There are no significant examples of promising teaching or prevention programmes, materials, or initiatives for use in formal education, which **a.** educate children and youth about equality between women and men, the right to personal integrity, mutual respect and non-violent conflict resolution in interpersonal relationships, including the notion of freely given consent.

10b. *The Law on Gender Equality* in the field of education, upbringing, science and technological development stipulates obligations to include the contents of gender equality when adopting plans, teaching and learning programs, i.e., study programs, when determining the standards of textbooks, teaching methods and norms of school space and equipment and to eliminate gender stereotypes, sexist content in curricula and materials at all levels of education and include content important for gender equality in order to overcome gender stereotypes and prejudices, foster mutual respect, non-violent resolution of conflicts in interpersonal relationships, prevention and suppression gender-based violence and respect for the right to personal integrity, in a manner adapted to the age of the pupils, i.e., students (art. 37, par. 1, point 1), as well as other measures contained in art. 37. As already mentioned, the Constitution by decision (IUz -85/2021) the execution of individual acts or actions undertaken based on the provisions of the *Law on Gender Equality* **has been suspended**, so the further fate of this Law is unknown. And the *National Strategy for Gender Equality*⁴⁰ establishes important measures for considering equality between women and men in education.

The Ministry of Education reported on the implementation of the *Law on Gender Equality* in 2022⁴¹ (no report was published for 2023), that it continued to improve gender equality through the application of laws and strategic documents (referring to the *Strategy for the Development of Education and Training until 2030*, *Rulebook on the Protocol of actions in institutions in response to violence, abuse and neglect*, the new *General Protocol on the protection of children from violence*, without specifying specific measures). A Task Force for prevention and curbing of violence in the education and training system and a Task Force that would work on amendments and additions to the *Rulebook on the Procedure Protocol* were formed. It is prescribed that each educational institution forms a Team for Protection against Discrimination, Violence, Abuse and Neglect, as well as an Annual Program for Protection against Violence with precisely defined preventive activities, but **there is no report** on the implementation of those activities.

Furthermore, in the Report of the Ministry of Education, it is stated that the *Rulebook on competency standards for the profession of teacher and its professional development*, which contains the values of respect for diversity and prevention of discrimination, has been drafted. It is stated that the Institute for the Improvement of Education and Training completed the reform of all teaching and learning programs of pre-university education and training in accordance with the laws, which also includes

⁴⁰ <https://www.rodnaravnopravnost.gov.rs/sr/dokumenti/strategije-i-akcioni-planovi/nacionalna-strategija-za-rodnu-ravnopravnost-za-period-2021>

⁴¹ Report on the implementation of the Law on Gender Equality is prepared by the Ministry for Human and Minority Rights and Gender Equality, available at: <https://minljmpdd.gov.rs/dokumenta/izvestaji/>

the development and respect of gender equality, tolerance and respect (in the introductory narrative of the teaching and learning programs of each individual subjects, and something more specific in the programs of the elective subject civic education, Serbian language - women writers, foreign languages - intercultural competences, history - women who marked certain historical eras), as well as that all programs are set up so that the teachers themselves contextualize the program and content which contributes to respect, cooperation and togetherness.

It is further stated that within the framework of the REVIS project "changing social and gender norms" related to violence in schools (in cooperation with the Center for Youth Integration), a consultative workshop was held in which 512 students participated, as well as that the Ministry of Education supported more (it is not said how many) projects of civil society organizations that promote gender equality and activities to prevent risky forms of behavior and gender stereotypes through empowering children and young people to participate in sports and extracurricular activities (the number of children involved is not stated). The implementation of projects that focus on Roma children, especially girls, children from poor families, children from migrant and refugee families is highlighted.

However, it should be said that the mentioned activities and contents are **insufficient** and **do not include the majority** of children and young people attending primary and secondary education in Serbia⁴². Thus, less than 40% of primary and secondary school students attend the Civic Education optional subject, and there is no data on how this teaching is conducted (that is, whether Civic Education teachers implement the planned programs, especially considering the low status and training of these teachers and that they are filled from the ranks of the "redundant educators" of all profiles). The Government of the Republic of Serbia, with the support of the Office for Information Technologies and Electronic Administration, established the National Platform for the Prevention of Violence involving Children "I'm protecting you!"⁴³. In the section "What is violence" **there is no** gender-based violence category, and by searching the site you can find only **five articles** that mention gender-based violence⁴⁴.

Analysis of education about sexual and reproductive health and the rights of children and adolescents in the curricula of primary and secondary schools in Serbia⁴⁵ there is a noticeable **lack of topics** related to emotional partnership (love, sexuality/intimacy) outside the context of family planning, i.e., contents on the right to choose in terms of reproduction, gender equality, and prevention of gender-based violence, in the context of emotional relationship and family planning.

⁴² In Serbia, there are 503,918 male and female students in primary schools, and 234,204 male and female students attend secondary schools, while 75,883 teachers are employed in both types of schools.

⁴³ Platform "I'm protecting you!" is available at: <https://cuvamte.gov.rs/o-nama/o-nacionalnoj-platforni-za-prevenciju-nasilja-koje-ukljucuje-decu/#>

⁴⁴ The word gender-based violence is mentioned in connection with types of violence, preventive activities, forms of discrimination, human trafficking, protection and support measures for children who suffer sexual violence.

⁴⁵ Lacmanović, V., Mališić, A., Ivković, J., Ignjatović, T. (2022). *Sistemska obrazovanje odloženo do daljeg (Systemic education postponed until further notice)*, summary of findings in English available at: <https://www.womenngo.org.rs/en/news/1910-awc-analysis-systemic-education-postponed-until-further-notice>

Regarding the university level, it is **unknown** to what extent the topics of gender equality and gender-based violence are integrated into undergraduate programs. The University of Belgrade and the University of Arts in Belgrade **have adopted** regulations on prevention and protection against sexual harassment⁴⁶, which requires all faculties and institutes within these universities to adopt and harmonize the existing regulations. Poor information among students and modest primary prevention activities, along with modest protection results, represent **major challenges for the application** of these documents.

10c. When it comes to promotion of the inclusion of digital literacy and online safety in formal curricula as foreseen under GREVIO General Recommendation No. 1 on the digital dimension of violence against women, **there is no information** about the existence of systematic activities undertaken at all levels of education for information and prevention related to this topic, although there are contents on digital literacy in the educational system. A number of organizations deal with these topics (not exclusively gender-based digital violence)⁴⁷ and provide significant content.

At the beginning of January 2021, the public in Serbia was informed about the existence of the Telegram groups in which the so-called "revenge pornography" is being shared. Investigation has been initiated against the administrator of one of those groups (with more than 36,000 participants), but the proceeding was dismissed at the end 2023. However, after it was announced that Telegram shut down 13 groups whose members published intimate photos and videos of women⁴⁸, in 2024 the members of the group Osnažene⁴⁹ published their (new) research on Telegram groups, but there has been **no response so far** from the institutions about this discovery.

10d. Concerning the demand to ensure that teaching material used in school does not convey negative gender stereotypes of women and men of all ages, there have not been many changes compared to the previous period. In 2022, the working group (all male members) at the Institute for the Advancement of Education supported **content changes** in the already approved biology textbooks for the eighth grade of elementary school, demanding the removal or changes of content related to gender and gender identity, despite the declaration of biological scientific community on the adequacy of that content. In a statement signed by more than 20 organizations and more than 300 individuals, it was said that despite the complex contents of biology lessons that children learn about "our physicality, gender, that is, the socially determined life of sex-specific bodily living beings, as well as the wide field of sexuality, remain inaccessible to them". Also, it was emphasized that "today the situation from 2017 is being repeated, when the Ministry of Education, Science and Technological Development stopped the project of introducing Educational Packages on sexual violence in an accelerated procedure. Both then and now, the state reacts under the pressure of conservative

⁴⁶ The Rulebook of the University of Belgrade (adopted in 2021) is available in Serbian at: https://bg.ac.rs/files/sr/univerzitet/univ-propisi/Pravilnik_sprecavanje_zastita_seksualno_uznemiravanje.pdf

The Rulebook of the University of Arts (adopted in 2022) available in Serbian at: <https://www.arts.bg.ac.rs/wp-content/uploads/2022/05/Pravilnik-o-zastiti-od-zlostavljanja-1.pdf>

⁴⁷ For example, the Safety of Youth on the Internet <https://osnazzene.org.rs/>, or SHARE Foundation <https://www.sharefoundation.info/en/>

⁴⁸ Milivojević, A., March 27, 2023. BIRN <https://birn.rs/ugasene-telegram-grupe-sa-osvetnickom-pornografijom/>

⁴⁹ Research data of Osnažene members available in Serbian at: <https://osnazzene.org.rs/#>

intellectuals, political parties and the church”⁵⁰. Textbook publishers made changes and omitted parts of the content requested by the task force.

10e. Regarding the offer tailored interventions aimed at preventing gender-based violence and empowering all girls, including those at risk of intersectional discrimination, **no such interventions are known** to exist. Preventive activities in schools are small-scale, often implemented in cooperation with civil society organizations as a project activity, so their scope (covering schools and students) is insufficient, and the effect is short-term. It is similar with the training related to teachers, who should be engaged in preventive activities in schools.

Article 15: Training of professionals

11. There is no integrated data on professional training (initial and in-service training) that different groups of professionals undergo in relation to GBV towards women and DV, but from the available sources it can be concluded that it is still **not systematic and comprehensive** to the extent expected in relation on the types of experts involved, their number, types of content and all forms of violence covered by the Istanbul Convention. Faculties that educate future specialists have not yet integrated initial training on GBV towards women into their contents.

The Law on Prevention of Domestic Violence regulates the obligation for all competent police officers, acting prosecutors and judges to undergo training on the application of the Law, which is implemented by the Criminalistics and Police University and the Judicial Academy⁵¹ (on the website of the Judicial Academy you can find data that in the period between 2021 and In 2024, 34 trainings on domestic violence were carried out, the most in 2022, 20 trainings), but there is **no data** on the number of participants and the structure of the authorities from which they come. The provisions of the Law regarding training **do not include** experts in the social protection system, who are regular participants of Coordination and Cooperation Groups, nor health workers or representatives of educational institutions. Knowing the dynamics of violence in an intimate partner relationship and DV, understanding psychological violence, especially coercive control and post-separation violence, understanding the consequences that violence has on children who witnessed it, still represents a significant challenge for representatives of the police, the prosecution, the court and Centers for Social Work, and this is confirmed by two special reports of the Protector of Citizens⁵², which contain analyzes of the actions of the Coordination and Cooperation Groups.

⁵⁰ The announcement is available at: <https://www.womenngo.org.rs/en/policy-activities/advocacy/1933-2022-resisting-the-pressure-of-conservative-intellectuals-political-parties-and-the-church>

⁵¹ Training on the Law on Prevention of Domestic Violence is among the permanent training programs of the Judicial Academy, and the list of completed trainings can be found at <https://pars.rs/%D1%81%D0%B5%D0%BC%D0%B8%D0%BD%D0%B0%D1%80%D0%B8>

⁵² *Special report of the Protector of Citizens on the work of coordination and cooperation groups in the area of the Higher Public Prosecutor's Office in Niš, 2022*, available at

<https://www.ombudsman.rs/attachments/article/7518/Posebani%20izvestaj.pdf>;

Special report of the Protector of Citizens on the work of groups for coordination and cooperation in the area of the City of Belgrade, 2020. (Available 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>).

In the Report on the achievement of gender equality in the Republic of Serbia for 2022⁵³ (the report for 2023 is not yet available), it is stated that the Ministry of Justice, in cooperation with UNDP and UNFPA, organized the seminar "Effective institutional response to domestic violence" (there is **no information** on the number participants). Also, in the same year, the Manual for the actions of prosecutors in the prosecution of the criminal offense of domestic violence in relation to the provisions of the Convention⁵⁴ was drawn up, and it is also stated that there is continuous support for acting professionals in the implementation of the Law on the Prevention of Domestic Violence (there is **no information** on the type and extent of support). A search for ongoing training seminars organized by the Judicial Academy **did not find** any seminars on topics related to rape, sexual harassment, persecution or forced marriage.

The training of judges to apply protection measures against domestic violence in the Family Law is **insufficient**, so the application of the Law is uneven and urgent procedures for determining protection measures last for months sometimes without temporary measures and without using the authority that the court has ex officio. Judges who act in family cases have little knowledge about coercive control, post-separation violence, the consequences for children due to exposure to domestic violence, the impact of the trauma of violence on the parenting of the victim's parents, the characteristics of the parenting of the abusive parents, and they are also exposed to training on **contradictory concepts** (such as the concept of "parental alienation" training or "equal parenting as a model for solving violence against children"), which marginalize or exclude from consideration the impact of previous domestic violence/intimate partner relationship, as shown by the few studies in this area⁵⁵.

When it comes to representatives of social protection, trainings are carried out within the system of accredited trainings (with a knowledge check) approved by the Committee for Accreditation of Trainings at the Republic Institute for Social Protection, and trainings registered with the Chamber of Social Protection (without a knowledge check). There is **no obligation** to attend trainings of a certain content, so neither are the trainings related to GBV towards women and DV, and they are (most often) not marked as basic and specialized. In addition, experts from the social protection system are still **not trained** to understand the dynamics of violence in an intimate partner relationship, especially to recognize coercive control and to understand post-separation violence, risks for the safety of women and children, and most often there is no understanding of the harmful consequences witnessing domestic violence has on children, which is why they do not take measures within their jurisdiction or undertake equal interventions (corrective supervision) towards both parents⁵⁶. The fact that experts from the social protection system show a tendency to **transfer** their responsibilities in assessing parental competence and the best interests of the child in complex situations of domestic

⁵³ Report on the achievement of gender equality in the Republic of Serbia for 2022, Ministry of Human and Minority Rights and Social Dialogue, available (in Serbian) at: <https://minljmpdd.gov.rs/dokumenta/izvestaji/> pg. 79-80.

⁵⁴ The activities of the Ministry of Justice were carried out within the project "Integrated response to violence against women and girls in Serbia III" implemented by the Coordinating Body for Gender Equality with UN agencies. (UNDP, UN Women, UNICEF i UNFPA).

⁵⁵ Ignjatović, T. (2020). Assessments of the Centers for Social Work on the Consequences, Security Risks and Recovery Needs of Children Witnesses of Violence in Parental Relationships *TEMIDA*, 23(3), pg. 307-332 DOI: <https://doi.org/10.2298/TEM2003307I>

⁵⁶ Ibid.

violence to court experts in the field of mental health (who are usually **not** specialized in assessments in family disputes) indirectly indicates insufficient knowledge and lack of specialization.

Experts in the social protection system are also exposed to training **on contradictory concepts** that ultimately lead to the neglect of domestic violence (or labeling it as "conflict", "high-conflict" divorce and the like) and focusing on concepts such as "parental alienation" or "equal parenting"⁵⁷. This is strongly contributed by trainings on these concepts accredited by the Republic Institute for Social Protection (at least four on the concept of "child alienation from parents"⁵⁸), as well as those reported to the Chamber of Social Protection. It should be said that the Catalog of accredited training programs also contains a **significant number of trainings on domestic violence** (eight programs in the category of support for children and young people, including training on violence in intimate partner relationships of young people, on digital violence, sexual abuse of children and child marriage; three trainings in the category of programs for the elderly; one training in the category of programs for people with disabilities; and 11 trainings in the category of programs for family support). Among these programs are two trainings on **mediation** between the victim and the offender, as well as training on **mediation** in family disputes, but from the content of the training summary it cannot be concluded whether mediation is excluded in the case of domestic violence or GBV against women.

The Republic Institute for Social Protection in its summary annual reports on the work of Centers for Social Work in 2022⁵⁹(the report for 2023 is not yet available) only states that 1,297 professionals attended accredited professional development programs in the social protection system⁶⁰ (which is 24.5% more compared to the previous year), but it is not stated which programs are in question, and with what frequency the employees attended training.

In the Report on the achievement of gender equality in the Republic of Serbia for the year 2022⁶¹, the data of the Chamber of Social Protection on the realization of training without a knowledge check concerning GBV towards women and DV, of which there were 14 with the participation of 247 professional workers (in addition, 22 round tables with 322 students; 6 forums with 195 participants; one national conference with 66 participants and two international conferences with 333 participants. In the same year, the Chamber of Social Protection implemented a training on the topic "Improving intersectoral cooperation – implementation of the Law on Prevention of Domestic Violence" in which 150 representatives of competent institutions participated, 68 from Centers for Social Work.

⁵⁷ Analysis report in preparation for press (Ignjatović, T., Pavlov, T., Lukić, M. (2024). *Domestic violence hidden behind the concept of "alienation from parents": Analysis of court proceedings related to trust and maintaining personal contacts of children with another parent*. Belgrade: Autonomous Women's Center - in preparation for press).

⁵⁸ Republic Institute for Social Protection, Catalog of accredited training programs, available (in Serbian) at: <https://www.zavodsz.gov.rs/sr/akreditacija/katalog-akreditovanih-programa-obuke/>

⁵⁹ Republic Institute for Social Protection, Report on the Centers for Social Work for 2022, available (in Serbian) at: <https://www.zavodsz.gov.rs/media/2572/izvestaj-o-radu-csr-u-2022-godini.pdf>

⁶⁰ In 2022, in all CSW professional jobs were performed by 1,671 permanent employees (1,080 case managers, 112 supervisors, 103 workers who are both managers and supervisors and 376 workers who performed other professional jobs, of which 61 .4% of lawyers).

⁶¹ Report on the achievement of gender equality in the Republic of Serbia for 2022, Ministry of Human and Minority Rights and Social Dialogue, pg. 84.

In the health care system, continuous education of health workers and professional associates is organized, but **there is no** publicly available report on the number of trainings, type of services and number of participants in trainings, basic or specialized, concerning GBV towards women or DV. The Ministry of Health **did not submit** data for the Report on the achievement of gender equality in the Republic of Serbia for either 2021 or 2022⁶².

As for the education system, the Ministry of Education in the Report on the achievement of gender equality in the Republic of Serbia for 2022⁶³ states that the new Catalog of professional development programs for teachers, educators and professional associates (for 2021-2024) contains four accredited programs on gender equality and seven programs with topics on discrimination. In the period from 2020-2022, 800 educators from primary and secondary schools and 60 from preschool institutions received training on recognizing and taking measures related to discrimination in the educational environment, and it is said that activities were carried out in the schools on the topic of horizontal education of teachers about gender equality (the number of participants in trainings on gender equality was **not specified**, and the number of trainings on GBV towards women and girls and DV was **not mentioned** either). It also states the implementation of the Preferential Framework of Competences for Democratic Culture of the Council of Europe (CEC), so that in 2022, 20 new advisors-external associates were hired for the implementation of this program in schools and 937 teachers and professional associates were trained (759 women and 178 men).

12. Although specialized women's organizations that provide support to women and children who have experienced violence have considerable expertise in the field, they are **not included** (and their knowledge is not integrated) in training conducted by competent state authorities. Some of the specialized organizations have accredited training in the system of social and/or health care and education, and these trainings are implemented with project funds or engagement by foreign organizations that implement GBV prevention programs for women and DV in Serbia. **For the first time** since the AWC began to implement basic and specialized training on DV, the Ministry of the Interior **did not approve** the participation of police officers in those trainings (in 2022 in Belgrade and Niš, without explanation, and in 2024 in Kragujevac, apparently because the number staff due to annual vacations).

Article 16: Preventive intervention and treatment programmes

13. In 2015, the National Network for Work Programs with Perpetrators of Domestic Violence – OPNA was formed in Serbia. There is no membership information on the website and no annual work reports on its internet presentation⁶⁴.

⁶² *Ibid.* pg. 28.

⁶³ *Ibid.* pg. 33-45.

⁶⁴The OPNA Network website is available only in Serbian, at: <https://opna.org.rs/page7.html>

In the Report on the achievement of gender equality in the Republic of Serbia for the year 2022⁶⁵, it is stated that the Program for working with perpetrators of violence has been prepared, together with a manual for future providers of this service, which is **accredited** by the Republic Institute for Social Protection, and from its title⁶⁶ and summary its orientation towards the safety of the victim transpires. It is stated that the program "is fully compliant with the Council of Europe Convention on preventing and combating violence against women and domestic violence, international standards (such as the standards of the European network for working with perpetrators of domestic violence) and good practices in this area." Also, the authors of the training program point out that it provides complete instruction for work, guidelines and materials for conducting 27 group sessions within the program (training duration is 64 working hours).

In the same report, the Ministry of Justice reported that in penal and correctional institutions, the "Treatment Service has been implementing anger control and assertive communication programs aimed at perpetrators of criminal acts of domestic violence, participants in fights and perpetrators of other criminal acts of domestic violence." The Ministry stated that the Institutions organize systemic family psychotherapy for convicted persons, in which their family members are also involved (and convicted persons have the opportunity to participate in specialized programs related to individual and group work with drug and alcohol addicts).

There is **no data** on the training of the implementers of this program, nor on the number of perpetrators of violence who have undergone this training. In the report *Programs for offenders in the Western Balkans - Mapping existing practices and further development, Summary, Serbia*⁶⁷ states that programs in Serbia differ in terms of practice and compliance with the Istanbul Convention, and that **not enough has been done** to ensure the quality of work with offenders (existing standards have not been adopted) and that **there is no** systematic program evaluation (except for project initiatives of non-governmental organizations). It is emphasized that in Serbia there is a pilot initiative for special programs in the prison context, but there are no special programs for sex offenders, nor a special approach or program for other types of offenders. In relation to **improving accessibility**, the report makes recommendations in the direction of more stable funding, increasing the number of available services, developing specific programs for different types of offenders and programs in prisons, developing and adopting national standards and mechanisms for monitoring program implementation and establishing an evaluation system.

⁶⁵ Report on the achievement of gender equality in the Republic of Serbia for 2022, Ministry of Human and Minority Rights and Social Dialogue, pg. 80 and 88.

⁶⁶ The program is called RESTART - training of professionals to implement a program of work with perpetrators of violence based on victim safety, a summary of the training is available (in Serbian) at: <https://www.zavodsz.gov.rs/media/2478/restart-pocinioci-nasilja.pdf>

⁶⁷ Jovanović, S. & Vall, B. (2022). Perpetrator Programmes in the Western Balkans; Mapping the Existing Practices and Ways Forward Executive summary Serbia Berlin: The European Network for the Work with Perpetrators of Domestic Violence (WWP EN). The research included 26 programs for perpetrators and 21 survivor support services in Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia. Available (in Serbian) at: https://www.work-with-perpetrators.eu/fileadmin/wwp/What_we_do/Research/STOPP_-_Perpetrator_programmes_in_the_Western_Balkans/WWPEN_STOPP_ExecSum_SRB_220614_web.pdf

The same report also states that the **levels of cooperation** with victim support services are higher when programs are set up by non-governmental organizations, and that in Serbia this cooperation is **limited** to a few cities and that it needs to be strengthened, as well as that the establishment of clear procedures for contact and support for survivors (that existing programs should review their practices, develop and implement procedures for contacting survivors in each case).

It further points out that the identified **risk assessment and management practices** are an area of concern, as most of the mapped programs **do not have standardized risk-related procedures** applied in every case (either standardized risk assessment tools are not used, or survivor perspectives are not included, or psychological testing and instruments are used instead of more comprehensive risk assessment procedures, or they rely on the risk assessment of other actors, ignoring the dynamic nature of risk). It is also pointed out that there is an urgent need to **improve the gender perspective** and implement minimum standards of practice.

Analyses of court practice also show that experts, including forensic experts in the field of mental health, do not sufficiently take into account security risks and consider that the completion of a program for perpetrators of violence is **sufficient confirmation** that there has been a change in the behavior and attitudes of the perpetrator of violence, contrary to the victims' allegations that violent behavior is currently continuing. Thus, in one case where the woman points to the current accusations and threats of the partner uttered in front of the children, the experts answer "that one isolated event cannot be observed for itself, but rather it is viewed in context, the fact that he successfully underwent treatment for violence means that he has made an insight into his behavior, that he saw others and that he learned a lot and established control [...], there was a shift and it is not easy to suddenly cut it after a certain way of life, but in six months there was an improvement and you need to give it time". The Autonomous Women's Center submitted to the Constitutional Court an initiative for the assessment of constitutionality and compliance with confirmed international agreements, art. 58 and 77 of the Law on Gender Equality, adopted in 2021.

Chapter six of the Law on Gender Equality ("Prevention and suppression of gender-based violence") provides for specialized support services for victims of violence. In accordance with the provisions of contested art. 58 of this Law, **financial means for specialized services to support victims** of gender-based violence from art. 55 of the Law are obtained from the budget of the Republic, the autonomous province and the budget of local self-government units, with the provision that the services referred to in Article 1, point 2) and point 4), i.e. **safe accommodation for women victims of violence and their children in safe houses and shelters**, as well as **providing free support to victims of sexual violence**, are obtained from the budget of local self-government units, and these provisions **begin to be applied from January 1, 2024**.

Within the same chapter of the Law, **programs for persons who have committed violence are foreseen**, and the **financial means for these programs are obtained from the budget of the Republic of Serbia**, and their **implementation begins on January 1, 2022**.

At the same time, art. 2 of the Law ("Protection of Acquired Rights") stipulates that the provisions of this Law cannot be interpreted or applied in a way that limits or diminishes the achieved level of human rights in the field of gender equality that derives from the Constitution, confirmed international treaties, generally accepted principles of international law, laws, as well as the legislation of the European Union on gender equality.

AWC is of the opinion that the provisions of art. 58 and 77 of the **Law are in contradiction with the provisions of the Constitution** of the Republic of Serbia, namely art. 3, art. 18, art. 20, art. 21, art. 36, art. 68 and art. 69, as well as being in **contradiction with already confirmed international treaties**, primarily with the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Council of Europe Convention on preventing and combating violence against women and domestic violence, and also the UN Convention on the Elimination of All Forms discrimination against women. **The established various sources of funding and different deadlines for the entry into force of legal provisions for programs and services provided to perpetrators of violence, i.e. victims of violence, provide convenience in favor of one group of persons - perpetrators of violence** as persons who violate the law, does not satisfy the condition of constitutionality from the aspect of constitutional guarantee of the rule of law, legal equality and prohibition of discrimination and other mentioned provisions of the Constitution, therefore AWC proposes that the Constitutional Court initiate a procedure for evaluating the constitutionality of the mentioned articles⁶⁸.

