



March 31st, 2023

AWC Contribution for the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence regarding the 2020 Recommendations for Serbia

II. Comprehensive and co-ordinated policies implemented under the responsibility of an adequately mandated and resourced co-ordinating body (Articles 7 and 10)

4. Have your authorities developed a long-term plan/strategy to prevent and combat violence against women?

Yes.

Serbia adopted the *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)*. Having in mind that the Action Plan for its implementation has not been adopted, there are no financial resources allocated for the implementation of the planned measures and activities¹.

5. Which forms of violence against women covered by the Istanbul Convention are addressed by the plan/strategy? Please offer a brief description specifically indicating the forms of violence not previously addressed in plans or strategies at national level.

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

¹ Asked by National MP, Biljana Djordjevic PhD, when the Action Plan for this Strategy will be prepared, the minister in charge of social affairs said that “the Ministry of Finance has provided an opinion that the improved text of the Draft Action Plan is not in line with valid regulations governing this matter”, and that it has not been drafted yet “due to the inability that all actors involved in its development agree upon financial effects and the possibility of budget planning for the implementation of proposed activities”. The minister concluded that in the upcoming period, “a new working group needs to be created to develop a new draft Action Plan, which will require donor support for experts or, possibly, consider the possibility of cooperation with the Ministry of Human and Minority Rights and Social Dialogue in the creation of the Action Plan, given that gender equality is within the competence of that ministry”(letter no. 9-00-5 / 2022-08 from 29/11/2022). While not the topic of this report, the minister's response indicates a lack of understanding regarding that the protection of women from gender-based violence is a *matter of the rule of law*, and the development of the new Action Plan should be coordinated with the Ministry of Justice and the Ministry of Internal Affairs, rather than with the ministry in charge of gender equality.

measure related to efficient and effective criminal law protection (measure 3.1.) contain named forms of GBV in accordance with the Istanbul Convention.

6. Was specific attention given to place the rights of women victims at the center of all measures planned?

Partially, in Strategy for combating GBV and Law on prevention of DV.

6.1. (specifically):

Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the Period 2021-2025 placed a 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 envisage measure 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 (Official Gazette of RS, No. 94/2016)* place victims in a center of all measures by determining the jurisdiction of the court where victim 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). Victim 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” (article 31 par. 2 of the Law). AWC Independent Reports on the implementation of the Law² 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 meetings³; in 2022, there were 21,690 IPPS and 655 victims who participated in the meetings of the Groups.

7. Do the plan/strategy and the measures contained therein involve all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations?

Yes.

Strategies in Serbia are well written documents in which all relevant actors are listed, by defining for each measure “institutions in charge for the implementation” and “institutions that

² Since 2017, AWC publishes 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 Infographic for 2021: https://www.womenngo.org.rs/images/resurs-centar/INFOGRAPHIC-Implementation_of_the_Law_2021.pdf

participate in the implementation”. Since there are no monitoring and evaluation plans, nor adopted Action plans, Strategies in Serbia are rarely implemented.

8. Have the authorities assigned the role of co-ordinating body to one or more fully institutionalised entities?

Yes, but these bodies usually do not have power, human resources and budget to exercise their tasks.

Coordination body for Gender Equality is now a permanent body according to the Law on Gender Equality, but its members change with every new Government. It is consisted of relevant ministers and Deputy Prime Minister is presiding. Coordination body for GE has the role to coordinate the work of all ministries and state institutions in the sphere of gender equality. The Coordination body doesn't have permanent staff, administrative office nor budget, and it is dependable on the staff and the office of the Deputy Prime Minister that is presiding.

Council for the suppression of domestic violence, presided by the Ministry of Justice, is in charge for the monitoring of the implementation of the Law on prevention of domestic violence. The Council is permanent body according to the Law on Prevention of Domestic Violence, but it needs to be re-established with each new Government. The Council should meet at least one a year and issue publicly available annual reports (article 35 of the Law). After almost seven years of the implementation of the Law, the Council held only three meetings and there are no publicly available reports.

The National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Acts envisages the establishment of the *Coordination Body for the Support of Victims and Witnesses*, in charge of coordination, monitoring and improvement of the future National Network of Support Services for Victims and Witnesses of Crime, and responsible for quarterly reporting on the implementation of the Strategy. Individual experts and representatives of CSOs are members of this body on a voluntary basis, elected through public call. Although foreseen, there are no publicly available quarterly reports of the Coordinating Body on the implementation of the Strategy, given that the body met only twice⁴.

