



**Report submitted by Serbia  
pursuant to Article 68, paragraph 1  
of the Council of Europe Convention  
on preventing and combating violence  
against women and domestic violence  
(Baseline Report)**

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Europe Convention on Preventing and Combating  
Violence against Women and Domestic Violence  
(Baseline Study)

# Table of contents

Table of contents	3
I. Introduction	6
A. General principles of the Convention	6
B. Subject matter and key definitions	7
C. Obligations of the state and full commitment	8
D. Bodies, agencies, institutions and organizations involved in the preparation of the report	8
II. Integrated policies and data collection	10
A. Strategies and action plans	10
B. Finances	12
C. Cooperation with civil society organisations	13
D. Bodies established in line with the Article 10 of the Convention	15
E. Data collection	16
F. Research	18
G. Polls	20
III. Prevention	21
A. Campaigns and programmes	21
B. Education	23
C/D. Initial training and professional development	25
E. Programs for perpetrators	28
F. Programs for sexual offenders	30
G. Inclusion of private sector and the media	30
H. Self-regulatory standards in the media	31
I. Sexual harassment in the workplace	32
IV. Protection and support	33
A. Access to information	33
B. Access to general support services	34
C. Information and assistance to access protection mechanisms at regional and international level	36
D. Specialised support services	36
E. SOS hotlines	38
F. Support to children	39
V. Substantial criminal law	39
A. Legal framework	39
B. Guidelines for implementing regulations	41
C. Legal remedies	43
D. Compensation of damage	45

E. Parental right and maintaining of personal relationships	46
F. Criminalisation of violence	47
G. Sexual harassment	51
H. Aiding and incitement	51
I. Attempted criminal offence	51
J. Influence of culture, religion, tradition, or so-called defence of honour on release or mitigation of punishment	52
K. The impact of the relationship between the victim and the perpetrator to the definition of violence	52
L. Punishment and criminal legal measures	52
M. Aggravating circumstances	54
N. Alternative procedures, mediation and reconciliation	55
O. Statistics	55
P. Other planned and implemented measures	56
VI. Investigation, court procedures, procedures and protective measures	56
A. Urgency in actions	56
B. Risk assessment	57
C. Emergency protective measures	58
D/E. Measures of prohibition and protection	59
F. Initiating the criminal procedure <i>ex officio</i> and <i>ex parte</i>	61
H. Support to victims during the procedure	62
I. Protective measures during investigation and court procedures	63
J. Free legal aid	64
VII. Migrations and asylum	65
A. Temporary stay	65
B. Gender sensitive reasons for granting asylum	65
C. Gender sensitivity of the procedure	66
D. Non-refoulement	67
E. Other measures	67
OVERVIEW OF RELEVANT LEGAL PROVISIONS	69
<b>Criminal Code</b> , Official Gazette of the Republic of Serbia, No. 85/2005, 88/2005 - corr. 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016	
	69

# GREVIO

## Serbia's First State Report

# I. Introduction

In the Republic of Serbia, countering violence against women and domestic violence is one of the goals of gender equality policy, which is rooted in the Constitution of Republic of Serbia, and which is one of the primary principles in the area of human rights. There is a clear political and social consensus about the need to successfully counter and suppress violence against women and domestic violence. The national strategic framework for combat against violence was set up in 2011 by adopting the *National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationship*, which sets forth the areas of action aiming to eliminate violence against women.

Reaffirming its commitment to suppress violence against women, on October 31<sup>st</sup> 2013, the Republic of Serbia ratified the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (hereinafter: the Convention). When the Convention entered into force, in line with the Constitution of Serbia, it became an integral part of legislation of the Republic of Serbia, meaning that it is implemented directly. After the Convention entered into force, the competent authorities and institutions strengthened their efforts to align the domestic legislation with the Convention, whereas the principle of zero tolerance to violence against women and domestic violence became the basic principle in creating and implementing policies and actions of Serbian institutions.

The Coordination Body for Gender Equality (CBGE) prepared the answers to this questionnaire, as the authority of the Serbian government competent for coordinating the public administration affairs in the area of gender equality, founded in line with Article 10 of the Convention. A large number of public administration authorities, institutions and organisations participated in preparing this report by providing their inputs about implemented measures and activities (260 in total). To answer certain questions from the questionnaire, reports of state authorities, surveys, studies, and independent evaluations of law implementation were used.

The very process of collecting data to prepare this report allowed us to gain a holistic insight into the results achieved, as well as to identify the key gaps, challenges and future areas of action needed to improve the normative and strategic framework of combat against gender-based violence.

This report does not contain information about measures and activities on combat against trafficking in women. These are contained in the reports that the Republic of Serbia submitted to the GRETA group.

We underline that the report does not contain information about the implementation of the Convention on the territory of the Autonomous Province of Kosovo and Metohija. Even though the territory of the Autonomous Province of Kosovo and Metohija is an integral part of the Republic of Serbia, as confirmed by the UN Security Council Resolution 1244, the competent authorities of the Republic of Serbia are not in position to implement the Convention in this part of our territory. The aforementioned Resolution entrusts the governance of the Province to the United Nations Interim Administration Mission in Kosovo (UNMIK).

## A. General principles of the Convention

The Constitution of the Republic of Serbia stipulates that the Republic of Serbia is founded on the rule of law and social justice, the principles of civil democracy, the human and minority rights and freedoms, and the commitment to European values (Article 1). The Constitution guarantees the sacredness of human dignity, right on life, inviolability of physical and psychological integrity, personal freedom and security, and other human rights. The Constitution guarantees and directly implements the human and minority rights guaranteed by the generally accepted rules of international law, confirmed by international treaties and acts. In addition, the Constitution stipulates that the generally accepted rules of international law and ratified international treaties are an integral part of the legal order of the Republic of Serbia, and as such, they are directly implemented. In this sense, the Convention is a part of the legal order of the Republic of Serbia.

The Constitution acknowledges that everyone has the right to court protection in case that their guaranteed rights were violated or denied, as well as the right to remedy the consequences of such violations.

The equality between women and men is a fundamental constitutional principle established by the fundamental constitutional provisions. The Constitution stipulates that the state has the obligation to implement the equal opportunity policy, with the aim to effectively enforce the guaranteed principle of gender equality. The equal opportunity policy mandates the state to establish and use different instruments (laws, special measures, strategies, activities) aiming to remove the existing inequalities by creating an environment in which women and men can enjoy all their rights under equal conditions.

The Constitution guarantees the right to equality before the Constitution and the law, and it explicitly prohibits all forms of direct and indirect discrimination of persons and groups based on race, sex, national origin, social origin, birth, religion, political or other beliefs, property status, culture, language, age, disability, or any other personal characteristic (Article 21). Special measures that the Republic of Serbia may introduce as to achieve the full equality of unequal persons or groups shall not be seen as discrimination, according to the Constitution. This constitutional norm provides the legal grounds to undertake special measures aiming to help women, including measures for prevention and protection of women from gender-based violence.

## **B. Subject matter and key definitions**

Activities in the area of countering violence against women and domestic violence are continuously implemented in Serbia for more than 15 years. There's a clear awareness, supported by political and social consensus, about the need to improve the social response to violence against women, in order to raise the effectiveness of prevention and protection. The fact that the Convention was ratified illustrates this commitment.

The period after the adoption of the Convention was marked by intense work on improving the strategic and normative framework for protection from gender-based violence, harmonizing it with the Convention's standards. In new laws and strategic documents adopted after the ratification of the Convention, violence against women and domestic violence are defined in line with the Convention.

In the new National Strategy for Gender Equality 2016-2020 and the Action Plan for its implementation 2016-2018, violence against women is defined as a violation of women's human rights. Its structural nature is underlined by the position that violence against women is gender-based violence, and as such, it is a form of discrimination against women, which therefore means that achieving *de jure* and *de facto* equality between women and men is the crucial element to prevent violence against women.

In the draft Law on Gender Equality from 2017, which is expected to be adopted, the definition of "violence against women" is taken from the Convention as it follows: "*violence against women is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*"

The *Programme for Protection of Women against Domestic and Intimate Partner Violence and Other Forms of Gender-Based Violence in the AP Vojvodina 2015-2020* is the first strategic document adopted after the ratification of the Convention. Its definition of domestic violence is identical to the one given in the Convention.

The local gender equality action plans enacted after the adoption the Convention mostly rely on definitions of domestic violence given in the Convention when defining violence against women and domestic violence.

The Law on the Amendments on the Criminal Code from 2016<sup>1</sup> additionally criminalizes certain acts of gender-based violence of which the victims are exclusively or most frequently women and girls: stalking (Article 138a of the Criminal Code), forced marriage (Article 187a of the Criminal Code), genital mutilation (Article 121a of the Criminal Code) and

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<sup>1</sup> The Law on the Amendments on the Criminal Code, Official Gazette of the Republic of Serbia, No. 94/2016

sexual harassment (Article 182a of the Criminal Code). The legal definitions of these acts are aligned with the Convention. By introducing these new criminal offences, along with those that were already part of the Criminal Code, the Republic of Serbia criminalises all forms of violence against women and domestic violence included in the Convention.

The new Law on the Prevention of Domestic Violence from 2016<sup>2</sup> aligns the definition of domestic violence with the convention in the following manner: "*Domestic violence, for the purpose of this Law, shall be an act of physical, sexual, psychological or economic violence of the perpetrator against a person with whom the perpetrator is either presently or has previously been in a matrimonial relationship or common-law marriage or partnership relation, or with a person he/she is blood-related to in the direct line, or side line up to the second degree or with whom he/she is in an in-law relation up to the second degree or to whom he/she is an adoptive parent, adopted child, foster parent or foster child or with another person with whom he/she is living or has lived in a common household.*" (Article 3, paragraph 3). The Law stipulates that the mechanisms for prevention of domestic violence, established in line with this Law, apply to other criminal offences that are explicitly listed in Article 4 of the Law, and which criminalise gender-based physical, psychological, sexual and economic violence that most frequently affects women and girls.

Even though its wording is different than the definition given in Article 3, item (b) of the Convention, the definition of domestic violence provided by the Family Code from 2008<sup>3</sup> does include all the elements of violence as it is defined in the Convention, both in terms of its forms and in terms of persons who enjoy protection from domestic violence.

## **C. Obligations of the state and full commitment**

In the Republic of Serbia, there is an obvious political and social consensus about the need to efficiently suppress and counter violence against women and domestic violence. The commitment to eliminate this unacceptable social phenomenon is clearly demonstrated by the fact that the Convention was ratified. In this way, in line with the Constitution of Serbia, the Convention became an integral part of the legal order and it is implemented directly. Such direct implementation of the Convention by all relevant stakeholders contributed not only to a faster harmonisation of domestic legislation with the Convention's standards, but also to its better implementation.

When drafting the report based on this questionnaire, we paid special heed to the state's obligation to refrain from engaging in any act of violence included in the Convention and to assure the appropriate behaviour of all stakeholders that act on behalf of the state, in line with this obligation.

The report contains all available relevant information about the measures that are being undertaken with the aim to achieve full commitment in preventing, investigating, sanctioning and providing reparation<sup>4</sup> for all acts of violence included in the Convention.

## **D. Bodies, agencies, institutions and organizations involved in the preparation of the report**

The Coordination Body for Gender Equality coordinated the process of data collection and report drafting.

All relevant state authorities, authorities of the Autonomous Province of Vojvodina, and local self-governments were invited to participate in the preparation of the report. The following entities took part:

Ministry of Interior  
Ministry of Trade, Tourism and Telecommunication  
Ministry of Finance  
Ministry of Justice

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<sup>2</sup> The Law on the Prevention of Domestic Violence, Official Gazette of the Republic of Serbia, No. 94/2016

<sup>3</sup> Article 197. of the Family Code, Official Gazette of the Republic of Serbia No. 18/2005, 72/2011 - other law and 6/2015

<sup>4</sup> The notion "reparation" can include different forms of reparation in line with the international humanitarian law such as: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition (Explanatory Report, paragraph 60).



Ministry of Public Administration and Local Self-Government  
Ministry of Defence  
Ministry of Education, Science and Technological Development  
Ministry of Health  
Ministry of Youth and Sports  
Ministry of Culture and Information  
Provincial Secretariat for Social Policy, Demographics and Gender Equality  
Provincial Secretariat for Regional Development, Inter-Regional Cooperation and Local Self-Government  
Provincial Secretariat for Culture, Public Information and Relations with Religious Communities  
Provincial Secretariat for Healthcare

Out of 160 local self-government units that were invited to participate in the drafting of the report, 110 answered the call and submitted their input.

The consultative process included independent bodies for protection of human rights, governmental institutions, institutions and organisations that have particular roles in certain sectors, as well as misdemeanour courts:

Ombudsman  
Provincial Ombudsman  
Commissioner for Protection of Equality  
Office for Human and Minority Rights  
Office for Cooperation with Civil Society  
Human Resource Management Service of the Government of the Republic of Serbia  
Republic Statistical Office  
Republic Office for Social Welfare  
Provincial Office for Social Welfare  
Social Welfare Chamber  
Commissariat for Refugees and Migrations  
Healthcare Council of Serbia  
Medical Chamber of Serbia  
Institute for the Improvement of Education  
Judicial Academy  
Criminal Police Academy  
National Employment Service  
Directorate for the Enforcement of Criminal Sanctions  
Regulatory Body for Electronic Media  
Press Council  
Republic Prosecutor's Office  
Misdemeanour Courts

## II. Integrated policies and data collection

### A. Strategies and action plans

In Serbia, equality between men and women is a constitutional principle and a strategic decision of the state. The process of EU integrations is an additional encouragement for substantial and fundamental changes in the area of improving the human rights and gender equality.

In the chapter called *Fundamental Rights*, the *National Programme of the Republic of Serbia for Adoption of the Acquis Communautaire 2014-2018* establishes measures and activities to consolidate the legal framework for gender equality, build the capacity of institutions, improve the position of women, and prevent and eliminate domestic violence against women. One of the priorities is to improve the public awareness about the need to respect and implement the principle of gender equality, and to advocate for policies that provide assistance and support to victims of gender-based discrimination.

The *Action Plan for Chapter 23 of the Government of the Republic of Serbia from 2015 (Judiciary and Fundamental Rights)* stipulates measures and activities to improve the achievement and promotion of human rights and gender equality principles, both in terms of strategy and legislation, and in the area of strengthening coordination and building the capacity of institutions. For each measure planned, the principal stakeholders were appointed and deadlines were set. The planned activities are mostly being implemented in line with expectations, even though there are occasional delays.

The *Strategy for Prevention and Protection from Discrimination with the Action Plan for the period 2016-2020* establishes a consolidated system of measures, conditions and public policy instruments that the Republic of Serbia should implement to prevent all forms of discrimination. The Strategy identifies women as one of nine vulnerable groups that are particularly exposed to the risk of discrimination. The Council for Monitoring the Implementation of the Action Plan for Prevention and Protection from Discrimination, founded by the Government in 2015, monitors the implementation progress of measures and activities, with the task to timely warn about the challenges in the implementation of measures. Six reports were produced, along with the *Analysis of Strategy Implementation 2014-2018*, which was drafted with the support of UNCT Serbia. The reports indicate that the majority of planned measures and activities were implemented, even though there were certain delays. In the area of countering violence against women and domestic violence, the following key measures and activities scheduled in the Action Plan were implemented: 1) review and application of all strategic documents relevant to the position of women, 2) aligning the Criminal Code and the Family Code with the Istanbul Convention in terms of emergency protective measures in cases of gender-based violence, and 3) organizing trainings for judges and prosecutors about the provisions of the CEDAW Convention and the Istanbul Convention.

The *National Strategy for Gender Equality, 2016-2020, with the Action plan for the period 2016-2018* is the political platform for gender equality which sets forth the strategic guidelines for gender equality and development of Serbia, which should be mainstreamed in public policies. The Strategy is developed in partnership between the civil society and a wide range of stakeholders. It relies on baseline analysis and the results of the *First National Strategy for Improving the Position of Women and Advancing Gender Equality 2010-2015*, and it takes into consideration the gender equality goals of the Council of Europe 2014-2017, and the EU *acquis communautaire* in the area of gender equality.

The Strategy sets forth three strategic goals: 1) to change gender patterns and improve the gender equality culture; 2) to improve equality between women and men by implementing equal opportunity policies and measures; and 3) to systematically mainstream the gender issues into adoption, implementation and monitoring of public policies. All planned measures and activities have stakeholders in charge, as well as deadlines and measurable impact indicators. The Strategy allows the state to implement a consolidated policy, with the aim to mainstream gender equality in all system institutions. One of the five targets within the first strategic goal is to improve women's safety, considering gender based violence in family and intimate partner relationships. The Action Plan foresees the following measures: 1) to improve the normative

and strategic framework in the area of protecting women from gender-based violence, and violence in family and intimate partner relationships; 2) to establish a uniform and standardized system of collection, documentation and exchange of data on all forms of violence against women: reported cases of domestic violence, type and characteristics of violence, victims and perpetrators, consequences of violence, provided services and cross-sectoral cooperation, with full respect of protection of private data; 3) to provide conditions for sustainable, continuous and accessible services of women's and feminist organisations specialized in providing support to women survivors of violence; and 4) to reduce the sensationalist reporting by the media that justifies and belittles violence against women, and to assure regular gender-sensitive informing of the public about the effects of measures for prevention and elimination of violence against women, as well as about the protection mechanisms. The majority of implemented obligations from the Action Plan are related to improving the legislative framework. There will be a comprehensive evaluation performed for the needs of developing the next Action Plan for the period 2019-2020.

*The National Action Plan for Implementation of Resolution 1325 of the UN Security Council - Women, Peace and Security in Republic of Serbia 2017-2020* (NAP for Resolution 1325) is the Second National Action Plan of the government for the implementation of UN Security Council Resolution 1325. Based on the results of the first NAP for the period 2010-2017, this document sets forth the general goal of improving the women's security in our society by implementing the Resolution 1325 in an integral manner in the Republic of Serbia, in the areas of prevention, participation, protection and recovery, with a higher inclusion of women in preserving peace and security in local communities.

The targets are the following: 1) to improve efficiency and effectiveness of work of all stakeholders, institutions and mechanisms competent for the implementation of the NAP; 2) to develop prevention mechanisms to increase the security of women in peace, conflict and post-conflict recovery of the society in the country and abroad; 3) to increase participation, inclusion and decision-making of women in all processes that concern the preservation of peace and security; 4) to improve the normative framework and institutional capacities for accessible and effective protection of women; and 5) to improve the support system for recovery of women who survived any kind of violation of their security in the post-conflict recovery of the society, or in crisis and emergency situations. The Operational Body of the Government, consisting of experts from the Coordination Body for Gender Equality, is competent for implementing the goals and the targets of the NAP. The planned measures and activities are implemented in line with the schedule.

*The National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationship* is the basic strategic document of the Government to improve the elimination of domestic violence and protect the women survivors. The goals and areas of action are established in line with the international recommendations, bearing in mind the specific situation in Serbia. Four areas of action were identified: 1) prevention, which includes measures and activities to build a society that publicly condemns violence as a crime, promotes non-violent behaviour, gender equality and non-discrimination, including the improvement of the institutional response to violence, focusing on victims' needs; 2) improving the normative framework for protection of women from violence; 3) multisectoral cooperation and capacity building of authorities and specialised services; and 4) improving the system for protective measures and support for victims of violence. The National Strategy on Gender Equality includes the obligation to draft a new Strategy in line with the Convention. However, the work on this strategy hasn't begun yet. In the process of drafting the new Strategy, it is planned to perform a comprehensive evaluation of the progress achieved by implementing the Strategy in the period 2011-2015.

*The National Youth Strategy 2015-2025*<sup>5</sup> establishes the basic principles, areas of action and results to be achieved by authorities and institutions in creating conditions that would allow the youth to fully realise their potentials and actively participate in the society, contributing to general development while developing their own capacities. The principle of equal opportunities is one of the fundamental principles set forth by this Strategy, and one of the goals of improving the safety of youth is to acknowledge the different needs of young women and men in line with their age and gender characteristics. Various measures are foreseen, among which the following: 1) to develop and implement gender sensitive

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<sup>5</sup> Official Gazette of the Republic of Serbia No. 22/2015

criteria for quality assessment of prevention programmes for risky behaviour among youth; 2) to implement activities for prevention and elimination of gender-based, sexual and intimate partner violence against young women; 3) to support surveys and programmes that deal with the gender component of security risks and threats; 4) to develop special programmes to work with young perpetrators of gender-based violence; and 5) to improve support programmes for young persons who survived gender based violence and to provide support to training programmes for gender equality and gender issues for representatives of institutions dealing with the prevention of social exclusion.

The *Programme for Protection of Women against Domestic and Intimate Partner Violence and Other Forms of Gender-Based Violence in the AP Vojvodina 2015-2020* is the second strategic document of the AP Vojvodina focused on improving the coordinated work of competent institutions and organisations in prevention and response to domestic violence and violence against women, which further strengthens the identified good practice examples for effective combat against this form of violation of human rights, in line with the competences of the AP Vojvodina. The programme relies on results achieved by the previous Strategy for Protection from Domestic Violence and Other Forms of Gender-Based Violence in the AP Vojvodina, for the period 2008-2012. The long-term goal of the programme is to achieve zero tolerance to violence against women and domestic violence in Vojvodina, and to treat this form of violence as a violation of human rights. Four short-term targets are set: 1) to raise public awareness about unacceptability of violence against women; 2) to develop and improve a system of general and specialized protection and support services for women survivors; 3) to improve the system of record keeping and documenting data on violence against women in family and intimate partner relationships; and 4) to increase financial allocations from the budget and secure the appropriate human resources for effective, efficient and comprehensive implementation and monitoring of measures and activities.

At the local level, many self-government units have adopted their own action plans for gender equality that include provisions on prevention and elimination of violence against women and domestic violence. However, there is no precise data about the total number of adopted local action plans.

## **B. Finances**

To implement the Action Plan for the Strategy for Prevention and Protection from Discrimination 2014-2018, the total allocated sum stood at 4,034,508,660 RSD (33,620,905 EUR), out of which 2,001,826,083 RSD (16,681, 884 EUR) from the budget of Republic of Serbia, and 2,032,686,577 RSD (16, 939,055 EUR) from donor funds.

To implement the Action Plan for the National Strategy for Gender Equality 2016-2018 it is planned to allocate 21,150,000,00 RSD (176,250 EUR) from the budget, along with donor funds of yet unspecified amount. The amount of funds for activities financed by local self-government still hasn't been specified.

To implement the Project *"Integrated Response to Violence against Women in Serbia"* co-funded by the UN Trust Fund to End Violence against Women, UNDP, UN Women and UNICEF, the amount of 1,199,648 USD was secured.

To implement the Project *"Integrated Response to Violence against Women and Girls II"* funded by the Swedish International Development Cooperation Agency (SIDA) and coordinated by the Coordination Body for Gender Equality, the amount of 948,719,52 USD was allocated, with approximately additional 900,000 USD secured by prolonging the project.

To implement the Programme for Protection of Women against Domestic and Intimate Partner Violence and Other Forms of Gender-Based Violence, for the measures that fall within the competences within the Provincial Secretariat of Economy, Employment and Gender Equality, the following amounts were allocated: in 2015 - 16,650,000,00 RSD (138,750 EUR); in 2016 - 12,500,000 RSD (104,166 EUR); in 2017 - 13,000,000 RSD (108,333 EUR) and additional 6,000,000 RSD (50,000 EUR) to support the women's NGOs that provide SOS hotline services on the territory of Vojvodina.

In the period from 2013 to 2016, in cooperation with the Fund B92, the provincial government has allocated funds from the budget to build and equip safe-houses in Vojvodina, in the total amount of 22,500,000 RSD (189,975 EUR).

In 2014, the Office for Cooperation with Civil Society supported the project called "Opening Dialog Within Local Communities – Migrants and Citizens Towards Tolerance and Non-Violence" with the amount of 488,329 RSD (3,831 EUR). The project was implemented by "Atina", a CSO for combat against human trafficking and all forms of violence against women.

The local self-government units also allocate funds from their budget for provision of certain help and support services for women victims of violence. Similarly to the national budget, local budgets are not programme budgets, so therefore in the budget report, it is not possible to identify the amount of funds spent on prevention of violence and providing support to women survivors. In general, the amount of funds differs, mostly depending on the level of economic development of municipalities.

Certain local self-governments keep precise records on funds spent on these purposes. For instance, the City of Novi Sad has data on funds allocated for specific measures and activities in the area of prevention of violence and providing support to victims, including data on funds allocated to support the work of specialized women's NGOs. In 2014, the reception centres "Safe House" and "Women's Safe House" received 48,860,000 RSD (417,606 EUR), out of which investments stood at 740,000 RSD (5,326 EUR). In 2015, 614,000 RSD (5,116 EUR) was spent on the therapy programme for men perpetrators of domestic violence, whereas 45,200 RSD (376.666 EUR) was spent on safe houses out of which investments stood at 1,030,000 RSD (8,583 EUR). Each year, the sum of 200,000 RSD (1,680 EUR) is allocated to support the work of SOS hotlines for women with disabilities victims of domestic violence. In addition, in 2015, 610,000 RSD (5,083 EUR) was allocated for the work of specialized women's NGOs. The counselling centres for marriage and family that operate within centres for social welfare received 8,142,450 RSD (69,593 EUR) in 2014 and 10,000,000 RSD (83,333 EUR) in 2015.

## **C. Cooperation with civil society organisations**

For many years, civil society organisations (CSOs), especially women's non-governmental organisations (NGOs) that directly deal with providing assistance and support to women and girls survivors of gender-based violence, have been the key promoters of the gender equality ideas and the principle of zero tolerance to violence. With their public advocacy and lobbying, they initiated numerous activities and legislative changes. Their knowledge and contribution are of immeasurable importance in the building of the legal and strategic framework to prevent and eliminate violence. The Government counts on their cooperation and is committed to fostering it.

All strategic documents in the area of gender equality and gender-based violence against women were drafted in a structured dialogue between the state authorities and the CSOs whose opinions were heard and carefully taken into consideration. For instance, in February 2016, the proposal of the Law on Equality between Men and Women was withdrawn because the Government accepted the position of CSOs that the Law needed improvements, resulting in detailed consultations for its upgrading.

The representatives of CSOs are directly included in working groups for preparation of laws, strategies and plans, and with their knowledge and experience, they provide immeasurable contribution to the quality of these documents. For instance, the representatives of the NGO "Autonomous Woman's Centre" were directly involved in the work on the new Law on the Prevention of Domestic Violence. Public hearings are organised for certain laws, and representatives of CSOs participate in events dedicated to challenges in law implementation.

Two CSO representatives are members of the expert group of the Coordination Body for Gender Equality. In addition, representatives of women's NGOs dealing with violence against women are included in numerous activities of state authorities. We will list some good practice examples:

The Ministry of Justice engaged the representatives of the following organisations in preparations of the campaign on the protection of women from GBV and domestic violence (May-June 2016): "Women against Violence Network", Counselling Centre against Violence - Safe House "Femina" from Smederevska Palanka, and "Autonomous Woman's Centre" from Belgrade .

The Ministry of Justice supports the work of women's NGOs by participating in panels, round tables and workshops on domestic violence such as, for example, the round table called "Violence – the Path towards Single Parenthood?" organised by the association "Single Mothers", held on November 25<sup>th</sup> 2016. Another example is the Second Regional Conference of local networks of seven municipalities in the district of Pčinje, for prevention and elimination of violence against women and support to survivors, organised under the name "Joint Response to Violence against Women".

In the area of elimination of violence, the cooperation with CSOs is reflected in the participation of CSO representatives in the Council for Elimination of Domestic Violence. The Council may invite representatives of academia and similar expert institutions and associations dealing with protection from domestic violence to participate in its work. In addition, if needed, representatives of CSOs that provide protection and support to survivors participate in the work of coordination and support groups that are established within the basic public prosecutor's offices.

The Office for Cooperation with the Civil Society of the Government of the Republic of Serbia particularly fosters the cooperation with CSOs, since its priority is to establish dialogue and cooperation between the government's institutions and the civil society. The Office organises sector-level meetings between the representatives of public administration and CSOs that operate within a particular thematic area. This creates the opportunity for CSOs to influence the legislation, programmes and plans, and to establish cooperation and networking both within the civil sector itself, and between the civil society and the public sector. For instance, on February 10<sup>th</sup> 2015, the Office organised a sector-level meeting in the thematic area of social welfare. The topic was amendments of the Law on Social Welfare. The meeting was attended by decision makers from the line ministry and more than 100 CSOs. In February 2015, the Office implemented the procedure of electing the candidates for GREVIO membership. The Office collects information from public administration authorities about planned calls for projects for budgetary funding of projects and programmes of associations and CSOs. At the beginning of each year, the calendar of such calls is published at the website of the Office, with the aim to encourage the CSOs to timely prepare their project proposals.

The Office for Human and Minority Rights also continuously supports the projects of CSOs, by annually allocating around 17,000,000 RSD (141,660 EUR) for projects aiming to improve the protection from discrimination of vulnerable social groups, which includes women. During the reporting period, the Office funded a few projects that were thematically relevant for countering violence against women and domestic violence: in 2014, as part of the call for projects titled "Promoting Tolerance and Equality with the Aim to Improve the Position of Vulnerable Social Groups", a project was funded in the amount of 955,952 RSD, i.e. around 8,170 EUR; and in 2015, four projects were funded as part of the annual call for projects "Implementing Anti-Discrimination Policies in the Republic of Serbia" with the total amount of 2.250.000 RSD, i.e. around 18,750 EUR. Also in 2015, as part of the "Call for Funding of CSO Projects Aiming to Improve the Position of Roma in the Republic of Serbia" two projects were funded in the total amount of 1,353,000 RSD, i.e. around 11,300 EUR.

The Ministry of Youth and Sports also provides financial support to CSOs, and each year it opens public calls for funding of programmes and projects of public interest in the area of youth. In 2014 and 2015, three youth NGOs had their projects funded in the total amount of around 5,000,000 RSD. The projects aimed to foster the environment for a safer life of young people by developing and promoting gender equality, tolerance, understanding, acceptance of differences and non-violent communication.

In the Autonomous Province of Vojvodina, the cooperation with CSOs is on very high level. In 2014, the Provincial Secretariat competent for gender equality launched six calls, and in 2015 four calls for funding of CSO projects aimed at following issues: economic empowerment of women survivors of violence; cooperation between the civil society and the public sector; programs and activities of associations of rural women; prevention and elimination of violence against women; provision of direct support services to women survivors, particularly those from vulnerable groups; support to public actions and awareness raising campaigns on gender equality; combat against prejudice and stereotypes on gender roles in family and society; promotion of women's creativity; encouragement of women's participation in local communities through educational, cultural, humanitarian and social activities; fostering of women's cooperatives; economic empowerment of women through organic agriculture; rural tourism, etc. In the period 2014-2015, the amount of

13,300,000 RSD (around 108.400 EUR) was allocated from the budget of Vojvodina for CSO projects in the area of gender equality. In addition, towns and municipalities support the work of women's NGOs from their own budget.

The independent bodies for protection of human rights also successfully collaborate with CSOs – the Ombudsman and the Commissioner for Protection of Equality. The Ombudsman established the Gender Equality Council, with members who are representatives of women's NGOs and gender equality experts. The Commissioner for Protection of Equality organizes educational programs to build the capacities of women's NGOs in the domain of antidiscrimination law, especially targeting NGOs dealing with the rights of women from marginalized and multiply discriminated groups.

## **D. Bodies established in line with the Article 10 of the Convention**

The national coordination mechanism in the area of gender equality is the Coordination Body for Gender Equality of the Government Republic of Serbia, established in 2014 by a governmental decision<sup>6</sup>. This body is competent for coordination, implementation, monitoring and assessment of policies and measures for improvement of gender equality, as well as for prevention and combat against all forms of violence included in the Convention at the national level. The members are representatives of line ministries and other state bodies and organizations, bearing in mind the cross-cutting nature of gender equality. The Coordination Body is headed by Deputy Prime Minister and Minister of Construction, Transport and Infrastructure.

The Coordination Body has an *Expert Group* which performs the professional tasks in the area of gender equality. It consists of seven persons, six women and one man, including two representatives of CSOs. The members have a high level of knowledge and experience in the area of human rights and gender equality. Three additional councillors with experience in the area of gender equality are also engaged. If needed, professionals from other state authorities and institutions can participate in the work of the Expert Group. In general, the Expert Group meets once a month, including special sessions dedicated to the exchange of information with the aim to assess the state of gender equality in the Republic of Serbia and to provide solutions for improving the situation in this area<sup>7</sup>.

After wide consultations with public administration authorities and CSOs, the Coordination Body prepared the Strategy for Gender Equality 2016-2020 with the Action Plan 2016-2020, as well as the Draft Law on Gender Equality. In addition, in cooperation with national and international partners, since 2016 the Coordination Body implements the project "Integrated Response to Violence against Women and Girls".

After adopting the Law on the Prevention of Domestic Violence, the Government established the Council for Prevention of Domestic Violence<sup>8</sup> which is competent to monitor the implementation of this Law and improve the coordination and effectiveness of prevention and protection from domestic violence and other acts of gender based violence that this Law refers to<sup>9</sup>. The Council has nine members who are representatives of line ministries and other state authorities and institutions competent for the implementation of this Law. The Minister of Justice is heading the Council, while the Minister of Interior is her deputy. The Council collects and analyses data on domestic violence and other acts of gender-based violence, as well as decisions made and measures imposed in cases of violence. It also proposes measures to improve the work of institutions, to detect, prevent and process violence, and to provide assistance and support to victims. The Council informs the public about its findings, recommendations and measures. The Ministry of Justice provides expert, administrative and technical support to the Council. There are two persons who are given this particular task, both of whom have many years of practical experience: a deputy public prosecutor with 16 years of experience with cases of

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<sup>6</sup> Decision on establishing the Coordination Body for Gender Equality, Official Gazette of the Republic of Serbia No. 121/2014, 147/2014, 32/2015, 37/2015, 5/2016 and 91/2016.

<sup>7</sup> The Coordination Body for Gender Equality operates and makes decisions in line with the Rules of Procedure enacted on December 30th, 2014. Available at: <https://www.rodnaravnopravnost.gov.rs/sr/o-nama/institucionalni-okvir>

<sup>8</sup> Decision on establishing of Council for Elimination of Domestic Violence, Official Gazette of the Republic of Serbia, No. 69/2017

<sup>9</sup> The Minister of Justice is the chairwoman of the Council, while its members are representatives of state authorities and law enforcement institutions.

domestic violence and GBV, and a court advisor with 10 years of experience in the same areas. Both women have completed a set of trainings about these issues, as well as trainings about the implementation of the Convention.

In 2014, the Government established the *Council for Monitoring of Implementation of Recommendations of the UN Human Rights Mechanisms*<sup>10</sup>, chaired by the Director of the Office for Human and Minority Rights. This body is tasked to more efficiently monitor the recommendations received, and to improve the cooperation between different sectors with the aim to better implement the recommendations. The Council members are representatives of the ministries of foreign affairs, interior, justice, labour and social affairs, health, education, public administration and local self-government, culture, and European integrations. The Council's sessions are attended by the representatives of the parliamentary Committee for Human and Minority Rights and Gender Equality, independent institutions and CSOs. So far, ten CSOs have signed a memorandum of cooperation with the Council. The Council drafted the *Plan on Meeting All Recommendations of the UN Human Rights Mechanism Given to Serbia*, and given that a large number of recommendations is about prevention of violence against women and domestic violence, the Council contributes to achieving better results in countering violence and monitoring the situation in this area.

In line with the National Action Plan for Implementation of Resolution 1325, the following bodies were established: the *Political Council of the Government*, consisting of state secretaries, Chairwoman of the Coordination Body for Gender Equality, Director of the Office for Human and Minority Rights and heads of gender equality mechanisms; the *Operational Body of the Government*, competent for implementation of the goals and objectives of the NAP, which consists of experts from the Coordination Body, supported by main stakeholders as defined by the NAP; the *Commission for Monitoring the NAP Implementation*, an oversight body established by National Assembly and the Assembly of the Autonomous Province of Vojvodina, consisting of representatives of parliamentary groups<sup>11</sup>.

In 2015, the Ministry of Interior of the Republic of Serbia established the *Working Group for Monitoring and Coordination of Police Work in Cases of Domestic Violence*. There are no publicly available information about the activities of this working group in 2015 and 2016. Upon the adoption of the Law on the Prevention of Domestic Violence, the Ministry of Interior established the *Working Group for Combat against Domestic Violence* which deals with all forms of violence against women and domestic violence. The Working Group consists of representatives of Police Directorate dealing with violence against women and representatives of UN Women and Women's Platform for Development of Serbia.

In the Autonomous Province of Vojvodina, on November 25<sup>th</sup> 2015, the *Intersectoral Committee for Coordination and Monitoring and Assessment of Effects of the Programme for Protection of Women against Domestic and Intimate Partner Violence and Other Forms of Gender-Based Violence in the Autonomous Province of Vojvodina 2015-2020* was established. The Intersectoral Committee reports to the Provincial Government about its work at least twice a year. The Provincial Secretariat competent for gender equality performs the technical and administrative work on behalf of the Intersectional Committee.

The local gender equality mechanisms monitor the implementation and assessment of policies and measures for prevention and combat against all forms of violence in local self-government units.

## **E. Data collection**

Different institutions collect data on violence and protection from violence in the area of violence against women and domestic violence. However, a complete and uniform database still hasn't been established, and the methodology of data

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<sup>10</sup> Decision on establishing the Council for Monitoring of Implementation of Recommendations of the UN Human Rights Mechanisms, Official Gazette of the Republic of Serbia No. 140/2014

<sup>11</sup> There are also the following mechanisms for the implementation of NAP: *analytical groups and research teams* in security institutions; *"focal points"* - persons appointed in local self-government units, CSOs, science and research institutions and media; *"trusted persons"* - persons appointed in security sector institutions; *Advisor for NAP Implementation* - a mechanism for mainstreaming gender in policies and programmes of public administration and local self-government authorities; and *gender advisor* in all civil and military missions - a mechanism for mainstreaming gender into the security system in peacekeeping operations.



collection hasn't been harmonised, which means that data is non-compatible and non-comparable. Due to this systemic problem, there are difficulties to monitor GBV, to process it, and to provide assistance and support to victims.

