FORTH INDEPENDENT REPORT
on the implementation of the Law on the Prevention of Domestic Violence
for the period September – November 2017

Conclusions

Preconditions

1. In the observed period, data from various sources remained incomparable, with the complete lack of the data from centers for social work (in charge of recording individual plans of protection and support for victims). Six months from the implementation of the Law on the Prevention of Domestic Violence, no single and central electronic registry of domestic violence was established.

2. Due to the imprecise way of presentation of figures, the Ministry of Interior kept erroneously informing the public about the changes in the Law, by citing the number of emergency measures, rather than the number of persons the measures were applied to, as well as by summing both imposed measures, thus increasing the difference related to the number of proposals and extended emergency measures, unduly describing the police work as more effective.

3. There was no publicly available information on the activities of the Council for the Suppression of Domestic Violence, whose role is to monitor the implementation of legal provisions, as well as to improve the coordination and effectiveness of domestic violence prevention.

Main collective findings

4. In the observed period, around 4,000 cases of domestic violence were examined in Serbia every month, which is an increase of almost 1,700 cases compared to the first month of implementation of the Law. Insufficient number of executives and groups for coordination and cooperation, and in some cases their poor work organization, in comparison to the large number of examined cases, could be the biggest threat to the efficient and effective implementation of the Law in the upcoming period.

5. However, the total number of examined cases should by no means be interpreted as the total number of reported cases of domestic violence, since the newly-reported cases account for only slightly more than 40%. Therefore, the data stating that during the first six months of implementation of the Law, more than 21,000 cases of domestic violence were reported is incorrect.
6. The number of newly-reported cases of domestic violence in the observed period showed a relatively stable trend of around 1,600-1,800 per month.

    Data relationship

7. It was impossible to determine (in a completely valid and reliable way) the relationships among the relevant data, which was a direct consequence of the lack of the central electronic registry. However, this problem will remain even after the registry has been established, because the Law does not provide for keeping records of criminal proceedings for cases of violence where emergency measures are applied or the individual protection and support plans are developed.

8. The number of emergency measures stabilized in the last three months. The "peaks" were registered in August and July, which may be the indirect consequence of two murders in Belgrade's centers for social work, which shook both the general and professional public.

9. When the measures taken are observed in relation to the number of newly-registered cases of domestic violence (which is not entirely valid), one could conclude that the positive trend of implementation of the Law was maintained in the observed period. Police emergency measures were imposed in 70 percent or more cases, of which 30 percent represent measures of removal of the perpetrator from apartment. Extension of emergency measures was proposed by prosecutors in 90 percent and more, and the proposals were approved by the court in over 95 percent.

10. There were still big differences in the relationship between the number of examined cases of domestic violence and the proposed and extended emergency measures (from five to almost 100 percent) in the territories of different basic public prosecutor's offices, the reasons of which could not be determined based on the available data.

11. The number of violations of emergency or extended emergency measures was stable, mainly one offense against ten imposed measures, as expected.

12. The number of criminal charges was stable over the last three months, and represents one-third of the number of newly-reported cases of violence (having in mind that the established relationship is not entirely valid). However, a significant reduction in the number of criminal charges was registered; in November even 280 less than the number of charges in July (which can also be an indirect consequence of the July events).

13. At the same time, the number of filed complaints for ex-officio protection measures by prosecutor's offices remained consistently low, pointing to the lack of long-term preventive measures and the additional exposure of the victim to the procedures she might find tiring.

14. In every other newly-reported case and in every fourth examined case of violence, an individual plan of protection and support for victims was developed. Thus, the total number of plans made in six months only by about 600 exceeds the number of cases of violence examined only in November. There were still basic public prosecutor's offices where in the observed period no individual plan of protection and support for victims was developed.
15. Data were lacking on the contents and the quality of individual plans, as well as the data on implementation of the planned measures, or their effects, although the objective the measures of protection and support for victims and their family members had to achieve was explicitly set. It seems that plans were not developed for other criminal offenses of violence covered by the Law.

16. The lack of participation of victims in meetings of the group for coordination and cooperation, as well as in the development of individual protection and support plans, seriously indicates the lack of understanding of the position of the victim of violence, but also the failure to respect her rights and needs. This trend did not change over the six-month period, sometimes even when the participation of victims and other persons was explicitly sought.

17. The number of regular meetings of the group for coordination and cooperation increased in October and November by 20 each compared to the previous months. However, as many as 31 basic public prosecutor's offices did not hold the planned number of regular meetings in the observed six-month period.

Proposals, complaints and charges

18. In nine cases of domestic violence in which Autonomous Women's Center addressed the competent basic public prosecutor's offices (five) with a reasoned proposal for the participation of the victim and the AWC representative at the meeting of the group for coordination and cooperation, a positive answer was received only in four. Upon the complaints of Autonomous Women's Center (two), the competent public prosecutors replied that the complaints were unfounded, although the victims were not called, and some of them were not even informed about the decisions. The law is explicit when it comes to the victim's right to participate in the meeting, and public prosecutors are certainly familiar with that.

