



# ANALYSIS OF POLICIES AND LEGISLATION ON WAV AND ISTANBUL CONVENTION IN SERBIA – BRIEF REVIEW

The following policy brief is produced with the purpose to contribute to monitoring of the implementation of the Istanbul Convention (IC) in Serbia, in response to GREVIO Committee's invitation. The document features the key points of "Mapping of policies and legislation on violence against women and the Istanbul Convention in Serbia", a publication by European Women's Lobby – EWL (Nov, 2018) of the author Marija Petronijević.

For further references please consult the following links for EWL's publications: [Full analysis for Serbia](#), and [Regional executive Summary](#).



**Istanbul  
Convention  
Implementation  
MONITORING**

**Contribution on  
behalf of Women  
Against Violence  
Network –**

**South-Western  
Serbia Region**

**Upon GREVIO  
Committee's  
Invitation**

**Policy Brief  
produced in  
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**FENOMENA  
ASSOCIATION**

Report Author

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## INTRODUCTION REGARDING THE REPORT AIMS, METHODOLOGY AND CONTENT

The following policy monitoring report is produced in response to GREVIO Committee's invitation to Fenomena Association to share relevant information regarding the implementation of the Istanbul Convention (IC) in Serbia. Taking into the consideration the importance of policy application monitoring with regards to public administration's accountability towards citizens and country resources trusted to be managed in accordance with national and international legal obligations, Fenomena Association uses its expertise in public administration and public policy, and decade long experience in combating gender-based violence, to produce the following report. The report is submitted on behalf of South-Western Serbia Region of Women Against Violence Network (WAVN South-Western Region) working together to end gender-based violence. The aim of the report is to provide clear information regarding the IC implementation progress in Serbia. Providing the independent professional opinion, WAVN South-Western Region contributes to the processes of comprehension and ending violence against women in our society, by requesting responsible and transparent public administration actions to this regard.

Considering the fact that GREVIO Committee has already received substantial contributions from women's NGOs from Serbia, and the scope of Fenomena Association's expertise, the following report is composed as policy brief covering the next chapters of the IC:

- II – Integrated policies and data collection,
- III – Prevention,
- IV – Protection and support.

As noted previously, the report is the brief review of the most recent research analysis produced by Marija Petronijević, Program director in Fenomena Association, published by European Women's Lobby – EWL in November 2018. For a detailed analysis on serial of other IC articles, especially related to intimate partner violence, sexual violence, violence against migrant and refugee women, and women's CSOs, as well as for research references, please consult the said EWL's publication:

“Mapping of policies and legislation on violence against women and the Istanbul Convention in Serbia” using the following link:

[https://www.womenlobby.org/IMG/pdf/ewl-serbia\\_report\\_web.pdf](https://www.womenlobby.org/IMG/pdf/ewl-serbia_report_web.pdf) or the summary of the analysis under the following link:

[https://www.womenlobby.org/IMG/pdf/ewl\\_executive\\_summary\\_web\\_spread.pdf](https://www.womenlobby.org/IMG/pdf/ewl_executive_summary_web_spread.pdf).

The brief review is complemented with additional primary data collection where needed. The Official report of the Republic of Serbia to GREVIO is consulted, as well. Due to the fact that National SOS helpline is initiated by the Government of the Republic of Serbia in December 2018 after the majority of contributions were already submitted to GREVIO, the following report features the latest case study related to National SOS helpline in Serbia.

## BRIEF REVIEW OF THE CHAPTERS II, III and IV

Istanbul Convention (IC) – Entered into force in the Republic of Serbia on 1<sup>st</sup> of August 2014.  
First official report to GREVIO Committee was submitted in July 2018 (Art 68).