The National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationship foresees the establishing of a unique software system for keeping records of cases of violence against women. In the new Strategy for Gender Equality, it is foreseen to establish a uniform and standardised system for collection, recording and exchange of data on all forms of violence against women, with data segregation based on type of violence, the relationship between the perpetrator and the victim and the social vulnerability. It is planned that this system of keeping record involves all relevant state authorities and institutions, as well as associations dealing with violence against women and protection of victims.

### *Data in the social welfare system*

The leading national administrator that monitors violence in family and intimate partner relationships in the social welfare system is the *Republic Institute for Social Welfare*, which collects annual data and prepares reports about the work of social welfare institutions and licensed service providers. The following data is collected annually:

- number of reported cases of family and intimate partner violence according to family type, age and gender of victim, geographical location, prevalent type of violence, person who reported the case;
- number and type of procedures for protection of victims of violence initiated by Centre for Social Welfare, including age of victim and geographical location;
- number of ruled measures for protection from violence, according to type of measures, number of victims, and geographical location;
- number of recorded perpetrators of domestic violence according to their relationship with the victim and geographical location;
- number of shelter users according to age, gender, geographical location, area from which they came to the shelter, educational level, employment status;
- number and age of homeless persons who use shelter services;
- disabilities and health issues among the shelter users;
- data on the length of stay in shelter and the moment of departure, according to reasons for departure and forms of protection after departure;
- data on the number of women victims of violence who were dismissed from the shelter during the year, according to their place of residence after departing the shelter, and age.

This data is submitted by all centres for social welfare and licensed service providers. The Republic Institute for Social Welfare processes this data in a systematic manner, and publishes the publicly available national aggregated report<sup>12</sup>.

The Provincial Institute for Social Welfare produces a synthesised annual analysis of work of centres for social welfare on the territory of Vojvodina. The reports include the number of domestic violence victims reported to centre for social welfare and registered in shelter institutions located in Vojvodina. As ordered by the ministry competent for social policy, starting from 2016, data on reported cases of domestic violence and undertaken intervention measures are collected twice a month, and aggregated monthly reports are prepared to be submitted to the secretariat competent for social protection and gender equality.

### *Data of the Ministry of Interior*

The Ministry of Interior has significantly improved its records on cases of domestic violence and GBV, but this data is not publicly available. The public is informed about it from press statements and in other ways.

### *Data of the Ministry of Health*

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<sup>12</sup> Please visit: [www.zavodsz.gov.rs](http://www.zavodsz.gov.rs)

By adopting and updating the Law on Healthcare Documentation and Medical Records from 2014<sup>13</sup> the Ministry of Health has improved data collection on victims of violence. This Law regulates the manner of keeping records on the abuse of women, children and elderly. Data is not publicly available.

### *Republic Statistical Office*

Starting from 2005, every three years the Republic Statistical Office prints a publication called "Women and Men in the Republic of Serbia". The publication contains data from the following areas: population, healthcare, education, social welfare, judiciary, employment, income and pensions, time use, and decision making. In the reporting period, this publication was released in 2014. In addition, the Republic Statistical Office publishes statistical data on processing of criminal offences in its annual publications "Adult Perpetrators of Criminal Offences in the Republic of Serbia" and "Juvenile Perpetrators of Criminal Offences in the Republic of Serbia"<sup>14</sup>. For each category of perpetrators, there is data on the number of charges pressed, indictments raised and verdicts issued for the following criminal offences: criminal offences against life and limb (homicide, grave bodily harm), criminal offences of sexual nature (rape and other), criminal offences against marriage and family (domestic violence) and criminal offences against public peace and order (violent behaviour). The publications contain data on types of criminal sanctions ruled, disaggregated by age, gender and geographical location<sup>15</sup>. However, this kind of statistics is not gender sensitive, because it does not contain data on victims of violence – their gender, disability, and other; or if there was a personal or family relationship between the victim and the perpetrator; or any other gender sensitive data on victims and perpetrators.

### *Gender Equality Index*

The Republic of Serbia is the first non-EU country to introduce the Gender Equality Index. The first report on Gender Equality Index measuring the level of achieved gender equality in 2014 was published in 2016.

### *Establishing of the central database on crimes included in the Law on the Prevention of Domestic Violence*

The new Law on the Prevention of Domestic Violence establishes a centralised data collection system for all institutions competent for the implementation of this Law<sup>16</sup>. The central database on cases of domestic violence included in the Law is maintained by the Republic Prosecutor's Office<sup>17</sup>. The Law stipulates the duty of police administrations, courts, public prosecutor's offices, and centres for social welfare to keep electronic records for certain types of data, and input this data into the central database with the use of protected access codes.

According to the Law on the Prevention of Domestic Violence, for each case of domestic violence and other forms of GBV, the following data should be registered in the database: data on perpetrator, data on victim, risk assessment, protective measures ruled and enforced, duration and flow of court proceedings, individual assistance and support measures provided to victims, etc. The Law regulates the obligation to protect personal data, as well as who is allowed to have access to data. Data is kept for 10 years, and afterwards it is erased. The central database allows the competent authorities to monitor the very phenomenon of violence, its frequency, characteristics, gender aspects, as well as the work of all competent authorities and services, the operations of protection mechanisms, and the assistance and support provided to the victim. Based on this, the competent authorities can propose the appropriate measures to improve the work on elimination of domestic violence and other forms of GBV. The technical preparations for the keeping of the central electronic database are still ongoing.

## **F. Research**

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<sup>13</sup> Official Gazette of the Republic of Serbia, No. 123/2014, 106/2015 and 105/2017.

<sup>14</sup> Available at: <http://www.stat.gov.rs/publikacije/>

<sup>15</sup> There is data for five geographical regions, however, data for Autonomous Province of Kosovo and Metohija is not being collected.

<sup>16</sup> Articles 32-34.

<sup>17</sup> The Republic Prosecutor's Office issued the appropriate decisions to operationalize the manner of data collection and entry

Between 2011 and 2015 there were numerous surveys and analysis conducted, funded from the budget or as part of projects in which state institutions were partners:

Research on Intersectoral Collaboration in the Process of Protection of Victims of Domestic Violence on the Territory of the City of Kragujevac (2013), Belgrade, Victimology Society of Serbia.

Nikolić-Ristanović V. (2013) Monitoring of Implementation of Legislation on Domestic Violence in Serbia: Pilot Survey Findings, Belgrade, UN Women. <sup>18</sup>

Ćeriman, J. Duhaček, N. Perišić, K. Bogdanović, M. Duhaček, D. Research on Gender-Based Violence in Schools (2014), Belgrade, UNICEF, 2014.<sup>19</sup>

Special Report of the Ombudsman on the Implementation of General and Special Protocols for Protection of Women from Violence (2014), Belgrade, Ombudsman's Office of the Republic of Serbia <sup>20</sup>

Babović, M (2014) Position of Women in the Business Sector in Serbia, Belgrade, Ministry of Labour, Employment, Veteran and Social Affairs<sup>21</sup>

Milutinović Bojanić, S. Ćeriman, J. Pavić Zentner, V. (2014) Gender and Education, Belgrade: CELAP and IFDT<sup>22</sup>

Position of Women in the National Councils of National Minorities (2014) Novi Sad, Provincial Ombudsman's Office<sup>23</sup>

Surviving Violence - Consequences to Psychological and Physical Health of Victims of Domestic Violence and Human Trafficking (2015), Belgrade: Astra.<sup>24</sup>

The First National Study on the Social Problem of Sexual Abuse of Children in the Republic of Serbia (2015), Belgrade, Incest Trauma Centre (the study is developed in partnership with the Ministry of Education and the Centre for Promotion of Women's Health from Belgrade).<sup>25</sup>

Gender-based Violence in Schools (2015), Belgrade: Centre for Gender and Policy Studies of the Faculty of Political Science in Belgrade, Violence Prevention Unit of the Ministry of Education, Science and Technological Development of the Republic of Serbia, UNICEF Serbia and Institute for Psychology of the Faculty of Philosophy in Belgrade.<sup>26</sup>

Janković, B. Todorović, N. Vračević, M. (2015) Well Kept Family Secret - Elderly Abuse, Belgrade: Red Cross of Serbia<sup>27</sup>

Applying the Gender Equality Principle in Local Self-Governments in Serbia (2015), Provincial Ombudsman's Office: Novi Sad<sup>28</sup>

Special Report on Discrimination of Women (2015), Belgrade, Commissioner for Protection of Equality.<sup>29</sup>

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<sup>18</sup> Available at: <http://www.vds.rs/File/PracenjePrimeneZakResONasiljuUPorodiciUSrbiji.pdf>

<sup>19</sup> Available at: [http://www.mpn.gov.rs/wp-content/uploads/2015/08/Istrazivanje\\_rodno\\_zasnovanog\\_nasilja\\_u\\_skolama\\_u\\_Srbiji.pdf](http://www.mpn.gov.rs/wp-content/uploads/2015/08/Istrazivanje_rodno_zasnovanog_nasilja_u_skolama_u_Srbiji.pdf)

<sup>20</sup> Available at: <http://www.rodnaravnopravnost.rs>

<sup>21</sup> Available at: [http://www.secons.net/files/publications/26-](http://www.secons.net/files/publications/26-Polo%C5%BEaj%20%C5%BEena%20u%20biznis%20sektoru%20u%20Srbiji.pdf)

[Polo%C5%BEaj%20%C5%BEena%20u%20biznis%20sektoru%20u%20Srbiji.pdf](http://www.secons.net/files/publications/26-Polo%C5%BEaj%20%C5%BEena%20u%20biznis%20sektoru%20u%20Srbiji.pdf)

<sup>22</sup> Available at: <file:///F:/RODNA%20/Rod%20i%20obrazovanje.pdf>

<sup>23</sup> Available at: <http://www.ombudsmanapv.org/riv/attachments/article/1573/Polozaj-zena-u-nacionalnim-savetima-nacionalnih-manjina-cir.pdf>

<sup>24</sup> Available at: <https://drive.google.com/file/d/1CpCcF9iqJhlsiZhVLXCLqbnbRHrCVIN-/view>

<sup>25</sup> Available at: <http://www.hrcvr.org/attachment/32/Preliminarni%20izvestaj%20-%20ITC%20Nacionalna%20studija%202015.pdf>.

The research included 2053 students and 532 parents.

<sup>26</sup> The research included 13609 students of primary school students and 8755 secondary school students.

<sup>27</sup> Available at: <http://humanas.rs/2016/09/26/crveni-krst-srbije-publikacije/>

<sup>28</sup> Available at: [http://www.ombudsmanapv.org/riv/attachments/article/1827/Primena\\_principa\\_rodne\\_ravnopravnosti\\_2015.pdf](http://www.ombudsmanapv.org/riv/attachments/article/1827/Primena_principa_rodne_ravnopravnosti_2015.pdf)

Mršević, Z. (2015) Serbian Media on Gender-based Violence 2014: Between Stereotypes and Entertainment, Belgrade: UNDP

Special Report of the Ombudsman on Trainings for Capacity Building on Countering Violence in Family and Intimate Partner Relationships and Protecting the Women Survivors (2015), Belgrade: Ombudsman's Office of the Republic of Serbia<sup>30</sup>

Ćopić, S. (2016) Gender Equality in the Republic of Serbia: Situation and Perspectives, Belgrade: Institute of Criminological and Sociological Research<sup>31</sup>

Time Use in the Republic of Serbia in 2010 and 2015 (2016) Belgrade, Republic Statistical Office<sup>32</sup>; the publication contains gender statistic of daily activities and workload carried by women and men in the Republic of Serbia, in particular considering paid employment and unpaid household activities.

Actions of Institutions in Cases of Domestic Violence (2016), Novi Sad: Provincial Ombudsman's Office.<sup>33</sup>

Ćeriman J. Milutinović Bojanić, S. (ed.) (2016) Gender Upbringing and Education: (Im)possible Dialogue, Belgrade: CELAP i IFDT.<sup>34</sup>

Gender Analysis of the Law on Asylum - Implementing the Gender Equality Principle in the Asylum System of the Republic of Serbia (2016), Belgrade, Belgrade Centre for Human Rights<sup>35</sup>.

Violence against Children in Serbia - Characteristics, Factors and Interventions, National Report (2017), Belgrade, UNICEF<sup>36</sup>

Despotović, V. (2017) Efficiency Analysis of Psychosocial Programme for Perpetrators of Violence in Intimate Partner Relationships, Belgrade: Faculty of Political Science<sup>37</sup>

Marković, J. Cvejić, M. (2017) Violence against Women and Girls in the Refugee and Migrant Population in Serbia; Belgrade: Atina.<sup>38</sup>

Child Marriages in Serbia - Analytical Report (2017), Belgrade: UNICEF<sup>39</sup>

## G. Polls

The last polls implemented at the national and provincial levels directly dealing with violence against women and domestic violence were conducted in 2009 and 2010.

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<sup>29</sup> Available at: [http://ravnopravnost-5bcf.kxcdn.com/wp-content/uploads/2012/11/images\\_files\\_Poseban\\_izvestaj\\_o\\_diskriminaciji\\_zena\\_priprema\\_korigovana-1.pdf](http://ravnopravnost-5bcf.kxcdn.com/wp-content/uploads/2012/11/images_files_Poseban_izvestaj_o_diskriminaciji_zena_priprema_korigovana-1.pdf)

<sup>30</sup> Available at: [http://www.rodnaravnopravnost.rs/attachments/article/230/Poseban% 20izvestaj% 20Zastitnika %20gradana%20D0%BE%20obukama.pdf](http://www.rodnaravnopravnost.rs/attachments/article/230/Poseban%20izvestaj%20Zastitnika%20gradana%20D0%BE%20obukama.pdf)

<sup>31</sup> Available at: [http://www.iksi.ac.rs/izdanja/rodna\\_ravnopravnost\\_u\\_srbiji\\_stanje\\_i\\_perspektive.pdf](http://www.iksi.ac.rs/izdanja/rodna_ravnopravnost_u_srbiji_stanje_i_perspektive.pdf)

<sup>32</sup> Please visit: <http://publikacije.stat.gov.rs/G2014/Pdf/G20146008.pdf>

<sup>33</sup> Available at: <http://www.ombudsmanapv.org/riv/attachments/article/1850/Istrazivanje-2016-Nasilje%20u%20porodici%20i%20institucije.pdf>

<sup>34</sup> Available at: <http://www.celap.edu.rs/en/wp-content/uploads/2016/02/RODNO-VASPITANJE-I-OBRAZOVANJE.pdf>

<sup>35</sup> Available at: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2017/08/Rodna-analiza-Zakona-o-azilu.pdf>

<sup>36</sup> Available at: [http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2017/09/Nasilje\\_prema\\_deci\\_u\\_Srbiji\\_Nacionalni\\_izvestaj.pdf](http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2017/09/Nasilje_prema_deci_u_Srbiji_Nacionalni_izvestaj.pdf)

<sup>37</sup> Available at: [http://www.fpn.bg.ac.rs/wp-content/uploads/2017/11/Vera\\_Despotovic\\_Disertacija\\_FPN.pdf](http://www.fpn.bg.ac.rs/wp-content/uploads/2017/11/Vera_Despotovic_Disertacija_FPN.pdf)

<sup>38</sup> Available at: <http://www.atina.org.rs/sites/default/files/Nasilje%20nad%20C5%BEenama%20i%20devoj%20C4%8Dicama%20u%20migrantskoj%20populaciji%20u%20Srbiji.pdf>

<sup>39</sup> Available at: [https://www.unicef.org/serbia/Decji\\_brakovi\\_u\\_Srbiji\(1\).pdf](https://www.unicef.org/serbia/Decji_brakovi_u_Srbiji(1).pdf)

### III. Prevention

#### A. Campaigns and programmes

The project "Integrated Response to Violence against Women in Serbia" is implemented by UNDP, UN Women and UNICEF and the following national partners: the Ministry of Labour, Employment and Social Policy, the Ministry of Education, Science and Technological Development and the Provincial Secretariat for Entrepreneurship, Employment and Gender Equality. The Project received financial support from the UN Trust Fund to End Violence against Women. Within the Project, a pilot programme for perpetrators was developed, and 16 local trainers in three centres for social welfare were trained, who afterwards trained professionals from eight more centres from social welfare to work with perpetrators. Web-one-stop-shop-info-centre on violence against women was created, which offers information of different nature, including the latest news on the work of institutions and organisations dealing with GBV prevention. A qualitative analysis of media reporting on violence against women in Serbia for the period 2010-2012 was published and presented to the public. The institutional framework for multisectoral cooperation in the system of protection for women survivors of violence was established. The line ministries adopted a set of protocols on cooperation and conduct in cases of violence against women in family and intimate partner relationships. In 10 municipalities, there were trainings for employees of local bodies on the implementation of these protocols, as well as on networking and coordinated action to provide better assistance to survivors. There were also numerous trainings of police officers, prosecutors and judges on the topic of a more efficient implementation of regulations in the area of protection. Furthermore, there were workshops for editors and journalists on gender sensitive news coverage on violence against women. The Project was implemented between December 2012 and December 2014.

The *campaign "Shut Down Violence"* was prepared in 2015 and implemented in 2016 by the Ministry of Justice in cooperation with partner organisations. A website was developed, targeting professionals and wider public, with the aim to raise awareness and encourage citizens to report violence. The website contains the FAQ section, explains misconceptions, stereotypes and frequently used reasons to justify violence against women, and debunks the belief that women victims often falsely report perpetrators. This campaign was very efficient, as it was mentioned 81 times in agency news, 143 times in printed media, 288 times in electronic media, and in 366 internet posts. There were also around 700,000 hits of six movies uploaded on YouTube and Facebook.

The *Programme for Prevention of Digital Violence* is a programme focused on prevention of digital media abuse, developed by the Ministry of Education, in collaboration with UNICEF. The target group of the project were students of primary and secondary schools, as well as their teachers and parents. More than 6000 students and employees were trained to identify and respond to cyberbullying, including GBV, as well as to safely use the internet. Around 19,000 teachers were trained in the area of protection on the internet at professional workshops. A manual called "Cyberbullying - Prevention and Response" was developed and distributed to all schools. A Facebook SOS application was created to help students exposed to cyberbullying. In all school administrations, 160 educational councillors were trained to provide support to schools to respond to cases of cyberbullying, in a training cycle called "Empowering of Employees in School Administrations to Support Schools in Protecting Students from Cyberbullying". A Facebook page was created, called "Choose your words, put a stop to hate!", along with a campaign of the same name, aiming to raise awareness about the use of digital media. The education in the area of digital violence prevention included 3784 students.

The *programme "School without Violence"* is a programme of the Ministry of Education, Science and Technological Development, developed in cooperation with UNICEF. It included 19,000 teachers and 229,000 students and parents, and more than 60 active mentors in 274 schools (250 primary schools and 24 secondary schools) in 90 cities in Serbia. For each school, the security assessment of school environment is performed, based on which the school receives a plaque. A manual called "Psychological crisis interventions in educational institutions" was developed and distributed to all

schools<sup>40</sup>. A campaign called "You're cool" was implemented as part of the programme, targeting students with messages on non-violent behaviour and response to violence.

The programme "*Safe Childhood - Development of Youth Security Culture*" is a programme aiming to raise awareness of youth on the topic of violence that is jointly implemented by the Ministry of Interior and the Ministry of Education since 2015. A manual was developed within the programme and distributed to all schools.

The *SOS hotline for reporting violence in schools* is a national SOS hotline active since 2011. The strategic goal of creating such a hotline was to stop and prevent violence and create a safe environment for the children - i.e. students. The hotline is targeting children, parents, all employees in educational institutions, as well as those who need additional assistance in solving the problem of violence and those who deal with the prevention of violence in different manners. In total, 88 school councillors were trained to work on the SOS hotline for reporting violence.

The programme "*Gender Awareness and Prevention of Violence in Kindergartens and Schools*" was implemented by the Ministry of Education in collaboration with UNICEF in 50 primary and secondary schools. The programme consists of trainings for schools, mentors and partner schools (four mentors plus 8 partner schools from Belgrade, Sombor, Vranje, Zaječar). In total, 1600 students and 100 teachers were included.

The *Outreach Campaign on Violence in Family and Intimate Partner Relationships* was developed by the Provincial Secretariat competent for gender equality in order to improve the public awareness on domestic violence, explain the protective measures and provide the contact information of competent services. To this purpose, the Secretariat printed and distributed 50,000 leaflets with information in Serbian, Hungarian, Romanian, Ruthenian, Slovak and Romani languages. A brochure called "Stop to Violence against Women" was printed in Serbian and national minority languages, with information about the types of violence, legal framework, survival tactics and roles of competent institutions. In addition, 15,000 promotional leaflets were printed in Serbian, Hungarian, Slovak and Romani, providing information about the unique SOS hotline for Vojvodina.

The *media campaign "I Want You to Know"* was implemented on territory of Vojvodina by the Provincial Secretariat competent for gender equality between 2009 and 2012. There is a website <http://www.hocudaznas.org>, aiming to provide information to women exposed to violence, and it is available in all minority languages in official use.

The *awareness raising campaign for healthcare professionals* was implemented by the Provincial Secretariat competent for healthcare in 2015, in cooperation with the Provincial Ombudsman, with the aim to raise awareness among medical professionals about their role in prevention of violence against women. Seven panels were held, dedicated to the role of healthcare institutions in the protection of women from violence in family and intimate partner relationships. Along with medical professionals, the panels were attended by protectors of patients' rights and representatives of local healthcare councils<sup>41</sup>.

The *campaign for promotion of gender equality* is implemented by the Provincial Secretariat competent for gender equality. It includes media events, public speaking, and press statements aiming to eliminate the gender stereotypes about the roles and responsibilities of women and men in family and society. Within the campaign, once a year a publication called "Women's Planner" is printed and distributed to promote women's potential, increase the visibility of women and highlight the obstacles they face. So far, each Planner had a theme: in 2014 - Women and Organic Agriculture, and in 2015 - Tenth Anniversary of the Provincial Gender Equality Institute. With the aim to promote and affirm the activities of public institutions, organisations, CSOs and individuals in the area of gender equality, once a year the Annual Recognition for Gender Equality Efforts is awarded.

The *campaign for raising awareness on human rights and non-discrimination* was jointly implemented by the Office for Human and Minority Rights and the Commissioner for Protection of Equality as part of the Twinning IPA 2013 "*Support to Improvement of Human Rights and Zero Tolerance to Discrimination*" (August 2015 - June 2017) with the support of

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<sup>40</sup> Please visit: <http://sbn.mpn.gov.rs/o-skoli-bez-nasilja/o-programmeu-4046>

<sup>41</sup> Available at: <http://www.ombudsmanapv.org/riv/index.php/vesti/najave.html?lang=sr-YU&start=15>

the Institute for Human Rights "Ludwig Boltzmann" from Austria and the Office for Minorities of the Republic of Slovenia.

The *media outreach campaign about protection from discrimination and awareness raising* was implemented in 2013 by the Office for Human and Minority Rights, with the slogans "Discrimination is not a joke, let's talk about equality" and "Same, different, equal", within the IPA 2011 project "*Implementation of Anti-Discrimination Policies*". The Campaign informed the public about the available mechanisms for protection from discrimination and contributed to awareness raising on the position of minorities, vulnerable and marginalised groups. During the campaign, TV clips were broadcasted on two televisions with national coverage, as well as nine regional and local televisions. Celebrity actors participated in these TV clips.

In the reporting period, the Commissioner for Protection for Equality and the Roma's Women Centre Bibija held two seminars in Belgrade for capacity building of Romani women's organisations, within the project "*Improving Knowledge and Skills for Identifying and Responding to Discrimination*."

For the *International Day for the Elimination of Violence against Women*, the Commissioner for Protection for Equality joined the action of the Autonomous Women's Centre by signing the *solidarity flag*, while underlining that violence against women is the harshest form of violation of human rights, and that the state is obliged to establish an effective protection system and demonstrate true commitment to the elimination of this dangerous social phenomenon. In addition, in 2015 the Commissioner for Protection for Equality fully supported the initiative of the Autonomous Women's Centre to amend regulations as to harmonise them with the Istanbul Convention.

The Commissioner for Protection for Equality supported the initiative *Women's Leadership Academy* submitted by 50 CSOs and 68 individuals from all over Serbia to the Government, with the aim to improve the institutional framework of gender equality.

## **B. Education**

The educational institutions' obligation to integrate the gender perspective in education is specified by the Law on Gender Equality, which stipulates that gender equality is an integral part of education, from preschool to high education to lifelong learning. Within the curricula, it is mandatory to provide education on gender equality with the aim to overcome the restraining gender roles, gender stereotypes and prejudices. The educational institutions have the obligation to allow the implementation of gender equality policies in development of curricula and standards for textbooks, teaching methods, classroom management and learning environment.

Law on Fundamentals of Education System<sup>42</sup> defines the goals of education, which include, *inter alia*, development of the sense of solidarity, understanding and constructive cooperation with others and fostering comradeship and friendship; development of competencies for understanding and respect of the rights of the child, human rights, civil freedoms and capabilities for life in a democratically regulated and just society; development of and respect for the racial, national, cultural, linguistic, religious, gender, sexual and age equality, tolerance and respect for diversity (Article 8). The Law on Textbooks<sup>43</sup> foresees that textbooks and other teaching tools must have the appropriate content and form to allow the implementation of the principles of equal opportunity and respect for diversity. They must not discriminate or put group or individuals in unequal position, or incite such behaviour (Article 11).

The First National Strategy for Improving the Position of Women and Advancing Gender Equality sets capacity building of the educational system as one of its goals. This would result in changing the traditional patriarchal model into a modern understanding of gender equality and gender roles. To achieve this goal, the following set of activities was planned: to develop gender sensitive anti-discriminatory and secular curricula; to introduce gender sensitive language into all levels of education; to introduce gender sensitive language in wide use; to raise the issue of standardizing language in institutions,

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<sup>42</sup> Official Gazette of the Republic of Serbia, No. 88/2017 and 27/2018.

<sup>43</sup> Official Gazette of the Republic of Serbia, No. 27/2018.

to develop curriculum for basic gender studies at university; to include gender studies in the high education system; and to promote the gender equality model as one of the key conditions for achieving human rights and democracy development.

In the new National Strategy for Gender Equality, it is noted that educational programmes and curricula at all levels of formal education still haven't been made gender sensitive. The following measures are proposed to change this situation: 1) to introduce mandatory gender sensitive and anti-discriminatory educational programme and curricula at all levels of education, including education of adults and media representatives; 2) to review curricula and textbooks and eliminate gender stereotypes, discriminatory content and discriminatory language; 3) to introduce age-appropriate education on sexual and reproductive health and rights, including the issues of gender relations, gender roles, communication between gender and responsible sexual behaviour in the curricula for primary and secondary schools; 4) to build the capacities of teaching staff by introducing mandatory trainings on equality and including gender equality issues in the exam for obtaining the licence to work in schools; 5) to introduce gender sensitive language in all curricula; and 6) to include women's contribution to science, culture and art in the curricula of respective subjects.

The Draft Law on Gender Equality foresees the obligation of competent authorities to assure the respect of gender equality principle when adopting teaching plans and curricula, and setting standards for textbooks, teaching methods and learning environment. The competent authorities must also include gender equality and gender-based violence in the curricula. For the first time, there are sanctions foreseen for failing to meet these legal obligations - fines, ranging from 500,000 to 1,500,000 RSD (app. 4,166 - 12,500 EUR).

In high education, gender sensitivity is achieved by integrating gender studies in the formal system of tertiary education, which includes a range of gender sensitive subjects and topics. Gender relevant topics are also included in the curricula of the primary and secondary schools to a certain extent.

### *PhD and master gender studies*

Starting from 2003, at the University of Novi Sad there are interdisciplinary gender studies within the University Gender Studies Centre, which is part of the institutional academic system<sup>44</sup>. Gender studies include two levels: master level gender studies and PhD level gender studies. The gender studies curriculum allows the students to acquire theoretical knowledge and improve practical knowledge in the area of gender studies. The gender studies have contributed to questioning of the established mind-set, behaviours and cultural patterns rooted in the patriarchal principles. By completing the gender studies curriculum, the students gain an interdisciplinary and gender sensitive approach to scientific research, a critical assessment of the role of women in social, political, economic, scientific and artistic life, a critical assessment of relations in micro and macro environments based on gender roles, and the ability to apply interdisciplinary and gender sensitive analysis to media, education, economy, law and other social spheres.

Between 2014 and 2015, four students have graduated in master gender studies and 3 students have gained the title of PhD in gender studies.

At the Faculty of Political Science in Belgrade, there is the master academic programme called "Culture, Theory and Gender Studies"<sup>45</sup>. Between 2014 and 2015, 11 students have graduated from master studies.

### *Gender sensitive subjects in the university curricula*

At the Faculty of Political Science in Belgrade at the first year of PhD studies programme "Culture and Media Studies", there is the elective course "Gender Theories and Policies", while on the basic academic studies of journalism, there is the course "Gender Studies"<sup>46</sup>. At the Faculty of Law in Belgrade, there is the elective course "Gender Studies" at the third

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<sup>44</sup> Please visit: <https://www.uns.ac.rs/index.php/instituti-2/acimsi-1/centar-rodne>

<sup>45</sup> Available at: <http://www.fpn.bg.ac.rs/studije-ii-i-iii-stepena/master-studije/master-akademske-studije-kulturologije-master-teorije-kulture-i-studija-roda>.

<sup>46</sup> Available at: <http://www.fpn.bg.ac.rs/wp-content/uploads/2010/03/14-Studije-roda.pdf>



year of basic academic studies<sup>47</sup>. At the Faculty of Law in Niš, as part of basic academic studies, there is the elective course called "Legal Gender Studies"<sup>48</sup>, while at the master academic studies within the programme of Internal Affairs, there is the course "Gender Equality and Gender-Based Violence"<sup>49</sup>. Within the Legal Clinic of the Faculty, there is the programme "Clinical Training Programme for Protection of Women's Rights"<sup>50</sup>.

### *Gender sensitive topics*

At the Criminal Police Academy, the topics of gender equality and GBV are included in the curricula of the following subjects: "Human Rights", "Criminology", "Victimology", "Constitutional Law", "Community Police", "Criminal Tactics", "Criminal Operational Affairs", "Criminal Profiling", "Illegal Migrations and Human Trafficking" and "Criminal Victimology".

### *Primary and secondary education*

In primary and secondary schools, as part of the curriculum of the elective subject called "Civic Education", there are themes relevant to gender equality and GBV. In addition, in the curricula for the primary schools, there are topics aiming to enable the students to respect diversities, adequately deal with violence, and identify and overcome stereotypes based on gender, age, physical appearance, and social origin. In the curricula for secondary schools, there are topics that allow the students to identify prejudice and discrimination based on gender and other grounds, to counter stereotypes, discrimination and violence, and to understand the unacceptability of GBV.

## **C/D. Initial training and professional development**

The area of education and professional development of employees in institutions competent for prevention, elimination and protection of women from violence still hasn't been regulated enough. Institutions and training organisers did not keep adequate records on trainings, their content and goals, and the number of employees who attended them. In addition, there are no clear differences between the programmes of initial training and/or professional development and the programmes for development of professional competences at work.

In the Table 1/2 which merges the Tables 1 and 2 from the questionnaires, there is data on categories and numbers of experts from certain sectors who completed the initial training or another form of education in the areas of prevention, detection and processing of violence against women, gender equality, rights and needs of victims, prevention of victimization, cooperation between agencies, etc. Since there is no data on the educational profile of experts from these sectors, it was necessary to merge and adapt the tables from the questionnaire in order to showcase the available data. Please see Table 1/2.

Here, we will list an overview of training programmes for employees in state authorities and institutions that are competent for prevention and elimination of violence and protection of women. These trainings are implemented in the reporting period.

### *Training of Civil Servants*

The Human Resource Management Service of the Government of the Republic of Serbia organises trainings for civil servants. There is one training is on gender equality and GBV. In addition, as part of the regular annual training program for civil servants organized by the Human Resource Management Service, there is a training on human rights, called "Mechanisms or Monitoring of the Human Rights Situation in the Republic of Serbia. There is no data on the number of civil servants who have completed this training in the reporting period. All civil servants with high education must pass

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<sup>47</sup> Available at: [http://www.ius.bg.ac.rs/studije/novi %20nastavni%20programme%20osnovnih% 20studija%20od%202011-12.htm](http://www.ius.bg.ac.rs/studije/novi%20nastavni%20programme%20osnovnih%20studija%20od%202011-12.htm) (accessed on: 10.07. 2012).

<sup>48</sup> Available at: <http://www.prafak.ni.ac.rs/files/silabusi/Pravne%20studije%20roda.pdf>

<sup>49</sup> Available at: [http://www.prafak.ni.ac.rs/files/master/master\\_up\\_2013/rodna\\_ravnopravnost\\_i\\_rodno\\_zasnovano\\_nasilje.pdf](http://www.prafak.ni.ac.rs/files/master/master_up_2013/rodna_ravnopravnost_i_rodno_zasnovano_nasilje.pdf)

<sup>50</sup> Available at: [http://www.prafak.ni.ac.rs/files/silabusi/KLINICKO%20PRAVNICKO %20OBRAZOVANJE.pdf](http://www.prafak.ni.ac.rs/files/silabusi/KLINICKO%20PRAVNICKO%20OBRAZOVANJE.pdf)

the so-called state exam of which the curriculum contains, among other things, the following topics: General Prohibition of Discrimination, Forms of Discrimination, Special Cases of Discrimination, and Gender-Based Equal Opportunities<sup>51</sup>.

### *Training of Public Prosecutors and Judges*

Public prosecutors and deputy public prosecutors attend special trainings on domestic violence, organised by the Judicial Academy. In addition, as part of the regular training programme, the trainees of the Judicial Academy, such as prosecutors' and judges' assistants, attend lectures on GBV. In March 2014, the representatives of the Republic Prosecutor's Office and the Higher Public Prosecutor's Office in Belgrade participated in the training programme "Witness Support Services in the UK", organised by the British organisation "Agency Consulting", and implemented in United Kingdom. This training was a part of the project "Establishing Support Services for Victims and Witnesses" implemented with the support of the UK Embassy in Belgrade.

### *Training of judges*

In the Continuous Training Programme for 2015<sup>52</sup> in the curriculum for judges ruling in family matters, one of the topics is "Domestic Violence Protective Measures and Proceedings in a Case for Protection from Domestic Violence". In the initial training programme for the trainees of the Judicial Academy<sup>53</sup>, one of the topics is "Special Knowledge Required by Judicial Professionals in the Areas of Protection from Discrimination, Gender Equality and Domestic Violence". This training is attended by all future judicial professionals in Serbia.

### *Training of employees in information offices for injured parties and witnesses*

In 2014, the Judicial Academy organised six two-day trainings on the topic of "Assistance and Support to Victims, Injured Parties and Witnesses" for the staff working in information offices for injured parties and witnesses. There were also three one-day workshops on the topic of domestic violence, but the number of the participants is unknown. In April 2014, the employees in the information office for injured parties and witnesses within the Higher Public Prosecutor's Office in Belgrade attended a training organised by the Republic Prosecutor's Office in cooperation with the British organisation "Agency Consulting". In September and October 2015, the Republic Prosecutor's Office organised trainings for the employees of information offices for injured parties and witnesses within the Higher Public Prosecutor's Office in Novi Sad, Niš and Kragujevac. Together with OSCE Mission to the Republic of Serbia, trainings were organised for future employees in the information offices for injured parties and witnesses in Novi Sad, Niš and Kragujevac. This included a workshop called "Development of Information Offices for Injured Parties and Witnesses within the Public Prosecutor's Offices in the Republic of Serbia" (September 2015) and "Basic Training for Information Offices for Injured Parties and Witnesses within the Public Prosecutor's Offices in the Republic of Serbia" (November 2015).

### *Training of security sector employees*

Between September 2013 and October 2014, the Criminal Police Academy had ten one-day seminars for Academy students, regular and highly ranked police officers. The training programme included topics on gender equality, sexual violence and GBV. The seminars were held in police administrations and police stations in Belgrade, Kragujevac, Niš, Smederevo, Novi Sad and Pančevo. The seminars were attended both by uniform-wearing and operational police officers who directly work on domestic violence cases. The seminar was used as a platform to introduce the Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women. The textbook "Integrated Response to Violence against Women in Serbia" was used as the learning material at the seminar. This textbook analyses the criminal, criminological, criminal-legal and criminal-procedural aspects of GBV. It was published in 1,000 copies and distributed to police administrations, and students and teachers of the Criminal Police Academy.

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<sup>51</sup> Please visit: <http://www.mduls.gov.rs/latinica/drzavni-ispit.php>

<sup>52</sup> Please visit: [http://www.pars.rs/files/\\_\\_\\_\\_2015\\_20151.pdf](http://www.pars.rs/files/____2015_20151.pdf)

<sup>53</sup> Please visit: [http://www.pars.rs/files/\\_\\_.pdf](http://www.pars.rs/files/__.pdf)

In November 2014, the Gender Equality Sector of the Provincial Secretariat competent for gender equality organised a training course on domestic violence for police officers in the police station of Nova Crnja, aiming to improve the understanding of the nature this kind of violence and optimise the response by acquiring skills for adequate communication and establishing of relationship with victims.

Between 2014 and 2016, the Centre for Peacekeeping Operations of the Joint Operative Chamber of the Chief of Staff of the Serbian Armed Forces implemented a course called "Gender in Multinational Operations".

### *Training for implementation of the Law on the Prevention of Domestic Violence*

When the Law on the Prevention of Domestic Violence was adopted, a specialised gender sensitive training was organised for professionals from law enforcements institutions. The training had a theoretical and a practical part, and upon completing it the police officers received certificates<sup>54</sup>. In addition, in 35 cities in Serbia, the Judicial Academy organised a specialist training for judges, public prosecutors and deputy public prosecutors, aiming to improve their knowledge about the new legal framework, the international principles and the new European standards of combat against domestic violence and GBV. The training also informed them about the case law of the European Court for Human Rights, and helped them improve their work on risk assessment for domestic violence and other forms of GBV<sup>55</sup>.

### *Training of education professionals*

Capacity building of the professionals working in the educational sector is implemented in line with the programs for continuous professional development, accredited by the Republic Institute for Improvement of Education<sup>56</sup>. One part of accredited training programmes is about capacity building in the area of prevention and elimination of GBV in schools. The organisers of these programs are mostly CSOs dealing with violence against women. Here are a few examples of such gender sensitive programs: "Skills, Knowledge and Techniques for Prevention and Reduction of Gender-Based Violent and Discriminatory Behaviour in Schools" (NGO Association for Sexual and Reproductive Health of Serbia); "Protection of Women and Children from Violence in Family Environment - Role of Educational Institutions" (NGO Autonomous Women's Centre); "Capacity Building of Teachers for Implementing Gender Equality Content" (Professional Association Pedagogue Forum); and "From Prejudice and Stereotype to Discrimination and Violence" (Centre for Rights of Child Užice).

