



**Autonomous Women's Center (AWC)**  
Tirsova 5a, 11000 Belgrade, Republic of Serbia  
Tel./Fax +381 11 2687 190  
E mail: [dobre\\_prakse@azc.org.rs](mailto:dobre_prakse@azc.org.rs)  
[www.womenngo.org.rs](http://www.womenngo.org.rs)

**Submission of Autonomous Women's Center to the Universal Periodic Review – Serbia and follow up to the preceding review<sup>1</sup> A/HRC/10/78 and A/HRC/10/78/Add.1 covering period 2009 - 2012**

**Autonomous Women's Center (AWC)** is a feminist non-governmental organization from Belgrade that, since 1993, has been professionally dealing with violence against women. Key activities of AWC encompass: direct consultation work with women (psychosocial support and legal aid), cooperation with relevant institutions (educational and preventive activities), research work, policy analyses, campaigns for public opinion sensibility, coordination of national networks of women NGOs and participation in activities of international networks against violence against women. AWC is a Civil Society Focal Point for the target group women, appointed by the Deputy Prime Minister's team for the implementation of the Poverty Reduction Strategy.

**AWC was recommended by the Committee on Non-Governmental Organizations** (at its 2012 resumed session, held from 21-30 May 2012), **for Special consultative status with the Economic and Social Council**. The recommendation will be considered for the approval of the Economic and Social Council at its session scheduled for July 2012.

---

<sup>1</sup> Universal Periodic Review – Serbia A/HRC/10/78 from 8 January 2009 and Report of the Working Group on the Universal Periodic Review – Serbia, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review A/HRC/10/78/Add.1 from 18 March 2009

Regarding **women's human rights**, it could be said that Serbia have established legislative and strategic framework related to the prohibition of discrimination, gender equality and protection from gender-based violence<sup>2</sup>. Legal framework seems to be in the centre of the state gender equality efforts, but insufficient attention is paid to its implementation in practice. The speed of adopting new laws does not guarantee their effective implementation and visible effects for discriminated groups, including women. The position of multiply discriminated groups of women (Roma, elderly, rural women, women with disabilities, lesbians, single mothers, etc) is particularly difficult. The mechanisms for independent monitoring of implementation of state policies are undeveloped.

The Gender Equality Law, after two years of implementation, has no effects on the actual equality of men and women. There are no publicly available reports on the effects of the implementation of the law. For the most of measures prescribed by the law, there are no sanctions provided, which practically means that the law has the character of recommendations and that there are no consequences for non application of the law. Only several by-laws were adopted, and the most of them are related to employers with more than 50 employees (Article 13).<sup>3</sup>

In the field of violence against women several documents were adopted in 2011: the *National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationship* (adopted in April 2011), but the action plan for its implementation is still lacking. *General Protocol on procedures and cooperation of institutions, agencies and organizations in situations of domestic and partner relationship violence* was adopted on November 2011. Also, *Council of Europe Convention on preventing and combating violence against women and domestic violence* was signed (April 2012) but still not ratified. In regard to the Convention, the Republic of Serbia reserved the right not to apply the provisions of the Convention under 2 Articles.<sup>4</sup> The same provisions stipulated in the *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* were signed without reserve, which is an indicator of discrimination in the field of protection of women from violence.

In 2009, legislative initiative of the AWC, supported by the Republic Ombudsman, resulted in increase of the penalty for criminal act of domestic violence and eradication of monetary fine for that offence in the Criminal Code. Despite the changes, punishment policy is still mild and suspended sentences prevail. Currently, Ministry of Justice established two Working groups for the changes of the Criminal Code and the Family Law, which are the basic laws for protection of domestic violence victims. In that regard, AWC submitted 24 amendments to the Criminal Code, with the aim to ensure adequate institutional mechanisms for the protection of women and children against all forms of violence, in accordance with

