

Committee of the Parties



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

**Implementation report submitted
by Serbia on the conclusions adopted
by the Committee of the Parties
on 1 June 2023**

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on preventing and combating violence against women and domestic violence

1. Independent monitoring and evaluation of policies and measures

Regarding the recommendations issued by the GREVIO Committee to the Republic of Serbia concerning the monitoring and oversight of the implementation of measures and policies aimed at preventing and combating violence against women, the Republic of Serbia utilizes its constitutional and legislative mechanisms, as well as strategic public policy documents, to conduct monitoring and supervision in this area.

Particular emphasis is placed on the role of independent institutions such as the Protector of Citizens and the Commissioner for the Protection of Equality, which act as national bodies for human rights and equality. In addition to these, the entire system of government, including the judiciary and executive branches, as well as other independent institutions responsible for oversight, is committed to reducing the incidence of violence against women and gender-based violence.

Furthermore, alongside mechanisms at the national level, certain mechanisms also exist at the provincial and local levels, contributing to a comprehensive approach to this issue. One of them is periodical reporting to GREVIO and Council of Europe, regarding implementation of Istanbul Convention.

The strategies adopted in the previous period, which have been welcomed by the GREVIO Committee, include accompanying Action Plans that clearly define the responsible parties and deadlines for their implementation of certain activities on national level that are structured in a way to reduce levels of gender based violence.

Also, the establishment of a new Coordination Body for Gender Equality is currently underway. This body is designed to serve as the national coordination mechanism for gender equality issues and has the mandate to coordinate the work of state administration bodies and other institutions with the aim of promoting gender equality and improving the position of women and men in the Republic of Serbia. Also, it must be noted that the Republic of Serbia is one of the first states in the region that has a Ministry for gender equality, combating violence against women and economic and political empowerment of women, as part of executive power.

In the following section is a list with different acts that are the basis for institutions in the Republic of Serbia who are in charge of combating violence against women and girls.

Strategy for the Prevention and Fight Against Gender-Based Violence Against Women and Domestic Violence for the period 2021-2025

- This basic strategic document was prepared in accordance with the Law on the Planning System.
- The objective of this strategy is to ensure effective prevention and protection from all forms of gender-based violence against women and girls and domestic violence and to develop a gender-responsive system of support services for victims of violence.
- The Strategy lays down four specific goals: 1) improved action of all actors in the prevention of gender-based violence against women and domestic violence; 2) efficient and effective protection of victims and available and adequate general and specialized support services for victims of violence; 3) all forms of violence against women and domestic violence are criminalized, in accordance with international

standards, and the necessary prerequisites are provided for the adequate prosecution and punishment of perpetrators, the position of victims and witnesses is improved and victims' rights to compensation are exercised; and 4) integrated public policies exist and a comprehensive and functional system has been established for the collection and analysis of data on gender-based violence against women and domestic violence.

- six key areas: 5.1. Prevention; 5.2. Protection and support for victims; 5.3. Protection under civil law; 5.4. Protection under criminal law; 5.5. Investigation, prosecution, protection of victims and witnesses and compensation of victims; 5.6. Collection of administrative data.
- The Strategy determined a total of 15 regulatory, incentive, informative and educational and other measures. The unfavorable position of certain multiple vulnerable groups of women, who find themselves in an intersectional situation of unfavorable and discriminatory circumstances, such as Roma women, women with disabilities, women in the countryside, lesbians, transwomen, etc., is considered.
- It is expected that the implementation of the Strategy will improve the level of quality and effectiveness of the protection of human rights of victims of all forms of gender-based violence against women and domestic violence.
- the backbone of the strategy: justice and protection of rights, prevention of violence against women and domestic violence, security, social and health care
- places the victim at the centre of all measures taken to protect and support victims of violence

Strategy for Gender Equality for the period from 2021 to 2030

- October 14, 2021, the Government of the Republic of Serbia adopted
- the goal of which is to overcome the gender gap and achieve gender equality as a prerequisite for the development of society and the improvement of the daily life of women and men, girls and boys.
- This Strategy envisages the implementation of Measure 2.3.: Improved security of women and girls in the public and private sphere through the elimination of all forms of violence, including human trafficking, sexual and other forms of exploitation, in particular during crises and emergencies.
- The Strategy emphasizes in part 5.2.3. Gender-based violence and violence against women and domestic violence that violence in general, and especially against women, is the most widespread and severe form of violation of fundamental human rights.