Individual institutions have also implemented projects and programs involving the training of educational professionals. For instance, in 2014, the Gender Equality Sector of the Provincial Secretariat competent for gender equality, in cooperation with the Provincial Secretariat for Education, organised the training "Knowledge against Violence" for teachers of civic education in secondary technical schools on the topic of GBV and domestic violence.

### *Training of employees in social welfare institutions*

The Republic Institute for Social Welfare accredited 19 gender sensitive training programs in the area of domestic violence, tailored for employees in social welfare institutions and other institutions dealing with prevention and protection from domestic violence<sup>57</sup>. This program includes the following topics: "Domestic Violence and Intervention System", "Domestic Violence and Institutional Protection", "Organising Case Conferences for Protection from Domestic Violence", "Coordinated Local Community Action for Prevention and Protection from Domestic Violence", "Working with Victims of Domestic Violence in Social Welfare Centres", "Working with Perpetrators in Social Welfare Centres", "Initiating

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<sup>54</sup> The curriculum was prepared by Judicial Academy and the training was implemented by the Criminal Police Academy. As many as 410 police officers were trained. Please visit: <http://www.pars.rs/vest/3390/obuka-policijskih-sluzbenika-na-temu-sprecavanja-nasilja-u-porodici-for-the-english-version-of-this-article-please-scroll-down-in-the-article.php>

<sup>55</sup> Training curriculum available at: <http://www.pars.rs/files/1%20-204%20Program%20seminara%20sprecavanje%20nasilja%20u%20porodici.pdf>.

<sup>56</sup> Program catalogue available at: <http://katalog2016.zuov.rs/Program2015.aspx?katbroj=59&godina=2014/2015>:

<sup>57</sup> Please visit: <http://www.zavodsz.gov.rs/PDF/Katalog%20akreditovanih%20programa%20obuke.pdf>

Court Proceedings by Guardianship Authorities", "Safe House - Working in Centres for Support to Victims of Domestic Violence", etc. Between 2014 and 2016, a total number of 96 trainings in line with these programs were implemented.

In 2015, the Gender Equality Sector of the Provincial Secretariat competent for gender equality implemented the following trainings, as foreseen by the Programme for Protection of Women against Domestic and Intimate Partner Violence and Other Forms of Gender-Based Violence in the Autonomous Province of Vojvodina: 1) training on organising case conferences; 2) training on coordinated community response to violence; 3) training and mentorship support for organising and implementing case conferences for violence against women in family and intimate partner relationships; 4) training for consultative work with women survivors of domestic violence and intimate partner violence with the aim of their empowerment; 5) training for acquiring skills to identify and adopt the key principles, rules and techniques for implementation of social interventions aiming to control violent behaviour; and 6) training for overcoming professional stress among professionals who directly work with victims of violence, or who work on coordinating activities for prevention and protection from domestic violence. In total, there were 15 trainings for employees in police, centres for social welfare, local free legal aid services, and specialised women's NGOs. The trainings were based on principles and values contained in key international and domestic documents, with scientific grounds and expert insight, and they were focused on specific procedures and steps. The trainings were implemented by the training team of the NGO Autonomous Women's Centre from Belgrade.

In 2014, with the aim of providing support to supervisors in centres for social welfare, the Provincial Institute for Social Welfare implemented trainings in the following areas: 1) detecting sexual abuse of children; 2) role of centres for social welfare in regulating the child's contact with the parent that the child does not live with, in case of suspected sexual abuse; 3) problems in organising meet-ups between a parent and a child in case of suspected harmful impact this parent may have on the psychological and physical development of the child; 4) experience and knowledge exchange between supervisors in order to improve the professional work in abuse protection procedures for children and youth; and 5) role of the supervisor in the internal anti-violence team. In addition, in the Municipality of Kikinda there was a training workshop for case managers in the centre for social welfare. The topic on this training was improving the efficiency of protection from domestic violence in the municipality. In addition, in 2015, there were trainings on the following topics: 1) domestic violence and institutional protection; 2) domestic violence and parental right disputes; and 3) working with perpetrators of violence in centres for social welfare.

### *Training of media professionals*

In the reporting period, in 2014, the Commissioner for Protection of Equality organised a two-day training for local media journalists called "How to Report about Discrimination", with the appropriate learning material prepared. Gender-based discrimination was a part of this training.

In September 2015, within the program "A More Efficient Way of Providing Information to Women about Violence", the Gender Equality Institute of the Autonomous Province of Vojvodina, in cooperation with the Centre for Support to Women, implemented a training for media editors and journalists, in order to raise their awareness and capacities for gender sensitive media reporting. Other goals of this training included improving the standards of professional reporting on domestic violence from a gender perspective, and eliminating gender-based stereotypes.

## **E. Programs for perpetrators**

As one of the measures to prevent the repetition of violence, the National Strategy for Protection of Women against Domestic and Intimate Partner Violence (2011) stipulates assuring conditions in the social welfare system for the implementation of programs for perpetrators. The following principles must be observed in order to work with men perpetrators of violence: safety of victims, cooperation with services that support women and intervention programmes, gender understanding of violence, and sole responsibility of the perpetrator. In addition, it is mandatory to reassess the risk for the victim, to exclude the possibility to make it compulsory for women victims of violence to participate in such programs, and to focus on the safety of victims and their children.

Working with perpetrators takes place in the marriage and family counselling centres that operate within centres for social welfare. It mostly follows the program "Treatment of Perpetrators in Partnership Violence", which was developed and piloted within the project "Combat against Sexual and Gender Based Violence" (2009-2011). The Program is based on the Norwegian model of working with perpetrators, developed by the Centre "Alternative to Violence", which is grounded in feminist theory and includes both individual and group therapy. The experts from this Centre have trained employees in eight centres for social welfare on how to implement this program.

As the professional working in depth on a specific case of violence, the case manager is the one who usually proposes to work with the perpetrator. Participation in this program is voluntary. Certain perpetrators participate in the program in order to meet the measures imposed by the public prosecutor who applied the principle of opportunity. In the domestic law, public prosecutors have the possibility to postpone criminal prosecution, under condition that the suspect undergoes a psychosocial treatment (see more in Section V). There is no aggregated data on the number of cases of violence against women in which this principle of opportunity was applied. Similarly, there is no data on the number of cases in which the defendant accepted to undergo the psychosocial treatment as the condition to postpone the criminal procedure, or data on the number of cases in which the principle of opportunity was applied with success.

In the reporting period, there is no data or research on the measures implemented against perpetrators of violence who are undergoing the psychosocial treatment, with the aim to assure safety, support, and protection of human rights of victims. In reports from centres for social welfare, there is only aggregated data on provided psychosocial treatment services, and therefore, the number of GBV perpetrators who received this type of service is unknown.

In the reporting period, the programs for GBV perpetrators were also implemented in the correctional facilities of the Directorate of the Enforcement of Criminal Sanctions<sup>58</sup>. However, there are no specialized programs for persons convicted for domestic violence and sexual crimes, but for each convict, an individual program is prepared, adapted to his needs, capacities and risk assessment<sup>59</sup>. The individual programs for persons convicted for domestic and sexual violence include all or some of the following topics: 1) adopting and improving socially acceptable behaviour and reducing the frequency of aggressive behaviour; 2) developing, improving and adopting the social skills of constructive problem solving; 3) managing one's emotions and behaviour; 4) strengthening self-control and constructive response to frustration; 5) improving family relationships and adopting non-violent models of interactions within the family; 6) reducing aggressive or manipulative elements in communication; 7) strengthening of the feeling of personal value and developing responsibility for one's own behaviour; 8) education on addiction diseases and increasing motivation for maintaining abstinence; 9) family group therapy aiming to increase one's functionality as a partner and a parent rooted in gender equality and non-violent approach to family development issues; 10) systematic psychological family therapy; 11) specialised programs for anger control, anger management and aggression; and 12) programs for post-prison reception and support for reintegration into society. These programs are implemented through group and individual counselling sessions with convicts, as well as through educational workshops and direct activities. Participation is voluntary.

According to data from the Directorate of the Enforcement of Criminal Sanctions, in 2014, 180 convicts participated in the programs for perpetrators of domestic and sexual violence, while in 2015, there were 207 participants.

The perpetrators can also access the services of the association *Crisis Centre for Men*<sup>60</sup>, founded in 2012. This association provides services of specialised psychosocial treatment of men perpetrators of violence in intimate partner relationships, as well as training and supervision for professionals who implement these treatments, and research services about the phenomenon of violence. The association operates in line with the gender equality values, and non-violent and constructive partner and family relationships. The services are provided by therapists and psychological counsellors with

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<sup>58</sup> As part of the Directorate of the Enforcement of Criminal Sanctions, there are 29 correctional facilities and one Centre for Training and Professional Development.

<sup>59</sup> The manner of creating individual programs is regulated by the Regulation on Treatment, Program of Activities, Categorisation, and Subsequent Categorisation of Convicts from 2015 (Official Gazette of the Republic of Serbia, No. 66/2015).

<sup>60</sup> Please visit: <http://kcm.rs/test/>

many years of experience in identifying and preventing domestic violence and providing protection to victims. The work with the perpetrators is based on the model developed by the Norwegian centre "Alternative to Violence".

## **F. Programs for sexual offenders**

There are no special programs for sexual offenders aiming to prevent the repetition of the criminal offence. In the correction facilities, there are individualised programs for persons convicted for crimes of sexual nature.

When it comes to perpetrators of sexual violence against children, the Law on Special Measures for the Prevention of Criminal Offences against Sexual Freedoms of Minors from 2013 foresees the possibility to rule special measures against such persons, which are implemented after the completion of the prison sentence. Among these measures, there are mandatory visits to professional counselling offices and institutions (more on this in Section V).

There is no aggregated data on the number of sexual offenders against whom such measures were imposed, or other data on the manner of enforcement and effects of these measures.

## **G. Inclusion of private sector and the media**

The Serbian Chamber of Commerce, as the association of privately owned companies, promotes gender equality in business and encourages its members to integrate the gender perspective in their activities<sup>61</sup>. Many private companies step forward as donors for construction and furnishing of safe houses. For instance, the Fund B92 implemented the Campaign for Combat against Gender-Based Violence and Construction of Shelters for Accommodation of Survivors<sup>62</sup>. The website "Safe House" was created within this campaign, and a large number of companies participated<sup>63</sup>.

Several programs for economic empowerment for women were implemented, involving private employers. For instance, the Provincial Secretariat competent for gender equality implemented programs for economic empowerment of women exposed to violence in family or intimate partner relationships by giving subsidies to employers for employment of women survivors. In 2014 and 2015, 16 employers were supported, who employed the total number of 16 women survivors.

The Law on Public Information and Media (2014) encouraged the involvement of media in the combat against GBV. Among other things, this Law stipulates that the support to producing media content that protects and develops human rights and democracy, and improves the rule of law and the welfare state, is a public interest in the area of public information. Based on this Law, the Ministry of Culture and Information opens an annual call for the co-funding of projects in the area of public information which produce content contributing to raising of public awareness about the position of women in our society, gender stereotypes, violence against women, etc. The project funding allows the media to produce stories that raise the awareness on GBV and contribute to changes of patriarchal cultural models and behaviour patterns. The Ministry is also co-funding programs of public information in national minority languages and sign language.

In 2014, based on the call for co-funding of projects in the area of public information, the Ministry funded the following media projects:

- TV show and web series "Zero to Hero", Media Teamleader Ck Ltd, Information Portal of West Serbia, Čačak (303,500.00 RSD, around 2,594 EUR)
- "Fruit of my Labour" - story on women's activism, Agro-pres Ltd, Gredetin, (196,000.00 RSD, around 1,675 EUR)
- "Combat Zone, Panel, Non-Violence", IN Radio Ltd, Novi Sad (230.000,00, around 1.965 EUR)

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<sup>61</sup> The Council for Women's Entrepreneurship was established as a special body in the Chamber of Commerce system. Please visit: <http://www.pks.rs/PrivredaSrbije.aspx?id=1137&amp;p=0&amp;>

<sup>62</sup> Please visit: <http://fondb92.org/sr/zajedno-protiv-nasilja-vid-7.1.174.html>

<sup>63</sup> Please visit: <http://sigurnakuca.net/pocetna.4.html>

- "Down with the Hate Speech!", RTV Signal - NS Ltd, Radio Signal, Novi Sad (285,000.00 RSD, around 2,435 EUR)
- Improving information and raising awareness of the citizens of Čačak about the position of women survivors of violence, measures for their protection and zero social tolerance to violence "Say it before it's too late – she's a victim", "Studio Joker" Ltd, marketing, trade and services company, Čačak (299,520.00 RSD, around 2,560 EUR)

In 2015, based on the call for co-funding of projects in the area of public information, the Ministry funded the following media projects:

- "Gender Equality and the Position of Women in Sports", Sport radio FM Ltd, Belgrade, (500,000.00 RSD, around 4,160 EUR)
- "The first billion is marching, so get going - let's stop violence against women", "Studio Joker" Ltd, marketing, trade and services company, Čačak (200,000.00 RSD, around 1,660 EUR)
- "Combat against Domestic Violence", Centre for IT Engineering and Design, Kraljevo, (200,000.00 RSD, around 1,660 EUR)
- "Violence as a Family Sin", company Konzum Lav Ltd, TV Lav+, Užice (600,000.00 RSD, around 5,000 EUR)
- "Combat against Gender-Based Violence" Ritam Ltd, Vranjska Banja (450,000.00 RSD, around 3,750 EUR)
- "Women's Entrepreneurship" publishing company Privilege Press Ltd, Beograd (500,000.00 RSD, around 4,166 EUR)
- "Women in Rural Environment - on the Margins of the Social Ladder", Petar Kovandžić PR, sole trade business and publishing company Kofip, Velika Plana (400,000.00 RSD, around 3,330 EUR)
- "Media at the Service of Women", Foundation 021, Novi Sad (750,000.00 RSD, around 6,250 EUR)
- "Family Stories - talking show about daily lives of vulnerable social groups" Express Kragujevac - Humanitarian Radio, Kragujevac (461,400.00 RSD, around 3,845 EUR)
- "Hate Speech", RTV M Ltd, Knjaževac, (700,800.00 RSD, around 5,840 EUR)
- Monitoring of adherence to the Code of Ethics in Journalism in daily newspapers, Press Council (1.911.220 RSD, around 15.926 EUR)

## H. Self-regulatory standards in the media

*The Code of Ethics in Journalism* (2006)<sup>64</sup> adopted by the Independent Journalist Association of Serbia and the Journalist Association of Serbia sets forth the ethical standards for professional conduct of journalists. Among other things, the Code foresees the following: a journalist must oppose all those who violate human rights or support any kind of discrimination, hate speech or incitement to violence; journalism must never support the spreading of sex, gender, ethnic, racial, social, or religious stereotypes; the private prejudices of a journalist must not be broadcasted or published in any context, overtly or covertly; a journalist must avoid using phrases that have chauvinistic, sexist or any other discriminatory undertones.

*The Commission for Complaints of the Press Council* establishes the violation of the Code of Ethics in Journalism. This is a self-regulatory body, consisting of representatives of the media industry and professional associations. The Commission participates by mediating between injured parties and editorial offices that published the problematic content, but it also issues public warnings in cases of violation of ethical standards. Since 2015, the Commission monitors the writing of eight national daily newspapers and keeps a record of cases of obvious violations of the Code of Ethics in Journalism. The Commission implements trainings on writing in line with the Code, and its members actively participate in the promotion of professional ethical standards and strengthening of the media role. There is no aggregated data of the warnings issued for the violation of rules on reporting about violence and discrimination against women.

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<sup>64</sup> Available at: [http://www.savetzastampu.rs/doc/Kodeks\\_novinara\\_Srbije.pdf](http://www.savetzastampu.rs/doc/Kodeks_novinara_Srbije.pdf)

There are also guidelines for online implementation of the Code of Ethics in Journalism. Please visit: <http://www.savetzastampu.rs/smernice-za-primenu-kodeksa-novinara-srbije-u-onlajn-okruzenju.html>

The *Regulatory Authority for Electronic Media* is an independent and autonomous regulatory body established in line with the Law on Electronic Media (2014)<sup>65</sup>. Its duty is to prevent the media providers to distribute program contents containing information that overtly or covertly encourage discrimination, hate or violence, based on race, nationality, gender, sexual orientation and other personal features. This body establishes the professional standards in providing media services<sup>66</sup>, controls the media content, acts upon complaints and issues warnings for violation of rules by the media, with regards to protection of human rights and personal dignity, and prohibition of discrimination and hate speech. In addition, the Regulatory Authority drafts reports on meeting the program and legal obligation of public broadcasters (Radio Television of Serbia and Radio Television of Vojvodina).

The *Rulebook on the Protection of Human Rights in Media Services* of the Regulatory Authority for Electronic Media foresees that media providers must not broadcast program that displays violence, substance abuse, degrading treatment, torture or other inhumane treatment of a human being in such a way that this action is encouraged, celebrated, justified, dismissed as unimportant, or shown in another way that violates human dignity. When broadcasting real-life events, media providers must not violate human dignity - in particular by showing a deceased person, or a victim of violence or a tragic event in the moment of death or exposure to serious physical or mental suffering<sup>67</sup>.

In 2014, the Regulatory Authority for Electronic Media published the *Report on Gender Equality and Gender Stereotypes on Channel One of the Radio Television Serbia*<sup>68</sup>. The report states that this informational channel does not promote gender stereotypes, i.e. women are not only portrayed within their traditional stereotypical roles. There is no aggregated data about the number of warnings issued for violating the rules on reporting about violence and discrimination against women.

The Commissioner for Protection of Equality frequently reacts to media coverage and stories about women. Between 2014 and 2015, the Commissioner issued several warnings: the warning concerning the articles about the newly elected women MPs, which were assessed as inappropriate, offensive and demeaning, because they highlighted the physical appearance and not the professional competences, skills and results achieved by women MPs; the warning concerning the inappropriate media coverage of women politicians, in which, in certain media reports, women politicians were offended, degraded and discriminated against with aggressive promotion of gender stereotypes and prejudice; and the warning on alarming violence against women which pinpoints the sensationalism in media reports and coverage which, in turn, generates more violence against women.

## **I. Sexual harassment in the workplace**

Sexual harassment in the workplace is explicitly prohibited by the Labour Code (2005) which defines it as every verbal, non-verbal, or physical action aiming to violate or succeeding in violating the dignity of a jobseeker or an employee in the area of sexual life, resulting in fear, or creation of a hostile, degrading or offensive environment. The Law on the Prevention of Harassment in the Workplace establishes sexual harassment as a form of harassment at the workplace.

The Rulebook on the Code of Conduct of Employers and Employees in Prevention and Protection from Harassment in the Workplace was adopted<sup>69</sup>. The Rulebook defines sexual harassment as degrading and inappropriate comments and actions of sexual nature, attempted or achieved; indecent and unwanted physical contact; incitement to accept sexual behaviour for a reward, or with threat or blackmail; and similar types of behaviour.

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<sup>65</sup> Official Gazette of the Republic of Serbia, No. 83/2014 and 6/2016 - other laws

<sup>66</sup> The Regulatory Authority adopted the Rulebook on Protection of Rights of Minors in Media Services (Official Gazette of the Republic of Serbia, No. 25/2015), Rulebook on Protection of Human Rights in Media Services (Official Gazette of the Republic of Serbia, No. 25/2015), and Rulebook on Audio-Visual Commercial Communication (Official Gazette of the Republic of Serbia, No. 69/2015),

<sup>67</sup> Article 21

<sup>68</sup> Available at: <http://rem.rs/uploads/files/izvestaji-o-nadzoru/Rodna-ravnopravnost-RTS-1.pdf>

<sup>69</sup> Official Gazette of the Republic of Serbia, No. 62/2010



The Rulebook sets forth numerous obligations for employers: to organise work in such a way to prevent harassment and provide working conditions for employees in which they shall not be exposed to harassment by employer, manager, or another employee; to inform the employees and their representatives and train them to identify causes, forms and consequences of abuse; to inform a new employee in writing, before the employee starts working, about the prohibition of harassment and rights, obligations and responsibilities of employees and employers concerning this prohibition; to appoint a support person that the employees may address in case of sexual harassment and other forms of abuse, etc.

There are also obligations for employees: to treat other employees and the employer with dignity and respect; to set a personal example with the aim to contribute to the creation of a harassment-free working environment; to perform the work in the spirit of respect, cooperation, openness, safety, and equality; to contribute to the efforts to prevent and stop the abuse, etc.

Many employers have issued internal acts to regulate measures for prevention and protection from sexual harassment in the workplace.

The Law foresees that a person exposed to sexual harassment has the right to protection, including both internal protection (mediation and establishing accountability of the person accused for harassment) and the court-provided protection. The court proceeding is urgent. To prove sexual harassment, the rule of shifting the burden of proof is applied: the prosecutor must present the committed sexual harassment as probable, whereas the burden of proof that there hasn't been any sexual harassment is upon the employer. In cases of sexual harassment, it is possible to settle the dispute before the Republic Agency for Peaceful Settlement of Labour Disputes, via mediation or arbitration.

Sexual harassment is a form of gender-based discrimination, and therefore it is possible to file a complaint to the Commissioner for Protection of Equality. The new Law on the Prevention of Domestic Violence criminalises sexual harassment as a particular criminal offence, regardless of where it takes place, and the public prosecutor can proceed with the criminal prosecution on behalf of the victim.

## **IV. Protection and support**

The *General Protocol for Action and Cooperation of Institutions, Bodies and Organisations in the Situations of Violence against Women within the Family and in Intimate Partner Relationship* from 2011 is the foundation of multi-sectoral approach and coordinated action of authorities and institutions in cases of violence against women in family and intimate partner relationships. This Protocol establishes a comprehensive and uniform system to provide protection and support to women survivors, offering guidelines for action and cooperation between all stakeholders based on the understanding of GBV as a form of violation of human rights and discrimination against women. The special protocols further develop the conduct of the police, the healthcare and social welfare institutions, and the judiciary authorities.

### **A. Access to information**

The information about support services and relevant legal provisions aimed at the general public is distributed by the media, or by publishing information on websites of competent authorities, institutions and services, or by distributing brochures and leaflets, etc. The information aimed at women victims of violence is provided by the institution that the victim approaches first.

In line with the General Protocol, each institution approached by the victim has the obligation to provide detailed information about all stakeholders and community-based services that can provide assistance and assure her safety. If possible, the victim is given a brochure containing all necessary information. This includes addresses, phone numbers and other contact details of the following stakeholders: police station, centre for social welfare, healthcare centre, SOS hotline for victims of violence, shelter (safe house), and other community-based organisations specialised for domestic violence and GBV.

The victim's right on information is also regulated by special protocols. The employees in centres for social welfare are obliged to provide information on all procedures and data important for identifying the women's needs and finding a way to meet them. The police officers are obliged to inform the victim about her legal rights without delay, as well as about the measures that they will undertake, and they must also provide detailed information about all the stakeholders dealing with providing assistance. The public prosecutor's office is also obliged to inform the victim about her rights, the protection mechanisms and the steps of the procedure. It is also mandatory for the court to inform the victim about the protection mechanisms based on her needs, irrespective of the stage of the procedure. The healthcare professionals also have the obligation to provide information to victims.

The state authorities refer the women victims of violence to seek assistance and support provided by CSOs. For instance, the Republic Prosecutor's Office signed the Memorandum of Cooperation with the Victimology Society of Serbia on February 2<sup>nd</sup> 2015, based on which public prosecutors refer victims to receive the assistance and support provided by the Victimology Society of Serbia and its partner organisations.

In order to improve information and outreach, the Provincial Secretariat competent for gender equality launched the website [www.hocudaznas.org](http://www.hocudaznas.org), and within the project "Integrated Response to Violence against Women in Serbia" the website [www.sigurnakuca.net](http://www.sigurnakuca.net) was created, moderated by the B92 Media Company.

Women also have access to information provided by numerous women's NGOs that work with women victims of violence. For instance, on its portal [www.zeneprotivnasilja.net](http://www.zeneprotivnasilja.net) the network "Women against Violence" lists information about the services provided by all member organisations of the Network; the NGO SOS Vojvodina provides information to women on its website [www.sosvojudina.org](http://www.sosvojudina.org); the NGO Autonomous Women's Centre and six local partner organisations - Sandglass from Kruševac, Women's Centre from Užice, Sunrise from Niš, ...From the Circle Vojvodina from Novi Sad, Centre for Support to Women from Kikinda and SOS Hotline from Vranje - implemented the action of systemically informing the women about the competences of centres for social welfare, police and judiciary by printing and disseminating outreach material within the project "Joining Our Efforts - towards new European standards of protection of women from GBV". The NGO Women's Centre from Užice, with the support of the NGO Autonomous Women's Centre, created posters with information for women victims of violence, distributed in ten municipalities of the Zlatibor district. The NGO Sunrise provides information to Roma women in the Romani language.

In line with the Law on the Official Use of Language and Alphabet, all information provided to victims by public authorities and institutions during the procedure must be provided in a language that the victim understands, or the victim must receive the services of an interpreter/translator.

## **B. Access to general support services**

The *Law on Social Welfare* establishes different types of social welfare services provided to beneficiaries: assessment and planning services; daily community services; support for independent living; counselling, therapy and socially educational services, including counselling and support in cases of violence; accommodation services; and different forms of assistance in financial or material benefits. According to this Law, adults or minors who are at risk of becoming or who already are victims of neglect, abuse, exploitation, violence and domestic violence, stand for a particularly vulnerable category. The centre for social welfare decides on realisation of these rights and use of social welfare services.

The centres implement the following measures for protection of victims of domestic violence: separation of victim from the family, initiating court proceedings, providing financial, legal, or counselling support to victims, and referring victims to services of other appropriate institutions. In case of children victims of domestic violence, they can be separated from the family alone, or together with the non-violent parent, whereas the violent parent might be placed under correctional supervision when exercising parental rights.

As for the accommodation for victims of violence, the *Rulebook on Detailed Conditions and Standards for Provision of Social Welfare Services (2013)*<sup>70</sup> foresees that this service can be provided for no longer than 6 months to children, youth and adults victims of domestic violence, abuse and neglect. The Rulebook sets forth the minimal structural standards for accommodation services in shelters, in terms of location, facilities and furnishing. It is also regulated that, when accommodating victims of abuse, violence or human trafficking, the service provider must, if necessary, implement the procedure to assure the secrecy of the location and the security of beneficiaries and working staff<sup>71</sup>. In shelters for victims of abuse, violence or human trafficking, there is a special, separate room for mothers with children.

In their decisions on rights and social welfare services, certain municipalities foresee the provision of various services to victims of domestic violence, such as prolonged accommodation for women and children victims of domestic violence or human trafficking, social housing in protected conditions, right to financial support in the form of full or partial exemption from paying rent and utility services, etc.

Data on number and forms of domestic violence cases, on the relationship between the perpetrator and the victim, on number and profile of victims of violence, and on number and profile of persons who reported violence is collected in the social welfare system. Please see Tables 3-7.

The free legal aid system still hasn't been established on the state level. Legal aid is provided by local legal aid services in municipalities, by legal clinics (if they exist), and by NGOs. Based on data submitted by the municipalities, some form of free legal aid is available in one third of municipalities. On average, this service is provided by one to two persons, while the annual number of victims of violence who have received free legal aid varies: in some municipalities, there were no victims of violence who asked for free legal aid, while in other municipalities 50 victims of violence on average received free legal aid. Certain bodies do not disaggregate data according to the category of persons who received the service, while other bodies do not keep records on the number of persons who received the service. In addition, there is no systematic data for all municipalities in which it is possible to receive free legal aid, including the information about the form of such legal aid. In municipalities that did submit this information, the dominant forms of legal aid are providing legal information and legal counsel.

Women victims also receive free legal aid in court proceedings by obtaining the free services of a lawyer. However, there is no data about the number of women victims who received this form of free legal aid in the reporting period.

The *Special Protocol of the Ministry of Health for The Protection and Treatment of Women Victims of Violence* stipulates the standards and procedures to be implemented when providing healthcare services to women victims of violence. It regulates the conduct of employees in healthcare institutions for detecting, documenting and treating women victims of violence.

It establishes clear good practice guidelines to provide healthcare services to women survivors of violence, which include various activities with the following aim: to create conditions for the victim to speak about violence she is suffering or she has suffered; to ensure confidentiality of information and protection of privacy; to allow the adequate response to the urgent needs of the woman exposed to violence; to document violence; to adequately perform the risk assessment of the situation in which the victim currently is; to create conditions for a multi-disciplinary approach to domestic violence; and to enable the woman to access information and institutions dealing with domestic violence.

The protocol establishes the principles of working with victims: to respect confidentiality; to respect the woman's autonomy in decision making; to trust what the woman is saying from her experience; to accept the woman's feelings; to listen without providing advice and ready-made solutions; to provide support and participate in planning of the future; to provide clear information about what can be obtained from experts or institutions; not to diminish the importance of violence; not to ignore violence; and not to avoid talking about abuse.

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<sup>70</sup> Official Gazette of the Republic of Serbia, No. 42/2013

<sup>71</sup> Article 58 of the Rulebook on Detailed Conditions and Standards for Provision of Social Welfare Services Law on Social Welfare

The Protocol establishes instructions for treatment of health-related consequences of violence. This includes assessing the effects of abuse to physical and mental health of the woman, examining current, recent and old injuries, drafting detailed medical documentation, treating injuries and other difficulties, and providing information about support services for women survivors of violence, regardless of whether a woman wants to address them at the moment. The Protocol offers a uniform form for documenting violence, instructions for risk assessment, and a selection of measures to be recommended.

There is no data about the number of women victims of violence who received assistance in healthcare institutions during the reporting period. The record-keeping system was established in 2016. There is data on registered cases of violence in the healthcare system and indicators of information exchange between the state authorities and services. Please see Table 8. Data on categories of women victims of violence and their geographic location is also collected. Please see Charts 1-5.

The provisions of the new the Law on the Prevention of Domestic Violence foresee the drafting of individual plans for protection and support, adopted by the group for coordination and cooperation within the basic public prosecutor's office. An individual plan establishes support measures aiming to allow the victim to receive psychosocial, healthcare and other support with the aim of recovery, empowerment and independent living<sup>72</sup>.

## **C. Information and assistance to access protection mechanisms at regional and international level**

Information about the conditions to address the European Court of Human Rights has been made available to the public via websites of judicial authorities and other bodies.

On the website of the Ministry of Justice, there are detailed instructions on filing a petition to the European Court of Human Rights, including the form of the petition, the form of letter of attorney, the court address, the information about the proceeding before the court, etc. In addition, on the website there are translations of verdicts of the European Court of Human Rights issued against Serbia and other states. The website of the Supreme Court of Cassation of Serbia allows the search of verdicts of the European Court of Human Rights. Furthermore, the website of the Commissioner for Protection of Equality publishes the verdicts of European Court of Human Rights related to discrimination cases.

Electronic and printed media often inform the public about the successfully concluded proceedings before the European Court of Human Rights, and many NGOs dealing with protection of human rights do the same. The Ombudsman informs citizens about the possibility to initiate a proceeding before the European Court of Human Rights and other international bodies. On their websites, organisations dealing with protection of human rights and women's rights publish information about the ways to address international bodies, such as the UN CEDAW Committee, the UN Human Rights Committee, etc.

The state authorities did not organise the provision of legal aid to persons who want to access the regional and international protection mechanisms. Such assistance is provided by lawyers, CSOs, and clinics at the faculties of law.

## **D. Specialised support services**

On the territory of Serbia, there are 15 safe houses/shelters out of which five are in the Autonomous Province of Vojvodina. Here is the list of safe houses with information about the institutions or organisations coordinating their work and accommodation capacity, if such information is known:

- Safe house in Novi Sad, Centre for Social Welfare, Novi Sad (25 beds)
- Shelter for victims of domestic violence in Kragujevac, Centre for Development of Social Services "Kneginja Ljubica" Kragujevac (12 beds)
- Safe house for women in Zrenjanin, Centre for Social Welfare in Zrenjanin (20 beds)

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<sup>72</sup> Article 31, paragraph 3.

- Counselling Centre against Domestic Violence in Belgrade - three safe houses, Counselling Centre against Domestic Violence in Belgrade (85 beds)
- Shelter for emergency cases in Vlasotince, SOS hotline for women and children victims of violence in Vlasotince
- Safe house in Jagodina, Centre for Social Welfare in Jagodina
- Safe house in Sombor, Centre for Social Welfare in Sombor (22 beds)
- Safe house for women and children victims of domestic violence in Niš, Centre for Social Welfare in Niš
- Safe house in Pančevo, Centre for Social Welfare in Pančevo (25 beds)
- Shelter for women and children victims of violence in Leskovac, Centre for Social Welfare in Leskovac (12 beds)
- Safe house in Šabac, Centre for Social Welfare in Šabac
- Safe house in Priboj, Centre for Social Welfare in Priboj
- Safe house in Smederevo, Centre for Social Welfare in Smederevo
- Safe house in Vranje, Centre for Development of Local Social Welfare Services in Vranje (25 beds)
- Safe house in Sremska Mitrovica, Centre for Social Welfare in Sremska Mitrovica (opened in 2016)

The *Rulebook on Licensing of Social Welfare Organisations*<sup>73</sup> establishes the standards for licensing of all social welfare service providers, including safe houses/shelters. According to data of the Republic Institute for Social Welfare, by the end of 2016, four safe houses/shelters for victims of domestic violence were licensed - three from the state sector, and one from the civil sector, while other safe houses still don't have their working licence.

For the period 2014-2015, there is no aggregated data on the accommodation capacities of safe houses/shelters, or on the number of hired staff. Also, there is no data on the number of beneficiaries of safe house services. The only data that the Republic Institute for Social Welfare has is that in 2016, in licensed safe houses and shelters, there were 40 employees, out of whom three volunteers, while the accommodation was provided to 166 women and 72 children. According to data of the Counselling Centre against Domestic Violence in Belgrade in 2014, safe house services were used by 106 women and 98 children, while in 2015 - 118 women and 129 children.

Working with women in safe houses includes psychosocial support, individual and group counselling sessions, training and creative workshops, sports and recreational workshops, field trips, visits to centres for culture and entertainment, visits to events, and activities for helping the integration into the wide and narrow social community. Some safe houses provide free legal aid for women. Members of professional teams in safe houses/shelters are trained to work with victims of domestic violence and have experience in providing support to victims of domestic violence. The level of furnishing and equipment in safe houses varies, and accommodation in all safe houses is free. Safe house services are funded from local budgets and via donations.

Safe houses are accessible to women with disabilities and they are available 24/7. When providing support to victims, safe houses achieve a good level of coordination with the competent authorities: police, prosecutor's offices, courts and centres for social welfare.

In the reporting period, there were no special services for victims of sexual violence and there were no established procedures for treatment of victims of rape. Within the project "*Stop - Protect - Help*"<sup>74</sup> of the Provincial Secretariat for Healthcare, funded by the UN Trust Fund on the territory of Vojvodina, in seven healthcare institutions (the Clinical Centre of Vojvodina and six general hospitals), there are pilot centres for victims of sexual violence. In these centres, services are available 24 hours per day, seven days per week, 365 days per year. The centres act in line with the instructions provided by the Special Protocol of the Ministry of Health for The Protection and Treatment of Women Victims of Violence, as well as in the special Manual for Treatment of Cases of Sexual Violence in Centres for Victims of Sexual Violence in Vojvodina, which was created as part of this project. One advisor and one advisor-coordinator are hired to provide legal and psychosocial assistance services to victims of sexual violence and coordinate their work with other sectors. Their work is financed by project funds. The services are provided to girls and women older than 15 years,

<sup>73</sup> Official Gazette of the Republic of Serbia, No. 42/2013

<sup>74</sup> Please visit: <http://projekti.zdravstvo.vojvodina.gov.rs/o-projektu/>

and they are completely free. In 2016, four women used the services of the Centre, while in 2017, this number stood at 58 women.

For women migrants on the so-called Balkan Route for refugees, there is a Woman's Corner organised, with the support of UN Agencies and USAID, providing medical services, psychosocial support, creating workshops, language courses, programming lessons, etc.

Aiming to support the development of specialized services in local communities, the Commissioner for Protection of Equality recommended measures for 19 towns and municipalities in Serbia<sup>75</sup>. The Commissioner recommends providing financial support to the work of specialized CSOs that offer services to women survivors on the territories of these municipalities, in line with the municipalities' competences and available budgetary funds.

## E. SOS hotlines

At the level of the state, no national hotline for women victims of violence has been established yet, in a way that meets the standards of the Convention in terms of accessibility, anonymity and other criteria. The Ministry of Interior does have a free phone number to report domestic violence (0800100600). It is possible to report all forms of domestic violence, irrespective of gender and age of victims and perpetrators.

In the Autonomous Province of Vojvodina, there is a unique SOS hotline for Vojvodina (0800101010) since 2012, operated by an alliance of associations – the SOS Vojvodina Network. The associations are located on the entire territory of Vojvodina, so each association receives the phone calls from the nearest municipality, and if the phone line is busy, the call is referred to the next nearest available association. The Autonomous Province of Vojvodina allocates the funds for the work of this SOS hotline. Among the member NGOs, there are associations providing support to women with disabilities and Romani women, as well as in minority languages. The hotline is available during the working week from 10AM to 8PM.

According to data of the Women against Violence Network, a coalition of women's NGOs dealing with GBV on the territory of Serbia, there are 22 SOS hotlines for women survivors, operated by women's NGOs with long-term experience and expertise in the field. Among them, there are two SOS hotlines specialised for victims of human trafficking, four specialised for women with disabilities, and three available in national minority languages. The services provided via SOS hotlines include informing women about their rights and options for protection from violence, counselling and referral, psychological support and legal counselling. Not all SOS hotlines operated by NGOs are continuously available - this depends on NGOs' capacity. Only one NGO has 24/7 shifts on the SOS hotline<sup>76</sup>.

The SOS hotline services are also provided by centres for social welfare in municipalities, as well as by a few women's NGOs that are not members of the Network. However there is no uniform database about the number of providers of SOS hotline services.