---

<sup>2</sup> *The Law on Prohibition of Discrimination* (Official Gazette of RS, No. 22/09), the *Gender Equality Law* (Official Gazette of RS, No. 104/09), *Criminal Code Amendments* (Official Gazette of RS, No. 72/09 and 111/09); the *National Strategy for Improving the Position of Women and Promotion of Gender Equality for 2008-2014* (Official Gazette of RS, No. 15/09) with the *Action Plan*; the *National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationships* (Official Gazette of RS, No. 27/11)

<sup>3</sup> *A Model of the plan of measures for mitigating or eliminating gender under-representation* and a *Model of the report on procedures undertaken to rectify the situation*.

<sup>4</sup> <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=210&CM=2&DF=-&CL=ENG&VL=1>

adopted international instruments, and the new rights for the especially vulnerable victims. The working group accepted only one of the proposed amendments (related to criminal offenses against sexual freedom committed against a minor - the period of limitations on criminal prosecution shall not begin to run until the child has reached the age of eighteen). Although there have been improvements, the definition of family (family member) is not coherent in the Criminal Code and the Family Law. The Criminal Code definition is more restrictive than the definition in the Family law, excluding certain types of individuals who are or were in a relationship from enjoying the same level of protection. AWC proposals for amendments to the Criminal Procedure Code in 2011, related to the protection of the injured party in the process, have also not been adopted.

Regarding Family law and the initiative to codify it in Code Civil, AWC opposed that idea as retrograde and not in accordance with existing legislative improvements. AWC opposed to changes of the protection orders against domestic violence and the new order of treatment for perpetrators that can derogate other issued protective orders.

Draft Law on Free Legal Aid is still in a process of consultations with all potential providers. The Council of Europe's expertise presents the downsides of the draft law: *inappropriate and exaggerated requirements for registration of legal aid providers from civil sector (associations, clinics); linking of registration of legal aid providers from civil sector to the established inability of the attorneys to cover certain legal needs; processing of legal aid application in a multi-level procedure which may be ineffective and require legal aid for procedure of applying for legal aid, chief body for management is the Ministry of Justice instead of a separate independent body (e.g. Legal Aid Fond)<sup>5</sup> etc.*

In one third of procedures for the crime of domestic violence, public prosecutors dismiss charges. From the moment of filing criminal charges to the first instance decision, intolerable long period of time passes (up to a year). The number of sentenced adults in 2010 decreased significantly in comparison with 2008 (1059 in 2010 and 1681 in 2008)<sup>6</sup>, but there are no available information on the reasons. Victims of crime have no systematic psycho-social support in the process. Serbia does not recognize the right to compensation to the victims in the cases when state authorities fail to protect them.

The authorized institutions for filing complaints for issuance of protective orders against domestic violence (public prosecution and the centre for social welfare) do not use their legal authorizations. According to the data collected by AWC, only 6 Public Prosecutor's Offices (out of 58) filed complaints in 2011.<sup>7</sup> All social welfare centers in Serbia, as compared to 7,707 identified cases of violence in 2010, filed only 186 complaints<sup>8</sup>. Court proceedings for the issuance of protective orders are long, although the Family Law prescribes that proceedings in the field of protection from domestic violence shall be considered urgent. The first hearing is to be appointed within the term of eight days from the day the complaint has been received in the court. In only 20.4% of cases the first instance judgment was passed within a month, while in significant number of cases the judgment was passed after three, or

---

<sup>5</sup> <http://www.mpravde.gov.rs/cr/news/vesti/besplatna-pravna-pomoc.html>

<sup>6</sup> Source: Statistical Office of the Republic of Serbia, *Women and Men in the Republic of Serbia*, 2011

<sup>7</sup> The best practice in this field has the Basic Public Prosecutor's Office in Zrenjanin that have filed 87 complaints for issuing protective orders against domestic violence according Family Law in 2011.

<sup>8</sup> source: Republic Institute for Social Protection

even six months from the day the complaint was filed.<sup>9</sup> Criminal sanctions for violations of protective orders are ineffective.