The AWC believes that the implementation of the program of work with perpetrators of violence in the Centers for Social Work (CSWs), which is the most important assessment body in Family Law litigation, calls into question the impartiality of the staff who implement these programs and can potentially represent a conflict of interest (in relation to the assessments of that body, services that the authority provides or to which it refers victims of violence and their children). Therefore, such a service would have to be provided exclusively outside the CSWs, in a separate organizational unit or by an independent provider. The position of the AWC is that referral to this service should in no way interfere with the imposition of emergency measures and victim protection measures (to be an alternative to these measures), nor to condition victims in any way (to avoid emergency measures from the Law on Prevention of Domestic Violence, to give up lawsuits for protective measures under the Family Law, or to participate in alternative procedures, mediation, psychoeducation or psychotherapy). The treatment of perpetrators of violence should not be one of the measures to protect victims from violence (which it essentially is not) because it cannot guarantee the victim's safety, nor can the victim or the court know whether the treatment is appropriate for each perpetrator. Any changes to the law that would regulate this service should not only be made based on the proposals of the service providers, but also with the active participation of women's organizations that provide services to victims/survivors of violence. The funding of these services should not in any way reduce financial resources for specialized support for victims of violence and their children (by creating differences in the sources of funding).

⁶⁸ The AWC initiative is available only in Serbian, at: https://www.womenngo.org.rs/images/vesti_2023/24.1.2023-Dopis_Ustavnom_sudu-Inicijativa_zao_cenu_ustavnosti.pdf

In the state report for art. 16. (question 13, p. 47) it is stated that AWC has accredited the training program "Work with violent perpetrators in Centers for Social Work". The content of this seminar does not refer to psychosocial or psychotherapeutic treatment of perpetrators of violence, but to assessments and interventions undertaken by Centers for Social Work in the actions of that body or in court proceedings.⁶⁹

Article 18: General obligations

15. In Serbia, **there were no significant changes** in laws or by-laws that regulate multi-agency cooperation mechanisms, structures or measures, and no new or specific mechanisms were created. The *Law on Prevention of Domestic Violence* (2016) established Coordination and Cooperation Groups (Articles 25-27). The cooperation of competent institutions is also foreseen for a series of related criminal acts listed in art. 4 of this Law⁷⁰, **but does not include** all acts of GBV against women that are covered by the Istanbul Convention. The Council for the Prevention of Domestic Violence (formed in accordance with Article 35 of the Law), chaired by the Minister of Justice, and composed of representatives of competent state and provincial authorities (ministries and secretariats), is responsible for monitoring and proposing measures to improve multisectoral cooperation. However, Council meetings are **rare** (most often once a year), its composition changes relatively often (due to frequent extraordinary elections), and from publicly available announcements it is not possible to conclude what the previous proposals were for improving multi-agency cooperation.

The Council for Suppression of Domestic Violence has initiated the development⁷¹ of a new *General Protocol on handling and multi-sector cooperation in situations of gender-based violence against women and domestic violence* (adopted on March 29, 2024), which elaborates in more detail the legal obligations of state bodies and institutions in detecting and suppressing of gender-based violence against women and domestic violence and the provision of protection and support to victims, and is

⁶⁹ These are topics about the characteristics of perpetrators, avoiding responsibility, benefits from a culture of inequality, procedures for identifying and determining violence in CSWs, conducting interviews with perpetrators, informing about measures, sanctions and consequences, social interventions towards perpetrators of violence, filing criminal charges, corrective supervision, submitting proposals to the court in connection with parentage, deprivation of parental rights, the imposition of protection measures against domestic violence, as well as the safety of social workers when working with perpetrators.

⁷⁰ This law also applies to cooperation in preventing domestic violence (Articles 24-27) in criminal proceedings for criminal acts: 1) persecution (Article 138a of the Criminal Code); 2) rape (Article 178 of the CC); 3) libel against an incapacitated person (Article 179 of the CC); 4) abuse of a child (Article 180 of the CC); 5) bribery by abuse of position (Article 181 of the CC); 6) illicit sexual acts (Article 182 of the CC); 7) sexual harassment (Article 182a CC); 8) pimping and facilitating sexual intercourse (Article 183 of the CC); 9) mediation in prostitution (Article 184 of the CC); 10) showing, obtaining and possessing pornographic material and exploiting minors for pornography (Article 185 CC); 11) inducing a child to attend sexual acts (Article 185a CC); 12) neglect and abuse of a minor (Article 193 of the CC); 13) domestic violence (Article 194 of the CC); 14) failure to provide maintenance (Article 195 of the CC); 15) violation of family obligations (Article 196 of the CC); 16) defilement (Article 197 of the CC); 17) human trafficking (Article 388 of the CC); 18) other criminal acts, if the criminal act is a consequence of domestic violence. This law also applies to the provision of protection and support to victims of criminal acts from paragraph 1 of this article (hereinafter: criminal acts defined by this law).

⁷¹ The preparation of the document was financed by UN Women, by paying the expert who drafted it, and it is not known whether the process was participatory, and did not include the participation of specialized women's organizations.

based on the model of multisectoral cooperation established by the Law on Prevention of Domestic Violence and is harmonized with current regulations. However, **there is no data** on the implementation of the General Protocol (which prescribes that the special protocols which more closely regulate the actions of each of the competent bodies and constitutions be adopted within a period of one year from its adoption). It is positive that the General Protocol **apostrophes the participation** of specialized women's organizations in several segments: informing victims about the services provided by the organizations (item 7.6); consideration of the case during the preparation of the meeting (7.8.2.); participation in a meeting with the victim (who is a user of the organization's services) (7.8.4.); by including services provided by specialized women's organizations in individual protection and support plans (7.8.5).

The new *Strategy for preventing and combating gender-based violence against women and domestic violence for the period 2021-2025* in special objective 2: Ensured efficient and effective protection of victims and established available and adequate general and specialized support services for victims, also distinguishes between these two types of services and foresees measures for their establishment, as well as indicators of results (items 2.3. and 2.4.), but as already mentioned, an Action Plan for its implementation was never drawn up, which means that appropriate budget funds were not allocated, and there is no report on the achievement of the planned indicators of results.

Regarding the obligation to consider cases from Art. 4 of the Law on Prevention of Domestic Violence at the meetings of Coordination and Cooperation Groups, until August 2023 **there was no record** of those activities. In 2023 (from August to the end of the year), according to the report of the Supreme Public Prosecutor's Office (which was obtained by the AWC upon request for access to information of public importance), there were a total of 105 cases of criminal offenses before the Coordination and Cooperation Groups (at 40 meetings) Art. 4 (68 newly registered). Emergency measures were extended in 100 cases, 32 individual protection and support plans were drawn up, and only 11 victims attended the Group meetings. In the first six months of 2024, the same source reports that (at 45 Group meetings) a total of 133 cases of criminal offenses from Art. 4 (90 newly registered), that emergency measures were extended 136 times, there were no lawsuits for protection measures (according to the Family Law), 31 individual protection and support plans were drawn up, and only one victim attended the Group meetings. However, it is not possible to conclude from the data **which criminal acts** were discussed, and it is quite certain that **not all reported acts were considered** from the list of criminal acts from Art. 4 of the Law, not even all acts in which investigative and evidentiary actions⁷² were conducted. The data also indicate that the practice of considering criminal offenses

⁷² In the report prepared by the AWC on the basis of information received from the Supreme Public Prosecutor's Office upon request, in the period August-December 2023, investigative and evidentiary actions were conducted for 193 acts of persecution, and charges were brought in 32 cases, while investigative and evidentiary actions in the case of reports of sexual harassment conducted in 95 cases, and accusations were filed in 25 cases. It is similar in the first six months of 2024, when investigations were conducted in 243 cases of stalking and 113 cases of sexual harassment (charges were brought in 39 cases of stalking and 30 cases of sexual harassment). On the example of these two criminal acts, it is clear that the Groups did not consider all the cases in which the investigative procedure was carried out, in order to consider the circumstances multi-disciplinary, assess the risks and create individual protection and support plans for GBV victims towards women.

from Article 4 of the Law is **uneven**, that only a dozen basic public Prosecutor's Offices in Serbia have it, while the vast majority of groups still consider **exclusively** reports of domestic violence.

15a. The meetings of the Coordination and Cooperation Group must be attended by the Public Prosecutor of the Basic Public Prosecution (the Public Prosecutor of the Higher Public Prosecution when the case under the jurisdiction of that body is considered), who chairs the Group, a representative of the police and a representative of the Social Welfare Center. According to the Law on Prevention of Domestic Violence, art. 25, paragraph 4, the meetings of the Groups "can be attended, if necessary, by representatives of educational, educational and health institutions and the National Employment Service, representatives of other legal entities and associations and individuals who provide protection and support to victims". **There is no information** on whether and in what number other competent authorities and institutions, outside of the permanent composition, attended these meetings. In the Special Report of the Protector of Citizens on the work of Coordination and Cooperation Groups under the jurisdiction of the Higher Public Prosecutor's Office in Niš (2022)⁷³, it is stated: "Just like victims, representatives of other institutions and organizations are not invited to attend the consideration of a case about which they have knowledge or can provide assistance and support" (item 3.6, p. 19). In the previous Special Report of the Protector of Citizens on the work of groups under the jurisdiction of the Higher Public Prosecutor's Office in Belgrade (2020), the participation of representatives of the National Employment Service and the Clinic for Psychiatric Diseases in the meetings (in the analyzed month) was recorded (item 3.6. p. 18), but it is clear that this is not the practice of all groups, especially not in the territory of the whole of Serbia.

15b. **There is no information** on whether the Coordination and Cooperation Groups include specialist support services provided by civil society organizations, especially women's rights organizations, because **there is no record** of the content of the individual protection and support plan (which is an obligation from the Law, art. 32, para. 7), because proper records have not been established in CSW, which are responsible for collecting such data. **There is no data either** on whether the representatives of the organizations are invited to participate in the meetings of the Coordination and Cooperation Group, where the cases of their beneficiaries are discussed, nor on whether the victims are referred to the services of specialized organizations. AWC's experience is that when the organization initiates the participation of its representative and the victim of violence who is being represented, they are usually invited, but not always, and then the AWC service is included in the individual plan. However, this rarely, if ever, happens in the smaller places where women's organizations from the *Women Against Violence* Network are active⁷⁴.

⁷³ *Special report of the Protector of Citizens on the work of groups for coordination and cooperation in the area of the Higher Public Prosecutor's Office in Niš, 2022.* (Available at: <https://www.ombudsman.rs/attachments/article/7518/Posebna%20izvestaj.pdf>);

Special report of the Protector of Citizens on the work of groups for coordination and cooperation in the area of the City of Belgrade, 2020. (Available 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>).

⁷⁴ List of Women's NGOs in Serbia who render individual support to women who have survived male violence, <https://www.zeneprotivnasilja.net/en/about-us/list-of-ngos>

15c. There is no data on whether the members of the Coordination and Cooperation Group adopt a gender-sensitive approach to violence against women, including the prioritization of the safety of women and girl victims, their empowerment and a victim-centered approach. There is **insufficient** specialized training that would increase the understanding of the gendered nature of violence, as well as the traumatic experience of the victim and the importance of empowerment and a victim-centered approach. There are cases of violence in a partner relationship in which the police issue an order for emergency measures to **both parties**, which the prosecution proposes to extend, and the court makes a decision on the so-called by mutual extended emergency measures (30 days), as if both parties were both the perpetrator and the victim of violence at the same time. Sometimes such decisions are made without a separate assessment of security risks (that is, without two lists of assessed risks, for each party individually, which points to a misunderstanding of the gender aspects of violence, as well as the dynamics of relations and power, and with intolerance towards the victim's defensive activities. From the data received from the Higher Public Prosecutor's Office at AWC's request, it is impossible to conclude how many "mutual measures" are involved, because **some** Basic Public Prosecutor's Offices **do not keep gender-sensitive** records on the kinship relationships of the perpetrator and the victim of violence.

When it comes to prioritizing the safety of victims, it is clear from the available data that **the most common form of protection** is the application of emergency (48h) and extended emergency measures (30 days) in cases of domestic violence (short-term protection). The number of ex officio proposals for protection measures against domestic violence (Family Law; protection measures that can last up to one year, with the possibility of extension) is extremely small (e.g. in 2023, Basic Public Prosecutor's Offices filed only 291 lawsuits for protection measures from domestic violence, although in the same year there were 20,900 proposals for extending emergency protection measures against domestic violence)⁷⁵.

As to **empowering** victims, there is **no data** on measures taken from individual protection and support plans. It is worth mentioning the **positive example** of the six Basic Prosecutor's Offices responsible for dealing with 17 municipalities in Belgrade⁷⁶, who invite representatives of the National Employment Service to special meetings, once a month, in connection with employment mediation for victims of domestic violence. CSW and AWC⁷⁷ representatives regularly participate in these meetings, and other needs of victims are sometimes addressed, especially if they interfere with employment (such as health needs, child care, financial support, legal support, housing issues, etc.).

⁷⁵ Overview of the ratio of reports, emergency and extended protection measures and protection measures (Family Law) for domestic violence in the period 2018-2023. Available at: <https://www.womengo.org.rs/en/policy-activities/advocacy/2233-2024-awc-the-twelfth-report-on-the-implementation-of-the-law-on-the-prevention-of-domestic-violence-in-2023-has-been-published>

⁷⁶ This practice was established by the Second Basic Public Prosecutor's Office in Belgrade at the initiative of prosecutor Milica Ljubičić, and developed and expanded by the Higher Public Prosecutor's Office in Belgrade to all six Prosecutor's Offices, initiated by the coordinator for gender-based violence Gorjana Mirčić Čaluković, who was engaged in that Prosecutor's Office until August in 2023.

⁷⁷ AWC made a significant contribution to the understanding of trauma and its impact on the victim's ability to accept certain types of violence, as well as in the preparation of Guidelines for Action, in order to standardize the practice in all municipalities, which is certainly an example of the usefulness of the participation of a specialized women's organization in representing the rights and needs of the victim GBV against women.

During 2023, in the area of the City of Belgrade, **71 victims of domestic violence were employed** through the mediation of such meetings, out of a total of 425 considered cases of unemployed victims (nine were male), while 278 victims underwent retraining or retraining programs for employment⁷⁸. Unfortunately, this practice (although presented to other Higher Public Prosecutors in Serbia) **was not applied** in other places in Serbia, nor was it recommended by the Council for Suppression of Domestic Violence (although this activity is in accordance with Article 25 and Article 31 par. 3 of the Law on Prevention of Domestic Violence).

As stated in the response under 15, other acts of GBV against women are rarely reviewed at Coordination and Cooperation Groups, so there is little information on whether and what kind of protection and support these victims receive.

15d. There are no (publicly available) data on the amount of financial and human resources dedicated to implementing multi-agency co-operation mechanisms, but the mentioned activities are performed within the regular work of the responsible representatives of the competent institutions (in addition to all the other activities they perform), which contributes to their work overload and exhaustion. **The insufficient number of employees** in the public sector (due to the long-term ban on employment) and the long-term organizational crisis are also factors that put a heavy burden on the people who act in these cases.

15e. There is no data on the evaluation of the outcome or impact of the planned and implemented measures, although the plan must specify the **deadline for verification/assessment**, and the so-called current cases are looked into at the meetings of the Coordination and Cooperation Group. From the publicly available announcements of the Council for Suppression of Domestic Violence, **it is not possible to conclude** whether this body was engaged in evaluation of the outcome or impact, as well as whether it undertook measures to improve actions and cooperation based on data on the implementation of the Law.

16. None of co-operation mechanisms or structures **have been set up** for the delivery of support services for a specific form of violence covered by the Istanbul Convention (based on a legal or policy document), except for the mechanisms for domestic violence.

17. The one-stop-shop approach has not been established for protection and support services in relation to any form of GBV against women. And in safe houses/shelters for victims of violence, in addition to accommodation, several (from three to seven) different services can be obtained, such as: psychological assistance and support, counseling support (individual and group), legal support, representation in court, economic empowerment, psychological and psychotherapeutic support for children and learning support, creative and educational workshops for women and children, in some special forms of support adapted to women with disabilities⁷⁹.

⁷⁸ Higher Public Prosecutor's Office in Belgrade, available in Serbian at : <https://beograd.vjt.rs/saopstenja/saopstenje-462/>

⁷⁹ *Specialized service, Safe houses in Serbia, needs, capacities and means for stable, long-term and smooth functioning* (2022), project "Safety of women and girls in public space", UN Women in Serbia, in cooperation with the Coordinating Body for Gender Equality of the Government of the Republic of Serbia and the Ministry of Labour, Employment, Martial

Article 20: General support services

18. It cannot be said that there are systematically implemented programs and measures aimed at ensuring, through general services, the recovery of victims of violence, including in the health and social areas, financial assistance, education, training and assistance in finding employment and affordable and permanent housing, and that they function in the territory of the whole country, responding to the needs of victims of GBV towards women and DV. **Individual measures and services** are regulated by legal or sub-legal provisions of each of the included systems. Assessment and planning of such measures and services is the responsibility of the Center for Social Work according to the Law on Social Protection (Official Gazette of the RS, No. 24/2011 and 117/2022 - decision of the US, Art. 43, 119-122), as well as the Group for coordination and cooperation (Law on Prevention of Domestic Violence, Art. 31). CSWs provide some of the services (financial social support, one-time financial assistance, counseling, legal support and filing lawsuits) or refer to providers in the community (when it comes to placement in safe houses/shelters, free legal aid or psychotherapy counseling, etc. if there are local resources).

The annual report on the work of these institutions in 2022 (the report for 2023 is not yet available) states that they "mainly rely on their own resources"⁸⁰, which primarily means "providing material, legal or professional advisory support and assistance". Thus, for the year 2022, it is stated that the CSWs in Serbia initiated 21,693 procedures for adults and 5,148 procedures for minor victims of domestic violence (in that year, 38,896 reports of domestic violence were registered). **There is no information** on whether these minor and adult victims of domestic violence were related, or from how many families they came from.

Among the mentioned measures for the protection of victims in the proceedings of the CSWs in Serbia in 2022, 472 children were separated from their families (69 more than in 2021) and 402 adult victims of domestic violence (57.7% more than in 2021). It is stated that 167 adult users used the accommodation service in a shelter for victims of violence, but that number refers only to licensed shelters (six out of 12). Here, too, there is **no information** on how many children and adult victims come from the same family, where they were placed, whether the children were separated from their mothers, how long they stayed outside the family and whether lawsuits were filed for protective measures. In 2022, CSWs submitted only 73 criminal reports regarding the protection of children (13 less than in 2021) and 346 criminal reports for the protection of adults from domestic violence (90 more than the previous year), and **no data** on the outcomes of these procedures, as well as whether children and adult victims come from the same families. All data refer to victims of DV.

Law and Social Affairs, table no. 30, p. 76-78. Available at: https://eca.unwomen.org/sites/default/files/2023-02/un-women-sigurne_kuce-pbp-Specialised-service-of-safe-houses-in-Serbia.pdf

⁸⁰ Republic Institute for Social Protection, Report on the work of CSWs in Serbia in 2022, p. 27, available only in Serbian at: <https://www.zavodsz.gov.rs/media/2572/izvestaj-o-radu-csr-u-2022-godini.pdf>

In the report on adult users of CSW services in Serbia (in 2022), it is stated that 5,039 users were referred to the services of other responsible institutions, but there is no information about which services are in question⁸¹. All data in CSW reports are kept **only** for DV and victims of human trafficking, but not for all other forms of GBV against women covered by the Istanbul Convention.

The situation has not changed compared to the situation at the time of the assessment for the basic GREVIO report for Serbia (para. 111), so it can be said that the serious lack of a sufficient number of employees and resources, as well as a large number of cases and responsibilities, significantly affect the possibility of application of support services, as well as their quality (which is also shown by the decline in the total number of services provided to victims by CSWs in Serbia). CSWs **do not have organized and standard cooperation** with specialized organizations that provide support to victims of GBV towards women and DV, and there is still often mistrust and disrespect for their expertise in planning and implementing support services, as well as a considerable misunderstanding of the gendered nature of violence. *Employment strategy in the Republic of Serbia for the period 2021-2026* (Official Gazette of RS, no. 18/2021 and 36/2021 - correction)⁸² **comprises affirmative measures** for the inclusion of victims of domestic violence and victims of human trafficking in active employment policy programs. Also, the *Draft National Housing Strategy for the period 2022-2032*⁸³ **recognizes** victims of domestic violence among users (but it has not yet been adopted). There are few examples of these provisions being implemented, and of CSWs mediating the establishment of these services (the same applies to Coordination and Cooperation Groups), nor is this done in a systematic way, except in rare cases (such as employment mediation in Belgrade municipalities, described in answer 15c. of this Report).

Questions specific to the public health sector

19. There is **no publicly available data** on measures that ensure that public health services (hospitals, health centers, other) respond to the safety and medical needs of women and girls- victims of all forms of violence covered by the Istanbul Convention on the basis of national/regional standardized protocols. The *Special Protocol of the Ministry of Health for the protection and treatment of women victims of violence*, established in 2010, has not been changed⁸⁴, and its application, including the model of the standard form for describing injuries, **has never been systematically and standardly implemented**. As noted in the GREVIO background report for Serbia (para. 118), there are still concerns about the **quality** of forensic documentation of injuries and the lack of referrals to competent institutions, and forensic examinations and reports **not free of charge** for victims of GBV against women and DV. The same concern regarding the **quality and gender sensitivity** of forensic findings

⁸¹ Republic Institute for Social Protection, Adults in the Social Protection System in 2022 (2023), p. 29-30, available in Serbian at: <https://www.zavodsz.gov.rs/media/2585/пунолетни-у-систему-социјалне-заштите-2022.pdf>

⁸² Strategy available in Serbian at https://www.nsz.gov.rs/live/digitalAssets/15/15855_strategija_zaposljavanja_u_rs_2021-2026.pdf

⁸³ Ministry of Construction, Transport and Infrastructure, draft available at <https://www.mgsi.gov.rs/cir/aktuelnosti/javna-rasprava-o-predlogu-nacionalne-stambene-strategije-za-period-od-2022-2032-godine>

⁸⁴ Ministry of Health, Special Protocol available in Serbian at: <https://www.sigurnakuca.net/sites/default/files/inline-files/TirkizniTekst.pdf>

and reports applies when it comes to forensic assessment of the consequences of GBV and DV on mental health, and especially when assessments (expertise) are carried out for family disputes (mentioned in the answer to questions regarding art. 31).

Health workers **are not permanent members** of Coordination and Cooperation Groups, and they are rarely invited. There is no data on how often **medical services** are part of an individual protection and support plan for victims of GBV towards women and DV. Unfortunately, the Institute for Public Health of Serbia **has stopped publishing** annual reports on cases of gender-based violence in healthcare institutions after 2020⁸⁵. However, in that year, the number of recorded cases of gender-based violence in partner relationships was only 3,282 (in the same year, the police registered 26,818 reports of domestic violence, and in more than 60% of the cases, it was a partner relationship)⁸⁶. Health institutions informed the police about 2,836 cases, and social centers welfare about 1,396 cases (p. 9). 321 GBV victims from vulnerable/deprived groups were registered (p. 21). In the same year, health institutions provided 2,487 services (table no. 2, p. 27), half of the services (50.9%) were provided in the general medicine service, a third (31.1%) in the emergency service, pediatricians treated 10% of victims (children aged 0-18), and gynecologists 6% of persons exposed to violence. The lower number of services compared to the previous year (when 3,274 services were provided) was the result of less use of health care services due to the pandemic and the state of emergency.

20. *The Special Protocol of the Ministry of Health for the protection and treatment of women victims of violence* **contains a part** related to a. identifying and confirming violence (how to ask about violence); b. how to respond to the health consequences of violence; c. documenting violence (and proposal of a form for documenting); d. ensure that a clear message of support is conveyed to the victim; e. referrals to community resources; as well as parts related to security assessment and security plan development; f. but it **does not contain** a part to identify children who may have been exposed to domestic violence or other forms of gender-based violence against women and girls and require further support. However, **there is no data** on how much this procedure is followed in practice. After the adoption of the new *General Protocol on handling and multisectoral cooperation in situations of gender-based violence against women and domestic violence* (adopted on March 29, 2024), a new Special Protocol for the health system is expected to be drawn up, so it remains to be seen what quality the new document will be.

21. An integral part of the *Special Protocol of the Ministry of Health for the Protection and Treatment of Women Victims of Violence* (2010) is the Form for Documenting Survived Violence, which is said to have great forensic and medical significance, and that health workers are **encouraged** to document violence whenever they suspect it. (i.e., filling in the form is optional). The form is intended for documenting domestic violence (contains data on physical, sexual, emotional/psychological violence), data on an objective examination, physical examination (with a

⁸⁵ Institute for Public Health of Serbia, *Report on reported cases of gender-based violence in health institutions of the Republic of Serbia in 2020*, available at: <https://www.batut.org.rs/index.php?content=2288>

⁸⁶ AWC, *The twelfth report on the implementation of the Law on Prevention of Domestic Violence*, <https://www.womenngo.org.rs/en/policy-activities/advocacy/2233-2024-awc-the-twelfth-report-on-the-implementation-of-the-law-on-the-prevention-of-domestic-violence-in-2023-has-been-published>

scheme for charting injuries), recommendations of a health worker and a final assessment. There is **no data** on whether the Centers for victims of sexual violence (in four cities in Vojvodina) have standard forms for documenting and collecting forensic evidence in relation to rape victims.⁸⁷

22. The state response is partially correct. All women victims of violence will benefit, as any other citizen or foreigner in Serbia, from the existing state-owned health care services if they possess valid health care document which proves that basic health medical insurance is being paid by themselves, their family member or the employer. If they don't own a valid health care document they have to pay for the state-owned medical care services in accordance with the costs prescribed by that state-owned health care institution. The only exception are emergency health care units which should provide medical assistance to all. In some cases, in which media reported, even that medical assistance was rejected in case of non-possessing valid health care document.

The positive side is that basic state medical insurance can be paid regardless of the employment, but for the women victims of violence who are foreigners, that is an obstacle when it comes to regulation of their residence in Serbia. They can not get independent residence status or work permit without paid basic medical insurance, for which, as victims of violence, they don't have funds. WCSOs in Serbia collect funds to pay for the cost of basic medical insurance and tax to get residence status for women victims of violence in those cases.

23. The state response is partially correct. In the *Guidelines for service providers: affordable and accessible services for women with disabilities with by the history of institutionalization*, published in 2021 by the Initiative for the Rights of Persons with Mental Disability (MDRI-S) it is stated that „women with disabilities, especially women living in social and health care institutions, are often exposed multiple discrimination, they face numerous obstacles in exercising their rights, as well as with various types of gender-based violence. Their reproductive and sexual rights are violated rights, denies the right to informed consent to certain medical measures, and to a large extent and in a number of cases they suffer partner and other forms of gender-based violence (from other user and from employees in institutions), while at the same time there is a lack of adequate protection and prevention”⁸⁸.