Programme for the Protection of Women from Domestic and Partner Violence and other forms of gender-based violence in AP Vojvodina for the period from 2023 to 2026

- In April 2023, the Assembly of the Autonomous Province (AP) of Vojvodina
- This strategic document of the Provincial Government established several goals related to more effective actions of all actors aimed at preventing, suppressing and protecting against all forms of gender based violence against women and domestic violence, as well as to the efficient and effective protection of victims and the establishment of available and appropriate general and specialist support services for victims of violence.
- The goal of the programme is also to improve the coordinated cooperation of all actors in the prevention and suppression of gender-based violence against women and domestic violence.

The Law on Gender Equality

- was adopted in 2021.

- Prevention and suppression of gender-based violence refers to the prohibition of violence based on sex, sexual characteristics, that is, gender and violence against women
- Article 51 says: “Any form of violence based on sex, sexual characteristics, that is, on gender, and violence against women in the private and public sphere is prohibited”
- The law lays down general support services (Article 54), as well as specialized support services for victims of violence (Article 55)
- Article 53 stipulates the obligation to report such violence for every person, public authority, employer, association and institution. The police administration and the public prosecutor’s office are obliged to inform the centre for social work about the reported violence.
- Article 56, the Law foresees also programmes for working with persons who have committed violence.
- Article 57 of the law defines the authorities, organizations and bodies for gender equality that have the obligation to organize, implement and fund measures aimed at preventing and suppressing violence

Note: Some parts of the above mentioned Law is under revision by the Constitutional Court. Additional information is available in the State report, as well as in the Comments given on the Preliminary report.

The General Protocol on action and multisectoral cooperation in situations of gender-based violence against women and domestic violence (GPGBVW)

- was adopted at a Government session on 29 March 2024, by Government Decision 05 number 56-2476/2024/1
- Need to adopt a new GPGBVW because the valid General Protocol on action and cooperation of institutions, authorities and organizations in situations of violence against women in the family and in intimate partner relationships from 2011 has been superseded, since it was based on regulations that were in force at the time of its adoption.
- It is based on the model of multisectoral cooperation as established by the Law on the Prevention of Domestic Violence (LoPDV) and harmonized with current regulations.
- The general goal of the GPGBVW is to ensure comprehensive, coordinated and gender sensitive action of competent authorities, institutions and organizations in order to effectively prevent gender-based violence against women and domestic violence, ensure safety and protection and provide appropriate support to victims to assist them in their empowerment, recovery and in gaining independence.
- The specific goals of GPGBVW are the following:
 - improving the actions of all stakeholders to prevent, protect and provide support to victims of gender-based violence against women and domestic violence,
 - the inclusion of a gender perspective in all aspects of work and a gender-responsive approach in undertaking all measures and activities in the domain of prevention, protection and support for victims of gender-based violence against women and domestic violence in accordance with the international standard of due diligence
 - reduction of secondary victimization of victims of gender-based violence against women and domestic violence,
 - increasing the level of information of experts involved in the system of protection and support for victims of gender-based violence against women and domestic violence and the general public on how to act in cases of violence and in cases where there is danger of gender-based violence against women and domestic violence,
 - contributing to the achievement of the goals of the Strategy for Preventing and Combatting Gender-Based Violence Against Women and Domestic Violence for the Period 2021-2025.

- stipulates that the Individual Protection and Support Plan for the victim is an operational document that the group draws up whenever it assesses that there is an immediate danger of domestic violence.