19. The Republic Public Prosecutor's Office did not respond to the Autonomous Women's Center complaint, and thus it can be concluded that the decisions of public prosecutors that the complaints were unfounded were accepted. They also ignored our proposal to develop an instruction on the harmonization of conduct of all groups and subgroups so that victims in the entire country could enjoy the same standard in providing protection and that the provision of Article 31 could not be interpreted differently or violated.

20. Autonomous Women's Center filed a disciplinary report to the State Prosecutorial Council against the public prosecutors and deputies who did not have the scheduled number of meetings held, with the proposal to determine the reasons for failure and to review their possible disciplinary liability. The replies of the higher public prosecutor's office (one) and the basic public prosecutor's offices (three) claimed that the reports were unfounded (three), or partially unfounded (one).

21. The law envisaged disciplinary and misdemeanor responsibility for executives and authorized persons in a state body in the event of non-compliance with the deadlines, non-implementation or obstruction of implementation of the Law. It is not clear who should initiate these proceedings. Responds to the complaints and reports from Autonomous Women's Center suggest that inaccurate records were emphasized as the main "culprits".
22. After six months of implementation of the Law it is clear that the **foreseen mechanism** for monitoring its implementation, improving coordination and effective prevention of violence, although formed at the highest level, is **not effective**, if functional at all.

**Recommendations**

1. It is necessary to **establish** single and central electronic registry, as provided for by the Law, in order to simplify and improve the exchange of information among three competent state bodies. In this way, the data on implementation of the Law would be collected in a more efficient way and analyzed more easily. This would also eliminate the excuse that the data of the Republic Public Prosecutor's Office are incorrect, the data collected by the Ministry of Interior would (finally) correlate with the data from the prosecutor's offices, and we would also obtain the data from the relevant centers for social work.

2. It is necessary to provide a **larger number of trained executives** in all three state bodies crucial for the implementation of the Law. In the current scope of work, engaged professionals cannot fulfill all legal obligations, and in the long run this will lead to fatigue and the lack of their effectiveness.

3. It is necessary to introduce **regular monthly monitoring** of data on the implementation of the Law, realized by the competent state authorities as an operational mechanism. Based on the regular data analysis (similar to that of Autonomous Women's Center), it is necessary to solve the identified problems, challenges and shortcoming in the proceedings and treatment, with the aim of establishing a uniform victim protection system throughout the country.

4. It is necessary to **improve the understanding of the rights and needs of victims** of domestic violence and other criminal offenses provided for in the Law. The first precondition for this is that the victim is involved, informed and respected, that is, invited to meetings for planning individual protection and support measures and that due attention is paid to her safety, rights and needs. In that sense, Autonomous Women's Center recommends that instructions are drawn up for all relevant systems on the participation of victims in the procedures for planning protection and support measures, and the importance of the involvement of subjects directly supporting victims.

**REPORT**

**Data collection and the changed reporting dynamics**

Independent monitoring of the implementation of the Law on the Prevention of Domestic Violence (in further text: the Law), implemented by the Autonomous Women's Center (in further text: AWC)\(^1\) continued with the changed reporting dynamics. After three monthly reports on the implementation of the Law, this report covers a period of three months, for which there are certain reasons.

First of all, in the previous reports we expressed the belief that our observations and recommendations on the implementation of the Law could help the Council for the Suppression of Domestic Violence (in further text: the Council), whose role is to monitor the implementation of legal provisions and to improve the coordination and effectiveness of domestic violence prevention (Article 35, paragraph 2 of the Law). However, there is **no information** as to whether this body held meetings and whether the available data were examined and analyzed. There were no publicly presented integrated reports on the

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1 Autonomous Women's Center (AWC) from Belgrade is a specialized nongovernmental organization that has been dealing with the issues of domestic and intimate partnership violence against women since 1993.
implementation of the Law, nor information on the measures undertaken in order to encourage the effectiveness and efficiency of the relevant actors and to standardize the implementation of the key provisions of the Law on the territory of the entire country.

Furthermore, since September 2017, AWC has expanded the list of information requested from the Republic Public Prosecutor's Office (in further text: RPPO). The list encompassed requirements for data classification regarding examined cases of domestic violence (number of newly-reported and current cases, as well as the cases proposing measures for completion of procedure, in accordance with Article 25, paragraph 2 of the Act), in order to look at the situation more precisely. In addition, the information on the number of victims who participated in the meetings of the group for coordination and cooperation was requested, that is, those who participated in the preparation of the individual victim protection and support plan (Article 31 of the Act).

As stated earlier, the data on implementation of the Law obtained from RPPO and the Ministry of Interior (in further text: MoI) remain unusable because reporting is done with respect to different geographical territories\(^2\). In addition, data on the implementation of the Law are not (and will not be) required from the Ministry of Labor, Employment, Veteran Affairs and Social Affairs because the Ministry does not collect and dispose of the requested data, contrary to the Law (Article 32).