24. Despite the answer in the state report, consent to certain procedure is general problem of the state-owned health care medical institutions in Serbia. Statement of consent is usually one sentence at the end of doctor's medical report, signed by the doctor and not by the patient. In cases of invasive medical interventions, such as sterilization and abortion, even women and girls who do not belong to different, minority or vulnerable groups of women, if given in rare cases to sign a consent in written, in Serbian Cyrillic letters, the consent to what the woman agrees is not being explained.

⁸⁷ Center for victims of sexual violence, information available in Serbian at: <https://www.cpz.rs/service/centar-za-zrtve-seksualnog-nasilja/>

⁸⁸ Guidelines available only in Serbia at <https://www.mdri-s.org/public/documents/upload/deinsitucionalizacija/Smernice-za-pruzaoce-usluga.pdf>

The problem of obstetric violence⁸⁹ in state-owned gynecological hospitals⁹⁰ and lack of freely given consent have never been properly addressed by the relevant Ministry nor state hospital. In 2022, Serbian Medical Society organized the round table “The Use and Abuse of the Term ‘Obstetric Violence’⁹¹, stating that the that „obstetric violence is an inadequate term, because the conduct of obstetricians was defined by a code, and when in breach thereof, they faced sanctions”. There has never been a doctor in Serbia who faced sanctions not even for the death of a patient. So far, indictment was filed against doctor of gynecology in Sremska Mitrovica for the death of at least two babies during birth and violence toward pregnant mothers during those births⁹².

The research data of the „Center for moms“ on the treatment of women during births, conducted in 2015⁹³, showed that maternity hospitals in Serbia are places where pregnant women come with anxiety and give birth in an unpleasant atmosphere, where unknown people do not explain what is happening to them, nor support them during childbirth, but follow their own birth plan and make decisions for themselves. The father is almost completely excluded from the birth, and even when he attends the birth, he is present primarily as an assurance that there will be no verbal abuse of the woman in labor, and not as support and help during the birth. The situation only became worse since then⁹⁴.

Belgrade center for Human Rights, after the horrific experience of a woman during induced abortion caused by death of the fetus⁹⁵ in which case the First Basic PPO in Belgrade rejected her criminal charges two year later⁹⁶, conducted the *Analysis of the rights of women and girls during the induced abortion procedure*⁹⁷. The conclusions of this analyses are the same for any other gynecological procedure. The most important conclusions are:

1. According to data provided by the Serbian Agency for the Accreditation of Healthcare Institutions, as of 19 September 2022, only 22 healthcare institutions providing gynaecology and obstetrics services were accredited.
2. General hospitals on the territory of Vojvodina have better-quality procedures compared to general hospitals in other areas in Serbia.

⁸⁹ Examples of obstetric violence reported in the media: <https://www.france24.com/en/video/20240313-not-allowed-to-scream-serbian-women-break-silence-over-obstetric-violence> , <https://n1info.rs/english/news/protest-in-sremska-mitrovica-over-obstetric-violence/>, <https://www.errc.org/news/serbia-baby-dies-after-shocking-incident-of-obstetric-violence>, <https://www.youtube.com/watch?v=hiDZ-ZaCLE> , <https://www.nin.rs/english/news/44486/obstetric-violence-the-fight-for-life-baby-and-motherhood>

⁹⁰ Research “Treatment of women in gynecological hospitals in Serbia” is available only in Serbian at https://www.mimlegal.com/wp-content/uploads/2023/08/IZVESTAJ_AKUSERSKO_NASILJE_v_1.1.pdf

⁹¹ <https://www.nin.rs/english/news/44848/combating-obstetric-violence-with-a-fresh-coat-of-paint-how-to-restore-medical-ethics>

⁹² News available only in Serbian at <https://www.blic.rs/vesti/drustvo/lekar-optuzen-za-akusersko-nasilje-u-sremskoj-mitrovici-udaljen-sa-posla/60ym6my>

⁹³ Available only in Serbian at <https://centarzamame.rs/blog/2015/03/01/sloboda-radanju-rezultati-o-iskustvima-zena-na-porodaju-u-srbiji/>

⁹⁴ <https://direktno.rs/magazin/savremena-zena/345218/novinarka-mina-smiljanic-porodja-anesteziolog.html>

⁹⁵ Case of Milica Filipovic, <https://bebac.com/pobacaj-u-narodnom-frontu-muk-umesto-reakcije/>

⁹⁶ <https://www.danas.rs/vesti/drustvo/milica-filipovic-tuzilastvo/>

⁹⁷ Analyses available only in Serbian at https://www.bgcentar.org.rs/wp-content/uploads/2023/11/ANALIZA_Prava-zena-i-devojcica-prilikom-procedure-indukovanog-pobacaja.pdf

3. Healthcare institutions, which are simultaneously teaching centres for medical schools, have procedures which are not aligned with the latest generally accepted professional standards.
4. National Guidelines of Good Clinical Practices for the Safe Termination of Pregnancy, adopted in 2013, are implemented in Serbia, which have not been revised since adoption and which are not aligned with the latest generally accepted professional standards.
5. Out of the total of 17 secondary- and tertiary-level healthcare institutions, which submitted their procedures on induced abortion responding to the request for access to information of public importance, two healthcare institutions submitted documents titled "Procedure", which were written in the form of statement by Acting Director of the institution or Chief of the Gynaecology and Obstetrics Department, which do not contain information on whether they were approved by the Committee for Quality Control/Improvement of that healthcare institution.
6. Healthcare institutions insufficiently take into account the provisions of the Law on Healthcare and the Law on Patients' Rights relating to human rights and values in healthcare, especially the right of the patient to information, the right of the patient to consent, the right to privacy and confidentiality, and the right of the patient to the confidentiality of information about their health condition, which can be concluded from the following:
7. Healthcare institutions which perform the highest numbers of induced abortions have procedures that are not aligned with the latest generally accepted scientific standards.

Article 22: Specialist support services

25. There has been **no significant change in the situation** in the area of providing specialist support services to victims of all forms of GBV covered by the Istanbul Convention since the GREVIO report on the initial situation in this area. Standards have not been improved, **nor have enough available and geographically well-distributed specialized** support services for victims of various forms of GBV been developed, and especially not services that would respond to the needs of specific, marginalized and discriminated social groups, such as Roma women, women with disabilities, rural women, women in situations of migration and asylum seekers, foreign women and the like. Most of the services are still focused on providing support to victims of domestic violence. The specialized services provided by women's organizations with many years of experience and considerable expertise are **not integrated into the system**, and are still dominantly financed mostly by foreign donations, and very rarely in extremely low amounts (often insufficient to cover the annual operational costs of work) from the budget (more often local than national), which is also the case for organizations that have accredited services and licensed providers.

*The Law on Gender Equality (2021) is **the only law**, and the *Strategies for preventing and combating gender-based violence against women and domestic violence* for the period 2021-2025 and the new *General Protocol on handling and multisectoral cooperation in situations of gender-based violence against women and domestic violence* (2024) are the only **bylaws** that **distinguish** between general and specialized support services for victims of GBV against women and DV. However, as already stated, the Decision of the Constitutional Court of the Republic of Serbia dated 6/28/2024. (IUz-85/2021) on the initiation of the procedure for assessing the constitutionality of the Law on Gender*

Equality, the execution of individual acts or actions taken on the basis of its provisions has been **suspended** until further notice, so the further fate of this Law is unknown⁹⁸. It should be said that the Law introduced an **unjustified difference** (in the opinion of the AWC) in the method of financing specialized services, in art. 58 (for the services referred to in art. 55), by providing that the services of safe accommodation and free support to victims of sexual violence are delivered by a local self-government unit, independently or in cooperation with one or more units (and not the republican budget). However, it is known that two-thirds of local self-government units cannot provide funds for social protection services that meet the needs of their citizens. Also, the provision on the entry into force of the Law (art. 77) provides that the provisions from art. 55, par. 1, point 1) (SOS telephones) and provisions from art. 58, par. 3 and 4 (safe accommodation and free support for victims of sexual violence) enter into force **delayed**, only on January 1, 2024. Within the same chapter of the Law, programs are provided for persons who committed violence, and the financial resources for these programs are provided **from the budget of the Republic of Serbia, the implementation of which begins on January 1, 2022. Different sources of funding and different deadlines for the entry into force of legal provisions** for programs and services provided to perpetrators of violence i.e. victims of violence, have been established, benefits that are in favor of one group of persons - perpetrators of violence as persons who break the law, which is not in accordance with the constitutional guarantees of the rule of law, legal equality and the prohibition of discrimination. This is why the AWC proposed that the Constitutional Court initiate a procedure to assess the constitutionality of the aforementioned articles⁹⁹.

When it comes to the Strategy for preventing and combating gender-based violence against women and domestic violence for 2021-2025, it has already been said that **no** Action Plan for its implementation **has been drawn up**, and no budgetary funds have been allocated for the implementation of the planned measures and activities. As for the General Protocol, in defining terms among support measures, it lists general and specialized services¹⁰⁰, but does not determine guidelines and standards for dealing with specialized support services for victims of GBV towards women and DV. For now, there is a standard only for telephone helplines in the *Rulebook on closer conditions and standards for the provision of SOS telephone services for women who have experienced violence* (Official Gazette of the RS, No. 93/2015, 90/2020)¹⁰¹.

There is **no publicly available data** on the type of specialist support services dedicated to women victims of the forms of gender-based violence covered by the Istanbul Convention (e.g., stalking, sexual harassment and domestic violence, including their digital dimension, female genital

⁹⁸ Announcement from the 8th session of the Constitutional Court <https://ustavni.sud.rs/sednice-suda/saopstenja-sa-sednice-suda/saopstenje-sa-8-sednice-ustavnog-suda-odrzane>

⁹⁹ The AWC initiative is available at: https://www.womenngo.org.rs/images/vesti_2023/24.1.2023-Dopis_Ustavnom_sudu-Inicijativa_za_ocenu_ustavnosti.pdf

¹⁰⁰ It stipulates the following: Provision of information to victims about general and specialized support services in the community (7.6); when planning (creating an individual protection and support plan) the inclusion of services from specialized women's organizations, as well as the necessity of having specialized personnel for dealing with acts of rape and sexual violence due to the traumatic nature of these acts (7.8.5.).

¹⁰¹ The changes made in 2020 by the competent Minister set unnecessary standards in relation to the number of staff (as if they were Centers for Social Work), which most specialized women's organizations cannot achieve.

mutilation, forced marriage, forced sterilization, forced abortion). Available specialized support services are mainly intended for victims of **domestic violence**.

Data on specialized services are available for:

a. shelters and/or other forms of safe accommodation - four shelters for victims of violence are licensed (with a total capacity of 66 victims)¹⁰². However, safe houses/reception centers operate in 12 cities, 11 safe houses can accommodate 178 beneficiaries, which is significantly lower than the recommended standard¹⁰³ and their territorial distribution is not appropriate (at least nine administrative districts in Serbia do not have a safe house). The service is not available to all women who have experienced violence. In 2022 there was a decrease in the number of functional safe houses and a decrease in the number of available shelters compared to 2018, when Serbia submitted a report for the GREVIO basic assessment¹⁰⁴

g. telephone helpline - six telephones have been licensed¹⁰⁵. The only SOS telephone that is financed from budget funds is the National SOS telephone opened in the Center for the Protection of Infants, Children and Young People (a public institution), while the SOS telephones of specialized women's organizations are still financed mainly with funds from foreign donations. The National SOS telephone refused to provide data on its work at the request of the AWC under the law on free access to information of public importance, stating that the data is made public. However, the last publicly available report on the work of the National SOS telephone is from the first half of 2021,¹⁰⁶ and it states that in the first half of the year there were 1,600 calls together with testing ones, and that there were only 352 conversations about violence (22% of the number of calls)¹⁰⁷. The summary report on the activities of licensed WCSOs SOS telephones in 2022 (the report for 2023 was not published) states that the number of calls was 15,658, and the number of users was 2,710¹⁰⁸. The data show that women who have experienced violence still contact the SOS phones of women's non-governmental organizations more often than the National SOS phone.

¹⁰² Data from the website of the Ministry of Labour, Employment, Veterans and Social Affairs - Social protection services (list of licensed providers - the list of licensed shelters for victims has not been updated since 2022, so the reports of the Republic Institute for Social Protection mention that only six shelters are licensed), available in Serbian at: <https://www.minrzs.gov.rs/sr/dokumenti/predlozi-i-nactri/sektor-za-brigu-o-porodici-i-socijalnu-zastitu/usluge-socijalne>

¹⁰³ In 2020, the estimated number of inhabitants in the Republic of Serbia was 6,945,235, which means that according to the standards of the Council of Europe, about 690 places would be needed.

¹⁰⁴ *Specialized service, Safe houses in Serbia, needs, capacities and means for stable, long-term and smooth functioning (2022)*, project "Safety of women and girls in public space", UN Women in Serbia, in cooperation with the Coordinating Body for Gender Equality of the Government of the Republic of Serbia and the Ministry of Labour, Employment, Veterans and Social Affairs, p. 32-38, Table no. 5, 76-78. available at: https://eca.unwomen.org/sites/default/files/2023-02/un-women-sigurne_kuce-pbp-Specialised-service-of-safe-houses-in-Serbia.pdf

¹⁰⁵ Data from the website of the Ministry of Labour, Employment, Veterans and Social Affairs - Social Protection Services (list of licensed providers; list of licensed SOS telephones has not been updated since 2023), available in Serbian at: <https://www.minrzs.gov.rs/sr/dokumenti/predlozi-i-nactri/sektor-za-brigu-o-porodici-i-socijalnu-zastitu/usluge-socijalne>

¹⁰⁶ Semi-annual report on the work of the National SOS telephone for women with experience of violence for the period Jan.1- June 30, 2021, available at:

<https://zvecanska.org.rs/?tag=%d0%b8%d0%b7%d0%b2%d0%b5%d1%88%d1%82%d0%b0%d1%98-%d0%be-%d1%80%d0%b0%d0%b4%d1%83-2021>

¹⁰⁷ In comparison, in the same year (2021) for the whole year AWC had 4,490 calls (from 829 women) of which 46.3% were information calls and 53.7% calls for providing psychosocial support. The AWC SOS telephone is available only at 10 a.m. on weekdays (while the National SOS telephone is available 24/7).

¹⁰⁸ Republic Institute for Social Protection, Adults in the Social Protection System in 2022 (2023), p. 22, available in Serbian at: <https://www.zavodsz.gov.rs/media/2585/пунолетни-у-систему-социјалне-заштите-2022.pdf>

The establishment of the national SOS phone significantly reduced the budget funding of similar services of women's non-governmental organizations (as shown by the data analysis in the period 2019-2021). In 2019, all women's organizations in Serbia that have an SOS telephone service (and they provided 12,340 services) received from public funds an amount that is only 4.7% of the amount that the National SOS telephone received in the same year (and provided 3,478 services¹⁰⁹). It is particularly worrying that local governments finance organizations that do not have enough knowledge or credibility to provide SOS telephone services. Such a case was recorded in 2022 in Leskovac, when 250,000 dinars were allocated for an SOS telephone for victims of violence to an association whose legal representative was legally convicted of domestic violence, although in that city, ever since 2005, "Women for Peace", a women's organization, has been providing support to women and children who have experienced violence¹¹⁰.

There is **no publicly available information** that specialized services have been established: b. medical support; c. short- and long-term psychological counseling; d. trauma care; f. outreach services; or h. other forms of support (e.g., socio-economic empowerment programs, online assistance platforms etc.) for different forms of GBV towards women and DV.

When it comes to the Centers for victims of sexual violence (in four cities in Vojvodina), it is stated that they provide: immediate medical treatment of injuries; preparation and support for medical examination; support during the forensic examination; psycho-social help and support in a crisis situation, immediately after the trauma experienced and during recovery; help and support in notifying about rights and the process of reporting a work; crisis assistance and support in cooperation with other state bodies in the local community; support for family members of women who have survived sexual violence; cooperation with Coordination and Cooperation Groups¹¹¹.

26. No specialized service (child psychologists or other professionals specialized) in supporting children who have been exposed to domestic violence, including violence perpetrated by one parent against the other, **has been established**. As detailed in Article 31, there is **insufficient understanding** of the consequences of children's presence of DV or other forms of GBV to which their mothers are (most often) exposed. Specialized psychotherapeutic support in Marriage and Family Counseling Centers is not intended for children. In some safe houses/shelters, there are psychological support services for children, but the number of children who have access to them is extremely small compared to the number of children who witness domestic violence. The *Program on mental health protection in the Republic of Serbia for the period 2019 - 2026*¹¹² is not being implemented in an appropriate manner, and the analysis of the achievement of the defined goals within the Action Plan

¹⁰⁹ Data on the financing of the National SOS telephone are not publicly available. AWC obtained the data for 2019 on the basis of the Law on Free Access to Information of Public Importance only after the complaint in 2021

¹¹⁰ Infographic with data only in Serbian language is available at: <https://preugovor.org/Infografici/1762/Drzavnoj-usluzi-vise-novca-zenskim.shtml>

¹¹¹ Centers for victims of sexual violence, information available in Serbian at: <https://www.cpz.rs/service/centar-za-zrtve-seksualnog-nasilja/>

¹¹² Ministry of Health, Program on mental health protection in the Republic of Serbia for the period 2019 to 2026, available in Serbian at: https://www.zdravlje.gov.rs/view_file.php?file_id=1199&cache=sr

for the period 2019-2022 showed that most of the goals were not achieved, including specific goals and measures relating to children and young people¹¹³. In addition, according to the latest data from the Institute for Public Health of Serbia, **only 123 psychologists** are employed within primary health care, i.e., at health centers throughout Serbia.¹¹⁴

27. There are **no specialized support services** that respond to the specific needs of migrant women and girls or those belonging to national or ethnic minorities who are victims of violence against women, including women and girls seeking asylum and those granted refugee or international protection status. Proposals of the AWC in connection with the Draft Law on Amendments to the Law on Asylum and Temporary Protection (2022) which referred to the specification of certain provisions in accordance with the principle of providing special process and acceptance guarantees (in line with the provisions of the Istanbul Convention and the GREVIO recommendations from the basic report), were not accepted¹¹⁵.

Article 25: Support to victims of sexual violence

28. The state report is partially correct. Centers for victims of sexual violence only exist in four towns in Autonomous Province of Vojvodina, after the initially established seven¹¹⁶, where are run by state institutions and a women's non-governmental organization. **The state report doesn't provide information on how these Centers are funded, from the state/provincial budget or still through project funded by international organizations?** There are no information about the work of these Centers for victims of sexual violence on the websites and annual reports of the medical institutions where they are established¹¹⁷. Also, these Centers don't have engaged psychologist any more in the medical institution, that used to provide psychological assistance to victims before, during and after the gynecological examination. **The state report hasn't provided data for other towns and medical centers throughout Serbia, where there are no specialized services for victims of rape and sexual violence,** but where examination of victims of rape are being conducted.

¹¹³ Stojadinović, I. and Ankić, J. (2023) *Report on the application of the Action Plan for the Implementation of the Program on Mental Health Protection in the Republic of Serbia*, available at: <https://psychosocialinnovation.net/wp-content/uploads/2023/01/Izvestaj-o-primeni-akcionog-plana-za-sprovođenje-programa-o-zastiti-mentalnog-zdravlja-u-Republici-Srbiji.pdf>

¹¹⁴ Institute for Public Health of Serbia "Dr. Milan Jovanović Batut" (2022) *Health and statistical yearbook of the Republic of Serbia*, available at: <https://www.batut.org.rs/download/publikacije/pub2022v1.pdf>

¹¹⁵ AWC submitted comments and suggestions on the Draft Law on Amendments to the Law on Asylum and Temporary Protection, <https://www.womenngo.org.rs/en/policy-activities/advocacy/1973-2022-awc-submitted-comments-and-suggestions-on-the-draft-law-on-amendments-to-the-law-on-asylum-and-temporary-protection>

¹¹⁶ Established in the period 2016-2019 during the project entitled "Stop-Protect-Help-A Stronger Institutional Response to Gender-Based Violence in the Autonomous Province of Vojvodina" funded by the United Nations Trust Fund to End Violence Against Women-UN Trust Fund in the amount of € 459,100 (total budget of the project is € 526,130), run by by the Provincial Secretariat for Health, Social Policy and Demography (now the Provincial Secretariat for Health Care) and women's nongovernmental organisation Centre for Support of Women Kikinda

¹¹⁷ On the website of the Gynecological hospital in Novi Sad it is still written Pilot Center for women victims of sexual violence <https://www.kcv.rs/organizaciona-struktura/klinika-za-ginekologiju-i-akuserstvo/>,

29. The state report is partially correct, as it provides only number of provided services in the four Centers for victims of sexual violence, but not all gynecological medical institutions in Serbia that are performing gynecological examinations of rape victims¹¹⁸.

Regarding Serbia's obligation to provide holistic services for victims of rape and sexual violence committed during the wars of the 1990s¹¹⁹, **there have been no changes in this regard**. The government's response to the comments from the Autonomous Women's Center and related organizations on the *Strategy for the Prevention and Combating of Gender-Based Violence Against Women and Domestic Violence for the period 2021-2025* was that provisions related to services for victims of wartime sexual violence do not belong in this document, but rather in the new *National Action Plan for the Implementation of Resolution 1325*.

AWC contacted two members of the Working Group for the development of the new National Action Plan 1325, who reported that the provisions concerning services for victims of wartime sexual violence (and amendments to the *Law on the Rights of Veterans, Military Invalids, Civil War Invalids, and Members of Their Families*¹²⁰, so that victims of wartime sexual violence are recognized as civilian victims of war) were **rejected by the Working Group**.

However, the basis on which civilian victims of war recognized as such obtain their rights¹²¹ is not related to the aforementioned reservation, but rather to the definition of beneficiaries and disability in the *Law on the Rights of Veterans, Military Invalids, Civil War Invalids, and Members of Their Families* (the law requires at least 50% physical disability for the recognition of civilian victim status, and in this sense, it is discriminatory toward women with experiences of sexual wartime violence).

30. The state report is predominately incorrect. There are still no General or Specialised protocols for actions of the institutions in rape cases, not even for the action of medical professionals in gynecologically institutions. The only Rulebook that exists was adopted in 2017 in accordance with the Law on Police and relates to all criminal-forensic registration and taking swabs, and not just in cases of rape. The rape kits referred in the state report were given in limited amount to the Ministry of Interior during the project supported by the Swedish Government¹²². There are no recent information whether the rape kits are still in use and regularly procured by the MoI.

Rape victims are still being sent to gynaecological examinations, after they report rape to police and after the prosecution request judicial order for the vaginal swabs to be taken from the rape victim. Rape victims who do not want to report, they will not be examined or swab taken in state-owned

¹¹⁸ In Belgrade, capital of Serbia with approx. 2 million inhabitants, only one state-owned gynecological clinic, out of four, performs basic gynecological examinations of rape victims

¹¹⁹ Paragraph 142 GREVIO's (Baseline) Evaluation Report for Serbia (2020), available at: <https://www.coe.int/en/web/istanbul-convention/-/grevio-publishes-its-first-baseline-report-on-serbia>

¹²⁰ *Official Gazette RS*, 18/2020.

¹²¹ This refers to different types of rights, such as personal disability pensions, monthly financial allowances, healthcare, professional rehabilitation, financial support during professional rehabilitation, spa and climatic recovery, free and discounted transportation, the right to priority in employment etc., in accordance with Article 35 of the Law.

¹²² Project called Strengthening of crime scene investigation in Serbia – 2016 – 2018 SweSe III, <https://www.swedenabroad.se/sr/embassies/srbija-beograd/teku%C4%87i-doga%C4%91aji/vesti/saradnja-srbije-i-%C5%A1vedske-u-oblasti-policijskih-reformi/#>

medical institution. During the gynaecological examination after reported rape, the victims are not tested for sexually transmitted diseases or HIV, are not given pills for immediate contraceptive protection nor are they offered to speak with a psychologist. Additionally, if the victims have other injuries on their body, those injuries will not be properly examined by the doctor of forensic medicine. Collection of other biological traces from the victim's body or clothes will be collected only if the prosecutor issues order, and the same relates for the testing for rape drugs. If collected, these are done in accordance with Criminal Procedure Code that does not prescribe timelines. Without prosecutor's order, if victims choose to be examined by the doctor of forensic medicine they will be obligated to pay for that examination¹²³.

There are no specialized support services for women in prostitution¹²⁴, including exit services, which are becoming an international standard in this area. Despite the CEDAW Committee's recommendation for Serbia to decriminalize prostitution, women in prostitution are not recognized as survivors of violence, but sanctioned with fines and jail sentences¹²⁵, at five times the rate compared to buyers of sexual services, who are also held liable under the Law on Public Peace and Order.

31. The state report is partially correct. All victims of rape can only be examined in gynecological hospitals/clinics in Serbia that are given authorization by the state to conduct such examination and only after reporting to the police and after the prosecutor request and receive court order for the vaginal swab testing. Girls under 15 can only be examined and vaginal swab testing by the children gynecologist in children health care institution¹²⁶.

Having in mind that in some cases more than 12 hours can pass between reporting and examination, the evidence collected by vaginal swab testing is of a poor or no quality. The same related to testing to rape drugs, which evaporates before the victims gets to the rare medical institutions that can analyze rape drugs.

When there is the court order for the vaginal swab testing and analyses of rape drugs, the victim is not required to have valid state health care insurance, because the prosecution/court will cover the cost.

Article 31: Custody, visitation rights and safety

32a. There haven't been positive changes in laws or by-laws related to the safety of children exposed to DV in accordance with the provisions of the Istanbul Convention. There are no official data on measures taken to protect children's safety while contacting/visiting an abusive father.

¹²³ Institutes for forensic medicine are part of Medical Faculties, regulated by the Ministry of Education and not by the Ministry of Health, so the cost is not covered by the state medical insurance

¹²⁴ https://womenngo.org.rs/images/vesti_2024/Input_to_the_report_of_the_Special_Rapporteur_on_violence_against_women_and_girls.pdf

¹²⁵ https://womenngo.org.rs/images/publikacije-nasilje/I_appeal_to_the_court.pdf

¹²⁶ Children gynecology exist in one children health care institution in Belgrade

The state report does not contain complete answers to all subquestions under this question. There is no data on the application of laws and bylaws in Family Law proceedings when children are witnesses of domestic violence, the recognition of damage caused by children witnessing violence, the assessment by judges of security risks for children.