A Special protocol of the Ministry of Health of the Republic of Serbia for the protection and treatment of women exposed to violence

- includes a definition of violence against women

2. Human and financial resources & stable funding for women's NGOs

The Republic of Serbia funds initiatives to combat violence against women through various programs and partnerships. Funding typically comes from government resources, international organizations, and non-governmental organizations (NGOs). Here are some key aspects:

1. **Government Programs:** The Serbian government allocates funds through national and local budgets to support shelters, hotlines, and services for victims.
2. **Legislation and Policy:** Serbia has laws and policies in place aimed at preventing domestic violence, which include financial support for enforcement and victim support services.
3. **International Aid:** Serbia often collaborates with international bodies like the European Union and the United Nations, which provide financial and technical support.
4. **NGOs:** Non-governmental organizations play a crucial role, often receiving funding from both domestic and international sources to implement programs and raise awareness.
5. **Training and Education:** Funds are also directed towards training law enforcement, judiciary members, and social workers to ensure effective response to cases of violence.

Gender Responsive Budgeting (GRB) is an approach to planning and allocating public finances that takes into account the different needs of women and men, with the aim of reducing gender inequalities. GRB is not a separate budget for women, but a way to make all budgets more equitable and efficient for the entire population.

In the Republic of Serbia, GRB is implemented as part of a broader public finance reform and is a legal obligation. The **Budget System Law** (Article 20ž) requires all public fund beneficiaries to include gender equality objectives in their financial plans. Additionally, the **Law on Gender Equality** (2021) reinforces this obligation and establishes mechanisms for monitoring its implementation.

It is important to note that the state budget of the Republic of Serbia does not contain a single budget line dedicated exclusively to the prevention and elimination of gender-based violence. Instead, depending on their competencies, various public authorities and budget users working on these issues receive allocations from the national budget. For example, the **Ministry of Labour, Employment, Veteran and Social Affairs** allocates funds annually through different programs (such as support to associations, local communities, foster families, etc.). However, the funding of

social work centers, shelters, and SOS helplines falls under the responsibility of **local self-governments**, whose capacities vary significantly.

The **Ministry of Finance** coordinates the GRB process by setting out budget preparation templates and guidelines that include gender components. Furthermore, according to the **Regulation on the Impact Assessment of Regulations**, any new regulation must be accompanied by an impact assessment, which includes a **gender analysis**, evaluating how the regulation will affect the position of women and men in society.

GRB is also a responsibility of **local self-governments**, which are required to implement it within their budget planning processes and public policies.

3. Disaggregated data collection

One of the key recommendations addressed to the Serbian authorities by GREVIO is to **enhance the systematic collection of disaggregated data** on all forms of violence against women. Such data are essential for understanding the prevalence and patterns of gender-based violence and for shaping evidence-based public policy responses. Unified database on gender-based violence already exists and is maintained by the Statistical Office of the Republic of Serbia, based on data provided by the Ministry of the Interior, the Ministry of Health (Institute for Public Health “Mllan Jovanovic Batut”), the Ministry of Justice, The Ministry for Education and the Ministry of Labour, Employment, Veteran and Social Affairs (The Central Institute for the Social Protection). The database has been developed in accordance with EUROSTAT standards as part of a project that has been active since 2015.

The database includes information on reported cases of d violence, including:

- the number of reports filed,
- investigations initiated,
- investigations dismissed or discontinued,
- the gender of perpetrators and victims,
- the number of indictments filed.

Data in the database is available from 2009 onward and is regularly published on July 1st for the previous calendar year, as part of the official statistical release of the Republic of Serbia. <https://data.stat.gov.rs/Home/Result/140202?languageCode=sr-Latn>. The data is regularly submitted to EUROSTAT and is also available through its database. In addition, since 1950, the Statistical Office has regularly published the Statistical Yearbook of the Republic of Serbia, which generally included data on persons killed and injured within the territory of the Republic of Serbia, disaggregated by sex, cause of death, criminal offence and the type of weapon used.

Since 2003, the Office has also regularly published statistical bulletins on juvenile and adult perpetrators of criminal offenses in the Republic of Serbia, where all disaggregated data

collection has been carried out. These publications, in addition to the data from the main databases, include:

- the age of the perpetrator,
- their relationship to the victim,
- the type of criminal offense,
- the weapon used,
- and whether the person had previously been convicted of the same type of offense.