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 Acts⁵, for the period from the adoption of the Strategy to the end of the first quarter of 2022. In 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.

9. Please specify the mandate, powers, and competences, as well as the composition, of the co-ordinating body/bodies:

⁴ March 22, 2022 and September 2, 2021, source: Report 2/2022 on the implementation of the Revised Action Plan for Chapter 23, op. cit., p. 311.

⁵

<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>

Mandate of the Coordination body for GE and the Council for the suppression of DV is dependable on the mandate of the Government. Personal composition of these bodies changed after every election (June 2017, October 2020, and October 2022), creating the discontinuity in work due to lack of budget, permanent administrative office and staff.

The quality of the state response to the Grevio recommendations represent the concrete example on the lack of capacity of all coordinated bodies to monitor, evaluate and report on the concrete measures taken to improve the situation in the sphere of GBV.

9.1. In particular, please indicate whether the co-ordinating body/bodies is/are responsible for:

- Co-ordination of policies and measures to prevent and combat violence against women –
Yes, in a formal sense as prescribed by the laws/strategies.

The Coordinating Body for Gender Equality coordinates the work of state administration bodies in connection with gender equality (article 60 par. 1 point 5 of the Law on GE).

As the laws and strategies are often not in accordance with each other, the *Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the Period 2021-2025* doesn't mention the Council for the Suppression of DV among the bodies in charge for the implementation of measures while the Coordination body for GE is listed as a body in charge for the implementation of only two measures (1.4. – improvement of media reporting and 4.1. – adoption of efficient and coordinated policies). There is no data whether Coordination body for GE participated in realization of these measures, due to lack of reports.

- Monitoring and evaluation of policies and measures to prevent and combat violence against women –

There is no monitoring mechanism for *the Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the Period 2021-2025*. Measure 10.2. of the Strategy states that „Coordination body for GE should be assigned for the coordination, evaluation and monitoring”. As there is no Action plan adopted for the implementation of the Strategy, there is no Report on the conducted activities and achieved results.

Council for the Suppression of DV is responsible for monitoring and evaluation of the Law on prevention of DV.

- Co-ordination of the collection of data, analysis and dissemination of its results –

Except when reporting to the international bodies (CEDAW, GREVIO) when the collection of data is divided between Coordination body for GE and Ministry for Human and Minority Rights, there is no body in charge of collection of data, analysis and dissemination of results.

The *Council for the Suppression of Domestic Violence* collects the data on the implementation of the Law on prevention of DV, but do not issue publicly available reports or recommendations for improving that protection system. Since centralized electronic database has not been created after seven years, each Ministry collects each own data and report on them in their annual reports.

**10. Please specify the human and financial resources allocated to the co-ordinating body/bodies:
There are no human and financial resources allocated for the co-ordinating bodies.**

Coordination body for GE (latest established in October 2022)⁶ has a president – Deputy Prime Minister and 8 members - Ministers⁷, There is no state funding for the work of the Coordination body for GE, no permanent staff or administrative office, so currently expert and administrative support for the work of Coordination body is provided by the Ministry of Culture (of the presiding Deputy Prime Minister).

Council for the Suppression of DV (latest established in January 2023)⁸ has a president – Minister of Justice, deputy and 8 members⁹ from relevant Ministries. There is no state funding of the work of the Council and Council members have no right to compensation for their work. Expert and administrative-technical support is provided by the Ministry of Justice.

III. Financial resources (Article 8)

12. Have your authorities allocated specific funds at the national, and/or regional, and/or local levels of government for activities to prevent and combat all forms of violence against women covered by the Istanbul Convention?

State reply that the authorities have taken **measures to foster long-term and sustainable financial support** for non-governmental organisations working to support victims and prevent violence, by the possibility of financing projects of small value from the Budget of the Republic of Serbia is **incorrect**.

Article 58 of the Law on Gender Equality 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 will start 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

⁶ Decision on the establishment of Coordination body for GE, available only in Serbian at: <https://www.rodnaravnopravnost.gov.rs/sites/default/files/2023-01/Odluka%20o%20osnivanju%20Koordinacionog%20tela%20za%20rodnu%20ravnopravnost.pdf>

⁷ Members of the Coordinating Body for GE are the Deputy Prime Minister who is current Minister of Culture, as presiding, Minister for Human and Minority Rights, Minister for Family Care and Demography, Minister for Labor and Employment, Minister of Justice, Minister for European Integration, Minister of Internal Affairs, a representative of the Political Council for the implementation of Security Council resolution 1325 and the Assistant Secretary General for planning, supervision, coordination of policies related to the process of integration into the European Union.