For the first time, this report also includes the qualitative data we came up with by submitting requests to the Basic Public Prosecutor's Office (in further text: BPPO), the Republic Public Prosecutor's Office and the State Prosecutor's Office (in further text: SPO).

**Main collective findings**

In the observed period, data indicate that approximately 4,000 cases of domestic violence were considered in Serbia every month (Table No. 1). In most cases, they were “current” cases (more than 2,000 cases per month). The number of newly-reported cases of domestic violence shows a relatively stable trend of around 1,600-1,800 every month. There is a very small number of cases examined in order to propose measures to the prosecution for the completion of procedure at the monthly level between 60 and 90. The reason for this could be a large number of examined cases of domestic violence, and insufficient number of executives / groups for coordination and cooperation and / or, in some cases, their poor work organization.

*Table No.1a: Total number of examined cases of domestic violence and taken measures and proceedings in the period September – November 2017*

<table>
<thead>
<tr>
<th>Number of cases of domestic violence and number of measures taken – SERBIA</th>
<th>September 2017</th>
<th>October 2017</th>
<th>November 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of examined cases of violence</td>
<td>3,961</td>
<td>4,116</td>
<td>4,129</td>
</tr>
<tr>
<td>- current cases</td>
<td>2,176</td>
<td>2,390</td>
<td>2,220</td>
</tr>
<tr>
<td>- newly-reported</td>
<td>1,687</td>
<td>1,660</td>
<td>1,834</td>
</tr>
<tr>
<td>- proposals of measures for completion</td>
<td>98</td>
<td>66</td>
<td>75</td>
</tr>
<tr>
<td>Number of police emergency measures (bans)</td>
<td>1,195</td>
<td>1,220</td>
<td>1,289</td>
</tr>
<tr>
<td>Number of police emergency measures of removal</td>
<td>529</td>
<td>582</td>
<td>595</td>
</tr>
<tr>
<td>Number of proposals for emergency measures extension</td>
<td>1,078</td>
<td>1,215</td>
<td>1,206</td>
</tr>
</tbody>
</table>

\(^2\) Territories of the police administrations (in MoI reports) do not match the territories of the basic public prosecutor's offices (in BPPO reports), and no direct links can be established between the data, except for the territory of the entire country.
First of all, it should be noted that MoI reports on the number of imposed emergency measures, and RPPO on the number of persons emergency measures were imposed to, which does not allow comparison of data from two sources. MoI reports on the number of imposed emergency measures by summing the total number of both measures, thus showing a larger total number of imposed emergency measures within the jurisdiction of the police officers in relation to the number of proposals for extending emergency measures under the jurisdiction of the deputy public prosecutors. This difference is about one-third of the total number of emergency measures, but it certainly does not correspond to the difference in the number of persons the measures are imposed to.²

Moreover, as it is not possible to claim that during one month emergency measures and extended emergency measures were imposed and proposed only in cases of newly-reported violence⁴, it is difficult to establish accurate ratio between the total number of cases of domestic violence and the number of imposed and / or proposed and extended emergency measures. For this reason, our review of data relationship is guided by the precondition (for which we know is not entirely correct) that all measures and procedures in one month are implemented in relation to newly-reported cases of domestic violence.

Comparing data from the first and second quarter of implementation of the Law (Table 1a and Table 1b) shows unambiguously that the number of examined cases of domestic violence continuously increased, with 1,699 examined cases more in November than in June. During six months, a total of 21,609 cases were examined, and 12,206 in the last three months (8.4% more than in the first three months). However, this number should not be interpreted as the total number of reported cases of domestic violence over a period of six months (as it can be heard in statements of the officials). Data on the difference between newly-reported cases of domestic violence (in the second quarter the total of 5,181), accounting for 42.4% of the total number of examined cases during this period, indicate that in the period of six months there were approximately 10,000 new cases of family violence⁵.

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² Two measures can be imposed to one person simultaneously: temporary removal of the perpetrator from apartment and temporary prohibition of the perpetrator to contact and approach the victim of violence (Article 17, paragraph 2). Although not explicitly stipulated by this Law (Article 17, paragraph 3 states that both measures can be imposed), the legislator's intent is that both measures are imposed in each case when the perpetrator and the victim share the same place of residence, but it cannot be claimed that it had been done so in every case.

⁴ Emergency measures or extended emergency measures could also be applied to "current" cases when they were not or could not be imposed repeatedly to the same persons, after the expiration of the previous ones.

