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

In Belgrade, September 28, 2017


Dear Ms Kuburović,

Autonomous Women’s Center (AWC)\(^1\) has continued the independent monthly monitoring of the implementation of the Law on the Prevention of Domestic Violence. We believe that our reports, observations and recommendations are of help to the Council for the Suppression of Domestic Violence in monitoring the implementation of the law.

Information on the implementation of the law in August 2017 was requested from the Republic Public Prosecutor's Office (RPPO) and the Ministry of Internal Affairs (MoI)\(^2\).

This time we asked RPPO for additional information regarding the number of examined cases of domestic violence (classification of data by the “number of new examined cases”, the “number of current examined cases” and the “number of cases in which measures to end cases were proposed”), which we did not receive, although the table for monitoring the implementation of the law allows the data to be delivered without additional processing.

MoI did not provide the requested data within the legally prescribed deadline. In addition, we asked MoI for the submitted data to be sorted according to police stations, since the data from the police administration are not linked with the data of the basic public prosecutor's offices and RPPO.

The main finding in August was that the positive trend of implementing emergency measures of protection against domestic violence was kept steady. According to RPPO data for the period August 1-31, 2017, there were 3,832 examined cases of domestic violence.

---

\(^1\) 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.

\(^2\) As stated earlier, 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, because the Ministry has informed us that it does not collect and contain the requested data.
691 cases more than in the previous month\(^3\). Even without complete information, it is clear that the institutions of the system were faced with domestic violence, primarily the police and public prosecution, but also centers for social work, which fully justifies the legally prescribed coordination and specialization.

**Difference in processing / monitoring data in RPPO and MoI indicates the problem of connecting and comparing data from different sources.**

In other words, MoI sums two types of emergency measures (which, according to the law, are always issued together, unless the possible perpetrator of violence and the victim live in the same space – apartment or house). Therefore, it is not possible to conclude how many cases of reported domestic violence have been intervened upon by issuing emergency measures under the jurisdiction of police officers (48 hours), that is, it makes the total number of issued emergency measures much larger than the number of reported cases of domestic violence. Thus, in June, the competent police officers issued 608 measures of temporary removal and 1,113 measures of temporary prohibition of contacts of a possible offender with the victim (1,721 in total), and in July the number was larger, 722 measures of temporary removal and 1,461 measures of temporary prohibition of contacts with the victim (2,183 in total). If such a trend continues in August and beyond, we believe that police officers are successfully implementing the law, but it would be important to analyze the treatment at police stations (in order to identify possible differences in criteria), as well as data related to the proceedings of the competent basic public prosecutor’s offices (BPPO).

In August, competent deputy public prosecutors filed 1,380 proposals for the extension of emergency measures, 41 proposals more than in July 2017. This time as well, the majority of the proposals for the extension of emergency measures were adopted by the court, 1,345 of them, which makes 97.5% of the proposed number (by 1% more than in July 2017).

AWC asked MoI for information on the number of reports for violation of emergency protection measures. The data show that in June, a total of 87 emergency measures were violated and in July 92 emergency measures. This data speaks positively about the purposefulness of emergency protection measures, contrary to the expressed fear that the law will not be respected (violation of measures is present in 6-8% of cases). In addition, the Ministry of Interior reported that in June 744 complaints were filed for domestic violence (Article 194 CC) and in July 825 criminal charges were filed for the same criminal offense.

RPPO reported that in August, the number of realized meetings of the group for coordination and cooperation was almost the same as in July - 219 meetings. A larger number of individual plans for the protection and support of the victim were developed - 857 (151 more than in July). This confirms that groups for coordination and cooperation have been dealing with this task increasingly well, but that the number of plans is still insufficient compared to the total number of examined cases (only slightly more than a fifth), although the ratio is better regarding the number of confirmed proposals for extension of emergency measures (almost two-thirds of the cases).

