1. **To what extent has there been an increase of violence against women, especially domestic violence in the context of the COVID-19 pandemic lockdowns? Please provide all available data on the increase of violence against women, including domestic violence and femicides, registered during the COVID-19 crisis.**

The Protector of Citizens has asked the Ministry of Interior, Ministry of Justice, Ministry of Labor, Employment, Veteran and Social Policy about the information on the implementation of the Law on Prevention of Domestic Violence, number of reported cases of domestic violence in the period since Declaration of the State of Emergency, on the measures taken to provide full protection and support to victims of domestic violence, as well as about the services available to them. Based on the submitted data, it can be concluded that that the number of reported cases of domestic violence is not much different than the one prior to the introduction of the state of emergency. Having in mind the information submitted to the Protector of Citizens by two Associations, licensed providers of SOS Service for 24 hours a day, 7 days a week for women who experienced violence, that they noted an increase in the number of women’s calls, this issue and the phenomenon will be a topic of special interest for the Protector of Citizens.

Ministry of Interior has, in its response to the Protector of Citizens, quoted inter alia, that there were no changes regarding reporting of domestic violence to police. During the pandemic the free telephone lines function as they did previously, 0800100600 and 192 for reporting domestic violence, using 24/7 system. Also, the police officers implement risk assessment in cases of domestic violence, the order shall be issued, and both urgent measures shall be pronounced: measure of temporary eviction of the perpetrator from the apartment and a measure of temporary prohibition of the perpetrator to contact the victim of violence and approach her.

**The total number of filed criminal charges for the criminal offense of Domestic Violence under Article 194 of the Criminal Code for the period from March 1 to April 30, 2020 amounts to 734** (63 against females and 678 against males), while for the same criminal offense in the period from January 1 to February 29, 2020 there were in total 865 charges (62 against females and 814 against males). That is, the total number of filed criminal charges for the criminal offense of Domestic Violence from Article 194 of the Criminal Code per months of 2020: January - 483; February 382; March 391; April 343.

**The Ministry of Interior has by comparing the time period during the State of Emergency (from March 15 to April 30, 2020) with the same time period last year, noticed a decrease in the number of filed criminal charges for the criminal offense of Domestic Violence under Article 194 of the Criminal Code by 29.06% (432 in 2020 and 609 in 2019).**

1. **Are helplines run by Government and/or civil society available? Has there been an increase in the number of calls in the context of the COVID-19 pandemic?**

**Ministry of Interior** has quoted, in its response to the Protector of Citizens, inter alia, that there were no changes regarding reporting domestic violence to police. During the pandemic the free telephone lines operate as they did previously, 0800100600 and 192 for reporting domestic violence, using 24/7 system.

According to the data submitted to the Protector of Citizens, on his-own request, by the Ministry of Labor, Employment, Veteran and Social Policy, the National SOS Telephone Line for women victims of domestic violence, based on the reports of the Telephone Line Working Unit, organizational units of the Center for Protection of Infants, Children and Youth of Belgrade, have since the Declaration of the State of Emergency on March 15, 2020 until May 6, 2020, worked at full capacity and received a total of 350 calls, 124 of which were categorized as advisory talks on the topic of violence.

On April 24, 2020 Association of Roma Women „OSVIT“ – Niš addressed the Protector of Citizens as well as the other competent authorities and the Association of Citizens for Human Rights Vranje, licensed providers of SOS Service for 24 hours a day, 7 days a week for women who experienced violence pointing out that the licensed SOS Telephone Service is provided in both Romani and Serbian languages – „Osvit” Niš, 0800 100 909 for providing free service to women experiencing violence (24 hours 7 days a week) has in March 2020 recorded 50% increase in women calls, while the licensed service SOS Telephone Vranje, 0800 001 017 for providing free services to women experiencing violence (24 hours 7 days a week) has in March 2020 recorded 25% increase in the call of women, compared to February 2020.