Actions implemented / Progress noticed	Actions missing / Regression noticed
<b>Chapter II – Integrated policies and data collection</b>	
	NO national action plan (Art 7).
	NO IC related budget allocations (Art 8).
	NO support to work and cooperation with relevant NGOs (Art 9).
The Gender Equality Coordinating Body (GECB) – The Government responsible IC coordinating body (Art 10).	
	NO nationwide research on the prevalence of IPV / NO official data on DV segregated by gender (Art 11).
<b>Chapter III – Prevention</b>	
	NO measures for altering social and cultural patterns and for empowerment of women (Art 12).
Several public awareness-raising campaigns (Art 13).	
	Lack of VAW and gender equality teaching material in formal and informal curricula and at all levels of education (Art 14).
	Lack of continuous training of professionals (Art 15).
	Unknown data on perpetrators programs beneficiaries / NO programs for sex offenders (Art 16).
	NO involvement of the private sector and media in policy design and implementation, and to set internal VAW standards (Art 17).
<b>Chapter IV – Protection and support</b>	
Family Law / Criminal Code / New Law on Prevention of Domestic Violence (LPDV) introduced in 2017, featuring the Group for Coordination and Cooperation (Art 18).	New LPDV narrows the multi-agency concept / NO cooperation with NGOs / NO economic empowerment and NO support services at the same premises (Art 18).
	Lack of the easily accessible information for DV survivors on each institution's mandate, about available support services and legal measures (Art 19).
	Inconsistent Individual Protection and Security Planning (IPSP) aiming at recovery from violence / NO additional services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment (Art 20).

	NO legal aid to persons who want to access the regional and international protection mechanisms (Art 21).
	NO support to provision of specialist women's support services (Art 22).
	Only 35% of required provision of shelters at the national level of (Art 23).
Initiated 24/7 free of charge telephone helpline to provide advice (Art 24) <sup>1</sup> .	Violated confidentiality and anonymity standards (Art 24).
	NO specialized services for victims of sexual violence (Art 25).
	NO specific measures to encourage reporting by witnesses or professionals (Art 26, Art 27).

## NATIONAL SOS HELPLINE CASE STUDY (IC Art 24)

The following information present the single case study. The subject of the case study are the domestic violence policy related events conducted by the Ministry of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia (Ministry LEVS) during the last quarter of 2017 and in 2018. More precisely, activities of the Ministry LEVS related to establishment of the National SOS helpline are observed during the stated period, analysed and chronologically presented. Case study methodology protocol comprises several data collection sources and techniques – primary sources (official government documents analysis, direct communication with public administration servants) and secondary sources (Serbian Women Against Violence Network – WAVN's data, Women Against Violence Europe – WAVE's data, press releases analysis, news articles and other media reports analysis).

### The last quarter of 2017 – Policy implementation measures announcement

→ Actions partly in accordance with domestic law and IC

→ Public procurement for National SOS helpline announced

→ Women's specialized services discouraged

The Ministry LEVS have announced that SOS helpline project is one of four priorities for 2018<sup>2</sup> and that Ministry LEVS is preparing public procurement competition procedure to obtain the National SOS helpline service<sup>3</sup>, in accordance with Law on Ratification of the Council of Europe Convention on the Prevention and Combating Violence against Women and Domestic Violence (Istanbul Convention – IC). The announcement states that within the public procurement competition, all licensed Associations who already provide SOS helpline services will be eligible to apply. The confidentiality and anonymity standards are acknowledged in the announcement.

Meanwhile, the participation of women's CSOs specialized services is being blocked with challenging and costly licensing requirements (especially having in mind that women's CSOs are providing non-profit social and other support services). There were no licensed SOS helpline service providers in general in the last quarter of 2017 when the announcement was published.

<sup>1</sup> For further information about National SOS helpline service, please see the following case study.

<sup>2</sup> The link was deleted in Jan/Feb 2019 <https://www.minrzs.gov.rs/lat/prioriteti.html>

<sup>3</sup> The link was deleted in Jan/Feb 2019 <https://www.minrzs.gov.rs/lat/sos-telefon.html>, please find the print-screen at the bottom of the report.