In the majority of municipalities, there is no data if the municipalities allocate any funds for the work of local SOS hotlines operated by women's NGOs, or if they do, how much. The majority of SOS hotlines face serious challenges in terms of sustainability of financing.

In late 2015, the *Rulebook on Detailed Conditions and Standards for Providing SOS Hotline Services for Women Survivors of Violence* was adopted<sup>77</sup>. It elaborates the detailed conditions and minimal standards for providing SOS hotline services for women survivors of GBV, in terms of counselling and therapeutic, social, and educational services foreseen by the Law on Social Welfare. The Rulebook establishes the working principles of SOS hotlines: 1) safety,

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<sup>75</sup> Niš, Kruševac, Leskovac, Kragujevac, Kraljevo, Vlasotince, Vranje, Kikinda, Novi Bečej, Smederevska Palanka, Novi Sad, Vršac, Novi Pazar, Bačka Topola, Savski Venac, Stari Grad, Novi Beograd, Vračar and Palilula

<sup>76</sup> Please visit: <https://www.zeneprotivnasilja.net/o-nama/spisak-organizacija>

<sup>77</sup> Official Gazette of the Republic of Serbia, No. 93/2015

security and human dignity; 2) confidentiality; 3) trusting the victim and reaffirming that the perpetrator is the sole responsible; 4) empowerment; 5) special knowledge and skills; 6) respecting diversity and equal access; 7) protection and support; 8) participation and consultations; 9) coordinated response to violence; 10) management and accountability; 11) promotion of tolerance; and 12) unconditional support. The Rulebook also stipulates activities that the SOS hotline operators can undertake, including enabling access to community resources, contacting institutions with the aim to assure protection and support in situations of acute violence, etc. The possibility of mediation is explicitly prohibited.

According to data of Ministry of Social Affairs, three NGOs received the licence for providing SOS hotline services at the national level: Counselling Centre against Domestic Violence, Belgrade, Alliance of associations SOS Vojvodina Network, Novi Sad, and Association of Romani Women "Sunrise", Niš.

## **F. Support to children**

When providing support services to victims of domestic violence in families with children who have witnessed the violence, the General Protocol foresees that it is necessary and mandatory to take into consideration the children's rights and needs. The notion of "child witness" is defined both as a child who directly witnesses an act of violence in the family and a child that was indirectly exposed to violence.

The measures stipulated by the General Protocol on Protection of Children from Abuse and Neglect (2005) also apply to children witnesses of violence. This Protocol establishes steps and procedures to provide protection and support to children. The leading role in providing protection and support to children is played by the case manager in the centre for social welfare, who performs an assessment of whether the child is threatened, by identifying the risks, establishing if there is a serious danger to the child's health and development, and the recommends the services and protective measures to be provided to the child and the non-violent parent. If needed, the case manager organises a consultation meeting with the representatives of relevant authorities and services to exchange information and agree about further measures and activities to protect and support the child. Such consultative meeting results in drafting of the *Child Protection Plan* which specifies who will do what and when, appointing the persons responsible for plan implementation and establishing the monitoring method for outcomes of planned measures and activities. One of the measures is psychosocial counselling adapted to the child's age.

All services provided to children witnesses must be implemented in line with their best interest, which is one of the fundamental principles of working with children.

As for children who bear testimony in court proceedings, there are special rules to assure their protection from secondary victimisation (more on that in Chapter V).

## **V. Substantial criminal law**

### **A. Legal framework**

The legal framework for implementing the Convention consists of the Constitution of the Republic of Serbia<sup>78</sup> and a range of laws. The Constitution of the Republic of Serbia guarantees the sacredness of human dignity and the right on life, the inviolability of physical and psychological integrity, the personal freedom and security, and other human rights. The Constitution grants the right on court protection for all, in case of violation or denial of guaranteed rights, as well as the right on remedying the consequences resulting from such violations.

The Criminal Code from 2005 lists numerous criminal offences that protect the physical, psychological and/or sexual integrity of a person, which are in line with the provisions of the Convention. The *Law on Criminal Procedure* from 2011

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<sup>78</sup> Official Gazette of the Republic of Serbia, No. 98/2006

and the *Law on Police* from 2018<sup>79</sup> are relevant for processing of the criminal offences included in the Convention, but if the victim or the perpetrator is a child, the *Law on Minor Perpetrators of Criminal Offences and Criminal Legal Protection of Minors* from 2005 and the *Law on Enforcement of Criminal Sanctions* from 2014 are applied. The Law on Enforcement of Criminal Sanctions regulates the procedure of criminal sanctions and misdemeanour sanctions against adults, as well as the seizure of proceeds of crime and the implementation of detention measures. The *Law on Public Peace and Order*<sup>80</sup> regulates misdemeanours, sanctioning certain forms of psychological and physical violence. The *Law on Misdemeanours* from 2013 regulates the misdemeanour procedure and ruling of protective measures in cases of violence categorised as misdemeanour.

The *Family Code* from 2005 provides a definition of domestic violence, stipulates the protective measures from domestic violence, and regulates the special court proceeding for the ruling of protective measures. The *Law on Prohibition of Discrimination* from 2009 regulates the protection from gender-based harassment, degrading treatment, hate speech and other forms of gender-based discrimination, as well as the court proceedings in these legal matters. The Law on Gender Equality regulates gender-based discrimination, stipulates the special measures for achieving gender equality and governs the special court proceeding for providing civic legal protection from gender-based discrimination. The *Labour Law* from 2005 prohibits sexual harassment and all forms of gender-based discrimination in employment and in the workplace. The *Law on Prohibition of Harassment in the Workplace* foresees the legal protection from harassment in the workplace, which includes sexual harassment. The *Law on Torts and Contracts* from 1978 governs the compensation for damage suffered in cases of violation of integrity of one's personal life, family life and other personal rights, which includes compensation for material and non-material damage.

The *Law on Litigation Procedure* (2011) regulates the general litigation procedure, and its provisions are accordingly applied to proceedings offering civic legal protection from domestic violence, harassment in the workplace, sexual harassment and other forms of gender-based harassment. The *Law on the Enforcement and Security Procedure* from 2015 regulates the forced implementation of decisions of civic courts.

The *Law on Foreigners* (2018) regulates the conditions for entry, movement, stay and return of foreigners, and the *Law on Asylum* (2018) regulates the status, rights and obligations of asylum seekers and persons whose right on asylum and temporary protection was approved.

The *Law on Social Welfare* (2011) regulates the provision of psychosocial support to victims of violence.

When the Convention was ratified, in order to assure its implementation, in 2016 the new Law on the Prevention of Domestic Violence was adopted, which entered into force on June 1<sup>st</sup>, 2017. This Law regulates the organisation and conduct of state authorities and institutions, as to secure the effective prevention of domestic violence, and the provision of urgent, timely and effective protection and support to its victims. This Law applies to all cases of domestic violence of which the definition was transposed from the Convention, as well as to all criminal offences of GBV which are explicitly listed in the Law on the Prevention of Domestic Violence<sup>81</sup>.

In the aim to harmonise the domestic legislation with the Convention standards, in 2016 the Criminal Code was amended. New criminal offences were introduced: *stalking* (Article 83a of the Criminal Code); *forced marriage* (Article 187a of the

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<sup>79</sup> Official Gazette of the Republic of Serbia, No. 6/2016 and 24/2018

<sup>80</sup> Official Gazette of the Republic of Serbia, No. 6/2016 and 24/2018

<sup>81</sup> 1) Stalking (Article 83a of the Criminal Code); 2) rape (Article 178 of the Criminal Code); 3) sexual intercourse with a helpless person (Article of 179 the Criminal Code); 4) sexual intercourse with a child (Article 180 of the Criminal Code); 5) sexual intercourse through abuse of a position (Article 181 of the Criminal Code); 6) prohibited sexual acts (Article 182 of the Criminal Code); 7) sexual harassment (Article 182a of the Criminal Code); 8) pimping and procuring (Article 183 of the Criminal Code); 9) mediation in prostitution (Article 184 of the Criminal Code); 10) showing, procuring, and possession of juvenile pornography (Article 185 of the Criminal Code); 11) inducing a minor to attend sexual acts (Article 185 of the Criminal Code); 12) neglecting and abusing a minor (Article 193 of the Criminal Code); 13) domestic violence (Article 194 of the Criminal Code); 14) failure to provide maintenance (Article 195 of the Criminal Code); 15) violation of family duty (Article 196 of the Criminal Code); 16) incest (Article 197 of the Criminal Code); 17) human trafficking (Article 388 of the Criminal Code); and 18) other criminal offences if they result from domestic violence. The Law does not apply to minors who commit domestic violence.



Criminal Code); *genital mutilation of women* (Article 121a of the Criminal Code); and *sexual harassment* (Article 182a of the Criminal Code). To harmonise the legislation with Articles 36 and 40 of the Convention, the prison sentences were increased for a certain number of crimes in the category sexual offences. Corresponding to Article 36, paragraph 3 of the Convention, mandatory *ex officio* prosecution of crimes in the category of sexual offences was introduced. The procedure is initiated by the public prosecutor, even if the victim of such crime was a marital spouse. Furthermore, corresponding to Article 53 of the convention, a new criminal offence was introduced: violation of a *restraining order* (Article 340a of the Criminal Code).

In the Appendix, you can find excerpts from the relevant laws.

## **B. Guidelines for implementing regulations**

The General Protocol (2011) regulates the conduct and collaboration between institutions in the prevention of violence and providing protection to victims. The General Protocol establishes the multi-sectoral system for protection and support for women victims of violence, in order to assure the victim's safety and establish the perpetrator's accountability. Along with the general protocol there are sectoral special protocols:

The *Special Protocol of the Ministry of Labour, Employment and Social Policy* (2013) structures the internal procedures implemented by centres for social welfare, with the aim to immediately put a stop to violence, prevent its repetition, assure the victim's safety, and meet her basic living needs, as well as to empower the victim and allow her to take responsibility for the quality of her own violence-free life, with or without support. The Special Protocol also regulates the establishing of internal teams within centres for social welfare, and defines the coordination role of centres in local communities. In its coordination role, when providing protection to victims of domestic violence, in some cases the centre for social welfare shall involve other stakeholders in the local community, with the aim to provide all kinds of help and support that the victim needs. This task is performed by the aforementioned internal teams in centres for social welfare, which are specialised for working with victims of domestic violence. The instructions for the work of internal teams are provided in the *Manual for Organisation and Conduct of Internal Teams in Centres for Social Welfare to Protect Victims of Violence in Family and Intimate Partner Relationships* published by the Republic Institute for Social Welfare (2014)<sup>82</sup>.

The *Special Protocol of the Ministry of Interior* regulates the conduct of police officers in cases of domestic violence, upon being informed about such violence, with the aim to protect the victim's safety. It also standardises the specialisation training for police officers who act in such cases, directs the victims' referral in the protection system, sets forth the cooperation with other competent institutions, regulates the implementation and monitoring of the Protocol, and foresees the manner of records keeping on domestic violence cases.

The *Special Protocol of the Ministry of Health* is aimed at medical professionals at all levels of healthcare services. It defines procedures and roles of medical professionals in cases of domestic violence against women. The Protocol identifies prevention and intervention activities that medical professionals must undertake in order to adequately respond to cases of domestic violence, including good practice examples in providing healthcare services to women survivors of violence. There were trainings on Protocol implementation for medical professionals in healthcare institutions.

The *Special Protocol for the Judiciary* (2014) governs the conduct of courts and public prosecutor's offices (the judicial authorities) in cases of domestic violence, while respecting the independence of the court branch of power and the legislation. It makes it mandatory for the judicial authorities to act with "special regard" in cases of domestic violence. It also defines the obligation of judicial authorities to work on informing and educating all judicial officials on domestic violence issues, through cooperation with other protection stakeholders and trainings organised by the Judicial Academy. Furthermore, it establishes the obligation of the judicial authorities to keep statistical records on cases of domestic violence, as well as to issue instructions for the judicial professionals, with the purpose of providing them with basic knowledge about the phenomenon of violence against women in family and intimate partner relations.

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<sup>82</sup> Available at: <http://www.zavodsz.gov.rs/PDF/PRIRUCNIK%20IT%20Nasilje.pdf>

To implement the General and the Special Protocols and to improve the efficiency of coordinated actions of institutions in the area of prevention and protection from domestic violence, the so-called *local networks for countering domestic violence* were established in local communities, involving judiciary authorities and other state bodies, as well as social, educational and healthcare institutions. The work of these local networks is based on the agreement of inter-sectoral cooperation between authorities and institutions, and in many of these arrangements, women's organisations that provide help and support to victims are featured as partners. The agreements regulate the joint principles and conduct in cases of domestic violence<sup>83</sup>.

Upon the adoption of the Law on the Prevention of Domestic Violence, groups for coordination and cooperation were formed in every basic prosecutor's office. Members, manner of work and other issues related to these groups are regulated by a special Rules of Procedure (2016), while the rights and obligations of competent authorities and the manner of cooperation are defined by the *Rulebook on Cooperation*<sup>84</sup>.

In every police administration, there are appointed police officers who have completed the specialised gender sensitive training for conduct in cases of violence, and in every public prosecutor's office, there are deputy public prosecutors who have completed the specialised training to perform the tasks related to prevention of domestic violence and prosecution of GBV perpetrators<sup>85</sup>. In general and misdemeanour courts, there are appointed judges who have completed the specialised training for conduct in cases of domestic violence and other criminal offences included in the Law on the Prevention of Domestic Violence<sup>86</sup>. In each centre for social welfare, the head of centre appoints an expert team among the employees to assist in prevention of domestic violence, and provide support to victims<sup>87</sup>. In each police administration<sup>88</sup>, basic and higher public prosecutor's office, basic and higher court and centre for social welfare, there are appointed liaison officers who exchange information and data important for prevention of domestic violence and GBV crimes, as well as for detection, prosecution and trial for perpetrators and providing support and protection to victims<sup>89</sup>.

On May 20<sup>th</sup> 2015, the Republic Prosecutor issued the mandatory *Instruction O No. 2/15* in which all basic and higher public prosecutor's offices in the Republic of Serbia were ordered to appoint one public prosecutor official as the focal point competent for work, monitoring and cooperation with other competent institutions and authorities in relation to criminal offences of sexual nature and against marriage and family. In addition, on December 22<sup>nd</sup> 2015, the Republic Prosecutor issued the *Instruction A No. 802/15* which regulates the keeping of special records on domestic violence crimes from Article 194 of the Criminal Code. The special records are to be kept in appellate, basic and higher public prosecutor's offices, for cases that require urgent procedure. It is stipulated that the special records must contain data about the perpetrator, the victim, the criminal offence, the undertaken measures and the decisions issued by the public prosecutor's offices and courts, whereas for criminal offences motivated by hate (Article 54a of the Criminal Code) records must state the reason for committing the crime. In order to raise effectiveness and achieve uniformity in the work of public prosecutors in implementation of the new Law on the Prevention of Domestic Violence, on May 30<sup>th</sup> 2017 the Republic Prosecutor issued the *General Mandatory Instruction on Establishing of Coordination and Cooperation Groups and Manners for Data Collection and Submission Concerning the Law Implementation*<sup>90</sup>.

In 2017, the Ministry of Social Affairs issued the *Instruction for Performance of Duties of Centres for Social Welfare in the Implementation of the Law on the Prevention of Domestic Violence*<sup>91</sup>. The Ministry of Interior created the *Instrument*

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<sup>83</sup> All agreements have similar contents, mostly defining the joint principles of action, as well as methods for coordination, exchanging information, data collection, etc.

<sup>84</sup> Article 27 of the Law on the Prevention of Domestic Violence

<sup>85</sup> Article 9 of the Law on the Prevention of Domestic Violence

<sup>86</sup> Article 10 of the Law on the Prevention of Domestic Violence

<sup>87</sup> Article 11 of the Law on the Prevention of Domestic Violence

<sup>88</sup> In Serbia, there are 27 territorially organised police administrations.

<sup>89</sup> Article 24 of the Law on the Prevention of Domestic Violence

<sup>90</sup> Republic Prosecutor's Office, *O No. 2/15* from May 30<sup>th</sup>, 2017

<sup>91</sup> Please visit: <http://www.pravniportal.com/obavezujuce-uputstvo-o-realizaciji-obaveza-centara-za-socijalni-rad-u-primeni-zakona-osprecavanju-nasilja/>

for *Risk Assessment in Cases of Domestic Violence* which contains a risk checklist. In cooperation with the NGO Autonomous Women's Centre, the Ministry of Justice drafted the gender sensitive *Guidelines for Action of Public Prosecutors, Police Officers and Centres for Social Welfare Employees* in cases of domestic violence, aiming to establish a comprehensive cooperation that will result in timely and efficient protection from domestic violence. The *Working Group for Elimination of Violence against Women* was established within the Ministry of Interior<sup>92</sup> whose work should, among other things, contribute to establishing a stronger cooperation between the Ministry and the specialised women's NGOs that provide services to women survivors of violence.

## C. Legal remedies

### *Legal remedies against perpetrators*

Victims<sup>93</sup> of criminal offences included in the Convention, which are prosecuted *ex officio*, have the right to join the criminal procedure as the injured person and submit their property and legal motions (more details in Section D). A victim is entitled to present facts, propose evidence of importance for proving the claim, be notified of the dismissal of the criminal charges or abandonment of criminal prosecution by the public prosecutor, attend the preparatory hearing, attend the trial, be notified about the outcome of the proceedings, be served the final judgement, etc<sup>94</sup>. If, after the indictment is confirmed, the public prosecutor dismisses charges, the victim has the right to assume criminal prosecution<sup>95</sup>. The victim has to be notified by the court about this.

For criminal offences included in the Convention that the public prosecutor is prosecuting upon the victim's initiative, the victim may press charges within three months from the date of learning about the criminal offence and the suspect<sup>96</sup>. On the other hand, for criminal offences that are prosecuted on the basis of a private lawsuit, the victim herself, as the injured party, is the private prosecutor representing the indictment<sup>97</sup>.

The Family Code grants every family member the right to protection from domestic violence<sup>98</sup>. The legal definition of domestic violence includes all forms of physical, psychological, sexual and economic violence, i.e. every type of behaviour which endangers the fundamental values of a human being: physical integrity, mental health or tranquillity. Members of the family are: spouses or former spouses, children, parents and other blood relatives, in-law or adoptive relatives, and persons related by foster care, persons who live or have lived in the same family household, common law marriage partners or former common law marriage partners, persons who have been or still are in a mutual emotional or sexual relationship, or have a common child, or the child is to be born, although they have never lived in the same family household<sup>99</sup>.

The following protective measures can be required from the court<sup>100</sup>: 1) the issuance of a warrant for eviction from a family apartment or house, regardless of a right to property or a lease to immovable property; 2) the issuance of a warrant for moving into a family apartment or house, regardless of a right to property or a lease to immovable property; 3) prohibition of getting closer to a family member than a certain distance; 4) prohibition of access to the vicinity of the place of residence or workplace of a family member; and 5) prohibition of further molestation of a family member. These measures can also be required by the public prosecutor and the centre for social welfare as part of the lawsuit. There are no limitations in terms of the number of measures that can be required, and the court is not limited only to the prosecutor's

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<sup>92</sup> Please visit: <https://www.paragraf.rs/dnevne-vesti/190717/190717-vest9.html>

<sup>93</sup> In the Serbian legislation on criminal procedures, instead of using "victim", the expression "injured party" is used, which is defined as a person whose personal or property right has been violated or jeopardised by a criminal offence (Article 2, paragraph 1, item 11 of the Law on Criminal Procedure).

<sup>94</sup> Article 50 of the Law on Criminal Procedure.

<sup>95</sup> Article 52 of the Law on Criminal Procedure.

<sup>96</sup> Article 53 of the Law on Criminal Procedure.

<sup>97</sup> Article 64 of the Law on Criminal Procedure.

<sup>98</sup> Article 10 of the Family Code.

<sup>99</sup> Article 197, paragraph 3 of the Family Code.

<sup>100</sup> Article 198, paragraph 2 of the Family Code.

request, so it can order protective measures that were not required by the prosecutor if it assesses that they shall provide additional protection. Protective measures may not last longer than one year, but there is no limitation to the number of times they can be prolonged, as long as the need for protection exists.

According to the Family Code, the parties are entitled to require protective measures against domestic violence in divorce and matrimonial disputes<sup>101</sup>, in maternity and paternity disputes<sup>102</sup>, in disputes over the protection of child's rights, in disputes over the exercise of parental rights and in disputes over deprivation and restitution of parental rights<sup>103</sup>. As part of proceedings in these disputes, the court may *ex officio* order protective measures against domestic violence for a child or an adult family member, if it establishes that there is need for legal protection.

In case of failure to meet the court decision ordering protective measures on voluntary basis, the victim may initiate the procedure for involuntary enforcement of the court decision, implemented in line with the Law on Enforcement and Security. If the perpetrator violates the protective measures ordered by the court, the victim may press criminal charges, because violation of protective measures is criminalised by the Criminal Code as a separate criminal offence (Article, 194, paragraph 5), for which the prison sentence is between three months and three years, and there is a fine to pay.

In cases of sexual harassment in the workplace, victims may require the court protection foreseen by the Law on the Prevention of Harassment at the Workplace, such as: 1) establishing that the victim was indeed harassed; 2) prohibition of further harassment or repetition of harassment; 3) undertaking measures to remedy the consequences of the harassment; 4) compensation of material and non-material damage; and 5) publishing the verdict in the media<sup>104</sup>.

According to the Law on Prohibition of Discrimination and the Law on Gender Equality, victims of any form of discrimination regulated by these laws, including harassment, degrading treatment and other forms of discrimination, may initiate a lawsuit against the perpetrator and submit the following requests: 1) to prohibit any activity that poses the threat of discrimination, to prohibit the further proceeding with a discriminatory activity, or to prohibit the repetition of a discriminatory activity; 2) to have the court establish that the defendant has committed discrimination; 3) to take steps to redress the consequences of discriminatory treatment; 4) to receive compensation for material and non-material damage; and 5) to publish the verdict<sup>105</sup>.

In cases of gender-based sexual harassment and degrading treatment, the victim can file a complaint against the perpetrator to the Commissioner for Protection of Equality which is a specialised independent body examining if there was discrimination and issuing recommendations and measures to remedy the violation of rights<sup>106</sup>.

In cases of domestic violence, gender-based harassment, sexual harassment and other forms of gender-based discrimination, the victim may ask the court to issue temporary measures, which the court may also impose *ex officio*<sup>107</sup>. Before, during and after the proceeding, it is possible to require temporary measures, until the moment of enforced performance of the court decision.

### *Legal remedies against state authorities*

In cases where state authorities fail to meet their obligation to undertake the necessary preventive or protective measures within their competences, the victim has the right to receive compensation for material and non-material damage suffered. This right is guaranteed by the Constitution<sup>108</sup>. The Law on Contracts and Torts foresees that each legal entity, including

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<sup>101</sup> Article 226, paragraph 3 of the Family Code

<sup>102</sup> Article 260, paragraph 3 of the Family Code

<sup>103</sup> Article 273, paragraph 3 of the Family Code

<sup>104</sup> Article 30 of the Law on the Prevention of Harassment in the Workplace.

<sup>105</sup> Article 43 of the Law on Prohibition of Discrimination, and Article 43 of the Law on Gender Equality.

<sup>106</sup> Article 33 of the Law on Prohibition of Discrimination.

<sup>107</sup> Article 447-460, Article 44 of the Law on Prohibition of Discrimination and Article 50 of the Law on Gender Equality.

<sup>108</sup> Article 35, paragraph 2 of the Constitution of Serbia

the state, the Autonomous Province, and the local self-governments, is liable for damage that its authorities cause to a third party in performing or in connection to performing its duties<sup>109</sup> (Article 172, paragraph 1).

If there were oversights in the work of police officers, the victim has the possibility to file a lawsuit and ask the state to pay compensation<sup>110</sup>. If it is proven that the damage was caused deliberately or due to gross negligence during the performance of duties and tasks, or that a police officer acted contrary to regulations on the manner of performing police duties and other tasks, the police officer is the one liable. If the failure to implement the necessary preventive or protective measures results from oversight in the work of a judge, the victim has the right to ask for compensation from the state<sup>111</sup>.

The victim can file a complaint to the Ombudsman for oversights of competent public administration authorities to prevent and provide protection from violence. The Ombudsman establishes the oversights and imposes measures and recommendations to remedy the violation of rights. The victims may file a constitutional complaint if the judicial and other state authorities violated the human rights guaranteed by the Constitution in their legal acts or in their actions. If the Constitutional Court establishes that the violation did occur, it can order other measures or activities to remedy the harmful consequences of the established violation, and it can define the way to reach a fair settlement, whereas if the victim asked for compensation for material and non-material compensation, the Court can approve this request and order the authority in question to pay compensation<sup>112</sup>.

In official records, there is data on the number of court procedures for protection from domestic violence. Please see Table 9.

There is no data about the number of court proceedings for protection from sexual harassment and discrimination.

## **D. Compensation of damage**

### *Compensation paid by the perpetrator*

Victims of violent offences included in the Convention have the right to receive protection from perpetrators, as the Law on Contracts and Torts stipulates for cases of violation of individual rights<sup>113</sup>. If the offence resulted in bodily harm or health impairment, the victim may ask the perpetrator to compensate the costs of treatment and other related costs, as well as to pay for earnings lost due to inability to work during treatment<sup>114</sup>. If the offence resulted in death of a person, the heirs the right to receive compensation for material and non-material damage suffered.

A person being induced to unlawful intercourse or lewd act by deceit, force or misuse of a relationship of subordination or dependence, as well as a person being a victim of some other criminal offence in violation of personal dignity and morale, shall be entitled to equitable damages for mental anguish suffered<sup>115</sup>.

Victims of the criminal offences included in the Convention may receive compensation by filing a property legal request against the perpetrator during the criminal procedure or in a separate lawsuit.

The injured party is the one who has the opportunity to receive the compensation of damage in a criminal procedure<sup>116</sup>, and that is every person whose individual or property right was violated or endangered by a criminal offence<sup>117</sup>, which opens the opportunity not only for direct victims of crime to ask for compensation, but also the indirect victims. The victim does not pay for the costs of the procedure. The criminal court decides on property legal request if it assesses that it

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<sup>109</sup> Article 172 of the Law on Contracts and Torts

<sup>110</sup> Article 218 of the Law on Police

<sup>111</sup> Article 6 of the Law on Judges

<sup>112</sup> Article 89 of the Law on Constitutional Court

<sup>113</sup> Article 155 of the Law on Contracts and Torts

<sup>114</sup> Article 195 of the Law on Contracts and Torts

<sup>115</sup> Article 202 of the Law on Contracts and Torts

<sup>116</sup> Article 252 of the Law on Criminal Procedure

<sup>117</sup> Article 2, paragraph 1, item 11 of the Law on Criminal Procedure

will not substantially prolong the criminal procedure. If the data from the criminal procedure do not provide reliable grounds to rule a judgement on the property legal request, the court shall refer the victim to file a lawsuit for compensation of damage<sup>118</sup>.

There is no reliable data about the number of criminal procedures in which the victims of violence received the compensation of damage, but in practice the courts usually refer the victims to file lawsuits for compensation of damage, which additionally complicates the victims' position, since these lawsuits come with high costs and may last long. In such lawsuits, the victim must cover the costs of the procedure in advance, and if the victim is not capable to do so, she can file a request and the court may exempt her from advanced payment of costs of the procedure, bearing in mind her property status<sup>119</sup>. A party which is exempted from the costs of the procedure has the right to ask for a free attorney. The court approves this right if it establishes that this is a necessary step to protect the rights of the party<sup>120</sup>.

In procedures for compensation of damage, the standard principle of trial in a reasonable deadline applies. If the procedure lasts too long, the victim can reach for the legal remedies stipulated by the *Law on Protection of the Right to Trial in a Reasonable Time* from 2015<sup>121</sup>. By using these remedies, the victim can accelerate the procedure and receive the compensation for non-material damage she suffered due to the violation of her right to trial in a reasonable time. The procedure for protection of the right to trial in a reasonable time is free and urgent.

There is no data about the number of lawsuits initiated for the compensation of damage.

### *Compensation paid by the state*

At the moment, in Serbia, there is no opportunity for victims of violent criminal offences to seek compensation from the state. This includes victims of violence against women and domestic violence, who have suffered serious bodily harm or health impairment. Due to the poor economic situation and the substantial deficit in the state budget, there is no national fund established for this purpose, and no budgetary funds were allocated. This is why, when ratifying the Istanbul Convention, Serbia was forced to put on hold Article 30, paragraph 2, which refers to the national fund for providing compensation of damage for grave injuries or grave health impairment resulting from criminal offences included in the Convention. For the same reason, Serbia still hasn't ratified the European Convention on Compensation of Victims of Violent Crimes which it signed in October 2010.

Data about the number of initiated procedures for compensation paid by perpetrators and by the state is not available, because it is not being collected at court, and therefore it does not exist in official court records.

## **E. Parental right and maintaining of personal relationships**

According to the Family Code, when deciding on the exercise of parental right and the child's right to maintain personal relationship with the parent that the child does not live with, the court must take into consideration all the circumstances and make a decision in line with the child's best interest<sup>122</sup>. The child's best interest is assessed in the framework of the facts and the specific context of each individual case.

The court may limit the child's right to maintain personal relationship with the parent that the child does not live with if it is in the best interest of the child, if there are reasons to deprive this parent from parental right either fully or partly, or in case of domestic violence<sup>123</sup>. Violence against the child and the child's mother is one of the relevant circumstances that the court must pay heed to when deciding on exercise of parental right and maintaining of personal relationship between the child and the violent parent.

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<sup>118</sup> Article 258, paragraph 4 of the Law on Criminal Procedure

<sup>119</sup> Article 168 of the Law on Litigation Procedure

<sup>120</sup> Article 170 of the Law on Litigation Procedure

<sup>121</sup> Official Gazette of the Republic of Serbia, No. 40/2015

<sup>122</sup> Article 266 of the Family Code

<sup>123</sup> Article 61 of the Family Code

The court may issue a decision on the exercise of parental right and maintaining of personal relationship, in which it will impose one or more protective measures against domestic violence<sup>124</sup>. If such measures are already imposed, the court may order new measures, if they are necessary to assure the safety of the victim and their children. With its decision on protective measures, the court may define such a model of seeing the child that it allows the victim to avoid contact with the perpetrator of violence if this is necessary to prevent the endangering of victim's safety.

If the assessment is that regular meet-ups between the violent parent and the child are perilous, the model of meeting children in so-called controlled conditions is applied - in centres for social welfare, under supervision by professionals. There is no precise rules on implementing this model of meet-ups, and in practice, there are certain difficulties in assessing the security risks to women and children if the perpetrator of violence is the partner, i.e. the children's father.

In Table 10 you can find data on measures that centres for social welfare have undertaken to protect children in cases of domestic violence.

## **F. Criminalisation of violence**

### *Psychological violence*

Psychological violence committed against a family member is criminalised as one of the forms of the criminal offence of domestic violence<sup>125</sup>. This criminal offence does not include only physical violence, but also verbal violence targeting the life or bodily integrity of a family member, as well as endangering security and integrity of a family member by means of harassment, cruel and ruthless behaviour, i.e. psychological violence. The Family Code recognises the right to protection from domestic violence to a wider list of parties than the Criminal Code, because the Criminal Code does not include former spouses who do not live in common household and do not have a common child, former common law partners, or parents of common law partners.

Psychological violence outside of the family context is criminalised in the Criminal Code by regulating several criminal offences.

*Criminal offence of coercion*<sup>126</sup> is defined as the use of force or threat with the aim to coerce a person to do or endure something. The prison sentence of up to three years is foreseen for the basic form of this offence. If the offence is performed in a cruel manner or by threat of murder or grievous bodily harm or abduction, the prison sentence foreseen shall last from six months to five years, and if the offence resulted in serious bodily harm or other grave consequences, the imprisonment shall last from one to ten years. If the offence resulted in death of the person, or it was committed by a group of perpetrators, the prison sentence shall last between three and twelve years, and if the offence was committed by an organised criminal group, the prison sentence shall last from five to fifteen years. This criminal offence is prosecuted *ex officio*.

*Criminal offence of ill-treatment and torture*<sup>127</sup> is defined as abuse or treatment of a person in a way that offends human dignity. The prison sentence of up to one year is foreseen for the basic form of this offence. The aggravated form of this offence entails the use of force, threat or another illicit manner to cause anguish or pain to the person with the aim to obtain information or confession from this person or another person or to intimidate this person or another person or to exert pressure on such persons or if done from motives based on any form of discrimination. There is a qualified form of this criminal offence, which entails prison sentence from six months to five years, and if the criminal offence was committed by an official in discharge of duty, the prison sentence is between three months and three years, i.e. one to eight years for the aggravated form of the offence. The offence is prosecuted *ex officio*.

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<sup>124</sup> Article 273, paragraph 3 of the Family Code

<sup>125</sup> Article 194 of the Criminal Code

<sup>126</sup> Article 135 of the Criminal Code

<sup>127</sup> Article 137 of the Criminal Code

*The criminal offence of endangerment of safety*<sup>128</sup> is defined as endangering the safety of a person by threat of attack against the life or limb of such person or another person, with the foreseen punishment of imprisonment of up to one year or a fine. The qualified form of this offence is when it is committed against several persons or if it caused anxiety of citizens or other serious consequences - in this case, the imprisonment is from three months to three years. The offence is prosecuted *ex officio*.

The criminalisation of psychological violence is achieved by defining a range of criminal offences that harm honour and reputation: the criminal offence of *insult*<sup>129</sup> with the fine between 40,000 to 200,000 RSD (333 to 1666 EUR) prosecuted in a private lawsuit; the criminal offence of *dissemination of information on personal and family life*<sup>130</sup> which entails a fine or imprisonment up to six months, and which is prosecuted in a private lawsuit; the criminal offence of *ruining the reputation on racial, religious, national or other grounds*<sup>131</sup> which entails a fine or imprisonment up to one year, and which is prosecuted *ex officio*.

Certain lighter forms of psychological violence that violate the public peace and order are criminalised as a misdemeanour regulated by the Law on Public Peace and Order - *insulting, violence, threats, or brawling*<sup>132</sup> which entail a fine between 20,000 to 100,000 RSD (160 to 830 EUR) or imprisonment between 10 and 30 days, or if the offence was committed in a group, imprisonment of 30 to 60 days.

### ***Stalking (Article 34 of the Convention)***

The amendments of the Criminal Code from 2017 criminalised stalking as a separate criminal offence<sup>133</sup> which can be perpetrated in one of the following ways: 1) by unauthorised following or stalking of another person or carrying out other acts with the aim to get physically close to that person, against the person's will; 2) by attempting to establish unsolicited contact with that person, directly, through a third person or through other communication channels; 3) by abusing personal data of another person or a person close to them with the aim of offering goods or services; 4) by arousing apprehension or fear in this person for their own safety or safety of any other person close to them; and 5) by undertaking other similar acts in a manner that can substantially jeopardise the personal life of the person who is the target of such acts. This criminal offence is punished by a fine or by imprisonment of up to three years. The definition of the slaking is harmonised with the Article 34 of the Convention and when regulating this criminal offence, it was obviously attempted achieve the principle of certainty (*lex certa*) and provide protection to victims exposed to various forms of stalking.

### ***Physical violence***

Physical violence against a family member is criminalised as a form of the criminal offence of domestic violence<sup>134</sup>, consisting of use of physical force aiming to inflict bodily harm to the victim, or jeopardise their bodily integrity without inflicting injuries. The punishment for this form of criminal offence is imprisonment from three months to three years. The aggravated form of the offence is if weapons, dangerous implements or other means were used, for which the imprisonment is from six months to five years. If the offence resulted in grave bodily harm, or grave health impairment, or if it was committed against a minor, the prison sentence is two to ten years. If it resulted in death, the perpetrator is punished by imprisonment from three to fifteen years.

Physical violence perpetrated against women outside of family is criminalised in several criminal offences: *murder*<sup>135</sup> with the prison sentence from five to fifteen years; *aggravated murder*<sup>136</sup> including murder of a family member that the

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<sup>128</sup> Article 138 of the Criminal Code

<sup>129</sup> Article 170 of the Criminal Code

<sup>130</sup> Article 172 of the Criminal Code

<sup>131</sup> Article 174 of the Criminal Code

<sup>132</sup> Article 9 of the Law on Public Peace and Order

<sup>133</sup> Article 138a of the Criminal Code

<sup>134</sup> Article 194, paragraph 1 of the Criminal Code

<sup>135</sup> Article 113 of the Criminal Code

<sup>136</sup> Article 114 of the Criminal Code



perpetrator has previously abused for which the prison sentence is from thirty to forty years; *grave bodily harm*<sup>137</sup> with the prison sentence from six months to five years, or if it resulted in grave consequences, from one to eight years; *light bodily injury*<sup>138</sup> sanctioned by a fine or imprisonment of up to one year, or if the injury was inflicted by weapons, dangerous implements or other means - imprisonment of up to three years. Certain light forms of physical violence may be qualified as a misdemeanour regulated by the Law on Public Peace and Order - *insulting, violence, threats, or brawling*<sup>139</sup>

### *Sexual violence*

The provisions of the Criminal code criminalise sexual violence in several criminal offences of sexual nature: *rape*<sup>140</sup>; *sexual intercourse with a helpless person*<sup>141</sup>; *sexual intercourse with a child*<sup>142</sup>; *sexual intercourse through abuse of a position*<sup>143</sup>; *prohibited sexual acts*<sup>144</sup>; *pimping and procuring*<sup>145</sup>; *mediation in prostitution*<sup>146</sup>; *showing, procuring, and possession of juvenile pornography*<sup>147</sup>; and *inducing a minor to attend sexual act*,<sup>148</sup> *sexual harassment ( article 182a) and Abuse of Computer Networks and Other Methods of Electronic Communication To Commit Criminal Offences Against Sexual Freedom of Minors( article 185b).*

*Rape*<sup>149</sup> is the criminal offence of forcing a person to sexual intercourse or an equal act by use of force or threat of direct attack against the body of such person, or another person. The criminal offence of rape criminalizes marital rape against current or former spouse or common law partner, because for the offence to occur the relationship between the victim and the perpetrator is irrelevant. The perpetrators and the victims of the criminal offence of rape can be both women and men. An important element of this criminal offence is *force*, which entails resisting the act, so therefore the criminal offence of rape does not occur if there is no resistance. The act of the criminal offence of rape can consist of sexual intercourse or "an equal act" (as worded in the Law) which can include any act aiming to satisfy the sexual urge, undertaken against the body of a person, including anal and oral penetration of sexual nature, by using any body parts of the perpetrator or an object. The prison sentence for rape is between five and twelve years. The lighter form of the offence is if it's committed with a threat to disclose something about the person subjected to the act or the person close to them, which would harm their honour or reputation, or with a threat of another grave evil. For this form of the criminal offence, the foreseen prison sentence is between two and ten years. The aggravated form is when rape resulted in grave bodily harm of the person subjected to the act or if the act was committed by several persons, or in a particularly cruel or degrading manner, or against a minor, or it resulted in pregnancy. This form of the offence is punished by prison from five to fifteen years. Rape resulting in death of the raped person, or committed against a child is punished with imprisonment from five to minimum ten years.