More information and publications are available at: <https://www.stat.gov.rs/en-US/publikacije>

One of the main challenges in data collection is the time gap between the moment the data is collected and the moment it is published. The Statistical Office publishes data for the previous year every year on July 1st. This delay occurs because the methodology prescribed by EUROSTAT requires such a timeline. Since a large volume of data comes from different government institutions, it is necessary to cross-reference and consolidate these datasets in order to produce accurate and non-duplicated results.

At the initiative of the **Minister without Portfolio, responsible for gender equality, combating violence against women, and the economic and political empowerment of women**, a new initiative will soon be launched to harmonize and publish these data at least on a monthly basis. The data would not only refer to gender- based violence but would also include other forms of violence, particularly **peer (school) violence**. Data on peer violence are collected through the **ČuvamTe (I Protect you)** platform and these would be aligned with data already collected by other state authorities (Ministry for Education, Ministry for Public Information and the Office for the IT and Digital Administration).

By the decision of the **Ministry of Justice** No. 119-01-125/2021-05 dated 12 May 2021, a Working Group for the Analysis of the Effectiveness of the Criminal Justice System based on closed cases was established in order to identify and eliminate its weaknesses and shortcomings in the preparation of the working text of the Law on amendments to the Criminal Code, which will consider proposals for amendments to the CC in the section Meaning of Terms for the Purpose of this Code, Article 112, item 28, which lays down who is considered a family member, as well as the proposal for amendments to Article 194 – Domestic Violence.

The **Ministry of Justice** receives data from the Supreme Public Prosecutor's Office on the application of the Law on Prevention of Domestic Violence on a monthly basis for the entire territory of the Republic of Serbia. These data are categorized by the sex and age of the victim, as well as the relationship between the victim and the perpetrator. The Ministry of Justice further analyses these relationships and publishes the results on its website "Switch Off Violence"(Isključi nasilje) <https://iskljuci-nasilje.rs/> in the statistics section. Thus, the Ministry of Justice conducts a monthly analysis for the entire territory of the Republic of Serbia regarding the relationship—whether partner or kinship—between the perpetrator and the victim of violence under the Law on Prevention of Domestic Violence.

In line with this, Serbia's **Strategy for Preventing and Combating Gender-Based Violence Against Women and Domestic Violence (2021–2025)** explicitly foresees the creation of a unified and centralized record system. This is articulated through *Measure 4.3* of the Strategy, which aims at: *“Establishment of a single central record of all forms of gender-based violence against women and domestic violence... aimed at enabling monitoring, analysis and creation of evidence-based policies for the prevention and suppression of violence.”*

Progress has also been made within specific sectors. For instance, the **healthcare system** has implemented mandatory record-keeping and reporting procedures for cases of suspected violence. Health institutions are instructed to collect detailed information, including: *“type of violence, sex and age of the victim, history of abuse, and risk assessment.”*

Furthermore, the **Ministry of Interior** operates a specialized application for tracking domestic violence cases. This tool ensures that statistical reports are automatically generated and include variables such as: *“type of violence, gender, age and kinship of victims and perpetrators, location, and number of protection orders.”* These advancements mark a significant step toward establishing a comprehensive and coordinated system for monitoring gender-based violence. The Ministry of the Interior regularly provides this data to non-governmental organizations that work on women's rights on a monthly basis. In recent years, the Republic of Serbia has recorded one of the lowest rates of violence since statistics began to be collected. Compared to the period before 2014, the number of victims of domestic violence has decreased by 45 percent, and the number of women killed as a result of domestic violence has also declined by the same percentage.

The **Ministry of Labour, Employment, Veteran and Social Affairs** in coordination with the Central Institute for the Social Protection through its annual reporting formats on the work of centers for social work, residential institutions, and licensed local social service providers within the social protection system, collects **gender-sensitive data** on both service users and employees.

In all reporting formats, providers are required to report on all key characteristics of service users, including their sex. The reports monitor the total number of users during the year and at the end of the year, as well as users by target groups (minors, adults, users in residential care, children with developmental disabilities, persons with disabilities, victims of violence, children with behavioral problems, adoption cases, etc.).