⁵ AWC is not able to report on the precise number of newly-reported cases of domestic violence in the period of six months of implementation of the Law, because in the first three months no such classification was requested. This information could be precisely determined on the basis of data available to the Republic Public Prosecutor's Office.
Table No. 1b: Total number of examined cases of domestic violence and taken measures and procedures in the period June –August 2017

<table>
<thead>
<tr>
<th>Number of cases of domestic violence and number of taken measures- SERBIA</th>
<th>June 2017</th>
<th>July 2017</th>
<th>August 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of examined cases of violence</td>
<td>2,430</td>
<td>3,141</td>
<td>3,832</td>
</tr>
<tr>
<td>Number of police emergency measures (bans)</td>
<td>1,113</td>
<td>1,461</td>
<td>1,520</td>
</tr>
<tr>
<td>Number of police emergency measures of removal</td>
<td>608</td>
<td>722</td>
<td>699</td>
</tr>
<tr>
<td>Number of proposals for emergency measures extension</td>
<td>1,212</td>
<td>1,339</td>
<td>1,380</td>
</tr>
<tr>
<td>Number of adopted extended emergency measures</td>
<td>1,174</td>
<td>1,292</td>
<td>1,345</td>
</tr>
<tr>
<td>Number of violations of emergency /extended measures</td>
<td>87</td>
<td>*</td>
<td>145</td>
</tr>
<tr>
<td>Number of criminal charges</td>
<td>744</td>
<td>825</td>
<td>775</td>
</tr>
<tr>
<td>Number of proposals for measures of protection</td>
<td>9</td>
<td>15</td>
<td>23</td>
</tr>
<tr>
<td>Number of specific measures of protection</td>
<td>3</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Number of individual plans</td>
<td>597</td>
<td>706</td>
<td>856</td>
</tr>
<tr>
<td>Number of victims who participated in planning</td>
<td>9</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>Number of regular meetings of the group for coordination and cooperation</td>
<td>203</td>
<td>220</td>
<td>219</td>
</tr>
</tbody>
</table>

* No data was provided for this month.

Review of data relationship

Besides all the above mentioned limitations, it could be concluded that in relation to the total number of newly-reported cases of domestic violence, the percentage of imposed emergency measures by competent police officers is somewhat above 70 (70.8% in September, 73.5% in October, 70.3% in November 2017). The percentage of imposed emergency measures for temporary removal from apartment is over 30 (31.4% in September, 35.1% in October, 32.4% in November). The overall percentage of proposals for the extension of emergency measures in relation to the total number of newly-reported cases of domestic violence ranged from 60 to 70 (63.9% in September, 73.2% in October, 65.8% in November). When compared with the pronounced police emergency measures, this percentage is above 90 (90.2% in September, 99.6% in October, 93.6% in November). In addition, the proposals for the extension of emergency measures adopted by the court show an extremely high percentage of adoption, above 95 (96.7% in September, 97.3% in October, 95.9% in November 2017).

Based on the aforesaid and in addition to all the mentioned limitations, it could be concluded that around two thirds of newly-received cases of domestic violence end by imposing emergency measures within the jurisdiction of police officers (48 hours), and at least in one third of the cases the perpetrator is removed from apartment. In addition, in at least nine out of ten cases of imposed police emergency measures deputies of public prosecutors propose their extension, and judges adopt most of these proposals (duration of the measure up to 30 days). This could indirectly lead to the conclusion that the assessment of the situation of domestic violence largely depend on competent police officers, and that the assessment is most often confirmed. At the same time, this could lead to the question of whether the groups for coordination and cooperation deal with risk assessments in all cases, including those in which no emergency measures are imposed under police jurisdiction, or in "current” cases of domestic violence, whose number is higher than the newly-registered (1.2 to 1.4 times), especially having in mind that risk assessments are a dynamic data category. These questions cannot be answered because of the way the data are recorded.
The data clearly show that there are **large differences in the relationships** between the number of examined cases of domestic violence and the proposed extended emergency measures (from five to almost 100%) for the territory of different BPPO, as we previously described in details. From the available data, it is not possible to conclude how this difference occurs. It could be the result of differences in the assessment criteria, but also the implementation of other measures within the jurisdiction of the prosecution, above all criminal-legal procedural measures. Moreover, all the data should be linked to the number of inhabitants for the territory to which they relate, in order to look at the real values of numbers. We would then be able to talk about (with greater validity and credibility) differences in the criteria for implementation of the Law, or the unequal protection of victims of domestic violence in the territory of the entire country.

When comparing data from the first and second quarters, it can be said that the difference between the number of issued police emergency measures (which in our analysis is equal to the number of bans) in September and November was 176 measures more in November. In August, the **largest** number of police emergency measures was issued, as many as 407 more than in June, or 231 more than in November. When it comes to the police measures of removal of the perpetrator from apartment, the difference between June and November is **quite small and negative** - in November, there were 13 emergency measures of removal less than in June. In July, there was the largest number of issued police emergency measures of removal, 114 more than in June, but only 23 more than in November. The number of police measures of removal was **steady** in the last three months, with a difference of about 20 measures.