⁸ Decision on the establishment of a Council for the Suppression of DV, *Official Gazette of RS*, No. 2/2023.

⁹ The Council for the Suppression of DV is composed of the Minister of Justice (president), the head of the Department for Prevention and Suppression of DV in the MoI (deputy), and the members are the Assistant Minister for Labor and Social Policy, the State Secretary in the Ministry of Family Care and Demography, the Assistant Minister (acting) of Education, assistant (acting) to the Minister of Health, senior adviser to the Ministry of Human and Minority Rights, deputy public prosecutor in the Republic Public Prosecution Office, special adviser in the Coordinating Body for Gender Equality and senior adviser in the Provincial Secretariat for Social Policy, Demography and Gender Equality in the Autonomous province of Vojvodina.

are poor and receive funds from state budget, while another 1/3 do not have funds for establishing and running a Safe house.

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.

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 Acts¹⁰, for the period from the adoption of the Strategy to the end of the first quarter of 2022. In 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. There was no state nor project funding for the services for victims.

More than 40 civil society organizations have expressed their disappointment with the fact that for the fifth year in a row, **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 aid**¹¹.

Research of BIRN (Balkan Investigative Research Network) and their publicly available database¹² 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.

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 organisations working to support victims and prevent violence.

13. Have these funds increased since the publication of GREVIO's baseline evaluation report?

Yes, but these funds have been awarded to fake CSOs and GONGOs, who misused it.

14. Have your authorities taken measures to foster long-term and sustainable financial support for non-governmental organisations working to support victims and prevent violence?

No.

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

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

¹² BIRN data base available only in Serbian at <https://birn.rs/baza-o-javnim-konkursima/>

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.

At the local level, the situation is similar, but it is more difficult to monitor (there are 174 local self-government 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 city awarded funds 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.

15. In case your authorities have taken further measures contributing to the implementation of recommendations in relation to Article 8, which were not covered by the questions above, please report on these measures [word limit: 1000 words]:

The situation is worse than prior to the recommendations.

IV. Non-governmental organisations and civil society (Article 9)

16. Have your authorities taken measures contributing to further recognise, encourage and support the work of relevant non-governmental organisations and of civil society active in combating all forms of violence against women covered by the Istanbul Convention, including in terms of funding and co-operation?

No. All strategic documents that Serbia adopted are “Potemkin villages” used to disguise the actual situation of “shrinking space for WCSOs”.

The Republic of Serbia adopted the *Strategy on creating a stimulating environment for the development of civil society for the period 2020-2030* (Official Gazette of RS, No. 23/2022). The Ministry for Human and Minority Rights has a Sector for Cooperation with Civil Society, developed Guidelines for the inclusion of CSOs in working groups, established a database of "contact persons" for CSO cooperation with public administration bodies. On the website of this ministry, there is no annual summary report on the expenditure of funds from the budget in support of CSOs (even though it is one of the obligations of the ministry).¹³

Due to the attitude of state authorities towards specialized women's organizations, the majority refused to participate in the development of a new strategic document for the prevention of GBV and DV for the period 2021-2025 (although in the public discussion, organizations such as AWC made comments and suggestions on the text of the strategy, which were adopted). The

¹³ Information about Sector for Cooperation with Civil Society available in Serbian at: <https://www.minljmpdd.gov.rs/civilno-drustvo.php>

influence of women's CSOs on laws is minimal, if it exists at all (for example, the lack of changes in the definitions of the criminal acts of rape and sexual violence, changes in the law on weapons and ammunition, the law on internal affairs, and a set of judicial laws). State institutions rarely refer women who have experienced violence to the services of specialized women's organizations, and rarely or never include them in the planning of an individual protection and support plan (in accordance with the Law on Prevention of Domestic Violence).

