MINISTRY OF JUSTICE
Council for the Suppression of Domestic Violence
To the members of the Council

In Belgrade, August 31, 2017


Dear Ms Kuburović,

Autonomous Women’s Center (AWC)\(^1\) has continued an independent monthly monitoring of the implementation of the Law on the Prevention of Domestic Violence. As stated in our first report, AWC will notify the Council for the Suppression of Domestic Violence and the general public about its observations and proposals.

For July 2017, the (same) information was requested on the implementation of the law from the Republic Public Prosecutor’s Office and the Ministry of Interior. The requested information was obtained from the Republic Public Prosecutor’s Office (RPPO). The data on the implementation of the law have not been (and will not be) requested from the Ministry of Labor, Employment, Veterans’ Affairs and Social Affairs, since the Ministry has informed us that it does not collect and contain the requested data. The Ministry of Interior did not provide the requested data within the legal deadline (data for June and July were obtained on August 31, 2017), and thus will not be analyzed in detail in this report. In addition, since the data obtained from the MoI were not sorted by police stations (as requested), it was not possible to compare them with the RPPO data.

The main finding in July is that the implementation of emergency measures of protection from domestic violence has been successfully continued. According to the RPPO data for July 1-31, 2017, \(3,141\) cases of domestic violence were examined, which is \(711\) cases more than in the first month of the law implementation\(^2\). The number of examined

\[^1\] 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.

\[^2\] We assume that an increase in the number of examined cases comes not only from a larger number of new reports of domestic violence, but also from cases where protection and support for crime victims was required in accordance with the law (Article 4) and the cases where the competent Public Prosecutor's Office is proposed the measures for the completion of court proceedings (AWC did not
cases of domestic violence confirms the prevalence of problems faced by the institutions of the system, primarily police and public prosecutors, as well as centers for social work, which fully justifies both the specialization and the legally prescribed coordination. That number also points to the workload of representatives of these three services, which has to be reflected in the appropriate number of competent officials and direct executors, but also in the appropriate support to their work (specific instructions and supervision).

The number of emergency measures issued under the authority of the police in July 2017 was 2,183, out of which 722 measures of temporary removal of the perpetrator and 1,461 measures of temporary prohibition for the perpetrator to contact and approach the victim of violence. That would mean that the police issued 462 emergency measures more than in June. However, the way the Ministry of Interior reports on the number of emergency measures is not precise, as the measure of the removal should be accompanied with the measure of the prohibition of the contact and approach, which reduces the total number of measures by the number of removal measures. It would be right to mention that 1,461 emergency measures were issued in July under the jurisdiction of the police. In July, the competent deputy public prosecutors submitted a significant number of proposals for extending emergency measures – 1,339, which is by 127 proposals more than in June 2017. This time also, the largest number of proposals for the extension of emergency measures was adopted by the court, 1,292, which makes 96.5% of the proposed number. The AWC did not request information on the number of violations of emergency protection measures, but this data would be important to monitor in the future.

In July, the number of realized meetings of the group for coordination and cooperation increased, so there were 220 meetings (17 more than in June). In addition, more individual plans for protection and support for the victim were created - 706 (109 more than in June). This is still insufficient compared to the total number of examined cases (only slightly more than a fifth), but also compared to the number of confirmed proposals for the extension of emergency protection measures (slightly more than a half). The number of filed complaints for determining measures of protection against domestic violence (Family Law) by the basic public prosecutor's offices (BPPO) remains insufficiently small - a total of 15, which is only 1.2% of the number of extended emergency protection measures. Nevertheless, during this month, complaints for measures of protection against domestic violence were filed in six BPPOs (in June this was the case only in BPPO Zrenjanin).

Based on the limited number of the quantitative data received by AWC and on the comparison with the data from the previous month, we can conclude the following:

1. **The positive trend** of cross-sectoral examinations of a significant number of cases of domestic violence **continues**, as well as the trend of issuing emergency measures within the competence of the police and proposing and adopting a significant number of extended emergency measures as one of the possibilities of preventing immediate danger and domestic violence.

2. However, the legally prescribed contents of the data records on cases of domestic violence shows one of the weaknesses that AWC pointed out during the drafting and debating the draft law, which is the **lack of data on criminal proceedings** related to domestic violence. Consequently, when we look at the number of adopted extended emergency measures compared to the number of reported / examined cases of domestic violence, we cannot say with certainty whether it is an (in)adequate implementation of the law, or BPPOs undertook seek for data classification according to this criterion).
other measures within their competences, such as detention or prohibition under Art. 197 of the Criminal Procedure Code. The data obtained from the MoI contain the total number of files for the criminal offense referred to in Article 194 of the Criminal Code (744 in June and 825 in July), but this information does not say anything about the procedural measures.