The comparison of data on the prosecution proposals for extension of emergency measures shows that the difference in the number of proposals in June and November was **minimal**, with only 6 proposals more in November. August was the month when the **largest** number of extended emergency measures were proposed, 168 more than in June, and 174 more than in November. The number of proposals for the extension of emergency measures was **stable** in the second quarter (with the largest difference of 137), and was similar to the number of proposals in June. Similar relationships also apply to the adopted emergency measures, due to the fact that the majority of proposals are confirmed by the court.

**Violation of emergency measures and other measures of protection**

In every tenth case, the issued emergency measure will be **violated**, which entails a prison sentence of up to 60 days (Article 36, paragraph 1 of the Law). Here, too, there are the mentioned limitations in data comparison. The percentage of violations of measures in relation to emergency measures in the jurisdiction of police officers is somewhat lower (10.9% in September, 9.9% in October, 9.7% in November) compared to the percentage of violations of the adopted extended measures (12.5% in September, 10.2% in October, 10.8% in November).

The MoI also reports about the **number of criminal charges** for domestic violence, from which it can be concluded that in almost every third newly-reported case criminal charges will be filed (30.9% in September, 33.6% in October, 29.7 in November %). Unfortunately, from the information available to us, it is impossible to estimate the number of criminal proceedings that will be followed by urgent measures of protection, and in what number other (criminal procedural measures) will be applied, in order to provide the safety of the victim as the primary principle of protection.

However, the number of **complaints for measures of protection** (under Family Law) filed by the deputies of public prosecutors, which represent a longer-term solution for the prevention of
domestic violence, remains negligibly small compared to the total number of examined and the total number of newly-reported cases of domestic violence (only 15 in September, 24 in October and only 27 complaints in November). It should be noted that the initiation of these proceedings is significant in all cases of domestic violence when there are no elements of the criminal offense or until criminal proceedings are in progress, unless other security measures have been applied. The victim of violence should not (whenever possible) initiate these proceedings alone or through a representative, having in mind that the deputy public prosecutor most often already possesses all evidence for initiation and successful completion of such protection.

Comparison of the indicators of implementation of the Law from the second quarter with the first quarter tells us that the number of misdemeanor penalties became steady. The largest number of violation of emergency measures were registered in August - 145 misdemeanor penalties, which is 58 more than in June and only 15 more than in August. The number of criminal charges became steady in the second quarter, with a difference of 37. The highest number of criminal charges was filed in July, with 81 more than in June and 280 more than in November. The reason for such a big drop cannot be found in the available data. The monthly number of complaints for measures of protection from domestic violence initiated ex officio by deputy public prosecutors is steadily low, with a slight increase and a difference of 18 complaints in November compared to June.

**Individual plan of protection and support for victims**

When it comes to the number of developed individual plans of protection and support for victims, if we put it into relation only with newly-reported cases of domestic violence, it could be said that (almost) every other examined case resulted in a plan (44.5% in September, 48.8% in October, 54.4% in November). However, if we put the number of plans relation to the total monthly number of examined cases of domestic violence, then only every fifth, and in November, every fourth case would have an individual plan (19% in September, 19.7% in October, 24.2% in November). Although the number of developed plans is increasing, it is still far from the legal norm. It should be added that individual plans can also be developed for all other criminal offenses provided by the Law (Articles 4 and 31, 5), but we have no information as to whether the groups for coordination and cooperation generally examine any other criminal offense except domestic violence.

It should be emphasized that there are BPPO in which no individual plan of protection and support for victims was developed in the observed period, which reveals the problematic lack of comprehensive, individualized and effective protection and support for victims and

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6 For example, ban to approach, meet or communicate with a particular person and visit certain places (Article 197 of the Criminal Procedure Code).
7 Here, too, there is a limitation with regard to reliable concluding, because we do not know whether the monthly number of individuals encompasses the information on newly-developed plans, or on revised plans (the proportion we are not familiar of), which would result in less favorable relationships between the number of cases of violence and the number of developed plans.
8 They are: BPPO Bačka Palanka, Subotica, Senta, Kikinda, Ruma, Šabac, Loznica, Jagodina, Despotovac, Petrovac na Mlavi, Trstenik, Aleksinac, Vranje, Vranje - Bujanovac Department, Vlađićin Han, Negotin, Kuršumlija and Bor. In a significant number of BPPO in Serbia, in the observed period an exceptionally small number of individual plans of protection and support for victims were developed (one, two, up to four). They are: BPPO Sombor, Sremška Mitrovica, Kragujevac, Aranđelovac, Raška, Veliko Gradište, Gornji Milanovac, Prijepolje, Prijepolje - Prijepolje Department, Brus, Leskovac, Pirot, Zaječar - Knjaževac Department. Several BPPO, which in the previous months had either none or just one plan, recorded a significant increase in the number of developed plans in November. They are: BPPO Novi Sad, Lazarevac, Novi Pazar, Novi Pazar – Sjenica Department and Prokuplje.
members of their families (Article 31, paragraph 1), including children and the elderly, sick and helpless as the most vulnerable, of which too there is no report at all.\(^9\)