Specialized services provided by women's organizations, such as the SOS hotline, if they receive any budgetary support (from the local level), it is of a symbolic nature, insufficient for the functioning of the service. The data (2019-2021) show that women who have experienced violence are still more likely to contact the WCSO's SOS hotlines than National SOS hotline. At the same time, the establishment of a National SOS hotline (in the public sector) significantly reduced the budget funding of similar services of WCSOs.¹⁴

However, the most worrisome is the threat to the security of women's organizations, which at the local level point to the corrupt actions of state authorities, especially in connection with public calls and the allocation of funds for CSO projects.. Without consequences, intimidation of and attacks on organisations dealing with the protection of human rights can have negative effects on their work and the support given to them by citizens. This was emphasised in the statement of the organisation "Front Line Defenders", which was engaged to represent the rights of members of the organisation "Women for Peace" from Leskovac.¹⁵ State authorities have been asked to conduct an immediate, thorough and impartial investigation of the attackers, publish the results, publicly condemn these attacks and take all measures to guarantee the (physical and psychological) safety of female human rights defenders and organisations so they can carry out their activities in Serbia without fear of repression and free from restrictions.¹⁶ No information was found on the website of the Ministry for Human and Minority Rights about the condemnation of the above events (either in the announcements¹⁷ or in the news section).¹⁸

Based on charges for money laundering and supporting terrorism, the administrative inspection, the labor inspection and the tax inspection controlled the work of the women's organization "Fenomena" from Kraljevo from October 18 to December 15, 2022. The extraordinary tax inspection consisted of as many as 6 female inspectors from different cities (Kruševac, Jagodina, Kragujevac). Women's organizations do not consider that in this was regular inspection controls, but an example of intimidation and vilification of CSOs that are critically oriented towards the state¹⁹.

¹⁴ More on: <https://www.womenngo.org.rs/en/news/1924-more-money-for-state-services-more-trust-to-women-s-organizations>

¹⁵ Activists were threatened with sexual violence (rape), their minor children (daughters) were threatened as well, and there were also threats that their organisation would be shut down. In the same city, a month before, during the celebration of the International Day of Women's Action for Peace, a dozen men harassed, threatened and threw eggs at female activists. Despite several criminal charges that were filed against the perpetrators, no one has been arrested or convicted for these crimes.

¹⁶ Announcement and support from Front Line Defenders (with offices in Dublin and Brussels), 22 July 2022, <http://bit.ly/3EwLiLn>

¹⁷ Press releases, Ministry of Human and Minority Rights and Social Dialogue, <https://www.minlmpdd.gov.rs/aktuelnosti-saopstenja.php>

¹⁸ News, Ministry for Human and Minority Rights and Social Dialogue, <https://www.minlmpdd.gov.rs/aktuelnosti-vesti.php>

¹⁹ The organization "Fenomena" is known for persistent research and proving the illegality in which the National SOS hotline was established (Analysis available only in Serbian at

All of the above creates **shrinking environment in which WCSOs operate**, especially those that nurture autonomy and a critical attitude towards the state.

V. Data collection and research (Article 11)

17. In implementation of the recommendation addressed to your authorities, have new sectors of the administration started the collection of data in accordance with the requirements of Article 11, paragraph 1?

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).²⁰

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, Article 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), but are not up-to-date.²¹

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 2020).

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 2021) classified by gender (no data on the relationship between the perpetrator and the victim).

AWC Independent Reports on the implementation of the Law on Prevention of DV²² remain the only constant source of information, analyses and recommendations with regard to the implementation of the Law.

18. In implementation of the recommendation addressed to your authorities, have sectors of the administration improved their data collection?

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.

<https://static1.squarespace.com/static/5f20814f6783ff58ba78666c/t/6023a344281fba23d0a8b561/1612948294009/Pravna+analiza+uspostavljanja+SOS+linije+na+nacionalnom+nivou+-+final%2C+8.3.2020..pdf>

²⁰ The total number of domestic violence events registered by the police in 2021 was **26,696**. In all CSWs in Serbia in 2021, **36,966** 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".

²¹ Data available only in Serbian at: <https://iskljuci-nasilje.rs/statistika-2/>

²² 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>

The annual reports on the work 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 Convention²³.

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 presented²⁴. These reports also record data on "vulnerable" groups of women, but their number is extremely small²⁵.

When it comes to reports from the social protection system, there was no change in data categories. Only DV is registered, but not other types of GBV, and there is no display of related data on the gender and relationship of the victim and the perpetrator, so it is impossible to establish who is violent towards whom²⁶. These institutions do not record data on child witnesses of violence (although they prepare a report on child victims of violence). In the reports of this body, there is also information on the number of child victims of "child marriage" (the definition includes age categories - before 15 years and from 16-17 years, but not coercion)²⁷.

