

**Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Comments submitted by Serbia
on GREVIO's final report on the implementation
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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**COMMENTS TO SECOND FINAL GREVIO'S DRAFT REPORT ON
LEGISLATIVE AND OTHER MEASURES GIVING EFFECT TO THE
PROVISIONS OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING
AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE
(ISTANBUL CONVENTION)**

In relation to the Second Final Draft GREVIO'S report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), we have no new comments on the proposed recommendations, but once again we reiterate certain, already provided, in our comments to the First Draft GREVIO'S Report, as follows.

With regard to the recommendation in paragraph 38, we once again underline the fact that the Government has, among other things, established the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanisms, which is an example of good practice of cooperation between the Government and civil society organizations (CSO). Namely, as we previously cited, *inter alia*, in the comments on the First Draft Report, the Council signed a memorandum of cooperation with 14 civil society organizations. Furthermore, the civil society organizations platform for the cooperation with the UN Human Rights Mechanisms has been established through the Council's initiative, and it currently consists of 18 civil society organizations. As part of this platform, a gender equality cluster was formed, composed of eight civil society organizations, one segment of which monitors the recommendations relating to the rights of women and girls (FemPlatz, MDRI, Gayten, Astra, CILS, Atina, NOOIS, SOS Vojvodina). The recommendations monitored by this Council include all the recommendations relating to the prevention and combating violence against women and domestic violence, which the Republic of Serbia received in the process of monitoring international agreements in the field of human rights, as well as during the Universal Periodic Review.

In view of the reiterated comments, we feel that the wording of the recommendation in paragraph 38 should take into consideration the efforts and results of the state to date.

- **With regard to paragraph 198**, we underline the need for making an administrative and technical correction to the statistical data in the third sentence that should read as follows: In 2016, out of a total of 2065 convictions for domestic violence, 63% were given conditional sentences, leading to the perception that these penalties are inadequate and ineffective.

-**With regard to the recommendations in paragraph 224**, we reiterate that pursuant to the Law on Prevention of Domestic Violence, the Groups for Coordination and Cooperation have been established and functional at each basic public prosecutor's office, since the start of the implementation of the Law. The groups are composed of representatives of the basic public prosecutor's offices, police directorates and centres for social welfare, while the meetings, if required, are attended by the representatives of educational and healthcare institutions, the National Employment Service, and other legal entities, as well as associations and individuals that provide protection and support to victims.

Upon receiving the risk assessment which determines immediate threat of domestic violence, this group shall draw up an individual plan of protection and support to the victim, which contains wholesome and effective measures to protect and support the victim, but also other family members that need support. The victim may participate in drafting the individual plan if she wants, and if her emotional and physical state allow her to do so. Protective measures must ensure the victim's safety, stop the violence, prevent its repetition and protect the victim's rights, while support measures must ensure that the victim is provided with psycho-social and other support for her recovery, empowerment and its independence. The individual plan of protection and support to the victim shall specify those responsible to enforce concrete measures and time provided to undertake them, as well as a plan of monitoring and evaluation of the effectiveness of planned and undertaken measures.

The meetings of the groups for coordination and cooperation also involve discussion of cases when it is necessary to provide protection and support to victims of other criminal offences, if the criminal offence was the result of domestic violence. Thus, the individual plan of protection and support to the victim is also prepared for the victims of such criminal offences, which also include criminal offenses aligned with the Istanbul Convention. The activities and work of the groups for coordination and cooperation carried out through the involvement and contribution of all participants, reflects the multi-agency approach to effective and systematic work aimed at ensuring safety of each victim.

In view of the reiterated comments, we feel that the wording of the recommendation in paragraph 224 should take into consideration the efforts and results of the state to date.

-With regard to the recommendation in paragraph 241, please note that with the aim of improving the position of victims and witnesses in the criminal justice system of the Republic of Serbia, and in line with the activity stipulated in the Chapter 23 Action Plan, the National Strategy on the Rights of Victims and Witnesses of Crime for the period 2019-2025 has been drafted and the accompanying Action Plan for its implementation for the period 2019-2022, which are pending government approval. One of the goals of the Strategy is setting up a National Network of Victim and Witness Support Services, while preserving and continually improving the achieved standard of quality and availability of support services.

In view of the reiterated comments, we feel that the wording of the recommendation in paragraph 241 should take into consideration the efforts and results of the state to date.

- With regard to paragraph 263, we reiterate the fact that Serbia has sufficient facilities to accommodate all migrants, including those with irregular status, as noted in paragraph 263 of the Second Final Draft report. The occupancy rate of all centres was below 50% during the year, even in the period when the highest number of accommodated persons was recorded. In accordance with the strategic orientation of the Republic of Serbia, with the adoption of the Strategy for Combating Irregular Migration in the Republic of Serbia for the period 2018-2020, the basic services of accommodation, food and medical assistance are provided to everyone and accommodation is refused to no one. However, there are some examples in practice that migrants refuse the accommodation offered, choosing only the facilities located near the border which they are trying to cross illegally. This leads to overcrowding in some centres because the received accommodation arrangement is not complied with. Ensuring compliance with the

accommodation referral given by the government corresponds to the recommendation given by the Special Representative on Migration and Refugees Tomas Bocek.

Moreover, please note that the number of women travelling alone, and the number of unaccompanied minor girls, is very low. Therefore, there is no possibility of opening a separate centre for them, but to provide separate sections within the existing centres. All this information is available in the statistical data of the Commissariat for Refugees and Migration and the relevant international organizations.

- **With regard to paragraphs 265 and 266**, we reiterate that the Standard Operating Procedures (SOP) for the prevention of violence and the protection of refugees and migrants from gender-based violence are fully implemented and respected by the staff of the Commissariat working in the centres. If the staff of the Commissioner notices that there is any suspicion or indication that there was a gender-based violence, in accordance with prescribed procedures, they always refer to the competent services, of which there are official records. As previously stated in the comments on the First Draft Report, failure to act according to the prescribed procedure constitutes a professional misconduct and all cases where an omission is suspected are immediately referred to competent services in accordance with the SOP and addenda developed for every individual centre in order to expedite and facilitate cooperation among institutions at a certain location.

We would also like to express our regret that the cooperation with specialized non-governmental organization that has received substantial funds for overcoming the consequences of the migrant crisis, in order to provide services, is perceived negatively and as unequal treatment. Competent authorities use the services of the NGO Atina only to ensure as effective protection of the victims of violence as possible, but always according to the procedures specified. The reason for referring to the services of this NGO lies in the fact that through projects funded to overcome the consequences of the migrant crises Atina has provided resources to fund a range of activities, including the possibility to engage interpreters, which is often crucial.

In view of the above facts and comments on paragraphs 262-266, we feel that the wording of the recommendation in paragraph 267 should take into consideration the efforts and results of the state to date.