With regard to victims of violence, the annual reports of centers for social work (CSWs) include, among other things, data on:

- The number of domestic violence reports involving children (as victims) during the year, disaggregated by the type of family/household and the child's sex;
- The number of domestic violence reports involving children during the year by the dominant type of violence and the child's sex;
- The measures taken by the CSW during the year in cases involving protection of children from domestic violence;
- The number of legal proceedings for the protection of child victims of domestic violence initiated by the CSW *ex officio* during the year, by type of proceeding;
- The number of domestic and intimate partner violence reports during the year, by victim's age and type of household/family;
- The number of domestic and intimate partner violence reports during the year, by dominant type of violence, and victim's age and sex;
- The actions taken by the CSW during the year in cases involving the protection of adult victims of domestic violence;
- The number of notifications submitted by CSWs to the prosecution and the police regarding domestic violence during the year;

- The total number of domestic violence reports received by CSWs during the year, by the person/entity submitting the report (for users of all age groups);
- The number of reports received by CSWs during the year, by alleged perpetrators and their relationship to the victim;
- The number of protection measures imposed under the Family Law, recorded by CSWs during the year, by type of measure;
- The number of emergency measures imposed on perpetrators during the year (under the Law on the Prevention of Domestic Violence), by type of measure and official issuing the measure;
- The number of individual protection and support plans for victims of violence adopted by the Coordination and Cooperation Group during the year, disaggregated by the age of the victim

The number of individual protection and support plans for victims of violence adopted by **These data are currently available up to the year 2022**, as the social protection system transitioned in 2023 to an electronic record-keeping system known as **SOZIS (Social Protection Information System)**. This system is still in the process of being implemented, which has caused delays in the collection and processing of data for 2023 and 2024. Once the implementation issues are resolved, data for these two years will also be made available.

4. Rape crisis and/or sexual violence referral centres

Serbia has taken some steps to implement this recommendation by establishing **Centres for Victims of Sexual Violence (CfVSV)**. These centers provide **free-of-charge medical care, psychosocial support, and forensic examinations** in line with the Istanbul Convention, but are currently **only available in limited geographic areas**.

These centres provide a **comprehensive package of services**, including:

- Immediate **medical treatment** for injuries resulting from sexual violence,
- **Forensic medical examinations** for evidence collection,
- **Psychosocial support and trauma counseling,**
- **Information on legal rights**, assistance with reporting the assault, and support throughout legal proceedings,
- **Help in securing physical safety**, and coordination with other institutions,
- **Support to family members** of the victim.

Victims of sexual violence in Serbia have the right to seek help at any healthcare facility, regardless of whether a specialized center exists in their area of residence. Regular healthcare institutions that provide assistance include health centers, gynecological clinics, emergency services, urgent care centers, and maternity and gynecology hospitals. Medical personnel are obligated to provide basic healthcare, document injuries, notify the relevant institutions when required, and refer the victim for further assistance. Support is provided regardless of whether the case has been reported to the police.

Specialized centers, primarily located in the Vojvodina region (e.g., Novi Sad, Subotica, Sombor, Zrenjanin, Kikinda, Vršac, Sremska Mitrovica), operate 24/7 within hospitals and offer free services to women and girls over the age of 15. These centers provide medical care, psychological and legal support, forensic medical documentation, and support for family members. Emergency medical care includes examination and treatment of physical

injuries, gynecological exams including tests for sexually transmitted infections, pregnancy and HIV, prevention of unwanted pregnancy through contraceptives, and post-exposure prophylaxis (PEP) for HIV when necessary. Importantly, medical care is available without police presence and without a prior report of violence, which is essential for protecting the rights and dignity of the victim.

Confidentiality of the victim's information must be strictly maintained, except in cases where there is a legal obligation to report, such as when the victim is a minor or a person unable to care for themselves. Examinations must be conducted discreetly, without causing additional trauma, and with full respect for the victim's dignity. Healthcare workers are obliged to inform victims about their rights and the available medical, legal, and social services, providing information in a clear, accessible, and non-violent manner. Guidance includes referrals to psychological support, legal aid, and social services, as well as the option to contact the police if the victim wishes to do so.