1. **Can women victims of domestic violence be exempted from restrictive measures to stay at home in isolation if they face domestic violence?**

The Ministry of Interior points out, in its response to the Protector of Citizens, that the Law on Prevention of Domestic Violence gives victims an opportunity that they might stay in their surroundings/homes, while imposing restrictions on the violent family member in terms of the possibility of imposing emergency measures, but in order to protect and help the victim, s/he may be placed in a Safe House or other location where s/he feels safe regardless of the Measure of Restriction of Movement. The victim can also on own-initiative leave his/her environment where s/he suffers violence and ask for help during the Restriction of Freedom of Movement, and accordingly police officers will not apply the penal provisions enshrined in the Government of the Republic of Serbia Regulation in relation to the victim, but they shall provide protection and assistance to the victim.

**The Ministry of Labor, Employment, Veteran and Social Policy** informed this authority, that according to the information obtained from the Social Welfare Centers, the Centers did not have major difficulties in implementing measures and activities within their competence in the protection of victims of violence. Special emphasis is placed on good cooperation with the police in the procedures of protection of victims in accordance with the provisions of the Law on Prevention of Domestic Violence. In that sense, there was an understanding of the police for the needs of the victims to leave their home in a situation of violence during the Ban on Movement, in order to provide them protection.

On April 30, 2020, **the Protector of Citizens** issued an Initiative to the Prime Minister to amend the Regulation on the Measures during the State of emergency (‘’Official Gazette RS’’ No. 31/2020, 36/2020, 38/2020, 39/2020, 43/2020, 47/2020, 49/2020, 53/2020, 56/2020, 57/2020, 58/2020 and 60/2020), pointing out that it is necessary to amend this Regulation in order to provide legal certainty, so that the measures prohibiting movement prescribed by Article 1 do not apply to victims of domestic violence, who leave apartments, rooms and residential buildings in residential areas and outside households (yards), to protect against violence. The Protector of Citizens also pointed out that it was necessary for the competent authorities to fully implement the Law on Prevention of Domestic Violence, and for Safe Houses or other types of alternative accommodation to be available to victims, as well as other measures of help and support during emergencies.

1. **Are shelters open and available? Are there any alternatives to shelters available if they are closed or without sufficient capacity?**

**The Ministry of Labor, Employment, Veteran and Social Policy informed this authority that the biggest problem was an extended waiting time for the test results for Covid-19 before placing the victims into Safe Houses, which have, according to the available information, provided accommodation services also during the State of Emergency**.

**The Protector of Citizens points out that we have faced the problem of lack of alternative accommodation services for domestic violence victims, during their time of waiting for results of Covid-19 test.** We use this opportunity to mention that since April 24, 2020 Association of Roma Women „OSVIT“ – Niš addressed the Protector of Citizens as well as the other competent authorities and the Association of Citizens for Human Rights Vranje, licensed providers of SOS Service 24 hours a day, 7 days a week for women who experienced violence, who have also pointed out that without the COVID - 19 test results the women applying for protection against violence cannot be accommodated in Safe Houses, and the question appears where in case of violence a woman shall be safely accommodated until she is admitted to the Safe Houses, i.e. from the moment of reporting the violence to the moment of testing on COVID – 19.

1. **Are protection orders available and accessible in the context of the COVID-19 pandemic?**

**According to the data submitted by the Ministry of Interior, at the Protector of Citizens΄ request:**

**The total number of pronounced emergency measures imposed by the police on the perpetrators in order to protect victims of domestic violence in the period from March 1 to April 30, 2020 is 4,270** (of which 1,439 measures of temporary eviction of the perpetrator from the apartment; temporary prohibition to the perpetrator to contact the victim of violence and approach her: 2,831), while in the period from January 1 to February 29, 2020, the total number of imposed emergency measures was 4,651 (of which the measure of temporary removal/eviction of the perpetrator from the apartment: 1,409; measure of temporary prohibition of the perpetrator to contact the victim of violence and approach her: 3,242).

**Ministry of Interior has by comparing the time period during the State of Emergency (from March 15 to April 30, 2020) with the same time period last year, noticed a reduction of the number of imposed emergency measures to the perpetrator by 6.88% (3,169 in 2020 and 3,403 in 2019).**

**The total number of extended emergency measures in the period from March 1 to April 30, 2020 is 2,565** (Measure of temporary eviction of the perpetrator from the apartment, extended 826; the measure of temporary prohibition of the perpetrator to contact the victim of violence and approach her, extended: 1,739), while in the period from January 1 to February 29, 2020 the total number of extended emergency measures was 3,102 (of which the measure of temporary removal of the perpetrator from the apartment, measure of temporary prohibition of the perpetrator to contact and approach the victim of violence, extended: 2,181).