3. The table obtained from RPPO on the implementation of the law for July contains the **reduced number of missing data**, which makes the report as a whole, as well as the relations between individual data, **more reliable**. Only the data from Vladičin Han lacked the number of examined cases of domestic violence, as well as the number of meetings held by the group for coordination and cooperation (in June it was the case for six BPPOs). However, the data on the number of proposals for extending emergency measures and the number of adopted proposals in BPPO Senta are **consistently missing** (unless the missing data does not indicate that in July, as in June, this BPPO did not have such proposals, although in July there were 21 and in June 24 examined cases of domestic violence).

4. Although in July, 17 more meetings for coordination and cooperation were held than in June, we have noticed that certain BPPOs had **only one meeting** in this month (and the legal norm is at least one meeting in 15 days). They are BPPOs Prijepolje, Prijepolje – Department of Priboj and Čačak – Department of Ivanjica (which had only one meeting in June as well), but also BPPOs that did not have such practice in the previous month - Despotovac, Požega, Bor and the First BPPO Belgrade.

5. The number of examined cases of domestic violence in July compared to those in June 2017 points to a **noticeably smaller number of examined cases** in the First BPPO in Belgrade, BPPO Valjevo, Kikinda, Jagodina, Despotovac, Prijepolje, Prijepolje – Priboj Department, Čačak - Ivanjica and Leskovac Department. It is difficult to identify the reason for such a situation. At the same time, a **significantly larger number** of examined cases of violence in July were registered in the Second and Third BPPOs in Belgrade, BPPO Pančevo, Vršac, Vrbas, Šabac, Arandelovac, Kraljevo, Kruševac, Lebane, Zaječar, and also Stara Pazova, Kragujevac, Novi Pazar and Novi Pazar - Department of Sjenica, Užice, Gornji Milanovac, Aleksinac, Vranje and Prokuplje. This increase does not necessarily mean an increase in the number of newly reported cases, but can also be due to the fact that a number of cases from June were re-examined at meetings in July. A positive change was also observed in those BPPOs which in the first month of the law implementation did not have information on the number of the examined cases. Significant number of violent events was registered in BPPO Ub, Mionica, Sombor, Petrovac na Mlavi and Pirot, and somewhat lower in BPPO Loznica.

6. The number of proposals for the extension of emergency measures **still varies considerably** in relation to the number of examined cases of domestic violence – ranging from 5% to 100% (but there are BPPOs below 5%). As we have stated, this partially depends on the total number of cases of domestic violence and the extent to which the deputies of the public prosecutor used other, primarily criminal procedural measures. Nevertheless, a **small number of proposals** for the extension of emergency measures is noticed compared to the number of cases of violence in the First, Second and Third BPPOs in Belgrade, as well as in BPPO Užice (1 out of 65), Ruma (2 out of 50), Vršac (10 out of 95), Novi Pazar - Sjenica

---

3 The table provided by RPPO lacks the column for **BPPO Zaječar - Knaževac Department** (but we do not know what, except for a random mistake, could be the reason for that).

4 It might be a consequence of poor organization of meetings for coordination and cooperation during the holidays.
Department (3 out of 33), Raška (4 out of 25), Trstenik (13 out of 77), Lebane (14 out of 76), as well as a large number of other BPPOs where the number of proposals for extending emergency measures was below half of the number of examined cases of domestic violence in July 2017.

7. It is still noticeable that in some BPPOs the number of proposals for extended emergency measures is larger than the number of examined cases of domestic violence, notably in BPPO Negotin (almost ten times), Niš (five times), Velika Plana and Novi Bečej (on average three times), Despotovac and Leskovac (on average twice), and somewhat less present in BPPO Novi Sad and Kragujevac. If all reported cases of violence were examined at meetings of the group for coordination and cooperation, and with the possibility that in some cases a larger number of perpetrators received a proposal for an extended emergency measure, it should be checked whether emergency measures are proposed for victims of violence (as well as for the perpetrators), in the circumstances where the authorities cannot (or do not know how to) assess who the victim and who the perpetrator is (because they do not understand the phenomenon, especially the imbalance of power and control).

8. As in June, in July the judges also confirmed the largest number of prosecutorial proposals (with deviations in one - two cases). We have noticed that the court in Valjevo still has different criteria compared to BPPO, and only 64.3% of the proposals were adopted (as much as 5% less than in June), and this time the differences are evident in the court in Paraćin (74.1 % of the proposals confirmed).