19. Does statistical data collection by law-enforcement agencies and the judiciary enable cases of violence against women to be tracked in order to indicate:

- Conviction rates
- Types of sentences
- Attrition rates
- Time-barred proceedings

Yes. These data can be found in Annual bulletins of the Republic Institute of Statistics on Judiciary²⁸.

The data on reports (investigation phase), accusations and convictions can not be compared or tracked in time, even for the same year, because usually criminal cases last more than a year from the report of the incident to sentencing.

20. As regards population-based surveys, please indicate any survey conducted since the publication of GREVIO's baseline evaluation report, while specifying the forms of violence covered:

The Republic Institute of Statistics conducted research (in the period 1.9-8.11.2021) on GBV and other forms of interpersonal violence - EU GBV, in cooperation with Eurostat (on the basis of the contract on the implementation of the regional project IPA - 2017 Multi-beneficiary

²³ Report available only in Serbian at: <http://www.rjt.gov.rs/docs/rad-javnih-tuzilastava-na-suzbijanju-kriminaliteta-i-zastiti-ustavnosti-2022.pdf>

²⁴ 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%20odno%20nasilje%202020.pdf>

²⁵ 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).

²⁶ Report for adults available only in Serbian at: <http://www.zavodsz.gov.rs/media/2355/punoletni.pdf>

²⁷ In 2021, only 64 marriages were registered before 15 years and 171 marriages in which one or both partners are between 16-17 years old; Report available only in Serbian at: <http://www.zavodsz.gov.rs/media/2356/deca-u-sistemu-socijalne-zastite-u-2021docx.pdf>

²⁸ Bulletins available in English at: <https://www.stat.gov.rs/en-us/publikacije/>

statistical cooperation program), according to Eurostat's methodology, which ensures comparability of data with EU members. Two publications were published from the results of the research: "Woman victim of violence from the point of view of statistics"²⁹ i "Quality of life and safety of women"³⁰. The researches included the following forms of violence: domestic violence, non-partner violence, partner violence (from the current partner, from the former partner), violence during childhood, as well as the following types of violence: psychological violence (emotional and control), economic, physical, sexual violence, stalking and sexual harassment at work. Therefore, **not all named types of violence** from the Istanbul Convention were covered.

The Protector of Citizens, in cooperation with AWC, conducted two researches which findings were published as Special reports with Recommendations - *The Special Reports of the Protector of Citizens on the work of groups for coordination and cooperation in the area of the City of Belgrade*³¹ and on the territory of Higher Public Prosecution Office in Nis³². These Reports are **the first in-depth researches on the implementation of the Law on Prevention of Domestic Violence**³³. The results showed an **uneven application of the law** in many parameters (in terms of the number of cases considered per month, the number of meetings held and their duration, understanding the purpose of the law, decisions on when and how to make individual protection and support plans, and different workloads of the experts). Although the data confirm that the law **has improved** multisectoral cooperation of competent authorities, they also indicate **a lack** of human and technical capacity, harmonization of other laws and bylaws (primarily related to the organization and operation of the Centers for Social Welfare), as well as clear instructions and guidelines of the state bodies who should monitor the application of the Law.

In 2022, AWC published research on actions of Misdemeanor Courts in Serbia regarding misdemeanor charges filled in accordance with par. 1 of the article 36 of the Law on Prevention of Domestic Violence (breach of emergency measures)³⁴.

21. In case your authorities have taken further measures contributing to the implementation of recommendations in relation to Article 11, which were not covered by the questions above, please report on these measures [word limit: 1000 words]:

VI. Custody, visitation rights and safety (Article 31)

22. Have your authorities taken measures contributing to ensure that incidents of violence covered by the scope of the Istanbul Convention are taken into account in the determination of custody and visitation rights of children, notably by judicial authorities?

No. There have been no 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.

