

Mandate of the UN Special Rapporteur on Violence against Women, Causes and Consequences

ANSWERS TO THE QUESTIONNAIRE

A)The existence of, or progress in, the creation of a national femicide watch and/or observatory on violence against women, or any plans to do so.

The Law on Prevention of Domestic Violence stipulates the general duty of all to report domestic violence or imminent danger to the police or the public prosecutor. All state bodies, organizations and institutions also have the duty to report violence or imminent danger of it. The obligation of the competent state bodies and CSW has been extended to the identification of domestic violence and danger of violence, but within their regular activities.

Informing the competent police officer is the beginning of the preventive procedure. *Police officer for prevention of domestic violence is obliged to assess the risk of imminent danger of domestic violence immediately after receiving the notification.* If it is found that there is an imminent danger of domestic violence, the competent police officer shall immediately forward the risk assessment of imminent danger of violence, with received and/or collected information, to the basic public prosecutor in whose territory the victim's residence is located, CSW and the Coordination and Cooperation Group.

In the area of each basic public prosecutor's office, pursuant to Article 25 of the Law and the General Mandatory Instruction O. No. 1/17 of 31 May 2017, *Coordination and Cooperation Groups were formed for the area of that public prosecutor's office.*

The Deputy Public Prosecutor who chairs the Group, representatives of the police and the Center for Social Work participate in the work of the Group. The meetings are attended, if necessary, by representatives of the National Employment Service, health, educational and other relevant institutions, as well as the victims themselves.

During 2019, the Coordination and Cooperation Groups held 2,818 meetings. These meetings were attended by 194 victims. A total of 50,985 cases of domestic violence were considered and 18,646 individual victim protection and support plans were developed.

Also, in the area of the 41st, out of a total of 58 basic public prosecutor's offices, a total of 87 *subgroups for coordination and cooperation were formed for individual municipalities* from the area of local jurisdiction of those prosecutor's offices.

Representatives of the groups and subgroups hold meetings according to the dynamics prescribed by law. At meetings of the groups and subgroups for coordination and cooperation, current and newly received cases are discussed, measures for ending court proceedings are proposed and plans for protection and support of victims are developed.

In accordance with the provisions of Article 35 of the Law on Prevention of Domestic Violence, the *Council for Combating Domestic Violence* was established in July 2017, which monitors the implementation of this law and improves coordination and effectiveness of prevention of domestic violence and protection from domestic violence. The Council consists of representatives of state bodies and institutions responsible for the application of this law, but may also include representatives of scientific and other professional institutions and associations. In accordance with the conclusions from the second session of the Council for Combatting Domestic Violence as of 19 July 2018, the records kept by public prosecutor's offices were expanded by recording data on the sex and age of the injured party, the relationship of the accused to the injured party, as well as data on transfer of the case to the register.

A national SOS line (0800-222-003) has been established, which is available 24 hours a day, 7 days a week and 365 days a year, on the territory of the entire Republic of Serbia.

Also, a telephone line (0800100600) has been opened in the Operational Center of the Ministry of Interior, which is free of charge and available 24 hours a day, to which events with elements of domestic violence are reported at the level of the entire Republic of Serbia.

B) Other measures or research and studies undertaken to prevent femicide or gender related killings of women, or homicide of women, by intimate partners or family members.

Law on Prevention of Domestic Violence” (2018), “Why we have to fight together against domestic violence“ (2019) and the collection “Proposal for improving the work of the group for coordination and cooperation” (2019).The collections have also been published on the website of the Ministry of Justice. In order to inform the professional public, in February 2018 the Ministry of Justice made a poster on the application of the Law on Prevention of Domestic Violence, and in November 2018 a poster presenting the mechanism of protection and support to victims of domestic violence and victims of crimes referred to in Art. posters were delivered to relevant state institutions.

The Ministry of Interior has also prepared two promotional videos that were shown on the Serbia`s public broadcasting service, and which aim to encourage victims of domestic violence to report violence. Representatives of this Ministry also participated in television shows on the topic of combatting violence against women in the family and partner relationships.

The Protector of Citizens and the Autonomous Women's Center, with the support of the OSCE Mission to Serbia, conducted in-depth research on the application of the Law on Prevention of Domestic Violence in the territory of the City of Belgrade. This research is the first of its kind, which analyses the actions of the competent authorities in the system of protection of victims of domestic violence. Data from the submitted records of the guardianship authority were used; a copy of the minutes from the Coordination and Cooperation Groups, as well as individual plans for the protection and support of victims of violence, taken at the meetings of the groups during May 2018. Results of the research were then compared with the opinions of representatives of all departments of the City Center for Social Work in Belgrade given during the focus group discussions and then published in the Special Report of the Protector of Citizens on the Work of Coordination and Cooperation Groups in the City of Belgrade. Within this project, the research will be continued first in Niš and then in other cities in Serbia, followed by seminars.

The report was presented at the Round Table held on 8 October 2020 in Belgrade. Presentation of the report was organized within the project “Effective Policies and Harmonized Practices in Providing Support and Assistance to Victims of Domestic Violence” conducted by the Autonomous Women's Center, the Protector of Citizens and the Forum of Judges of Serbia, and supported by the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

C)Information on the results of analysis of femicide cases, including the review of previous court cases and actions undertaken in this respect.