**The Ministry of Interior has by comparing the time period during the state of emergency (from March 15 to April 30, 2020) with the same time period last year, noticed a reduction of the number of extended emergency measures for the perpetrator for 15.07% (1,876 in 2020, in comparison to 2209 in 2019).**

**Ministry of Interior has by comparing the time period during the state of emergency (from March 15 to April 30, 2020) with the same time period last year, noticed an increase in the stated number of emergency measures of perpetrator’s temporary eviction from the apartment for 10.88% (1,101 in 2020 compared to 993 in the same period in 2019).**

**Ministry of Interior has by comparing the time period during the state of emergency (from March 15 to April 30, 2020) with the same time period last year, noticed a reduction in the number of stated emergency measure of temporary prohibition of the perpetrator to contact the victim of violence and approach her for 14.19% (2,068 in 2020 compared to 2,410 in the same period in 2019).**

**In the time period from March 1 to April 30, 2020 the number of violated emergency measures is 284, while in the same period last year it was 314, which points to the conclusion that there has been a reduction in the number of violated emergency measures imposed on the perpetrator for 9.55%.**

1. **What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?**

**The Ministry of Justice** has in its reply to the Protector of Citizens dated May 15, 2020 stated inter alia:

The Ministry of Justice monitors monthly implementation of the Law on Prevention of Domestic Violence, as well as implementation of “new” criminal acts which have become integrated into the Criminal Code according to the ratified Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

**Based on delivered data regarding the number of held meetings of groups for coordination and cooperation formed according to Articles 25 and 26 of the Law on Prevention of Domestic Violence ("Official Gazette of RS", No. 94/2016) presented by the Basic Public Prosecutor's Offices in the period from March 1 to April 30, 2020, 359 meetings of groups for coordination and cooperation were held, where 2,718 newly reported cases were reviewed and 1,917 Individual Protection and Support Plans were developed. Based on the submitted data, it can be concluded that not a single meeting of groups for coordination and cooperation was held in the area of 5 Basic Public Prosecutors’ Offices in the mentioned period**.

For the purposes of comparison, in the period from January 1 to February 29, 2020 more meetings of groups for coordination and cooperation were held (470), there were more newly reported and considered cases (4,482) and more Individual Protection and Support Plans were developed (2,910).

**Number of emergency measures from Art. 17 paragraph 2 of the Law on Prevention of Domestic Violence, in which the Public Prosecutor’s request was accepted, and which were extended by the Basic Courts for 30 days in the period from March 1 to April 30, 2020 amounted 2,675** out of which during March the courts have adopted 1,380 proposals for extension of emergency measures for 30 days, and in April 2020 a total of 1,295 proposals have been adopted.

**In the period from January 1 to February 29, 2020 the courts have adopted in total 2,976 Public Prosecutors’ Proposals for Extension of Emergency Measures**, of which 1,518 have been adopted in January, and 1,458 of such proposals in February.

The Ministry of Justice informed this authority that in the situations when the activities of the reported individual implement the characteristics of domestic violence criminal act, in the meaning of Criminal Code Article 194 and the ground for ordering detention in terms of Article 211 or Article 498 of the Criminal Procedure Code, all cases were handled expeditiously and by priority, while victims were supported by employees of Social Work Centers and civil society organizations, usually by telephone or online.

During the state of emergency in the Basic Courts, only those trials that could not be postponed, inter alia, in criminal matters, trials in cases in which detention was ordered or detention was requested were held; in cases in which a minor is the aggrieved party in connection with criminal offenses against sexual freedom under Chapter XVIII of the Criminal Code; in cases involving domestic violence. In civil matters, inter alia, trials in cases in which a provisional measure is to be decided (on determination, extension or revocation); in which measures on protection from domestic violence are decided; in which it should be decided regarding stay in a health institution performing activities in the field of neuropsychiatry; execution of executive documents related to family relations.