Moreover, there is **neither information on the contents** (number and type of protection and support measures, coverage of family members), nor the quality of the plans, as well as information on the implementation of planned measures. As the plans contain concrete data on monitoring and assessments of the effectiveness of the planned and implemented measures, it could be indirectly concluded that there is **no summary overview and reporting on the effects** of implementation of the Law or the fulfillment of the purpose of the taken measures (Article 31, paragraph 3). The lack of such data makes it impossible to efficiently monitor implementation of legal norms by competent civil servants and take appropriate measures, including sanctioning irresponsible conduct (Article 36, paragraph 2). Although the lack of such data could be an indicator of heavy workload, or even insufficient involvement of centers for social work (which this kind of activity is closest to), it is certainly a consequence of the fact that **no single and central electronic registry have been established**, which prevents fast processing of relevant data.

During the six month period of implementation of the Law, a total of 4,717 individual plans of protection and support for victims were developed, which is only 588 more than the total number of examined cases of violence in November. These data also confirm insufficient number of plans compared to the total number of examined and newly-reported cases of violence, although their increase is registered from month to month, so that in November there were 400 plans more developed than in June.

**Position of the victim of domestic violence**

The **serious problem** in understanding the position of a victim of violence is that the number of victims participating in planning individual measures of protection and support is extremely small - only 18 in September and only 15 in October, only 16 victims in November (compared to the number of developed individual plans in September it is only 2.4%, and in October and November it is only 1.9%). If we put these data into the six-month context, the participation of victims in planning their own protection and support measures is steadily low - compared to the total number of examined cases of violence 0.4-0.5%, and compared to the total number of developed plans 1.5-2.4% (**Table No. 2**).

**Table No.2:** The total number of examined cases of domestic violence, developed individual plans of protection and support, and participation of victims in meetings of groups for coordination

<table>
<thead>
<tr>
<th>Total data for Serbia</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of examined cases of violence</td>
<td>2,430</td>
<td>3,141</td>
<td>3,832</td>
<td>3,961</td>
<td>4,116</td>
<td>4,129</td>
</tr>
<tr>
<td>Number of developed individual plans of protection and support for victims</td>
<td>597</td>
<td>706</td>
<td>856</td>
<td>751</td>
<td>810</td>
<td>997</td>
</tr>
<tr>
<td>Number of victims of violence participating in the meetings of the group for coordination</td>
<td>9</td>
<td>17</td>
<td>17</td>
<td>18</td>
<td>15</td>
<td>16</td>
</tr>
</tbody>
</table>

In fact, **only in 13 BPPO** in Serbia the victims participated in developing their individual plan of protection and support.\(^{10}\) It is possible that a number of victims of violence were being subsequently invited (mostly by the centre for social work) to be presented the proposed/developed plans, but this also does not correspond to the legislator’s intent. An individualized plan cannot be done without a victim. If developed in this way, it means that

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\(^9\) Records on the planned measures in individual plans are kept by centers for social work (Article 32).

\(^{10}\) They are: First and Second BPPO Belgrade, BPPO Vršac, Vrbas, Šabac, Raška, Požarevac, Veliko Gradište, Gornji Milanovac, Lebane, Negotin and Prokuplje.
institutions take control over the decisions and life of the victim (as previously done by the perpetrator of violence) without respecting her rights and needs. Here too we can talk about the problem of the lack of resources (above all people and time, and possible know-how), but this does not justify the existing poor practice.

Observed over the period of six months, there is no significant difference in the first and second period of implementation of the Law, since participation of victims in meetings of the group for coordination and cooperation is steadily low, with only 7 people more in November compared to June.

Meetings of the group for coordination and cooperation

Finally, when it comes to the number of regular meetings of the group for coordination and cooperation, there were 215 in the observed period (in September) and 239 and 240 respectively (in October and November 2017)\(^1\). During that period, there were no BPPO that did not realize meetings. Two BPPO (Lazarevac and Novi Pazar - Sjenica Department) did not have any meetings in two months, and three BPPO (Novi Pazar, Vranje and Vranje - Bujanovac Department) did not have a single meeting in a month. One meeting in all three observed months was held in one BPPO (Velika Plana), and in two months two BPPO (Brus and Kuršumlija). As many as eleven BPPO had a meeting at least one in three months (Subotica, Šabac, Petrovac on Mlavi, Prijeponje, Priboj Department, Trstenik, Aleksinac, Bujanovac Department, Knjaževac, Bor and Pirot).