The Ministry of Justice does not have the data in the way they are given in the table that you submitted to us, nor do the courts in the Republic of Serbia keep records in such a way. We have only aggregate data for the criminal offences of murder referred to in Article 113 and aggravated murder referred to in Article 114 of the Criminal Code, i.e. on the structure of convictions in the last two years (2018 and 2019) which are given in the tables below:

Table 1

Structure of judgements from 1 January 2018 to 31 December 2018						
Type of offence	Total number of persons on whom a first instance judgement was passed	<u>Total number of persons on whom a conviction was passed</u>	Total number of persons with no penal sentence	<u>Total number of imprisonment sentences</u>	Judgements of acquittal	Judgements rejecting charges
Article 113	76	70	2	68	6	0
Article 114	58	47	1	46	11	0

Table 2

Structure of judgements from 1 January 2019 to 31 December 2019						
Type of offence	Total number of persons on whom a first instance judgement was passed	<u>Total number of persons on whom a conviction was passed</u>	Total number of persons with no penal sentence	<u>Total number of imprisonment sentences</u>	Judgements of acquittal	Judgements rejecting charges
Article 113	83	81	0	81	2	0
Article 114	53	52	0	52	0	1

D) Administrative data (by numbers and percentage) on homicide/femicide or gender-related killings of women for the last 3 years (2018-2020),

According to the data of the Ministry of Interior, the results of application of the Law on Prevention of Domestic Violence for the period from 1 January 2018 to 15 November 2020 are shown in the following tables:

TABLE 1

<i>Total emergency measures imposed</i> under the Law on Prevention of Violence					
Emergency measures under the Law on Prevention of Domestic Violence	Total emergency measures imposed	Measure I Temporary removal of the perpetrator from the flat	Measure II Temporary prohibitions on the perpetrator to contact and approach the victim of violence	Emergency measure extended by the court	Emergency measure violated, number of misdemeanor reports
2018	27,042	8,065	18,977	16,000	1,746
2019	29,737	9,075	20,662	19,065	2,004
1 January-15 November 2020	25,561	7,862	17,699	16,427	1,653

TABLE 2

Number of persons deprived of their life within the family and partner relationships				
period	Total events	Total casualties	Total women/emotional and family status	Total men
2018	46	47	34 (11 wives, 1 ex-wife, 3 unmarried wives, 1 ex-unmarried wife, 10 mothers, 1 daughter, 2 grandmothers, 1 mother-in-law (wife`s mother) and 4 emotional partners)	13 (1 husband, 2 unmarried husbands, 5 fathers, 1 son, 1 son-in-law, 1 cousin, 1 grandfather and 1 emotional partner)
2019	49	54	31 (10 wives, 2 ex-wives, 3 unmarried wives, 5 mothers, 2 daughters, 2 grandmothers, 1 mother-in-law (wife`s mother), 1 mother-in-law (husband`s mother), 1 stepdaughter and 4 emotional partners)	23 (2 unmarried husbands, 5 fathers, 4 sons, 1 brother, 1 nephew, 1 uncle, 1 ex-father-in-law (wife`s father), 1 father-in-law, 2 sons-in-law, 1 grandson, 1 brother-in-law (wife`s brother), 1 stepfather, 1 cousin and 1 emotional partner)
1 January-15 November 2020	34	40	22 (5 wives, 3 ex-wives, 2 mothers, 1 daughter, 1 sister, 2 stepmothers, 1 half-sister and 7 emotional partners)	18 (1 husband, 2 unmarried husbands, 5 fathers, 1 son, 1 son-in-law, 1 cousin, 1 grandfather and 1 emotional partner)

TABLE 3

Data available to the Ministry of Interior on femicides during the COVID-19 pandemic (indicating the time period from March 2020 to the end of October 2020) and comparison with such data before the COVID-19 pandemic	
From the beginning of March to the end of October 2020 , within family and partner relationships in 29 events, a total of 35 persons (18 females and 17 males) were deprived of their life.	From the beginning of March to the end of October 2019 , within family and partner relationships in 41 events, a total of 46 persons (27 females and 19 males) were deprived of their life.

According to the available statistical data contained in the annual reports on the work of public prosecutor's offices for 2018 and 2019:

- *The criminal offence of murder referred to in Article 113 of the Criminal Code* was committed in 2019, to the detriment of 9 women, 57 men and 2 minors, while in 2018, 95 women, 94 men and 96 minors were harmed by committing this criminal offence;
- *The criminal offence of aggravated murder referred to in Article 114 of the Criminal Code* was committed to the detriment of 11 women, 14 men and 2 minors during 2019, and 12 women, 49 men and 1 minor during 2018;
- *The criminal offense of manslaughter in a heat of passion referred to in Article 115 of the Criminal Code* was committed to the detriment of 9 women, 28 men and 1 minor during 2018;
- *The criminal offence of domestic violence referred to in Article 194 of the Criminal Code*, was committed in 2019, to the detriment of 4,493 women, 1,386 men and 521 minors, while in 2018, 5,166 women, 1,861 men and 274 minors were harmed by committing this criminal offence.