The legal definition of the criminal offence is aligned with the Convention since it criminalises all forms of sexual violence. However, rape is not any act of sexual violence that the victim did not consent to, as it is set forth by Article 35 of the Convention, but only those acts that are committed with the use of coercion, force or threat. Amendments are planned to achieve harmonisation with the Convention.

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<sup>137</sup> Article 121 of the Criminal Code

<sup>138</sup> Article 122 of the Criminal Code

<sup>139</sup> Article 9 of the Law on Public Peace and Order

<sup>140</sup> Article 178 of the Criminal Code

<sup>141</sup> Article 179 of the Criminal Code

<sup>142</sup> Article 180 of the Criminal Code

<sup>143</sup> Article 181 of the Criminal Code

<sup>144</sup> Article 182 of the Criminal Code

<sup>145</sup> Article 183 of the Criminal Code

<sup>146</sup> Article 184 of the Criminal Code

<sup>147</sup> Article 185 of the Criminal Code

<sup>148</sup> Article 185a of the Criminal Code

<sup>149</sup> Article 178 of the Criminal Code

Sexual violence is criminalised in certain criminal offences in which coercion or the victim's consent are not important elements: *sexual intercourse with a helpless person*<sup>150</sup>; *sexual intercourse with a child*<sup>151</sup>; and *sexual intercourse through abuse of a position*<sup>152</sup>. The act of committing these offences consists of sexual intercourse or any other way of satisfying the sexual urge against the body of the victim.

The criminal offence of *prohibited sexual acts*<sup>153</sup> criminalises all other acts against a person aiming to meet the sexual urge of the perpetrator which, according to adopted social values and rules, roughly violate the feeling of shame, decency and morality. Another separate criminal offence of sexual violence is *abuse of computer networks and other methods of electronic communication to commit criminal offences against sexual freedom of minors*<sup>154</sup>.

All criminal offences of sexual violence are prosecuted *ex officio*, irrespective of the relationship between the perpetrator and the victim. This applies also to rape, and other acts of sexual violence against former or current spouses or partners. In this regard, the Law is aligned with the Article 36, paragraph 3 of the Convention.

Every person older than the age of 14, irrespective of their gender, is legally competent to consent to a sexual act. Possible consent to a sexual act of a person younger than 14 does not exclude the culpability of the perpetrator.

### ***Forced marriage***

Forced marriage was criminalised in 2016 by amending the Criminal Code and introducing the criminal offence of the *forced conclusion of marriage*<sup>155</sup>. According to the legal definition, this act consists of coercion to conclude marriage by use of force or threat, and it is sanctioned with imprisonment from three months to three years. If the perpetrator took the person abroad or incited the person to go abroad in order to commit the crime, the foreseen imprisonment is up to two years. The criminal offence is prosecuted *ex officio*. The legal definition of this crime is harmonised with Article 37 of the Convention.

### ***Genital mutilation of women***

Genital mutilation of women was criminalised in 2016 by amending the Criminal Code and introducing the criminal offence of the *mutilation of female genitals*<sup>156</sup>. The act consists of mutilation of external female genitals, and the foreseen punishment is imprisonment from one to eight years. The special form of this crime is if the perpetrator abets or aids the female person to perform the act by herself, for which the imprisonment is from six months to five years. If the genital mutilation resulted in death of the woman, the perpetrator is punished by imprisonment from two to twelve years. The legal definition of this crime is harmonised with Article 37 of the Convention.

### ***Forced abortion***

Forced abortion is criminalised as the aggravated form of the criminal offence of *illegal termination of pregnancy*<sup>157</sup>. The act consists of commencing or carrying out an abortion of a pregnant woman without her consent. If it is a girl younger than 16, the act occurs if there is neither her consent not a written consent of her parent, adoptive parent or guardian. The prison sentence is between one and eight years, but if the act resulted in death, grave health impairment or another bodily harm, the imprisonment shall last from two to twelve years. The criminal offence is prosecuted *ex officio*. The legal definition of this crime is harmonised with Article 37 of the Convention.

### ***Forced sterilisation***

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<sup>150</sup> Article 179 of the Criminal Code

<sup>151</sup> Article 180 of the Criminal Code

<sup>152</sup> Article 181 of the Criminal Code

<sup>153</sup> Article 182 of the Criminal Code

<sup>154</sup> Article 185b of the Criminal Code

<sup>155</sup> Article 187a of the Criminal Code

<sup>156</sup> Article 121a of the Criminal Code

<sup>157</sup> Article 120 of the Criminal Code

Forced sterilisation is explicitly prohibited by the *Law on the Rights of Persons with Mental Disabilities*<sup>158</sup>, yet it is not a separate criminal offence, but it is the aggravated form of the criminal offence of grave bodily harm<sup>159</sup>. This form of the crime occurs when an important body part or organ is either permanently destroyed or considerably weakened.

## **G. Sexual harassment**

Sexual harassment is criminalised as a separate criminal offence<sup>160</sup> by amending the Criminal Code in 2016. The legal definition of sexual harassment is broad, including all verbal, non-verbal or physical behaviour that aims to violate or succeeds in violation of human dignity in the area of sexual life, causing fear, or resulting in hostile, degrading or offensive environment. The definition of sexual harassment is aligned with the Convention. The foreseen sanctions are a fine or imprisonment of up to six months, or if the victim was a minor, imprisonment of three months to three years. The criminal offence is prosecuted upon the victim's initiative.

## **H. Aiding and incitement**

The Criminal Code stipulates that anyone who aides another person with intent in committing a criminal offence shall be punished as prescribed by law for such criminal offence, or by a mitigated penalty<sup>161</sup>. According to the Criminal Code, aiding in commission of a criminal offence includes the following: giving instructions or advice on how to commit a criminal offence; supply of means for committing a criminal offence; creating conditions or removal of obstacles for committing a criminal offence; prior promise to conceal the commission of the offence, offender, means used in committing a criminal offence, traces of criminal offence and items gained through the commission of criminal offence<sup>162</sup>. These legal provisions allow the punishment of persons who in any way assist with intent in the commission of all crimes foreseen by Article 41, paragraph 1 of the Convention.

The Criminal Code stipulates that anyone who with intent incites another person to commit a criminal offence shall be punished as prescribed by law for such offence<sup>163</sup>. If it is a case of incitement to commit a criminal offence whose attempt is punishable by law, and such offence has not been attempted at all, the person who incited the commission of the criminal offence shall be punished as for the attempted criminal offence. If a criminal offence remains an attempt, the inciter and abettor shall be punished for the attempt<sup>164</sup>, and if the perpetrator commits a lesser criminal offence than the one incited to, the inciter and abettor shall be punished for the committed criminal offence<sup>165</sup>. These legal provisions allow the punishment of persons who in any way assist with intent in the commission of all crimes foreseen by Article 41, paragraph 1 of the Convention.

## **I. Attempted criminal offence**

According to the Criminal Code, the perpetrator can be punished for attempted criminal offences for which the prison sentence is longer than five years, while for other criminal offences, this is possible only when the law explicitly provides for the punishment of attempt<sup>166</sup>. For attempted criminal offence, the perpetrator shall be punished with a punishment prescribed for the criminal offence or with a lighter punishment<sup>167</sup>.

Bearing in mind the foreseen sanctions for criminal offences listed in Article 41, paragraph 2 of the Convention, all these crimes, except for forced marriage, can be punished for the attempt. For some forms of criminal offences it is not possible

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<sup>158</sup> Article 56 of the Law on the Rights of Persons with Mental Disabilities, Official Gazette of the Republic of Serbia, No. 45/2013.

<sup>159</sup> Article 12, paragraph 1 of the Criminal Code

<sup>160</sup> Article 182a of the Criminal Code

<sup>161</sup> Article 35, paragraph 1 of the Criminal Code

<sup>162</sup> Article 35, paragraph 2 of the Criminal Code

<sup>163</sup> Article 34, paragraph 1 of the Criminal Code

<sup>164</sup> Article 37, paragraph 1 of the Criminal Code

<sup>165</sup> Article 37, paragraph 2 of the Criminal Code

<sup>166</sup> Article 30, paragraph 1 of the Criminal Code

<sup>167</sup> Article 30, paragraph 2 of the Criminal Code

to punish the attempt - like, for instance, light bodily injury which is a form of physical violence<sup>168</sup>, or the basic form of the criminal offence of sexual intercourse through abuse of a position<sup>169</sup>, because these crimes are punished by imprisonment of less than five years, while the law does not explicitly foresee punishment for attempt.

## **J. Influence of culture, religion, tradition, or so-called defence of honour on release or mitigation of punishment**

In Serbian law, culture, religion, tradition or so-called defence of honour are not factors that may result in release of punishment, and in the Criminal Code, they are not listed as mitigating circumstances that the court takes into consideration when sentencing<sup>170</sup>.

## **K. The impact of the relationship between the victim and the perpetrator to the definition of violence**

According to the Criminal Code, the nature of the relationship between the victim and the perpetrator bears no significance to the occurrence of criminal offences included in the Convention, because the law does not exclude punishment for these crimes in case that the perpetrator and the victim had a family, marital, common law, emotional, or other relationship. The criminal offences are prosecuted irrespective of the relationship between the victim and the perpetrator. For some crimes, the existence of a family relationship is an important element, such as domestic violence; while for some crimes, the family relationship is the circumstance that aggravates the crime, such as sexual intercourse through abuse of position committed by a stepfather or a stepmother.

## **L. Punishment and criminal legal measures**

### *Punishment*

Prison sentences are foreseen for all criminal offences that criminalise the acts of violence included in the Convention, except for sexual harassment and some lighter forms of psychological violence for which the punishment is imprisonment or a fine (more data about the punishments in Section F). For those crimes for which the punishment is imprisonment of up to three years or a fine (light bodily injury, sexual harassment and the basic form of the criminal offence of domestic violence), a possible sanction with the perpetrator's consent is *community service*<sup>171</sup>.

For those crimes for which the perpetrator is convicted to imprisonment of up to one year, the court may decide that the perpetrator shall serve the sentence in the premises where he lives (so-called house arrest), if it is possible to expect that in this way the purpose of punishment will be met, bearing in mind the perpetrator's personality, his previous life, his behaviour after the committed crime, the degree of culpability and other circumstances under which the crime was committed<sup>172</sup>. The court decides if the house arrest will be with or without electronic surveillance<sup>173</sup>. However, it is not allowed to impose the sentence of house arrest if the perpetrator is convicted for the criminal offence against marriage and family (which includes domestic violence) and he lives with the victim in the same family household<sup>174</sup>.

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<sup>168</sup> Article 122 of the Criminal Code

<sup>169</sup> Article 161, paragraph 1 of the Criminal Code

<sup>170</sup> Article 54 of the Criminal Code

<sup>171</sup> Article 52 of the Criminal Code

<sup>172</sup> Article 45, paragraph 5 of the Criminal Code.

In paragraph 6 of this Article, it is foreseen that the convicted person who is serving the prison sentence in the above-stated way must not leave the premises in which he lives, except in cases foreseen by the law that regulates the enforcement of the criminal sanctions. If the convicted person wilfully leaves the premises in which he lives once for longer than six hours, or twice for up to six hours, the court shall rule that the rest of the punishment shall be served in prison.

<sup>173</sup> Article 424, paragraph 2 of the Law on Criminal Procedure.

<sup>174</sup> Article 45, paragraph 7 of the Criminal Code

For a violent crime for which the perpetrator is punished by imprisonment of less than two years, the court may impose the suspended sentence, in which it decides on the probationary period which cannot be shorter than one year or longer than five years<sup>175</sup>. When deciding on the suspended sentence, the court must bear in mind its purpose, and take into consideration the perpetrator's personality, his previous life, his behaviour after the committed crime, the degree of culpability and other circumstances under which the crime was committed<sup>176</sup>. Along with the suspended sentence, the court may impose one or several *security measures*.

For a violent crime that entails imprisonment of up to one year or a fine, committed under such mitigating circumstances that it makes it a particularly light crime, the court may pronounce a *court warning*. When ruling on the court warning, the court must take into consideration the perpetrator's personality, his previous life, his behaviour after the committed crime, the level of culpability and other circumstances under which the crime was committed<sup>177</sup>.

For all criminal offences included in the Convention, the possible prison sentence is one or more years, which means the extradition is a possibility, in line with *the Law on International Legal Assistance in Criminal Matters*<sup>178</sup>. This Law allows the extradition of a defendant to a foreign country for the purposes of the criminal procedure for a criminal offence for which, according to the law of the Republic of Serbia, and the law on the country requesting extradition, the possible prison sentence is one year or longer, or if extradition is for the purposes of enforcement of criminal sanctions for a crime for which the foreign court imposed a sentence of at least four months of imprisonment<sup>179</sup>.

#### *Detention, security measures and other criminal legal measures*

In case of criminal offences included in the Convention, *detention* can be ordered against a person for whom there is grounded suspicion that he committed the criminal offence. One of the legal grounds for detention are circumstances that indicate that in a short period of time he will repeat the criminal offence, or complete an attempted criminal offence, or commit a criminal offence he is threatening to commit<sup>180</sup>.

It is possible to impose *security measures* on a person convicted for violent crimes, of which the purpose is to remove certain situations or conditions so that the perpetrator does not repeat the criminal offences. Among other things, the court is authorised to order mandatory psychiatric treatment and institutionalisation to perpetrator, mandatory psychiatric treatment as an outpatient, mandatory treatment from drug addiction and alcoholism, and seizure of assets. In addition, the court can issue a restraining order, prohibit access in the vicinity of victim's place of residence or work, and prohibit further molestation or communication with the victim, if it reasonably deems that, if placed in such situations or conditions, the perpetrator could jeopardise the victim<sup>181</sup>.

The court can order to place a perpetrator serving suspended sentence under *protective supervision* during the probation time<sup>182</sup> if it assesses that the protective supervision will help in meeting the purpose of the suspended sentence, bearing in mind the perpetrator's personality, his previous life, his behaviour after the committed crime, and especially his relationship with the victim and the circumstances of the crime<sup>183</sup>. A perpetrator placed under protective supervision must

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<sup>175</sup> Article 65 of the Criminal Code

<sup>176</sup> Article 66, paragraph 4 of the Criminal Code

<sup>177</sup> Article 77 of the Criminal Code

<sup>178</sup> Official Gazette of the Republic of Serbia, No. 20/2009

<sup>179</sup> Article 77 of the Law on International Legal Assistance in Criminal Matters

<sup>180</sup> Article 211, paragraph 1, item 3 of the Law on Criminal Procedure. Detention may be ordered if the criminal offence with which he is charged is punishable by a term of imprisonment of more than ten years or a term of imprisonment of more than five years for a criminal offence with elements of violence, or he has been sentenced by a court of first instance to a term of imprisonment of five years or more, and the way of commission or the gravity of consequences of the criminal offence have disturbed the public to such an extent that this may threaten the unimpeded and fair conduct of criminal procedures. (Article 211, paragraph 1, item 4 of the Law on Criminal Procedure).

<sup>181</sup> Article 89a of the Criminal Code

<sup>182</sup> Article 71 of the Criminal Code

<sup>183</sup> Article 72, paragraph 1 of the Criminal Code

meet one or more obligations, including timely notifying about any change of residence, address or workplace, refraining from drugs or alcohol, visiting professional services, counselling centres or institutions, and acting according to their instruction, etc. One of the security measures that can be imposed on foreign nationals that committed a violent crime on the territory of Serbia is *expulsion of the foreigner from the country* for the duration of one to ten years<sup>184</sup>.

For perpetrators of sexual violence against minors there are special measures implemented when the prison sentence is served<sup>185</sup>: 1) mandatory reporting to the competent authority; 2) prohibition of visiting places where minors gather - kindergartens, schools or similar; 3) mandatory visiting of professional counselling centres and institutions; and 4) mandatory notifying about any change of address, residence or workplace and trip abroad. These measures can be implemented for up to 20 years after the prison sentence is served. There are special records kept on the perpetrators of crimes of sexual violence against minors<sup>186</sup>.

There are no strict rules stipulating that a parent may be deprived of parental right, if the principle of the child's best interest cannot be guaranteed in any other way, which may include the safety of the victim. However, the Family Code authorises the public prosecutor to initiate the procedure for deprivation of parental right<sup>187</sup> if, during the investigation of a criminal offence, he learns about the circumstances indicating that this is a necessary step to protect the child.

## **M. Aggravating circumstances**

Circumstances presented in Article 46 of the Convention usually stand for aggravated forms of criminal offences. The circumstance which is an element of a criminal offence may not be taken into consideration either as aggravating or extenuating, unless it exceeds the degree required for establishing the existence of the criminal offence or particular form of the criminal offence or if there are two or more of such circumstances, and only one is sufficient to define the existence of a severe or less severe form of criminal offence<sup>188</sup>.

The law does not present an exhausting list of aggravating (and mitigating) circumstances, but gives examples of some circumstances that the court particularly takes into consideration, such as: degree of culpability, the motives for committing the offence, the degree of endangering or damaging protected goods, the circumstances under which the offence was committed, the past life of the offender, his personal situation, his behaviour after the commission of the criminal offence and particularly his attitude towards the victim of the criminal offence, and other circumstances related to the personality of the offender<sup>189</sup>. The court is obliged to take into consideration all the circumstances relevant to the offence, the perpetrator and the victim, including past behaviour and criminal record of the perpetrator, his past relationship with the victim, his history of violence towards the victim, the circumstances under which the offence was committed, the gravity of physical and psychological consequences of the act to the victim, any third persons who may have attended the commission of the offence, etc.

It is explicitly stipulated that an aggravated circumstance that must be taken into consideration by the court is if the offence was committed out of hate due to the victim's race, religion, nationality, ethnicity, gender, sexual orientation, or gender identity, unless if such grounds are already stated as the very characteristic of the criminal offence in question<sup>190</sup>.

Another aggravating circumstance is repetition, i.e. repeated commission of the criminal offence for which the perpetrator was previously convicted or a criminal offence similar in nature<sup>191</sup>.

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<sup>184</sup> Article 88 of the Criminal Code

<sup>185</sup> Article 3 of the Law on Special Measures for Prevention of Criminal Offences against Sexual Freedoms of Minors (Official Gazette of the Republic of Serbia, No. 32/2013)

<sup>186</sup> Articles 13 and 14 of the Law on Special Measures for Prevention of Criminal Offences against Sexual Freedoms of Minors (Official Gazette of the Republic of Serbia, No. 32/2013)

<sup>187</sup> Article 264, paragraph 2 of the Family Code

<sup>188</sup> Article 54, paragraph 3 of the Criminal Code

<sup>189</sup> Article 54 of the Criminal Code

<sup>190</sup> Article 54a of the Criminal Code

<sup>191</sup> Article 55 of the Criminal Code

Information about sanctions for criminal offences is provided in Section F.

## **N. Alternative procedures, mediation and reconciliation**

The Law foresees the possibility to *defer criminal prosecution* for all criminal offences punishable by a fine or imprisonment of up to five years (the so-called principle of opportunity). The deferral is applied to criminal offences included in the Convention. The deferral may occur if the suspect accepts one or more of the following obligations: 1) to rectify the detrimental consequence caused by the commission of the criminal offence or indemnify the damage caused; 2) to pay a certain amount of money to the benefit of a humanitarian organisation, fund or public institution; 3) to perform certain community service or humanitarian work; 4) to fulfil maintenance obligations which have fallen due; 5) to submit to an alcohol or drug treatment programme; 6) to submit to psycho-social treatment for the purpose of eliminating the causes of violent conduct; or 7) to fulfil an obligation determined by a final court decision, or observe a restriction determined by a final court decision.<sup>192</sup>

If the suspect fulfils the obligation within the prescribed time limit, the public prosecutor will dismiss the criminal charges by a ruling and notify the victim. The public prosecutor's abandonment of the criminal prosecution, as well as the range of obligations that the perpetrator must fulfil, do not depend of the victim's approval, and the victim cannot use a legal remedy against the decision on dismissing the criminal charges<sup>193</sup>. The use of this remedy allows the perpetrator of violence against women to remain unpunished, which may reflect negatively on general prevention and prevention of repetition, whereas fulfilling certain obligations selected by the prosecutor can have a negative impact on the position of the victim and her family. There is no aggregated data about the number of cases of violence against women in which the criminal prosecution was deferred, or data about the number of cases in which the perpetrator failed to fulfil his obligations.

In procedures against perpetrators of criminal offences of violence included in the Convention, it is possible to use the *plea agreement*, according to which the public prosecutor and the defendant agree that the defendant fully confesses the commission of the criminal offence that he is charged of, and that, in return, the prosecutor grants the defendant certain privileges and favours, primarily regarding a lighter sentence or dismissing the criminal charges for criminal offences that are not included in the plea agreement<sup>194</sup>. The use of this plea bargain may weaken the criminal legal protection of victims of violence. There is no data about the number of cases of violence against women in which the criminal prosecution was deferred.

In criminal procedures against criminal offences of violence included in the Convention, it is possible to use a shortened process form called *hearing for the imposition of a criminal sanction without holding the main hearing*<sup>195</sup>. This remedy is used for criminal offences for which the main sanction is a fine or imprisonment of up to five years, and the public prosecutor can suggest the court to impose a lighter sentence on a defendant who confessed the commission of the criminal offence.<sup>196</sup> The use of this remedy may weaken the criminal legal protection of victims of violence and have a negative impact on general prevention.

The Family Code regulates mediation in marital disputes, which includes an attempt at reconciliation and settlement of dispute. Mediation is based on voluntary principles and it is not implemented if one of the spouses does not agree to it, which the Law explicitly requires<sup>197</sup>.

## **O. Statistics**

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<sup>192</sup> Article 283 of the Law on Criminal Procedure

<sup>193</sup> Article 283, paragraph 3 of the Law on Criminal Procedure

<sup>194</sup> Article 314 of the Law on Criminal Procedure

<sup>195</sup> Article 512 of the Law on Criminal Procedure

<sup>196</sup> Article 521 of the Law on Criminal Procedure

<sup>197</sup> Article 230, paragraph 2, item 1 of the Family Code

The Ministry of Interior disposes with data disaggregated according to type of criminal offence, including femicide and offences resulting in death of women and children victims of violence, as well as according to the number and gender of victims and perpetrators. There is also data on the outcome of criminal charges, according to genre and age of victims and perpetrators and type of decision. In addition, there is data on persons convicted with the final verdict, according to criminal offence, gender and age of the perpetrator, and sanctions imposed, as well as data on persons sentenced to imprisonment for domestic violence and sexual violence. The official records lack data about the geographical location and other relevant indicators such as, for instance, disability. All above-stated data is publicly available, except for data collected by the Ministry of Interior.

Tables 11-35 contain data from the official records. Data of the Ministry of Interior is not publicly available and it is obtained for the purposes of this report.

## **P. Other planned and implemented measures**

In the aim to align the legislation with the Convention, it is planned to re-examine the legal provisions in the area of criminalisation of rape. There is also an initiative to raise the age of consent to sexual intercourse.

# **VI. Investigation, court procedures, procedures and protective measures**

## **A. Urgency in actions**

The protocols on action in cases of family and intimate partner violence stipulate urgency in action of all authorities. In a situation in which a victim's safety and health are endangered, it is necessary to intervene without delay within 24 hours after being informed about the case.

The Law on Police explicitly stipulates the following: "If domestic violence or threat of domestic violence is reported, police officers shall, in cooperation with other competent authorities, immediately take the necessary measures and actions in accordance with the law, in order to prevent or stop the violence which may result in the infliction of bodily injuries or deprivation of life"<sup>198</sup>. The Special Protocol on Action of Police Officers particularly underlines the urgency of intervention in order to assure safety of the victim. Even though there are no stipulated deadlines when violence is reported by phone, the obligation to intervene without delay is clearly established.

The Law on the Prevention of Domestic Violence stipulates the urgent procedures for intervention by the police and other competent authorities in case of established danger that violence may be committed or repeated, along with legal deadlines to implement the measures. Upon being informed about the circumstances that indicate that violence may be committed or repeated, the police officer assesses the risk, after which he issues the order on emergency protective measures - temporary removal of the perpetrator from the place of residence, and temporary prohibition for perpetrator to contact the victim and approach her. The police officer orders these measures immediately after establishing danger that violence may be committed or repeated<sup>199</sup>, informing the public prosecutor about this.

If the judges, public prosecutors and deputy public prosecutors fail to meet the deadlines stipulated by the Law on the Prevention of Domestic Violence, this is treated as a disciplinary misdemeanour<sup>200</sup>. The failure of a state authority, organisation or institution to report violence or to reported violence without delay, or obstruction of reporting violence, or responding with delay after being informed about violence or immediate danger of violence, is a misdemeanour for which

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<sup>198</sup> Article 28 of the Law on Police

<sup>199</sup> Article 17 of the Law on the Prevention of Domestic Violence

<sup>200</sup> Article 6 of the Law on the Prevention of Domestic Violence



the person responsible within the authority organisation or institution shall be punished with a fine from 50,000 to 150,000 RSD (400 to 1,250 EUR).<sup>201</sup>

There is no aggregated data about the number of police interventions in cases of violence against women.

## **B. Risk assessment**

Immediately after establishing contact with the victim, the centres for social welfare conduct a risk assessment as part of the initial assessment. The initial assessment includes: establishing the needs of the victim of domestic violence and the needs of the child, as an indirect victim witnessed domestic violence; security assessment; risk assessment; and data on domestic violence itself. The security assessment is focused on the current situation and the potential gravity of committed domestic violence. Assessing the risks implies foreseeing unfavourable or dangerous behaviour, situations and circumstances that may occur in the future, including factors that jeopardise security, health, and livelihood of the victim of violence, the child as an indirect victim and witness of violence, as well as other family members.

The Special Protocol for Action of Police Officers elaborates the indicators of gravity of violence, such as the use of weapons or threat to use weapons, previous history of violence, protective measures, criminal record, or presence of children who are or might be hurt. The Special Protocol of the Ministry of Health contains a risk assessment checklist with a set of assessment indicators: Were weapons used, or were they used as a threat? Is there a history of abuse in marriage/relationship? Did the frequency and gravity of violence increase? Does the perpetrator currently live in the joint household? Does the patient assess that her safety is jeopardised by returning home? Did the police intervene in the previous period? Did the victim attempt suicide or consider suicide? Does someone else from her environment know about the abuse? Were the children exposed to threats or violence? Did the abuse begin or increase during pregnancy? Did the patient seek medical aid?

The new Law on the Prevention of Domestic Violence defines that the immediate danger from domestic violence exists when it is inferred from the behaviour of the potential perpetrator and from other circumstances that they are ready, in the immediate future, to perpetrate for the first time or to repeat domestic violence.<sup>202</sup> This definition is equally relevant for other forms of GBV that the Law on the Prevention of Domestic Violence applies to.<sup>203</sup> According to the Law on the Prevention of Domestic Violence, risk assessment is based on available information and it is conducted in the shortest possible timeframe. When conducting risk assessment, it is particularly important to take into consideration if the possible perpetrator committed domestic violence in the past or immediately before the risk assessment, if he's ready to repeat it, if he threatened with murder or suicide, if he owns firearms, if he is mentally ill or addicted to psychoactive substances, if there is a dispute about custody of the child or the manner of maintaining the personal relationship between the child and the possibly violent parent, if emergency measures or protective measures from domestic violence were imposed on the possible perpetrator, if the victim feels fear, and how she assesses the risk of violence.<sup>204</sup>

In cooperation with the NGO Autonomous Women's Centre as part of the project "Integrated Response to Violence against Women in Serbia", the Ministry of Justice developed a unique list of risks for public prosecutors, which was piloted in three basic public prosecutors' offices in real cases. The list is disseminated to all public prosecutors' offices in the country and they use it in all phases of the procedure.

Based on results of this project, on June 1<sup>st</sup> 2017, the Ministry of Interior adopted the Risk Assessment Instrument for Cases of Domestic Violence, which is also used for risk assessment of other offences that are not included in the Law on the Prevention of Domestic Violence.

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<sup>201</sup> Article 36, paragraph 2 of the Law on the Prevention of Domestic Violence

<sup>202</sup> Article 3, paragraph 2 of the Law on the Prevention of Domestic Violence

<sup>203</sup> Article 3, paragraph 2 of the Law on the Prevention of Domestic Violence

<sup>204</sup> Article 4, paragraph 1 and 2 of the Law on the Prevention of Domestic Violence

During the criminal procedure, possible risks to victim's safety are also taken in consideration. Upon the request of the public prosecutor, after confirming the indictment and *ex officio*<sup>205</sup> the court may order detention for the defendant if the circumstances indicate that there is a risk of repetition of violence, i.e. of commission of the threatened violence<sup>206</sup>. The risk of repetition or commission of violence is one of the reasons for the criminal court to impose the measures such as: restraining order; prohibition of meeting or communicating with a certain person; or prohibition of visiting certain places.<sup>207</sup>

## C. Emergency protective measures

Upon discovering violence or danger of violence, the police officer who intervened on the scene is authorised to bring the possible perpetrator to the police station, for the purposes of implementing the procedure. The possible perpetrator can be held in the police station for up to eight hours.<sup>208</sup> If there are grounds for suspicion that a criminal offence which is prosecutable *ex officio* has been committed, the police is required to implement the necessary measures to locate the perpetrator of the criminal offence so that the perpetrator or accomplice cannot to go into hiding or abscond, to detect and secure traces of the criminal offence and objects which may serve as evidence, as well as to collect all information which could be of benefit for the successful conduct of criminal procedures.<sup>209</sup>

The police may arrest a person if there are reasons for ordering detention. One of the reasons is if circumstances indicate that in a short period of time he will repeat the criminal offence, or complete an attempted criminal offence, or commit a criminal offence he is threatening to commit<sup>210</sup>. If the competent police officer establishes that there is an immediate danger of violence, or repetition of violence,<sup>211</sup> he orders emergency protective measures (temporary removal of perpetrator from the apartment and temporary prohibition to contact the victim or approach her). The police officer may order one or both measures and inform the public prosecutor about it. If the public prosecutor assesses that there is risk of violence, he can propose the court to prolong the measures. The court prolongs the ordered protective measures if it establishes that there is immediate danger of violence, based on the risk assessments of the police officer and the public prosecutor, presented evidence and claims, and statement of the person who is issued the emergency measure<sup>212</sup>.

The police officer decides on emergency measures immediately after establishing danger of violence or repetition of violence, after he carries out the risk assessment. The procedure to prolong the measures cannot last longer than 48 hours. The measures issued by the police officer last for 48 hours, whereas the measures issued by the court decision last for 30 days<sup>213</sup> and cannot be prolonged. The emergency protective measures apply to all victim of domestic violence, irrespective of their gender and age, but also to other victims of GBV criminal offences included in the Law on the Prevention of Domestic Violence<sup>214</sup>, which is explicitly stipulated in the Law<sup>215</sup>.

The safety of the victim is assured by notifying the competent authorities about the measures imposed, as well as by notifying the victim. The measures to assure victim's safety are established in the *individual plan of protection* (and support) which contains wholesome and effective protection and support measures of which the content must be

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<sup>205</sup> Article 16 of the Law on the Prevention of Domestic Violence

<sup>206</sup> Article 211, paragraph 1, item 3 of the Law on Criminal Procedure

<sup>207</sup> Article 197 of the Law on Criminal Procedure

<sup>208</sup> Article 14, paragraph 2 of the Law on the Prevention of Domestic Violence

<sup>209</sup> Article 286 of the Law on Criminal Procedure

<sup>210</sup> Article 211, paragraph 1, item 3 of the Law on Criminal Procedure

<sup>211</sup> This is the police officer in the competent police administration who has completed the specialised training for domestic violence and other cases of GBV included in the Law on the Prevention of Domestic Violence (Article 8 of the Law on the Prevention of Domestic Violence).

<sup>212</sup> Article 19, paragraph 3 of the Law on the Prevention of Domestic Violence

<sup>213</sup> Article 21 of the Law on the Prevention of Domestic Violence

<sup>214</sup> Article 4 of the Law on the Prevention of Domestic Violence

<sup>215</sup> Article 4, paragraph 2 of the Law on the Prevention of Domestic Violence

individualised and adapted to the personal life situations and circumstances of the victim. In any case, the established measures must ensure the victim's safety, stop violence, prevent its repetition, and protect the victim's rights<sup>216</sup>.

Violation of emergency protective measures issued by the police officer or imposed by the court is a misdemeanour punishable by imprisonment of up to 60 days. The convicting verdict for this misdemeanour may be enforced even before it is proclaimed final verdict<sup>217</sup>.

The victims of domestic violence and other acts included in the Law on the Prevention of Domestic Violence are provided with every form of protection and support they need, which is established by the individual plan of protection and support<sup>218</sup>. The victim herself may participate in the drafting of the individual plan if she wishes so, and if her emotional and physical conditions allow her to<sup>219</sup>. The centre for social welfare is competent to provide direct psychosocial support and counselling. From June 1<sup>st</sup> to December 31<sup>st</sup> 2017, the Ministry of Interior issued 13,808 emergency protective measures, as follows: 4,469 measures of temporary removal of perpetrator from household and 9,339 measures of prohibition of contacting and approaching the victim. In the same period, 889 emergency measures were violated, resulting in the same number of requests to initiate misdemeanour procedures. From January 1<sup>st</sup> to March 15<sup>th</sup> 2018, 5,415 emergency measures were issued, as follows: 1,702 measures of temporary removal of perpetrator from household and 3,713 measures of prohibition of contacting and approaching the victim. In this period, 309 emergency measures were violated, resulting in the same number of misdemeanour charges.

From June 1<sup>st</sup> 2017 to March 15<sup>th</sup> 2018, 1,063 men and 703 women were punished by imprisonment, and 40 men and 15 women were punished by a fine. In appeal procedures, the court confirmed 82 prison sentences and 11 fines, and the court annulled 12 prison sentences and four fines. In addition, 10 verdicts were amended, out of which six punishments were lessened, three were augmented, and in one case, protective measures were ordered.

## **D/E. Measures of prohibition and protection**

There are several protective measures that can be issued, depending on which procedure has been initiated.

### *Types of protective measures*

*Protective measures stipulated by the Law on the Prevention of Domestic Violence* – emergency protective measures stipulated by the Law on the Prevention of Domestic Violence are issued *ex officio* upon discovering the danger of violence, without a formal request by the victim.

*Protective measures stipulated by the Family Code* – these measures are issued in an independent procedure for protection from domestic violence, or as part of another procedure pertaining to family relations. The procedure is initiated with a lawsuit which can be filed by the victim herself or, if it is a child, by the child's legal representative, guardianship authority (centre for social welfare) and public prosecutor who do not need the victim's consent to press charges. The protective measures can be ordered by the court *ex officio* if it discovers domestic violence while deliberating on a family relations procedure, and assesses that it is necessary to issue measures. The procedure is based on the principles of investigation and officiality, and the court is not bound by lawsuit claims in terms of type and number of measures.

*Protective measures stipulated by the Law on the Criminal Procedure* – if there are circumstances indicating that the defendant may flee, disrupt the procedure by influencing the victim, witnesses, accomplices or concealers, or that he may repeat the criminal offence, or complete an attempted criminal offence, or commit a criminal offence he is threatening to commit, during the criminal procedure, the court may prohibit the defendant to approach, meet or communicate with a certain person, to visit certain places or to leave his place of residence with additional conditions (for instance, prohibition to use internet and telephone, or to receive visitors in the household). Along with this measure, the court may order the defendant to occasionally report to the police, the commissioner from the Directorate for the Enforcement of the Criminal

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<sup>216</sup> Article 31, paragraph 3 of the Law *Protective measures stipulated by the Law on the Prevention of Domestic Violence*

<sup>217</sup> Article 36 of the Law on the Prevention of Domestic Violence

<sup>218</sup> This plan is drafted by the Group for Coordination and Cooperation, which is established in every basic prosecutor's office.

<sup>219</sup> Article 31, paragraph 2 of the Law on the Prevention of Domestic Violence

Sanctions, or another state authority as designated by the law<sup>220</sup>. The court issues this measure upon the proposal of the public prosecutor, but after the indictment is confirmed, it can order it *ex officio*<sup>221</sup>. The police controls the implementations of these measures<sup>222</sup>.

*Security measures stipulated by the Criminal Code* – these measures are a form of criminal sanctions against the perpetrator and their purpose is to remove certain situations or conditions, so that the perpetrator does not repeat the criminal offences<sup>223</sup>. In addition, the criminal court may *ex officio* issue restraining order, prohibit access in the vicinity of victim's place of residence or work, and prohibit further molestation or communication with the victim, if it reasonably deems that, if placed in such situations or conditions, the perpetrator could jeopardise the victim.

*Measures stipulated by the Law on Misdemeanour Procedures* – this Law provides grounds to issue a restraining order to protect the victim, or to prohibit access to the site of misdemeanour. The authority that initiated the misdemeanour procedure and the victim herself may ask for these measures. The restraining order includes the prohibition of access to joint place of residence or household during the period for which the restraining order is valid. These protective measures can last up to one year, beginning from the moment when the verdict enters into force. The following parties are informed about the court's decision on the restraining order: the victim, the police administration competent for the enforcement of the measure and the competent guardianship authority, if the measure includes the prohibition to approach children, spouse or family members.

Protective measures stipulated by the Law on the Prevention of Domestic Violence are implemented to protect the victims of all forms of GBV that this Law refers to and that are included in the Convention. The protective measures stipulated by the Family Code apply only to victims of domestic violence, whereas measures stipulated by the Law on Criminal Procedure and the Criminal Code apply to all victims irrespective of the criminal offence. Protective measures stipulated by the Law on Misdemeanour Procedure can be applied in all cases of violence.