Forensic evidence collection can only be performed with the victim's consent. If the victim agrees, medical personnel may collect biological samples (DNA evidence), document injuries through descriptions, photographs, and diagrams, and preserve the evidence for possible future legal proceedings, even if the victim does not wish to press charges at that time. There is a legal obligation to report sexual violence in cases involving minors (under 18), persons with disabilities or incapacitated individuals, or when there is immediate danger to life or repeated violence. In such cases, medical personnel are required to report to the police, the social welfare center, and, if necessary, the public prosecutor's office. Adult victims who are capable of making informed decisions cannot be forced to file a report, but they should be supported and encouraged to do so.

The recording of sexual violence cases in medical records is governed by the Law on Healthcare (Official Gazette of RS, No. 25/2019), which mandates that healthcare institutions must maintain accurate, complete, and timely medical documentation. This documentation includes all relevant information about the patient's health status, observed injuries, conducted examinations, and treatments provided. The Rulebook on the Content, Manner of Keeping and Storing Medical Documentation (Official Gazette of RS, No. 96/2019) provides further detail on the form and method of keeping records, including special forms for documenting cases of violence, thereby enabling systematic monitoring and improving the quality of healthcare for victims.

Maintaining these records is essential not only for medical treatment but also for legal protection, as the documented evidence may be critical in criminal proceedings. The information entered includes details about the time and place of the incident, the nature and extent of injuries, collected forensic evidence, and the type of assistance provided. According to the Law on Personal Data Protection (Official Gazette of RS, No. 87/2018), this data must be kept under strict confidentiality, with safeguards in place to prevent misuse or unauthorized access.

Healthcare institutions are also legally obligated to submit reports on cases of sexual violence to the relevant authorities such as the police, the social welfare center, and the public prosecutor's office, especially when reporting is mandated by law. This inter-institutional coordination allows for timely and effective protection and support for victims. At all times, healthcare workers must respect the victim's rights to privacy, dignity, and informed decision-making.

In practice, thorough and legally compliant medical documentation significantly contributes to preventing secondary victimization, strengthens victims' trust in the healthcare system and institutions, and facilitates access to justice and protection in accordance with Serbian legislation. This creates an integrated support system that safeguards victims of

sexual violence and enhances the overall effectiveness of the justice and healthcare systems in the Republic of Serbia.

5. Support for child witnesses of domestic violence

GPGBVW stipulates that the Individual Protection and Support Plan for the victim is an operational document that the group draws up whenever it assesses that there is an immediate danger of domestic violence. Bearing in mind that the individual plan has a preventive purpose, it is drawn up regardless of whether the competent police officer has performed a risk assessment or not and regardless of the degree of risk of immediate danger of violence. The following is defined in the Individual Protection and Support Plan for the victim: - protection measures and support measures for the victim of violence, her children and her family members who need protection and support, - the person in charge of the implementation of each specific measure and the deadline for its implementation, - a plan for monitoring and evaluating the effectiveness of the planned and undertaken measures.

In addition to special protection guaranteed to all particularly vulnerable categories of victims, the Directive pays special attention to child victims, providing in Article 24 that in addition to protection measures available to other victims, persons under the age of majority must have access to these measures:

- A possibility of audio-visual recording of interviews with the child and admissibility of such recording as evidence, according to the law;
- Appointing a temporary representative for the child, where necessary;
- Appointing an attorney to ensure that the child can exercise their right to legal advice and representation.

Ever since the adoption of the Law on Juvenile Offenders, all guarantees listed above have been recognised in the legal framework of the Republic of Serbia. However, certain problems have been noticed in the case law with regard to their implementation.

The measures listed below should be taken in the upcoming period to address those problems:

- Look for inconsistencies in the implementation of the legislative framework in the case law, identify any potential weaknesses and define what actions should be taken to overcome them;
- Adopt amendments to the Law on Juvenile Offenders, where necessary;
- Continuously monitor practical implementation of measures to ensure protection and support of child victims.