Children are recognized as witnesses of violence in by-laws¹²⁷, but **not in practice**, nor are there any statistical data on these phenomena. There is **no administrative data** on the number of cases in which restrictive measures were applied in connection to visitation with an abusive father. There is no official data on the implementation of GREVIO recommendations.

In Serbia, preventive protection against domestic violence **rarely includes children** who witnessed violence against their mothers, sometimes not even children who are direct victims of violence. In 2022¹²⁸, only 6,6% of emergency and extended emergency measures included children (in the same year, Centers for Social Work in Serbia identified 21% of children among DV victims). The percentage of children protected by emergency measures is slightly higher in 2023, when it amounted to 9% of all victims, but it is the result of changes in only a few police departments and Prosecutor's offices in Serbia. There is no data on how many children were directly exposed to violence and how many witnessed it (because the Republic Institute for Social Protection, which prepares consolidated data from all CSWs, abolished the category "child witness of violence" from summary reports after 2013).

Family law protection measures from DV during parents' divorce procedures involving violence rarely included children and the context of children's visitation with a violent father¹²⁹. This information **can not be found** in the public reports on the work of the Centers for Social Work, who keep records of DV protection measures.

Although work on amendments to the Family Law began in 2023 (a working group was formed, the composition of which is unknown, and there is information that a proposal for amendments and additions has been prepared), it is not known whether the GREVIO recommendations given to Serbia in 2020 will be respected in connection with art. 26 and 31¹³⁰, or the conclusions of the Committee of the Parties¹³¹, which Serbia received in June 2023.

¹²⁷ General protocol on the behavior and cooperation of institutions, bodies and organizations in situations of violence against women in the family and in partner relationships (2010), as well as the new General protocol on behavior and multisectoral cooperation in situations of gender-based violence against women and domestic violence (2024).

¹²⁸ AWC, The eleventh report, available at: <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv/2067-the-eleventh-report-on-independent-monitoring-of-the-implementation-of-the-law-on-the-prevention-of-domestic-violence-in-serbia-for-the-period-january-december-2022>

¹²⁹ Ignjatović, T. (2019). Violence against women after separation and divorce of the partners: Challenges in assessments and decisions on protection measures, *TEMIDA*, 22(2): 189-208 DOI: <https://doi.org/10.2298/TEM1902189I> (str. 195-196)

¹³⁰ Available at: <https://rm.coe.int/grevio-report-on-serbia/16809987e3>

¹³¹ Available at: <https://rm.coe.int/conclusions-on-the-implementation-of-recommendations-in-respect-of-ser/1680ab7280>

In a comprehensive overview of international standards, comparative solutions and domestic legal framework, on the implementation of the concept of “parental alienation” in parenting capacity assessment and the best interest of the child in situations of domestic violence¹³², the authors gave a number of recommendations related to amendments to the Family Law (as well as other laws and acts), in order to harmonize them with international standards and obligations of Serbia. The recommendations are following:

- The child witnessing domestic violence against another parent or a close person (whether directly witnessing the violence or being indirectly exposed to it by hearing sounds from a close range, knowing that violence is happening or can happen, or seeing the consequences of violence) is defined by law as a form of psychological violence against a child.
- In cases where protection measures against domestic violence are requested or imposed (or, emergency and extended emergency measures from the Law on the Prevention of Domestic Violence), and the parties have a common child, exercising parental rights and maintaining personal contact between the perpetrator of the violence and the child must be temporary regulated for the period while these measures are in force.
- When deciding on exercising the parental right and the way to maintain the child's personal relationship with the non-resident parent, domestic violence against the child (including the child witnessing violence) or violence against the other parent or close person must be taken into account.
- Courts that carry out procedures related to exercising the parental right *ex officio* obtain information about domestic violence, for which criminal proceedings or proceedings under the Law on the Prevention of Domestic Violence may be or have been conducted/ended (emergency measures and extended emergency measures).
- Guardianship authorities, such as social welfare centres thoroughly evaluate the parenting abilities and the best interest of the child through an appropriate assessment of the risk of domestic violence (including child witnessing violence), with a focus on the safety and wellbeing of the child, even when there is an agreement on exercising parental rights, or when joint exercise of parental rights is proposed.
- The provision regulating the child's right to maintain personal relationships with the non-resident parent can be limited by a court decision when it is in the best interest of the child, especially in the case of domestic violence. This provision covers not only violence committed directly against a child, but also situations where a child witnesses violence and when there is violence against another parent or a close person who takes care of the child. The limitation may also be applied when a child is misused as an instrument of violence against the parent who is a victim.
- The criteria for assessing the best interest of the child should be prescribed by law and include the aspect of safety (both physical and emotional), especially in the context of domestic violence,

¹³² Drobnjak, T., Malbaša, D., Lukić, M. (2024). *Implementation of the concept of “parental alienation” in parenting capacity assessment and the best interest of the child in situations of domestic violence, Overview of international standards, comparative solutions and domestic legal framework, with recommendations*. Belgrade: Autonomous Women's Center. Analysis available in English at: <https://www.womenngo.org.rs/en/publications/good-practice-development-program/2235-implementation-of-the-concept-of-parental-alienation-in-parenting-capacity-assessment-and-the-best-interest-of-the-child-in-situations-of-domestic-violence-2024>

abuse, and neglect. These criteria have also to take into account the situations in which the child is a witness of violence perpetrated on the other parent or a close person who takes care of the child, as well as the misuse of a child as an instrument of violence against the parent who is a victim.

- Unscientific concepts and theories, such as the concept of “alienation of the child from a parent”, must not be used when assessing the best interest of the child. Therefore, it is necessary to revise the instructions and professional instructions that regulate the actions of social welfare centres.
- Findings and expert opinions in family disputes about exercising parental rights and the model of maintaining the child's personal relationship with the non-resident parent, especially with regard to parenting capacities and the best interest of the child, can be requested by the court exclusively from the guardianship authorities and institutions prescribed by law, which must have experts trained in family relations and domestic violence.
- The actions of expert witnesses in family disputes should be precisely regulated, i.e., that expert witnesses (as individuals or members of the commission of expert witnesses) in family disputes may provide findings and opinions only from the area they are registered for, exclusively for the purpose of clarifying facts about which the court does not have expert knowledge in line with the law, and that they cannot assume the prescribed role of guardianship authorities and related institutions in these proceedings.
- Procedural authorities that act in family disputes and proceedings related to domestic violence, as well as expert authorities (social welfare centres), are provided with appropriate training in the protection of children's rights and protection from domestic violence and intimate partner violence, as well as in the impact of violence trauma on victims and the consequences that violence causes in children.
- Expert witnesses in family disputes must have clearly defined professional standards of action, with formal and efficient mechanisms for reviewing expertise and work ethics, i.e., they must have professional knowledge in the field of protection of children's rights and protection from domestic violence, the impact of violence trauma on victims and the consequences that violence causes in children, as well as professional knowledge in developmental and family psychology¹³³.

32b. There are **no systematic, specific assessments** of security risks of violence to which the children were or may be exposed during or after their parents' divorce and the contact between child and father (risks are mentioned only in 2/5 cases and are not always followed by protection measures for children)¹³⁴. There is **no systematic assessment** of consequences of children's exposure to DV. The analysis of the findings and opinions of the Centers for Social Work shows that in at most 1/2 of cases negative consequences for children due to the violence their mothers were exposed to were explained. However, in every fifth report there was no data on the consequences for children, while in two fifths of the findings and opinions positive relations between father and children (most often children of low and extremely low calendar age) were described, and when there were pronounced emergency

¹³³ *Ibid*, 76-78.

¹³⁴ Ignjatović, T. (2020). Assessments of the Centers for Social Work on the consequences, security risks and recovery needs of children witnesses of violence in parental relationships. *TEMIDA*, 23(3): 307-332. DOI: <https://doi.org/10.2298/TEM2003307I> (pg. 315-317)

measures or protection measures from of domestic violence for the mother and visitation of the children with the father in controlled conditions¹³⁵. Assessment of the child's needs for a safe environment (in an emotional and physical sense) in the professional report of the social welfare center is rarely registered (in more than half of the cases there is no data)¹³⁶. Recent analyzes of court proceedings for confiding children and determining the model of contact with a parent when domestic violence is reported and when children refuse or show resistance to contact with a parent contain similar data¹³⁷. When it was claimed or determined that children had witnessed domestic violence, they were **not** covered by protection through emergency and extended measures. In two cases, where mothers sought protection measures for their children, they were **not granted protection**. The social welfare center **did not initiate protection measures** against domestic violence for children.

32c. There is **no administrative data** on whether custody with the non-violent parent is preferred over foster-care. In its regular annual reports, the Republic Institute for Social Protection provides information on children who are under temporary guardianship. In the Report on the work of Centers for Social Work in Serbia in 2022¹³⁸ (the Report for 2023 is not yet available), it is stated that such measures were applied to 4,225 children, and that during 2022, 2,123 decisions were made, that among the reasons, inadequate parental care dominated (40.1%), while **violence against the child was cited in 3.6% of cases** (there is no information on what type of violence it is and who commits it). These children are placed in foster families in 45.6% of cases, of which 15.7% are relative foster families, and 21.8% are biological families (the child lives with parents/one parent), but there is no data on which form of temporary guardianship protection the children are placed¹³⁹.

In the same report, it is stated that **472 children and 402 adult victims of violence were separated from their families due to violence**¹⁴⁰. In the Report on Children in the Social Protection System for 2022, it is stated that **242 children were moved from their families alone**, and 230 with a non-violent parent, that 163 children were in licensed shelters¹⁴¹. There is **no information** on whether the children stayed in the shelters with the non-violent parent, whether they were separated from their brothers and sisters (due to age, gender or number of children, i.e., due to restrictions on admission to the shelters), how long the children stayed outside the family and whether lawsuits filed for protection measures for children, which include measures to move into the home from which they were separated. In the report Adults in the social protection system in 2022, there is data on protection measures against domestic violence (according to the Family Law), from which it can be seen that

¹³⁵ *Ibid*, pg. 313-315.

¹³⁶ *Ibid*, pg. 318.

¹³⁷ Research report in preparation for press (Ignjatović, T., Pavlov, T., Lukić, M. (2024). *Domestic violence hidden behind the concept of "alienation from parents": Analysis of court proceedings related to trust and maintaining personal contacts of children with the other parent*. Belgrade: Autonomous Women's Center). Key results of the research available in English at https://www.womenngo.org.rs/images/vesti_2024/Infographic-Domestic_violence_hidden_behind_the_concept_of_parental_alienation.pdf

¹³⁸ Republic Institute for Social Protection (2023). *Report on the work of Centers for Social Work in Serbia in 2022*, available only in Serbian at: <https://www.zavodsz.gov.rs/media/2572/izvestaj-o-radu-csr-u-2022-godini.pdf>

¹³⁹ *Ibid*, pg. 15-17.

¹⁴⁰ *Ibid*, pg.28.

¹⁴¹ Republic Institute for Social Protection (2023). *Children in the social protection system in 2022* available only in Serbian language at: <https://www.zavodsz.gov.rs/media/2587/deca-u-ssz-2022-final-2672023.pdf> (pg. 27)

the number of orders for moving into an apartment/house was **minimal, only 15**, which does not correspond to the number of children and adult victims who had to leave their homes due to violence¹⁴².

32d./e. There is no express legal provision for the screening of civil proceedings related to the determination of custody or visitation rights for a history of domestic violence among the parties. In practice, the court will request the findings and opinion of the social welfare center (in some cases also the expert opinion of mental health experts), but the fact that there was a history of DV, that the violent parent (mainly the father) was criminally punished, that he was issued emergency and extended measures or protection measures and security measures, or that the violence continues even after the termination of the partnership and during the litigation, **only in some cases** lead to a proposal for (temporary) maintenance of contact of the children with the parent in controlled conditions. If the children did not leave the house with the mother, or if the father managed to keep the children after the visit (not to return them to the mother) and forbid contact with her (for a long period of time, without effective intervention by the institutions), there is a high chance that such a situation will **normalize** and for the children to be entrusted to the violent parent, with the explanation that the children declared that they did not want to change the environment or that they had adapted to the environment of the violent parent.

When children **refuse contact** with an abusive parent, and experts believe that the history of DV is irrelevant (that it is about past events, "incidents", "conflict" or a "high conflict" relationship, or a relationship between parents that has no connection with the children because they were not direct victims, regardless of having witnessed violence), the "standard" model of contact is insisted on, with frequent accusations of the non-violent parent (most often the mother) influencing the children, and with orders that the children (sometimes also the non-violent parent) be included in psychotherapeutic treatment for "repairing" the relationship with the parent (under the threat to mothers that they will be deprived of parental rights and fined if they do not ensure that the children participate in the treatment). The children **were not referred to specialized psychological support** due to the traumatic experience caused by the violence to which they were exposed, which was the GREVIO recommendation in the basic report (para. 147), as well as the Committee of the Parties to the Convention (IC-CP/Inf (2023)11).

This is confirmed by the analysis of the content of the documentation in 24 court cases¹⁴³ for entrusting children and determining the model of contact with the parent in situations where there was domestic violence, and the children showed resistance or refused contact with one parent. In 19 cases (79.2%), violence was reported to the institutions before or during litigation (in 45.5% of cases, the perpetrators were declared guilty in criminal proceedings, in 68.4% of cases, civil proceedings for protection measures against violence were conducted, and in at least 29.2% were pronounced emergency and prolonged protective measures). In the analyzed documentation, in 29.2% of the cases

¹⁴² Republic Institute for Social Protection (2023). *Adults in the social protection system in 2022*, available only in the Serbian language at: <https://www.zavodsz.gov.rs/media/2585/пунолетни-у-систему-социјалне-заштите-2022.pdf> (pg. 30).

¹⁴³ Cases from basic courts in Belgrade, Niš and Kragujevac.

there are allegations that the children were exposed to direct violence by the father, and only in 37.5% of the cases it is stated that they witnessed violence (there is no data on this issue in two cases, and in three cases the children allegedly were not exposed to violence, neither directly nor indirectly).

In the largest number of cases analyzed, 17 out of 24 (70.8%) **domestic violence was not a contributing factor to the assessment of parenting** given by experts from the social welfare center. In almost half of the cases (45.4%), it was estimated that both parents have appropriate educational models. Mothers were given preference in a third (31.8%), and fathers, regardless of violence or risk to the safety of women and children, in a fifth of cases (20.8%). Expertise on parental capacity was carried out in half of the analyzed cases, and domestic violence was not a contributing factor to the expert's assessment and opinion, so both parents were most often assessed as adequate, and only in two cases was preference given to the mother's parentage. Even in the case of serious violence, if it was committed in the past, the experts saw more difficulties in the mother's parenting, they did not see the security risks coming from the father, they considered it an "isolated incident that must be seen in context" (although does not specify which context it is about)¹⁴⁴.

In a case in which the children are entrusted to a father who has been criminally punished for domestic violence, the court explains the decision in this way: "The fact that the plaintiff was convicted of the criminal act of domestic violence has no effect, because he was given a suspended sentence, nor does the fact that this judgment imposed measures on him to protect the plaintiff from violence, given that this does not relate to his ability to independently exercise parental rights and does not diminish his parental competences".¹⁴⁵

In the case in which the child was entrusted to the mother, and the father, disobeying the court's decision, "arbitrarily kept the child in his household and forcibly severed the child's relationship with the mother, then excluded the mother from making important decisions about the child" (according to the Social Welfare Center), the father successfully prevented the execution of all court orders to hand over the child to the mother and to enable contact with her, and the Court, after a process that lasted six years, accepted his claim that the child be entrusted to him and altered the final judgment, stating: "Parental relationship is regulated by the independent exercise of parental rights over the minor child by the father [...] the defendant is due to enable contact with the mother within a period of one month from the day of receipt of the judgment by telephone every day [...]. It is necessary for the mother to make a greater effort and use other opportunities to show her motivation to establish more permanent contact with the child [...]."¹⁴⁶

Lack of protection of children exposed to violence led to **recent infanticide**. A two-year-old girl from Vršac was killed by her father during visitation (October 4, 2022). In the Family Law proceeding for the issuance of DV protection measures, the measures have been issued only for the protection of the

¹⁴⁴ Research report in preparation for press (Ignjatović, T., Pavlov, T., Lukić, M. (2024)). Key results of the research available in English at https://www.womenngo.org.rs/images/vesti_2024/Infographic-Domestic_violence_hidden_behind_the_concept_of_parental_alienation.pdf

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

wife/mother. The custody of the child was not regulated, because no divorce lawsuit was filed. The Center for Social Work expected the mother to initiate divorce proceedings in order to regulate custody of the child. While the criminal proceedings were ongoing, the father had contact with the child without any supervision, on the agreement with the grandparents. The mother said that the father was never physically abusive toward the child. When the criminal judgement pronounced the father guilty of the criminal offense of DV and sentenced him to three years of compulsory psychiatric treatment, no protection measures were issued for the child. Prosecutor in charge of the case failed to act in accordance with the Law on prevention of DV and to inform the Center for Social Work that medical court experts assessed that father needs psychiatric treatment. The Center for Social Work failed to ask for the information about criminal proceedings and to reassess the child's safety¹⁴⁷.

33. There are no information on measures in place to ensure that judges, court-appointed experts and other legal professionals to **a.** have sufficient knowledge of the law and understanding of the dynamics of intimate partner violence, including the psychological impact of witnessing violence on the child; **b.** duly take into account victims' grievances in cases of domestic violence and hear children victims/witnesses, where applicable, in the determination of custody and visitation rights. The training of judges who act in lawsuits for the exercise of parental rights and the protection of children's rights is carried out by the Judicial Academy (the program and training providers are not known). However, judges can also acquire knowledge at trainings provided by other actors.

33c. The state's response to this question is inadequate and shows a lack of understanding of the problem when the pseudo-scientific concept of "parental alienation" is used in situations where there is violence in the partnership between parents and child witnesses of such violence.

Education of experts on "high-conflict divorce" and "parental alienation" or "child alienation" became popular in recent years. Such trainings are accepted by the Chamber of Social Protection, aimed at interventions in protection of children in situations of "high-conflict divorces"¹⁴⁸ and accredited by the Republic Institute for Social Protection (Alienation and the role of CSWs and Court¹⁴⁹; Alienation as a form of family violence¹⁵⁰; Interventions by CSW in the protection of children in situations of high-conflict parental divorce, deals with the topic of alienation¹⁵¹, Challenges of child alienation¹⁵²), carried out by educators from ranks of leading experts in children's mental health, psychotherapists, forensic psychologists, representatives of Ministry of Family Care or Ministry of Social Protection, and advisers/supervisors from Republic Institute for Social Protection, or Provincial Institute for Social Protection, giving them credibility and indisputability of a recognized professional and scientific concept.

¹⁴⁷ Information A no. 638/22 of the Public Prosecutor's Office of the Republic at the request of the AWC, 24 November 2022

¹⁴⁸ Available only in Serbian at: <https://www.komorasz.rs/najava-obuka/>

¹⁴⁹ Available only in Serbian at: <http://www.zavodsz.gov.rs/media/2189/otudjenje-uloga-csr-i-pravosudnog-sistema-uzastiti-dece.pdf>

¹⁵⁰ Available only in Serbian at: <http://www.zavodsz.gov.rs/media/2190/otucenje-deteta-kao-oblik-porodi%C4%8Dnog-nasilja.pdf>

¹⁵¹ Available only in Serbian at: <https://www.zavodsz.gov.rs/media/2126/intervencije-csr-u-zastiti-dece.pdf>

¹⁵² Available only in Serbian at: <https://www.zavodsz.gov.rs/media/2813/izazovi-otudjenja-deteta.pdf>

Republic Institute for Social Protection issued *Professional-methodological guidance for Centers for Social Work: Child visitation in controlled conditions* (2021), which, by the decision of the Ministry of Family Care and Demography, became the CSW Procedure Instruction (2021). In it, "parental alienation" is defined as "any behavior that encourages the child to have a negative opinion and behavior towards the parent, starting with talking negatively about the parent in front of the child and ending with deliberately and directly instructing the child to hate one parent and is denied the maintenance of personal relations with him", and it is stated that the phenomenon exists in three levels¹⁵³. The professional instruction **does not contain any information** related to conceptual problems, exceptions from application in the case of DV and child abuse, gender biases and weak scientific basis of the concept. It regulates the assessment of the risk of instrumentalization of the child for the purpose of "alienation", and it is stated that then it is necessary to "involve the family in counseling or psychotherapeutic treatment and programs for responsible parenting", and in situations where there is a second and third degree of "alienation of the child" from the second parent "it is necessary to apply measures of family law protection with the mandatory inclusion of the child and parents in psychotherapy treatment".¹⁵⁴

In the same Professional Instruction, it is stated that in the process of risk assessment in the case of domestic violence, special attention should be paid to the following risk factors: "the existence of *previously recorded and proven reports* of child abuse and neglect; violent behavior of one parent towards another that is *intense and continuous, yet parents do not accept* psychosocial treatment for perpetrators and victims of violence or psychotherapy; pronounced measure of protection against domestic violence in progress; the parent does not meet the conditions for the treatment of the perpetrator of violence (psychopathic personality structure and inability to mentalize and neutralize).¹⁵⁵

This kind of Expert Instruction **contributes to the worsening of the position of women and children in a situation of domestic violence**, and the victims and perpetrators of violence are **equalized** in position and obligations (by assessing the refusal of both parties to undergo psychosocial treatment as a risk factor). Confusing provisions can lead to **additional sanctions being imposed** on a parent who suffers violence (in the form of supervision over the exercise of parental rights, restriction of parental rights, threat of criminal sanctions). All of the above is **contrary** to the basic standards of protection of women and children in situations of domestic/partner violence, which are set by ratified international documents and included in domestic laws and strategic documents¹⁵⁶.

¹⁵³ Republic Institute for Social Protection (RISP). (2021). *Professional methodological instructions for the work of the guardianship authority in the process of maintaining the child's personal relationship with the parent, relatives and other persons with whom he has special closeness in controlled conditions* (pg. 5-6). <https://www.zavodsz.gov.rs/media/2151/strucno-metodolosko-upustvo-vidjanje-u-kontrolisanim-uslovima.pdf>

¹⁵⁴ *Ibid*, pg. 10-11.

¹⁵⁵ *Ibid*, pg. 9.

¹⁵⁶ Drobnjak, T., Malbaša, D., Lukić, M. (2024). *Implementation of the concept of "parental alienation" in parenting capacity assessment and the best interest of the child in situations of domestic violence, Overview of international standards, comparative solutions and domestic legal framework, with recommendations*. Belgrade: Autonomous Women's Center. (pp. 67-68). Available in English <https://www.womenngo.org.rs/images/publikacije->

AWC sent a letter to the Republic Institute for Social Protection to point out the problematic content and the absence of content essential for safety risk assessments (emotional and physical) for the victim child and parents, but the response of the Republic Institute¹⁵⁷ showed a **lack of understanding of the problem**. It was said that "the instructions were created through a consultative process led by the Republic Institute, which involved judges, expert practitioners from CSWs, experts from the department for second instance proceedings and supervision in the field of family law protection in the competent Ministry and representatives of the Protector of Citizens". Also, the letter stated: "We agree with your opinion that the Expert Methodological Guidelines you are referring to does not contain complete information about violence and children's testimony of domestic violence, *but that is not the topic of this guide*, but the maintenance of the child's personal relationships with persons who are of importance for the child and in a situation where it is in the child's interest, but never when there is any risk for the child.

It should be said that the concept of "parental alienation syndrome" was introduced into professional practice in the **health care system** in 2019. In the *Manual for the implementation of the Health care system Special Protocol for the protection of children from abuse and neglect*¹⁵⁸, this concept is mentioned as the manipulation of children during divorce. Although it is stated that one can talk about "syndrome" only if there are no real reasons why the child rejects the other parent, such as the presence of abuse or neglect" (pg. 85), it is clear that in the context of downplaying and ignoring violence against women and violence to which children are exposed in the family concept, this is not a sufficient limitation. The Manual lists the parents' actions that can disrupt the relationship between child and parent, cases of "alienation" (true alienation, justified rejection and hybrid alienation, p. 86), criteria for identifying "syndromes", the difference between conflict of loyalty and alienation. Recommendations for health workers are given (item 7.1), along with a description of mild, moderate and severe alienation, and the consequences of "alienation" for children (pg. 87-90). Then follows the presentation of the case (item 8) and the conclusion (item 9), which states that "... health workers/collaborators should pay special attention when they have information that a child is going through a parental divorce and that, if they see signs of the child's involvement in parental conflict and manipulation of the child in the divorce process, they should refer the family to the help of experts trained in divorce therapy. Early identification is crucial in preventing long-term consequences for children's psychosocial development" (pg. 91).

dp/2024/Implementation_of_the_concept_of-parental%20alienation-in_parenting_capacity_assessment_and_the_best_interest_of_the_child_in_situations_of_domestic_violence.pdf

¹⁵⁷ Letter from the Republic Institute for Social Protection to the Autonomous Women's Center no. 1054-1/21 of October 28, 2021

¹⁵⁸ Pejović-Milovančević, M., Kalanj, D., Minčić, T. (ed.) (2019). Manual for the implementation of the *Health care system Special Protocol for the protection of children from abuse and neglect*, **realized within the framework of the joint project "Integrated response to violence against women and girls in Serbia II"**, implemented by the UN Agencies in Serbia (UNICEF, UN Women, UNFPA and UNDP), the Ministry of Health of the Republic of Serbia and the Association for Child and Adolescent Psychiatry and Related Professions of Serbia (DEAPS), with financial support from the Government of the Kingdom of Sweden. <https://www.unicef.org/serbia/publikacije/prirucnik-za-primenu-posebnog-protokola>

In the aforementioned analysis of the content of 24 court cases for custody of children and determination of the child-parent visitation model, in which there was a report or allegations of DV, and at the same time one of the parents had difficulties in establishing contact with the child during the litigation or after it (which is why new procedures were initiated),¹⁵⁹ in two-thirds of cases (66.7%) the father had difficulties in establishing contact, and in one-third of the cases (33.3%) it was the child's mother. The concept (word) "alienation" is **explicitly mentioned in 10 analyzed cases** (41.7%),¹⁶⁰ of which in eight cases the father has difficulty establishing contact (in two cases "alienation" is not confirmed)¹⁶¹, and in two cases the father has a problem establishing contact with children. It is most often mentioned by professional workers in Centers for Social Work, once by a member of the commission of experts (social worker), in two cases by the father of the children, and in seven cases by the court (referring to the expert opinion of the Center for Social Work).

