

# **Committee of the Parties**



## **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**

---

### **Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Serbia**

IC-CP/Inf(2020)5

Adopted on 30 January 2020

Published on 4 February 2020

The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Serbia on 21 November 2013;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Serbia adopted by GREVIO by written procedure in November 2019, as well as the comments of the Government received on 17 January 2020;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Serbian authorities in implementing the Convention and noting in particular:

- the clear policy commitment to the elimination of gender-based violence and the progress made in adapting its response to violence against women to international standards;
- the adoption of the Law on the Prevention of Domestic Violence, which represents a central piece of legislation and seeks to set out standardised approaches to domestic and other forms of violence that are based on multi-agency risk assessment, individual safety and protection plans as well as emergency protective measures;
- the adoption of several legislative acts, national action plans, strategies, protocols on the various forms of violence against women and domestic violence as covered by the Istanbul Convention, including the National Strategy for Gender Equality (2016-2020), the Guidelines for the Prevention of Secondary Victimization of Women Victims of Violence in Contact with Police Officers and the Special Protocol of the Ministry of Health for the Protection and Treatment of Women Victims of Violence;
- the creation of the Co-ordination Body for Gender Equality of the Republic of Serbia that is central to developing policy documents on violence against women and gender equality;

- the recognition in policy documents afforded to the importance of addressing the situation of women exposed to or at risk of intersectional discrimination and their particular help-seeking barriers when they face violence;
- the stepping up of efforts in addressing forms of violence such as early and forced marriage, notably by setting up a National Coalition for Ending Child Marriage, uniting all relevant institutions and NGOs;
- the provision of a legal basis for asylum claims on the basis of gender-based persecution, through the Law on Asylum and Temporary Protection.

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Serbia take the following measures identified in GREVIO's Baseline Evaluation Report<sup>1</sup> for immediate action to:

1. enhance the application of a gendered perspective in the implementation of the Istanbul Convention, including in relation to law and policy on domestic violence (paragraph 8);
2. pursue the adoption of a new comprehensive national strategy on all forms of violence against women in order to develop a long-term co-ordinated plan/strategy giving due importance to all forms of violence against women and which would fully reflect the specific needs of women who are or might be exposed to intersectional discrimination, in particular women belonging to minority groups, women with disabilities and migrant women (paragraph 26);
3. ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and the institutions and entities mandated for their implementation (paragraph 32);
4. establish at different levels of government consultative dialogues with women's organisations in order to incorporate their opinions and experiences into the design of relevant policies and to foster state actors' co-operation with and mutual support for women's organisations (including those providing specialist support services), while ensuring sustainable funding levels for such organisations (paragraph 38);
5. fully institutionalise the Co-ordination Body for Gender Equality and to allocate the necessary human and financial resources (paragraph 43);
6. develop data collection systems for all forms of violence covered by the Istanbul Convention, for use by law-enforcement agencies, prosecution services and the judiciary on the basis of data categories such as sex, age, type of violence and type of relationship of the perpetrator with the victim to be collected at regular intervals (paragraph 48);
7. expand the collection of data on instances of patient contact with the health sector (paragraph 51), and on reports made to and interventions proposed by social services (paragraph 53) in relation to all forms of violence covered by the Istanbul Convention;
8. provide for gender-sensitive specialist women's support services 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 women's NGOs (paragraph 136);

---

<sup>1</sup> The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

- 
9. ensure that children who witness domestic violence receive counselling and support, including for post-traumatic stress disorder (PTSD), while ensuring their safety in conditions that allow them to remain with the non-abusive parent, preferably in their own home (paragraph 144);
  10. take the necessary measures, ensuring that courts are under the obligation to consider all issues related to violence against women when determining or restricting custody and visitation rights; while recognising that witnessing violence against a close person jeopardises the best interest of the child; and ending the practice of removing children from non-abusive parents and placing them into foster care (paragraph 169);
  11. 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 (paragraph 184);
  12. ensure that legal guardians and medical professionals always respect the need to act upon and ensure respect for women's informed and free consent to the performance of medical procedures such as abortion and sterilisation, in particular where women with disabilities in residential institutions are concerned (paragraph 194);
  13. take measures to ensure, in the practical implementation of the Law on Free Legal Aid, the provision of free legal aid of sufficient quality in all areas related to the Istanbul Convention (paragraph 246);
- B. Requests the Government of Serbia to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2023.
- C. Recommends that the Government of Serbia take measures to implement the further conclusions of GREVIO's Baseline Evaluation Report.