The victim bears costs of the procedure in advance only for the protective measures stipulated by the Family Code and only if the victim herself has initiated the procedure. Advanced bearing of costs includes court fees and compensation for presentation of evidence, and its amount depends on the number of presented pieces of evidence. The victim may request the court to be exempted completely or partly from the advanced bearing of costs of the procedure if her property status is low, in line with the general stipulations of the Law on the Litigation Procedure.<sup>224</sup> If the court grants the request to issue protective measures, the court shall also order the perpetrator of violence to reimburse the costs of the procedure to the victim. If the procedure was initiated by the centre for social welfare, or the public prosecutor's office, the victim shall bear no costs. As for measures stipulated by the Law on the Prevention of Domestic Violence, Criminal Code and Law on Misdemeanour Procedure, the victim bears no costs in this regard.

### *Duration and effect of measures*

Measures stipulated by the Law on the Prevention of Domestic Violence and issued by the police officer enter into force immediately. The court decision on prolonging the protective measures enters into force when it is no longer possible to appeal the decision, but it is explicitly stipulated that filing an appeal does not postpone the enforcement of the decision that orders the measures<sup>225</sup>. A verdict that orders or prolongs protective measures stipulated by the Family Code enters into force when it is no longer possible to appeal against it, but the Family Code stipulates that appeal does not withhold the enforcement of the verdict<sup>226</sup>. The protective measures stipulated by the Criminal Code enter into force the moment when the decision in which they are imposed becomes final and there is no possibility to enforce them before the final

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<sup>220</sup> Article 197 of the Law on the Criminal Procedure

<sup>221</sup> Article 198, paragraph 1 of the Law on the Criminal Procedure

<sup>222</sup> Article 198, paragraph 6 of the Law on the Criminal Procedure

<sup>223</sup> Article 78 of the Criminal Code

<sup>224</sup> Article 168 and 169 of the Civil Procedure Law

<sup>225</sup> Article 20, paragraph 5 of the Law on the Prevention of Domestic Violence

<sup>226</sup> Article 288 of the Family Code

decision. The measures stipulated by the Law on the Misdemeanour Procedure enter into force when the verdict is enforceable<sup>227</sup>.

Protective measures stipulated by the Family Code may last for the maximum of one year but they can be prolonged by an unlimited number of times, as long as there are reasons to issue them. The measures cease to be valid either when their period of validity expires or when they are annulled by the court upon the perpetrator's complaint. The time spent in detention, as well as deprivation of liberty in relation to the criminal offence or misdemeanour, is included in the time of duration of the protective measure from domestic violence<sup>228</sup>.

The measures stipulated by the Law on Criminal Procedure last as long as they are necessary, ending when the verdict becomes final, i.e. when the defendant is sent to serve his prison sentence. Every three months, the court is obliged to examine if the measures are still justified<sup>229</sup>.

The security measures stipulated by the Criminal Code can last for the period defined by the court decision. However, their duration cannot be shorter than three months, or longer than three years, starting from the day when the verdict becomes final. The time spent in prison or in a healthcare institution is not calculated into the duration of this measure. It is possible to annul the measure before the expiration of its established time if the reasons for ordering it cease to exist<sup>230</sup>.

Protective measures stipulated by the Law on the Prevention of Domestic Violence can be ordered irrespective of the fact if there is a civil procedure lawsuit against the perpetrator. Protective measures stipulated by the Family Code can be imposed irrespective of the fact if there is a criminal procedure against the perpetrator before or during the criminal procedure, as well as when it is concluded. The issued security measures stipulated by the Law on the Prevention of Domestic Violence do not prevent the issuing of protective measures stipulated by the Family Code.

Restraining order, as well as other protective measures stipulated by the Family Code, can be issued even after the criminal procedure against the perpetrator is concluded, irrespective of the fact if he is convicted or not, if there is the need and the conditions to issue them.

### *Sanctions for violation of measures*

Violating the protective measures stipulated by the Law on the Prevention of Domestic Violence that were prolonged by a court decision is a misdemeanour punishable by imprisonment of up to 60 days. Violating the measure of restraining order and other measures stipulated by the Family Code is a separate form of the criminal offence of domestic violence punishable by imprisonment from three months to three years and a fine. This criminal offence is prosecuted *ex officio*. Violation of prohibitions established by security measures issued by the criminal court in line with the Criminal Code is a separate criminal offence punishable by a fine or imprisonment of up to six months<sup>231</sup>. This criminal offence is prosecuted *ex officio*. For violation of prohibitions issued by the misdemeanour court the sanctions shall be in line with the regulation that governs the misdemeanour for which the measures were imposed<sup>232</sup>.

Available data from official records are presented in table 9.

## **F. Initiating the criminal procedure *ex officio* and *ex parte***

All violent crimes included in Article 55, paragraph 1 of the Convention are prosecuted *ex officio* irrespective of the fact if the victim pressed criminal charges, if she joined the prosecution, and if she wants to testify. Sexual harassment is the only offence that the public prosecutor is prosecuting upon victim's initiative. For some lesser criminal offences of psychological violence (insult and dissemination of information on personal and family life) and physical violence (light

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<sup>227</sup> Article 61 of the Law on the Misdemeanour Procedure

<sup>228</sup> Article 198 of the Family Code

<sup>229</sup> Article 198, paragraph 5 of the Law on Criminal Procedure

<sup>230</sup> Article 89a of the Criminal Code

<sup>231</sup> Article 34a of the Criminal Code

<sup>232</sup> Article 62 of the Law on Misdemeanour Procedure

bodily injury) the victim should file a private lawsuit. For offences that are established as misdemeanours, it is the competent authority that initiates the procedure, but the motion can also be submitted by the victim herself as the injured party<sup>233</sup>.

All forms of violence included in the Convention, except for sexual harassment and some lesser forms of physical and psychological violence, are prosecuted *ex officio*, which means that such procedures against perpetrators are in public interest.

The public prosecutor prosecutes *ex officio*, irrespective of the fact if the victim pressed or withdrew charges, if she joined the criminal prosecution if she wants to testify, etc. The criminal prosecution will continue even if the victim is explicitly against it. During the investigation, the public prosecutor can abandon the prosecution only on the grounds stipulated by law, which include the lack of evidence<sup>234</sup>.

## H. Support to victims during the procedure

Support to victims and witnesses is provided by the Information Offices for Injured Parties and Witnesses, established within the higher courts, which employ professionals and trained volunteers<sup>235</sup>. On the summons form sent to the injured parties and witnesses, the court is obliged to provide information about the existence of this Office for support and assistance. The Office provides information and clarifications about the criminal procedure to victims and witnesses, explains their rights in the procedures and provides emotional support, and persons working in the Office may attend trials if the witnesses and injured parties wish so. The public is informed about the work of these Offices and the support they provide through the media, social networks, brochures, etc. There is no data available about the number of victims who received assistance and support.

In lawsuits for sexual harassment and other forms of gender-based discrimination that are grounded in the Law on the Prohibition of Discrimination and the Law on Gender Equality, with the victims' consent, representatives of NGOs may participate in the procedure in order to provide assistance and support. In this case, they are granted the status of participant in the procedure and they can undertake procedural actions.

In Serbia, there is a large number of NGOs specialised in providing assistance and support to women victims of GBV and domestic violence<sup>236</sup>. They provide advice, assistance and emotional support to a large number of women victims of violence before, during and after the procedure. The presence of representatives of NGOs during the criminal procedure is not regulated by the Law on Criminal Procedure. In the litigation procedure, the victim as a party in the procedure may select two persons who are allowed to attend the hearing, irrespective of the fact if the trial is public or closed to the public<sup>237</sup>. These can be persons from organisations dealing with violence against women. The persons who attend the hearing do not have the possibility to undertake any procedural actions.

When it comes to children victims, the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles stipulates special rules for treatment of children victims and witnesses of criminal offences. Testimony of minors is conducted with the help of psychologists, pedagogues and other professionals, and the testimony cannot be taken more than two times, except in exceptional circumstances. If it deems necessary, the court may order to take the testimony of a minor via audio-visual technologies. The testimony is taken in the absence of the parties and other participants in the procedure, in the premises in which the witness is located, in such a way that the questions are asked through the judge, a psychologist, a pedagogue, a social worker, or another professional. As witnesses and victims, minors can testify in their own apartments or other premises, or in an authorised institution or organisation which is professionally equipped to interview minors. At the main hearing, the transcript of the child's testimony is read, or the recording of the interview is played. If a minor is particularly sensitive due to the nature of criminal offence, its consequences or other circumstance, or

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<sup>233</sup> Article 179 of the Law on Misdemeanour Procedure

<sup>234</sup> Article 308 of the Law on Criminal Procedure

<sup>235</sup> Article 35 11a of the Court Rules of Procedure

<sup>236</sup> Available at: <http://www.vds.rs/OrgInstKojePruzajuPomocZrtvama.htm>

<sup>237</sup> Article 232 of the Law on Litigation Procedure

the minor is in a state of particularly serious mental anguish, it is prohibited to have the minor face the defendant. In addition, a minor, as the injured party, must have a legal representative from the first hearing of the defendant. A minor who doesn't have a legal representative shall be appointed an attorney, and the costs of the legal representation will be paid by the court. If the minor, as the injured party, should perform the in court identification of the defendant, the court shall act with particular heed and in all steps of the procedure, the identification shall be carried out in a way that does not allow the defendant from to see the minor's face<sup>238</sup>.

Between 2014 and 2017, the Ministry of Justice and the Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with UNICEF, implemented the project "Advancing Child Rights through Strengthening the Justice and Social Welfare Systems in Serbia". Within this Project, Units for Protection of Children Victims and Witnesses in Criminal Procedures were established in Belgrade, Niš, Kragujevac and Novi Sad, providing children victims and witnesses support in criminal procedures before, during and after trial. The children who received the support of these units were usually victims of domestic violence and sexual offences. However, there is no data about the number of children who received the assistance and support services. It is planned to establish these units for protection of children witnesses in criminal procedures in other cities as well.

The draft Law on Amending the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles was prepared, as well as the draft Rulebook of Interviewing Children. It is expected that they will be adopted soon.

## **I. Protective measures during investigation and court procedures**

The provisions of the Law on Criminal Procedure stipulate that, in the criminal procedure, the public prosecutor, the court and other authorities conducting the procedure are required to protect the injured party or witness from an insult, threat and any other attack, with the possibility of the court to impose a fine. Upon receiving notification about the existence of violence or a serious threat directed at an injured party or a witness, the public prosecutor will undertake criminal prosecution or notify the competent public prosecutor. A public prosecutor or the court may request that the police undertake measures to protect an injured party or a witness<sup>239</sup>.

A victim may testify, but if the victim is the defendant's spouse or common law partner, or there is other permanent association between them, or if they are kin, the victim has the right to be informed that she can be released from the duty of giving evidence<sup>240</sup>. A victim who does not understand the language of the procedure is interviewed through an interpreter, and if the victim participates in the procedure as a party, she has the right to hear the interpretation of other testimonies and see the translation of written evidence. The interpretation and translation services are paid from the budget. There are special rules for persons with sensory disabilities.

The defendant may be removed from the courtroom while the witness is testifying, if the victim, as a witness, refuses to provide her statement in his presence, or if the circumstances indicate that she will not tell the truth in his presence. Given their lack of information, the victims usually do not ask for this option.

A victim who testifies may be given the status of *particularly sensitive witness*, if she is particularly sensitive, given her age, life experience, lifestyle, gender, health situation, nature, the manner or the consequence of the committed crime and other circumstances of the case. When interviewing a particularly sensitive witness, questions may be asked only through an authority that treats this witness with special heed, trying to avoid possible harmful consequences of the procedure to the witness's personality, body and psychological state. Testimony can be taken with the help of a psychologist, a social works or another professional, with the use of audio-visual technology, etc. Particularly sensitive witnesses can testify in their own apartments or other premises, or in an authorised institution professionally equipped to interview particularly sensitive persons. A particularly sensitive witness cannot face the defendant during trial, unless the authority conducting the procedure allows it upon the request of the defendant, paying heed to the degree of the witness' sensitivity and the

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<sup>238</sup> Article 152–155 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles

<sup>239</sup> Article 102 of the Law on Criminal Procedure

<sup>240</sup> Article 94 of the Law on Criminal Procedure

rights of the defence<sup>241</sup>. If the public prosecutor or the court assesses it as necessary, this witness can be appointed a lawyer as a legal representative<sup>242</sup>. However, there is no explicitly stipulated obligation of competent authorities to inform the victim about the possibility to request the status of protected witness.

A victim who testifies may be granted the status of a *protected witness* if there are circumstances indicating that, by giving testimony or answering certain question, she would expose herself or persons close to her to substantial dangers threatening their life, health, freedom or property. The court orders special protective measures preventing the disclosure of the identity of the victim who testifies<sup>243</sup>. However the identity of the victim who testifies must be disclosed to the defendant and his attorney, at least 15 days before the main hearing begins<sup>244</sup>.

The law does not regulate the obligation to inform the victim when a defendant who was in detention is released, or about the outcome of the parole procedure. If the victim requested to be informed, and if the risk assessment indicates the need for preventive protection of the victim, the prison in which the perpetrator served the sentence informs the victim about release and parole release of the perpetrator of criminal offences against life and limb, sexual offences, or offences against marriage and family, or if such person escaped from prison.<sup>245</sup>

## J. Free legal aid

The work on designing the system of free legal aid is ongoing in Serbia. The draft Law on Free Legal Aid is prepared, the public debate is finished and it is expected to be adopted soon. The draft law foresees that the following persons have the right to receive free legal aid, irrespective of their property status: a person enjoying legal protection from domestic violence, torture or human trafficking, an asylum seeker, a refugee, a person under subsidiary protection, a person with disability accommodated in a social welfare institution, a child accommodated in a social welfare institution, and members of other vulnerable groups.

Free legal aid is provided by free legal aid services in municipalities which set their own criteria for providing free legal aid, mostly based on the property status of the person asking for aid, but also circumstances of the person's situation. Free legal aid is also provided by certain attorney offices, whereas NGOs and legal clinics on faculties of law provide legal information and advice to victims.

The court may also approve free legal aid. When criminal procedures are being conducted in connection with a criminal offence punishable by law by a term of imprisonment of over five years, at the request of the subsidiary prosecutor a proxy may be appointed for him, if this is in the best interest of the proceedings and if the financial standing of the subsidiary prosecutor makes it impossible for him to bear the costs of representation<sup>246</sup>. In a litigation procedure, the court can acknowledge the right to receive free legal aid to a party during the entire procedure under condition that the party is fully exempted of advanced payment of procedure costs, if this is a necessary step to protect the party's rights<sup>247</sup>.

A lawyer may be appointed as the legal representative of the victim, paid by the court – during the investigation, it's the prosecutor who appoints such legal representative, while at the main hearing, it's the court that does it. For more detail, please see Section I, Protective measures during investigation and court procedures.

There is no data about the number of women victims of violence who received free legal aid

or about the number of women victims who had a free legal representative appointed by the court in criminal and civil procedures.

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<sup>241</sup> Article 104 of the Law on Criminal Procedure

<sup>242</sup> Article 103 of the Law on Criminal Procedure

<sup>243</sup> Article 105 of the Law on Criminal Procedure

<sup>244</sup> Article 106, paragraph 3 of the Law on Criminal Procedure

<sup>245</sup> Article 181 of the Law on the Enforcement of Criminal Sanctions

<sup>246</sup> Article 59 of the Law on Criminal Procedure

<sup>247</sup> Article 170 of the Law on Litigation Procedure



## VII. Migrations and asylum

The new Law on Foreigners from 2018<sup>248</sup> which shall enter into force on September 22<sup>nd</sup> 2018 is harmonised with the contemporary international standards. It provides conditions for approval of temporary and independent stay<sup>249</sup>.

### A. Temporary stay

Temporary stay can be approved to a foreigner on the grounds of family unity. If this was the grounds of approval for stay and a foreigner spent four years uninterruptedly in Serbia, the right to independent stay can be granted to such foreigner<sup>250</sup>. This allows women to realise their right on independent stay in case of divorce or breakup of common law union with the person because of whom her temporary stay was approved.

The Law stipulates easier conditions for approval of independent stay for certain categories of persons who are residing in Serbia on the grounds of family unity.

Independent stay can be approved to a person residing in Serbia on the grounds of family unity if this person is a victim of domestic violence or if this person is under other particularly grave circumstances, irrespective of the length of the uninterrupted stay in Serbia on the grounds of family unity. Independent stay is approved for one year and prolonged for the same duration<sup>251</sup>.

Under the same conditions, independent stay can be approved to a foreigner who is in “particularly grave circumstances”. The Law does not elaborate what circumstances can be deemed as “particularly grave”, but this notion allows a rather wide interpretation. Therefore, “particularly grave circumstances” might include all the reasons listed in Article 51 of the Convention. Accordingly, the right to independent stay can be granted to a woman who has temporary stay on the grounds of family unity if her violent spouse or partner, because of whom her stay was approved, was expelled.

Temporary stay is also approved to the following foreigners:

- a victim of a serious criminal offence if his or her presence is necessary in the criminal procedure or if he or she participates in the investigation as a witness or an injured party;
- who is an assumed victim of human trafficking;
- who is a victim of human trafficking, if the competent authority deems that staying in Serbia is necessary for his or her protection, recovery, and safety, or that his or her presence is necessary for the criminal procedure;
- who is a minor who has been abandoned, or a victim of organised crime, or remained without parental care or company for other reasons; and
- if there are serious and justified reasons of humanitarian nature, state interest or international obligations for this person to stay in Serbia.<sup>252</sup>

The Law implementation hasn't begun yet, and therefore, there is no data.

### B. Gender sensitive reasons for granting asylum

The new Law on Asylum from 2018<sup>253</sup> stipulates that the right to refuge, i.e. to refugee status, is granted to applicants who are outside of their country of origin or country of usual residence and who have a justified fear of persecution on the

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<sup>248</sup> Official Gazette of the Republic of Serbia, No. 24/2018

<sup>249</sup> Independent stay is approved if the foreigner uninterruptedly stayed in Serbia for the past four years on the basis of family unity or in the past three years if the person because of whom his or her temporary stay was approved passed away.

<sup>250</sup> Article 59, paragraph 1 of the Law on Foreigners

<sup>251</sup> Article 59, paragraph 3 and 4 of the Law on Foreigners

<sup>252</sup> Article 61

<sup>253</sup> Official Gazette of the Republic of Serbia, No. 24/2018

grounds of race, gender, language, religion, nationality, membership of a certain social group, or a political belief, which is why they cannot or are unwilling to accept protection of this country<sup>254</sup>.

The Law includes as an act of persecution physical or psychological violence, including sexual and gender-based violence, as well as acts that are specifically related to gender or children<sup>255</sup>.

Subsidiary protection is granted to applicants who failed to meet the conditions for granting the right on refuge, if there are justified reasons to indicate that if they return to their country of origin or usual residence they will face a real risk of suffering serious harm. By serious harm, the Law considers the threat of death by penalty or execution, torture, inhumane or degrading treatment or punishment, as well as serious and individual threats to life, due to general violence in situations of international or internal armed conflicts<sup>256</sup>.

It is stipulated that, when deciding on asylum applications, the competent authorities must assess the position and the personal circumstances of asylum seekers, including their gender and age, so that based on these fact they can assess if the treatment or the actions that seekers were exposed to or could be exposed to present real persecution or serious harm.<sup>257</sup>

The implementation of the Law hasn't begun yet, so there is no data available.

### **C. Gender sensitivity of the procedure**

The Law explicitly stipulates that the principles of gender equality and gender sensitivity are an integral part of the asylum procedure. These principles are made concrete through an instruction that the legal provisions must be interpreted in a gender sensitive way. Asylum seekers should be allowed to submit the asylum application and give their statement to the officer of the same gender or to give statement through an interpreter of the same gender, unless this is impossible or it entails disproportional difficulties. Search, bodily examinations, and other actions during the procedure that include physical contact with the asylum seeker must be conducted by an officer of the same gender. Women asylum seekers accompanied by men submit their asylum applications and give their statements separately from their male companions<sup>258</sup>.

During registration, the police officer is obliged to examine a foreigner and his belongings with full respect of his physical and psychological integrity and human dignity.<sup>259</sup>

In the process of reviewing asylum applications, family members of asylum seekers are interviewed separately, unless this is not possible, according to the assessment of the officer conducting the interviews, in order to establish the important facts on which their application for asylum is based.<sup>260</sup>

The Law foresees that, in the asylum procedure, particular heed must be paid to the specific position of persons who need special procedural or reception guarantees, such as minors, unaccompanied minors, persons with disabilities, elderly, pregnant women, single parents with minor children, victims of trafficking, gravely ill persons, persons with mental disabilities, as well as person who were tortured, raped, or exposed to other severe forms of psychological, physical or sexual violence, such as women victims of genital mutilation<sup>261</sup>. If, due to their personal circumstances, asylum seekers are not capable to fulfil their rights and obligations, they are provided with appropriate assistance. These personal circumstances are taken into consideration throughout the entire procedure.

In the aim to support the integration of persons who were given international protection, the appropriate by-laws were adopted: *Regulation on Establishing Priorities for Accommodation of Persons Who Are Granted Asylum or Subsidiary Protection and the Conditions for Use of Temporary Accommodation* (2015) and *Regulation on Inclusion in Social*,

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<sup>254</sup> Article 24 of the Law on Asylum

<sup>255</sup> Article 28, paragraph 2, items 1 and 6 of the Law on Asylum

<sup>256</sup> Article 25 of the Law on Asylum

<sup>257</sup> Article 32 of the Law on Asylum

<sup>258</sup> Article 16 of the Law on Asylum

<sup>259</sup> Article 35, paragraph 7 of the Law on Asylum

<sup>260</sup> Article 37, paragraph 5 of the Law on Asylum

<sup>261</sup> Article 17 of the Law on Asylum

*Cultural and Economic Life of Persons Who Were Granted Asylum* (2016). These by-laws allow the implementation of laws that assure the provision of integration assistance to persons who were granted international protection.

Since the beginning of implementation of the Regulation on Establishing Priorities for Accommodation of Persons Who Are Granted Asylum or Subsidiary Protection and the Conditions for Use of Temporary Accommodation, the Commissariat for Refugees and Migrations provided financial assistance for temporary accommodation to all persons with asylum or subsidiary protection who have applied. The standards for accommodation in asylum centres are established by the *Rulebook on Accommodation Conditions and Assuring Basic Living Conditions in Asylum Centres* (2008).

The *Standard Operative Procedures of the Republic of Serbia for the Prevention and Protection of Refugees and Migrants from Gender-Based Violence*, adopted by Ministry of Labour, Employment, Veteran and Social Affairs, apply in all reception centres for accommodation of migrants. This document describes procedures, roles and responsibilities of each individual service provider involved in prevention and response to GBV, and it is aimed at all institutions and organisations that operate on the migrant route, as well as at those who organise short-term and mid-term care for refugees and migrants in the Republic of Serbia. In addition, in 2016, the Ministry of Labour, Employment, Veteran and Social Affairs adopted the *Standard Operative Procedures for Protection of Children Refugees/Migrants*. It defines indicators in case of suspicions that a child migrant is a possible victim of human trafficking, as well as the procedure of reporting for identification.

There is no data about the number of women who were granted the right to stay in the country in case of divorce or break-up of a relationship, on the grounds of particularly grave circumstances such as violence, or in case of losing her residence status because of the forced marriage that took her away from the country of origin.

## D. Non-refoulement

The principle of non-refoulement is the fundamental principle of the Law on Asylum, stating that no person shall be expelled or returned to a territory where his/her life or freedom would be threatened on grounds of his/her race, religion, nationality, membership of a particular social group, or political opinions.<sup>262</sup> In applying the concept of “first country of asylum”, an asylum application cannot be dismissed if the asylum seeker refers to “*special circumstances*” in which he or she is<sup>263</sup>. In addition, the application of the concept of “safe third country” means that a safe third country is a country in which the asylum seeker is safe from persecution or risks of serious harm<sup>264</sup>.

## E. Other measures

The Law stipulates that asylum seekers who are in particular psychological or physical condition, including women victims of GBV, and who, therefore, need special support, may be granted accommodation in a social welfare institution, in the premises of another accommodation service provider or in another family<sup>265</sup>. Asylum seekers have the right to healthcare and the priority in accessing healthcare is given to victims of torture, rape and other severe forms of psychological, physical or sexual violence<sup>266</sup>.

A large number of NGOs provide assistance and support to refugees, migrants and asylum seekers, and their projects are partly funded from the budget of the Commissariat for Refugees and Migrations of the Republic of Serbia. Some of these projects are focused on the needs of women, children and other vulnerable groups.

In the *National Strategy for Prevention and Elimination of Human Trafficking, in Particular Women and Children, and Protection of Victims 2017–2022* (*Official Gazette of the Republic of Serbia, No. 77/2017*), the asylum seekers (migrants) are identified as a group particularly exposed to the risk of human trafficking. This will create mechanisms that will allow timely identification of potential victims of trafficking and adequate protection.

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<sup>262</sup> Article 6 of the Law on Asylum

<sup>263</sup> Articles 42 and 43 of the Law on Asylum

<sup>264</sup> Articles 45, paragraph 1 of the Law on Asylum

<sup>265</sup> Articles 52, paragraph 3 of the Law on Asylum

<sup>266</sup> Articles 54, paragraph 3 of the Law on Asylum

In cooperation with the relevant international organisations and NGOs, the Commissariat employees working in centres for accommodation of migrants and asylum seekers are continuously trained in the areas of protection, work with vulnerable categories of migrants, identification of potential victims of trafficking and GBV, and similar, in the aim to provide adequate support to migrants and prevent different forms of violence. Also all employees working in centres for reception and protection of migrants have attended trainings on prevention and detection of violence, identification of GBV, treatment of unaccompanied minors, and gender equality.

The available statistical data on migration and asylum are given in Tables 33-38.

# OVERVIEW OF RELEVANT LEGAL PROVISIONS

**Criminal Code**, Official Gazette of the Republic of Serbia, No. 85/2005, 88/2005 - corr. 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016

## **Murder**

### *Article 113*

Whoever causes death of another, shall be punished with imprisonment from five to fifteen years.

## **Aggravated Murder**

### *Article 114*

Whoever:

- 1) causes death of another in a cruel or insidious manner;
- 2) causes death of another by callous violent behaviour;
- 3) causes death of another and with premeditation endangers the life of other person;
- 4) causes death of another during commission of robbery or compound larceny;
- 5) causes death of another for gain, to commit or conceal another offence, from callous revenge or other base motives;
- 6) causes death of an official or serviceman during discharge or related to discharge of their duty;
- 7) causes death of a judge, public prosecutor, deputy public prosecutor or police officer in relation to discharge of their duty;
- 8) causes death of a person performing affairs of public importance related to the affairs performed by this person;
- 9) causes death of a child or pregnant woman;
- 10) causes death of a member of his family whom he previously abused;
- 11) with premeditation causes death of several persons, and this not being a case of manslaughter in a heat of passion, infanticide or mercy killing shall be punished with imprisonment from thirty to forty years.

## **Illegal Termination of Pregnancy**

### *Article 120*

- (1) Whoever contrary to regulations governing termination of pregnancy carries out an abortion of a pregnant woman with her consent, commences an abortion or aids her in committing an abortion, shall be punished with imprisonment from three months to three years.
- (2) Whoever engages in acts specified in paragraph 1 of this Article, shall be punished with imprisonment from six months to five years.
- (3) Whoever carries out or commences to carry out an abortion of a pregnant woman without her consent, or if she is under sixteen years of age without her consent and without written consent of her parent, adoptive parent or guardian, shall be punished with imprisonment from one to eight years.
- (4) If the act specified in paragraphs 1 through 3 of this Article results in death, serious health impairment or other grave bodily harm of the woman subjected to abortion, the perpetrator shall be punished for the offence specified in paragraphs 1 and 2 of this Article by imprisonment of one to seven years, and for the offence specified in paragraph 3 of this Article by imprisonment of two to twelve years.

## **Female genital mutilation**

### *Article 121a*

- (1) Whoever excises or permanently alters the whole or any part of external genitals of a female person shall be punished by imprisonment from one to eight years.
- (2) If there are particularly mitigating circumstances under which the acts described in paragraph 1 of this Article were committed, the perpetrator shall be punished by imprisonment from three months to three years.

(3) Whoever abets or aids a female person to perform by herself the acts described in paragraph 1 of this Article shall be punished by imprisonment from six months to five years.

(4) If the acts described in paragraph 1 of this Article resulted in death of the female person, the perpetrator shall be punished by imprisonment from two to twelve years.

### **Ill-treatment and Torture**

#### *Article 137*

(1) Whoever ill-treats another or treats such person in humiliating and degrading manner, shall be punished with fine or imprisonment up to one year.

(2) Whoever causes anguish to another with the aim to obtain from him or another information or confession or to intimidate him or a third party or to exert pressure on such persons, or if done from motives based on any form of discrimination, shall be punished with imprisonment from six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty, such person shall be punished for the offence in paragraph 1 by imprisonment from three months to three years, and for the offence specified in paragraph 2 of this Article by imprisonment of one to eight years.

### **Endangerment of Safety**

#### *Article 138*

(1) Whoever endangers the safety of another by threat of attack against the life or body of such person or a person close to him, shall be punished with fine or imprisonment up to one year.

(2) Whoever commits the offence specified in paragraph 1 of this Article against several persons or if the offence causes anxiety of citizens or other serious consequences, shall be punished with imprisonment of three months to three years.

(3) Whoever commits the offence specified in paragraph 1 of this Article against the President of the Republic, a member of the Parliament, the Prime Minister, members of the Government, a judge of the Constitutional Court, a judge, a public prosecutor, a deputy public prosecutor, a lawyer, a police officer and a person performing affairs of public interest in the area of information related to discharge of their duty, shall be punished by imprisonment from six months to five years.

### **Stalking**

#### *Article 138a*

(1) Whoever a certain period of time persistently:

- follows or stalks another person or carries out other acts with the aim to get physically close to that person, against the person's will,
- attempts to establish unsolicited contact with that person, directly, through a third person or through other communication channels,
- abuses personal data of another person or a person close to them with the aim of offering goods or services,
- arouses apprehension or fear in this person for their own safety or safety of any other person close to them,
- undertakes other similar acts in a manner that can substantially jeopardise the personal life of the person who is the target of such acts,

shall be punished by a fine or by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article resulted in endangering the life, health or body of the person who was the target of the offence, or the person close to them, the perpetrator shall be punished by imprisonment from three months to five years.

(3) If the offence referred to in paragraph 1 of this Article resulted in death of the person who was the target of the offence, or the person close to them, the perpetrator shall be punished by imprisonment from one to ten years.

### **Rape**

#### *Article 178*

(1) Whoever forces another to sexual intercourse or an equal act by use of force or threat of direct attack against the body of such or other person, shall be punished with imprisonment from five to twelve years.

(2) If the offence specified in paragraph 1 of this Article is committed under threat of disclosure of information against such person or another that would discredit such person's reputation or honour, or by threat of other grave evil, the offender shall be punished with imprisonment from two to ten years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in grievous bodily harm of the person against whom the offence is committed, or if the offence is committed by more than one person or in a particularly cruel or humiliating manner or against a juvenile or the act resulted in pregnancy, the offender shall be punished with imprisonment from five to fifteen years.

(4) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child, the offender shall be punished with imprisonment of at least ten years.

### **Sexual Intercourse with a Helpless Person**

#### *Article 179*

(1) Whoever has sexual intercourse with another or commits an equal act by taking advantage of such person's mental illness, mental retardation or other mental disorder, disability or some other state of that person due to which the person is incapable of resistance, shall be punished with imprisonment of five to twelve years.

(2) If the helpless persons suffers serious bodily harm due to the offence specified in paragraph 1 of this Article, or the offence has been committed by several persons or in a particularly cruel or humiliating manner, or against a juvenile or if the act resulted in pregnancy the perpetrator shall be punished with imprisonment of five to fifteen years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child, the offender shall be punished with imprisonment of at least ten years.

### **Sexual Intercourse with a Child**

#### *Article 180*

(1) Whoever has sexual intercourse or commits an equal act against a child, shall be punished with imprisonment from five to twelve years.

(2) If the offence specified in paragraph 1 of this Article results in grievous bodily harm of the child against whom the act was committed or if the act is committed by several persons or the act resulted in pregnancy, the offender shall be punished with imprisonment from five to fifteen years.

(3) If death of the child results due to the offence specified in paragraphs 1 and 2 of this Article, the offender shall be punished with imprisonment from at least ten years.

(4) An offender shall not be punished for the offence specified in paragraph 1 of this Article if there is no considerable difference between the offender and the child in respect of their mental and physical development.

### **Sexual Intercourse through Abuse of Position**

#### *Article 181*

(1) Whoever by abuse of position induces to sexual intercourse or an equal act a person who is in a subordinate or dependant position, shall be punished with imprisonment of three months to three years.

(2) Teacher, tutor, guardian, adoptive parent, stepfather, stepmother or other person who through abuse of his position or authority has sexual intercourse or commits an act of equal magnitude to a juvenile entrusted to him for learning, tutoring, guardianship or care, shall be punished with imprisonment from one to ten years.

(3) If the offence specified in paragraph 2 of this Article is committed against a child, the offender shall be punished with imprisonment from five to twelve years.

(4) If the offence specified in paragraphs 1 through 3 of this Article resulted in pregnancy, the offender shall be punished for the offence specified in paragraph 1 by imprisonment from six months to five years, and for the offence specified in paragraph 2 by imprisonment from two to twelve years, and for the offence specified in paragraph 3 by imprisonment from five to fifteen years.

(5) If death of the child results due to offence specified in paragraph 3 of this Article, the offender shall be punished with imprisonment from at least ten years.

### **Prohibited Sexual Acts**

### *Article 182*

- (1) Whoever under conditions specified in Article 178, paragraphs 1 and 2, Article 179, paragraph 1, and Article 181 paragraphs 1 through 3 hereof commits some other sexual act, shall be punished with a fine or imprisonment up to three years.
- (2) Whoever under conditions specified in Article 180, paragraph 1, and Article 181, paragraph 3 hereof commits some other sexual act, shall be punished with imprisonment from six months to five years.
- (3) If the offence specified in paragraph 1 of this Article results in grievous bodily harm of the person against whom the act is committed, or if the act is committed by several persons or in a particularly cruel or degrading manner, the offender shall be punished with imprisonment from two to ten years.
- (4) If the offence specified in paragraph 1 of this Article results in death of the person against whom the act is committed, the offender shall be punished with imprisonment from at least ten years.

### **Sexual harassment**

#### *Article 182a*

- (1) Whoever sexually harasses another person, shall be punished by a fine or by imprisonment up to six months.
- (2) If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished with imprisonment from three months to three years.
- (3) Sexual harassment is defined as every verbal, non-verbal or physical behaviour aiming to violate or succeeding in violating the dignity of a person in the area of sexual life, causing fear or creating a hostile, degrading or offensive environment.
- (4) Criminal prosecution for the offence specified in paragraph 1 of this Article is initiated upon the initiative of the person against whom the offence was committed.

### **Pimping and Procuring**

#### *Article 183*

- (1) Whoever pimps a minor for sexual intercourse or an equal act or other sexual act, shall be punished with imprisonment of one to eight years and a fine.
- (2) Whoever procures a minor for sexual intercourse or an act of equal magnitude or other sexual act, shall be punished with imprisonment from six months to eight years and a fine.

### **Mediation in Prostitution**

#### *Article 184*

- (1) Whoever causes or induces another person to prostitution or participates in handing over a person to another for the purpose of prostitution, or who by means of media or otherwise promotes or advertises prostitution, shall be punished with imprisonment of six months to five years and a fine.
- (2) If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished with imprisonment from one to ten years and a fine.

### **Showing, Acquiring, and Owning Pornographic Material and Child Pornography**

#### *Article 185*

- (1) Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a minor or shows to a minor a pornographic performance, shall be punished with a fine or imprisonment up to six months.
- (2) Whoever uses a minor to produce photographs, audio-visual or other items of pornographic content or for a pornographic show, shall be punished with imprisonment from six months to five years.
- (3) If the offence specified in paragraphs 1 and 2 of this Article is committed against a child, the offender shall be punished for the offence from paragraph 1 with imprisonment from six months to three years and for the offence from paragraph 2 with imprisonment from one to eight years.



(4) Whoever sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from exploiting a minor, shall be punished with imprisonment from three months to three years.

(5) Whoever uses information technology channels to deliberately access pictures, audio-visual or other items of pornographic content resulting from exploiting a minor, shall be punished with a fine or with imprisonment of up to six months.

(6) Pornographic content items created by exploiting a minor (child pornography) shall be defined as all material visually displaying a minor engaged in real or simulated sexually explicit behaviour, as well as every portrayal of a child's genitals for sexual purposes.

(7) Items specified in paragraphs 1 through 4 of this Article shall be confiscated.

### **Inducing a Minor to Attend Sexual Acts**

#### *Article 185a*

(1) Whoever induces a minor to attend a rape, sexual intercourse, or an act equivalent to it, or some other sexual act shall be punished with imprisonment of one to eight years.

(2) If the offence referred to in paragraph 1 hereof has been perpetrated using force or threat, the offender shall be punished with imprisonment of two to ten years.

### **Abuse of Computer Networks and Other Methods of Electronic Communication to Commit Criminal Offences Against Sexual Freedom of Minors**

#### *Article 185b*

(1) Whoever with intent to commit an offence referred to in Article 178, paragraph 4, Article 179, paragraph 3, Article 180, paragraphs 1 and 2, Article 181 paragraphs 2 and 3, Article 182, paragraph 1, Article 183, paragraph 2, Article 184, paragraph 3, Article 185, paragraph 2, and Article 185a herein and using computer networks or other method of electronic communication makes an arrangement to meet with a minor and arrives at the prearranged meeting place in order to meet with the minor shall be punished with imprisonment of six months to five years and a fine.

(2) Whoever perpetrates the offence referred to in paragraph 1 hereof against a child shall be punished with imprisonment of one year to eight years.

### **Forced Marriage**

#### *Article 187a*

(1) Whoever uses force or threat to coerce a person to conclude marriage, shall be punished with imprisonment of three months to three years.

(2) Whoever, with the aim to commit the offence referred to in paragraph 1, takes the person abroad or incites the person to go abroad for the purposes of committing the offence, shall be punished with imprisonment of up to two years.

### **Domestic Violence**

#### *Article 194*

(1) Whoever by use of violence, threat of attacks against life or body, insolent or ruthless behaviour endangers the tranquillity, physical integrity or mental condition of a member of his family, shall be punished with imprisonment from three months to three years.