The number of filed complaints for determining measures of protection against domestic violence (Family Law) by BPPO, although growing, remains insufficiently small - a total of 23, which is only 1.7% of the number of extended emergency protection measures. Although

\(^3\) It is still impossible to determine whether the increase in the number of examined cases originates from a **larger number of new reports** of domestic violence, or it is a consequence of the examination of “current” cases and the cases where “measures to end the proceedings are proposed” or the cases in which protection and support should have been provided to victims of other criminal offenses in accordance with the law (Article 4).
the number of BPPOs that applied this statutory authority increased (nine BPPOs, compared to six in July, or only one in June 2017), this is only 14.3% of the number of basic public prosecutors and departments implementing the Law on the Prevention of Domestic Violence.

Based on the limited number of quantitative data obtained by AWC and comparisons with the data from the previous months, we can conclude the following:

1. **The trend** of cross-sectoral examination of a significant number of cases of domestic violence has been stabilized, 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 protection measures, as one of the possibilities for preventing immediate danger and domestic violence. However, it is impossible to conclude (since no relevant data has been provided) whether it is about the stabilization of the number of (new) reports of violence, or is it an artifact of counting.

2. On the other hand, the fact that the seats and areas of BPPO competences do not coincide with the seats and areas of jurisdiction of the police administrations raises the question on how the Council for the Suppression of Domestic Violence compares data obtained from two different sources (RPPO and MoI). It is impossible (without data classification from MoI by police stations and their matching with the data from the respective territorial jurisdictions of BPPO) to compare the correlation between the criteria for determining the conditions for issuing emergency measures (in the police) and extended emergency measures (in the prosecution) in a way we compare the correlation between proposals for the extension of emergency measures (prosecution) and the number of accepted proposals (court).

3. This leads us to the next problem - the lack of electronic data records on the implementation of protection measures against domestic violence as an obstacle to better and more efficient monitoring of the implementation of the law. The importance of the records is unquestionable when it comes to assessing, deciding and acting in a specific case of domestic violence. However, it has proven difficult to organize efficient and effective monitoring of the implementation of the Law on the Prevention of Domestic Violence without uniform data processing (especially for AWC that seeks all information based on the legal right to access information of public importance).

4. We reiterate that the foreseen content of the records on data on cases of domestic violence contains the already emphasized weakness - the lack of data on criminal proceedings related to domestic violence. Therefore, when we observe 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 about an (in) sufficient implementation of the Law on the Prevention of Violence, or BPPO has taken other measures from its jurisdiction, in accordance with criminal proceedings. In addition, the lack of data on gender and the relationship between the victim and the perpetrator makes it impossible to perceive the gender dimension of violence, as well as to compare the implemented measures with respect to these properties.

5. In the table obtained from RPPO on the implementation of the law on August, the **number of missing data has been reduced**\(^4\), which makes the report as a whole, as well as the relations between the individual data, more reliable. However, since there is a certain amount of data missing every month, all the numbers and correlations examined so far are not quite

---

\(^4\) Data are missing on the number of regular meetings of the group for coordination and cooperation and the number of examined cases of domestic violence for **BPPO Despotovac**, **BPPO Gornji Milanovac** and **BPPO Čačak – Ivanjica Department**.
accurate. We note that for the first time the data from BPPO Senta on the number of proposals for extending emergency measures are presented, as well as the number of adopted proposals (which have so far been absent).

6. Although almost the same number of coordination and cooperation meetings was held in August as in July, some BPPOs had only one meeting this month as well (the legal norm is at least one meeting in 15 days). They are BPPOs Velika Plana, Subotica, Šabac, Raška, Aleksinac, Pirot and BPPO Zaječar - Knjaževac Department (if the lack of data in the table implies that no meetings have been held, then we can add BPPOs Despotovac, Gornji Milanovac and BPPO Čačak – Ivanjica Department) to the list. It should be noted that the insufficient number of meetings of the group for coordination and cooperation is not a regular practice in most of BPPOs. However, we note that the number of meetings does not always correlate with the size of the territory / number of inhabitants covered by BPPO seats.