There is no precise data on the number of reported domestic violence cases per year (data on the annual number of domestic violence reports received by the police is not available). Statistical Office of the Republic of Serbia in general improved the gender dimension of data, but consistently (since 2008) has been refusing AWC's proposal to introduce data on the relationship between a perpetrator and a victim to the statistics of violence (in addition to data on sex and age).<sup>10</sup> This is necessary for understanding of all forms of gender-based violence. Services that are essential for combating domestic violence still do not keep a unique database of domestic violence cases. The police have no defined procedure for risk assessment or a special "line of work" in cases of domestic violence, which further increases the risk to the life of victims (26 women in 2010 and 29 in 2011 were killed by their current or former partners)<sup>11</sup>.

Funds allocated by the state for domestic violence issue are project based and small. Funding of programs to combat domestic violence realized by the state mainly come from donor sources (foreign governments). Funds are mainly allocated for the development of programs for perpetrators and support for the specialized services for victims is insufficient. Due to lack of funds for specialized services for victims, there is a tendency of closing specialized SOS help lines provided by women's CSOs (4 SOS help lines were closed in 2011).<sup>12</sup> At the same time, Gender Equality Directorate fails to distribute budget funds allocated for non-governmental organizations (2,000,000 RSD in 2011).

New Law on Social protection was adopted in March 2011. Social services are transferred to the jurisdiction of local self-governments, which do not have enough capacity for integrated intervention and social inclusion of vulnerable groups, and poses a risk for the protection of their rights. Currently, a process of standardization and licensing of services is in progress, and CSOs that provide services (including women's CSOs) are facing a demanding licensing process as service providers. In that process the specific knowledge and decades of experience of working with women survivors of domestic violence and women from vulnerable groups (multiply discriminated) are ignored and replaced with academic studies although formal education in Serbia does not give any knowledge about the phenomenon of violence against women.<sup>13</sup>

Independent regulatory bodies for the protection of rights of citizens have been established, as well as mechanisms for GE, but their influence is still very weak. After the resignation of the Ombudsman's Deputy for Gender Equality in January 2011, the new deputy has not yet been appointed. Gender Equality Directorate (GED) of the Ministry of Labor and Social

---

<sup>9</sup> Petrušić N., Konstatinović Vilić S., (2010). *Family law protection from domestic violence in the practice of courts in Serbia*, Autonomous Women's Center, Belgrade and Women's Research Center, Niš

<sup>10</sup> In accordance with Council of Europe's recommendation in: Ruuskanen, E. and K. Aromaa (2008): *Administrative data collection on domestic violence in Council of Europe member states*

<sup>11</sup> source: newsarticle review prepared by the *Network Women against Violence* (association of 27 women's CSOs specialized in the field of violence against women)

<sup>12</sup> *Women in Action – Velika Plana, SOS helpline – Smederevo, SOS service and shelter of the Center for support of women and children victims of domestic violence, Uzice and Sandglass – Krusevac.*

<sup>13</sup> confirmed in the *National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationship*

Policy do not use available human and financial resources for key activities under their jurisdiction: situation analysis, proposing amendments to laws and regulations, implementation of existing rules and strategies and evaluation of their effects. Although the budget funds allocated for the GED are small, in the period 2009-2011, GED executed less than a half of the allocated funds (45.7%; 48% and 24%).

*Combined second and third periodic reports*<sup>14</sup> on the implementation of the *Convention on the Elimination of All Forms of Discrimination against Women* were submitted by the state to the CEDAW Committee. Reporting is scheduled in October 2012, at the 53<sup>rd</sup> CEDAW session. The state report focuses on the formal aspects of the state action (passing laws) while CSOs insist on the implementation aspects and prepare alternative (shadow) report.

---

<sup>14</sup> CEDAW/C/SRB/2-3 available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws53.htm>