(2) If in committing the offence specified in paragraph 1 of this Article weapons, dangerous implements or other means suitable to inflict serious injury to body or seriously impair health are used, the offender shall be punished with imprisonment from six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in grievous bodily harm or serious health impairment or if committed against a minor, the offender shall be punished with imprisonment from two to ten years.

(4) If the offence specified in paragraphs 1, 2 and 3 of this Article results in death of a family member, the offender shall be punished with imprisonment from three to fifteen years,

(5) Whoever violates a measure against domestic violence that was imposed on them by the court in accordance with the law shall be punished with a fine and imprisonment from three months to three years.

### **Violation of Restraining Order Imposed by Security Measures**

#### *Article 340a*

Whoever violates of restraining order imposed by an issued security measure shall be punished with a fine and imprisonment up to six months.

**Law on the Prevention of Domestic Violence, Official Gazette of the Republic of Serbia, No. 94/2016**

### **Reporting and detecting domestic violence**

#### *Article 13*

Everyone shall, without delay, report domestic violence or immediate threat thereof to the police or the public prosecutor's office.

Government and other bodies, organisations and institutions shall, without delay, report to the police or the public prosecutor's office any knowledge of domestic violence or immediate threat thereof.

Competent government bodies and centres for social work (Art. 8-11), shall within their regular tasks identify domestic violence or threat thereof.

The identification may come from studying a report submitted by the victim of violence to anyone, by detecting traces of physical or other abuse on the victim and other circumstances indicating the existence of domestic violence or immediate threat thereof.

Public prosecutor's office that has received report of violence or immediate threat of violence shall immediately forward the report to police officers, so they can notify the Competent Police Officer thereof (Article 14.1).

### **Action of police officers**

#### *Article 14*

Police officers shall immediately notify the Competent Police Officer of any domestic violence or immediate threat thereof, regardless of how they learned about it, and shall have the right to, on their own or upon request by the Competent Police Officer, bring the potential perpetrator to the competent organisational unit of the police, to conduct proceedings.

Detention in the competent organisational unit of the police for the purposes of conducting proceedings may last for a maximum of eight hours.

During the proceedings in the competent organisational unit of the police, the potential perpetrator must be informed about and enabled to contact and use the services of defence and legal aid in accordance with the Constitution and the laws of the Republic of Serbia.

### **Action of the Competent Police Officer**

#### *Article 15*

The Competent Police Officer shall provide the opportunity to the potential perpetrator brought to the competent organisational unit of the police, to make a statement on all important facts, collect the necessary information from other police officers, immediately assess the risk of immediate threat of domestic violence (hereinafter: risk assessment), and to, under the conditions set out in this Law (Article 17.1), issue emergency measure for preventing domestic violence (hereinafter: emergency measure).

If the potential perpetrator has not been brought to the competent organisational unit of the police, the Competent Police Officer shall assess the risk immediately upon receiving information on violence or immediate threat thereof from other police officers.

Before the finalisation of the risk assessment, the Competent Police Officer may, as needed, seek opinion from the centre for social work.

## **Risk assessment**

### *Article 16*

Risk assessment shall be based on available information and shall be conducted in the shortest period of time possible. Special care shall be taken during the risk assessment about whether the potential perpetrator has previously or immediately before the risk assessment, perpetrated domestic violence and whether they are ready to repeat, whether they threatened with murder or suicide, whether they own a gun, whether they are mentally ill or use psychoactive substances, whether there is conflict over guardianship of the child or maintaining relations between the child and the parent who is the potential perpetrator, whether the potential perpetrator has been issued urgent measure or measure of protection from domestic violence, whether the victim is experiencing fear and what her assessment of the risk of violence is.

The competent police officer shall immediately submit all available information on domestic violence or immediate threat thereof and risk assessment – if it indicates immediate threat of violence – to the Basic Public Prosecutor in whose area the permanent or temporary residence of the victim is, to the centre for social work, or the coordination and cooperation group.

If the Competent Police Officer determines the existence of threat that is not immediate, he/she shall submit all available information on domestic violence or threat thereof and risk assessment to the Basic Public Prosecutor and centre for social work.

## **Emergency measures**

### *Article 17*

If the Competent Police Officer, upon conducting the risk assessment, determines that there is immediate threat of domestic violence, he/she shall make an order issuing immediate measure to the perpetrator brought to the competent organisational unit of the police (Article 15.1).

Emergency measures shall be: measure of temporary removal of the perpetrator from the dwelling and measure of temporary prohibition for the perpetrator to contact the victim of violence or approach her.

The order can be used to issue both emergency measures.

The order shall contain: the name of the body issuing it, information on the person to whom the emergency measure is issued, the type of emergency measure issued and its duration, date and time of issuing emergency measure and the obligation of the person to whom the measure is issued to, upon its expiration, report to the police officer who issued it. The order shall be delivered to the person to whom the urgent measure has been issued. If he/she refuses to receive the order, the Competent Police Officer shall make a note of this, which shall be taken to mean that the order has been delivered.

The Competent Police Officer shall submit the order, immediately after it has been delivered, to the Basic Public Prosecutor in whose area the permanent or temporary residence of the victim is, to the centre for social work and coordination and cooperation group, and the victim of violence shall be notified in writing of the type of emergency measure issued.

## **Action of the Public Prosecutor**

### *Article 18*

Upon receiving information, risk assessment and order, the Basic Public Prosecutor shall study the information and evaluate the risk assessment by the Competent Police Officer.

If he/she, upon doing this, determines immediate threat of domestic violence, he/she is obliged to submit to the court the proposal to extend the emergency measure, within 24 hours of the delivery of the order to the person to whom the emergency measure has been issued.

With proposal, the Basic Public Prosecutor shall submit to the court also the risk assessment by the Competent Police Officer, his/her evaluation of the risk assessment and other evidence indicating immediate threat of domestic violence.

## **Action of the first instance court**

### *Article 19*

The proposal to extend the emergency measure shall be submitted to the basic court responsible for the area where the permanent or temporary residence of the victim is, and an individual judge shall decide on the proposal.

The court shall extend the emergency measure if, after evaluating the risk assessment by the Competent Police Officer, the risk assessment conducted by the Basic Public Prosecutor, submitted evidence and statements contained in the Basic Public Prosecutor's proposal, and the statement of the person that is issued the emergency measure, they determine immediate threat of domestic violence, otherwise they shall dismiss the proposal as unfounded. The Decision on the proposal shall be issued without holding a session, within 24 hours of receiving the proposal to extend the emergency measure.

### **The duration of emergency measures**

#### *Article 21*

The emergency measure issued by the Competent Police Officer shall last for 48 hours from the delivery of the order. The court can extend the measure by an additional 30 days. If the emergency measure of temporary removal of the perpetrator from the dwelling is extended, the person issued the measure may take their necessary personal belongings from the housing unit, escorted by police officers.

### **Individual plan of protection and support to the victim**

#### *Article 31*

Upon receiving the risk assessment which determines immediate threat from domestic violence, the coordination and cooperation group shall develop the individual plan of protection and support to the victim, which contains comprehensive and effective measures of protection and support to the victim, but also other family members that need support. The victim shall also participate in the development of the individual plan of protection and support to the victim, if they wish to, and if their emotional and physical state allows. Measures of protection must provide safety to the victim, stop violence, prevent it from recurring and protect the victim's rights, and measures of support must enable the victim to be provided with psychosocial and other support for their recovery, empowerment and independence. The individual plan of protection and support to the victim shall set out those responsible to enforce concrete measures and time provided to undertake them, as well as a monitoring and evaluation plan of the effectiveness of planned and undertaken measures. The individual plan of protection and support to the victim shall be developed also for the victims of criminal offences set out in this Law.

### **Violations**

#### *Article 36*

The person that violates the emergency measure that has been issued to them or extended, shall be punished by 60 days in prison. Responsible person in the government or other body, organisation and institution that does not report to the police or the public prosecutor's office, without delay, or fails to respond to the report or obstructs reporting or responding to any knowledge of domestic violence or immediate threat thereof (Article 13.2), shall be fined with between 50,000 and 150,000 dinars. Convicting verdict for violation in Paragraph 1 herein may be enforced before it becomes final, according to the Law on Misdemeanours.

**Law on Contracts and Torts**, Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 29/78, 39/85, 45/89 - decision of the Constitutional Court of Yugoslavia and 57/89, Official Gazette of the Federal Republic of Yugoslavia, No. 31/93 and Official Gazette of the Serbia and Montenegro, No. 1/2003 - Constitutional Charter)

## **Injury or Loss**

### *Article 155*

Injury or loss shall be a diminution of someone's property (simple loss) and preventing its increase (profit lost), as well as inflicting on another physical or psychological pain or causing fear (non-material damage).

## **Demand to Cease with Violation of Individual Rights**

### *Article 157*

- (1) Everyone shall be entitled to demand that the court or other competent agency order the cessation of an action by which the integrity of human person and family life is violated and other rights pertaining to his person.
- (2) The court or the other competent agency may order cessation of the action by threatening the payment of a certain amount of money, determined as a lump sum or per time unit, to the benefit of the person suffering damage.

## **Salary Lost and Expenses of Medical Treatment and Funeral**

### *Article 193*

- (1) Whoever causes another person's death shall be liable to reimburse the usual expenses of that person's funeral.
- (2) He shall be also liable to reimburse expenses of that person's medical treatment for injuries inflicted, as well as other expenses relating to medical treatment, including the salary lost due to disability for work.

## **Right of a Dependent of the Deceased**

### *Article 194*

- (1) A person who was supported or regularly assisted by the deceased, as well as the one entitled by law to request maintenance from the deceased, shall be entitled to damages for loss sustained by the loss of support, or assistance.
- (2) Such loss shall be redressed by paying annuities the amount of which shall be established by taking in consideration all the circumstances of the case, but which shall not be higher than the amount which would have been received by the person sustaining damage from the deceased if he were alive.

## **Redressing Damage In Case of Bodily Injury or Damage to Health**

### *Article 195*

- (1) One who inflicts to another bodily injury or impairs his health, shall be liable to reimburse his medical expenses, as well as other related necessary expenses, including recovery of the salary lost due to inability to work during medical treatment.
- (2) Should the injured person due to total or partial disability lose his salary, or should his needs become permanently increased, or should possibilities of his further development and advancement be destroyed or reduced, the person liable shall pay to the injured one specific annuities as damages for such loss.

## **Particular Provisions for Redressing Property Damage in Case of Insult to One's Honour and Spreading False Statements**

### *Article 198*

- (1) Whoever insults another person's honour, or whoever utters or conveys false statements concerning another person's past, knowledge and ability, or concerning anything else of the kind, although being aware, or should have to be aware, that these are untrue, thus causing material damage to such person, shall be liable for damages.
- (2) However, one shall not be liable for the loss caused who makes the false statement concerning another without knowing that it is not true, should he or the one acknowledging the statement have a serious interest in the matter.

## V INDEMNITY FOR NON-MATERIAL DAMAGE

### **Making a Public Sentence or a Correction**

#### *Article 199*

In case of violation of an individual right, the court may order that, at the expense of the tort-feasor, the sentence, namely the correction, be made public, or it may order that the tort-feasor take back the statement causing the violation, or order something else which would reach the purpose, otherwise apt to be achieved by indemnity.

### **Money Indemnity**

#### *Article 200*

(1) For physical pains suffered, for mental anguish suffered due to reduction of life activities, for becoming disfigured, for offended reputation, honour, freedom or rights of personality, for death of a close person, as well as for fear suffered, the court shall, after finding that the circumstances of the case and particularly the intensity of pains and fear, and their duration, provide a corresponding ground thereof – award equitable damages, independently of redressing the property damage, even if the latter is not awarded.

(2) In deciding on the request for redressing non-material loss, as well as on the amount of such damages, the court shall take into account the significance of the value violated, and the purpose to be achieved by such redress, but also that it does not favour ends otherwise incompatible with its nature and social purpose.

### **Persons Entitled to Damages in Case of Death or Serious Disability**

#### *Article 201*

(1) In case of death of a person, the court may award to members of their immediate family (spouse, children and parents) equitable damages for their mental anguish.

(2) Such damages may be also awarded to brothers and sisters should a permanent household unit exist between them and the deceased.

(3) In case of a particularly serious disability of a person, the court may award to his spouse, children and parents an equitable money indemnity for their mental anguish.

(4) The indemnity specified in paragraphs 1 and 3 of the present article may also be awarded to common law marriage partners, if a permanent household unit had existed between the common law marriage partners and the deceased, or injured person.

### **Satisfaction in Specific Cases**

#### *Article 202*

A person being induced to unlawful intercourse or lewd act by deceit, force or misuse of a relationship of subordination or dependence, as well as a person being a victim of some other criminal offence in violation of personal dignity and morale shall be entitled to equitable damages for mental anguish suffered.

<b>Family code</b> , Official Gazette of the Republic of Serbia, No. 18/2005, 72/2011 - other law and 6/2015
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### **Domestic Violence**

#### *Article 197*

(1) Domestic violence, in terms of this Law, is the behaviour by which one family member endangers the physical integrity, mental health or tranquillity of another family member.

(2) Domestic violence, in terms of paragraph 1 of this Law, is in particular:

1. inflicting or attempting to inflict a bodily injury;
2. incitement of fear by threatening to murder or inflict a bodily injury to a member of the family or another person close to them;
3. forcing to sexual intercourse;

4. abetting to sexual intercourse or sexual intercourse with a person who has not reached fourteen years of age or an incapable person;
  5. restricting of freedom of movement or communication with other persons;
  6. insulting, as well as any other insolent, unscrupulous or malevolent behaviour.
- (3) Members of the family, in terms of paragraph 1 of this Law, are:
1. spouses or former spouses;
  2. children, parents and other blood relatives, in-law or adoptive relatives, and persons related by foster care;
  3. persons who live or have lived in the same family household;
  4. common law marriage partners or former common law marriage partners;
  5. persons who have been or still are in a mutual emotional or sexual relation, or have a common child, or the child is to be born, although they have never lived in the same family household.

### **Protective Measures**

#### *Article 198*

- (1) A court may order one or more protective measures against domestic violence pertaining to a family member who acts violently, temporarily prohibiting or limiting the maintenance of his/her personal relations with another family member.
- (2) Protective measures against domestic violence are:
  1. the issuance of a warrant for eviction from a family apartment or house, regardless of a right to property or a lease to immovable property;
  2. the issuance of a warrant for moving into a family apartment or house, regardless of a right to property or a lease to immovable property;
  3. prohibition of getting closer to a family member than a certain distance;
  4. prohibition of access to the vicinity of the place of residence or workplace of a family member;
  5. prohibition of further molestation of a family member.
- (3) A protective measure against domestic violence may not last longer than one year.
- (4) The time spent in custody as well as any detainment related to a criminal act or offense is counted in the time of duration of the protective measure against domestic violence.

### **Prolongation of a Protective Measure**

#### *Article 199*

A protective measure against domestic violence may be prolonged until the reasons for which it had been ordered cease to exist.

### **Termination of a Protective Measure**

#### *Article 200*

A protective measure against domestic violence may be terminated before the expiry of its duration if the reasons for which it had been ordered cease to exist.

**Labour Law**, Official Gazette of the Republic of Serbia, No. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 - decision of the Constitutional Court and 113/2017

*Article 21*

Harassment and sexual harassment are prohibited. Harassment, pursuant to this law, is any unwanted behaviour resulting from some of the grounds referred to in Article 18 of this law aimed at or representing violation of dignity of a person seeking employment or employee, causing fear or breeding adverse, humiliating or insulting environment. Sexual harassment, pursuant to this law, is any verbal, non-verbal or physical behaviour aimed at or representing violation of dignity of a person seeking employment or employee in the area of sexual life, causing fear or breeding adverse, humiliating or insulting environment.

**Law on Prohibition of Harassment in the Workplace**, Official Gazette of the Republic of Serbia, No. 36/2010

**The concept of harassment and perpetrator of harassment**

*Article 6*

(1) Harassment, under this law, shall be any active or passive behaviour toward an employee or a group of employees of an employer that is repeated, which is aimed at or represents a violation of dignity, reputation, personal and professional integrity, health and status of an employee, which also causes fear or creates a hostile, humiliating or offensive environment, deteriorates conditions of work or leads an employee to isolate himself or to terminate the employment contract or other contract on his own initiative.

(2) Harassment, according to this law shall also be encouraging or leading others to the conduct specified in paragraph 1 of this Article.

(3) An employer with the capacity of a natural person or an official of the employer with the capacity of a legal person, an employee or a group of employees of the employer who performs harassment shall be considered as a perpetrator of harassment from the Paragraphs 1 and 2 this Article.

*Article 3*

The provisions of this law shall also apply to cases of sexual harassment, in accordance with the law governing labour.



# Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)



## Training at work / additional training: Table 1/2:

	NumeroOf Professionals	Mandatory Or Not	Average Training Length	Period	Funding Source	Authority Competent for Training Implementation/ Certification	Training Supported by Instructions and Protocols
Police and other internal affairs authorities <sup>267</sup>	813	yes	11x5 days	2017	budget	Judicial Academy	Yes
Prosecutors	185-250	no	21x2 days	2014/2015	budget	Judicial Academy	Yes
Judges	185-250	yes	21x2 days	2014/2015	budget	Judicial Academy	Yes
Social welfare professionals: social workers, psychologists, defectologists, pedagogues, andragogues, lawyers	1454-1700 total number (data is not disaggregated per type of professional)	yes <sup>268</sup>	1 to 5 days	2014/2015	budget/ project/ personal	Republic and Provincial Social Welfare Institutes, institutions, private providers, NGO sector	Yes
Medical doctors	263, total number (data is not disaggregated per type of	no	7x1 day	2014/2015	budget	Provincial Secretariat for Healthcare, Provincial Ombudsman, supported by the Public Health Institute	Yes
Nurses, paramedics and midwives							
Psychologists, in particular - counsellors/therapists							

<sup>267</sup> After the Law on the Prevention of Domestic Violence entered into force in 2017, the trainings became mandatory for all authorities implementing this Law. For instance, 813 participants from the Ministry of Interior attended the mandatory training on GBV and violence against women at the Judicial Academy, which lasts five days. The training was funded from the budget. In the same year, 888 participants from the Ministry of Interior completed the 48 practical nine-hour trainings and 35 theoretical three-day trainings, which in total last 24 hours, implemented by the Criminal Police Academy. This trainings were also funded from the budget.

<sup>268</sup> Social welfare professionals must collect 120 points in 6 years in order to renew their licence.

	professional) 269						
Migration/asylum officers <sup>270</sup>							
Teachers and schoolmasters	2922	no	8 to 24 hours & 1 to 3 days	2014/2015	budgets of local self- governments	Institute for the Improvement of Education	Yes
Journalists and other members of the media	30	no	2x1 day	2014	budget	Commissioner for the Protection of Equality	Yes
Military personnel	56-100	no	1 to 7 days	2014/2015/20 16	budget	Centre for Peacekeeping Operations of the Joint Operational Command of the Chief of Staff of the Serbian Armed Forces, Ministry of Defence	Yes
Other relevant categories:							
Initial trainees	20	no		2014/2015	budget	Judicial Academy	No
Prosecutors, associates	40	no	21x2 days	2014/2015	budget	Judicial Academy	No
Court associates	40	no	21x days	2014/2015	budget	Judicial Academy	No

<sup>269</sup> In 2016, funds were provided for a three-year project financed by the UN Trust Fund for approximately 1500 healthcare professionals and around 1000 representatives from other sectors. The project implementation began in 2017

<sup>270</sup> No data available.

### Statistical data: tables 3-38

Tables 3-5 contain the number of reported cases of domestic violence, as stated by records of internal teams of centres for social welfare, disaggregated according to the prevalent type of violence, age and sex of the survivor, 2014-2016

<b>TABLE 3: The number of reported cases of domestic violence, as stated by records of internal teams of centres for social welfare, disaggregated according to the prevalent type of violence, age and sex of the survivor, 2014</b>									
Prevalent type of violence	Age of survivors								
	Children younger than 18		Youth 19-26		Adults 27-65		Elderly (older than 65)		TOTAL
	M	F	M	F	M	F	M	F	
Physical violence	729	694	151	380	393	2,785	221	531	5,884
Sexual violence	22	73	0	14	10	44	2	16	181
Psychological violence	645	701	121	299	354	1,926	133	349	4,528
Neglect	1,038	953	26	26	33	66	89	137	2,368
Economic violence	17	12	4	8	4	83	16	38	182
Other	31	23	7	17	31	146	5	22	282
<b>TOTAL</b>	<b>2,482</b>	<b>2,456</b>	<b>309</b>	<b>744</b>	<b>825</b>	<b>5,050</b>	<b>466</b>	<b>1,093</b>	<b>13,425</b>

Source: Republic Institute for Social Welfare

**TABLE 4: The number of reported cases of domestic violence, as stated by records of internal teams of centres for social welfare, disaggregated according to the prevalent type of violence, age and sex of the survivor, 2015**

Prevalent type of violence	Age of survivors								
	Children younger than 18		Youth 19-25		Adults 26-64		Elderly (older than 65)		TOTAL
	M	F	M	F	M	F	M	F	
Physical violence	926	846	219	576	705	4,374	338	724	8,708
Sexual violence	20	95	2	26	5	58	2	12	220
Psychological violence	712	789	134	355	614	2,326	228	503	5,661
Neglect	1,457	1,433	39	71	46	123	108	212	3,489
Economic violence	19	26	26	24	34	102	34	51	316
Other	110	87	7	10	31	44	26	34	349
<b>TOTAL</b>	<b>3,244</b>	<b>3,276</b>	<b>427</b>	<b>1,062</b>	<b>1,435</b>	<b>7,027</b>	<b>736</b>	<b>1,536</b>	<b>18,743</b>

Source: Republic Institute for Social Welfare

**TABLE 5: The number of reported cases of domestic violence, as stated by records of internal teams of centres for social welfare, disaggregated according to the prevalent type of violence, age and sex of the survivor, 2016**

Prevalent type of violence	Age of survivors								
	Children younger than 18		Youth 19-25		Adults 26-64		Elderly (older than 65)		TOTAL
	M	F	M	F	M	F	M	F	
Physical violence	1,104	1,040	293	756	1,302	5,052	511	972	11,030
Sexual violence	26	147	6	43	2	84	3	9	320
Psychological violence	746	900	175	488	747	3,485	368	758	7,667
Neglect	1,258	1,210	44	69	23	67	118	140	2,929
Economic violence	13	15	24	30	32	220	45	82	461
Other	286	291	17	31	41	124	13	23	826
<b>TOTAL</b>	<b>3,433</b>	<b>3,603</b>	<b>559</b>	<b>1,417</b>	<b>2,147</b>	<b>9,032</b>	<b>1,058</b>	<b>1,984</b>	<b>23,233</b>

Source: Republic Institute for Social Welfare

**TABLE 6:** Number of reported cases of domestic violence registered by centres for social welfare, according to who reported the case, 2014-2016

Who reported the case	Year		
	2014	2015	2016
Family member	2,296	1,992	2,320
Non-family member	650	638	818
Public institution (school, healthcare centre, kindergarten...)	982	1,331	1,422
Police	5,085	9,136	12,038
Court	860	1,523	1,466
CSOs and NGOs	34	48	53
Centres for social welfare, <i>ex officio</i> , in relation to other cases	614	622	843
Victim	1,866	1,856	2,433
Anonymous	370	347	341
Someone else	552	442	518
<b>TOTAL</b>	<b>13,309</b>	<b>17,935</b>	<b>22,252</b>

Source: Republic Institute for Social Welfare (Note: data is not gender disaggregated)

**TABLE 7:** Number of perpetrators of domestic violence registered in centres for social welfare, according to perpetrator's sex and relationship with the victim

Relationship between the perpetrator and the victim	2014		2015		2016	
	Perpetrators of domestic violence					
	M	F	M	F	M	F
Parent	2,766	1,034	3,173	1,274	3,267	1,339
Sibling	252	82	380	97	467	145
Child	847	256	1,388	389	1,612	581
Partner of a parent	238	51	531	82	499	83
Another family member or a relative	356	149	569	256	755	404
Foster parent	8	7	10	7	9	3
Spouse or common law partner	4,353	392	6,141	677	6,940	1,538
Someone else	223	66	343	86	376	157
<b>TOTAL</b>	<b>9,043</b>	<b>2,037</b>	<b>12,535</b>	<b>2,868</b>	<b>13,925</b>	<b>4,250</b>

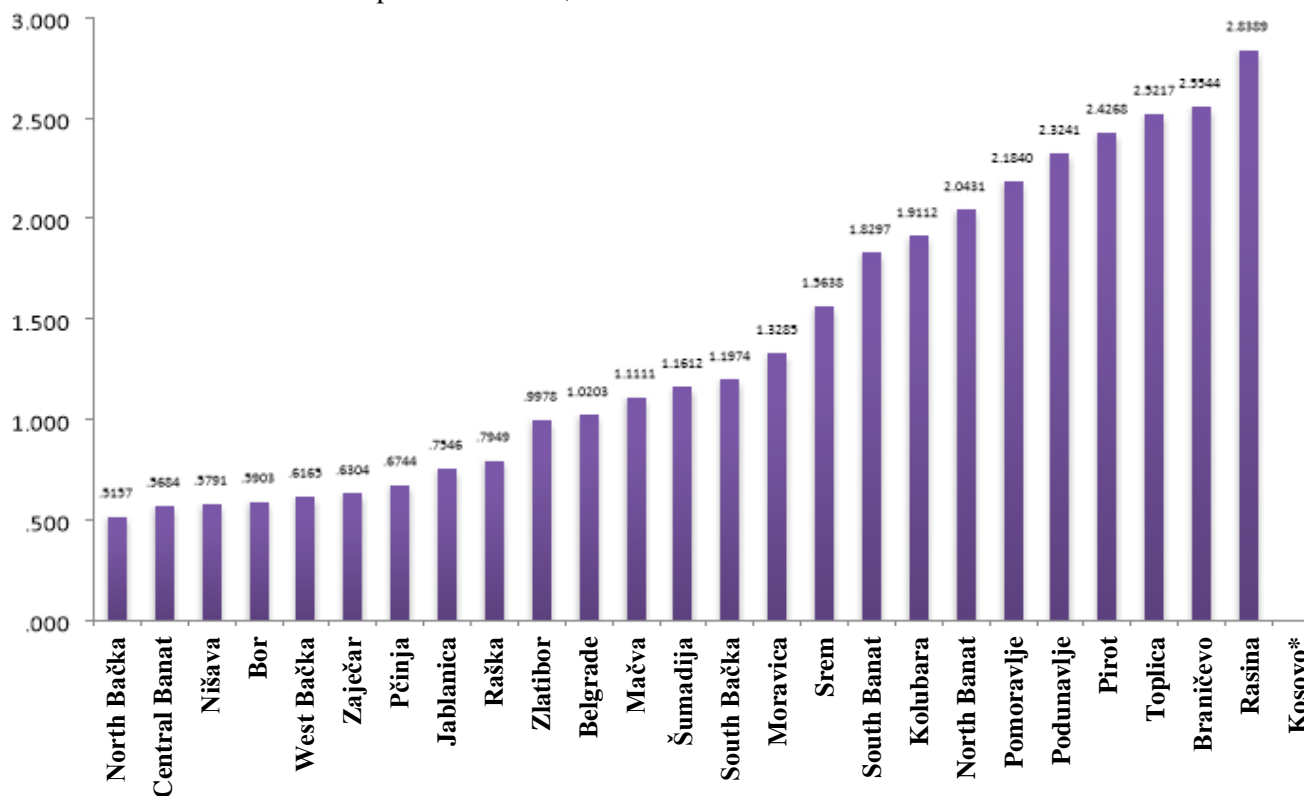
Source: Republic Institute for Social Welfare

**TABLE 8:** Number of cases of violence against women registered in the healthcare system, indicators of information exchange between different state authorities (for instance, number of cases in which the centres of social welfare, police, or the prosecutor's office were notified) and indicators of meeting the obligation to report violence (for instance, if doctors reported cases to other competent authorities) 2016-2017

	Vojvodina	Central Serbia	Vojvodina	Central Serbia
Number of registered cases of GBV/intimate partner violence	885	2,456	1,025	2,895
Number of cases in which the police was informed	804	2,094	944	2,537
Number of cases in which the prosecutor's office was informed	68	379	131	289
Number of cases in which the centre for social welfare was informed	485	1,059	478	1,122
Number of cases in which no other authority was informed	8	101	16	286
Number of injured parties (victims) who asked help from healthcare institutions	616	1,734	943	1,906
Number of injured parties (victims) who are women with disabilities, pregnant women, women who recently gave birth or elderly women	114	178	102	220
Number of injured parties (victims) who have declared themselves as members of the Romani national minority (if the healthcare institution has such data)	32	121	77	84
Number of cases in which the doctor reported a case of GBV/intimate partner violence to the police, the prosecutor's office or the centre for social welfare	449	1,670	686	1,361
Number of cases in which the violence was noted, but the doctor did not report it to the above-stated authorities	19	135	6	90

Source: Public Health Institute "Dr. Milan Jovanović Batut"

**CHART 1:** Number of registered cases of violence against women per 1000 women older than 15, according to geographical location - administrative districts of the Republic of Serbia, 2017

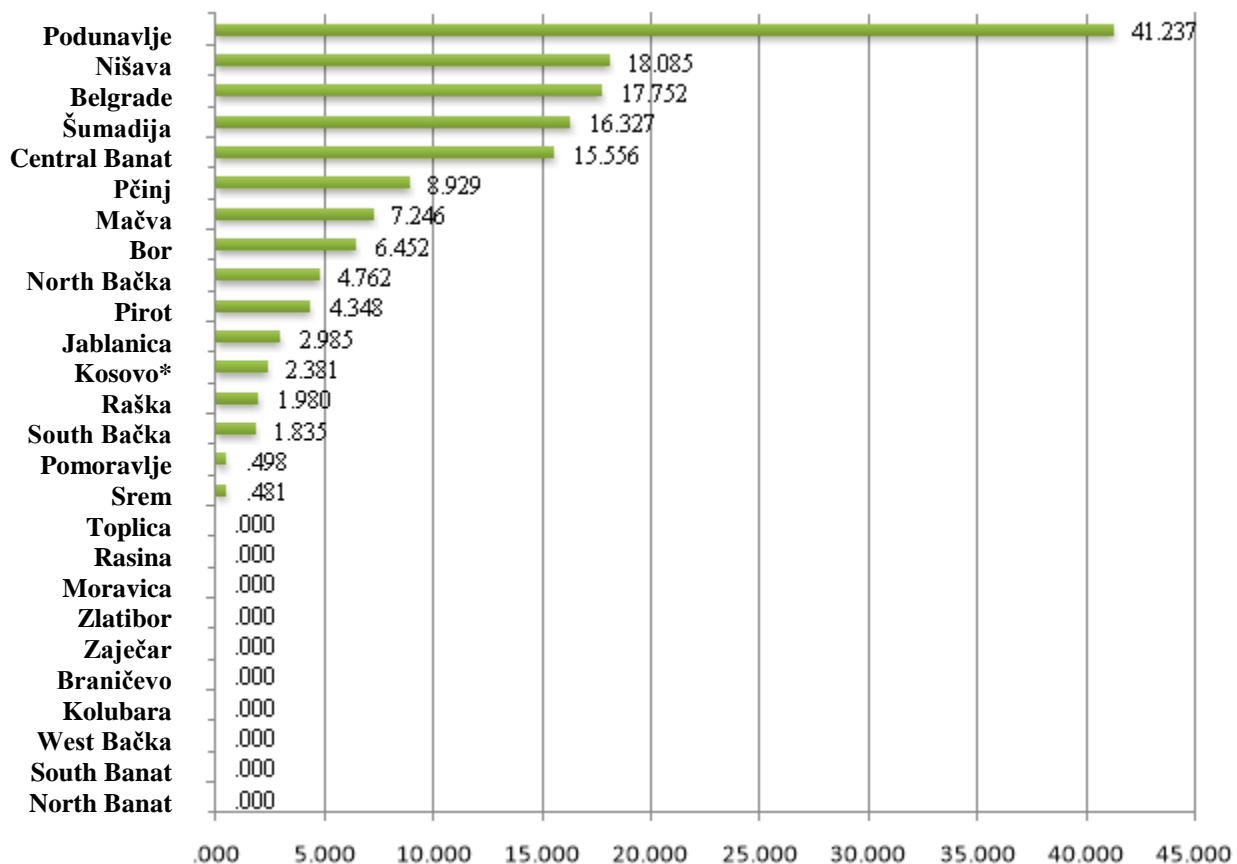


Kosovo\*: This designation is without prejudice to positions on status and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. We underline that the data here is relevant to healthcare institutions which are part of the Plan of Healthcare Institutions Network of the Republic of Serbia, given in the Regulation on the Plan of Healthcare Institutions (Official Gazette of the Republic of Serbia, No. 42/2006, 119/2007, 84/2008, 71/2009, 85/2009, 24/2010, 6/2012, 37/2012, 8/2014, 92/2015, 111/2017, 114/2017 - corr., 13/2018 and 15/2018 - corr.)

Source: Public Health Institute "Dr. Milan Jovanović Batut"



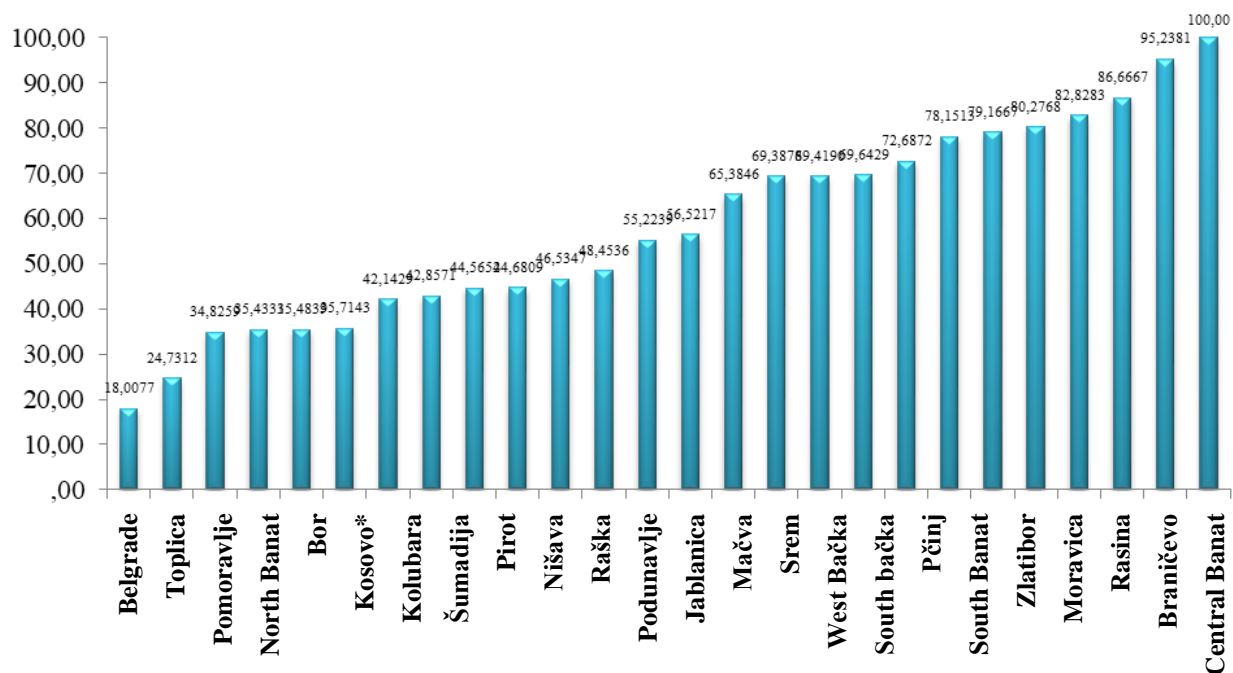
**CHART 2:** Percentage of cases about which no other authority was informed, in comparison to the total number of cases of violence against women, according to geographical location - administrative districts of the Republic of Serbia, 2017



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Source: Public Health Institute "Dr. Milan Jovanović Batut"

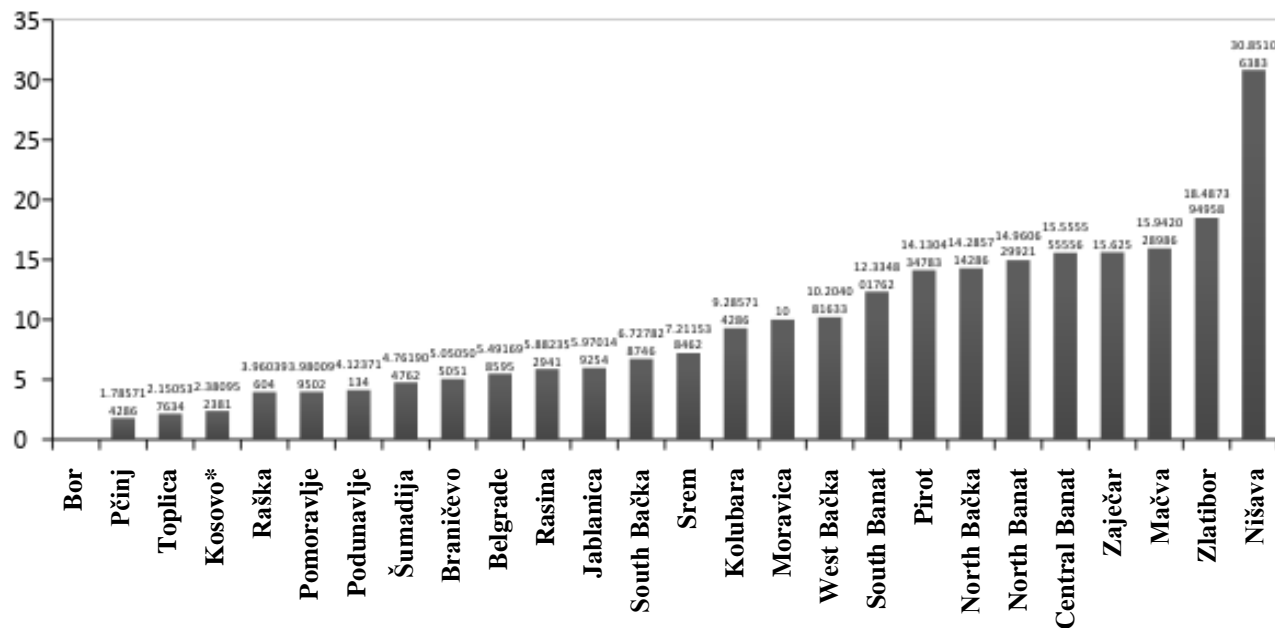
**CHART 3:** Percentage of cases in which the doctor reported the case to the police, the prosecutor's office or the centre for social welfare, in comparison to the total number of cases of violence against women, according to geographical location - administrative districts of the Republic of Serbia, 2017



Kosovo\*: This designation is without prejudice to positions on status and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. We underline that the data here is relevant to healthcare institutions which are part of the Plan of Healthcare Institutions Network of the Republic of Serbia, given in the Regulation on the Plan of Healthcare Institutions (Official Gazette of the Republic of Serbia, No. 42/2006, 119/2007, 84/2008, 71/2009, 85/2009, 24/2010, 6/2012, 37/2012, 8/2014, 92/2015, 111/2017, 114/2017 - corr., 13/2018 and 15/2018 - corr.)

