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NEWS REPORT

Country:	Serbia
Title:	Law on combatting Domestic violence
Date:	28.11.2016
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<u>Context</u>	
Issue at stake:	Domestic Violence
Ground of discrimination:	Sex
Source:	Legislation
Field:	Other
Applicable law:	Law on Prevention of Domestic Violence

Content

Case/law/policy development: In its progress report for Serbia for 2016, the European Commission ascertained that the CoE Istanbul Convention needs to be adequately implemented, and the protection of women against all forms of violence needs to be strengthened.¹ In order to fulfil its international obligations, as well as to protect women from domestic violence, on 23 November 2016, the National Assembly adopted the first Law on the Prevention of Domestic Violence. Its purpose, is to secure effective prevention of domestic violence and to provide urgent, adequate and efficient protection and support to victims of domestic violence. Domestic violence is broadly defined to include physical, sexual, psychological, or economic violence. Victims of domestic violence have the right to information, the right to free legal aid, and the right to an individual plan of protection and support. The Law also regulates the data records on cases of domestic violence and data protection.

The Law prescribes that the following state authorities and institutions are in charge of the prevention of domestic violence and for providing support for victims; the police, public prosecutors, courts, and centres for social work. The role of each authority is stipulated in more detail, but it is important to emphasize that public officers working in those institutions need to undergo specialised training, prepared and performed by the Judicial academy. They all have an obligation to appoint a liaison officer who communicates with other officers to exchange data and other relevant information.

The Law regulates the procedure for protecting victims of domestic violence, including the risk recognition and risk assessment. The Law includes an important provision, Article 6, prescribing that if judges or public prosecutors do not act within the time limit provided for by the law, this inaction will represent a disciplinary offense. However, the

¹ European Commission, Serbia 2016 Report, SWD (2016) 361 final, 9 November 2016, p. 63, available at http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_serbia.pdf

most important provision is Article 17 which stipulates that the police has the authority to issue urgent matters including temporary removal from the home, and enforce a temporary restraining regulation prohibiting the offender to contact or approach the victim. This urgent measure can be issued for 48 hours, while the court can extend it for additional 30 days.

Public authorities are obliged to act in a timely manner, and to provide legal aid, psychosocial and other support for recovery, empowerment and self-reliance for each victim. Also, relevant information and help is provided by other institutions dealing with child care, social protection, education and health, as well as local bodies for gender equality. In addition, a coordination and support body has to be established for each of the 58 basic prosecution offices which cover a territorial area, with the aim to prepare an individual plan of protection and victim's support. The implementation of the Law is monitored by the Council for the Prevention of Domestic Violence, which is a governmental body, whose composition and methods of work will be further prescribed by by-laws.

The Law will enter into force eight day after its publication in the Official Gazette of the Republic of Serbia, but will be implemented from 1 June 2017.

Internet link source:

<http://www.parlament.rs/upload/archive/files/cir/pdf/zakoni/2016/2675-16.pdf>