No difference was observed in the descriptions of the parent's or the child's behavior when the concept was used versus when it was not used, and there was resistance or refusal of the child to see one of the parents. In Serbia, in the **training** of experts on the concept of "parental alienation", the approach is that naming the phenomenon/behavior is not important, but it is important to recognize it and protect children¹⁶². Yet this is precisely where the key question lies: from what/whom and in what way should children be protected, **because the measures and interventions are not the same** if the child refuses contact with the parent due to experienced violence or due to the negative influence of the other parent or for some other reasons (although the behavior the appearance of the child may be the same in all cases). Why children side with abusive fathers and refuse contact with mothers is not considered, and such behavior is in some cases also labeled as "alienation", instead of using more adequate terms (for example, abuse of children by an abusive partner as a tactic of coercive control or sabotaging the mother-child relationship¹⁶³).

Individual cases of women seeking support and help from AWC confirm that, when a mother reports suspected child sexual abuse (especially of young child), regardless of how convincing the child's statement about the event is, if the child is not afraid of the father, forensic experts generally treat the child's statement as unreliable and influenced by the mother. Thus, in one case (the expert opinion of the Institute for Mental Health, Belgrade from 2020) the mother was found to be "overwhelmed by contents related to children"; "concern through rigid attitudes of pathological character due to present

¹⁵⁹ Research report in preparation for press: Ignjatović, T., Pavlov, T., Lukić, M. (2024). Key results of the research available in English at https://www.womenngo.org.rs/images/vesti_2024/Infographic-Domestic_violence_hidden_behind_the_concept_of_parental_alienation.pdf

¹⁶⁰ This analysis does not allow to draw conclusions about the prevalence of the use of the concept in expert reports and court decisions in lawsuits for the exercise of parents' rights and the protection of children's rights.

¹⁶¹ CSW experts confirm the existence of the child's "fear (anxiety is observed) of possible repetitions of episodes of verbal, uncontrolled aggression of the father" (the behaviors are described), as well as that "there is no alienation of the child, that is, the mother does not prevent the relationship between the child and the father."

¹⁶² Flander Buljan, G. (2020). *Handbook for trainers, Divorce of parents and protection of children (p. 13)*. Belgrade: Center for Children's Rights. https://cpd.org.rs/wp-content/uploads/2024/03/Priruc%CC%8Ctnik-za-trenere-i-trenere_Razvod-roditelja-i-zas%CC%8Ctita-dece_WEB.pdf

¹⁶³ Dalgarno, E., Meier, J. S., Ayeb-Karlsson, S., Pollack, D. & Katz, E. (2024a). *From 'Parental Alienation' to [Abusers] Child and Mother Sabotage (CAMS) as a preferable term for how perpetrator fathers intentionally sabotage the child-mother connection*. <https://www.shera-research.com/latest-news/from-parental-alienation-to-abusers-child-and-mother-sabotage-cams-as-a-preferable-term-for-how-perpetrator-fathers-intentionally-sabotage-the-child-mother-connection>

hypersensitivity"; "personal attitudes and concerns are exclusively placed through the father's dysfunction"; "focus on the current context and the omission of adequate adaptable mechanisms is observed"; "hyper-focused on the disqualification of the father in the parental role"; "only formally recognizes and verbalizes the children's need for another parent, which results in manifestations of toxic parenting" (in the report, there is no description of the mother's behavior or statements that are the basis for such qualifications, but her pathologizing is noticeable). The conclusion of "toxic parenting" when the mother disputes the unsupervised father-child contact and suspected child sexual abuse, is only a step from the accusation of "parental alienation", which in this case resulted in the expert's recommendation that the competent CSW "necessarily establish supervision over parentage of the mother" until the final court decision.

All of the above confirms the serious concern that domestic violence, violence in the partner relationship of parents and children's exposure to such violence remain in the shadow of new (popular) concepts such as "parental alienation", "high-conflict divorce" and the like, especially considering the involvement of competent professional bodies and authorities that supervise and oversee the work of CSW in training and creation of professional instructions.

34. Additional to the state report, all the decisions regarding custody and visitation or offering mediation, are the family law judges have access to courts database and subsequently can request to view criminal cases. In 2019 the Judicial Informational System was established¹⁶⁴, connected 19 databases from 14 state and judicial institutions. Since Central database in accordance with the art. 32 of the Law on Prevention of Domestic Violence was never created, and therefore, family law judges still communicate with other relevant institutions and organizations via regular post.

Mediation is not obligatory under Family law. It can be done only in divorce proceedings if both parties agree (art. 233-239). Art. 4 of the Law on mediation stipulated that "Issues that are not expressly regulated by this law will be resolved in accordance with the mediation principles provided for by this law and the mediation standards contained in the acts of the United Nations, the European Union and the Council of Europe".

35.a/b. The aforementioned Expert Methodological Instruction¹⁶⁵ **regulates visitation under controlled conditions**, which in Serbia is most often organized in Centers for Social Work, with the presence of professional workers. They state that the case manager and supervisor (after assessments and proposals for maintaining child-parent contact in controlled conditions) in the **planning phase** draw up a Plan for the family and the child with a focus on controlled visitation (which contains the dynamics of the visitation, the name of the professional worker who monitors and intervenes during contact, defines space needs, weather and security conditions, duration of contact and the period in

¹⁶⁴ <https://www.mpravde.gov.rs/sr/vest/27831/pravosudni-informacioni-sistem-stedi-vreme-novac-i-ubrjava-sudske-postupke.php>

¹⁶⁵ Republic Institute for Social Protection (RISP). (2021). *Professional methodological instructions for the work of the guardianship authority in the process of maintaining the child's personal relations with the parent, relatives and other persons with whom he has a special closeness in controlled conditions*. Available only in Serbian: <https://www.zavodsz.gov.rs/media/2151/strucno-metodolosko-upustvo-vidjanje-u-kontrolisanim-uslovima.pdf>

which it takes place - no longer than 3 months, outcome indicators and methods of monitoring interventions, tasks and activities of parents, interventions and measures to be taken in the event that the plan and proposed measures are not respected, the dynamics of notifying the court and the evaluation of realized personal relationships).¹⁶⁶

In the **implementation phase**, it is stated that the room where the supervised visitation is held should be adapted to the needs of children, spacious, arranged for children and parents and secured. **There is no data** on how many Centers for Social Work in Serbia have such space, as well as how it is secured. It is further stated that the professional worker who monitors the process is **obliged to realize** the monitoring of the outcome indicators from the Plan, psychosocial, advisory and educational services with the parent and with the child, *to direct and encourage interactions when there is alienation* and missing knowledge of the parents, to create an atmosphere of play, exchange and trust between the child and the parent during the contact and to establish the cooperation of the family members, by proposing joint activities for the parent and the child that strengthen the relationship.

When there is a break in contact *if one parent does not follow the plan, or if the parent's actions endanger the safety, psychological and emotional needs of the child (our underlines)*, then: a case conference is organized (if it is in accordance with the assessments and defined outcomes); **contact is terminated** if one of the parents does not respect the plan or endangers safety with his/her actions; the acting judge is informed in writing about the incident; the police and the Prosecutor's Office are informed about the event and the level of risk for the children and the non-violent parent; a team decision is made on steps to protect the interests of the child; the procedure for the protection of the child's rights is initiated if it is in the best interest of the child; the judge is informed in writing about maintaining the child's contact with the parent¹⁶⁷. **There is no data** on the number of cases in which contact was terminated due to endangering the safety of the child (and/or the non-violent parent).

In the **evaluation phase**, the case manager, together with the parents, evaluates the success of the activities undertaken. It is said that the maintenance of personal contacts in controlled conditions can last at most three months, once a week for two hours, and the exception is when the parents and the child are still involved in the treatment program (counseling, psychotherapy, program for perpetrators of violence). Also, it is said that the duration of contact in controlled conditions **should be limited** because "its longer duration destabilizes the parental relationship, burdens the child with parental conflicts, and the parents create an atmosphere of struggle, accusations and proving the negative aspects of the parenting of the long-term parent"¹⁶⁸. Based on the assessment, a conclusion is drawn, which may be that it is not in the best interest for the child to maintain contact with the parent; that the contact continues in the natural environment (when a functional relationship has been established); that it is necessary to apply other legal measures due to obstruction by the parents; to extend the visit under controlled conditions (for another three months, when the current treatments of the parents and/or children are ongoing); or to initiate procedures for the protection of children's rights,

¹⁶⁶ Ibid, pg. 15.

¹⁶⁷ Ibid, pg. 16.

¹⁶⁸ Ibid, pg. 17.

deprivation of parental rights or changes in the decision on the exercise of parental rights. From the above, it is clear that the **Professional Instruction does not contain differentiated instructions for handling situations of controlled visitation due to various factors/causes**, including protection from domestic violence or child abuse and neglect.

There is no data on how many cases of controlled visitation are realized during the year. In the report Children in the system of social protection in 2022, it is stated that during that year there were 179,802 children on CSW records in Serbia, at the end of that year there were 145,475 children, among the user groups 16.1% are children whose parents are in dispute about the method of implementation parental rights, 7.1% child victims of neglect and violence, 3.2% children with inadequate parental care¹⁶⁹. When children were victims of violence (8,531 children), CSW initiated court proceedings in 240 cases, and applied corrective supervision over the exercise of parental rights in 349 cases¹⁷⁰. Bearing in mind the large differences in numbers (between child victims and the measures taken), it could be concluded that they do not take the appropriate (sufficient) number of child protection measures under their jurisdiction.

35c. The State Report states that 20 professionals were trained to conduct safe supervised visitation in 2021, which is an **inadequate number because there are 170 CSW departments (units) in Serbia**.

36. The answer in the state report is not the answer to this question. Parental rights cannot be withdrawn in criminal cases and within the criminal sentence. Withdrawal of parental rights is the sole authority of family law judges under Family law. During criminal proceedings measure of prohibition of approaching, meeting or communicating with a certain person and visiting certain places can be issued, also in the case of child as a victim (art. 197 CPC). The similar measure can be issued in the criminal sentence lasting up to three years (art. 89a CC). When issued, these measures in fact derogate, for the certain period of time, the right of an abusive parent to have contact with a child.

Article 48: Prohibition of mandatory alternative dispute resolution processes or sentencing

Criminal law

37. In addition to the state report, even though there is no mandatory alternative dispute resolution in criminal proceedings, the Republic (now Supreme) Public Prosecutor's **Obligatory Instruction forbids deferred prosecution in cases of domestic violence** by obliging perpetrators to make a payment to the MoJ's Fund.

¹⁶⁹ Republic Institute for Social Protection (2023). *Children in the social protection system in 2022*, available only in Serbian language: <https://www.zavodsz.gov.rs/media/2587/deca-u-ssz-2022-final-2672023.pdf> (p.10).

¹⁷⁰ *Ibid*, pg. 25-27.

Though the number of reported cases of domestic violence in which deferred prosecution was applied is significantly less in 2020 (73) than in 2018 (236)¹⁷¹, the number of Public Prosecutor's Offices (PPOs) who are still implementing deferred prosecution in cases of violence against women is worrying. Some prosecutors change the qualification of the criminal act from domestic violence to torture, and in that way bypassed the Obligatory Instruction. Other prosecutors decide to defer prosecution by obliging the perpetrator to fulfil the psychosocial treatment for perpetrators of violence in the period of one year, without requesting opinion from the state social service that provides the treatment whether the perpetrator is eligible for the treatment¹⁷².

The same applies to plea agreement – **there is no mandatory implementation of the plea agreement**, but when implemented the victim remains “in the dark” that prosecution reached the plea agreement with the perpetrator and that the court accepted it. Unlike decision on rejection of the criminal prosecution, also in the cases of deferred prosecution, which decision has to be sent to the victim, in case of plea agreement there is no obligation of the court to send such court decision to the victim.

38. In addition to the state report, alternative dispute resolution in criminal cases do not exist as such in a form of conciliation and mediation, even though they could be performed in cases when prosecution decide to reject criminal charges or defer prosecution, or in rare cases before the court if a perpetrator accepts the guilt.

The problem in Serbia lies in a fact that victims are not asked for free and informed consent nor for their opinion when prosecution decide to defer prosecution or to conclude plea agreement. In this way the prosecution and the court, by not asking the victim for her opinion on the concrete measure within deferral or measures within plea agreement, **can seriously increase the risk in which the woman is in.**

The experiences of women victims show that the prosecution concluded and the courts accepted agreements that were to the detriment of the injured party, i.e. which did not take into account the safety and protection of the victim, nor was the court decision sent to the victim. As a result of such plea agreement and ignorance of the rights of the victim, a woman was shot to death on Sunday morning March 5, 2023, in Pirot, in a pedestrian area full with people¹⁷³.

During the public discussion on the amendments of the CPC held in October 2024, AWC proposed to the Ministry of Justice obligation of the prosecution to ask for an opinion when proposing not just deferred prosecution, but also plea agreement, and that the victim must be given the right to be invited to the hearing where the court decides on the plea agreement and to receive court's decision on the acceptance of the plea agreement.

¹⁷¹ Data provided in Table 2 at the end of report

¹⁷² Examples of cases can be found in Alarm Report on Progress of Serbia in Cluster 1 - May 2022, available at https://preugovor.org/upload/document/preugovor_202205_alarm_en_final.pdf

¹⁷³ More about the femicide on <https://www.womenngo.org.rs/en/news/2163-awc-press-release-react-before-the-crime-not-after-it>

Civil law

39. In addition to the state report, Autonomous Women's Center succeeded in advocating during the public discussion in 2013 for the exemption from the mediation in cases of domestic and partnership violence. The result of AWC's struggle with mediators who claim that all cases can go before mediation, is now existing art. 4 of the Law on mediation, which stipulates that "Issues that are not expressly regulated by this law will be resolved in accordance with the mediation principles provided for by this law and the mediation standards contained in the acts of the United Nations, the European Union and the Council of Europe".

Articles 49 and 50: General obligations and immediate response, prevention and protection

40. The fact that state report lacks data on the number of human resources – specialized police officers in charge for the issuance of emergency measures in accordance with the Law on Prevention of Domestic Violence **shows how undervalued is the work of all police officers dealing with cases of GBV**, who receive approximately 28-29,000 reports of domestic violence annually, and issue 21-22,000 emergency barring orders.

Besides the Department for the Prevention and Suppression of Domestic Violence in Criminal Police of the MoI, in every Police Station in Serbia there are specialized police officers for domestic violence, some working only on these cases, and some working also in cases of trafficking, minor offenders etc. Police patrol (in uniform) informs the specialized police officer on every incident of domestic violence and is acting in accordance with the instructions from specialized police officer and prosecutor, if needed.

Regarding technical resources, Police Stations in Serbia lack basic access to internet, police e-mail address and official mobile phones that would enable easy communication with other institutions. Merged with not enough financial resources, it is understandable why being specialized police officer for domestic violence is not desired position of most police officers in charge for the issuance of emergency protection orders and participation in the meetings of the Group for coordination and cooperation.

The State report also lacks data on the number of prosecutors in the Basic Public Prosecutor's Offices in Serbia that are presiding the Groups for coordination and cooperation, the number of prosecutors that are, exclusively or with other criminal acts in charge for investigating cases of GBV, and on the number of prosecutors in Higher Public Prosecutor's Offices who are investigating crimes of rape, trafficking, murder and aggravated murder of women and whether there is specialized Higher prosecutor that participate in the work of Group for coordination and cooperation in cases of GBV under jurisdiction of Higher PPO, **which again shows how undervalued is the work of prosecutors dealing with cases of GBV.**

Additionally, under the EU funded project, implemented by the CoE, *Regulation on the criteria and indicators for evaluating the work of the chief public prosecutor and public prosecutors* have been created and High Prosecutorial Council adopted it in April 2024¹⁷⁴ ignoring the comments written by prosecutors that **Regulation does not recognize and does not value the work of prosecutors that preside the Groups for coordination and cooperation**. Basically, all the work that these prosecutors do when presiding over the Group and supporting victims is based on their personal enthusiasm and empathy toward victims of GBV, and their work is valued only through number of cases that they are entrusted with to conduct investigation.

From August 2022 till July 2023, the Higher PPO in Belgrade had appointed specialized prosecutor as Coordinator for GBV¹⁷⁵. Even though WCSOs in Belgrade appealed to High Prosecutorial Council¹⁷⁶ that there has been questionable assessment of work of the Coordinator for GBV placing her 34th out of a total of 43 candidates, when she applied to be elected as a prosecutor of the Higher PPO in Beograde, she hasn't been elected twice in roll by the High Prosecutorial Council¹⁷⁷. Having in mind that she could have been seconded only once for one year, her mandate ended and there was no one to replace her at that position.

Prosecutors, like police officers, share their offices, investigation rooms, prosecutorial staff.... Even though some prosecution offices have been renovated, there are still not enough investigation rooms so that prosecutors could conduct investigation hearings more than once a week.

Even though situation in PPOs is better when it comes to premises, access to internet, e-mail addresses, official mobile phones, it was through the efforts of Coordinator for GBV, while she was seconded to the MoJ, that 10 Groups for coordination and cooperation in the Basic PPOs had been supported by the UNDP with license for Zoom meetings, so that they could continue holding meetings online, which they tried and tested during Covid-19.

Also, all six Groups for coordination and cooperation in Belgrade are having specialized, once a month meeting of Groups dedicated to the employment of victims¹⁷⁸, where instead of police, participate representatives of local offices of the National Office for Employment, and representatives

¹⁷⁴ *Official Gazette of RS No. 33 dated 18.04.2024 and No. 45 dated 16.05.2024*

¹⁷⁵ Information available only in Serbian on the website of the Higher PPO in Belgrade, at <https://beograd.vjt.rs/saopstenja/saopstenje-58/>, dated August 2, 2022

¹⁷⁶ In March 2023, letter available at <https://www.womenngo.org.rs/en/news/2164-press-release-questionable-assessment-of-candidates-for-coordinator-for-gender-based-violence-by-the-state-prosecutorial-council>

¹⁷⁷ Reaction after first election in which the Coordinator for GBV hasn't been elected as a prosecutor of the Higher PPO in Belgrade <https://www.womenngo.org.rs/en/news/2173-press-release-high-prosecutorial-council-undermining-current-level-of-protection-afforded-to-victims-of-violence-in-belgrade>. Second election of prosecutors for Higher PPO in Belgrade was even more problematic because the High Prosecutorial Council elected seven prosecutorial assistants to be prosecutors in Higher PPO in Belgrade, who had never worked as first instance prosecutors in Basic PPOs. Constitutional court accepted appeals on the decision of their election <https://www.politika.rs/sr/clanak/636462/Ustavni-sud-usvojio-zalbe-kandidata-za-javne-tuzioce>

¹⁷⁸ <https://www.womenngo.org.rs/en/news/2030-three-month-results-of-the-application-of-the-mediation-model-in-the-employment-of-victims-of-domestic-violence-in-belgrade>

of WCSOs. AWC supported the prosecutor of the Second BPP in Belgrade, that created and piloted these meeting to publish *Guidelines on the support in employment of victims of violence*¹⁷⁹.

There are no publicly available data on the number of police officers in Special Police Department for Cyber Crime, nor whether these police officer had undergone trainings regarding VAWG and digital dimension of VAWG, or they continue to primarily focus on internet bank frauds and child pornography.

41. The state report is partially correct. Even if a police station has a ramp for people with motorical disability, offices of the specialized police officers for domestic violence are usually on the floor without elevator. Victims with other disabilities (mental, visual, hearing) or victims who do not speak Serbian language are even less possible to report violence in the police stations. **The state report lacks data** from the Ministry of Labour, Employment, Veteran and Social Affairs, that supported project that lasted in the period 2017-2022, under which a website Serbia without barriers was created¹⁸⁰, **on whether there is at least one fully accessible police stations** – from the entrance to the premises of specialized police officers.

Privacy of the victims is not ensured in any police station in Serbia. Offices in police stations are shared by at least two, but usually more police officers who could be present while the victim gives her statement. The same happens in cases of reporting rape and other forms of sexual violence, trafficking, and other forms of GBV under the jurisdiction of criminal police in charge of acting in cases of sexual and other serious criminal acts.

Reporting to police remained as in 20th century. Written reports of violence can be submitted to the police, but such report requests to come later to police station to give a statement. After reporting, the police, in consultation with prosecutor on duty, will file criminal charges. In cases of arrest and detention, police criminal charges to PPOs are filled in a day. In majority of cases, the criminal charges are filed in so-called “ordinary proceedings“ which sometimes can be in a month time before the criminal charge reaches the PPO.

Reporting to prosecution can be made in written form, but also via e-mail and verbally at the premises of the PPOs. AWC provides free legal aid to women victims of violence to file written charges to PPOs, so that they don't depend on whether the police will or will not file criminal charges in their cases, or to submit additional claims of previous violence with evidence to prosecution in cases where police filed criminal charges for only the reported incident, which is usually the case.

42. The state report failed to give a precise answer to this question. In Serbia there are no specialist police/prosecution units that investigate and prosecute VAW.

¹⁷⁹ Available only in Serbian at <https://www.womenngo.org.rs/publikacije/publikacije-o-nasilju/2018-smernice-za-posredovanje-u-zaposljavanju-zrtava-nasilja-u-porodici-2023>

¹⁸⁰ <https://srbijabezbarijera.rs/en/accessibility/>

What Serbia has introduced with the Law on Prevention of Domestic Violence (LPDV) is Coordinated Community Response, named "Group for Coordination and Cooperation" (Group) in the LPDV, presided by the public prosecutor in the place of the victim's residence. Obligatory members of the Group are representatives of the police and social service, while other representatives of relevant services/NGOs and victims/survivors can be invited to participate in meetings.

The Group is obliged to meet at least once in every 15 days to discuss all newly-reported cases in accordance with the art. 4 of the LPDV (not just incidents of DV and not just the high risk ones), together with current and long-lasting cases. The task of the Group meeting in the creation of an **individual protection and support plan** for the victims/survivors in reported cases, or in the **revision of that plan** for current or long-lasting cases discussed in the Group. More on work of the Groups can be read in Special Reports of the Protector of Citizens on the Work of Groups for Coordination and Cooperations in Belgrade and Nis¹⁸¹.

The Groups exist in each Basic Prosecution Office in Serbia, and one Group can be divided to Subgroups if that Basic Prosecution Office covers the territory of few bigger municipalities. Each Group/Subgroup is presided by prosecutor in charge for that municipality, while other members are representatives of police station and centre for social work in that municipality. The members are constant, designated to represent their institutions in the Group. In bigger Basic Prosecution Offices, where there are Subgroups, special departments for the prevention of DV are formed with prosecutors who are in charge of prosecution of all DV or GBV cases in that Prosecution Office.

In cases of criminal acts that are under jurisdiction of Higher Prosecution Offices (rape, trafficking, murder and aggravated murder...) the specialised Higher Prosecutor will preside the meeting of the Group in charge of that case. Unfortunately, Higher Prosecution Offices in Serbia are predominately failing in participating, even when invited.

Members of the Group are in daily contact in all emergency situations, and they meet at least once in every 15 days, and in bigger prosecution offices, once a week, so that they can review up to 30 (and more) newly reported incidents, together with ongoing and long-lasting cases. During the Group meeting, members need to present all the information (previous and current) their institutions have on the actors of the reported incident, in order for the Group to reassess the risk and to create a Plan of protection and support of the victim. Some Groups hold their meetings via Zoom, due to long distance between prosecution premises and police station and center for social work in certain municipality.

Even though **the Groups are not recognized as special units**, and their work is not being recognized as important and not being valued in all three system (prosecution, police and social protection), **the Groups can be viewed as special units because they collect all the evidence which can be used in criminal or family law cases**. But whether this evidence will be used by the prosecutor in charge

¹⁸¹ Available in English on <https://www.ombudsman.org.rs/attachments/article/617/Special%20Report.pdf>

of each individual case (in Basic or in Higher Prosecution Office) depends on the knowledge/skill/professionalism/vanity of each prosecutor.

In some, usually smaller prosecution offices, the prosecutor that preside the Group is also in charge of prosecution of the cases of DV or GBV in that municipality, and that organisation of work shows the best results when the prosecutor has knowledge/skill/professionalism. In other prosecution offices, where there are few specialised prosecutors in charge of prosecution of DV or GBV cases, that model of work also showed good results. The worst model is when cases of DV or GBV can be prosecuted by all prosecutors in Basic or Higher Prosecution Office, because there are huge differences in actions and attitudes of prosecutors toward the victims and perpetrators, especially when the prosecutor is a victim or perpetrator of violence¹⁸².

43. The state report failed to give a precise answer to this question. Swift investigation and effective prosecution of VAW and DV cases will be conducted only in cases where the perpetrators are arrested and in custody.

In all other cases, even though DV cases are prioritized only on paper, the situation is that victims cannot give their statements during investigation before the perpetrators are heard by the prosecutors. Because vast majority of prosecutors in Serbia have the room for taking statements only once a week, it takes two to three months before the perpetrator is summoned to give a statement, and up to six months before the victims testify. Usually perpetrators prolong their giving statement, by requesting delay claiming that they need to hire a defense attorney or that they are ill, etc. **In the average number of cases it takes at least one year before prosecutors submit indictments to the court.**

This organizational and structural problem exist from the 2011, when Serbia adopted the principle of prosecutorial investigation in the CPC. There are still not enough investigation rooms so that prosecutors could conduct investigation hearings more than once a week.

44. In addition to the state report, the rights that the victims “have on paper” are almost impossible to achieve when reporting. The representatives of Ministries and institutions in Serbia, during the campaigns and public appearances, call victims to report violence, while WCSOs add that „violence should be reported in a way that victims remain safe after reporting”.

Data from the „Research on respect for the minimum rights of victims of gender-based violence”, conducted in 2024¹⁸³, confirmed that there are positive examples in which the rights and personality of victims were respected when reporting violence, in accordance with the standards specified in the General and Special Protocols, as well as in the consistent implementation of relevant laws. However,

¹⁸² Resulted in femicide, Pirot, March 2023

¹⁸³ Conducted within the project "Introduction of a justice model focused on citizens by strengthening prevention and protection in cases of gender-based violence", by the Autonomous Women's Center with the support of the project "Justice for All" of the US Agency for International Development (USAID), available only in Serbian at <https://www.womenngo.org.rs/en/news/2272-awc-together-with-the-forum-of-judges-of-serbia-conducted-research-respecting-the-minimum-rights-of-victims-of-gender-based-violence-when-reporting-and-prosecuting-violence>

there are still negative examples of the actions of representatives of institutions, who, with their unprofessional, unethical and/or illegal actions, prevent victims from exercising their right to protection, i.e. deter victims of gender-based violence from reporting and further participating in proceedings.