In total, from June to November, as many as 31 BPPO did not hold a foreseen number of regular meetings of the group for coordination and cooperation. In four months, the planned number of meetings was not realized in one BPPO (Velika Plana, one meeting every month), and in three months in five BPPO (Prijeponje, Priboj Department, Pirot and Kuršumlija, which held one meeting and Sjenica Department, which did not have a single meeting in two months). Even fourteen BPPO did not realize the planned number of meetings in two months\(^12\), and eleven in one month\(^13\). Bearing in mind that meetings are chaired by a group member belonging to the deputy of the basic public prosecutor’s office (Article 26 (3)), it may be considered that they are responsible for not holding the scheduled number of meetings, which could result in disciplinary action for the competent deputy (Article 6 of the Law).

The comparison of the number of meetings in the six month period shows that in November there were 37 meetings more than in June, i.e. that an increase of 20 meetings was registered in the last two months, which is likely the result of an increase in the number of examined cases, and the increasing number of the “current” cases, and possibly because of the AWC’s proposal to examine the disciplinary responsibility of the competent authorities, in accordance with Article 6 of the Law.

Qualitative data on implementation of the Law

In this section of the text, two issues will be discussed. One is the fact that AWC addressed, on behalf of women beneficiaries of our psychosocial and legal support, the competent BPPO, i.e.

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\(^{11}\) The legal minimum is one meeting in 15 days (Article 25, paragraph 2).

\(^{12}\) They are: BPPO Lazarevac (two months without a meeting), BPPO Vlačin Han, Despotovac, Ivanjica Department, Petrovac na Mlavi and Novi Pazar (one month without a meeting), BPPO Subotica, Brus, Požega, Bujanovac, Bor, Šabac, Aleksinac and BPPO Zaječar - Knjaževac Department (two months with one meeting each).

\(^{13}\) They are: BPPO Vranje, Ub, Gornji Milanovac, Sombor, Loznica (no meeting in a month, most often at the beginning of implementation of the Law), BPPO Trstenik, Raška, Veliko Gradište and Lebane (one meeting each in one month) and the First BPPO Belgrade.
the group for coordination and cooperation, as well as an attempt to, based on our experience, suggest RPPO to submit additional instructions to BPPO on the implementation of the Law. The second one relates to the initiation of disciplinary proceedings in cases where the data indicate that the statutory standards for holding meetings of the group for coordination and cooperation have not been met.

In nine cases of domestic violence, AWC addressed the competent BPPO (five), and groups for coordination and cooperation with a reasoned proposal to examine the case, to carry out a risk assessment, to draw up an individual protection and support plan (Article 25, paragraph 2) and to request the victim to be present at the meeting (Article 31, paragraph 2), as well as the representative of AWC (Article 25 § 4). The result of the appeal was **positive in only four cases.** In others, the proposal was **rejected** or **no response was received** (in one case the reply was sent by e-mail).

A **complaint** was filed to RPPO on the work of two BPPO (after addressing the groups for coordination and cooperation), with the request for RPPO to **harmonize the conduct of groups** (but also the subgroups within the same BPPO), so that victims of domestic violence and other forms of violence could enjoy the same standard in providing protection and so that the provisions of Article 31 would not be violated.

In one case, the AWC’s opinion was that the group did not consider all the circumstances, that is, information on all proceedings - criminal, family and executive, conducted before various institutions (court, prosecution, center for social work, police) and that the plan of measures for the minor and her mother had not been made. It was pointed out that, through the conduct of the competent center for social work, which lacked information on coordination with other competent authorities, damage was made, contrary to the general principles of victim protection. AWC suggested that the case should be urgently examined at the group for coordination and coordination, that all safety measures should be taken, and that the victim and AWC representative should be invited to the meeting.

At the suggestion of AWC, the relevant BPPO concluded the following: “We consider that your presence and the presence of the victim (name) at the meeting of the group for coordination is not in the interest of the further course of this proceeding”, arguing that the victim of violence had filed criminal charges against the center for social work, a member of the group. As a result, BPPO filed a request for substitution, and by a decision of the Higher Public Prosecutor’s Office the criminal charges against CSW were handed over to the second BPPO. However, as the procedure for the protection of the minor from violence committed by the father was conducted in that, and not in other BPPO, and as the decision of the competent CSW violated the safety measure imposed on the father (which, in our opinion, points to the fact that the child was forcibly, with the mediation of state organs, given for visitations to the violent father, which also reminds of the case that happened in Rakovica in June), AWC addressed RPPO.

The second complaint referred to three cases the same subgroup for coordination and cooperation within BPPO was in charge with. In one case, in our opinion, wrong risk assessment was given by the prosecutor in charge, and for that reason no extension of emergency measures was required. In the second, it was suggested that the case should be examined at a subgroup meeting, because violence against the minor had been done a year earlier (criminal charges were filed by CSW), and in the meantime, there were two urgent applications filed to the prosecution, as well as the supplement to the application (because of repeated violence). By then, the juvenile victim only gave statement to the police and was not
called by the prosecution. The third case related to a woman and her two young children, where the suspect violated the protection measures against domestic violence.

