

NATIONAL REPORT SERBIA 2016

DETAILS REPORT WRITING ORGANISATION

Country: Serbia

Organisation writing report: OPNA - National Network for Treatment of Perpetrators of Domestic Violence

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Representing any other organisations? No

1. ORGANISATIONS/PROGRAMMES

WHAT TYPE OF ACTIVITIES RELATED TO DOMESTIC VIOLENCE PREVENTION HAS YOUR ORGANISATION CARRIED OUT DURING THE LAST THREE YEARS?

OPNA, a non-formal network, works with male perpetrators of violence only, and lobbies for the sustainability of such programmes in Serbia. As a relatively new network, established 1.5 years ago, we focus on providing working with perpetrator (WWP) programmes; training and educating professionals in WWP programme delivery; and advocating for legal changes that would support the stable functioning of WWP programs.

However, because the OPNA network consists of 11 organizations, most of which are welfare centres, it also has broader jurisdiction, and includes activities related to victim safety and child protection.

WHAT WOULD YOU DEFINE AS THE BIGGEST OBSTACLES/CHALLENGES REGARDING VIOLENCE PREVENTION TO YOUR ORGANISATION/S? PLEASE FOCUS ON THE LAST THREE YEARS.

The biggest obstacle for our organisation is the lack of system support for WWP programmes in our country. WWP is not defined by legislative documents. In criminal law, it is referenced as one of the measures that the public prosecutor can choose for a perpetrator, in the form of psychosocial treatment. However, there are no sub-legal acts detailing who is responsible for providing such a service, how it should be financed, or what the standards of programme delivery should be. OPNA advocates for the adoption of regulations and standards for perpetrator programmes by welfare or judicial ministries. So far, our requests have not been responded to. Further, the described legislative mechanism of referring perpetrators to treatment programmes has another major flaw. The treatment is used as a replacement for punishment, thus if a perpetrator successfully completes a programme, criminal charges are dropped. This approach is contrary to the recommendations of the Istanbul Convention.

Currently, no funding exists for these programmes. Only short-term project funding is available, and thus the continuity of programmes cannot be assured.

A further obstacle we encounter is misunderstandings among some NGOs for women, who see programmes for perpetrators as a threat to victims.

2. COUNTRY

PLEASE GIVE AN OVERVIEW OF GENERAL SITUATION IN YOUR COUNTRY REGARDING WORK WITH PERPETRATORS.

In Serbia, work with perpetrators of violence at a national level began in 2011, as a project activity financed by the UNDP. Work started in three cities in Serbia (Belgrade, Kragujevac, and Niš), and 16 experts were educated by professionals from Alternative to Violence Norway. Subsequently, those Serbian experts developed their own programme for working

with perpetrators of partner violence, and accredited it within the relevant institution of social care.

Work with perpetrators was undertaken in nine cities in Serbia (Belgrade, Novi Sad, Subotica, Kragujevac, Niš, Leskovac, Čačak, Kraljevo, Kruševac) as a result of different project activities, mainly financed by the UNDP. In most cases, when the projects were over and there was no alternative, stable source of funding, treatment programs were discontinued. Now there are only four cities in which welfare centres deliver WWP programs, with decreased capacity (Novi Sad, Beograd, Kragujevac, Niš).

The main characteristics of WWP programmes in Serbia can be described, briefly, as follows:

- WWP programmes are mainly delivered within institutions of social care such as welfare centres or marriage and counselling centres, as just one more of their many tasks. Programmes within the NGO sector are not functional. Programmes within prisons, or under the justice department, are non-existent.
- Perpetrators of violence are referred to WWP programs through several avenues. They can be referred by the public prosecutor through criminal law, referred by welfare centres, or participate voluntary. People who volunteer for the program are usually clients of counselling centres who have participated in marriage counselling, and been encouraged to join a WWP programme by their therapist.
- In Serbia, the only programmes that currently exist are those directed at perpetrators of partner violence. Programmes addressing domestic violence in general, or sexual violence, are recognised as being necessary, but they do not yet exist.
- There is only one accredited WWP programme, and it is implemented across Serbia. It is a group therapy programme, which lasts for six months, with a follow up period of six months to two years. Contact with the victims of violence is an obligatory element of the programme.

- Research has shown that around 70% of participants do not engage in further violent behaviour following the completion of the programme (during the follow up period).
- There are over 70 professionals trained in WWP programmes, and they are mainly employees of the social care system. However, only around 15 of these professionals are involved in delivering WWP programmes at the present time.
- Programmes are delivered in government institutions, but they are not recognised by the government in any way. At the moment the programmes are delivered despite decreased capacity, thanks to the enthusiasm of professionals who recognise their importance. Professionals provide this service by attempting to fit it in with their regular employment duties, having no other options. This often leads to the neglect of regular job activities, and causes dilemmas as to whether they should continue with WWP programmes under such circumstances.

WWP programmes in Serbia are in crisis and face the threat of cancellation. This is due to a lack of standardisation and legislative recognition of WWP programmes, necessary for the stable functioning and financing of this service.

PLEASE GIVE AN OVERVIEW OF YOUR COUNTRY'S CRIMINAL AND CIVIL RESPONSE TO DOMESTIC VIOLENCE, ESPECIALLY ANY CHANGES WITHIN THE LAST 3 YEARS? (I.E. WHAT ARE THE MOST IMPORTANT LEGAL AND POLICY MEASURES AND HOW HAVE THEY BEEN IMPLEMENTED?)

Domestic violence is included within criminal and civil law in Serbia. We have two laws that sanction domestic violence: criminal law and family law. Domestic violence is also recognised in misdemeanour law, and perpetrators can be prosecuted and punished through the public peace and safety law.