The right to information and the provision of free legal assistance in the form of general legal advice to victims of gender-based violence is, in the experience of all those who participated in this research, still sporadic, and sometimes inaccurate, that is, even those who should inform the victim often do not have enough knowledge on the relevant legal provisions and the manner in which protection procedures are carried out. The free legal aid provided by the free legal aid services in the municipality is not, by the research participants, recognized as a provider of information and services for victims of gender-based violence, and there is even lack of information that these services exist.

Research showed that there were almost twice as many positive than negative experiences related to the presence of a victim of gender-based violence at the meeting of the Group for Coordination and Cooperation.

According to the experiences of the representatives of the prosecutor's offices who invite or otherwise include victims in the meeting of the Group that they preside, victims are enabled to, in addition to joint planning of their protection and consideration of additional support if they need it, get the feeling that the institutions really care about their security and that they want to hear what the victim has to say. In this way, according to the experience of public prosecutors who regularly invite victims to the Group's meetings, the victims feel that the institutions protect them, and the institutions feel satisfied because the victims give up their testimony in a much smaller percentage and are able to provide them with adequate protection and perpetrators are sanctioned.

What remain as problems in the implementation of art. 31 of the LPDV is the fact that still **a number of Groups have not**, even after seven years of implementation of the law, **tried in any way** (in person, by telephone or via video call) **to enable victims to use their right to attend the meeting of the Group** and to create, together with the members of the Group, a Protection and Support Plan for the victim that corresponds to the victim's real capacities and capabilities.

Regarding the right to translation, neither police nor prosecution have allocated funds for the translators, and if hired, the translators will be for the perpetrators, rarely for the victims. The stare report failed to provide data on the allocated funds for the purposes of translation and the number of translators being engaged in cases of victims.

In cases where the victim addressed WCSO for help, WCSO is bearing the cost of an interpreter if the victim cannot afford it. AWC has at least one woman who is foreigner and victim of DV annually, for whom, amongst other provided services, covers the cost of the interpreter from the police, center for social work, prosecution until court proceedings.

45. In addition to the state report, the above mentioned research¹⁸⁴ confirmed that the situation regarding victims of gender-based violence has not changed despite all the laws, protocols and other by-laws that improved the protection of victims of gender-based violence, and that the protection of victims still depends on the fact to which professional will victim address for help.

Minimum rights of the victims in Serbia are far less than the minimum standards should be, as a EU candidate country and party to CoE Conventions (Hunam Rights, Istanbul, Lanzarote, on Cyber Crime) and to UN Conventions. The aim of standards of actions in cases of VAW proscribed in General and Special Protocols, that have been adopted in the past decade, was to change the attitudes and prejudices of professionals, despite all financial and structural difficulties in which professionals work.

With regard to standard of actions of police introduced in 2011 by adopting the Special Protocol on the behavior of police officers in cases of violence against women in the family and in partner relationships¹⁸⁵, the impression of the research results is that, after the Law on the Prevention of Domestic Violence was adopted, the training of specialized police officers for domestic violence did not include the provisions of the Special Protocol for Police Officers, which did not cease to be valid with the adoption of the law, but rather represent guidelines/standards for the actions of police officers.

Experiences of the interviewed victims in the research showed the biggest dissatisfaction in action of police, whether in patrol or by the specialized police officers for DV. While 38.7% (N = 29) interviewed victims stated that the police patrol officers who came on call separated her from the person she reported and took her statement, as proscribed in the par. 3.2. of the Special Protocol, **22.7% victims responded that they have been ask by the patrol to tell what happened in front of the person they reported**. By comparing these answers with the answer about the year when the violence happened, it was possible to determine that this action of certain police patrols was the experience of women who reported violence in the period from 2008 to 2023, at least 12 of them in the last five years.

With regard to standard proscribed in par. 3.1. of the Special Protocol that “The police officer who communicates with the victim cannot make comments and express personal attitudes about the incident while they are talking with the victim of violence, nor can they inquire in the victim’s readiness to testify in further legal proceeding“, in more than half of the answers (52%, N = 39), the respondents indicated that they were asked at the police station if they wanted to prosecute the person they reported. When looking at the year in which the violence occurred, 38 answers related to reported incidents in the period from 2017 to 2024, after the LPDV came into force.

Knowing that there are large number of specialized police officers who ask victims of GBV if they want to prosecute the person they reported, the researchers were interested in whether the police officers explained to the victims why they were being asked. Bearing in mind that almost half of the

¹⁸⁴ *ibid*

¹⁸⁵ Available in English at https://www.undp.org/sites/g/files/zskgke326/files/migration/rs/UNDP_SRB_PlaviTekst.pdf

respondents (20 out of 39) indicated that the question was explained to them, it shows that there is an understanding of a number of specialized police officers that victims of gender-based violence do not know the procedure that follows after their report.

Although it is positive that in almost half (49.4%, N = 37) of the respondents' answers for the period from 2017, when the LPDV entered into force, stated that they received protection from the police, it is worrying that the victims testified on significant number of police verbal warnings, decisions not to implement the law and deterring the victim from reporting.

The situation is even worse when it comes to victims of rape and other sexual offences under the jurisdiction of criminal police in the headquarters of Police Directorates and prosecutors of Higher Public Prosecution Offices in Serbia, **because of use of polygraph testing of rape victims in police.** For more than decade, the Autonomous Women's Center has been pointing to the **worrying data of official state statistics when it comes to reports of rape**, because it doesn't seem realistic that during the course of 20 years, the number of reported cases of rape decreased from 203 in 2000 to 44 (2020), 79 (2021), 58 (2022) and 75 in 2023¹⁸⁶ on the territory of Serbia. In one-third to one-half of the cases, the criminal charges are dismissed by the Higher Public Prosecutor's Offices, while the courts pronounce guilty verdicts in 25 and less cases annually¹⁸⁷. However, there are no official state statistics of cases of rape that Higher Public Prosecutor's Offices in Serbia end without investigation, but just with the official note according to the so-called Ktr register.

By acting in this way, the prosecutors of the higher public prosecutor's offices leave it to the police to prove for them whether there are elements of the criminal offense of rape, and do not get involved in how the police act. And of course, it suits them when the police determine that it is a "false report" because they have one less case to work on. The application is then archived, as if it were a banal and negligent event, and the victim is denied the right to be informed of the prosecutor's decision and the right to file an objection to such a decision by the prosecution.

The police, encouraged by this trust of the prosecutors, began to expand and further develop a model in which, in cases of sexual abuse of minor children, and based on the child's first written statement, they **will determine whether it is a "false report"**. This model of work was announced within an international project called *Developing forensic statement analysis standards to fight CAE (Child abuse and exploitation): A victim centered approach* (abbreviated VERBUM_SAT), which was supported by the EU (ISF – Police Action Grant) in the period from 1.4.2019 until 31.8.2021¹⁸⁸. The project was managed by the Faculty of Philosophy of the University of Ljubljana, and the project partners were the Ministry of Internal Affairs of the Republic of Serbia, the European Forensic Agency¹⁸⁹ (whose founders are former employees of the National Criminalistic and Technical Center of the MoI in Serbia), the Polyclinic for the Protection of Children and Youth in the City of Zagreb

¹⁸⁶ Preliminary data for 2023 available in English on website of the Statistical Office of Serbia at <https://publikacije.stat.gov.rs/G2024/DocE/G20241186.docx>

¹⁸⁷ Data on the attrition in rape cases provided in Table 1 at the end of this report

¹⁸⁸ Data on project could still be found on <https://www.ff.uni-lj.si/en/node/108586>

¹⁸⁹ <https://www.euroforensicagency.eu/founders.php>

(whose director resigned¹⁹⁰ after articles on the H-Alter portal about her illegal behavior related to „parental alienation sindrom“) and Brave telephone, also from Zagreb.

Although in principle referred to the standards of the Istanbul Convention and the EU Directive on the establishment of minimum standards on the rights, support and protection of victims of criminal acts, **the project was fundamentally based on an idea that is in complete contradiction to the standards in dealing with victims.** The approach that puts the victim in the center of the institutions' actions does not mean that the **focus is on proving "false reporting", as the creators of the project designed**, but on believing the victim's statement.

Thus, the MoI, in cooperation with project partners, and thanks to EU funds, **spread this "model" aimed at proving false reports not only in Serbia, but also in the region.** And at the same time, no one was bothered by the fact that the "model" contradicts the Criminal Procedure Code, according to which the prosecution has the leading role in the investigation procedure, and in which the victim's statement is only one of the pieces of evidence that the prosecution values among other evidence obtained.

The press statement of the Police Directorate in Nis from January 2023 that "in the conversation before the polygraph testing, the twenty-nine-year-old girl admitted to the police that she falsely accused the twenty-nine-year-old man of rape, as well as the place where she was allegedly raped", and that it was a so-called "false report" **proved that practice of polygraph testing of rape victim in the police in Serbia exist.**

If this were an isolated case, the Autonomous Women's Center might not have reacted and appealed¹⁹¹ to the Protector of Citizens, Higher Public Prosecutor's Office in Niš and Press Council to investigate the actions of the police and media. From the experience of the Autonomous Women's Center in working with women who have survived sexual abuse, and experience in providing free legal aid, it seems that the inspectors for sexual offenses are only concerned with proving that these are "false reports" and in that proof, they do not hesitate to subject the victims to a polygraph testing. **Some women who had similar experience told AWC that they'd told the police that they "made it all up" just to save themselves from further psychological torture they endured at the hands of police officers.**

Higher Public Prosecutor's Office in Niš replied to AWC that there was no proceeding for false reporting instigated toward this victim of rape, unlike in other cases where usually perpetrators of rape, in whose cases the criminal charges have been dismissed or they have been acquitted due to lack of evidence, or prosecutors themselves **initiate investigation proceedings against victims of rape for false reporting of rape.**

¹⁹⁰ <https://n1info.hr/english/news/zagreb-child-and-youth-protection-centre-head-announces-resignation/>

¹⁹¹ <https://www.womenngo.org.rs/en/news/2161-answers-of-the-ombudsman-and-high-prosecutorial-office-in-nis-to-the-appeal-and-statements-of-media-portals-after-awc-filed-a-complaint-with-the-press-council>

In one such case in which AWC is providing free legal aid, Basic PPO, on the motion of the Higher PPO, indicted the victim of rape for false reporting. The shameful fact is that the victim of serious intimate partner violence never actually reported rape but testified on all forms of violence that she was subjected to, amongst other to unwanted sexual intercourses. It was the decision of the Higher PPO to divide cases, so the Basic PPO would continue prosecuting the case of intimate partner violence as a separate case before Basic court, and Higher PPO would prosecute only case of rape before Higher court. While the perpetrator was convicted before Basic court for all other forms of violence, he was acquitted before the Higher court, basically due to definition of rape that hasn't been amended in accordance with the Istanbul convention.

When it comes to sexual violence against children, there is wide spread practice of Higher PPOs not to trust children, or in cases of Roma girls to agree with court experts who will write that they are „sexually more matured“, or if they decide to conduct investigations in cases of rape of children, predominately girls younger of 14 years, Higher prosecutors will investigate it as criminal act of sexual intercourse with a child, as though the girls wanted that sexual intercourse. For that criminal act is prescribed milder sentence of up to 12 years in prison, unlike life imprisonment prescribed in cases of rape of children younger than 14.

There is a rare case in which Higher PPO indict the father, military captain, for continuous acts of rape of his minor daughter from November 2019 till May 2022. Even though the Higher court sentenced the rapist father to life imprisonment, the Appeal court overturned the sanction to 20 years in prison¹⁹².

The significant change in action of Higher PPO in Belgrade happened in cases of continuous rape of minors over the years, through the abuse of power in drama and horse-riding school. These two cases, that gain huge media attention, show that a shift in prosecution of cases of rape is possible even if they haven't been reported at the moment when they happened and without gynecological examination and swab testing. Both cases have been indicted, but unfortunately, the perpetrator – instructor in horse-riding school died almost at the end of first instance proceeding. Even though it is likely that that will be the ending in the second, more famous case of so-called drama school teacher, **the importance that both cases had on change on actions of prosecutors in Serbia is immense.**

46. Although the state report presented results of the research conducted in 2022 by the Commissioner for the Protection of Equality¹⁹³ on the existing problems that lead to attrition of VAW cases, **the state report lacks answers to the question on what efforts have been taken to address all factors that contribute to attrition. To be precise, the state report avoided to answer to that part of the question because there hasn't been any efforts or the efforts were only on paper but not implemented, or even if some initiatives were piloted, the state didn't support them to continue “living”.**

¹⁹² [Smanjena kazna kapetanu Vojske Srbije koji je silovao ćerku - Blic](#)

¹⁹³ with support of UNDP in Serbia, available only in Serbian at <https://www.undp.org/sr/serbia/publications/zastozene-ne-prijavljuju-nasilje-u-porodici-rezultati-istrazivanja>

During the public discussion on the adoption of new judicial laws¹⁹⁴, the Ministry of Justice adopted the proposal of the Autonomous Women's Center regarding the existence of a Service for assistance and support to victims and witnesses of criminal acts in the Law on the Organization of Courts, which had been introduced by previous Law on the Organization of Courts, but refused the same amendment in the proposal of the Law on Public Prosecutors. Despite the National Strategy for the realization of the rights of victims and witnesses of criminal acts, **National Assembly also refused AWC proposal of having Support services for victims in PPOs.**

On the pg. 96 of this state report it is written that „Information and support services for victims are available at all higher prosecutor's offices in the Republic of Serbia, at the Prosecutor's Office for Organized Crime, at the Prosecutor's Office for War Crimes and at the First General Prosecutor's Office in Belgrade”, but didn't provide data on the number and gender of victims that benefited from those services.

Research of the Appeal court judge and President of the Higher Court in Novi Sad, on the *Infrastructure of judicial objects and adequacy in providing the required level of support and protection for victims*¹⁹⁵, conducted in February 2020, showed that “since 2014, when the Service for victims was established at Higher PPO in Belgrade, started the establishment of services for informing injured parties and witnesses in all higher prosecutor's offices in Serbia - in 10 prosecutor's offices, the work of the Service is performed by three employees of that prosecutor's office, in five prosecutor's offices one employee does those jobs, in four prosecutor's offices two do it, and in two prosecutor's offices four do it. Not a single prosecutor's office has a systematized position in the Information Service for victims and witnesses, so the public prosecutors and assistant prosecutors are usually the ones who are providing this service. In one Higher PPO administrator clerk is engaged in providing help, while in Belgrade Higher PPO these tasks are performed by a statistician. None of them are entrusted solely with that task, but they also do their regular jobs.”

From August 2022 till July 2023, the Higher PPO in Belgrade had appointed specialized prosecutor as Coordinator for GBV¹⁹⁶, who was seconded from the Basic PPO due to her vast experience and knowledge. During her mandate, she managed to improve the work of Support Service for victims and witnesses of GBV in Higher PPO in Belgrade and to establish the special room for taking statements from victims via audio-visual equipment, all that without any budget. She also initiated the establishment of similar services in all six Basic PPOs under the jurisdiction of Belgrade Higher PPO and supported other five Groups to implement the Model of Employment of Victims developed by the Second PPO in Belgrade. Information on the work of these services for the 2023 can be found on the website of the Higher PPO in Belgrade¹⁹⁷.

¹⁹⁴ December 2022 – January 2023

¹⁹⁵ Article available only in Serbia at <https://www.osce.org/files/f/documents/9/0/556827.pdf>, pg. 296

¹⁹⁶ Information available only in Serbian on the website of the Higher PPO in Belgrade, at <https://beograd.vjt.rs/saopstenja/saopstenje-58/>, dated August 2, 2022

¹⁹⁷ Only in Serbian at <https://beograd.vjt.rs/saopstenja/saopstenje-469/>, dated February 4, 2024

Even though WCSOs in Belgrade appealed to High Prosecutorial Council¹⁹⁸ that there has been questionable assessment of work of the Coordinator for GBV placing her 34th out of a total of 43 candidates, when she applied to be elected as a prosecutor of the Higher PPO in Beograde. During her mandate in which she could have been seconded only once for one year, she hasn't been elected twice in roll by the High Prosecutorial Council¹⁹⁹.

Having in mind that MoJ and National Assembly refused the AWC proposal to legitimised Services for victims in PPOs, which means that there is no workplace systematisation for the position in that service, the psychologist, employed at the Higher PPO in Beograde as a librarian, even though she provided support to victims, has decided to leave soon after the Coordinator.

Currently the only active Support service for victims is in the Third Basic PPO in Belgrade, with designated prosecutorial assistant that gives all necessary information to victims in cases predominately DV. Victims are directed to Support service by the Group or by the prosecutor in charge of the investigation²⁰⁰.

Having in mind the adopted *Regulation on the criteria and indicators for evaluating the work of the chief public prosecutor and public prosecutor*²⁰¹ that **does not recognize and does not value the work of prosecutors that preside the Groups for coordination and cooperation, nor in the Support services for victims**, AWC is of the opinion that the **members of the High Prosecutorial Council in Serbia are opposing everything that has been done in PPOs in accordance with the Istanbul Convention and the LPDV**.

Data from the „Research on respect for the minimum rights of victims of gender-based violence”, conducted in 2024²⁰², showed that **there was an agreement of all interviewees that the attitude of the prosecution toward the victims is significantly better than the attitude of the police, but also that it is more formal**. According to the opinion of the research participants, the way in which each

¹⁹⁸ In March 2023, letter available at <https://www.womenngo.org.rs/en/news/2164-press-release-questionable-assessment-of-candidates-for-coordinator-for-gender-based-violence-by-the-state-prosecutorial-council>

¹⁹⁹ Reaction after first election in which the Coordinator for GBV hasn't been elected as a prosecutor of the Higher PPO in Belgrade <https://www.womenngo.org.rs/en/news/2173-press-release-high-prosecutorial-council-undermining-current-level-of-protection-afforded-to-victims-of-violence-in-belgrade>. Second election of prosecutors for Higher PPO in Belgrade was even more problematic because the High Prosecutorial Council elected seven prosecutorial assistants to be prosecutors in Higher PPO in Belgrade, who had never worked as first instance prosecutors in Basic PPOs. Constitutional court accepted appeals on the decision of their election <https://www.politika.rs/sr/clanak/636462/Ustavni-sud-usvojio-zalbe-kandidata-za-javne-tuzioce>

²⁰⁰ Information gathered in June 2024, during focus group discussions with representatives of judiciary while conducting research on Respecting minimum rights of victims of GBV, available only in Serbian at <https://www.womenngo.org.rs/en/news/2272-awc-together-with-the-forum-of-judges-of-serbia-conducted-research-respecting-the-minimum-rights-of-victims-of-gender-based-violence-when-reporting-and-prosecuting-violence>

²⁰¹ *Official Gazette of RS No. 33 dated 18.04.2024 and No. 45 dated 16.05.2024*

²⁰² Conducted within the project "Introduction of a justice model focused on citizens by strengthening prevention and protection in cases of gender-based violence", by the Autonomous Women's Center with the support of the project "Justice for All" of the US Agency for International Development (USAID), available only in Serbian at <https://www.womenngo.org.rs/en/news/2272-awc-together-with-the-forum-of-judges-of-serbia-conducted-research-respecting-the-minimum-rights-of-victims-of-gender-based-violence-when-reporting-and-prosecuting-violence>

specific case will be handled does not depend on the education that almost everyone has received, but on personal affinity and understanding of gender-based violence and interest in acting in those cases.

A large number of victims expressed dissatisfaction due to the fact that they did not have information about their rights during the procedure, and even when they received information, it was not explained to them exactly what that right means, that is, what the consequences of their decision were, and they had no information about the outcomes of the proceedings. The participants of the focus group discussions confirmed the experiences of the victims and added that when the victims are approached in the right way and their rights and the procedure are explained, then the victims remain in the process until the end. Those victims who were willing to share their experiences stated that they received information about rights and rules of procedure from CSOs that provide assistance and support to victims.

All research participants confirmed that the status of especially vulnerable witness²⁰³ is being granted, although the practices of the prosecution regarding the granting of this status differ. Half of the victims that stated that they received this status were given all the necessary information, and concluded they were very satisfied with the treatment of the public prosecutor. However, the other half of the victims who stated that they had the status of especially vulnerable witness, did not have such a positive experience, which again indicates that the mere exercise of rights on paper means nothing if it is not complemented by concrete actions of acting prosecutors, i.e. referral to Information and Support Services where they exist. A small number of judges who participated in the research stated that they gave victims the status of especially vulnerable witnesses, predominately in cases of minor victims, rarely for adults.

Not a single victim who participated in the research and who was given the status, was not granted ex officio attorney at law. Interviewed representatives of judiciary and CSOs service providers agree that where there is cooperation between CSOs and prosecutors' offices, and such examples exist, that cooperation enables more successful protection of victims.

There was an agreement by all interviewees that **the attitude of the judges towards the victims was correct and professional in most cases, while the experiences of some victims were negative, and that their impression was that judges were biased and justified violence**. When it comes to informing the victims about the course of the court proceedings, the judges are of the opinion that informing and preparing the victims for the court proceedings was the duty of the prosecution.

The experiences of the victims indicate that their rights in court were partially respected, that there is an uneven practice and judges' attitudes regarding the right of victims to receive copy of the indictment, of the decision on the imposed measure of prohibition of approaching, meeting or communicating with a certain person and visiting certain places from Art. 197 of the CPC and copy of the judgment. This was confirmed by the judges who explained the different practices and situations in which they do and do not send judgments to victims.

²⁰³ In accordance with the art. 103 of the CPC

During the public discussion on the amendments of the CPC, held in October 2024, the Working Group of the Ministry of Justice suggested rather cosmetic improvements of victims' rights, leaving the victim again as objects of the criminal proceedings and not the subjects of the right to protection. **AWC is of serious concern that the proposals of the WG will deteriorate the level of the existing rights of victims** by giving the perpetrators the right to appeal on the granted status of a especially vulnerable witness, by limitations for the issuance of measure of prohibition of approaching, meeting or communicating with a certain person and visiting certain places in accordance with art. 197 of the CPC and by giving the right of the arrested person to communicate freely with his family members (proposed in art. 69 of the CPC) even when those family members were harmed by a criminal act.

The Rape crisis centers, that have been the only answer given by the state under question 29, **were also not supported by the state after the piloting phase**. First, the number decreased from seven to four at the end of project, so **it's questionable how much the existing Rape crisis centers are funded by the state** or are they still funded through project supported by international organizations. Second, and the most important, is the **ignorance of all obligations under Istanbul convention from the Ministry of Health**. For more than 15 years AWC has been asking for Protocol in cases of rape and other sexual offences, for the improvement of gynecological examinations of rape victims, for free of charge emergency contraception, for psychologist present before, during and after examination, for forensic examination of all the injuries on the body of rape victim..... all that in vain. **Rape victims are additionally traumatized due to unprofessional and unethical behavior of gynecologist and other medical personal**, especially after waiting to be examined in the gynecological hospital/clinic that was on duty that day but doesn't have authorization to perform examination and swab testing of rape victims.

As for repeated torture that victims of rape suffer before the court, all that is visible in the case of the so-called drama teacher, that last for more than three years. The court case is open to the public and one victim, minor at the time of investigation, was granted the status of especially vulnerable witness. **Media and citizens can hear the questions asked by the defense lawyer and perpetrator himself**. Women reporters who are in the courtroom following the trial told AWC that after every hearing they feel like they've also been raped by actions of defense lawyer and perpetrator.

A small Tiktok video²⁰⁴ was created in February 2024 with some of those questions:

- How long is his tongue when you, allegedly opposing, were able to feel his tongue deep in your throat?
- Did you resist when he was taking your underwear?
- Did you close your mouth when he pulled your head toward his male organ?
- How all that can be done at the same time, one arm in your bra, on ass and in vagina, it's a little.....
- Did you come to classes wearing make-up?
- Did he order you or told you normally to spread your legs?
- When he penetrated with tongue into your vagina, was this touching with lips or licking with tongue?

²⁰⁴ <https://vm.tiktok.com/ZMMwXMMLX/>

- Do you suck (Serbian for smoke), I mean do you consume cigarettes?
- The act of tongue penetration, how many minutes did it last?
- How could you lay if the couch was in seating position?
- Did you, at the moment when he was doing it that to you, think that that was something unacceptable and indecent?
- Why didn't you tide yourself before entering the studio, and why did you enter the studio with messed hair and red in face?
- Why did you come to classes without tights? Was it to make it easy for him to rape you?
- Why didn't you strongly hold your teeth so that you could stop him from pushing his tongue into your mouth?
- If you are of the same height, why were you on your toes while he was performing the movements up and down?
- When you entered the office, how were you dressed?
- Have you ever in your life saw what rape looks like?
- Did you allow him for him to take your panties off?
- Did they teach you in acting school how to make yourself cry?
- Where your legs together or spread at the moment when he is taking your panties off?

In the experience of victims of rape that address AWC, questions like this are usually asked by defense attorneys who suffer no consequences for such behavior, nor by the court nor by the Bar Association. If the prosecutors are not interested in the protection of victims of rape, the rape victims will not have the strength to continue further with testifying, which is the intention of defense.

47. In addition to the state report, even though the renewable residence status can be requested also on the basis of humanitarian stay, status of presumed victim of human trafficking; the status of a victim of human trafficking; and other justified reasons in accordance with the law or international agreement, **victims of DV are only given residence status on the bases of family reunification**. That means that if victims of DV have children who are citizens of Serbia, then they will be granted residence status, but only if the victim is not deprived of her parental rights (which perpetrators also instigate in order for the victims to be refused of residence).

The procedure itself is very expensive for the victims of DV, the taxes are approx. 200 euros and they need to have valid health insurance for the period of one year, which also costs significantly. In cases of women migrants' victims of DV, AWC covers the costs of applying for temporary residence which lasts one year.

Article 51: Risk assessment and risk management

48. In addition to extensive state response, the **risks** that specialized police offices need to determine when deciding on the issuance of emergency measures **are the minimum of obligatory eight risks listed in art. 16 of the LPDV**.

The MoI created questioner for specialised police officer for DV with 21 risk factors and with possibility to add a risk which is not on the list, but without explanation which risk factors are red flags and without possible answers – YES, NO, UNKNOWN.

But the **problem with assessing risk is lack of skill**, and the fact that, especially within Police Academy that is conducting trainings for the future specialized police officers for DV, there is not a single professor/trainer who knows how to assess the risk. Specialized police officers for DV are taught that they are “the Gods“ of the risk assessment and that what they assessed is „the law“. Through the official state trainings, specialised police officers for DV are not taught that risk assessment is not a constant, but that it is easily changable in time, and that it can go from low to high risk in a minute, and vice versa. Also, the risk assessment conducted by specialized police officer for DV is limited to information that police officer has at the moment of reporting, and mistakes happen. In some municipalities, social worker on duty will be invited by specialized police officers for DV during taking statements from the victim and the perpetrator, or will contact social worker on duty to request for additional information before assessing the risk.