Beginning of November 2017 – The First public call for Associations to provide SOS helpline services for women who experienced violence<sup>4</sup>

→ Actions NOT in accordance with domestic law and IC

→ First public call cancelled

Regardless of the fact that the Law on Social Protection requires public procurement procedure to obtain SOS helpline services, which was previously announced by Ministry LEVS, the same Ministry published the call which was not in line with said legal requirements. Instead of a public procurement procedure, the public call with vague criteria and unknown evaluation procedure was published. Furthermore, one of the eligibility criteria was the ownership of the accredited training program for SOS service provision (different from working license).

The Serbian Women Against Violence Network (WAVN) reacted due to legal irregularities of the public call. Most particularly, the WAVN South-Western Region sent an official Request to cancel the call to the Ministry LEVS, pointing out the ambiguity and vagueness of the call. There were no licensed SOS helpline service providers when the call was published.

Subsequently, the Ministry LEVS without any explanation cancelled the First public call.

Middle of November 2017 – The Second public call for Associations to provide SOS helpline services for women who experienced violence<sup>5</sup>

→ Actions NOT in accordance with domestic law and IC

→ Second public call cancelled

A week after the first public call was cancelled, the Ministry LEVS published a new call for proposals. The same as previous, the public call was not in line with domestic legal requirements. The key difference was new eligibility criteria – the ownership of the working license for SOS helpline services (instead of the accredited training program as it was in the First call). However, until the public call was announced there were no licensed SOS helpline service providers<sup>6</sup>. The Serbian Women Against Violence Network (WAVN) reacted again, most particularly Autonomous Women's Centre sent a request that Ministry LEVS cancel the call and implement a public procurement tender<sup>7</sup>.

Subsequently, the Ministry LEVS without any explanation cancelled the Second public call one day before the deadline (on the 24<sup>th</sup> of November 2017)<sup>8</sup>.

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<sup>4</sup> Related documents are deleted from Ministry LEVS Public calls page <https://www.minrzs.gov.rs/files/scan.pdf>, the document can be provided upon request and the public call can be found here:

[https://www.euprava.gov.rs/eusluge/opis\\_usluge?generatedServiceId=3918&title=Javni-poziv-za-udru%C5%BEen%D1%98a-radi-pru%C5%BEan%D1%98a-usluga-sos-telefona-namen%D1%98enog-osobama-sa-iskustvom-nasil%D1%98a&alphabet=lat](https://www.euprava.gov.rs/eusluge/opis_usluge?generatedServiceId=3918&title=Javni-poziv-za-udru%C5%BEen%D1%98a-radi-pru%C5%BEan%D1%98a-usluga-sos-telefona-namen%D1%98enog-osobama-sa-iskustvom-nasil%D1%98a&alphabet=lat)

<sup>5</sup> [https://www.minrzs.gov.rs/sites/default/files/2017-12/sos\\_-\\_javni\\_poziv.pdf](https://www.minrzs.gov.rs/sites/default/files/2017-12/sos_-_javni_poziv.pdf) and

[https://www.minrzs.gov.rs/sites/default/files/2017-12/sos\\_-\\_smernice.pdf](https://www.minrzs.gov.rs/sites/default/files/2017-12/sos_-_smernice.pdf)

<sup>6</sup> <https://www.zeneprotivnasilja.net/vesti/766-saopstenje-za-javnost-licenciranje-sos-telefona-nemoguca-misija-a-licenca-uslov-konkursa-ministarstva>

<sup>7</sup> [https://womenngo.org.rs/images/vesti-17/PDF/Komentari\\_na\\_novi\\_Javni\\_poziv\\_SOS\\_telefon.pdf](https://womenngo.org.rs/images/vesti-17/PDF/Komentari_na_novi_Javni_poziv_SOS_telefon.pdf)

<sup>8</sup> Related document is deleted from Ministry LEVS Public calls page

[https://www.minrzs.gov.rs/files/odluka\\_o\\_stavljanju\\_van\\_snage\\_odluke.pdf](https://www.minrzs.gov.rs/files/odluka_o_stavljanju_van_snage_odluke.pdf), the document can be provided upon request.