7. When the number of cases of domestic violence in August is compared to the previous two months there is a noticeably smaller number of cases examined in BPPOs Kikinda, Jagodina, Despotovac and Ruma, a large oscillation in the number of cases under the jurisdiction of BPPOs Šabac, Pirot and Lebane and the consistently small number of examined cases of domestic violence in BPPOs Niš, Sombor, Sremska Mitrovica and BPPO Zaječar - Knjaževac Department. It is difficult to say what is causing these trends. At the same time, a significantly larger number of examined cases of violence was registered in August compared to the previous months (for example, in the First and Second Basic Public Prosecutor's Offices of Belgrade, BPPOs Pančevo, Vršac, Vrbas, Stara Pazova, Užice, Kruševac, Aleksinac and Bor). However, this increase (as previously commented) does not necessarily mean the increase in the number of newly reported cases of domestic violence.

8. As already stated, based on the data submitted from two sources (MoI and RPPO), it is not possible to determine the correlation among police orders, prosecutorial proposals for the extension of emergency measures and court decisions. However, the number of proposals for the extension of emergency measures still varies significantly in relation to the number of cases of domestic violence – ranging from 5% to 100%. A very small number of proposals for the extension of emergency measures compared to the number of examined cases of violence is that of the First, Second and Third Basic Public Prosecutor's Offices Belgrade, BPPOs Pančevo, Vršac, Senta, Vrbas, Kikinda, Ruma, Arandelovac, Kraljevo, Novi Pazar – Sjenica Department, Užice, Kruševac, Trstenik, Gornji Milanovac, Aleksinac and Bor, but also with other BPPOs, whose number of proposals for the extension of emergency measures was below half the number of examined cases of domestic violence in August 2017.

9. 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, consistently and noticeably in BPPO Niš (six times more), Velika Plana (twice), in Priboj (almost three times), and the situation is unclear in Sombor (almost four times). If all the 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 circumstances where the competent authorities cannot (or do not know how to) assess who the victim is and who the perpetrator is (because they do not understand the phenomenon, and particularly the imbalance of power and control).

---

5 As we have pointed out, this partially depends on the total number of examined cases of domestic violence and on how often the public prosecutor deputies used other, primarily, criminal and legal procedural measures.
10. As in June and July, in August the judges also confirmed the largest number of prosecutorial proposals (with deviations in one or two cases). We notice that the court in Valjevo still has different criteria in relation to BPPO, and only 66.7% of the proposals have been adopted, and differences are this time noticeable at the court in Vrbas (71.4%), while in July this was the case in Paraćin (74.1% proposals confirmed).

11. There is still a very small number of filed complaints for determining measures of protection against domestic violence under the Family Law, although larger in August than in the previous two months. A total of 23 complaints were filed (BPPOs Žrenjanin (9), Bačka Palanka (6), Novi Pazar – Sjenica Department (2), one complaint respectfully in BPPOs Vrbas, Novi Pazar, Gornji Milanovac, Niš, Leskovac and Zaječar). We have to emphasize that this is bad practice in terms of the possibility of long-term prevention, bearing in mind that the public prosecutors and centers for social work are the authorized proposers of these measures.

12. There is still a small number of individual support and protection plans developed for victims (857), although a larger number of plans were registered in August than in the previous months (21% more than in July, and 43.5% more in June). First of all, there is still a large number of BPPOs with no individual support and protection plan developed for victims: BPPOs Novi Sad, Bačka Palanka, Subotica, Senta, Kikinda, Ruma, Šabac, Loznica, Jagodina, Petrovac na Mlavi, Veliko Gradište, Prijepolje and Prijepolje Department, Brus, Gornji Milanovac, Aleksinac and Leskovac, Vranje - Bujanovac Department, Vlađičin Han, Negotin, Prokuplje, Kuršumlija, Bor and Pirot. These BPPOs did not have a single developed individual protection plan in all three months (June - August 2017). Exceptionally small number of individual plans for protection and support was registered at the Third BPPO Belgrade, BPPOs Sombor, Vrbas, Bečej, Sremska Mitrovica, Depotovac, Trstenik, BPPO Čačak - Ivanjica Department, Niš and Vranje). Other BPPOs were also quite modest in implementing this legal obligation.