In criminal law the act of domestic violence is precisely defined through five forms of perpetration. In article 194, the legislation prescribes a prison sentence of three months to three years for these acts. The article states that,

- 1) Anyone who by use of violence, threat to assault body or life, or by impudent or ruthless behavior endangers peace, physical integrity or mental condition of a member of his family shall be sentenced to a fine or imprisonment not exceeding one year.
- 2) Should any weapons, dangerous tools or other instruments suitable to inflict heavy bodily injury or seriously impair health be used for the commission of an act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to three months to three years of imprisonment.
- 3) Should the offenses referred to in Paragraphs 1 and 2 of this Article result in a heavy bodily injury or serious deterioration of health, or should the offenses be committed against a minor, the perpetrator shall be sentenced to one to eight years of imprisonment.
- 4) Should the offense referred to in Paragraphs 1, 2 and 3 of this Article cause death of a family member, the perpetrator shall be sentenced to three to twelve years of imprisonment.
- 5) The sentence of 3 months up to 3 years of imprisonment is also prescribed for a breach of protective measures against domestic violence that were determined by the court on the grounds of Family Code.

Within the last three years Serbian laws have not changed regarding domestic violence in general.

PLEASE TELL US ABOUT THE PROGRESS YOUR COUNTRY HAS MADE IN RELATION TO ISTANBUL CONVENTION.

Serbia ratified the Istanbul Convention in October 2013. However, little progress has been made in Serbia regarding the convention's recommendations for WWP programmes. The national network for work with perpetrators, OPNA, draws on the convention to argue for legislative change. So far, these arguments have not been acknowledged.

In 2016, Biljana Branković, a member of the GREVIO Committee, researched Serbia's progress in implementing the recommendations of the Istanbul Convention. In her report, Branković points to several major areas in which domestic violence practice and policy are not in accord with the convention. Among these issues are a lack of crisis centres for victims of rape or sexual violence; inadequate capacity and standards of shelters for victims of violence; the requirement of some shelters that victims be willing to prosecute perpetrators; substandard services for children and victims of violence; and confidential SOS phone lines that are not free for victims, and not available 24 hours a day.

DO YOU KNOW ANY OTHER ORGANISATIONS/PROGRAMMES IN YOUR COUNTRY THAT CARRY OUR DOMESTIC VIOLENCE PERPETRATOR WORK? IF YES, PLEASE, LIST THEM.

OPNA gathers together all organisations in Serbia who provide, or have provided, programmes for perpetrators of violence. There are no organisations working with perpetrators of violence outside of OPNA.

To our knowledge, the women's NGO "Autonomni ženski centar" in Belgrade did provide this service around ten years ago, but only as a short-term programme, involving one group of perpetrators.

3. BEST PRACTICES

TELL US ABOUT BEST PRACTICES IN WORK WITH PERPETRATORS IN YOUR COUNTRY.

The perpetrator programmes in the cities of Kragujevac and Novi Sad are examples of best practice in Serbia.

In Kragujevac, programmes for perpetrators began in 2010, before such programmes were established on a national level. This was the result of good cooperation between the city's welfare centre and the prosecutor's department. Further, the establishment of the programme demonstrated the strong connections between institutions related to domestic violence in the city, connections that were formalised through a protocol of inter-sector cooperation in cases of domestic violence. What makes the programme an example of good practice even now, is the fact that it has consistently functioned since 2010 with no interruptions, even when no funding was forthcoming. Therapists involved in the programme have worked without financial compensation, exemplifying their enthusiasm for maintaining work that they regard as important for domestic violence prevention.

In Novi Sad, the municipality recognises the importance of programmes for perpetrators, and finances work for one group per year. Cooperation between the local welfare centre and prosecutor's office is very good, involving mutual meetings in which all cases of domestic violence are examined, and suitable men are selected for the existing programme. This is very good practice, because in other cities, almost 40% of perpetrators sent by the prosecutor are not suitable for the programmes, due to, for example, alcohol abuse problems.

4. NEEDS AND RECOMMENDATIONS

WHAT HAS TO BE DONE TO PREVENT DOMESTIC VIOLENCE IN YOUR COUNTRY (REGARDING WORK WITH PERPETRATORS)?

The most important step towards improving perpetrator programmes in Serbia would be the formalisation of such programmes through legislation. Currently, programmes for perpetrators of violence are not recognised by relevant institutions. In order to ensure the continued existence of perpetrator programmes it is essential that such programmes are defined as a service within social protection or the judicial process, that specific standards are adopted, and that sources of funding are defined.

There is also a pressing need for a more varied range of programmes for perpetrators in Serbia. Currently there is only one programme offered, focused solely on partner violence. This is contrary to the Istanbul Convention, which recommends that different types of programmes are made available for different types of perpetrators. Programmes should be accessible in prisons, alternative criminal sanctions departments, and similar institutions, and they should be adjusted for various forms of domestic violence.

There is also a serious lack of programmes for children who have witnessed family violence. There are currently no programmes in Serbia that address the connection between witnessing violence in childhood, and being involved in violence in adulthood, whether as victim or perpetrator.

WHAT ARE THE MOST IMPORTANT TASKS AND STEPS THAT YOU FEEL SHOULD BE FOCUSED ON IN YOUR COUNTRY IN ORDER TO TACKLE DOMESTIC VIOLENCE ON A GENERAL LEVEL?

The general feeling among experts who work with victims and perpetrators, as well as among victims themselves, is that there should be a more efficient implementation of laws regarding domestic violence. The focus should be on reducing the length of time spent on prosecution and court processes in domestic violence cases. In addition, it is extremely

important that primary prevention programmes, for adolescents in particular, are developed in Serbia. Finally, the government must recognise the importance of working with perpetrators, and formally include it in relevant legislation.

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