End of September 2018 – The Third public call for Associations application to establish National SOS helpline for women who experienced violence<sup>9</sup>

→ Actions NOT in accordance with domestic law and IC

→ Third public call cancelled

On the 27<sup>th</sup> of September 2018, the Ministry LEVS published a new call for proposals. The third call, unlike previous two calls, featured detailed Technical conditions<sup>10</sup> whereby the confidentiality and anonymity standards were jeopardised by audio recording of all calls and without clear information how the recorded data will be managed and by whom<sup>11</sup>. Once again, WAVN reacted due to legal irregularities, and most specifically regarding the fact that IC is violated in its core values and standards of providing confidential and anonymous support to women<sup>12</sup>. Regardless the fact that at the moment of publishing of the third call at least four women's CSOs had licensed their SOS services, the WAVN boycotted the third call of the Ministry LEVS due to Ministry's continuous violation of national and international legal commitments, as well as vague and ambiguous processes<sup>13</sup>.

Additionally, WAVN members alarmed the media about the irregularities in the process of establishing National SOS helpline, whereby many media reports were published<sup>14</sup>. Moreover, WAVE office sent a Letter of Concern to Ministry LEVS regarding the National SOS helpline public call, calling the Minister to align policy actions with IC and providing useful manuals to this regard. On the 16<sup>th</sup> of October Ministry LEVS replied to WAVE stating that the call is in line with both domestic law and IC articles 9 and 24, and proceeded further with the call. The Ministry LEVS, in the said letter to WAVE, state that:

“The public call 24/7 Helpline was proceeded in agreement with the aforementioned legal instruments and regulations as well as in accordance with provision contained in Article 9 of the Istanbul Convention, because our position has been explicit: that the services of the 24/7 Helpline should not be provided by a state body, but a civil society organization in order to encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.”

However, the Ministry LEVS cancelled the public call for the third time (on the 24<sup>th</sup> of October 2018) with the explanation that there were no applications submitted by the deadline<sup>15</sup>.

End of December 2018 – The Fourth attempt: NO Public Call, NO Public Procurement Procedure

→ Actions NOT in accordance with domestic law and IC

→ National SOS helpline established

On the 20<sup>th</sup> of December, media house *Al Jazeera Balkans* broadcasted a short report regarding previous two cancelled and one failed public calls and the news that Ministry LEVS issued the new decision that the SOS helpline will be provided by public social protection “Centre for protection of infants, children and youth” (“Zvečanska”)<sup>16</sup>. Said “Zvečanska” institution had no previous expertise in combating VAW or providing SOS helpline services for women who survived domestic violence.

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<sup>9</sup> [https://www.minrzs.gov.rs/sites/default/files/2019-01/javni\\_konkurs.pdf](https://www.minrzs.gov.rs/sites/default/files/2019-01/javni_konkurs.pdf)

<sup>10</sup> [https://www.minrzs.gov.rs/sites/default/files/2019-01/smernice\\_za\\_podnosioce\\_predloga\\_programa.pdf](https://www.minrzs.gov.rs/sites/default/files/2019-01/smernice_za_podnosioce_predloga_programa.pdf)

<sup>11</sup> Translation of the Technical conditions can be provided upon request.

<sup>12</sup> <https://www.zeneprotivnasilja.net/vesti/912-reakcija-mreze-zene-protiv-nasilja-na-izjavu-ministra-za-rad-zaposljavanje-boracka-i-socijalna-pitanja-povodom-raspisivanja-konkursa-za-uspostavljanje-nacionalne-sos-telefonske-linije>

<sup>13</sup> <https://cssplatform.org/womens-network-violence-boycotts-third-call-ministry-establish-national-sos-phone-violating-law-%Do%BC%D1%80%Do%B5%Do%B6%Do%Bo-%Do%B6%Do%B5%Do%BD%Do%Bo-%Do%BF> and <https://www.zeneprotivnasilja.net/vesti/910-otvorena-pitanja-ministarstvu-rada-zaposljavanje-borackih-i-socijalnih-pitanja>

<sup>14</sup> Press clipping available upon request.

<sup>15</sup> The document is no longer available at the Ministry LEVS web site, but it can be provided upon request.