²⁹ Available at : <https://www.stat.gov.rs/en-US/vesti/20220630-zenezrtvenasilja>

³⁰ Available at: <https://www.stat.gov.rs/en-US/vesti/20220630-zenezrtvenasilja>

³¹ Available only in Serbian at: <https://www.ombudsman.rs/attachments/article/6804/Poseban%20izvestaj%20zastitnika%20gradjana.pdf>

³² Available in English at: <https://www.ombudsman.org.rs/attachments/article/617/Special%20Report.pdf>

³³ "Uneven implementation of the Law on Prevention of Domestic Violence in the area of the City of Belgrade", Autonomous Women's Center, 19 October 2020, <https://www.womenngo.org.rs/en/news/1623-uneven-implementation-of-the-law-on-prevention-of-domestic-violence-in-the-area-of-the-city-of-belgrade>

³⁴ <https://www.womenngo.org.rs/en/independent-reports-on-law-on-prevention-of-dv>

Children are recognized as witnesses of violence in by-laws, 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.

22.3. (specifically):

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 2021³⁵, only 6% of emergency and extended emergency measures included children. 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 father³⁶. This information can not be found in the public reports on the work of the centers for social welfare, which keep records of DV protection measures. 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 father³⁷. There is no systematic assessment of consequences of children's exposure to DV³⁸, nor assessment of the needs of children who witnessed DV.

23. Have your authorities taken measures contributing to ensure that visitation rights do not jeopardise the rights and safety of the victim or children?

No. There are no official data on measures taken to protect children's safety while contacting/visiting an abusive father.

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 wife/mother. The custody of the child was not regulated, because no divorce lawsuit was filed. Center for social welfare expected from the mother to initiate divorce proceeding to regulate custody of the child. While the criminal proceedings were ongoing, the father was seeing the child without any supervision, on the agreement with the grandparents. Mother said that father was never physically abusive toward the child. When the criminal judgement was passed pronouncing the father guilty of the criminal offense of DV and sentencing him to three years of compulsory psychiatric treatment, no protection measures were issued for the child. Prosecutor failed to act in accordance with the Law on prevention of DV and to inform the Center for social welfare that medical court experts assessed that father needs psychiatric treatment. The Center for social welfare failed to ask for the information about criminal proceedings and to reassess the child's safety³⁹.

³⁵https://www.womenngo.org.rs/images/resurs-centar/AWC_Report_on_the_implementation_of_the_Law_on_DV_2021.pdf

³⁶ Ignjatović, 2019: 196

³⁷ risks are mentioned only in 2/5 cases and are not always followed by protection measures for children, Ignjatović, 2020: 315-307

³⁸ mentioned in at most 1/2 of cases, not necessarily negative, Ignjatović, 2020: 313-315

³⁹ Information A no. 638/22 of the Public Prosecutor's Office of the Republic at the request of the AWC, 24 November 2022

24. In case your authorities have taken further measures contributing to the implementation of recommendations in relation to Article 31, which were not covered by the questions above, please report on these measures [word limit: 1000 words]:

No. The authorities made situation worse.

Education of experts on "high-conflict divorce" and "parental alienation" or "child alienation" became popular in recent years. Such trainings are accredited by the Chamber of Social Protection, aimed at interventions in protection of children in situations of high-conflict divorces⁴⁰ and by the Republic Institute for Social Protection (alienation⁴¹ and the role of CSW and Court; alienation as a form of family violence⁴²), 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, giving them credibility and indisputability of a recognized professional and scientific concept.

Republic Institute for Social Protection issued *Professional-methodological guidance for Centers for Social Welfare: Child visitation in controlled conditions* (2021). In the definitions of the key terms used in this Guideline, no other relevant circumstance is mentioned for proposing controlled conditions for parent-child visitation, except the concept of "parental alienation" (in three levels, without citing references for used definitions). Not even an elementary distinction was made between different situations/factors in which/because of which there may be justified resistance and refusal of the child to maintain contact (or a certain type of contact) with the parent.

A particularly harsh campaign to popularize the concept of "parental alienation" is being carried out by "Justice for Dads" portal, which spreads information about training on its FB page⁴³ and posts quasi-expert articles on alienation and discrimination of fathers on its blog⁴⁴, e.g. accusations that women file false reports⁴⁵ for serious crimes⁴⁶.