Source: Public Health Institute "Dr. Milan Jovanović Batut"

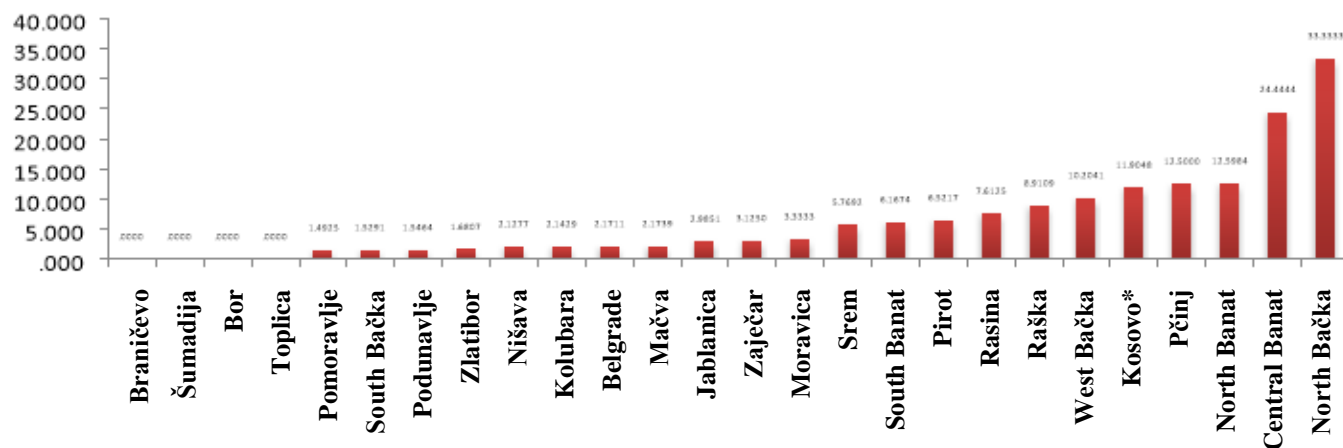
**CHART 4:** Percentage of victims who are women with disabilities, pregnant women, women who recently gave birth or elderly women in comparison to the total number of cases of violence against women, according to geographical location - administrative districts of the Republic of Serbia, 2017



Kosovo\*: This designation is without prejudice to positions on status and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. We underline that the data here is relevant to healthcare institutions which are part of the Plan of Healthcare Institutions Network of the Republic of Serbia, given in the Regulation on the Plan of Healthcare Institutions (Official Gazette of the Republic of Serbia, No. 42/2006, 119/2007, 84/2008, 71/2009, 85/2009, 24/2010, 6/2012, 37/2012, 8/2014, 92/2015, 111/2017, 114/2017 - corr., 13/2018 and 15/2018 - corr.)

Source: Public Health Institute "Dr. Milan Jovanović Batut"

**CHART 5** Percentage of victims who have declared themselves as members of the Romani national minority, in comparison to the total number of cases of violence against women, according to geographical location - administrative districts of the Republic of Serbia, 2017 (if such information is available in institutions).



Kosovo\*: This designation is without prejudice to positions on status and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. We underline that the data here is relevant to healthcare institutions which are part of the Plan of Healthcare Institutions Network of the Republic of Serbia, given in the Regulation on the Plan of Healthcare Institutions (Official Gazette of the Republic of Serbia, No. 42/2006, 119/2007, 84/2008, 71/2009, 85/2009, 24/2010, 6/2012, 37/2012, 8/2014, 92/2015, 111/2017, 114/2017 - corr., 13/2018 and 15/2018 - corr.)

Source: Public Health Institute "Dr. Milan Jovanović Batut"

**TABLE 9:** Total number of protective measures against domestic violence that the Court has imposed in line with the Family Code, 2014-2016

<b>Number of imposed protective measures against domestic violence in 2014, according to type of measure</b>			
Type of measure imposed by the Court in line with the Family Code	<b>2014</b>	<b>2015</b>	<b>2016</b>
Issuing a warrant for eviction from family apartment or house, regardless of the right of property or lease of immovable	81	74	81
Issuing a warrant for moving in the family apartment or house, regardless of the right of property or lease of immovable	18	17	13
Restraining order	282	385	523
Prohibition of access in the vicinity of place of residence or work of family member	218	274	319
Prohibition of further molestation of family member	434	624	746
<b>TOTAL</b>	<b>1,033</b>	<b>1,374</b>	<b>1,682</b>

Source: Republic Institute for Social Welfare

**TABLE 10** : Procedures implemented by the centres for social welfare to protect children in cases of domestic violence, 2015-2016

	2015		2016	
	boys	girls	boys	girls
Separation - number of children who were separated from family on their own	150	188	122	170
Separation - number of children who were separated together with the non-violent parent	145	227	223	254
Initiating court procedures	283	314	186	220
Providing material or legal aid and counselling support to child and parent in centre for social welfare	1,469	1,761	2,083	2,786
Referring child and parent to services or other adequate institutions	356	370	729	955
Warning the problematic parent about the problems in their exercise of parental right - corrective supervision	181	172	155	168
Other	130	169	241	293
<b>TOTAL</b>	<b>2,714</b>	<b>3,201</b>	<b>3,739</b>	<b>4,846</b>

Source: Republic Institute for Social Welfare

**TABLES 11-32**

**TABLE 11:** Number of criminal offences resulting in death of the victim, according to relevant articles of the Criminal Code, 2014 - 2017

<b>Number of criminal offences with victims (only women)</b>	<b>Article 113 of the Criminal Code Murder</b>	<b>Article 114 of the Criminal Code Aggravated Murder</b>	<b>Article 116 of the Criminal Code Infanticide</b>	<b>Article 121 of the Criminal Code Serious Bodily Harm</b>	<b>Article 194 of the Criminal Code Domestic Violence</b>	<b>Article 278 of the Criminal Code Causing of General Danger</b>
2014	12	22	2	1	2	
2015	10	18	1		1	
2016	16	18	2		2	
2017	10	14				1
<b>Total:</b>	<b>48</b>	<b>72</b>	<b>5</b>	<b>1</b>	<b>5</b>	<b>1</b>

Source: Ministry of Interior

**TABLE 12:** Women victims of criminal offences resulting in death (older than 14 /adults)

<b>Year</b>	<b>Number of women who perished</b>
2014	40
2015	31
2016	40
2017	26
<b>TOTAL</b>	<b>137</b>

Source: Ministry of Interior

**TABLE 13:** Number of criminal offences resulting in death of children

Number of children victims		113	114			116	
		DEATH	DEATH			DEATH	
		Younger than 6	Younger than 6		Between 12 and 13	Younger than 6	
		M	M	F	F	M	F
СРБИЈА	2014				1		2
	2015		1	3		3	1
	2016			2			2
	2017	1	1			3	
	<b>TOTAL:</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>6</b>	<b>5</b>

Source: Ministry of Interior



**TABLE 14:** Number of charges for different criminal offences criminalised by the Criminal Code<sup>271</sup>, according to the records of the Ministry of Interior, 2014-2017

Number of criminal charges	Article 194	Article 138 A	Article 178		Article 179	Article 180	Article 181	Article 182	Article 182 A	Article 183	Article 184	Article 185	Article 185A	Article 193	Article 195	Article 196	Article 197	Article 388
			Committed criminal offence	Attempted criminal offence														
2014	3,738		63	18	12	48	7	146		3	9	27	1	27	25	1		17
2015	5,257		59	18	8	37	7	126		2	7	56	4	33	31	3	2	15
2016	6,135		51	23	8	40	6	175		3	6	57	3	29	30	7		11
2017	6,999	275	53	17	8	39	2	133	67	5	5	46	5	57	32	3		11
<b>TOTAL:</b>	<b>22,129</b>	<b>275</b>	<b>226</b>	<b>76</b>	<b>36</b>	<b>164</b>	<b>22</b>	<b>580</b>	<b>67</b>	<b>13</b>	<b>27</b>	<b>186</b>	<b>13</b>	<b>146</b>	<b>118</b>	<b>14</b>	<b>2</b>	<b>54</b>

Source: Ministry of Interior

<sup>271</sup> Data from the records of the Ministry of Interior shown in the upcoming tables in this annex offers aggregated data on perpetrators of criminal offences related to different forms of violence against women (including some that are not part of the Istanbul Convention, such as human trafficking), but also on victims of these criminal offences, according to gender and age. This data is relevant for the following criminal offences: domestic violence (Article 194 of the Criminal Code); stalking (Article 83a of the Criminal Code); rape (Article 178 of the Criminal Code); sexual intercourse with a helpless person (Article of 179 the Criminal Code); sexual intercourse with a child (Article 180 of the Criminal Code); sexual intercourse through abuse of a position (Article 181 of the Criminal Code); prohibited sexual acts (Article 182 of the Criminal Code); sexual harassment (Article 182a of the Criminal Code); pimping and procuring (Article 183 of the Criminal Code); mediation in prostitution (Article 184 of the Criminal Code); showing, procuring, and possession of juvenile pornography (Article 185 of the Criminal Code); inducing a minor to attend sexual acts (Article 185 of the Criminal Code); neglecting and abusing a minor (Article 193 of the Criminal Code); failure to provide maintenance (Article 195 of the Criminal Code); violation of family duty (Article 196 of the Criminal Code); incest (Article 197 of the Criminal Code); and human trafficking (Article 388 of the Criminal Code).

**TABLE 15: Number of criminal charges and number of criminal offences, according to the records of the Ministry of Interior, 2014-2017**

Year	Number of criminal charges	Number of criminal offences
2014	4,142	4,202
2015	5,665	5,774
2016	6,584	6,698
2017	7,757	7,886
TOTAL	24,148	24,560

Source: Ministry of Interior

**TABLE 16: Number and gender of perpetrators of criminal offences, according to the records of the Ministry of Interior, 2014-2017**

Year	Number of perpetrators	Gender of perpetrators	
		Women	Men
2014	3,920	319	3.601
2015	5,261	425	4.836
2016	6,095	520	5.575
2017	7,282	686	6.596
TOTAL	22,558	1,950	20.608

Source: Ministry of Interior

**TABLE 17: Number and gender of victims,** according to the records of the Ministry of Interior, 2014-2017

Year	Number of victims	Gender of victims	
		Female	Male
2014	4,297	3,316	981
2015	5,803	4,539	1,264
2016	6,802	5,323	1,479
2017	8,126	6,259	1,867
TOTAL	25,028	19,437	5,591

Source: Ministry of Interior

**TABLE 18: Number of criminal charges for criminal offence of domestic violence, number of criminal offences, number of perpetrators and number of victims,** according to the records of the Ministry of Interior, 2014-2017

Year	Number of criminal charges	Number of criminal offences	Number of perpetrators	Number of victims
2014	3,738	3,783	3,520	3,830
2015	5,257	5,351	4,831	5,373
2016	6,135	6,244	5,646	6,317
2017	6,999	7,106	6,509	7,344
TOTAL	22,129	22,484	20,506	22,864

Source: Ministry of Interior (note: in 2017, 7,106 cases of domestic violence were registered, which is higher by **87.8% than** in 2014 when the number of cases was – 3,783).

**TABLE 19:** Criminal offence of domestic violence: gender of perpetrators and victims

Year	Gender of perpetrators		Gender of victims	
	M	F	M	F
2014	3,243	277	879	2,951
2015	4,461	370	1,197	4,176
2016	5,167	479	1,408	4,909
2017	5,912	597	1,715	5,629
TOTAL	18,783	1,723	5,199	17,665

Source: Ministry of Interior

Data of the Ministry of Interior on the age of perpetrators of the criminal offence of domestic violence: MEN perpetrators mostly come from the age group between 31 and 40 (5,181), whereas WOMEN perpetrators usually belong to the same age group - between 31 and 40 (470). When it comes to the age of victims, WOMEN most often belong to the age group from 31 to 40, whereas MEN victims are most often older than the age of 60.

**TABLE 20: Reported adults for the criminal offence of domestic violence, according to gender and outcome (decision of the prosecutor's office):** a) rejected criminal charges; b) interrupted or abandoned investigation; c) indictment raised, 2012-2016

	Number of persons charged for domestic violence			Outcome of the criminal charges - decision of the prosecutor's office		
	TOTAL	F	M	Rejected criminal charges	Interrupted or abandoned investigation	Indictment raised
<b>2012.</b>	3,624	314	3,310	1,373	61	2,190
<b>%</b>	100	8,7	91,3	37,9	1,7	60,4
<b>2013.</b>	3,782	361	3,421	1,687	68	2,026
<b>%</b>	100	9,5	90,5	44,6	1,8	53,6
<b>2014</b>	3,642	347	3,295	2,296	37	1,309
<b>%</b>	100	9,5	90,5	63,0	1,0	35,9
<b>2015</b>	5,040	478	4,562	3,148	52	1,837
<b>%</b>	100	9,5	90,5	62,5	1,0	36,4
<b>2016</b>	7,244	820	6,424	4,663	47	2,533
<b>%</b>	100	11,3	88,7	64,4	0,6	35,0

Source: Judiciary statistics, Republic Statistical Office

**TABLE 21:** Indicted adults for the criminal offence of domestic violence, according to gender and outcome - court decision: a) guilty, b) not guilty, 2012-2016

	TOTAL	Gender of defendant		Court decision	
		F	M	Guilty	Not guilty
2012.	1,827	110	1,717	1,472	355
%		6,0	94,0	80,6	19,4
2013.	2,024	137	1,887	1,532	492
%		6,8	93,2	75,7	24,3
2014	2,215	158	2,057	1,712	503
%		7,1	92,9	77,3	22,7
2015	2,104	122	1,982	1,778	326
%		5,8	94,2	84,5	15,5
2016	2,386	138	2,248	2,065	321
%		5,8	94,2	86,5	13,5

Source: Judiciary statistics, Republic Statistical Office

**TABLE 22:** Convicted adults for the criminal offence of domestic violence, according to gender and criminal sanctions imposed, 2012-2016

	TOTAL	Gender of convicted person		Criminal sanctions imposed			
		F	M	Prison sentence	Fine	Suspended sentence	Other
2012.	1,472	76	1,396	436	33	970	33
%		5,2	94,8	29,6	2,2	65,9	2,2
2013.	1,532	81	1,451	533	8	977	14
%		5,3	94,7	34,8	0,5	63,8	0,9
2014	1,712	98	1,614	634	13	1,041	24
%		5,7	94,3	37,0	0,8	60,8	1,4
2015	1,778	81	1,697	483	8	1,193	94
%		4,6	95,4	27,2	0,4	67,1	5,3
2016	2,065	100	1,965	620	17	1,301	127
%		4,8	95,2	30,0	0,8	63,0	6,2

Source: Judiciary statistics, Republic Statistical Office

**TABLE 23:** Victims of the convicted adults for the criminal offence of domestic violence with the final court verdict, according to age and gender, 2012-2016 (%)

	Gender of victim		Age of victim		
	M	F	Children younger than 14	Minors, 14-18	Adults, older than 18
2012.	25.1	74.9	4.5	5.4	90.1
2013.	22.0	78.0	5.3	4.6	90.1
2014	22.3	77.7	3.5	3.1	93.3
2015	24.5	75.5	4.1	3.5	92.5
2016	22.7	77.3	2.5	3.1	94.4

Source: Judiciary statistics, Republic Statistical Office

**TABLE 24:** Convicted adults, according to criminal offence and gender, 2012. and 2016

Criminal offence	2012.		2016	
	F	M	F	M
<b>Offences against life and limb:</b>	162	2,159	130	1,805
Murder and aggravated murder	12	196	10	156
Infanticide	3	0	2	0
Serious bodily harm	26	704	19	626
Light bodily injury	98	954	85	785
Other	23	305	14	238
<b>Criminal offences against freedoms and rights of man and citizen:</b>	57	596	66	906
Coercion	2	58	1	54
Endangerment of safety	42	451	50	724
Other	13	87	15	128
<b>Sexual criminal offences:</b>	17	227	7	197
Rape	0	67	0	51
Other	17	160	7	146
<b>Criminal offences against marriage and family:</b>	280	2,491	360	3,406
Neglecting and abusing a minor	23	15	18	17
Domestic violence	76	1,396	100	1,965
Failure to provide maintenance	149	995	204	1,359
Other	32	85	38	65
<b>Criminal offences against property:</b>	783	7,555	1,064	10,238
Theft	374	2,229	646	3,822
Aggravated larceny	121	2,725	170	3,906
Robbery	43	692	26	712
Other	245	1,909	222	1,798
<b>Human trafficking</b>	5	29	1	12

Source: Judiciary statistics, Republic Statistical Office



**TABLE 25:** Convicted adults for sexual criminal offences, according to criminal offence and gender/age of victims, 2014-2016

	Gender of victim		Age of victims		
	M	F	Children younger than 14	Minors (14-18)	Adults (older than 18)
<b>2014</b>					
<b>Sexual criminal offences</b>	<b>6.3</b>	<b>93.8</b>	<b>24.5</b>	<b>26.0</b>	<b>49.5</b>
Rape	5.0	95.0	7.5	22.5	70.0
Sexual intercourse with a helpless person	33.3	66.7	0.0	33.3	66.7
Sexual intercourse with a child	0.0	100.0	78.3	21.7	0.0
Sexual intercourse through abuse of a position	0.0	100.0	33.3	33.3	33.3
Prohibited sexual acts	6.9	93.1	27.6	33.3	39.1
Pimping and procuring	50.0	50.0	50.0	50.0	0.0
Mediation in prostitution	0.0	100.0	0.0	6.9	93.1
Showing, procuring, and possession of juvenile pornography	50.0	50.0	50.0	50.0	0.0
<b>2015</b>					
<b>Sexual criminal offences</b>	<b>8.3</b>	<b>91.7</b>	<b>22.1</b>	<b>28.3</b>	<b>49.7</b>
Rape	4.7	95.3	9.3	23.3	67.4
Sexual intercourse with a helpless person	25.0	75.0	0.0	25.0	75.0
Sexual intercourse with a child	14.3	85.7	50.0	50.0	0.0
Sexual intercourse through abuse of a position	50.0	50.0	50.0	50.0	0.0
Prohibited sexual acts	6.9	93.1	32.8	29.3	37.9
Mediation in prostitution	5.3	94.7	0.0	5.3	94.7
Showing, procuring, and possession of juvenile pornography	0.0	100.0	0.0	100.0	0.0
<b>2016</b>					

<b>Sexual criminal offences</b>	<b>10.6</b>	<b>89.4</b>	<b>21.2</b>	<b>31.2</b>	<b>47.6</b>
Rape	6.0	94.0	4.0	20.0	76.0
Sexual intercourse with a helpless person	41.7	58.3	16.7	58.3	25.0
Sexual intercourse with a child	0.0	100.0	61.5	38.5	0.0
Sexual intercourse through abuse of a position	0.0	100.0	25.0	62.5	12.5
Prohibited sexual acts	9.7	90.3	32.3	35.5	32.3
Pimping and procuring	0.0	100.0	0.0	100.0	0.0
Mediation in prostitution	15.0	85.0	0.0	10.0	90.0
Showing, procuring, and possession of juvenile pornography	25.0	75.0	50.0	25.0	25.0

Source: Judiciary statistics, Republic Statistical Office

**TABLE 26:** Victims of adults convicted with a final court verdict, according to criminal offence and gender, in 2012 and 2016 (%)

	Victims				
	2012.			2016	
	F	M		F	M
Murder	29	71		22	78
Aggravated murder	42	58		32	68
Manslaughter	0	100		0	100
Serious bodily harm	14	86		12	88
Light bodily injury	19	81		19	81
Ill-treatment and Torture	40	60		61	39
Rape	91	9		94	6
Sexual intercourse with a helpless person	75	25		58	42
Sexual intercourse with a child	83	17		100	0
Sexual intercourse through abuse of a position	86	14		100	0
Prohibited sexual acts	87	13		90	10
Neglecting and abusing a minor	54	46		51	49
Domestic violence	75	25		77	23
Aggravated larceny	37	63		52	48
Robbery	58	42		47	53
Human trafficking	50	50		83	17

Source: Judiciary statistics, Republic Statistical Office

**TABLE 27:** Convicted adults for sexual criminal offences, according to criminal offence and gender and criminal sanctions imposed, 2014-2016

2014	Convicted adults			Criminal sanctions imposed			
	TOTAL	F	M	Prison sentence	Fine	Suspended conviction	Other
<b>Sexual criminal offences</b>	<b>242</b>	<b>6</b>	<b>236</b>	<b>183</b>	<b>10</b>	<b>47</b>	<b>2</b>
Rape	73	0	73	70	0	2	1
Sexual intercourse with a helpless person	8	0	8	7	0	1	0
Sexual intercourse with a child	36	0	36	29	0	7	0
Sexual intercourse through abuse of a position	2	0	2	2	0	0	0
Prohibited sexual acts	77	0	77	43	8	25	1
Pimping and procuring	2	0	2	1	0	1	0
Mediation in prostitution	28	4	24	23	1	4	0
Inducing a minor to attend sexual acts	1	1	0	1	0	0	0
Showing, procuring, and possession of juvenile pornography	15	1	14	7	1	7	0
<b>2015</b>							
<b>Sexual criminal offences</b>	<b>174</b>	<b>10</b>	<b>164</b>	<b>110</b>	<b>4</b>	<b>53</b>	<b>7</b>
Rape	50	3	47	47	0	3	0
Sexual intercourse with a helpless person	4	-	4	4	0	0	0
Sexual intercourse with a child	15	-	15	14	0	1	0
Sexual intercourse through abuse of a position	4	-	4	3	0	1	0
Prohibited sexual acts	61	-	61	28	4	24	5
Pimping and procuring	0	-	0	0	0	0	0
Mediation in prostitution	20	7	13	9	0	10	1

Abuse of computer networks and other methods of electronic communication to commit criminal offences against sexual freedom of minors	1	-	1	0	0	0	1
Showing, procuring, and possession of juvenile pornography	19	-	19	5	0	14	0
<b>2016</b>							
<b>Sexual criminal offences</b>	<b>204</b>	<b>7</b>	<b>197</b>	<b>124</b>	<b>8</b>	<b>52</b>	<b>20</b>
Rape	51	-	51	49	0	0	2
Sexual intercourse with a helpless person	9	-	9	9	0	0	0
Sexual intercourse with a child	15	-	15	12	0	1	2
Sexual intercourse through abuse of a position	5	-	5	4	0	0	1
Prohibited sexual acts	66	1	65	30	8	21	7
Pimping and procuring	3	-	3	3	0	0	0
Mediation in prostitution	20	6	14	10	0	8	2
Abuse of computer networks and other methods of electronic communication to commit criminal offences against sexual freedom of minors	1	-	1	0	0	0	1
Inducing a minor to attend sexual acts	1	-	1	1	0	0	0
Showing, procuring, and possession of juvenile pornography	33	-	33	6	0	22	5

Source: Judiciary statistics, Republic Statistical Office

**TABLE 28:** Persons convicted for the criminal offence of domestic violence and sexual criminal offences, who were sent to prison in 2014 (not counting those transferred from other prisons) and who are serving their prison sentence<sup>272</sup> in 2014, as well as on December 31<sup>st</sup> 2014 - according to the type of criminal offence, gender and citizenship of the convicted person.

Criminal offence	Sent to prison in 2014				In prison on December 31 <sup>st</sup> 2014				Total number of persons sent to prison in 2014		Number of persons in prison on December 31 <sup>st</sup> 2014	
	Citizens of Serbia		Foreigners		Citizens of Serbia		Foreigners					
	M	F	M	F	M	F	M	F	M	F	M	F
Rape	56	0	2	0	221	0	8	0	58	0	229	0
Sexual intercourse with a helpless person	12	0	0	0	20	1	0	0	12	0	20	1
Sexual intercourse with a child	29	0	0	0	45	0	0	0	29	0	45	0
Sexual intercourse through abuse of a position	1	0	0	0	18	0	0	0	1	0	18	0
Prohibited sexual acts	40	0	0	0	26	0	0	0	40	0	26	0
Mediation in prostitution	4	3	0	0	4	0	1	0	4	3	5	0

<sup>272</sup> The Criminal Code foresees security measures that can be imposed to a person convicted for criminal offences of violence. The purpose of such security measures is to remove the situations of conditions in such a way to prevent the perpetrator to repeat the criminal offences. Among other things, the court is authorised to order mandatory psychiatric treatment and institutionalisation to perpetrator, mandatory psychiatric treatment as an outpatient, mandatory treatment from drug addiction and alcoholism, and seizure of assents. In addition, the court can issue restraining order, prohibit access in the vicinity of victim's place of residence or work, and prohibit further molestation or communication with the victim, if it reasonably deems that, if placed in such situations or conditions, the perpetrator could jeopardise the victim (Article 89a of the Criminal Code).

Showing, procuring, and possession of juvenile pornography	5	0	0	0	4	0	0	0	5	0	4	0
Abuse of computer networks and other methods of electronic communication to commit criminal offences against sexual freedom of minors	0	0	0	0	0	0	0	0	0	0	0	0
Other sexual criminal offences	3	2	0	0	2	1	0	0	3	2	2	1
Domestic violence	521	7	4	0	271	10	0	0	525	7	271	10

Source: Ministry of Justice, Directorate for the Enforcement of Criminal Sanctions

**TABLE 29:** Number of persons convicted for the criminal offence of domestic violence and sexual criminal offences who were in prison in the period from 2014 to 2017, according to criminal offence and gender.

<i>Criminal offence</i>	Sent to prison in 2014		In prison on December 31 <sup>st</sup> 2014		Sent to prison in 2015		In prison on December 31 <sup>st</sup> 2015		Sent to prison in 2016		In prison on December 31 <sup>st</sup> 2016		Sent to prison in 2017		In prison on December 31 <sup>st</sup> 2017	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Rape	58	0	229	0	49	0	185	0	53	1	193	1	43	0	197	1
Sexual intercourse with a helpless person	12	0	20	1	7	0	28	1	7	1	29	1	7	0	32	2
Sexual intercourse with a child	29	0	45	0	9	0	42	0	14	0	42	0	17	0	46	0
Sexual intercourse through abuse of a position	1	0	18	0	4	0	19	0	1	0	16	0	4	0	11	0
Prohibited sexual acts	40	0	26	0	38	0	33	0	34	0	26	0	40	0	36	0
Mediation in prostitution	4	3	5	0	6	1	5	1	8	1	3	1	8	1	3	2
Showing, procuring, and possession of juvenile pornography	5	0	4	0	7	0	3	0	4	0	1	0	3	0	3	0
Abuse of Computer Networks and Other Methods of Electronic Communication To Commit Criminal	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0



Offences Against Sexual Freedom of Minors																
Other sexual criminal offences	3	2	2	1	0	0	0	1	3	0	4	0	9	2	2	0
Inducing a minor to attend sexual acts	Not monitored as a separate criminal offence.									0	0	1	0	0	0	0
Sexual harassment	Not monitored as a separate criminal offence.												1	0	0	0
Pimping and procuring	Not monitored as a separate criminal offence.												0	0	0	0
Domestic violence	525	7	271	10	530	11	297	8	392	3	197	3	855	17	480	10

Source: Ministry of Justice, Directorate for the Enforcement of Criminal Sanctions

**TABLE 30:** Persons convicted for the criminal offence of domestic violence and sexual criminal offences, who were sent to prison in 2015 (not counting those transferred from other prisons) and who are serving their prison sentence in 2015, as well as on December 31<sup>st</sup> 2015 - according to the type of criminal offence, gender and citizenship of the convicted person.

<i>Criminal offence</i>	Sent to prison in 2015				In prison on December 31 <sup>st</sup> 2015				Sent to prison in 2015		In prison on December 31 <sup>st</sup> 2015	
	Citizens of Serbia		Foreigners		Citizens of Serbia		Foreigners					
	M	F	M	F	M	F	M	F	M	F	M	F
Rape	49	0	0	0	178	0	7	0	49	0	185	0
Sexual intercourse with a helpless person	7	0	0	0	28	1	0	0	7	0	28	1
Sexual intercourse with a child	9	0	0	0	41	0	1	0	9	0	42	0
Sexual intercourse through abuse of a position	4	0	0	0	19	0	0	0	4	0	19	0
Prohibited sexual acts	37	0	1	0	32	0	1	0	38	0	33	0
Mediation in prostitution	6	1	0	0	5	1	0	0	6	1	5	1
Showing, procuring, and possession of juvenile pornography	7	0	0	0	3	0	0	0	7	0	3	0

Abuse of Computer Networks and Other Methods of Electronic Communication To Commit Criminal Offences Against Sexual Freedom of Minors	0	0	0	0	0	0	0	0	0	0	0	0
Other sexual criminal offences	0	0	0	0	0	1	0	0	0	0	0	1
Domestic violence	526	11	4	0	294	8	3	0	530	11	297	8

Source: Ministry of Justice, Directorate for the Enforcement of Criminal Sanctions

**TABLE 31:** Persons convicted for the criminal offence of domestic violence and sexual criminal offences, who were sent to prison in 2016 (not counting those transferred from other prisons) and who are serving their prison sentence in 2016, as well as on December 31<sup>st</sup> 2016 - according to the type of criminal offence, gender and citizenship of the convicted person.

<i>Criminal offence</i>	Sent to prison in 2016				In prison on December 31 <sup>st</sup> 2016				Sent to prison in 2016		In prison on December 31 <sup>st</sup> 2016	
	Citizens of Serbia		Foreigners		Citizens of Serbia		Foreigners					
	M	F	M	F	M	F	M	F	M	F	M	F
Rape	52	1	1	0	189	1	4	0	53	1	193	1
Sexual intercourse with a helpless person	7	1	0	0	29	1	0	0	7	1	29	1
Sexual intercourse with a child	14	0	0	0	42	0	0	0	14	0	42	0
Sexual intercourse through abuse of a position	1	0	0	0	16	0	0	0	1	0	16	0
Prohibited sexual acts	34	0	0	0	26	0	0	0	34	0	26	0
Mediation in prostitution	8	1	0	0	3	1	0	0	8	1	3	1
Showing, procuring, and possession of juvenile pornography	4	0	0	0	1	0	0	0	4	0	1	0

Abuse of computer networks and other methods of electronic communication to commit criminal offences against sexual freedom of minors	0	0	0	0	0	0	0	0	0	0	0	0
Other sexual criminal offences	3	0	0	0	4	0	0	0	3	0	4	0
Inducing a minor to attend sexual acts	0	0	0	0	1	0	0	0	0	0	1	0
Domestic violence	388	3	4	0	196	3	1	0	392	3	197	3

Source: Ministry of Justice, Directorate for the Enforcement of Criminal Sanctions

**TABLE 32:** Persons convicted for the criminal offence of domestic violence and sexual criminal offences, who were sent to prison in 2017 (not counting those transferred from other prisons) and who are serving their prison sentence in 2017, as well as on December 31<sup>st</sup> 2017 - according to the type of criminal offence, gender and citizenship of the convicted person.

Criminal offence	Sent to prison in 2017				In prison on December 31 <sup>st</sup> 2017				Sent to prison in 2016		In prison on December 31 <sup>st</sup> 2016	
	Citizens of Serbia		Foreigners		Citizens of Serbia		Foreigners					
	M	F	M	F	M	F	M	F	M	F	M	F
Rape	41	0	2	0	193	1	4	0	43	0	197	1
Sexual intercourse with a helpless person	7	0	0	0	32	2	0	0	7	0	32	2
Sexual intercourse with a child	17	0	0	0	46	0	0	0	17	0	46	0
Sexual intercourse through abuse of a position	4	0	0	0	11	0	0	0	4	0	11	0
Prohibited sexual acts	37	0	3	0	36	0	0	0	40	0	36	0
Mediation in prostitution	8	1	0	0	3	2	0	0	8	1	3	2
Showing, procuring, and possession of juvenile pornography	3	0	0	0	3	0	0	0	3	0	3	0
Abuse of Computer Networks and Other Methods of Electronic Communication To Commit Criminal Offences Against Sexual Freedom of Minors	1	0	0	0	1	0	0	0	1	0	1	0

Other sexual criminal offences	9	2	0	0	2	0	0	0	9	2	2	0
Inducing a minor to attend sexual acts	0	0	0	0	0	0	0	0	0	0	0	0
Sexual harassment	1	0	0	0	0	0	0	0	1	0	0	0
Pimping and procuring	0	0	0	0	0	0	0	0	0	0	0	0
Domestic violence	851	17	4	0	476	10	4	0	855	17	480	10

Source: Ministry of Justice, Directorate for the Enforcement of Criminal Sanctions

## Migrations and asylum: tables 33-38

**TABLE 33:** First-time issued temporary stay approval according to the below listed grounds, 2014 and 2015:

Grounds of approval	2014		2015	
	Number	%	Number	%
Family unity	3,060	41.7	2,794	39.3
Employment	3,044	41.5	3,054	42.9
Education	768	10.5	803	11.5
<i>Other</i>	465	6.3	452	6.3
<b>TOTAL</b>	<b>7,337</b>	<b>100</b>	<b>7,103</b>	<b>100</b>

Source: Ministry of Interior

By the end of 2015, the majority of issued approvals were on the grounds of family unity. In comparison to 2014, the percentage of approvals based on family unity did not significantly change (in 2014, it stood at 51.5% of the total number of temporary stay approvals, while in 2015 it was 47.5%).

**TABLE 34:** First-time issued temporary stay approval according to gender for 2014 and 2015 (%)

Grounds of approval	2014		2015	
	M	F	M	F
Employment	84.6	15.4	84.2	15.8
Family unity	35.9	64.1	37.9	62.1
Education	65.3	34.7	58.4	41.6

Source: Ministry of Interior



**TABLE 35:** Temporary stay approval valid by the end of 2015, according to grounds of approval:

Grounds of approval	Number of persons	%
Family unity	13,376	47.5
Employment	10,983	39.1
Education	2,384	8.5
Other	1,396	4.9
<b>TOTAL</b>	<b>28,139</b>	<b>100</b>

Source: Ministry of Interior

**TABLE 36:** Persons who expressed the intention to seek asylum in the Republic of Serbia in 2015, according to citizenship:

Citizenship	Number	%
Syria	302,597	52.22
Afghanistan	161,250	27.82
Iraq	76,109	13.14
Iran	11,585	1.99
Pakistan	9,114	1.57
<i>other</i>	18,863	3.26
<b>TOTAL</b>	<b>579,518</b>	<b>100</b>

Source: Ministry of Interior

From the total number of persons who expressed the intention to seek asylum in the Republic of Serbia, 173,284 were minors, out of whom 108,995 boys and 64,289 girls. From the total number of minors who expressed the intention to seek asylum there were 10,644 unaccompanied minors (8,391 boys and 2,253 girls). In 487,136 of cases, the intention to seek asylum was expressed in the Reception Centre of Preševo, while 27,161 persons expressed their intention at the very border crossing. In police administrations 63,766 persons expressed the intention to seek asylum.

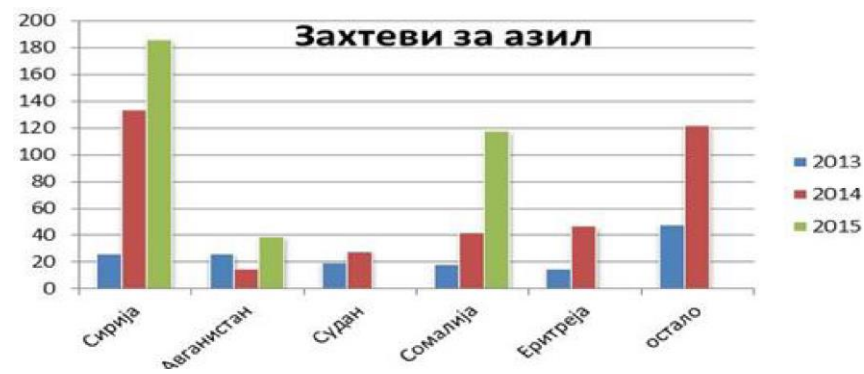
From the total number of 579,518 expressed intentions to seek asylum, only 586 persons, i.e. 0.1%, actually submitted their requests for asylum. From the total number of submitted asylum requests, 31.74% were citizens of Syria.

**TABLE 37:** Number of submitted asylum requests according to citizenship, 2015

Citizenship	Number of persons	%
Syria	186	31.74
Somalia	118	20.13
Afghanistan	39	6.65
Libya	29	4.94
Iraq	11	1.87
<i>other</i>	203	34.65
<b>TOTAL</b>	586	100

Source: Ministry of Interior

**CHART 37a :** Number of submitted asylum requests, between 2013 and 2015, according to citizenship



Source: Ministry of Interior

**TABLE 38:** First instance decisions on asylum requests according to type of decision in 2014 and 2015

<b>Decisions</b>	<b>2014</b>	<b>2015</b>
Dismissed requests	12	19
Rejected requests	0	6
Approved requests	6	24
Abandoned procedures	322	546
Conclusions on rejecting appeal	0	1
<b>TOTAL</b>	<b>344</b>	<b>584</b>

Source: Ministry of Interior

The Asylum Office issued 15 decisions on approving asylum requests and providing refuge for 16 persons: three citizens of Iraq, four citizens of Syria, six citizens of Ukraine, two citizens of South Sudan and one citizen of Lebanon. In addition, the Asylum Office issued nine decisions on approving asylum requests and providing subsidiary protection for 14 persons: eight citizens of Libya, one citizen of Iraq, three citizens of Ukraine, and two citizens of Syria.