<sup>16</sup> <https://www.youtube.com/watch?v=Y7FEPC6YaDk&feature=youtu.be>

On the 26<sup>th</sup> of December, WAVN sent another letter to Ministry LEVS asking for additional explanations, requesting that Ministry stop ignoring the work and expertise of WAVN network (among which some organizations provide SOS services for women since 1990), to stop with Minister's arbitrariness and attempts of corruption, and start with strict adherence to domestic and international legal obligations<sup>17</sup>. The Ministry LEVS sent a response on the 21<sup>st</sup> of January 2019 stating that at that moment there are six non-governmental organisations and one public social protection institution with license to provide SOS services<sup>18</sup>. The letter does not explain the reasons why the project and public funds are given without competition, why the advantage was given to a public institution without expertise, experience and proper training, neither why the Ministry insists on the audio recording of the calls.

Meanwhile, on 28<sup>th</sup> December 2018, the information about initiating National SOS helpline and service provision by "Zvečanska" was confirmed by the Ministry LEVS at the press conference. The Ministry press release did not provide information about the legal basis for providing public funds to "Zvečanska" without public competition, however the Ministry LEVS confirmed that<sup>19</sup>:

- "Republic of Serbia stands behind this SOS number",
- all eight persons working at SOS helpline are trained and licensed,
- "Intelligent National SOS helpline will learn from everyday events and improve its work in this way" 24 hours 365 days a year,
- all conversations will be recorded,
- the National SOS helpline project will be funded by the City of Belgrade public budget and partially by Ministry LEVS,
- the SOS helpline is dedicated to all citizens of the Republic of Serbia.

Gender inequality and power misuse are not addressed, women are not mentioned as National SOS helpline beneficiaries but persons in general, gender-based violence and violence against women are not noted.

The last action that was recorded in the case study was the Complaint to the Inspection Supervision Department within Ministry LEVS regarding the allocation of the National SOS telephone service to the "Center for the Protection of Infants, Children and Youth" filed on 31<sup>st</sup> of December by Autonomous Women's Center (AWC), WAVN member<sup>20</sup>. AWC demands that said mandatory Department prevents the illegal provision of SOS helpline service and the damage it could make to women violence survivors.

The case study research did not record any data regarding the Gender Equality Coordinating Body's (Republic of Serbia's responsible IC coordinating body) actions towards prevention of violation of the Istanbul Convention related to processes of establishment of National SOS helpline in Serbia conducted by Ministry LEVS during 15 months period.

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<sup>17</sup> <https://www.zeneprotivnasilja.net/vesti/939-dopis-ministarstvu-za-rad-zaposljavanje-boracka-i-socijalna-pitanja>

<sup>18</sup> [https://www.zeneprotivnasilja.net/images/vesti/2019/Odgovor\\_Ministarstva\\_za%20rad\\_21.1.2019.pdf](https://www.zeneprotivnasilja.net/images/vesti/2019/Odgovor_Ministarstva_za%20rad_21.1.2019.pdf)

<sup>19</sup> <https://www.srbija.gov.rs/vest/356519/otvorena-sesta-nacionalna-sos-linija-za-zene.php>

<sup>20</sup> <https://womenngo.org.rs/vesti/1354-zalba-odljudu-za-inspekcijski-nadzor-povodom-dodeljivanja-usluge-nacionalnog-sos-telefona-centru-za-zastitu-odojcadi-dece-i-omladine>



Početna | Projekti | PRIORITETI 2018 | SOS TELEFON

## SOS TELEFON

### Sprečavanje porodičnog nasilja - SOS TELEFON

Nasilje u porodici je problem kojem naše društvo i institucije poslednjih godina posveđuju dosta pažnje. Zajedničkom delovanjem civilnih organizacija i državnih ustanova dolazi do velikih pomaka u kreiranju agende i mehanizama za prevenciju nasilja i zaštitu žrtava. Skupština Republike Srbije usvojila je predložene zakone i stvorila sistemske uslove za efikasnu borbu protiv nasilja u porodici. Prema izveštavanju medija, nasilje u porodici je najčešći vid nasilja u našem društvu. Stiče se utisak da je ono u stalnom porastu, a prema podacima ženskih organizacija, više od polovine žena iskusilo je neki vid porodičnog ili partnerskog nasilja. Podaci nadležnih institucija, takođe, ukazuju na kontinuirani porast prijavljivanja slućajeva nasilja u porodici policiji i centrima za socijalni rad.