The deputy prosecutor in charge, in an e-mail, informed AWC about the taken action regarding the firstly mentioned case. Although neither the victim nor we were invited to the meeting, AWC did not file a complaint. In response to the other two cases we were informed about the date of the subgroup meeting to decide whether the victims and AWC representatives would be invited. It was written that the deputy would not be able to inform us in the future about the work on current cases and the actions of the subgroup, that our presence was not obligatory (since Article 25 foresees that meetings can be attended by others, if needed), and that the decision to invite other people to meetings could be made “exclusively by all members of the group, not individuals, and no decision has been made on your presence”. Even three months later, there was no information on whether these two cases were examined at meetings, and for that reason AWC filed a complaint to RPPO.

The response of the public prosecutor to the AWC's complaint was that it had been decided that the competent deputy “acted in accordance with the Law and that the complaint was unfounded” 14. The explanation stated that the case of the secondly mentioned victim, at the proposal of AWC, was raised at the meeting twice, and that the case of the thirdly mentioned victim was once examined at a meeting of the subgroup for coordination and cooperation. However, neither the victims nor AWC participated and received any information about the subgroup decisions.

AWC reminded the competent BPPO that the Law is explicit in referring to the victim's right to attend the meeting, Article 31, paragraph 2 15, that is, the Law does not say that the victim “may attend” or that she will be called “in accordance with the Rulebook”, as the deputy prosecutor stated, but that she can “participate if she wishes”. Therefore, the victim is not subject to Article 25, paragraph 4, which relates to representatives of other services and persons. The deputy, but also the public prosecutor who acted upon the complaint of AWC, must have known that, and so their explanations are incorrect.

The Republic Public Prosecutor’s Office did not respond to the AWC’s complaint, and it can be concluded that the decisions of the public prosecutors, marking the complaints as unfounded, were accepted. This could further mean that it was decided that there was no need to develop an instruction on the harmonization of conduct of all groups and subgroups so that victims in the entire country could enjoy the same standard in providing protection and so that the provision of Article 31 could not be violated. It seems that such a position explains why only 92 victims were invited to 1,336 meetings of groups for coordination and cooperation over the past six months. Whatever the reason, this represents a violation of the victim's rights and contempt of the Law.

The second issue we dealt with was the failure to observe the prescribed deadlines in organizing or holding meetings of the group for coordination and cooperation (Article 25, paragraph 3), which constitutes a disciplinary offense by public prosecutors and deputy public prosecutors (Article 6 of the Law). At the beginning of October 2017, AWC filed a disciplinary complaint to the State Prosecutors’ Council against the public prosecutors and deputies in charge who did not have the scheduled number of meetings held for a period of three months, and then another complaint in early November, as this trend continued in the following period. It should be noted

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14 It was stated that the decision had been made on the basis of an insight into the complaint, the analyzed factual situation in the cases and that a written statement was requested from the deputy prosecutor in charge.
15 “The victim also participates in the development of the individual plan for the protection and support of the victim, if she wishes so, and if her emotional and physical condition allows”. 
that, although the Law provides for liability, it is not clear **which mechanism activated the procedures** in Article 6 and Article 36, paragraph 2. Since there was no publicly available information that the Council for the Suppression of Domestic Violence or the responsible person in the state body reviewed the responsibility for the implementation of the Law, it was necessary to activate the sanctioning possibility provided by the Law.

It was pointed out that it would be important, due to the further implementation of the Law, as well as for all those who respected the deadlines for holding meetings of the group for coordination and cooperation, to determine the reasons for the failure of the basic public prosecutors and their deputies and their possible disciplinary liability. The State Prosecutorial Council was requested to inform AWC about the decision in writing. Here also the procedure was for the State Prosecutorial Council to submit our complaint to the higher and basic public prosecutors, who informed us about the outcome, so far in only four cases.\(^\text{16}\)

The replies marking our complaint as **unfounded** were received from three BPPO\(^\text{17}\). All three stated that by inspecting the records of the meetings it was established that they were held regularly, and that the failures “most likely occurred when compiling summary reports on the work of the groups and their forwarding to the Republic Public Prosecutor’s Office”, even in the case where all dates of the held meetings were listed, which clearly showed that the legal minimum number of meetings had not been held.

In one case, it was stated that the complaint was **partially unfounded**, that “the prosecution representatives did everything to hold the meetings, but other representatives of the institutions comprising the group failed to attend them”, i.e. representatives of CSW and the police did not attend two meetings, and “for that reason the group’s meetings were postponed” (both in July). It further stated that "the only undeniable fact is that the meeting (one) was not held in June, since both deputies were on holiday, because they were obliged to use the second part of their holiday entitlement". It was also stated that the higher public prosecutor had indicated to the public prosecutor that in the future, “if obligatory participants are unjustifiably absent from a meeting” the managers of those institutions should be informed and certain sanctions requested.

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\(^{16}\) They are: HPPO Vranje and BPPO Prijeplje, Čačak and Pirot.

\(^{17}\) They are: BPPO Prijeplje, Čačak and Pirot.