Besides children there are numerous factors such as old age, health, disability, gender, sexual orientation or membership of a specific ethnic, religious or social group, as well as being a refugee or a migrant due to which persons may become particularly vulnerable. The type and circumstances of a crime may also bring about particular vulnerability of a victim, which makes victims of terrorism, war crimes and other grave violations of international law, as well as victims of sexual offences and domestic

violence particularly vulnerable. The state of multiple vulnerability arises as a result of two or more reasons based on which a person is identified as belonging to a particularly vulnerable group. Persons belonging to vulnerable groups are as a rule more susceptible to victimisation, which is easily perceived in cases of victims of human trafficking and discrimination. At the same time, it should be recalled that vulnerable groups more often become victims of discrimination or unjustified unequal and prejudicial treatment. This is particularly important when it comes to persons who are victims of any of the aggravating forms of discrimination defined under Article 13 of the Law on Prohibition of Discrimination. Therefore, all types of psychosocial support set out in this Strategy must be made equally available to the victims who have suffered this criminal offence as well.

Victims of crime belonging to the groups of persons with multiple vulnerabilities require special protection and additional, continuous and long-term psychosocial support in the process of their resocialisation, reintegration and social inclusion. Belonging to a vulnerable group on its own often means that victims are not capable of realising the negative impacts of their situation or taking steps to improve it without outside support. As regards victims of hate crimes, the fact that they are victimised because they belong to a specific social group additionally burdens the process of rehabilitation and reintegration.

In the previous decade, the Republic of Serbia adopted national strategic documents and special laws laying down rules and procedures for provision of protection and support to a range of vulnerable groups of victims such as children, victims of human trafficking, victims of domestic violence and intimate partner violence, victims of discrimination, victims of sexual violence and the like. Building on this, the Strategy aims to advance the principle of enforcing and improving the standards achieved by implementing that strategic and legislative framework. It also seeks to strengthen and synergize capacities of all competent actors to deal with particularly vulnerable groups of victims. At the same time, a comprehensive and uniform system of support and assistance to be established in line with this Strategy will facilitate access of particularly vulnerable victims to support and assistance services. The system will also ensure that particularly vulnerable victims are identified in a timely manner and that they may benefit from individual assessment of their needs.

Serbian family law and institutional practice give **special consideration to the child's safety and emotional well-being** in custody and visitation decisions. This means that courts are **obliged to consider domestic violence** when deciding on parental rights and that **contact with the violent parent can be restricted or supervised** in the child's best interest. *Serbia provides both **emergency and longer-term support** for children exposed to violence especially through:*

- *The **Centre for the Protection of Infants, Children and Youth** offers **emergency interventions**, including:
"breaking the chain of abuse... meeting basic safety needs; trauma recovery; and preparation for long-term protection, preferably in a family environment."*
- *Between 2021 and 2023, this service supported **424 children** of all ages.*
- *The same Centre runs a **Maternity Home**, offering:
"basic security for children, mothers and pregnant women... to preserve the mother-child bond and prepare for independent life with the child."*

*This approach ensures that **children are not unnecessarily removed from their primary caregivers** and that both mother and child can receive support together.*

Available data from Centres for Social Work (CSW) confirm efforts to prioritize the child's well-being:

- **230 children** were separated together with the non-violent parent (compared to 242 separated alone).
- CSWs initiated **856 court proceedings** for child protection in 2022, including:
 - Protective measures (333 cases)
 - Child rights protection (172 cases)
 - Deprivation of parental rights (152 cases)

This illustrates the **proactive role of CSWs** in protecting children from further harm while **maintaining family unity** where possible.

6. Court consideration of effects of witnessing domestic violence in custody and visitation

Domestic violence must be considered in custody decisions. Serbia's **Family Law** requires courts to assess whether a parent has committed violence and how this affects the child. Violence against the child and the child's mother is one of the relevant circumstances that the court is obliged to take into account when deciding on the exercise of parental rights and the maintenance of personal relations between the child and the violent parent. The Family Law (Articles 60–61) also stipulates that the **restriction or deprivation of parental rights** in cases of domestic violence is necessary to protect the child's well-being.

It must be noted that the principle of the best interests of the child constitutes a fundamental standard guiding all judicial decisions concerning children within the Serbian legal system. This principle is firmly embedded in domestic legislation and aligned with international obligations, notably the United Nations Convention on the Rights of the Child (UNCRC), to which Serbia is a party.