Dosledne namere Ministarstva za rad, zaposłavanje, boračka i socijalna pitanja u vezi sa rešavanjem problema nasilja u porodici prepoznaju se i kroz rad Sektora za antidiskriminacionu politiku i unapređenje rodne ravnopravnosti, kao i praktičnim delovanjem na ostvarivanju suštinske zaštite žrtava nasilja u porodici, odnosno definisanju nasilja kao neprihvatljivog modela ponašanja. Republika Srbija je usvajanjem Konvencije Saveta Evrope o sprečavanju i borbi protiv nasilja nad ženama i nasilja u porodici od 2011. godine (Istanbulska konvencija) preuzela obaveze koje se odnose i na preduzimanje neophodnih zakonodavnih ili drugih mera za uspostavljanje non-stop besplatne SOS telefonske linije, radi davanja saveta pozivocima u poverljivoj formi ili čuvajući njihovu anonimnost u vezi sa svim vidovima nasilja obuhvaćenih ovom konvencijom. Ministarstvo za rad, zaposłavanje, boračka i socijalna pitanja, shodno svom delokrugu regulisanim članom 16. Zakona o ministarstvima („Službeni glasnik RS”, br. 44/14, 14/15, 54/15, 96/15–dr.zakon, 62/17), zaduženo je da realizuje navedenu socijalnu uslugu.

Ministarstvo je predvidelo sredstva za konkretno delovanje – pomoć i podršku ženama sa iskustvom nasilja. Pokretanjem Nacionalnog SOS telefona stvorilo se mogućnost da svaka žena sa iskustvom nasilja, sa cele teritorije Republike Srbije, na najbrži mogući način dobije sve informacije potrebne radi zaštite i ostvarivanja svojih prava. Pozivi sa svih linija fiksne i mobilne telefonije biće besplatni za pozivoca. Ministarstvo priprema javnu nabavku usluge Nacionalnog SOS telefona, na kome mogu učestvovati licencirana Udruženja koja već pružaju usluge SOS telefona. Cilj ovog projekta je pružanje neposredne pomoći ženama sa iskustvom nasilja, kao i uspostavljanje i primenjivanje mehanizama koji će obezbediti postupanje u skladu s međunarodnim obavezama vezanim za ljudska prava u oblasti seksualnog i rodno zasnovanog nasilja (Zakon o potvrđivanju Konvencije Saveta Evrope o sprečavanju i borbi protiv nasilja nad ženama i nasilja u porodici („Službeni glasnik RS – Međunarodni ugovori”, broj 012/13)).

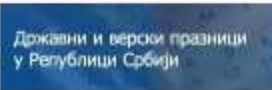
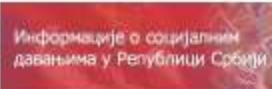
Očekivanje Ministarstva je da će se pokretanjem Nacionalnog SOS telefona, uz jasan preventivni efekat kroz informisanje celokupne javnosti, obezbediti neposredna podrška, osnaživanje i pomoć ženama sa iskustvom nasilja. Ostvarivanjem planirane aktivnosti približićemo se evropskim standardima za rešavanje ovog problema i, nadamo se, suzbiti u što većoj mери pojavu nasilja prema ženama.

#### • Linkovi za SOS telefon

Potpisan Memorandum o saradnji na uspostavljanju SOS telefonske linije za žene žrtve nasilja

Ministar Đorđević na tribini pod nazivom „Srbija ujedinjeno u borbi protiv nasilja nad ženama”

Državna sekretarka Štana Božović na tribini „Zajedno u borbi protiv nasilja nad ženama”



#### FOTO GALERIJA