AWC sent letters to the mentioned institutions and organizations (as well as the Association of Psychologists of Serbia and the Judicial Academy) pointing out the harmful consequences of

⁴⁰ Available only in Serbian at: <https://www.komorasz.rs/najava-obuka/>

⁴¹ Available only in Serbian at: <http://www.zavodsz.gov.rs/media/2189/otudjenje-uloga-csr-i-pravosudnog-sistema-uz-a%5A%20titi-dece.pdf>

⁴² Available only in Serbian at: <http://www.zavodsz.gov.rs/media/2190/otu%4%91ivanje-deteta-kao-oblik-porodi%4%8Dnog-nasilja.pdf>

⁴³ <https://m.facebook.com/alijenacija/>

⁴⁴

<https://pravdazatate.blogspot.com/search/label/%D0%B4%D0%B8%D1%81%D0%BA%D1%80%D0%B8%D0%BC%D0%B8%D0%BD%D0%B0%D1%86%D0%B8%D1%98%D0%B0%20%D0%BE%D1%87%D0%B5%D0%B2%D0%B0>

⁴⁵ https://pravdazatate.blogspot.com/2022/09/blog-post_18.html

⁴⁶ "The woman starts changing her statements, accusations become more and more specific. Now he is suddenly a pedophile who masturbated in front of the child, showed the child pornography, and even undertook actions equivalent to child rape! Or some other equally disgusting false accusation". It is further stated that reported fathers are interrogated by women, "invariably indoctrinated with instructions from state 'equality offices' or 'lawyers' about the need to apply the so-called "gender-sensitive approach". Also, it is explained that this is about the well-known SAID (*sexual allegations in divorce*) syndrome, about which prof. Dr. Gordana Buljan-Flander "informed that 89% of accusations against fathers in divorce proceedings are false" (there is no source for these statements). A slightly more covert campaign of the same concept is being carried out by Center for Equal Parenting (formerly Fathers' Association, while the change of the organization's name indicates a specific concealment of the goals and motives of such associations).

the introduction of the controversial concept "parental alienation" and related terms into professional practice remained unanswered.

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 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.

Specific recommendations

32. Please report on measures taken by your authorities contributing to the implementation of the recommendation to provide for gender-sensitive specialist women's throughout the country and for all forms of violence covered by the Istanbul Convention (paragraph 122), including by setting up rape crisis and /or sexual violence referral centres offering free of charge professional forensic examinations (paragraph 140) and by ensuring that the national helpline is confidential and anonymous and refers victims to specialist support services provided by the women's NGOs (Recommendation A.8, IC-CP/Inf (2020)5).

No measures have been taken.

Centers for victims of sexual violence only exist only in four towns in Vojvodina, where are run by state institutions and a women's non-governmental organization. Centers are financed with funds provided by international organizations. The information about their work can only be found in the First Report on the implementation of the National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Acts⁴⁷. According to the report, during 2021 and 2022, a total of 42 cases of sexual violence were reported in four centers for victims of sexual violence and more than 300 support services were provided to women in situations of violence, primarily psychosocial support.

After AWC inquiries, National SOS hotline ceased to provide data on the request for the data of public interest about the number of services by stating that the data will be published in

⁴⁷ Activity 3.1.3., pgs. 44 – 47, report available in English at: <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>

Annual Report. The latest report on the work of National SOS hotline was issued for the first half of 2021⁴⁸.

33. Please report on measures taken by your authorities contributing to the implementation of the recommendation to speedily reform the Criminal Code provisions covering sexual violence to be based on the notion of freely given consent as required by Article 36 of the Istanbul Convention and to ensure appropriate sanctions for all sexual acts without the consent of the victim, irrespective of personal characteristics. (Recommendation A.11, IC-CP/Inf (2020)5).

Ministry of Justice ignored the recommendation given by the GREVIO.

The 2021 European Commission Country Report for Serbia pointed out that the definition of rape has not yet been amended in line with the Istanbul Convention. In May 2022, AWC submitted proposals for amendments to the *Criminal Code (CC)* of the Republic of Serbia⁴⁹ to amend the definition of the criminal offense of rape, as well as other articles of the same chapter of the CC, in order to harmonize all criminal offenses from this group with the set international standards. Also, AWC proposed an introduction of new criminal act of *Misuse of photos and videos of sexual nature*. AWC did not receive any response from the Ministry of Justice.

Report created by AWC members:

Tanja Ignjatović and Vanja Macanović

⁴⁸ http://zvecanska.org.rs/wp-content/uploads/2021/07/SOS-_telefon_Polugodisnji_izvestaj_2021-FIN.pdf

⁴⁹ <https://www.womenngo.org.rs/en/policy-activities/advocacy/1902-2022-awc-and-the-coalition-preugovor-proposals-for-amendments-and-supplements-to-the-criminal-code-of-the-republic-of-serbia>