There are few problems visible in the practice of specialized police officers for DV when assessing risk:

- It is possible for specialized police officers not to issue emergency measure even if they assess that there are one or more risk factors
- Some specialized police officers do not assess the risk in cases where perpetrator is placed after the reporting in the Mental health hospital or is a fugitive
- In case of issuing emergency measures to both perpetrator and the victim, some specialized police officers only do one risk assessment list and put all the risk factors in one list, regardless of the fact who did what to whom
- The same happens in cases where children are reported as victims, and specialized police officers do only one risk assessment list and then issue emergency measures not for the protection of children, but parent

But even bigger problems are lack of knowledge and skill by the prosecutors who request prolongation of emergency measures and judges who decide on the prolongation, because they do not evaluate and reassess the risks determined by specialized police officers for DV. Majority of prosecutors, who do not work on GBV cases nor preside Groups, are of the opinion that they do not need to assess the risk when they are prosecutors on duty.

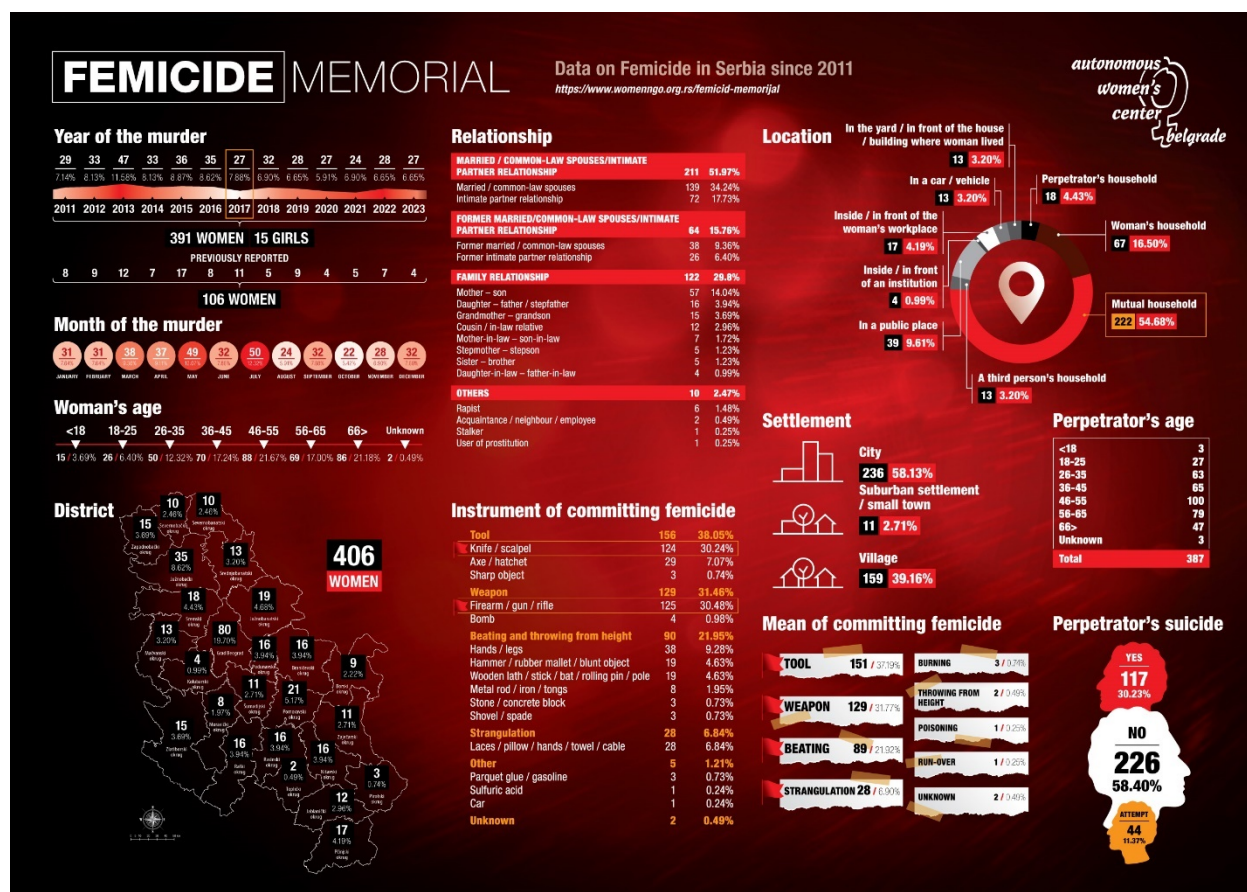
The Groups for coordination and cooperation are the corrective factor in cases of wrongly assessed risk, but that is not always the case²⁰⁵. All members of the Groups are obliged to come to the Group meetings with all data/information that they have not just regarding the reported incident, but regarding all information the institutions have on the actors of the reported incident, as well as all

²⁰⁵ Findings with recommendations of the Protector of Citizens dated December 2023, available only in Serbian at <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7928-p-r-b-n-individu-lni-pl-n-p-drsh-z-sv-u-zr-vu-p-r-dicn-g-n-silj>

data on previous reporting. But still, in the experience of AWC, the Groups generally lacks knowledge and skill to recognize red flag risk factors, like strangulation or coercive control without any physical violence.

By monitoring cases of femicide, especially the femicide instigated mass murders, AWC introduced additional risk factor into list that AWC is using in its daily work with women survivors²⁰⁶, because Serbia has one risk factor that most countries do not have, and that is perpetrators participation in the armed conflict or the experience of being a refugee. These risk factors are rarely recognized by the representatives of institutions, ignoring the fact that the perpetrators might have long lasting untreated PTSD.

AWC, on its Femicide Memorial webpage²⁰⁷, created infographics with statistical data and marked the red flag risk factors, with the aim to enhance the knowledge of representatives of all institutions, media and citizens on the high-risk factors of femicide.



49. It is visible from the state answer that state do not understand the importance of the work of the Groups for coordination and cooperation. The Group is the bases of all co-operation between different statutory authorities and specialist women's support services in making risk

²⁰⁶ AWC is using adapted DASH MARAC risk assessment list since 2009

²⁰⁷ <https://www.womenngo.org.rs/femicid-memorijal>

assessments. The Group reviews all incidents of violence, regardless of the level of the assessed risk by the specialized police officer.

As prescribed in the art. 25 and 26 of the LPDV, the Group has its permanent members (prosecution, police, social service) and members that can be invited to the meeting (representatives of educational, kindergarten, health institutions and National Employment Office, as well as representatives of other legal entities and CSOs that provide support services for victims). All interested can address the Group requesting to be invited to a Group meeting or part of the Group meeting where specific case will be reviewed.

The risk assessed on the Group is not only managed by the law-enforcement agency, but in each case the concrete assignment of the members of the Group are written in Plan for protection and support of victim with deadlines, and that plan should be reviewed as ongoing case in the meeting scheduled in the Plan. Plans are created for each victim, including each child separately if child is assessed as victim²⁰⁸. More on work of the Groups can be read in Special Reports of the Protector of Citizens on the Work of Groups for Coordination and Cooperations in Belgrade and Nis²⁰⁹.

Unfortunately, **the monthly statistics collected by the Supreme Public Prosecutor's Office**, that AWC requests regularly, **doesn't contain data on the number of Group meetings held with the participation of other institutions and CSOs, so that this coordinating role of the Group could be quantitatively assessed.** AWC generally has good cooperation with majority of Groups, and rarely the Group decides not to invite AWC representative and the victim when requested and explained. The members of the Group and CSOs doesn't have to agree on the assessed risk, but the Group gives space to each individual member, victims and CSOs to exchange their arguments. There are more and more Groups in Belgrade that refer victims in high-risk or continuous middle risk situations to AWC.

50. The state report again lacks a concrete answer. The Government of Serbia hasn't made any efforts to analyze retrospectively all cases of gender-based killings of women, nor it identified possible systemic gaps in the institutional response with the aim to prevent such acts in the future.

There is no official data on femicide in Serbia. Official state statistics doesn't contain data on number of murdered women by perpetrators that committed suicide after femicide. AWC, that has been monitoring femicide cases for more than 20 years, created Femicide Memorial web site²¹⁰, where data on all cases of GBV related femicides in Serbia could be found starting from 2011. Data show that **after the entry into force of the Law on Prevention of Domestic Violence** in June 2017, **the**

²⁰⁸ Cases before Protector of Citizens unfortunately show that that is rarely the case – Report with recommendations from December 2023 available only in Serbian at <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7923-pr-p-ru-z-z-sh-i-u-d-c-u-sluc-vi-p-r-dicn-g-n-silj>

²⁰⁹ Available in English on <https://www.ombudsman.org.rs/attachments/article/617/Special%20Report.pdf>

²¹⁰ <https://www.womenngo.org.rs/femicid-memorijal>

number of femicide decreased from 30-40 to 20-30 annually. In 2023, the prevalence²¹¹ of all cases of GBV related femicides in Serbia was 0,79 and 0,56 for intimate partner femicides²¹².

AWC also monitors the number of cases in which the victim of femicide previously reported violence, which cases also decreased with the implementation of LPDV. It can be concluded that lives of women in Serbia will be saved in cases of reported violence. Unfortunately, women victims of violence lost faith that institutions will protect them if they report violence, due to all the cases that resulted in femicide after reporting. Also, women older than 46 years are more likely to be murdered in Serbia by their current or former intimate partner/spouse or son, which shows that patriarchal values of shame and guilt are still very much present in lives of women in Serbia.

The only **independent institution that analyzes the cases of femicide** in situations where there has been previous violence is **still Protector of Citizens (Ombudsman)**. The limitations of the scope of investigation of Protector of Citizens is that it can only analyze the actions of police, centers for social work, health institutions, educational institutions, local self-governments etc. and issue recommendations for the relevant Ministries and concrete institutions. Protector of Citizens can request data from PPOs and Courts, but they are not obliged to send requested information. Also, Protector of Citizens can state his findings on the actions of prosecutors and judges, but it cannot issue recommendations to MoJ, High Judicial and High Prosecutorial Council.

While other relevant Ministries, based on Protector of Citizen's recommendations in cases of femicide, over the course of the years, changed some of the systemic gaps, such as police taking weapons in all reported cases from all in the household, even police and military officers, adoption of General and Special protocols of actions and later adoption of the Law on Prevention of Domestic Violence, the **High Judicial and High Prosecutorial Council are refusing to conduct disciplinary proceedings against judges and prosecutors** whose wrong actions and/or non actions resulted in gender-based death of women and children.

During the public discussion on the adoption of new judicial laws which lasted from December 2022 till January 2023²¹³, the Ministry of Justice and National Assembly refused comments and proposals of the Autonomous Women's Center regarding disciplinary responsibility of judges and prosecutors²¹⁴.

Despite all the AWC efforts, the Law on Judges and the Law on Public Prosecutors Office derogated/abolished the art. 6 of the Law on Prevention of Domestic Violence. **Since February 2023,**

²¹¹ The EU average in 2021 was 0.39 per 100,000 women (EIGE), in Serbia in 2021 was 0,35. According to the UNODC source total femicide/other close/family members average European rate in 2016/2017 was 0.70 per 100,000 women

²¹² Prevalence rates from 2020-2023 can be found in Tables 3 and 4 at the end of the report

²¹³ <https://www.womenngo.org.rs/en/news/1991-awc-participation-in-the-public-hearing-of-the-committee-for-constitutional-affairs-and-legislation-of-the-national-assembly-regarding-proposals-of-judicial-laws>

²¹⁴ supports the basic idea of the draft Law on Judges and the Law on Public Prosecutors, which refer to greater independence of judges and public prosecutors from the executive power. On the other hand, we believe that greater independence must come with greater responsibility of judges and public prosecutors for the decisions they make, especially in cases of violation of ratified international treaties and laws.

judges and prosecutors no longer bear disciplinary responsibility for not acting in accordance with the LPDV. Also, proposal for the introduction of initiating disciplinary proceeding in situation where the action/decision of the judge/public prosecutor has resulted in the death or serious bodily injury of the party or victim, i.e. witness in the proceeding hasn't been accepted. Now, in Serbia disciplinary proceeding can be instigated against judge/prosecutor for the long lasting of case, but not if action of the judge/prosecutor lead to death of woman or child.

It took only a month for all that that AWC was fearing from to happen.

After eight reports for intimate partnership violence and stalking, one criminal case ended in plea agreement with monetary fine, while the same prosecutor asked for detention of the perpetrator after the eight report of violence, before the judge accepted the plea agreement for previous seven acts of violence, and the other judge refused to detain the perpetrator because he hasn't been previously convicted at the time of deciding on detention, AWC created timeline infographic.



In order for prosecutors and judges to continue working like nothing had happened, which is the practice of judiciary in all previously reported femicide cases, AWC first wrote public statements²¹⁵ requesting answers and actions of High Judicial and High Prosecutorial Council, and later, request to the President of the Council for Human and Minority Rights and Gender Equality to schedule a public hearing²¹⁶.

The Council for Human Rights and Gender Equality of the National Assembly never replied on the initiative to hold public hearing in case of femicide in Pirota on March 5, 2023.

²¹⁵ <https://www.womenngo.org.rs/en/news/2163-awc-press-release-react-before-the-crime-not-after-it>

²¹⁶ <https://www.womenngo.org.rs/en/news/2168-initiative-to-hold-a-public-hearing-on-the-case-of-the-woman-murdered-in-pirota>

After Protector of Citizens issued Report on the femicide in Pirot²¹⁷, from which it responsibilities of prosecutors and judges were evident, AWC filed criminal charges against judges and prosecutors claiming that they had committed the criminal offense of negligent work in the service prescribed by the art. 361 of the Criminal Code²¹⁸.

The Higher Public Prosecutor of the Special Department for Prevention of Corruption of the Higher Public Prosecutor's Office in Niš refused to act on these criminal charges, and forwarded them to the Higher Public Prosecutor's Office in Pirot. Such a decision of the Higher Public Prosecutor would not have been contested if the Autonomous Women's Center had not filed criminal charges due to the suspicion that the judges and prosecutors from Pirot had committed a criminal offense under art. 361 CC, and not from art. 360 of the CC, as stated in the prosecutor's letter. AWC replied²¹⁹ and requested for the prosecutor to continue investigating for the art. 361 CC which in an act of negligence, unlike art. 360 CC which requires proof of intent.

After the Higher Public Prosecutor's Office in Pirot rejected criminal charges for art. 360, which is more aggravating criminal act and which rejection was expected, the Higher Public Prosecutor of the Special Department for Prevention of Corruption of the Higher Public Prosecutor's Office in Niš didn't continue investigating for the act of art. 361 as submitted by AWC. In September 2023, AWC received the response from the Supreme Public Prosecutor's Office rejecting AWC complaint against acting prosecutor in the case²²⁰.

With regard to the asked question, **the High Judicial and High Prosecutorial Council and the National Assembly** not only that they hadn't made any efforts to analyze retrospectively this case of gender-based killing of woman, and to identify possible systemic gaps in the institutional response with the aim to prevent such acts in the future, but they **effectively prevented attempt to analyze and identify institutional gaps** that enabled perpetrator to fulfil his initial intent.

Based on circumstances of this and other femicides allowed to happen by the actions of judiciary, AWC submitted proposals on the amendments of the CPC²²¹, during the public discussion held in October 2024. **AWC proposed improvements of victims' rights regarding the right to information and participation**, which should consist of the right to receive all prosecution and court documents, the right to be asked and informed of an intention of prosecutor to sign plea agreement,

²¹⁷ On the website of the Protector of Citizens only information on the conducted control can be found, dated July 21st, 2023, but not the Report with recommendations related to femicide in Pirot (different Report is posted). AWC, who submitted all collected information to the Office of the Protector of Citizens, was sent a copy of this Report, based on which criminal charges have been submitted

²¹⁸ <https://www.womenngo.org.rs/en/news/2104-awc-filed-criminal-charges-against-judges-and-prosecutors-in-the-case-of-the-murder-of-a-woman-in-pirot>

²¹⁹ <https://www.womenngo.org.rs/en/news/2103-the-higher-public-prosecutor-s-office-in-nis-refused-to-act-on-criminal-charges-against-judges-and-prosecutors-in-pirot>

²²⁰ <https://www.womenngo.org.rs/en/news/2102-the-higher-public-prosecutor-s-office-in-nis-continues-to-refuse-to-act-on-criminal-charges-filed-against-judges-and-prosecutors-in-pirot>

²²¹ Available only in Serbian at <https://www.womenngo.org.rs/vesti/2268-azc-komentari-na-nacrt-zakona-o-izmenama-i-dopunama-zakonika-o-krivicnom-postupku>

the right to be invited to a hearing in which the plea agreement is being considered by the judge, as well as regulation of situations in which the prosecutor and the judge would be obliged to reject the plea agreement if the perpetrator is reported of a new criminal act.

Article 52: Emergency barring orders

51. In addition to the state report, emergency barring orders were introduced by the Law on Prevention of Domestic Violence, as ex officio and ex parte measures.

Emergency barring orders were introduced as exclusive police authority when acting in reported cases of intimate partnership violence and violence within family members. If issued by specialized police officer for DV emergency barring orders lasts 48 hours. After the issuance, police is obliged to deliver the order with risk assessment list and other documents to Basic PPO at the place of victims residence and to CSW. When issuing emergency barring orders police acts like emergency health service, it can provide protection in the place where the victim reported violence, regardless of the victim's place of residence.

Within that 48 hours, Basic PPO at the place has 24 hours to decide on the submission of the motion for the prolongation of the emergency measure(s) to the court. If submitted, the Basic court has 24 hours to decide on the prolongation. When the emergency barring order was issued by the police, the perpetrator was informed that it can be prolonged by the court, and obliged to call police at the end of 48 hour to receive court decision.

If prolonged, the emergency measure(s) last 30 days. They can last shorter only in case of the Higher court accepted perpetrators appeal on the prolonged measure and derogated the first instance decision. The Higher court can only confirm or derogate the first instance decision.

Although the victims have a right to receive written information of the issued emergency barring order(s) and to receive a copy of prolonged emergency measure(s), as well as decision of the Higher court in case of appeal, AWC, through the service of the provision of Free Legal Aid, observed many cases in which victims haven't been informed on the issuance of measures, or even if they have been, it was done verbally, via telephone and not in written.

51a. During the period of prolonged emergency measure(s) the victims, and if the prosecutor in charge of the case decides to conduct investigation, then the prosecutor can request from the criminal pre-trial judge for the issuance of the measure of prohibition of approaching, meeting or communicating with a certain person and visiting certain places in accordance with Art. 197 or any other measures to ensure the presence of the accused prescribed by the CPC.

Art. 23 of the LPDV prescribed urgency of the court in deciding on measures to ensure the presence of the accused, within 24 hours on the proposal of the public prosecutor. Due to lack

of an official state statistics in implementation of this measure, AWC can confirm that it had cases of women addressing for free legal aid whose protection or their child(ren) was secured in that way.

If the reported incident doesn't reach the level of a criminal act, then the victim, prosecutor and the CSW can file a civil suit in accordance with the Family law for the issuance of protection measure(s). Even if the lawsuit were to be filed the day after the issuance of emergency barring order(s), Family law judges will not issue protection measure in a form of a judgement or as a preliminary measure, without the opinion of the CSW. And that opinion the court waits for approx. three months. So, there is a possibility that prolonged emergency measure of 30 days could last until the family law judge issues protection measure, but that had never happened in cases of women who addressed AWC for free legal aid.

51b. Like in prosecutor's offices, **there is no institutionalized support for victims in the Police stations.** AWC only saw one information leaflet received by the woman victim in the Police station in one small city. As the data from the „Research on respect for the minimum rights of victims of gender-based violence”, conducted in 2024²²², confirmed, victims are the most dissatisfied with the treatment experienced while reporting violence to the police and lack of information on the measures that police conducted. Experience of many women who addresses AWC for free legal aid is that they don't even receive written Information that emergency barring order(s) was issued so that they would know to protect themselves and report breach of the measure if it happens. There are good examples of actions of individual specialized police officers toward victims, whose work is underappreciated by the system.

51c. Children are not included into emergency barring order(s), but emergency barring order(s) can be issued for the protection of each child individually. For years children haven't been recognized as victims by the specialized police officers for DV, and the number of issued emergency barring order(s) for the protection of children was around 5%. Orders for the protection of children were issued only if the children suffered physical injuries. In recent years, after few cases of infanticides resulted from DV, the percentage of children being protected by the prolonged emergency measure(s) increased to 9%²²³. The MoI doesn't collect data on number of emergency barring order(s) issued for the protection of children, and therefore it is not possible to compare the number of orders issued for the protection of children by the police and the number requested prolongation of measures by the PPOs and number of prolonged measures by the court for the protection of children. Experience of women who addressed AWC for free legal aid is that PPO's are not requesting prolongation of emergency measures for children who were witnesses.

51d. If emergency barring orders are issued for the protection of a child and prolonged, there are no exceptions related to contacts with the perpetrator.

²²² available only in Serbian at <https://www.womenngo.org.rs/en/news/2272-awc-together-with-the-forum-of-judges-of-serbia-conducted-research-respecting-the-minimum-rights-of-victims-of-gender-based-violence-when-reporting-and-prosecuting-violence>

²²³ Data on the implementation of the Law on prevention of DV for 2023 can be found at <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv/2234-the-twelfth-report-on-the-implementation-of-the-law-on-the-prevention-of-domestic-violence-in-2023-has-been-published>



52. Emergency barring order(s) are enforceable from the moment of the issuance in the police station. The perpetrator can decline to receive it, but specialized police officer can write an official note of that decline which is of no importance because the order was verbally explained to the perpetrator. There is no right to appeal on the order because it lasts only 48 hours, and it has preventive purpose.

The prolonged emergency measure(s) are also enforceable from the moment of the prolongation, despite the right to appeal. Breach of emergency barring order(s) or prolong emergency measure(s) is, according to art. 36 of the LPDV punishable by the imprisonment of up to 60 days in a misdemeanor proceeding.

There were problems in the different judicial opinions regarding the delivery of the prolonged emergency measure(s) if the perpetrator does not show up in police station to receive his copy of the prolonged emergency measure. Police in those cases is obliged to inform the perpetrator of the prolonged emergency measure(s) by the phone, message, or by sending a police patrol to find the perpetrator. The predominant opinion is that a perpetrator was informed that the order could be prolonged, and it was his decision not to show up at the police station to take the prolonged measure. The similar comparison can be done with receiving decisions on the amount of annual property tax - the Ministry of Finance doesn't need proof of delivery because every citizen knows that it's their obligation to pay. Also, by not accepting to receive the prolonged emergency measure the perpetrator denies himself the right to appeal.

MoI collects the data on the number of filled misdemeanor charges for the breach of emergency barring order(s) or prolonged measure(s). Compared to 21882 emergency barring orders issued by the police in 2023, the breach in only 2103 cases is 9,6%, which is the annual average over the past seven years²²⁴.

BREACHED EMERGENCY AND REPEATED VIOLENCE

	2019	2020	2021	2022	2023
 Initiated misdemeanor proceedings for breach of emergency measures	1809	1922	2088	2188	2103
 Perpetrators who repeated acts of violence	6002	6707	8227	9489	10365

U 2023, the number of violations of emergency or prolonged emergency measures **decreased**, and the number of perpetrators who repeat violence continues to increase.

Izvor: Ministry of Internal Affairs

²²⁴ Report and infographic on the Implementation of the LPDV in 2023 available at <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv/2234-the-twelfth-report-on-the-implementation-of-the-law-on-the-prevention-of-domestic-violence-in-2023-has-been-published>

In 2022, AWC published the Research report on the implementation of the Law on Prevention of Domestic Violence before Misdemeanor Courts²²⁵. The research was conducted by requesting data from the Misdemeanor Court of Appeal and anonymized judgements of the Misdemeanor Courts in Serbia, as well through the analysis of data from selected misdemeanor decisions based on following criteria: **1) female perpetrators sentenced to prison terms; 2) perpetrators of both sexes who were fined and 3) perpetrators of both sexes who were acquitted**²²⁶.

With regard to the grounds for the acquittal, out of the total number of 45 analyzed acquitted judgements, in 32 cases judges' opinion was that it was not proven that the perpetrator had committed the offense for which he was charged, in 6 cases for the reason there was no evidence that the perpetrator received the court's decision on prolonged emergency measures²²⁷, while in 5 cases judges stated that there existed circumstances that excluded misdemeanor liability. In the remaining 2 cases, in 1 case the procedure was suspended and in 1 case a warning was issued.

AWC expected that data on the actions of Misdemeanor Courts in Serbia with regard to art. 36 par. 1 of the LPDV will be submitted in the state report, but that was omitted.

In the experience of women who addressed AWC for free legal aid, in many cases police refused to instigate misdemeanor proceeding in case of breach of protection order whether by their own decision or after the verbal consultations with misdemeanor judge on duty. In one such case in 2019²²⁸, because the police decided not to file misdemeanor charges for the breach of prolonged emergency measure, the perpetrator who breached the measure while approaching the Safe house in which woman was accommodated, murdered his wife in public, at the bus station, when she decided to leave the Safe house because she didn't feel safe there.

The problem in these cases also lies in a fact that **the Law on Misdemeanors doesn't oblige the misdemeanor judges to send the decision on the breach of the emergency barring order/prolonged measure to victims.**

Article 53: Restraining or protection orders

53a. In addition to the state report, restraining orders in criminal proceedings and protection measures in civil, family law proceedings are available to majority of GBV victims.

²²⁵ <https://www.womenngo.org.rs/en/news/1937-awc-implementation-of-the-law-on-prevention-of-domestic-violence-before-misdemeanor-courts-in-serbia>

²²⁶ Out of a total of 97 judgments in which the defendants of both sexes were acquitted, a total of 61 judgements were identified, of which 45 judgements were received and analyzed

²²⁷ In these cases, reference to the relevant article of the Law on Misdemeanors was not the same in the judgments, so in some cases the provision of Article 250 paragraph 1 item 2 (circumstances that exclude liability for misdemeanors) is cited as the basis, and in others the provision of Article 250 paragraph 1 point 3 (it was not proven that the defendant committed an offense).