9. There is still a very small number of filed complaints for determining measures of protection against domestic violence according to the Family Law, only 15, but this time registered in six BPPOs: besides Zrenjanin (4), they are BPPO Bačka Palanka (4), Čačak (3), Novi Pazar - Department of Sjenica (2), Second BPPO Belgrade and BPPO Pirot (1 complaint each). We emphasize that this is a bad practice regarding the possibility of long-term prevention, bearing in mind that both public prosecutors offices and centers for social work are the authorized proponents of these measures.

10. Finally, there is still a small number of individual support and protection plans developed for victims, although their number is 20% larger than in June. First of all, there is a large number of BPPOs in which no individual support and protection plan for victims was not developed: BPPO Novi Sad, Bačka Palanka, Subotica, Senta, Kikinda, Ruma, Šabac, Loznica, Kragujevac, Raška, Jagodina, Despotovac and Petrovac na Mlavi, Veliko Gradište, Novi Pazar and Department of Sjenica, Prijevopolje and Department of Priboj, Brus, Gornji Milanovac, Čačak – Department of Ivanjica, Aleksinac and Leskovac, Vranje – Department of Bujanovac, Vladičin Han, Negotin, Prokuplje, Kuršumlija, Bor and Pirot. The majority of these BPPOs did not have individual support and protection plans in June as well. Other BPPOs were also very modest in applying this legal obligation, and they had few plans (10% and below): Third BPPO Belgrade, Mladenovac, Sombor, Vrbas, Sremiska Mitrovica, Požarevac, Trstenik, Čačak, Niš and Vranje. Groups for coordination and cooperation within the Second BPPO in Belgrade should be praised for developing 235 individual plans in June (for 393 examined cases of domestic violence).

Based on the findings for July 2017 and their comparison with the law implementation in June, AWC recommends that the Council for the Suppression of Domestic Violence take the following measures:

1. Continue to urge the preparation of the single records of cases of domestic violence in the competent services, as well as electronic central records, in accordance with the Law,
Art. 32 and 33. It should consider how the legally prescribed contents of the records is expanded or linked to criminal and legal records, in order to obtain a comprehensive picture of the proceedings, as well as a more accurate insight into the relations between the number of examined cases of domestic violence and the number of emergency measures of protection against violence. We reiterate that the **minimum standards** for records of violence against women and domestic violence is the existence of data on the type of violence, the gender of the perpetrator and the victim, and the type of relationship between the victim and the perpetrator\(^5\), and that the data should be available in electronic records as well.

2. Ensure a **sufficient number of competent officers**, as well as adequate professional support for their work, in order to maintain a positive trend of the law implementation, without exhaustion and burnout of the implementer.

3. Determine the **reason for not holding the planned number of meetings** of the group for coordination and cooperation in all BPPOs that did not have a sufficient number of meetings in June and July, and consider whether there are grounds for determining the responsibility of public prosecutors and deputy public prosecutors in accordance with the law.

4. Determine the **reason for the lack of information** on the number of proposals for extending emergency measures and the number of adopted proposals in BPPO Senta in June and July 2017.

5. Determine, on a random sample of BPPOs in Serbia, the **reason for the big difference** between the number of reported cases of domestic violence and the number of proposals for the extension of emergency measures (a small number of proposals), and accordingly issue appropriate instructions.

6. Determine **for what reason** the number of proposals for the extension of emergency measures is multiple times larger than the number of examined cases of domestic violence, the smallest number being on the sample of BPPOs Negotin and Niš.

7. Consider **why a small number of complaints are filed** for measures of protection in civil lawsuits, ex officio by the prosecutor's office and centers for social work, and make appropriate recommendations.

8. Determine the **reasons why** a large number of groups for coordination and cooperation do not develop an individual support and protection plan for victims of domestic violence and other criminal offenses in accordance with the law. Bearing in mind that centers for social work while working with beneficiaries are also obliged to draw up different types of (individual) plans of measures and services\(^6\), it seems unusual that planning is missing in such a large number of groups for coordination and cooperation.

---

5 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Art. 11.

9. Investigate **good practice examples** in the work of BPPOs and groups for coordination and cooperation regarding the law implementation and provide instructions to BPPO that might have difficulties in its implementation.

Best regards,

For Autonomous Women’s Center

_______________________  ________________________
Slobodanka Macanović, Director  Tanja Ignjatović,
                              Program Coordinator