13. Worrying is the attitude of some BPPOs and deputy public prosecutors who preside over the work of the group or subgroup for coordination and cooperation referring to the participation of the victim of violence at the meeting where the individual plan of protection and support is decided upon and drawn up. The law is unambiguous - the victim can participate in drafting the plan, if she wishes so, and if her emotional and physical condition allows her to (Article 31). The meetings, where necessary, may also be attended by representatives of other services, associations and individuals providing victim protection (Article 25). Although we do not have the information on how many victims were participating in the meetings where their protection and support plan was being drafted, as well as how many other stakeholders were invited to the meetings, the experience of AWC is rather negative. Namely, out of 8 proposals for participation, only 3 (37.5%) were accepted, while the rest were rejected or no answer was received. Interesting is the response of a female deputy public prosecutor: “I believe that your presence and the presence of (the name of the victim) in the meeting of the group for coordination and cooperation is not in the interest of further proceedings”. Regarding this negative trend, which is not in line with legal solutions, AWC addressed RPO with a complaint to the work of the groups for coordination and cooperation in three cases.

Bearing in mind that AWC has not so far seen that the Council for the Suppression of Domestic Violence issuing public announcements on monitoring the implementation of the law in order to improve coordination and effective prevention of domestic violence and protection against domestic violence, which is the purpose of the Council's existence (Article
AWC proposes that the Council should take the following measures and inform the public about its activities and findings:

1. Inform when the uniform data records of cases of domestic violence will be established in the competent services, as well as electronic central records, in accordance with the law, Art. 32 and 33.
2. Mediate to establish a comparable system for public reporting on the actions of competent police officers (MoI information) and basic public prosecutions (RPPO information).
3. Inform whether a sufficient number of competent enforcement officers, especially the competent police officers, have been provided, and whether they have adequate professional support for work, in order to maintain a positive trend in the implementation of the law, without exhaustion and burnout of the implementers, but also to ensure steady implementation of the law across the entire country.
4. Identify and explain the reason for not holding the planned number of meetings of the group for coordination and cooperation in all BPPOs that failed to realize the expected number of meetings in the previous three months (in accordance with the law, Article 25).
5. Identify and explain the reason for the absence of information about the actions of BPPOs in accordance with legal obligations in the first quarter of the implementation of the law.
6. Identify and explain, based on the examination of the actions of a random sample of BPPOs in Serbia, the reason for the great difference in the correlation 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 provide appropriate instructions based on these insights.
7. Identify and explain the reason for the number of proposals for the extension of emergency measures to be several times larger than the number of examined cases of domestic violence in the mentioned BPPOs.
8. Identify and explain why a small number of complaints for protection measures are filed in civil lawsuits, ex officio by the Prosecutor's Office and the Center for Social Work, and provide appropriate recommendations.
9. Identify and explain the reasons why a large number of groups for coordination and cooperation do not develop individual plans of support and protection for victims of domestic violence and other criminal offenses in accordance with the law. Bearing in mind that in their work centers for social work are obliged to create different types of (individual) plans of measures and services, it seems unusual that such a large number of groups for coordination and cooperation lack planning.
10. Examine how many meetings for planning individual protection and support measures were attended by the victim, or other relevant service and organization, and send information to BPPO on the legal obligation of victims to participate in meetings (in accordance with Article 31), as well as on the possibility for participation of other relevant actors, in accordance with the needs of the victim (Article 25).
11. Investigate and emphasize examples of good practice in the work of competent police officers, BPPOs and groups for coordination and cooperation, and upon the data analysis additionally instruct all BPPOs that had difficulties in implementing the Law on the Prevention of Domestic Violence in a three-month period.

Best regards,

For Autonomous Women’s Center