²²⁸ <https://www.womenngo.org.rs/en/news/1488-press-release-another-murder-of-a-woman-because-of-inadequate-risk-assessment>; <https://www.womenngo.org.rs/en/news/1486-open-letter-to-the-ministry-of-interior-mr-stefanovic>; Femicide in Serbia: How my father killed my mother, <https://www.bbc.com/serbian/lat/srbija-59474556>

Restraining order during the criminal proceeding is prescribed in art. 197 CPC (measure of prohibition of approaching, meeting or communicating with a certain person and visiting certain places). The order is issued by the pre-trial or trial judge(s) on the motion of the prosecutor or ex officio during the trial. The victim cannot request from the judge(s) the issuance of that measure, but can suggest the prosecutor to request it. The measure is enforceable from the moment that the perpetrator receives it, regardless of the right to appeal. The measure can last until the end of criminal proceeding, and it is being reevaluated by the court every three months, obliging prosecutors to file motion for the prolongation of this criminal procedure measure.

There is an obligation of the court to send a copy of this measure to victim, which courts do not respect in all cases, so victim has to request for the copy if they learn that the measure has been issued²²⁹. AWC could not prove it, but it is certain that the reason why the woman, that was killed in Pirot in March 2023, didn't report breaches of that measure (for which she was accused for by the President of the Basic court in Pirot after her murder) is because she never knew that the measure was being issued for her protection.

Restraining order after the end of the criminal proceeding is prescribed in the art. 89a CC (security measure of prohibition to approach and communicate with the injured party). The order is issued on the motion of the prosecutor or victim in case of conviction. The measure is not enforceable from the moment of the issuance but from the moment of final ending of the criminal proceeding in case of conviction. The measure can be imposed if the perpetrator has been sentenced to a fine, community service, revocation of a driver's license, a suspended sentence and a court warning, but not with security measures of mandatory psychiatric treatment at liberty in case where that measure is the only sanction for the perpetrator. The court determines the duration of the measure which cannot be shorter than six months or longer than three years, counting from the day the decision becomes legally binding, provided that the time spent in prison, i.e. in the health institution where the security measure was carried out, is not included in the duration of this measure. **The is no proscribed monitoring of this measure by any institution in Serbia.**

There is no right of the victim and no obligation of the court to send a copy of the first instance judgement with this measure to victim, so victim has to request for the copy²³⁰

Criminal restraining orders can be issued in cases of all GBV victims if there is ongoing criminal investigation/proceeding, regardless of the fact whether they are considered to be members of the family or not.

Protection orders in civil proceedings are prescribed by the Family law as protection measures. There are five protection measures, and they can be issued even if the victim had never reported any

²²⁹ Data from the research on Respecting minimum rights of victims of GBV, available only in Serbian at <https://www.womenngo.org.rs/en/news/2272-awc-together-with-the-forum-of-judges-of-serbia-conducted-research-respecting-the-minimum-rights-of-victims-of-gender-based-violence-when-reporting-and-prosecuting-violence>

²³⁰ *ibid*

incident of violence. The protection measures can be issued only for the protection of victims who are considered to be family members proscribed in art. 197 par. 3, which definition from 2005 is in accordance with the Istanbul convention. The protection measures can be issued as a preliminary measure during family law proceeding and/or at the end, in a judgment, and can last up to one year. The measures are enforceable from the moment of the issuance/received by the party. Protection measures can be prolonged, but a new civil suit needs to be filed.

Serbia doesn't have criminal act prosecuted ex officio or on the motion of the victim related to digital manifestations of violence against women and girls, so the victims of digital violence will only be protected by restraining/protection orders if the acts of digital violence can be prosecuted with other acts of reported violence or if they are family members.

In case in which PPO or CSW filed a civil suit for the issuance of the protection measure for the protection of victim(s), **the court is not obliged to send the decision on the issued protection measure to victim(s)**. Even when the victim requests a copy, the court rejects it, stating that the victim was not a party in the court proceeding. In the experience of women who address AWC for free legal aid, they have not been informed neither that the PPO files the civil suit for their protection, nor that the court issued protection measure.

53b. Children are not included into restraining/protection orders, but restraining/protection orders can be issued for the protection of each child individually. There are no official data on the number of criminal restraining orders or civil protection measures issued for the protection of children, but in the experience of women who address AWC for free legal aid, these measures are being issued.

53c. If restraining order is issued in the criminal proceeding for the protection of a child, there are no exceptions related to contacts with the perpetrator. If a civil protection measure is issued for the protection of the child, there could be exceptions related to contacts with the abusive parent in case of protection measure of non-approaching the child. Even though the exception is not prescribed in the Family law, it resulted as a need of practice and respect of the right of the child to have contact with the parent with whom the child doesn't live with. The exception is usually regulated so that the non-approaching protection measure will be valid in all cases except during the supervised contacts in the premises of the CSW.

54. In addition to the state report, the breach of the restraining order during the criminal proceedings could be the issuance of the detention order. The breach of the restraining order at the end of criminal proceedings is the criminal act prescribed in art. 340a, that states:

Whoever violates the prohibition established by the imposed security measure, shall be punished by a fine or imprisonment for up to six months.

Data of the Republic Statistical Office show that in 2023²³¹ there has been only 38 convictions for the breach of security measure, but it is not possible to determine which of the 11 proscribed security measures.

The breach of the civil family law protection measure is a criminal act of domestic violence prescribed in art. 194 par. 5, that states:

(5) Whoever violates the protection measures against domestic violence that the court has determined for him on the basis of the law governing family relations, shall be punished by imprisonment from three months to three years and a fine.

The Republic Statistical Office do not collect or publish data on the criminal act of domestic violence for each paragraph of that act individually. Having in mind that only in this paragraph fine remained as additional punishment, it could be concluded that in 2023²³² there has been 15 convictions for the breach of protection measures.

Article 56: Measures of protection

55a. In addition to the state report, a mistake was made regarding stating that the art. 181 was of the Civil Code, but in fact it is of the Law on the Execution of Criminal Sanctions. **There is no obligation of any relevant agency to inform the victim of GBV about the perpetrator escaping from detention or being granted weekends while serving prison sentence. Also, the victim of GBV is not being invited when the court decides on the conditional release.** All this, and other minimal rights of the victims, AWC proposed to the Working groups of the MoJ on the amendments of CC and CPC²³³.

Currently, it is up the Group for coordination and cooperation to be informed in all these cases, at least one month before release from the prison, so that the Group could call the victim to Group meeting and create Plan of protection and support. Unfortunately, not all Groups understood that that is also in their jurisdiction, and that they need to contact the victims to check whether the perpetrator threatened her from the prison/during weekend leave. The perpetrator of double femicide in February 2024 was convicted twice for DV, first time for 9 months of suspended sentence and second time was sent to prison for two years and two months, and security measure of prohibition of contact was issued in accordance with art. 89a CC²³⁴, again questionable whether the ex-wife ever received the copy of judgement. Despite obvious very high risk, the Group hasn't contacted the victims before he was released from prison. A year later, while the security measure of prohibition of contact was still valid

²³¹ Statistical release, Adult perpetrators of crime in Serbia, available at <https://publikacije.stat.gov.rs/G2024/PdfE/G20241186.pdf>, pg. 11

²³² Statistical release, Adult perpetrators of crime in Serbia, available at <https://publikacije.stat.gov.rs/G2024/PdfE/G20241186.pdf>, pg. 9

²³³ <https://www.womenngo.org.rs/vesti/2268-azc-komentari-na-nacrt-zakona-o-izmenama-i-dopunama-zakonika-o-krivicnom-postupku>; <https://www.womenngo.org.rs/vesti/2267-azc-komentari-na-nacrt-zakona-o-izmenama-i-dopunama-krivicnog-zakonika>

²³⁴ <https://www.021.rs/story/Novi-Sad/Hronika/376373/Podignuta-optuznica-za-dvostruki-femicid-u-Rakovcu.html>

and no institution had the authority to monitor the actions of the perpetrator, the perpetrator killed his ex-wife and her mother in their home.

55b. Contrary to the state report, privacy of victims is not protected. Victims full name, address, telephone number, and sometimes place of employment, are requested by all institutions with whom the victim is in contact. The perpetrator and his defense attorney can either receive documents with victim's personal data or read them in prosecutor's/court's file.

55c. In addition to the state report, the victim can testify without the alleged perpetrator present only in case if the victim is granted the status of the especially vulnerable witness. There are no official data on the number of requests for granting statuses of the especially vulnerable witness not on the number of issued ones.

55d. The National Strategy for Exercising the Rights of Victims and Witnesses of Crimes and its accompanying AP was adopted on 30 July 2020²³⁵. During the public debate on the Strategy, AWC had been stating²³⁶ that **Strategy had placed the entire system of Victim's Support Services at the top of the pyramid (Higher courts), instead at the bottom (Basic Public Prosecutor's Offices).** In that way the Strategy is in contradiction with its first principle – *availability of support services*, because the MoJ decision to base the victims' support system on at least one judicial assistant who will be permanently employed to provide victim support services at each of the Higher courts, while the network of focal points for providing information will be established at basic and higher prosecutor's offices, basic courts and police departments. As stated during public discussion on the adoption of the Strategy²³⁷ that meant that **85% of the victims will only receive information from the focal points** (if ever established), while Victims' support services in higher courts will remain inaccessible for them, especially if they do not live in the city in which a higher court is located.

The second principle of the Strategy – *maximum use of the existing resources* – was present throughout the Strategy because it relies on additional work of already understaffed institutions (caused by the ban on employment in the public sector). Even then conclusion was that there was not much chance that the third principle of the Strategy – *sustainability of functioning and quality of the network of support services* – will be achieved in a system with deficient financial and human resources.

In the First Report on the implementation of the National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Acts, for the period of two years since its adoption, 47 out of 79 (59.5%) activities listed within the four strategic objectives have either not been implemented or there is no information about implementation, while 15 (19%) activities can be considered implemented, mostly by the EU funded OSCE project "Support for Victims and Witnesses of Crime in Serbia".

²³⁵ <https://www.podskazrtvama.rs/en/posts/national-strategy-for-the-exercise-of-the-rights-of-victims-and-witnesses-of-crime-adopted-98.php>

²³⁶ https://preugovor.org/upload/document/alarm_report.pdf

²³⁷ Sanja Djurković (ed.) *PrEUgovor Alarm Report on the Progress of Serbia in Chapters 23 and 24, prEUgovor coalition*, Belgrade, September 2019, <http://bit.ly/AlarmSept2019>, 14 April 2020, pp. 66-68.

The only data about any progress in this area relates to the implementation of the project “Support to Victims and Witnesses of Crime in Serbia”, financed by the EU and implemented by the Ministry of Justice and the OSCE Mission to Serbia. On 22 February 2021, it was announced that “the first five high courts in Serbia have received video-conferencing equipment and specially equipped rooms in which the testimony of victims and witnesses will be possible via audio-video link”.²³⁸ The total value of the donation was EUR 150,000,²³⁹ and it can therefore be concluded that modern video-conferencing equipment for one higher court costs EUR 30,000. **There is no publicly available data on the number of victims that benefited from testifying in this specially equipped rooms in five High court in Serbia.**

The Second Action Plan for the implementation of the National Strategy for the realization of the rights of victims and witnesses of criminal acts in the Republic of Serbia, for the period 2023-2025²⁴⁰, adopted in July 2023 states that the implementation of the Strategy will be supported by four projects financed mainly by the EU, in the amount of at least 73,802,800.00 RSD or 629,530.00 euros²⁴¹, while the Ministry of Justice, for the duration of the Action Plan 2023-2025, allocated total budget funds in the amount of RSD 49,006,000.00 (EUR 418,000.00)²⁴² for employees within the Ministry of Justice, High Courts and the Prosecutor's Office for Organized Crime. **There are no information in the state report on whether any of the planed activities have been conducted or whether new specially equipped rooms in other High court in Serbia had been established.**

The Strategy also envisaged the establishment of Network of Support Services in Serbia, which activity hasn't been conducted. WCSOs that provide Victim Support Services are providing these services without any financial support from the MoJ or any other Ministry.

²³⁸ <https://www.podrskazrtvama.rs/en/posts/european-day-for-victims-of-crime---higher-courts-received-equipment-for-victims-to-testify-via-videoconference-122.php>

²³⁹ <https://www.mpravde.gov.rs/vest/32555/deonacija-eu-i-oebs-a-olaksava-svedocenje-zrtvama-krivicnih-dela.php>

²⁴⁰ Ministry of Justice. [Action plan for the implementation of the National Strategy for the realization of the rights of victims and witnesses of criminal acts in the Republic of Serbia, for the period 2023-2025.](#)

²⁴¹ Project ADA 500,000 euros, EU and BMZ/GIZ 42,300 euros, OSCE 57,280 euros, EU and CoE 29,950 euros and UNICEF in an undetermined amount.

²⁴² Under designations PG 1602, 1603 and 1604, Program activities 0006, 0010, 0014, budget lines 411, 412, 42.

Part III: Emerging trends on violence against women and domestic violence

56a. Digital manifestations of violence against women and girls in Serbia reached the threshold of an epidemic, especially with the use of AI technologies²⁴³. Numerous cases of this type of violence, which indicate the seriousness of the problem that requires legal intervention. These cases, mostly related to sites for publishing pornographic content and popular social networks such as Telegram, TikTok, X (formerly Twitter), Reddit, and which remain unprocessed, indicate insufficient and inadequate protection of victims.

Since 2021, numerous cases of Telegram groups with several hundred to over 50,000 members have been discovered, where intimate photos and videos of women were shared daily without their knowledge and consent. At the beginning of 2023, 16 new active Telegram groups were discovered in which photos and videos of women throughout Serbia were shared without their consent. The largest group had almost 55,000 members, and some of these groups existed for up to two years. After the publication of the research, the Telegram company immediately shut down 13 groups, and later the others, but the new ones kept arising²⁴⁴.

The case of the Telegram group "Nišlijke" became one of the most famous examples of this type of violence, in which tens of thousands of men from the Balkans exchanged private recordings of women and girls without their knowledge or consent. Although police for High-Tech Crime, in cooperation with the Special Prosecutor's Office for High-Tech Crime, took actions to identify the perpetrators, and the person who founded the group, the outcome of the legal proceedings shows key shortcomings in the current legislation. **In October 2023**, two years after the initiation of the investigation, the **Special Prosecutor's Office for High-Tech Crime decided that there were no grounds for criminal prosecution of the administrators** of the "Nišlijke" group, because **he did not directly participate in the sharing of the disputed material**, although he provided space for such activities. The Association for the Empowerment and Development of Women and Citizens "Empowered", which in 2024 published research²⁴⁵ on Telegram groups in which intimate content is shared without consent, pointed to the distribution of this content, even the purchase and sale of the same. There were also numerous correspondences from members of the largest telegram group "Balkan porn" in which it was also said that they would not bear any sanction.

The research of the Autonomous Women's Center on digital violence and young people in Serbia²⁴⁶ shows that every tenth high school girl has experienced someone publish her photos or videos, which they sent privately and without consent to be shared further.

²⁴³ <https://balkaninsight.com/2024/07/03/undressed-by-ai-serbian-women-defenceless-against-deepfake-porn/>

²⁴⁴ Available only in Serbian at <https://www.cenzolovka.rs/etika/telegram-gasi-grupe-sa-osvetnickom-pornografijom-ali-nicu-nove/>

²⁴⁵ Available only in Serbian at <https://osnazzene.org.rs/blog/telegram-iza-senke-incest-decija-i-osvetnicka-pornografija/>

²⁴⁶ https://www.womenngo.org.rs/images/publikacije-dp/2020/Digitalno_nasilje_i_mladi-izvestaj_za_Srbiju.pdf

One of the cases of harassment and stalking of girls happened in August 2023 in the Belgrade neighborhood of Batajnica. The violence took place on the social network TikTok, through an account that attracted more than 11 thousand followers by posting videos and photos of the girls. In the recordings, which were made with the help of AI, the faces of each of the victims were clearly visible, while a voice in the background explained the details of their lives. After gaining popularity, the author began to publish videos in which he follows girls around the streets of Batajnica, which made it possible to easily find out where they live. The parents of several girls reported the case, and in November 2023, the perpetrator was arrested by order of the Special Prosecutor's Office for High-Tech Crime, only because he could be prosecuted for the suspicion of already existing criminal acts of stalking and sexual harassment.

Based on the answer of the Working Group on the amendments of the Criminal Code in December 2022 that it hasn't even considered the introduction of the new article regarding "illicit publishing, posting and misuse of intimate photos and videos", the AWC started a campaign "Pledge on the Law"²⁴⁷ aimed at citizens to sign an online petition for the introduction of this criminal act²⁴⁸. By mid-April, the petition had been signed by more than 21,000 citizens.

During the public discussion of the amendments of the Criminal Code held in October 2024, AWC with support of at least 60 citizens and other CSOs in Serbia, sent the MoJ proposal for the introduction of the new criminal act. On November 1, 2024, MoJ issued a statement confirming that they accept this proposal²⁴⁹ which AWC greeted with great expectations²⁵⁰.

56b. The emerging trends in domestic case law in Serbia are usually connected to the **amendments of the laws that deteriorate achieved level of protection of women victims of GBV.**

In recent years AWC is more focused on preventing deteriorations than in proposing improvements. The experience in proposing improvements, like in case of now suspended Law on Gender Equality regarding AWC's proposal of financing services for victims, which ended up in prioritizing financing perpetrators programs from the national level, left AWC wondering whether to suggest any improvement regarding any law which can be misused against existing rights of women victims.

The same happened during the public discussion of new judicial laws, which ended up in erasing the art. 6 of the LPDV regarding disciplinary responsibility of judges and prosecutors.

²⁴⁷ The campaign was conducted voluntarily, starting from the advertising company that wanted to invest their time in social awareness campaign, to all influential men that took part in promotion, up to free advertising space <https://www.womenngo.org.rs/vesti/2189-zakuni-se-u-zakon-da-neovlasceno-deljenje-intimnih-fotografija-i-snimaka-postane-krivicno-delo>

²⁴⁸ „Zakuni se u zakon“, *Peticije online*

²⁴⁹ <https://www.mpravde.gov.rs/sr/vest/44678/saopstenje-povodom-navoda-u-medijima-u-vezi-sa-javnom-raspravom-onaocrtima-zakona-o-izmenama-i-dopunama-krivicnog-zakonika-i-zakonika-o-krivicom-postupku.php>

²⁵⁰ <https://www.womenngo.org.rs/vesti/2266-saopstenje-za-javnost>

Currently, **AWC is trying to prevent the Working Group of the MoJ to deteriorate articles of the Criminal Procedure Code that will undermine the existing protection of women victims of GBV.**

The Working group of the Ministry of Justice **proposed new par. 4 of the art. 103 CPC** (right of the perpetrator to appeal on the status of especially vulnerable witness), **new par. 3 of the article 197 CPC** (limiting the conditions for the issuance of the measure of prohibition from approaching, meeting or communicating with a certain person or prohibition of visiting certain places so that the measure can not be issued in case of protection of family member), **amendments of the art. 297 CPC** (right of the perpetrator to appeal to court on prosecutors decision on conducting investigation, which doesn't give any right to victim if the court decides that there are no grounds for investigation). **If this the most important, but also other proposed changes would be adopted, Serbia will be the only country in Europe that has interpreted the provisions of the Convention on Human Rights and EU Directives in such a way that the rights of suspects are inviolable, and that suspects have greater rights and possibilities in criminal proceedings than the prosecutor's office as the prosecuting authority.** It seems that everywhere in Europe, the actions of prosecutors are violating the rights of suspects, so, if adopted, Serbia will become the promised land for all those who are suspected of having committed criminal acts.

56c. The state of Serbia supports organized criminal organization of FAKE CSOs by funding non existing activities, even in the sphere of VAWG. Even documented by the coalition of organizations called Open on public calls and posted as a data base of majority of public calls of majority of Ministries, Provincial and Local governments²⁵¹, not a single criminal investigation hasn't been conducted by any Public Prosecution Office despite filed criminal charges by the CSOs.

Research of BIRN (Balkan Investigative Research Network) showed that almost half of the funds allocated by the Ministry of Family Care and Demography in the 2022 in the public calls for the support for women and prevention of DV - 1.3 out of 3 million euros – was allocated to a network of related **fake CSOs** (without website, legal representatives that do not even know the name of the CSO nor the name of the project that received funds) **and GONGOs**, and that there are no results of their work. This was continuation of the four competitions of the same Ministry in 2021, when 5.6 million euros were distributed, so that 18 organizations received almost 3.9 million euros and the other 89 organizations received 1.7 million euros. The new Minister for Family Care and Demography suspended the ongoing public call (April 2024) and announced new one on July 22, 2024. The decisions from October 18, 2024 selected 45 projects (out of a total of 106 projects received²⁵²), mostly by small and unknown organizations, with amounts from 150,000 dinars (1,280 euros) to 850,000 dinars (7,265 euros), and only one project was financed with 1,000,000 dinars (8,547 euros). Among the funded projects, only one was submitted by an organization (Women's Association FEMININA, founded in September 2021, without a single funded project). Like with previous public

²⁵¹ BIRN data base available only in Serbian at <https://birn.rs/baza-o-javnim-konkursima/>

²⁵² The list of received project proposals is available in Serbian at: <https://www.minbpd.gov.rs/wp-content/uploads/2024/09/Lista-pristiglih-prijava-porodicnopravna-zastita.pdf>

calls, they are no publicly available data on the scoring and ranking of projects that are not supported, nor is the publication date specified in the list of scored and ranked organizations and projects, which makes it impossible to know the deadline for appeals²⁵³.

At the *local level*, it is more difficult to trace the misuse of budget funds at the local level, like in Leskovac, where for the second time, the city awarded funds to the Association of Single Parents "Dads and Moms", legally represented by a convicted perpetrator of domestic violence, for the provision of SOS Helpline services to women who survived violence. The city explained the decision by stating that the "allocation of the funds goes to the organization, not to the individual", without any reflection regarding the possible damage such a decision could cause beneficiaries. The same Association of Single Parents "Dads and Moms", represented by the convicted perpetrator of domestic violence, was involved in the working group, established by the Ministry for Labour, Employment, Veteran and Social Policy with the support of UN Agencies, to draft the National Strategy against VAW. After raising their voice against the credibility of a convicted perpetrator of violence to provide support to women survivors, WCSO "Women for Peace" from Leskovac faced **treats and cyber-attacks**.

Ministry of Justice continued with the practice of not awarding any project aimed at providing assistance and support to victims and free legal aid, when deciding on a Public call for projects from the funds collected on the bases of deferred criminal proceeding. The entire process of awarding total of 500,000,000 dinars, which is about 4,235,288 euros²⁵⁴, isn't transparent. There are no publicly available data on the scoring and ranking of projects that were and were not supported, and the decision is published on the day when the request to ask for the public call documentation expires. AWC was never answered when requested to observe the documentation of the public call in 2023, even though submitted on time. In 2024, Victimology Society of Serbia, together with AWC, was granted to see only their own submitted mutual project, without decision on the number of points for the Commission of the MoJ.

²⁵³ The list of scored and ranked organizations and projects is available in Serbian at: <https://www.minbpd.gov.rs/wp-content/uploads/2024/10/Lista-vrednovanja-i-rangiranja-PPZ-1.pdf>

²⁵⁴ The decision on the allocation of funds collected on the basis of the deferral of criminal prosecution was adopted by the Government of the RS on July 4, 2024, available only in Serbian at <https://www.mpravde.gov.rs/sr/tekst/43652/resenje-o-dodeli-sredstava-prikupljenih-po-osnovu-odlaganja-krivicnog-gonjenja-2024.php>

Part IV: Administrative data and statistics

57. In addition to the state report data tables, AWC is adding following:

Table 1: Adult perpetrators of criminal acts of sexual violence and rape for the period of 2000 – 2023

Year 20	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Reported - all sex crimes	386	386	400	408	472	479	374	455	405	448	387	414	372	289	252	352	367	338	435	498	411	498	489	500
Reported – rape	203	169	164	142	154	114	127	164	142	177	138	131	121	92	60	88	91	77	76	73	44	79	56	75
Accused - all sex crimes	213	279	274	221	217	245	300	274	313	281	209	255	322	326	350	248	266	227	217	286	249	277	326	
Accused – rape	94	142	115	99	60	79	81	87	108	84	75	87	105	93	109	73	68	46	31	34	34	29	18	
Convicted - all sex crimes	169	224	231	183	178	194	236	214	256	238	164	190	244	236	242	174	204	189	188	251	210	241	273	274
Convicted - rape	77	113	95	81	50	68	67	71	88	77	62	59	67	60	73	50	51	39	25	25	24	25	14	21

Source: Republic Statistical Office in Serbia at <https://www.stat.gov.rs/en-us/oblasti/pravosudje/punoletni-ucinioci-krivicnih-dela/>

Table 2: Use of the institute of deferred criminal prosecution in 2022, per suspected crime

- **against sexual freedoms (22)**, out of which for the act of rape (1), illicit sexual conduct (2) and sexual harassment (18)
- **against marriage and family (334)**, out of which for the acts of domestic violence (73), common-law cohabitation with minor (20) and not paying child support (231)
- **against life and body (307)**, out of which, predominately, for the acts of inflicting light bodily injury (198) and severe bodily injury (64), but also aggravated murder (1)
- **against freedoms, human and citizen's rights (303)** out of which, predominately, for the acts of endangerment of security (229), stalking (39) and torture (22)

Source: Statistical Office of the Republic of Serbia²⁵⁵

Table 3: Prevalence of femicide in Serbia for the period 2020 - 2023

Femicide Serbia	2020	2021	2022	2023
GBV related femicide	0,73 (27)	0,65 (24)	0,82 (28)	0,79 (27)
Intimate partner femicide	0,52 (19)	0,35 (13)	0,52 (18)	0,56 (19)

Source: prevalence per 100.000 women, calculated based on data on number of women in Serbia, Census, Statistical Office of the Republic of Serbia and data on Femicide Memorial²⁵⁶

Table 4: Prevalence of femicide in regions in Serbia for the period 2020 - 2023

Region	2020		2021		2022		2023	
	GBVF	IPF	GBVF	IPF	GBVF	IPF	GBVF	IPF
Vojvodina	0,9	0,70	0,80	0,40	0,78	0,56	0,89	0,56
Šumadija and Western Serbia	0,58	0,48	0,87	0,48	0,68	0,39	0,58	0,48
Southern and Eastern Serbia	0,88	0,38	0,63	0,38	0,84	0,70	0,84	0,56
City of Belgrade	0,57	0,46	0,23	0,11	0,90	0,45	0,79	0,56

Source: prevalence per 100.000 women, calculated based on data on number of women in Regions in Serbia, Census, Statistical Office of the Republic of Serbia and data on Femicide Memorial²⁵⁷

²⁵⁵ <https://www.stat.gov.rs/en-us/publikacije/publication/?p=15510>

²⁵⁶ Prevalence calculated by Nataša Škrbić, independent expert in September 2024,

<https://www.womenngo.org.rs/en/news/2258-expert-meeting-on-femicide>

²⁵⁷ *ibid*