1. **What are the impacts of the current restrictive measures and lockdowns on women's access to health services? Please specify whether services are closed or suspended, particularly those focusing on reproductive health.**
2. **Please provide examples of obstacles encountered to prevent and combat domestic violence during the COVID-19 lockdowns.**

The Ministry of Justice has identified the following concerns during undertaking measures for protection and support to domestic violence victims:

The groups for coordination and cooperation considering reported cases of violence have been asked about acting in the situation in a State of Emergency amid pandemic declared and restricted movement, as follows: when the possible perpetrator and/or victim have to be in home isolation lasting up to 28 days, after arriving from the countries quoted in the RS Government Decision, without any symptom of the virus or when the perpetrator of violence and/or the victim are the persons aged 65+; **the issue of placing the victim in a Safe House; the issue of accommodation of persons with mental disorders in a situation when violence has been reported and the characteristics of criminal offense have not been realized; the issue of field visits and family observations by the Center for Social Work Expert Teams; reporting violence by the victim, etc.** Groups for coordination and cooperation have resolved all those questions according to the current epidemiological situation and available services in the area of local jurisdiction of the Basic Public Prosecutor's Office.

The Ministry of Justice also points out that there was the issue regarding holding the meetings of the groups for coordination and cooperation in the situation of restricted movement, a large number of employees from the Social Welfare Centers working from home, and the healthcare of the group members, as well as the issue of proposing and the possibility of implementing measures in individual plans of protection and support in the situation of partially modified measures and services, primarily, of the Social Welfare Centers.

1. **Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by Governments.**

Recommendations have been issued by the Ministry of Justice, presenting that multisectoral cooperation is now more than ever necessary in order to overcome all obstacles and that it is necessary to act according to the available services in a certain area, and the measures should be adopted to the needs of each individual victim.

The Protector of Citizens presents his full content with the Ministry of Justice's recommendation that the Coordination and Cooperation Group meetings should be held online, in order to ensure the availability of all relevant data, the involvement of other participants, greater economy and efficiency and health care during the meetings (the Ministry of Justice has in cooperation with UNDP provided the ZOOM application and started piloting in 8 basic Public Prosecutor's Offices, thus providing access to the application for 20 Deputy Public Prosecutors to hold a meeting of coordination and cooperation groups, which the Protector of Citizens considers a good practice example).

1. **Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by NGOs and NHRIs or equality bodies.**

Bearing in mind the fact that there still exists an imminent danger of the contagious disease COVID -19 spreading and that public health can still be endangered, that there is the risk of emergence of new contagious diseases, the problems that citizens faced when trying to exercise their rights during the state of emergency, the Protector of Citizens of the Republic of Serbia compiled a special Report on the activities of the Protector of Citizens during the state of emergency[[1]](#footnote-1) highlighting the problems that the citizens faced and indicating, inter alia, that it was necessary for the competent authorities to take all the necessary measure and activities in order to improve their work and exercising citizens’ rights in such and similar situations that might happen.

To this end, the Protector of Citizens deems it necessary that the competent administrative authorities formulate a plan and a manner of providing services in emergencies, to set up a method of unhindered and efficient cooperation and communication among the competent authorities, as well as the plan of informing the citizens on the measures and the manner of exercising the rights and services. In the Report, the Protector of Citizens issued certain Recommendations to the competent authorities, inter alia, as follows:

* Before adopting measures restricting human rights, an assessment of needs and specificities of vulnerable social groups should be carried out, as well as the analysis of the impact of these measures on exercising the rights of these groups (children, children with developmental disorders, persons with underlying health conditions, the elderly, persons with disabilities, residents of informal Roma settlements, women, the homeless, victims of domestic violence, persons deprived of liberty and migrants);
* To consult the Protector of Citizens and civil society organizations dealing with the rights of vulnerable groups when adopting measures restricting human rights in order to make an impact – assessment of the emergency measures to the vulnerable groups;
* To introduce affirmative measures which would compensate for limitations in exercising the rights of certain social groups;
* To ensure that officers of administrative authorities are acquainted in a timely manner with the regulations applicable during the state of emergency and to act accordingly so that every citizens can exercise the same right regardless of the officer s/he is in contact with

1. **Please send any additional information on the impacts of the COVID-19 crisis on domestic violence against women not covered by the questions above.**

1. The Report of the Protector of Citizens available at:

   <https://ombudsman.rs/attachments/article/6658/Report%20on%20Protector%20of%20Citizens'%20activities%20during%20COVID-19%20pandemic.pdf> [↑](#footnote-ref-1)