Serbia's legal framework now **requires courts to assess the effects of domestic violence on children** in custody proceedings. Measures include:

- Recognizing the child as a victim if they witnessed violence;
- Preferring custody with the non-violent parent;
- Organizing supervised visits when contact is deemed necessary, and

- Permitting restriction or termination of parental rights when the child's safety is at risk.

There is a broad range of supporting measures including a wide range of psychosocial and other support services that the specific victim needs for his recovery, empowerment and independence. The gender-based nature of violence, the relationship between the victim and the possible perpetrator, children and their wider social environment should be taken into account. This implies consideration of children's welfare, though explicit mention of custody and visitation is not detailed.

Harm of witnessing violence is acknowledged. The law and practice explicitly recognize that witnessing violence is psychologically harmful to the child, and courts are expected to consider this when deciding on contact or custody. When contact with the violent parent is permitted, it is organized under supervised conditions, and any inappropriate behavior leads to termination of contact. If the court has not determined a temporary measure, and the guardianship authority assesses that it is in the best interest of the child to make contact with the parent, the contact is made in accordance with the prepared service plan. During all these procedures, the degree of traumatization of the child and exposure to violence is assessed.

In 2021, Serbia adopted **methodological guidelines** for guardianship authorities to manage **professional guidance and safeguards**. The purpose of applying this instruction is to improve the protection of the best interests of the child in procedures that regulate the maintenance of the child's personal relationship with the parent, relatives and others, in controlled conditions.

These align with GREVIO's recommendation to prioritize **children's safety and well-being** in all decisions regarding parental responsibilities.

7. Amend rape definition in line with Article 36 of the Istanbul Convention

The Istanbul Convention mandates that all forms of non-consensual sexual acts must be criminalized. This requires a consent-based definition of rape, which focuses on the *absence of freely given agreement*. The current definition of rape in Article 178 still relies on coercion and threat, and does not explicitly criminalize non-consensual sex where force is not used — for example, when the victim is intoxicated, unconscious, or intimidated into compliance.

A new concept of the criminal offense of rape has been adopted, which ensures equal legal protection for all victims regardless of the victim's and perpetrator's gender (victim and perpetrator are defined in a gender-neutral sense) and their sexual orientation, as well as a new way of defining the act of committing rape and other sexual offenses, which, besides intercourse, also includes an equivalent act. However, the legislator still only foresees 'classic rape,' which consists of forcing the victim (the passive subject) to intercourse or an equivalent act by using force or the threat of immediate attack against the life or body of that person or a person close to them (so-called qualified threat). The emphasis is on coercion, not on the absence of the victim's free consent to sexual intercourse, so the definition of the act is still not fully aligned with the Istanbul Convention. The definitions of other sexual offenses (such

as intercourse with a helpless person, with a child, or abuse of position) are also not fully aligned with the Istanbul Convention because they do not cover all acts referred to in Article 36, paragraph 1 of the Convention.

Despite the existing legal definition of the criminal offense of rape in the Republic of Serbia, which primarily emphasizes coercion, force, or the threat of immediate harm, there is an open and ongoing debate about reforming this concept to align with a consent-based approach as outlined in the Istanbul Convention. Currently, Serbian law defines rape as the use of force or threats to compel the victim to sexual intercourse or an equivalent act, focusing on the presence of coercion rather than the absence of freely given consent. This approach has been criticized for failing to provide comprehensive protection to all victims, particularly in cases where physical resistance or evident force is absent.

In this context, civil society organizations have played a crucial role by advocating for legislative reforms that would shift the legal framework towards recognizing the absence of consent as the core element of rape. Groups such as the Autonomous Women's Center have actively called for changes to ensure that all non-consensual sexual acts are criminalized, regardless of the presence or absence of physical force. Their advocacy includes raising public awareness, providing expert recommendations, and engaging with policymakers to promote victim-centered approaches.

The ongoing dialogue between government institutions and the civil sector is vital for advancing these reforms. It involves drafting amendments to the Criminal Code that fully incorporate the Istanbul Convention's standards, fostering public consultations, and planning comprehensive training for law enforcement, judiciary, and support services to implement the new consent-based definitions effectively.